

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

ORDER NO. R4-2004-0174
NPDES PERMIT NO. CA0061476

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
MORTON INTERNATIONAL, INC.
MORTON SALT DIVISION – LONG BEACH FACILITY

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

Background

1. Morton International, Inc. (hereinafter Morton Salt or Discharger), discharges process water and storm water runoff from its Long Beach facility under waste discharge requirements (WDRs) and a National Pollutant Discharge Elimination System (NPDES) permit contained in Order No. 97-081 (NPDES Permit No. CA0061476), adopted by the Regional Board on June 16, 1997. Order No. 97-081 expired on May 10, 2002.
2. Morton International, Inc., Morton Salt Division filed a Report of Waste Discharge and applied for renewal of its WDRs and NPDES permit on April 11, 2002.

Purpose of Order

3. The purpose of the proposed Order is to renew the WDRs for the Morton Salt facility. Process water and storm water runoff from the Morton Salt facility is discharged through Discharge Serial No. 001 (Latitude 33°45'00" North, Longitude 118°12'30" West) to Long Beach Harbor, a water of the United States, above the Estuary. Figure 1 provides a facility location map.

Facility Description

4. Morton Salt, owns the Morton Salt Division, Long Beach Facility (Facility), located at 1050 Pier F Avenue, Long Beach, California. At this Facility, Morton Salt operates a salt processing and packaging plant. The Facility consists of five industrial buildings that house packaging operations and finished goods inventory. There are no floor drains in any of the buildings. The Facility produces products for industrial and home water conditioning and treatment. The Facility occupies approximately five acres and continuously discharges up to 13,000 gallons per day (gpd) of process water which is comprised of 100% wet scrubber effluent. In addition, depending on wet weather conditions, the Facility may also intermittently discharge 163,000 gpd of storm water runoff comprised of salt storage pile seepage, storm water runoff from on-site operations, and storm water runoff from an off-site property. While water is not a component of the final

product, it is used at the Facility for supporting equipment and plant operations. Figure 2 provides a wastewater schematic flow diagram.

Discharge Description

5. The existing Order (Order No. 97-081) regulates the discharge of up to 24,000 gallons per day (gpd) of process (e.g., wet scrubber effluent) and storm water runoff through Discharge Serial No. 001.
6. The Facility typically receives two, 60,000-ton shipments per year of wet solar salt from Mexico. Salt is stockpiled on-site and processed as follows: (1) materials are transferred directly to trucks; (2) materials are dried in a natural gas-fired kiln (dryer) and subsequently screened and stored in silos for packaging; (3) materials are dried in the kiln and transferred to trucks directly from screening; or (4) materials are screened and packaged without drying.
7. During salt processing, water is employed in air scrubber equipment to control salt dust. No additives are used in the process. The Facility operates one wet scrubber for the dryer and one wet scrubber for other salt handling operations. Scrubber water is used on a once-through basis and is routed to a collection sump. From the collection sump, wet scrubber water is pumped to an in-ground sample box on the west side of the Facility property. During wet weather conditions, the wet scrubber effluent may combine with salt storage pile seepage and storm water runoff from on-site Facility operations. From the in-ground sample box, the wastewater is directed to the catch basin and mixes with on-site storm water runoff and off-site storm water runoff from an adjacent property. The wastewater from the catch basin flows by gravity through a pipe that discharges into Long Beach Harbor. The existing Order refers to the point of discharge as Discharge Serial No. 001. No treatment is provided to the wastewater prior to discharge.
8. During intermittent and infrequent wet weather conditions, the components of the effluent in the in-ground sample box differ from that found in the catch basin. During wet weather conditions, the in-ground sample box consists of process water, salt storage pile seepage, and on-site storm water runoff. The in-ground sample box water then flows to the catch basin. The catch basin receives water from the in-ground sample box (e.g., process water, salt storage pile seepage, and on-site storm water) and during wet weather conditions, receives additional on-site storm water runoff and off-site storm water runoff from an adjacent property. During wet weather conditions, the effluent observed in the in-ground sample box differs from that observed in the catch basin.
9. Discharge Serial Nos. 02D (e.g., “D” signifying dry weather conditions) and 02W (e.g., “W” signifying wet weather conditions) at the catch basin have been established to characterize the waste stream, collection additional information for the RPA in the future, and to determine compliance with final effluent limitations. Discharge Serial Nos. 02D and 02W refer only to the catch basin.

10. Final effluent limitations will be applied to Discharge Serial Nos. 02D (e.g., “D” signifying dry weather conditions) and 02W (e.g., “W” signifying wet weather conditions) at the catch basin. Monitoring will be required at Discharge Serial Nos. 02D and 02W to determine compliance with the effluent limitations during dry and wet weather conditions. As previously stated, the effluent observed in the catch basin during dry weather conditions differs from that observed during wet weather conditions (e.g., 02D • 02W). Therefore, sampling at both locations will be required during both dry and wet weather conditions to characterize the effluent.
11. As stated previously, the existing Order authorizes the discharge of up to 24,000 gpd of wet scrubber effluent and storm water runoff from salt stockpiles; however, Morton Salt proposes to discharge up to 13,000 gpd of wet scrubber effluent and 163,000 gpd of intermittent storm water runoff through Discharge Serial Nos. 02D and 02W.
12. Morton Salt is pursuing the option of discharging the wastewater to the municipal sanitary sewer of the County Sanitation Districts of Los Angeles County (CSDLAC). Because of high salinity, CSDLAC might not allow the wastewater to be discharged to sewer.
13. The high salinity of wastewater prevents it from being used for irrigation or other beneficial uses.

Storm Water Management and Best Management Practices

14. The objective of this Order is to protect the beneficial uses of receiving waters. To meet this objective, this Order requires Morton Salt to update and implement 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]. The SWPPP will outline site-specific management practices for minimizing storm water runoff pollution and for preventing polluted storm water runoff from being discharged into surface waters. During the compliance evaluation inspection (CEI), Best Management Practices (BMPs) were identified as one method to reduce pollution in storm water runoff. Morton Salt prepared a SWPPP on February 17, 2003. As a result, the proposed Order requires Morton Salt to update and continue to implement their SWPPP and control storm water runoff to the Long Beach Harbor.
15. The SWPPP shall also specify Best Management Practices (BMPs) that will be implemented to reduce the discharge of pollutants in the process water and in the storm water runoff to the maximum extent practicable. Further, the Discharger shall assure that process water and storm water discharges from the facility would neither cause, nor contribute to, the exceedance of water quality standards and objectives, nor create conditions of nuisance in the receiving water.
16. Morton Salt will be required to monitor the storm water runoff, update their SWPPP, and submit analytical data for discharges of process water and storm water runoff. This

information will be used to conduct the RPA and where appropriate, revised effluent limitations will be developed for discharges of process water and storm water runoff.

Applicable Plans, Policies, and Regulations

17. 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 anti-degradation 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.
18. 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. Environmental Protection Agency (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.
19. 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 water body, in order to implement either federal or state mandates and goals, such as fishable and swimmable for regional waters.
20. The receiving waters for the permitted discharge covered by this permit is Long Beach Harbor, within the Estuary. The beneficial uses listed in the Basin Plan for the Long Beach Harbor (H.U. 405.12) are:

Existing Uses: Industrial service supply, navigation, contact and non-contact water recreation, commercial and sport fishing, marine habitat, and rare, threatened or endangered species.

Potential Uses: Shellfish harvesting.

21. 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 inland surface waters.
22. 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 40 CFR section 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 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 effluent limitations derived from the CTR criteria.
23. 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 plans, 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. Because the discharge to Long Beach Harbor is within the Estuary, the CTR criteria for fresh water, saltwater, or human health for consumption of organisms, whichever is more stringent, are used to develop the effluent limitations in the proposed Order to protect the beneficial uses of the Long Beach Harbor in the vicinity of the discharge.
24. Under 40 CFR section 122.44(d), *Water Quality Standards and State Requirements*, "[l]imitations 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.
25. 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 U.S. EPA for some 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.

26. State and Federal anti-backsliding and anti-degradation policies require Regional Board actions to protect the water quality of a water body and to ensure that the water body will not be further degraded. The anti-backsliding provisions are specified in section 402(o) and 303(d)(4) of the Clean Water Act (CWA) and 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.
27. Effluent limitations are established in accordance with Parts 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 the Long Beach Harbor.
28. Existing waste discharge requirements are contained in Order No. 97-081, adopted by the Regional Board on June 16, 1997. The permit conditions (effluent limitations and other special conditions) established in the existing waste discharge requirements have been carried over to the proposed Order and apply to Discharge Serial Nos. 02D and 02W; the designation Discharge Serial No. 001 has been eliminated and renamed as previously described.

Watershed Management Approach and Total Maximum Daily Loads (TMDLs)

29. 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 water body and thereby provides the basis to establish water quality-based controls. These controls should provide the pollution reduction necessary for a water body 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 water body.

30. The U.S. EPA approved the State's 2002 303(d) list of impaired water bodies on July 25, 2003. Certain receiving waters in the Los Angeles County watershed do not fully support beneficial uses. Therefore, these waters have been classified as impaired on the 2002 303(d) list and have been scheduled for TMDL development.
31. The 2002 303(d) list classifies the Long Beach Harbor as impaired. The facility discharges to the Long Beach Harbor, at the breakwater. The pollutants of concern, detected in the water column in Long Beach Harbor include: DDT, PAHs, and PCBs. In addition, benthic community effects were noted as well as sediment toxicity. TMDLs have not been developed and approved but will be developed in the future; therefore, no conditions in the Order are based on TMDLs.

Data Availability and Reasonable Potential Analysis

32. 40 CFR section 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 non-point 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 U.S. EPA's *Technical Support Document for Water Quality-Based Toxics Control (TSD) of 1991* (U.S. EPA/505/2-90-001), addresses this issue by suggesting the use of a statistical approach. Further, the SIP provides the procedures for evaluating reasonable potential to exceed applicable water quality criteria and objectives. Sufficient effluent data are needed to perform the RPA.
33. There were insufficient monitoring data available to evaluate reasonable potential for the priority pollutants in Morton Salt's process water or storm water runoff. In accordance with section 13267 of the California Water Code, the Regional Board is requiring the Discharger to conduct CTR priority pollutant sampling for the effluent and receiving water annually for the life of the permit. Internal outfalls have been established for monitoring purposes. Certain priority pollutants were detected in the effluent in a sample collected April 9, 2002. [i.e., arsenic, chromium (III), copper, nickel, selenium, zinc, bromoform, bromodichloromethane, chloroform, and dibromochloromethane]. The Order requires the Discharger to monitor the effluent and receiving water annually to provide data to evaluate reasonable potential to exceed water quality criteria.
34. Effluent limitations have been carried over from the previous Order to the proposed Order for discharges through the catch basin during dry and wet weather conditions. Effluent limitations have been established at Discharge Serial No. 02D (i.e., dry conditions) and Discharge Serial No. 02W (i.e., wet conditions).

CEQA and Notifications

35. 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.
36. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
37. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to section 402 of the Federal Clean Water Act or amendments thereto, and is effective 30 days (January 12, 2005) from the date of its adoption, in accordance with federal law, provided the Regional Administrator, U.S. EPA, has no objections.
38. 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.
39. 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 Morton International, Inc., Morton Salt Division, Long Beach facility, 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. During normal operations, process water is continually discharged from the operation. Process water consists of wet scrubber effluent. Non-process water discharges are intermittent and shall include salt storage pile seepage and on and off-site storm water runoff. Non-process water discharges are wet weather dependent. The discharge of wastes from accidental spills or other sources is prohibited.
2. During normal operations, a maximum of 13,000 gpd of wet scrubber effluent may be continuously discharged during dry and wet weather conditions and 163,000 gpd of salt storage pile seepage, and on and off-site storm water runoff may be discharged intermittently during wet weather conditions.

3. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to the in-ground sample box or the catch basin, Long Beach Harbor, or waters of the State, are prohibited.

B. Final 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. Temperature:
 - a. A temperature greater than 86 °F; and
 - b. The maximum temperature of the discharge shall not exceed the natural receiving water temperature by more than 20 °F.
3. Toxicity limitations:
 - a. Acute Toxicity Limitation and Requirements
 - i. 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 (or shorter test duration period with Executive Officer approval) static or continuous flow bioassay tests shall be at least 90%, and (ii) no single test shall produce less than 70% survival.
 - ii. If either of the above requirements [Section I.B.3.a.(i)] is not met, the Discharger shall conduct six additional tests over a 6-week period, if possible. 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.
 - iii. 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.

- iv. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 6949.
4. Final Effluent Limitations for NPDES Discharge Serial Nos. 02D and 02W: In addition to the Requirements I.B.1 through I.B.3, the effluent limitations established in this Order are applicable to discharges during both dry and wet weather conditions through NPDES Discharge Serial Nos. 02D and 02W (Latitude 33° 45' 00" North and Longitude 118° 12' 30" West), at the catch basin and are as follows:

Constituents (units)	Maximum Daily Discharge Limitations	Average Monthly Discharge Limitations
Oil and Grease (mg/L)	15	10
Total Suspended Solids (mg/L)	75	50
BOD ₅ @ 20°C (mg/L)	30	20
Turbidity (NTU)	75	50
Settleable Solids (ml/L)	0.3	0.1

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 present in concentrations or quantities that 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 affect 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 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;
 - 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 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 contamination of storm water runoff and for preventing contaminated storm water runoff from being discharged to waters of the State. The SWPPP shall be developed in accordance with the requirements in Attachment A.
 2. Best Management Practices (BMPs) that entail 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 BMPP shall be consistent with the general guidance contained in the U.S. EPA *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA 833-B-93-004). In particular, a risk assessment of each area identified by the Discharger shall be performed to determine the potential for hazardous or toxic waste/material discharge to surface waters. BMPs shall be included in the updated SWPPP.

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 of 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. 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).
- C. 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.
- D. The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.
- D. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303(d)-listed pollutants.
- E. 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.
- F. 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.
- G. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to the 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.

- H. 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 Monitoring and Reporting Program (*MRP*) No. CI-6949. If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the former shall 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 R4-2004-0174 shall take precedence where conflicts or differences arise between it and the aforementioned Orders. This Order includes the relevant requirements contained in the attached *Storm Water Pollution Prevention Plan Requirements* (Attachment A).
- D. 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 constituent 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 I of the *MRP* No. CI-6949), 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 constituent, 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 constituent, 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 I of *MRP* No. CI-6949), 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 I of *MRP* No. CI-6949), the median value of these four 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 constituent 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, such as an update of an objective or the adoption of a TMDL for Long Beach Harbor.
- E. 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, and 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. 97-081 adopted by this Regional Board on June 16, 1997, is hereby rescinded except for enforcement purposes.

I, Jonathan S. Bishop, 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.

Jonathan S. Bishop
Executive Officer