

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

**TIME SCHEDULE ORDER NO. R8-2022-0013
REQUIRING PCC ROLLMET, INC.**

**TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH
INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ AS AMENDED BY
ORDER NO. 2015-0122-DWQ AND ORDER NO. 2018-0028-DWQ
(NPDES PERMIT NO. CAS000001)
WDID NO. 8 30I023346**

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

1. PCC Rollmet, Inc. (PCC Rollmet or Discharger) is located at 1822 Deere Ave in the City of Irvine, California (Facility). This Facility has a total area of 4.51 acres and an industrial area of roughly 77,000 square feet.
2. The State Water Resources Control Board's (State Water Board) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ 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 produces precision seamless cylindrical shapes and assemblies. The Facility has Standard Industrial Classification (SIC) codes of 3317 – Steel Pipe and Tubes; 3761 – Guided Missiles and Space Vehicles; and, 3355 – Aluminum Rolling and Drawing. These SIC codes are listed as requiring permit coverage per Attachment A to the Amended General Permit.
4. The Amended General Permit establishes numeric effluent limitations (NELs) for facilities that discharge stormwater 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 stormwater 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 stormwater discharges in order to protect water quality.
5. Stormwater runoff from the Facility ultimately discharges to San Diego Creek. These water bodies are located within the Newport Bay/San Diego Creek watershed.

6. San Diego Creek is identified on California's 2010 Clean Water Act 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 stormwater discharges from the Facility include copper and zinc and are new and more stringent than the prior regulatory requirements in the previous Industrial General Permit. These NELs became effective on July 1, 2020 and exceedances of the NELs may be subject to mandatory minimum penalties pursuant to Water Code (Water Code) section 13385, subdivisions (h) and (i).
9. PCC Rollmet has completed a pollutant source assessment that included these pollutants and copper and zinc were associated with industrial activities at the Facility.
10. Copper and zinc are present in stormwater samples collected by the Discharger (September 2015 to present) and have been reported in concentrations that exceed the NELs:

Pollutant	Number of Samples Collected	Number of Samples Exceeding Numeric Effluent Limit	Reported Concentration Range (mg/L)	Final Numeric Effluent Limit (mg/L)
Copper	44	11	0.005 - 0.160	0.027
Zinc	44	10	0.01 - 0.630	0.21

11. PCC Rollmet is expected to exceed the NELs for copper and zinc based on historical monitoring data that has been reported to the State Water Board's online Storm Water Multiple Application and Report Tracking System (SMARTS) database by the Discharger. The Facility will require additional pollutant control measures to comply with the applicable NELs listed in the Amended General Permit.
12. On May 8, 2020, PCC Rollmet requested a Time Schedule Order (TSO) to provide additional time to implement Best Management Practices (BMPs) in order to comply with applicable NELs. The initial TSO request was revised on June 12, 2020 and withdrawn on September 11, 2020. A new TSO request was submitted on January 4, 2022 and requested additional time to install an

advanced treatment system in order to achieve compliance with the NELs for copper and zinc. A revised TSO request was submitted on March 23, 2022 which included a more detailed timeline and specific tasks for TSO compliance.

13. In order to comply with the applicable NELs, PCC Rollmet will:

- Review engineering studies for the Facility's hydrology, topography, piping, and infrastructure;
- Obtain city permits and approvals for engineering drawings;
- Install a Sump and Pump at the NW outfall and complete piping to direct storm water flows to the NE outfall area;
- Construct and implement an advanced treatment system that consists of tri-filtration modules, absorption (to remove contaminants and maximize downstream ion exchange), and dual-bed ion exchange for cations and anions (with a proprietary media); and,
- Revise the SWPPP.

14. PCC Rollmet 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 March 23, 2022 was submitted by the Discharger, via SMARTS, on March 23, 2022.

15. 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."

16. Water Code section 13385, subdivisions (h) and (i), require the regional water boards to impose mandatory minimum penalties when dischargers violate effluent limitations in NPDES permits. Water Code section 13385 subdivision (j)(3) allows the regional water boards 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.

17. 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 mandatory minimum penalties. Additionally, pursuant to Water Code section 13385, subdivision (j)(3)(B), the

regional water boards 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.”

18. 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).)
19. The Santa Ana Water Board issues this Order to PCC Rollmet based on all the findings set forth herein.
20. The time schedule set forth herein ends on December X, 2023. This date does not exceed the 5 years allowed by the Water Code and is as short as possible, taking into account all of the factors specified in in Water Code section 13385, subdivision (j)(3)(C)(i).
21. 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.
22. 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, PCC Rollmet has prepared and is implementing a SWPPP that includes the information required for a pollution prevention plan under section 13263.3, subdivision (d)(2).

23. Pursuant to Water Code section 13385, subdivision (j)(3), full compliance with the requirements of this Order exempts PCC Rollmet 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, PCC Rollmet 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.
24. 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.
25. 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.
26. 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 or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to the California Water Code sections 13300 and 13385, subdivision (j)(3), PCC Rollmet shall comply with the requirements listed

below to ensure compliance with the NELs by December X, 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>Task 1: Engineering and Feasibility Studies</p> <ul style="list-style-type: none"> • Hydrological/Topography study • Flow/Rain study • Piping/Infrastructure study • Feasibility study and preliminary design • Submit final study report 	<p>July X, 2022</p>
<p>Task 2: Consolidate NE and NW Outfalls</p> <ul style="list-style-type: none"> • Install Sump Pump at NW outfall to convey stormwater flows from the NW to comingle with the NE outfall • Complete piping to direct flow to NE outfall area. • Revise SWPPP (and Monitoring Implementation Plan MIP) to address revised sample locations points and upload via SMARTS 	<p>October X, 2022</p>
<p>Task 3: Complete Formal Design</p> <ul style="list-style-type: none"> • Complete structural and slab design • Complete electrical design • Complete hydraulic design of treatment system • Prepare design drawing package with stamped drawings as necessary • Submit final design plans/permits to City of Irvine 	<p>December X, 2022</p>
<p>Task 4: Obtain Permitting Approval from Municipality</p> <ul style="list-style-type: none"> • Respond to comments on plan/permit submittal • Obtain plan/permit approval from City of Irvine 	<p>April X, 2023</p>
<p>Task 5: Complete Construction of Treatment System</p> <ul style="list-style-type: none"> • Construct stormwater capture sump and install pump • Install system electrical power including internal breakers, buried conduit, and wire • Construction concrete slab (if required) • Install process tanks, controls, and treatment media • System shake down and start up 	<p>October X, 2023</p>
<p>Task 6: Revise SWPPP and MIP</p> <ul style="list-style-type: none"> • Revise SWPPP and MIP • Upload to SMARTS 	<p>December X, 2023</p>

Pollutant	Interim Effluent Limit	Compliance Date
Copper	0.08 mg/L	June X, 2022
Zinc	0.4 mg/L	

The foregoing interim effluent limitations and interim actions are in effect from the effective date of this Order through December X, 2023. During this time, PCC Rollmet shall comply with the interim actions and associated schedule based on the most recent TSO request submission, dated March 23, 2022.

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. Also, submit, electronically through email, the final engineering study reports by the deadline provided in the above schedule to demonstrate compliance with Task 1. The Santa Ana Water Board will review the progress reports to determine whether PCC Rollmet has completed the required interim action plan items and whether PCC Rollmet has complied with the interim effluent limitations. The Santa Ana Water Board may require PCC Rollmet 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. 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."
5. If PCC Rollmet 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 delegate, 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.

6. All other provisions of the Amended General Permit as amended not in conflict with this TSO are in full force and effect.
7. This Time Schedule Order is effective on June X, 2022.

SO ORDERED.

Jayne E. Joy, PE
Executive Officer

TENTATIVE