

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

ORDER NO. R4-2004-0140  
NPDES PERMIT NO. CA0057746

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
AND  
WASTE DISCHARGE REQUIREMENTS  
FOR  
METROPOLITAN STEVEDORE COMPANY

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

**Background**

1. Metropolitan Stevedore Company (hereinafter MSC or Discharger) discharges treated storm water and wastewater under waste discharge requirements (WDRs) contained in Order No. 97-078 (NPDES No. CA0057746, CI-5354) adopted by the Regional Board on June 16, 1997. Order No. 97-078 expired on May 10, 2002.
2. MSC filed a report of waste discharge on March 19, 2002, and has applied for renewal of its WDRs and NPDES permit for discharge of wastes to surface waters.

**Purpose of Order**

3. The purpose of this Order is to renew the WDRs for the MSC facility. This NPDES permit regulates the discharge of treated storm water and wastewater (truck wash water, overspray from facility wash downs, leaks from air pollution control mist and water spray systems, material moisture, and warehouse washdowns) through the Thums Outfall (Discharge Serial No. 001) (located at the southern end of Pier G) in San Pedro Bay to Long Beach Inner Harbor, a water of the United States, within the estuary. The point of discharge, Discharge Serial No. 001, is located at Latitude 33°45'00" N, Longitude 118°12'13" W.

**Facility Description**

4. MSC operates a bulk cargo marine terminal located at Pier G, Berth 212, Long Beach, California, and discharges treated storm water and wastewater from the facility. Figure 1 depicts the site location map of MSC.
5. Operations in the facility consist of marine cargo handling and special bulk cargo storage. The cargo consists of "bulk material" such as coal, petroleum coke, sulfur, and white powdered chemicals (calcium carbonate, lime, and other similar products). The bulk material is off loaded from trucks and rail cars, either into storage sheds at the site, or onto ocean vessels. During daily loading and unloading bulk material activities, MSC operations sometimes results in small amounts of bulk material being deposited on the ground where it may flow, be swept, or be washed into the receiving waters. This Order prohibits the direct discharge of bulk material into the receiving water.

### **Discharge Description**

6. MSC discharges up to 900,000 gallons per day (gpd) of treated storm water and wastewater. The storm water runoff and wastewater are routed via facility drains to the M-1 sump and subsequently pumped to the facility's water reclamation system. Reclaimed water is used for wash downs, dust control, and added to bulk materials. The water reclamation system consists of a one-million-gallon storage and equalization tank, 12,500-gallon auxiliary storage tank for dirty water, clarifier, and a 25,000-gallon clean water storage tank. Flocculant, caustic soda, aluminum sulfate, and sulfuric acid are added after the water goes through the storage and equalization tank and before the clarifier. Clarifier underflow is transferred to two sludge drying beds. Drainage from the sludge drying beds is routed to the storage and equalization tank.

The discharge of treated storm water runoff and wastewater occurs during rain events, particularly when the storage tanks are full and the reuse of treated water is exceeded by inflow, so that discharge to the storm drain is necessary. MSC uses as much of the treated water as possible at its facility. The discharge takes place by opening the discharge valve and allowing effluent flow to discharge through the storm drain then to the Thums Outfall, Discharge Serial No. 001. All such discharge is metered and monitored, as required by this permit. Figure 2 depicts the flow diagram for MSC.

7. The MSC facility is operated pursuant to the requirements of South Coast Air Quality Management District (AQMD) Rules 1158 and 403. The purpose of Rule 1158 is to reduce emissions of airborne particulate matter, including fugitive dust, from the storage, handling, and transport of petroleum coke, coal, and sulfur. The purpose of Rule 403 is to reduce the amount of particulate matter entrained in the ambient air as a result of fugitive dust sources. Rule 403 applies to the handling of white powdered chemicals (calcium carbonate, lime and other similar products) not covered by Rule 1158. Both rules require the MSC facility to employ a number of best management practices to minimize fugitive dust emissions, including enclosed storage and material conveyors, water spray dust suppression, paving, street sweeping, and prevention and/or prompt removal of bulk material spills and other outdoor accumulations.

### **Storm Water Management**

8. The objective of this Order is to protect the beneficial uses of receiving waters. To meet this objective, this Order requires MSC 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]. The SWPPP will outline site-specific management practices for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged into surface waters.
9. The SWPPP shall also specify Best Management Practices Plan (BMPP) that will be implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable. Further, the Discharger shall assure that the 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. The purpose of the BMPP will be to establish site-specific procedures that will ensure proper operation and

maintenance of equipment and storage areas, to ensure that unauthorized non-storm water discharges (i.e., bulk material, spills) do not occur at the MSC facility and that authorized discharges (truck wash water, overspray from facility washdowns, leaks from air pollution control mist and water spray systems, material moisture, and warehouse washdowns) are directed through the treatment system prior to discharge through Discharge Serial No. 001. Proper operation and maintenance procedures may address the containment of wash water from the truck washing area, inspecting and repairing damaged berms in the drainage area for Long Beach Harbor, and providing shelter of materials during the conveyance process.

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

10. 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.
11. **Ammonia Basin Plan Amendment.** The 1994 Basin Plan provided water quality objectives for ammonia to protect aquatic life, in Tables 3-1 through Tables 3-4. However, those ammonia objectives were revised on April 25, 2002, by the Regional Board with the adoption of Resolution No. 2002-011, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Update the Ammonia Objectives for Inland Surface Waters (Including Enclosed Bays, Estuaries and Wetlands) with Beneficial Use Designations for Protection of Aquatic Life*. The ammonia Basin Plan amendment was approved by the State Board, the Office of Administrative Law, and United States Environmental Protection Agency (U.S. EPA) on April 30, 2003, June 5, 2003, and June 19, 2003, respectively. Although the revised ammonia water quality objectives may be less stringent than those contained in the 1994 Basin Plan, they are still protective of aquatic life and are consistent with U.S. EPA's 1999 ammonia criteria update.
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 water for the permitted discharge covered by this permit is Long Beach Inner Harbor, which conveys water to San Pedro Bay. The Basin Plan contains beneficial uses and water quality objectives for Long Beach Inner Harbor. The beneficial uses listed in the Basin Plan for Long Beach Inner Harbor are as follows:

Long Beach Harbor (all other inner areas) – Hydro Unit No. 405.12

Existing uses: Industrial service supply, navigational uses, non-contact water recreation, commercial and sports fishing, estuarine habitat, marine habitat, and preservation of rare, threatened or endangered species.

Potential uses: Water contact 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 Long Beach Inner Harbor.
15. On May 18, 2000, the U.S. EPA 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, U.S. EPA 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 allows for 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 effluent limitations derived from the CTR criteria.
16. On March 2, 2000, the State 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 was effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the National Toxics Rule (NTR), and to the priority pollutant objectives established by the Regional Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP was effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The SIP requires the dischargers' submittal of data sufficient to conduct the determination of priority pollutants requiring water quality-based effluent limits (WQBELs) and to calculate the effluent limitations. The CTR criteria for freshwater or human health for consumption of organisms, whichever is more stringent, are used to develop the effluent limitations in this Order to protect the beneficial uses of the Long Beach Inner Harbor.
17. 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 water quality-based effluent limitations (WQBELs) may be set based on U.S. EPA 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.

18. 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 U.S. EPA for some pollutants in this discharge. Effluent limitations for pollutants not subject to U.S. EPA 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 U.S. EPA 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.
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) and 303(d)(4) 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 Long Beach 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. Long Beach Inner Harbor is located in Los Angeles County, in Dominguez Channel Watershed. The 2002 State Board's California 303(d) List (approved by the U.S. EPA in July 2003) classifies Long Beach Inner Harbor as impaired. The pollutants of concern detected in fish tissue, sediment, and the water column include benthic community effects, DDT (tissue), PAHs (sediment), PCBs (tissue), and sediment toxicity.

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

23. 40 CFR 122.44(d)(1)(ii) requires that each toxic pollutant be analyzed with respect to its reasonable potential when determining whether a discharge (1) causes; (2) has the reasonable potential to cause; or (3) contributes to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant.
24. Section 1.3 of the SIP requires that a limit be imposed for a toxic pollutant if (1) the maximum effluent concentration (MEC) is greater than the most stringent CTR criteria, or (2) the background concentration is greater than the CTR criteria, or (3) other information is available. Sufficient effluent data are needed for this analysis.
23. There are insufficient monitoring data available to perform RPA for the priority pollutants. The SIP requires the dischargers to submit sufficient data to conduct the determination of priority pollutants requiring WQBELs and to calculate the effluent limitations. This Order includes interim monitoring requirements to obtain the necessary data.
24. Regional Board staff has determined that pollutants that have effluent limits in the existing Order will be included in the proposed Order. The existing Order prescribed effluent limitations for oil and grease, phenols, and BOD<sub>5</sub>20<sup>0</sup>C. Therefore, the proposed Order carries over the effluent limitations for oil and grease, phenols, and BOD<sub>5</sub>20<sup>0</sup>C.
25. This permit will be reopened to include effluent limitations for toxic constituents determined to be present in significant amounts in the discharge through a more comprehensive monitoring program included as part of the Order and based on the results of the RPA.

### **CEQA and Notifications**

26. 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.
27. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
28. 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, provided the Regional Administrator, U.S. EPA, has no objections.
29. 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.

30. 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 Metropolitan Stevedore Company, 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 900,000 gallons per day of treated storm water and de minimus overspray from facility wash downs and de minimus fugitive dust emissions. The de minimus discharge shall not cause, or threaten to cause, any condition of nuisance or pollution as defined in section 13050 of the California Water Code.
2. Except as provided above, discharge of bulk materials (i.e., petroleum coke, coal, sulfur, and white chemical products) to a storm drain system, Long Beach Inner Harbor, or waters of the State, is prohibited.
3. 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, Long Beach 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 86° 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 shorter test duration period with Executive Officer approval) 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.(i)] is not met, the Discharger shall conduct six additional tests over a 6-week period, if possible. 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 any two out of the initial test and the additional six acute toxicity bioassay tests result is 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 (*M&RP*) No. 5354.
4. Final effluent limitations: In addition to the Requirements I.B.1 through I.B.3, the discharge of treated storm water and wastewater (truck wash water, overspray from facility wash downs, and leaks from air pollution control mist and water spray systems, material moisture, and warehouse washdowns) from Discharge Serial No. 001 containing constituents in excess of the following limitations is prohibited:

Concentration	Units	Discharge Limitations	
		Monthly Average	Daily Maximum
Total suspended solids	mg/L	50	75
Turbidity	NTU	50	75
BOD <sub>5</sub> 20°C	mg/L	20	30
Oil and Grease	mg/L	10	15
Settleable solids	ml/L	---	0.3
Phenols	mg/L	---	1.0
Sulfides	mg/L	---	0.1

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) The ammonia in the 1994 Basin Plan were revised by Regional Board Resolution No. 2002-011, adopted on April 28, 2002, to be consistent with the 1999 U.S. EPA update on ammonia criteria. Regional Board Resolution No. 2002-011 was approved by State Board, OAL and U.S. EPA on April 30, 2003, June 5, 2003, and June 19, 2003, respectively and is now in effect. Total ammonia (as N) shall not exceed concentrations specified in the Regional Board Resolution 2002-011.
  5. 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.
  6. The discharge shall not cause the following to be present in receiving waters:
    - a) Biostimulatory substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses;
    - b) Chemical substances in amounts that adversely affect any designated beneficial use;

- c) Oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the receiving water or on objects in the water;
  - d) Suspended or settleable materials in concentrations that cause nuisance or adversely affect beneficial uses;
  - e) Taste or odor-producing substances in concentrations that alter the natural taste, odor, and/or color of fish, shellfish, or other edible aquatic resources; cause nuisance; or adversely affect beneficial uses;
  - f) Substances that result in increases of BOD<sub>5</sub> 20°C that adversely affect beneficial uses;
- 7. The discharge shall not alter the color, create a visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters.
  - 8. The discharge shall not degrade surface water communities and populations including vertebrate, invertebrate, and plant species.
  - 9. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures or facilities nor overload their design capacity.
  - 10. The discharge shall not cause problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.

## II. REQUIREMENTS

- A. The Discharger shall develop and implement, within 90 days of the effective date of this Order:
  - 1. A SWPPP that describes site-specific management practices for minimizing contamination of storm water runoff 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 in Attachment A.
  - 2. A *Best Management Practices Plan* (BMPP) that entails site-specific plans and procedures implemented and/or to be implemented to prevent hazardous waste/material from being discharged to waters of the State. The BMPP shall be consistent with the general guidance contained in the EPA *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA 833-B-93-004). In particular, a risk assessment of each area identified by the Discharger shall be performed to determine the potential of hazardous or toxic waste/material discharge to surface waters.

Both plans shall cover all areas of the facility and shall include an updated drainage map for the facility. The Discharger shall identify on a map of appropriate scale the areas that contribute runoff to the permitted discharge points; describe the activities in each area

and the potential for contamination of storm water runoff and the discharge of hazardous waste/material; and address the feasibility of containment and/or treatment of the storm water. The plans shall be reviewed annually and at the same time. Updated information shall be submitted within 30 days of revision.

- B. The Discharger shall implement or require the implementation of the most effective combination of BMPs for storm water pollution control and to minimize the direct discharges of de minimus overspray from facility wash downs and de minimus fugitive dust emissions. When implemented, BMPs are intended to result in the reduction of pollutants in storm water to the maximum extent practicable.
- 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. The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.
- E. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303(d)-listed pollutants.
- F. 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.
- G. 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.
- H. 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. U.S. EPA registration number, if applicable.

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

- I. The Regional Board and U.S. EPA 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 *M&RP* No. 5354. 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 applicable requirements of SWPPP updates associated with industrial activity (State Board Order No. 97-03-DWQ adopted on April 17, 1997) and SWPPP updates and monitoring and reporting requirements of State Board general permit for discharges of storm water. This Order R4-2004-0140 shall take precedence where conflicts or differences arise between it and the aforementioned Orders. This Order includes the applicable requirements contained in the attached *Storm Water Pollution Prevention Plan Requirements* (Attachment A).
- 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.
- H. Compliance Determination

1. Compliance with single constituent effluent limitation -- If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (see Reporting Requirement III.A. of *M&RP*), then the Discharger is out of compliance.
2. Compliance with monthly average limitations – In determining compliance with monthly average limitations, the following provisions shall apply to all constituents:
  - a. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the monthly average limit for that constituent, the Discharger has demonstrated compliance with the monthly average limit for that month.
  - b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limit for any constituent, the Discharger shall collect up to four additional samples at approximately equal intervals during that month. All analytical results shall be reported in the monitoring report for that month, or 45 days after results for the additional samples were received, whichever is later.

When one or more sample results are reported as “Not-Detected ND” or “Detected, but not Quantified (DNQ)” (see Reporting Requirement II.C. of *M&RP*), the median value of these samples shall be used for compliance determination. If one or both of the middle values is ND or DNQ, the median shall be the lower of the two middle values.
  - c. 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.
  - d. If only one sample was obtained for the month of more than a monthly period and the result exceed the monthly average, then the Discharger is in violation of the monthly average limit.
3. Compliance with 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 ND or DNQ to have concentrations equal to zero, provided that the applicable ML is used.

#### **IV. REOPENERS**

- A. This Order may be reopened and modified, 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 Long Beach Inner Harbor.
- 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 August 10, 2009.

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.

#### **VI. RESCISSION**

Order No. 97-078, adopted by this Regional Board on June 16, 1997, is hereby rescinded except for enforcement purposes.

I, Jonathan Bishop, Interim 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 September 2, 2004.

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Jonathan Bishop  
Interim Executive Officer