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

ORDER NO. R4-2003-0094
NPDES PERMIT NO. CA0064149

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER
(Los Angeles Aqueduct Tunnel No. 105)

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

Background

1. The City of Los Angeles, Department of Water and Power (hereinafter DWP or Discharger) discharges treated groundwater under waste discharge requirements (WDRs) contained in Order No. 98-007, (CI-7839) adopted by the Regional Board on January 26, 1998.

2. The Discharger has filed a report of waste discharge (ROWD) and has applied for renewal of its WDRs.

Purpose of Order

3. The purpose of this NPDES permit is to regulate the discharge of treated oil/water mixture collected from the Los Angeles Aqueduct in Tunnel No. 105 of the City of Los Angeles municipal water supply system.

Project and Discharge Description

4. DWP operates a municipal water supply system for the City of Los Angeles. The water is transported via the Los Angeles Aqueduct that is located through the Newhall Oil Field. The Newhall Oil Field is known for its natural occurrence of oil in the soil. The oil and water in the adjacent soil seeps onto the exterior of the aqueduct section Tunnel 105 and is collected in the collection system which is transported to the oil/water separator located in Magazine Canyon. The oil and water collected is treated prior to discharge in an oil-water separator located approximately ¾ mile north of the intersection of Balboa Boulevard and the Golden State Freeway.

5. A maximum of 5,900 gallons per day of treated water is discharged via Serial No. 001 located at Latitude 34^{o} 19' 52", Longitude 118^{o} 29' 56" to Weldon Canyon Creek and flows via Bull Creek to the Los Angeles River, a water of the United States, above the estuary. The attached figure depicts the location of the discharge from Tunnel 105.

6. During shutdown of the aqueduct for maintenance and/or repair, the water that remains in the aqueduct is drained. Since the aqueduct is a non-pressurized system and is concrete, natural seepage of water does occur into the aqueduct. This water is typically referred to as "nuisance water" and it drains over to Tunnel 105 during shutdown procedures. The collection system continues to operate and thus collects the nuisance water, which is not treated with the oil/water separator prior to discharge to the Weldon Canyon Creek. The nuisance water can flow up to 2 cubic feet per second (1,292,600 gallons per day*)* and may be discharged for 2 to 3 months.

   The Discharger will be required to monitor discharges of nuisance water for priority pollutants and conventional pollutants during four monitoring events. This data will be used to evaluate the discharge for reasonable potential.

Storm Water Management

7. DWP will be required to develop, implement, and when appropriate update the Best Management Practices (BMPs) that will prevent all pollutants from contacting storm water and with the intent of keeping all contaminants of concern from moving into receiving waters.

Applicable Plans, Policies, and Regulations

8. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on January 27, 1997 by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Board Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The Regional Board prepared the 1994 update of the Basin Plan to be consistent with all previously adopted State and Regional Board plans and policies. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.

9. The Basin Plan contains water quality objectives and beneficial uses for inland surface waters and for the Pacific Ocean. Inland surface waters consist of rivers, streams, lakes, reservoirs, and inland wetlands. Beneficial uses for a surface water can be designated, whether or not they have been attained on a waterbody, in order to implement either federal or state mandates and goals (such as fishable and swimmable for regional waters).

10. The receiving water for the permitted discharge covered by this permit is Weldon Canyon Creek, which flows via Bull Creek to the Los Angeles River, a water of the United States. Since Weldon Canyon Creek is a tributary of Bull Creek and the Los Angeles River, discharges to the creek must support the beneficial uses of the Los Angeles River. The beneficial uses listed in the Basin Plan Bull Creek and the Los Angeles River are:

    Bull Creek – Hydrologic Unit 405.21

    Existing: wildlife habitat.

    Intermittent: groundwater recharge, contact and noncontact recreation, and warm freshwater habitat.

    Potential: municipal and domestic supply.

    Los Angeles River – Hydrologic Unit 405.21

    Existing: groundwater recharge, contact and noncontact water recreation, warm freshwater habitat, wildlife habitat, and wetland habitat.

    Potential: municipal and domestic supply, and industrial service supply.

    Los Angeles River – Hydrologic Unit 405.15

    Existing: groundwater recharge, contact and noncontact water recreation, warm freshwater habitat, wildlife habitat, migration of aquatic organisms, wetland habitat, and rare, threatened, or endangered species.

    Potential: municipal and domestic supply, industrial service supply, and wildlife habitat.

    Los Angeles River estuary– Hydrologic Unit 405.12

    Existing: groundwater recharge, contact and noncontact water recreation, and warm freshwater habitat.

    Potential: municipal and domestic supply, industrial service supply, industrial process supply, migration of aquatic organisms, spawning, reproduction, and/or early development, and shellfish harvesting.

    Los Angeles River estuary (coastal) – Hydrologic Unit 405.12

    Existing: industrial service supply, navigation, contact and noncontact water recreation, commercial and sport fishing, estuarine habitat, marine habitat, rare, threatened, or endangered species, migration of aquatic organisms, spawning, reproduction, and/or early development , and wetland habitat.

    Potential: shellfish harvesting.

Ocean Waters

Existing: industrial water supply; water contact and non-contact water recreation, including aesthetic enjoyment; navigation; commercial and sport fishing; mariculture; preservation and enhancement of designated Areas of Special Biological Significance (ASBS); rare, threatened, or endangered species; marine habitat; fish migration, fish spawning, and shellfish harvesting.

The potential beneficial use of MUN for the Los Angeles River is 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.

11. The State Water Resources Control Board (State Board) adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.

12. 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 131.38]. In the CTR, USEPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million (10^{-6}), for all priority toxic pollutants regulated as carcinogens. The CTR also provides a schedule of compliance not to exceed 5 years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with the CTR criteria.

13. 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 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 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 requires the dischargers' submittal of data sufficient to conduct the determination of priority pollutants requiring water quality-based effluent limits (WQBELs) and to calculate the effluent limitations. The CTR criteria for freshwater 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 Los Angeles River.

14. 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 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.

15. 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.

16. 40 CFR section 122.45(f)(1) requires that except under certain conditions, all permit limits, standards, or prohibitions be expressed in terms of mass units. 40 CFR section 122.45(f)(2) allows the permit writer, at his its discretion, to express limits in additional units (e.g., concentration units). The regulations mandate that, where limits are expressed in more than one unit, the permittee must comply with both.

    Generally, mass-based limits ensure that proper treatment, and not dilution is employed to comply with the final effluent concentration limits. Concentration-based effluent limits, on the other hand, discourage the reduction in treatment efficiency during low-flow periods and require proper operation of the treatment units at all times. In the absence of concentration-based effluent limits, a permittee would be able to increase its effluent concentration (i.e., reduce its level of treatment) during low-flow periods and still meet its mass-based limits. To account for this, this permit includes mass and concentration limits for some constituents.

17. 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 section 402(o) of the Clean Water Act (CWA) and in Title 40, 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.

18. 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 the Los Angeles River.

Watershed Management Approach and Total Maximum Daily Loads (TMDLs)

19. 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.

20. The Los Angeles River flows for 55 miles from the Santa Monica Mountains at the western end of the San Fernando Valley to the Pacific Ocean. The Los Angeles River drains an area of about 825 square miles. Approximately 324 square miles of the watershed are covered by forest or open space land. The rest of the watershed is highly developed. The river flows through industrial, residential, and commercial areas, including major refineries and petroleum products storage facilities, major freeways, rail lines, and rail yards serving the Ports of Los Angeles and Long Beach.

    The watershed also includes a high number of point sources. Pollutants from dense clusters of residential, industrial, and other urban activities have impaired water quality in the middle and lower watershed.

21. The majority of the Los Angeles River watershed is considered impaired due to a variety of point and nonpoint sources. The 1998 303(d) list implicates pH, ammonia, nutrients (algae), odors, lead, coliform, trash, scum, oil, ChemA, dichloroethylene, tetrachloroethylene, trichloroethylene and chloropyrifos in tissue. ChemA refers to the sum of aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, HCH (including lindane), endosulfan, and toxaphene. The beneficial uses threatened or impaired by degraded water quality are aquatic life, recreation, groundwater recharge, and municipal water supply.

Data Availability and Reasonable Potential Monitoring

22. 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.

23. 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, or (3) other information is available. Sufficient effluent data are needed for this analysis.

24. Regional Board staff has determined that pollutants that have effluent limits in the current permit will be included in this permit. The effluent limitations carried over from the previous permit have been modified based on the Basin Plan and best professional judgment.

25. There is insufficient data available to determine reasonable potential for most of the priority pollutants. However, the analysis was completed for the metals resulting in a positive RPA for copper, lead, and zinc. Effluent limits for these priority pollutants have been included in

this permit. This permit also includes requirements for additional monitoring to provide the data needed to complete an RPA on all of the priority pollutants.

Compliance Schedules and Interim Limitations

26. The Discharger may not be able to achieve immediate compliance with the WQBELs for copper, lead, and zinc in Section I.B.3. of this Order. Data submitted in self-monitoring reports indicate that these constituents have been detected at concentrations greater than the new limit proposed in this Order. The Discharger may not be able to achieve immediate compliance with an effluent limitation based on CTR criterion for these constituents.

27. 40 CFR 131.38(e) and CTR provides conditions under which interim effluent limits and compliance schedules may be issued. The CTR and SIP allow inclusion of an interim limit with a specific compliance schedule included in a NPDES permit for priority pollutants if the limit for the priority pollutant is CTR-based. Interim limits have been included in this Order for copper, lead and zinc.

28. The SIP requires that the Regional Board establish other interim requirements, such as requiring the discharger to develop a pollutant minimization plan and/or source control measures, and participate in the activities necessary to develop final effluent limitations. When interim requirements have been completed, the Discharger must meet the final effluent limitations included in Section I.B.3. which follows.

CEQA and Notifications

29. 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.

30. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.

31. 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 shall take effect in accordance with federal law, provided the Regional Administrator, USEPA, has no objections.

32. 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.

33. 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 City of Los Angeles, Department of Water and Power, 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 Prohibition

1. Wastes discharged shall be limited to a maximum of 5,900 gallons per day of treated water (during normal operations) discharged via Los Angeles Aqueduct Tunnel No. 105.

2. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to Weldon Canyon Creek, Bull Creek, the Los Angeles River, or waters of the United States, 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 100° F.

3. Final effluent limitations: The discharge of an effluent with constituents in excess of the following limitations is prohibited:

Constituents	Units	Discharge Limitations			
		Concentration Daily Maximum	Mass[1] (lbs/day)	Concentration Monthly Avg	Mass[1] (lbs/day)
Oil and Grease	mg/L	15	0.7	10	0.5
BOD_5	mg/L	30	1.5	20	0.9
Total suspended solids	mg/L	150	7.4	50	2.5
Total dissolved solids	mg/L	950	47	No limit	---
Settleable solids	ml/L	0.3	---	0.1	---
Sulfides	mg/L	1.0	0.05	No limit	---
Sulfate	mg/L	300	14.8	No limit	---
Chloride	mg/L	150	7.4	No limit	---
Boron	mg/L	1.5	0.07	No limit	---
Nitrate and Nitrite (as Nitrogen)	mg/L	8	0.4	No limit	---
Copper[2]	µg/L	14	0.0007	7	0.0003
Lead[2]	µg/L	5.2	0.0003	2.6	0.0001
Zinc[2]	µg/L	120	0.006	60	0.003

[1] The mass-based effluent limitations are based on a maximum flow of 0.0059 MGD for the daily maximum and the long- term average.

The equation used to calculate the mass is:

$m = 8.34 * C * Q$ where:

m = mass limit for a pollutant in lbs/day

C = concentration limit for a pollutant, mg/L
Q = maximum discharge flow rate
[2] Discharge limitations for these metals are expressed as total recoverable.

4. Interim Effluent Limitations. From the effective date of this Order until July 9, 2006 the discharge of an effluent in excess of the following limitations is prohibited:

Constituents	Discharge Limitations			
	Daily Maximum		Monthly Average	
	Concentration (µg/L)	Mass[1] (lbs/day)	Concentration (µg/L)	Mass[1] (lbs/day)
Copper[2]	80	0.004	---	---
Lead[2]	100	0.005	---	---
Zinc[2]	320	0.016	---	---

[1] The mass-based effluent limitations are based on a flow rate of 0.0059 MGD.
[2] Discharge limitations for these metals are expressed as total recoverable.

Discharges after July 9, 2006 must comply with the limits for these constituents stipulated in the table in section I.B.3.

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 $5^{o}F$ 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 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.

5. 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.

(2) If either of the above requirements (Section I.C.5.a.1) is not met, the Discharger shall conduct six additional tests over a six-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 Monitoring and Reporting Program No. 7839.

b) Chronic Toxicity Limitation and Requirements

(1) This Order includes a chronic testing toxicity trigger defined as an exceedance of 1.0 TU_c in a critical life stage test for 100% effluent. (The monthly median for chronic toxicity of 100% effluent shall not exceed, 1 TU_c in a critical life stage test.)

(2) If the chronic toxicity of the effluent exceeds 1.0 TU_c, the Discharger shall immediately implement accelerated chronic toxicity testing according to Monitoring and Reporting Program 7839, Item IV.B.1. If the results of two of the six accelerated tests exceed 1.0 TU_c, the Discharger shall initiate a TIE and implement the Initial investigation TRE Workplan.

(3) The Discharger shall conduct chronic toxicity monitoring as specified in Monitoring and Reporting Program No. 7839.

(4) The chronic toxicity of the effluent shall be expressed and reported in toxic units, where:

$$TU_c = \frac{100}{NOEC}$$

The No Observable Effect Concentration (NOEC) is expressed as the maximum percent effluent concentration that causes no observable effect on test organisms, as determined by the results of a critical life stage toxicity test.

(5) Preparation of an Initial Investigation TRE Workplan

i. The Discharger shall submit a copy of the Discharger's initial investigation Toxicity Reduction Evaluation (TRE) workplan (1-2 pages) to the Executive Officer of the Regional Board for approval within 90 days of the effective date of this permit. If the Regional Board Executive Officer does not disapprove the workplan within 60 days, the workplan shall become effective. The Discharger shall use EPA manuals EPA/600/2-88/070 (industrial) or EPA/833B-99/002 (municipal) as guidance. This workplan shall describe the steps the Discharger intends to follow if toxicity is detected, and should include, at a minimum:

ii. A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency;

iii. 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,

iv. If a 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.E.3. for guidance manuals.)

II. REQUIREMENTS

A. Best Management Practices Plans

The Discharger shall develop and implement, within 90 days of the effective date of this Order, the following plans. If necessary, the plans shall be updated to address any changes in operation and/or management of the facility. Updated plans shall be submitted to the Regional Board within 30 days of revision.

A *Best Management Practices Plan* (BMPP). The purpose of the BMPP is to establish site-specific procedures that will prevent the discharge of pollutants in treated wastewater. The BMPP should also address non-storm water discharges such as discharges of oil collected in the separator during servicing or discharges of chemicals used for maintenance and repair. In particular, the Discharger must ensure the discharge of pollutants is minimized. The BMPP shall be site-specific.

B. Compliance Plan

1. The Discharger shall submit quarterly progress reports to describe the progress of studies and or actions undertaken to reduce the concentrations of copper, lead, and zinc in the effluent, and to achieve compliance with the final effluent limitations in this Order by the deadline specified in provision I.B.4. The first progress report shall be received by the Regional Board by October 15, 2003.

2. The interim limits stipulated for copper, lead, and zinc shall be in effect for a period not to extend beyond July 9, 2006. Thereafter, the Discharger shall comply with the final effluent limitations specified in Section I.B.3 of this Order.

3. The Discharger must notify the Regional Board's Executive Officer, in writing, no later than 14 days following each interim date, compliance implementation event, or quarterly report, of the Discharger's compliance or noncompliance with the interim requirements or include all of the aforementioned information in the quarterly report.

4. 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).

5. In the determination of compliance with the monthly average limitations, the following provisions shall apply to all constituents:

a. 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.

b. 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 quarter.

   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.

c. If the result of one sample collected monthly exceeds the monthly average, then the Discharger is in violation of the monthly average limit.

d. 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.

6. 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.

7. 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.

8. There shall be no discharge of PCB compounds such as those once commonly used for transformer fluid.

9. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to planned discharge of any chemical which may be toxic to aquatic life. Such notification shall include:

   a. Name and general composition of the chemical,
   b. Frequency of use,
   c. Quantities to be used,
   d. Proposed discharge concentrations, and
   e. USEPA registration number, if applicable.

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

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

III. PROVISIONS

A. This Order includes the attached *Standard Provisions and General Monitoring and Reporting Requirements* (Standard Provisions, Attachment N). If there is any conflict between provisions stated herein and the attached Standard Provisions, those provisions stated herein shall prevail.

B. This Order includes the attached Monitoring and Reporting Program No. 7839. 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. 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.

D. 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.

E. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.

F. 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.

IV. REOPENERS

A. This Order may be reopened and modified, in accordance with SIP Section 2.2.2.A, to incorporate new limits 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, or the adoption of a TMDL for the Santa Clara River Watershed Management Area.

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 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.

V. EXPIRATION DATE

This Order expires on June 10, 2008.

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. 98-007, adopted by this Regional Board on January 26, 1998, 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 July 10, 2003.

_____
Dennis A. Dickerson
Executive Officer

/cdo