

State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

ORDER NO. R4-2003-0053  
NPDES PERMIT NO. CA0001911

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
AND  
WASTE DISCHARGE REQUIREMENTS  
FOR  
KINDER MORGAN LIQUIDS TERMINALS, LLC  
Gaffey Street Terminal

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

**Background**

1. Kinder Morgan Liquids Terminals, LLC – Gaffey Street Terminal (hereinafter KM-Gaffey Street or Discharger) discharges wastewater under waste discharge requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit contained in Order No. 96-010 (NPDES Permit No. CA0001911) adopted by the Regional Board on February 26, 1996, CI-4192. Order No. 96-010 expired on February 10, 2001.
2. GATX Terminals Corporation (GATX), the former owner of the KM-Gaffey Street Terminal, filed a report of waste discharge and applied for renewal of its WDRs and NPDES permit on September 28, 2000. The Regional Board received required notification of the transfer of ownership via a letter dated February 20, 2001.

**Purpose of Order**

3. The purpose of this NPDES permit is to renew the WDRs for the Kinder Morgan facility. This NPDES permit regulates the discharge of storm water runoff and wastewater from wash down activities into a storm drain located on Gaffey Street, through Discharge Serial No. 001, to the West Basin of Los Angeles Inner Harbor, a water of the United States. The point of discharge of storm water runoff and wastewater from wash down activities is located at Latitude 33°45'35" North, Longitude 118°17'40" West.

**Facility Description**

4. The KM-Gaffey Street Terminal, located in San Pedro, California, stores and handles fuel oil and marine diesel oil products (e.g., fuel oil supplements for vessels), at 1363 North Gaffey Street. The site is used for the storage of marine diesel oil, fuel oil, light cycle oil, and cutter stock. Fuel is received via off-loading from trucks and is pumped directly to the above ground steel storage tanks. The facility operations include “blending” of heavy fuels with lighter fuels to produce a final product. The storage tank areas are separated by an earthen berm into two tank farm areas.

### **Discharge Description**

5. The existing permit regulates the discharge of storm water runoff and wastewater from washing down equipment and the washing off of the ground surface. The wash down activities have not occurred recently, but the Discharger wishes to maintain the ability to continue wash down activities. Currently, the only wastewater generated at the facility is storm water runoff. Two primary areas contribute storm water runoff: 1) paved areas surrounding the office and truck pumping areas; and 2) the unpaved areas surrounding the above ground storage tanks. Runoff from the paved areas is collected in the on-site storm drain system and directed to the oil water separator. Runoff from the unpaved storage tank areas is directed to one of two drains and then to the oil water separator.
6. Wash down activities typically occur in the paved area surrounding the office and truck pumping areas. Hence, any wash down water generated would be directed to the on-site storm drain in that area, and subsequently to the oil water separator for treatment and evaporation. Typically the wash down water is allowed to evaporate so that there is no dry-weather discharge from the facility. In the event that the wash down water is discharged, it would be directed through the oil water separator for treatment, and then discharged to the external storm drain. This Order requires that the discharge of storm water and wash down water not occur simultaneously.
7. A three-cell oil water separator provides treatment of storm water runoff. Storm water flows from cell one to cell two by gravity, is pumped from cell two to cell three, and then gravity flows from cell three over a weir prior to discharge to the external storm drain. A submersible pump is present after cell three which allows the operator to fully drain the cell, if needed. The storm water flow, wash down water drainage, and discharge points are visually observed and manually operated. A valve is used to control the discharge to the external storm drain system. Three valves are present at the head of the separator that control the discharges from the paved and unpaved areas and allow the facility to control when discharges occur. These valves remain closed during the dry season.
8. Precipitation and/or oil is collected within pump and pipe sumps and is removed via a vacuum truck and hauled off-site to the Kinder Morgan – L.A. Harbor Terminal. From the L.A. Harbor Terminal, this wastewater is directed to the Kinder Morgan – Carson Terminal via pipeline where the floating oil is vacuumed off and disposed of off-site by a contract hauler to a legal point of disposal.
9. KM-Gaffey Street currently discharges up to 500,000 gpd of storm water runoff and wastewater from wash down activities into a storm drain located on Gaffey Street, through Discharge Serial No. 001. The wastewater then flows to the West Basin of Los Angeles Inner Harbor, a water of the United States. Figure 1 depicts the facility location map. Figure 2 depicts the water flow diagram for the KM-Gaffey Street facility.

### **Storm Water Management**

10. The objective of this Order is to protect the beneficial uses of receiving waters. To meet this objective, this Order requires KM-Gaffey Street to develop a Storm Water Pollution Prevention Plan (SWPPP) consistent with the SWPPP requirements in the NPDES General

Permit for Storm Water Discharges Associated with Industrial Activity [State Water Resources Control Board (State Board) Order No. 97-03-DWQ, NPDES Permit No. CAS000001] which is attached. The SWPPP will outline site-specific management practices for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged directly into surface waters.

The SWPPP shall also specify Best Management Practices (BMPs) that will be implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable. Further, the Discharger shall assure that storm water discharges from the facility would neither cause, nor contribute to, the exceedance of water quality standards and objectives, nor create conditions of nuisance in the receiving water.

### **Applicable Plans, Policies, and Regulations**

11. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on January 27, 1997 by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Board Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The Regional Board prepared the 1994 update of the Basin Plan to be consistent with all previously adopted State and Regional Board plans and policies. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.
12. The Basin Plan contains water quality objectives and beneficial uses for inland surface waters and for the Pacific Ocean. Inland surface waters consist of rivers, streams, lakes, reservoirs, and inland wetlands. Beneficial uses for a surface water can be designated, whether or not they have been attained on a waterbody, in order to implement either federal or state mandates and goals (such as fishable and swimmable for regional waters).
13. The receiving waters for the permitted discharge covered by this permit is the West Basin of the Los Angeles Inner Harbor. The beneficial uses listed in the Basin Plan for Los Angeles Inner Harbor:
  - Existing: industrial water supply, navigation, non-contact water recreation, preservation of rare and endangered species, commercial and sport fishing, and marine habitat.
  - Potential: contact water recreation and shellfish harvesting.
14. The State Water Resources Control Board (State Board) adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.

15. On May 18, 2000, the U.S. Environmental Protection Agency (USEPA) promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as 40 CFR 131.38]. In the CTR, USEPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million ( $10^{-6}$ ), for all priority toxic pollutants regulated as carcinogens. The CTR also provides a schedule of compliance not to exceed 5 years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with the CTR criteria.
16. Under 40 CFR 122.44(d), Water Quality Standards and State Requirements, “Limitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants), which the Director [permitting authority] determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.” Where numeric effluent limitations for a pollutant or pollutant parameter have not been established in the applicable state water quality control plan, 40 CFR section 122.44(d)(1)(vi) specifies that WQBELs may be set based on USEPA criteria, and may be supplemented where necessary by other relevant information to attain and maintain narrative water quality criteria, and to fully protect designated beneficial uses.
17. Effluent limitation guidelines requiring the application of best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT), were promulgated by the USEPA for some pollutants in this discharge. Effluent limitations for pollutants not subject to the USEPA effluent limitation guidelines are based on one of the following: best professional judgment (BPJ) of BPT, BCT or BAT; current plant performance; or WQBELs. The WQBELs are based on the Basin Plan, other State plans and policies, or USEPA water quality criteria which are taken from the CTR. These requirements, as they are met, will protect and maintain existing beneficial uses of the receiving water. The attached fact sheet for this Order includes specific bases for the effluent limitations.
18. 40 CFR section 122.45(f)(1) requires that except under certain conditions, all permit limits, standards, or prohibitions be expressed in terms of mass units. 40 CFR section 122.45(f)(2) allows the permit writer, at his its discretion, to express limits in additional units (e.g., concentration units). The regulations mandate that, where limits are expressed in more than one unit, the permittee must comply with both.

Generally, mass-based limits ensure that proper treatment, and not dilution is employed to comply with the final effluent concentration limits. Concentration-based effluent limits, on the other hand, discourage the reduction in treatment efficiency during low-flow periods and require proper operation of the treatment units at all times. In the absence of concentration-based effluent limits, a permittee would be able to increase its effluent concentration (i.e., reduce its level of treatment) during low-flow periods and still meet its mass-based limits. To account for this, this permit includes mass and concentration limits for some constituents.

19. State and Federal antibacksliding and antidegradation policies require Regional Board actions to protect the water quality of a water body and to ensure that the waterbody will not be further degraded. The antibacksliding provisions are specified in section 402(o) of the Clean Water Act (CWA) and in Title 40, Code of Federal Regulations (40 CFR), section

122.44(l). Those provisions require a reissued permit to be as stringent as the previous permit with some exceptions where effluent limitations may be relaxed.

20. Effluent limitations are established in accordance with sections 301, 304, 306, and 307 of the CWA, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of Los Angeles Inner Harbor.

### **Watershed Management Approach and Total Maximum Daily Loads (TMDLs)**

21. The Regional Board has implemented the Watershed Management Approach to address water quality issues in the region. Watershed management may include diverse issues as defined by stakeholders to identify comprehensive solutions to protect, maintain, enhance, and restore water quality and beneficial uses. To achieve this goal, the Watershed Management Approach integrates the Regional Board's many diverse programs, particularly Total Maximum Daily Loads (TMDLs), to better assess cumulative impacts of pollutants from all point and non-point sources. A TMDL is a tool for implementing water quality standards and is based on the relationship between pollution sources and in-stream water quality conditions. The TMDL establishes the allowable loadings or other quantifiable parameters for a waterbody and thereby provides the basis to establish water quality-based controls. These controls should provide the pollution reduction necessary for a waterbody to meet water quality standards. This process facilitates the development of watershed-specific solutions that balance the environmental and economic impacts within the watershed. The TMDLs will establish waste load allocation (WLAs) and load allocations (LAs) for point and non-point sources, and will result in achieving water quality standards for the waterbody.
22. The Los Angeles/Long Beach Harbors are located in the southern portion of the Los Angeles Basin in the greater San Pedro Bay. Together with the Dominguez Channel, these harbors receive discharges from highly industrialized areas. The 1998 State Board's California 303(d) List classifies the Los Angeles Inner Harbor and several water bodies within the Harbor as impaired. These water bodies include: Consolidated Slip, Southwest Slip, a portion of Main Channel, Fish Harbor, Cabrillo Pier, and breakwater. The pollutants of concern, detected in the water column, in the sediment, and in the fish tissue, include: copper, lead, ammonia, coliform, chromium, zinc, DDT, PAHs, sediment toxicity, aldrin, benthic community effects, Chem A [refers to the sum of aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, HCH (including lindane), endosulfan, and toxaphene], chlordane, PCBs, and tributyltin.

### **Data Availability and Reasonable Potential Monitoring**

23. 40 CFR 122.44(d)(1)(i) and (ii) require that each toxic pollutant be analyzed with respect to its reasonable potential to (1) cause; (2) have the reasonable potential to cause; or (3) contribute to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant.
24. There are little data available to determine reasonable potential for most of the priority pollutants. Regional Board staff has determined that pollutants that have effluent limits in the current permit will be included in this permit. The effluent limitations have been modified based on the revised water quality criteria contained in the CTR and the requirements contained in the *Technical Support Document for Water Quality-based Toxics Control*. This

permit also includes requirements for additional monitoring to provide the data needed to complete an RPA on all of the priority pollutants.

25. The RPA was performed for certain toxic pollutants using the data collected at the site on November 29, 2001 to determine if any of the constituents sampled previously at the site had a positive RPA. Based on the RPA for storm water, copper, lead, nickel, and zinc had reasonable potential to exceed water quality standards. Further, the RPA indicated that these four constituents have the potential to exceed the WQBELs.

### **Compliance Schedules and Interim Limitations**

26. KM-Gaffey Street may not be able to achieve immediate compliance with the WQBELs for copper, lead, nickel, and zinc concentrations in storm water in Section I.B.4. of this Order. Data submitted in self-monitoring reports indicate that these constituents have been detected at concentrations greater than the new limit proposed in this Order. The Discharger may not be able to achieve immediate compliance with an effluent limitation based on CTR criterion for these constituents.
27. 40 CFR 131.38(e) and the CTR provides conditions under which interim effluent limits and compliance schedules may be issued. The CTR allows inclusion of an interim limit with a specific compliance schedule included in a NPDES permit for priority pollutants if the limit for the priority pollutant is CTR-based. Interim limits have been included in this Order for copper, lead, nickel, and zinc.
28. The CTR requires that the Regional Board establish other interim requirements, such as requiring the discharger to develop a pollutant minimization plan and/or source control measures, and participate in the activities necessary to develop final effluent limitations with interim progress reports submitted at least annually.

### **CEQA and Notifications**

29. The Regional Board has notified the Discharger and interested agencies and persons of its intent to issue waste discharge requirements for this discharge, and has provided them with an opportunity to submit their written views and recommendations.
30. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
31. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Clean Water Act or amendments thereto, and shall take effect in accordance with federal law, the Regional Administrator, USEPA, has no objections.
32. Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, Office of Chief Counsel, ATTN: Elizabeth Miller Jennings, Senior Staff Counsel, 1001 I Street, 22nd Floor, Sacramento, California, 95814, within 30 days of adoption of this Order.

33. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) in accordance with the California Water Code, section 13389.

**IT IS HEREBY ORDERED** that Kinder Morgan Liquids Terminals – Gaffey Street Terminal, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted there under, shall comply with the following:

## **I. DISCHARGE REQUIREMENTS**

### **A. Discharge Prohibitions**

1. Wastes discharged shall be limited to a maximum of 500,000 gallons per day of rainfall runoff and wastewater from wash down activities.
2. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to a storm drain system, Los Angeles Inner Harbor, or waters of the State, are prohibited.

### **B. Effluent Limitations**

The discharge of an effluent in excess of the following limitations is prohibited:

1. A pH value less than 6.5 or greater than 8.5.
2. A temperature greater than 100° F.
3. Toxicity limitations:
  - a) Acute Toxicity Limitation and Requirements
    - (1) The acute toxicity of the effluent shall be such that (i) the average survival in the undiluted effluent for any three (3) consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, and (ii) no single test producing less than 70% survival.
    - (2) If either of the above requirements (Section I.B.3.a.1) is not met, the Discharger shall conduct six additional tests over a six-week period. The Discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of the completion of the test, and the additional tests shall begin within 3 business days of the receipt of the result. If the additional tests indicate compliance with acute toxicity limitation, the Discharger may resume regular testing. However if the results of any two of the six accelerated tests are less than 90% survival, then the

Discharger shall begin a Toxicity Identification Evaluation (TIE). The TIE shall include all reasonable steps to identify the source(s) of toxicity. Once the source(s) of toxicity is identified, the Discharger shall take all reasonable steps to reduce the toxicity to meet the objective.

- (3) If the initial test and any of the additional six acute toxicity bioassay tests result in less than 70% survival, including the initial test, the Discharger shall immediately begin a TIE.
  - (4) The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 4192.
4. Final effluent limitations: In addition to the Requirements I.B.1 through I.B.4, the discharge of storm water from Discharge Serial No. 001 containing constituents in excess of the following limits is prohibited:

Constituents	Units	Maximum Daily Discharge Limitations		Average Monthly Discharge Limitations	
		Concentration	Mass <sup>1</sup> (lbs/day)	Concentration	Mass <sup>1</sup> (lbs/day)
Oil and Grease	mg/L	15	63	10	42
Total Suspended Solids	mg/L	75	313	50	209
Settleable Solids	ml/L	0.3	--	0.1	--
Phenols	mg/L	1	4.2	--	--
Detergents (MBAs)	mg/L	0.5	2.1	--	--
Copper <sup>2,3</sup>	µg/L	5.8	0.02	--	--
Lead <sup>2,3</sup>	µg/L	14	0.06	--	--
Nickel <sup>2,3</sup>	µg/L	13.6	0.06	--	--
Zinc <sup>2,3</sup>	µg/L	95	0.4	--	--

<sup>1</sup> The mass-based effluent limitations are based on a maximum discharge flow rate of 0.5 mgd of storm water runoff.

The equation used to calculate the mass is:

$$m = 8.34 * C * Q \text{ where:}$$

m = mass limit for a pollutant in lbs/day

C = concentration limit for a pollutant, mg/L

Q = maximum discharge flow rate, mgd

<sup>2</sup> Discharge limitations are expressed as total recoverable.

<sup>3</sup> The interim limits in Section I.B.5 below are applicable from the date of adoption of the Order through April 30, 2006.

The discharge of wash down wastewater from Discharge Serial No. 001 containing constituents in excess of the following limits is prohibited:

Constituent	Units	Maximum Daily Discharge Limitations		Average Monthly Discharge Limitations	
		Concentration	Mass <sup>2</sup> (lbs/day)	Concentration	Mass <sup>2</sup> (lbs/day)
pH	Standard units	Between 6.5 – 8.5	--	--	--
Oil and Grease	mg/L	15	0.01	10	0.008
Total Suspended Solids	mg/L	75	0.06	50	0.04
Settleable Solids	ml/L	0.3	--	0.1	--
Phenols	mg/L	1	0.0008	--	--
Detergents (MBAs)	mg/L	0.5	0.0004	--	--

<sup>1</sup>The mass-based limitations are based on a maximum discharge flow rate of 0.0001 mgd of wash down wastewater.

5. Interim Effluent Limitations. From the effective date of this Order until April 30, 2006 the discharge of an effluent in excess of the following limitations is prohibited:

Constituent (units)	Maximum Daily Discharge Limitation	Mass <sup>1</sup> (lbs/day)
Copper (µg/L) <sup>2</sup>	59	0.25
Lead (µg/L) <sup>2</sup>	53	0.22
Nickel (µg/L) <sup>2</sup>	22	0.09
Zinc (µg/L) <sup>2</sup>	210	0.88

<sup>1</sup>The mass-based effluent limitations are based on a flow rate of 0.5 mgd.

<sup>2</sup> Discharge limitations for these metals are expressed as total recoverable.

Discharges after April 30, 2006 must comply with the limits for these constituents stipulated in the table in section I.B.4.

### C. Receiving Water Limitations

1. The discharge shall not cause the following conditions to exist in the receiving waters:
  - a) Floating, suspended or deposited macroscopic particulate matter or foam;
  - b) Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
  - c) Visible, floating, suspended or deposited oil or other products of petroleum origin;

- d) Bottom deposits or aquatic growths; or,
  - e) Toxic or other deleterious substances to be present in concentrations or quantities which cause deleterious effects on aquatic biota, wildlife, or waterfowl or render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
2. The discharge shall not cause nuisance, or adversely effect beneficial uses of the receiving water.
  3. No discharge shall cause a surface water temperature rise greater than 5°F above the natural temperature of the receiving waters at any time or place.
  4. The discharge shall not cause the following limitations to be exceeded in the receiving waters at any place within the waterbody of the receiving waters:
    - a) The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH levels by more than 0.5 units;
    - b) Dissolved oxygen shall not be less than 5.0 mg/L anytime, and the median dissolved oxygen concentration for any three consecutive months shall not be less than 80 percent of the dissolved oxygen content at saturation;
    - c) Dissolved sulfide shall not be greater than 0.1 mg/L;
    - d) Total ammonia (as N) shall not exceed concentrations specified in the Basin Plan (June 13, 1994, Attachment H).
    - e) The discharge shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Board or State Board. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, the Regional Board will revise or modify this Order in accordance with such standards.

## II. REQUIREMENTS

### A. Pollution Prevention and Best Management Practices Plans

The Discharger shall develop and implement, within 90 days of the effective date of this Order, the following plans. If necessary, the plans shall be updated to address any changes in operation and/or management of the facility. Updated plans shall be submitted to the Regional Board within 30 days of revision.

1. A *Storm Water Pollution Prevention Plan* (SWPPP) that describes site-specific management practices for minimizing storm water runoff from being contaminated, and for preventing contaminated storm water runoff from being discharged directly to waters of the State. The SWPPP shall be developed in accordance with the requirements contained in General Industrial Storm Water Permit.
2. A *Best Management Practices Plan* (BMPP). The purpose of the BMPP is to establish site-specific procedures that will prevent the discharge of pollutants in treated dewatered semi-perched groundwater. The BMPP should also address non-storm water discharges from outside the facility. In particular, the facility must ensure the discharge of pollutants in the discharge is minimized. The BMPP shall be site-specific and shall cover all areas of the facility.

### B. Compliance Plan

1. The Discharger shall submit annual progress reports to describe the progress of studies and or actions undertaken to reduce these compounds in the effluent, and to achieve compliance with the limits in this Order by the deadline specified in provision I.B.5. The first progress report shall be received by the Regional Board by April 30, 2004.
2. The interim limits stipulated shall be in effect for a period not to extend beyond April 30, 2006. Thereafter, the Discharger shall comply with the limitations specified in Section I.A.2. and I.B.4 of this Order.

- ### C. Pursuant to the requirements of 40 CFR 122.42(a), the Discharger must notify the Board as soon as it knows, or has reason to believe (1) that it has begun or expected to begin, to use or manufacture a toxic pollutant not reported in the permit application, or (2) a discharge of toxic pollutant not limited by this Order has occurred, or will occur, in concentrations that exceed the specified limitations in 40 CFR 122.42(a).

- D. In the determination of compliance with the monthly average limitations, the following provisions shall apply to all constituents:
1. If the analytical result of a single sample, monitored monthly or at a lesser frequency, does not exceed the monthly average limit for that constituent, the Discharger will have demonstrated compliance with the monthly average limit for that month.
  2. If the analytical result of a single sample, monitored monthly or at a lesser frequency, exceeds the monthly average limit for any constituent, the Discharger shall collect three additional samples at approximately equal intervals during the month. All four analytical results shall be reported in the monitoring report for that month, or 45 days after the sample was obtained, whichever is later.  
  
If the numerical average of the analytical result of these four samples does not exceed the monthly average limit for that constituent, compliance with the monthly average limit has been demonstrated for that month. Otherwise, the monthly average limit has been violated.
  3. If the result of one sample collected monthly exceeds the monthly average, then the Discharger is in violation of the monthly average limit.
  4. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the monthly average effluent limitation has been demonstrated.
- E. The discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.
- F. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303 (d) listed pollutants.
- G. The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which may ultimately be released to waters of the United States, is prohibited unless specifically authorized elsewhere in this permit or another NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.
- H. The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream which ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this permit.
- I. There shall be no discharge of PCB compounds such as those once commonly used for transformer fluid.

- J. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
- a. Name and general composition of the chemical,
  - b. Frequency of use,
  - c. Quantities to be used,
  - d. Proposed discharge concentrations, and
  - e. USEPA registration number, if applicable.

No discharge of such chemical shall be made prior to the Executive Officer's approval.

- K. The Regional Board and USEPA shall be notified immediately by telephone, of the presence of adverse conditions in the receiving waters or on beaches and shores as a result of wastes discharged; written confirmation shall follow as soon as possible but not later than five working days after occurrence.

### III. PROVISIONS

- A. This Order includes the attached *Standard Provisions and General Monitoring and Reporting Requirements* (Standard Provisions, Attachment N). If there is any conflict between provisions stated herein and the attached Standard Provisions, those provisions stated herein shall prevail.
- B. This Order includes the attached Monitoring and Reporting Program No. 4192. If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the former shall prevail.
- C. The Discharger shall comply with the requirements of SWPPP updates associated with the State Board General Permit No. CAS000001 (General Permit) *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities* (State Board Order No. 97-03-DWQ) and SWPPP updates and monitoring and reporting requirements. This Order R4-2003-0053 shall take precedence where conflicts or differences arise between it and the aforementioned Orders.
- D. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 125.62 and 125.64. Causes for taking such actions include, but are not limited to: failure to comply with any condition of this Order; endangerment to human health or the environment resulting from the permitted activity; or acquisition of newly-obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the Discharger for

an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

- E. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional Board to local agencies.
- F. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
- G. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic effluent standards, and all federal regulations established pursuant to Sections 301, 302, 303(d), 304, 306, 307, 316, and 423 of the Federal Clean Water Act and amendments thereto.

#### **IV. REOPENERS**

- A. This Order may be reopened and modified, in accordance with TSD, to incorporate new limits based on future RPA to be conducted, upon completion of the collection of additional data by the Discharger.
- B. This Order may be reopened and modified, to incorporate in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.
- C. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new minimum levels (MLs) for each pollutant.
- D. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, or the adoption of a TMDL for the Los Angeles/Long Beach Harbors Watershed Management Area.
- E. This Order may be reopened upon the submission by the Discharger, of adequate information, as determined by the Regional Board, to provide for dilution credits or a mixing zone, as may be appropriate.
- F. This Order may be reopened and modified, to revise the toxicity language once that language becomes standardized.

G. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this order and permit, endangerment to human health or the environment resulting from the permitted activity.

**V. EXPIRATION DATE**

This Order expires on March 10, 2008.

The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

I, Dennis Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on April 3, 2003.

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Dennis A. Dickerson  
Executive Officer