

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

**TIME SCHEDULE ORDER R4-2020-YYYY**

**REQUIRING ORMOND BEACH POWER, LLC  
(ORMOND BEACH GENERATING STATION)  
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN  
ORDER R4-2020-XXXX  
(NPDES PERMIT NO. CA0001198)**

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

1. The Ormond Beach Power, LLC, (hereinafter, Discharger or Permittee) is the owner and operator of the Ormond Beach Generating Station (hereinafter Facility), a steam electric generating facility, located at 6635 South Edison Drive, Oxnard, California.
2. The Facility consists of two natural gas-fueled, steam-electric generating units with a combined generating capacity of approximately 1,520 megawatts (MW). Units 1 (745 MW) and 2 (775 MW) use once-through cooling (OTC) water. The Facility discharges OTC water, low volume wastes and storm water through a single discharge outfall (i.e., Discharge Point 001) which discharges to the Pacific Ocean. The low volume wastes (except seal water) and storm water are treated by an oil/water separator and two retention basins. The flow of storm water and all low volume wastes (except seal water) are intermittent. All internal waste streams are routed to combine with the OTC water prior to discharge through Discharge Point 001.
3. The Facility is subject to the State Water Resources Control Board's (State Water Board) Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (OTC Policy). The OTC Policy establishes technology-based standards to implement federal CWA section 316(b) and reduce the harmful effects associated with OTC water intake structures on marine and estuarine life. To come into compliance with the OTC Policy, OTC owners and operators must either reduce intake flow and velocity (Track 1) or reduce impacts to aquatic life comparably by other means (Track 2). OTC owners and operators can also come into compliance with the OTC Policy by ceasing operations. The Discharger has elected to come into compliance with the OTC Policy by retiring the Facility. On September 1, 2020, the State Water Board extended the final compliance deadline for the Facility from to December 31, 2020 to December 31, 2023 due to concerns with electrical grid reliability.
4. On November 12, 2020, the Regional Water Board adopted Order R4-2020-XXXX, which renewed the waste discharge requirements and NPDES permit for the Ormond Beach Generating Station. Order R4-2020-XXXX implements the OTC

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Policy, including the final compliance deadline, and prescribes effluent limitations for the discharge of OTC water, low volume wastes, and storm water to the Pacific Ocean.

5. Order No. R4-2020-XXXX prescribes a new effluent limitation for ammonia (as N) for discharges from the Facility to the Pacific Ocean through Discharge Point 001 based on the Ocean Plan as summarized in the table below:

Parameter	Units	6-Month Median	Maximum Daily	Instantaneous Maximum
Ammonia (as N)	µg/L	4,500	18,000	45,000
Ammonia (as N)	lbs/day	25,828	103,313	---

6. Based on monitoring data submitted by the Discharger for the period of November 2015 and March 2020, the discharge to the Pacific Ocean through Discharge Point 001 would not have complied with the effluent limitations contained in Order R4-2020-XXXX for ammonia in 2 out of 6 samples. Accordingly, a discharge of waste is taking place and/or threatening to take place that will violate requirements prescribed by the Regional Water Board.
7. On August 25, 2020, the Discharger submitted a written request for additional time to achieve compliance with the new effluent limitation established in Order R4-2020-XXXX for ammonia (as N) at Discharge Point 001. The letter indicated that the Discharger's intends to take the following actions to achieve full compliance with this effluent limitation:
  - a. Investigate the source of ammonia and identify the type of source control or minimization measures that may be feasible to reduce the concentration of ammonia; and
  - b. Implement best management practice(s) (BMPs) and/or treatment system(s) to achieve compliance with ammonia as N effluent limitations.

The Discharger anticipates that the study and analysis of the current ammonia management procedure would be 6 months and that the implementation of any BMPs and/or treatment system(s) to achieve compliance with the ammonia effluent limitation for Discharge Point 001 would be approximately 12 months. Because the source investigation as well as implementation of any BMPs or treatment system cannot be implemented prior to the effective date of Order R4-2020-XXXX (January 1, 2021), the Discharger requested additional time to comply with the final effluent limitation for ammonia (as N) at Discharge Point 001.

8. The Regional Water Board evaluated the Discharger's request for TSO and determined that a Time Schedule Order (TSO) was appropriate because the discharge from the Facility cannot consistently meet new effluent limitations contained in Order R4-2020-XXXX for ammonia (as N) for the discharge of commingled wastewater to the Pacific Ocean through Discharge Point 001. Additionally, the Regional Water Board recognizes that the Discharger has been

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requested to postpone the retirement of at least one unit utilizing OTC water to satisfy local electricity needs.

9. 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.”

10. Water Code section 13385, subdivisions (h) and (i), require the Regional 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).

11. 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.”

12. 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 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 has prepared and is implementing in a timely and

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proper manner, or is required by the Regional Water Board to prepare and implement, a pollution prevention plan pursuant to Water Code Section 13263.3. (Wat. Code, § 13385, subd. (j)(3)(D).)

13. In accordance with Water Code section 13385(j)(3)(B)(i), the Regional Water Board finds that: (a) the final effluent limitations for ammonia (as N) are new limitations in Order No. R4-2020-XXXX, (b) the Discharger needs to implement new or modified control measures in order to comply with the new and/or more stringent effluent limitations, and (c) the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
14. A TSO is appropriate in these circumstances to allow time for the Permittee to implement the measures that will bring the Facility into compliance with the final ammonia (as N) limitations for the discharge to the Pacific Ocean.
15. The time schedule set forth herein ends on December 31, 2023. This date does not exceed 5 years.
16. Since the time schedule for completion of the actions necessary to comply with the effluent limitations for ammonia (as N) for Discharge Point 001 exceeds one year from the effective date of this Order, this TSO includes interim requirements and dates for their achievement. The interim requirements include interim limitations for ammonia (as N) and implementation actions to achieve the final effluent limitation. The interim limitations for ammonia (as N) have been calculated based on a statistical analysis of data submitted by the Discharger, with the 6-month median effluent limitation established at the 95th percentile and the maximum daily effluent limitation established at the 99th percentile.
17. The Discharger has developed and is required to update a facility specific Storm Water Pollution Prevention Plan (SWPPP) that complies with the monitoring and reporting requirements of the Order R4-2020-XXXX. The Discharger will also conduct a source investigation and identify ways to reduce or eliminate discharges of ammonia. These plans satisfy the requirements in Water Code section 13263.3, subdivision (d)(2).
18. The Regional Water Board issues this TSO to Ormond Beach Power, LLC based on all the findings set forth herein.
19. 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 ammonia (as N) limitations from Discharge Point 001 that occur after the effective date of this TSO. If an interim effluent limitation contained in this TSO is exceeded, the Discharger may be subject to enforcement actions for that exceedance, including the imposition of mandatory minimum penalties.
20. 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.

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21. 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.
22. Pursuant to Water Code section 13167.5, subdivision (a)(3), the Regional Water Board has notified the Permittee and interested agencies and persons of its intent to issue this TSO concerning compliance with waste discharge requirements and has provided them with an opportunity to submit written comments.
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 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 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 on the Internet at [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**IT IS HEREBY ORDERED** that, pursuant to Water Code section 13300 and 13385, subdivision (j)(3), Ormond Beach Power LLC, as owner and operator of the Ormond Beach Generating Station, shall comply with the requirements listed below to ensure its discharges comply with the final ammonia (as N) limitations for Discharge Point 001 in Order R4-2020-XXXX:

1. Comply immediately with the following interim effluent limits at Discharge Point 001:

Parameter	Units	6-Month Median	Maximum Daily	Instantaneous Maximum
Ammonia (as N)	µg/L	59,709 (Note a)	78,216 (Note b)	---

**Footnote to Table**

- a. Interim effluent limitation is based on 95<sup>th</sup> percentile of all effluent data collected during the period of November 2015 and March 2020.
- b. Interim effluent limitation is based on 99<sup>th</sup> percentile of all effluent data collected during the period of November 2015 and March 2020.

**End of Footnotes to the Table**

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2. Achieve full compliance with the final ammonia (as N) limitations in the discharge of commingled wastewater to the Pacific Ocean as soon as possible, but no later than December 31, 2023.
3. Comply with the interim actions and schedule as stipulated below:

No.	Task	Deadline
1	Conduct study and analysis of the current ammonia management procedure.	July 1, 2021
2	Implement practice(s) and/or system(s) to achieve ammonia compliance.	August 1, 2022
3	Comply with ammonia (as N) effluent limitations specified in Order No. R4-2020-XXXX.	December 31, 2023

4. Submit **semiannual** progress reports of efforts taken towards 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 Regional 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. The first semiannual progress report is due on August 15, 2021 for the January 1, 2021 through June 30, 2021, reporting period.
5. 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.”
6. If the Permittee fails to comply with any provision of this TSO, the Regional Water Board may take any further action authorized by law. The Executive Officer, or his/her delegatee, is authorized to take appropriate 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.
7. All other provisions of Order R4-2020-XXXX not in conflict with this TSO are in effect on January 1, 2021.
8. The Regional 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 Regional Water Board to modify the conditions of this TSO.

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9. This TSO becomes effective on January 1, 2021 and it expires on December 31, 2023.

I, Renee Purdy, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order administratively issued by the California Regional Water Quality Control Board, Los Angeles Region, on November 12, 2020.

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Renee Purdy, Executive Officer

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