

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

ORDER NO. R4-2004-0172  
NPDES PERMIT NO. CA0059188

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
AND  
WASTE DISCHARGE REQUIREMENTS  
FOR  
CALIFORNIA DEPARTMENT OF WATER RESOURCES  
(William E. Warne Power Plant)

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

**Background**

1. The California Department of Water Resources, William E. Warne Power Plant (hereinafter Warne or Discharger) discharges wastewater under waste discharge requirements (WDRs) and a National Pollutant Discharge Elimination System (NPDES) permit contained in Order No. 99-015 (NPDES Permit No. CA0059188). Order No. 99-015 expired on April 10, 2004.
2. Warne filed a Report of Waste Discharge on May 17, 2004 and applied for renewal of its WDRs and a NPDES permit for discharge of wastes to surface waters. The tentative Order is the reissuance of the WDRs and NPDES permit for discharges from Warne.

**Purpose of Order**

3. The purpose of this proposed Order is to renew the WDRs for Warne. The proposed Order authorizes the discharge of generator, turbine, air, upper guide bearing, and lower guide bearing cooling waters and drainage sump water (consists of compressor cooling water and after cooling water, raw water from the turbine shut-off valve, potable water treatment plant backwash, and groundwater seepage) from the facility. The wastewater and sump water are discharged through two separate outfall pipes in the same location: Discharge Serial Nos. 001 and Discharge Serial No. 002 (Latitude 34°42'10" North and Longitude 118°48'00" West). The wastewater is then discharged to the power plant tailrace where it combines with generated water, then discharges into Pyramid Lake, a tributary to the Santa Clara River via Piru Creek and Lake Piru, waters of the United States.

**Facility Description**

4. The William E. Warne Power Plant is a hydroelectric generating station consisting of two turbines that generate up to 78 megawatts of electricity. The two units are operated either simultaneously or independently, and each unit may operate either continuously or

intermittently. The facility is located ten (10) miles south of Gorman, California, just west of Interstate 5 at the Smokey Bear Road off-ramp.

5. The Department of Water Resources also operates and maintains the West Branch of the State Water Project's California Aqueduct which transports and impounds water for municipal, agricultural and manufacturing uses. The William E. Warne Power Plant produces energy needed to offset the Project's water pumping costs.

### **Discharge Description**

6. The Order permits the discharge of generator, turbine, air, upper guide bearing, and lower guide bearing cooling waters and drainage sump water from the facility. The non-contact cooling water is circulated only once before being discharged. The non-contact cooling water receives no introduction of chemical additives and comprises less than 0.3 percent of the State Water Project's total generated flow into the facility. The sump water consists of compressor cooling water and after cooling water, raw water from the turbine shut off valve, potable water treatment plant backwash, and groundwater seepage that accumulates in the coupling gallery that is located underground. The water from the potable water treatment plant is treated through chlorination, polymer flocculation and filtration, but no other chemical additives are used on the wastewater collected in the drainage sump.
7. No polychlorinated biphenol (PCB) compounds or mixtures are in used at the facility, and none were found to be present in the receiving waters.
8. Warne Power Plant discharges a maximum of 1,950,000 gallons per day (gpd) of non-contact cooling water and a maximum of 2,000 gpd of drainage sump water. The facility has an annual average discharge of 1,120,000 gpd of non-contact cooling water and 300 gpd of drainage sump water. Quarterly monitoring reports indicated that the non-contact cooling water discharge averaged 771,155 gpd with a maximum discharge during the permit term of 1,617,405 gpd. An average discharge of 87 gpd of sump water was discharged with a maximum discharge during the permit term of 303 gpd. No treatment is used on the wastewater or drainage sump water prior to discharge.
9. The Discharger has periodically exceeded the effluent limitations contained in the existing permit at Discharge Serial Nos. 001 and 002 for turbidity. Identified violations are being evaluated for appropriate enforcement actions.

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

10. 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.

11. 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).
12. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan). The Basin Plan contains water quality objectives and beneficial uses for inland surface waters and for the Pacific Ocean. The Basin Plan contains the following beneficial uses and water quality objectives for Pyramid Lake:
  - Existing Uses: Municipal and domestic supply; industrial service supply; industrial process supply; agricultural supply; ground water recharge; hydropower generation; water contact recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species.
  - Potential Uses: Freshwater replenishment.
13. 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 Life*. The ammonia Basin Plan amendment was approved by the State Board, the Office of Administrative Law, and U.S. EPA on April 30, 2003, June 5, 2003, and June 19, 2003, respectively. Although the revised ammonia water quality objectives may be less stringent than those contained in the 1994 Basin Plan, they are still protective of aquatic life and are consistent with U.S. EPA's 1999 ammonia criteria update.
14. The 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.
15. 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 Title 40, Code of Federal Regulations (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 (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 effluent limitations derived from the CTR criteria.

16. 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 Plan, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the U.S. EPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP was effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the U.S. EPA through the CTR. The SIP requires the dischargers' submittal of data sufficient to conduct the determination of priority pollutants requiring water quality-based effluent limitations (WQBELs) and to calculate the effluent limitations. The CTR criteria for fresh water or human health for consumption of water and organisms, whichever is more stringent, are used to develop the effluent limitations in this Order to protect the beneficial uses of Pyramid Lake.
17. 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 [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.
18. 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), have not been 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; current plant performance; 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.
19. 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 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.

20. 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 Pyramid Lake.

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

21. 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.
22. The U.S. EPA approved the State's 2002 303(d) list of impaired water bodies on July 25, 2003. Pyramid Lake, Elderberry Forebay, and Warne Lake are located in the northeastern portion of the Los Angeles Basin in the Santa Clara River Watershed. Pyramid Lake is tributary to the Santa Clara River via Piru Creek; Elderberry Forebay is tributary to Warne Lake, which is tributary to the Santa Clara River via Warne Creek. The 2002 State Board's California 303(d) List does not classify Pyramid Lake as impaired. According to the 2002 303(d) list, the Santa Clara River is impaired in Reach 3 for ammonia and chlorides. However, these pollutants are not known to be present in the discharge from Warne Power Plant. All other impaired reaches of the Santa Clara River are upstream of the convergence point of Piru Creek. Therefore, the Regional Board does not believe that discharges from Warne Power Plant will contribute to impairments in the Santa Clara River. No conditions in the proposed Order are based on TMDLs.

### **Data Availability and Reasonable Potential Monitoring**

23. 40 CFR 122.44(d)(1)(i) and (ii) require that each toxic pollutant be analyzed with respect to its reasonable potential to (1) cause; (2) have the reasonable potential to cause; or (3) contribute to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant.
24. 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 criteria, or (2)

the background concentration is greater than the CTR criteria, or (3) other information is available. Sufficient effluent data are needed for this analysis.

25. Regional Board staff has determined that pollutants that have effluent limitations in the previous Order will be included in this permit. Certain effluent limitations have been established based on water quality criteria contained in the Basin Plan (i.e., pH and dissolved oxygen). This permit also includes requirements for additional monitoring to provide the data needed to complete an RPA on all of the priority pollutants.
26. The Regional Board issued a letter on July 27, 2001, that required Warne to monitor for priority pollutants regulated in the CTR. Pursuant to California Water Code section 13627, Warne was directed to conduct seven quarters (from July 2001 to March 2003) of effluent and receiving water sampling for all priority pollutants. The Discharger submitted effluent data with the permit renewal application and in response to the July 27, 2001, letter representing samples collected from the tailrace area; however, these data do not represent the individual waste streams (i.e., outfalls) of non-contact cooling water and sump water. The Regional Board staff determined that the data submitted by Warne are not representative of individual waste streams. Therefore, the RPA could not be completed using the limited data.
27. The Regional Board is requiring, as part of the associated Monitoring and Reporting Program No. CI-6610 (*MRP*), that the Discharger conduct intake, effluent, and receiving water monitoring for the priority pollutants quarterly for the first three (3) years of the permit term, to provide data to evaluate reasonable potential. Further, the proposed Order requires the Discharger to monitor the intake water prior to entry into the power plant to provide data to characterize the influent. Effluent monitoring data submitted by the Discharger showed elevated turbidity and BOD concentrations. Further, to assess the viability of obtaining future intake water credit for WQBELs, the proposed Order requires the Discharger to monitor the intake water quarterly for certain conventional (i.e., BOD, TSS, oil and grease, and pH) and non-conventional (i.e., settleable solids, total dissolved solids, and turbidity), and priority pollutants.

#### **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 CWA or amendments thereto, and is effective thirty (30) days (January 10, 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 California Department of Water Resources, William E. Warne Power Plant (Warne), 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 a maximum of 1,952,000 gallons per day (gpd) of generator, turbine, air, upper guide bearing, and lower guide bearing cooling water and 2,000 gpd of drainage sump water through Discharge Serial Nos. 001 and 002 (Latitude 34°42'10" North and Longitude 118°48'00" West).
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, Pyramid Lake, or waters of the State, are prohibited.

**B. Effluent Limitations**

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. 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.
4. Toxicity Limitations:
  - (a) Acute Toxicity Limitation and Requirements
    - (1) 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 (I.B.4.a.1.)

- (2) If either of the above requirements 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.
- (3) If the initial test and any of the additional six acute toxicity bioassay tests result in less than 70% survival, including the initial test, the Discharger shall immediately begin a TIE.
- (4) The Discharger shall conduct acute toxicity monitoring as specified in *M&RP* No. 6610.

5. Final effluent limitations:

- (a) In addition to the Requirements I.B.1 through I.B.4, the discharge to Pyramid Lake through Discharge Serial Nos. 001 and 002 (Latitude 34°42'10" North and Longitude 118°48'00" West) in excess of the following limitations is prohibited:

Pollutant (units)	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations
Settleable Solids (ml/L)	0.1	0.3
Total Suspended Solids (mg/L)	50	75
Turbidity (NTU)	5	25
Oil and Grease (mg/L)	10	15
Biochemical Oxygen Demand (BOD <sub>5</sub> 20°C) (mg/L)	--	10
Polychlorinated biphenyls (ng/L)	--	14

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 6.0 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.
  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 Clean Water Act, 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<sub>5</sub>20°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 populations 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. Turbidity Effluent Limitation Compliance Evaluation

1. The Discharger shall conduct a compliance evaluation for the turbidity effluent limitation. The Discharger shall perform quarterly intake water monitoring and continue effluent monitoring for turbidity. The Discharger will submit to the Board a report detailing all monitoring activities, potential cost-effective control measures, and recommended actions to comply with the final effluent limitations within two (2) years of the effective date of this Order.

B. Identification of Monitoring Locations

1. The Discharger shall submit a description of each monitoring location to the Executive Officer for review and approval prior to the first sampling event following permit adoption.

C. Monitoring For Reasonable Potential Determination

1. The Discharger shall monitor the intake water, effluent, and receiving water for the CTR priority pollutants quarterly for the first three (3) years following permit adoption, as outlined in *MRP* CI No. 6610. These monitoring data shall be submitted in accordance with the reporting schedule provided in Section I.A. of the associated *MRP* CI No. 6610, and shall be identified as "Monitoring Results for CTR Priority Pollutants Reasonable Potential Determination, NPDES Permit No. CA0059188, CI-6610".

- D. 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 limitations in 40 CFR 122.42(a).

- E. The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.

- F. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303 (d)-listed pollutants.

- G. 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.

- H. 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.

- I. 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.

- J. 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 *MRP* CI No. 6610. If there is any conflict between provisions stated in the *MRP* and the Standard Provisions, those provisions stated in the *MRP* 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.
- E. 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.
- F. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
- G. 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.
- H. Compliance Determination
  - 1. Compliance with single pollutant 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.C. of the *MRP* CI No. 6610), 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, semi-annually, or annually, does not exceed the monthly average limitation for that pollutant, 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, semi-annually, or annually, exceeds the monthly average limitation for any pollutant, the Discharger shall collect up to four additional samples at approximately equal intervals during the 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 all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirement II.C. of *MRP* CI No. 6610), the numerical average of the analytical results of these samples will be used for compliance determination.

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* CI No. 6610), 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 pollutant 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 or 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.
4. Compliance with effluent limitations expressed as a median – in determining compliance with a median limitation, the analytical results in a set of data will be

arranged in Order of magnitude (either increasing or decreasing Order); and

- a. If the number of measurements (n) is odd, then the median will be calculated as  $X_{(n+1)/2}$ , or
  - b. If the number of measurements (n) is even, then the median will be calculated as  $[X_{n/2} + X_{(n/2)+1}]$ , i.e. the midpoint between the  $n/2$  and  $n/2+1$  data points.
- I. In calculating mass emission rates from the monthly average concentrations, use one half of the method detection limit for "Not Detected" (ND) and the estimated concentration for "Detected, but Not Quantified" (DNQ) for the calculation of the monthly average concentration. To be consistent with Section III.H.3., if all pollutants belonging to the same group are reported as ND or DNQ, the sum of the individual pollutant concentrations should be considered as zero for the calculation of the monthly average concentration.

#### **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.
- E. 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.
- F. 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 November 10, 2009.

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. 99-015, adopted by this Regional Board on April 22, 1999, is hereby rescinded except for enforcement purposes.

I, Jonathan Bishop, Interim 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 December 13, 2004.

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Jonathan Bishop  
Executive Officer