

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

**TIME SCHEDULE ORDER R4-2022-0225
REQUIRING LOS ANGELES TURF CLUB
(SANTA ANITA PARK)**

**TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER R4-2022-0224
(NPDES PERMIT NO. CA0064203)**

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

1. Los Angeles Turf Club (hereinafter, Discharger or Permittee) is the owner and operator of Santa Anita Park (hereinafter Facility), a horse stabling, training and racing facility located at 285 West Huntington Drive in the city of Arcadia, California.
2. The Facility is divided into Concentrated Animal Feeding Operation (CAFO) areas and non-CAFO areas. The CAFO areas include 44.3 acres of stables and horse-related maintenance areas. Non-CAFO areas include the racetrack, grandstands, decorative fountains, paddock gardens, and parking lots.
3. The Facility's CAFO areas discharge stormwater runoff to the Arcadia Wash, a water of the United States, through two discharge points. Discharge Point 14 discharges stormwater and process wastewater runoff from the CAFO areas north of the wash and Discharge Point 15 discharges stormwater and process wastewater runoff from the CAFO areas south of the wash.
4. The discharge was previously regulated by Order R4-2006-0081, which was adopted on November 9, 2006 and expired on October 10, 2011. The Discharger timely filed a report of waste discharge (ROWD) and submitted an application for renewal of its waste discharge requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit. The submittal of an ROWD prior to the expiration of Order R4-2006-0081 satisfied compliance with federal NPDES requirements for continuation of expired permits. Therefore, pursuant to 40 CFR section 122.6 and California Code of Regulations, title 23, section 2235.4 the Los Angeles Water Board administratively extended the terms and conditions of Order R4-2006-0081 pending reissuance of the permit.
5. In December 2013, the Discharger submitted an updated ROWD to reflect a revised long-range, comprehensive plan to manage stormwater at the Facility. Due to the uncertainty in the horse racing industry, the long-term improvement plans identified in the 2013 ROWD were postponed and the Los Angeles Water Board postponed renewal of the permit pending solidification of the planned improvements.
6. The Discharger filed an updated ROWD on January 19, 2018. Los Angeles Water Board staff prepared and distributed for public comment a tentative permit in April 2018. Following an extended public comment period and meetings with the

Discharger, the determination was made to implement significant changes regarding the regulation of the various discharge points at the Facility. Specifically, the conclusion was reached that discharges from some outfalls are more appropriately addressed under the Industrial General Permit (IGP) or Municipal Separate Storm Sewer System (MS4) Permit. As a result, consideration of the tentative permit was postponed to a future Board meeting.

7. The Discharger filed a revised updated ROWD on June 27, 2019 that reflected these proposed changes. The application was deemed complete on August 7, 2019. The Discharger provided additional information related to the ROWD in a September 11, 2020 letter.
8. On July 14, 2022, the Los Angeles Water Board adopted Order R4-2022-0224, which renewed the WDRs and NPDES permit for Santa Anita Park. Order R4-2022-0224 expires on August 31, 2027.
9. Order R4-2022-0224 retains the technology-based limitations based on Effluent Limitation Guidelines (ELGs) from 40 CFR Subpart A section 412.13 that were established in Order R4-2006-0081. The ELGs include the following:

“Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged into water of the U.S.”

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.”

Here, the Discharger cannot currently comply with this requirement and has planned improvements to manage stormwater that will achieve compliance. Accordingly, pursuant to CWC section 13300, a discharge of waste is taking place and/or threatens to take place that violates requirements prescribed by the Los Angeles Water Board.

10. In order to comply with the ELGs for the discharge to the Arcadia Wash through Discharge Points 14 and 15, the Discharger will significantly reduce the discharge of stormwater runoff. The discharge reduction will be accomplished through planned improvements to manage stormwater including the construction of two underground concrete vault systems (CAFO basins) to hold the 25-year, 24-hour volume associated with stormwater runoff from the CAFO areas. Currently, the process wastewater and the first 0.1 inch of stormwater runoff are directed to the Los Angeles County Sanitation District (LACSD) sewer system.

The installation of the CAFO basins and the other stormwater improvements will take place over several years due to the need for stable facilities that support horse racing in the Los Angeles area. To maintain safety for horses and staff, the improvements within the CAFO areas must take place during the seven weeks per year in which the Facility stabling area is vacant during the annual Del Mar Race Meet. Further, many of the barns have special historical significance and status and require additional permitting, review and special protections during construction. The Los Angeles Water Board issues this Time Schedule Order (TSO) in recognition that the Discharger needs time to complete necessary studies and implement appropriate control measures, including the complete cessation of discharge unless the storm exceeds the 25-year, 24-hour design storm.

11. Pursuant to the procedures outlined in the State Implementation Policy (SIP), Order R4-2022-0224 prescribes new Maximum Daily Effluent Limitations (MDELs) of 320 most probable number (MPN)/100 mL for *Escherichia coli* (*E. coli*), 10.1 mg/L for ammonia, 3.1 µg/L for cadmium, 68 µg/L for copper, 94 µg/L for lead, 159 µg/L for zinc, and 22 µg/L for cyanide.
12. Prior to the adoption of Order R4-2022-0224 Los Angeles Water Board staff met with the Discharger to discuss the new effluent limitations listed in Finding 11 above. As a result of that discussion, the Discharger submitted a written request on August 19, 2021 for additional time to achieve compliance with new effluent limitations contained in Order R4-2022-0224 for cyanide, copper, lead, zinc and *E. coli* in order to construct facilities as set forth above in paragraph 10 above. The request included a schedule of tasks that the Discharger would undertake to come into compliance with the new effluent limitations. The request indicated that the completion of the tasks would also bring the Discharger into compliance with the technology-based limitations contained in Order R4-2022-0224 described in Finding 9 above.
13. Based on monitoring data submitted by the Discharger for the period of April 2016 through December 2021, the Los Angeles Water Board finds that the discharge to the Arcadia Wash through Discharge Points 14 and 15 complied with the new effluent limitations contained in Order R4-2022-0224 for cyanide in 10 out of 12 samples. Accordingly, the Los Angeles Water Board finds that interim limitations are not necessary for cyanide.
14. Based on monitoring data submitted by the Discharger for the period of April 2016 through December 2021, the Los Angeles Water Board finds that the discharge to the Arcadia Wash through Discharge Points 14 and 15 did not comply with the new effluent limitations contained in Order R4-2022-0224 for copper in 10 out of 12 samples, for lead in 4 out of 12 samples, and for zinc in 12 out of 12 samples. Accordingly, pursuant to CWC section 13300, a discharge of waste is taking place and/or threatens to take place that violates requirements prescribed by the Los Angeles Water Board.
15. The Discharger did not monitor for *E. coli* during the period of April 2016 through December 2021 and therefore an assessment of compliance with the new effluent limitations could not be determined. The Discharger did, however, monitor for fecal coliform during this period and this pollutant was consistently detected at levels well

above applicable water quality criteria. *E. coli* is the major species in the fecal coliform group, therefore exceedances for *E. coli* are expected in the discharge to the Arcadia Wash through Discharge Points 14 and 15. Accordingly, pursuant to CWC section 13300, a discharge of waste is taking place and/or threatens to take place that violates requirements prescribed by the Los Angeles Water Board.

16. The Los Angeles Water Board evaluated the request for interim limitations and determined that the discharge from the Facility cannot consistently meet new effluent limitations contained in Order R4-2022-0224 for *E. coli*, copper, lead and zinc. The Los Angeles Water Board finds that interim limitations for these constituents are appropriate.
17. Water Code section 13385, subdivisions (h) and (i), require the Los Angeles Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. Section 13385(j)(3) exempts violations of an effluent limitation from mandatory minimum penalties “where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, *if all of the [specified] requirements are met.*” (emphasis added).
18. In order to comply with the *E. coli*, copper, lead and zinc effluent limitations in the discharge to the Arcadia Wash through Discharge Points 14 and 15, the Discharger will significantly reduce the discharge of stormwater runoff. The discharge reduction will be accomplished through planned improvements outlined in Finding 10 above. As the improvements are made and the basins are placed in operation, the water quality of any overflows will continue to improve. Through this TSO, the Discharger will be required to comply with the final *E. coli*, copper, lead and zinc effluent limitations in the discharge to the Arcadia Wash no later than August 31, 2027.
19. A TSO is appropriate in these circumstances to allow time for the Permittee to implement necessary control measures that will bring the Facility into compliance with the final *E. coli*, copper, lead and zinc effluent limitations in the discharge to the Arcadia Wash through Discharge Points 14 and 15.
20. This TSO establishes interim MDELs for *E. coli*, copper, lead and zinc. Due to the limited data available, the interim limitations for *E. coli*, copper, lead and zinc have been set at the maximum concentration detected in the effluent.
21. The exceedances allowed by this TSO are in the public interest given the need to maintain safety for horses and staff, the preservation of barns with historical significance, and the significant environmental benefits associated with achieving compliance with the final effluent limitations for the discharge to the Arcadia Wash.
22. Pursuant to Water Code section 13385, subdivision (j)(3), full compliance with the requirements of this TSO exempts the Permittee from mandatory minimum penalties only for violations of the final *E. coli*, copper, lead and zinc effluent limitations in the discharge to the Arcadia Wash through Discharge Points 14 and 15 contained in Order R4-2022-0224 that occur after the effective date of this TSO.

23. This TSO concerns an existing facility and does not significantly alter the status with respect to the facility. This TSO is also being taken for the protection of the environment. Therefore, issuance of this TSO is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21100, et seq.) in accordance with California Code of Regulations, title 14, sections 15301 and 15321, subdivision (a)(2).
24. The Los Angeles Water Board has notified the Permittee and interested agencies and persons of its intent to issue this TSO concerning compliance with WDRs and has provided them with an opportunity to submit written comments.
25. Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and 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 Los Angeles 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 on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to Water Code section 13300 and 13385, Los Angeles Turf Club, as owner and operator of Santa Anita Park, shall comply with the requirements listed below to ensure its discharges comply with the final *E. coli*, copper, lead and zinc effluent limitations in the discharge to the Arcadia Wash through Discharge Points 14 and 15 contained in Order R4-2022-0224:

1. Comply immediately with the following interim effluent limits at Discharge Points 14 and 15, which shall be deemed effective from September 1, 2022 August 31, 2027:

Parameter	Units	MDEL
Copper	µg/L	728
Lead	µg/L	201
Zinc	µg/L	1,980
<i>E. coli</i>	mpn/100 mL or cfu/100 mL	1,600

2. Achieve full compliance with the final *E. coli*, copper, lead and zinc effluent limitations contained in Order R4-2022-0224 as soon as possible, but no later than August 31, 2027.
3. Achieve full compliance with the technology-based limitations based on ELGs from 40 CFR Subpart A section 412.13 to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event as soon as possible, but no later than August 31, 2027.

4. Comply with the schedule as stipulated below. If completed, the Los Angeles Water Board expects that the Discharger will meet both the effluent limitations in the Order, and the ELGs:

No.	Task	Deadline ¹
1.	Discharger shall enroll in the Industrial General Permit for coverage of discharges from Outfalls 1, 2, 3, 4, 7, 8, 9, 10 and 13	Within six months of the effective date of Order R4-2022-0224
2.	Construction of Upstream Diversions and Maintenance Area Drainage Improvements for CAFO Consolidation	September 2022
3.	Construction of North CAFO Basin / Sewer Diversion Modifications	September 2022
4.	Non-CAFO Roof Diversion Plan Final Design; LA County New Storm Drain Connection Permit; Initiate 408 Permit ²	September 2023
5.	South CAFO Basin Design/ Sewer Diversion System Modifications Final Design	September 2023
6.	South CAFO Basin Agency Permits & Approvals (LA County Flood Control)	April 2024
7.	Construction of South CAFO Basin / Sewer Diversion Modifications	September 2024
8.	US Army Corps 408 Permit for New Storm Drain Connection into Arcadia Wash	October 2025
9.	Gutter and Roof Drain Improvements (2 Seasons, 14,400 LF gutters; 4,800 LF Storm Drain ³)	August 2027

5. Submit semiannual progress reports of actions taken to achieve compliance with the final effluent limitations. The reports shall summarize the progress to date, activities conducted during the reporting period and the activities planned for the upcoming period. Each report shall be submitted to this Los Angeles Water Board by August 15th and February 15th for the reporting period of January 1st through June 30th and July 1st through December 31st, respectively, and include milestones completed and any new pertinent updates.

¹ Subject to agency approvals.

² US Army Corps 408 Permit Required for New Storm Drain Connection Permit. 2-year time frame based on current backlog.

³ Four seasons anticipated to complete dedicated roof drain improvements within the stabling area to meet maximum CAFO retention capacity. Phasing and construction duration based on 7-week construction period during vacancy (during annual Del Mar Race Meet). Roof gutter and storm drain construction not feasible during full occupancy due to horse and staff safety issues.

6. 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.”

7. If the Permittee fails to comply with any provision of this TSO, the Los Angeles Water Board may take any further action authorized by law. The Executive Officer, or his/her delegee, is authorized to take appropriate enforcement action pursuant, but not limited to, CWC sections 13350 and 13385. The Los Angeles Water Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
8. All other provisions of Order R4-2022-0224 not in conflict with this TSO are in effect on September 1, 2022.
9. The Los Angeles Water Board may reopen this TSO at its discretion or at the request of the Permittee, if warranted. Lack of progress towards compliance with this TSO may be cause for the Los Angeles Water Board to modify the conditions of this TSO.
10. This TSO becomes effective on September 1, 2022 and it expires on August 31, 2027.

I, Renee Purdy, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on July 14, 2022.

Renee Purdy, Executive Officer