CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

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ORDER R4-2022-XXXX

WASTE DISCHARGE REQUIREMENTS FOR STORMWATER DISCHARGES ASSOCIATED WITH COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL FACILITIES IN THE DOMINGUEZ CHANNEL/GREATER LOS ANGELES AND LONG BEACH HARBOR WATERSHED AND THE LOS CERRITOS CHANNEL/ALAMITOS BAY WATERSHED

(GENERAL NPDES PERMIT NO. XXXXXX)

This Order was adopted on:	**<DATE>**
This Order shall become effective on:	**<DATE>**
This Order shall expire on:	**<DATE>**

The US Environmental Protection Agency (USEPA) and the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) have classified discharges covered under this General National Pollutant Discharge Elimination System (NPDES) Permit as minor discharges.

IT IS HEREBY ORDERED, that, in order to meet the provisions contained in division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

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 **<DATE>.**

_____
Renee Purdy, Executive Officer

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1. FACILITY/DISCHARGE INFORMATION

This Order authorizes the discharge of stormwater and authorized non-stormwater discharges (NSWDs) (collectively, discharges) from privately owned commercial, industrial, and institutional sites (hereinafter CII sites or CII facilities) within the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed (receiving waters). This includes discharges from CII sites to municipal separate storm sewer systems (MS4s) or private conveyance systems that ultimately convey these discharges to receiving waters. The U.S. Environmental Protection Agency (USEPA) has determined that there is sufficient data available to demonstrate that these types of discharges have the reasonable potential to cause or contribute to an in-stream excursion above State or federal water quality objectives/criteria applicable to the receiving waters. References to the “discharger”, “permittee”, or “co-permittee” in applicable State and federal laws, regulations, plans, or policies are held to be equivalent to references to the Dischargers or Permittees herein. Discharges authorized under this General Permit are subject to all applicable conditions set forth in this Order. Attachment A lists definitions of terms, abbreviations, and acronyms used in this Order and all other attachments.

2. FINDINGS

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

2.1. Legal Authorities

This Order serves as waste discharge requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the California Water Code (CWC) (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 USEPA and chapter 5.5, division 7 of the CWC (commencing with section 13370). It shall serve as a National Pollutant Discharge Elimination System (NPDES) permit authorizing the Dischargers to discharge into waters of the United States within the Los Angeles Region subject to the WDRs in this Order.

2.2. Rationale for Requirements

The requirements in this Order are based on applicable State and federal laws and regulations, and 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 the Order. Attachments A through E and G through K are also incorporated into this Order.

2.3. Background

Sections 402(p)(2)(E) and 402(p)(6) of the CWA, and sections 122.26(a)(9)(i)(C) and (D) of title 40 of the Code of Federal Regulations (40 CFR) provide that the USEPA Regional Administrator or authorized states may designate additional stormwater discharges as requiring NPDES permits where it is determined that stormwater controls are needed for the discharge based on wasteload allocations (WLAs) that are part of total maximum daily loads (TMDLs) that address the pollutants of concern; or the discharge, or category of discharges within a geographic area, contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States. This authority is commonly referred to as Residual Designation Authority (RDA). USEPA has exercised RDA pursuant to 40 CFR section 122.26(a)(9)(i)(D) for certain CII sites in the Alamitos Bay/Los Cerritos Channel watershed and the Dominguez Channel and Los Angeles/Long Beach Harbor watershed. Concurrent with USEPA's exercise of its RDA authority, the Los Angeles Water Board is issuing this general permit.

2.4. Discharge Category Description

Discharges covered under this General Permit include stormwater runoff and authorized NSWDs from unpermitted CII sites with five (5) or more acres of impervious cover and permitted CII sites with five (5) or more acres of total area in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed (Discharges).

2.5. Notification of Interested Parties

In accordance with State and federal laws and regulations, the Los Angeles Water Board has notified interested agencies and persons of its intent to prescribe WDRs for the discharges authorized by this Order and has provided them with an opportunity to submit their written and oral comments. Details of the notification are provided in the Fact Sheet (Attachment F) of this General Permit.

2.6. Consideration of Public Comment

The Los Angeles Water Board, in a public meeting, heard and considered all oral and written comments pertaining to the discharges authorized by this Order and the requirements contained herein. The Los Angeles Water Board has prepared written responses to all timely comments on the draft permit, which are included in the Administrative Record for this Order. Details of the public hearing are provided in the Fact Sheet (Attachment F) of this General Permit.

3. GENERAL PERMIT COVERAGE

3.1. Applicability

3.1.1. Discharges covered under this General Permit include stormwater and authorized NSWDs from unpermitted CII sites with five (5) or more acres of impervious surface and permitted CII sites with five (5) or more acres of total area in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed. CII sites at airports are excluded from coverage under this permit.

3.1.2. Facilities where a portion of the facility's impervious surface is covered by another permit must still obtain coverage under this General Permit for the remaining portion of the impervious surface (e.g., rooftops and parking lots).

3.1.3. Dischargers of stormwater and NSWDs from privately owned CII sites with five or more acres of total area that are covered under the General Permit for Stormwater Discharges Associated with Industrial Activities (NPDES No. CAS000001; Order 2014-0057-DWQ as amended in 2015 and 2018) (IGP) may apply for coverage under this Order as an alternative.

3.1.4. If an individual NPDES permit with more specific requirements is issued to the Discharger for a discharge covered under this Order, the applicability of this Order to that discharge shall automatically terminate upon the effective date of the individual permit.

3.2. Notice of Intent (NOI) and Permit Registration Documents

To be authorized to discharge under this General Permit, the Discharger shall certify and submit an NOI and the following Permit Registration Documents for the applicable compliance option, as described in section 8 of this Order, via the Stormwater Multiple Application and Report Tracking System (SMARTS).[1] :

3.2.1. Compliance Option 1 – Agreement with Local Watershed Management Group to Fund Regional Project

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[1] SMARTS provides a platform where dischargers, regulators, and the public can enter, manage, and view stormwater data including permit applications and compliance and monitoring data associated with NPDES permits for stormwater discharges issued by the State of California. SMARTS is compliant with USEPA's Cross-Media Electronic Reporting Rule, which sets requirements for electronic reporting of NPDES permit-related submittals. (http://smarts.waterboards.ca.gov)

3.2.1.1. A completed NOI and signed certification statement;

3.2.1.2. A site-specific Stormwater Pollution Prevention Plan that meets the minimum requirements established in section 6 of this Order; and

3.2.1.3. A copy of the agreement between the Discharger and the applicable local Watershed Management Group listed in Attachment H, Table H-1. The agreement must be signed by both the Discharger and the Legally Responsible Person for each member of the Watershed Management Group or the group's fiduciary agent if the fiduciary agent is a Duly Authorized Representative for each member of the Watershed Management Group, and meet the minimum requirements established in section 8.1 of this Order.

3.2.2. Compliance Option 2 – Facility-Specific Design Standard to Reduce Stormwater Runoff

3.2.2.1. A completed NOI and signed certification statement;

3.2.2.2. A site-specific Stormwater Pollution Prevention Plan that meets the minimum requirements established in section 6 of this Order; and

3.2.2.3. Verification of design storm standards for treatment control as described in section 8.2 of this Order and Attachment I.

3.2.3. Compliance Option 3 – Direct Demonstration of Compliance with Effluent Limitations

3.2.3.1. A completed NOI and signed certification statement;

3.2.3.2. A site-specific Stormwater Pollution Prevention Plan that meets the minimum requirements established in section 6 of this Order; and

3.2.3.3. A site-specific Monitoring and Reporting Plan that meets the requirements established in section 9.3 of this Order.

3.3. Annual Fee

The Discharger shall pay the appropriate annual fee in accordance with the California Code of Regulations, title 23, section 2200 et seq. Annual fees must be mailed or sent electronically using the State Water Boards' Electronic Funds Transfer (EFT) system in SMARTS.

3.4. Timing for Submittal of Enrollment Documents

3.4.1. Existing Dischargers that are not covered by the IGP who are applying for coverage under this Order must submit an NOI within one (1) year and Permit Registration Documents within two (2) years of the effective date of this Order.

Existing Dischargers that are covered under the IGP who are applying for coverage under this Order as an alternative must submit both an NOI and Permit Registration Documents within one (1) year of the effective date of this Order. Existing Dischargers that are covered under the IGP shall not apply to terminate coverage and shall continue to comply with their existing permit until coverage under this Order is obtained.

3.4.2. New Dischargers applying for coverage under this Order must submit an NOI and Permit Registration Documents at least forty-five (45) days prior to commencement of the authorized discharge.

3.5. Notice of Termination (NOT)

Dischargers shall request termination of coverage under this General Permit if either (a) operation of the facility has been transferred to another entity, (b) the facility has ceased operations, or (c) the facility's operations have changed and are no longer subject to the General Permit. Dischargers shall submit a Notice of Termination (NOT) via SMARTS. Until a valid NOT is received and approved, the Discharger remains responsible for compliance with this General Permit and payment of accrued annual fees.

Dischargers shall provide additional information supporting an NOT, or revise their Permit Registration Documents via SMARTS, upon any such direction by the Los Angeles Water Board.

Dischargers that are denied approval of a submitted NOT shall continue to comply with this General Permit under the terms of their enrollment.

3.6. Change of Facility Location or Ownership

Whenever there is a change to the facility location within the area covered by this General Permit, the Discharger shall certify and submit updated Permit Registration Documents via SMARTS. When ownership changes, the prior Discharger (seller) shall submit an NOT in accordance with section 3.5 of this Order and inform the new Discharger (buyer) in writing of the General Permit application and regulatory coverage requirements. The new Discharger shall apply for coverage under this Order by submitting an NOI and Permit Registration Documents via SMARTS in accordance with sections 3.2.1, 3.2.2, and 3.2.2 of this Order. The Los Angeles Water Board may require modification or revocation and reissuance of coverage under the Order to incorporate other requirements as may be necessary under the CWA and the CWC.

4. DISCHARGE PROHIBITIONS

4.1. Discharges Inconsistent with Eligibility

All discharges of stormwater to receiving waters are prohibited except as specifically authorized by this General Permit or another NPDES permit.

4.2. Non-Stormwater and Dry Weather Discharges

Except for non-stormwater discharges (NSWDs) authorized in section 5 of this Order, discharges of liquids or materials other than stormwater, either directly or indirectly to receiving waters, are prohibited unless authorized by another NPDES permit. Unauthorized NSWDs must be either eliminated or authorized by a separate NPDES permit.

4.3. Discharges of Trash

The discharge of trash to receiving waters or the deposition of trash where it may be discharged into receiving waters is prohibited. Permittees may comply with the trash prohibition using any lawful means, including the implementation of certified full capture systems. If implementing full capture system, a Permittee shall be in compliance with the prohibition if all drainage areas on the facility property are serviced by appropriate certified full capture systems.

4.4. Discharges Containing Substances in Concentrations Toxic to Human, Animal, Plant, or Aquatic Life

Discharges that contain any substances in concentrations toxic to human, animal, plant, or aquatic life are prohibited.

4.5. Discharges that Cause or Contribute to a Violation of any Applicable Water Quality Standard

Discharges that cause or contribute to a violation of any applicable water quality standard for the receiving water are prohibited.

4.6. Pollution, Contamination, or Nuisance as Defined by Section 13050 of the CWC

Stormwater discharges and authorized NSWDs that contain pollutants that cause or threaten to cause pollution, contamination, or nuisance as defined in CWC section 13050 are prohibited.

4.7. Discharge of Radiological, Chemical, or Biological Warfare Agent

Discharges of any radiological, chemical, or biological warfare agent or high-level radiological waste are prohibited.

5. NON-STORMWATER DISCHARGES (NSWDS)

5.1. Authorized NSWDs

The following NSWDs are authorized under this Order provided they meet the conditions of section 5.2 below:

5.1.1. NSWDs separately regulated by an individual or general NPDES permit;

5.1.2. Fire-hydrant and fire prevention or response system flushing;

5.1.3. Potable water sources including potable water related to the operation, maintenance, or testing of potable water systems;

5.1.4. Drinking fountain water and atmospheric condensate including refrigeration, air conditioning, and compressor condensate;

5.1.5. Uncontaminated natural springs, groundwater, foundation drainage, and footing drainage;

5.1.6. Seawater infiltration where the seawater is discharged back into the source; and

5.1.7. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., piped cooling tower blowdown or drains).

5.2. Authorized NSWD Requirements

The NSWDs identified in section 5.1 above are authorized by this Order if the following conditions are met:

5.2.1. The authorized NSWDs comply with the *Los Angeles Region Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan), and all applicable State-wide water quality control plans and policies.

5.2.2. The authorized NSWDs are not in violation of any municipal agency ordinance or requirement, and are consistent with the Discharger's agreement, if any, under section 8.1 of this Order.

5.2.3. Best Management Practices (BMPs) are implemented to:

5.2.3.1. Reduce or prevent the contact of authorized NSWDs with materials or equipment that are potential sources of pollutants;

5.2.3.2. Reduce, to the extent practicable, the flow or volume of authorized NSWDs;

5.2.3.3. Ensure that authorized NSWDs do not contain quantities of pollutants that cause or contribute to an exceedance of a water quality standard; and

5.2.3.4. Reduce or prevent discharges of pollutants in authorized NSWDs in a manner that reflects best industry practice considering technological availability and economic practicability and achievability.

5.2.4. The Discharger identifies all NSWDs in the site-specific Stormwater Pollution Prevention Plan.

5.3. Emergency Firefighting-related Discharges

NSWDs from emergency firefighting activities (i.e., discharges resulting from water use necessary for the protection of life or property from fire) are not subject to this General Permit. These discharges, however, may be subject to Los Angeles Water Board enforcement actions under other sections of the CWC. Firefighting related discharges that are contained and later discharged may be subjected to municipal agency ordinances and/or other Los Angeles Water Board requirements.

6. REQUIREMENTS FOR STORMWATER POLLUTION PREVENTION PLANS

6.1. Site-Specific Stormwater Pollution Prevention Plans

Dischargers shall (1) develop and (2) implement a site-specific Stormwater Pollution Prevention Plan for each CII site covered under this General Permit that shall contain the following elements:

6.1.1. Facility Name and Contact Information

Each Stormwater Pollution Prevention Plan shall have a cover page that identifies the applicable facility, hours of operation, and facility contact information, including address, primary contact staff (name, position, phone number, and email address), and staff in charge during hours of operation (name, position, phone number, and email address).

6.1.2. Stormwater Pollution Prevention Team

Each facility must have a Stormwater Pollution Prevention Team established and responsible for assisting with the implementation of the requirements in this General Permit. The Discharger shall include in the Stormwater Pollution Prevention Plan detailed information about its Stormwater Pollution Prevention Team including:

6.1.2.1. The positions within the organization who assist in implementing the Stormwater Pollution Prevention Plan; and

6.1.2.2. The responsibilities, duties, and activities of each of the team members.

6.1.3. **Site Map**

The Discharger shall prepare a site map that includes notes, legends, a north arrow, and other data as appropriate to ensure the map is clear, legible, and understandable.

6.1.3.1. The Discharger shall include the following information on the site map:

6.1.3.1.1. Facility boundary and stormwater drainage areas within the facility boundary. Include flow direction of each drainage area, on-facility surface waterbodies, areas of soil erosion, and location(s) or nearby waterbodies or municipal storm drain inlets that may receive the facility's stormwater discharges and authorized NSWDs.

6.1.3.1.2. Locations of stormwater collection and conveyance systems, associated discharge locations, and direction of flow. Include any sampling locations.

6.1.3.1.3. Locations and descriptions of structural control measures that treat or reduce stormwater discharges and/or authorized NSWDs. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, or forms of green infrastructure.

6.1.3.1.4. Identification of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures;

6.1.3.1.5. Locations where materials are directly exposed to precipitation and the locations where identified significant spills or leaks have occurred; and,

6.1.3.1.6. Identify all areas that may have potential pollutant sources, including impervious areas such as rooftops, parking lots, and driveways, storage areas, 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, and cleaning and material reuse areas.

6.1.4. **Description of Potential Pollution Sources**

The Discharger shall include a list of materials handled at the facility, and the locations where each material is stored, received, shipped, and handled, as well as the typical quantities and handling frequency. A narrative assessment of all areas where potential pollutant sources are identified shall be provided. The assessment shall include:

6.1.4.1. Identification of all potential NSWDs, both those authorized pursuant to section 5.1 and those that are prohibited;

6.1.4.2. Identification of pollutants that may be mobilized in stormwater or NSWDs and are likely to contaminate stormwater or NSWDs; and

6.1.4.3. The direct and indirect pathways by which pollutants may be exposed to stormwater and authorized NSWDs.

6.1.5. **Minimum BMPs**

The Discharger shall (1) include in its Stormwater Pollution Prevention Plan, and (2) implement and maintain, all of the following minimum BMPs to reduce or prevent pollutants in stormwater discharges and authorized NSWDs.

6.1.5.1. Good Housekeeping. The Discharger shall:

6.1.5.1.1. Observe all outdoor areas, including: stormwater discharge locations, drainage areas, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-site materials or stormwater run-on to determine housekeeping needs. Any identified debris, waste, spills, tracked materials, or leaked materials shall be cleaned and disposed of properly;

6.1.5.1.2. Prevent materials tracking;

6.1.5.1.3. Prevent dust generated from materials or activities;

6.1.5.1.4. Ensure that all areas impacted by rinse/wash water are properly cleaned and the discharge of pollutants from rinse/wash water is prevented;

6.1.5.1.5. Cover all stored materials that can be readily mobilized by contact with stormwater;

6.1.5.1.6. Contain all stored non-solid materials or wastes (e.g., particulates, powders, shredded paper, plastic pellets/nurdles, etc.) that can be transported or dispersed by the wind or contact with stormwater;

6.1.5.1.7. Prevent disposal of any rinse/wash water or materials into the stormwater conveyance system;

6.1.5.1.8. Prevent stormwater discharges and NSWDs from contacting potential pollutant sources;

6.1.5.1.9. Identify equipment that may spill or leak pollutants and establish procedures for routine observation of the identified equipment to detect leaks; and

6.1.5.1.10. Establish procedures for regular maintenance of equipment, and prompt repair of equipment when conditions exist that may result in the development of spills or leaks.

6.1.5.2. Exposure Minimization. The Discharger shall:

6.1.5.2.1. Establish and implement procedures and/or controls to minimize spills and leaks;

6.1.5.2.2. Prevent or minimize handling of materials or wastes that can be readily mobilized by contact with stormwater during a storm event;

6.1.5.2.3. Cover or contain materials that can be mobilized by contact with stormwater;

6.1.5.2.4. Divert run-on, stormwater generated from within the facility, and authorized NSWDs away from stored materials that can be mobilized by stormwater or NSWDs; and

6.1.5.2.5. Promptly clean and properly dispose of all spills of materials that can be mobilized by stormwater or authorized NSWDs.

6.1.5.3. Employee Training Program. The Discharger shall:

6.1.5.3.1. Ensure that all team members implementing the various compliance activities of this General Permit are properly trained to implement the requirements of this General Permit, including but not limited to: BMP implementation, BMP effectiveness, visual observations, and monitoring activities;

6.1.5.3.2. Prepare or acquire appropriate training manuals or training materials;

6.1.5.3.3. Identify which personnel need to be trained, including at a minimum all members of the Stormwater Pollution Prevention Team in section 6.1.2, their responsibilities, and the type of training they shall receive;

6.1.5.3.4. Provide a training schedule; and

6.1.5.3.5. Document all completed training and the personnel that received training in the implementation of the Stormwater Pollution Prevention Plan.

6.1.6. BMP Summary Table.

6.1.6.1. The Discharger shall summarize all the structural BMPs for the facility in a summary table. The summary table shall contain:

6.1.6.1.1. A brief description of the BMP;

6.1.6.1.2. The location of the BMP;

6.1.6.1.3. The drainage area for the BMP; and

6.1.6.1.4. Frequency for inspection of the BMP.

6.1.6.2. The Discharger shall summarize the non-structural BMPs (e.g., site observations and inspections) in a summary table. The summary table shall contain:

6.1.6.2.1. A brief description of the BMP;

6.1.6.2.2. The frequency, time(s) of day, or conditions when the BMP is scheduled for implementation;

6.1.6.2.3. The locations where the BMP shall be implemented;

6.1.6.2.4. The individual and/or position responsible for implementing the BMP; and

6.1.6.2.5. Corrective actions the Discharger will take if a BMP is determined, or presumed to be, ineffective. Corrective actions will, at a minimum, include the requirements listed in section 10.2.6 of this Order.

7. EFFLUENT LIMITATIONS

7.1. Technology Based Effluent Limitations

7.1.1. Dischargers shall implement BMPs that comply with the best conventional pollutant control technology (BCT) and best available technology economically achievable (BAT) requirements of this Order to reduce or prevent discharges of pollutants in their stormwater discharge in a manner that reflects best industry practice considering technological availability and economic practicability and achievability.

7.1.2. Industrial stormwater discharges from facilities subject to stormwater effluent limitations guidelines (ELGs) at 40 CFR part 419 for petroleum refining and at 40 CFR part 443 for paving and roofing materials shall not exceed those stormwater ELGs. The ELGs for industrial stormwater discharges subject to 40 CFR parts 419 and 443 are listed in Attachment K of this General Permit. Compliance shall be determined according to section 11.2 of this Order.

7.2. Water Quality Based Effluent Limitations

All Dischargers shall maintain compliance with the effluent limitations in Table 1 and Table 2 upon the effective date of this order and the effluent limitations in Table 3 and Table 4 by the compliance deadline noted in the tables. Compliance shall be

determined through one of the three compliance options discussed in section 8 of this Order.

Table 1. Effluent Limitations Applicable to Specific Waterbodies

Waterbody	Parameter	Units	Value	Averaging Period
Alamitos Bay[1]	*Enterococcus*	cfu/ 100mL	110	STV[2]
Los Angeles Harbor – Inner Cabrillo Beach Area	*Enterococcus*	cfu/ 100mL	110	STV[2]
Dominguez Channel or Torrance Lateral Channel	Copper, Total Recoverable	mg/L	0.208	Instantaneous Maximum
Dominguez Channel or Torrance Lateral Channel	Lead, Total Recoverable	mg/L	0.123	Instantaneous Maximum
Dominguez Channel or Torrance Lateral Channel	Zinc, Total Recoverable	mg/L	0.899	Instantaneous Maximum
Dominguez Channel or Torrance Lateral Channel	Toxicity	TUc	2.0[3]	Instantaneous Maximum
Dominguez Channel	*E. Coli*	cfu/ 100mL	320	STV[2]
Dominguez Channel Estuary	*Enterococcus*	cfu/ 100mL	110	STV[2]
Los Cerritos Channel	Ammonia, Total (as N)	mg/L	0.233	Instantaneous Maximum
Los Cerritos Channel	pH	-	6/8.5	Minimum/ Maximum
Los Cerritos Channel	Bis (2-ethylhexyl) Phthalate	mg/L	0.00059	Instantaneous Maximum
Los Cerritos Channel	Chlordane	µg/L	0.00059	Instantaneous Maximum
Los Cerritos Channel (above Atherton Street)[1]	*E. Coli*	cfu/ 100mL	320	STV[2]
Los Cerritos Channel (below Atherton Street)[1]	*Enterococcus*	cfu/ 100mL	110	STV[2]

Waterbody	Parameter	Units	Value	Averaging Period
Los Cerritos Channel Estuary[1]	*Enterococcus*	cfu/ 100mL	110	STV[2]
Machado Lake	Nitrogen, Total (as N)	mg/L	1.0	Monthly
Machado Lake	Phosphorus, Total (as P)	mg/L	0.1	Monthly
Machado Lake	PCBs	µg/kg dry weight	59.8	Three-year
Machado Lake	Total DDT	µg/kg dry weight	5.28	Three-year
Machado Lake	Chlordane	µg/kg dry weight	3.24	Three-year
Machado Lake	Dieldrin	µg/kg dry weight	1.9	Three-year
Colorado Lagoon	Chlordane	µg/kg	0.50	Monthly
Colorado Lagoon	Dieldrin	µg/kg	0.02	Monthly
Colorado Lagoon	Lead	µg/kg	46,700	Monthly
Colorado Lagoon	Zinc	µg/kg	150,000	Monthly
Colorado Lagoon	PAHs[4]	µg/kg	4,022	Monthly
Colorado Lagoon	PCBs	µg/kg	22.7	Monthly
Colorado Lagoon	DDT	µg/kg	1.58	Monthly
Colorado Lagoon[1]	*Enterococcus*	cfu/ 100mL	110	STV[2]

Waterbody	Parameter	Units	Value	Averaging Period

Table Notes

1. Effluent limitation is applicable upon the effective date of the Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon Indicator Bacteria TMDL.
2. The statistical threshold value (STV) shall not be exceeded by more than 10 percent of samples collected in a calendar month, calculated in a static manner.
3. The effluent limit of 2 TUc is implemented as a trigger requiring initiation and implementation of the TRE/TIE process as outlined in US EPA's "Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program" (2000) in accordance with TMDL implementation language.
4. PAHs: Polycyclic aromatic hydrocarbons (sum of acenaphthylene, anthracene, benz(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, benzo(a)pyrene, chrysene, dibenz(a,h)anthracene, fluorene, indeno(l ,2,3-c,d)pyrene, phenanthrene, and pyrene).

Table 2. Sediment-Associated Effluent Limitations Applicable to the Dominguez Channel Estuary and Greater Los Angeles and Long Beach Harbor Waters

Water Body	Three-year Average (mg/kg sediment)					
	Copper	Lead	Zinc	Total DDTs	Total PAHs	Total PCBs
Dominguez Channel Estuary (below Vermont Avenue)	220	510	789	1.727	31.60	1.490
Long Beach Inner Harbor	142.3	50.4	240.6	0.070	4.58	0.06
Los Angeles Inner Harbor	154.1	145.5	362	0.341	90.3	2.107
Long Beach Outer Harbor (inside breakwater)	67.3	46.7	150	0.075	4.022	0.248
Los Angeles Outer Harbor (inside breakwater)	104.1	46.7	150	0.097	4.022	0.310
Los Angeles River Estuary	53.0	46.7	183.5	0.254	4.36	0.683

Water Body	Three-year Average (mg/kg sediment)					
	Copper	Lead	Zinc	Total DDTs	Total PAHs	Total PCBs
San Pedro Bay Near/Off Shore Zones	76.9	66.6	263.1	0.057	4.022	0.193
Los Angeles Harbor – Cabrillo Marina	367.6	72.6	281.8	0.186	36.12	0.199
Los Angeles Harbor – Consolidated Slip	1470	1100	1705	1.724	386	1.920
Los Angeles Harbor – Inner Cabrillo Beach Area	129.7	46.7	163.1	0.145	4.022	0.033
Fish Harbor	558.6	116.5	430.5	40.5	2103	36.6

Table 3. Effluent Limitations Applicable to Specific Waterbodies by the compliance deadline noted in the table

Waterbody	Copper (µg/L)	Lead (µg/L)	Zinc (µg/L)	PAHs (µg/L)	Chlordane (µg/L)	4,4'-DDT (µg/L)	Dieldrin (µg/L)	Total PCBs (µg/L)	Toxicity (TUc)	Compliance Date
Averaging Period	Instantaneous Maximum								Monthly Median	
Los Cerritos Channel	7.6	43.4	74.4	--	--	--	--	--	--	September 30, 2026
Dominguez Channel (above Vermont Avenue)	9.7	42.7	69.7	--	--	--	--	--	1.0[1]	March 23, 2032
Dominguez Channel Estuary (below Vermont Avenue)	3.73	8.52	85.6	0.049	0.00059	0.00059	0.00014	0.00017		March 23, 2032
Greater Los Angeles and Long Beach Harbor Waters	3.73	8.52	85.6	N/A	N/A	0.00059	N/A	0.00017		March 23, 2032

Table 4. Sediment-Associated Effluent Limitations Applicable to Specific Waterbodies by the compliance deadline noted in the table

Waterbody	Instantaneous Maximum (mg/kg)			Compliance Date
	Cadmium	Chromium	Mercury	
Dominguez Channel Estuary	1.2	--	--	March 23, 2032
Los Angeles Harbor – Consolidated Slip	1.2	81	0.15	March 23, 2032
Fish Harbor	--	--	0.15	March 23, 2032

8. COMPLIANCE OPTIONS FOR WATER QUALITY BASED EFFLUENT LIMITATIONS

In complying with the water quality-based effluent limitations in section 7.2, the Discharger must choose one of the following three options:

8.1. Compliance Option 1 – Agreement with Local Watershed Management Group to Fund Regional Project

Dischargers shall enter into a legally binding agreement with the local Watershed Management Group to fund, or partially fund, a downstream regional project included in a Watershed Management Program developed to implement requirements of the Regional MS4 Permit and approved by the Los Angeles Water Board. If a downstream regional project is not technically feasible in the Watershed Management Program, the applicable Watershed Management Group shall identify an upstream project with the Watershed Management Group's area. Specific details related to the funded project shall be documented in the agreement and submitted as described in section 9.1 of this Order. At a minimum, the regional project shall be adequately sized to address the NSWD and stormwater volume that would otherwise need to be addressed onsite under Compliance Options 2 or 3, and the funding level must be proportional to the NSWD and onsite stormwater volume to be addressed/total regional project

stormwater capacity. See Attachment H for a list of current Watershed Management Programs applicable to the receiving waters.[2]

8.1.1. Funding of a regional project includes entering into a signed, legally binding agreement with the Watershed Management Group or its fiduciary agent. The Discharger shall comply with the signed agreement, which may include, but is not limited to:

8.1.1.1. Payments of any applicable fees; and

8.1.1.2. Cooperating with the Watershed Management Group as otherwise specified within the agreement.

8.1.2. Signed agreements submitted for purposes of permit coverage as described in section 3.2.1 of this Order shall at a minimum include:

8.1.2.1. Any related fees and alternative means of compensation (easements or property exchanges);

8.1.2.2. The specified timeframe for the agreement; and

8.1.2.3. All site-specific pollutant control measures required by the Watershed Management Group.

8.1.3. Dischargers selecting and in compliance with Compliance Option 3 shall be deemed in compliance with the discharge prohibitions and effluent limitations established in sections 4 and 7, respectively, of this Order.

8.2. **Compliance Option 2 - Facility-Specific Design Standard to Reduce Stormwater Runoff**

8.2.1. The Discharger shall design, implement, and properly operate and maintain stormwater controls (structural and/or non-structural BMPs) with the effective capacity to capture and use, infiltrate, and/or evapotranspire all NSWDs and the volume of runoff produced up to and during an 85th percentile 24-hour storm event.

8.2.1.1. The volume of runoff produced by an 85th percentile 24-hour storm event, determined as the maximized capture runoff volume for the facility, shall be

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[2] Additional information regarding these Watershed Management Programs can be obtained at https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/

calculated using the formula recommended in Water Environment Federation's *Manual of Practice No. 23/ASCE Manual of Practice No. 87,* cited in Chapter 5 of the 1998 Edition and Chapter 3 of the 2012 Edition.

8.2.2. The Discharger shall comply with the requirements specified in Attachment I.

8.2.3. Dischargers selecting and in compliance with Compliance Option 2 shall be deemed in compliance with the discharge prohibitions and effluent limitations established in sections 4 and 7.2, respectively, of this Order.

8.3. Compliance Option 3 - Direct Demonstration of Compliance with Water Quality Based Effluent Limitations

8.3.1. The Discharger shall demonstrate direct compliance with the water quality-based effluent limitations established in section 7.2 of this Order by implementing the monitoring and reporting requirements described in section 9.3 of this Order.

9. MONITORING AND REPORTING REQUIREMENTS

9.1. Compliance Option 1 – Agreement with Local Watershed Management Group to Fund Regional Project

9.1.1. The Discharger shall participate in the funding of a regional project approved by the local Watershed Management Group, as described in section 8.1 of this Order.

9.1.2. By December 15th of each reporting year, the Discharger shall report on their agreement with the local Watershed Management Group through SMARTS.

9.1.2.1. The report shall include the project funded through the previous year, fees paid, and confirmation that the Discharger has complied with the requirements of their agreement with the Watershed Management Group, including the requirements in section 8.1 of this Order.

9.1.3. By December 15th of each reporting year, the Discharger is required to update, if necessary, their agreement with the Watershed Management Group.

9.2. Compliance Option 2 – Facility-Specific Design Standard to Reduce Stormwater Runoff

9.2.1. The Discharger shall submit via SMARTS all documentation, studies, and engineering reports confirming that the design capacity of the stormwater controls will comply with the requirements of section 8.2 and Attachment I.

9.2.2. Upon completion of installation of the approved stormwater controls, the Discharger shall report via SMARTS that the installation is complete and complies with the approved design standard.

9.2.3. The Discharger shall inspect and evaluate the installed stormwater controls every 2 reporting years to ensure that the control is operating efficiently and maintenance is being performed. The Discharger shall submit a report of their evaluation via SMARTS.

9.3. **Compliance Option 3 – Direct Demonstration of Compliance with Effluent Limitations**

9.3.1. **Site-Specific Monitoring and Reporting Plan**

9.3.1.1. The Discharger shall develop and implement a site-specific Monitoring and Reporting Plan in accordance with the requirements of this General Permit. The Monitoring and Reporting Plan shall include the following items:

9.3.1.1.1. An identification of team members assigned to conduct the monitoring requirements;

9.3.1.1.2. A description of the following, in accordance with the Monitoring and Reporting Program (MRP) (Attachment E):

9.3.1.1.2.1. Discharge locations (including latitude and longitude);

9.3.1.1.2.2. A list of the pollutants from section 7 above that the Discharger is required to monitor;

9.3.1.1.2.3. Sampling and analysis procedures;

9.3.1.1.2.4. Visual observation procedures;

9.3.1.1.2.5. Procedures for field instrument calibration instructions, including calibration intervals specified by the manufacturer; and

9.3.1.1.2.6. An example Chain of Custody form used when handling and shipping water quality samples to the lab.

9.3.2. **Sampling and Analysis**

9.3.2.1. A Qualifying Storm Event (QSE) is a precipitation event that:

9.3.2.1.1. Produces a discharge for at least one drainage area; and

9.3.2.1.2. Is preceded by 48 hours with no discharge from any drainage area.

9.3.2.2. The Discharger shall collect and analyze discharge samples from two (2) QSEs within the first half of each reporting year (January 1 to June 30), and two (2) QSEs within the second half of each reporting year (July 1 to December 31).

9.3.2.3. Samples shall be collected from each drainage area at all discharge locations. The samples must be:

9.3.2.3.1. Representative of stormwater associated with the Discharger's activities and any commingled authorized NSWDs; or

9.3.2.3.2. Associated with the discharge of contained stormwater.

9.3.2.4. Samples from each discharge location shall be collected within four (4) hours of:

9.3.2.4.1. The start of the discharge; or

9.3.2.4.2. The start of facility operations if the QSE occurs within the previous 12-hour period (e.g., for storms with discharges that begin during the night for facilities with day-time operating hours). Sample collection is required during scheduled facility operating hours and when sampling conditions are safe in accordance with section 2.2.5.1 of the MRP (Attachment E).

9.3.2.5. The Discharger shall analyze all collected samples for each parameter with an established effluent limitation in section 7 of this Order.

9.3.2.6. If the discharge is subject to ELGs at 40 CFR 419 or 443, the Dischargers shall analyze for the applicable parameters in 40 CFR Chapter I Subchapter N not listed in Tables 1-4 of this Order.

9.3.2.7. The Discharger shall select corresponding analytical test methods and reporting units from 40 CFR part 136. SMARTS will be updated over time to add additional acceptable analytical test methods. Dischargers may propose an analytical test method for any parameter or pollutant that does not have an analytical test method specified at 40 CFR part 136 or in SMARTS. Dischargers may also propose analytical test methods with substantially similar or more stringent method detection limits (MDLs) than existing approved analytical test methods. Upon approval, the analytical test method will be added to SMARTS.

9.3.2.8. The Discharger shall ensure that the collection, preservation, and handling of all samples are in accordance with section 2 of the MRP (Attachment E).

9.3.2.9. Samples from different discharge locations shall not be combined or composited.

9.3.2.10. The Discharger is required to identify, when practicable, alternative discharge locations for any discharge locations identified in accordance with Sections 9.3.2.1.1.and 9.3.2.3 that are difficult to observe or sample (e.g., submerged discharge outlets, dangerous discharge location accessibility). The Discharger shall submit and certify via SMARTS any alternative discharge location or revisions to the alternative discharge locations in the Monitoring Plan.

9.3.2.11. The Discharger shall ensure that all laboratory analyses are performed according to sufficiently sensitive test procedures and conducted according to test procedures under 40 CFR part 136, including the observation of holding times, unless other test procedures have been specified in this General Permit, by the Los Angeles Water Board, or are required under 40 CFR Chapter I Subchapter N.

9.3.2.12. **Sampling Event Visual Observations**

9.3.2.12.1. The Discharger shall ensure that visual observations of stormwater discharged from containment sources (e.g., secondary containment or storage ponds) are conducted at the time that the discharge is sampled.

9.3.2.12.2. Any Discharger employing volume-based or flow-based treatment BMPs shall sample any bypass that occurs while the visual observations and sampling of stormwater discharges are conducted.

9.3.2.12.3. The Discharger shall visually observe and record the following:

9.3.2.12.3.1. The presence or indications of prior, current, or potential unauthorized NSWDs and their sources;

9.3.2.12.3.2. Authorized NSWDs, sources, and associated BMPs to ensure compliance with section 5 of this Order;

9.3.2.12.3.3. Outdoor commercial and/or industrial equipment and storage areas, outdoor industrial activities areas, BMPs, and all other potential sources of industrial pollutants; and

9.3.2.12.3.4. The presence or absence of floating and suspended materials, oil and grease, discolorations, turbidity, odors, trash/debris, and source(s) of any discharged pollutants.

9.3.2.12.4. In the event that a discharge location is not visually observed during the sampling event, the Discharger shall record which discharge locations were not observed during sampling or that there was no discharge from the discharge location.

9.3.2.12.5. The Discharger shall provide an explanation via SMARTS for uncompleted sampling event visual observations.

9.3.3. **Reporting**

9.3.3.1. The Discharger shall submit all visual observation records, and sampling and analytical results via SMARTS within 30 days of obtaining all results for each sampling event.

9.3.3.2. The Discharger shall provide the MDL when an analytical result from samples taken is reported by the laboratory as a “non-detect" or less than the MDL. A value of zero shall not be reported.

9.3.3.3. The Discharger shall provide the analytical result from samples taken that is reported by the laboratory as below the minimum level (ML), often referred to as the reporting limit (RL), but above the MDL.

9.3.4. **Facilities Subject to Federal Stormwater Effluent Limitation Guidelines (ELGs)**

9.3.4.1. In addition to the other requirements in this General Permit, Dischargers with facilities subject to stormwater ELGs in 40 CFR parts 419[3] or 443[4] shall:

9.3.4.1.1. Collect and analyze samples from QSEs for each regulated pollutant specified in 40 CFR parts 419 or 443 as specified in section 9.3.2;

9.3.4.1.2. For Dischargers with facilities subject to 40 CFR parts 419 or 443, estimate or calculate the volume of industrial stormwater discharges from each drainage area subject to the ELGs and the mass of each regulated pollutant as defined in 40 CFR parts 419 or 443; and

9.3.4.1.3. Ensure that the volume/mass estimates or calculations required in section 9.3.4.1.2 are completed by a California licensed professional engineer.

9.3.4.2. Dischargers subject to 40 CFR parts 419 or 443 shall submit the information in section 9.3.4.1.1 through 3 in via SMARTS as described in section 9.3.3 of this Order.

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[3] Part 419 – Petroleum refining point source category

[4] Part 443 – Paving and roofing materials (tars and asphalt) point source category

10. PROVISIONS

Standard provisions, which apply to all NPDES permits in accordance with 40 CFR sections 122.41 and 122.42, are included in this Order. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR section 122.42. The Los Angeles Water Board has also provided in this Order special provisions applicable to the Dischargers covered by this Order. A rationale for the special provisions contained in this Order is provided in the Fact Sheet (Attachment F).

10.1. **Standard Provisions**

10.1.1. The Discharger shall comply with all Standard Provisions included in Attachment D of this General Permit. If there is any conflict, duplication, or overlap between provisions stated herein and the Standard Provisions in Attachment D, the provisions stated herein prevail.

10.1.2. The Discharger shall comply with the following provisions:

10.1.2.1. The Executive Officer may require any Discharger authorized to discharge stormwater and authorized NSWDs under this Order to apply for and obtain an individual permit with more specific requirements for the discharges. Any such requirement and related direction will be communicated by the Los Angeles Water Board to the Discharger.

10.1.2.2. Prior to use, the Discharger shall submit for Executive Officer's approval the list of chemicals and proprietary additives that may affect the discharge, including rates/quantities of application, compositions, characteristics, and material safety data sheets, if any.

10.1.2.3. Oil or oily materials, chemicals, refuse, or other materials that may cause pollution in stormwater and/or NSWDs shall not be stored or deposited in areas where they may be picked up by rainfall/NSWDs and discharged to surface waters. Any spill of such materials shall be contained, removed and cleaned immediately.

10.1.2.4. This Order does not exempt the Discharger from compliance with any other laws, regulations, or ordinances that may be applicable.

10.1.2.5. The site 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.

10.1.2.6. The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.

10.1.2.7. The Discharger may request that any discharge authorized under this Order is, instead, covered under an individual NPDES permit by submitting an application for an individual NPDES permit for the discharge to the Los Angeles Water Board.

10.1.2.8. Failure to comply with provisions or requirements of this Order, 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.

10.2. **Enforcement**

10.2.1. Violation of any of the provisions of this Order may subject the Discharger to any of the penalties described herein at the discretion of the prosecuting authority.

10.2.2. Failure to comply with provisions or requirements of this Order, may subject the Discharger to administrative or judicial 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.

10.2.3. Section 13385(h)(1) of the CWC requires the Los Angeles Water Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each serious violation. Pursuant to CWC section 13385(h)(2), a “serious violation” is defined as any waste discharge that violates the effluent limitations contained in the applicable WDRs for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of 40 CFR section 123.45 specifies the Group I and II pollutants. Pursuant to CWC section 13385.1(a)(1), a “serious violation” is also defined as “a failure to file a discharge monitoring report required pursuant to CWC section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in WDRs that contain effluent limitations.”

10.2.4. Section 13385(i) of the CWC requires the Los Angeles Water Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each violation whenever a person violates a WDR effluent limitation in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations within that time period.

10.2.5. Pursuant to CWC section 13385.1(d), for the purposes of section 13385.1 and subdivisions (h), (i), and (j) of section 13385, “effluent limitation” means a numeric restriction or a numerically expressed narrative restriction on the quantity, discharge rate, concentration, or toxicity units of a pollutant or

pollutants that may be discharged from an authorized location. An effluent limitation may be final or interim and may be expressed as a prohibition. An effluent limitation, for these purposes, does not include a receiving water limitation, a compliance schedule, or a BMP.

10.2.6. **Corrective Actions**

10.2.6.1. If there is an exceedance, or presumed exceedance, of an effluent limitation listed in section 7 of this Order, the Discharger shall perform the following actions: (1) initiate an investigation for the cause of the exceedance, (2) implement appropriate BMPs to reduce the pollutant concentration below the applicable limitation, and (3) evaluate the appropriateness of using alternative or additional BMPs. These corrective actions do not absolve the Discharger of liability for any violation of this General Permit related to the exceedance. However, failure to comply with these corrective actions will constitute an additional violation of this General Permit.

10.3. **Special Provisions**

10.3.1. **Reopener Provisions**

10.3.1.1. Pursuant to 40 CFR sections 122.62 and 122.63, this Order may be modified, revoked and reissued, or terminated for cause. Reasons for modification may include new information on the impact of discharges regulated under this Order becomes available, promulgation of new effluent standards and/or regulations, adoption of new policies and/or water quality objectives, and/or new judicial decisions affecting requirements of this Order. In addition, if receiving water quality is threatened due to discharges covered under this permit, this permit will be reopened to incorporate more stringent effluent limitations or discharge prohibitions to address the threat. TMDLs have not been developed for all the parameters and receiving waters on the CWA section 303(d) list. When TMDLs are adopted or revised, this permit may be reopened to incorporate appropriate pollutant limits consistent with the assumptions and requirements of applicable wasteload allocations in the TMDL.

10.4. **Electronic Signature and Certification Requirements**

10.4.1. The NOI and all Permit Registration Documents for coverage shall be certified and submitted via SMARTS by the Discharger's Legally Responsible Person. All other reports, including those in sections 3 and 4 of Attachment E, may be certified and submitted via SMARTS by the Legally Responsible Person or by their designated Duly Authorized Representative. (Attachment D, Section 5.2)

10.4.2. When a new Legally Responsible Person or Duly Authorized Representative is designated, the Discharger shall ensure that the appropriate revisions are made via SMARTS.

10.4.3. Documents certified and submitted via SMARTS by an unauthorized or ineligible Legally Responsible Person or Duly Authorized Representative are invalid.

10.5. **Other Special Provisions**

10.5.1. **Expiration and Continuation of this Order**

This Order expires on **<DATE>**; however, for those Dischargers authorized to discharge under this Order, it shall continue in full force and effect until a new order is adopted.

10.5.2. **Reauthorization**

Upon reissuance of a new order, Dischargers authorized under this Order shall file an NOI or a new Report of Waste Discharge within 60 days of notification by the Executive Officer.

11. COMPLIANCE DETERMINATION

11.1. **General**

11.1.1. Dischargers shall demonstrate compliance with this Order by implementing one of the compliance options detailed in section 8.

11.2. **Facilities Subject to Federal Stormwater Effluent Limitation Guidelines (ELGs)**

USEPA regulations at 40 CFR parts 419 and 443 establish technology-based ELGs for industrial stormwater discharges from facilities in petroleum refining and paving and roofing materials industrial categories. For these facilities, compliance with the Best Available Technology/Best Control Technology (BAT/BCT) and ELG requirements constitutes compliance with technology-based requirements of this General Permit.

Sections 122.44(i)(3) and (4) of 40 CFR require stormwater permits to require at least one annual evaluation and any monitoring requirements for applicable ELGs in 40 CFR Chapter I Subchapter N. This General Permit requires Dischargers to comply with all applicable ELG requirements found in parts 419 and 443 of Subchapter N (Attachment E and K).

11.3. **Compliance with Effluent Limitations**

Compliance with the applicable effluent limitations, as described in section 7 of this Order, will be determined as specified below:

11.3.1. **Single Constituent Effluent Limitations**

If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported ML, then the Discharger is out of compliance.

11.3.2. **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 “Not Detected” (ND) or “Detected, but Not Quantified” (DNQ) to have concentrations equal to zero, provided that the applicable ML is used.

11.3.3. **Instantaneous Minimum Effluent Limitations**

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, 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).

11.3.4. **Instantaneous Maximum Effluent Limitations**

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, 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).

11.4. **Multiple Sample Data**

When determining compliance with an effluent limitation 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 DNQ or ND. In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure.

11.4.1. 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.

11.4.2. 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.

11.5. **Bacterial Standards and Analyses**

11.5.1. 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, 2 to 16,000 per 100 mL for total, and *E. coli*, at a minimum, and 1 to 1,000 per 100 mL for enterococcus). The detection methods used for each analysis shall be reported with the results of the analyses.

11.5.2. Detection methods used for coliforms (total and fecal) shall be those presented in Table 1A of 40 CFR part 136 or 40 CFR part 141 when approved by this Los Angeles Water Board and the State Water Board, unless alternate methods have been approved by USEPA pursuant to 40 CFR part 136, or improved methods have been determined by the Executive Officer and/or USEPA.

11.5.3. Detection methods used for *E. coli* shall be those presented in Table 1A of 40 CFR part 136 or 40 CFR part 141 when approved by this Los Angeles Water Board and the State Water Board, or in the USEPA publication EPA 600/4-85/076, *Test Methods for Escherichia coli and Enterococci in Water By Membrane Filter Procedure* or any improved method determined by the Executive Officer and/or USEPA to be appropriate.

ATTACHMENT A - ACRONYMS AND DEFINITIONS

Part 1. – Acronyms

Acronym	Definition
40 CFR	Title 40 of the Code of Federal Regulations
ARARs	Applicable or Relevant and Appropriate Requirements
Basin Plan	*Water Quality Control Plan: Los Angeles Region Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*
BAT	Best Available Technology
BCT	Best Control Technology
BMPs	Best Management Practices
BPT	Best Practicable Technology
California Ocean Plan	*Water Quality Control Plan for Ocean Waters of California, California Ocean Plan*
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CFU	Colony Forming Units
CII	Commercial, Industrial, and Institutional
COMM	Commercial and Sport Fishing
Court	United States District Court Central District of California
CTR	California Toxics Rule
CWA	Clean Water Act
CWC	California Water Code
DDT	Dichlorodiphenyltrichloroethane
DNQ	Detected, But Not Quantified
E. coli	*Escherichia coli*
EFT	Electronic Funds Transfer
ELGs	Effluent Limit Guidelines
EST	Estuarine Habitat
FEMA	Federal Emergency Management Agency
HUC	Hydrologic Unit Code
IND	Industrial Service Supply
LACFCD	Los Angeles County Flood Control District
LAs	Load Allocations
LID	Low Impact Development
Los Angeles Water Board	California Regional Water Quality Control Board, Los Angeles Region
MAR	Marine Habitat
MCL	Maximum Contaminant Level
MDL	Method Detection Limit
mg/L	Milligram per Liter
MIGR	Migration of Aquatic Organisms

Acronym	Definition
ML	Minimum Level
mL	Milliliter
MPN	Most Probable Number
MRP	Monitoring and Reporting Program
MS4	Municipal Separate Storm Sewer System
µS/cm	Microsiemens per Centimeter
MUN	Municipal and Domestic Supply
NAV	Navigation
ND	Not Detected
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NSWDs	Non-Stormwater Discharges
NTR	National Toxics Rule
OAL	Office of Administrative Law
O&M	Operation and Maintenance
PAHs	Polynuclear Aromatic Hydrocarbons
PCBs	Polychlorinated Biphenyls
POTW	Publicly-Owned Treatment Works
ppth	Parts per Thousand
QSE	Qualifying Storm Event
RARE	Rare, Threatened, or Endangered Species
REC-1	Contact Water Recreation
REC-2	Non-Contact Water Recreation
Receiving Waters	Waterbodies within the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed
RL	Reporting Level
SHELL	Shellfish Harvesting
SIC	Standard Industrial Classification
SIP	State Implementation Policy
SMARTS	Stormwater Multiple Application and Report Tracking System
SOCs	Synthetic Organic Contaminants
SPAWN	Spawning, Reproduction, and/or Early Development
State Water Board	State Water Resources Control Board
STV	Statistical Threshold Value
SWPPP	Stormwater Pollution Prevention Plan
TBELs	Technology-Based Effluent Limitations
Thermal Plan	*Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California*
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids

Acronym	Definition
USC	United States Code
USCA	United States Code Annotated
USEPA	United States Environmental Protection Agency
US	United States
VOCs	Volatile Organic Carbons
WARM	Warm Freshwater Habitat
WET	Wetland Habitat
WDID	Waste Discharge Identification
WDRs	Waste Discharge Requirements
WILD	Wildlife Habitat
WLA	Wasteload Allocation
WQBELs	Water Quality-Based Effluent Limitations

PART 2. – DEFINITIONS

85th Percentile 24-Hour Storm Event
The 85th percentile 24-hour storm event is a statistical design storm defined through a hydrologic analysis of long-term rainfall records for a particular geographic area. At the most basic level, the design storm represents the 85th percentile 24-hour rainfall depth (typically measured in inches of rain) among all 24-hour rainfall depths evaluated in the historical record. Analyses that define this storm event often express the 85th percentile 24-hour storm event as an “isohyetal” or “isopluvial” map with contour lines connecting areas with the same 85th percentile 24-hour rainfall depth. In some situations (e.g. in storm hydrographs), the temporal distribution of rainfall during the 85th percentile 24-hour storm event may be assumed.

Antidegradation Policies
State and federal laws, regulations and policies established to protect waters from degradation. In particular, these laws, regulations and policies protect waters where existing quality is higher than necessary for the protection of beneficial uses. These requirements are set forth in *Statement of Policy with Respect to Maintaining High Quality of Waters in California*, State Water Board Resolution No. 68-16 and 40 CFR section 131.12.

Applicable Standards and Limitations
All State, interstate, and federal standards and limitations to which a “discharge” or a related activity is subject under the CWA, including effluent limitations, water quality standards, standards of performance, toxic effluent standards or prohibitions, and pretreatment standards under CWA sections 301, 302, 303, 304, 306, 307, 308, 403 and 404.

Arithmetic Sample Mean
Also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic sample mean is calculated as follows:

Arithmetic sample mean = $\Sigma \bar{x} / n$ where:

$\Sigma \bar{x}$ is the sum of the measured ambient water concentrations, and n is the number of samples.

Authorized Discharge
Any discharge that is authorized pursuant to an NPDES permit or meets the conditions set forth in the Order. Any discharge that is authorized pursuant to an NPDES permit, waste discharge requirements, a conditional waiver of waste discharge requirements, or other appropriate order issued by the State or Los Angeles Water Board or complies with the requirements set forth in the Order.

Authorized Non-Stormwater Discharge (NSWD)
Authorized non-stormwater discharges are discharges that are not composed entirely of stormwater and that are either: (1) separately regulated by an individual or general NPDES permit and allowed to discharge into the MS4 when in compliance with all NPDES permit conditions; (2) separately regulated by a conditional waiver of WDRs or WDRs for agricultural lands; (2) authorized by USEPA pursuant to sections 104(a) or 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act that either (i) will comply with water quality standards as ARARs under section 121(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act or (ii) are subject to (a) a written waiver of ARARs by USEPA pursuant to section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act or (b) a written determination by USEPA that compliance with ARARs is not practicable considering the exigencies of the situation, pursuant to 40 CFR section 300.415(j); or (3) necessary for emergency responses purposes, including discharges from emergency firefighting activities.

Basin Plan
The Water Quality Control Plan, Los Angeles Region, otherwise known as the *Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*.

Beneficial Uses
As defined in the CWC, beneficial uses that may be protected against quality degradation, include but are not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

Best Management Practices (BMPs)
BMPs are practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters.

Biofiltration
A Low Impact Development (LID) BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Planning level analyses described in the Ventura County Technical Guidance Manual estimate that biofiltration of 1.5 times the stormwater quality design volume provides approximately equivalent or greater reductions in pollutant loading when compared to bioretention or infiltration of the stormwater quality design volume. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term “biofiltration” as used in the Order is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain. Biofiltration BMPs include bioretention systems with an underdrain and bioswales.

Bioretention
A LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Order, a bioretention BMP may be designed with an overflow drain but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated in the Order as a biofiltration BMP.

Bioswale
A LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes.

Chain of Custody
Form used to track sample handling as samples progress from sample collection to the laboratory. The chain of custody is also used to track the resulting analytical data from the laboratory to the client. Chain of custody forms can be obtained from an analytical laboratory upon request.

Commercial, Industrial, and Institutional Sites (CII)
Privately-owned unpermitted commercial, industrial, and institutional sites or facilities with greater than or equal to five (5) acres of unpermitted impervious cover, excluding airports, and permitted CII sites with five (5) or more acres of total area that are subject to the requirements of this General Permit.

Debris
Litter, rubble, discarded refuse, and remains of destroyed inorganic anthropogenic waste.

Degrade
Degradation shall be determined by comparison of the waste field and reference site(s) for characteristic species diversity, population density, contamination, growth anomalies, debility, or supplanting of normal species by undesirable plant and animal species. Degradation occurs if there are significant differences in any of three major biotic groups, namely, demersal fish, benthic invertebrates, or attached algae. Other groups may be evaluated where benthic species are not affected, or are not the only ones affected.

Detected, but Not Quantified (DNQ)
Sample results that are less than the reported ML, but greater than or equal to the laboratory's MDL. Sample results reported as DNQ are estimated concentrations.

Development
Any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

Discharge
When used without qualification the release of a pollutant or pollutants from the facility.

Discharger
A person, company, agency, or other entity that is the operator of the CII site or facility covered by this General Permit.

Drainage Area
The area of land that drains water, sediment, pollutants, and dissolved materials to a common discharge location.

Effluent
Any discharge of water either to the receiving water or beyond the property boundary controlled by the Discharger.

Effluent Limitation
Any restriction imposed on quantities, discharge rates, and concentrations of pollutants, which are discharged from point sources to waters of the U.S. (40 CFR § 122.2).

Emergency Situation
Any incident, whether natural, technological, or human-caused, that requires responsive action to protect life or property[1]. The responsive action should implement measures, to the fullest extent possible, to reduce the threat to water quality.

Erosion
The process by which soil particles are detached and transported by the actions of wind, water or gravity.

[1] As defined by the Federal Emergency Management Agency (FEMA)

Estimated Chemical Concentrations
The estimated chemical concentration that results from the confirmed detection of the substance by an analytical method which results in a value below the ML.

Existing Discharger
Any discharger that is not a new discharger. An existing discharger includes an "increasing discharger" (i.e., any existing facility with treatment systems in place for its current discharge that is or will be expanding, upgrading, or modifying its permitted discharge after the effective date of the Order).

Flow-through Treatment BMPs
Flow-through treatment BMPs include modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain.

Freshwater
All waters where the salinity is equal to or less than 1 ppth (one part per thousand) 95 percent or more of the time during the water year.

Full Capture System
A treatment control, or series of treatment controls, including but not limited to, a multi-benefit project or a low impact development control that traps all particles that are 5 mm or greater, and has a design treatment capacity that is either: a) of not less than the peak flow rate, Q, resulting from a one-year, one-hour, storm in the subdrainage area, or b) appropriately sized to, and designed to carry at least the same flows as, the corresponding storm drain.

The rational equation is used to compute the peak flow rate: $Q = C \times I \times A$, where Q = design flow rate (cubic feet per second); C = runoff coefficient (dimensionless); I = design rainfall intensity (inches per hour, as determined per the rainfall isohyetal map specific to each region, and A = subdrainage area (acres).

Prior to installation, full capture systems must be certified by the Executive Director, or designee, of the State Water Board. Uncertified full capture systems will not satisfy the requirements in the Order pertaining to trash. Full capture systems previously certified by the Los Angeles Water Board Executive Officer may also be used. There are nine Los Angeles Water Board Executive Officer-certified full capture systems, including Vortex Separation Systems (VSS), specific types or designs of trash nets; two gross solids removal devices (GSRDs); catch basin brush inserts and mesh screens; vertical and horizontal trash capture screen inserts; a connector pipe screen device; and a nutrient separating baffle box.

Good Housekeeping BMPs
BMPs designed to reduce or eliminate the addition of pollutants through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

Green Roof
A LID BMP using planter boxes and vegetation to intercept rainfall on a roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain.

Hydrologic Unit Code (HUC)
A standardized watershed classification system in which each hydrologic unit is identified by a unique HUC. The HUC may consist of an eight (8) to twelve (12) digit number. The 8-digit HUC identifies an area based on four levels of classification: region, sub-region, hydrologic basin, and hydrologic sub-basin. The Watershed Boundary Dataset includes the 12-digit HUC delineation, which further divides each hydrologic unit into watersheds and sub-watersheds based on scientific information and not administrative boundaries. The Watershed Boundary Dataset is the highest resolution and the most detailed delineation of the watershed boundaries. The mapping precision has been improved to a scale of 1:24,000.

Industrial General Permit
General Permit for Stormwater Discharges Associated with Industrial Activities. General NPDES permit issued by the State Water Board, which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

Industrial Materials
Includes, but is not limited to: raw materials, recyclable materials, intermediate products, final products, by product, waste products, fuels, materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERLCA; any chemical the facility is required to report pursuant to section 313 of title III of Superfund Amendments and Reauthorization Act; fertilizers; pesticides; and waste products such as ashes, slag, and sludge and that are used, handled, stored, or disposed in relation to a facility's industrial activity.

Infiltration BMP
A LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended on-site soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement.

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).

Institutional Controls
Programmatic measures that do not require construction or structural modifications. Examples include street sweeping, public education, and clean out of catch basins that discharge to storm drains.

Low Impact Development (LID)
The implementation of systems and practices that use or mimic natural processes to: 1) infiltrate and recharge, 2) evapotranspire, and/or 3) harvest and use precipitation near to where it falls to earth.

Los Angeles Region
Los Angeles Region comprises all basins draining into the Pacific Ocean between the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek and a line which coincides with the southeasterly boundary of Los Angeles County from the ocean to San Antonio Peak and follows thence the divide between San Gabriel River and Lytle Creek drainages to the divide between Sheep Creek and San Gabriel River drainages. (CWC section 13200(d).) The Los Angeles Region does not include the cities of Lancaster and Palmdale, which are within the jurisdiction of the Lahontan Region (also known as Region 6).

Marine Waters
All waters where the salinity is greater than 1 ppth (one part per thousand) more than 5 percent of the time during the water year. Marine waters include ocean waters and saline non-ocean waters such as enclosed bay, estuarine, and coastal lagoon waters.

Method Detection Limit (MDL)
The minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero (0), as defined in 40 CFR part 136, Attachment B, revised as of July 3, 1999.

Minimum Level (ML)
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.

Municipal Separate Storm Sewer System (MS4)
A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) (40 CFR § 122.26(b)(8)):

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

2. Designed or used for collecting or conveying stormwater;

3. Which is not part of a POTW as defined at 40 CFR section 122.2.

National Pollutant Discharge Elimination System (NPDES)
The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA parts 307, 402, 318, and 405. The term includes an "approved program."

Nature-Based Solution
A project that utilizes natural processes that slow, detain, infiltrate or filter stormwater or urban runoff. These methods may include relying predominantly on soils and vegetation; increasing the permeability of impermeable areas; protecting undeveloped mountains and floodplains; creating and restoring riparian habitat and wetlands; creating rain gardens, bioswales, and parkway basins; and enhancing soil through composting, mulching, and planting trees and vegetation, with preference for native species. Nature-based solutions include projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity.

New Development
Land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

New Discharge(r)
A facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source as defined in 40 CFR section 122.29, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR section 122.2.

Non-Stormwater Discharge (NSWD)
Any discharge into the MS4 that is not composed entirely of stormwater. NSWDs authorized by this General Permit are listed in section 5.1 of the Order.

Not Detected (ND)
Those sample results less than the laboratory's MDL.

Point Source
Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. (40 CFR § 122.2)

Stormwater Pollution Prevention Plan
A plan required by this General Permit identifying potential pollutant sources and describing the design, placement and implementation of BMPs, to effectively prevent non-stormwater discharges and reduce pollutants in stormwater discharges from activities covered by this General Permit.

Publicly Owned Treatment Works (POTW)
A treatment works as defined in CWA section 212, which is owned by a government agency as defined by CWA section 502(4). Section 502(4) of the CWA defines a municipality as a city, town, borough, county, parish, district, association, or other public body created by or pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes. This definition includes any devices and systems used in the storage, treatment, recycling, and recycling of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW. The term also means the municipality as defined in CWA section 502(4), which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

Qualifying Storm Event (QSE)
A precipitation event that: a) Produces a discharge for at least one drainage area; and b) Is preceded by 48 hours with no discharge from any drainage area.

Los Angeles Water Board
Includes the Executive Officer and delegated Los Angeles Water Board staff.

Rain Event
Any rain event greater than 0.1 inch in 24 hours except where specifically stated otherwise.

Rainfall Harvest and Use
Rainfall harvest and use is an LID BMP system designed to capture runoff, typically from a roof but it can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the

system includes disinfection treatment and is approved for such use by the local building department.

Receiving Water
A water into which waste and/or pollutants are, or may be, discharged.

Regional Administrator
The Regional Administrator of the Regional Office of the USEPA or the authorized representative of the Regional Administrator.

Reporting Level (RL)
The RL is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination. MLs correspond to the approved analytical methods for reporting a sample result 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 represents the lowest quantifiable concentration in a sample based on the proper application of method-based analytical procedures 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 in the computation of the RL.

Runoff
Any runoff including stormwater and non-stormwater from a drainage area that reaches a receiving waterbody.

Runoff Control BMPs
Measures used to divert run-on from offsite and runoff within the site.

Run-on
Discharges that originate offsite and flow onto the property of a separate facility or property or, discharges that originate onsite from areas not related to industrial activities and flow onto areas on the property with industrial activity.

Sediment
Solid particulate matter, both mineral and organic, that is in suspension, is being transported, or has been moved from its origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

Site
The land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.

Source Control BMP
Any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution.

Statistical Threshold Value (STV)
A set value that approximates the 90th percentile of the water distribution of a bacterial population. For the bacteria Water Quality Objectives, the STV for enterococci is 110 CFU/100 mL.

Stormwater
Stormwater runoff, snow melt runoff, and surface runoff and drainage related to precipitation events (pursuant to 40 CFR § 122.26(b)(13); 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).

Structural BMP
Any structural facility designed and constructed to mitigate the adverse impacts of stormwater and non-stormwater pollution (e.g. Treatment Control BMPs).

Total Maximum Daily Load (TMDL)
The sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background such that the cumulative pollutant load from all sources does not exceed the loading (assimilative) capacity of the waterbody. TMDLs are commonly referred to as “pollution budgets”.

Trash
All improperly discarded solid material from any production, manufacturing, or processing operation including, but not limited to, products, product packaging, or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural materials.

Treatment
The application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation and ultraviolet radiation.

Treatment Control BMP
Any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process.

Waste
As used in the Ocean Plan, waste includes a Discharger’s total discharge, of whatever origin, i.e., gross, not net, discharge.

Water Quality-based Effluent Limitation (WQBEL)
Any restriction imposed on quantities, discharge rates, and concentrations of pollutants, which are discharged from point sources to waters of the US necessary to achieve a water quality standard.

Waters of the United States (Waters of the US)[2]

1. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate "wetlands";
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
   a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
   b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
   c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs 1 through 4 of this definition;
6. The territorial sea; and
7. "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraph 1 through 6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR section 423.22(m), which also meet the criteria of his definition) are not waters of the United States. This exclusion applies only to man-made bodies of water, which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with USEPA.

[2] Waters of the US definition shall be defined per USEPA's Navigable Waters Protection Rule (85 Federal Register 22250 (April 21, 2020)) effective on June 22, 2020.

Watershed Management Program
A voluntary, alternative compliance pathway where a MS4 or group of MS4s develops a comprehensive program on a watershed or subwatershed scale to achieve compliance with the requirements of this General Permit in a collaborative and holistic manner. Through a Watershed Management Program, Permittees can identify and implement customized, cost-effective strategies and BMPs based on the unique characteristics and water quality priorities of the watershed.

Water Quality Objectives
Defined in the CWC as limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

Water Quality Standards
Consists of beneficial uses, water quality objectives to protect those uses, an antidegradation policy, and policies for implementation. Water quality standards are established in Regional Water Quality Control Plans (Basin Plans) and statewide Water Quality Control Plans. USEPA has also adopted water quality criteria (the same as objectives) for California in the National Toxics Rule (NTR) and California Toxics Rule (CTR).

ATTACHMENT B - WATERSHED MANAGEMENT AREA MAPS

Figure B-1. Los Cerritos Channel and Alamitos Bay Watershed Management Area Hydrologic Units

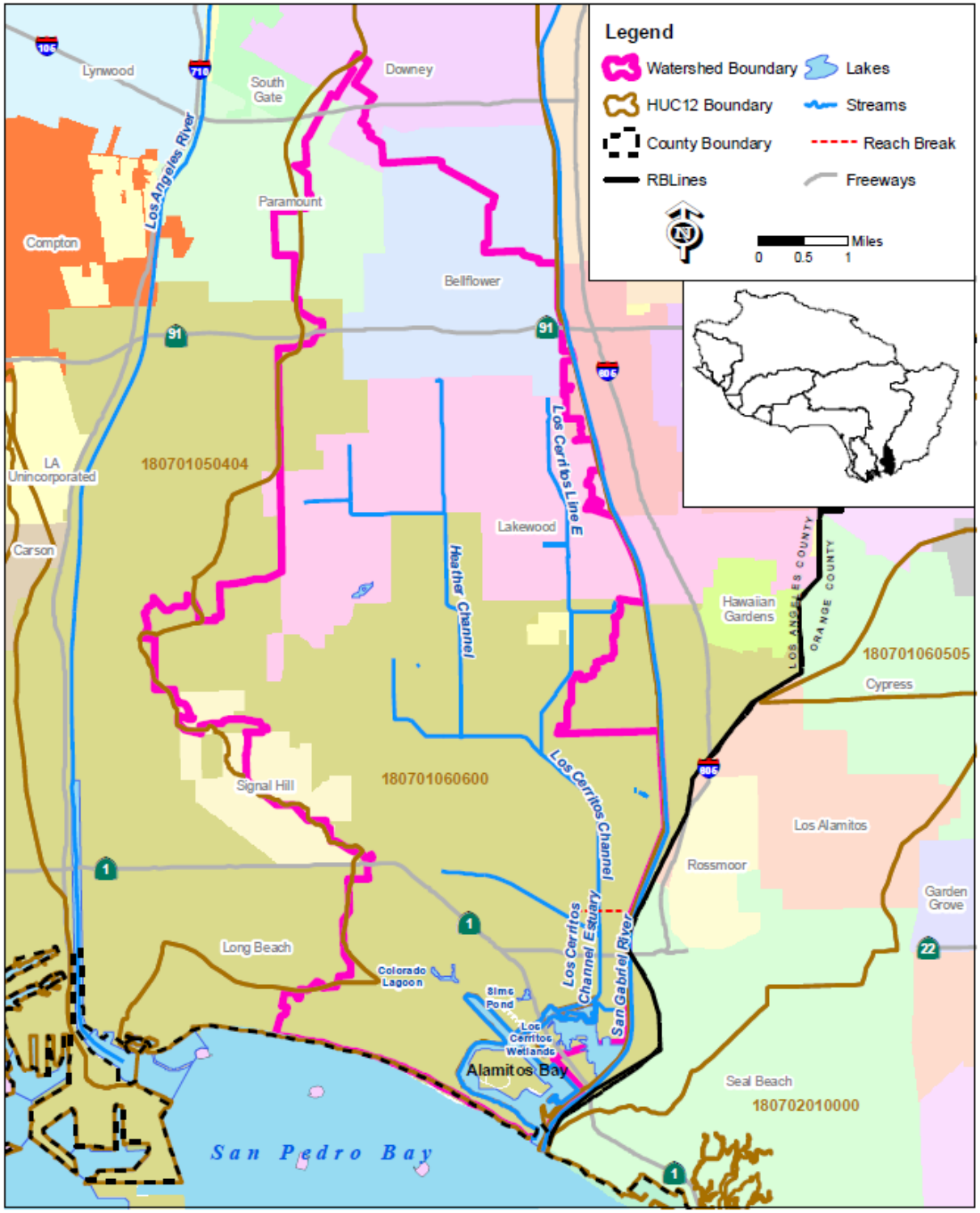


Figure B-2. Dominguez Channel and Los Angeles/Long Beach Harbors Watershed Management Area Hydrologic Units

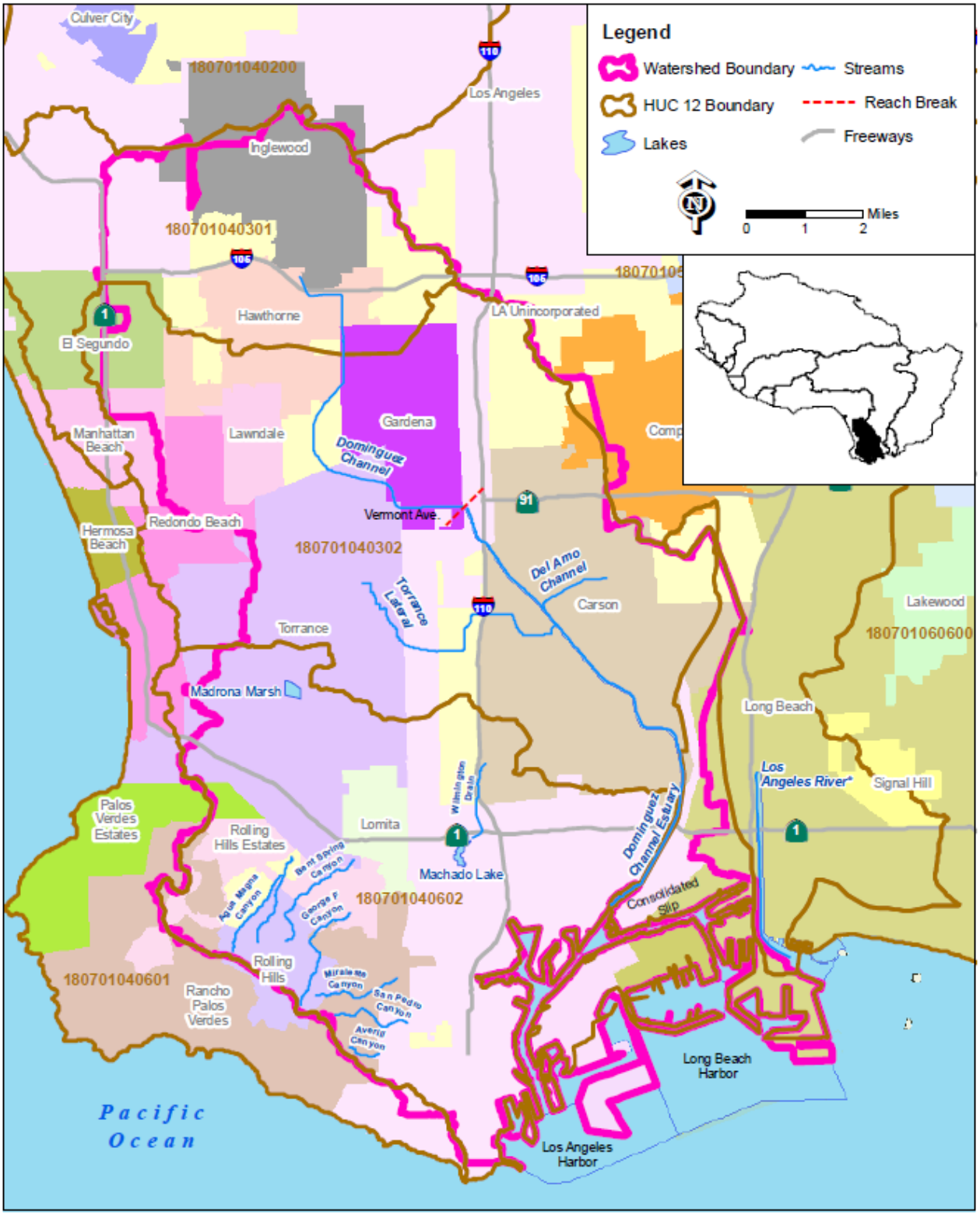
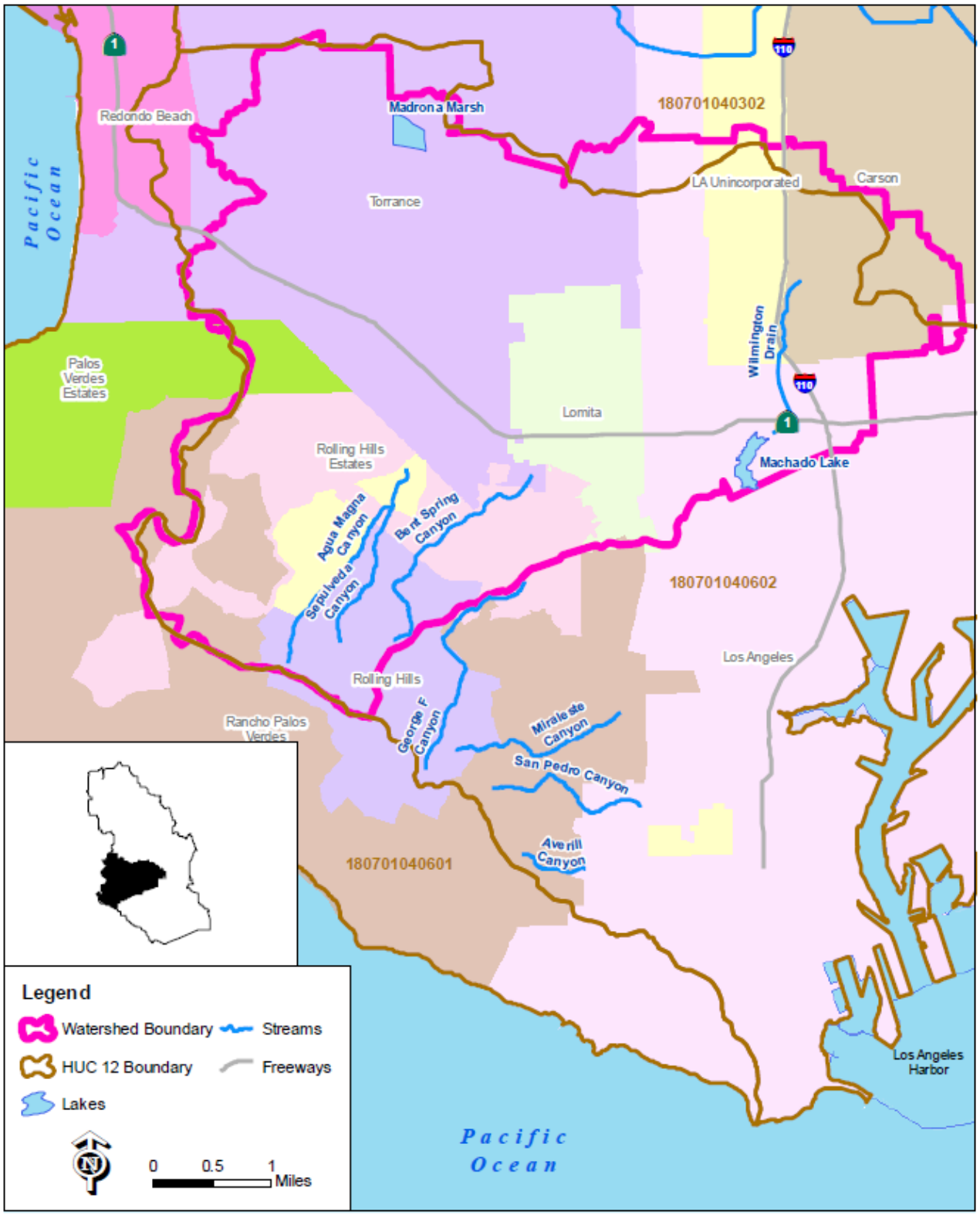


Figure B-3. Machado Lake Subwatershed Hydrologic Unit (Dominguez Channel and Los Angeles/Long Beach Harbors Watershed Management Area)



ATTACHMENT C - LOS ANGELES REGION STORM DRAIN SYSTEM MAPS

Figure C-1. Los Cerritos Channel and Alamitos Bay Watershed Management Area Storm Drain System

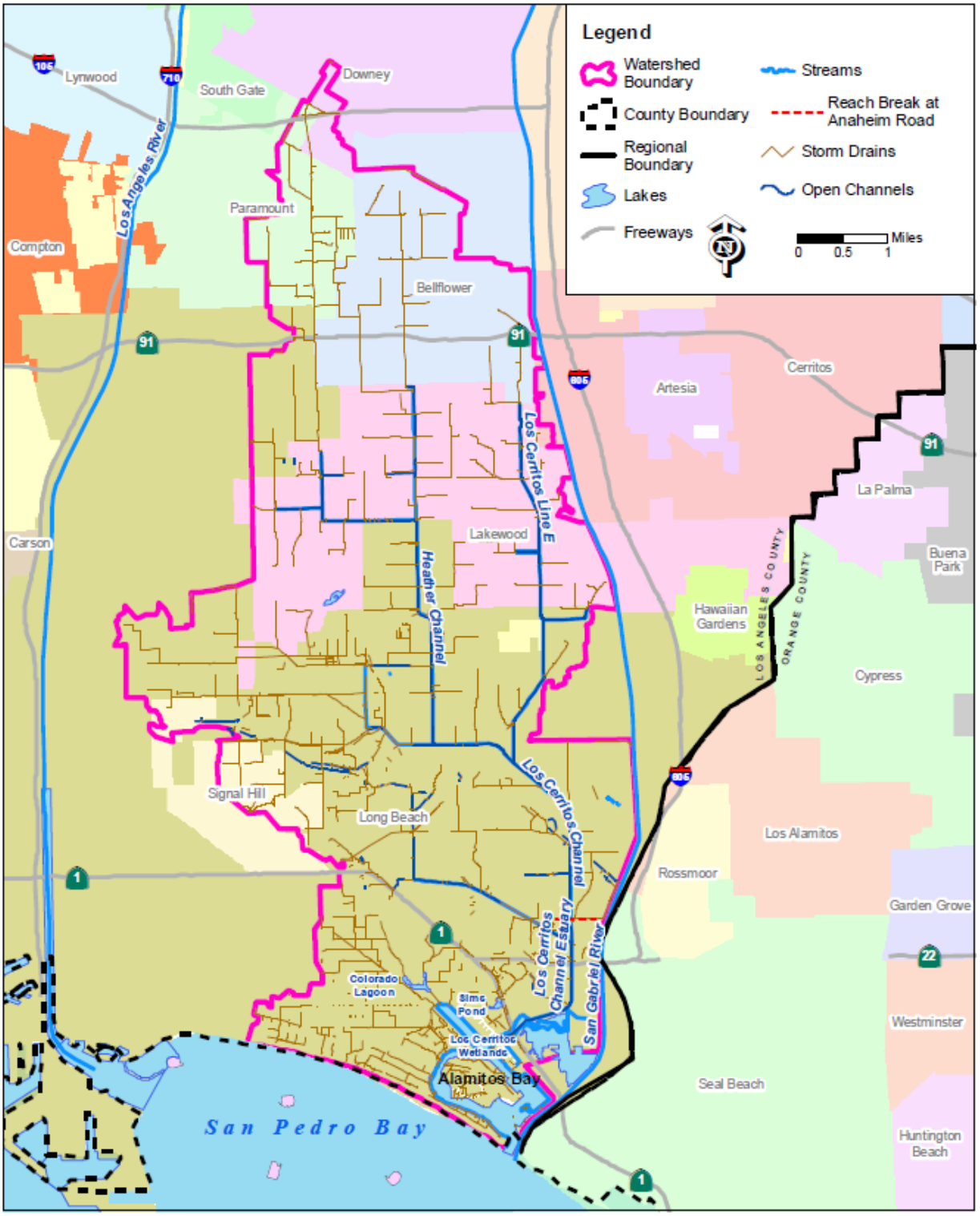


Figure C-2. Dominguez Channel and Los Angeles/Long Beach Harbors Watershed Management Area Storm Drain System

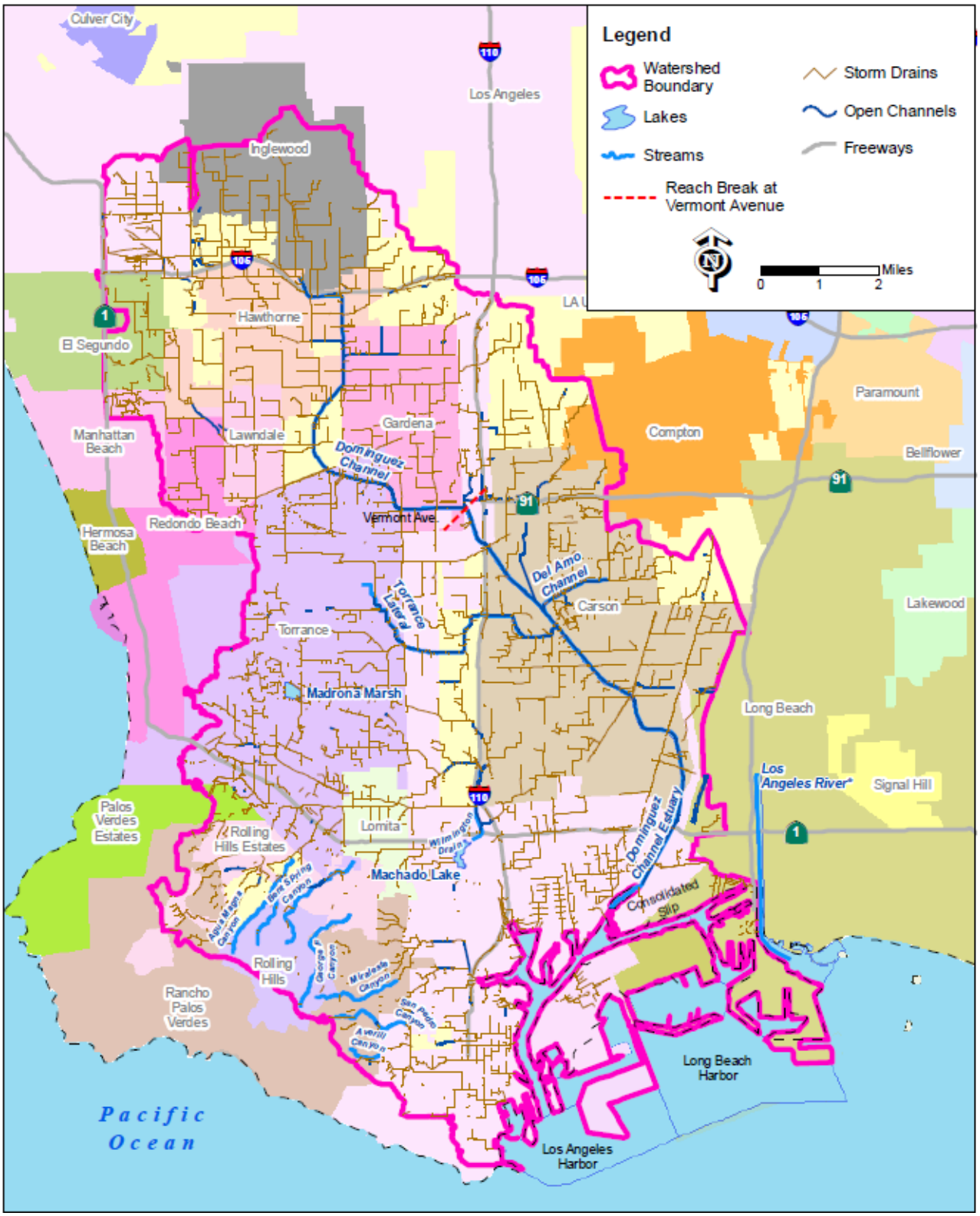
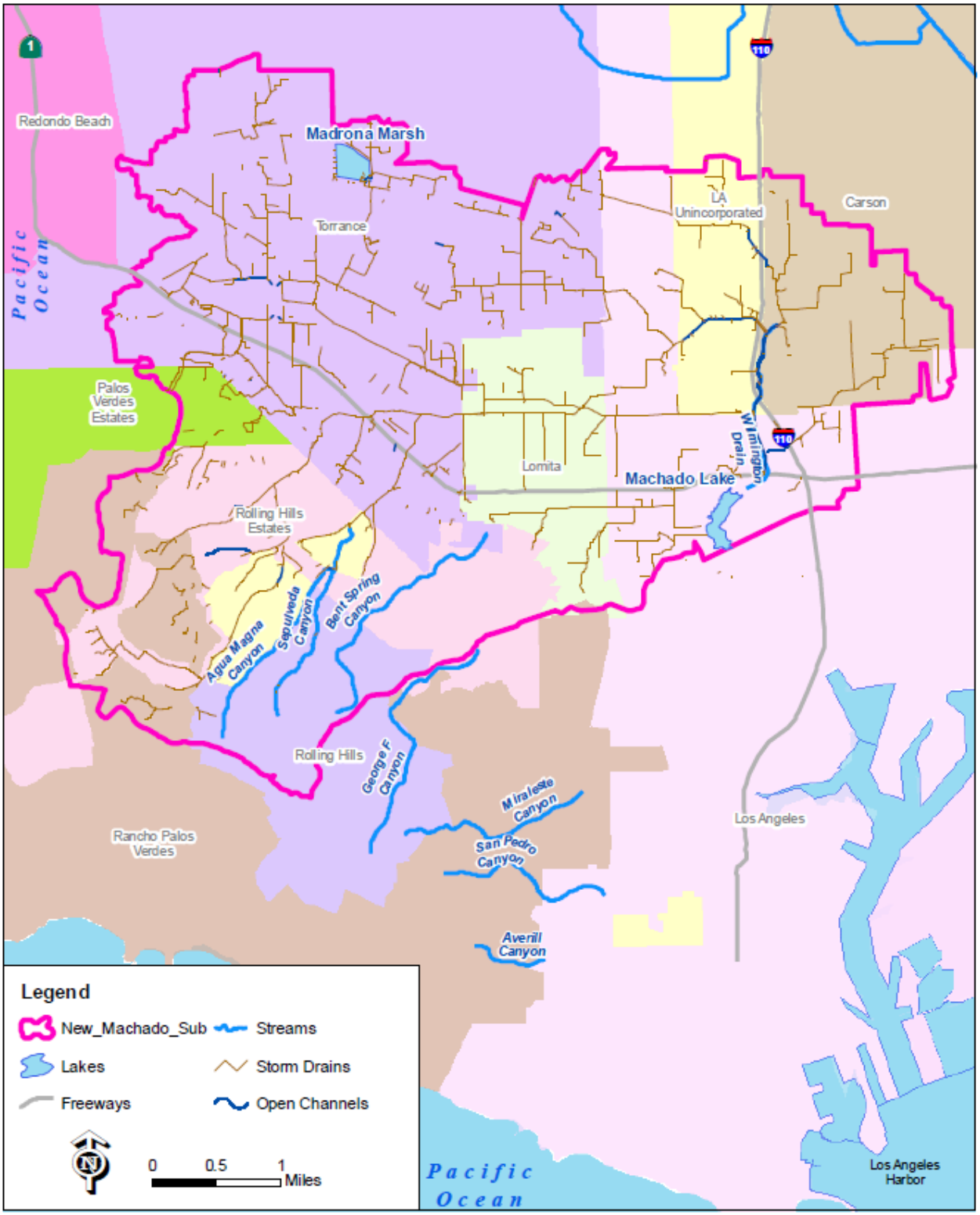


Figure C-3. Machado Lake Subwatershed Storm Drain System (Dominguez Channel and Los Angeles/Long Beach Harbors Watershed Management Area)



ATTACHMENT D - STANDARD PROVISIONS

1. STANDARD PROVISIONS – PERMIT COMPLIANCE

1.1. Duty to Comply

1.1.1. 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 California Water Code (CWC) 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); CWC §§ 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385)

1.1.2. The Discharger shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA 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))

1.2. 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))

1.3. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR § 122.41(d))

1.4. 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 includes 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))

1.5. **Property Rights**

1.5.1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 CFR § 122.41(g))

1.5.2. 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))

1.6. **Inspection and Entry**

The Discharger shall allow the Los Angeles Water Board, State Water Board, USEPA, 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 USC § 1318(a)(4)(B); 40 CFR § 122.41(i); CWC §§ 13267, 13383):

1.6.1. 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); CWC §§ 13267, 13383);

1.6.2. 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); CWC §§ 13267, 13383);

1.6.3. 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); CWC §§ 13267, 13383); and

1.6.4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location. (33 USC § 1318(a)(4)(B); 40 CFR § 122.41(i)(4); CWC §§ 13267, 13383)

1.7. **Bypass**

1.7.1. **Definitions**

1.7.1.1. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR § 122.41(m)(1)(i))

1.7.1.2. “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))

1.7.2. **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 sections 1.7.3, 1.7.4, and 1.7.5 below. (40 CFR § 122.41(m)(2))

1.7.3. **Prohibition of bypass.** Bypass is prohibited, and the Los Angeles Water Board may take enforcement action against a Discharger for bypass, unless (40 CFR § 122.41(m)(4)(i)):

1.7.3.1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 CFR § 122.41(m)(4)(i)(A));

1.7.3.2. 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

1.7.3.3. The Discharger submitted notice to the Los Angeles Water Board as required under Standard Provisions – Permit Compliance section 1.7.6 below. (40 CFR § 122.41(m)(4)(i)(C))

1.7.4. **Burden of Proof.** In any enforcement proceeding, the Discharger seeding to establish the bypass defense has the burden of proof.

1.7.5. The Los Angeles Water Board may approve an anticipated bypass, after considering its adverse effects, if the Los Angeles Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance section 1.7.3 above. (40 CFR § 122.41(m)(4)(ii))

1.7.6. **Notice**

1.7.6.1. **Anticipated bypass.** If the Discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass. 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))

1.7.6.2. **Unanticipated bypass.** The Discharger shall submit a notice of an unanticipated bypass as required in Standard Provisions - Reporting section

5.5 below (24-hour notice). 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))

1.8. **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))

1.8.1. **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 section 1.8.2 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))

1.8.2. **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)):

1.8.2.1. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 CFR § 122.41(n)(3)(i));

1.8.2.2. The Facility was, at the time, being properly operated (40 CFR § 122.41(n)(3)(ii));

1.8.2.3. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting section 5.5.2.2 below (24-hour notice) (40 CFR § 122.41(n)(3)(iii)); and

1.8.2.4. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance section 1.3 above. (40 CFR § 122.41(n)(3)(iv))

1.8.3. **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))

2. STANDARD PROVISIONS – PERMIT ACTION

2.1. 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))

2.2. 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))

2.3. Transfers

This Order is not transferable to any person except after notice to the Los Angeles Water Board. The Los Angeles 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 CWC. (40 CFR §§ 122.41(l)(3), 122.61)

3. STANDARD PROVISIONS – MONITORING

3.1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 CFR § 122.41(j)(1))

3.2. Monitoring must be conducted according to test procedures approved under 40 CFR part 136 for the analyses of pollutants unless another method is required under 40 CFR Chapter 1, Subchapters N or O. 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, Subchapters N or O. For the purposes of this paragraph, a method is sufficiently sensitive when:

3.2.1. 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

3.2.2. The method has the lowest ML of the analytical methods approved under 40 CFR part 136 or required under 40 CFR Chapter 1, Subchapters N or O 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, Subchapters N or O, 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))

In the case of sludge use or disposal approved under 40 CFR part 136, monitoring must be conducted according to test procedures in 40 CFR part 503 unless otherwise specified in 40 CFR or other test procedures have been specified in this Order.

4. STANDARD PROVISIONS – RECORDS

4.1. The Discharger shall retain records of all best management practice and 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 Los Angeles Water Board Executive Officer at any time. (40 CFR § 122.41(j)(2))

4.2. **Records of monitoring information shall include:**

4.2.1. The date, exact place, and time of sampling or measurements (40 CFR § 122.41(j)(3)(i));

4.2.2. The individual(s) who performed the sampling or measurements (40 CFR § 122.41(j)(3)(ii));

4.2.3. The date(s) analyses were performed (40 CFR § 122.41(j)(3)(iii));

4.2.4. The individual(s) who performed the analyses (40 CFR § 122.41(j)(3)(iv));

4.2.5. The analytical techniques or methods used (40 CFR § 122.41(j)(3)(v)); and

4.2.6. The results of such analyses. (40 CFR § 122.41(j)(3)(vi))

4.3. **Records of best management practices shall include:**

4.3.1. The date and time of inspections and evaluations for proper operation and maintenance for BMPs used to comply with this Order;

4.3.2. The individual(s) who performed the inspections and evaluations; and

4.3.3. The results of the evaluations.

4.4. **Claims of confidentiality for the following information will be denied (40 CFR § 122.7(b)):**

4.4.1. The name and address of any permit applicant or Discharger (40 CFR § 122.7(b)(1)); and

4.4.2. Permit applications and attachments, permits and effluent data. (40 CFR § 122.7(b)(2))

5. STANDARD PROVISIONS – REPORTING

5.1. Duty to Provide Information

The Discharger shall furnish to the Los Angeles Water Board, State Water Board, or USEPA within a reasonable time, any information which the Los Angeles Water Board, State Water Board, or USEPA 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 Los Angeles Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 CFR § 122.41(h); CWC §§ 13267, 13383)

5.2. Signatory and Certification Requirements

5.2.1. All applications, reports, or information submitted to the Los Angeles Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting sections 5.2.2, 5.2.3, 5.2.4, 5.2.5, and 5.2.6 below. (40 CFR § 122.41(k))

5.2.2. All permit applications (i.e., NOI and Permit Registration Documents) shall be signed by a Legally Responsible Person. (40 CFR § 122.22(a)(1)). Any third party (i.e., contractor or consultant) who does not satisfy the requirements of any of the categories below is not qualified to be a Legally Responsible Person. The following persons or entities may serve as a Legally Responsible Person:

5.2.2.1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means either: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; or 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.

5.2.3. All reports required by this Order and other information requested by the Los Angeles Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting section 5.2.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

5.2.3.1. The authorization is made in writing by a person described in Standard Provisions – Reporting section 5.2.2 above (40 CFR § 122.22(b)(1));

5.2.3.2. 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

5.2.3.3. The written authorization is submitted to the Los Angeles Water Board and State Water Board via SMARTS. (40 CFR § 122.22(b)(3))

5.2.4. If an authorization under Standard Provisions – Reporting section 5.2.3 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 section 5.2.3 above must be submitted to the Los Angeles 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))

5.2.5. Any person signing a document under Standard Provisions – Reporting sections 5.2.2 or 5.2.3 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))

5.2.6. Any person providing the electronic signature for documents described in Standard Provisions – sections 5.2.1, 5.2.2, or 5.2.3 that are submitted electronically shall meet all relevant requirements of Standard Provisions – Reporting section 5.2, 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))

5.3. **Monitoring Reports**

5.3.1. 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))

5.3.2. Monitoring results must be reported on a Discharge Monitoring Report form or forms provided or specified by the Los Angeles Water Board or State Water Board for reporting results of monitoring. As of December 21, 2016, all reports and forms must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting section 5.10 and comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. (40 CFR § 122.41(l)(4)(i))

5.3.3. 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 Chapter 1, Subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report or sludge reporting form specified by the Los Angeles Water Board or State Water Board. (40 CFR § 122.41(l)(4)(ii))

5.3.4. 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))

5.4. **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))

5.5. **Twenty Four Hour Reporting**

5.5.1. The Discharger shall report any noncompliance which 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 written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission 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.

For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (i.e., combined sewer overflow, sanitary sewer overflow, or bypass event), type of overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volume untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the event, and whether the noncompliance was related to wet weather.

As of December 21, 2023, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting section 5.10. The reports shall comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. The Los Angeles 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))

5.5.2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 CFR § 122.41(l)(6)(ii)):

5.5.2.1. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 CFR § 122.41(l)(6)(ii)(A))

5.5.2.2. Any upset that exceeds any effluent limitation in this Order. (40 CFR § 122.41(l)(6)(ii)(B))

5.5.3. The Los Angeles Water Board may waive the above required written report on a case-by-case basis if an oral report has been received within 24 hours. (40 CFR § 122.41(l)(6)(ii)(B))

5.6. **Planned Changes**

The Discharger shall give notice to the Los Angeles Water Board as soon as possible of any planned physical alterations or additions to the Facility. Notice is required under this provision only when (40 CFR § 122.41(l)(1)):

5.6.1. The alteration or addition to a Facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR section 122.29(b) (40 CFR § 122.41(l)(1)(i)); or

5.6.2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 CFR § 122.41(l)(1)(ii))

5.7. **Anticipated Noncompliance**

The Discharger shall give advance notice to the Los Angeles Water Board of any planned changes in the Facility or activity that may result in noncompliance with this Order's requirements. (40 CFR § 122.41(l)(2))

5.8. **Other Noncompliance**

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting sections 5.3, 5.4, and 5.5 above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting section 5.5 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 section 5.5 and the applicable required data in Appendix A to 40 CFR part 127. The Los Angeles 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))

5.9. **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 Los Angeles Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 CFR § 122.41(l)(8))

6. STANDARD PROVISIONS – ENFORCEMENT

6.1. The Los Angeles Water Board is authorized to enforce the terms of this permit under several provisions of the CWC, including, but not limited to, sections 13268, 13350, 13385, 13386, and 13387.

6.2. 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 (1) 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 (2) years, or both. Any person who knowingly violates such sections, or 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 (3) 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 six (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 § 122.41(a)(2); CWC §§ 13385 and 13387)

6.3. Any person may be assessed an administrative penalty by the Los Angeles Water Board for violating section 301, 302, 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. 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 § 122.41(a)(3))

6.4. 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 (2) 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 (4) years, or both. (40 CFR § 122.41(j)(5))

6.5. 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 Order, including monitoring reports or reports of compliance or noncompliance 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 § 122.41(k)(2))

7. ADDITIONAL STANDARD CONDITIONS APPLICABLE TO SPECIFIC CATEGORIES OF NPDES PERMITS (40 CFR SECTION 122.42)

7.1. Stormwater Discharges

7.1.1. The initial permits for discharges composed entirely of stormwater issued pursuant to 40 CFR section 122.26(e)(7) shall require compliance with the conditions of the permit as expeditiously as practicable, but in no event later than three years after the date of issuance of the permit.

ATTACHMENT E - MONITORING AND REPORTING PROGRAM

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

Section 308 of the federal Clean Water Act (CWA) and sections 122.41(h), (j)-(l), 122.44(i), and 122.48 of title 40 of the Code of Federal Regulations (40 CFR) require that all NPDES permits specify monitoring and reporting requirements. California Water Code (CWC) section 13383 also authorizes the Los Angeles Water Board to establish monitoring, reporting, and recordkeeping requirements. This MRP establishes monitoring, reporting, and recordkeeping requirements that implement the federal and California laws and/or regulations. regulations.

1. PURPOSE

1.1. General Objectives

The general objectives of the MRP are to:

1.1.1. Assess the chemical, physical, and biological impacts of discharges from the Discharger's facility on the receiving waters.

1.1.2. Assess compliance with discharge prohibitions and effluent limitations and the requirements of the Discharger's selected compliance option.

1.1.3. Characterize pollutant loads from the permitted discharges

1.1.4. Identify sources of pollutants in the permitted discharges.

1.1.5. Assess the overall health and evaluate long-term trends in receiving water quality.

1.1.6. Measure and improve the effectiveness of pollutant controls implemented under this General Permit.

2. MONITORING REQUIREMENTS – COMPLIANCE OPTIONS 2 AND 3

Dischargers that choose to implement Compliance Option 2 or 3 are required to complete the following monitoring activities to demonstrate compliance with the applicable effluent limitations and other requirements in the Order.

Additionally, dischargers subject to ELGs specified in section 7.1.1 of the Order, regardless of compliance option chosen to demonstrate compliance with the limits in Table 1 of the Order, shall complete the monitoring activities specified in section 2.1 below to demonstrate compliance with the applicable ELG-based effluent limitations in the Order.

2.1. **Compliance Option 2 – Facility-Specific Design Standard to Reduce Stormwater Runoff**

The Discharger shall visually inspect and evaluate the installed design standard(s) every two (2) reporting years to ensure that the control is operating effectively and consistent with the design standard(s) and that necessary and appropriate maintenance is being performed.

2.2. **Compliance Option 3 – Direct Demonstration of Compliance with Effluent Limitations**

2.2.1. **Site-Specific Monitoring Implementation Plan**

2.2.1.1. The Discharger shall develop and implement a site-specific Monitoring Implementation Plan. The Monitoring Implementation Plan shall be included in the Discharger's site-specific Stormwater Pollution Prevention Plan, and shall include the following items:

2.2.1.1.1. Identification of personnel assigned to conduct the monitoring requirements;

2.2.1.1.2. A detailed description of the following:

2.2.1.1.2.1. Discharge location(s) (including latitude and longitude);

2.2.1.1.2.2. A list of the pollutants the Discharger is required to monitor, including the reason for the required monitoring (i.e., Tables 1-3 of the Order and Table I-1.);

2.2.1.1.2.3. Sampling and analysis procedures;

2.2.1.1.2.4. Visual observation procedures;

2.2.1.1.2.5. Procedures for field instrument calibration instructions, including calibration intervals specified by the manufacturer; and,

2.2.1.1.2.6. An example Chain of Custody form used when handling and shipping water quality samples to the lab.

2.2.2. **Sampling and Analysis**

2.2.2.1. The Discharger shall collect and analyze discharge samples from two (2) Qualifying Storm Events (QSEs)[1] within the first half of each reporting year

[1] A QSE is defined as a precipitation event that produces a discharge for at least one drainage area, and is preceded by 48 hours with no discharge from any drainage area.

(January 1 to June 30), and two (2) QSEs within the second half of each reporting year (July 1 to December 31).

2.2.2.2. Samples shall be collected from each drainage area at all discharge locations. The samples must be:

2.2.2.2.1. Representative of stormwater associated with the Discharger's activities and any commingled authorized NSWDs; or,

2.2.2.2.2. Associated with the discharge of contained stormwater.

2.2.2.2.3. Samples from each discharge location shall be collected within four (4) hours of:

2.2.2.2.3.1. The start of the discharge; or

2.2.2.2.3.2. The start of facility operations if the QSE occurs within the previous 12-hour period (e.g., for storms with discharges that begin during the night for facilities with daytime operating hours). Sample collection is required during scheduled facility operating hours and when sampling conditions are safe in accordance with section 2.2.5.1 below.

2.2.2.2.4. The Discharger shall analyze all collected samples for each parameter with an established effluent limitation in section 7 of this Order.

2.2.2.2.5. If the discharge is subject to ELGs at 40 CFR 419 or 443, the Discharger shall analyze for the applicable parameters in 40 CFR Chapter I Subchapter N not otherwise listed in Tables 1-4 of the Order.

2.2.2.2.6. The Discharger shall select corresponding analytical test methods and reporting units from 40 CFR Part 136. SMARTS will be updated over time to add additional acceptable analytical test methods. Dischargers may propose an analytical test method for any parameter or pollutant that does not have an analytical test method specified in 40 CFR Part 136 or in SMARTS. Dischargers may also propose analytical test methods with substantially similar or more stringent method detection limits (MDLs) than existing approved analytical test methods. Upon approval, the analytical test method will be added to SMARTS.

2.2.2.2.7. Samples from different discharge locations shall not be combined or composited.

2.2.2.2.8. The Discharger shall ensure that all laboratory analyses are performed according to sufficiently sensitive test procedures and conducted according to test procedures under 40 CFR Part 136, including the observation of holding times, unless other test procedures have been specified in this

General Permit, by the Los Angeles Water Board, or are required under 40 CFR Chapter I Subchapter N.

2.2.3. **Sample Collection and Handling**

The Discharger shall ensure that the collection, preservation, and handling of all samples are in accordance with the following:

2.2.3.1. Identify the sampling parameters required to be tested and the number of stormwater discharge points that will be sampled. Request the analytical testing laboratory to provide the appropriate number and type of sample containers, sample container labels, blank chain of custody forms, and sample preservation instructions.

2.2.3.2. Laboratories analyzing monitoring samples shall be certified by the State Water Resources Control Board (State Water Board) in accordance with the provisions of CWC section 13176, and must include quality assurance / quality control data with their analytical reports.

2.2.3.3. Determine how samples will be transported to the laboratory. The testing laboratory should receive samples within 48 hours of the physical sampling (unless otherwise required by the laboratory). The Discharger may either deliver the samples to the laboratory, arrange for the laboratory to pick up the samples, or overnight ship the samples to the laboratory. All sample analysis shall be done in accordance with 40 CFR Part 136 unless an alternative method is approved as specified in section 2.2.2.2.6. Samples for pH have a holding time of 15 minutes.[2]

2.2.3.4. For grab samples, use only the sample containers provided by the laboratory to collect and store samples. Use of any other type of containers may contaminate samples.

2.2.3.5. For automatic samplers that are not compatible with bottles provided by the laboratory, the Discharger is required to send the sample container included with the automatic sampler to the laboratory for analysis.

2.2.3.6. The Discharger can only use an automatic sampling device to collect samples for parameters that the device is designed to collect samples for. For pH, Dischargers can only use automatic sampling devices with the ability to read pH within 15 minutes of sample collection.

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[2] 40 CFR section 136.3, Table II – Required Container, Preservation Techniques, and Holding Times

2.2.3.7. The Discharger is prohibited from using an automatic sampling device for oil and grease unless the automatic sampling device is specifically designed to sample for oil and grease.

2.2.3.8. To prevent contamination, do not touch inside of sample container or cap or put anything into the sample containers before collecting stormwater samples.

2.2.3.9. Do not overfill sample containers. Overfilling can change the analytical results.

2.2.3.10. Tightly screw on the cap of each sample container without stripping the threads of the cap.

2.2.3.11. Complete and attach a label for each sample container. The label shall identify the date and time of sample collection, the person taking the sample, and the sample collection location or discharge point. The label should also identify any sample containers that have been preserved.

2.2.3.12. Carefully pack sample containers into an ice chest or refrigerator to prevent breakage and maintain temperature during shipment. Remember to place frozen ice packs into shipping containers. Samples should be kept as close to 4 degrees Celsius (39 degrees Fahrenheit) as possible until arriving to the laboratory. Do not freeze samples.

2.2.3.13. Complete a Chain of Custody form for each set of samples. The Chain of Custody form shall include the Discharger's name, address, and phone number, identification of each sample container and sample collection point, person collecting the samples, the date and time each sample container was filled, and the analysis that is required for each sample container.

2.2.3.14. Upon shipping/delivering the sample containers, obtain both the signatures of the persons relinquishing and receiving the sample containers.

2.2.3.15. Dischargers shall designate and train personnel to collect, maintain, and ship samples in accordance with the sample protocols and laboratory practices.

2.2.3.16. All sampling and sample preservation shall be in accordance with 40 CFR Part 136 and the most recent edition of *Standard Methods for the Examination of Water and Wastewater* (American Public Health Association). All monitoring instruments and equipment (including Discharger field instruments for measuring pH or specific conductance if identified as an additional sampling parameter) shall be calibrated and maintained in accordance with manufacturers' specifications to ensure accurate measurements. All laboratory analyses shall be conducted according to approved test procedures under 40 CFR Part 136 unless other test procedures have been specified by the Los Angeles Water Board. All metals shall be reported as total recoverable metals. Dischargers may conduct their own field analysis of

pH (or specific conductance if identified as an additional sampling parameter) if the Discharger has sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to adequately perform the field analysis. With the exception of field analysis conducted by Dischargers for pH (or specific conductance if identified as an additional sampling parameter), all analyses shall be sent to and conducted at a laboratory certified for such analyses by the State Water Resources Control Board's Environmental Laboratory Accreditation Program (ELAP). Dischargers are required to report to the Los Angeles Water Board any sampling data collected more frequently than required in this General Permit.

2.2.4. **Sampling Event Visual Observations**

2.2.4.1. Visual observations of stormwater discharges shall be conducted at the time that the discharge is sampled.

2.2.4.2. Any Discharger employing volume-based or flow-based treatment BMPs shall sample any bypass that occurs while the visual observations and sampling of stormwater discharges are conducted.

2.2.4.3. The Discharger shall visually observe and record the following:

2.2.4.3.1. The presence or indications of prior, current, or potential unauthorized NSWDs and their sources;

2.2.4.3.2. Authorized NSWDs, sources, and associated BMPs to ensure compliance with section 5 of the Order;

2.2.4.3.3. Outdoor commercial and/or industrial equipment and storage areas, outdoor industrial activities areas, BMPs, and all other potential sources of industrial pollutants; and

2.2.4.3.4. The presence or absence of floating and suspended materials, oil and grease, discolorations, turbidity, odors, trash/debris, and source(s) of any discharged pollutants.

2.2.4.4. In the event that a discharge location is not visually observed during the sampling event, the Discharger shall record which discharge location(s) were not observed during sampling or that there was no discharge from the discharge location.

2.2.4.5. The Discharger shall provide an explanation via SMARTS for uncompleted sampling event visual observations.

2.2.5. **Sample Collection and Visual Observation Exceptions**

2.2.5.1. Sample collection and visual observations are not required under the following conditions:

2.2.5.1.1. During dangerous weather conditions such as flooding or electrical storms; or,

2.2.5.1.2. Outside of scheduled facility operating hours. The Discharger is not precluded from collecting samples or conducting visual observations outside of scheduled facility operating hours.

2.2.5.2. In the event that samples are not collected, or visual observations are not conducted in accordance with section 2.2.4 above due to these exceptions, an explanation shall be included in monitoring report.

3. REPORTING REQUIREMENTS – COMPLIANCE OPTIONS 1, 2, AND 3

3.1. Compliance Option 1 – Agreement with Local Watershed Management Group to Fund Regional Project

3.1.1. The Discharger shall submit an annual report detailing their participation in the legally binding agreement with the Watershed Management Group through SMARTS by December 15th of each reporting year. The annual report shall include the following:

3.1.1.1. The activities funded during the previous reporting year in support of the Watershed Management Program, and

3.1.1.2. Confirmation that the Discharger has complied with the requirements of their agreement with the Watershed Management Group, including payment of applicable fees.

3.2. The Discharger shall update their agreement with the Watershed Management Group by December 15th of each reporting year, if necessary.

3.3. Compliance Option 2 – Facility-Specific Design Standard to Reduce Stormwater Runoff

3.3.1. The Discharger shall submit an annual report detailing the results of the visual inspection and evaluation via SMARTS by December 15th of each reporting year that the inspection was performed.

3.4. Compliance Option 3 – Direct Demonstration of Compliance with Effluent Limitations

3.4.1. The Discharger shall submit all sampling and analytical results, and visual observation records via SMARTS within 30 days of obtaining all results for each sampling event.

3.4.2. The Discharger shall provide the MDL when an analytical result from samples taken is reported by the laboratory as a “non-detect" or less than the MDL. A value of zero (0) shall not be reported.

3.4.3. The Discharger shall provide the analytical result from samples taken that is reported by the laboratory as below the minimum level (ML), often referred to as the reporting limit (RL), but above the MDL.

4. ADDITIONAL REPORTING REQUIREMENTS

4.1. General Monitoring and Reporting Requirements

4.1.1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

4.2. Stormwater Multiple Application and Report Tracking System (SMARTS)

4.2.1. The Discharger shall submit all required reports and analytical results using the State Water Board’s SMARTS website (https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml).

4.2.2. All monitoring results reported shall be supported by the inclusion of the complete analytical report from the laboratory that conducted the analyses.

4.2.3. Reporting for each Compliance Option shall be completed according to the following schedule:

Table E-1. Reporting Schedule

Compliance Option	Reporting Requirement	Due Date
Compliance Option 1	Annual Report	December 15th
	Updated agreement with local Watershed Management Group, if necessary	
Compliance Option 2	Visual Inspection Report	Every two years on December 15th
Compliance Option 3	Sampling and analytical results	Within 30 days of obtaining results
	Visual Inspection Report	

4.2.4. **Reporting Protocols for Sampling Results**. The Discharger shall report with each sample result the applicable reported ML (also known as the RL) and the current MDL, as determined by the procedure in 40 CFR Part 136 or by the approved alternative method where applicable.

The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

4.2.4.1. Sample results greater than or equal to the reported ML shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).

4.2.4.2. Sample results less than the reported ML, 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 as well as the words "Estimated Concentration" (may be shortened to "Est. Conc."). 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.

4.2.4.3. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.

4.2.4.4. The Discharger is 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.

4.2.5. The Discharger shall submit SMRs in accordance with the following requirements:

4.2.5.1. The Discharger shall attach a cover letter to the report submission. The information contained in the cover letter shall clearly identify:

4.2.5.1.1. Facility name and address;

4.2.5.1.2. WDID number;

4.2.5.1.3. Applicable period of monitoring and reporting; and

4.2.5.1.4. Violations of the requirements of the General Permit (identified violations must include a description of the requirement that was violated and a description of the violation).

4.3. **Reporting Requirements for Facilities Subject to ELGs.**

Facilities subject to ELGs at 40 CFR part 419 for petroleum refining and at 40 CFR part 443 for paving and roofing materials (Attachment K) shall conduct and report on annual evaluations and applicable monitoring requirements per Sections 122.44(i)(3) and (4) of 40 CFR.

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ATTACHMENT F - FACT SHEET

As described in section 2 of the Order, the Los Angeles Water Board incorporates this Fact Sheet as findings of the Los Angeles Water Board supporting the issuance of this General Permit. This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this General Permit.

1. PERMIT INFORMATION

The following table summarizes administrative information related to the facilities and the Dischargers.

Table F-1. Facility Information

WDID No.[1]	Various
Dischargers	Various
Discharger Contact Information	Available through the Stormwater Multiple Application and Report Tracking System (SMARTS)[2] at https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml
Mailing Address	Refer to SMARTS
Billing Address	Refer to SMARTS
Type of Facilities	Unpermitted, privately owned commercial, industrial, and institutional (CII) facilities with greater than or equal to five (5) acres of impervious cover, excluding airports and permitted CII sites with five (5) or more acres of total area
Major or Minor Facilities	Minor

[1] WDID No. stands for "Waste Discharge Identification Number", which is a unique identifier given to a specific facility and regulatory measure (e.g., NPDES permit). In the case of the Order, each Discharger has a unique WDID number associated with its coverage under the Order.

[2] SMARTS provides a platform where dischargers, regulators, and the public can enter, manage, and view stormwater data including permit applications and compliance and monitoring data associated with NPDES permits for stormwater discharges issued by the State of California. SMARTS is compliant with USEPA's Cross-Media Electronic Reporting Rule, which sets requirements for electronic reporting of NPDES permit-related submittals.

Discharge Points	Locations throughout the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed
Discharge Description	Stormwater and Non-Stormwater Discharges (NSWDs)
Watershed(s)	Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed
Receiving Water(s)	Various (see section 3.2 of this Fact Sheet)
Receiving Water Type(s)	Inland surface waters, estuarine waters, and marine waters, including but not limited to lakes, rivers, estuaries, lagoons, harbors, bays, beaches, and the Pacific Ocean

1.1. Dischargers

The entities discussed in this Fact Sheet are hereinafter referred to as "Permittees" or "Dischargers." References to "discharger" or "permittee" in applicable State and federal laws, regulations, plans, or policy are held to be equivalent to references to the Permittees or Dischargers herein.

1.2. Discharges

Information about the Dischargers' stormwater and authorized NSWDs is summarized in Table F-1 above. Attachment A of this General Permit lists acronyms and definitions of terms used in the General Permit and all other attachments. Attachment B of this General Permit provides a map depicting each major Watershed Management Area, its subwatersheds, and the major receiving waters therein to which the Permittees discharge. Attachment C of this General Permit depicts the major municipal separate stormwater sewer system (MS4)-related infrastructure within the Los Angeles Region.

1.3. Permit Scope

This Order regulates stormwater runoff and authorized NSWDs from unpermitted, privately owned commercial, industrial, and institutional (CII) facilities with greater than or equal to five (5) acres of impervious cover, excluding airports and from permitted CII sites with five (5) or more acres of total area . Federal regulations define "stormwater" as "stormwater runoff, snow melt runoff, and surface runoff and drainage." (40 CFR § 122.26(b)(13)). While "surface runoff and drainage" is not defined in federal law, USEPA's preamble to its final stormwater regulations demonstrates that the term is related to precipitation events such as rain and/or snowmelt. (55 Federal Register 47990, 47995-96 (Nov. 16, 1990)). NSWDs consist of all discharges that do not originate from precipitation events. NSWDs are prohibited unless authorized under a

separate NPDES permit; composed of natural flows; the result of emergency firefighting activities; or conditionally exempted as discussed in section 5 of the Order.

The Los Angeles Water Board estimates that 640 Dischargers may be registering for coverage under this General Permit.

2. BACKGROUND ON RESIDUAL DESIGNATION OF CII FACILITIES AND NEED FOR GENERAL PERMIT; AUTHORITIES

2.1. Petitions for Residual Designation of CII Facilities

On September 17, 2015, American Rivers, the Natural Resources Defense Council, and the Los Angeles Waterkeeper (Petitioners) petitioned the Regional Administrator of USEPA Region 9 to make "a determination that currently unpermitted stormwater discharges from privately-owned commercial, industrial, and institutional (CII) sites are contributing to violations of water quality standards" in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed, and therefore require NPDES permits pursuant to CWA section 402(p) (Petitions).

In the Petitions, the Petitioners asserted the following: (1) portions of the watersheds are impaired by copper, zinc, and/or ammonia pollution, (2) stormwater discharges from CII sites contain copper, zinc, and ammonia, contributing to water quality impairments in the watersheds, and (3) existing programs are not adequately addressing the contributions from CII sites to impairments in the watersheds. In support, the Petitioners cited USEPA guidance and reports in which USEPA concluded that urban stormwater discharges are sources of pollutants. Petitioners also pointed to various reports and studies, including the National Stormwater Quality Database, to illustrate typical pollutant loads from different land uses, including CII sites. Finally, the Petitioners cited to TMDLs established by the State and USEPA to illustrate the specific sources of pollutants leading to impairments in the watersheds.

On October 17, 2016, the Regional Administrator declined to designate the CII sites in the watersheds, concluding that other programs were already in place to adequately address the water quality impairments in the watersheds (2016 Response).[3] On May 8, 2017, the Petitioners filed a complaint in the US District Court Central District of California challenging USEPA Region 9's decision.[4] Plaintiffs brought suit on two grounds: (1) failure to perform a nondiscretionary

[3] USEPA Region 9. 2016. Dominguez Petition Denial and Los Cerritos Petition Denial.

[4] *Los Angeles Waterkeeper et al. v. Pruitt* (2018) 320 F.Supp.3d 1115, 1120 (Pruitt I).

duty under the Clean Water Act's (CWA) citizen-suit provision, 33 USC § 1365(a)(2); and (2) in the alternative, arbitrary and capricious agency action in violation of the Administrative Procedure Act (APA), 5 USC § 706(2). The United States District Court for the Central District of California dismissed the CWA claim, but allowed the APA claim to proceed.[5] In a published decision, the Court concluded that EPA acted arbitrarily and capriciously in leaving the CII stormwater discharges unregulated.[6] The Court explained that, "[w]here, as here, EPA has determined that a stormwater discharge contributes to a violation of a water quality standard, the [CWA] requires EPA to either (1) engage in the NPDES permitting process for the discharge at issue or (2) prohibit the discharge."[7] In addition, the Court found that EPA considered a factor "divorced from the text" of the CWA, namely, whether other federal, state, or local programs (such as the MS4) adequately address the known stormwater discharge contribution to a violation of water quality standards.[8] Based on its ruling and the facts before it, the Court gave EPA a choice: Either engage in the NPDES permitting process for stormwater discharges from the CII Facilities, or enforce the CWA's total prohibition on the discharge of such pollutants.[9]

2.2. U.S. EPA's Residual Designation of CII Facilities

CWA sections 402(p)(2)(E) and 402(p)(6), and 40 CFR sections 122.26(a)(9)(i)(C) and (D) provide that U.S. EPA and authorized states may designate additional stormwater discharges as requiring NPDES permits where it is determined that stormwater controls are needed for the discharge based on wasteload allocations (WLAs) that are part of total maximum daily loads (TMDLs) that address the pollutants of concern, or the discharge, or category of discharges within a geographic area, contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States. This authority is commonly referred to as Residual Designation Authority (RDA). Concurrent with the issuance of this permit, U.S. EPA is exercising its RDA for CII facilities.

After considering the data it possessed at the time of its 2016 Response, plus additional data gathered for the re-evaluation, USEPA exercised its RDA for

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[5] *See, Pruitt I, supra,* at pp. 1120-1121*; see, also, Los Angeles Waterkeeper et al. v. Pruitt* (2018) 2018 WL 6071084.

[6] *Pruitt I, supra,* at pp. 1121-1122.

[7] *Id.*

[8] *Id.*, at p. 1125

[9] *Id.*, at p. 1126.

certain designated discharges in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed pursuant to 40 CFR section 122.26(a)(9)(i)(D). U.S. EPA concluded that CII facilities subject to the designation are significant contributors of pollutants and water quality standards violations. The designation applies to approximately 640 privately-owned CII facilities in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed.

Part of the designation includes industrial facilities with five or more acres of total area that are already covered under the General Permit for Stormwater Discharges Associated with Industrial Activities (NPDES No. CAS000001; Order 2014-0057-DWQ amended by Order 2015-0122-DWQ as amended in 2015 and 2018) (IGP). The U.S. EPA designation covers the non-industrial portions of the facilities (e.g., parking lots, rooftops) that are not covered by the IGP. There are approximately 190 industrial facilities with five or more acres of total area in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed that are affected by the designation. A facility may retain coverage under the IGP for the industrial portions of its facility and enroll in this Order for the non-industrial portions of its facility. Alternatively, a facility may enroll in this Order for its total facility area. A discharger that is covered under the IGP who is applying for coverage under this Order as an alternative must submit a Notice of Intent and Permit Registration Documents within one (1) year of the effective date of this Order and shall not apply to terminate coverage under the IGP until coverage under this Order is obtained.

2.3. Discharge Description

2.3.1. Nature of Residual Designation Discharges as a Source of Pollutants to Receiving Waters

CII facilities contain significant amounts of impervious areas, such as parking lots and rooftops, that are exposed to a variety of pollutants. Because impervious surfaces allow for little or no infiltration pollutants can build up and run off CII facilities during rain events and as a result of NSWDs.[10] The runoff then enters the MS4 or discharges directly to receiving waters in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed. Research shows that the volume of stormwater and associated pollutant discharge increases with increasing impervious area. Pollutants can come from tire and brake pad wear, leaking

[10] *Los Angeles Waterkeeper v. Pruitt, et al.* (2018) 320 F.Supp.3d 1115, 1118.

automotive fluids, litter, and air deposition, and include metals, indicator bacteria, nutrients, pH, trash, legacy pesticides, and other organic chemicals.[11,12,13]

As part of its residual designation of CII facilities, U.S. EPA conducted stormwater modeling to estimate the contribution of pollutant loading from CII facilities in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed. While there are other constituents of concern in these watersheds, including indicator bacteria, lead, trash, PCBs, PAHs, nutrients, and legacy pesticides, the model concentrated on copper and zinc because they are two of the main constituents of concern that cause impairments in both watersheds. In addition, zinc is commonly considered a “limiting pollutant” in watershed management programs developed pursuant to the MS4 permit, which means that zinc requires the greatest reduction of all pollutants to achieve water quality standards. If the discharge of zinc is controlled, then the discharge of other pollutants is controlled too, making zinc a useful surrogate to examine the discharge of all pollutants of concern from CII facilities. The modeling predicted that CII facilities with five or more acres of impervious surface area contribute a zinc load of 11,000 kg/year and approximately 32% of the total zinc load in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed.

In addition to national reports and U.S. EPA modeling, local studies demonstrate that CII facilities are sources of pollutants. A survey of land use contributions of pollutants to the Southern California Bight found elevated concentrations of ammonia, metals, DDT, and total suspended solids (TSS) at commercial (including institutional) and industrial sites.[14] Sampling at land use sites in the Los Angeles area showed elevated levels of metals, Total PAHs, TSS, and indicator bacteria at commercial (including institutional) and industrial sites.[15] A

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[11] National Research Council. 2008. Urban Stormwater Management in the United States, October 15, 2008.

[12] Natural Resources Defense Council (NRDC). 1999. Stormwater Strategies, Community Responses to Runoff Pollution.

[13] U.S. EPA. 1997. Urbanization and Streams: Studies of Hydrologic Impacts.

[14] Ackerman, D. and Schiff, K. 2003. Modeling Storm Water Mass Emissions to the Southern California Bight. Journal of Environmental Engineering. April 2003.

[15] Stein, E., Tiefenthaler, L., and Schiff, K. 2008. Comparison of stormwater pollutant loading by land use type. Southern California Coastal Water Research Project 2008 Annual Report.

study of parking lot runoff at a college campus in the Los Cerritos Channel Watershed found elevated levels of TSS and Total PAHs.[16] A review of data from MS4 outfalls in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed, which drain areas comprised of at least 50% commercial, institutional, industrial, and transportation land uses, revealed elevated levels of PAHs, PCBs, pH, and indicator bacteria.[17]

2.3.2. Description of Receiving Waters and Watershed Management Areas

Discharges covered under this General Permit enter receiving waters in the Alamitos Bay/Los Cerritos Channel Watershed and the Dominguez Channel and Los Angeles/Long Beach Harbor Watershed, including the Machado Lake subwatershed. The receiving waters within these Watershed Management Areas include those identified in Tables 2-1, 2-1a, 2- 3, 2-3a, 2-4, 2-4a, and Appendix 1 Table 1, Table A2-1, Table A2-3 and Table A2-4 of the *Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan), and other unidentified tributaries to these surface waters.

2.3.2.1. Alamitos Bay/Los Cerritos Channel Watershed Management Area

The Los Cerritos Channel drains a small but densely urbanized area of east Long Beach. The watershed covers an area of approximately 37 square miles (23,680 acres) and drains to Alamitos Bay. The Los Cerritos Channel's tidal prism starts at Anaheim Road and connects with Alamitos Bay through the Marine Stadium. The Los Cerritos Channel wetlands connect to the Channel a short distance from the lower end of the Channel. The wetlands, and portion of the channel near the wetlands, is an overwintering site for a great diversity of birds despite its small size. An endangered bird species, the Belding's Savannah Sparrow, may nest there and an area adjacent to the wetlands is a historic California least tern colony site. A small marina is located in the channel, which is also used by rowing teams and is a popular fishing area. Alamitos Bay is composed of Marine Stadium, a recreation facility built in 1932; Long Beach Marina; a variety of public and private berths; and the Bay proper. A small bathing lagoon, Colorado Lagoon, has a tidal connection with the Bay and is used by overwintering migratory birds. The majority of land use in this

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[16] Tiefenthaler, L., Schiff, K., and Bay, S. 2001. Characteristics of Parking Lot Runoff Produced by Simulated Rainfall. Southern California Coastal Water Research Project Technical Report No. 340.

[17] Los Cerritos Channel Watershed Management Group and Dominguez Channel Watershed Management Group 2016-2021 Annual Reports (Outfalls LCC-SB9-1, DOM-OF-001, DOM-OF-002, and DOM-OF-003).

Watershed Management Area is residential (59%), with the next highest percentage of land uses being commercial (15%), industrial (9%), and mixed urban (9%). Los Cerritos Channel is on the 2018 CWA section 303(d) list for metals (copper, zinc, and lead), trash, ammonia, pH, chlordane, bis(2-ethylhexyl)phthalate, and indicator bacteria. Alamitos Bay is on the 2018 CWA section 303(d) list for indicator bacteria and dissolved oxygen.

2.3.2.2. Dominguez Channel and Los Angeles/Long Beach Inner Harbor Watershed Management Area

The Dominguez Channel and Los Angeles/Long Beach Harbors Watershed Management Area is in the southern portion of the Los Angeles Basin. It covers an area of approximately 121 square miles (77,440 acres). Los Angeles Harbor is 7,500 acres and Long Beach Harbor is 7,600 acres; together they have an open water area of approximately 8,128 acres. Along the northern portion of San Pedro Bay is a natural embayment formed by a westerly extension of the coastline which contains both harbors, with the Palos Verdes Hills the dominant onshore feature. The 15-mile-long Dominguez Channel drains a densely urbanized area to Inner Los Angeles Harbor. Despite its industrial nature, contaminant sources, disrupted wetlands habitat, and low flushing ability, the inner harbor area supports diverse fish and benthic populations and provides a protected nursery area for juvenile fish. The California least tern, an endangered species, nests in one part of the harbor complex. Some wetlands persist in the Machado Lake area. The outer part of both harbors (the greater San Pedro Bay within the breakwaters) has been less disrupted and supports a great diversity of marine life and a large population of fish. It is also open to the ocean at its eastern end and receives much greater flushing than the inner harbors. Various waterbodies in the Dominguez Watershed Management Area are on the 2018 CWA section 303(d) list of impaired waterbodies due to metals, DDT, PCBs, PAHs, historic pesticides, indicator bacteria, toxicity, and sediment toxicity.

2.3.2.3. Machado Lake Subwatershed

Machado Lake is a subwatershed of the Dominguez Channel Watershed. Wilmington Drain discharges into Machado Lake from the north; the channel is concrete lined from its origin south of Sepulveda Boulevard (between Normandie and Vermont Avenues) to where it crosses under the Harbor Freeway north of Lomita Boulevard. South of this point it changes to a soft bottom with natural side banks to where it empties into Machado Lake. Habitat in this part of the drain includes mature riparian woodland, riparian scrub, freshwater marsh, and weedy vegetation. The area is well-utilized by

birds. Machado Lake is listed on the 2018 CWA section 303(d) list due to trash, nutrients, PCBs and historic pesticides.

3. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in this General Permit are based on the requirements and authorities described in this section. These include the federal CWA and implementing regulations, the CWC, and applicable statewide and regional water quality control plans and policies.

3.1. Legal Authorities

This General Permit is issued pursuant to section 402 of the federal CWA and implementing regulations adopted by the USEPA and chapter 5.5, division 7 of the CWC (commencing with section 13370). It shall serve as a general NPDES permit for discharges of stormwater and authorized NSWDs from CII facilities in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed (see section 2). This General Permit also serves as waste discharge requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the CWC (commencing with section 13260).

States may request authority to issue general NPDES permits pursuant to 40 CFR section 122.28. The State Water Board has been authorized by the USEPA to administer the NPDES program in California since 1973. The procedures for the State Water Board and the Los Angeles Water Board to issue NPDES permits pursuant to 40 CFR parts 122 and 123 were established through the NPDES Memorandum of Agreement between the USEPA and the State Water Board on September 22, 1989.

3.2. California Environmental Quality Act (CEQA)

Under CWC section 13389, this action to adopt a general NPDES permit is exempt from the provisions of chapter 3 of CEQA, (commencing with section 21100) of division 13 of the Public Resources Code.

3.3. Water Quality Control Plan – Los Angeles Region

The Los Angeles Water Board's *Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives. The Basin Plan states that the beneficial uses of any specifically identified waterbody apply to its tributaries if they are not specifically listed in Chapter 2 of the Basin Plan. In addition, the Basin Plan implements state policies, including State Water Resources Control Board

(State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Beneficial uses applicable to the receiving waters are as follows:

Table F-2. Basin Plan Beneficial Uses

Receiving Water Name	Beneficial Use(s)
Dominguez Channel Watershed	Existing: Commercial and sport fishing (COMM), estuarine habitat (EST), marine habitat (MAR), wildlife habitat (WILD), rare, threatened, or endangered species (RARE), migration of aquatic organisms (MIGR), spawning, reproduction, and/or early development (SPAWN), water contact recreation (REC-1), non-contact water recreation (REC-2), and/or high flow suspension. Potential: Municipal and domestic supply (MUN)[1], navigation (NAV), and/or warm freshwater habitat (WARM).
Los Angeles/Long Beach Harbor	Existing: Industrial service supply (IND) navigation (NAV), commercial and sport fishing (COMM), estuarine habitat (EST), marine habitat (MAR), wildlife habitat (WILD), rare, threatened, or endangered species (RARE), migration of aquatic organisms (MIGR), and spawning, reproduction, and/or early development (SPAWN), shellfish harvesting (SHELL), wetland habitat (WET), water contact recreation (REC-1), and/or non-contact water recreation (REC-2).
Los Cerritos Channel Watershed	Existing: Industrial service supply (IND) navigation (NAV), commercial and sport fishing (COMM), estuarine habitat (EST), marine habitat (MAR), wildlife habitat (WILD), rare, threatened, or endangered species (RARE), migration of aquatic organisms (MIGR), and spawning, reproduction, and/or early development (SPAWN), shellfish harvesting (SHELL), wetland habitat (WET), water contact recreation (REC-1), and/or non-contact water recreation (REC-2). Potential: Municipal and domestic supply (MUN)[1] and/or warm freshwater habitat (WARM).

Receiving Water Name	Beneficial Use(s)
Alamitos Bay	Existing: Industrial service supply (IND) navigation (NAV), commercial and sport fishing (COMM), estuarine habitat (EST), marine habitat (MAR), wildlife habitat (WILD), rare, threatened, or endangered species (RARE), shellfish harvesting (SHELL), wetland habitat (WET), water contact recreation (REC-1), and/or non-contact water recreation (REC-2).
1. The potential municipal and domestic supply (p*MUN) beneficial use for the water body is consistent with the Sources of Drinking Water Policy (page 2-14 of the Basin Plan). However, the Los Angeles Water Board has only conditionally designated the MUN beneficial use. Therefore, the Los Angeles Water Board is not establishing effluent limitations at this time.	

3.4. Statewide Trash, Mercury and Bacteria Provisions

The State Water Board has adopted various statewide water quality control provisions that are applicable to discharges subject to the Order.

The *Trash Provisions* were adopted by the State Water Board on April 7, 2015 through Resolution No. 2015-0019. The Office of Administrative Law approved them on December 2, 2015 and USEPA approved them on January 12, 2016.

The *Tribal Subsistence Beneficial Uses and Mercury Provisions* were adopted by the State Water Board on May 2, 2017 through Resolution No. 2017-0027. The Office of Administrative Law approved them on June 28, 2017 and USEPA approved them on July 14, 2017.

The *Bacteria Provisions and Variance Policy* (Bacteria Provisions) were adopted by the State Water Board on August 7, 2018 through Resolution No. 2018-0038. The Office of Administrative Law approved them on February 4, 2019 and USEPA approved them on March 22, 2019. The water quality objectives in the Bacteria Provisions supersede any numeric water quality objectives for bacteria for the protection of the REC-1 beneficial use in basin plans prior to the effective date of the Bacteria Provisions, except in certain circumstances, such as where there are site-specific numeric water quality objectives for bacteria. TMDLs established before March 22, 2019 remain in effect.

3.5. Thermal Plan

The State Water Board adopted the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California* (Thermal Plan) on January 7, 1971 and amended this

plan on September 18, 1975. This Plan contains temperature objectives for coastal waters.

3.6. Sediment Quality

The State Water Board adopted the *Sediment Quality Provisions* on September 16, 2008, and it became effective on August 25, 2009. The provisions supersede other narrative sediment quality objectives and establish new sediment quality objectives and related implementation provisions for specifically defined sediments in most bays and estuaries. The State Water Board amended the Plan in 2011 and 2018; the latest amendments became effective on March 11, 2019. Requirements of this Order implement sediment quality objectives of this Plan.

3.7. National Toxics Rule (NTR) and California Toxics Rule (CTR)

USEPA promulgated the NTR on December 22, 1992, and later revised it on May 4, 1995 and November 9, 1999. About forty water quality criteria in the NTR applied in California. On May 18, 2000, USEPA promulgated the CTR (40 CFR section 131.38). 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 revised on February 13, 2001. These rules contain water quality criteria for priority pollutants.

3.8. 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 USEPA through the NTR and to the priority pollutant objectives established by the Los Angeles Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA 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.

3.9. Antidegradation Policy

Section 131.12 of 40 CFR 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 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 Los Angeles 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 No. 68-16. The permitted discharge is consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution No. 68-16.

3.10. Anti-Backsliding Requirements

Sections 402(o)(2) and 303(d)(4) 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. This Order complies with these anti-backsliding provisions. First, the anti-backsliding requirements of the CWA and federal regulations generally do not apply here, since this is a brand new permit that regulates previously unregulated discharges from CII Facilities. Second, for those CII Facilities that have been previously permitted under the State Water Board's Industrial General Permit (IGP) for stormwater discharges associated with industrial activity, this Order does not authorize backsliding because the water quality-based effluent limitations (WQBELs) and technology-based effluent limitations (TBELs) in this Order are at least as stringent as those in the IGP. The IGP includes WQBELs consistent with the assumptions and requirements of available waste load allocations in TMDLs ("Numeric Effluent Limitations" or "NELs") as well as BMP-based TBELs and any effluent guidelines (ELGs) in 40 CFR Chapter I Subchapter N applicable to the stormwater discharges covered by this Order. This Order also includes WQBELs consistent with the assumptions and requirements of available waste load allocations in TMDLs and the effluent guidelines (ELGs) in 40 CFR Chapter I Subchapter N for specific categories of industrial stormwater discharges in these two watersheds that were in effect at this time of issuance of this Order. Additionally, this Order includes BMP-based TBELs in the same manner as the IGP. That is, it requires Dischargers to develop and implement a SWPPP, including minimum BMPs and, where necessary, more advanced BMPs, that comply with the Clean Water Act's BCT/BAT pollution control requirements to reduce or prevent discharges of pollutants in a manner that reflects best industry practice considering technological availability and economic practicability and achievability. Finally, regarding more advanced BMPs, the facility specific design standard in section 8.2 is equivalent to the design storm standards for treatment control BMPs in the IGP.

3.11. California Water Code Section 13241

The Los Angeles Water Board is not establishing any water quality objectives in the Order. However, California Water Code section 13263 requires the Board to

take into consideration the provisions of section 13241 in prescribing waste discharge requirements, when such requirements are more stringent than what federal law requires. The Los Angeles Water Board finds that each of the requirements in the Order are not more stringent than what federal law requires for the control of discharges of pollutants from CII facilities in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed. The Board makes additional findings with respect to specific program areas throughout the Fact Sheet. The Los Angeles Water Board has nevertheless considered the factors set forth in California Water Code section 13241 in issuing the Order. The Board's consideration of each of the factors is provided below.

3.11.1. Past, Present, and Probable Future Beneficial Uses of Water

Section 3.3, Table F-2 identifies the beneficial uses in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed. Beneficial uses of waters impacted by CII discharges covered by the Order are also discussed in section 2.3.2 "Description of Receiving Waters and Watershed Management Areas" of this Fact Sheet. As discussed in section 2.3.1, CII discharges convey pollutants such as bacteria, trash, metals, organic compounds (including various pesticides), and nutrients, among others. The requirements of the Order are necessary to protect and restore the past, present, and probable future beneficial uses of the receiving waters in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed impacted by these pollutants.

3.11.2. Environmental Characteristics of the Hydrographic Unit Under Consideration, Including the Quality of Water Available Thereto

The environmental characteristics of the Watershed Management Areas covered by the Order, including the quality of water, is discussed in section 2.3.2 of this Fact Sheet. Additional information can be found in the Los Angeles

Region's Watershed Management Initiative Chapter and the State's Clean Water Act Section 303(d) List of impaired waters.

Watershed Management Initiative Chapter:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/regional_program/watershed/index.shtml

Clean Water Act Section 303(d) List of impaired waters:

https://www.waterboards.ca.gov/losangeles/water_issues/programs/303d/index.html

3.11.3. Water Quality Conditions that Could Reasonably be Achieved Through the Coordinated Control of All Factors Which Affect Water Quality in the Area

The water quality objectives implemented by the Order have already been established in the Basin Plan and other water quality control plans through a separate regulatory process, and those water quality objectives were deemed reasonable and achievable when they were promulgated in order to protect beneficial uses. The Los Angeles Water Board regulates different types of surface water discharges to attain water quality objectives, including publicly owned treatment works, dewatering activities, groundwater cleanup activities, MS4 discharges, agricultural discharges, and littering. These discharges are regulated through NPDES permits, waste discharge requirements, waivers of waste discharge requirements, and memorandums of understanding in accordance with State and federal law, regulation, and policy. The regulatory mechanisms are issued as part of a watershed management approach, often according to a TMDL program of implementation, to ensure coordinated implementation by all sources at the watershed scale to attain water quality objectives.

With respect to stormwater specifically, the Los Angeles Water Board and State Water Board regulate many types of stormwater discharges, including those of municipalities, universities and other non-traditional Phase II discharges, industrial sites, construction sites, and state agencies like Caltrans. The Permittees subject to the Order are not solely responsible for ensuring that water quality objectives in the receiving waters are met; rather, achieving and maintaining water quality objectives is a coordinated effort and all regulated dischargers must contribute. That said, as previously noted in section 2.3.1 of this Fact Sheet, CII facilities are a significant source of pollutants to receiving waters and their regulation plays an important role in the achievement of water quality objectives. As an example, USEPA found that CII facilities included in the designation are responsible for approximately 32% of the total zinc load in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed. To not regulate

discharges from CII facilities would place an undue burden on other types of discharges, particularly the MS4, to which CII facilities discharge. Notably, in its residual designation, USEPA estimates that the designation of CII sources would shift approximately 41.5% of the load reduction responsibility from MS4 permittees to CII sources in the watersheds.

The application of the established water quality objectives to the Permittees' discharges is reasonably achievable. Permittees can achieve permit requirements by reducing the volume of stormwater and non-stormwater discharged into receiving waters, reducing pollutant loads to stormwater and non-stormwater through source control/pollution prevention, and removing pollutants that have been loaded into stormwater or non-stormwater before they enter receiving waters, through infiltration or treatment.

3.11.4. Economic Considerations

Dischargers may select the most cost-effective BMPs to control the discharge of pollutants from their facilities. As stated above, permittees can achieve permit requirements through a combination of source control, volume reduction, and pollutant treatment. The three compliance options included in the Order provide flexibility to discharges in determining how to achieve permit requirements. The California Stormwater Quality Association (CASQA) provides BMP handbooks with design standards and cost estimates for the types of BMPs that CII facilities could employ to comply with the permit, including infiltration, detention, biofiltration, media filtration, and good housekeeping BMPs[18]. The costs of the BMPs will vary by facility and depend on the volume of runoff from the facility, the characteristics of the area generating the runoff, and the activities occurring in those areas.

While it is important to consider the cost of compliance, it is also important to consider the costs that would be incurred by not fully regulating or controlling CII discharges to receiving waters. Failure to regulate discharges from CII facilities will result in greater pollution of the waters in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed. In addition, stormwater capture is an integral part of the compliance options for this permit. Stormwater capture and infiltration projects can enhance local communities by increasing green space, while

[18] BMP Handbooks | CASQA - California Stormwater Quality Association (accessed July 17, 2022)

promoting flood control, augmenting local water supply, and alleviating climate change effects by reducing urban heat islands.

3.11.5. The Need for Developing Housing Within the Region

The Order helps address the water needs associated with the need for housing by controlling the quality and quantity of stormwater discharges and providing compliance options that encourage stormwater a water resource. These approaches can reduce demand for potable water through beneficial use of stormwater, augment the supply of water for advanced treatment and recycling, and preserve and augment local groundwater resources thereby reducing imported water needs and increasing local water resiliency. Local water resiliency increases the region's capacity to support increases in population and the accompanying need for housing.

3.11.6. The Need to Develop and Use Recycled Water

In April 2019, Governor Newsom issued Executive Order N-10-19, ordering key agencies, including the California Environmental Protection Agency, to prepare a water resilience portfolio that meets the needs of California's communities, economy, and environment through the 21st century.[19] The draft portfolio includes a number of recommendations related to making stormwater capture a growing share of local water supply.[20] The Order helps address the need to develop and use recycled water by providing compliance options that encourage stormwater as a recycled water resource.

3.12. Total Maximum Daily Loads (TMDLs)

TMDLs are regulatory tools that provide the maximum amount of a pollutant that a water body can receive and still attain water quality standards. A TMDL is defined as the sum of the allowable loads of a pollutant from all contributing point sources (waste load allocations [WLAs]) and non-point sources (load allocations) in the watershed, plus the contribution from background sources. (40 C.F.R. § 130.2, subd. (i).) Discharges covered by this General Permit are considered to be point source discharges, and therefore must comply with effluent limitations that are "consistent with the assumptions and requirements of any available waste load allocation for the discharge prepared by the State and

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[19] Executive Department State of California Executive Order N-10-19. https://www.gov.ca.gov/wp-content/uploads/2019/04/4.29.19-EO-N-10-19-Attested.pdf.

[20] California Natural Resources Agency, California Environmental Protection Agency, and California Department of Food & Agriculture. 2020 Water Resilience Portfolio. Draft. January 3, 2020.

approved by EPA pursuant to 40 Code of Federal Regulations section 130.7." (40 CFR § 122.44, subd. (d)(1)(vii).) In addition, CWC section 13263, subdivision (a), requires that waste discharge requirements implement relevant water quality control plans.

There are currently two TMDLs for impaired waterbodies in the Alamitos Bay/Los Cerritos Channel Watershed and five TMDLs for impaired waterbodies in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed. These TMDLs are for pollutants classified into the categories of bacteria, metals, nutrients, PAHs, PCBs, pesticides, toxicity, and trash. All applicable TMDL requirements are implemented in this General Permit as effluent limitations and permit conditions. The applicable TMDLs are described below and listed in Attachment J.

Harbor Bacteria TMDL. The Los Angeles Harbor Bacteria TMDL (Harbor Bacteria TMDL), included in Chapter 7-11 of the Basin Plan, became effective on March 10, 2005. The Harbor Bacteria TMDL assigns WLAs to the City of Los Angeles and the County of Los Angeles as MS4 sources, as well as any future enrollees under a general NPDES permit, general industrial storm water permit or general construction storm water permit within the watershed draining to Inner Cabrillo Beach and the Main Ship Channel. The WLAs assigned to future sources are equal to zero days of allowable exceedances of the TMDL numeric targets. The WLAs apply as of March 10, 2010.

Harbor Toxics TMDL. The TMDL for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters (Harbor Toxics TMDL), included in Chapter 7-40 of the Basin Plan, became effective on March 23, 2012. The Harbor Toxics TMDL includes WLAs for toxicity, metals, PAHs, total DDT, PCBs, chlordane, and dieldrin. The TMDL assigns interim and final WLAs to point source discharges, including stormwater discharges (MS4, Caltrans, general construction and general industrial stormwater dischargers), other NPDES dischargers, and any future NPDES dischargers, to the freshwater portions of Dominguez Channel (above Vermont Avenue), Torrance Lateral, and the Dominguez Channel Estuary and Greater Los Angeles and Long Beach Harbor Waters**.** The interim WLAs apply as of March 23, 2012, and the final WLAs apply on March 23, 2032.

Machado Lake Trash TMDL. The Machado Lake Trash TMDL, included in Chapter 7-26 of the Basin Plan, became effective on March 6, 2008. The TMDL assigns a WLA equal to zero trash to MS4 permittees and any additional responsible jurisdictions in the future under Phase 2 of the US EPA Stormwater Permitting Program, or other applicable regulatory programs. WLAs may be attained through the implementation of certified full capture systems. The WLAs apply as of March 6, 2016.

Machado Lake Eutrophic, Algae, Ammonia, and Odors (Nutrient) TMDL. The Machado Lake Nutrient TMDL, included in Chapter 7-29 of the Basin Plan, became effective on March 11, 2009. The TMDL assigns WLAs to stormwater dischargers (MS4, Caltrans, general construction, and general industrial dischargers). The final WLAs apply as of September 11, 2018.

Machado Lake Pesticides and PCBs TMDL. The Machado Lake Pesticides and PCBs TMDL, included as Chapter 7-38 in the Basin Plan, became effective on March 12, 2012. The TMDL assigns WLAs to stormwater dischargers (MS4, Caltrans, general construction, and general industrial dischargers). The WLAs are for PCBs, Total DDT, chlordane, and dieldrin, with a 3-year averaging period. The final WLAs apply as of September 30, 2019.

Los Cerritos Channel Metals TMDL. The Los Cerritos Channel TMDL for Metals was adopted by U.S. EPA and became effective on March 17, 2010. The TMDL assigns mass-based WLAs to stormwater permittees (Los Angeles County MS4, City of Long Beach MS4, Caltrans, industrial general permit, and construction general permit) and concentration-based WLAs to existing and future minor NPDES permittees and general non-stormwater NPDES permittees. The Los Angeles Water Board adopted an implementation plan for the TMDL, which became effective on October 13, 2014, and is included as Chapter 7-32 in the Basin Plan. The implementation plan requires that the final WLAs for general industrial and construction stormwater permits apply on September 30, 2017, the final WLAs for MS4 and Caltrans permits apply on September 30, 2026, and the WLAs for non-stormwater NPDES permits apply upon permit issuance, renewal, or reopener.

Los Cerritos Channel Bacteria TMDL. The Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon Indicator Bacteria TMDL, included as Chapter 7-44 in the Basin Plan, was adopted by the Los Angeles Water Board on March 10, 2022. The TMDL will become effective upon approval by the State Water Board, Office of Administrative Law, and U.S. EPA. The TMDL assigns WLAs for *E. coli* and *Enterococcus* to any future enrollees under the Phase II MS4 permit, an individual NPDES permit, a general NPDES permit, the general industrial stormwater permit, or the general construction stormwater permit. The WLAs are assigned as a geometric mean and a statistical threshold value (STV). However, if it is not possible to calculate a geometric mean due to lack of sufficient data, then attainment of the WLAs shall be determined based on the STV.

Colorado Lagoon Organochlorine (OC) Pesticides, PCBs, Sediment Toxicity, and Metals TMDL. The Colorado Lagoon TMDL, included as Chapter 7-30 in the Basin Plan, became effective on July 28, 2011. The TMDL assigns mass-based WLAs to the five major storm drain outfalls that currently discharge to the lagoon Long Beach MS4 and Caltrans. The TMDL assigns concentration-based waste load allocations to minor NPDES permits, other stormwater, and

non-stormwater permittees. Any future minor NPDES permits or enrollees under a general non-stormwater NPDES permit, general industrial stormwater permit or general construction permit will also be subject to the concentration-based waste load allocations. The WLAs are for PCBs, PAHs, DDT, chlordane, dieldrin, lead, and zinc. The WLAs apply as of July 28, 2018.

3.13. Endangered Species Act Requirements

This Order does not authorize an 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 sections 2050 to 2097) or the Federal Endangered Species Act (16 USCA sections 1531 to 1544). This Order requires compliance with receiving water limits and other requirements to protect beneficial uses. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

3.14. NPDES Electronic Reporting Rule (e-Rule)

Part 127 of 40 CFR requires NPDES permittees to electronically report information and also requires authorized states implementing the NPDES program to ensure that the required minimum set of data in 40 CFR part 127, Appendix A, is electronically transferred to USEPA in a “timely, accurate, complete and nationally consistent manner fully compatible with USEPA’s national NPDES data system.” The rule does not add new reporting requirements on NPDES regulated entities; rather it substitutes paper-based filings with electronic transmission.

3.15. Advancing Measures to Mitigate and Adapt to Climate Change

The predicted impacts of climate change in Southern California include an increase in temperatures, heightened frequency of extreme weather conditions including extreme precipitation events and drought, along with sea level rise. At the local scale, within urbanized areas, these changes may directly impact groundwater and surface water supply; drainage, flooding, and erosion patterns; economically distressed communities; and ecosystems and habitat.

In recognition of the challenges posed by climate change, the State Water Board adopted on March 7, 2017, a resolution 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). In conjunction with the State Water Board’s Resolution, the Los Angeles Water Board adopted “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 lists 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. In addition, Executive Order N-10-19, signed on April 29, 2019, directs the California Natural Resources Agency (CNRA), the California Environmental Protection Agency (CalEPA), and the California Department of Food and Agriculture (CDFA) to prepare a water resilience portfolio that meets the needs of California's communities, economy, and environment, and expand and/or reassess the priorities in the California Water Action Plan. The order directs agencies to prioritize multi-benefit approaches, natural infrastructure, innovation and new technologies, regional approaches, integration across state government, and partnerships across governments.

The Order follows the guiding principles of the State and Los Angeles Water Boards resolutions (No. 2017-0012 and No. R18-004) as well as Executive Order N-10-19 by contributing to an adaptive climate change and water resilience strategy. Through compliance options that encourage onsite and off-site infiltration and reuse projects, stormwater and non-stormwater runoff can be captured, infiltrated, and used to mitigate periodic drought conditions, reduce flood hazards and erosion rates, and recharge depleted groundwater aquifers and other water supply sources, all while reducing pollutant loads, maintaining beneficial uses in receiving waters and improving community health.

3.16. Advancing Racial Equity

In accordance with the Water Boards' Racial Equity Initiative, formally launched on August 18, 2020, the Order requires all Permittees to meet water quality standards to protect public health and the environment, thereby benefitting all persons and communities within the Region. The Los Angeles Water Board is committed to developing and implementing policies and programs to advance racial equity and environmental justice so that race can no longer be used to predict life outcomes, and outcomes for all groups are improved.

3.17. Other Plans, Policies and Regulations

The Order implements all other applicable federal regulations and State plans, policies, and regulations.

4. RATIONALE FOR REQUIREMENTS IN THIS GENERAL PERMIT

4.1. General Permit Issuance

Concurrent with USEPA's designation, the Los Angeles Water Board, pursuant to 40 CFR section 122.26(a)(9)(i)(C) and (D), is issuing this General Permit for applicable CII facilities. 40 CFR section 122.28(a)(1)(vii) allows a General Permit

to issue that covers one or more categories or subcategories of discharges in an area that corresponds with existing geographic or political boundaries, or any other appropriate division or combination of boundaries. The Los Cerritos/Alamitos Bay and Dominguez Channel/Greater Los Angeles and Long Beach Harbors watersheds are two such appropriate divisions and boundaries.

Section 122.28(a)(2)(i) of 40 CFR provides for issuance of general NPDES permits to regulate stormwater point sources. Section 122.28(a)(2)(ii) pertains to point sources other than stormwater point sources. General NPDES permits enable the Los Angeles Water Board to expedite the processing of requirements, simplify the application process for Dischargers, better utilize limited staff resources, and avoid the expense and time involved in repetitive public noticing, hearings, and permit adoptions.

In accordance with 40 CFR section 123.25, the Los Angeles Water Board must meet general program requirements prior to the re-issuance and adoption of a general NPDES permit. General program requirements include preparing the draft General NPDES Permit, public noticing, allowing a public comment period, and conducting a public hearing. To meet these requirements, the Los Angeles Water Board prepared a draft General Permit. The draft General Permit was sent to interested parties on <DATE> for comments. A public hearing to receive testimony from interested parties was scheduled for <DATE>. The Notice of Public Hearing was sent to the interested party list at the same time as the draft General Permit.

4.2. General Permit Coverage Requirements

This General Permit provides regulatory coverage for stormwater discharges and authorized NSWDs from unpermitted, privately owned commercial, industrial, and institutional (CII) facilities with greater than or equal to five (5) acres of impervious cover, excluding airports and permitted CII sites with five (5) or more acres of total area that have been directed by the Los Angeles Water Board to obtain coverage specifically under this General Permit per the authority in 40 CFR 122.26(a)(i)(C) and (D).

4.2.1. Obtaining General Permit Coverage

4.2.1.1. The Los Angeles Water Board has utilized the SMARTS online database system to handle registration and reporting under this General Permit. More information regarding SMARTS and access to the database is available online at. The Los Angeles Water Board has determined that all documents related to enrollment and compliance must be certified and submitted via SMARTS by Dischargers.

4.2.1.2. This General Permit requires all Dischargers to electronically certify and submit Permit Registration Documents via SMARTS to obtain regulatory

coverage. The Los Angeles Water Board is estimating that 640 Dischargers may be registering for coverage under this General Permit.

4.2.1.3. Dischargers shall electronically certify and submit the Permit Registration Documents via SMARTS for each individual facility. This requirement is intended to establish a clear accounting of the name, address, and contact information for each Discharger, as well as a description of each Discharger's facility.

4.2.2. **Changes to General Permit Coverage**

4.2.2.1. Dischargers who no longer operate a facility required to be covered under this General Permit are required to electronically certify and submit via SMARTS a Notice of Termination (NOT). An NOT is required when there is a change in ownership of the activities subject to this General Permit or when such activities are permanently discontinued by the Discharger at the site. When terminating coverage, Dischargers may only submit an NOT once all exposure of commercial and/or industrial materials and equipment have been eliminated. Dischargers may not submit NOTs for temporary or seasonal facility closures.

4.3. **Discharge Prohibitions**

This General Permit covers stormwater discharges and authorized NSWDs as described in Table F-1 of this Fact Sheet, and prohibits any discharge of materials other than stormwater and authorized NSWDs (section 5 of the Order). This includes any discharge of trash per the Trash Provisions. It is a violation of this General Permit to discharge hazardous substances in stormwater in excess of the reportable quantities established in 40 CFR sections 117.3 and 302.4.

4.4. **Non-Stormwater Discharges (NSWDs)**

Unauthorized NSWDs can be generated from various pollutant sources. Depending upon their quantity and location where generated, unauthorized NSWDs can discharge to the storm drain system during dry weather as well as during a storm event (comingled with stormwater discharge). These NSWDs can consist of, but are not limited to; (1) waters generated by the rinsing or washing of vehicles, equipment, buildings, or pavement, or (2) fluid, particulate or solid materials that have spilled, leaked, or been disposed of improperly. Section 5 of the Order provides a limited list of NSWDs that are authorized if Dischargers implement BMPs to prevent contact with industrial materials prior to discharge. Emergency firefighting related discharges are not subject to this General Permit.

4.5. Requirements for Stormwater Pollution Prevention Plans

4.5.1. This General Permit requires that all Dischargers with coverage develop, implement, and retain onsite a site-specific Stormwater Pollution Prevention Plan. The Discharger is required to include in its Stormwater Pollution Prevention Plan (section 6 of the Order) a site map, authorized NSWDs at the facility, and an identification and assessment of potential pollutants sources resulting from exposure of the permitted activities to stormwater.

This General Permit also requires that Dischargers clearly describe the BMPs that are being implemented in the Stormwater Pollution Prevention Plan. In addition to providing descriptions, Dischargers must also describe who is responsible for the BMPs, where the BMPs will be installed, how often and when the BMPs will be implemented, identify any pollutants of concern, and, for dischargers selecting Compliance Option 3, a site-specific monitoring plan.

Failure to develop or implement an adequate Stormwater Pollution Prevention Plan, or update or revise an existing Stormwater Pollution Prevention Plan as required, is a violation of this General Permit. Failure to maintain the Stormwater Pollution Prevention Plan on-site and have it available for inspection is also a violation of this General Permit.

4.5.2. The Los Angeles Water Board has selected minimum BMPs (section 6.1.5 of the Order) that are generally applicable at all facilities. Due to the diverse CII sites covered by this General Permit, the development of a more comprehensive list of minimum BMPs is not currently feasible. The selection, applicability, and effectiveness of a given BMP is often related to facility-specific facts and circumstances.

4.6. Effluent Limitations

4.6.1. Authority

The CWA requires point source dischargers to control the amount of conventional, nonconventional, 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. Section 122.44(a) requires that permits include applicable technology-based limitations and standards; and 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.

4.6.2. Basis for Technology-Based Effluent Limitations (TBELs)

Section 301(b) of the CWA and implementing USEPA permit regulations at 40 CFR section 122.44(a) require that permits include conditions meeting applicable technology-based requirements at a minimum. The CWA sets forth standards for TBELs based on the type of pollutant or the type of facility/source involved. The CWA establishes two levels of pollution control for existing sources. For the first level, existing sources that discharge pollutants directly to receiving waters were initially subject to effluent limitations based on the "best practicable control technology currently available" (BPT). (33 U.S.C. § 1314(b)(1)(B).) BPT applies to all pollutants. For the second level, existing sources that discharge conventional pollutants are subject to effluent limitations based on the "best conventional pollutant control technology" (BCT). (33 U.S.C. §1314(b)(4)(A); see also 40 C.F.R. §401.16 (list of conventional pollutants).) Also for the second level, other existing sources that discharge toxic pollutants or "nonconventional" pollutants ("nonconventional" pollutants are pollutants that are neither "toxic" nor "conventional") are subject to effluent limitations based on "best available technology economically achievable" (BAT). (33 U.S.C. §1311(b)(2)(A); see also 40 C.F.R. §401.15 (list of toxic pollutants).) The factors to be considered in establishing the levels of these control technologies are specified in section 304(b) of the CWA and in U.S. EPA's regulations at 40 C.F.R. §125.3. In some cases, new sources of discharges are subject to heightened performance standards known as New Source Performance Standards (NSPS). NSPS represent the most stringent controls attainable through the application of the best available demonstrated control technology for all pollutants (i.e., conventional, nonconventional, and toxic pollutants). (33 U.S.C. § 1316.) The CWA also requires U.S. EPA to develop national effluent limitations, guidelines and standards (ELGs) on an industry-by-industry basis. 40 Code of Federal Regulations, Chapter I, Subchapter N ("Subchapter N"), includes over 40 separate industrial categories where the U.S. EPA has established ELGs for new and existing industrial wastewater discharges to surface waters, discharges to publicly owned treatment works (pre-treatment standards), and stormwater discharges to surface waters. When establishing ELGs for an industrial category, U.S. EPA evaluates a wide variety of technical factors to determine BPT, BCT, BAT and/or NSPS. U.S. EPA considers the specific factors of an industry such as pollutant sources, industrial processes, and the size and scale of operations. U.S. EPA evaluates the specific treatment, structural, and operational source control BMPs available to reduce or prevent pollutants in the discharges. The costs of implementing BMPs to address these factors are weighed against their effectiveness and ability to protect water quality. Factors such as industry economic viability, economies of scale, and retrofit costs are also considered. In establishing NSPS, U.S. EPA considers the cost of achieving the effluent reduction and any non-water quality environmental impacts and energy requirements.

Federal regulations at Subchapter N establish ELGs for industrial stormwater discharges from facilities in eleven industrial sectors. This General Permit only includes storm water ELGs for facilities subject to 40 Code of Federal Regulations parts 419, petroleum refining point source category and 443, paving and roofing materials (tars and asphalt) point source category, which are industrial sectors that are existing in the two watersheds at the time U.S. EPA's residual designation of CII facilities in these two watersheds becomes effective. The ELG for these sectors are in Attachment K.

The TBELs in this Order represent the BPT (for conventional, toxic, and non-conventional pollutants), BCT (for conventional pollutants), and BAT (for toxic pollutants and non-conventional pollutants) levels of control for the applicable pollutants. Where U.S. EPA has not promulgated ELGs for a particular discharge, this Order includes TBELs established on best professional judgment. TBELs in this Order are expressed as requirements for implementation of effective BMPs. (40 CFR §122.44(k).) This General Permit (Section 6) requires all Dischargers to develop and implement Stormwater Pollution Prevention Plans (SWPPPs), including minimum BMPs. In addition, this General Permit requires Dischargers to implement more advanced BMPs that are necessary to adequately reduce or prevent pollutants in discharges to achieve WQBELs. These requirements, together, ensure that the BCT/BAT standards are achieved consistent with the TBEL in section 7.1.1 of the Order.

The minimum BMPs specified in this General Permit represent common practices that can be implemented by most CII facilities. This General Permit generally does not mandate the specific mode of design, installation or implementation for the minimum BMPs at a Discharger's facility. It is up to the Discharger, in the first instance, to determine what must be done to meet the applicable effluent limits. For example, section 6.1.5.1.6 of this General Permit requires Dischargers to contain all stored non-solid industrial materials that can be transported or dispersed via wind or contact with storm water. How this is achieved will vary by facility: for some facilities, all activities may be moved indoors, while for others this will not be feasible. However, even for the latter, many activities may be moved indoors, others may be contained using tarps or a containment system, while still other activities may be limited to times when exposure to precipitation is not likely. Each of these control measures is acceptable and appropriate depending upon the facility-specific circumstances. BMPs can be actions (including processes, procedures, schedules of activities, prohibitions on practices and other management practices), or structural or installed devices to reduce or prevent water pollution. (40 C.F.R. § 122.2.) They can be anything that is effective at preventing pollutants from entering the environment, and for meeting applicable limits of this General Permit. In this General Permit, Dischargers are required to select, design, install, and implement facility-specific control measures to meet these limits. Many CII facilities already have such control measures in place for product loss

prevention, accident and fire prevention, worker health and safety or to comply with other environmental regulations. Dischargers must tailor the BMPs detailed in this General Permit to their facilities, as well as improve upon them as necessary to meet permit limits. The objective of some BMPs will be prevention and for others will be treatment, particularly where a facility might otherwise cause or contribute to an exceedance of water quality standards.

4.6.3. Basis for Water Quality Based Effluent Limitations (WQBELs)

Section 402(p) of the CWA 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 mandates 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 or criteria. Where reasonable potential has been established for a pollutant, but there is no numeric objective or criterion for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA 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 40 CFR section 122.44(d)(1)(vi). WQBELs must also be consistent with the assumptions and requirements of TMDL WLAs approved by USEPA.

In this Order, WQBELs are included where the Los Angeles Water Board has determined that discharges from CII facilities have the reasonable potential to cause or contribute to an excursion above water quality standards. Reasonable potential can be demonstrated in several ways, one of which is through the TMDL development process. Where a point source is assigned a WLA in a TMDL, the analysis conducted in the development of the TMDL provides the basis for the Los Angeles Water Board's determination that the discharge has the reasonable potential to cause or contribute to an exceedance of water quality standards in the receiving water. This approach is affirmed in USEPA's Permit Writer's Manual, which states, "[w]here there is a pollutant with a WLA from a TMDL, a permit writer must develop WQBELs." In this Order, WQBELs are included as numeric WQBELs in accordance with EPA guidance (US EPA Memorandum "Revisions to the November 22, 2002 Memorandum 'Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs'" (November 26, 2014) (2014 Memo)). Specifically, the 2014 Memo recommends that the WQBELs be clear, specific, measurable, and numeric where feasible.

40 CFR section 122.28(a)(3) provides that where sources within a specific category or subcategory of dischargers are subject to water quality-based limits pursuant to section 122.44, the sources in that specific category or subcategory shall be subject to the same water quality-based effluent limitations. This is the case with CII facilities in this general NPDES permit.

4.6.3.1. **Pollutants in TMDLs and WLA Translation**

NPDES permits must contain effluent limits and conditions consistent with the requirements and assumptions of the WLAs in TMDLs. (40 CFR § 122.44(d)(1)(vii)(B).) In addition, CWC section 13263 requires that waste discharge requirements implement any relevant Water Quality Control Plans. (CWC § 13263, subd. (a).) The currently effective TMDLs for the two watersheds subject to this permit are listed in Attachment J and section 2.3.2 of this Fact Sheet. The WLAs in these TMDLs were analyzed and translated into prohibitions or numeric WQBELs consistent with federal regulation and related guidance (40 CFR 122.44(d)(1); 2014 Memo). In general, for all the TMDLs, dry-weather WLAs are incorporated as discharge prohibitions and wet-weather WLAs are incorporated as numeric WQBELs. The numeric WQBELs are feasible to calculate because in most cases they are direct incorporations of the WLAs. The numeric WQBELs are also clear, measurable, and will ensure that TMDL waterbodies are restored to their beneficial uses. In some cases, TMDL-specific WLA interpretations are necessary due to the variation of requirements in the TMDLs. For example, some TMDLs assign WLAs to all current and future point sources, thus specifically including CII facilities. Other TMDLs do not specifically assign WLAs to CII facilities but do assign WLAs to stormwater discharges and, in particular, MS4 discharges. Since the designation of CII facilities reflects their contribution to the overall pollutant loading within the MS4[21], the WLAs for MS4 discharges are applicable to CII facilities and are incorporated into this Order. The manner of WLA incorporation into this Order is discussed in the paragraphs below for each individual TMDL.

Harbor Bacteria TMDL. The WLAs assigned to “any future enrollees under a general NPDES permit” are incorporated into this Order as WQBELs. The WQOs used to develop the WLAs in the Bacteria TMDL were the multipart bacteria WQOs for total coliform, fecal coliform, and enterococcus in the Basin Plan at the time the TMDL was established. This Order includes bacteria WQBELs based on the updated multipart bacteria WQOs included

[21] U.S. EPA estimates that the designation of CII facilities greater than 5 acres would shift the zinc load reduction responsibility from the MS4 permittees to these CII facilities by 41.5%.

in the Bacteria Provisions for discharges subject to the TMDL, in order to apply consistent bacteria WQBELs for all discharges covered by this Order. Both the WQOs that were in the Basin Plan at the time the TMDL was established and the updated WQOs in the Bacteria Provisions are based on indicator bacteria density thresholds, and both protect beneficial uses.

Harbor Toxics TMDL. The WLAs assigned to "any future NPDES dischargers" are incorporated into this Order as WQBELs. The interim WLAs are incorporated as WQBELs. The final WLAs are incorporated as WQBELs that apply on March 23, 2032. Final WLA deadlines are included in permit even if they are beyond the permit term to ensure enforceability if the permit is not reissued within five years. For the freshwater portion of the Dominguez Channel and Torrance Lateral:

- The interim WLA of 2 TUc is implemented as a trigger requiring initiation and implementation of the TRE/TIE process as outlined in US EPA's "Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program" (2000) in accordance with TMDL implementation language.
- The final WLA of 1 TUc is incorporated as a numeric WQBEL as a monthly median in accordance with TMDL implementation language.
- The interim concentration-based WLAs for metals are incorporated as concentration-based numeric WQBELs as instantaneous maximum values in accordance with TMDL implementation language and CWA implementing regulations and guidance.
- The final mass-based WLAs for metals are incorporated as concentration-based numeric WQBELs equal to CTR total metals criteria in accordance with TMDL implementation language (compliance option c on page 13 of the TMDL). A hardness of 50 mg/L as $CaCO_3$ is assumed.

For the Dominguez Channel Estuary and Greater Los Angeles and Long Beach Harbor Waters:

- The interim concentration-based sediment allocations for copper, lead, zinc, DDT, PAHs, and PCBs are incorporated as concentration-based numeric WQBELs in the storm-borne sediment discharge over a three-year averaging period in accordance with TMDL implementation language (compliance option c on page 11 of the TMDL).
- The final WLAs assigned to non-MS4 sources for metals and PAHs are incorporated as concentration-based numeric WQBELs as instantaneous maximum values in accordance with TMDL implementation language and CWA implementing regulations and guidance. The TMDL states that the averaging period for the WLAs shall be consistent with the CTR and relevant implementation guidance.

Rather than calculating a separate average monthly and daily maximum WQBEL for the CTR criteria, the WLAs are incorporated directly as instantaneous maximum values, which is more practical given the nature of CII facilities and the monitoring requirements in this Order.

- The final concentration-based sediment WLAs for mercury in Consolidated Slip and Fish Harbor, cadmium in Dominguez Channel Estuary and Consolidated Slip, and chromium in Consolidated Slip are incorporated as concentration-based numeric WQBELs in the storm-borne sediment discharge in accordance with TMDL implementation language (compliance option a on page 17 of the TMDL).

Machado Lake Trash TMDL. The WLAs assigned to "any additional responsible jurisdictions in the future under Phase 2 of the US EPA Stormwater Permitting Program" are incorporated into this Order as WQBELs. The compliance date for the trash WLA has passed. The WLA is incorporated as a prohibition consistent with the assumptions and requirements of the wasteload allocations. Pursuant to California Water Code section 13360(a), Permittees may comply with the trash prohibition using any lawful means, including the implementation of certified full capture systems, in accordance with TMDL implementation language. If implementing full capture system, a Permittee shall be in compliance with the prohibition if all drainage areas on the facility property are serviced by appropriate certified full capture systems.

Machado Nutrients TMDL. The TMDL does not explicitly assign WLAs to CII facilities. However, the TMDL assigns grouped WLAs to stormwater discharges (MS4, Caltrans, general construction, and general industrial). The MS4 WLAs are applicable to the CII facilities because CII facilities are within the footprint of the MS4 and contribute to the pollutant loading in the MS4. The WLAs are concentration-based and easily translated to WQBELs for CII facilities. The compliance date for the final nutrient WLAs has passed.. The final WLAs of 0.1 mg/L for total phosphorus and 1.0 mg/L for total nitrogen (TKN + NO3 -N + NO2 –N) are incorporated as numeric WQBELs as monthly averages in accordance with TMDL implementation language. Permittees may also comply with WQBELs by actively participating in the Lake Water Quality Management Plan (LWQMP) developed by the City of Los Angeles and memorialized in a Memorandum of Agreement with the Los Angeles Water Board to attain receiving water limitations in the Lake.

Machado Lake Pesticides and PCBs TMDL. The TMDL does not explicitly assign WLAs to CII facilities. However, the TMDL assigns grouped WLAs to stormwater discharges (MS4, Caltrans, general construction, and general industrial). The MS4 WLAs are applicable to the CII facilities because CII facilities are within the footprint of the MS4 and contribute to the pollutant

loading in the MS4. The WLAs are concentration-based and easily translated to WQBELs for CII facilities. The compliance date for the final pesticide WLAs has passed. The final WLAs for PCBs, Total DDT, chlordane, and dieldrin are incorporated as numeric WQBELs as a three-year average in accordance with TMDL implementation language. To determine compliance, Permittees shall monitor pollutant concentrations of the storm-borne sediment discharged from the facility. Sampling shall be designed to collect sufficient volumes of suspended solids to allow for analysis of pollutants in the bulk sediment.

Los Cerritos Channel Metals TMDL. The TMDL does not explicitly assign WLAs to CII facilities. However, the TMDL assigns grouped WLAs to stormwater discharges that are apportioned between MS4 permittees, Caltrans, and general industrial and general construction permittees based on their relative areas in the watershed. Since the CII facilities subject to this Order lie within the boundaries of the MS4, CII facility discharges are accounted for in the MS4 WLAs.

The final wet-weather mass-based WLAs assigned for copper, lead, and zinc are incorporated into this Order as numeric WQBELs that apply on September 30, 2026. Final WLA deadlines are included in permit even if they are beyond the permit term to ensure enforceability if the permit is not reissued within five years. For ease of implementation, the final mass-based WLAs are incorporated into the Order as concentration-based WQBELs. Demonstrating compliance with concentration-based values rather than mass-based values is more practical given the nature of monitoring requirements in the Order. The wet-weather mass-based WLAs are expressed as equations. In the Order, the terms of these equations have been rearranged to express WQBELs as an “effective concentration” of a metal that when multiplied by the volume of flow in the river for the assessed day (i.e., the daily volume in liters) gives the calculated effluent limitation as a load:

$$Effluent\ Limitation = (Effective\ Concentration)\ x\ (daily\ volume)$$

As an example, the grouped wet-weather effluent limitation for copper in for the Los Angeles County MS4 permittees is a load expressed as grams per day:

$$Effluent\ Limitation = (4.709\ x\ 10{-}6)\ x\ (daily\ volume)$$

Setting the two equations equal and rearranging the variables to solve for the “effective concentration” the equation becomes:

$$(Effective\ Concentration)\ x\ (daily\ volume) = (4.709\ x\ 10{-}6)\ x\ (daily\ volume)$$

$Effective\ Concentration$ = (4.709 x 10−6) x $(daily\ volume)(daily\ volume)$

$Effective\ Concentration$ = 4.709 x 10−6

This equation results in an effective concentration for copper expressed as g/L; to convert to µg/L, apply the conversion factor 1 g = 1 x 106 µg:

$Effective\ Concentration\ (\mu gL)$= 4.7

The same methodology is applied to the WLAs assigned to the Long Beach MS4 Permit and the results are added to obtain the concentration WQBELs for the Los Cerritos Channel Metals TMDL.

This methodology for determining effective concentrations is consistent with the assumptions and requirements of these TMDLs because the equations are the same as the WLA equations assigned by the TMDLs; the terms have merely been rearranged for ease of compliance determination.

Los Cerritos Channel Bacteria TMDL. The WLAs assigned to "any future enrollees under the Phase II MS4 permit, an individual NPDES permit, a general NPDES permit, the general industrial stormwater permit, or the general construction stormwater permit" are incorporated into this Order as WQBELs. The WLAs and WQBELs are based on the updated multipart bacteria WQOs included in the Bacteria Provisions. Only the WLAs assigned as an STV are incorporated as WQBELs because there is insufficient sampling to demonstrate compliance with geometric mean WQBELs.

Colorado Lagoon Organochlorine (OC) Pesticides, PCBs, Sediment Toxicity, and Metals TMDL. The compliance date for the WLAs has passed. The WLAs assigned to "other stormwater permittees" are incorporated into this Order as WQBELs . The WQBELs are applied as average monthly limits in accordance with TMDL implementation language.

4.6.3.2. Pollutants in 303(d) Listed Waterbodies

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. Section 303(d) of the CWA requires States to identify specific waterbodies that do not meet water quality standards. Certain receiving waters in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed are on the 2018 CWA 303(d) list of

impaired waterbodies. Pollutants in these waterbodies for which TMDLs have not yet been developed include:

Indicator bacteria in the Dominguez Channel and Dominguez Channel Estuary

Dissolved oxygen in Alamitos Bay

Bis (2-ethylhexyl) phthalate, chlordane, trash, ammonia, and pH in Los Cerritos Channel.

In U.S. EPA's residual designation, it determined that the CII facilities subject to this Order contribute to violations of water quality standards. Because the 303(d) list reflects the standards that have been violated, U.S. EPA's residual designation implicitly applies to the specific pollutants on the 303(d) list.

In addition, as discussed in Section 3.1, both national and local land use studies demonstrate that CII facilities are a source of pollutants, such as bacteria, ammonia, pH, and PAHs, due to their high percentage of impervious surfaces.

Therefore, this Order determines that there is a reasonable potential for discharges from CII facilities to contribute to violations of the standards for the 303(d)-listed pollutants: chlordane, bis (2-ethylhexyl) phthalate, ammonia, bacteria, and pH.

This Order assigns prohibitions or numeric WQBELs for the 303(d)-listed pollutants consistent with U.S. EPA guidance (2014 Memo). The numeric WQBELs are feasible to calculate because they are based on numeric water quality objectives and criteria. The numeric WQBELs are also clear, measurable, and will ensure that impaired waterbodies are restored to their beneficial uses.

This Order establishes numeric WQBELs for bis (2-ethylhexyl) phthalate and chlordane based on CTR water quality criteria for protection of human health (consumption of organisms). The Order establishes numeric WQBELs for ammonia based on the 1-hr water quality objectives for ammonia in the Basin Plan. The Order establishes numeric WQBELs for pH based on the water quality objective for pH in the Basin Plan; an instantaneous minimum limitation of 6.5 and an instantaneous maximum limitation of 8.5 for pH are included. The Order establishes numeric WQBELs for bacteria based on the water quality objectives in the Bacteria Provisions. The impairment for trash is addressed through a prohibition in accordance with the Trash Provisions.

An effluent limit is not established for dissolved oxygen to address the dissolved oxygen listing in Alamitos Bay. Dissolved oxygen is a response indicator and is not discharged by any source but is rather caused by the discharge of other pollutants and environmental conditions.

4.7. Stringency of Requirements for Individual Pollutants

This Order contains both technology-based and water quality-based effluent limitations for individual pollutants. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. These limitations are not more stringent than required by the CWA. Water quality-based effluent limitations 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. Most beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to 40 CFR section 131.21(c)(1). The remaining water quality objectives and beneficial uses implemented by this Order were approved by USEPA and are applicable water quality standards pursuant to section 131.21(c)(2). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

4.8. Antidegradation Analysis

Federal regulations at 40 CFR section 131.12 require that state water quality standards include an antidegradation policy consistent with federal requirements. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16 ("Statement of Policy with Respect to Maintaining High Quality of Waters in California"). Where the federal antidegradation policy is applicable, the State Water Board has interpreted Resolution No. 68-16 to incorporate the federal antidegradation policy.[22] The permitted discharge must be consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution No. 68-16. Resolution No. 68-16 and 40 CFR section 131.12 require that high quality waters be maintained unless degradation is justified based on specific findings. The Los Angeles Water Board finds that the permitted discharges authorized by this Order are consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution No. 68-16, as set forth herein.

In the context of this general NPDES permit, compliance with the federal antidegradation policy requires consideration of the following. First, the Los Angeles Water Board must ensure that "existing instream uses and the level of water quality

[22] State Water Board Order WQ 86-17 *(Fay)*, pp. 16-19.

necessary to protect the existing uses" are maintained and protected.[23] Second, if the baseline quality of a waterbody for a given constituent "exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected" through the requirements of the Order unless the Los Angeles Water Board makes findings that: (1) any lowering of the water quality is "necessary to accommodate important economic or social development in the area in which the waters are located"; (2) "water quality adequate to protect existing uses fully" is ensured; and (3) "the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control" are achieved.[24] Before allowing any lowering of high quality water, the Board must conduct an analysis of alternatives that evaluates practicable alternatives that would prevent or lessen the degradation associated with the discharges permitted. In the context of 40 CFR § 131.12(a)(2)(ii), practicable means "technologically possible, able to be put into practice, and economically viable."[25]

The Order must also comply with any requirements of State Water Board Resolution No. 68-16 beyond those imposed through incorporation of the federal antidegradation policy.[26] Resolution No. 68-16 requires findings that any lowering of water quality is "consistent with the maximum benefit to the people of the State" and "will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies" and further that the discharge is subject to "waste discharge requirements which will result in the best practicable treatment or control of the discharge."[27] The baseline

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[23] 40 CFR § 131.12(a)(1). This provision has been interpreted to mean that, "[i]f baseline water quality is equal to or less than the quality as defined by the water quality objective, water quality shall be maintained or improved to a level that achieves the objectives." (State Water Board, Administrative Procedures Update, Antidegradation Policy Implementation for NPDES Permitting, 90-004 (APU 90-004), p. 4.)

[24] 40 CFR § 131.12(a)(2).

[25] 40 CFR § 131.3(n).

[26] See State Water Board Order WQ 86-17 (*Fay)*, p. 23, fn. 11.

[27] State Water Board Resolution No. 68-16, Resolve 2. Best practicable treatment or control is not defined in Resolution No. 68-16; however, the State Water Board has evaluated what level of treatment or control is technically achievable using "best efforts." (See State Water Board Orders WQ 81-5 (*City of Lompoc*), WQ 82-5 (*Chino Basin Municipal Water District)*, WQ 90-6 (*Environmental Resources Protection Council*).) A Questions and Answers document on Resolution No. 68-16 by the State Water Board states as follows: "To evaluate the best practicable treatment or control method, the

quality considered in making the appropriate findings is the best quality of the water since 1968, the year of adoption of Resolution No. 68-16, or a lower level if that lower level was allowed through a permitting or other regulatory action, such as establishing a water quality objective, that was consistent with the federal and state antidegradation policies.[28] The following analysis assumes, without deciding, that the baseline for antidegradation analysis is 1968.[29]

The Board Is Not Required to Make Waterbody by Waterbody and Pollutant by Pollutant Antidegradation Findings:
The Los Angeles Water Board finds that it is not required to conduct a waterbody by waterbody and pollutant by pollutant antidegradation analysis for this Order. The State Water Board makes this finding for two reasons. First, the Administrative Procedures Update, Antidegradation Policy Implementation for NPDES Permitting, 90-004 (APU 90-004), which specifies a waterbody by waterbody and pollutant by pollutant analysis for some permitting actions, does not address permitting for diffuse stormwater discharges. Second, APU 90-004 itself indicates that a waterbody by waterbody and pollutant by pollutant analysis is only required when conducting a "complete" antidegradation analysis; a complete analysis, in turn, is not required where any "reduction in water quality is temporally limited and would not result in any long-term deleterious effects on water quality."[30] Here, the permit

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discharger should compare the proposed method to existing proven technology; evaluate performance data, e.g. through treatability studies; compare alternative methods of treatment or control; and/or consider the method currently used by the discharger or similarly situated dischargers . . .The costs of the treatment or control should also be considered . . . ." (Questions and Answers, Resolution No. 68-16, State Water Board (Feb. 16, 1995), pp. 5-6.)

[28] APU 90-004, p. 4. The baseline for application of the federal antidegradation policy is 1975, which is the date used in 40 CFR § 131.3(e) to define existing uses of a waterbody. For state antidegradation requirements, see also *Asociacion de Gente Unida por el Agua (AGUA) v. Central Valley Water Board* (2012) 210 Cal.App.4th 1255,1270. The baseline for the application of the state antidegradation policy is generally the highest water quality achieved since 1968, the year the policy was adopted.

[29] The baseline may be later than 1968 because the appropriate baseline is determined by the date on which a policy establishing the level of water quality to protect was effective. (Resolution 68-16, Resolve 1.) The Region's Basin Plan and applicable statewide water quality control plans have been updated and amended several times since their original adoptions dates, as early as 1971 for the Region's Basin Plan, to include new or revised water quality objectives.

[30] APU 90-004, p. 2.

requires compliance with a non-stormwater discharge prohibition, receiving water limitations, and water quality-based effluent limits designed to bring discharges and receiving waters into compliance with water quality objectives. The discussion below elaborates on these two reasons.

APU 90-004 is a State Water Board internal guidance document establishing methods for implementing the federal and state antidegradation policies in NPDES permits. APU 90-004 suggests that an antidegradation analysis requires a pollutant by pollutant and waterbody by waterbody analysis in certain contexts, specifically where the discharge at issue is a discrete discharge from a singular facility, such as discharges from publicly owned treatment works. However, APU 90-004 has limited value when considering antidegradation in the context of stormwater discharges from diffuse sources, conveyed through multiple outfalls, with multiple pollutants impacting multiple water bodies.[31] This interpretation is sensible for this Order, given that reliable data on the baseline water quality is not readily available since 1968.

The Los Angeles Water Board additionally finds that, even if APU 90-004 applies to the issuance of this Order, it requires at most a "simple" antidegradation analysis. APU 90-004 contemplates that a "simple" antidegradation analysis is appropriate under specified circumstances. In particular, as stated above, APU 90-004 states that a simple antidegradation analysis is allowed when the "[Water] Board determines the reduction in water quality is temporally limited and will not result in any long-term deleterious effects on water quality; e.g., will cease after a storm event is over."[32]

APU 90-004 does not provide guidance on the scope and content of a simple antidegradation analysis. Nor does it define the terms "temporally limited" or "long term." Those terms must therefore be interpreted in the context of the types of discharges being permitted and with deference to the best professional judgment of the Los Angeles Water Board. CII stormwater discharges fit within the example provided by the APU and are temporal and inherently short-term. Therefore, any

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[31] The State Water Board held so in Order WQ 2015-0075 regarding discharges from municipal separate storm sewer systems (MS4s). Stormwater discharges from CII Facilities represent a subset of discharges from MS4s, so the comparison is reasonable. In *Natural Resources Defense Council v. State Water Resources Control Board*, the superior court did not invalidate this particular conclusion. (Super. Ct. Los Angeles County, No. BS156962, Order, March 29, 2021). The State Water Board's interpretation of its own guidance is entitled to deference. See also State Water Board Order WQ 2018-0002, p. 77 (reaching the same conclusion for agricultural discharges).

[32] APU 90-004, p. 2.

degradation would be temporally limited and would not result in long-term deleterious effects on water quality.

The Los Angeles Water Board determines that the findings made below meet the requirements of a simple antidegradation analysis and are also consistent with an antidegradation analysis done at a generalized level, as appropriate for this permit. With these findings, based on the information available to it and using its best professional judgment, the Los Angeles Water Board concludes that the discharge will not be adverse to the intent and purpose of the State and federal antidegradation policies. Regardless of APU 90-004's application, however, the below analysis is consistent with the generalized antidegradation analysis appropriate for this Order and complies with both the federal antidegradation regulations, and with the State antidegradation policy.

The Los Angeles Water Board Makes the Following Antidegradation Findings:

The discharges permitted in the permit are consistent with the antidegradation provisions of 40 CFR section 131.12 and Resolution No. 68-16. The Los Angeles Water Board's conclusion that the terms and conditions of the permit are consistent with the antidegradation policies is based on the following analysis.

<u>Water bodies that do not meet water quality objectives (water bodies that are not high quality)</u>:

The Los Angeles Water Board finds that the water bodies at issue here in the Los Cerritos/Alamitos Bay and Dominguez Channel/Greater Los Angeles and Long Beach Harbors watersheds are not high quality. These two watersheds have been highly urbanized and industrialized since before 1968. The Dominguez Channel/Greater Los Angeles and Long Beach Harbors Watershed includes the Ports of Los Angeles and Long Beach, which were established in 1907 and 1911, respectively.[33] These are the largest two deep water ports in the U.S. and encompass over 7,000 acres of land in the watershed. Containerized shipping to and from these ports began in 1959 and 1962, respectively.[34] The majority of land use in the two ports is commercial/industrial. The land use in the watershed is primarily high density residential, industrial and commercial, and as a result, the watershed is highly impervious.[35] The cities of Los Angeles and Long Beach, which

[33] LARWQCB (2008) "State of the Watershed – Report on Surface Water and Sediment Quality: The Dominguez Channel and Los Angeles/Long Beach Harbors Watershed Management Area," prepared by Shirley Birosik, October 2008, p. 5.

[34] *Id.*, p. 6.

[35] *Id.*, p. 4.

are the two largest cities in the watershed, are the largest and 7th largest in the state. In 1960, the populations of the cities of Los Angeles and Long Beach were already 2,479,015 and 344,168, respectively. These two cities also rank in the top 10 for population density among large cities in the United States.[36] Analysis of historic land cover for 1960, 1964, and 1972 in the Long Beach area shows that by 1964, the area was already greater than 50 percent impervious. The Los Cerritos Channel/Alamitos Bay Watershed is adjacent to the Dominguez Channel/Greater Los Angeles and Long Beach Harbors Watershed and has similar land use characteristics, i.e., high density residential, commercial and industrial.[37] The watershed includes drainage from the eastern part of the City of Long Beach and the cities of Bellflower, Cerritos, Downey, Lakewood, Paramount, and Signal Hill.[38] Marine Stadium, which is part of Alamitos Bay, was built in 1932.

All the water bodies in these two watersheds are listed on California's section 303(d) list of impaired waters[39], and they have applicable TMDLs developed by the Los Angeles Water Board or U.S. EPA. Data in the Los Angeles Water Board's files show that the waters here have been impaired since at least 1998. Notably, some of these water quality impairments are due to legacy pollutants that have not been in use since the 1970s such as DDT and PCBs. More details are provided in sections 2.3.2 and 4.6.3 of this Fact Sheet.

Therefore, under both federal and state antidegradation policies, the Los Angeles Water Board finds that these receiving waters are not considered "high quality" waters. For receiving waters that are not high-quality waters, the federal antidegradation policy requires that regulatory actions ensure that existing instream uses and the level of water quality necessary to protect the existing uses are maintained and protected. (40 CFR § 131.12(a)(1).) The General Order ensures that existing instream (beneficial) uses and the level of water quality necessary to protect the existing uses are maintained and protected through requirements to not cause or contribute to exceedances of water quality objectives in the receiving water and to

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[36] "Top 100 Biggest California Cities By Population," https://www.biggestuscities.com/ca, accessed on July 20, 2022.

[37] LARWQCB (no date) "Los Cerritos Channel and Alamitos Bay WMA: Summary," prepared by Shirley Birosik, p. 2.

[38] Los Cerritos Channel Watershed Group (2022) "Los Cerritos Channel Watershed Management Program" (Updated June 2022), prepared by Richard Watson & Associates, Inc.

[39] Dominguez Channel, Torrance Lateral, Dominguez Channel Estuary, Consolidated Slip, Los Angeles Harbor, Long Beach Harbor, Machado Lake, Wilmington Drain, Los Cerritos Channel, Alamitos Bay, and Colorado Lagoon.

restore impaired water bodies by requiring compliance with water quality-based effluent limits as set forth in section 7.2 of this Order and compliance with receiving water limitations set forth in the General Order, sections 4.5 and 4.6 of this Order. These provisions are collectively designed to halt any further degradation of impaired water bodies and improve the quality of such waters to a level protective of existing uses over a time schedule that is as short as possible.

The antidegradation policies do not explicitly or implicitly override the authority and discretion the Clean Water Act and the Water Code grant to the Los Angeles Water Board as to how it structures a permit to ensure water quality necessary to protect beneficial uses. The law does not require immediate restoration of impaired water bodies nor does it require an immediate prohibition of discharges that contribute to an exceedance in the waterbody. Rather, federal regulations at 40 CFR section 122.47 allow NPDES permits to have compliance schedules. Similarly, Water Code section 13263, subdivision (c), authorizes the Los Angeles Water Boards to include a time schedule for achieving water quality objectives in waste discharge requirements. Where a TMDL has been established, Water Code section 13242 states that the TMDL implementation plan, as incorporated into the water quality control plan, shall include a time schedule for actions to be taken. When issuing waste discharge requirements, Water Code section 13263 requires regional boards to implement any relevant water quality control plans that have been adopted. Certainly, water quality objectives must be achieved; but the law, as cited above, recognizes and allows for the fact that it can take time to restore or achieve the objectives. In this regard, some impaired water bodies may stagnate or, rarely, continue to degrade for a period of time before showing improvement. This period of time may be as long as multiple years. This is not contrary to the authorities for compliance schedules stated above and is not contrary to the antidegradation policies.

4.9. Compliance Options for Water Quality Based Effluent Limitations

4.9.1. Compliance Option 1 – Agreement with Local Watershed Management Group to Fund Regional Project

4.9.1.1. The purpose of the Watershed Management Programs is to provide a framework for MS4 permittees to implement the requirements of the MS4 permit in an integrated and collaborative fashion to address water quality priorities on a watershed scale consistent with federal regulations (40 CFR §§ 122.26(a)(3)(ii), 122.26(a)(3)(v), and 122.26(d)(2)(iv)). The ultimate goal of the Watershed Management Programs is to ensure that MS4 discharges achieve applicable WQBELs that implement TMDLs and do not cause or contribute to exceedances of receiving water limitations. This compliance option incentivizes watershed-based approaches to address multiple contaminants and reduce pollutants entering surface waters. It also encourages the use of green infrastructure and low impact development to manage storm water and

enhance the health of watersheds. Finally, it supports multi-benefit regional projects that capture, infiltrate, and reuse storm water and support a sustainable local water supply.

4.9.1.2. This compliance option requires the Discharger to enter into a legally binding agreement with the local Watershed Management Group, in which the Discharger agrees to contribute funding for a regional project in the group's Watershed Management Program. The agreement, which must be reported on annually and as needed, may include the following:

4.9.1.2.1. Payments of any applicable fees; and

4.9.1.2.2. Cooperating with the owner of the MS4 as otherwise specified within the agreement.

4.9.1.3. The regional project shall be adequately sized to address the stormwater volume that would otherwise need to be addressed onsite under Compliance Options 2 or 3, and the funding level must be proportional to the onsite stormwater volume to be addressed/total regional project stormwater capacity.

4.9.2. **Compliance Option 2 – Facility-Specific Design Standard to Reduce Stormwater Runoff**

4.9.2.1. The intent of this compliance option is to minimize the regulatory uncertainty and costs concerning treatment control BMPs. Section 9.2 of the Order and Attachment I specify a design storm standard for use when stormwater capture and treatment BMPs are installed. There is both a volume-based and flow-based design storm standard for this compliance option. Both are based on the 85th percentile 24-hour storm event. Without a design storm standard, Dischargers may install treatment controls using a wide variety of designs that are either unnecessarily stringent/expensive, or deficient in complying with the requirements of this General Permit.

4.9.2.2. The design storm standards are based on previous decisions concerning treatment efficacy for municipalities, published documents, stakeholder comments, and reasonableness. This design storm standard was based on research demonstrating that the standard represents the maximized treatment volume cut-off at the point of diminishing returns for rainfall/runoff frequency.[40]

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[40] California Regional Water Quality Control Board Los Angeles Region, Standard Urban Stormwater Mitigation Plans and Numerical Design Standards for Best Management Practices - Staff Report and Record of Decision (Jan. 18, 2000).

It has been estimated that capturing storms of approximately one inch would reduce the runoff volume and pollutant load by 80%. [41]

The primary objective of specifying a design storm standard is to properly size BMPs to, at a minimum, effectively treat the first flush of run-off from all storm events. The economic impacts of treating all stormwater from a facility versus the minimal environmental benefit of complete treatment justify the design storm approach. It is unrealistic to require each facility to do a cost benefit analysis of their treatment structures. To simplify the requirements for design, the State Water Board reviewed research from the City of Portland[42] and the City of San Jose[43] to determine the volume of each rain event compared to the amount of events that occur for that volume. The results of their findings show an inflection point that is typically found at approximately the 80 to 85 percentile of recorded storm events.

Dischargers should be aware of the potential unintended public health concerns associated with treatment control BMPs. Extensive monitoring studies conducted by the California Department of Public Health have documented that mosquitoes opportunistically breed in structural BMPs, particularly those that hold standing water for over 96 hours. BMPs that produce mosquitoes create potential public health concerns and increase the burden on local vector control agencies that are mandated to inspect for and abate mosquitoes and other vectors within their jurisdictional boundaries. These unintended consequences can be lessened when BMPs incorporate design, construction, and maintenance principles developed specifically to minimize standing water available to mosquitoes[44] while having negligible effects on the capacity of the structures to provide water quality improvements. The California Health and Safety Code prohibits landowners from knowingly providing habitat for or allowing the production of mosquitoes

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[41] SCCWRP Technical Report 520, Concept Development: Design Storm for Water Quality in the Los Angeles Region, October 2007.

[42] City of Portland Oregon. Portland Stormwater Management Manual Appendix E.1: Pollution Reduction Methodology E.1-1 (August 1, 2008).

[43] California Stormwater Quality Association (CASQA). CASQA BMP Handbook (January 2003) New Development and Redevelopment (Errata 9-04).

[44] California Department of Public Health. (2012). *Best Management Practices for Mosquito Control in California*.

and other vectors, and gives local vector control agencies broad inspection and abatement powers.[45]

4.9.3. **Compliance Option 3 – Direct Demonstration of Compliance with Effluent Limitations**

4.9.3.1. This option consists of direct application of numeric effluent limitations and ensures compliance with applicable water quality standards for the pollutants of concern associated with discharges from CII facilities. The intent of this compliance option is to allow the Discharger flexibility if they do not wish to participate in Compliance Options 1 or 2.

4.10. **Monitoring and Reporting Requirements**

The Monitoring and Reporting Program (MRP) (Attachment E) establishes monitoring, reporting, and recordkeeping requirements for each compliance option that implement federal and state laws and/or regulations. Monitoring, and reporting of the monitoring results as well as other information on implementation of permit requirements are critical components of this General Permit. Monitoring is performed to determine compliance with the applicable requirements of the General Permit, identify sources of pollutants in the Permittee's discharge, assess and improve the effectiveness of BMPs and other pollutant control measures, and characterize pollutant loading in residual designation stormwater discharges and receiving water.

4.10.1. **Authorities Supporting Monitoring and Reporting**

4.10.1.1. Sections 308(a) and 402(a)(2) of the CWA, 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 and establish substantive monitoring and reporting requirements. Section 13383 of the CWC further authorizes the Los Angeles Water Board to establish monitoring, reporting, and recordkeeping requirements.

4.10.1.2. Section 122.41(h) of 40 CFR, which applies to all NPDES permits, requires that the permittee furnish to the permitting agency any information that it requests to determine compliance with the permit.

4.11. **Provisions**

4.11.1. **Standard Provisions**

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[45] California Health and Safety Code, Division 3, Section 2060 and following.

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. Dischargers must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR section 122.42.

4.11.2. **Enforcement**

This provision is based on CWC section 13385, which requires the Los Angeles Water Board to assess mandatory minimum penalties for serious violations of permit requirements.

4.11.3. **Special Provisions**

4.11.3.1. **Reopener Provision**

These provisions are based on 40 CFR sections 122.44, 122.62, 122.63, 122.64, 124.5, 125.62, and 125.64. The Los Angeles Water Board may reopen this General Permit to modify permit conditions and requirements, as well as revoke, reissue, or terminate in accordance with federal regulations. Causes for such actions include, but are not limited to, endangerment to human health or the environment; acquisition of newly obtained information that would have justified the application of different conditions if known at the time of Order adoption; to incorporate provisions as a result of new federal or State laws, regulations, plans, or policies (including TMDLs and other Basin Plan amendments); modification in toxicity requirements; violation of any term or condition in the Order; and/or minor modifications to correct typographical errors or require more frequent monitoring or reporting by the Dischargers.

4.11.4. **Electronic Signature and Certification Requirements**

This provision is required to ensure compliance with electronic reporting requirements at 40 CFR part 127.

4.11.5. **Other Special Provisions**

The other special provisions ensure that the Discharger will maintain coverage if the General Permit has not been reissued by the expiration date of this General permit.

4.12. **Compliance Determination**

Compliance with water quality standards is and remains the ultimate goal of this General Permit. To that end, the Order requires compliance with the requirements of the compliance option selected by the Discharger and other general requirements applicable to all Dischargers covered under this General Permit. Pursuant to CWC section 13360, the State Water Board may not dictate the

manner of compliance. Dischargers may comply with the discharge prohibitions, TBELs, and WQBELs in the Order in any lawful manner.

5. PUBLIC PARTICIPATION

5.1. The Los Angeles Water Board has considered the issuance of WDRs that will serve as a general NPDES permit for stormwater discharges subject to USEPA's residual designation within the Los Angeles Region. As a step in the permit issuance process, the Los Angeles Water Board staff has developed a tentative permit and has encouraged public participation in the permit development process.

5.2. Notification of Interested Parties

The Los Angeles Water Board notified the Dischargers 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 through posting on the Los Angeles Water Board's Internet site on July 26, 2022.

5.3. Written Comments

Parties and interested persons were invited to submit written comments and evidence concerning the tentative WDRs as provided through the notification process. Comments and evidence were due either in person, or by mail or email to the Executive Officer at the Los Angeles Water Board at:

Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013-2343

To be fully responded to by staff and considered by the Los Angeles Water Board, the written comments were due at the Los Angeles Water Board office by 5:00 p.m. on **September 9, 2022.**

5.4. Public Hearing

The Los Angeles 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: October 13, 2022
Time: 9:00 AM
Location: TBD

Interested persons were invited to attend. At the public hearing, the Los Angeles Water Board heard testimony pertinent to the discharge, WDRs, and permit. For accuracy of the record, important testimony was requested in writing.

5.5. Reconsideration of Waste Discharge Requirements

Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., within 30 calendar days of the date of adoption of this Order at the following address, except that if the thirtieth day following the date of this Order 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:

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 the Water Quality Petitions Website at http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

5.6. Information and Copying

The NOI, 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 Los Angeles Water Board by calling (213) 576-6600.

5.7. 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 Los Angeles Water Board, reference this facility, and provide a name and e-mail address.

5.8. Additional Information

Requests for additional information or questions regarding this order should be directed to Milasol Gaslan at milasol.gaslan@waterboards.ca.gov.

ATTACHMENT G - PERMIT REGISTRATION DOCUMENTS

This Attachment provides an example of the information Dischargers are required to submit in the Permit Registration Documents via the Stormwater Multiple Application and Report Tracking System (SMARTS). The requirements for the NOI and Permit Registration Documents are in section 3 of the Order.

1. NOI AND PERMIT REGISTRATION DOCUMENTS REQUIREMENTS

1.1. Permit Registration Documents Requirements

1.1.1. NOI and Signed Electronic Authorization Form.

1.1.2. Site Map (section 6.1.3 of the Order).

1.1.3. Stormwater Pollution Prevention Plan (see section 6 of the Order).

1.2. Description of Permit Registration Documents

1.2.1. The NOI requires the following information:

1.2.1.1. Operator/Owner Information

Operator/Owner Company or Organization Name
Contact First Name
Contact Last Name
Title
Street Address
Address Line 2
City/State/Zip
Phone (e.g. 999-999-9999)
E-mail (e.g. abc@xyz.com)
Federal Tax ID

1.2.1.2. Facility Information

Facility Name
WDID Number (if applicable)
Contact First Name
Contact Last Name
Title
Street Address
Address Line 2
City
County
Phone (e.g. 999-999-9999)
Emergency Phone (e.g. 999-999-9999)

E-mail (abc@xyz.com)
State/Zip CA
Total Site Size (Acres)
Latitude (Decimal degrees only, minimum 5 significant digits, e.g. 99.99999)
Longitude (Decimal degrees only, minimum 5 significant digits, e.g. 99.99999)
Total Percentage Site Imperviousness Area of Facility (Acres)
Total Areas of Commercial and/or Industrial Activities and Materials Exposed to Precipitation
Primary SIC Code
Secondary SIC Code
Tertiary SIC Code
For Facilities in the Petroleum Refining Point Source Category (40 CFR Part 419), the date that construction of the facility began
For Facilities in the Paving and Roofing Materials (Tars and Asphalt) Point Source Category (40 CFR Part 443), the date that construction of the facility began

1.2.1.3. **Billing Information**

Billing Name
Contact First Name
Contact Last Name
Title
Street Address
Address Line 2
City/State/Zip
Phone (e.g. 999-999-9999)
E-mail (e.g. abc@xyz.com)

1.2.1.4. **Receiving Water Information**

Does your facility's stormwater flow directly or indirectly into waters of the US such as river, lake, ocean, etc. (check box for directly or indirectly)

1.2.1.4.1. Indirectly to waters of the US

1.2.1.4.2. Storm drain system - Enter owner's name:

1.2.1.4.3. Directly to waters of the US (e.g., river, lake, creek, stream, bay, ocean, etc.)

1.2.1.4.4. Name of the receiving water: _____

1.2.2. The Site Map(s) shall include the following Information:

1.2.2.1. The facility boundary;

1.2.2.2. Stormwater drainage areas within the facility boundary;

1.2.2.3. Portions of any drainage area impacted by discharges from surrounding areas and flow direction of each drainage area;

1.2.2.4. On-facility surface waterbodies;

1.2.2.5. Areas of soil erosion;

1.2.2.6. Location(s) of nearby waterbodies (such as rivers, lakes, wetlands, etc.);

1.2.2.7. Location(s) of municipal storm drain inlets that may receive the facility's industrial stormwater discharges and authorized Non-Stormwater Discharges (NSWDs);

1.2.2.8. Locations of stormwater collection and conveyance systems and associated points of discharge, and direction of flow;

1.2.2.9. Any structural control measures (that affect industrial stormwater discharges, authorized NSWDs, and run-on);

1.2.2.10. All impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures;

1.2.2.11. Locations where materials are directly exposed to precipitation;

1.2.2.12. Locations where significant spills or leaks have occurred;

1.2.2.13. Areas of activity subject to this General Permit;

1.2.2.14. All storage areas and storage tanks;

1.2.2.15. Shipping and receiving areas;

1.2.2.16. Fueling areas;

1.2.2.17. Vehicle and equipment storage/maintenance areas;

1.2.2.18. Material handling and processing areas;

1.2.2.19. Waste treatment and disposal areas;

1.2.2.20. Dust or particulate generating areas;

1.2.2.21. Cleaning and material reuse areas; and,

1.2.2.22. Any other areas of commercial, institutional and/or industrial activity which may have potential pollutant sources.

1.2.3. The Stormwater Pollution Prevention Plan must be prepared in accordance with section 6 of the Order.

1.2.4. An Certification by the Discharger that all Permit Registration Documents submitted are correct and true. (Attachment D, section 5.2)

1.2.5. SMARTS Electronic Authorization Form (Signed by any user authorized to certify and submit data electronically).

ATTACHMENT H - WATERSHED MANAGEMENT PROGRAMS IN THE LOS CERRITOS CHANNEL AND DOMINGUEZ CHANNEL WATERSHEDS

The Watershed Management Programs below are available at the Los Angeles Water Board website at https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/.

Table H-1. Watershed Management Programs

Group Name	Watershed
Los Cerritos Channel Watershed Group	Los Cerritos Channel/Alamitos Bay Watershed
Alamitos Bay/Los Cerritos Channel Group	Los Cerritos Channel/ Alamitos Bay Watershed
Beach Cities Watershed Management Group	Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed
Dominguez Channel Watershed Management Area Group	Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed
Palos Verdes Peninsula EWMP Agencies Group	Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed

ATTACHMENT I - COMPLIANCE OPTION 2 FACILITY-SPECIFIC DESIGN STANDARD TO REDUCE STORMWATER RUNOFF REQUIREMENTS

1. Compliance Requirements

1.1. The Discharger shall implement on-site BMPs with design storm standard(s) for capture and use, infiltration, and/or evapotranspiration of stormwater and authorized non-stormwater discharges (NSWDs).

1.2. The Discharger may include BMPs that capture and divert the required stormwater runoff[1] volumes to a publicly-owned sanitary sewer treatment facility, to an on-site facility for on-site use, to a regional reclaimed water distribution system, or a combination thereof. Proposed discharges to a publicly-owned sanitary sewer or reclaimed water distribution system shall be supported by a permit or by authorization in writing from the system's agency that specifically allows the proposed stormwater flow rates. The minimum required stormwater volume to be diverted shall be in accordance with the section 1.5 below. The diverted or used volume of stormwater is not authorized to discharge into a municipal separate storm sewer system (MS4) or receiving surface waterbody from the facility.

1.3. A California licensed civil engineer shall certify (with a stamp and wet signature) that all hydrologic analyses, hydraulic calculations, and design standard(s) operation parameters comply with section 1.5 below.[2]

1.4. The BMPs implemented by the Discharger shall:

1.4.1. Maintain the effective capacity to capture, infiltrate and/or evapotranspire the volume of runoff produced up to and during the 85th percentile 24-hour precipitation event based upon local, historical precipitation data and records, and[3]

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[1] Including authorized NSWDs.

[2] All professional engineering documents shall be certified (signed and sealed) in accordance with the requirements of the Professional Engineers Act and any other laws related to the practice of professional engineering and shall be signed and sealed in a manner such that all work can be clearly attributed to the licensee(s) in responsible charge of the work. California licensed professional engineers are not required to certify documents outside of the scope of the Professional Engineers Act and any other laws related to the practice of professional engineering.

[3] Precipitation data shall be collected from the National Oceanic and Atmospheric Agency's website (or other nearby precipitation data available from other government agencies).

1.4.2. Be designed to capture, capture and divert, infiltrate, and/or evapotranspire drainage from all impervious areas of the facility from stormwater and authorized NSWDs listed in section 5 of the Order.

1.4.3. Be designed by a California licensed civil engineer with a 24-hour drawdown time[4] or with additional storage volume beyond the compliance storm standard to offset longer drawdown time[5].

1.4.4. The Discharger shall implement measures to ensure the design standards for the life of the BMP(s) are maintained, and as appropriate, include reliability and safety factor calculations.

1.4.5. A Discharger implementing infiltration BMP(s) shall include a shutoff mechanism[5] (e.g., a valve that diverts discharge from entering the BMP(s)) in the design and implementation of infiltration BMP(s).

1.4.6. The Discharger implementing infiltration BMP(s) shall address possible groundwater contamination from the BMP(s) operation by using one or more of the following methods:

1.4.6.1. The Discharger shall ensure that all influent[6] entering the infiltration BMP(s) meets applicable Maximum Contaminant Level (MCL) criteria for CII pollutants at the facility. If the influent concentrations do not meet applicable MCLs, the Discharger shall have a California licensed civil engineer:

1.4.6.1.1. Recommend and oversee the installation of the necessary pretreatment controls during the design of the infiltration design standard(s) to ensure all the pollutants in the influent of the infiltration BMP(s) meet MCL criteria and include maintenance of all pretreatment controls in the operation and maintenance plan required in section 1.7.3.1.2 below; or

1.4.6.1.2. Install monitoring devices (including, but not limited to, lysimeters) to collect monthly samples of the infiltrated water below the infiltration BMP(s) demonstrate compliance with MCLs for pollutants associated with CII activities in the influent of the infiltration BMP(s). The Discharger shall

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[4] The design standard(s) must drain from full to empty when no inflows are occurring, considering any relevant safety factor included by the California licensed civil engineer

[5] If including a shutoff mechanism is infeasible for the BMP(s), appropriate spill prevention and response, and training shall be implemented.

[6] For the purposes of this Compliance Option, “influent” means stormwater or authorized NSWDs (as specified in section 5 of the Order) flowing into a reservoir, basin, or treatment control.

maintain proper calibration of the installed monitoring device(s). The monthly samples are only required when feasible sampling conditions exist (including, but not limited to, enough moisture in the monitoring device to collect a sample). When monthly samples are not collected, the Discharger shall document this information in an attachment to the annual report and update the Stormwater Pollution Prevention Plan if necessary.

1.4.6.2. The Discharger installing and operating stormwater capture and infiltration dry wells shall comply with the requirements in section 1.4.6.1.1 above and are not eligible to install monitoring devices in lieu of the pretreatment requirements.

1.4.6.3. For influent not meeting MCLs, the Discharger shall pretreat the infiltration BMP(s) influent[7] to comply with the State Water Board's Division of Drinking Water MCLs referenced in Table I-1 below.

Table I-1. Applicable Constituents with Primary or Secondary MCLs

Parameter Category	MCL Criteria for CII Pollutant Pretreatment
Primary MCLs: • Primary MCLs: Inorganics • Primary MCLs: Volatile Organic Carbon (VOCs) • Primary MCLs: Synthetic Organic Contaminants (SOCs) • Primary MCLs: Disinfection Byproducts	[8]
Secondary MCLs: Total Dissolved Solids	Pollutants associated with CII activities in the influent of the infiltration BMP(s) shall not exceed 500 mg/L.
Secondary MCLs: Chloride	Pollutants associated with CII activities in the influent of the infiltration BMP(s) shall not exceed 250 mg/L.
Secondary MCLs: Specific Conductance	Pollutants associated with CII activities in the influent of the infiltration BMP(s) shall not exceed 500 µS/cm.
Secondary MCLs: Sulfate	Pollutants associated with CII activities in the influent of the infiltration BMP(s) shall not exceed 250 mg/L.

[7] "Maximum Contaminant Level" means the maximum permissible level of a contaminant in water. Title 23 of the California Code of Regulations, State Water Resources Control Board's Division of Drinking Water.

[8] https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Lawbook.html

1.5. **Reporting Requirements for BMP(s) Design**

1.5.1. A Discharger complying with Compliance Option 2 shall submit the following information via SMARTS seven (7) days prior to the initial operation of the stormwater control:

1.5.1.1. Type of BMP(s) being implemented;

1.5.1.2. A map with the BMP(s) location;

1.5.1.3. BMP(s) latitude and longitude;

1.5.1.4. Bypass mechanisms for the discharged volume that is above and beyond the 85th percentile 24-hour storm, into a receiving water; and,

1.5.1.5. Description of pretreatment system used for infiltration BMP(s).

1.6. **Monitoring and Reporting Requirements for a Discharger with Implemented and Operational BMP(s)**

1.6.1. **Monitoring Requirements**

The Discharger shall:

1.6.1.1. Comply with the Visual Observations requirements in section 2.2.4 of Attachment E; and,

1.6.2. A Discharger complying with Compliance Option 2 must submit the following information in SMARTS within the visual inspection and evaluation report:

1.6.2.1. The size of each rain event, in inches of rain per hour, that discharges from the BMP(s);

1.6.2.2. The estimated volume of the corresponding discharge; and,

1.6.2.3. The date and estimated start and end time of all discharges.

1.6.3. **Stormwater Pollution Prevention Plan Requirements**

1.6.3.1. A Discharger complying with Compliance Option 2 shall update their Stormwater Pollution Prevention Plan with the following documentation:

1.6.3.1.1. Description and photographs of the facility-specific BMP(s);

1.6.3.1.2. Operation and maintenance plan certified by the California licensed civil engineer that includes, but is not limited to, the following items: 1) inspection frequency; 2) titles of personnel authorized to conduct the BMP(s)

inspections; 3) maintenance procedures for BMP(s) and installed pretreatment (if applicable); and 4) a maintenance schedule;

1.6.3.1.3. BMP(s) safety factor and reliability calculations required in section 2.5.4 above; and,

1.6.3.1.4. Certification required in section 1.7.3.1.2 above provided by the California licensed civil engineer; and,

1.6.3.1.5. Applicable information on any preexisting contamination in the soil or groundwater for any industrial or non-industrial pollutants at the facility that may be discharged or mobilized through infiltration to meet the protections in section 3 below.

1.6.3.2. The updated Stormwater Pollution Prevention Plan shall be available at the facility seven (7) days prior to the initial operation of the BMP(s). The Discharger shall certify and submit the updated Stormwater Pollution Prevention Plan via SMARTS seven (7) days prior to the initial operation of the BMP(s).

1.6.3.3. The Discharger implementing Compliance Option 2 shall, at a minimum, include the BMP(s) design information from section 1.7.3.1 above and the design information for any installed pretreatment systems/devices.

1.7. Additional Los Angeles Water Board Authorities for Dischargers Implementing Compliance Option 2

1.7.1. The Los Angeles Water Board Executive Officer has the authority to review site-specific information, and disapprove any BMP(s) as a permissible compliance option for the Discharger to address groundwater concerns under their Los Angeles Water Board jurisdiction.

1.7.2. The Los Angeles Water Board Executive Officer may require the Discharger to modify the site-specific Stormwater Pollution Prevention Plan to demonstrate compliance with Compliance Option 2 or address other regional groundwater concerns. Upon written request of the Los Angeles Water Board Executive Officer, the Discharger shall submit the required Stormwater Pollution Prevention Plan modifications by the required due date, or no later than 90 days, whichever is shortest.

1.7.3. The Los Angeles Water Board may require additional information or modifications to the site-specific Stormwater Pollution Prevention Plan and/or BMP(s) to address:

1.7.3.1. Exceedances of applicable water quality objectives;

1.7.3.2. Impacts to groundwater beneficial uses; or,

1.7.3.3. Impacts to the groundwater quality due to the infiltration of the authorized NSWDs and/or stormwater discharges at the Discharger's facility.

1.7.4. The Los Angeles Water Board Executive Officer may authorize the discontinuation of monitoring for the infiltrated water if no threat to groundwater is determined.

2. ADDITIONAL REQUIREMENTS

2.1. The following discharges are prohibited for any Discharger implementing Compliance Option 2:

2.1.1. Water related to the cleaning and maintenance of the BMP(s) is an unauthorized NSWD; and,

2.1.2. Stormwater occurring below the 85th percentile 24-hour storm event and/or NSWDs authorized by section 5 of the Order.

2.2. The migration of pollutants that cause or contribute to the exceedance of a water quality objective in any receiving waters is prohibited. The Discharger shall ensure infiltration BMP(s) implemented for compliance with Compliance Option 2 shall be designed and operated to:

2.2.1. Prevent captured and/or infiltrated stormwater from causing or contributing to the exceedance of a water quality objective;

2.2.2. Prevent captured and/or infiltrated stormwater from causing a threat to the attainment of the beneficial use(s) of any receiving water;

2.2.3. Prevent the migration of existing soil contamination and not interfere with any active remedial activities for existing groundwater contamination in the vicinity of the facility; and,

2.2.4. Address other similar factors which may degrade receiving waters.

2.3. Infiltration and Water Quality Protection

2.3.1. Infiltration BMP(s) must not cause or contribute to an exceedance of an applicable water quality objective.

2.3.2. Infiltration BMP(s) used for Compliance Option 2 implementation shall comply with applicable local municipal ordinances, stormwater requirements, and design standards for the infiltration of stormwater and authorized NSWDs as listed in section 5 of the Order.

2.3.3. The minimum BMP requirements (section 6.1.5 of the Order) shall be implemented to maximize pollution prevention and protection of receiving water quality and beneficial uses.

2.3.4. The soil through which infiltration occurs must have physical and chemical characteristics necessary to support infiltration rates and stormwater treatment to meet the compliance storm standards in this Attachment.

ATTACHMENT J - LIST OF EXISTING TOTAL MAXIMUM DAILY LOADS (TMDLS)

The following table contains a list of existing TMDLs that are applicable to CII stormwater discharges covered by this General Permit. The listed TMDLs became effective prior to the adoption date of this Order. This Order may be reopened to amend TMDL-specific permit requirements, or to incorporate new TMDLs adopted during the term of this Order that include requirements applicable to Permittees regulated by this Order.

Table J-1. List of Applicable TMDLs

Watershed Management Area	TMDLs	Pollutant(s)
Dominguez Channel and Los Angeles/Long Beach Harbor Watershed	Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL	Chronic Toxicity, Chlordane, Dieldrin, DDTs, PAHs, PCBs, Cadmium, Chromium, Copper, Lead, Mercury, and Zinc
	Los Angeles Harbor (Inner Cabrillo Beach and Main Ship Channel) Bacteria TMDL	Total Coliform, Fecal Coliform, and Enterococcus
	Machado Lake Nutrient TMDL	Nitrogen and Phosphorus
	Machado Lake Trash TMDL	Trash
	Machado Lake Pesticides and PCBs TMDL	Chlordane, Dieldrin, DDTs, and PCBs
Alamitos Bay/Los Cerritos Channel Watershed	Colorado Lagoon Organochlorine (OC) Pesticides, PCBs, Sediment Toxicity, and Metals TMDL	Chlordane, DDTs, Dieldrin, PAHs, PCBs, Lead, and Zinc
	Los Cerritos Channel Metals TMDL	Copper, Lead, and Zinc

ATTACHMENT K - EFFLUENT LIMITATIONS GUIDELINES (ELGS)

The following Parts 419 and 443 of the federal regulations at 40 Code of Federal Regulations Chapter I Subchapter N (Subchapter N) contain ELGs approved by US EPA for specific categories of industrial stormwater discharges:

Part 419 – Petroleum Refining

Part 443 - Paving And Roofing Materials (Tars And Asphalt)

major contributing industry as defined in 40 CFR part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitations.
TSS	Do.
pH	Do.
Ammonia (as N)	30 mg/l.
Nitrate (as N)	Do.
Total phosphorus (as P)	35 mg/l.

§ 418.77 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

[44 FR 50742, Aug. 29, 1979]

PART 419—PETROLEUM REFINING POINT SOURCE CATEGORY

Subpart A—Topping Subcategory

Sec.
419.10 Applicability; description of the topping subcategory.
419.11 Specialized definitions.
419.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
419.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
419.14 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).
419.15 Pretreatment standards for existing sources (PSES).
419.16 Standards of performance for new sources (NSPS).
419.17 Pretreatment standards for new sources (PSNS).

Subpart B—Cracking Subcategory

419.20 Applicability; description of the cracking subcategory.
419.21 Specialized definitions.
419.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
419.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
419.24 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).
419.25 Pretreatment standards for existing sources (PSES).
419.26 Standards of performance for new sources (NSPS).
419.27 Pretreatment standards for new sources (PSNS).

Subpart C—Petrochemical Subcategory

419.30 Applicability; description of the petrochemical subcategory.
419.31 Specialized definitions.
419.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
419.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
419.34 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).
419.35 Pretreatment standards for existing sources (PSES).
419.36 Standards of performance for new sources (NSPS).
419.37 Pretreatment standards for new sources (PSNS).

Subpart D—Lube Subcategory

419.40 Applicability; description of the lube subcategory.
419.41 Specialized definitions.
419.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
419.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
419.44 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).
419.45 Pretreatment standards for existing sources (PSES).
419.46 Standards of performance for new sources (NSPS).
419.47 Pretreatment standards for new sources (PSNS).

Subpart E—Integrated Subcategory

419.50 Applicability; description of the integrated subcategory.
419.51 Specialized definitions.
419.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
419.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
419.54 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).
419.55 Pretreatment standards for existing sources (PSES).
419.56 Standards of performance for new sources (NSPS).
419.57 Pretreatment standards for new sources (PSNS).
APPENDIX A TO PART 419—PROCESSES INCLUDED IN THE DETERMINATION OF BAT EFFLUENT LIMITATIONS FOR TOTAL CHROMIUM, HEXAVALENT CHROMIUM, AND PHENOLIC COMPOUNDS (4AAP)

AUTHORITY: Secs. 301, 304 (b), (c), (e), and (g), 306 (b) and (c), 307 (b) and (c), and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977) (the ''Act''); 33 U.S.C. 1311, 1314 (b), (c), (e), and (g), 1316 (b) and (c), 1317 (b) and (c), and 1361; 86 Stat. 816, Pub. L. 92–500; 91 Stat. 1567, Pub. L. 95–217.

SOURCE: 47 FR 46446, Oct. 18, 1982, unless otherwise noted.

Subpart A—Topping Subcategory

§419.10 Applicability; description of the topping subcategory.

The provisions of this subpart apply to discharges from any facility that produces petroleum products by the use of topping and catalytic reforming, whether or not the facility includes any other process in addition to topping and catalytic reforming. The provisions of this subpart do not apply to facilities that include thermal processes (coking, vis-breaking, etc.) or catalytic cracking.

§419.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in part 401 of this chapter shall apply to this subpart.

(b) The term *runoff* shall mean the flow of storm water resulting from precipitation coming into contact with petroleum refinery property.

(c) The term *ballast* shall mean the flow of waters, from a ship, that is treated along with refinery wastewaters in the main treatment system.

(d) The term *feedstock* shall mean the crude oil and natural gas liquids fed to the topping units.

(e) The term *once-through cooling water* shall mean those waters discharged that are used for the purpose of heat removal and that do not come into direct contact with any raw material, intermediate, or finished product.

(f) The following abbreviations shall be used: (1) Mgal means one thousand gallons; (2) Mbbl means one thousand barrels (one barrel is equivalent to 42 gallons).

(g) The term *contaminated runoff* shall mean runoff which comes into contact with any raw material, intermediate product, finished product, by-product or waste product located on petroleum refinery property.

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28522, July 12, 1985]

§ 419.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

(a) Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Pollutant or pollutant property	BPT Effluent Limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	22.7	12.0
TSS	15.8	10.1
COD [1]	117.0	60.3
Oil and grease	6.9	3.7
Phenolic compounds	0.168	0.076
Ammonia as N	2.81	1.27
Sulfide	0.149	0.068
Total chromium	0.345	0.20
Hexavalent chromium	0.028	0.012
pH	(2)	(2)
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	8.0	4.25
TSS	5.6	3.6
COD [1]	41.2	21.3
Oil and grease	2.5	1.3
Phenolic compounds	0.060	0.027
Ammonia as N	0.99	0.45
Sulfide	0.053	0.024
Total chromium	0.122	0.071
Hexavalent chromium	0.01	0.0044
pH	(2)	(2)

[1] See footnote following table in § 419.13(d).
[2] Within the range of 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 24.9	1.02
25.0 to 49.9	1.06
50.0 to 74.9	1.16
75.0 to 99.9	1.26
100 to 124.9	1.38
125.0 to 149.9	1.50
150.0 or greater	1.57

(2) Process factor.

Process configuration	Process factor
Less than 2.49	0.62
2.5 to 3.49	0.67
3.5 to 4.49	0.80
4.5 to 5.49	0.95
5.5 to 5.99	1.07
6.0 to 6.49	1.17
6.5 to 6.99	1.27
7.0 to 7.49	1.39
7.5 to 7.99	1.51
8.0 to 8.49	1.64
8.5 to 8.99	1.79
9.0 to 9.49	1.95
9.5 to 9.99	2.12
10.0 to 10.49	2.31
10.5 to 10.99	2.51
11.0 to 11.49	2.73
11.5 to 11.99	2.98
12.0 to 12.49	3.24
12.5 to 12.99	3.53
13.0 to 13.49	3.84
13.5 to 13.99	4.18
14.0 or greater	4.36

(3) See the comprehensive example Subpart D, § 419.42(b)(3).

(c) The following allocations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to ballast, which may be discharged after the application of best practicable control technology currently available, by a point source subject to this subpart, in addition to the discharge allowed by paragraph (b) of this section. The allocation allowed for ballast water flow, as kg/cu m (lb/M gal), shall be based on those ballast waters treated at the refinery.

Pollutant or pollutant property	BPT effluent limitations for ballast water	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per cubic meter of flow)	
BOD5	0.048	0.026
TSS	0.033	0.021
COD [1]	0.47	0.24
Oil and grease	0.015	0.008
pH	(2)	(2)
	English units (pounds per 1,000 gal of flow)	
BOD5	0.40	0.21
TSS	0.26	0.17
COD [1]	3.9	2.0
Oil and grease	0.126	0.067

Pollutant or pollutant property	BPT effluent limitations for ballast water	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
pH	(2)	(2)

[1] See footnote following table in § 419.13(d).
[2] Within the range of 6.0 to 9.0.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(e) *Effluent limitations for contaminated runoff.* The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff, which may be discharged after the application of the best practicable control technology currently available by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 15 mg/l oil and grease and 110 mg/l total organic carbon (TOC) based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 15 mg/l oil and grease or 110 mg/l TOC is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BPT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of flow)	
BOD_5	48.	26.
TSS	33.	21.
COD [1]	360.	180.
Oil and grease	15.	8.
Phenolic compounds (4AAP)	0.35	0.17
Total chromium	0.73	0.43
Hexavalent chromium	0.062	0.028
pH	(2)	(2)
	English units (pounds per 1,000 gallons of flow)	
BOD_5	0.40	0.22
TSS	0.28	0.18
COD [1]	3.0	1.5
Oil and grease	0.13	0.067
Phenolic compounds (4AAP)	0.0029	0.0014
Total chromium	0.0060	0.0035
Hexavalent chromium	0.00052	0.00023
pH	(2)	(2)

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the permitting authority may substitute TOC as a parameter in lieu of COD. A TOC effluent limitation shall be based on effluent data from the particular refinery which correlates TOC to BOD_5. If in the judgment of the permitting authority, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations for BOD_5.
[2] Within the range of 6.0 to 9.0.

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28522, 28523, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT):

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
COD [1]	117	60.3
Ammonia as N	2.81	1.27
Sulfide	0.149	0.068
	English units (pounds per 1,000 bbl of feedstock)	
COD [1]	41.2	21.3
Ammonia as N	0.99	0.45
Sulfide	0.053	0.024

[1] See footnote following table in § 419.13(d).

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 24.9	1.02
25.0 to 49.9	1.06
50.0 to 74.9	1.16
75.0 to 99.9	1.26
100 to 124.9	1.38
125.0 to 149.9	1.50
150.0 or greater	1.57

(2) Process factor.

Process configuration	Process factor
Less than 2.49	0.62
2.5 to 3.49	0.67
3.5 to 4.49	0.80
4.5 to 5.49	0.95
5.5 to 5.99	1.07
6.0 to 6.49	1.17
6.5 to 6.99	1.27
7.0 to 7.49	1.39
7.5 to 7.99	1.51
8.0 to 8.49	1.64
8.5 to 9.99	1.79
9.0 to 9.49	1.95
9.5 to 9.99	2.12
10.0 to 10.49	2.31
10.5 to 10.99	2.51
11.0 to 11.49	2.73
11.5 to 11.99	2.98
12.0 to 12.49	3.24
12.5 to 12.99	3.53
13.0 to 13.49	3.84
13.5 to 13.99	4.18
14.0 or greater	4.36

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c)(1) In addition to the provisions contained above pertaining to COD, ammonia and sulfide, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT):

(i) For each of the regulated pollutant parameters listed below, the effluent limitation for a given refinery is the sum of the products of each effluent limitation factor times the applicable process feedstock rate, calculated as provided in 40 CFR 122.45(b). Applicable production processes are presented in appendix A, by process type. The process identification numbers presented in this appendix A are for the convenience of the reader. They can be cross-referenced in the *Development Document for Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Petroleum Refining Point Source Category* (EPA 440/1–82/014), Table III–7, pp. 49–54.

Pollutant or pollutant property and process type	BAT effluent limitation factor	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 cubic meters of feedstock)	
Phenolic compounds (4AAP):		
Crude	0.037	0.009
Cracking and coking	0.419	0.102
Asphalt	0.226	0.055
Lube	1.055	0.257
Reforming and alkylation	0.377	0.092
Total chromium:		
Crude	0.030	0.011
Cracking and coking	0.340	0.118
Asphalt	0.183	0.064
Lube	0.855	0.297
Reforming and alkylation	0.305	0.106
Hexavalent chromium:		
Crude	0.0019	0.0009
Cracking and coking	0.0218	0.0098
Asphalt	0.0117	0.0053
Lube	0.0549	0.0248
Reforming and alkylation	0.0196	0.0088
	English units (pounds per 1,000 bbl of feedstock)	
Phenolic compounds (4AAP):		
Crude	0.013	0.003
Cracking and coking	0.147	0.036
Asphalt	0.079	0.019
Lube	0.369	0.090
Reforming and alkylation	0.132	0.032

Pollutant or pollutant property and process type	BAT effluent limitation factor	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total chromium:		
Crude	0.011	0.004
Cracking and coking	0.119	0.041
Asphalt	0.064	0.022
Lube	0.299	0.104
Reforming and alkylation	0.107	0.037
Hexavalent chromium:		
Crude	0.0007	0.0003
Cracking and coking	0.0076	0.0034
Asphalt	0.0041	0.0019
Lube	0.0192	0.0087
Reforming and alkylation	0.0069	0.0031

(2) See the comprehensive example in subpart D, §419.43(c)(2).

(d) The following allocations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to ballast, which may be discharged after the application of best available technology economically achievable by a point source subject to the provisions of this subpart. These allocations are in addition to the discharge allowed by paragraph (b) of this section. The allocation allowed for ballast water flow, as kg/cu m (lb/M gal), shall be based on those ballast waters treated at the refinery.

Pollutant or pollutant property	BAT effluent limitations for ballast water	
	Maximum for any 1 day	Average or daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per cubic meter of flow)	
COD [1]	0.47	0.24
	English units (pounds per 1,000 gal of flow)	
COD [1]	3.9	2.0

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD*5*.

If in the judgment of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD*5*.

(e) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(f) *Effluent limitations for contaminated runoff*. The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff, which may be discharged after the application of the best available technology economically achievable by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 110 mg/l total organic carbon (TOC) based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 110 mg/l TOC is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BAT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of flow)	
Phenolic compounds (4AAP)	0.35	0.17
Total chromium	0.60	0.21
Hexavalent chromium	0.062	0.028
COD [1]	360.	180.
	English units (pounds per 1,000 gallons of flow)	
Phenolic compounds (4AAP)	0.0029	0.0014
Total chromium	0.0050	0.0018
Hexavalent chromium	0.00052	0.00023

Pollutant or pollutant property	BAT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
COD [1]	3.0	1.5

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the permitting authority may substitute TOC as a parameter in lieu of COD. A TOC effluent limitation shall be based on effluent data from the particular refinery which correlates TOC to BOD_5. If in the judgement of the permitting authority, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations for BOD_5

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28523, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.14 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (Kilograms per 1,000 m^3 of feedstock)	
BOD_5	22.7	12.0
TSS	15.8	10.1
Oil and Grease	6.9	3.7
pH	([1])	([1])
	English units (pounds per 1,000 bbl of feedstock)	
BOD_5	8.0	4.25
TSS	5.6	3.6
Oil and Grease	2.5	1.3
PH	([1])	([1])

[1] Within the range of 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 24.9	1.02
25.0 to 49.9	1.06
50.0 to 74.9	1.16
75.0 to 99.9	1.26
100 to 124.9	1.38
125.0 to 149.9	1.50
150.0 or greater	1.57

(2) Process factor.

Process configuration	Process factor
Less than 2.49	0.62
2.5 to 3.49	0.67
3.5 to 4.49	0.80
4.5 to 5.49	0.95
5.5 to 5.99	1.07
6.0 to 6.49	1.17
6.5 to 6.99	1.27
7.0 to 7.49	1.39
7.5 to 7.99	1.51
8.0 to 8.49	1.64
8.5 to 8.99	1.79
9.0 to 9.49	1.95
9.5 to 9.99	2.12
10.0 to 10.49	2.31
10.5 to 10.99	2.51
11.0 to 11.49	2.73
11.5 to 11.99	2.98
12.0 to 12.49	3.24
12.5 to 12.99	3.53
13.0 to 13.49	3.84
13.5 to 13.99	4.18
14.0 or greater	4.36

(3) See the comprehensive example in subpart D, § 419.43(b)(3).

(c) The following allocations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to ballast, which may be discharged after the application of best conventional pollutant control technology by a point source subject to this subpart, in addition to the discharge allowed by paragraph (b) of this section. The allocation allowed for ballast water flow, as kg/cu m (lb/1000 gal), shall be based on those ballast waters treated at the refinery.

Pollutant or pollutant property	BCT Effluent limitations for ballast water	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per m^3 of flow)	
BOD_5	0.048	0.026
TSS	0.033	0.021
Oil and grease	0.015	0.008
pH	([1])	([1])

Pollutant or pollutant property	BCT Effluent limitations for ballast water	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	English units (pounds per 1000 gallons of flow)	
BOD_5	0.40	0.21
TSS	0.26	0.17
Oil and grease	0.126	0.067
pH	(1)	(1)

1 Within the range of 6.0 to 9.0.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section.

(e) *Effluent limitations for contaminated runoff*. The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff which may be discharged after the application of the best conventional pollutant control technology by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 15 mg/l oil and grease based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 15 mg/l oil and grease is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BCT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 (m^3 of flow)	
BOD_5	48.	26.
TSS	33.	21.
Oil and grease	15.	8.
pH	(1)	(1)
	English units (pounds per 1,000 gallons of flow)	
BOD_5	0.40	0.22
TSS	0.28	0.18
Oil and grease	0.13	0.067
pH	(1)	(1)

1 Within the range of 6.0 to 9.0.

[50 FR 28524, July 12, 1985]

§ 419.15 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13 any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve the following pretreatment standards for existing sources (PSES). The following standards apply to the total refinery flow contribution to the POTW:

Pollutant or pollutant property	Pretreatment standards for existing sources maximum for any 1 day
	(Milligrams per liter (mg/l))
Oil and Grease	100
Ammonia (as N)	1 100

1 Where the discharge to the POTW consists solely of sour waters, the owner or operator has the option of complying with this limit or the daily maximum mass limitation for ammonia set forth in § 419.13 (a) and (b).

§ 419.16 Standards of performance for new sources (NSPS).

(a) Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per cubic meter of flow)	
BOD5	11.8	6.3
TSS	8.3	4.9
COD [1]	61.0	32
Oil and grease	3.6	1.9
Phenolic compounds	0.088	0.043
Ammonia as N	2.8	1.3
Sulfide	0.078	0.035
Total chromium	0.18	0.105
Hexavalent chromium	0.015	0.0068
pH	([2])	([2])
	English units (pounds per 1,000 gal of flow)	
BOD5	4.2	2.2
TSS	3.0	1.9
COD [1]	21.7	11.2
Oil and grease	1.3	0.70
Phenolic compounds	0.031	0.016
Ammonia as N	1.0	0.45
Sulfide	0.027	0.012
Total chromium	0.064	0.037
Hexavalent chromium	0.0052	0.0025
pH	([2])	([2])

[1] See footnote following table in § 419.13(d).
[2] Within the range of 6.0 to 9.0

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 24.9	1.02
25.0 to 49.9	1.06
50.0 to 74.9	1.16
75.0 to 99.9	1.26
100 to 124.9	1.38
125.0 to 149.9	1.50
150.0 or greater	1.57

(2) Process factor.

Process configuration	Process factor
Less than 2.49	0.62
2.5 to 3.49	0.67
3.5 to 4.49	0.80
4.5 to 5.49	0.95
5.5 to 5.99	1.07
6.0 to 6.49	1.17
6.5 to 6.99	1.27
7.0 to 7.49	1.39
7.5 to 7.99	1.51
8.0 to 8.49	1.64
8.5 to 9.99	1.79
9.0 to 9.49	1.95
9.5 to 9.99	2.12
10.0 to 10.49	2.31
10.5 to 10.99	2.51
11.0 to 11.49	2.73
11.5 to 11.99	2.98
12.0 to 12.49	3.24
12.5 to 12.99	3.53
13.0 to 13.49	3.84
13.5 to 13.99	4.18
14.0 or greater	4.36

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c) The following allocations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to ballast, which may be discharged after the application of best practicable control technology currently available, by a point source subject to this subpart, in addition to the discharge allowed by paragraph (b) of this section. The allocation allowed for ballast water flow, as kg/cu m (lb/Mgal), shall be based on those ballast waters treated at the refinery.

Pollutant or pollutant property	NSPS Effluent Limitations for Ballast Water	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per cubic meter of flow)	
BOD5	0.048	0.026
TSS	0.033	0.021
COD [1]	0.47	0.24
Oil and grease	0.015	0.008
pH	([2])	([2])
	English units (pounds per 1,000 gal of flow)	
BOD5	0.40	0.21
TSS	0.27	0.17
COD [1]	3.9	2.0
Oil and grease	0.126	0.067
pH	([2])	([2])

[1] See footnote following table in § 419.13(d).
[2] Within the range of 6.0 to 9.0

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-

through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(e) *Effluent limitations for runoff.* [Reserved]

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28523, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.17 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve the following pretreatment standards for new sources (PSNS).

(a) The following standards apply to the total refinery flow contribution to the POTW:

Pollutant or pollutant property	Pretreatment standards for new sources—maximum for any 1 day
	Milligrams per liter (mg/1)
Oil and grease	100
Ammonia (as N)	[1] 100

[1] Where the discharge to the POTW consists solely of sour waters, the owner or operator has the option of complying with this limit or the daily maximum mass limitation for ammonia set forth in § 419.16 (a) and (b).

(b) The following standard is applied to the cooling tower discharge part of the total refinery flow to the POTW by multiplying: (1) The standard; (2) by the total refinery flow to the POTW; and (3) by the ratio of the cooling tower discharge flow to the total refinery flow.

Pollutant or pollutant property	Pretreatment standards for new sources—maximum for any 1 day
	Milligrams per liter (mg/1)
Total chromium	1

Subpart B—Cracking Subcategory

§ 419.20 Applicability; description of the cracking subcategory.

The provisions of this subpart are applicable to all discharges from any facility that produces petroleum products by the use of topping and cracking, whether or not the facility includes any process in addition to topping and cracking. The provisions of this subpart are not applicable, however, to facilities that include the processes specified in subparts C, D, or E of this part.

§ 419.21 Specialized definitions.

The general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter and the specialized definitions set forth in § 419.11 shall apply to this subpart.

§ 419.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

(a) Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available:

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
BOD5	28.2	15.6
TSS	19.5	12.6
COD[1]	210.0	109
Oil and grease	8.4	4.5
Phenolic compounds	0.21	0.10
Ammonia as N	18.8	8.5
Sulfide	0.18	0.082
Total chromium	0.43	0.25
Hexavalent chromium	0.035	0.016
pH	([2])	([2])
	English units (pounds per 1,000 bbl feedstock)	
BOD5	9.9	5.5

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
TSS	6.9	4.4
COD[1]	74.0	38.4
Oil and grease	3.0	1.6
Phenolic compounds	0.074	0.036
Ammonia as N	6.6	3.0
Sulfide	0.065	0.029
Total chromium	0.15	0.088
Hexavalent chromium	0.012	0.0056
pH	([2])	([2])

[1] See footnote following table in § 419.13(d).
[2] Within the range of 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 24.9	0.91
25.0 to 49.9	0.95
50.0 to 74.9	1.04
75.0 to 99.9	1.13
100.0 to 124.9	1.23
125.0 to 149.9	1.35
150.0 or greater	1.41

(2) Process factor.

Process configuration	Process factor
Less than 2.49	0.58
2.5 to 3.49	0.63
3.5 to 4.49	0.74
4.5 to 5.49	0.88
5.5 to 5.99	1.00
6.0 to 6.49	1.09
6.5 to 6.99	1.19
7.0 to 7.49	1.29
7.5 to 7.99	1.41
8.0 to 8.49	1.53
8.5 to 8.99	1.67
9.0 to 9.49	1.82
9.5 or greater	1.89

(3) See the comprehensive example subpart D, § 419.42(b)(3).

(c) The provisions of § 419.12(c) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(e) *Effluent limitations for contaminated runoff.* The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff, which may be discharged after the application of the best practicable control technology currently available by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 15 mg/l oil and grease and 110 mg/l total organic carbon (TOC) based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 15 mg/l oil and grease or 110 mg/l TOC is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BPT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of flow)	
BOD_5	48.	26.
TSS	33.	21.
COD[1]	360.	180.
Oil and grease	15.	8.
Phenolic compounds (4AAP)	0.35	0.17
Total chromium	0.73	0.43
Hexavalent chromium	0.062	0.028
pH	([2])	([2])
	English units (pounds per 1,000 gallons of flow)	
BOD_5	0.40	0.22
TSS	0.28	0.18
COD[1]	3.0	1.5
Oil and grease	0.13	0.067
Phenolic compounds (4AAP)	0.0029	0.0014
Total chromium	0.0060	0.0035
Hexavalent chromium	0.00052	0.00023

Pollutant or pollutant property	BPT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
pH	(2)	(2)

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the permitting authority may substitute TOC as a parameter in lieu of COD. A TOC effluent limitation shall be based on effluent data from the particular refinery which correlates TOC to BOD_5. If in the judgment of the permitting authority, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations for BOD_5.

[2] Within the range of 6.0 to 9.0.

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28522, 28523, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

Pollutant or pollutant property	BAT Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
COD [1]	210	109
Ammonia as N	18.8	8.5
Sulfide	0.18	0.082
	English units (pounds per 1,000 bbl of feedstock)	
COD [1]	74.0	38.4
Ammonia as N	6.6	3.0
Sulfide	0.065	0.029

[1] See footnote following table in § 419.13(d).

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 24.9	0.91
25.0 to 49.9	0.95
50.0 to 74.9	1.04
75.0 to 99.9	1.13
100.0 to 124.9	1.23
125.0 to 149.9	1.35
150.0 or greater	1.41

(2) Process factor.

Process configuration	Process factor
Less than 2.49	0.58
2.5 to 3.49	0.63
3.5 to 4.49	0.74
4.5 to 5.49	0.88
5.5 to 5.99	1.00
6.0 to 6.49	1.09
6.5 to 6.99	1.19
7.0 to 7.49	1.29
7.5 to 7.99	1.41
8.0 to 8.49	1.53
8.5 to 8.99	1.67
9.0 to 9.49	1.82
9.5 or greater	1.89

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c)(1) In addition to the provisions contained above pertaining to COD, ammonia and sulfide, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT):

(i) For each of the regulated pollutant parameters listed below, the effluent limitation for a given refinery is the sum of the products of each effluent limitation factor times the applicable process feedstock rate, calculated as provided in 40 CFR 122.45(b). Applicable production processes are presented in appendix A, by process type. The process identification numbers presented in this appendix A are for the convenience of the reader. They can be cross-referenced in the *Development Document for Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Petroleum Refining Point Source Category* (EPA 440/1–82/014), Table III–7, pp. 49–54.

Pollutant or pollutant property and process type	BAT effluent limitation factor	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 cubic meters of feedstock)	
Phenolic compounds (4AAP):		
Crude	0.037	0.009
Cracking and coking	0.419	0.102
Asphalt	0.226	0.055
Lube	1.055	0.257
Reforming and alkylation	0.377	0.092
Total chromium:		
Crude	0.030	0.011
Cracking and coking	0.340	0.118
Asphalt	0.183	0.064
Lube	0.855	0.297
Reforming and alkylation	0.305	0.106
Hexavalent chromium:		
Crude	0.0019	0.0009
Cracking and coking	0.0218	0.0098
Asphalt	0.0117	0.0053
Lube	0.0549	0.0248
Reforming and alkylation	0.0196	0.0088
	English units (pounds per 1,000 bbl of feedstock)	
Phenolic compounds (4AAP):		
Crude	0.013	0.003
Cracking and coking	0.147	0.036
Asphalt	0.079	0.019
Lube	0.369	0.090
Reforming and alkylation	0.132	0.032
Total chromium:		
Crude	0.011	0.004
Cracking and coking	0.119	0.041
Asphalt	0.064	0.022
Lube	0.299	0.104
Reforming and alkylation	0.107	0.037
Hexavalent chromium:		
Crude	0.0007	0.0003
Cracking and coking	0.0076	0.0034
Asphalt	0.0041	0.0019
Lube	0.0192	0.0087
Reforming and alkylation	0.0069	0.0031

(2) See the comprehensive example in subpart D, § 419.43(c)(2).

(d) The provisions of § 419.13(d) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(e) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(f) *Effluent limitations for contaminated runoff*. The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff, which may be discharged after the application of the best available technology economically achievable by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 110 mg/l total organic carbon (TOC) based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 110 mg/l TOC is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BAT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of flow)	
Phenolic compounds (4AAP)	0.35	0.17
Total chromium	0.60	0.21
Hexavalent chromium	0.062	0.028
COD [1]	360.	180.
	English units (pounds per 1,000 gallons of flow)	
Phenolic compounds (4AAP)	0.0029	0.0014
Total chromium	0.0050	0.0018
Hexavalent chromium	0.00052	0.00023
COD [1]	3.0	1.5

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the permitting authority may substitute TOC as a parameter in lieu of COD. A TOC effluent limitation shall be based on effluent data from the particular refinery which correlates TOC to BOD_5. If in the judgement of the permitting authority, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations for BOD_5

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28523, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.24 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 (m^3 of feedstock)	
BOD_5	28.2	15.6
TSS	19.5	12.6
Oil and grease	8.4	4.5
pH	([1])	([1])
	English units (pounds per 1,000 bbl of feedstock)	
BOD_5	9.9	5.5
TSS	6.9	4.4
Oil and grease	3.0	1.6
pH	([1])	([1])

[1] Within the range of 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 24.9	0.91
25.0 to 49.9	0.95
50.0 to 74.9	1.04
75.0 to 99.9	1.13
100.0 to 124.9	1.23
125.0 to 149.9	1.35
150.0 or greater	1.41

(2) Process factor.

Process configuration	Process factor
Less than 2.49	0.58
2.5 to 3.49	0.63
3.5 to 4.49	0.74
4.5 to 5.49	0.88
5.5 to 5.99	1.00
6.0 to 6.49	1.09
6.5 to 6.99	1.19
7.0 to 7.49	1.29
7.5 to 7.99	1.41
8.0 to 8.49	1.53
8.5 to 8.99	1.67
9.0 to 9.49	1.82
9.5 or greater	1.89

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c) The provisions of § 419.14(c) apply to discharge of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section.

(e) *Effluent limitations for contaminated runoff.* The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff which may be discharged after the application of the best conventional pollutant control technology by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 15 mg/l oil and grease based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 15 mg/l oil and grease is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BCT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of flow)	
BOD_5	48	26

Pollutant or pollutant property	BCT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
TSS	33	21
Oil and grease	15	8
pH	(1)	(1)
	English units (pounds per 1,000 gallons of flow)	
BOD_5	0.40	0.22
TSS	0.28	0.18
Oil and grease	0.13	0.067
pH	(1)	(1)

[1] Within the range of 6.0 to 9.0.

[50 FR 28525, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.25 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13 any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve the following pretreatment standards for existing sources (PSES). The following standards apply to the total refinery flow contribution to the POTW:

Pollutant or pollutant property	Pretreatment standards for new sources—maximum for any 1 day
	Milligrams per liter (mg/l)
Oil and grease	100
Ammonia	[1] 100

[1] Where the discharge to the POTW consists solely of sour waters, the owner or operator has the option of complying with this limit or the daily maximum mass limitation for ammonia set forth in § 419.23 (a) and (b).

§ 419.26 Standards of performance for new sources (NSPS).

(a) Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
BOD5	16.3	8.7
TSS	11.3	7.2
COD [1]	118.0	61
oil and grease	4.8	2.6
Phenolic compounds	0.119	0.058
Ammonia (as N)	18.8	8.6
Sulfide	0.105	0.048
Total chromium	0.24	0.14
Hexavalent chromium	0.020	0.0088
pH	(2)	(2)
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	5.8	3.1
TSS	4.0	2.5
COD [1]	41.5	21
Oil and grease	1.7	0.93
Phenolic compounds	0.042	0.020
Ammonia (as N)	6.6	3.0
Sulfide	0.037	0.017
Total chromium	0.084	0.049
Hexavalent chromium	0.0072	0.0032
pH	(2)	(2)

[1] See footnote following table in § 419.13(d).
[2] Within the range 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any 1 day and maximum average of daily values for 30 consecutive days.

(1) Size Factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 24.9	0.91
25.0 to 49.9	0.95
50.0 to 74.9	1.04
75.0 to 99.9	1.13
100.0 to 124.9	1.23
125.0 to 149.9	1.35
150.0 or greater	1.41

(2) Process factor.

Process configuration	Process factor
Less than 2.49	0.58
2.5 to 3.49	0.63
3.5 to 4.49	0.74
4.5 to 5.49	0.88
5.5 to 5.99	1.00
6.0 to 6.49	1.09
6.5 to 6.99	1.19
7.0 to 7.49	1.29

Process configuration	Process factor
7.5 to 7.99	1.41
8.0 to 8.49	1.53
8.5 to 8.99	1.67
9.0 to 9.49	1.82
9.5 or greater	1.89

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c) The provisions of § 419.16(c) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(e) *Effluent limitation for runoff.* [Reserved]

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28523, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.27 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve the following pretreatment standards for new sources (PSNS).

(a) The following standards apply to the total refinery flow contribution to the POTW.

Pollutant or pollutant property	Pretreatment standards for new sources—maximum for any 1 day
	Milligrams per liter (mg/l)
Oil and grease	100
Ammonia (as N)	[1] 100

[1] Where the discharge to the POTW consists solely of sour waters, the owner or operator has the option of complying with this limit or the daily maximum mass limitation for ammonia set forth in § 419.26(a) and (b).

(b) The following standard is applied to the cooling tower discharge part of the total refinery flow to the POTW by multiplying: (1) The standard; (2) by the total refinery flow to the POTW; and (3) by the ratio of the cooling tower discharge flow to the total refinery flow.

Pollutant or pollutant property	Pretreatment standards for new sources—maximum for any 1 day
	Milligrams per liter (mg/l)
Total chromium	1

Subpart C—Petrochemical Subcategory

§ 419.30 Applicability; description of the petrochemical subcategory.

The provisions of this subpart are applicable to all discharges from any facility that produces petroleum products by the use of topping, cracking, and petrochemical operations whether or not the facility includes any process in addition to topping, cracking, and petrochemical operations. The provisions of this subpart shall not be applicable, however, to facilities that include the processes specified in subpart D or E of this part.

§ 419.31 Specialized definitions.

For the purpose of this subpart:

(a) The general definitions, abbreviations, and methods of analysis set forth in part 401 of this chapter and the specialized definitions set forth in § 419.11 shall apply.

(b) The term *petrochemical operations* shall mean the production of second-generation petrochemicals (*i.e.*, alcohols, ketones, cumene, styrene, etc.) or first generation petrochemicals and isomerization products (*i.e.*, BTX, olefins, cyclohexane, etc.) when 15 percent or more of refinery production is as first-generation petrochemicals and isomerization products.

§ 419.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must

achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Pollutant or pollutant property	BPT Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
BOD5	34.6	18.4
TSS	23.4	14.8
COD[1]	210.0	109.0
Oil and grease	11.1	5.9
Phenolic compound	0.25	0.120
Ammonia as N	23.4	10.6
Sulfide	0.22	0.099
Total chromium	0.52	0.30
Hexavalent chromium	0.046	0.020
pH	([2])	([2])
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	12.1	6.5
TSS	8.3	5.25
COD[1]	74.0	38.4
Oil and grease	3.9	2.1
Phenolic compounds	0.088	0.0425
Ammonia as N	8.25	3.8
Sufide	0.078	0.035
Total chromium	0.183	0.107
Hexavalent chromium	0.016	0.0072
pH	([2])	([2])

[1] See footnote following table in § 419.13(d).
[2] Within the range of 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 barrels of feedstock per stream day	Size factor
Less than 24.9	0.73
25.0 to 49.9	0.76
50.0 to 74.9	0.83
75.0 to 99.9	0.91
100.0 to 124.9	0.99
125.0 to 149.9	1.08
150.0 or greater	1.13

(2) Process factor.

Process configuration	Process factor
Less than 4.49	0.73
4.5 to 5.49	0.80
5.5 to 5.99	0.91
6.0 to 6.49	0.99
6.5 to 6.99	1.08
7.0 to 7.49	1.17
7.5 to 7.99	1.28
8.0 to 8.49	1.39
8.5 to 8.99	1.51
9.0 to 9.49	1.65
9.5 or greater	1.72

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c) The provisions of § 419.12(c) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(e) *Effluent limitations for contaminated runoff.* The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff, which may be discharged after the application of the best practicable control technology currently available by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 15 mg/l oil and grease and 110 mg/l total organic carbon (TOC) based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 15 mg/l oil and grease or 110 mg/l TOC is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BPT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m³ of flow)	
BOD_5	48.	26.
TSS	33.	21.
COD [1]	360.	180.
Oil and grease	15.	8.
Phenolic compounds (4AAP)	0.35	0.17
Total chromium	0.73	0.43
Hexavalent chromium	0.062	0.028
pH	([2])	([2])
	English units (pounds per 1,000 gallons of flow)	
BOD_5	0.40	0.22
TSS	0.28	0.18
COD [1]	3.0	1.5
Oil and grease	0.13	0.067
Phenolic compounds (4AAP)	0.0029	0.0014
Total chromium	0.0060	0.0035
Hexavalent chromium	0.00052	0.00023
pH	([2])	([2])

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the permitting authority may substitute TOC as a parameter in lieu of COD. A TOC effluent limitation shall be based on effluent data from the particular refinery which correlates TOC to BOD_5. If in the judgment of the permitting authority, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations for BOD_5.

[2] Within the range of 6.0 to 9.0.

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28522, 28523, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available techology economically achievable (BAT):

Pollutant or pollutant property	BAT Effluent Limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m³ of feedstock)	
COD [1]	210.0	109.0
Ammonia as N	23.4	10.6
Sulfide	0.22	0.099
	English units (pounds per 1,000 bbl of feedstock)	
COD [1]	74.0	38.4
Ammonia as N	8.25	3.8
Sulfide	0.078	0.035

[1] See footnote following table in § 419.13(d).

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 24.9	0.73
25.0 to 49.9	0.76
50.0 to 74.9	0.83
75.0 to 99.9	0.91
100.0 to 124.9	0.99
125.0 to 149.9	1.08
150.0 or greater	1.13

(2) Process factor.

Process configuration	Process factor
Less than 4.49	0.73
4.5 to 5.49	0.80
5.5 to 5.99	0.91
6.0 to 6.49	0.99
6.5 to 6.99	1.08
7.0 to 7.49	1.17
7.5 to 7.99	1.28
8.0 to 8.49	1.39
8.5 to 8.99	1.51
9.0 to 9.49	1.65
9.5 or greater	1.72

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c)(1) In addition to the provisions contained above pertaining to COD, ammonia and sulfide, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT):

(i) For each of the regulated pollutant parameters listed below, the effluent limitation for a given refinery is the sum of the products of each effluent limitation factor times the applicable process feedstock rate, calculated as provided in 40 CFR 122.45(b). Applicable production processes are presented in appendix A, by process type. The process identification numbers presented in this appendix A are for the convenience of the reader. They can be cross-referenced in the *Development Document for Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Petroleum Refining Point Source Category* (EPA 440/1–82/014), Table III–7, pp. 49–54.

Pollutant or pollutant property and process type	BAT effluent limitation factor	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 cubic meters of feedstock)	
Phenolic compounds (4AAP):		
Crude	0.037	0.009
Cracking and coking	0.419	0.102
Asphalt	0.226	0.055
Lube	1.055	0.257
Reforming and alkylation	0.377	0.092
Total chromium:		
Crude	0.030	0.011
Cracking and coking	0.340	0.118
Asphalt	0.183	0.064
Lube	0.855	0.297
Reforming and alkylation	0.305	0.106
Hexavalent chromium:		
Crude	0.0019	0.0009
Cracking and coking	0.0218	0.0098
Asphalt	0.0117	0.0053
Lube	0.0549	0.0248
Reforming and alkylation	0.0196	0.0088
	English units (pounds per 1,000 bbl of feedstock)	
Phenolic compounds (4AAP):		
Crude	0.013	0.003
Cracking and coking	0.147	0.036
Asphalt	0.079	0.019
Lube	0.369	0.090
Reforming and alkylation	0.132	0.032
Total chromium:		
Crude	0.011	0.004
Cracking and coking	0.119	0.041
Asphalt	0.064	0.022
Lube	0.299	0.104
Reforming and alkylation	0.107	0.037
Hexavalent chromium:		
Crude	0.0007	0.0003
Cracking and coking	0.0076	0.0034
Asphalt	0.0041	0.0019
Lube	0.0192	0.0087
Reforming and alkylation	0.0069	0.0031

(2) See the comprehensive example in subpart D, § 419.43(c)(2).

(d) The provisions of § 419.13(d) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(e) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(f) *Effluent limitations for contaminated runoff.* The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff, which may be discharged after the application of the best available technology economically achievable by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 110 mg/l total organic carbon (TOC) based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 110 mg/l TOC is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BAT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of flow)	
Phenolic compounds (4AAP)	0.35	0.17
Total chromium	0.60	0.21
Hexavalent chromium	0.062	0.028

Pollutant or pollutant property	BAT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
COD [1]	360.	180.
	English units (pounds per 1,000 gallons of flow)	
Phenolic compounds (4AAP)	0.0029	0.0014
Total chromium	0.0050	0.0018
Hexavalent chromium	0.00052	0.00023
COD [1]	3.0	1.5

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the permitting authority may substitute TOC as a parameter in lieu of COD. A TOC effluent limitation shall be based on effluent data from the particular refinery which correlates TOC to BOD_5. If in the judgement of the permitting authority, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations for BOD_5

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28523, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.34 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
BOD_5	34.6	18.4
TSS	23.4	14.8
Oil and grease	11.1	5.9
pH	([1])	([1])
	English units (pounds per 1,000 bbl of feedstock)	
BOD_5	12.1	6.5
TSS	8.3	5.25
Oil and grease	3.9	2.1
pH	([1])	([1])

[1] Within the range of 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 24.9	0.73
25.0 to 49.9	0.76
50.0 to 74.9	0.83
75.0 to 99.9	0.91
100.0 to 124.9	0.99
125.0 to 149.9	1.08
150.0 or greater	1.13

(2) Process factor.

Process configuration	Process factor
Less than 4.49	0.73
4.5 to 5.49	0.80
5.5 to 5.99	0.91
6.0 to 6.49	0.99
6.5 to 6.99	1.08
7.0 to 7.49	1.17
7.5 to 7.99	1.28
8.0 to 8.49	1.39
8.5 to 8.99	1.51
9.0 to 9.49	1.65
9.5 or greater	1.72

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c) The provisions of § 419.14(c) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section.

(e) *Effluent limitations for contaminated runoff.* The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff which may be discharged after the application of the best conventional pollutant control technology by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 15 mg/l oil and grease based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 15 mg/l oil and grease is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BCT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of flow)	
BOD_5	48.	26.
TSS	33.	21.
Oil and grease	15.	8.
pH	(1)	(1)
	English units (pounds per 1,000 gallons of flow)	
BOD_5	0.40	0.22
TSS	0.28	0.18
Oil and grease	0.13	0.067
pH	(1)	(1)

[1] Within the range of 6.0 to 9.0.

[50 FR 28526, July 12, 1985]

§ 419.35 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13 any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve the following pretreatment standards for existing sources (PSES). The following standards apply to the total refinery flow contribution to the POTW:

Pollutant or pollutant property	Pretreatment standards maximum for any 1 day
	(Milligrams per liter (mg/l))
Oil and grease	100
Ammonia (as N)	[1] 100

[1] Where the discharge to the POTW consists solely of sour waters, the owner or operator has the option of complying with this limit or the daily maximum mass limitation for ammonia set forth in § 419.33 (a) and (b).

§ 419.36 Standards of performance for new sources (NSPS).

(a) Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

Pollutant or pollutant property	NSPS Effluent Limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
BOD5	21.8	11.6
TSS	14.9	9.5
COD[1]	133.0	69.0
Oil and grease	6.6	3.5
Phenolic compounds	0.158	.077
Ammonia as N	23.4	10.7
Sulfide	0.140	0.063
Total chromium	0.32	0.19
Hexavalent chromium	0.025	0.012
pH	(2)	(2)
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	7.7	4.1
TSS	5.2	3.3
COD[1]	47.0	24.0
Oil and grease	2.4	1.3
Phenolic compounds	0.056	0.027
Ammonia as N	8.3	3.8
Sulfide	0.050	0.022
Total chromium	0.116	0.068
Hexavalent chromium	0.0096	0.0044
pH	(2)	(2)

[1] See footnote following table in § 419.13(d).
[2] Within the range of 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 24.9	0.73
25.0 to 49.9	0.76
50.0 to 74.9	0.83
75.0 to 99.9	0.91
100.0 to 124.9	0.99
125.0 to 149.9	1.08
150.0 or greater	1.13

(2) Process factor.

Process configuration	Process factor
Less than 4.49	0.73
4.5 to 5.49	0.80
5.5 to 5.99	0.91
6.0 to 6.49	0.99

Process configuration	Process factor
6.5 to 6.99	1.08
7.0 to 7.49	1.17
7.5 to 7.99	1.28
8.0 to 8.49	1.39
8.5 to 8.99	1.51
9.0 to 9.49	1.65
9.5 or greater	1.72

(3) See the comprehensive example in subpart D, §419.42(b)(3).

(c) The provisions of §419.16(c) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(e) *Effluent Limitations for Runoff.* [Reserved]

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28523, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§419.37 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve the following pretreatment standards for new sources (PSNS).

(a) The following standards apply to the total refinery flow contribution to the POTW:

Pollutant or pollutant property	Pretreatment standards for new sources maximum for any 1 day
	Milligrams per liter (mg/l)
Oil and grease	100
Ammonia (as N)	[1] 100

[1] Where the discharge to the POTW consists solely of sour waters, the owner or operator has the option of complying with this limit or the daily maximum mass limitation for ammonia set forth in §419.36 (a) and (b).

(b) The following standard is applied to the cooling tower discharge part of the total refinery flow to the POTW by multiplying: (1) The standard; (2) by the total refinery flow to the POTW; and (3) by the ratio of the cooling tower discharge flow to the total refinery flow.

Pollutant or pollutant property	Pretreatment standards for new sources maximum for any 1 day
	Miligrams per liter (mg/l)
Total chromium	1

Subpart D—Lube Subcategory

§419.40 Applicability; description of the lube subcategory.

The provisions of this subpart are applicable to all discharges from any facility that produces petroleum products by the use of topping, cracking, and lube oil manufacturing processes, whether or not the facility includes any process in addition to topping, cracking, and lube oil manufacturing processes. The provisions of this subpart are not applicable, however, to facilities that include the processes specified in subparts C and E of this part.

§419.41 Specialized definitions.

The general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter and the specialized definitions set forth in §419.11 shall apply to this subpart.

§419.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

(a) Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	50.6	25.8
TSS	35.6	22.7
COD[1]	360.0	187.0
Oil and grease	16.2	8.5
Phenolic compounds	0.38	0.184
Ammonia as N	23.4	10.6
Sulfide	0.33	0.150
Total chromium	0.77	0.45
Hexavalent chromium	0.068	0.030
pH	(2)	(2)
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	17.9	9.1
TSS	12.5	8.0
COD[1]	127.0	66.0
Oil and grease	5.7	3.0
Phenolic compounds	0.133	0.065
Ammonia as N	8.3	3.8
Sulfide	0.118	0.053
Total chromium	0.273	0.160
Hexavalent chromium	0.024	0.011
pH	(2)	(2)

[1] See footnote following table in § 419.13(d).
[2] Within the range of 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 49.9	0.71
50.0 to 74.9	0.74
75.0 to 99.9	0.81
100.0 to 124.9	0.88
125.0 to 149.9	0.97
150.0 to 174.9	1.05
175.0 to 199.9	1.14
200.0 or greater	1.19

(2) Process factor.

Process configuration	Process factor
Less than 6.49	0.81
6.5 to 7.49	0.88
7.5 to 7.99	1.00
8.0 to 8.49	1.09
8.5 to 8.99	1.19
9.0 to 9.49	1.29
9.5 to 9.99	1.41
10.0 to 10.49	1.53
10.5 to 10.99	1.67
11.0 to 11.49	1.82
11.5 to 11.99	1.98
12.0 to 12.49	2.15
12.5 to 12.99	2.34
13.0 or greater	2.44

(3) Example of the application of the above factors. Example—Lube refinery 125, 000 bbl per stream day throughput.

CALCULATION OF THE PROCESS CONFIGURATION

Process category	Process included	Weighting factor
Crude	Atm crude distillation	1
	Vacuum, crude distillation	
	Desalting	
Cracking and coking.	Fluid cat. cracking	6
	Vis-breaking	
	Thermal cracking	
	Moving bed cat. cracking	
	Hydrocracking	
	Fluid coking	
	Delayed coking	
Lube	Further defined in the development document.	13
Asphalt	Asphalt production	12
	Asphalt oxidation	
	Asphalt emulsifying	

Process	Capacity (1,000 bbl per stream day)	Capacity relative to throughput	Weighting Factor	Processing configuration
Crude:				
Atm	125.0	1.0		
Vacuum	60.0	0.48		
Desalting	125.0	1.0		
Total		2.48	×1	=2.48
Cracking-FCC	41.0	0.328		
Hydrocracking	20.0	0.160		
Total		0.488	×6	=2.93
Lubes	5.3	0.042		
	4.0	0.032		
	4.9	0.039		
Total		0.113	×13	=1.47
Asphalt	4.0	0.032	×12	= .38
Refinery process configuration				=7.26

Notes:
See Table § 419.42(b)(2) for process factor. Process factor=0.88.
See Table § 419.42(b)(1) for size factor for 125,000 bbl per stream day lube refinery. Size factor=0.97.
To calculate the limits for each parameter, multiply the limit § 419.42(a) by both the process factor and size factor. BOD5 limit (maximum for any 1 day)=17.9×0.88×0.97=15.3 lb. per 1,000 bbl of feedstock.

(c) The provisions of § 419.12(c) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(e) *Effluent limitations for contaminated runoff*. The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff, which may be discharged after the application of the best practicable control technology currently available by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 15 mg/l oil and grease and 110 mg/l total organic carbon (TOC) based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 15 mg/l oil and grease or 110 mg/l TOC is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BPT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of flow)	
BOD_5	48.	26.
TSS	33.	21.
COD [1]	360.	180.
Oil and grease	15.	8.
Phenolic compounds (4AAP)	0.35	0.17
Total chromium	0.73	0.43
Hexavalent chromium	0.062	0.028
pH	([2])	([2])
	English units (pounds per 1,000 gallons of flow)	
BOD_5	0.40	0.22
TSS	0.28	0.18
COD [1]	3.0	1.5
Oil and grease	0.13	0.067
Phenolic compounds (4AAP)	0.0029	0.0014
Total chromium	0.0060	0.0035
Hexavalent chromium	0.00052	0.00023
pH	([2])	([2])

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the permitting authority may substitute TOC as a parameter in lieu of COD. A TOC effluent limitation shall be based on effluent data from the particular refinery which correlates TOC to BOD_5. If in the judgment of the permitting authority, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations for BOD_5.

[2] Within the range of 6.0 to 9.0.

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28522, 28523, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT):

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per	
COD [1]	360.0	187.0
Ammonia as N	23.4	10.6
Sulfide	0.33	0.150
	English units (pounds per 1,000 bbl of feedstock)	
COD [1]	127.0	66.0
Ammonia as N	8.3	3.8

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Sulfide	0.118	0.053

[1] See footnote following table in § 419.13(d).

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 49.9	0.71
50.0 to 74.9	0.74
75.0 to 99.9	0.81
100.0 to 124.9	0.88
125.0 to 149.9	0.97
150.0 to 174.9	1.05
175.0 to 199.9	1.14
200.0 or greater	1.19

(2) Process factor.

Process configuration	Process factor
Less than 6.49	0.81
6.5 to 7.49	0.88
7.5 to 7.99	1.00
8.0 to 8.49	1.09
8.5 to 8.99	1.19
9.0 to 9.49	1.29
9.5 to 9.99	1.41
10.0 to 10.49	1.53
10.5 to 10.99	1.67
11.0 to 11.49	1.82
11.5 to 11.99	1.98
12.0 to 12.49	2.15
12.5 to 12.99	2.34
13.0 or greater	2.44

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c)(1) In addition to the provisions contained above pertaining to COD, ammonia and sulfide, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT):

(i) For each of the regulated pollutant parameters listed below, the effluent limitation for a given refinery is the sum of the products of each effluent limitation factor times the applicable process feedstock rate, calculated as provided in 40 CFR 122.45(b). Applicable production processes are presented in appendix A, by process type. The process identification numbers presented in this appendix A are for the convenience of the reader. They can be cross-referenced in the *Development Document for Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Petroleum Refining Point Source Category* (EPA 440/1–82/014), Table III–7, pp. 49–54.

Pollutant or pollutant property and process type	BAT effluent limitation factor	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m³ of feedstock)	
Phenolic compounds (4AAP):		
Crude	0.037	0.009
Cracking and coking	0.419	0.102
Asphalt	0.226	0.055
Lube	1.055	0.257
Reforming and alkylation	0.377	0.092
Total chromium:		
Crude	0.030	0.011
Cracking and coking	0.340	0.118
Asphalt	0.183	0.064
Lube	0.855	0.297
Reforming and alkylation	0.305	0.106
Hexavalent chromium:		
Crude	0.0019	0.0009
Cracking and coking	0.0218	0.0098
Asphalt	0.0117	0.0053
Lube	0.0549	0.0248
Reforming and alkylation	0.0196	0.0088
	English units (pounds per 1,000 bbl of feedstock)	
Phenolic compounds (4AAP):		
Crude	0.013	0.003
Cracking and coking	0.147	0.036
Asphalt	0.079	0.019
Lube	0.369	0.090
Reforming and alkylation	0.132	0.032
Total chromium:		
Crude	0.011	0.004
Cracking and coking	0.119	0.041
Asphalt	0.064	0.022
Lube	0.299	0.104
Reforming and alkylation	0.107	0.037
Hexavalent chromium:		
Crude	0.0007	0.0003
Cracking and coking	0.0076	0.0034
Asphalt	0.0041	0.0019
Lube	0.0192	0.0087
Reforming and alkylation	0.0069	0.0031

(2) Example Application of Effluent Limitations Guidelines as Applicable to Phenolic Compounds, Hexavalent Chromium, and Total Chromium.

The following example presents the derivation of a BAT phenolic compound

(4AAP) effluent limitation (30-day average) for a petroleum refinery permit. The methodology is also applicable to hexavalent chromium and total chromium.

Refinery process	Process feedstock rate 1,000 bbl/day
1. Atmospheric crude distillation	100
2. Crude desalting	50
3. Vacuum crude distillation	75
Total crude processes (C)	225
6. Fluid catalytic cracking	25
10. Hydrocracking	20
Total cracking and coking processes (K)	45
18. Asphalt production	5
Total asphalt processes (A)	5
21. Hydrofining	3
Total lube processes (L)	3
8. Catalytic reforming	10
Total reforming and alkylation processes (R)	10

NOTE: 30 day average effluent limitation for phenolic compounds (4AAP), lb/day=(0.003) (225)+(0.036) (45)+(0.019) (5)+(0.090) (3)+(0.032) (10)=2.98 lb/day.

(d) The provisions of § 419.13(d) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(e) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(f) *Effluent limitations for contaminated runoff*. The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff, which may be discharged after the application of the best available technology economically achievable by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 110 mg/l total organic carbon (TOC) based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 110 mg/l TOC is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BAT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of flow)	
Phenolic compounds (4AAP)	0.35	0.17
Total chromium	0.60	0.21
Hexavalent chromium	0.062	0.028
COD [1]	360.	180.
	English units (pounds per 1,000 gallons of flow)	
Phenolic compounds (4AAP)	0.0029	0.0014
Total chromium	0.0050	0.0018
Hexavalent chromium	0.00052	0.00023
COD [1]	3.0	1.5

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the permitting authority may substitute TOC as a parameter in lieu of COD. A TOC effluent limitation shall be based on effluent data from the particular refinery which correlates TOC to BOD_5. If in the judgement of the permitting authority, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations for BOD_5

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28523, 28524, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.44 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock	
BOD_5	50.6	25.8
TSS	35.6	22.7
Oil and Grease	16.2	8.5
pH	(1)	(1)
	English units (pounds per 1,000 bbl of feedstock)	
BOD_5	17.9	9.1
TSS	12.5	8.0
Oil and Grease	5.7	3.0
pH	(1)	(1)

[1] Within the range of 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 49.9	0.71
50.0 to 74.9	0.74
75.0 to 99.9	0.81
100.0 to 124.9	0.88
125.0 to 149.9	0.97
150.0 to 174.9	1.05
175.0 to 199.9	1.14
200.0 or greater	1.19

(2) Process factor.

Process configuration	Process factor
Less than 6.49	0.81
6.5 to 7.49	0.88
7.5 to 7.99	1.00
8.0 to 8.49	1.09
8.5 to 8.99	1.19
9.0 to 9.49	1.29
9.5 to 9.99	1.41
10.0 to 10.49	1.53
10.5 to 10.99	1.67
11.0 to 11.49	1.82
11.5 to 11.99	1.98
12.0 to 12.49	2.15
12.5 to 12.99	2.34
13.0 or greater	2.44

(c) The provisions of § 419.14(c) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section.

(e) *Effluent limitations for contaminated runoff.* The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff which may be discharged after the application of the best conventional pollutant control technology by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 15 mg/l oil and grease based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 15 mg/l oil and grease is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BCT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric unit (kilograms per 1,000 m^3 of flow)	
BOD_5	48.	26.
TSS	33.	21.
Oil and grease	15.	8.
pH	(1)	(1)
	English units (pounds per 1,000 gallons of flow)	
BOD_5	0.40	0.22
TSS	0.28	0.18
Oil and grease	0.13	0.067
pH	(1)	(1)

[1] Within the range of 6.0 to 9.0.

[50 FR 28526, July 12, 1985]

§ 419.45 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13 any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve the following pretreatment standards for existing sources (PSES). The following standards apply to the total refinery flow contribution to the POTW:

Pollutant or pollutant property	Pretreatment standards for existing sources—maximum for any 1 day
	Milligrams per liter (mg/l)
Oil and grease	100
Ammonia (as N)	[1] 100

[1] Where the discharge to the POTW consists solely of sour waters, the owner or operator has the option of complying with this limit or the daily maximum mass limitation for ammonia set forth in § 419.43 (a) and (b).

§ 419.46 Standards of performance for new sources (NSPS).

(a) Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
BOD5	34.6	18.4
TSS	23.4	14.9
COD [1]	245.0	126.0
Oil and grease	10.5	5.6
Phenolic compounds	0.25	0.12
Ammonia as N	23.4	10.7
Sulfide	0.220	0.10
Total chromium	0.52	0.31
Hexavalent chromium	0.046	0.021
pH	([2])	([2])
	English units (pounds per 1,000 bbl of feedstock)	
BOD [1]	12.2	6.5
TSS	8.3	5.3
COD [1]	87.0	45.0
Oil and grease	3.8	2.0
Phenolic compounds	0.088	0.043
Ammonia as N	8.3	3.8
Sulfide	0.078	0.035
Total chromium	0.180	0.105
Hexavalent chromium	0.022	0.0072
pH	([2])	([2])

[1] See footnote following table in § 419.13(d).
[2] Within the range 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 49.9	0.71
50.0 to 74.9	0.74
75.0 to 99.9	0.81
100.0 to 124.9	0.88
125.0 to 149.9	0.97
150.0 to 174.9	1.05
175.0 to 199.9	1.14
200.0 or greater	1.19

(2) Process factor.

Process configuration	Process factor
Less than 6.49	0.81
6.5 to 7.49	0.88
7.5 to 7.99	1.00
8.0 to 8.49	1.09
8.5 to 8.99	1.19
9.0 to 9.49	1.29
9.5 to 9.99	1.41
10.0 to 10.49	1.53
10.5 to 10.99	1.67
11.0 to 11.49	1.82
11.5 to 11.99	1.98
12.0 to 12.49	2.15
12.5 to 12.99	2.34
13.0 or greater	2.44

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c) The provisions of § 419.16(c) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provision of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/1.

(e) *Effluent Limitations for Runoff.* [Reserved]

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28523, 28528, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.47 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve the following pretreatment standards for new sources (PSNS).

(a) The following standards apply to the total refinery flow contribution to the POTW:

Pollutant or pollutant property	Pretreatment standards for new sources, maximum for any 1 day
	Milligrams per liter (mg/l)
Oil and grease	100
Ammonia (as N)	[1] 100

[1] Where the discharge to the POTW consists solely of sour waters, the owner or operator has the option of complying with this limit or the daily maximum mass limitation for ammonia set forth in § 419.46 (a) and (b).

(b) The following standard is applied to the cooling tower discharge part of the total refinery flow to the POTW by multiplying: (1) The standard; (2) by the total refinery flow to the POTW; and (3) by the ratio of the cooling tower discharge flow to the total refinery flow.

Pollutant or pollutant property	Pretreatment standards for new sources, maximum for any 1 day
	Milligrams per liter (mg/l)
Total chromium	1

Subpart E—Integrated Subcategory

§ 419.50 Applicability; description of the integrated subcategory.

The provisions of this subpart are applicable to all discharges resulting from any facility that produces petroleum products by the use of topping, cracking, lube oil manufacturing processes, and petrochemical operations, whether or not the facility includes any process in addition to topping, cracking, lube oil manufacturing processes, and petrochemical operations.

§ 419.51 Specialized definitions.

The general definitions, abbreviations, and methods of analysis set forth in part 401 of this chapter and the specialized definitions set forth in § 419.31 shall apply to this subpart.

§ 419.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

(a) Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Pollutant or pollutant property	BPT Effluent Limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
BOD5	54.4	28.9
TSS	37.3	23.7
COD[1]	388.0	198.0
Oil and grease	17.1	9.1
Phenolic compounds	0.40	0.192
Ammonia as N	23.4	10.6
Sulfide	0.35	0.158
Total Chromium	0.82	0.48
Hexavalent chromium	0.068	0.032
pH	([2])	([2])
	English units (pounds per 1,000 bbl of feedstock)	
BOD[1]	19.2	10.2
TSS	13.2	8.4
COD[1]	136.0	70.0
Oil and grease	6.0	3.2
Phenolic compounds	0.14	0.068
Ammonia as N	8.3	3.8
Sulfide	0.124	0.056
Total chromium	0.29	0.17
Hexavalent chromium	0.025	0.011
pH	([2])	([2])

[1] See footnote following table in § 419.13(d).
[2] Within the range 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and

maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 124.9	0.73
125.0 to 149.9	0.76
150.0 to 174.9	0.83
175.0 to 199.9	0.91
200.0 to 224.9	0.99
225 or greater	1.04

(2) Process factor.

Process configuration	Process factor
Less than 6.49	0.75
6.5 to 7.49	0.82
7.5 to 7.99	0.92
8.0 to 8.49	1.00
8.5 to 8.99	1.10
9.0 to 9.49	1.20
9.5 to 9.99	1.30
10.0 to 10.49	1.42
10.5 to 10.99	1.54
11.0 to 11.49	1.68
11.5 to 11.99	1.83
12.0 to 12.49	1.99
12.5 to 12.99	2.17
13.0 or greater	2.26

(3) See the comprehensive example in subpart D, §419.42(b)(3).

(c) The provisions of §419.12(c) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provision of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(e) *Effluent limitations for contaminated runoff*. The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff, which may be discharged after the application of the best practicable control technology currently available by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 15 mg/l oil and grease and 110 mg/l total organic carbon (TOC) based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 15 mg/l oil and grease or 110 mg/l TOC is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BPT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of flow)	
BOD5	48.	26.
TSS	33.	21.
COD [1]	360.	180.
Oil and grease	15.	8.
Phenolic compounds (4AAP)	0.35	0.17
Total chromium	0.73	0.43
Hexavalent chromium	0.062	0.028
pH	([2])	([2])
	English units (pounds per 1,000 gallons of flow)	
BOD5	0.40	0.22
TSS	0.28	0.18
COD [1]	3.0	1.5
Oil and grease	0.13	0.067
Phenolic compounds (4AAP)	0.0029	0.0014
Total chromium	0.0060	0.0035
Hexavalent chromium	0.00052	0.00023
pH	([2])	([2])

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the permitting authority may substitute TOC as a parameter in lieu of COD. A TOC effluent limitation shall be based on effluent data from the particular refinery which correlates TOC to BOD_5. If in the judgment of the permitting authority, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations for BOD_5.

[2] Within the range of 6.0 to 9.0.

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28522, 28523, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§419.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30 through 125.32, any existing point

source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT):

Pollutant or pollutant property	BAT Effluent Limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
COD [1]	388.0	198.0
Ammonia as N	23.4	10.6
Sulfide	0.35	0.158
	English units (pounds per 1,000 bbl of feedstock)	
COD [1]	136.0	70.0
Ammonia as N	8.3	3.8
Sulfide	0.124	0.056

[1] See footnote following table in § 419.13(d).

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 124.9	0.73
125.0 to 149.9	0.76
150.0 to 174.9	0.83
175.0 to 199.9	0.91
200 to 224.9	0.99
225 or greater	1.04

(2) Process factor.

Process configuration	Process factor
Less than 6.49	0.75
6.5 to 7.49	0.82
7.5 to 7.99	0.92
8.0 to 8.49	1.00
8.5 to 8.99	1.10
9.0 to 9.49	1.20
9.5 to 9.99	1.30
10.0 to 10.49	1.42
10.5 to 10.99	1.54
11.0 to 11.49	1.68
11.5 to 11.99	1.83
12.0 to 12.49	1.99
12.5 to 12.99	2.17
13.0 or greater	2.26

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c)(1) In addition to the provisions contained above pertaining to COD, ammonia and sulfide, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT):

(i) For each of the regulated pollutant parameters listed below, the effluent limitation for a given refinery is the sum of the products of each effluent limitation factor times the applicable process feedstock rate, calculated as provided in 40 CFR 122.45(b). Applicable production processes are presented in appendix A, by process type. The process identification numbers presented in this appendix A are for the convenience of the reader. They can be cross-referenced in the *Development Document for Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Petroleum Refining Point Source Category* (EPA 440/1–82/014), Table III–7, pp. 49–54.

Pollutant or pollutant property and process type	BAT effluent limitation factor	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 cubic meters of feedstock)	
Phenolic compounds (4AAP):		
Crude	0.037	0.009
Cracking and coking	0.419	0.102
Asphalt	0.226	0.055
Lube	1.055	0.257
Reforming and alkylation	0.377	0.092
Total chromium:		
Crude	0.030	0.011
Cracking and coking	0.340	0.118
Asphalt	0.183	0.064
Lube	0.855	0.297
Reforming and alkylation	0.305	0.106
Hexavalent chromium:		
Crude	0.0019	0.0009
Cracking and coking	0.0218	0.0098
Asphalt	0.0117	0.0053
Lube	0.0549	0.0248
Reforming and alkylation	0.0196	0.0088
	English units (pounds per 1,000 bbl of feedstock)	
Phenolic compounds (4AAP):		
Crude	0.013	0.003
Cracking and coking	0.147	0.036
Asphalt	0.079	0.019

Pollutant or pollutant property and process type	BAT effluent limitation factor	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Lube	0.369	0.090
Reforming and alkylation	0.132	0.032
Total chromium:		
Crude	0.011	0.004
Cracking and coking	0.119	0.041
Asphalt	0.064	0.022
Lube	0.299	0.104
Reforming and alkylation	0.107	0.037
Hexavalent chromium:		
Crude	0.0007	0.0003
Cracking and coking	0.0076	0.0034
Asphalt	0.0041	0.0019
Lube	0.0192	0.0087
Reforming and alkylation	0.0069	0.0031

(2) See the comprehensive example in subpart D, § 419.43(c)(2).

(d) The provisions of § 419.13(d) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(e) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(f) *Effluent limitations for contaminated runoff.* The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff, which may be discharged after the application of the best available technology economically achievable by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 110 mg/l total organic carbon (TOC) based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 110 mg/l TOC is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BAT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of flow)	
Phenolic compounds (4AAP)	0.35	0.17
Total chromium	0.60	0.21
Hexavalent chromium	0.062	0.028
COD [1]	360.	180.
	English units (pounds per 1,000 gallons of flow)	
Phenolic compounds (4AAP)	0.0029	0.0014
Total chromium	0.0050	0.0018
Hexavalent chromium	0.00052	0.00023
COD [1]	3.0	1.5

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the permitting authority may substitute TOC as a parameter in lieu of COD. A TOC effluent limitation shall be based on effluent data from the particular refinery which correlates TOC to BOD_5. If in the judgement of the permitting authority, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations for BOD_5

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28523, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.54 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) Any existing point subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
BOD5	54.4	28.9
TSS	37.3	23.7
Oil and grease	17.1	9.1

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
pH	(1)	(1)
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	19.2	10.2
TSS	13.2	8.4
Oil and grease	6.0	3.2
ph	(1)	(1)

[1] Within the range of 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 124.9	0.73
125.0 to 149.9	0.76
150.0 to 174.9	0.83
175. to 199.9	0.91
200.0 to 224.9	0.99
225.0 or greater	1.04

(2) Process factor.

Process configuration	Process factor
Less than 6.49	0.75
6.5 to 7.49	0.82
7.5 to 7.99	0.92
8.0 to 8.49	1.00
8.5 to 8.99	1.10
9.0 to 9.49	1.20
9.5 to 9.99	1.30
10.0 to 10.49	1.42
10.5 to 10.99	1.54
11.0 to 11.49	1.68
11.5 to 11.99	1.83
12.0 to 12.49	1.99
12.5 to 12.99	2.17
13.0 or greater	2.26

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c) The provisions of § 419.14(c) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge alllowed by paragraph (b) of this section.

(e) *Effluent limitations for contaminated runoff.* The following effluent limitations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to contaminated runoff which may be discharged after the application of the best conventional pollutant control technology by a point source subject to this subpart.

(1) If wastewater consists solely of contaminated runoff and is not commingled or treated with process wastewater, it may be discharged if it does not exceed 15 mg/l oil and grease based upon an analysis of any single grab or composite sample.

(2) If contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 15 mg/l oil and grease is not commingled or treated with any other type of wastewater, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of contaminated runoff as determined by the permit writer times the concentrations listed in the following table:

Pollutant or pollutant property	BCT effluent limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
BOD5	48.	26.
TSS	33.	21.
Oil and grease	15.	8.
pH	(1)	(1)
	English units (pounds per 1,000 gallons of flow)	
BOD5	0.40	0.22
TSS	0.28	0.18
Oil and grease	0.13	0.067
pH	(1)	(1)

[1] Within the range of 6.0 to 9.0.

[50 FR 28527, July 12, 1985]

§ 419.55 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13 any existing source subject

to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR 403 and achieve the following pretreatment standards for existing sources (PSES). The following standards apply to the total refinery flow contribution to the POTW:

Pollutant or pollutant property	Pretreatment standards for existing sources—maximum for any 1 day
	Milligrams per liter (mg/l)
Oil and grease	100
Ammonia (as N)	[1]100

[1] Where the discharge to the POTW consists solely of sour waters, the owner or operator has the option of complying with this limit or the daily maximum mass limitation for ammonia set forth in § 419.53 (a) and (b).

§ 419.56 Standards of performance for new sources (NSPS).

(a) Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

Pollutant or pollutant property	NSPS effluent limitation	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
BOD5	41.6	22.1
TSS	28.1	17.9
COD [1]	295.0	152.0
Oil and grease	12.6	6.7
Phenolic compounds	0.30	0.14
Ammonia as N	23.4	10.7
Sulfide	0.26	0.12
Total chromium	0.64	0.37
Hexavalent chromium	0.052	0.024
pH	([2])	([2])
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	14.7	7.8
TSS	9.9	6.3
COD [1]	104.0	54.0
Oil and grease	4.5	2.4
Phenolic compounds	0.105	0.051
Ammonia as N	8.3	3.8
Sulfide	0.093	0.042
Total chromium	0.220	0.13
Hexavalent chromium	0.019	0.0084
pH	([2])	([2])

[1] See footnote following table in § 419.13(d).

[2] Within the range 6.0 to 9.0.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 bbl of feedstock per stream day	Size factor
Less than 124.9	0.73
125.0 to 149.9	0.76
150.0 to 174.9	0.83
175.0 to 199.9	0.91
200 to 224.9	0.99
225 or greater	1.04

(2) Process factor.

Process configuration	Process factor
Less than 6.49	0.75
6.5 to 7.49	0.82
7.5 to 7.99	0.92
8.0 to 8.49	1.00
8.5 to 8.99	1.10
9.0 to 9.49	1.20
9.5 to 9.99	1.30
10.0 to 10.49	1.42
10.5 to 10.99	1.54
11.0 to 11.49	1.68
11.5 to 11.99	1.83
12.0 to 12.49	1.99
12.5 to 12.99	2.17
13.0 or greater	2.26

(3) See the comprehensive example in subpart D, § 419.42(b)(3).

(c) The provisions of § 419.16(c) apply to discharges of process wastewater pollutants attributable to ballast water by a point source subject to the provision of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

(e) *Effluent Limitations for Runoff.* [Reserved]

[47 FR 46446, Oct. 18, 1982, as amended at 50 FR 28523, 28528, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

§ 419.57 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart

which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve the following pretreatment standards for new sources (PSNS).

(a) The following standards apply to the total refinery flow contribution to the POTW:

Pollutant or pollutant property	Pretreatment standards for new sources—maximum for any 1 day
	Milligrams per liter (mg/l)
Oil and grease	100
Ammonia (as N)	[1] 100

[1] Where the discharge to the POTW consists solely of sour waters, the owner or operator has the option of complying with this limit or the daily maximum mass limitation for ammonia set forth in § 419.56 (a) and (b).

(b) The following standard is applied to the cooling tower discharge part of the total refinery flow to the POTW by multiplying: (1) The standards; (2) by the total refinery flow to the POTW; and (3) by the ratio of the cooling tower discharge flow to the total refinery flow.

Pollutant or pollutant property	Pretreatment standards for new sources—maximum for any 1 day
	Milligrams per liter (mg/1)
Total chromium	1

APPENDIX A TO PART 419—PROCESSES INCLUDED IN THE DETERMINATION OF BAT EFFLUENT LIMITATIONS FOR TOTAL CHROMIUM, HEXAVALENT CHROMIUM, AND PHENOLIC COMPOUNDS (4AAP)

Crude Processes

1. Atmospheric Crude Distillation
2. Crude Desalting
3. Vacuum Crude Distillation

Cracking and Coking Processes

4. Visbreaking
5. Thermal Cracking
6. Fluid Catalytic Cracking
7. Moving Bed Catalytic Cracking
10. Hydrocracking
15. Delayed Coking
16. Fluid Coking
54. Hydrotreating

Asphalt Processes

18. Asphalt Production
32. 200° F Softening Point Unfluxed Asphalt
43. Asphalt Oxidizing
89. Asphalt Emulsifying

Lube Processes

21. Hydrofining, Hydrofinishing, Lube Hydrofining
22. White Oil Manufacture
23. Propane Dewaxing, Propane Deasphalting, Propane Fractioning, Propane Deresining
24. Duo Sol, Solvent Treating, Solvent Extraction, Duotreating, Solvent Dewaxing, Solvent Deasphalting
25. Lube Vac Twr, Oil Fractionation, Batch Still (Naphtha Strip), Bright Stock Treating
26. Centrifuge and Chilling
27. MEK Dewaxing, Ketone Dewaxing, MEK-Toluene Dewaxing
28. Deoiling (wax)
29. Naphthenic Lubes Production
30. SO_2 Extraction
34. Wax Pressing
35. Wax Plant (with Neutral Separation)
36. Furfural Extraction
37. Clay Contacting—Percolation
38. Wax Sweating
39. Acid Treating
40. Phenol Extraction

Reforming and Alkylation Processes

8. H_2SO_4 Alkylation
12. Catalytic Reforming

[50 FR 28528, July 12, 1985; 50 FR 32414, Aug. 12, 1985]

PART 420—IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

GENERAL PROVISIONS

Sec.
420.01 Applicability.
420.02 General definitions.
420.03 Alternative effluent limitations representing the degree of effluent reduction attainable by the application of best practicable control technology currently available, best available technology economically achievable, best available demonstrated control technology, and best conventional pollutant control technology (the ''water bubble'').
420.04 Calculation of pretreatment standards.
420.05 Pretreatment standards compliance date.
420.06 Removal credits for phenols (4AAP).

Subpart A—Asphalt Emulsion Subcategory

§ 443.10 Applicability; description of the asphalt emulsion subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of asphalt paving and roofing emulsions.

§ 443.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter shall apply to this subpart.

(b) The term ''production area size'' shall mean that area in which the oxidation towers, loading facilities, and all buildings that house product processes are located.

(c) The term ''process wastewater pollutants'' shall mean any pollutants present in the process wastewaters and rainwater runoff.

§ 443.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/cu m of runoff)	
Oil and grease	0.020	0.015
pH	(1)	(1)
	English units (lb/1,000 gal of runoff)	
Oil and grease	0.167	0.125
pH	(1)	(1)

[1] Within the range 6.0 to 9.0.

[40 FR 31191, July 24, 1975, as amended at 60 FR 33969, June 29, 1995]

§ 443.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/cu m of runoff)	
TSS	0.023	0.015
Oil and grease	0.015	0.010
pH	(1)	(1)
	English units (lb/1,000 gal of runoff)	
TSS	0.188	0.125
Oil and grease	0.125	0.083
pH	(1)	(1)

[1] Within the range 6.0 to 9.0.

§ 443.14 [Reserved]

§ 443.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/cu m of runoff)	
TSS	0.023	0.015
Oil and grease	0.015	0.010
pH	(1)	(1)
	English units (lb/1,000 gal of runoff)	
TSS	0.188	0.125
Oil and grease	0.125	0.083
pH	(1)	(1)

[1] Within the range 6.0 to 9.0.

§ 443.16 Pretreatment standards for new sources.

Any new source subject to this subpart that introduces process wastewater pollutants into a publicly owned treatment works must comply with 40 CFR part 403. In addition, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD_5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

[40 FR 31191, July 24, 1975, as amended at 60 FR 33969, June 29, 1995]

Subpart B—Asphalt Concrete Subcategory

§ 443.20 Applicability; description of the asphalt concrete subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of asphalt concrete.

§ 443.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter shall apply to this subpart.

(b) The term ''process wastewater'' shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product, or product used in or resulting from the production of paving asphalt concrete.

(c) The term ''process wastewater pollutants'' shall mean any pollutants present in the process wastewater.

§ 443.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): There shall be no discharge of process waste water pollutants to navigable waters.

[60 FR 33969, June 29, 1995]

§ 443.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process wastewater pollutants to navigable waters.

§ 443.24 [Reserved]

§ 443.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process wastewater pollutants to navigable waters.

§ 443.26 Pretreatment standard for new sources.

Any new source subject to this subpart that introduces process wastewater pollutants into a publicly owned treatment works must comply with 40 CFR part 403. In addition, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD_5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

[40 FR 31191, July 24, 1975, as amended at 60 FR 33969, June 29, 1995]

Subpart C—Asphalt Roofing Subcategory

§ 443.30 Applicability; description of the asphalt roofing subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of asphalt roofing materials.

§ 443.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter shall apply to this subpart.

(b) The term ''process wastewater'' shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product, or product used in or resulting from the production of asphalt roofing materials.

(c) The term ''process wastewater pollutants'' shall mean any pollutants present in the process wastewater.

§ 443.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.056	0.038
pH	(1)	(1)
	English units (lb/1,000 lb of product)	
TSS	0.056	0.038
pH	(1)	(1)

[1] Within the range 6.0 to 9.0.

[40 FR 31191, July 24, 1975, as amended at 60 FR 33969, June 29, 1995]

§ 443.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.028	0.019
pH	(1)	(1)
	English units (lb/1,000 lb of product)	
TSS	0.028	0.019
pH	(1)	(1)

[1] Within the range 6.0 to 9.0.

§ 443.34 [Reserved]

§ 443.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.028	0.019
pH	(1)	(1)
	English units (lb/1,000 lb of product)	
TSS	0.028	0.019
pH	(1)	(1)

[1] Within the range 6.0 to 9.0.

§ 443.36 Pretreatment standard for new sources.

Any new source subject to this subpart that introduces process wastewater pollutants into a publicly owned treatment works must comply with 40 CFR part 403. In addition, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD_5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

[40 FR 31191, July 24, 1975, as amended at 60 FR 33969, June 29, 1995]

Subpart D—Linoleum and Printed Asphalt Felt Subcategory

§ 443.40 Applicability; description of the linoleum and printed asphalt felt subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of Linoleum and Printed Asphalt Felt floor coverings.

§ 443.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter shall apply to this subpart.

(b) The term ''process wastewater'' shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product, or product used in or resulting from the production of linoleum and printed asphalt felt floor coverings.

(c) The term ''process wastewater pollutants'' shall mean any pollutants present in the process wastewater.

§ 443.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.038	0.025
pH	(1)	(1)
	English units (lb/1,000 lb of product)	
TSS	0.038	0.025
pH	(1)	(1)

[1] Within the range 6.0 to 9.0.

[40 FR 31191, July 24, 1975, as amended at 60 FR 33970, June 29, 1995]

§ 443.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.019	0.013
pH	(1)	(1)
	English units (lb/1,000 lb of product)	
TSS	0.019	0.013
pH	(1)	(1)

[1] Within the range 6.0 to 9.0.

§ 443.44 [Reserved]

§ 443.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
pH	(1)	(1)
	English units (lb/1,000 lb of product)	
TSS	0.019	0.013
pH	(1)	(1)

[1] Within the range 6.0 to 9.0.

§ 443.46 Pretreatment standard for new sources.

Any new source subject to this subpart that introduces process wastewater pollutants into a publicly owned treatment works must comply with 40 CFR part 403. In addition, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD_5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

[40 FR 31191, July 24, 1975, as amended at 60 FR 33970, June 29, 1995]

PART 444—WASTE COMBUSTORS POINT SOURCE CATEGORY

Subpart A—Commercial Hazardous Waste Combustor Subcategory

Sec.
444.10 Applicability.
444.11 Definitions.
444.12 Monitoring requirements.
444.13 Effluent limitations attainable by the application of the best practical control technology currently available (BPT).
444.14 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).
444.15 Effluent limitations attainable by the application of the best available technology economically achievable (BAT).
444.16 Pretreatment standards for existing sources (PSES).
444.17 New source performance standards (NSPS).
444.18 Pretreatment standards for new sources (PSNS).

AUTHORITY: Secs. 301, 304, 306, 307, 308, 402, and 501 of the Clean Water Act, as amended; 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, and 1361.

SOURCE: 65 FR 4381, Jan. 27, 2000, unless otherwise noted.

Subpart A—Commercial Hazardous Waste Combustor Subcategory

§ 444.10 Applicability.

(a) The provisions of this part apply only to that portion of wastewater discharges that are associated with Commercial Hazardous Waste Combustor (CHWC) wastewater.

(b) The discharge from a CHWC of wastewater that is not CHWC wastewater, may be subject to other applicable provisions of EPA's CWA effluent guidelines and standards regulations at Subchapter N of Title 40 of the Code of Federal Regulations.