

**STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION**

**TIME SCHEDULE ORDER NO. R8-2021-0036  
REQUIRING TOYOTA RACING DEVELOPMENT USA, INC.**

**TO COMPLY WITH REQUIREMENTS PRESCRIBED IN  
GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH  
INDUSTRIAL ACTIVITIES, AMENDED NOVEMBER 6, 2018 AND  
EFFECTIVE JULY 1, 2020 (NPDES PERMIT NO. CAS000001)  
WDID NO. 8 30I016707**

The California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) finds:

1. Toyota Racing Development USA, Inc. (TRD or Discharger) is located at 335 Baker Street East in the city of Costa Mesa, California (Facility). This Facility has a total area of 5 acres.
2. The State's General Permit for Storm Water Discharges Associated with Industrial Activities was amended on November 6, 2018 with an effective of July 1, 2020 (Amended General Permit). The Amended General Permit also serves as a permit under the National Pollutant Discharge Elimination System program, NPDES Permit No. CAS000001.
3. The Facility is a high-performance engine and parts manufacturer and conducts assembly activities, design, and testing, of high-performance race engines. The Facility has a Standard Industrial Classification code of 3714 – Motor Vehicle Parts and Accessories, which is listed as requiring permit coverage per Attachment A to the Amended General Permit. The Facility enrolled under the program by submitting a Notice of Intent (NOI) on August 9, 2001 and has maintained coverage since then.
4. The Amended General Permit establishes numeric effluent limitations (NELs) for facilities that discharge storm water associated with industrial activities into water bodies that have approved Total Maximum Daily Loads (TMDLs) set forth in Attachment E to the Amended General Permit and have identified waste load allocations for industrial storm water discharges. NELs are numeric limits, an exceedance of which is a violation of the Amended General Permit. The NELs require dischargers to limit the concentration of pollutants in their storm water discharges in order to protect water quality.
5. Storm water runoff from TRD discharges to the Santa Ana Delhi Channel which is tributary to Upper Newport Bay and Lower Newport Bay. These water bodies are located within the Newport Bay/San Diego Creek watershed.

6. Upper Newport Bay and Lower Newport Bay are both identified on California's 2010 Clean Water Act (CWA) section 303(d) List of Impaired Waters as impaired for metals (including copper and zinc).
7. The NELs in the Amended General Permit in the Newport Bay/San Diego Creek watershed were derived from the San Diego Creek and Newport Bay Toxics Total Maximum Daily Load (TMDL) established by the U.S. Environmental Protection Agency on June 14, 2002.
8. The NELs that apply to storm water discharges from TRD include copper and zinc and are new and more stringent than the prior regulatory requirements in the previous 1997 Industrial General Permit. These NELs became effective on July 1, 2020 and exceedances of the NELs are subject to mandatory minimum penalties pursuant to California Water Code (Water Code) section 13385, subdivisions (h) and (i).
9. TRD has completed a pollutant source assessment that included these pollutants and confirmed that copper and zinc were associated with industrial activities at the Facility.
10. These pollutants are present in the storm water samples collected by the Discharger (September 2015 to present) and have been reported in concentrations that exceed the NELs:

<b>Pollutant</b>	<b>Number of Samples Collected</b>	<b>Number of Samples Exceeding Numeric Effluent Limit</b>	<b>Reported Concentration Range (mg/L)</b>	<b>Numeric Effluent Limit (mg/L)</b>
Copper	69	69	0.00807-0.377	0.00578
Zinc	69	57	0.0377-2.64	0.095

11. TRD is expected to exceed the NELs for copper and zinc based on the historical monitoring data that has been reported to the State's online Storm Water Multiple Application and Report Tracking System (SMARTS) database by the Discharger and will require additional pollutant control measures to comply with the applicable NELs listed in the Amended General Permit.
12. TRD currently performs most industrial processes indoors or under roofed structures and implements annual roof cleaning and monthly street sweeping. The Facility also utilizes metal targeting filter socks in swales and installed metal absorbent downspout filters.
13. On May 28, 2020, TRD submitted a request for a TSO to allow for additional time to install new BMPs and implement additional policies in order to achieve compliance with the NELs for copper and zinc. On July 1, 2020, TRD submitted a subsequent revision to actions and timelines that they proposed in their May TSO request. On November 5, 2020, TRD submitted another revision to update the

actions and timelines that were proposed in the July TSO request. On January 14, 2021, TRD submitted an additional revision to update the actions and timelines proposed in the November TSO request. On May 13, 2021, TRD submitted a fourth revision to update the actions and timelines that were proposed in the January TSO request.

14. In its request for a TSO, TRD proposes to implement the following actions to ultimately comply with applicable NELs:

- Fischer West Outfall
  - i. Eliminate sampling in Fischer West drainage area by constructing a storm-resistant shelter for shipping/receiving area and storing industrial materials in a storm-resistant shelter to meet NEC criteria.
- Baker North East Outfall
  - i. Eliminate sampling in Baker North East drainage area by constructing a storm-resistant shelter for shipping/receiving areas to meet NEC criteria.
- Baker North Outfall
  - i. A selected filtration system will be installed on all downspouts on both buildings in the Baker North drainage area. Two will be installed on the Baker building; one where four of the five downspouts have been combined, and the other on the remaining downspout. On the dyno building, four downspout filtration systems will be installed for the five downspouts; three on individual downspouts and one where the remaining two downspouts have been combined.

15. TRD has developed and updated a facility-specific Storm Water Pollution Prevention Plan (SWPPP) that is currently being implemented and complies with the monitoring and reporting requirements of the Amended General Permit. The facility-specific SWPPP dated April 14, 2021 has been submitted by the Discharger, via the SMARTS database, on April 15, 2021.

16. Water Code section 13300 states: "Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."

17. Water Code section 13385, subdivisions (h) and (i), require the regional water board to impose mandatory minimum penalties when dischargers violate effluent limitations in NPDES permits. Water Code section 13385 subdivision (j)(3) allows the regional water board to exempt certain facilities from mandatory minimum penalties when there are exceedances of NELs if the facility is in compliance with

a time schedule order issued pursuant to Section 13300 if all of the [specified] requirements are met.

18. To trigger an exemption to mandatory minimum penalties under section 13385, subdivision (j)(3), there must be a TSO or a cease and desist order that specifies the actions that the discharger is required to take to correct violations that would otherwise be subject to subdivisions (h) and (i). Additionally, pursuant to Water Code section 13385, subdivision (j)(3)(B) the regional water board must find that “the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements” for one of the listed reasons, including that the “effluent limitation is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.”
19. The TSO must establish “a time schedule for bringing the waste discharge into compliance with the effluent limitation that is as short as possible, taking into account the technological, operational, and economic factors that affect design, development and implementation of the control measures that are necessary to comply with the effluent limitation,” (Wat. Code §13385, subd. (j)(3)(C)(i)). The TSO shall not exceed five years in length unless an extension is granted in accordance with Water Code section 13385, subdivision (j)(3)(C). If the time schedule exceeds one year from the effective date of the order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both .... (I) Effluent limitations for the pollutant or pollutants of concern and (II) Actions and milestones leading to compliance with the effluent limitation. (Wat. Code § 13385, subd. (j)(3)(C)(iii)).
20. The Santa Ana Water Board issues this Order to TRD based on all the findings set forth herein.
21. The time schedule set forth herein ends on January 31, 2023. This date does not exceed the 5 years allowed by the Water Code.
22. Since the time schedule for completion of additional BMP implementation to comply with the TMDL requirements in the Amended General Permit exceeds one year from the effective date of this Order, this Order includes interim requirements and dates for their achievement. The interim requirements include interim effluent limitations for copper and zinc and actions the Discharger must implement that will lead to compliance with the NELs in the Amended General Permit.
23. As provided in Water Code section 13385(j)(3)(D), the discharger must also prepare and implement a pollution prevention plan pursuant to section 13263.3 to trigger the exemption to mandatory minimum penalties. As described in Paragraph

- 15, TRD has prepared and is implementing a SWPPP that includes the information required for a pollution prevention plan under section 13263.3 subdivision (d)(2).
24. Pursuant to Water Code section 13385, subdivision (j)(3), full compliance with the requirements of this Order exempts TRD from mandatory minimum penalties only for violations of the NELs for copper and zinc in the Amended General Permit that occur after the effective date of this Order and until the expiration date of this Order. In addition to potential mandatory minimum penalties for violations of final NELs in the Amended General Permit, TRD may be subject to enforcement actions for failure to comply with an interim effluent limitation or other requirement contained in this Order. An exceedance of an interim numeric effluent limit for the purpose of this Order is defined as when two (2) or more analytical results from samples taken for any single parameter within a reporting year exceed the applicable interim effluent limit for the reporting year.
25. The issuance of this Order is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, section 15301 because the Order pertains to an existing facility and involves negligible or no expansion of an existing use. In addition, the issuance of this Order is categorically exempt from CEQA pursuant to California Code of Regulations, Title 14, sections 15307, 15308, and 15321, subdivision (a)(2). The issuance of this Order is an action to assure the maintenance, restoration, enhancement and protection of the environment and a natural resource and is also an enforcement order issued by the Santa Ana Water Board.
26. Pursuant to Water Code section 13167.5, subdivision (a)(3), the Santa Ana Water Board has notified the Discharger, interested agencies, and interested persons of its intent to issue this Order concerning compliance with waste discharge requirements and provided a 30-day comment period. The Santa Ana Water Board considered all pertinent comments prior to issuing this Order.
27. Any person aggrieved by this action of the Santa Ana Water Board may petition the State Water Board to review the action in accordance with the Water Code section 13320 and the California Code of Regulations, Title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the Santa Ana Water Board action, except that if the thirtieth day following the action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found online at [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**IT IS HEREBY ORDERED** that, pursuant to the California Water Code sections 13300 and 13385, subdivision (j)(3), TRD shall comply with the requirements listed below to ensure compliance with the NELs by January 31, 2023 for Copper and Zinc contained in the Amended General Permit:

1. Comply immediately with the following interim effluent limitations at all discharge points, and interim actions and schedule:

Interim Action Plan	Completion Date
<p><b>Task 1:</b></p> <ul style="list-style-type: none"> <li>• Baker North Outfall                             <ul style="list-style-type: none"> <li>- Combine downspouts on the Baker building as feasible and install the 'Adsorb-it Downspout Filter 1100-gallon Large Capacity 2-Stage Roof Downspout Treatment System (ADF-1100)' at the main downspout location.                                     <ul style="list-style-type: none"> <li>▪ Install the 'Adsorb-it Downspout Filter 125-gallon (ADF-125)' on the downspout that cannot be combined on the Baker building.</li> </ul> </li> <li>- Combine downspouts on the Dyno building as feasible and install the 'Adsorb-it Downspout Filter 50-gallon (ADF-50)' at each downspout location.</li> <li>- Move sampling location to the main filtration system on the Baker building.</li> </ul> </li> </ul>	<p>August 1, 2021</p>
<p><b>Task 2:</b></p> <ul style="list-style-type: none"> <li>• Fischer West Outfall                             <ul style="list-style-type: none"> <li>- Eliminate industrial activities in the drainage area by reviewing the industrial materials stored outdoors and determine which items will be stored onsite in a storm-resistant shelter, at an off-site location, or disposed.                                     <ul style="list-style-type: none"> <li>▪ Identifying materials that have an immediate or more urgent need: Organizing the identified materials further, placing them on pallets or repackaging, and storing in the newly constructed storm-resistant shelter.</li> <li>▪ Identifying items that may be used for future projects: Organizing the identified materials, repackaging or palletizing, then locating an off-site storage location, negotiating lease, and coordinating the relocation of materials with multiple vendors.</li> <li>▪ Organizing materials that are no longer needed, or that no longer meet quality control standards, and scraping or properly disposing.</li> </ul> </li> </ul> </li> </ul>	<p>July 31, 2022</p>
<p><b>Task 3:</b></p> <ul style="list-style-type: none"> <li>• Baker North East Outfall                             <ul style="list-style-type: none"> <li>- Design and construct two storm-resistant canopies for the shipping/receiving areas. This will require:                                     <ul style="list-style-type: none"> <li>▪ Completion of a structural design by a licensed engineering firm.</li> <li>▪ Completion of an internal study to determine the impact the structures will have on traffic, deliveries, and parking availability.</li> </ul> </li> </ul> </li> </ul>	<p>December 31, 2022</p>

<ul style="list-style-type: none"> <li>▪ Obtaining bids for construction and securing capital funding to finance the construction projects.</li> <li>▪ Submitting and obtaining construction permits to proceed from the city of Costa Mesa and complying with all city inspections.</li> <li>▪ Completing construction of canopies.</li> <li>• Baker North Outfall             <ul style="list-style-type: none"> <li>- Evaluation life expectancy and required maintenance of install downspout filtration media to ensure ongoing compliance.                 <ul style="list-style-type: none"> <li>▪ Requires sampling and analysis over several rain events.</li> <li>▪ Update O&amp;M manual and the SWPPP based on results of evaluation.</li> </ul> </li> </ul> </li> <li>• Fischer West Outfall             <ul style="list-style-type: none"> <li>- Design and construct a storm-resistant canopy for the receiving area. This will require:                 <ul style="list-style-type: none"> <li>▪ Completion of structural design by a licensed engineering firm.</li> <li>▪ Completion of an internal study to determine the impact the structure will have on traffic, deliveries, and parking availability.</li> <li>▪ Coordination and approval from landlord for construction of the storm-resistant canopy.</li> <li>▪ Obtaining bids for construction and securing capital funding to finance the construction project.</li> <li>▪ Submitting and obtaining a construction permit to proceed from the city of Costa Mesa and complying with all city inspections.</li> <li>▪ Completing construction of canopy.</li> </ul> </li> </ul> </li> </ul>	December 31, 2022 (cont.)
<p><b>Task 4:</b></p> <ul style="list-style-type: none"> <li>• Update SWPPP with NEC checklist and certification to demonstrate that industrial activities have been eliminated from the Baker North East and Fischer West drainage areas. Locations will no longer be sampled due to meeting NEC criteria.</li> </ul>	January 31, 2023

Pollutant	Interim Effluent Limit	Compliance Date
Copper	0.0592 mg/L	August 1, 2022
Zinc	0.463 mg/L	

The foregoing interim effluent limitations and interim actions are in effect from July 23, 2021 through January 31, 2023. During this time, TRD shall comply with the interim actions and associated schedule based on the TSO request submission dated May 28, 2020, as well as a subsequent revision after initial correspondence with the Santa Ana Water Board in June 2020, July 2020, November 2020, January 2021, and May 2021.

2. Submit, electronically through the SMARTS database, annual progress reports to demonstrate compliance with the interim actions per the above schedule and with the interim effluent limitations in addition to other reporting requirements pursuant to the Amended General Permit by July 1 of each year. The Santa Ana Water Board will review the annual progress reports to determine whether TRD has completed the required interim action plan items and whether TRD has complied with the interim effluent limitations. The Santa Ana Water Board may require TRD to submit additional information as reasonably necessary to determine compliance with this Order.
3. All technical and monitoring reports required under this Order are reasonably required pursuant to Water Code section 13383. The Santa Ana Water Board needs the required information in order to determine compliance with this Order and the Amended General Permit.
4. All other provisions of the Amended General Permit that are not in conflict with this TSO are in full force and effect.
5. Any person signing a document submitted under this Order shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”
6. If TRD fails to comply with any provisions of this Order, the Santa Ana Water Board may take any further action authorized by law. The Executive Officer, or his/her delegee, is authorized to take appropriate administrative enforcement action pursuant, but not limited to, Water Code sections 13350 and 13385. The Santa Ana Water Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
7. This Time Schedule Order is effective on July 23, 2021.

**SO ORDERED.**

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**Hope Smythe, Executive Officer**

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**Date**