State of California

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
LOS ANGELES REGION

ORDER NO. R4-2005-0028
NPDES PERMIT NO. CA0052949

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
PACIFIC TERMINALS, LLC
DOMINGUEZ HILLS TANK FARM

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

Background

1. Pacific Terminals, LLC, (hereinafter Pacific Terminals or Discharger), discharges wastewater (i.e., pipeline hydrotest water, fuel oil tank hydrotest water, fuel equipment washdown water, and storm water runoff), from Dominguez Hills Tank Farm under Waste Discharge Requirements (WDRs) and a National Pollutant Discharge Elimination System (NPDES) permit contained in Order No. 99-043 (NPDES Permit No. CA0052949), CI-5841, adopted by the Regional Board on May 27, 1999. Order No. 99-043 expired on April 10, 2004.

2. Pacific Terminals filed a Report of Waste Discharge (ROWD) and applied for renewal of its WDRs and NPDES permit on September 27, 2004.

Purpose of Order

3. The purpose of the proposed Order is to renew the WDRs for the Pacific Terminals facility. All wastewaters from the facility are discharged through Discharge Serial No. 001 (Latitude 33°51'53" North, Longitude 118°13'10" West). The discharge then flows three-quarters of a mile in a sub-surface storm drain system before reaching Compton Creek. The wastewater then flows to the Los Angeles River, a water of the United States, at a point located approximately one-quarter mile upstream from Del Amo Boulevard, above the Los Angeles River Estuary.

Facility Description

4. Pacific Terminals owns and operates a bulk storage and transportation facility (to other Pacific Terminal sites) for petroleum products (crude, fuel oil, and displacement oil) located at 2500 East Victoria Street, Compton, California. The 70-acre site is highly vegetated and is protected from flooding adjacent properties by a concrete channel which traverses eastward down the center of the property. The channel is part of the Los

Angeles County's flood control system. The site consists of North and South Tank Farms. Six aboveground storage tanks reside at the South Tank Farm and seven aboveground storage tanks reside at the North Tank Farm. The tank capacities range from 50,000 barrels (2.1 million gallons) to 500,000 barrels (21 million gallons). A water retention basin is located on the northeast portion of the facility and serves as a reservoir for collecting on-site wastewaters prior to discharging to the storm drain. The source of wastewater discharged to the storm drain from the facility includes pipeline hydrotest water, fuel oil tank hydrotest water, fuel equipment washdown water, and storm water runoff. Figure 1 provides a facility location map.

5. Edison Pipeline and Terminal Company (e.g., Southern California Edison) previously owned and operated the Dominguez Hills facility. Edison Pipeline and Terminal Company transferred ownership to Pacific Terminals on August 1, 2003.

Discharge Description

6. Approximately 4.32 million gallons per day of contact wastewater consisting of storm water runoff, tank hydrotest water, and processed wastewater will be discharged through Discharge Serial Number 001 to the storm drain. Prior to any releases to Compton Creek, all waste streams will be sampled to ensure compliance with effluent limitations in the NPDES permit. If the waste streams meet the effluent limitations, then the waste streams will be released to Compton Creek. If effluent limitations are not met, the impacted water will be processed through a proposed, on-site wastewater treatment system.

7. Contact storm water runoff from both the North and South Tank Farms and the pumping areas, drain to a water retention basin (located at the northeast portion of the facility). The water retention basin consists of a surge reservoir (primary) and storm water impounding basin (secondary). The primary basin is approximately 10,900 square feet, 10 feet deep and is concrete lined. The holding capacity of the primary tank is 800,000 gallons. The secondary basin is approximately 72,500 square feet, five feet deep and has asphalt banks and a clay-lined floor. The holding capacity of the secondary basin is approximately 2.7 million gallons.

   In the secondary basin, the accumulated storm water may percolate into the groundwater or evaporate. In the event that the storm water accumulation exceeds the retention basin capacity, the storm water will be sampled to ensure compliance with the effluent limitations in the NPDES permit. If the storm water meets the effluent limitations, then the storm water runoff that is collected in the retention basin will be discharged to Compton Creek.

   During light storm events, rainwater is allowed to percolate into the ground or evaporate within the tank farms. During heavy rainfall events, storm water that accumulates in the tank farms is allowed to drain into the primary retention basin. Prior to draining into the primary retention basin, visual inspection is performed to make sure there is no oil sheen. If any oil sheen is noticed, booms are placed to absorb the sheen and the impacted water is either processed through the treatment system or disposed offsite. Flow is diverted from the primary retention basin to the secondary basin by opening a valve, or from the over flow weir. In the secondary basin, the accumulated storm water may percolate into

the groundwater or evaporate. If the storm water does not meet the discharge requirements, then the storm water runoff will be treated before discharge to storm drain. (Southern California Edison (the former owner) used to treat wastewaters from the retention basin which required treatment by an oil/water separator (tricellerator) prior to being discharged. The tricellerator consisted of an air floatation unit which separated the suspended solids from the water prior to discharge. According to the Discharger, the existing tricellerator has not been tested and may not be used in the future). Figure 2 is the tank farm and drainage system map of the facility.

8. Occasionally, the storage tanks have to be refurbished or upgraded. The tanks are properly cleaned prior to refurbishment or upgrades. They are hydrotested by using potable city water. The hydrotest water is tested and is discharged over an extended period (not to exceed the authorized flow of 4.3 mgd), if it meets the discharge requirements. The hydrotest water is treated if the sample results show exceedance of any of the discharge limitations.

9. The processed wastewater include wastewater generated from the following sources: pipeline hydrotest water (from Pacific Terminal and other Pacific Terminal owned oil handling facilities), tank and pipeline cleaning, equipment wash water, oily water drained into relief sumps, and storm water from vaults at the various tank farms and along the pipeline owned by Pacific Pipeline Terminals LLC, including Dominguez Hills facility. Pacific Terminals propose to use a treatment system that includes an oil water separator, particulate removal filters, organoclay media filter columns for removing oil and higher carbon chain compounds, and granulated activated carbon column filters for removing residual organic compounds. The treated processed wastewater discharged will be 72,000 gallons and will be a part of the 4.32 mgd total wastewater that is discharged through Outfall 001 to storm drain which ultimately discharges to Compton Creek.

10. The wastewater in the secondary retention retention/impounding basin, which is clay lined, percolates to ground. Separate Waste Discharge Requirements (WDRs) will be issued by the Regional Board for this land discharge.

11. The Discharger collected quarterly samples as per the existing Monitoring and Reporting Program (hereinafter *MRP)* No. 5841 for select California Toxics Rule (CTR) pollutants (e.g., phenols, benzene, toluene, ethylbenzene, and metals). In addition, the existing Order required the Discharger to sample other priority pollutants once during the permit term.

Storm Water Management and Best Management Practices

12. One objective of this Order is to protect the beneficial uses of receiving waters. To meet this objective, storm water runoff discharges are subject to requirements contained in this NPDES permit and the Discharger will be required to comply with all applicable provisions of the Storm Water Pollution Prevention Plan (Attachment A). This plan includes requirements to develop, implement, and when appropriate, update a Storm Water Pollution Prevention Plan (SWPPP) along with Best Management Practices (BMPs) with the intent of preventing 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

13. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the* January 27, 1997 by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state anti-degradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Board Resolution No. 68-16, October 28, 1968), and (iii) describes *Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on 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.

14. Ammonia Basin Plan Amendment. The 1994 Basin Plan provided water quality objectives for ammonia to protect aquatic life, in Tables 3-1 through Tables 3-4. However, those ammonia objectives were revised on April 25, 2002, by the Regional Board with the adoption of Resolution No. 2002-011, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Update the Ammonia Objectives for Inland Surface Waters (Including Enclosed Bays, Estuaries and Wetlands) with Beneficial Use Designations for Protection of Aquatic Lif*e. The Ammonia Basin Plan amendment was approved by the State Board, the Office of Administrative Law, and U.S. EPA on April 30, 2003, June 5, 2003, and June 19, 2003, respectively. Although the revised ammonia water quality objectives may be less stringent than those contained in the 1994 Basin Plan, they are still protective of aquatic life and are consistent with U.S. EPA's 1999 ammonia criteria update.

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

16. The receiving water for the permitted discharge covered by the proposed order is Compton Creek. The storm drain system directs discharge to Compton Creek, a tributary of the Los Angeles River. The waste then flows to the Los Angeles River, a water of the United States, at a point located approximately one-quarter mile upstream from Del Amo Boulevard, above the Los Angeles River Estuary. The beneficial uses listed in the Basin Plan for Compton Creek, (H.U. 403.15) are:

    Existing Uses: Groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, wildlife habitat, and wetland habitat.

Potential Uses: Municipal and domestic water supply

17. 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.

18. On May 18, 2000, the U.S. EPA promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as 40 CFR section 131.38]. In the CTR, U.S. EPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million (10^{-6}), for all priority toxic pollutants regulated as carcinogens. The CTR criteria for fresh water 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 Compton Creek. The CTR also allows a schedule of compliance not to exceed five years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with effluent limitations derived from the CTR criteria. CTR's Compliance Schedule provisions sunset on May 18, 2005. After this date, the provisions of the SIP allow for Compliance Schedules not to exceed five years from issuance or past May 1, 2011, which ever is sooner.

19. 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 became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the National Toxics Rule (NTR), and to the priority pollutant objectives established by the Regional Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the U.S. EPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the U.S. EPA through the CTR. The SIP requires the dischargers' submittal of data sufficient to conduct the determination of priority pollutants requiring water quality-based effluent limits (WQBELs) and to calculate the effluent limitations.

20. Under 40 CFR section 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 U.S. EPA criteria, and may be supplemented where necessary by other relevant information to attain and maintain narrative water quality criteria, and to fully protect designated beneficial uses.

21. Effluent limitation guidelines requiring the application of best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT), were promulgated by the U.S. EPA for some pollutants in this discharge. Effluent limitations for pollutants not subject to the U.S. EPA effluent limitation guidelines are based on one of the following: best professional judgment (BPJ) of BPT, BCT or BAT; current plant performance; or WQBELs. The WQBELs are based on the Basin Plan, other State plans and policies, or U.S. EPA water quality criteria which are taken from the CTR. These requirements, as they are met, will protect and maintain existing beneficial uses of the receiving water. The attached Fact Sheet for this Order includes specific bases for the effluent limitations.

22. 40 CFR section 122.45(f)(1) requires that except under certain conditions, all permit limitations, standards, or prohibitions be expressed in terms of mass units. 40 CFR section 122.45(f)(2) allows the permit writer, at his or her discretion, to express limitations in additional units (e.g., concentration units). The regulations mandate that, where limitations are expressed in more than one unit, the permittee must comply with both.

23. Generally, mass-based effluent limitations ensure that proper treatment is employed, and not dilution, to comply with the final effluent concentration limitations. Concentration-based effluent limitations, 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 limitations, 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 limitations. Both mass-based limits and concentration-based effluent limitations have been established in the proposed Order.

24. State and Federal anti-backsliding and anti-degradation policies require that Regional Board actions to protect the water quality of a water body and to ensure that the water body will not be further degraded. The anti-backsliding provisions are specified in section 402(o) and 303(d)(4) of the CWA and in 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.

25. Effluent limitations are established in accordance with Parts 301, 304, 306, and 307 of the CWA, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of Compton Creek.

26. Existing waste discharge requirements are contained in Order No. 99-043, adopted by the Regional Board on May 27, 1999. Permit conditions (e.g., effluent limitations and other special conditions) established in the existing waste discharge requirements have been carried over to proposed Order.

27. Pacific Terminals is exploring the reuse potential of wastewater that meets future WDRs for irrigation on site.

Watershed Management Approach and Total Maximum Daily Loads (TMDLs)

28. The Regional Board has implemented the Watershed Management Approach to address water quality issues in the region. Watershed management may include diverse issues as defined by stakeholders to identify comprehensive solutions to protect, maintain, enhance, and restore water quality and beneficial uses. To achieve this goal, the Watershed Management Approach integrates the Regional Board's many diverse programs, particularly Total Maximum Daily Loads (TMDLs), to better assess cumulative impacts of pollutants from all point and non-point sources. A TMDL is a tool for implementing water quality standards and is based on the relationship between pollution sources and in-stream water quality conditions. The TMDL establishes the allowable loadings or other quantifiable parameters for a water body and thereby provides the basis to establish water quality-based controls. These controls should provide the pollution reduction necessary for a water body to meet water quality standards. This process facilitates the development of watershed-specific solutions that balance the environmental and economic impacts within the watershed. The TMDLs will establish waste load allocation (WLAs) and load allocations (LAs) for point and non-point sources, and will result in achieving water quality standards for the water body.

29. The U.S. EPA approved the State's 2002 303(d) list of impaired water bodies on July 25, 2003. Certain receiving waters in the Los Angeles County watershed do not fully support beneficial uses. Therefore, these waters have been classified as impaired on the 2002 303(d) list and have been scheduled for TMDL development.

30. The 2002 303(d) list classifies Compton Creek, a tributary to the Los Angeles River, as impaired. The facility discharges within Reach 1 of the Los Angeles River. The pollutants of concern in Compton Creek, detected in the water column, include copper and high coliform count. No TMDLs have been completed to date. Therefore, no conditions in the proposed Order are based on TMDLs. When completed, and if applicable, associated WLAs will be included in the Order.

Data Availability and Reasonable Potential Analysis

31. 40 CFR section 122.44(d)(1)(ii) requires that each toxic pollutant be analyzed with respect to its reasonable potential when determining whether a discharge (1) causes; (2) has the reasonable potential to cause; or (3) contributes to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant. In performing the RPA, the permitting authority uses procedures that account for existing controls on point and non-point sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, and the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity). Because of effluent variability, there is always some degree of uncertainty in determining an effluent's impact on the receiving water. The SIP provides the procedures for evaluating reasonable potential to exceed applicable water quality criteria and objectives. Sufficient effluent data are needed to perform the RPA.

32. In accordance with Section 1.3 of the SIP, the Regional Board conducts a reasonable potential analysis for each priority pollutant with an applicable criterion or objective to determine if a WQBEL is required in the permit. The Regional Board analyzes effluent data to determine if a pollutant in a discharge has a reasonable potential to cause or contribute to an excursion above a state water quality standard. For all parameters that have a reasonable potential, numeric WQBELs are required. The RPA considers water quality objectives outlined in the CTR, NTR, as well as the Basin Plan. To conduct the RPA, the Regional Board must identify the maximum observed effluent concentration (MEC) for each constituent, based on data provided by the Discharger.

33. The Discharger submitted data for thirteen CTR priority pollutants (See Section II of the Fact Sheet) as part of their quarterly monitoring requirement as required by the *MRP* No. 5841, as well as data for CTR priority pollutants monitored once during the permit term. Regional Board staff used all these data submitted for the discharges of hydrotest water, tricellerator water, wastewater[1], and storm water runoff to conduct the RPA, as all waste streams are discharged from Discharge Point 001. However, there were sufficient data to conduct an RPA on only the following pollutants (i.e., 3 or more samples) in the hydrotest water, tricellerator water, wastewater, and storm water runoff: arsenic, cadmium, copper, lead, mercury, selenium, silver, zinc, benzene, ethylbenzene, toluene, phenol, 1,2 dichlorobenzene, naphthalene, 2,4 dichlorophenol, 2,4 dimethylphenol, 2-methyl-4,6-dinitrophenol, 2,4 dinitrophenol, 2-nitrophenol, 4-nitrophenol, 3-methyl-4-chlorophenol, pentachlorophenol, and 2,4,6 trichlorophhenol. The following pollutants showed reasonable potential: copper, lead, mercury, selenium, and zinc. Chrysene data included only one data point; therefore, an RPA was not conducted for chrysene. However, it is important to note that the single data point did exceed applicable CTR water quality criteria.

Compliance Schedules and Interim Limitations

34. The Pacific Terminal facility may not be able to achieve immediate compliance with the WQBELs for copper, lead, mercury, and zinc contained in section I.B.4. of this Order. Data submitted in self-monitoring reports indicate that these constituents have been either non-detected with higher detection limits or detected at concentrations greater than the new limitation proposed in this Order. The Discharger may not be able to achieve immediate compliance with a final effluent limitation based on CTR criteria for these constituents.

35. 40 CFR section 131.38(e) provides conditions under which interim effluent limitations and compliance schedules may be issued. The CTR allows inclusion of an interim limitation with a specific compliance schedule included in a NPDES permit for priority pollutants if the limitation for the priority pollutant is CTR-based. Interim limitations have been included in this Order for copper, lead, mercury, and zinc.

36. 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

[1] Only four of the six wastewater data sets were used to conduct the RPA; all Baker Tank data were used. Retention Pond and Pond Influent data sets were not used.

measures and participate in the activities necessary to achieve the final effluent limitations. These interim limitations shall be effective until December 31, 2007, after which, the Discharger shall demonstrate compliance with the final effluent limitations.

CEQA and Notifications

37. 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.

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

39. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to section 402 of the Federal Clean Water Act or amendments thereto, and is effective 30 days (June 4, 2005) from the date of its adoption, in accordance with federal law, provided the Regional Administrator, U.S. EPA, has no objections.

40. 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.

41. 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 Pacific Terminals, LLC, from its Dominguez Hills Tank Farm facility, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted there under, shall comply with the following:

I. DISCHARGE REQUIREMENTS

A. Discharge Prohibitions

1. Discharges, as described in Finding 6, above the following, during normal operations, are prohibited:

   a. A maximum of 4.32 million gpd of storm water runoff, tank hydrotest water, and processed wastewater.

   b. The discharge of wastes from accidental spills or other sources.

2. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by

this Order, through Discharge Serial No. 001 to Compton Creek, or waters of the State, are prohibited.

B. Final Effluent Limitations

The discharge of an effluent in excess of the following limitations is prohibited:

1. A pH value less than 6.5 or greater than 8.5.

2. Temperature:

   a. A temperature greater than 86 °F; and

   b. The maximum temperature of the discharge shall not exceed the natural receiving water temperature by more than 20 °F.

3. Toxicity limitations:

   a. Acute Toxicity Limitation and Requirements

      i. The acute toxicity of the effluent shall be such that (i) the average survival in the undiluted effluent for any three (3) consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, and (ii) no single test producing less than 70% survival.

      ii. If either of the above requirements [Section I.B.3.a.(i)] is not met, the Discharger shall conduct six additional tests over a 6-week period. The Discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of the completion of the test, and the additional tests shall begin within 3 business days of the receipt of the result. If the additional tests indicate compliance with acute toxicity limitation, the Discharger may resume regular testing. However if the results of any two of the six accelerated tests are less than 90% survival, then the Discharger shall begin a Toxicity Identification Evaluation (TIE). The TIE shall include all reasonable steps to identify the source(s) of toxicity. Once the source(s) of toxicity is identified, the Discharger shall take all reasonable steps to reduce the toxicity to meet the objective.

      iii. If the initial test and any of the additional six acute toxicity bioassay tests result in less than 70% survival, including the initial test, the Discharger shall immediately begin a TIE.

      iv. The Discharger shall conduct acute toxicity monitoring as specified in *MRP* No. 5841.

4. Final Effluent limitations: In addition to the Requirements I.B.1 through I.B.3, the discharge of storm water runoff, tank hydrotest water, and processed wastewater from Discharge Serial No. 001 (Latitude 33° 51' 53" North; Longitude 118° 13' 10" West) containing constituents in excess of the following limitations is prohibited.

Pollutant (units)	**Maximum Daily Effluent Limitations (MDELs) Concentration**
Total Suspended Solids (TSS) (mg/L)	75
Total Dissolved Solids (TDS) (mg/L)	1,500
Settleable Solids (ml/L)	0.2
Biochemical Oxygen Demand (BOD) [1] (mg/L)	30
Oil and Grease (mg/L)	15
Turbidity (NTU)	75
Phenols (mg/L)	1.0
Sulfides (mg/L)	1.0
Residual Chlorine (mg/L)	0.5
Benzene (µg/L)	1.0
Toluene (µg/L)	10.0
Xylene (µg/L)	1,750
Ethylbenzene (µg/L)	680
Copper (µg/L) [2]	21.3 [3]
Lead (µg/L) [2]	9.2 [3]
Mercury (µg/L) [2]	0.1 [3]
Selenium (µg/L) [2]	8.2
Zinc (µg/L) [2]	175 [3]
Total petroleum hydrocarbons (µg/L)	100

1. 5-Day Biochemical Oxygen Demand at 20°C.

2. Discharge for these metals are expressed as total recoverable.

3. The limit becomes effective January 1, 2008.

5. Interim effluent limitations: From the effective date of this Order until December 31, 2007, the discharge of an effluent in excess of the following limitations is prohibited:

Constituents	**Maximum Daily Discharge Limitations**
Copper (µg/L) [1]	55.6
Lead (µg/L) [1]	10.6
Mercury (µg/L) [1]	0.22

Zinc (µg/L) [1]	194

1. Measured as total recoverable.

Discharges after December 31, 2007, must comply with the limitations for these constituents stipulated in the Table in section I.B.4.

C. Receiving Water Limitations

1. The discharge shall not cause the following conditions to exist in the receiving waters:

   a. Floating, suspended, or deposited macroscopic particulate matter or foam;

   b. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;

   c. Visible, floating, suspended or deposited oil or other products of petroleum origin;

   d. Bottom deposits or aquatic growths; or,

   e. Toxic or other deleterious substances present in concentrations or quantities that cause deleterious effects on aquatic biota, wildlife, or waterfowl or render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

2. The discharge shall not cause nuisance or adversely affect beneficial uses of the receiving water.

3. No discharge shall cause a surface water temperature rise greater than $5^{o}F$ 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 ammonia in the 1994 Basin Plan were revised by Regional Board Resolution No. 2002-011, adopted on April 28, 2002, to be consistent with the 1999 U.S. EPA update on ammonia criteria. Regional Board Resolution No. 2002-011 was approved by State Board, OAL and U.S. EPA on April 30, 2003, June 5, 2003, and June 19, 2003, respectively and is now in effect. Total ammonia (as N) shall not exceed concentrations specified in the Regional Board Resolution 2002-011.

5. The discharge shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Board or State Board. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the Clean Water Act, or amendments thereto, the Regional Board will revise or modify this Order in accordance with such standards.

6. The discharge shall not cause the following to be present in receiving waters:

   a. Biostimulatory substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses;

   b. Chemical substances in amounts that adversely affect any designated beneficial use;

   c. Oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the receiving water or on objects in the water;

   d. Suspended or settleable materials in concentrations that cause nuisance or adversely affect beneficial uses;

   e. Taste or odor-producing substances in concentrations that alter the natural taste, odor, and/or color of fish, shellfish, or other edible aquatic resources; cause nuisance; or adversely affect beneficial uses;

   f. Substances that result in increases of $BOD_5$20°C that adversely affect beneficial uses;

7. The discharge shall not alter the color, create a visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters.

8. The discharge shall not degrade surface water communities and population including vertebrate, invertebrate, and plant species.

9. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures or facilities nor overload their design capacity.

10. The discharge shall not cause problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.

II. REQUIREMENTS

A. The Discharger shall submit within 90 days of the effective date of this Order:

1. A Storm Water Pollution Prevention Plan (SWPPP) that describes site-specific management practices for minimizing contamination of storm water runoff and for preventing contaminated storm water runoff from being discharged to waters of the State. The SWPPP shall be developed in accordance with the requirements in Attachment A.

2. Best Management Practices (BMPs) that entail site-specific plans and procedures implemented and/or to be implemented to prevent hazardous waste/material from being discharged to waters of the State. The BMPs shall be consistent with the general guidance contained in the U.S. EPA *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA 833-B-93-004). In particular, a risk assessment of each area identified by the Discharger shall be performed to determine the potential for hazardous or toxic waste/material discharge to surface waters. BMPs shall be included in the SWPPP.

3. A Spill Contingency Plan shall be prepared and shall cover all areas of the facility. The Contingency Plan shall be reviewed at the same time as the SWPPP and BMP.

Plans shall cover all areas of the Facility and shall include an updated drainage map for the Facility. The Discharger shall identify on a map of appropriate scale the areas that contribute runoff to the permitted discharge points; describe the activities in each area and the potential for contamination of storm water runoff; and address the feasibility of containment and/or treatment of the storm water. The plans shall be reviewed annually and at the same time. Updated information shall be submitted within 30 days of revision.

B. Oil or oily materials, chemicals, refuse, or other materials that may cause pollution in storm water and/or urban runoff shall not be stored or deposited in areas where they may be picked up by rainfall/urban runoff and discharged to surface waters. Any spill of such materials shall be contained, removed, and cleaned immediately.

C. Pursuant to the requirements of 40 CFR section 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 limits in 40 CFR section 122.42(a).

D. The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.

E. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303(d)-listed pollutants.

F. The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which may ultimately be released to waters of the United States, is prohibited unless specifically authorized elsewhere in this permit or another NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.

G. 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.

H. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to the planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:

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

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

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

III. PROVISIONS

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

B. This Order includes the attached *MRP* No. 5841. If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the former shall prevail.

C. The Discharger shall comply with the requirements of SWPPP updates associated with industrial activity (State Board Order No. 97-03-DWQ adopted on April 17, 1997) and SWPPP updates and monitoring and reporting requirements of State Board general permit for discharges of storm water and Construction Activity (State Board Order No. 99-08-DWQ adopted on August 19, 1999). This Order R4-2005-0028 shall take precedence where conflicts or differences arise between it and the aforementioned Orders. This Order includes the relevant requirements contained in the attached *Storm Water Pollution Prevention Plan Requirements* (Attachment A).

D. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 125.62 and 125.64. Causes for taking such actions include, but are not limited to: failure to comply with any condition of this Order; endangerment to human health or the environment resulting from the permitted activity; or acquisition of newly-obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the Discharger for an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

E. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional Board to local agencies.

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

G. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic effluent standards, and all federal regulations established pursuant to sections 301, 302, 303(d), 304, 306, 307, 316, and 423 of the Federal Clean Water Act and amendments thereto.

H. Compliance Determination

1. Compliance with single constituent effluent limitation – If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (see Reporting Requirement II.C of the *MRP* No. 5841), then the Discharger is out of compliance.

2. Compliance with effluent limitations expressed as a sum of several constituents. If the sum of the individual pollutant concentrations is greater than the effluent

limitation, then the Discharger is out of compliance. In calculating the sum of the concentrations of a group of pollutants, consider constituents reported as ND or DNQ to have concentrations equal to zero, provided that the applicable ML is used.

IV. REOPENERS

A. This Order may be reopened and modified, in accordance with SIP Section 2.2.2.A, to incorporate new limitations based on future RPA to be conducted, upon completion of the collection of additional data by the Discharger.

B. This Order may be reopened and modified, to incorporate in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.

C. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new minimum levels (MLs) for each pollutant.

D. This Order may be reopened and modified to revise effluent limitations as a result of future Basin Plan Amendments, such as an update of an objective or the adoption of a TMDL for Compton Creek.

E. This Order may be reopened upon 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 also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order and permit, and endangerment to human health or the environment resulting from the permitted activity.

V. EXPIRATION DATE

This Order expires on April 10, 2010.

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. 99-043 adopted by this Regional Board on May 27, 1999, is hereby rescinded except for enforcement purposes.

I, Jonathan S. Bishop, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on May 5, 2005.

_____
Jonathan S. Bishop
Executive Officer