STATE OF CALIFORNIA

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
320 W. 4th Street, Suite 200, Los Angeles

FACT SHEET
WASTE DISCHARGE REQUIREMENTS
for
PLATINUM PARADIGM PROPERTIES, LLC

NPDES Permit No.: CA0055786
Public Notice No.: 05-039

FACILITY ADDRESS	FACILITY MAILING ADDRESS
375 North Crescent Drive	Platinum Paradigm Properties, LLC
Beverly Hills, California 90210	360 North Crescent Drive
	Beverly Hills, California 90210
	Contact: Mr. Phil Joubran
	Telephone: (310) 228-9750

I. Public Participation

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for the above-referenced facility. As an initial step in the WDR process, the Regional Board staff has developed tentative WDRs. The Regional Board encourages public participation in the WDR adoption process.

A. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments should be submitted either in person or by mail to:

Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

To be fully responded to by staff and considered by the Regional Board, written comments pertaining to this proposed Board action must be submitted to the

Regional Board staff no later than 5 p.m. on June 17, 2005. The Regional Board chair may exclude from the record written materials received after this date. (See Cal. Code Regs., tit. 23, § 648.4).

B. Public Hearing

The Regional Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date:	July 7, 2005
Time:	9:00 a.m.
Location:	The City of Simi Valley Council Chambers, 2929 Tapo Canyon Road, Simi Valley, California.

Interested persons are invited to attend. At the public hearing, the Regional Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our web address is http://www.waterboards.ca.gov/losangeles/ where you can access the current agenda for changes in dates and locations.

C. Waste Discharge Requirements Appeals

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Board's action to the following address:

State Water Resources Control Board, Office of General Counsel
ATTN: Elizabeth Miller Jennings, Senior Staff Counsel
1001 I Street, 22nd Floor
Sacramento, CA 95814

D. Information and Copying

The Report of Waste Discharge (ROWD), related documents, tentative effluent limitations and special conditions, comments received, and other information are on file and may be inspected at 320 West 4th Street, Suite 200, Los Angeles, California 90013, 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 Regional Board by calling (213) 576-6600.

E. 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 Regional Board, reference this facility, and provide a name, address, and phone number.

II. Introduction

Platinum Paradigm Properties, LLC (hereinafter Platinum or Discharger) discharges wastewater to Ballona Creek, a water of the United States. Wastes discharged from Platinum facility are regulated by WDRs and a NPDES permit contained in Board Order No. 97-102 (NPDES Permit No. CA0055786). Order No. 97-102 expired on June 10, 2002.

North Crescent Realty V, LLC, (the former owner) filed a Report of Waste Discharge and applied for renewal of its WDRs and NPDES permit on July 31, 2002. The tentative Order is the reissuance of the WDRs and NPDES permit for discharges from Platinum facility. A site visit was conducted on August 2, 2002, to observe operations and collect additional data to develop permit limits and conditions.

III. Description of Facility and Waste Discharge

Platinum is the owner of property consisting of two commercial office buildings located at 360 N. Crescent Drive, Beverly Hills, California and one vehicle parking structure located at 375 N. Crescent Drive. The property was formerly owned by Litton Industries, Inc., Western Atlas Inc, Unova, Inc., and North Crescent Realty V, LLC (Crescent). Platinum purchased the property in February 2003, from Crescent.

The previous permit regulated up to 10,000 gallons per day (gpd) discharge of cooling tower bleed-off, decorative fountain filter backwash, water softener regenerating wastes, and occasionally boiler clean-up wastes from Discharge Serial No. 001 and groundwater seepage from a dewatering system at the parking structure from Discharge Serial No. 002.

A decorative fountain is located in the east portion of the courtyard area. Chlorine is added to the fountain water and the fountain filter is backwashed. A dewatering system exists at the parking structure located at 375 N. Crescent Drive and generates groundwater seepage water.

Upon Unova vacating the property, North Crescent Realty V, LLC, commenced a remodeling program that has eliminated all discharge water with the exception of the decorative fountain filter backwash water and groundwater seepage wastewater. The Discharger is planning to direct the decorative fountain filter backwash water to the sewer system in the future.

Average flow measured between January 1997 and December 1998 for Discharge Serial No. 001 was 2,694 gpd. Average flow measured between January 1997 and December 1998 for Discharge Serial No. 002 was 400 gpd. The proposed wastewater discharge consists of the following:

Discharge Serial No. 001 – decorative fountain filter backwash collected in the storm drain sump.

Discharge Serial No. 002 – groundwater seepage from a dewatering system at the parking structure collected in a separate sump.

The wastes from both sumps are pumped to the storm drain at Cresent Drive (Latitude: 34° 4' 40"; Longitude: 118° 24' 22") and thence to Ballona Creek, a water of the United States, at Madison Avenue above the Estuary. The wastewater traverses about 5 miles of lined storm drain to Ballona Creek and an additional three miles along the lined portion of Ballona Creek flood control channel prior to reaching the Estuary.

The Regional Board and the United States Environmental Protection Agency (U.S.EPA) have classified the Crescent facility as a minor discharge.

Effluent limits contained in the existing permit for Crescent and representative monitoring data from the previous permit term are presented in the following Table:

Constituents	**Units**	**Effluent Limits**		**Monitoring Data (January 1997 – July 2002)**			
		Daily Maximum	**Monthly Average**	**Discharge Serial No. 001**		**Discharge Serial No. 002**	
				Maximum	**Average**	**Maximum**	**Average**
pH	Std. units	Between 6-9	Between 6-9	8.9	7.7	8.7	7.8
Temperature	°F	100	--	74	70	73	70
Oil and Grease	Mg/L	15	10	11	5	11	5
Oil and Grease [1]	Lbs/day	1.2	0.8	NR	NR	NR	NR
BOD_5	Mg/L	30	20	16	6	34	8
BOD_5 [1]	Lbs/day	2.6	1.7	NR	NR	NR	NR
Total Suspended Solids (TSS)	Mg/L	150	50	17	6	99	10
TSS [1]	Lbs/day	12	4	NR	NR	NR	NR
Settleable Solids	Ml/L	0.3	0.1	0.8	0.1	0.1	0.1
Turbidity	NTU	150	50	10	2	8	2
Sulfides	Mg/L	1.0		NR	NR	NR	NR
Residual Chlorine	Mg/L	0.5		1.25	0.29	2	0.31
Cadmium	ug/L	10		NR	NR	NR	NR

Constituents	Units	Effluent Limits		Monitoring Data (January 1997 – July 2002)			
		Daily Maximum	Monthly Average	Discharge Serial No. 001		Discharge Serial No. 002	
				Maximum	Average	Maximum	Average
Chromium (ug/L)	ug/L	50		NR	NR	NR	NR
Copper (ug/L)	ug/L	1,000		NR	NR	NR	NR
Lead (ug/L)	ug/L	50		NR	NR	NR	NR
Silver (ug/L)	ug/L	50		NR	NR	NR	NR
Zinc (mg/L)	ug/L	5		NR	NR	NR	NR
MTBE (ug/L)	ug/L	35		<5[3]	<3[3]	<5[3]	<3[3]

1. The mass-based effluent limits are based on a maximum discharge flow rate of 10,000 gallons per day.

2. For non-detects the pollutant concentration is taken as the detection limit; NR = not reported

3. All data points are non-detects.

Monitoring data from Discharge Serial No. 001 show concentrations of settleable solids and residual chlorine in exceedance of daily maximum effluent limitations contained in the existing permit (0.3 mg/L and 0.5 mg/L, respectively). Monitoring data from Discharge Serial No. 002 show concentrations of BOD_5 and residual chlorine in exceedance of daily maximum effluent limitations contained in the existing permit (0.3 mg/L and 0.5 mg/L, respectively). In addition, there were no effluent monitoring data available for the metals regulated by the existing permit. Furthermore, there were no monitoring data for metals present in the permit renewal application. All identified violations are being evaluated for appropriate enforcement actions.

IV. Applicable Plans, Policies, Laws, and Regulations

The requirements contained in the proposed Order are based on the requirements and authorities contained in the following:

A. The federal Clean Water Act (CWA). The federal Clean Water Act requires that any point source discharges of pollutants to a water of the United States must be done in conformance with an NPDES permit. NPDES permits establish effluent limitations that incorporate various requirements of the CWA designed to protect water quality.

B. Title 40, Code of Regulations (40 CFR) – Protection of Environment, Chapter I, Environmental Protection Agency, Subchapter D, Water Programs, Parts 122-125 and Subchapter N, Effluent Guidelines. These CWA regulations provide effluent limitations for certain dischargers and establish procedures for NPDES permitting, including how to establish effluent limitations for certain pollutants discharged.

C. 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). The Basin Plan contains water quality objectives and beneficial uses for inland surface waters and for the Pacific Ocean. The immediate receiving water body for the permitted discharge covered by this Order is Ballona Creek, above the Estuary. The Basin Plan contains beneficial uses and water quality objectives for Ballona Creek. The beneficial uses listed in the Basin Plan for Ballona Creek are:

Ballona Creek – Hydro Unit No. 405.15

Existing uses: Non-contact water recreation and wildlife habitat.

Potential uses: Municipal and domestic water supply, warm freshwater habitat, and water contact recreation (prohibited by LA County DPW).

D. 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 Lif*e. The ammonia Basin Plan amendment was approved by the State Board, the Office of Administrative Law, and 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.

E. 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.

F. On May 18, 2000, the U.S. Environmental Protection Agency (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 renewal for an existing discharger if the Discharger demonstrates that it is infeasible to promptly comply with effluent limitations derived from the CTR criteria. CTR's Compliance Schedule provisions sunseted on May 18,

2005. After this date, the provisions of the SIP allow for Compliance Schedules not to exceed five years from issuance or past May 18, 2010, which ever is sooner.

G. On March 2, 2000, 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 U.S. EPA through 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 U.S. EPA 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 U.S. EPA through the CTR. The SIP requires the dischargers' submittal of data sufficient to conduct the determination of priority pollutants requiring water quality-based effluent limitations (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 Ballona Creek, above the Estuary.

H. 40 CFR §122.44(d)(1)(vi)(A) requires the establishment of numeric effluent limitations to attain and maintain applicable narrative water quality criteria to protect the designated beneficial uses. Where numeric water quality objectives have not been established in the Basin Plan, 40 CFR section 122.44(d) specifies that water quality-based effluent limitations (WQBELs) may be set based on U.S. EPA criteria and supplemented, where necessary, by other relevant information to attain and maintain narrative water quality criteria to fully protect designated beneficial uses.

I. State and Federal antibacksliding and antidegradation policies require that 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 sections 402(o) and 303(d)(4) of the CWA and in the Title 40 of the 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.

J. Effluent limitations are established in accordance with sections 301, 304, 306, and 307 of the federal CWA, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of Ballona Creek.

K. Existing waste discharge requirements contained in Board Order No. 97-094, were adopted by the Regional Board on July 21, 1997. In some cases, permit conditions (effluent limitations and other special conditions) established in the existing waste discharge requirements have been carried over to this Order.

L. On March 30, 2000, U.S. EPA revised its regulation that specifies when new and revised State and Tribal water quality standards (WQS) become effective for Clean Water Act (CWA) purposes (40 CFR 131.21, 65 FR 24641, April 27, 2000). Under U.S. EPA' s new regulation (also known as the Alaska rule), new and revised standards submitted to U.S. EPA after May 30, 2000, must be approved before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to U.S. EPA by May 30, 2000, may be used for CWA purposes, whether or not approved by EPA.

V. Regulatory Basis for Effluent Limitations

The CWA requires point source discharges to control the amount of conventional, nonconventional, and toxic pollutants that are discharged into the waters of the United States. The control of the discharge of pollutants is established through NPDES permits that contain effluent limitations and standards. The CWA establishes two principal bases for effluent limitations. First, dischargers are required to meet technology-based effluent limitations that reflect the best controls available considering costs and economic impact. Second, they are required to meet water quality-based effluent limitations (WQBELs) that are developed to protect applicable designated uses of the receiving water.

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

- Best practicable treatment control technology (BPT) is based on the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and nonconventional pollutants.

- Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and nonconventional pollutants.

- Best conventional pollutant control technology (BCT) is a standard for the control from existing industrial point sources of conventional pollutants including biochemical oxygen demand (BOD), total suspended solids (TSS), fecal coliform, pH, and oil and grease. The BCT standard is established after considering the “cost reasonableness” of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.

- New source performance standards (NSPS) that represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires EPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BCT, BAT, and NSPS. Section 402(a)(1) of the CWA and 40 CFR 125.3 of the NPDES regulations authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern.

If a reasonable potential exists for pollutants in a discharge to exceed water quality standards, WQBELs are also required under 40 CFR 122.44(d)(1)(i). WQBELs are established after determining that technology-based limitations are not stringent enough to ensure that state water quality standards are met for the receiving water. WQBELs are based on the designated use of the receiving water, water quality criteria necessary to support the designated uses, and the state's antidegradation policy. For discharges to inland surface waters, enclosed bays, and estuaries, the SIP establishes specific implementation procedures for determining reasonable potential and establishing WQBELs for priority pollutant criteria promulgated by USEPA through the CTR and NTR, as well as the Basin Plan.

There are several other specific factors affecting the development of limitations and requirements in the proposed Order. These are discussed as follows:

A. Pollutants of Concern

The CWA requires that any pollutant that may be discharged by a point source in quantities of concern must be regulated through an NPDES permit. Further, the NPDES regulations and SIP require regulation of any pollutant that (1) causes; (2) has the reasonable potential to cause; or (3) contributes to the exceedance of a receiving water quality criteria or objective. The SIP includes provisions for priority pollutant criteria promulgated by USEPA in the CTR and NTR, and for those priority pollutants outlined in the Basin Plan.

Decorative fountain filter backwash and groundwater seepage from a dewatering system may contribute solids, 5-day biochemical oxygen demand (BOD_5), oil and grease, sulfides, and methyl tertiary butyl ether (MTBE), and some metals of concern (cadmium, chromium, copper, lead, silver, and zinc) to the discharge; therefore, effluent limitations were set for these parameters. In addition, Ballona Creek has elevated concentrations for several of these metals (cadmium, lead, and zinc) and hence effluent limitations were developed for those pollutants. Since chlorine is added to the fountain water, discharge limits for residual chlorine were also established. MTBE is a compound added to gasoline to enhance octane and to comply with Clean Air Act mandates.

MTBE has a high solubility in water and is slow to biodegrade, and with the high percentage found in gasoline, it is a source of contamination to local water supplies. Primary sources of MTBE include underground storage tanks, above ground storage

tanks, pipelines, and fuel spills. MTBE may be found in groundwater supplies, and groundwater seepage may contribute MTBE to the discharge; therefore, effluent limitations have been established for MTBE.

B. Technology-Based Effluent Limits

Due to the lack of national ELGs for this type of discharger and the absence of data available to apply BPJ, and pursuant to 40 CFR 122.44(k), the Board will require the Discharger to develop and implement a *Best Management Practices Plan* (BMPP). The purpose of the BMPP will be to establish site-specific procedures that will prevent the discharge of pollutants. BMPP will serve as the equivalent of technology-based effluent limitations, in the absence of established ELGs, in order to carry out the purposes and intent of the CWA.

C. Water Quality-Based Effluent Limits

As specified in 40 CFR § 122.44(d)(1)(i), permits are required to include WQBELs for toxic pollutants (including toxicity) that are or may be discharged at levels which cause, have reasonable potential to cause, or contribute to an excursion above any state water quality standard. The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses for the receiving water as specified in the Basin Plan, and achieve applicable water quality objectives and criteria (that are contained in other state plans and policies, or USEPA water quality criteria contained in the CTR and NTR). The specific procedures for determining reasonable potential, and if necessary for calculating WQBELs, are contained in the SIP.

The CTR contains freshwater, saltwater, and human health criteria. According to 40 CFR § 131.38(c)(3), freshwater criteria apply at salinities of 1 part per thousand (ppt) and below at locations where this occurs 95 percent or more of the time; saltwater criteria apply at salinities of 10 ppt and above at locations where this occurs 95 percent or more of the time; and at salinities between 1 and 10 ppt the more stringent of the two apply. The CTR criteria for freshwater or human health for consumption of water and organisms, whichever is more stringent, are used to prescribe the effluent limitations in this Order to protect the beneficial uses of Ballona Creek.

1. Reasonable Potential Analysis (RPA)

In accordance with Section 1.3 of the SIP, the Regional Board will conduct a reasonable potential analysis for each priority pollutant with an applicable criterion or objective to determine if a WQBEL is required in the permit. The Regional Board would analyze effluent data to determine if a pollutant in a discharge has a reasonable potential to cause or contribute to an excursion above a state water quality standard. For all parameters that have a reasonable potential, numeric

WQBELs are required. The RPA considers water quality objectives outlined in the CTR, NTR, as well as the Basin Plan. To conduct the RPA, the Regional Board must identify the Maximum Observed Effluent Concentration (MEC) for each constituent, based on data provided by the Discharger.

Section 1.3 of the SIP provides the procedures for determining reasonable potential to exceed applicable water quality criteria and objectives. The SIP specifies three triggers to complete a RPA:

a. Trigger 1 – If the MEC is greater than or equal to the CTR water quality criteria or applicable objective (C), a limit is needed.

b. Trigger 2 – If MEC<C and backgroundwater quality (B) > C, a limit is needed.

c. Trigger 3 – If other related information such as CWA 303(d) listing for a pollutant, discharge type, compliance history, etc. indicates that a WQBEL is required.

Sufficient effluent and ambient data are needed to conduct a complete RPA. If data are not sufficient, the Discharger will be required to gather the appropriate data for the Regional Board to conduct the RPA. Upon review of the data, and if the Regional Board determines that WQBELs are needed to protect the beneficial uses, the permit will be reopened for appropriate modification.

Concerning priority pollutants, the previous permit required monitoring for certain metals only. There is insufficient monitoring data available for any of these constituents; therefore, no data exists for Platinum facility to perform a RPA for the toxic parameters. In such circumstance, the SIP recommends that additional data be gathered prior to permit issuance, or that additional data be gathered during the term of the permit.

2. Calculating WQBELs

If a reasonable potential exists to exceed applicable water quality criteria or objectives, then a WQBEL must be established in accordance with one of three procedures contained in Section 1.4 of the SIP. These procedures include:

a. If applicable and available, use of the wasteload allocation (WLA) established as part of a total maximum daily load (TMDL).

b. Use of a steady-state model to derive maximum daily effluent limitations (MDELs) and average monthly effluent limitations (AMELs).

c. Where sufficient effluent and receiving water data exist, use of a dynamic model which has been approved by the Regional Board.

3. Impaired Water Bodies in 303 (d) List

Section 303(d) of the CWA requires states to identify specific water bodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources. For all 303(d)-listed water bodies and pollutants, the Regional Board plans to develop and adopt TMDLs that will specify WLAs for point sources and load allocations (LAs) for non-point sources, as appropriate.

The U.S. EPA has approved the State's 303(d) list of impaired water bodies. Certain receiving waters in the Los Angeles and Ventura County watersheds do not fully support beneficial uses and therefore have been classified as impaired on the 2002 303(d) list and have been scheduled for TMDL development.

Ballona Creek flows slightly over 10 miles from Los Angeles (South of Hancock Park) through Culver City, reaching the ocean at Playa del Rey. Ballona Creek extends into a complex underground network of storm drains which reaches to Beverly Hills and West Hollywood, draining 130 square miles-an area extending as far east as Griffith Park and the Los Angeles Civic Center. The area is 64% residential, 8% commercial, 4% industrial, and 17% open space. The 1998 State Board's California 303(d) List classifies Ballona Creek as impaired. The pollutants of concern, detected in the water column, in the sediment, and in the fish tissue, include lead, DDT, ChemA (refers to the sum of aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, hydrochlorocyclohexane (HCH), endosulfan, and toxaphene), polychlorinated biphenyls (PCBs), tributyltin (TBT), copper, cadmium, silver, arsenic, zinc, toxicity, sediment toxicity, and trash.

4. Whole Effluent Toxicity

Whole Effluent Toxicity (WET) protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. WET tests measure the degree of response of exposed aquatic test organisms to an effluent. The WET approach allows for protection of the narrative "no toxics in toxic amounts" criterion while implementing numeric criteria for toxicity. There are two types of WET tests: acute and chronic. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and measures mortality, reproduction, and growth.

The Basin Plan specifies a narrative objective for toxicity, requiring that all waters

be maintained free of toxic substances in concentrations that are lethal to or produce other detrimental response on aquatic organisms. Detrimental response includes but is not limited to decreased growth rate, decreased reproductive success of resident or indicator species, and/or significant alterations in population, community ecology, or receiving water biota. The existing permit does not contain toxicity limitations or monitoring requirements.

In accordance with the Basin Plan, acute toxicity limitations dictate that the average survival in undiluted effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test having less than 70% survival. Consistent with Basin Plan requirements, this Order includes acute toxicity limitations. Both decorative filter backwash water and groundwater discharge flows are small and intermittent. Therefore, chronic toxicity monitoring is not included.

D. Specific Rationale for Each Numerical Effluent Limitation

Section 402(o) of the Clean Water Act and 40 CFR 122.44(l) require that effluent limits standards or conditions in re-issued permits are at least as stringent as in the existing permit. The Regional Board has determined that reasonable potential exists for all pollutants that are regulated under the current permit; therefore effluent limitations have been established for these pollutants. The requirements in the proposed Order for pH, temperature, TSS, turbidity, BOD_5, oil and grease, settleable solids, sulfides, and MTBE shown in the Table below, are based on limits specified in Platinum's existing permit (the existing permit was issued to Western Atlas, Inc., the owner of the facility at the time). The final effluent limitations for settleable solids, BOD, and TDS have been carried over from the previous permit. Because the conventional pollutant $BOD_5$20C is an indicator of the potential for a receiving water body to become depleted in oxygen, limits are included in NPDES permits. Water with high BOD and no means for rapidly replenishing the oxygen becomes depleted in oxygen and may become anaerobic and will not support aquatic life. Generally, a $BOD_5$20C of 5 mg/L in a slow-moving stream may be enough to produce anaerobic conditions, while a rapid mountain stream might be able to assimilate a $BOD_5$20C of 50 mg/L without appreciable oxygen depletion. Therefore a middle range of 20 mg/L as a monthly average limit, and 30 as a daily maximum limit, are considered to be protective of receiving waters based upon Best Professional Judgement (BPJ). The maximum daily effluent limitations for TSS and turbidity have been revised based on current limitations for conventional pollutants contained in industrial waste discharge requirements issued by the Regional Board. The maximum daily effluent limitation for residual chlorine has been revised based requirements contained in the Basin Plan. Furthermore, the effluent limitations for copper and zinc in the existing permit are high in comparison to CTR criteria, and have been modified based on the revised water quality criteria contained in the CTR. The maximum daily effluent limitation for cadmium, chromium, lead, and silver is carried over from the existing permit.

In compliance with 40 CFR § 122.45(f), the mass-based limits are required for conventionals, metals, and other pollutants. The Discharger has not monitored discharge flow since December 1998, and did not provide an estimate of discharge flow in the permit renewal application. Therefore, due to the uncertainty of flow discharge measurements, this permit does not contain mass-based limitations. This permit will require the Discharger monitor and report flow so that mass-based limitations may be developed during the subsequent permit term.

The effluent limits presented in the following Table shall apply to discharges from Discharge Serial Nos. 001 and 002. (The discharge from Discharge Serial No. 001 is intermittent, therefore, the average monthly discharge limitations are not applicable)

Constituent	**Units**	**Maximum Daily Discharge Limitations** [1]	**Average Monthly Discharge Limitations** [2]	**Rationale**[3]
pH	Std units	Between 6 – 9	Between 6.5 – 8.5	BP
Temperature	°F	86	--	TP
BOD_5 @ 20°C	Mg/L	30	20	E
Oil and Grease	Mg/L	15	10	E
Total Suspended Solids (TSS)	Mg/L	75	50	BPJ, E
Turbidity	NTU	75	50	BPJ, E
Settleable Solids	Ml/L	0.3	0.1	E
Sulfides	Mg/L	1	--	E
Residual Chlorine	Mg/L	0.1	--	BP
Cadmium [4]	ug/L	10	--	E
Chromium [4]	ug/L	50	--	E
Copper [4]	ug/L	13	--	BPJ/CTR
Lead [4]	ug/L	50	--	E
Silver [4]	ug/L	50	--	E
Zinc [4]	ug/L	120	--	BPJ/CTR

Constituent	Units	Maximum Daily Discharge Limitations [1]	Average Monthly Discharge Limitations [2]	Rationale[3]
Methyl Tertiary Butyl Ether (MTBE)	ug/L	35	--	E
Acute toxicity)	% survival	[5]		BP

1. Maximum daily discharge limitations apply to both Discharge Serial Nos. 001 and 002.

2. Average monthly discharge limitations apply to only Discharge Serial No. 002.

3. BP = Basin Plan; TP = Thermal Plan; E = Existing Order; CTR = California Toxics Rule; BPJ = Best professional judgment.

4. Measured as total recoverable.

5. Average survival in effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test producing less than 70 % survival.

E. Compliance Schedule

Section 2.2.1 of the SIP established interim requirements under a compliance schedule and states that interim requirements be established while sufficient data is collected to determine reasonable potential and calculate effluent limitations, if necessary. Since there is no monitoring data available for metal constituents, the Discharger cannot prove compliance with the revised effluent limitations. Therefore, interim limitations are established for copper and zinc have been revised based on criteria contained in the CTR. As a result, the proposed Order contains a compliance schedule that allows the Discharger up to August 31, 2007, to comply with the final effluent limitations for copper and zinc based on CTR criteria. Within one year after the effective date of the Order, the Discharger must prepare and submit a compliance plan that describes the steps that will be taken to ensure compliance with applicable limitations.

This Order establishes 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 achieve final effluent limitations. Once final limitations become effective, the interim limitations will no longer apply.

40 CFR 131.38(e) provides conditions under which interim effluent limits and a compliance schedule may be issued. The SIP does allow inclusion of interim limits with specific compliance schedules included in a NPDES permit for priority pollutants if the limits for the priority pollutants are CTR-based. Since the WQBELs for copper and zinc may not be feasible for the Discharger, interim limits for these analytes are

contained in this Order. The interim limits for copper and zinc are based upon the maximum effluent concentration (MEC).

The SIP 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. When interim requirements have been completed, the Regional Board shall calculate final WQBELs for that pollutant based on the collected data, reopen the permit, and include the final effluent limitations in the permit provisions. Once final limitations become effective, the interim limitations will no longer apply.

Pursuant to the SIP (Section 2.2.1, Interim Requirements under a Compliance Schedule), when compliance schedules are established in an Order, interim limitations must be included based on current treatment facility performance or existing permit limitations, whichever is more stringent to maintain existing water quality. Since there is no monitoring data available for these constituents, the existing permit limitations shall serve as the basis for interim limits.

From the effective date of this Order until August 31, 2007, the discharge of effluent from Discharge Serial Nos. 001 and 002 in excess of the following is prohibited:

Pollutant (units)	Maximum Daily Discharge Limitations	Rationale
Copper (µg/L)	70	MEC
Zinc ((µg/L)	500	MEC

F. Monitoring Requirements

The existing *MRP* requires monitoring of effluent from Discharge Serial Nos. 001 and 002 for total waste flow, pH, TSS, settleable solids, BOD, oil and grease, turbidity, residual chlorine, cadmium, copper, chromium (total), lead, mercury, selenium, silver, and zinc. Acute toxicity and other priority pollutants, must be sampled for annually.

1. Effluent Monitoring

To demonstrate compliance with effluent limitations established in the permit for discharges through Discharge Point 001, the proposed Order carries over the requirements for monitoring once per discharge event for total waste flow, pH, temperature, turbidity, TSS, settleable solids, BOD, TDS, oil and grease, sulfides, residual chlorine, cadmiun, chromium, copper, lead, and zinc, In addition, the annual acute toxicity sampling requirement will also be carried over from the

previous Order. Requirements for additional sampling of ammonia, and acute toxicity have been included.

The Discharger is required to analyze effluent samples for CTR priority pollutants annually for the life of the permit as described in Section IV.5.(c), to determine the presence of these pollutants in the discharges. Further, monitoring for 2,3,7,8 – TCDD (dioxin) and 16 congeners is required and is described in more detail in Section IV.5.(d), to evaluate reasonable potential.

Representative effluent monitoring shall be conducted at Discharge Point 001, prior to entry into the storm drain system.

2. Receiving Water Monitoring

In order to collect sufficient receiving water data to complete the RPA, the Discharger is also required to conduct receiving water monitoring for all CTR priority pollutants on an annual basis for the first two years, at a location within 50 feet upstream of the facility discharge point (storm drain) to the receiving water (Ballona Creek). Receiving water monitoring is required at the same time as effluent monitoring and analysis is conducted. Further, the Discharger must analyze pH, salinity, and hardness of the receiving water concurrently with the analysis for the CTR priority pollutants. A list of CTR priority pollutants is included in the MRP.

The existing MRP No. CI-5656 does not establish a receiving water sampling station. However, the proposed Order requires the Discharger to collect receiving water samples for priority pollutants at a location within 50 feet upstream of the discharge point into Ballona Creek.

3. Effluent and Receiving Water Monitoring for Reasonable Potential Determination

The proposed Order requires the Discharger to submit data sufficient for: (1) determining if WQBELs for priority pollutants are required for the discharges of storm water and (2) to calculate effluent limitations, if required. As previously discussed, there were insufficient effluent monitoring data for all CTR priority pollutants to complete the RPA. If data are unavailable or insufficient to conduct the RPA, the Regional Board will require additional monitoring for the pollutants in place of a WQBEL.

The proposed Order requires the Discharger to conduct annual monitoring for all CTR priority pollutants, as listed in the MRP, in the effluent (i.e., Discharge Point 001) and in the receiving water. As stated previously, the results of the annual effluent and receiving water monitoring shall be submitted in accordance with the reporting schedule provided in the MRP. The Regional Board will use the data to

conduct the RPA and determine if a WQBEL is required, and may reopen the permit to incorporate additional effluent limitations and requirements, if necessary.

4. Effluent and Receiving Water Monitoring for TCDD Equivalents

The Discharger is also required to conduct effluent and receiving water monitoring for the presence of the 2,3,7,8-TCDD (or Dioxin) and the 16 congeners. The monitoring shall be grab samples from Discharge Serial No. 001 and from the receiving water locations, as described in Section VI of the *MRP,* conducted twice during the permit term (once during the 2nd year of the permit term and once during the 4th year). The Discharger is required to monitor for 2,3,7,8-TCDD and the 16 congeners listed in the *MRP*. The Discharger is required to calculate Toxic Equivalence (TEQ) for each congener by multiplying its analytical concentration by the appropriate Toxicity Equivalence Factors (TEF). A list of 2,3,7,8-TCDD and congeners is presented in Section VI of the *MRP.*