

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

**TIME SCHEDULE ORDER NO. R4-2022-0008
REQUIRING KELLY PIPE CO., LLC**

**TO COMPLY WITH REQUIREMENTS PRESCRIBED IN THE 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. 4 19I006987**

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

1. Kelly Pipe Co., LLC (KPC) owns and operates a facility located at 11680 Bloomfield Avenue in Santa Fe Springs, California (Facility). This Facility encompasses a total area of 23 acres, and an industrial area of 18 acres.
2. The Facility is an industrial operation that is required to have coverage under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, amended on November 6, 2018, and effective on 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. KPC engages in the cutting and transportation of pipes and pipe fittings. KPC has a Standard Industrial Classification (SIC) code of 3498-Fabricated Pipe and Pipe Fittings. This SIC code is listed as requiring permit coverage in Attachment A to the Amended General Permit.
3. The Amended General Permit establishes numeric effluent limitations (NELs) for facilities that discharge stormwater associated with industrial activities into water bodies that have certain approved Total Maximum Daily Loads (TMDLs) and that have waste load allocations for industrial stormwater discharges as set forth in Attachment E to the Amended General Permit. The NELs are numerical limits, an exceedance of which is a violation of the Amended General Permit and require dischargers to limit the concentration of pollutants in their stormwater discharges to protect water quality.
4. Stormwater runoff from the Facility discharges to Coyote Creek, a tributary to the San Gabriel River.
5. The NELs that apply to industrial discharges from the Facility include total zinc, total copper, and total lead. These NELs are new and more stringent than the prior

regulatory requirement in the previous General Permit. These NELs became effective on July 1, 2020, and exceedances of the NELs may result in mandatory minimum penalties pursuant to California Water Code (Water Code) section 13385, subdivisions (h) and (i).

6. KPC has completed a pollutant source assessment that addresses each of these pollutants and identified total zinc as associated with industrial activities at the Facility.
7. KPC is expected to exceed the NEL for total zinc based on the historical monitoring data reported to the State's online Stormwater Multiple Application and Report Tracking System (SMARTS) database. The NEL and the corresponding concentrations of total zinc in the discharge from the Facility have been reported to be:

Pollutant	Reported Concentration Range in mg/L	Numeric Effluent Limit in mg/L
Total zinc	0.05-0.40	0.158

8. KPC will require additional pollutant control measures to comply with the applicable NELs listed in the Amended General Permit.
9. KPC implements good housekeeping Best Management Practices (BMPs) to maintain a clean and orderly facility to prevent potential pollution sources from coming into contact with stormwater. KPC also implements preventative maintenance measures, spill and leak prevention and response protocols, and a training program to limit pollutant loads in stormwater discharge at the Facility. KPC inspects the corrugated steel roofs of the storm resistant shelters on a quarterly basis, and restore the roof when signs of rusting are observed. All chemical storage and processing areas are covered and bermed.
10. KPC is installing a treatment system capable of treating the 85th percentile, 24-hour storm. Runoff at the facility will be re-routed to a single combined location. This location will be the only discharge and monitoring point, where the treatment system will be installed. The proposed treatment system will include vault and pump systems to reroute stormwater to a central location; detention tanks for flow control; and, media filtration to filter out metals, suspended solids, and nitrides. In order to accommodate the treatment system, KPC will demolish an existing building at the Facility. Appropriate BMPs will be implemented during the demolition and construction phases of the project.
11. Per Water Code section 13385 subdivision (j)(3)(C)(iii)(I), if a time schedule exceeds one year from the effective date of the TSO, the schedule must include interim requirements that include effluent limitations for the pollutants of

concern. Because this Order ends on August 30, 2023, consistent with Water Code section 13385, an interim effluent limit is included for total zinc.

12. KPC 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 September 14, 2021 has been submitted electronically to the SMARTS database.
13. 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.”
14. 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.”
15. Water Code section 13385, subdivision (j)(3)(B)(i), allows the Regional Water Board to issue a Time Schedule Order (TSO) if the “regional board finds that... the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements” if 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.”
16. Prerequisites to issuing a TSO include those set forth in Water Code section 13385 subdivisions (j)(3)(C)(i), (j)(3)(C)(iii), and (j)(3)(D):

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

Time Schedule Order No. R4-2021-0008

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. (II) Actions and milestones leading to compliance with the effluent limitation. (Wat. Code § 13385, subd. (j)(3)(C)(iii).) The discharger must “[have] prepared and [be] implementing in a timely and proper manner, or [be] required by the regional board to prepare and implement, a pollution prevention plan pursuant to section 13263.3.” (Wat. Code § 13385, subd. (j)(3)(D).)

17. The Regional Water Board issues this TSO to KPC based on all the findings set forth herein.
18. The time schedule set forth herein ends on August 30, 2023. This date does not exceed 5 years.
19. Pursuant to Water Code section 13385, subdivision (j)(3), full compliance with the requirements of this TSO exempts KPC from mandatory minimum penalties (MMPs) only for violations of the NEL for total zinc that occur after the effective date of this TSO until the expiration date of this TSO. If an interim effluent limitation contained in this TSO is exceeded, KPC may be subject to enforcement action. An exceedance of the interim effluent limitations for the purpose of this TSO is defined as when two (2) or more analytical results from samples taken for any single parameter within a reporting year exceed the interim effluent limitations. In addition, if KPC does not implement its SWPPP or comply with the time schedule in this Order, KPC may be subject to enforcement action.
20. The issuance of this TSO 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 TSO pertains to an existing facility and involves negligible or no expansion of an existing use. In addition, the issuance of this TSO 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 TSO 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 Regional Water Board.
21. All technical and monitoring reports required under this TSO are required pursuant to Water Code section 13383. The Regional Water Board needs the required information to determine compliance with this TSO and the Amended General Permit.

22. Pursuant to Water Code section 13167.5, subdivision (a)(3), the Regional Water Board has notified KPC, interested agencies, and interested persons of its intent to issue this TSO concerning compliance with waste discharge requirements and provided a 30-day comment period. The Regional Water Board considered all comments received.

23. Any person aggrieved by this action of the Regional 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 Regional 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 Water Code sections 13300 and 13385, subdivision (j)(3), Kelly Pipe Co., LLC (KPC), as the operator of the Facility, shall comply with the requirements listed below to ensure compliance with the NEL for total zinc contained in the Amended General Permit by August 30, 2023:

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

Interim Action:	Schedule:
Implement facility specific SWPPP	In compliance with terms in the Amended General Permit
Receive approval of plans from the City of Santa Fe Springs and Los Angeles County Department of Public Works	September 1, 2022
Building demolition where the treatment system will be placed.	November 1, 2022
Pouring and curing of the equipment foundation pad	November 15, 2022
Place media filtration equipment, detention tanks, drainage vault and pumps.	December 15, 2022
Complete the system plumbing and electrical connections	December 31, 2022
Settlement and activation of media, calibration, tuning and testing of system components over reporting year rain events	August 30, 2023

Pollutant	Interim Effluent Limitation in mg/L
Total zinc	0.281

The foregoing interim effluent limitations and interim actions are in effect from (Date of Issuance) through August 30, 2023. During this time, KPC shall comply with the interim actions and associated schedule as described in this TSO.

2. Submit, electronically through the SMARTS database, biannual progress reports of efforts taken to comply 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. The reports shall summarize the progress to date,

the activities conducted during the reporting period, and the activities planned for the upcoming reporting period. Biannual progress reports shall be due March 1st and September 1st each year throughout the duration of this TSO, with the first report due on September 1, 2022.

3. Submit, electronically through the SMARTS database, a final report due on August 30, 2023 that describes a summary of all the interim actions completed and their successful completion.

4. Any person signing a document submitted under this TSO 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 KPC fails to comply with any provisions of this TSO, the Regional Water Board may take any further action authorized by law. The Executive Officer, or a delegee, is authorized to take appropriate administrative enforcement action pursuant, but not limited to, Water Code sections 13350 and 13385. The Regional 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 that are not in conflict with this TSO, including NELs not addressed by this TSO, remain in full force and effect.
7. The Regional Water Board may reopen this TSO at its discretion or at the request of KPC, if warranted. Lack of progress towards compliance with this TSO may be cause for the Regional Water Board to modify the conditions of this TSO.
8. This TSO is effective on (Date of Issuance) and expires on August 30, 2023.

SO ORDERED.

Renee Purdy, Executive Officer

Date