

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

**AMENDED TIME SCHEDULE ORDER NO. R4-2021-0020-A01
REQUIRING SHERWIN WILLIAMS MANUFACTURING COMPANY**

**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 19I027673**

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

1. The Sherwin Williams Manufacturing Company (SWMC) owns and operates Engineered Polymer Solutions (EPS or Facility), a facility located at 5501 East Slauson Avenue in Commerce, California. This Facility encompasses a total area of 4 acres, including an industrial area of 4 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. SWMC manufactures resin products, and its industrial activities include bulk material loading and unloading, chemical and products storage and resin processing. SWMC has a Standard Industrial Classification (SIC) code of 2821-Plastic Materials and Synthetic Resins. 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 requires dischargers to limit the concentration of pollutants in their stormwater discharges to protect water quality.
4. Stormwater runoff from the Facility discharges to Reach 2 of the Los Angeles River.

5. The NELs that apply to industrial discharges from the Facility include total cadmium, total copper, total lead, total zinc, nitrate-nitrogen, nitrite-nitrogen, nitrate plus nitrite-nitrogen and ammonia. 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. SWMC has completed a pollutant source assessment that addresses each of these pollutants and identified only total zinc as associated with industrial activities at the Facility.
7. SWMC 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 these pollutants 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 | 0.171-1.78 | 0.159 |

8. SWMC will require additional pollutant control measures to comply with the applicable NEL listed in the Amended General Permit.
9. The Facility implements the following Best Management Practices (BMPs) to help minimize pollutants in its stormwater discharge: good housekeeping measures to keep the Facility clean and prevent material tracking and minimize dust generation, preventative maintenance plans to address spill and leak prevention and response, material handling and storage procedures, employee training, a series of sumps, inlet filters, secondary containment and berms. SWMC also implements storm resistant shelters to minimize exposure of industrial material to stormwater.
10. SWMC plans to implement a stormwater treatment system at the Facility that is both effective in reducing zinc concentrations in its runoff and cost effective for long-term implementation. In order to comply with the Amended General Permit and the Los Angeles County Department of Public Works Hydrology Manual, a stormwater treatment system will be designed to treat the 85th percentile hourly rainfall intensity stormwater rate and would allow by-pass of the 25-year peak flow rain event without flooding. The goal is to design a treatment system that will result in compliance with the Amended General Permit Numeric Action levels (NALs) and NELs. In addition to installing a treatment system, Facility improvement elements will be required, including upgrades to the existing main sump for a concrete by-

pass weir structure, an increased grate area, installation of a stainless-steel pan to direct water into the treatment intake sump chamber, system in-flow and discharge piping, and utility and electrical connections. These modifications could not be designed, installed, or put into operation prior to July 1, 2020, due to the time needed to implement the proposed system.

11. On August 17, 2021, the Los Angeles Water Board issued Order No. R4-2021-0020 to provide SWMC additional time to install this stormwater treatment system. Under Order No. R4-2021-0020, SWMC had until January 31, 2023 to purchase, construct and install the selected systems.
12. On August 16 2022, SWMC requested an extension of the milestones and final compliance deadlines in Order No. R4-2021-0020 due to supply chain issues with the treatment system vendor and delays in the availability of key system components, including control panel components for the filtration system. In addition, SWMC has turned over several key personnel during the past year that have contributed to delays in implementing this TSO. This Order amends TSO R4-2021-0020 to provide additional time to come into final compliance with the Amended General Order.
13. Per Water Code section 13385 subdivision (j)(3)(C)(iii)(I), if a time schedule exceeds one year from the effective date of the Time Schedule Order (TSO), the schedule must include interim requirements that include effluent limitations for the pollutants of concern. Because this Order ends on May 31, 2024, consistent with Water Code section 13385, interim effluent limits are included for total zinc.
14. SWMC 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 January 17, 2020 has been submitted electronically to the SMARTS database.
15. Water Code section 13300 states: “Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”
16. Water Code section 13385, subdivisions (h) and (i), require the Regional Water 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.”

17. Water Code section 13385, subdivision (j)(3)(B)(i), allows the Regional Water Board to issue a 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.”
18. 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 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).)

19. The Regional Water Board issues this TSO, as amended, to SWMC based on all the findings set forth herein.
20. The time schedule set forth herein ends on May 31, 2024. This date does not exceed 5 years.
21. Pursuant to Water Code section 13385, subdivision (j)(3), full compliance with the requirements of this TSO exempts SWMC 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, SWMC may be subject to enforcement action. An exceedance of the interim effluent limitation 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 SWMC does not implement its SWPPP or comply with the time schedule in this TSO, SWMC may be subject to enforcement action.

22. 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.
23. 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.
24. Pursuant to Water Code section 13167.5, subdivision (a)(3), the Regional Water Board has notified SWMC, 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.
25. 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), The Sherwin Williams Manufacturing Company (SWMC) shall comply with the requirements listed below to ensure compliance with the NEL for total zinc contained in the Amended General Permit by May 31, 2024:

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

| Interim Action: | Schedule: |
|---|---|
| Implement facility specific SWPPP | Throughout the span of enrollment in the Amended General Permit |
| Submit bids for final corporate review and approval. Receive funding approval for construction and installation of selected treatment system. Begin construction of new treatment system. | April 30, 2023 |
| Complete construction and installation of all treatment system components. | July 31, 2023 |
| Collection of laboratory analyses of samples from installed treatment system; demonstration of sensitive laboratory methods, quality assurance of data, and comparison of data with NELs for QSEs | April 30, 2024 |
| Achieve full compliance with effluent limitations contained in Amended General Permit | May 31, 2024 |

| Pollutant | Interim Effluent Limitation in mg/L |
|------------------|--|
| Total zinc | 1.78 |

The foregoing interim effluent limitations and interim actions are in effect from **DATE** through May 31, 2024. During this time, SWMC 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 April 1st and October 1st each year throughout the duration of this TSO.

3. Submit, electronically through the SMARTS database, a final report due on May 31, 2024 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 SWMC 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 the Facility, 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 amended Time Schedule Order is effective on **DATE** and expires on May 31, 2024.

SO ORDERED.

Renee Purdy, Executive Officer

Date