

State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
Los Angeles Region

ORDER NO. R4-2003-0022  
NPDES PERMIT NO. CA0055263

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
AND  
WASTE DISCHARGE REQUIREMENTS  
FOR  
SHORE TERMINALS LLC  
(WILMINGTON TERMINAL)

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

**Background**

1. Shore Terminals LLC (hereinafter Shore Terminals or Discharger) discharges treated wastes from its Wilmington Terminal under Waste Discharge Requirements (WDRs) contained in Order No. 95-072, adopted by this Regional Board on June 12, 1995. Order 95-072 serves as the National Pollutant Discharge Elimination System (NPDES) permit (CA0055263). Order No. 95-072 expired on May 10, 2000.
2. Shore Terminals has filed a report of waste discharge (ROWD) and has applied for renewal of its WDRs and NPDES permit for discharge of wastes to surface waters. Order No. 95-072 was originally issued to Wickland Oil Company. On October 1, 1998, the ownership was transferred to Shore Terminals. Shore Terminals confirmed its planned acquisition of the Wilmington Terminal in a letter dated September 14, 1998, and agreed to comply with all the terms and conditions of Order No. 95-072.

**Purpose of Order**

3. The purpose of this Order is to renew the WDRs for Wilmington Terminal. This NPDES permit regulates the discharge of storm water from Outfall 001 to Slip 1 of Los Angeles Inner Harbor, a water of the United States. The point of discharge is located at Longitude 118<sup>0</sup>, 16', 05" and Latitude 33<sup>0</sup>, 15', 37".

### **Facility Description**

4. The Wilmington Terminal is located at 841 La Paloma Avenue, Wilmington, California. Shore Terminals operates a bulk petroleum marine terminal for receipt, storage, and distribution of refined petroleum products at Wilmington Terminal. Petroleum products are received from tankers, barges, trucks, and pipelines and stored in 20 tanks located in three tank farms; South Tank Block, Central Tank Block, and North Tank Block. The stored products are shipped offsite via tankers, barges, trucks, or pipelines. Figures 1 and 2 are the site location map and site map, respectively, of the Wilmington Terminal.

### **Discharge Description**

5. Discharge consists of storm water from the three tank farms. The wastewaters are collected in catch basins and directed to an on-site wastewater treatment system in the Central Tank Block. The storm water is processed through a seven compartment oil/water separator. The water flows from one compartment to the next through openings in the bottom until it reaches the seventh compartment. Prior to discharge, the storm water in the seventh compartment is tested for regulated constituents, including oil and grease, phenols, sulfide, and total suspended solids to determine if the constituents meet the permit limits. If the concentrations of constituents in the storm water meet permit limits, the storm water is discharged through Outfall 001 as a batch discharge at Slip 1 of Los Angeles Inner Harbor. If the concentrations of constituents do not meet the permit limits, the storm water is transferred into an aboveground storage tank and shipped offsite for treatment. Wilmington Terminals discharges 50,000 gallons per day (gpd) of rainfall runoff.
6. For the past six years (1997 – 2002) Shore Terminals had eight discharges from Outfall 001. There was one violation of sulfide during that period.

### **Storm Water Management**

7. Shore Terminals has implemented a Storm Water Pollution Prevention Plan (SWPPP) consistent with the SWPPP requirements in the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity [State Water Resources Control Board (State Board) Order No. 97-03-DWQ, NPDES Permit No. CAS000001]. Because the discharges at the Wilmington Terminal are composed primarily of storm water, this permit will require that Shore Terminals update and continue to implement their SWPPP.

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

8. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on January 27, 1997 by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Board Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The Regional Board prepared the 1994 update of the Basin Plan to be consistent with all previously adopted State and Regional Board plans and policies. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.
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). Beneficial uses of streams that have intermittent flows, as is true for many Southern California streams, are designated as intermittent. The beneficial uses of inland surface waters generally include water contact recreation, warm freshwater habitat, cold freshwater habitat, inland saline water habitat and commercial and sport fishing.
10. The Basin Plan contains water quality objectives for, and lists the following beneficial uses of the Los Angeles Inner Harbor:  
  
Existing: industrial service supply, navigation, non-contact water recreation, commercial and sport fishing, marine habitat, preservation of rare, threatened, or endangered species.  
Potential: water contact recreation, navigation.
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 Los Angeles Inner Harbor.

12. Under 40 CFR 122.44(d), *Water Quality Standards and State Requirements*, “Limitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants), which the Director 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 Part 122.44(d)(1)(vi) specifies that water quality-based effluent limitations (WQBELs) may be set based on U.S. Environmental Protection Agency (USEPA) criteria, and may be supplemented where necessary by other relevant information to attain and maintain narrative water quality criteria, and to fully protect designated beneficial uses.
13. On May 18, 2000, the U.S. Environmental Protection Agency (USEPA) promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as 40 CFR section 131.38]. In the CTR, USEPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million ( $10^{-6}$ ), for all priority toxic pollutants regulated as carcinogens. The CTR also provides a schedule of compliance not to exceed 5 years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with the CTR criteria.
14. Effluent limitation guidelines requiring the application of best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT), were promulgated by the USEPA for some pollutants in this discharge. Effluent limitations for pollutants not subject to the USEPA effluent limitation guidelines are based on one of the following: best professional judgment (BPJ) of BPT, BCT or BAT; current plant performance; or WQBELs. The WQBELs are based on the Basin Plan, other State plans and policies, or USEPA water quality criteria which are taken from the California Toxics Rule (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.
15. 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 section 402(o) of the Clean Water Act (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.
16. 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 Los Angeles Inner Harbor.

17. Existing waste discharge requirements contained in Board Order No. 95-072 were adopted by the Regional Board on June 12, 1995. In some cases, permit conditions (effluent limits and other special conditions) established in the existing waste discharge requirements have been carried over to this permit.

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

18. The Regional Board has implemented the Watershed Management Initiative 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 nonpoint sources to more efficiently develop watershed-specific solutions that balance the environmental and economic impacts within a watershed. The TMDLs will establish waste load allocations (WLAs) and load allocations (LAs) for point and nonpoint sources, and will result in achieving water quality standards for the waterbody.
19. Los Angeles Inner Harbor is classified as impaired in the State Board's 1998 California 303(d) list. The pollutants of concern include: DDT, metals, PAHs, chlordanes, TBT, and PCBs.

The TMDL development for Los Angeles Inner Harbor is scheduled for fiscal year 2007. The TMDLs will include WLAs for the 303(d)-listed pollutants, and the Board will adopt a WQBEL consistent with the corresponding WLA. If authorized, a time schedule might be included in a revised permit to require compliance with the final WQBEL.

20. To prevent further degradation of the water quality of Los Angeles Inner Harbor and to protect its beneficial uses, mixing zones and dilution credits are not allowed in this Order. This determination is based on:
  - The discharge may contain the 303(d)-listed pollutants that exceed water column criteria. Since the receiving water is impaired, a dilution factor is not appropriate and the final WQBEL should be numeric objective/criterion applied end-of-pipe.
  - The discharge may contain the 303(d)-listed pollutants that are bioaccumulative. These pollutants, when exceeding water criteria within the mixing zone, can potentially result in tissue contamination of organisms directly or indirectly through contamination of bed sediments with subsequent incorporation into the food chain.

### **Reasonable Potential Analysis**

21. 40 CFR 122.44(d)(1)(ii) requires that each toxic pollutant be analyzed with respect to its reasonable potential when determining whether a discharge (1) causes; (2) has the reasonable potential to cause; or (3) contributes to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant. In performing the RPA, the permitting authority uses procedures that account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, and the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity). Because of effluent variability, there is always some degree of uncertainty in determining an effluent's impact on the receiving water. The USEPA's *Technical Support Document for Water Quality-Based Toxics Control (TSD) of 1991* (USEPA/505/2-90-001), addresses this issue by suggesting the use of a statistical approach. Sufficient effluent data are needed to perform the RPA analysis.
22. There is insufficient monitoring data available to perform RPA to the priority pollutants. The TSD requires the dischargers to submit sufficient data to conduct the determination of priority pollutants requiring WQBELs and to calculate the effluent limitations. This permit includes an interim monitoring requirements to obtain the necessary data.
23. This permit will be reopened to include effluent limitations for toxic constituents determined to be present in significant amounts in the discharge through a more comprehensive monitoring program included as part of this Order and based on the results of the RPA.

### **CEQA and Notifications**

24. 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.
25. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
29. This Order shall serve as a NPDES permit pursuant to Section 402 of the Federal Clean Water Act or amendments thereto, and shall take effect at the end of ten days from the date of its adoption provided the Regional Administrator, USEPA has no objections.

30. Pursuant to California Water Code Section 13320, 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 Chief Counsel  
ATTN: Elizabeth Miller Jennings, Senior Staff Counsel  
1001 I Street, 22<sup>nd</sup> Floor  
Sacramento, CA 95814

31. 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 Shore Terminals LLC, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

**I. Discharge Requirements**

A. Discharge Prohibition

1. Wastes discharged shall be limited to storm water runoff, as proposed. The discharge of water from accidental spills, or other sources is prohibited.
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, tributaries to Los Angeles Inner Harbor, or waters of the State are prohibited.

B. Effluent Limitations

The discharge of an effluent from Outfall 001 in excess of the following limits is prohibited:

1. A pH value less than 6.5 or greater than 8.5.
2. A temperature greater than 100° F.

3. Toxicity limitations:

- a. 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.
- b. If either of the above requirements (Section I.B.3.a.) is not met, then the Discharger shall begin a Toxicity Identification Evaluation (TIE) using discharge water kept in reserve for this purpose. 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 toxicity is complex, all phases including confirmatory phases of TIE may not be possible with reserve water, however, the TIE shall include all reasonable steps to identify the source(s) of toxicity. The TIE will be continued with discharge water from the next discharge event. Once the source(s) of toxicity is identified, the Discharger shall take all reasonable steps to reduce the toxicity to meet the objective.
- c. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 5915.

4. The discharge of an effluent in excess of the following limits is prohibited:

Constituents	Units	Discharge Limitations <sup>1/</sup>	
		Monthly Average	Daily Maximum
Total Suspended Solids	mg/L	50	75
Settleable solids	ml/L	0.1	0.3
BOD <sub>5</sub> 20°C	mg/L	20	30
Oil and Grease	mg/L	10	15
Turbidity	NTU	50	75
Phenols	mg/L	---	1.0
Sulfides	mg/L	---	0.1

<sup>1/</sup> The monthly average concentration shall be the arithmetic average of all the values of daily concentrations calculated using the results of analyses of all samples collected during the month. If only one sample is taken within that month, compliance shall be based on this sample result.

The mass emission (in lbs/day) for the discharge shall be calculated and reported using the limitation concentration and the actual flow rate measured at the time of discharge, using the formula:

$$m = 8.34 C_i Q$$

where: m = mass discharge for a pollutant, lbs/day  
C<sub>i</sub> = limitation concentration for a pollutant, mg/L  
Q = actual discharge flow rate, mgd

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. The temperature at any time or place and within any given 24-hour period to be altered by more than 5° F above natural temperature of the receiving waters at any time or place.
4. The discharge shall not cause the following limits 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;
5. The discharge shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Board or State Board. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the CWA, or amendments thereto, the Regional Board will revise or modify this Order in accordance with such standards.
6. The discharge shall not cause the following to be present in receiving waters:
  - a. Biostimulatory substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses;
  - b. Chemical substances in amounts that adversely affect any designated beneficial use;
  - c. Oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the receiving water or on objects in the water;
  - d. Suspended or settleable materials in concentrations that cause nuisance or adversely affect beneficial uses;
  - e. Taste or odor-producing substances in concentrations that alter the natural taste, odor, and/or color of fish, shellfish, or other edible aquatic resources; cause nuisance; or adversely affect beneficial uses;
  - f. Substances that result in increases of  $BOD_5^{20^{\circ}C}$  that adversely affect beneficial uses;
7. The discharge shall not alter the color, create a visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters.
8. The discharge shall not degrade surface water communities and population including vertebrate, invertebrate, and plant species.
9. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures or facilities nor overload their design capacity.
10. The discharge shall not cause problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.

## II. Requirements

- A. The Discharger shall submit within 90 days of the effective date of this Order:
1. An updated Storm Water Pollution Prevention Plan (SWPPP) that describes site-specific management practices for minimizing storm water runoff from being contaminated, and for preventing contaminated storm water runoff from being discharged directly to waters of the State.
  2. A Best Management Practices Plan (BMPP) that entails site-specific plans and procedures implemented and/or to be implemented to prevent hazardous waste/material from being discharged to waters of the State. The updated BMPP shall be consistent with the requirements of 40 CFR 125, Subpart K, and the general guidance contained in the *NPDES Best Management Guidance Document*, USEPA Report No. 600/9-79-045, December 1979 (revised June 1981). In particular, a risk assessment of each area identified by the Discharger shall be performed to determine the potential of hazardous waste/material discharge to surface waters.

Both plans shall cover all areas of the facility and shall include an updated drainage map for the facility. The Discharger shall identify on a map of appropriate scale the areas that contribute runoff to the permitted discharge points; describe the activities in each area and the potential for contamination of storm water runoff and the discharge of hazardous waste/material; and, address the feasibility for containment and/or treatment of the storm water. The plans shall be reviewed annually and at the same time. Updated information shall be submitted within 30 days of revision.

- B. The Discharger shall submit within 180 days of the effective date of this Order an updated Spill Contingency Plan. The Contingency Plan shall be site-specific and shall cover all areas of the facility. The Contingency Plan shall be reviewed at the same time as the SWPPP and BMPP. Updated information shall be submitted within 30 days of revision.
- C. The Discharger shall implement or require the implementation of the most effective combination of BMPs for storm water/urban runoff pollution control. When implemented, BMPs are intended to result in the reduction of pollutants in storm water to the maximum extent practicable.
- D. Oil or oily materials, chemicals, refuse, or other materials that may cause pollution in storm water and/or urban runoff shall not be stored or deposited in areas where they may be picked up by rainfall/urban runoff and discharged to surface waters. Any spill of such materials shall be contained, removed and cleaned immediately.

- E. In the determination of compliance with the monthly average limitations, the following provisions shall apply to all constituents:
1. If the analytical result of a single sample, monitored monthly or at a lesser frequency, does not exceed the monthly average limit for that constituent, the Discharger will have demonstrated compliance with the monthly average limit for that month.
  2. If the analytical result of a single sample, monitored monthly or at a lesser frequency, exceeds the monthly average limit for any constituent, the Discharger shall collect three additional samples at approximately equal intervals during the month. All four analytical results shall be reported in the monitoring report for that month, or 45 days after the sample was obtained, whichever is later.  
  
If the numerical average of the analytical result of these four samples does not exceed the monthly average limit for that constituent, compliance with the monthly average limit has been demonstrated for that month. Otherwise, the monthly average limit has been violated.
  3. 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.
  4. Any single reported value which exceeds a daily maximum effluent concentration of the waste discharge requirements shall be considered a violation of said limit.  
  
If there is any conflict between the provisions stated herein before and the attached "Standard Provisions", those stated hereinbefore prevail.
- F. Pursuant to the requirements of 40 CFR 122.42(a), the Discharger must notify the Board as soon as it knows, or has reason to believe (1) that it has begun or expected to begin, to use or manufacture a toxic pollutant not reported in the permit application, or (2) a discharge of toxic pollutant not limited by this Order has occurred, or will occur, in concentrations that exceed the specified limits in 40 CFR 122.42(a).
- G. The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.
- H. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303 (d) listed pollutants.

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

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

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

### III. Provisions

- A. This Order includes the attached *Standard Provisions and General Monitoring and Reporting Requirements* (Standard Provisions, Attachment N). If there is any conflict between provisions stated hereinbefore and the attached Standard Provisions, those provisions stated hereinbefore prevail.
- B. This Order includes the attached Monitoring and Reporting Program. If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the former prevail.
- C. The Discharger shall comply with the requirements of SWPPP updates associated with industrial activity (State Board Order No. 97-03-DWQ adopted on April 17, 1997) and SWPPP updates and monitoring and reporting requirements of State Board general permit for discharges of storm water and Construction Activity (State Board Order No.

99-08-DWQ adopted on August 19, 1999). This Order R4-2003-0022 shall take precedence where conflicts or differences arise between it and the aforementioned Orders.

- D. This Order includes the attached *Storm Water Pollution Prevention Plan Requirements* (Attachment M).
- E. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to their storm drain systems.
- F. Pursuant to 40 CFR 122.61(b), coverage under this Order may be transferred in case of change of ownership of land or discharge facility provided the existing discharger notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new dischargers containing a specific date of transfer of coverage, responsibility for compliance with this Order, and liability between them.

#### **IV. Reopeners**

- A. This Order may be reopened to include effluent limitations for toxic constituents determined to be present in significant amounts in the discharge through a more comprehensive monitoring program included as part of this Order and based on the results of the RPA.
- 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 MLs.
- D. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Sections 122.44(d)(1)(vi)(C)(4), if the limits on the indicator parameter (total nitrogen) no longer attain and maintain applicable water quality standards.
- E. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, or the adoption of a TMDL for Los Angeles Inner Harbor.
- F. This Order may be reopened and modified, to revise the toxicity language once that language becomes standardized.

- G. This Order may 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.
- H. This Order may be reopened upon the submission by the Discharger, of adequate information, as determined by the Regional Board, to provide for dilution credits or a mixing zone, as may be appropriate.

**V. Expiration Date**

This Order expires on December 10, 2007.

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. 95-072, adopted by this Regional Board on June 12, 1995, is hereby rescinded except for enforcement purposes.

I, Dennis Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on January 30, 2003.

Dennis A. Dickerson  
Executive Officer