



California Regional Water Quality Control Board Los Angeles Region



Matthew Rodriquez
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

September 8, 2011

Mr. Dean A. Harris
Plant Manager
Owens-Illinois, Incorporated
Owens-Brockway Glass Container
2901 Fruitland Avenue
Vernon, CA 90058

Dear Harris:

RESPONSE TO THE REQUEST TO CHANGE THE SAMPLING LANGUAGE AND BE EXEMPTED FROM ANNUAL RECEIVING WATER SAMPLING IN THE WASTE DISCHARGE REQUIREMENTS (WDRs) AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES) (ORDER NO. R4-2010-0087) FOR OWENS-ILLINOIS, INCORPORATED, OWENS-BROCKWAY GLASS CONTAINER FACILITY, VERNON, CA. (NPDES NO. CA0056464, CI NO. 6079)

Your letter dated July 22, 2011, outlined two items of concern that you have regarding the monitoring requirements that are included in Order No. R4-2010-0087. The first item involves the clarification of the effluent and receiving monitoring requirements in the Footnotes which state that "...If, for safety reasons, a sample cannot be obtained during the first hour of discharge, then a sample shall be obtained, at first safe opportunity within 12 hours of the beginning of discharge". The letter states that this requirement minimizes safety concerns when conducting sampling during the night. However, Owens-Brockway was unsuccessful in identifying a contract laboratory that would routinely provide sampling/analytical services after 5:00 p.m. (Monday through Friday) and during the weekend. In addition, the current staffing of environmentally trained personnel is scheduled to work from 8:00 a.m. to 5:00 p.m., Monday through Friday. As such, a request for the permit sampling language be changed to "*during daylight hours Monday through Friday*" to allow the personnel to conduct the required monitoring activities. The second item of concern pertains to the requirement to conduct annual receiving water sampling and flow monitoring. The letter included a request to exempt Owens-Brockway to conduct annual receiving water sampling and flow monitoring. It asserts that the City of Vernon is predominantly an industrial zoned area, sampling the Los Angeles River quality and flow would not allow for a direct comparison to the waste water quality or flow.

Background:

Owens-Illinois, Incorporated is the owner and operator of the Owens-Brockway Glass Container Facility (Facility), a glass container manufacturing facility. The Facility is located at 2901 Fruitland Avenue, Vernon, California. Owens-Brockway manufactures glass containers

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from raw materials and recycled glass, primarily for the food and beverage industries. The Facility manufactures flint (clear), amber (brown), and emerald (green) bottles from both new materials – consisting primarily of silica sand and soda ash, and recycled glass. While water is not a component of the product itself, it is used throughout the manufacturing process for supporting equipment and plant operations. The Facility discharges wastewater and storm water through two discharge points (Discharge Points 001 and 002) into the storm drain, thence to the Los Angeles River, a Water of the United States. The wastewater consists of furnace drain water, oxygen plant vacuum pump seal water, and fire protection system test water. The discharge is regulated by Order No. R4-2010-0087, which was adopted on June 3, 2010. Order No R4-2010-0087 serves as the National Pollutant Discharge Elimination System (NPDES) Permit. The adopted Order included Footnotes in Table E-2 and Table E-4, and Section VIII.A.&B in Attachment E – Monitoring and Reporting Program (MRP).

The report of waste discharge (ROWD), permit renewal application and self-monitoring reports submitted, indicate that since November 2004, all routinely-generated plant wastewater has been discharged to the sanitary sewer under a joint permit issued by the City of Vernon and Los Angeles County Sanitation Districts of (Permit No. 1029). The NPDES permit regulates infrequent discharges to surface waters when discharge to the sanitary sewer is not possible (i.e., under emergency conditions).

Basis for the Receiving Water and Flow Monitoring

The receiving water monitoring is necessary to collect data to conduct reasonable potential analysis (RPA). Section 1.3 of the State Implementation Policy (SIP) which describes the reasonable potential analysis procedures states, "the RWQCB shall conduct the analysis in this section for each priority pollutant with an applicable criterion or objective, excluding priority pollutants for which a Total Maximum Daily Load (TMDL) has been developed, to determine if a water quality-based effluent limitation is required in the discharger's permit. It is the discharger's responsibility to provide all information requested by the RWQCB for use in the analysis." Also in Step 5 of the RPA procedures, determine the observed maximum ambient background concentration for a pollutant as described in section 1.4.3.1 of the SIP. This step requires that the receiving water data are necessary to conduct the RPA.

Order No R4-2010-0087 included effluent limitations for cadmium, copper, lead, and zinc based on the Metals TMDL for Los Angeles River (Resolution No. 2007-014). According to the Metals TMDL, the water quality-based effluent limitations (WQBELs) for cadmium and zinc are only applicable during wet-weather conditions. In addition, separate wet-weather and dry-weather WQBELs have been established for copper and lead. The wet-weather conditions are defined in the TMDL as days when the maximum daily flow in the Los Angeles River is equal to or greater than 500 cubic feet per second (cfs). Therefore, the flow data is necessary to determine the wet-weather and dry-weather condition of the river, as defined in the Los Angeles River Metals TMDL. The flow monitoring of the receiving water is required in your permit to determine compliance with the effluent limitations for metals based on the Los Angeles River Metals TMDL.

Conclusion

Change Sampling Language

Based on the information submitted and since the discharge from the facility is infrequent, Staff agreed to change the language in the Footnotes in Table E-2 and Table E-4 of the MRP. This letter authorizes to change the language to read as "*...If, for safety reasons, a sample cannot be obtained during the first hour of discharge, then a sample shall be obtained, at first safe opportunity within 12 hours of the beginning during daylight hours (Monday through Friday) of discharge*". Addition is underlined and deletion is stricken out.

Receiving Water Monitoring

Staff concurs that the City of Vernon is predominantly an industrial zoned area which may also affect the water quality of the receiving water. However, the NPDES permit regulates the quality of the effluent at the end of pipe. The receiving water monitoring requirement is necessary to collect data to conduct the reasonable potential analysis, and also evaluates the impacts of individual and collective discharges on receiving waters.

The NPDES permit requires the Owens-Brockway to report the maximum daily flow in the Los Angeles River, at the Los Angeles County Department of Public Works' Willow Street Gage Station at Wardlow. The permit stated that "The daily flow data at Wardlow station is posted on the Department of Public Works, Los Angeles County web site at <http://ladpw.org/wrd/report/0506/runoff/>." However, based on the information gathered by Staff, only flow data of the previous water year are available on the web site. To obtain the flow data to determine the dry- or wet-weather conditions, please contact the following staff of Los Angeles County Department of Public Works (LACDPW) by phone or email:

Name: Mr. Arthur Gotingco
Telephone: (626) 458-6379
Email: agoting@dpw.lacounty.gov

The request to exempt Owens-Brockway from the requirements to conduct annual receiving water sampling is denied. Owens-Brockway may obtain the flow data from the LACDPW staff as specified above.

All other provisions in Attachment E of Order No. R4-2010-0078 are in full force and effect.

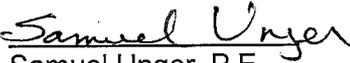
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Owens-Illinois, Incorporated
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If you have any questions, please contact Cassandra D. Owens at (213) 576-6750 or Rosario Aston at (213) 576-6653.

Sincerely,


Samuel Unger, P.E.
Executive Officer

cc: **Mailing List (Via E-mail Only)**

Environmental Protection Agency, Region 9, Permits Branch (WTR-5)
Mr. Roger Vann, Environmental Protection Agency, Region 9
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
Mr. Gary Yamamoto, California Department of Public Health
California Coastal Commission, South Coast District
Water Replenishment District of Southern California
Los Angeles County, Department of Public Works, Environmental Programs Division
Mr. Arthur Gotingco, Los Angeles County, Department of Public Works
Los Angeles County, Department of Public Health
City of Vernon
Dr. Mark Gold, Heal the Bay
Mr. David Beckman, Natural Resources Defense Council
Mr. Tom Ford, Santa Monica Baykeeper
Mr. Daniel Cooper, Lawyers for Clean Water
Mr. Jae Kim, TetraTech
Mr. Jim Storms, Storms Engineering