

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

ORDER NO. R4-2002-0102
NPDES PERMIT NO. CA0059315

WASTE DISCHARGE REQUIREMENTS
FOR
CEMEX CONSTRUCTION MATERIALS, L.P.
(MOORPARK FACILITY)

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

Background

1. Cemex Construction Materials, L.P. (Cemex), formerly called Transit Mixed Concrete Company, discharges waste (rainfall runoff and truck wash water) from its Moorpark Facility under waste discharge requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit contained in Order No. 96-046 adopted by this Regional Board on June 10, 1996 (NPDES Permit No. CA0059315). Order No. 96-046 expired on May 10, 2001.
2. Cemex has filed a report of waste discharge (ROWD) and has applied for renewal of its WDRs and NPDES permit.

Purpose of Order

3. The purpose of this order is to renew the WDRs for the Moorpark Facility. This NPDES permit regulates the discharge of stormwater and truck wash water, to the Happy Camp Canyon, a tributary to Arroyo Simi and Calleguas Creek, a water of the United States. The point of discharge is located at Latitude 34^o, 16', 56" North and Longitude 118^o, 48', 44" West.

Facility Description

4. Cemex acquired Blue Star Ready Mix, Inc. in 1993. The facility operated under the name of Transit Mix Concrete from 1993-1999, Southdown, Inc. from 1999-2001, and as Cemex, Inc. in 2001. The current name of the facility is Cemex Construction Materials, L.P.
5. The Cemex, Moorpark Facility, is located at 9035 Roseland Avenue, Moorpark, California. It is situated approximately 4 miles north of City of Moorpark in an unincorporated area of Ventura County which is about 1.2 miles north of State Route 23 (Broadway) , as shown on Figure 1.

6. The operations at the Moorpark Facility include: sand and gravel mining, rock processing including crushing and screening, concrete mixing, vehicle fueling, and vehicle maintenance. The annual rate of production of the various products vary from year to year based on economic conditions.

Discharge Description

7. Cemex intermittently discharges 120,000 gallons per day of stormwater runoff, wash off of concrete trucks, and wet down of aggregate trucks through Discharge Serial No. 001 (Latitude: 34° 16' 56" North; Longitude: 118° 48' 44" West) into Happy Camp Canyon. Happy Camp Canyon is a tributary to Arroyo Simi and Calleguas Creek, a water of the United States, above the estuary, and is part of the Calleguas Creek Watershed Area. Wastewater flows through seven settling basins placed in series. There are two large basins; upper basin (3 million gallons capacity) and lower basin (2.4 million gallons capacity). There are five smaller basins (with a capacity range of 0.2 million gallons to 1 million gallons), all placed in series. The total design capacity of the basins is approximately 7.8 million gallons. The large lower settling basin, which is the final settling basin in the set-up, also acts as a debris basin. The basins are designed to allow solids to settle out and water is discharged through the lower basin/debris basin from outfall 001 to Happy Camp Canyon. The debris basin is dredged annually to prevent sediment build up and possible overflow. Only during extremely heavy storm events will a discharge occur from the debris basin. During the last five years there were seven discharges. The flow during these discharges varied from 2,000 gallons to 243,000 gallons per storm event. Figure 2 is a block diagram of the wastewater flow.
8. The Regional Board's files and data submitted by Cemex indicate that there has been one exceedance of settleable limit in the existing permit.

Storm Water Management

9. Facilities subject to frequent motor vehicular traffic or facilities that perform vehicle repair, maintenance or fueling can have high concentrations of hydrocarbons and heavy metals in storm water discharges. Implementation of BMPs is important to reduce/eliminate the pollutant of concern.
10. Spills from fueling or from the transfer of fuel to the storage tank can be a significant source of pollution. Fuels carry contaminants of particular concerns to human and wildlife, such as heavy metals, toxic materials, oil and grease, and toxic hydrocarbons, which are not easily removed by storm water treatment devices. Consequently, control at the source is particularly important.
11. The loading/unloading of materials usually takes place outside. Materials spilled, leaked or lost during loading/unloading may collect in the soil or on other surfaces and be carried away by runoff or when the area is cleaned.

12. Accidental releases of materials from above ground liquid storage tanks, drums, and dumpsters present the potential for contaminating storm waters with many different pollutants. Materials spilled, leaked or lost from storage containers and dumpsters may accumulate in soils or on the surfaces and be carried away from storm water runoff.
13. Cemex has implemented a Storm Water Pollution Prevention Plan (SWPPP) in accordance 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]. The updated, individual permit requires the Discharger to update and implement its SWPPP.
14. The objective of this Order is to protect the beneficial uses of receiving waters. To meet this objective, this Order requires that the SWPPP specify BMPs that will be implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable. Further, Discharger is to assure that storm water discharges from the facility shall neither cause, nor contribute to, the exceedance of water quality standards and objectives nor create conditions of nuisance in the receiving water, and that the discharge of non-storm water, other than truck wash water, to the receiving water has been effectively prohibited.

Applicable Plans, Policies, and Regulations

15. 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.
16. 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.

17. The Basin Plan contains water quality objectives, and lists the following beneficial uses of Arroyo Simi waterbody. The Regional Board has conditionally designated the potential beneficial use of municipal and domestic water supply (MUN) for Arroyo Simi consistent with Regional Board Resolution 89-03; however the Regional Board has only conditionally designated the MUN beneficial uses and at this time cannot establish effluent limitations designed to protect the conditional designation.

Existing: industrial process supply, ground water recharge, freshwater replenishment, contact and non-contact water recreation, warm freshwater habitat, wildlife habitat, and preservation of rare, threatened or endangered species.

18. 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 Calleguas Creek (Arroyo Simi is a tributary of Calleguas Creek).
19. 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 protects 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.
20. 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 USEPA through National Toxics Rule (NTR) and to the priority pollutant objectives established by the Regional Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the USEPA 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 USEPA through the CTR. The SIP does not apply to discharges comprised solely of storm water, but some of the protocols identified in the SIP provide a rationale approach for determining reasonable potential and represent the best available science with respect to minimum levels for all surface water discharges. 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 organisms, whichever is more stringent, are used to develop the effluent limitations in this Order to protect the beneficial uses of the Arroyo Simi waterbody.

21. 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 Part section 122.44(d)(1)(vi) specifies that WQBELs may be set based on 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.
22. 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 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.
23. 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.
24. 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 the Calleguas Creek Watershed.

Watershed Management and Total Maximum Daily Loads

25. 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.

26. Calleguas Creek and its major tributaries, Revolon Slough, Conejo Creek, Arroyo Conejo, Arroyo Santa Rosa, and Arroyo Simi drain an area of 343 square miles in southern Ventura County and a small portion of western Los Angeles County. This watershed, which is elongated along an east-west axis, is approximately 30 miles long and 14 miles wide. The northern boundary of the watershed is formed by the Santa Susana Mountains, South Mountain, and Oak Ridge; the southern boundary is formed by the Simi Hills and Santa Monica Mountains. Land uses vary throughout the watershed. Urban developments are generally restricted to the city limits of Simi Valley, Moorpark, Thousand Oaks, and Camarillo.
27. The 1998 State Water Resources Control Board's (State Board) Water Quality Assessment (WQA) classifies the water quality conditions of water bodies in the state. Within the Calleguas Creek Watershed the following water bodies are classified as impaired water bodies, and are listed on the 1998 California 303 (d) List and TMDL Schedule: Mugu Lagoon, tributary from duck ponds to Mugu Lagoon, Calleguas Creek (Estuary to Arroyo Las Posas), Revolon Slough and Beardsley Channel/Wash, Conejo Creek, Arroyo Conejo, Arroyo Conejo North Fork, Arroyo las Posas, and Arroyo Simi.

The 1998 California 303(d) list of impaired water bodies, approved by the USEPA on May 12, 1999, identified the following pollutants of concern for Arroyo Simi – Reach 1 (Moorpark Freeway 23 to Brea Canyon) : ammonia, boron, chloride, chromium, nickel, selenium, silver, sulfates, total dissolved solids, and zinc.

28. Section 303(d) of the CWA requires that the State identify a list of impaired water bodies and develop and implement TMDL for these water bodies. A TMDL specifies the maximum amount of a pollutant that a water body can receive and still protect beneficial uses. The USEPA entered into a consent decree with the Natural Resources Defense Council (NRDC), Heal the Bay, and the Santa Monica BayKeeper on March 22, 1999, under which the Regional Board must adopt all TMDLs for the Los Angeles Region within 13 years from that date. This permit incorporates a provision to reopen the permit to implement and enforce approved load allocations for wastewater discharge from Moorpark Facility and require changes to comply with the allocated discharge loads.
29. To prevent further degradation of the water quality of Arroyo Simi and to protect its beneficial uses, mixing zones and dilution credits are not allowed in this Order. This determination is based on:

- The 303(d)-listed pollutants exceed water column criteria. Since there is no assimilative capacity of the receiving water, a dilution factor is not appropriate, and the final WQBEL should be numeric objective 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 organism directly or indirectly through contamination of bed sediments with subsequent incorporation into the food chain.

The proposed human health and wildlife criteria may be sufficiently protective for persistent bioaccumulative chemicals. It is necessary that mass-based limits be established to assure that the discharge will not cause or contribute to an exceedance of water quality standards, including narrative standards.

Data Availability and Reasonable Potential Monitoring

30. 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.
31. Section 1.3 of the SIP requires that a limit 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. However, for the pollutants on the 303(d) list, due to the impairment of the Arroyo Simi, the background concentrations have already been determined to be higher than the CTR criteria, but the Regional Board should consider other evidence as to whether the discharge is likely include the constituent at all. Sufficient effluent data are needed for this analysis.
32. Toxic data is not available for conducting RPAs for priority pollutants. This Order requires the discharger to monitor priority pollutants to gather data to be used in RPAs for future permit renewals and updates.

CEQA and Notifications

33. 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.
34. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
35. This Order shall serve as a National Pollutant Discharge Elimination System permit

pursuant to Section 402 of the CWA 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.

36. 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 the Order.
37. 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 Cemex Construction Materials, L.P., in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the CWA 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 and truck wash 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 Happy Camp Canyon or Arroyo Simi, or waters of the State, are prohibited.
3. The discharge of any radiological, chemical, or biological warfare agent or high level radiological waste is prohibited.

B. Effluent Limitations

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

1. The pH of the discharge shall at all times be within the range of 6.5 and 8.5.
2. The temperature of the discharge shall not exceed 100°F.
3. Acute Toxicity Limitations for Storm Water for Discharge Serial Nos. 001

- a. The acute toxicity of the effluent shall be such that: (i) the average survival in 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 results in 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 toxicity test within 24 hours of the completion of the test and the additional tests shall begin within 3 business days of receipt of the results. 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 sources of toxicity. The TIE will be continued with discharge water from the next discharge event. Once the sources are identified, the Discharger shall take all reasonable steps to reduce toxicity to meet the objective.
- c. Preparation of an Initial Investigation TRE Workplan:

The Discharger shall submit within 90 days of the effective date of this permit a copy of the initial investigation Toxicity Reduction Evaluation (TRE) workplan (1-2 pages) to the Executive Officer of the Regional Board for approval. If the Executive Officer does not disapprove the workplan within 60 days, the workplan shall become effective. The Discharger shall use USEPA manual EPA/600/2-88/070 (industrial) as guidance. This workplan shall describe the steps the Discharger intends to follow if toxicity is detected, and should include, at a minimum:

 - i. A description of the investigation and evaluation techniques that will be used to identify potential causes and sources of toxicity, effluent variability.
 - ii. A description of the facility's methods of maximizing in-house treatment efficiency and good housekeeping practices, and a list of all chemicals used in operation of the facility; and,
 - iii. If a toxicity identification evaluation (TIE) is necessary, an indication of the person who would conduct the TIEs (i.e., an in-house expert or an outside contractor) (See MRP Section IV.3. for guidance manuals).
- d. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program (MRP) No. 6658.

4. Discharge of an effluent in excess of the following limitations is prohibited:

Constituents	Units	Discharge Limitation	
		Monthly Average	Daily Maximum
Total Suspended Solids	mg/L	50	75
Turbidity	NTU	50	75
BOD ₅ 20°C	mg/L	20	30
Oil and Grease	mg/L	10	15
Total Dissolved Solids	mg/L		850
Settleable Solids	ml/L	0.1	0.3
Sulfates	mg/L		250
Chloride	mg/L		150
Boron	mg/L		1.0
Nitrate-N plus Nitrite-N	mg/L		10
Arsenic ^{4/}	µg/L	50	
Barium	µg/L	1000	
Cadmium ^{4/}	µg/L		5

^{4/} Discharge limitations for these metals are expressed as total recoverable.

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; but at no time be raised above 80°F for waters with a beneficial use of WARM (Warm Freshwater Habitat)
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; and,
 - 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 BOD₅20°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. 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).
- D. 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 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.

III. Provisions

- A. The Discharger shall comply with all the applicable items of the *Standard Provisions and Reporting for Waste Discharge Requirements* (Standard Provisions, Attachment N). If there is any conflict between provisions stated herein and the Standard Provisions, those provisions stated herein prevail.
- B. This Order includes the attached *Storm Water Pollution Prevention Plan Requirements* (Attachment M).
- C. 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.
- D. This Order neither exempt the discharger from compliance with any other laws, regulations, or ordinances that may be applicable, nor legalize the waste disposal facility.
- 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. 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.
- G. 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 R4-2002-XXXX shall take precedence where conflicts or differences arise between it and the aforementioned Orders.
- H. 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.

- I. 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.

V. Reopeners

- A. Pursuant to 40 CFR 122.62 and 122.63, this Order may be modified, revoked and reissued, or terminated for cause. Reasons for modification may include new information on the impact of discharges regulated under this Order become available, promulgation of new effluent standards and/or regulations, adoption of new policies and/or water quality objectives, and/or new judicial decisions affecting requirements of this Order,
- B. This Order may be reopened and modified, in accordance with SIP Section 2.2.2.A, to incorporate new limits based on future reasonable potential analysis to be conducted, upon completion of the collection of additional data by the Discharger.
- C. 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.
- D. 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.
- E. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, such as an update of the Ammonia objective, or the adoption of a TMDL for Calleguas Creek Watershed.
- F. This Order may be reopened and modified, to revise the toxicity language once that language becomes standardized.
- G. 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.

VI. EXPIRATION DATE

This Order expires on April 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.

VII. RESCISSION

Order No. 96-046, adopted by this Regional Board on June 10, 1996, 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 May 23, 2002.

Dennis A. Dickerson
Executive Officer