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

ORDER NO. R4-2005-0037
NPDES PERMIT NO. CA0053091

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
AMBASSADOR TOWERS
(Formerly Mark Wilshire Associates Apartment Tower)

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

Background

1. Ambassador Towers (hereinafter Discharger) discharges wastewater under waste discharge requirements (WDRs) and a National Pollutant Discharge Elimination System (NPDES) permit contained in Order No. 97-092 (NPDES Permit No. CA0053091) adopted by the Regional Board on July 21, 1997. Order No. 97-092 expired on June 10, 2002.

2. The Discharger filed a Report of Waste Discharge on May 20, 2004, and applied for renewal of its NPDES permit. The tentative Order is the reissuance of the WDRs and a NPDES permit for discharges from Ambassador Towers. On August 16, 2004, the Discharger submitted an amendment to the permit renewal application. However, on April 2, 2005, the Discharger submitted additional information regarding the type of wastes discharged to either the sanitary sewer or the storm drain, including the schematic diagram of the sewer lines and drain lines of the discharge points.

   A NPDES permit compliance evaluation inspection (CEI) was conducted on January 8, 2004, to observe operations and collect additional data to develop permit limitations and conditions.

Purpose of Order

3. The purpose of this Order is to renew the WDRs for the Ambassador Towers. This NPDES permit regulates the discharge of groundwater seepage through Discharge Serial No. 001; reflecting pond drainage through Discharge Serial No. 002; and storm water runoff from an outside stairwell and parking area through Discharge Serial No. 003. Discharge Serial No. 001 discharges to a storm drain located at Ardmore Avenue. Discharge Serial Nos. 002 and 003 discharge at separate locations then flows into a storm drain located at Irolo Street. The wastewater flows approximately 3.5 miles via a lined storm drain and discharges into Ballona Creek flood control channel, a water of the United States, approximately five miles before reaching the Estuary. The points of discharge are in close proximity to each other, thus their latitude and longitude are the same (Latitude 33° 03' 36" North, and Longitude 118° 18' 01" West).

Facility Description

4. Ambassador Towers, owns and operates an apartment tower (Facility) located at 691 South Irolo Street, Los Angeles, California. Figure 1 depicts the Facility location map.

Description of Wastes Discharged and Outfalls

5. The Discharger proposes to discharge up to 3,215 gallons per day (gpd) of wastewater through Discharge Serial Nos. 001, 002, and 003 into a storm drain thence to Ballona Creek, a water of the United States. The wastewater consists of the following:

   Discharge Serial No. 001: up to 700 gpd of groundwater seepage.

   Discharge Serial No. 002: up to 2,500 gpd of reflecting pond drainage water. Discharge occurs every three to four months.

   Discharge Serial No. 003: up to 15 gpd of storm water runoff from the parking area and outdoor stairwell, collected in a sump.

   Figure 2 depicts the wastewater schematic flow diagram.

6. The previous NPDES permit regulates the discharge of up to 5,000 gallons per day (gpd) of cooling tower bleed-off, and reflecting pond drainage water.

   On April 2, 2005, the Discharger informed Board staff that after a review of the "blue print" of the piping connections of the building, it was discovered that the cooling tower bleed-off, boiler blowdown, softener regeneration water, and fire pump test water are discharged to the sanitary sewer. The wastewater discharged to the storm drain consists of groundwater seepage, reflecting pond drainage, and storm water runoff from the parking area and outdoor stairwell, collected in a sump.

   There is no potential reuse within the facility or the vicinity. The discharge is intermittent, so that there is no reliable and steady source of water for reuse.

Applicable Plans, Policies, Laws, and Regulations

7. 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 ground waters, (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.

8. **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 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.

9. 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).

10. The receiving water for the permitted discharge covered by this Order is Ballona Creek. 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.

11. 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.

12. 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 five 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. CTR' s Compliance Schedule provisions sunset 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 1, 2011, which ever is sooner.

13. 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 U.S. EPA 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 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 Discharger's 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 fresh water 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.

14. Under 40 CFR section 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 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.

15. 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 not promulgated by the U.S. EPA for pollutants in this discharge. Effluent limitations for pollutants not subject to the U.S. EPA effluent limitation guidelines are based on one of the following: best professional judgment (BPJ) of BPT, BCT or BAT; 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.

16. 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 sections 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.

17. 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 Ballona Creek.

18. Permit conditions (effluent limitations and other special conditions) in the existing waste discharge requirements that are applicable to this Order have been carried over.

Watershed Management Approach and Total Maximum Daily Loads (TMDLs)

19. 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.

20. Ballona Creek is located in Los Angeles County, in the Ballona Creek Watershed. The 2002 State Board's California 303(d) List classifies the Ballona Creek as impaired. The pollutants of concern include cadmium (sediment), ChemA (tissue) [refers to the sum of aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, HCH (including lindane), endosulfan, and toxaphene], chlordane (tissue), dissolved copper, DDT (tissue), dieldrin (tissue) enteric viruses, high colfiorm count, dissolved lead, PCBs (tissue), pH, sediment toxicity, total selenium, silver (sediment), toxicity, and dissolved zinc. The Trash TMDL for the Ballona Creek and Wetland was adopted by the Regional Board on September 19, 2001. It designates Waste load allocations for permittees and co-permittees of the Los Angeles County Municipal Storm water Permit that are located within (entirely or partially) the Ballona Creek Watershed. Waste load allocations are based on a phased reduction from the estimated current discharge over a 10-year period until the final WLA (currently set at zero) is met. Because the discharge from this facility is primarily untreated groundwater seepage and reflecting pond drainage, it is not likely to contribute trash to the Ballona Creek Watershed. However, because the facility discharges to the Los Angeles County municipal separate storm sewer system, Los Angeles County may invoke requirements on the facility in order to meet the WLA.

Data Availability and Reasonable Potential Monitoring

21. 40 CFR section 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.

22. Section 1.3 of the SIP requires that a limitation be imposed for a toxic pollutant if (1) the maximum effluent concentration (MEC) is greater than the most stringent CTR criterion, or (2) the background concentration is greater than the CTR criterion, or (3) other information is available that indicates the need for a WQBEL. Sufficient effluent data are needed for this analysis.

23. There is insufficient data to perform a RPA. According to the State Implementation Policy, the existing limits for priority pollutants shall be carried over when there is insufficient data to conduct a RPA, in lieu of no effluent limitation. However, this permit' s existing limits for copper and zinc are excessively high in comparison to the CTR criteria. Therefore, for this special case (even with insufficient data), the CTR criteria will be imposed for copper and zinc, along with performance-based interim limits and a compliance schedule. Thus, effluent limitations for these pollutants have been established. Existing permit limitations for cadmium, chromium, lead, and conventional pollutants and nonconventional pollutants were also carried over in this permit.

24. Based on the monitoring data, selenium, thallium, and tetrachloroethylene may be present in the effluent through Discharge Serial No. 002 at concentrations that exceed applicable water quality criteria. However, there is insufficient data to perform an RPA for these parameters, thus, monitoring requirements for these parameters have been established to gather data to conduct a RPA. This Order includes comprehensive monitoring requirements to gather the data needed to conduct a RPA for all of the priority pollutants.

Compliance Schedules and Interim Limitations

25. The Discharger may not be able to achieve immediate compliance with the WQBELs for copper and zinc in Section I.B.5. of this Order. Data submitted in self-monitoring reports indicate that these constituents have been detected at concentrations greater than the new limits 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.

26. 40 CFR 131.38(e) and the SIP provide conditions under which interim effluent limits and compliance schedules may be issued. The SIP 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 for copper and zinc have been included in this Order. During the compliance period, the current treatment facility performance is imposed as the interim effluent limitations. The interim limits for copper (200 µg/L) and zinc (200 µg/L) were based on the maximum effluent concentration (MEC) reported by the Discharger. These interim limitations shall be effective from the date of this Order until June 2, 2007, after which, the Discharger shall demonstrate compliance with the final effluent limitations.

27. This Order requires the Discharger to develop a pollutant minimization plan and/or source control measures, and participate in the activities necessary to achieve the final effluent limitations.

CEQA and Notifications

28. 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.

29. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.

30. 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 is effective 30 days (July 1, 2005) from the date of its adoption, in accordance with federal law, provided the Regional Administrator, U.S. EPA, has no objections.

31. 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.

32. 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 Ambassador Towers, 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 the discharge of groundwater seepage, reflecting pond drainage water, and storm water runoff.

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, Ballona Creek, or waters of the State, are prohibited.

B. Effluent Limitations for Discharge Serial Nos. 001, 002, and 003

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 (For Discharge Serial Nos. 001, 002 and 003)

i. 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.

ii. 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. 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.

iii. 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.

iv. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 5839 (hereinafter MRP).

4. Effluent limitations established in this Order are applicable to discharges of groundwater seepage through NPDES Discharge Serial No. 001 (Latitude 34° 03' 36" North; Longitude 118° 18' 01" West) into Ballona Creek:

Pollutant	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations
Total Suspended Solids	Mg/L	50	75
Turbidity	TU	50	75
BOD_5 20°C	Mg/L	20	30
Oil and Grease	Mg/L	10	15
Phenols	Mg/L	---	1.0
Settleable Solids	Ml/L	0.1	0.3

5. Effluent limitations established in this Order are applicable to discharges of and reflecting pond drainage water through NPDES Discharge Serial No. 002 (Latitude 34° 03' 36" North; Longitude 118° 18' 01" West) into Ballona Creek:

Pollutant	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations
Total Suspended Solids	mg/L	50	75
Turbidity	TU	50	75
BOD_5 20°C	mg/L	20	30
Oil and Grease	mg/L	10	15
Settleable Solids	ml/L	0.1	0.3
Residual Chlorine	mg/L	--	0.1
Phenols	mg/L	---	1.0

Pollutant	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations
Methylene Blue Activated Substances (MBAS)	mg/L	---	0.5
Cadmium [1]	µg/L	--	10
Chromium [1]	µg/L	--	50
Copper [1,2]	µg/L	21.7	43.6
Lead [1]	µg/L	--	50
Zinc [1,2]	µg/L	168.4	337.9

1 Effluent limitations for these pollutants are expressed as total recoverable.
2 The interim limits in Section I.B.5.2. below are applicable from the date of adoption of the Order through June 2, 2007.

5.1 Bacteria limitations for Discharge Serial No. 002:

a. The fecal coliform density for any 30-day period, shall not exceed a geometric mean of 200 per 100 ml nor shall more than 10 percent of the total samples during any 60-day period exceed 400 per 100 ml.

b. The density of total coliform organisms shall be less than 1000 per 100 ml (10 per ml): provided that not more than 20 percent of the samples, in any 30-day period, may exceed 1,000 per 100 ml (10 per ml), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml (100 per ml).

c. The geometric mean enterococcus density of the discharge shall not exceed 24 organisms per 100 ml for a 30-day period or 12 organisms per 100 ml for a six month period.

5.2. Interim Effluent Limitations for Discharge Serial No. 002

From the effective date of this Order until June 2, 2007, the discharge of an effluent in excess of the following limitations is prohibited:

Constituents	Units	Average Monthly Discharge Limitations	Daily Maximum Discharge Limitations
Copper[1]	µg/L	---	200
Zinc[1]	µg/L	200	---

[1] Discharge limitations for these metals are expressed as total recoverable.

The Discharger must comply with the limits for these constituents stipulated in the table in section I.B.5. after June 2, 2007.

6. Effluent limitations established in this Order are applicable to discharges of storm

water runoff from the parking area and outside stairwell, collected in a sump through NPDES Discharge Serial No. 003 (Latitude 34° 03' 36" North; Longitude 118° 18' 01" West) into Ballona Creek:

Pollutant	Units	Maximum Daily Effluent Limitations
Total Suspended Solids	Mg/L	75
Turbidity	TU	75
BOD_5 20°C	Mg/L	30
Oil and Grease	Mg/L	15
Phenols	Mg/L	1.0
Settleable Solids	Ml/L	0.3

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.

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.

5. 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_5$20°C that adversely affect beneficial uses;

6. The discharge shall not alter the color, create a visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters.

7. The discharge shall not degrade surface water communities and population including vertebrate, invertebrate, and plant species.

8. The discharge shall not damage, discolor, nor cause formation of sludge

deposits on flood control structures or facilities nor overload their design capacity.

9. 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:

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.

The plan 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 generate effluent and runoff at the permitted discharge points; describe the activities in each area and the potential for contamination of effluent and storm water and the discharge of hazardous waste/material; and address the feasibility of containment and/or treatment of the effluent and storm water. The plan shall be reviewed annually and at the same time. Updated information shall be submitted within 30 days of revision.

B. Compliance Plan

1. The Discharger shall develop and implement a compliance plan that will identify the measures that will be taken to reduce the concentrations of copper and in the effluent, and to achieve compliance with the final limitations specified in provision I.B.5.

2. The Discharger shall submit annual reports to describe the progress of studies and or actions undertaken to reduce copper and zinc in the effluent, and to achieve compliance with the final limitations in this Order by the deadline specified in provision I.B.5.2. The Regional Board shall receive the first annual progress report at the same time the annual summary report is due, as required in Section I.B of *MRP* No. CI-6203.

3. The interim limitations stipulated in section I.B.5.2 shall be in effect for a period not to extend beyond June 2, 2007. Thereafter, the Discharger shall comply with the limitations specified in Section I.B.5 of this Order.

4. The Discharger must notify the Regional Board's Executive Officer, in writing, no later than 14 days following each interim date, compliance implementation event, or quarterly report, of the Discharger's compliance or noncompliance with the interim requirements.

C. Pursuant to the requirements of 40 CFR section 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 section 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 Monitoring and Reporting Program (No. 5839). 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. 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.

D. 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.

E. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.

F. 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.

G. 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 II.D. of *MRP*), 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 limitation for that constituent, the Discharger has demonstrated compliance with the monthly average limitation for that month.

   b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limitation 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 *MRP*), 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 limitation.

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, in accordance with SIP section 2.2.2.A, to incorporate new limitations 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.

E. 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 May 10, 2010.

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. 97-092, adopted by this Regional Board on July 21, 1997, is hereby rescinded except for enforcement purposes.

I, Jonathan S. Bishop, 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 June 2, 2005.

_____
Jonathan S. Bishop
Executive Officer