



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

November 21, 2012

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7099 3220 0006 2237 7586

Mr. Dean Segal, Chief Engineer
Sterling Ambassador Towers
691 S. Irolo Street
Los Angeles, CA 90005

Dear Mr. Segal:

TRANSMITTAL OF THE TIME SCHEDULE ORDER (TSO, ORDER NO. R4-2012-0173) AND AMENDMENT TO THE WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT (ORDER NO. R4-2010-0180-A01) FOR DONALD T. STERLING CORPORATION, STERLING AMBASSADOR TOWERS, LOS ANGELES, CALIFORNIA (NPDES NO. CA0053091, CI NO. 5839)

Our letter dated September 4, 2012, transmitted the tentative amendment to the waste discharge requirements (WDRs) in Order No. R4-20101-0180 (adopted on October 7, 2010) and Time Schedule Order (TSO). Order No. R4-2010-0180 was amended to incorporate the changes to the permitted flow rate from 170 gallons per day (gpd) to 14,652 gpd (0.015 million gallons per day; MGD) and associated updates to the mass (lbs/day) effluent limitations based on the new information (maximum flow rate recorded by the newly installed flow meter since January 2010) submitted by the Sterling Ambassador Towers.

Pursuant to Division 7 of the California Water Code, this Regional Water Board at a public hearing held on November 8, 2012, reviewed the tentative requirements, considered all factors in the case, and adopted Order No. R4-2010-0180-A01 (amendment to the NPDES permit) and TSO No. R4-2012-0173.

Order R4-2010-0180-A01 serves as an NPDES permit, and it expires on September 7, 2015. Section 13376 of the California Water Code requires that an application/Report of Waste Discharge for a new permit must be filed at least 180 days before the expiration date. The TSO No. R4-2012-0173 expires on September 7, 2015.

You are required to implement the Monitoring and Reporting Program (MRP) on the effective date (December 10, 2012) of Order No. R4-2010-0180-A01. Your first monitoring report for the period of December 2012 is due by February 15, 2013. The first technical and/or progress report required under TSO No. R4-2012-0173 is due by February 15, 2013, as listed on page 8 of the TSO. Submit all monitoring and technical/progress reports to the Regional Water Board, ATTN: Information Technology Unit.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

The Regional Water Board is implementing a paperless office system to reduce paper use, increase efficiency and provide a more effective way for our staff, the public and interested parties to view water quality documents. Therefore, please convert all regulatory documents, submissions, data and correspondence that you would normally submit to us as hard copies to a searchable Portable Document Format (PDF). Documents that are less than 10 megabyte (MB) should be emailed to losangeles@waterboards.ca.gov. Documents that are 10 MB or larger should be transferred to a disk and mailed to the address listed above. If you need additional information regarding electronic submittal of documents please visit the Regional Water Board's website listed above and navigate to Paperless Office.

When submitting monitoring or technical reports to the Regional Water Board per these requirements, please include a reference to Compliance File CI-5839 and NPDES No. CA0053091, which will assure that the reports, are directed to the appropriate file and staff. Please do not combine your discharge monitoring reports with other reports, such as technical/progress reports. Submit each type of report as a separate document.

We are sending the paper copy of the amendment to the Permit and TSO to the Discharger only. For those on the mailing list or other interested parties who would like access to a copy of the Permit, please go to the Regional Water Board's website at: http://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/by_permits_tools.shtml. If you would like a hard copy of the TSO or if you have any questions, please contact Rosario Aston at (213) 576-6653.

Sincerely,



Cassandra Owens, Chief
Industrial Permitting Unit

cc: See Mailing List

Enclosures:

Order No. R4-2010-0180-A01 – Amendment to the Waste Discharge Requirements
Attachment E - Monitoring and Reporting Program (MRP No. 5839)
Attachment F - Fact Sheet
Order No. R4-2012-0173 – Time Schedule Order

Mailing List

Environmental Protection Agency, Region 9, Permits Branch (WTR-5)
U.S. Army Corps of Engineers
NOAA, National Marine Fisheries Service
Department of Interior, U.S. Fish and Wildlife Service
NPDES Wastewater Unit, State water Resources Control Board, Division of Water Quality
Mr. William Paznokas, Department of Fish and Game, Region 5
Department of Public Health, Sanitary Engineering Section
California Coastal Commission, South Coast Region
Water Replenishment District of Southern California
Los Angeles County, Department of Public Works, Waste Management Division
Ms. Leah G. Walker, Department of Public Health, Division of Drinking Water and
Environment Management
Ms. Kirsten James, Heal the Bay
Ms. Liz Crosson, Santa Monica BayKeeper
Mr. Daniel Cooper, Lawyers for Clean Water
Ms. Anna Kheyfets, Natural Resources Defense Council
Mr. Jae Kim, Tetra Tech
Ms. Philomena Wong, Beverly Hills Properties
Ms. Kelly Rapt, Beverly Hills Properties

Donald T. Sterling Corporation
Sterling Ambassador Towers
(NPDES No. CA0053091)

Time Schedule Order (TSO)
No. R4-2012-0173

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

TIME SCHEDULE ORDER NO. R4-2012-0173

**REQUIRING DONALD T. STERLING CORPORATION
(STERLING AMBASSADOR TOWERS)
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NO. R4-2010-0180 AS AMENDED BY ORDER NO. R4-2010-0180-A01
(NPDES PERMIT NO. CA0053091)**

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

1. The Donald T. Sterling Corporation (hereinafter, Discharger) is the owner and operator of the Sterling Ambassador Towers (hereinafter, Facility), an apartment building. The Facility is located at 691 South Irolo Street, Los Angeles, CA 90005.
2. The Facility discharges waste under waste discharge requirements (WDRs) contained in Order No. R4-2010-0180 adopted by the Regional Board on October 7, 2010. Order No. R4-2010-0180 serves as a National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CA0056863). Order No. R4-2010-0180 was amended by Order No. R4-2010-0180-A01 on November 8, 2012.
3. The Facility is permitted to discharge up to 0.015 million gallons per day (mgd) of groundwater seepage, irrigation drainage from planter boxes, and storm water from the stairwells and parking deck operations through Discharge Point No. 001 (Latitude 33°03'36" North and Longitude 118°18'01" West) into a storm drain system located at South Irolo Street that discharges to Ballona Creek, a water of the United States.
4. The Facility previously discharged pursuant to WDRs contained in Order No. R4-2005-0037, adopted by the Board on June 2, 2005, which also served as NPDES Permit No. CA0053091. Order No. R4-2005-0037 did not prescribe effluent limitations for selenium.
5. Order No. R4-2010-0180, as amended by Order No. R4-2010-0180-A01, prescribes effluent limitations for selenium based on the Metals Total Maximum Daily Load (TMDL) for Ballona Creek (Resolution No. 2007-015), which was approved by USEPA on October 29, 2009 and became effective on the same date. The final effluent limitations for Discharge Point No. 001 are as follows:

Constituents	Units	Effluent Limitations		Rationale
		Average Monthly	Maximum Daily	
During Dry-weather¹				
Selenium, Total Recoverable	µg/L lbs/day ²	4.1 0.0005	8.2 0.001	TMDL ³
During Wet-weather⁴				
Selenium, Total Recoverable	µg/L lbs/day ²	4.1 0.0005	8.2 0.001	TMDL ³

¹ Dry-weather effluent limitations are applicable when the maximum daily flow in Ballona Creek is less than 40 cubic feet per second (cfs).

² The mass limitations in lbs/day were calculated using the concentration limits and the maximum flow rate of 0.015 mgd.

³ TMDL – Total maximum daily load – Metals TMDL for Ballona Creek (Resolution No. 2007-015).

⁴ Wet-weather effluent limitations are applicable when the maximum daily flow in Ballona Creek is equal to or greater than 40 cfs.

The final effluent limitations for selenium are calculated pursuant to Section 1.4 of the State Implementation Policy (SIP) based on the specified TMDL waste load allocations (WLAs) applicable for Ballona Creek. The limits for selenium were based on the Metals TMDL for Ballona Creek.

6. Monitoring data submitted to the Regional Board indicates that the Discharger cannot consistently comply with the prescribed average monthly effluent limitations for selenium set by Order No. R4-2010-0180, as amended. The Discharger's self-monitoring reports for the period between the First Quarter 2011 through Fourth Quarter 2011, and Second Quarter 2012, indicate that selenium was detected at concentrations greater than the average monthly effluent limitations. Monitoring data indicates that the Discharger is able to comply with the maximum daily effluent limitations. Accordingly, pursuant to Water Code section 13300, a discharge of waste is taking place and/or threatens to take place that violates the average monthly effluent limitations for selenium prescribed by the Regional Board.

7. On June 13, 2012, the Discharger submitted a letter via email requesting a time schedule order (TSO). The letter summarized the Discharger's actions to achieve full compliance with the selenium effluent limitations in Order No. R4-2010-0180. The actions include consultation with various companies for installation of a treatment system for selenium and/or diverting the discharge to the sanitary sewer. On June 14, 2012, Regional Board staff met with the Discharger to discuss actions or measures to be taken by the Discharger to reduce the concentration of selenium in the discharge. Accordingly, the Regional Board finds that Sterling Ambassador Towers is making diligent effort toward bringing their waste discharge into compliance with the average monthly effluent limitations for selenium and that a time schedule is warranted.

8. Section 13300 of the California Water Code states, in part, that:

“Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”

9. Water Code section 13385, subdivisions (h) and (i), require the Regional Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. Section 13385(j)(3) exempts violations of an effluent limitation from mandatory minimum penalties "where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, *if all of the [specified] requirements are met.*" (emphasis added).
10. The effluent limitations for selenium prescribed in Order No. R4-2010-0180, as amended by Order No. R4-2010-0180-A01, are new regulatory requirements. The prior WDRs for the waste discharge, Order No. R4-2005-0037, did not prescribe effluent limitations for selenium.
11. New or modified control measures are necessary in order for the Discharger to comply with the average monthly effluent limitations for selenium prescribed in Order No. R4-2010-0180, as amended by Order No. R4-2010-0180-A01. These new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
12. This TSO establishes interim average monthly effluent limitations for selenium and requires the Discharger to undertake specific actions in order to correct the discharge of waste that exceeds or threatens to exceed the average monthly effluent limitations for selenium prescribed in Order No. R4-2010-0180, as amended. The TSO establishes a time schedule for bringing the waste discharge into compliance with the final average monthly effluent limitations for selenium in as short amount of time as possible, taking into account the technological, operation, and economic factors that affect the design, development, and implementation of the control measures that are necessary for compliance.
13. The time schedule for completion of the action necessary to bring the waste discharge into compliance exceeds one year from the effective date of this TSO. Accordingly, this TSO includes interim requirements and the dates for their achievement. The

interim requirements include interim average monthly effluent limitations for selenium and actions and milestones leading to compliance with the average monthly effluent limitations set by Order No. R4-2010-0180, as amended.

14. Full compliance with the requirements of this TSO exempts the Discharger from mandatory minimum penalties only for violations of the average monthly effluent limitation for selenium in Order No. R4-2010-0180 as amended, pursuant to Water Code section 13385(j)(3). This TSO does not apply to the maximum daily effluent limitations for selenium set by Order No. R4-2010-0180, as amended.
15. Water Code section 13385(j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to Water Code section 13263.3. The Discharger must prepare and implement a pollution prevention plan for selenium pursuant to Water Code section 13263.3.
16. This TSO is consistent with maximum benefit to the people of the State because it allows the Discharger necessary time to undertake actions to reduce the amount of selenium in its waste discharge and comply with applicable average monthly effluent limitations for selenium. This Order does not modify the average monthly effluent limitations for selenium set by Order No. R4-2010-0180, as amended. The interim average monthly effluent limitations for selenium included in this TSO will advance completion of necessary upgrades to control measures to reduce selenium in the waste discharge in a timely manner, and are therefore in the public interest.
17. The Regional Board has notified the Discharger, interested agencies, and persons of its intent to issue this TSO concerning compliance with waste discharge requirements. The Regional Board accepted written comments, and heard and considered all comments pertinent to this matter in a public hearing.
18. Issuance of this TSO is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with section 15321(a), Title 14 of the California Code of Regulations (exemption from CEQA for enforcement actions) and section 15301, Title 14 of the California Code of Regulations (exemption from CEQA for existing facilities).
19. Any person aggrieved by this action of the Regional Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13300, Donald T. Sterling Corporation, as the owner and operator of the Sterling Ambassador Towers, shall comply with the requirements listed below to ensure compliance with the final average monthly effluent limitation for selenium contained in Order No. R4-2010-0180, as amended by Order No. R4-2010-0180-A01:

1. Comply immediately with the following interim average monthly effluent limitations:

Constituents	Units	Interim Effluent Limitations
		Average Monthly ¹
Selenium, Total Recoverable	µg/L	7.85 ¹
	lbs/day ²	0.001

¹ The interim average monthly effluent limitation was derived from the Facility's monitoring data obtained in May 2012, and February 2011 to November 2011, using the 95th percentile occurrence probability method.

² The mass limitations in lbs/day were calculated using the concentration limits and the maximum flow rate of 0.015 million gallons per day (mgd).

The foregoing interim average monthly limits for selenium are in effect from November 8, 2012, through September 7, 2015. During this time, the Discharger shall investigate and implement any required upgrades to control measures to ensure compliance with the final average monthly effluent limitations for selenium contained in Order No. R4-2010-0180, as amended.

2. Achieve full compliance with the final average monthly effluent limitation for selenium in Order No. R4-2010-0180, as amended by Order No. R4-2010-0180-A01, no later than September 8, 2015.
3. Submit for approval to the Executive Officer as soon as possible, but no later than February 15, 2013, a workplan to evaluate and select actions/measures, including a feasibility study of the selected actions/measures, and implement the selected actions/measures to reduce the concentration of selenium in the discharge. The workplan shall contain the following components:
 - a. A time schedule that achieves compliance with the final average monthly effluent limitations for selenium as soon as possible, but no later than September 8, 2015;
 - b. A description of the actions/measures to be utilized;

- c. A schedule for the evaluation, design, installation or construction, and implementation of the selected actions/measures to bring Sterling Ambassador Towers' discharge into full compliance with the final average monthly effluent limitations for selenium; and
 - d. A feasibility study on the selected actions/measures, including assessment of the impacts to land, surface waters, and groundwater.
4. Submit for approval to the Executive Officer as soon as possible, but no later than February 15, 2013, a Pollution Prevention Plan (PPP) workplan, with the time schedule for implementation, pursuant to California Water Code section 13263.3.
 5. Submit semiannual progress reports of efforts towards compliance with the average monthly effluent limitations for selenium. The reports shall summarize the progress to date, activities conducted during the reporting period, and the activities planned for the upcoming reporting period. Each report shall be submitted to this Regional Board by February 15th and August 15th for the second half of the previous reporting year and the first half of the reporting year, respectively, and include milestones completed and any new pertinent updates. The first semiannual progress report is due on February 15, 2013.
 6. Submit a final report on the results of the implementation and evaluation of the selected actions/measures by February 15, 2015. The report shall include: a) a description of the actions/measures selected, b) the monitoring data collected after the implementation of the selected actions/measures including treatment process, if any, and c) an evaluation of the effectiveness of the selected actions/ measures.
 7. All technical reports required under this TSO are required pursuant to California Water Code sections 13267 and 13383. The Regional Board needs the required information in order to determine compliance with this TSO. The Regional Board believes that the burdens, including costs, of these reports bear a reasonable relationship to the needs for the reports and the benefits to be obtained from the reports.
 8. Any person signing a document submitted under this TSO shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the

information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

9. If the Discharger fails to comply with any provision of this TSO, the Regional Board may take any further action authorized by law. The Executive Officer, or his/her delegee, is authorized to take appropriate administrative enforcement action pursuant, but not limited to, Water Code sections 13301, 13350 and/or 13385. The Regional Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
10. All other provisions of Order No. R4-2010-0180, as amended, that do not conflict with this TSO, are in full force and effect.
11. This Time Schedule Order expires on September 7, 2015.

I, Samuel Unger, 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 November 8, 2012.



Samuel Unger, P.E.
Executive Officer