CALIFORNIA
Water Boards

GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

May 20, 2019

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 0820 0001 6812 2428

Ms. Naoko Munakata
Supervising Engineer
Joint Outfall System
1955 Workman Mill Road
Whittier, CA 90601

Dear Ms. Munakata:

**TRANSMITTAL OF WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR JOINT OUTFALL SYSTEM, WHITE POINT OUTFALL MANIFOLD CONSTRUCTION DEWATERING PROJECT, 1800 KAY FIORENTINO DRIVE, SAN PEDRO, CALIFORNIA (NPDES NO. CA0064661)**

Our letter dated April 25, 2019, transmitted the revised tentative waste discharge requirements (WDRs) for the issuance of a National Pollutant Discharge Elimination System (NPDES) permit for White Point Outfall Manifold Construction Dewatering Project to discharge groundwater from construction dewatering to surface waters under the NPDES Program. Pursuant to Division 7 of the California Water Code, this Regional Water Board at a public hearing held on May 9, 2019, reviewed the proposed requirements, considered all factors in the case, and adopted Order No. R4-2019-0053 (Permit). Order No. R4-2019-0053 serves as an NPDES permit, and expires on June 30, 2024. Section 13376 of the California Water Code requires that an application/Report of Waste Discharge (ROWD) for a new permit must be filed at least 180 days before the expiration date.

You are required to implement the Monitoring and Reporting Program (MRP) on the effective date (July 1, 2019) of Order No. R4-2019-0053. Your first monitoring report for the period of July 1, 2019, through September 30, 2019, is due by December 15, 2019. Self-Monitoring Reports (SMRs) and Discharge Monitoring Reports (DMRs) shall be electronically submitted using the State Water Board's California Integrated Water Quality System (CIWQS): (http://www.waterboards.ca.gov/ciwqs/index.html).

When submitting monitoring or technical reports to the Regional Water Board per these requirements, please include a reference to Compliance File CI-10371 and NPDES No. CA0064661, which will assure that the reports are directed to the appropriate file and staff.

We are sending the paper copy of the Permit to the Joint Outfall System (the Discharger) only. An electronic copy of the Permit is included for stakeholders on the mailing list. For other interested

parties who would like access to a copy of the Permit, please go to the Regional Water Board's website at:

http://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/search.shtml

If you have any questions, please contact Ms. Ching Yin To at Ching-Yin.To@waterboards.ca.gov or at (213) 576-6696.

Sincerely,

Cassandra D. Owens

Cassandra D. Owens, Chief
Industrial Permitting Unit (NPDES)

Enclosures: Order No. R4-2019-0053 - Waste Discharge Requirements
Attachment E - Monitoring and Reporting Program (MRP No. 10371)
Attachment F - Fact Sheet

cc: **(Via Email Only)**

Ms. Elizabeth Sablad, Environmental Protection Agency, Region 9, Permits Branch (WTR-5)
Ms. Robyn Stuber, Environmental Protection Agency, Region 9, Permits Branch (WTR-5)
Ms. Becky Mitschele, Environmental Protection Agency, Region 9, Permits Branch (WTR-5)
Mr. Kenneth Wong, U.S. Army Corps of Engineers
Mr. Bryant Chesney, NOAA, National Marine Fisheries Service
Mr. Jeff Phillips, Department of Interior, U.S. Fish and Wildlife Service
Ms. Loni Adams, California Department of Fish and Wildlife, Region 5
Ms. Amber Dobson, California Coastal Commission, South Coast Region
Mr. Tim Smith, Los Angeles County, Department of Public Works
Mr. Angelo Bellomo, Los Angeles County, Department of Public Health
Mr. Russell Yoshida, Joint Outfall System
Mr. William Van Wagoner, City of Los Angeles
Mr. Hassan Rad, City of Los Angeles
Mr. Theodore Johnson, Water Replenishment Districts of Southern California
Ms. Annelisa Moe, Heal the Bay
Ms. Sylvie Makara, Heal the Bay
Mr. Bruce Reznik, Los Angeles Waterkeeper
Mr. Arthur Pugsley, Los Angeles Waterkeeper
Ms. Joan Matthews, Natural Resources Defense Council
Ms. Corinne Bell, Natural Resources Defense Council
Mr. Jason Weiner, Ventura Coastkeeper
Mr. Pete Stauffer, Surfrider Foundation
Mr. Daniel Cooper, Lawyers for Clean Water
Environment Now
Sierra Club

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

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# ORDER NO. R4-2019-0053
# NPDES NO. CA0064661

# WASTE DISCHARGE REQUIREMENTS FOR THE JOINT OUTFALL SYSTEM, WHITE POINT OUTFALL MANIFOLD CONSTRUCTION DEWATERING PROJECT DISCHARGE TO THE PACIFIC OCEAN

The following Discharger is subject to waste discharge requirements (WDRs) set forth in this Order:

**Table 1. Discharger Information**

| | |
|---|---|
| Discharger | **Joint Outfall System (JOS, Permittee, or Discharger)[1]** |
| Name of Facility | **White Point Outfall Manifold Construction Dewatering Project** |
| Facility Address | **1800 Kay Fiorentino Drive** |
| | **San Pedro, CA 90732** |
| | **Los Angeles County** |

[1] Ownership and operation of the Joint Outfall System is proportionally shared among the signatory parties to the amended Joint Outfall Agreement effective July 1, 1995. These parties include County Sanitation Districts of Los Angeles County Nos. 1, 2, 3, 5, 8, 15, 16, 17, 18, 19, 21, 22, 23, 29, and 34, and South Bay Cities Sanitation District of Los Angeles County.

**Table 2. Discharge Location**

| Discharge Point | Effluent Description | Discharge Point Latitude (North) | Discharge Point Longitude (West) | Receiving Water |
|---|---|---|---|---|
| 001 | **Groundwater from Construction Dewatering** | 33.6892° | 118.3167° | **Pacific Ocean** |
| 002 | **Groundwater from Construction Dewatering** | 33.7008° | 118.3381° | **Pacific Ocean** |

**Table 3. Administrative Information**

| | |
|---|---|
| This Order was adopted on: | **May 9, 2019** |
| This Order shall become effective on: | **July 1, 2019** |
| This Order shall expire on: | **June 30, 2024** |
| The Discharger shall file a Report of Waste Discharge as an application for reissuance of WDRs in accordance with title 23, California Code of Regulations, and an application for reissuance of a National Pollutant Discharge Elimination System (NPDES) permit no later than: | **180 days prior to the Order expiration date** |
| The U.S. Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board, Los Angeles Region have classified this discharge as follows: | **Minor** |

The Executive Officer does hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on **May 9, 2019**.

Renee Purdy, Executive Officer

## CONTENTS



## TABLES



## ATTACHMENTS

## I. FACILITY INFORMATION

Information describing the Joint Outfall System, White Point Outfall Manifold Construction Dewatering Project (Facility) is summarized in Table 1 and in sections I and II of the Fact Sheet (Attachment F). Section I of the Fact Sheet also includes information regarding the Facility's permit application.

## II. FINDINGS

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

**A. Legal Authorities.** This Order serves as waste discharge requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This Order is also issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. EPA and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a National Pollutant Discharge Elimination System (NPDES) permit authorizing the Discharger to discharge into waters of the United States at the discharge location described in Table 2 subject to the WDRs in this Order.

**B. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for the requirements in this Order, is hereby incorporated into and constitutes Findings for this Order. Attachments A through E are also incorporated into this Order.

**C. Provisions and Requirements Implementing State Law.** The provisions/requirements in subsections IV.B, IV.C, and V.B are included to implement state law only. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations. However, as indicated below, these provisions are not applicable to the discharges covered by this Order.

**D. Notification of Interested Persons.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of the notification are provided in the Fact Sheet.

**E. Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the public hearing are provided in the Fact Sheet.

THEREFORE, IT IS HEREBY ORDERED, that in order to meet the provisions contained in division 7 of the California Water Code (commencing with section 13000) and regulations adopted thereunder and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger is authorized to discharge from the identified Facility and outfalls into waters of the United States, and shall comply with the requirements in this Order.

## III. DISCHARGE PROHIBITIONS

**A.** Wastes discharged at Discharge Points 001 and 002 authorized under this Order shall be limited to a maximum of 1.44 million gallons per day (MGD) of groundwater generated from construction dewatering only as described in the Fact Sheet (Attachment F). The discharge of any other wastewater, storm water, and wastes from accidental spills or other sources is prohibited unless it is authorized by another WDR and/or NPDES permit.

**B.** Discharges regulated by this Order to JOS's Joint Water Pollution Control Plant (JWPCP) NPDES outfalls Discharge Points 003 and 004 (as included in NPDES Permit No. CA0053813) are prohibited.

**C.** Discharges of groundwater generated from construction dewatering through Discharge Points 001 and 002 are prohibited when there is no simultaneous effluent flow through Discharge Points 001 and 002 from the JWPCP.

**D.** The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into the ocean is prohibited.

**E.** Pipeline discharge of sludge to the ocean is prohibited by federal law. The discharge of municipal and industrial waste sludge directly to the ocean, or into a waste stream that discharges to the ocean, is prohibited by the California Ocean Plan (Ocean Plan). The discharge of sludge digester supernatant directly to the ocean, or to a waste stream that discharges to the ocean without further treatment, is prohibited.

**F.** Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order or another WDRs/NPDES permit, to a storm drain system, the Pacific Ocean, or other waters of the State, are prohibited.

**G.** Neither the treatment nor the discharge of pollutants shall create a condition of pollution, contamination, or a nuisance as defined by section 13050 of the California Water Code (CWC, or the Water Code).

**H.** Wastes discharged shall not contain any substances in concentrations toxic to human, animal, plant, or aquatic life.

**I.** The discharge shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Water Board or the State Water Resources Control Board (State Water Board) as required by the federal CWA and regulations adopted thereunder.

**J.** The discharge of oil or any residuary product of petroleum to waters of the State, except in accordance with the waste discharge requirements or other provisions of Division 7 of the Water Code is prohibited.

**K.** 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.

**L.** The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream that ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this permit.

**M.** Discharge to designated Areas of Special Biological Significance (ASBS) is prohibited.

**N.** Any discharge of wastes at any point(s) other than specifically described in this Order is prohibited and constitutes a violation of the Order.

**O.** The discharge of any debris from construction sites is prohibited.

**P.** The discharge of trash to surface waters of the State or the deposition of trash where it may be discharged into surface waters of the State is prohibited.

## IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

### A. Effluent Limitations – Discharge Points 001 and 002

#### 1. Final Effluent Limitations – Discharge Points 001 and 002

a. The Discharger shall maintain compliance with the following effluent limitations at Discharge Points 001 and 002, with compliance measured collectively at Monitoring Locations EFF-001A (during Phase I construction) and EFF-001B (during Phase II construction) as described in the Monitoring and Reporting Program, Attachment E:

**Table 4. Effluent Limitations**

| Pollutant | Units | Effluent Limitations | | | | |
|---|---|---|---|---|---|---|
| | | Average monthly (30-day average) | Maximum Daily | Instantaneous Minimum[1] | Instantaneous Maximum[1] | Average Weekly |
| ***Conventional Pollutants*** | | | | | | |
| pH | pH Units | -- | -- | 6.0 | 9.0 | -- |
| Total Suspended Solids (TSS) | mg/L | 60 | -- | -- | -- | -- |
| | lbs/day[2] | 720 | -- | -- | -- | -- |
| Oil and Grease | mg/L | 25 | -- | -- | 75 | 40 |
| | lbs/day[2] | 300 | -- | -- | 900 | 480 |
| ***Non-conventional Pollutants*** | | | | | | |
| Temperature | °F | -- | -- | -- | [(3)] | -- |
| Turbidity | NTU | 75 | -- | -- | 225 | 100 |
| Settleable Solids | mL/L | 1.0 | -- | -- | 3.0 | 1.5 |
| ***Ocean Plan Table 1 Parameters*** | | | | | | |
| DDT, Total[4] | µg/L | 0.0158 | -- | -- | -- | -- |
| | lbs/day[2] | 0.00019 | -- | -- | -- | -- |
| PCBs, Total[5] | µg/L | 0.00035 | -- | -- | -- | -- |
| | lbs/day[2] | $4.2 \times 10^{-6}$ | -- | -- | -- | -- |

1. Instantaneous minimum and maximum limitations are applied to grab samples.
2. Mass loading limitations are based on the maximum combined flow at Discharge Points 001 and 002 (1.44 million gallons per day (MGD)) and are calculated as follows:
   Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day
3. The temperature effluent limitations for the discharge are as follows:
   a. The discharge shall be discharged to the open ocean away from the shoreline to achieve dispersion through the vertical water column.
   b. The discharge shall be discharged a sufficient distance from areas of special biological significance to assure the maintenance of natural temperature in these areas.
   c. The discharge shall not result in increases in the natural water temperature exceeding 4°F at the shoreline, the surface of any ocean substrate, or the ocean surface beyond 1,000 feet from the discharge system. The surface temperature limitation shall be maintained at least 50 percent of the duration of any complete tidal cycle.
4. DDT shall mean the sum of 4,4'-DDT, 2,4'-DDT, 4,4'-DDE, 2,4'-DDE, 4,4'-DDD, and 2,4'-DDD.
5. PCBs shall mean the sum of chlorinated biphenyls whose analytical characteristics resemble those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254 and Aroclor-1260.

**2. Interim Effluent Limitations – Not Applicable**

**B. Land Discharge Specifications – Not Applicable**

**C. Recycling Specifications – Not Applicable**

## V. RECEIVING WATER LIMITATIONS

### A. Surface Water Limitations

Receiving water limitations are based on water quality objectives contained in the latest amendment of the Ocean Plan, effective January 28, 2016, and are a required part of this Order. Unless specifically excepted by this Order, the discharge, by itself or jointly with any other discharge(s), shall not cause violations of the following water quality objectives. Compliance with these objectives shall be determined by samples collected at stations representative of the area within the waste field where initial dilution is completed (i.e., outside the zone of initial dilution (ZID)).

1. **Bacterial Characteristics**

a. State Water Board Water-Contact Objectives

Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for water contact sports, as determined by the Regional Water Board (i.e., waters designated as REC-1), but including all kelp beds, the following water quality objectives shall be maintained throughout the water column.

30-day Geometric Mean Limits – the following standards are based on the geometric mean of the five most recent samples from each site:

i. Total coliform density shall not exceed 1,000 per 100 mL;

ii. Fecal coliform density shall not exceed 200 per 100 mL; and

iii. *Enterococcus* density shall not exceed 35 per 100 mL.

Single Sample Maximum (SSM)

i. Total coliform density shall not exceed 10,000 per 100 mL;

ii. Fecal coliform density shall not exceed 400 per 100 mL;

iii. Enterococcus density shall not exceed 104 per 100 mL; and

iv. Total coliform density shall not exceed 1,000 per 100 mL when the fecal coliform/total coliform ratio exceeds 0.1.

The Initial Dilution Zone for any wastewater outfall shall be excluded from designation as kelp beds for purposes of bacterial standards. Adventitious assemblages of kelp plants on waste discharge structures (e.g., outfall pipes and diffusers) do not constitute kelp beds for purposes of bacterial stand.

b. Shellfish Harvesting Standards

Consistent with the water quality objectives in the Ocean Plan, in all areas where shellfish may be harvested for human consumption, as determined by the Regional Water Board, the discharge shall not cause the exceedance of the following bacterial objectives throughout the water column:

i. The median total coliform density shall not exceed 70 per 100 mL, and not more than 10 percent of the samples shall exceed 230 per 100 mL. Compliance shall be determined based on the sample results over any six-month period.

2. **Physical Characteristics**

a. Floating particulates and oil and grease shall not be visible.

b. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.

c. Natural light shall not be significantly reduced at any point outside the zone of initial dilution as a result of the discharge of waste.

d. The rate of deposition of inert solids and the characteristics of inert solids in ocean sediments shall not be changed such that benthic communities are degraded.

e. Trash shall not be present in ocean waters, along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance.

3. **Chemical Characteristics**

a. The dissolved oxygen concentration shall not at any time be depressed more than 10 percent from that which occurs naturally, as the result of the discharge of oxygen demanding waste materials.

b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.

c. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.

d. The concentration of substances set forth in Chapter II, Table 1 of the Ocean Plan, shall not be increased in marine sediments to levels that would degrade indigenous biota.

e. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.

f. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.

g. Numerical water quality objectives established in Chapter II, Table 1 of the Ocean Plan shall not be exceeded outside of the zone of initial dilution as a result of discharges from the Facility.

4. **Biological Characteristics**

a. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.

b. The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered.

c. The concentration of organic materials in fish, shellfish, or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

5. **Radioactivity**

a. Discharge of radioactive waste shall not degrade marine life.

**B. Groundwater Limitations – Not Applicable**

## VI. PROVISIONS

### A. Standard Provisions

1. The Discharger shall comply with all Standard Provisions included in Attachment D.

2. The Discharger shall comply with the following provisions. In the event that there is any conflict, duplication, or overlap between provisions specified by this Order, the more stringent provision shall apply:

    a. 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 programs developed to comply with NPDES permits issued by the Regional Water Board to local agencies.

    b. 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, 403, and 405 of the federal CWA and amendments thereto.

    c. These requirements do not exempt the operator of the waste disposal facility from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste disposal facility, and they leave unaffected any further restraints on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.

    d. Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the Discharger from any responsibilities, liabilities or penalties established pursuant to any applicable state law or regulation under authority preserved by section 510 of the CWA.

    e. Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the Discharger from any responsibilities, liabilities or penalties to which the Discharger is or may be subject to under section 311 of the CWA.

    f. Collection, treatment, and disposal systems shall be operated in a manner that precludes public contact with wastewater.

    g. Oil or oily material, chemicals, refuse, or other wastes that constitute a condition of pollution or nuisance shall not be stored or deposited in areas where they may be picked up by rainfall and carried off the property and/or discharged to surface waters. Any such spill of such materials shall be contained and removed immediately.

    h. A copy of these waste discharge specifications shall be maintained at the discharge facility so as to be available at all times to operating personnel.

    i. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:

        i. Violation of any term or condition contained in this Order;

        ii. Obtaining this Order by misrepresentation, or failure to disclose all relevant facts;

        iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

    j. If there is any storage of hazardous or toxic materials or hydrocarbons at this facility and if the facility is not manned at all times, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.

k. The Discharger shall file with the Regional Water Board a report of waste discharge at least 180 days before making any material change or proposed changes in the character, location, or volume of the discharge.

l. In the event of any change in name, ownership, or control of these waste disposal facilities, the discharger shall notify this Regional Water Board of such change and shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Regional Water Board, 30 days prior to the change taking effect.

m. CWC section 13385(h)(1) requires the Regional Water Board to assess a mandatory minimum penalty of three-thousand dollars ($3,000) for each serious violation. Pursuant to CWC section 13385(h)(2), a "serious violation" is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of 40 C.F.R. § 123.45 specifies the Group I and II pollutants. Pursuant to CWC section 13385.1(a)(1), a "serious violation" is also defined as "a failure to file a discharge monitoring report required pursuant to section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations."

n. CWC section 13385(i) requires the Regional Water Board to assess a mandatory minimum penalty of three-thousand dollars ($3,000) for each violation whenever a person violates a waste discharge requirement effluent limitation four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations within that time period. Pursuant to CWC section 13385.1(d), for the purposes of section 13385.1 and subdivisions (h), (i), and (j) of section 13385, "effluent limitation" means a numeric restriction or a numerically expressed narrative restriction, on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an authorized location. An effluent limitation may be final or interim, and may be expressed as a prohibition. An effluent limitation, for these purposes, does not include a receiving water limitation, a compliance schedule, or a best management practice.

o. Violation of any of the provisions of this Order may subject the violator to any of the penalties described herein or in Attachment D of this Order, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation.

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

    i. Name and general composition of the chemical,

    ii. Frequency of use,

    iii. Quantities to be used,

    iv. Proposed discharge concentrations, and

    v. U.S. EPA registration number, if applicable.

q. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from this facility, may subject the

Discharger to administrative civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.

r. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, effluent limitation, or receiving water limitation of this Order, the Discharger shall notify the Regional Water Board by telephone (213) 620-2083 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within five working days, unless the Regional Water Board waives confirmation. The written notification shall state the nature, time, duration, and cause of noncompliance, and shall describe the measures being taken to remedy the current noncompliance and, prevent recurrence including, where applicable, a schedule of implementation. The written notification shall also be submitted via email with reference to CI-10371 to losangeles@waterboards.ca.gov. Other noncompliance requires written notification as above at the time of the normal monitoring report.

s. The provisions of this order are severable. If any provision of this Order or the application of any provision of this Order is found invalid, the remainder of this Order shall not be affected.

## B. Monitoring and Reporting Program (MRP) Requirements

The Discharger shall comply with the MRP, and future revisions thereto, in Attachment E.

## C. Special Provisions

### 1. Reopener Provisions

a. This Order may be reopened for modification to include an effluent limitation if monitoring establishes that the discharge causes, has the reasonable potential to cause, or contributes to an excursion above an Ocean Plan Table 1 water quality objective.

b. The Regional Water Board may modify or revoke and reissue this Order if present or future investigations demonstrate that the discharge(s) governed by this Order will cause, have the potential to cause, or will contribute to adverse impacts on water quality and/or beneficial uses of the receiving waters.

c. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the federal CWA, and amendments thereto, the Regional Water Board may revise and modify this Order in accordance with such more stringent standards.

d. This Order may be reopened and modified, to revise effluent limitations as a result of the delisting of a pollutant from the 303(d) list.

e. This Order may be reopened and modified, in accordance with the provisions set forth in 40 C.F.R., parts 122 and 124, to include requirements for the implementation of the watershed management approach or to include new minimum levels (MLs).

f. This Order may be reopened and modified to revise effluent limitations as a result of future adoption of a TMDL for the Santa Monica Bay Watershed Management Area.

g. This Order may be reopened for modification, or revocation and reissuance, as a result of the detection of a reportable priority pollutant generated by special conditions included in this Order. These special conditions may be, but are not limited to: fish tissue sampling, whole effluent toxicity, monitoring requirements on internal waste

stream(s), and monitoring for surrogate parameters. Additional requirements may be included in this Order as a result of the special condition monitoring data.

h. This Order may be reopened upon submission by the Discharger of adequate information, as determined by the Regional Water Board, to provide for dilution credits or a mixing zone, as may be appropriate.

i. This Order may be reopened and modified to incorporate conforming monitoring requirements and schedule dates for implementation of the Comprehensive Monitoring Program for Santa Monica Bay (Santa Monica Bay Restoration Commission, January 2007).

j. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 C.F.R. 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 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.

k. This Order may be reopened and modified to revise any and/or all of the chronic toxicity testing provisions and effluent limitations, to the extent necessary, to be consistent with a revised Ocean Plan or a Toxicity Plan that is subsequently adopted by the State Water Board, after U.S. EPA approval of such plan.

l. This Order will be reopened and modified to the extent necessary, to be consistent with new policies, a new state-wide plan, new laws, or new regulations.

m. 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.

**2. Special Studies, Technical Reports and Additional Monitoring Requirements**

a. **Initial Investigation Toxicity Reduction Evaluation Workplan.** The Discharger shall submit to the Regional Water Board an Initial Investigation TRE workplan **within 90 days** of the effective date of this permit. This plan shall describe the steps the Discharger intends to follow in the event that toxicity is detected. See section V of the Monitoring and Reporting Program (Attachment E) for an overview of TRE requirements. The workplan shall include information such as procedures on information and data acquisition, facility performance evaluation, toxicity identification evaluation, toxicity control evaluation, and toxicity control implementation.

**3. Best Management Practices and Pollution Prevention**

a. **Best Management Practices and Storm Water Pollution Prevention Plans**

i. The Discharger shall submit:

(a) **Best Management Practices Plan (BMPP).** A BMPP shall be implemented to reduce the discharge of pollutants to the receiving water. The BMPP shall include site-specific procedures implemented and/or to be implemented to prevent hazardous waste/material and trash from being discharged to waters of the State. The BMPP shall also include a summary of the collection and disposal methods of dewatered groundwater through the NPDES outfalls. Further, the Discharger shall ensure that unauthorized discharges (i.e. spills or unpermitted non-storm water discharges) to the receiving water, and commingling of storm water with the discharge

regulated by this Order prior to the point of compliance determination (EFF-001A and EFF-001B) have been effectively prohibited. The BMPs shall be consistent with the general guidance contained in the U.S. EPA Guidance Manual for Developing Best Management Practices (BMPs) (U.S. EPA 833-B-93-004).

The BMPP shall be reviewed annually and shall cover all areas of the Facility. The Discharger shall describe the activities in each area and the potential for contamination of dewatered groundwater discharge; and address any applicable treatment of dewatered groundwater discharge. The Discharger shall submit the BMPP to the Regional Water Board **at least 90 days prior to the commencement of construction activities at the Facility** and implement the BMPP within 10 days of the approval by the Executive Officer or no later than 90 days after submission to the Regional Water Board, whichever comes first; the Discharger shall implement the BMPP prior to the beginning of construction activities. The Discharger shall continue to implement any existing and previously approved BMPP until the updated version is approved by the Executive Officer or until the stipulated 90-day period after the updated BMPP submittal has occurred. Updated information shall be submitted within 30 days of revision.

(b) **Storm Water Pollution Prevention Plan (SWPPP).** The Discharger indicated that it will obtain enrollment under the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (NPDES No. CAS000002) for the discharge of storm water associated with the White Point Tunnel Construction Project (Project), prior to the commencement of construction activity for each phase of the Project. NPDES No. CAS000002 requires its enrollees to develop and implement a site specific SWPPP. As such, this Order requires the Discharger to submit proof of enrollment under NPDES No. CAS000002 when it becomes available.

**4. Construction, Operation and Maintenance Specifications**

The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order. The Discharger shall maintain and update, as necessary, a Groundwater Treatment System Operation and Maintenance (O&M) Manual to assure efficient and effective treatment of contaminated groundwater (containing pollutants concentrations above water quality criteria and goals and/or effluent limitations contained in this Order). At a minimum, the O&M Manual shall address the following:

a. The O&M manual shall specify both normal operating and critical maximum or minimum values for treatment process variables including influent concentrations, flow rates, water levels, temperatures, time intervals, and chemical feed rates, if applicable.

b. The O&M manual shall specify an inspection and maintenance schedule and shall provide a log sheet format to document inspection observations and record completion of maintenance tasks.

c. The O&M manual shall include a Contingency and Notification Plan. The plan shall include procedures for reporting personnel to assure compliance with this Order.

d. The O&M manual shall specify safeguards to prevent noncompliance with limitations and requirements of this Order resulting from equipment failure, power loss, vandalism, or ten-year return frequency rainfall.

**5. Special Provisions for Publicly-Owned Treatment Works (POTWs) – Not Applicable**

**6. Other Special Provisions – Not Applicable**

**7. Compliance Schedules – Not Applicable**

## VII. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in section IV of this Order will be determined as specified below:

### A. Single Constituent Effluent Limitation.

Dischargers are out of compliance with the 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 I.H. of the MRP).

### B. Effluent Limitations Expressed as a Sum of Several Constituents.

Dischargers are out of compliance with an effluent limitation which applies to the sum of a group of chemicals (e.g., PCBs) if the sum of the individual pollutant concentrations is greater than the effluent limitation. Individual pollutants of the group will be considered to have a concentration of zero if the constituent is reported as "Not Detected" (ND) or "Detected, but Not Quantified" (DNQ).

### C. Effluent Limitations Expressed as a Median.

In determining compliance with a median limitation, the analytical results in a set of data will be arranged in order of magnitude (either increasing or decreasing order); and

1. If the number of measurements (n) is odd, then the median will be calculated as = $X_{(n+1)/2}$, or
2. If the number of measurements (n) is even, then the median will be calculated as= $[X_{n/2} + X_{(n/2)+1}]/2$, i.e. the midpoint between the n/2 and n/2+1 data points.

### D. Multiple Sample Data.

When determining compliance with an AMEL or MDEL for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of DNQ or ND. In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

### E. Average Monthly (30-Day Average) Effluent Limitation (AMEL).

If the average (or when applicable, the median determined by section D above for multiple sample data) of daily discharges over a calendar month exceeds the AMEL for a given

parameter, this will represent a single violation for the purpose of calculating mandatory minimum penalties; though the Discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month) for the purpose of calculating discretionary administrative civil liabilities. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger will be considered out of compliance for that calendar month. If multiple samples are taken the Discharger will only be considered out of compliance for days when the discharge occurs. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month. In determining compliance with the AMEL, the following provisions shall also apply to all constituents:

1. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the AMEL for that constituent, the Discharger has demonstrated compliance with the AMEL for that month;

2. If the analytical result of a single sample monitored monthly, quarterly, semiannually, or annually, exceeds the AMEL for any constituent, the Discharger may collect up to four additional samples at approximately equal intervals during the month. All five analytical results shall be reported in the monitoring report for that month, or 45 days after results for the additional samples were received, whichever is later. The concentration of a pollutant (an arithmetic mean or a median) in these samples estimated from the "Multiple Sample Data" section above, will be used for compliance determination.

3. In the event of noncompliance with an AMEL, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the AMEL has been demonstrated.

**F. Average Weekly Effluent Limitation (AWEL)**

If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, a potential violation will be flagged and the Discharger will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. The average of daily discharges over the calendar week that exceeds the AWEL for a parameter will be considered out of compliance for that week only. If only a single sample is collected during the calendar week and the analytical result for that sample exceeds the AWEL, the Discharger will be considered out of compliance for that calendar week. For any one calendar week during which no sample (daily discharge) is collected, no compliance determination can be made for that calendar week with respect to the AWEL.

A calendar week will begin on Sunday and end on Saturday. Partial calendar weeks at the end of calendar month will be carried forward to the next month in order to calculate and report a consecutive seven-day average value on Saturday.

**G. Maximum Daily Effluent Limitation (MDEL).**

If a daily discharge exceeds the MDEL for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for that parameter for that one day only within the reporting period. For any one day during which no sample is taken, no compliance determination can be made for that day with respect to effluent violation, but compliance determination can be made for that day with respect to reporting violation determination.

**H. Instantaneous Minimum Effluent Limitation.**

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a potential violation will be flagged and the discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a

calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

**I. Instantaneous Maximum Effluent Limitation.**

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation.)

**J. Chronic Toxicity.**

The discharge is subject to determination of “Pass” or “Fail” and “Percent Effect” from a single-effluent concentration chronic toxicity test at the discharge IWC using the Test of Significant Toxicity (TST) statistical approach described in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (U.S. EPA 833-R-10-003, 2010), Appendix A, Figure A-1, and Table A-1. The null hypothesis ($H_o$) for the TST statistical approach is: Mean discharge IWC response ≤0.75 × Mean control response. A test result that rejects this null hypothesis is reported as “Pass”. A test result that does not reject this null hypothesis is reported as “Fail”. The relative “Percent Effect” at the discharge IWC is defined and reported as: ((Mean control response - Mean discharge IWC response) ÷ Mean control response) × 100%.

Chronic toxicity for the discharge is evaluated at the IWC (0.60% of the dewatering groundwater discharge effluent for Discharge Points 001 and 002) and expressed in units of the TST statistical approach ("Pass" or "Fail" and percent effect). All NPDES effluent monitoring for the chronic toxicity shall be reported using only the IWC effluent concentration and negative control, expressed in units of the TST. The TST hypothesis ($H_0$) (see above) is statistically analyzed using the IWC and a negative control. Effluent toxicity tests shall be run using *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (U.S. EPA/600/R-95/136, 1995). The Regional Water Board's review of reported toxicity test results will include review of concentration-response patterns as appropriate (see Fact Sheet discussion at IV.C.7). As described in the laboratory audit directives to the San Jose Creek Water Quality Laboratory from the State Water Resources Control Board dated August 07, 2014, and from U.S. EPA dated December 24, 2013, the Percent Minimum Significant Difference (PMSD) criteria only apply to compliance reporting for the No Observed Effect Concentration (NOEC) and the sublethal statistical endpoints of the NOEC, and therefore are not used to interpret TST results, barring Test Acceptability Criteria (TAC). Standard Operating Procedures used by the toxicity testing laboratory to identify and report valid, invalid, anomalous, or inconclusive effluent (and receiving water) toxicity test measurement results from the TST statistical approach, including those that incorporate a consideration of concentration-response patterns, must be submitted to the Regional Water Board (40 C.F.R. § 122.41 (h)). The Regional Water Board will make a final determination as to whether a toxicity test result is valid, and may consult with the Discharger, the U.S. EPA, the State Water Board's Quality Assurance Officer, or the State Water Board's Environmental Laboratory Accreditation Program as needed. The Regional Water Board may consider the results of any TIE/TRE studies in an enforcement action.

**K. Mass- Based Effluent Limitations.**

Compliance with mass effluent will be estimated based on flow and concentration. When the concentration for the parameter in a sample is reported as Not Detected (ND) or Detected but Not Quantified (DNQ), the corresponding mass emission rate determined using that sample concentration shall also be reported as ND or DNQ.

**L. Mass and Concentration-Based Effluent Limitations.**

Compliance with mass-based effluent limitations and concentration-based effluent limitations for the same parameter shall be determined separately. When the concentration for a parameter in a sample is reported as ND or DNQ, the corresponding mass emission rate determined using that sample concentration shall also be reported as ND or DNQ.

**M. Median Monthly Effluent Limitation (MMEL).**

If the median of daily discharges over a calendar month exceeds the MMEL for a given parameter, an alleged violation will be flagged and the Discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of noncompliance in a 31-day month). However, an alleged violation of the MMEL will be considered one violation for the purpose of assessing State mandatory minimum penalties. If no sample (daily discharge) is taken over a calendar month, no compliance determination can be made for that month with respect to effluent violation determination, but compliance determination can be made for that month with respect to reporting violation determination.

**N. Annual Average Effluent Limitation.**

If the annual average of monthly discharges over a calendar year exceeds the annual average effluent limitation for a given parameter, a potential violation will be flagged and the Discharger will be considered out of compliance for each month of that year for that parameter. However, a potential violation of the annual average effluent limitation will be considered one violation for the purpose of assessing State mandatory minimum penalties. If no sample (daily discharge) is collected over a calendar year, no compliance determination can be made for that year with respect to effluent violation determination, but compliance determination can be made for that year with respect to reporting violation determination.

**O. Bacterial Standards and Analyses.**

The geometric mean used for determining compliance with bacterial standards is calculated using the following equation:

$$\text{Geometric Mean} = (C1 \times C2 \times \ldots \times Cn)^{1/n}$$

where n is the number of days samples were collected during the period and C is the concentration of bacteria (MPN/100 mL or CFU/100 mL) found on each day of sampling. For bacterial analyses, sample dilutions should be performed so the expected range of values is bracketed (for example, with multiple tube fermentation method or membrane filtration method, 2 to 16,000 per 100 ml for total and fecal coliform, at a minimum, and 1 to 1000 per 100 ml for *Enterococcus*). The detection method used for each analysis shall be reported with the results of the analysis.

Detection methods used for coliforms (total, fecal, and *E. coli*) and *Enterococcus* shall be those presented in Table 1A of 40 C.F.R. part 136 (revised May 18, 2012), unless alternate methods have been approved by U.S. EPA pursuant to 40 C.F.R. part 136 or improved methods have been determined by the Executive Officer and/or U.S. EPA. Detection method for *Enterococcus* may be those presented in the U.S. EPA's publication U.S. EPA 600/4-85/076, *Test Methods for Escherichia coli and Enterococci in Water by Membrane Filter Procedure*.

# ATTACHMENT A – DEFINITIONS

**All Forms of Marine Life**
Includes all life stages of all marine species.

**Areas of Special Biological Significance (ASBS)**
Those areas designated by the State Water Resources Control Board (State Water Board) as ocean areas requiring protection of species or biological communities to the extent that maintenance of natural water quality is assured. All Areas of Special Biological Significance are also classified as a subset of STATE WATER QUALITY PROTECTION AREAS. ASBS are also referred to as State Water Quality Protection Areas – Areas of Special Biological Significance (SWQPA-ASBS).

**Arithmetic Mean ($\mu$)**
Also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

Arithmetic mean = $\mu = \Sigma x / n$ where: $\Sigma x$ is the sum of the measured ambient water concentrations, and n is the number of samples.

**Average Monthly Effluent Limitation (AMEL)**
The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**Average Weekly Effluent Limitation (AWEL)**
The highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

**Bacteria Water Quality Objectives(s)**
Bacteria water quality objectives set forth in Chapter II.B.1.a.1 of the Ocean Plan and section V.A.1 of the Waste Discharge Requirements of this Order.

**Basin Plan**
Water quality control plan that consists of a designation or establishment for the waters within a specified area of all of the following: (1) Beneficial uses to be protected, (2) water quality objectives, (3) a program of implementation needed for achieving water quality objectives.

**Best Management Practices (BMPs)**
BMPs are methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including storm water. BMPs include structural and non-structural control, and operation maintenance procedures, which can be applied before, during, and/or after pollution-producing activities.

**Bioaccumulative**
Those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

**Carcinogenic**
Pollutants are substances that are known to cause cancer in living organisms.

**Chlordane**
Shall mean the sum of chlordane-alpha, chlordane-gamma, chlordene-alpha, chlordene-gamma, nonachlor-alpha, nonachlor-gamma, and oxychlordane.

**Coefficient of Variation (CV)**
CV is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

**Composite Sample**
For flow rate measurement, composite sample means the arithmetic mean of no fewer than eight individual flow rate measurements taken at equal intervals for 24 hours or for the duration of discharge, whichever is shorter.

For other than flow rate measurement, composite sample means:
a. No fewer than eight individual sample portions taken at equal time intervals for 24 hours, or the duration of the discharge, whichever is shorter. The volume of each individual sample portion shall be directly proportional to the discharge flow rate at the time of sampling; or,
b. No fewer than eight individual sample portions taken of equal volume taken over a 24-hour period. The time interval between each individual sample portion shall vary such that the volume of the discharge between each individual sample portion remains constant.

The compositing period shall equal the specified sampling period, or 24 hours, if no period is specified.

For a composite sample, if the duration of the discharge is less than 24 hours but greater than 8 hours, at least eight flow-weighted individual sample portions shall be taken during the duration of the discharge and composited. For a discharge duration of 8 hours or less, eight individual “grab samples” may be substituted and composited.

The composite sample result shall be reported for the calendar day during which composite sampling ends.

**Daily Discharge**
Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

**DDT**
Shall mean the sum of 4,4’-DDT, 2,4’-DDT, 4,4’-DDE, 2,4’-DDE, 4,4’-DDD, and 2,4’-DDD.

**Debris**
Litter, rubble, discarded refuse, and remains of destroyed inorganic anthropogenic waste.

**Degrade**
Degradation shall be determined by comparison of the waste field and reference site(s) for characteristic species diversity, population density, contamination, growth anomalies, debility, or supplanting of normal species by undesirable plant and animal species. Degradation occurs if there are significant differences in any of three major biotic groups, namely, demersal fish, benthic invertebrates, or attached algae. Other groups may be evaluated where benthic species are not affected, or are not the only ones affected.

**Detected, but Not Quantified (DNQ)**
Sample results that are less than the reported Minimum Level, but greater than or equal to the laboratory's MDL. Sample results reported as DNQ are estimated concentrations.

**Dichlorobenzenes**
Shall mean the sum of 1,2- and 1,3-dichlorobenzene.

**Dilution Credit**
Dilution Credit is the amount of dilution granted to a discharge in the calculation of a water quality-based effluent limitation, based on the allowance of a specified mixing zone. It is calculated from the dilution ratio or determined through conducting a mixing zone study or modeling of the discharge and receiving water.

**Downstream Ocean Waters**
Waters downstream with respect to ocean currents.

**Dredged Material**
Any material excavated or dredged from the navigable waters of the United States, including material otherwise referred to as "spoil."

**Enclosed Bays**
Indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. This definition includes but is not limited to: Humboldt Bay, Bodega Harbor, Tomales Bay, Drakes Estero, San Francisco Bay, Morro Bay, Los Angeles Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay.

**Endosulfan**
The sum of endosulfan-alpha and -beta and endosulfan sulfate.

**Estuaries and Coastal Lagoons** are waters at the mouths of streams that serve as mixing zones for fresh and ocean waters during a major portion of the year. Mouths of streams that are temporarily separated from the ocean by sandbars shall be considered as estuaries. Estuarine waters will generally be considered to extend from a bay or the open ocean to the upstream limit of tidal action but may be considered to extend seaward if significant mixing of fresh and salt water occurs in the open coastal waters. The waters described by this definition include but are not limited to the Sacramento-San Joaquin Delta as defined by Section 12220 of the California Water Code, Suisun Bay, Carquinez Strait downstream to Carquinez Bridge, and appropriate areas of the Smith, Klamath, Mad, Eel, Noyo, and Russian Rivers.

**Grab Sample**
Grab Sample means an individual sample collected during a period of time not to exceed 15 minutes. Grab samples shall be collected during normal peak loading conditions for the parameter of interest, which may or may not occur during hydraulic peaks.

**Geometric Mean (GM)**
A type of mean or average that indicates the central tendency or typical value of a set of numbers by using the product of their values (as opposed to the arithmetic mean which uses their sum). The geometric mean is defined as the nth root of the product of n numbers. The formula is expressed as: GM = $\sqrt[n]{(x_1)(x_2)(x_3)\dots(x_n)}$, where x is the sample value and n is the number of samples taken.

**Halomethanes** shall mean the sum of bromoform, bromomethane (methyl bromide) and chloromethane (methyl chloride).

**HCH** shall mean the sum of the alpha, beta, gamma (lindane) and delta isomers of hexachlorocyclohexane.

**Indicator Bacteria**
Incudes total coliform bacteria, fecal coliform bacteria (or *E. coli*), and/or *Enterococcus* bacteria.

**Initial Dilution**
The process that results in the rapid and irreversible turbulent mixing of wastewater with ocean water around the point of discharge.

For a submerged buoyant discharge, characteristic of most municipal and industrial wastes that are released from the submarine outfalls, the momentum of the discharge and its initial buoyancy act together to produce turbulent mixing. Initial dilution in this case is completed when the diluting wastewater ceases to rise in the water column and first begins to spread horizontally.

For shallow water submerged discharges, surface discharges, and non-buoyant discharges, characteristic of cooling water wastes and some individual discharges, turbulent mixing results primarily from the momentum of discharge. Initial dilution, in these cases, is considered to be completed when the momentum induced velocity of the discharge ceases to produce significant mixing of the waste, or the diluting plume reaches a fixed distance from the discharge to be specified by the Regional Water Board, whichever results in the lower estimate for initial dilution.

**Inland Surface Waters**
All surface waters of the state that do not include the ocean, enclosed bays, or estuaries.

**Instantaneous Maximum Effluent Limitation**
The highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

**Instantaneous Minimum Effluent Limitation**
The lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

**Institutional Controls**
Non-structural best management practices (i.e., no structures are involved) that may include, but not be limited to, street sweeping, sidewalk Trash* bins, collection of the Trash*, anti-litter educational and outreach programs, producer take-back for packaging, and ordinances.

**In-stream Waste Concentration (IWC)**
The concentration of a toxicant or the parameter of toxicity in the receiving water after mixing.

**Kelp Beds**
For purposes of the bacteriological standards of the Ocean Plan, are aggregations of marine algae of the order Laminariales, including species in the *genera Macrocystis, Nereocystis, and Pelagophycus*. Kelp beds include the total foliage canopy throughout the water column.

**Mariculture**
The culture of plants and animals in marine waters independent of any pollution source.

**Material**
(a) In common usage: (1) the substance or substances of which a thing is made or composed (2) substantial; (b) For purposes of the Ocean Plan relating to waste disposal, dredging and the disposal of dredged material and fill, MATERIAL means matter of any kind or description which is subject to regulation as waste, or any material dredged from the navigable waters of the United States. See also, DREDGED MATERIAL.

**Maximum Daily Effluent Limitation (MDEL)**
The highest allowable daily discharge of a pollutant. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

**Median**
The middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements (n) is odd, then the median = $X_{(n+1)}/2$. If n is even, then the median = $(X_{n/2} + X_{(n/2)+1})/2$ (i.e., the midpoint between the n/2 and n/2+1).

**Method Detection Limit (MDL)**
The minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero, as defined in 40 C.F.R. part 136, Appendix B.

**Minimum Level (ML)**
The concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

**Natural Light**
Reduction of natural light may be determined by the Regional Water Board by measurement of light transmissivity or total irradiance, or both, according to the monitoring needs of the Regional Water Board.

**Not Detected (ND)**
Those sample results less than the laboratory's MDL.

**Ocean Waters**
The territorial marine waters of the state as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. If a discharge outside the territorial waters of the state could affect the quality of the waters of the state, the discharge may be regulated to assure no violation of the Ocean Plan will occur in ocean waters.

**PAHs (polynuclear aromatic hydrocarbons)**
The sum of acenaphthylene, anthracene, 1,2-benzanthracene, 3,4-benzofluoranthene, benzo[k]fluoranthene, 1,12-benzoperylene, benzo[a]pyrene, chrysene, dibenzo[ah]anthracene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene and pyrene.

**PCBs (polychlorinated biphenyls) as Aroclors**
The sum of chlorinated biphenyls whose analytical characteristics resemble those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254 and Aroclor-1260.

**PCBs (polychlorinated biphenyls) as Congeners**
The sum of the following 41 individually quantified PCB congeners: PCB-18, 28, 37, 44, 49, 52, 66, 70, 74, 77, 81, 87, 99, 101, 105, 110, 114, 118, 119, 123, 126, 128, 138, 149, 151, 153, 156, 157, 158, 167, 168, 169, 170, 177, 180, 183, 187, 189, 194, 201, and 206.

**PCBs (polychlorinated biphenyls), Total**
For compliance with the final effluent limitations based on the Total Maximum Daily Loads waste load allocations, Total PCBs shall be PCBs as Aroclors or PCBs as congeners, whichever concentration is greater.

**Persistent Pollutants**
Persistent pollutants are substances for which degradation or decomposition in the environment is nonexistent or very slow.

**Phenolic Compounds (Chlorinated)**
The sum of 2-chlorophenol, 2,4-dichlorophenol, 4-chloro-3-methylphenol, 2,4,6-trichlorophenol, and pentachlorophenol.

**Phenolic Compounds (Non-Chlorinated)**
Non-chlorinated phenolic compounds shall mean the sum of phenol, 2,4-dimethylphenol, 2-nitrophenol, 4-nitrophenol, 2,4-dinitrophenol, and 2-methyl-4,6-dinitrophenol.

**Pollutant Minimization Program (PMP)**
PMP means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of Ocean Plan Table 1 pollutants through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

**Pollution Prevention**
Any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in ewe section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State Water Resources Control Board (State Water Board), Regional Water Board, or U.S. EPA.

**Publicly Owned Treatment Works**
A treatment works as defined by section 212 of the CWA, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality which has jurisdiction over the Indirect Discharges to and the discharges from such treatment works. (40 C.F.R. § 403.3(q).)

**Reported Minimum Level**
The reported ML (also known as the Reporting Level or RL) is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order, including an additional factor if applicable as discussed herein. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix II of the Ocean Plan in accordance with section III.C.5.a. of the Ocean Plan or established in accordance with section III.C.5.b. of the Ocean Plan. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the reported ML.

**Salinity**
A measure of the dissolved salts in a volume of water. For the purposes of the Ocean Plan, salinity shall be measured using a standard method approved by the regional water board (e.g. Standard Method 2520 B, U.S. EPA Method 120.1, U.S. EPA Method 160.1) and reported in parts per thousand (ppt). For historical salinity data not recorded in parts per thousand, the Regional Water Boards may accept converted data at their discretion.

**Shellfish**
Organisms identified by the California Department of Public Health as shellfish for public health purposes (i.e., mussels, clams and oysters).

**Significant Difference**
Defined as a statistically significant difference in the means of two distributions of sampling results at the 95 percent confidence level.

**Single Sample Maximum (SSM)**
Maximum value not to be exceeded in any single sample.

**Standard Deviation (σ)**
Standard Deviation is a measure of variability that is calculated as follows:

$$\sigma = (\Sigma[(x - \mu)^2)/(n - 1))^{0.5}$$

where:

x is the observed value;
μ is the arithmetic mean of the observed values; and
n is the number of samples.

**State Water Quality Protection Areas (SWQPAs)**
Non-terrestrial marine or estuarine areas designated to protect marine species or biological communities from an undesirable alteration in natural water quality. All Areas of Special Biological Significance (ASBS) that were previously designated by the State Water Board in Resolutions 74-28, 74-32, and 75-61 are

now also classified as a subset of State Water Quality Protection Areas and require special protections afforded by the Ocean Plan.

**State Water Quality Protection Areas – General Protection (SWQPA-GP)**
Designated by the State Water Board to protect marine species and biological communities from an undesirable alteration in natural water quality within State Marine Parks and State Marine Conservation Areas.

**Statistical Threshold Value (STV)**
A set value for the bacteria water quality objective that approximates the 90th percentile of the water quality distribution of a bacterial population. The STV for the bacteria water quality objective is 110 cfu/100mL.

**Storm Water**
Storm water in the Ocean Plan has the same meaning set forth in 40 Code of Federal Regulations section 122.26(b)(13) (Nov. 16, 1990).

**TCDD Equivalents**
The sum of the concentrations of chlorinated dibenzodioxins (2,3,7,8-CDDs) and chlorinated dibenzofurans (2,3,7,8-CDFs) multiplied by their respective toxicity factors, as shown in the table below.

| Isomer Group | Toxicity Equivalence Factor |
|---|---|
| 2,3,7,8-tetra CDD | 1.0 |
| 2,3,7,8-penta CDD | 0.5 |
| 2,3,7,8-hexa CDDs | 0.1 |
| 2,3,7,8-hepta CDD | 0.01 |
| octa CDD | 0.001 |
| | |
| 2,3,7,8 tetra CDF | 0.1 |
| 1,2,3,7,8 penta CDF | 0.05 |
| 2,3,4,7,8 penta CDF | 0.5 |
| 2,3,7,8 hexa CDFs | 0.1 |
| 2,3,7,8 hepta CDFs | 0.01 |
| octa CDF | 0.001 |

**Test of Significant Toxicity (TST)**
A statistical approach used to analyze toxicity test data. The TST incorporates a restated null hypothesis, Welch's t-test, and the biological effect thresholds for chronic and acute toxicity.

**Toxicity Identification Evaluation (TIE)**
Set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.

**Toxicity Reduction Evaluation (TRE)**
A study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A Toxicity Identification Evaluation (TIE) may be required as part of the TRE, if appropriate. (A TIE is a set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.)

**Trash**
All improperly discarded solid material from any production, manufacturing, or processing operations, including, but not limited to, products, product packaging, or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural materials.

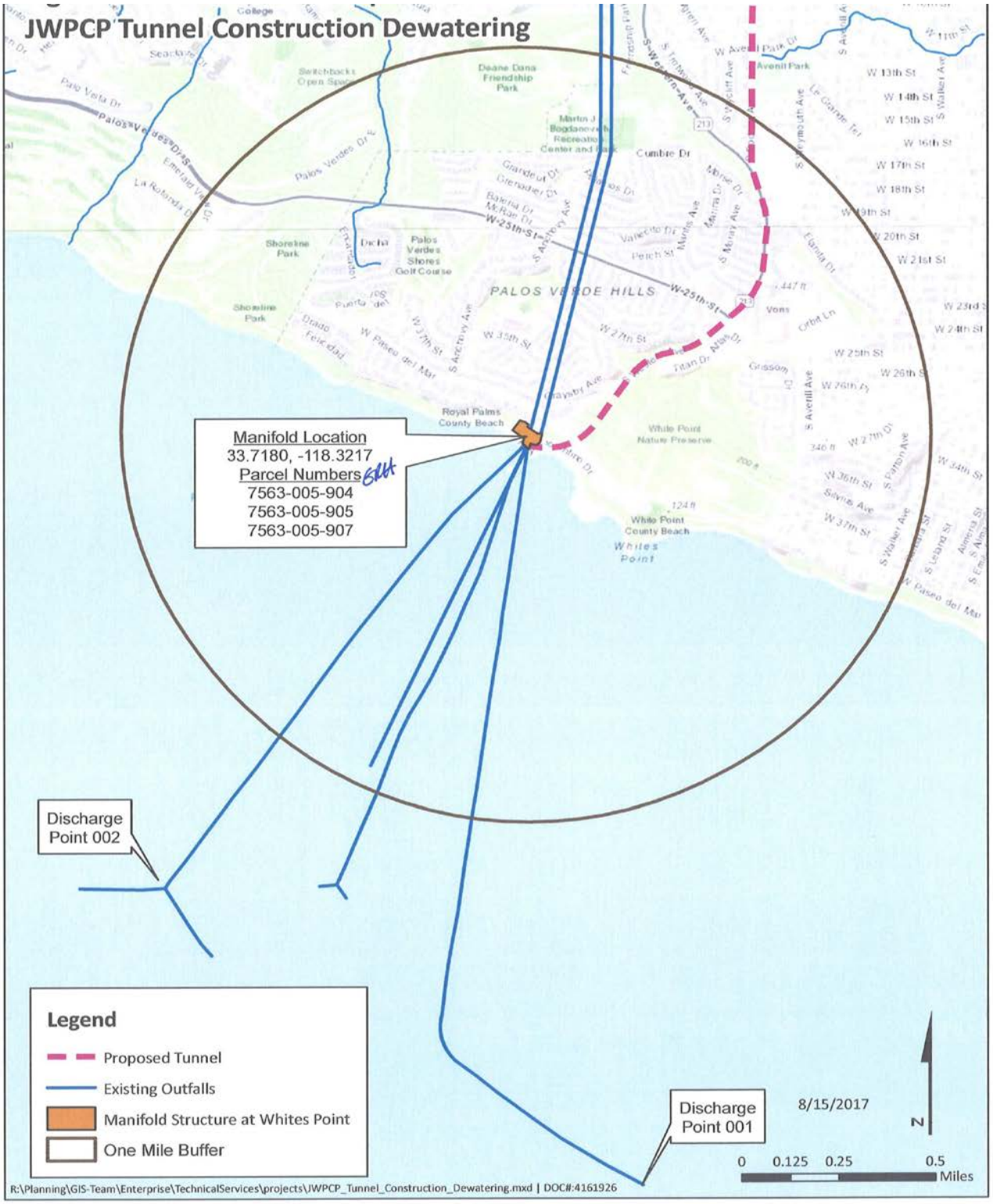
**Trash Provisions**
Water quality objective for Trash, as well as the prohibition of discharge set forth in Chapter III.I and implementation requirements set forth in Chapter III.L of the Ocean Plan.

**Waste**
As used in the Ocean Plan, waste includes a Discharger's total discharge, of whatever origin, i.e., gross, not net, discharge.

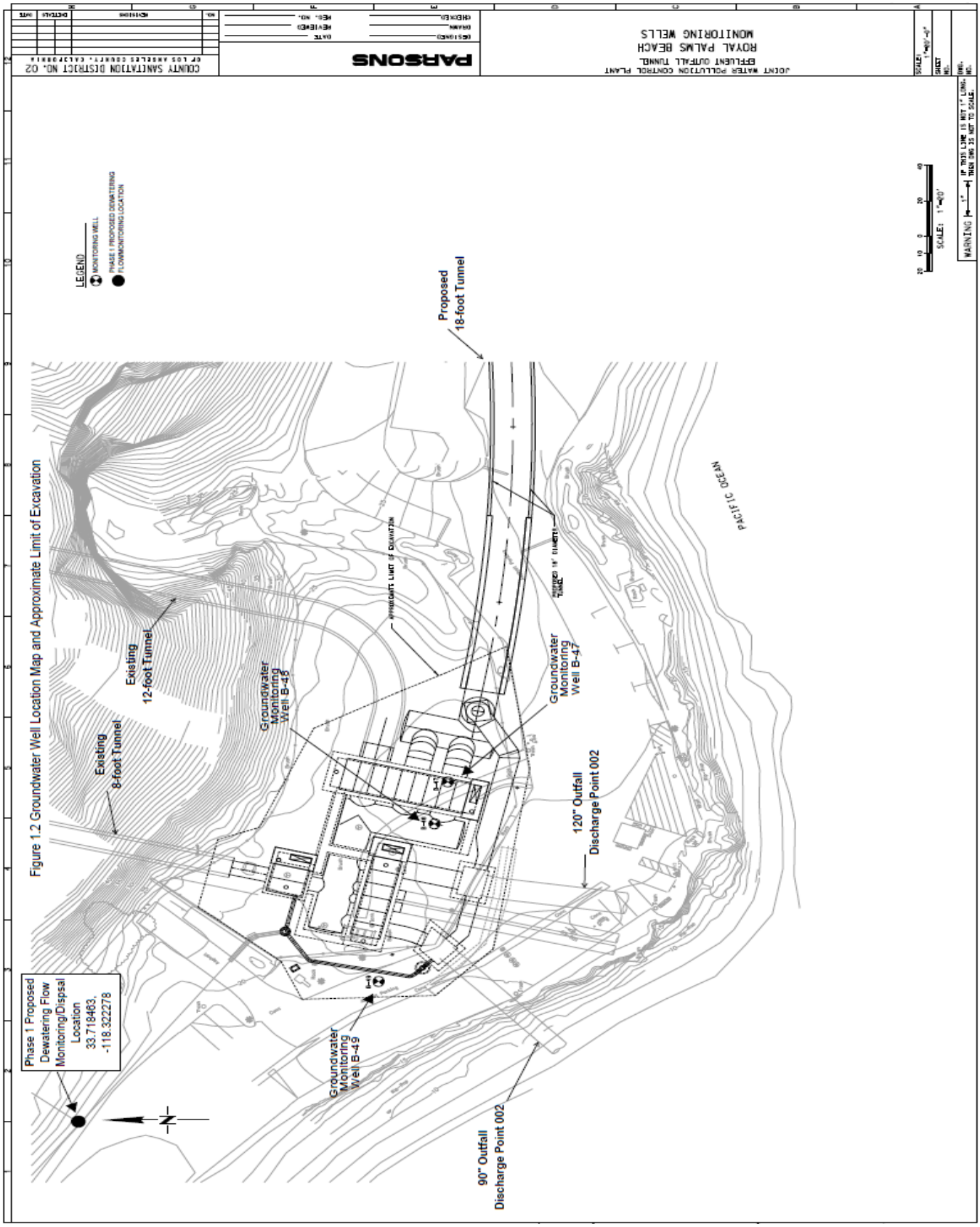
**Water Reclamation**
The treatment of wastewater to render it suitable for reuse, the transportation of treated wastewater to the place of use, and the actual use of treated wastewater for a direct beneficial use or controlled use that would not otherwise occur.

**Zone of Initial Dilution (ZID)**
Zone of Initial Dilution (ZID) means, for purposes of designating monitoring stations, the region within which initial dilution of the discharge in the receiving water occurs, and at the boundary of which initial dilution is completed.

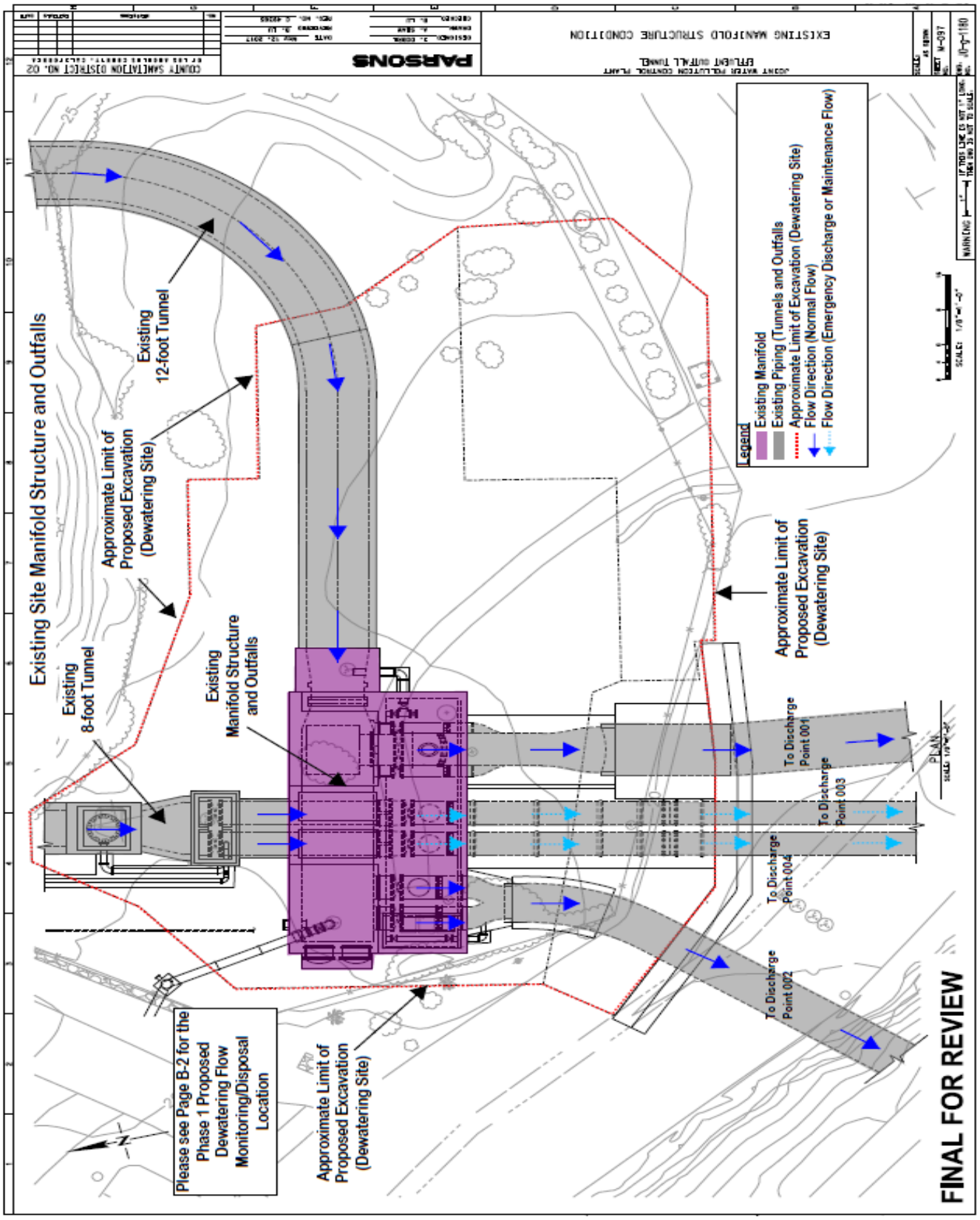
## ATTACHMENT B-1 – SITE LOCATION MAP



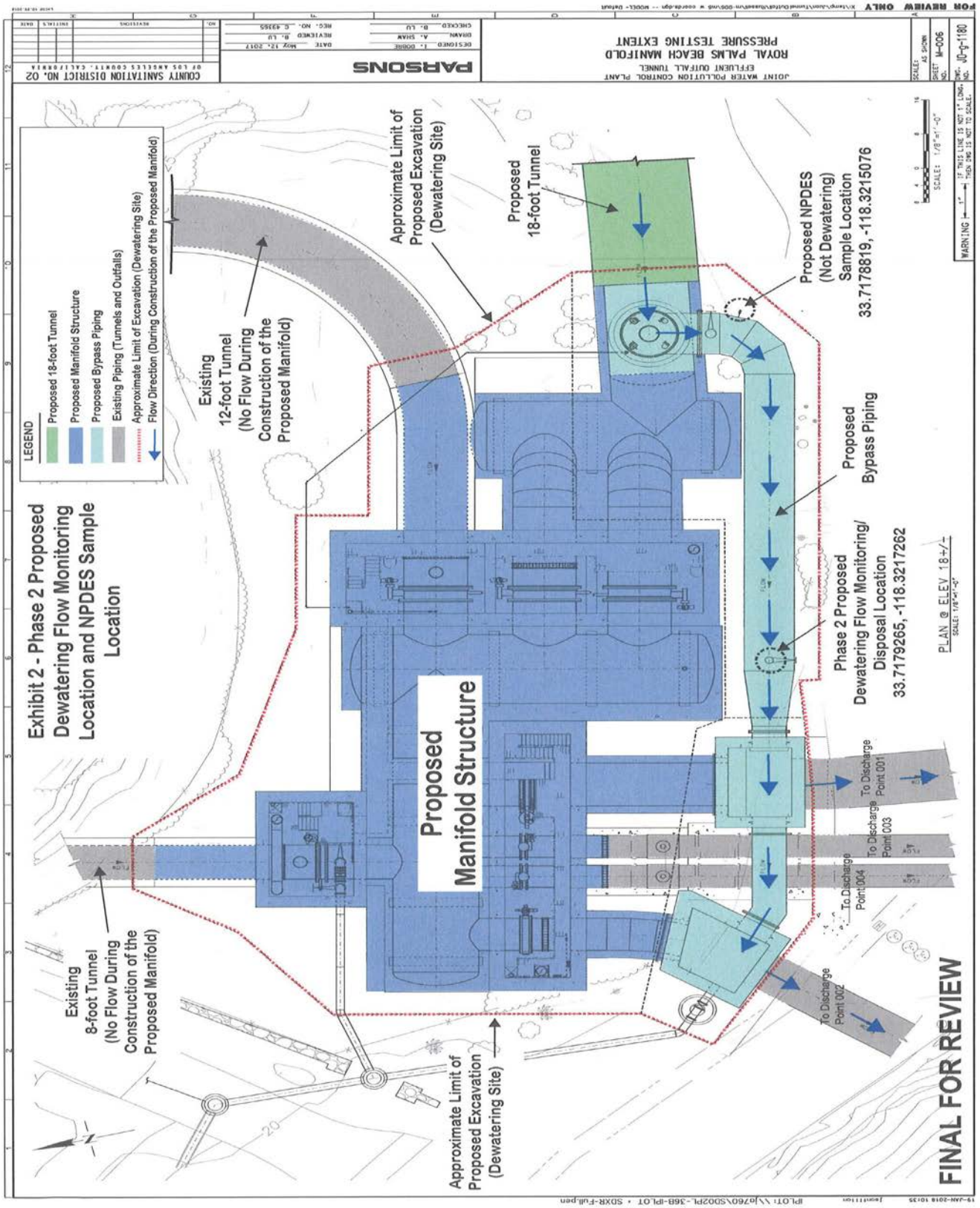
## ATTACHMENT B-2 – EXISTING MANIFOLD STRUCTURE



## ATTACHMENT C-1 – PROPOSED FLOW SCHEMATIC DURING PHASE I CONSTRUCTION



## ATTACHMENT C-2 – PROPOSED FLOW SCHEMATIC DURING PHASE II CONSTRUCTION



# ATTACHMENT D – STANDARD PROVISIONS

## I. STANDARD PROVISIONS – PERMIT COMPLIANCE

### A. Duty to Comply

1. The Discharger must comply with all of the terms, requirements, and conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof. (40 C.F.R. § 122.41(a); Water Code, §§ 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385.)

2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. § 122.41(a)(1).)

### B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 C.F.R. § 122.41(c).)

### C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. § 122.41(d).)

### D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 C.F.R. § 122.41(e).)

### E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 122.41(g).)

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 C.F.R. § 122.5(c).)

### F. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or their authorized representatives (including an authorized contractor acting as their

representative), upon the presentation of credentials and other documents, as may be required by law, to (33 U.S.C. § 1318(a)(B); 40 C.F.R. § 122.41(i); Water Code, §§ 13267, 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (33 U.S.C. § 1318(a)(B)(i); 40 C.F.R. § 122.41(i)(1); Water Code, §§ 13267, 13383);

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (33 U.S.C. § 1318(a)(B)(ii); 40 C.F.R. § 122.41(i)(2); Water Code, §§ 13267, 13383);

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (33 U.S.C. § 1318(a)(B)(ii); 40 C.F.R. § 122.41(i)(3); Water Code, §§ 13267, 13383); and

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (33 U.S.C. § 1318(a)(B)(ii); 40 C.F.R. § 122.41(i)(4); Water Code, §§ 13267, 13383.)

## G. Bypass

1. Definitions

   a. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility. (40 C.F.R. § 122.41(m)(1)(i).)

   b. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 C.F.R. § 122.41(m)(1)(ii).)

2. Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 C.F.R. § 122.41(m)(2).)

3. Prohibition of bypass. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless (40 C.F.R. § 122.41(m)(4)(i)):

   a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 C.F.R. § 122.41(m)(4)(i)(A));

   b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 C.F.R. § 122.41(m)(4)(i)(B)); and

   c. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 C.F.R. § 122.41(m)(4)(i)(C).)

4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three

conditions listed in Standard Provisions – Permit Compliance I.G.3 above. (40 C.F.R. § 122.41(m)(4)(ii).)

5. Notice

   a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass. As of December 21, 2020, all notices must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(m)(3)(i).)

   b. Unanticipated bypass. The Discharger shall submit a notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). As of December 21, 2020, all notices must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(m)(3)(ii).)

**H. Upset**

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 C.F.R. § 122.41(n)(1).)

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).)

2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 C.F.R. § 122.41(n)(3)):

   a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. § 122.41(n)(3)(i));

   b. The permitted facility was, at the time, being properly operated (40 C.F.R. § 122.41(n)(3)(ii));

   c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 C.F.R. § 122.41(n)(3)(iii)); and

   d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 C.F.R. § 122.41(n)(3)(iv).)

3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. § 122.41(n)(4).)

## II. STANDARD PROVISIONS – PERMIT ACTION

### A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 C.F.R. § 122.41(f).)

### B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 C.F.R. § 122.41(b).)

### C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 C.F.R. §§ 122.41(l)(3), 122.61.)

## III. STANDARD PROVISIONS – MONITORING

**A.** Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. § 122.41(j)(1).)

**B.** Monitoring must be conducted according to test procedures approved under 40 C.F.R. part 136 for the analyses of pollutants unless another method is required under 40 C.F.R. chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 C.F.R. part 136 for the analysis of pollutants or pollutant parameters or as required under 40 C.F.R. chapter 1, subchapter N. For the purposes of this paragraph, a method is sufficiently sensitive when:

1. The method minimum level (ML) is at or below the level of the most stringent effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either the method ML is at or below the level of the most stringent applicable water quality criterion for the measured pollutant or pollutant parameter or the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in the facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or
2. The method has the lowest ML of the analytical methods approved under 40 C.F.R. part 136 or required under 40 C.F.R. chapter 1, subchapter N for the measured pollutant or pollutant parameter.

In the case of pollutants or pollutant parameters for which there are no approved methods under 40 C.F.R. part 136 or otherwise required under 40 C.F.R. chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 C.F.R. §§ 122.21(e)(3),122.41(j)(4), 122.44(i)(1)(iv).)

## IV. STANDARD PROVISIONS – RECORDS

**A.** The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 C.F.R. § 122.41(j)(2).)

**B.** Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements (40 C.F.R. § 122.41(j)(3)(i));
2. The individual(s) who performed the sampling or measurements (40 C.F.R. § 122.41(j)(3)(ii));
3. The date(s) analyses were performed (40 C.F.R. § 122.41(j)(3)(iii));
4. The individual(s) who performed the analyses (40 C.F.R. § 122.41(j)(3)(iv));
5. The analytical techniques or methods used (40 C.F.R. § 122.41(j)(3)(v)); and
6. The results of such analyses. (40 C.F.R. § 122.41(j)(3)(vi).)

**C.** Claims of confidentiality for the following information will be denied (40 C.F.R. § 122.7(b)):

1. The name and address of any permit applicant or Discharger (40 C.F.R. § 122.7(b)(1)); and
2. Permit applications and attachments, permits and effluent data. (40 C.F.R. § 122.7(b)(2).)

## V. STANDARD PROVISIONS – REPORTING

### A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, State Water Board, or U.S. EPA within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or U.S. EPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Water Code, §§ 13267, 13383.)

### B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, V.B.5, and V.B.6 below. (40 C.F.R. § 122.41(k).)
2. All permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA). (40 C.F.R. § 122.22(a)(3).).
3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1));
    b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and

c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)

4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)

5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above 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." (40 C.F.R. § 122.22(d).)

6. Any person providing the electronic signature for documents described in Standard Provisions – V.B.1, V.B.2, or V.B.3 that are submitted electronically shall meet all relevant requirements of Standard Provisions – Reporting V.B, and shall ensure that all relevant requirements of 40 C.F.R. part 3 (Cross-Media Electronic Reporting) and 40 C.F.R. part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 C.F.R. § 122.22(e).)

## C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 C.F.R. § 122.41(l)(4).)

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board. As of December 21, 2016, all reports and forms must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J and comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(l)(4)(i).)

3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 C.F.R. part 136, or another method required for an industry-specific waste stream under 40 C.F.R. chapter 1, subchapter N, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Regional Water Board or State Water Board. (40 C.F.R. § 122.41(l)(4)(ii).)

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 C.F.R. § 122.41(l)(4)(iii).)

## D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 C.F.R. § 122.41(l)(5).)

**E. Twenty-Four Hour Reporting**

1. The Discharger shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A report shall also be provided within five working days of the time the Discharger becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

   For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (i.e., combined sewer overflow, sanitary sewer overflow, or bypass event), type of overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volume untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the event, and whether the noncompliance was related to wet weather.

   As of December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J. The reports shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. The Regional Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. § 122.41(l)(6)(i).)

2. The following shall be included as information that must be reported within 24 hours:

   a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)

   b. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)

3. The Regional Water Board may waive the above required written report on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. § 122.41(l)(6)(ii)(B).)

**F. Planned Changes**

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 C.F.R. § 122.41(l)(1)):

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 C.F.R. § 122.41(l)(1)(i)); or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 C.F.R. § 122.41(l)(1)(ii).)

**G. Anticipated Noncompliance**

The Discharger shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 C.F.R. § 122.41(l)(2).)

### H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall contain the information described in Standard Provision – Reporting V.E and the applicable required data in appendix A to 40 C.F.R. part 127. The Regional Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. § 122.41(l)(7).)

### I. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Water Board, or U.S. EPA, the Discharger shall promptly submit such facts or information. (40 C.F.R. § 122.41(l)(8).)

### J. Initial Recipient for Electronic Reporting Data

The owner, operator, or the duly authorized representative is required to electronically submit NPDES information specified in appendix A to 40 C.F.R. part 127 to the initial recipient defined in 40 C.F.R. section 127.2(b). U.S. EPA will identify and publish the list of initial recipients on its website and in the Federal Register, by state and by NPDES data group [see 40 C.F.R. section 127.2(c)]. U.S. EPA will update and maintain this listing. (40 C.F.R. § 122.41(l)(9).)

## VI. STANDARD PROVISIONS – ENFORCEMENT

**A.** The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13268, 13385, 13386, and 13387.

**B.** The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the CWA, is subject to a civil penalty not to exceed $25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the CWA, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent

conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions [40 C.F.R. section 122.41(a)(2)] [Water Code sections 13385 and 13387].

**C.** Any person may be assessed an administrative penalty by the Regional Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this CWA. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000 [40 C.F.R. section 122.41(a)(3)].

**D.** The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both [40 C.F.R. section 122.41(j)(5)].

**E.** The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both [40 C.F.R. section 122.41(k)(2)].

## VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

### A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Regional Water Board as soon as they know or have reason to believe (40 C.F.R. § 122.42(a)):

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 C.F.R. § 122.42(a)(1)):
    a. 100 micrograms per liter (µg/L) (40 C.F.R. § 122.42(a)(1)(i));
    b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(1)(ii));
    c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(1)(iii)); or
    d. The level established by the Regional Water Board in accordance with section 122.44(f). (40 C.F.R. § 122.42(a)(1)(iv).)
2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following “notification levels" (40 C.F.R. § 122.42(a)(2)):
    a. 500 micrograms per liter (µg/L) (40 C.F.R. § 122.42(a)(2)(i));

b. 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(2)(ii));

c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(2)(iii)); or

d. The level established by the Regional Water Board in accordance with section 122.44(f). (40 C.F.R. § 122.42(a)(2)(iv).)

# ATTACHMENT E – MONITORING AND REPORTING PROGRAM (CI-10371)

## CONTENTS



## TABLES

## ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP) (CI-10371)

Section 308 of the federal Clean Water Act (CWA) and sections 122.41(h), (j)-(*l*), 122.44(i), and 122.48 of title 40 of the Code of Federal Regulations (40 C.F.R.) require that all NPDES permits specify monitoring and reporting requirements. Water Code sections 13267 and 13383 also authorize the Regional Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. This MRP establishes monitoring, reporting, and recordkeeping requirements that implement the federal and California laws and/or regulations.

### I. GENERAL MONITORING PROVISIONS

**A.** Effluent sampling stations shall be established for the points of discharge (Discharge Point 001 [Latitude 33.6892°, Longitude -118.3167°] and Discharge Point 002 [Latitude 33.7008°, Longitude -118.3381°]) during Phase I and Phase II construction, and shall be located where representative samples of that effluent can be obtained.

**B.** The Regional Water Board shall be notified in writing of any changes in the sampling stations once established or in the methods for determining the quantities of pollutants in the individual waste streams.

**C.** Effluent samples shall be taken downstream of any addition to treatment works and prior to mixing with the receiving waters or effluent streams from another facility.

**D.** Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. sections 136.3, 136.4, and 136.5 (revised May 18, 2012); or, where no methods are specified for a given pollutant, by methods approved by this Regional Water Board or the State Water Board.

**E.** Laboratory Certification. Laboratories analyzing monitoring samples shall be certified by the State Water Board, Drinking Water Division (DDW), Environmental Laboratory Accreditation Program (ELAP) in accordance with the provisions of Water Code section 13176, and must include quality assurance/quality control data with their reports. A copy of the laboratory certification shall be provided each time a new certification and/or renewal of the certification is obtained from ELAP.

**F.** Each monitoring report must affirm in writing that "*all analyses were conducted at a laboratory certified for such analyses by the State Water Board, Division of Drinking Water, Environmental Laboratory Accreditation Program or approved by the Executive Officer and in accordance with current U.S. EPA guideline procedures or as specified in this MRP*".

**G.** For any analyses performed for which no procedure is specified in the U.S. EPA guidelines or in the MRP, the constituent or parameter analyzed and the method or procedure used must be specified in the monitoring report.

**H.** The monitoring reports shall specify the analytical method used, the Method Detection Limit (MDL), and the Minimum Level (ML) [i.e. the applicable reporting level (RL) or reported minimum level (ML)] for each pollutant. For the purpose of reporting compliance with numerical limitations, performance goals, and receiving water limitations, analytical data shall be reported by one of the following methods, as appropriate:

1. An actual numerical value for sample results greater than or equal to the ML; or
2. "Detected, but Not Quantified (DNQ)" if results are greater than or equal to the laboratory's MDL but less than the ML; or,
3. "Not-Detected (ND)" for sample results less than the laboratory's MDL with the MDL indicated for the analytical method used.

Analytical data reported as "less than" for the purpose of reporting compliance with permit limitations shall be the same or lower than the permit limit(s) established for the given parameter.

**I.** The ML represents the lowest quantifiable concentration in a sample based on the proper application of all method-based analytical procedures and the absence of any matrix interference. When all specific analytical steps are followed and after appropriate application of method specific factors, the ML also represents the lowest standard in the calibration curve for that specific analytical technique. When there is deviation from the analytical method for dilution or concentration of samples, other factors are applied to the ML depending on the sample preparation. The resulting value is the reported ML. The Discharger shall instruct its laboratories to establish calibration standards so that the ML (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

**J.** The MLs employed for effluent analyses to determine compliance with effluent limitations shall be lower than the ML included in Appendix II of the Ocean Plan and the effluent limitations and/or performance goals established in this Order for a given parameter as per the sufficiently sensitive regulations at 40 C.F.R. section 122.44(i)(1)(iv). If the ML value allowable by current technology is not below the effluent limitations, then the lowest ML value and its associated analytical method shall be selected for compliance purposes. At least once a year in the quarterly reports, the Discharger shall submit a list of the analytical methods employed for each test and associated laboratory QA/QC procedures.

**K.** The MLs employed for effluent analyses not associated with determining compliance with effluent limitations in this Order shall be lower than the lowest applicable water quality objective, for a given parameter as per the sufficiently sensitive regulations at 40 C.F.R. section 122.44(i)(1)(iv). Water quality objectives for parameters may be found in Table 1 of the Ocean Plan. If the ML value allowable by current technology is not below the water quality objective, then the lowest ML value and its associated analytical method shall be selected for compliance purposes. At least once a year, the Discharger shall submit a list of the analytical methods employed for each test, the associated laboratory QA/QC procedures, reporting levels (RLs), and method detection limits (MDLs).

Where no U.S. EPA-approved method exists, the Regional Water Board, in consultation with the State Water Board Quality Assurance Program, shall establish a ML that is not contained in Appendix II of the Ocean Plan to be included in the Discharger's permit in any of the following situations:

1. When the pollutant under consideration is not included in Appendix II of the Ocean Plan;
2. When the Discharger and Regional Water Board agree to include in the permit a test method that is more sensitive than that specified in 40 C.F.R. Part 136 (revised May 18, 2012);
3. When the Discharger agrees to use an ML that is lower than that listed in Appendix II of the Ocean Plan;
4. When the Discharger demonstrates that the calibration standard matrix is sufficiently different from that used to establish the ML in Appendix II of the Ocean Plan, and proposes an appropriate ML for their matrix; or,
5. When the Discharger uses a method whose quantification practices are not consistent with the definition of an ML. Examples of such methods are the U.S. EPA-approved Method 1613 for dioxins and furans, Method 1624 for volatile organic substances, and Method

1625 for semi-volatile organic substances. In such cases, the Discharger, the Regional Water Board, and the State Water Board shall agree on a lowest quantifiable limit and that limit will substitute for the ML for reporting and compliance determination purposes.

**L.** Water/wastewater samples must be analyzed within allowable holding time limits as specified in 40 C.F.R. section 136.3. All QA/QC items must be run on the same dates the samples were actually analyzed, and the results shall be reported in the Regional Water Board format, when it becomes available, and submitted with the laboratory reports. Proper chain of custody procedures must be followed, and a copy of the chain of custody shall be submitted with the report.

**M.** Field analyses with short sample holding times such as pH, total residual chlorine, and temperature, may be performed using properly calibrated and maintained portable instruments by trained personnel acting on the Discharger's behalf, using methods in accordance with 40 C.F.R. part 136. All field instruments must be calibrated per manufacturer's instructions. A manual containing the standard operating procedures for all field analyses, including records of personnel proficiency training, instruments calibration and maintenance, and quality control procedures shall be maintained onsite, and shall be available for inspection by Regional Water Board staff. Information including instrument calibration, time of sample collection, time of analysis, name of analyst, quality assurance/quality control data, and measurement values shall be clearly documented during each field analysis and submitted to the Regional Water Board as part of the corresponding quarterly monitoring report.

**N.** All analyses shall be accompanied by the chain of custody, including but not limited to date and time of sampling, sample identification, and name of person who performed sampling, date of analysis, name of person who performed analysis, QA/QC data, method detection limits, analytical methods, copy of laboratory certification, and a perjury statement executed by the person responsible for the laboratory.

**O.** The Discharger shall calibrate and perform maintenance procedures on all monitoring instruments and to insure accuracy of measurements, or shall insure that both equipment activities will be conducted.

**P.** The Discharger shall have, and implement, an acceptable written quality assurance (QA) plan for laboratory analyses. Unless otherwise specified in the analytical method, duplicate samples must be analyzed at a frequency of 5% (1 in 20 samples) with at least one if there are fewer than 20 samples in a batch. A batch is defined as a single analytical run encompassing no more than 24 hours from start to finish. A similar frequency shall be maintained for analyzing spiked samples.

**Q.** For parameters that both average monthly and maximum daily limits are specified and the monitoring frequency is less than four times a month, the following shall apply. If an analytical result is greater than the average monthly limit, the Discharger may collect four additional samples at approximately equal intervals during the month, until compliance with the average monthly limit has been demonstrated. All five analytical results shall be reported in the monitoring report for that month, or 45 days after results for the additional samples were received, whichever is later. In the event of noncompliance with an average monthly effluent limitation, the sampling frequency for that constituent may be increased to weekly and may continue at this level until compliance with the average monthly effluent limitation has been demonstrated. The Discharger shall provide for the approval of the Executive Officer a program to ensure future compliance with the average monthly limit.

**R.** In the event wastes are transported to a different disposal site during the reporting period, the following shall be reported in the monitoring report:

1. Types of wastes and quantity of each type;
2. Name and address for each hauler of wastes (or method of transport if other than by hauling); and
3. Location of the final point(s) of disposal for each type of waste.

If no wastes are transported off-site during the reporting period, a statement to that effect shall be submitted.

**S.** Each monitoring report shall state whether or not there was any change in the discharge as described in the Order during the reporting period.

**T.** The collection and disposal methods for the construction dewatering discharge included in this Order are based on information available at the time of permit issuance and are subject to change during construction. If there are changes to the collection and disposal methods of the discharge other than that specified in this Order, the Discharger is required to notify and obtain approval from the Regional Water Board Executive Officer at least 30 days prior to their implementations.

## II. MONITORING LOCATIONS

The Discharger shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order in accordance with Table E-1. The North latitude and West longitude information in Table E-1 are approximate for administrative purposes.

**Table E-1. Monitoring Station Locations**

| Discharge Point Name | Monitoring Location Name | Monitoring Location Description |
|---|---|---|
| 001<br>002 | EFF-001A | At a location where a representative sample of the groundwater discharge generated from construction dewatering can be obtained prior to discharge to the receiving water or mixing with any other water or wastes during Phase I construction[1]<br>[Latitude: 33.7185° ; Longitude: -118.3222°][2] |
| 001<br>002 | EFF-001B | At a location where a representative sample of the groundwater discharge generated from construction dewatering can be obtained prior to discharge to the receiving water or mixing with any other water or wastes during Phase II construction[1]<br>[Latitude: 33.7179° ; Longitude: -118.3215°][2] |

[1] Construction at the White Point Outfall Manifold will occur in two phases. During Phase I, groundwater discharge generated from construction will be discharged to the existing 18" connection at the existing manifold structure. During Phase II, groundwater discharge generated from construction dewatering will be discharged via a 12" connection on the bypass (to be constructed). Therefore, monitoring locations for the effluent during these construction phases will be different.

[2] These coordinates represent proposed monitoring locations for the Phases I and II construction periods at the time of permit issuance, and are subject to change depending on their feasibilities during actual construction. The Discharger is required to notify and obtain approval from the Regional Water Board Executive Officer prior to implementing any changes to the proposed monitoring locations for EFF-001A and EFF-001B. The Discharger shall also document the implementation of any changes to the effluent monitoring locations in the corresponding quarterly SMRs.

## III. INFLUENT MONITORING REQUIREMENTS – NOT APPLICABLE

## IV. EFFLUENT MONITORING REQUIREMENTS

### A. Monitoring Locations EFF-001A and EFF-001B

1. The Discharger shall monitor groundwater discharges generated from construction dewatering at the White Point Outfall Manifold collectively at Monitoring Stations EFF-001A (during Phase I construction) and EFF-001B (during Phase II construction) as follows. If more than one analytical test method is listed for a given parameter, the Discharger must select from the listed methods and corresponding Minimum Levels:

**Table E-2. Effluent Monitoring at Monitoring Locations EFF-001A and EFF-001B**

| Parameter | Units | Sample Type | Minimum Sampling Frequency | Required Analytical Test Method |
|---|---|---|---|---|
| Effluent Monitoring Location Coordinates (Latitude, Longitude) | Degree | -- | [1] | -- |
| Flow[2] | Gallons/Day | Meter | Continuous | -- |
| Total Suspended Solids (TSS) [3] | mg/L | Grab/24-hour Composite[4] | 1/Month[5] | [6] |
| Oil and Grease[3] | mg/L | Grab | 1/Month[5] | [6] |
| pH | standard units | Grab | 1/Month[5] | [6] |
| Settleable Solids | mL/L | Grab/24-hour Composite[4] | 1/Month[5] | [6] |
| Temperature | °F | Grab | 1/Month[5] | [6] |
| Turbidity | NTU | Grab/24-hour Composite[4] | 1/Month[5] | [6] |
| Total Petroleum Hydrocarbons (TPH) as Gasoline ($C_4$-$C_{12}$) | µg/L | Grab | 1/Quarter[7] | U.S. EPA Method 503.1 or 8015B |
| TPH as Diesel ($C_{13}$-$C_{22}$) | µg/L | Grab | 1/Quarter[7] | U.S. EPA Method 503.1, 8015B, or 8270 |
| TPH as Waste Oil ($C_{23+}$) | µg/L | Grab | 1/Quarter[7] | U.S. EPA Method 503.1, 8015B, or 8270 |
| Biochemical Oxygen Demand (BOD) (5-day @ 20°C) | mg/L | Grab/24-hour Composite[4] | 1/Quarter[7] | [6] |
| Ammonia Nitrogen, Total (as N) | mg/L as N | Grab/24-hour Composite[4] | 1/Quarter[7] | [6] |
| Nitrate (as N) | mg/L as N | Grab/24-hour Composite[4] | 1/Quarter[7] | [6] |
| Chronic Toxicity | Pass or Fail and % Effect (TST) | Grab/24-hour Composite[4] | 1/Quarter[7] | [8] |
| Fecal Coliform | CFU/100 mL or MPN/100mL | Grab | 1/Quarter[7] | [6,9] |
| Enterococci | CFU/100 mL or MPN/100mL | Grab | 1/Quarter[7] | [6,9] |
| Residual Chlorine | mg/L | Grab | 1/Quarter[7] | [6] |

| Parameter | Units | Sample Type | Minimum Sampling Frequency | Required Analytical Test Method |
|---|---|---|---|---|
| DDT[3,10] | µg/L | Grab/24-hour Composite[4] | 1/Quarter | [6] |
| PCB (as Aroclors) [3,10,11] | µg/L | Grab/24-hour Composite[4] | 1/Quarter | [6] |
| PCB (as Congeners)[3, 10,12] | µg/L | Grab/24-hour Composite[4] | 1/Year | [6] |
| Radioactivity (Including gross alpha, gross beta, combined radium-226 and radium-228, tritium, strontium-90 and uranium) | pCi/L | Grab/24-hour Composite[4] | 1/Quarter[7] | [13] |
| Remaining Ocean Plan Table 1 Pollutants | µg/L | Grab/24-hour Composite[4] | 1/Quarter[7] | [5] |

[1] The latitude and longitude of the effluent monitoring location for Discharge Points 001 and 002 shall be reported with the corresponding quarterly SMR each time there is a change to the coordinates. The Discharger is required to notify and obtain approval from the Regional Water Board Executive Officer prior to implementing any changes to the proposed monitoring locations for EFF-001A and EFF-001B

[2] Flow should be recorded continuously, and the total daily flow, monthly average flow, and instantaneous flow shall be reported.

[3] The mass emission (lbs/day) for the discharge shall be calculated and reported using the limitation concentration and the actual flow rate measured at the time of discharge, using the formula:

M = 8.34 x Ce x Q

where: M = mass discharge for a pollutant, lbs/day
Ce = Reported concentration for a pollutant in mg/L
Q = actual discharge flow rate (MGD).

[4] For these parameters, the Discharger has the options to either:

a) collect a grab sample; or
b) collect a flow-weighted composite sample for the discharge. See Attachment A for definition of a composite sample

However, grab samples **must** be collected where a composite sample for the parameter is not feasible as specified in the respective analytical method in 40 C.F.R. Part 136 or in other U.S. EPA methods.

[5] If there is no discharge to surface waters during the calendar month, the Discharger shall indicate in the corresponding quarterly monitoring report that no effluent was discharged to surface water during the monthly monitoring period.

[6] Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136; the methods chosen must meet the lowest MLs specified in Appendix II of the Ocean Plan, and be sufficiently sensitive to determine compliance with applicable effluent limitations and/or water quality criteria. Where no methods are specified for a given pollutant, the methods must be approved by the Regional Water Board or the State Water Board. If more than one analytical test method is listed for a given parameter, the Discharger must select from the listed methods and corresponding ML necessary to demonstrate compliance with applicable effluent limitations.

[7] Monitoring for these parameters are required once per quarter during the first two years of discharge; the sampling frequency may be reduced to semiannually after the second year upon approval from the Regional Water Board. If there is no discharge to surface waters during the quarterly monitoring period, the Discharger shall indicate in the corresponding quarterly monitoring reports that no effluent was discharged to surface water during the reporting period.

[8] Refer to section V, Whole Effluent Toxicity Testing Requirements.

[9] Sample dilutions for fecal coliform bacterial analyses shall range from 2 to 16,000. Sample dilutions for *Enterococcu*s bacterial analyses shall range from 1 to 10,000 per 100 mL. Each test method number or name (e.g., U.S. EPA publication U.S. EPA 600/4-85/076*, Test Methods for Escherichia coli and Enterococci in Water by Membrane Filter Procedure*) used for each analysis shall be specified and reported with the results. Test

methods used for coliforms (fecal) shall be those presented in Table 1A of 40 C.F.R. Part 136, unless alternate methods have been approved in advance by U.S. EPA pursuant to 40 C.F.R. Part 136. Test methods used for enterococci shall be those presented in U.S. EPA publication U.S. EPA 600/4-85/076, *Test Methods for Escherichia coli and Enterococci in Water by Membrane Filter Procedure* or any improved method determined by the Regional Water Board to be appropriate.

[10] The annual mass emissions for this parameter shall also be calculated and reported. The annual mass emission shall be calculated using the arithmetic average of available monthly mass emissions as follows:

$$Annual\ Mass\ Emission, \frac{g}{year} = \left( \frac{\sum Monthly\ Mass\ Emission, \frac{g}{month}}{Number\ of\ Monthly\ Mass\ Emissions\ Calculated} \right) * 12 \frac{months}{year}$$

$$Monthly\ Mass\ Emission, \frac{kg}{month} = \left(\frac{0.003785}{N}\right) * \left(\sum_{i=1}^{N} Q_i C_i\right) * 30.5 = \frac{0.1154425}{N} * \left(\sum_{i=1}^{N} Q_i C_i\right)$$

$C_i$ = DDT or PCB concentration of each individual sample (ng/L)

$Q_i$ = Discharger flow rate on date of sample (MGD)

N = Number of samples collected during the month

[11] PCBs as Aroclors shall mean the sum of Aroclor-1016, 1221, 1232, 2342, 1248, 1254, and 1260 when monitoring using U.S. EPA Method 608.

[12] PCBs as Congeners mean the sum of 41 congeners when monitoring using U.S. EPA proposed method 1668c. PCB-18, 28, 37, 44, 49, 52, 66, 70, 74, 77, 81, 87, 99, 101, 105,110, 114, 118, 119, 123, 126, 128, 138, 149, 151, 153, 156, 157, 158, 167, 168, 169, 170, 177, 180, 183, 187, 189, 194, 201, and 206 shall be individually quantified (or quantified as mixtures of isomers of a single congener in co-elutions as appropriate).

[13] Analyze these radiochemicals by the following U.S. EPA methods:

| | |
|---|---|
| Method 900.0 for gross alpha and gross beta; | Method 903.0 or 903.1 for radium-226; |
| Method 904.0 for radium-228; | Method 906.0 for tritium; |
| Method 905.0 for strontium-90; | Method 908.0 for uranium. |

Analysis for combined radium-226 & 228 shall be conducted only if gross alpha results for the same sample exceed 15 pCi/L or beta greater than 50 pCi/L. If radium-226 & 228 exceeds 5 pCi/L, analyze for tritium, strontium-90 and uranium. A statement certifying that radioactive pollutants were not added to the discharge may be submitted in lieu of monitoring.

## V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

### A. Chronic Toxicity Testing

1. Discharge In-stream Waste Concentration (IWC) for Chronic Toxicity

   The chronic toxicity IWC for Discharge Points 001 and 002 as measured collectively at Effluent Monitoring Location EFF-001A (during Phase I construction) and at Effluent Monitoring Location EFF-001B (during Phase II construction) is 0.60 percent effluent.

2. Sample Volume and Holding Time

   The total sample volume shall be determined by the specific toxicity test method used. Sufficient sample volume shall be collected to perform the required toxicity test. For the receiving water, sufficient sample volume shall also be collected during accelerated monitoring for subsequent TIE studies, if necessary, at each sampling event. All toxicity tests shall be conducted as soon as possible following sample collection. No more than 36 hours shall elapse before the conclusion of sample collection and test initiation.

3. Chronic Marine Species and Test Methods

   If effluent samples are collected from outfalls discharging to receiving waters with salinity >1 ppt, the Discharger shall conduct the following chronic toxicity tests on effluent samples,

at the in-stream waste concentration for the discharge, in accordance with species and test methods in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (U.S. EPA/600/R-95/136, 1995). Artificial sea salts or hypersaline brine shall be used to increase sample salinity if needed. In no case shall these species be substituted with another test species unless written authorization from the Executive Officer is received.

a. A static renewal toxicity test with the topsmelt, *Atherinops affinis* (Larval Survival and Growth Test Method 1006.0).

b. A static non-renewal toxicity test with the red abalone, *Haliotis rufescens* (Larval Shell Development Test Method).

c. A static non-renewal toxicity test with the giant kelp, *Macrocystis pyrifera* (Germination and Growth Test Method 1009.0).

The Discharger may use the same species that was determined to be the most sensitive species for the Joint Water Pollution Control Plant (JWPCP) effluent under NPDES No. CA0053813 for routine chronic toxicity monitoring of this discharge. Given the purpose of the chronic toxicity testing is to test the toxicity of the effluent in the receiving water after mixing, and the volume of groundwater from the construction dewatering in the effluent from the ocean outfalls is low (maximum permitted flow of 1.44 million gallons per day) compared with the volume of JWPCP effluent being discharged to the same ocean outfalls (maximum permitted flow of 400 million gallons per day), the use of the same species from the JWPCP effluent sensitive species screening testing is acceptable.

4. Quality Assurance and Additional Requirements

Quality assurance measures, instructions, and other recommendations and requirements are found in the test methods manual previously referenced. Additional requirements are specified below.

a. The discharge is subject to determination of "Pass" or "Fail" from a chronic toxicity test using the Test of Significant Toxicity statistical t-test approach described in the *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document,* Appendix A, Figure A-1, and Table A-1, and Appendix B, Table B-1(U.S. EPA 833-R-10-003, 2010). The null hypothesis ($H_o$) for the TST statistical approach is: Mean discharge IWC response ≤ 0.75 x Mean control response. A test result that rejects this null hypothesis is reported as "Pass." A test result that does not reject this null hypothesis is reported as "Fail." The relative "Percent Effect" at the discharge IWC is defined and reported for each toxicity test as: ((Mean control response - Mean discharge IWC response) / Mean control response)) x 100%. This is a t-test (formally Student's t-Test), a statistical analysis comparing two sets of replicate observations – in the case of WET, only two test concentrations (i.e. a control and IWC). The purpose of this statistical test is to determine if the means of the two sets of observations are different (i.e. if the IWC or receiving water concentration differs from the control (the test result is "Pass" or "Fail")). The Welch's t-test employed by the TST statistical approach is an adaptation of Student's t-test and is used with two samples having unequal variances.

b. If the effluent toxicity test does not meet all test acceptability criteria (TAC) specified in the referenced test method *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (U.S. EPA/600/R-95/136, 1995) (see Table E-3 below), then the Discharger must re-sample and re-test within 14 days.

**Table E-3. U.S. EPA Test Method and Test Acceptability Criteria**

| Species & U.S. EPA Test Method Number | Test Acceptability Criteria (TAC) |
|---|---|
| Topsmelt, *Atherinops affinis,*<br>Larval Survival and Growth Test<br>Method 1006.0. (Table 3 of Test Method) | (1) The mean survival of larvae must be at least 80% in the controls.<br><br>(2) If the test starts with 9-day old larvae, the mean weight per larva must exceed 0.85 mg in the reference and brine controls; the mean weight of preserved larvae must exceed 0.72 mg.<br><br>(3) The $LC_{50}$ for survival must be within two standard deviations of the control chart mean for the laboratory. The $LC_{50}$ for survival with copper must be <205 µg/L.<br><br>(4) The "minimum significant difference" (%MSD) of <25% relative to the control for survival for the reference toxicant test. The (%MSD) of <50% relative to the control for growth for the reference toxicant test. |
| Red Abalone, *Haliotis rufescens,*<br>Larval Shell Development Test Method<br>(Table 3 of Test Method) | (1) The mean larval normality must be at least 80% in the controls.<br><br>(2) The response from 56 µg/L zinc treatment must be significantly different from the control response.<br><br>(3) The minimum significant difference (%MSD) is <20% relative to the control for the reference toxicant. |
| Giant Kelp, *Macrocystis pyrifera,*<br>Germination and Growth Test Method 1009.0<br>(Table 3 of Test Method) | (1) Mean control germination must be at least 70% in the controls.<br><br>(2) Mean germination-tube length in the controls must be at least 10 µm in the controls.<br><br>(3) The germination-tube growth NOEC must be below 35 µg/liter in the reference toxicant test.<br><br>(4) The minimum significant difference (%MSD) is <20% relative to the control for both germination and germ-tube length in the reference toxicant test. |

c. Dilution water and control water, including brine controls, shall be 1-µm-filtered uncontaminated natural seawater, hypersaline brine prepared using uncontaminated natural seawater, or laboratory water prepared and used as specified in the test methods manual. If dilution water and control water is different from test organism culture water, then a second control using culture water shall also be used.

d. Monthly reference toxicant testing is sufficient. All reference toxicant test results should be reviewed and reported using the $EC_{25}$. $EC_{25}$ is a point estimate of the toxicant concentration that would cause an observable adverse effect (e.g. death, immobilization, or serious incapacitation) in 25 percent of the test organisms.

e. The Discharger shall perform toxicity tests on final effluent samples. Chlorine and ammonia shall not be removed from the effluent sample prior to toxicity testing, unless explicitly authorized under this section of the MRP and the rationale is explained in the Fact Sheet (Attachment F).

5. Preparation of an Initial Investigation Toxicity Reduction Evaluation (TRE) Work Plan

The Discharger shall prepare and submit a generic initial investigation TRE work plan to be ready to respond to toxicity events within 90 days of the permit effective date for Executive Officer approval. If the Executive Officer does not disapprove the work plan within 60 days, the work plan shall become effective. This work plan shall describe the steps that the Discharger intends to follow if toxicity is detected. The Discharger shall review and update this work plan as necessary so it remains current and applicable to the discharge. At a minimum the work plan shall include:

a. A description of the investigation and evaluation techniques that will be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.

b. A description of the Facility's methods of maximizing in-house treatment efficiency and good housekeeping practices, and a list of all chemicals used in the operation of the Facility; and,

c. If a TIE is necessary, an indication of the person who would conduct the TIEs (i.e., an in-house expert or an outside contractor).

6. Accelerated Monitoring Schedule for Maximum Daily Single Result: "Fail."

The Maximum Daily single result shall be used to determine if accelerated testing needs to be conducted. Once the Discharger becomes aware of this result, the Discharger shall implement an accelerated monitoring schedule within 5 calendar days of the receipt of the result. However, if the sample is contracted out to a commercial laboratory, the Discharger shall ensure that the first of four accelerated monitoring tests is initiated within seven calendar days of the Discharger becoming aware of the result. The accelerated monitoring schedule shall consist of four toxicity tests (including the discharge IWC), conducted at approximately two-week intervals, over an eight-week period; in preparation for the TRE process and associated reporting, these results shall also be reported using the $EC_{25}$. If each of the accelerated toxicity tests results in "Pass," the Discharger shall return to routine monitoring for the next monitoring period. If one of the accelerated toxicity tests results in "Fail," the Discharger shall immediately implement the TRE Process conditions set forth below.

7. Toxicity Reduction Evaluation (TRE) Process

In the event of a toxicity test resulting in “Fail”, the Permittee shall immediately implement the TRE process. During the TRE Process, effluent monitoring shall resume and TST results (“Pass” or “Fail” and percent effect) for chronic toxicity tests shall be reported to satisfy the chronic toxicity monitoring requirement.

a. Preparation and Implementation of Detailed TRE Work Plan. The Discharger shall immediately initiate a TRE and, within 15 days, submit to the Executive Officer a Detailed TRE Work Plan, which shall follow the generic Initial Investigation TRE Work Plan revised as appropriate for this toxicity event. It shall include the following information, and comply with additional conditions set by the Executive Officer:

i. Further actions by the Discharger to investigate, identify, and correct the causes of toxicity.

ii. Actions the Discharger will take to mitigate the effects of the discharge and prevent the recurrence of toxicity.

iii. A schedule for these actions, progress reports, and the final report.

b. TIE Implementation. The Discharger may initiate a TIE as part of a TRE to identify the causes of toxicity using the same species and test method and, as guidance, U.S. EPA manuals: *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures* (U.S. EPA/600/6-91/003, 1991); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (U.S. EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (U.S. EPA/600/R-92/081 , 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (U.S. EPA/600/R-96-054, 1996). The TIE should be conducted on the species demonstrating the most sensitive toxicity response.

c. Many recommended TRE elements parallel required or recommended efforts for source control, pollution prevention, and storm water control programs. TRE efforts should be coordinated with such efforts. As toxic substances are identified or characterized, the Discharger shall continue the TRE by determining the sources and evaluating alternative strategies for reducing or eliminating the substances from the discharge. All reasonable steps shall be taken to reduce toxicity to levels consistent with toxicity evaluation parameters.

d. The Discharger shall continue to conduct routine effluent monitoring for compliance determination purposes while the TIE and/or TRE is taking place. Additional accelerated monitoring and TRE work plans are not required once a TRE has begun.

e. The Regional Water Board recognizes that toxicity may be episodic and identification of causes and reduction of sources of toxicity may not be successful in all cases. The TRE may be ended at any stage if monitoring finds there is no longer toxicity.

8. Reporting

The Self-Monitoring Report (SMR) shall include a full laboratory report for each toxicity test. This report shall be prepared using the format and content of the test methods manual chapter called Report Preparation, and shall include:

a. The valid toxicity test results for the TST statistical approach, reported as "Pass" or "Fail" and "Percent Effect" at the chronic toxicity IWC for the discharge. All toxicity test results (whether identified as valid or otherwise) conducted during the calendar month shall be reported on the SMR due date specified in Table E-4.

b. Summary water quality measurements for each toxicity test (e.g. pH, dissolved oxygen, temperature, conductivity, hardness, salinity, chlorine, ammonia).

c. The statistical analysis used in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* Appendix A, Figure A-1 and Table A-1, and Appendix B, Table B-1 (U.S. EPA 833-R-10-003, 2010).

d. TRE/TIE results. The Executive Officer shall be notified no later than 30 days from completion of each aspect of TRE/TIE analyses. Prior to completion of the final TIE/TRE report, the Discharger shall provide status updates in the monthly monitoring reports, indicating which TIE/TRE steps are underway and which steps have been completed.

e. Statistical program (e.g., TST calculator, Comprehensive Environmental Toxicity Information System (CETIS), etc.) output results, including graphical plots, for each toxicity test.

f. Graphical plots and tabular data clearly showing the laboratory's performance of the reference toxicant, for each solution, for the previous 20 tests and the laboratory's performance of the control mean, control standard deviation, and control coefficient of variation, for each solution, for the previous 12-month period.

g. Any additional QA/QC documentation or any additional chronic toxicity-related information, upon written request of the Regional Water Board Chief Deputy Executive Officer or Executive Officer.

## VI. LAND DISCHARGE MONITORING REQUIREMENTS- NOT APPLICABLE

## VII. RECYCLING MONITORING REQUIREMENT – NOT APPLICABLE

## VIII. RECEIVING WATER MONITORING REQUIREMENTS

The Facility discharges through the same discharge locations (Discharge Points 001 and 002) as JOS's Joint Water Pollution Control Plant (JWPCP) regulated by the JWPCP's NPDES Permit No. CA0053813 (Order No. R4-2017-0180). JOS owns and operates both the JWPCP and the Facility regulated by this Order. Therefore, JOS's compliance with the receiving water monitoring requirements enumerated in the Monitoring and Reporting Program CI-1758 under JWPCP's current NPDES permit (including participation in regional monitoring programs and inspections of the outfall and diffuser structures) will satisfy the receiving water monitoring requirements for this Order.

## IX. OTHER MONITORING REQUIREMENTS

### A. Rainfall Monitoring

The Discharger shall measure and record the rainfall on each day of the month at the Facility. If no rainfall measurement data is available at the Facility, the Discharger may submit data obtained from the nearest city/county operated rain gauge monitoring station. The location of the rain gauge utilized and the distance from the Facility and any other information shall be included in the monitoring report for that quarter.

## X. REPORTING REQUIREMENTS

### A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

2. If there is no discharge during any reporting period, the Discharger shall indicate under penalty of perjury in the corresponding monitoring report that no effluent was discharged to surface water during the reporting period.

3. If the Discharger conducts monitoring more frequently than required by this Order using approved analytical methods, the results of those analyses shall be included in the monitoring report. These results shall be reflected in the calculation of the average (or median) used in demonstrating compliance with this Order.

4. Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and corrective actions taken or planned and a proposed time schedule for planned corrective actions that may be needed to bring the discharge into full compliance with waste discharge requirements. This section shall clearly list all non-compliance with waste discharge requirements, as well as all excursions of effluent limitations.

5. The Discharger shall inform the Regional Water Board well in advance of any changes to the proposed construction activity as described in the Fact Sheet of this Order (Attachment F) that could potentially affect compliance with applicable requirements.
6. The date and time of sampling (as appropriate) shall be reported with the analytical values determined.
7. The pollutant mass discharged shall be reported in addition to the reported concentration for those pollutants with mass-based final effluent limitations.
8. The Discharger shall report the results of chronic toxicity testing, TRE and TIE as required in the Attachment E, Monitoring and Reporting, section V.

**B. Self-Monitoring Reports (SMRs)**

1. The Discharger shall electronically submit SMRs using the State Water Board's California Integrated Water Quality System (CIWQS) Program website at <http://www.waterboards.ca.gov/water_issues/programs/ciwqs/>. The CIWQS website will provide additional information for SMR submittal in the event there will be a planned service interruption for electronic submittal.
2. The Discharger shall report in the SMR the results for all monitoring specified in this MRP. The Discharger shall submit quarterly SMRs including the results of all required monitoring using U.S. EPA-approved test methods or other test methods specified in this Order. SMRs are to include all new monitoring results obtained since the last SMR was submitted. If the Discharger monitors any pollutant more frequently than required by this Order, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR.
3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule, except where specific monitoring periods and reporting dates are required elsewhere in the Order. The reporting deadline for the quarterly compliance report is set on the 15$^{th}$ day of the third month after the monitoring period such that it is consistent with the quarterly reporting deadline included in the NPDES permits for all the other facilities operated by the Discharger.

**Table E-4. Monitoring Periods and Reporting Schedule**

| Sampling Frequency | Monitoring Period Begins On… | Monitoring Period | SMR Due Date |
|---|---|---|---|
| Continuous | July 1, 2019 | All | Submit with quarterly SMR (refer to monitoring and reporting period for 1/quarter sampling frequency) |
| 1/Day | July 1, 2019 | (Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling. | Submit with quarterly SMR (refer to monitoring and reporting period for 1/quarter sampling frequency) |
| 1/Month | July 1, 2019 | First day of the calendar month to the last day of the calendar month | Submit with quarterly SMR (refer to monitoring and reporting period for 1/quarter sampling frequency) |

| Sampling Frequency | Monitoring Period Begins On… | Monitoring Period | SMR Due Date |
|---|---|---|---|
| 1/Quarter | July 1, 2019 | January 1 – March 31<br>April 1 – June 30<br>July 1 – September 30<br>October 1 – December 31 | June 15<br>September 15<br>December 15<br>March 15 |
| 2/Year | July 1, 2019 | January 1 – June 30<br>July 1 - December 31 | September 15<br>March 15 |
| 1/Year | July 1, 2019 | January 1 through December 31 | Submit with 4th quarterly SMR (March 15 of the subsequent year) |

4. **Reporting Protocols**. The Discharger shall report with each sample result the applicable reported Minimum Level (reported ML, also known as the Reporting Level, or RL) and the current Method Detection Limit (MDL), as determined by the procedure in 40 C.F.R. part 136.

   The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

   a. Sample results greater than or equal to the reported ML shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).

   b. Sample results less than the reported ML, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.

      For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ. The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (± a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

   c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.

   d. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

5. **Compliance Determination.** Compliance with effluent limitations for reportable pollutants shall be determined using sample reporting protocols defined above and in Attachment A of this Order. For purposes of reporting and administrative enforcement by the Regional Water Board and State Water Board, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the reportable pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (ML).

6. **Multiple Sample Data.** When determining compliance with a measure of central tendency (arithmetic mean, geometric mean, median, etc.) of multiple sample analyses and the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ)

or “Not Detected” (ND), the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

a. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.

b. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

7. The Discharger shall submit SMRs in accordance with the following requirements:

a. The Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations. The Discharger is not required to duplicate the submittal of data that is entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Discharger shall electronically submit the data in a tabular format as an attachment.

b. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the waste discharge requirements; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.

## C. Discharge Monitoring Reports (DMRs)

1. DMRs are U.S. EPA reporting requirements. The Discharger shall electronically certify and submit DMRs together with SMRs using Electronic Self-Monitoring Reports module eSMR 2.5 or any upgraded version. Electronic DMR submittal shall be in addition to electronic SMR submittal. Information about electronic DMR submittal is available at the DMR website at:

<http://www.waterboards.ca.gov/water_issues/programs/discharge_monitoring>.

## D. Other Reports

1. The Discharger is required to submit the Initial Investigation TRE workplan to the Regional Water Board **within 90 days** of the effective date of this permit.

2. The Discharger shall notify the Regional Water Board of the start of construction **at least 90 days prior to the commencement of construction activities** at the White Point Outfall Manifold.

3. The Discharger shall develop and submit a BMPP **at least 90 days prior to the commencement of construction activities** at the White Point Outfall Manifold. The BMPP shall be reviewed at a minimum once per year and updated as needed to ensure all actual or potential sources of trash and pollutants in wastewater discharged from the Facility are addressed. All changes or revisions to the BMPP shall be submitted to the Regional Water Board within 30 days of revisions. The Discharger is required to submit the BMPP to the Regional Water Board annually.

4. The collection and disposal methods for the construction dewatered groundwater discharge included in this Order are based on information available at the time of permit issuance and are subject to change during construction. If there are changes to the collection and disposal methods of the discharge other than that specified in this Order, the Discharger is required to notify and obtain approval from the Regional Water Board Executive Officer **at least 30 days** prior to their implementations.

5. The Discharger indicated that it will obtain enrollment under the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (NPDES No. CAS000002) for the discharge of storm water at the White Point Outfall Manifold prior to the commencement of construction activity. NPDES No. CAS000002 requires its enrollees to develop and implement a site-specific SWPPP. As such, this Order requires the Discharger to submit proof of enrollment under NPDES No. CAS000002 for the construction activities at the White Point Outfall Manifold when it becomes available.

# ATTACHMENT F – FACT SHEET

## CONTENTS

## TABLES

# ATTACHMENT F – FACT SHEET

As described in section II.B of this Order, the Regional Water Board incorporates this Fact Sheet as findings of the Regional Water Board supporting the issuance of this Order. This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for Dischargers in California. Only those sections or subsections of this Order that are specifically identified as "not applicable" have been determined not to apply to this Discharger. Sections or subsections of this Order not specifically identified as "not applicable" are fully applicable to this Discharger.

## I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

**Table F-1. Facility Information**

| | |
|---|---|
| **WDID** | 4B190107087 |
| **Discharger** | Joint Outfall System (JOS) |
| **Name of Facility** | White Point Outfall Manifold Construction Dewatering Project |
| **Facility Address** | 1800 Kay Fiorentino Drive |
| | San Pedro, CA 90732 |
| | Los Angeles County |
| **Facility Contact, Title and Phone** | Naoko Munakata, Supervising Engineer, (562) 908-4288, extension 2830 |
| **Authorized Person to Sign and Submit Reports** | Same as Above |
| **Mailing Address** | 1955 Workman Mill Road, Whittier, CA 90601 |
| **Billing Address** | Same as Mailing Address |
| **Type of Facility** | Construction Site Dewatering |
| **Major or Minor Facility** | Minor |
| **Threat to Water Quality** | 3 |
| **Complexity** | C |
| **Pretreatment Program** | N/A |
| **Recycling Requirements** | N/A |
| **Facility Permitted Flow** | 1.44 Million Gallons Per Day (MGD) |
| **Facility Design Flow** | 1.44 Million Gallons Per Day (MGD) |
| **Watershed** | Santa Monica Bay Watershed Management Area |
| **Receiving Water** | Pacific Ocean |
| **Receiving Water Type** | Ocean Waters |

**A.** The Joint Outfall System (hereinafter JOS, or the Discharger) is the owner and operator of the White Point Outfall Manifold Construction Dewatering Project (hereinafter Facility). The White Point Outfall Manifold serves as the discharge outfall structure for the Discharger's Joint Water Pollution Control Plant (JWPCP), a Publicly-Owned Treatment Work (POTW) that discharges secondary treated wastewater to the Pacific Ocean under NPDES Permit No. CA0053813 (Order No. R4-2017-0180). The Discharger initiated the Clearwater Program to construct a new effluent outfall tunnel from the JWPCP to the White Point Outfall Manifold, which will be capable of handling a peak flow of approximately 927 MGD. This permit only regulates the discharge of groundwater generated by construction dewatering activities at the White Point Outfall Manifold.

For the purposes of this Order, references to the "discharger" or "permittee" in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

**B.** The Discharger discharges dewatered groundwater from the White Point Outfall Manifold to the Pacific Ocean, a water of the United States. The discharge will be generated by construction dewatering activities for a proposed construction project at the White Point Outfall Manifold projected to commence in July 2023. Attachment B provides a map of the area around the Facility. Attachment C provides proposed flow schematics at the White Point Outfall Manifold during different phases of construction.

**C.** The Discharger filed a report of waste discharge and submitted an application for the issuance of its waste discharge requirements (WDRs) and NPDES permit on September 28, 2017. Supplemental information was requested on March 13, 2018, including a request of clarification on the scope of the construction project proposed at the White Point Manifold Outfall, and submittal of additional monitoring data. The supplemental information was received on April 13, 2018, December 3, 2018, and December 10, 2018. The application was deemed complete on January 22, 2019.

**D.** Regulations at 40 C.F.R. section 122.46 limit the duration of NPDES permits to a fixed term not to exceed five years. Accordingly, Table 3 of this Order limits the duration of the discharge authorization. However, pursuant to California Code of Regulations, title 23, section 2235.4, the terms and conditions of an expired permit are automatically continued pending reissuance of the permit if the Discharger complies with all federal NPDES requirements for continuation of expired permits.

## II. FACILITY DESCRIPTION

The Discharger initiated the Clearwater Program (Project) to construct a new 18-foot (internal diameter) effluent tunnel from the Joint Water Pollution Control Plant (JWPCP) at the City of Carson, California, to the White Point Outfall Manifold at Royal Palms Beach. The objective of the Project includes:

- Providing adequate wastewater system capacity for the growing population and peak weather flows;
- Improving system reliability with a new tunnel that meets current seismic standards and provide maintenance and repair to the two existing effluent outfall structures; and
- Providing support for recycled water.

Construction is anticipated to reach the White Point Outfall Manifold by 2023, and may require dewatering activities at the site. Therefore, the Discharger is proposing to discharge all groundwater resulting from construction dewatering at the White Point Outfall Manifold location through JWPCP's existing outfalls Discharge Points 001 and 002 (as included in JWPCP's NPDES Permit No. CA0053813) to the Pacific Ocean, a water of the United States. The Discharger anticipates that the discharge of groundwater generated from construction dewatering to be continuous during the construction period from February 2024 through July 2026. This Order regulates the discharge of groundwater generated from construction at the White Point Outfall Manifold only. Dewatering operations along the rest of the tunnel construction will be discharged to the JWPCP collection system. The Discharger indicated that it will obtain enrollment separately under the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (NPDES No. CAS000002) for the discharge of storm water at various construction sites relating to the Project, prior to the commencement of construction activity for each phase of the Project.

### A. Description of Wastewater Treatment and Controls

The discharge has not commenced at the time of issuance of this Order. The construction contractor employed by the Discharger will determine the specific methods and processes by which dewatering wastewater is to be collected and discharged into Discharge Points 001 and 002. The construction contractor will also determine the appropriate best management practices (BMPs) to be implemented to prevent contamination of the construction dewatering wastewater discharge due to construction activities at the White Point Outfall Manifold. Details of the contractor's groundwater collection and disposal methods and BMPs will be made available after the construction project is awarded, which is anticipated to occur in 2019. The Discharger will review and approve the methods proposed by the contractor and obtain approval from the Regional Water Board prior to implementing the proposed collection/disposal methods and BMPs. The Discharger is required to include these methods and BMPs in the Best Management Practices Plan (BMPP) to be submitted and approved by the Regional Water Board annually. The collection and disposal methods for the construction dewatering discharge described in this Fact Sheet are based on information available at the time of permit issuance and are subject to change during construction. If there are planned changes to the collection and disposal methods for the discharge other than that specified in this Order, the Discharger is required to notify and obtain approval from the Regional Water Board Executive Officer prior to their implementations.

Currently, secondary treated wastewater from JWPCP at the City of Carson is transported to the White Point Outfall Manifold through two tunnels of 8-foot and 12-foot inner diameters, and is subsequently discharged to the Pacific Ocean through Discharge Points 001, 002, 003, and/or 004 as included in the JWPCP's NPDES permit (NPDES No. CA0053813, Order No. R4-2017-0180). Discharges from the JWPCP through Discharge Points 003 and 004 only occur when needed to provide hydraulic relief to the outfall system (i.e. during wet weather conditions that results in high effluent flow from the JWPCP). In addition to the JWPCP effluent, waste brine generated by the West Basin Municipal Water Districts' Carson Regional Water Recycling Plant (regulated separately under NPDES No. CA0064246) is also discharged to the Pacific Ocean through JWPCP's Discharge Points 001, 002, 003, and 004.

Construction at the White Point Outfall Manifold will be sequenced into two phases. Phase I will include the construction of a 114-inch bypass pipe that connects the new 18-foot effluent tunnel from JWPCP to the existing Discharge Points 001 and 002 outfall pipes. During Phase I, groundwater generated from construction dewatering is anticipated to be routed to an existing 18-inch connection to the White Point Outfall Manifold structure, which discharges to Discharge Points 001 and 002. Phase II will include the construction of a new manifold structure, which will connect the existing 8-foot and 12-foot tunnels and the newly constructed 18-foot tunnel from JWPCP to Discharge Points 001, 002, 003, and 004 of the JWPCP outfalls. During Phase II, groundwater generated from construction dewatering will be routed to Discharge Points 001 and 002 through a 12-inch connection to the 114-inch bypass pipe that will be constructed during Phase I. The 114-inch bypass pipe will then be disconnected and demolished at the completion of the new manifold structure, after which construction dewatering operation will cease. In the event wet-weather conditions require the use of Discharge Points 003 and 004 by the JWPCP, construction dewatering activities at the White Point Outfall Manifold will temporary cease.

The Discharger does not anticipate the need to provide treatment for the discharge based on the groundwater monitoring data collected at the White Point Outfall Manifold location in 2015 and 2018; flow from the JWPCP; and the dilution credits applied at Discharge Points 001 and 002 (refer to section IV. of this Fact Sheet for details on dilution credits). The Discharger is authorized to discharge up to 1.44 MGD of construction wastewater (dewatered groundwater) through Discharge Points 001 and 002 under this Order.

### B. Discharge Points and Receiving Waters

Groundwater generated from construction dewatering at the White Point Outfall Manifold, located at Royal Palms Beach on the Palo Verdes Peninsula, is discharged into the Pacific Ocean within the Santa Monica Bay Watershed Management Area through the JOS's JWPCP Discharge Points 001 and 002 (NPDES No. CA0053813). Attachment B-1 provides an aerial map of the vicinity of the Facility. Attachments C-1 and C-2 provide the flow schematic of the dewatering wastewater discharge during Phase I construction and Phase II construction, respectively.

Discharge Point 001 [Latitude: 33.6892º, Longitude: -118.3167º] is a 7440-foot long ocean outfall tunnel of 120-inch inner diameter. The end of the tunnel is connected to a 4440-foot L-shaped diffuser. The depth at the beginning of the diffuser is 167 feet, and the depth at the end of the diffuser is 190 feet.

Discharge Point 002 [Latitude: 33.7008º, Longitude: -118.3381º] is a 7982-foot long ocean outfall tunnel of 90-inch inner diameter. The end of the tunnel is connected to a Y-shaped diffuser, the legs of which are each 1208-foot long. The depth at the beginning of the diffuser is 196 feet, and the depth at the end of the diffuser is 210 feet.

### C. Summary of Self-Monitoring Data Submitted with the Report of Waste Discharge

Construction dewatering at the White Point Outfall Manifold has not commenced at the time of the issuance of this Order. Therefore, no representative effluent monitoring data are available at the time of permit issuance. In 2015 and 2018, the Discharger conducted groundwater sampling from monitoring wells located at the White Point Outfall Manifold site, Monitoring Wells B-47, B-48, and B-49. Attachment B-2 shows the approximate locations of these monitoring wells at the White Point Outfall Manifold site. Results from the groundwater monitoring data currently available are presented in Table F-2:

**Table F-2. Groundwater Monitoring Data from Monitoring Wells at White Point Outfall Manifold**

| Parameter[1] | Unit | Groundwater Monitoring Data | | | | | |
|---|---|---|---|---|---|---|---|
| | | Monitoring Well B-47 | | | | Monitoring Well B-48 | Monitoring Well B-49 |
| | | 2/10/2015 | 12/3/2015[2] | 12/18/2015[2] | 9/27/2018[3] | 12/18/2015[2] | 12/18/2015[2] |
| Arsenic | µg/L | 1.9 | -- | -- | -- | -- | -- |
| Cadmium | µg/L | <0.013 | | | | | |
| Chromium (Hexavalent) | µg/L | <0.07 | | | | | |
| Copper | µg/L | <0.04 | | | | | |
| Lead | µg/L | <0.053 | | | | | |
| Mercury | µg/L | <0.11 | | | | | |
| Nickel | µg/L | <0.032 | | | | | |
| Selenium | µg/L | 0.15[4] | | | | | |
| Silver | µg/L | <0.094 | | | | | |
| Zinc | µg/L | <0.23 | | | | | |
| Cyanide, Total | µg/L | 1.1 | 0.89 | ND | | 0.50[3] | ND |
| Total Chlorine Residual | µg/L | <20 | -- | -- | | -- | -- |
| Phenolic Compounds (non-chlorinated) | µg/L | <1.7 | | | | | |
| Chlorinated Phenolics | µg/L | <0.28 | | | | | |

| Parameter[1] | Unit | Groundwater Monitoring Data | | | | | |
|---|---|---|---|---|---|---|---|
| | | Monitoring Well B-47 | | | | Monitoring Well B-48 | Monitoring Well B-49 |
| | | 2/10/2015 | 12/3/2015[2] | 12/18/2015[2] | 9/27/2018[3] | 12/18/2015[2] | 12/18/2015[2] |
| Endosulfan | µg/L | <0.002 | -- | -- | -- | -- | -- |
| Endrin | µg/L | <0.002 | | | | | |
| HCH | µg/L | <0.003 | | | | | |
| Acrolein | µg/L | <0.44 | | | | | |
| Antimony | µg/L | <0.18 | | | | | |
| Bis(2-chloroethyoxy) methane | µg/L | <0.25 | | | | | |
| Bis(2-chloroisopropyl) ether | µg/L | <0.38 | | | | | |
| Chlorobenzene | µg/L | <0.46 | | | | | |
| Chromium (III) | µg/L | <0.03 | | | | | |
| Di-n-butyl phthalate | µg/L | 0.51[4] | | | | | |
| Dichlorobenzenes | µg/L | <0.57 | | | | | |
| Diethyl Phthalate | µg/L | 0.31[4] | | | | | |
| Dimethyl Phthalate | µg/L | <0.18 | | | | | |
| 4,6-dinitro-2-methylphenol | µg/L | <1.7 | | | | | |
| 2,4-dinitrophenol | µg/L | <1.6 | | | | | |
| Ethylbenzene | µg/L | <0.43 | | | -- | | |
| Fluoranthene | µg/L | <0.1 | | | | | |
| Hexachlorocyclo-pentadiene | µg/L | <1.5 | | | | | |
| Ntirobenzene | µg/L | <0.36 | | | | | |
| Thallium | µg/L | <0.04 | | | | | |
| Toluene | µg/L | <0.45 | | | | | |
| 1,1,1-trichloroethane | µg/L | <0.39 | | | | | |
| Acrylonitrile | µg/L | <0.27 | | | | | |
| Aldrin | µg/L | <0.002 | | | | | |
| Benzene | µg/L | <0.3 | | | | | |
| Benzidine | µg/L | <3.7 | | | <1.8 | | |
| Beryllium | µg/L | <0.01 | | | -- | | |
| Bis(2-chloroethyl)ether | µg/L | <0.27 | | | | | |
| Bis(2-ethylhexyl)phthalate | µg/L | <2.3 | | | | | |
| Carbon Tetrachloride | µg/L | <0.32 | | | | | |
| Chlordane | µg/L | <0.03 | | | <0.002 | | |
| Chlorodibromo-methane | µg/L | <0.29 | | | -- | | |
| Chloroform | µg/L | <0.31 | | | | | |
| DDT | µg/L | <0.003 | | | <0.003 | | |
| 1,4-dichlorobenzene | µg/L | <0.55 | | | -- | | |
| 3,3'-dichlorobenzidine | µg/L | <1.2 | | | <0.81 | | |
| 1,2-dichloroethane | µg/L | <0.28 | | | -- | | |

| Parameter[1] | Unit | Groundwater Monitoring Data | | | | | |
|---|---|---|---|---|---|---|---|
| | | Monitoring Well B-47 | | | | Monitoring Well B-48 | Monitoring Well B-49 |
| | | 2/10/2015 | 12/3/2015[2] | 12/18/2015[2] | 9/27/2018[3] | 12/18/2015[2] | 12/18/2015[2] |
| 1,1-dichloroethylene | µg/L | <0.34 | -- | -- | -- | -- | -- |
| Dichlorobromo-methane | µg/L | <0.32 | | | | | |
| Dichloromethane | µg/L | <0.34 | | | | | |
| 1,3-dichloropropene | µg/L | <0.51 | | | | | |
| Dieldrin | µg/L | <0.002 | | | | | |
| 2,4-dinitrotoluene | µg/L | <0.18 | | | | | |
| 1,2-diphenylhydrazine | µg/L | <0.25 | | | | | |
| Halomethanes | µg/L | <0.27 | | | | | |
| Heptachlor | µg/L | <0.001 | | | | | |
| Heptachlor Epoxide | µg/L | <0.002 | | | | | |
| Hexachlorobenzene | µg/L | <0.49 | | | <0.17 | | |
| Hexachlorobutadiene | µg/L | <0.47 | | | -- | | |
| Hexachloroethane | µg/L | <0.52 | | | | | |
| Isophorone | µg/L | <0.21 | | | | | |
| N-nitrosodimethylamine | µg/L | <0.14 | | | | | |
| N-nitroso-di-N-propylamine | µg/L | <0.26 | | | | | |
| N-nitrosodiphenylamine | µg/L | <0.19 | | | | | |
| PAHs | µg/L | 0.012[5] | | | | | |
| PCBs | µg/L | <0.03 | | | | | |
| 1,1,2,2-tetrachloroethane | µg/L | <0.34 | | | | | |
| Tetrachloroethylene | µg/L | <0.5 | | | | | |
| Toxaphene | µg/L | <0.27 | | | | | |
| Trichloroethylene | µg/L | <0.35 | | | | | |
| 1,1,2-trichloroethane | µg/L | <0.29 | | | | | |
| 2,4,6-trichlorophenol | µg/L | <0.22 | | | | | |
| Vinyl Chloride | µg/L | <0.33 | | | | | |
| Butyl-benzyl phthalate | µg/L | 0.7[4] | | | | | |
| Ethanol | µg/L | 1.0 | | | | | |
| Total Suspended Solids (TSS) | mg/L | 10 | | | | | |
| Turbidity | NTU | 44 | | | | | |
| Biochemical Oxygen Demand ($BOD_5$ @20 ° C) | mg/L | 11.8 | | | | | |
| Oil and Grease | mg/L | <0.71 | | | | | |
| Settleable Solids | mL/L | <0.1 | | | | | |
| Perchlorate | µg/L | <0.69 | | | | | |
| Methyl-Tert-Butyl-Ether (MTBE) | µg/L | <0.23 | | | | | |

| Parameter[1] | Unit | Groundwater Monitoring Data | | | | | |
|---|---|---|---|---|---|---|---|
| | | Monitoring Well B-47 | | | | Monitoring Well B-48 | Monitoring Well B-49 |
| | | 2/10/2015 | 12/3/2015[2] | 12/18/2015[2] | 9/27/2018[3] | 12/18/2015[2] | 12/18/2015[2] |
| Total Petroleum Hydrocarbon (TPH) | µg/L | <970 | -- | -- | -- | -- | -- |
| TPH Gasoline | µg/L | <50 | | | | | |
| TPH Diesel | µg/L | <50 | | | | | |
| Methylene Blue Active Substance (MBAS) | mg/L | 0.299 | | | | | |
| TCDD Equivalents | pg/L | -- | | | ND[6] | | |

ND= Non-detected

[1] Total recoverable results for the metal parameters.

[2] Only cyanide data were available for this sampling event.

[3] Selected parameters were analyzed in this sampling event using sufficiently sensitive analytical methods as per Regional Water Board's request.

[4] Detected, but not quantified (DNQ) value. The result was an estimated value as it is detected greater than the method detection limit (MDL), but less than the minimum level (ML).

[5] Only indeno(1,2,3-cd)-pyrene was detected at the concentration listed. Results for all other PAHs constituents were non-detected.

[6] Result for TCDD equivalents is reported as non-detected. Method blank contamination in the analytical batch was detected for individual analytes at levels that were lower than the corresponding minimum levels included in the analytical method. Detected concentrations of the individual analytes for the sample are DNQ (estimated) values, and are less than five times the concentrations detected in the blank; therefore, result was reported as non-detected.

### D. Compliance Summary

No compliance history is available. The discharge regulated by this Order is a new discharge.

### E. Planned Changes

Construction at the White Point Outfall Manifold is anticipated to follow the schedule included in Table F-3. The proposed project schedule and job summary listed in Table F-3 are based on the information available at the time of permit issuance and are subject to change.

**Table F-3. Proposed Project Schedule and Job Summary**

| |
|---|
| **Second Quarter of 2020** |
| • Tunneling begins at the JWPCP entry shaft location for the construction of the 18-ft Tunnel from JWPCP to the White Point Outfall Manifold at Royal Palms Beach. |
| **First Quarter of 2024** |
| • *Excavation and dewatering activities begin at Royal Palms Beach (Beginning of construction dewatering discharge, Phase I Construction);*<br>• Construction begins for the Bypass Piping (Bypass) connecting the 18-ft Tunnel to Discharge Points 001 and 002 (Outfalls); and<br>• The 18-ft tunnel reaches terminus at Royal Palms Beach. |

| |
|---|
| **First Quarter of 2025** |
| • The Bypass is completed *(End of Phase I Construction);*<br>• The 18-ft tunnel is connected to the Outfalls through the Bypass *(Beginning of Phase II Construction);*<br>• Flow from JWPCP is diverted from the existing 8-ft and 12-ft tunnels to the new 18-ft tunnel; and<br>• Flow from JWPCP reaches the Outfalls via the Bypass. |
| **Second Quarter of 2025** |
| • The existing manifold structure is demolished; and<br>• Construction begins on the proposed manifold structure. |
| **Fourth Quarter 2025** |
| • The 12-ft tunnel is connected to the proposed manifold structure; and<br>• The 8-ft tunnel is connected to the proposed manifold structure. |
| **Third Quarter of 2026** |
| • The proposed manifold structure is connected to all three tunnels (8-ft, 12-ft, and 18-ft tunnels);<br>• The Bypass is disconnected and demolished; and<br>• *The proposed manifold is fully operational and dewatering activities cease (end of construction dewatering discharge).* |

## III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in this Order are based on the requirements and authorities described in this section.

### A. Legal Authorities

This Order serves as WDRs pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This Order is also issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. EPA and chapter 5.5, division 7 of the Water Code (commencing with section 13370). It shall serve as an NPDES permit authorizing the Discharger to discharge into waters of the United States at the discharge location described in Table 2 subject to the WDRs in this Order.

### B. California Environmental Quality Act (CEQA)

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, (commencing with section 21100) of Division 13 of the Public Resources Code.

The Discharger filed a Notice of Planning for the Clearwater Program (Project) on October 15, 2008. It was determined that the Project will have significant impact on the environment, and a draft Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) was released for public review in February 2012. All comments were addressed, no new significant environmental impacts were found, and the final EIR/EIS was adopted by the Los Angeles County Sanitation Districts Board of Directors on November 28, 2012. The Clearwater Program Master Facilities Plan was also approved on the same date. A Notice of Determination (NOD) and the Clearwater Program Master Facilities Plan were filed with the Los Angeles County Clerk and State Clearinghouse on November 30, 2012 (State Clearinghouse Number: 2008101074), which concluded that the Project as approved with mitigation measures (made a condition of

the approval of the Project) will have significant impacts on the environment in aesthetics, air quality, cultural resources, and greenhouse gas emissions. A Statement of Overriding Considerations was also issued in November 2012 for the project pursuant to the provisions of CEQA.

### C. State and Federal Laws, Regulations, Policies, and Plans

1. **Water Quality Control Plan.** The Water Quality Control Plan for the Los Angeles Region (hereinafter Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for the Pacific Ocean and all waters addressed through the Plan. Requirements in this Order implement the Basin Plan. Beneficial uses applicable to the discharge are as follows:

**Table F-4. Basin Plan Beneficial Uses**

| Discharge Point | Receiving Water Name | Beneficial Use(s) |
|---|---|---|
| 001<br>002 | **Royal Palms Beach and White Point Beach** | Existing:<br>Navigation (NAV); Commercial and Sport Fishing (COMM), Marine Habitat (MAR); Wildlife Habitat (WILD); Shellfish Harvesting (SHELL); Water Contact Recreation (REC-1); Non-contact Water Recreation (REC-2)<br><br>Potential:<br>Spawning, Reproduction, and/or Early Development (SPWN) |
| | **Pacific Ocean**<br>Los Angeles County Coastal Feature – Nearshore Zone<br>(The zone bounded by the shoreline and a line 1,000 feet from the shoreline or the 30-foot depth contours, whichever is further from the shoreline) | Existing:<br>Industrial Service Supply (IND); NAV; COMM; MAR; WILD; Preservation of Biological Habitats (BIOL)[1]; Rare, Threatened, or Endangered Species (RARE)[2]; Migration of Aquatic Organisms (MIGR)[3]; SPWN; SHELL[4]; REC-1; REC-2 |
| | **Pacific Ocean**<br>Los Angeles County Coastal Feature – Offshore Zone | Existing:<br>IND; NAV; COMM; MAR; WILD; RARE[2]; MIGR[3]; SPWN; SHELL[4]; REC-1; REC-2 |

[1] Areas of Special Biological Significance (along coast from Latigo Point to Laguna Point) and Big Sycamore Canyon and Abalone Cove Ecological Reserves and Point Fermin Marine Life Refuge.
[2] One or more rare species utilizes all ocean, bays, estuaries, and coastal wetlands for foraging and/or nesting.
[3] Aquatic organisms utilize all bays, estuaries, lagoons, and coastal wetlands, to a certain extent, for spawning and early development. This may include migration into areas which are heavily influenced by freshwater inputs.
[4] Areas exhibiting large shellfish populations include Malibu, Point Dume, Point Fermin, White Point, and Zuma Beach.

2. **Thermal Plan.** The State Water Board adopted *the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California* (Thermal Plan) on January 7, 1971, and amended this plan on May 18, 1972, and again on September 18, 1975 (Resolution No. 75-89). The Thermal Plan contains temperature objectives for coastal waters. This Order contains effluent limitation for temperature that is consistent with the Thermal Plan.

3. **California Ocean Plan.** The State Water Board adopted the Water Quality Control Plan for Ocean Waters of California, California Ocean Plan (Ocean Plan) in 1972 and has amended it on a number of occasions. The State Water Board adopted the latest amendment in 2015, and it became effective on January 28, 2016. The Ocean Plan is applicable, in its entirety, to point source discharges to the ocean. The Ocean Plan identifies beneficial uses of ocean waters of the state to be protected as summarized below:

**Table F-5. Ocean Plan Beneficial Uses**

| Discharge Point | Receiving Water | Beneficial Uses |
|---|---|---|
| 001<br>002 | Pacific Ocean | Industrial water supply; water contact and non-contact recreation, including aesthetic enjoyment; navigation; commercial and sport fishing; mariculture; preservation and enhancement of designated Areas of Special Biological Significance (ASBS); rare and endangered species; marine habitat; fish migration; fish spawning and shellfish harvesting |

In order to protect the beneficial uses, the Ocean Plan establishes water quality objectives and a program of implementation. Requirements of this Order implement the Ocean Plan.

4. **Santa Monica Bay Restoration Plan.** Discharge Points 001 and 002 discharge to Santa Monica Bay, one of the most heavily used recreational areas in California. Recognizing the importance of the Bay as a national resource, the State of California and U.S. EPA nominated Santa Monica Bay to the National Estuary Program, and Congress subsequently included Santa Monica Bay in the program. The U.S. EPA, with support from the Santa Monica Bay Restoration Commission (SMBRC), developed the Bay Restoration Plan (BRP), which serves as a blueprint for restoring and enhancing the Bay. The goals and objectives of the BRP are grouped under three priority issues following the SMBRC's mission to 1) improve water quality, 2) conserve and rehabilitate natural resources, and 3) protect the Bay's benefits and values. The Regional Water Board implements programs that enhance the goals and objective of the BRP, including issuance and enforcement of NPDES permits and/or WDRs, the Basin Plan, Total Maximum Daily Loads (TMDLs), the Ocean Plan, and identification of impaired waterbodies, etc. The requirements included in this Order are consistent with the goals and objectives of the BRP.

5. **Alaska Rule.** On March 30, 2000, U.S. EPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes (40 C.F.R. part 131.21, 65 Federal Register 24641 (April 27, 2000)). Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to U.S. EPA after May 30, 2000, must be approved by U.S. EPA before being used for Clean Water Act (CWA) purposes. The final rule also provides that standards already in effect and submitted to U.S. EPA by May 30, 2000, may be used for CWA purposes, whether or not approved by U.S. EPA.

6. **Antidegradation Policy.** CWA section 303 and Federal regulation 40 C.F.R. section 131.12 require that the state water quality standards include an antidegradation policy consistent with the federal law and policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16 ("Statement of Policy with Respect to Maintaining High Quality of Waters in California"). Resolution 68-16 is deemed to incorporate the federal antidegradation policy where the federal policy applies under federal law. Resolution 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. The permitted discharge must be consistent with the antidegradation provision of

40 C.F.R. section 131.12 and State Water Board Resolution 68-16 and is described in detail in section IV.D.2 of this Fact Sheet.

7. **Anti-Backsliding Requirements.** Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 C.F.R. section 122.44(l) restrict backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. As there are no NPDES permits that previously regulated the discharge, anti-backsliding requirements do not apply.

8. **Endangered Species Act Requirements.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code, §§ 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. §§ 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state, including protecting rare and endangered species. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

9. **Trash Amendments.** The State Water Board adopted the "*Amendment to the Ocean Plan and Part I Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California*" (Trash Amendments) through Resolution 2015-0019, which became effective upon U.S. EPA approval on January 12, 2016. The Trash Amendments amended the Ocean Plan to establish a narrative water quality objective for trash and a prohibition on the discharge of trash, implemented through permits issued pursuant to CWA section 402(p), waste discharge requirements, or waivers of waste discharge requirements.

   The Trash Amendments apply to all surface waters of the State, with the exception of those waters where trash or debris TMDLs are in effect prior to the effective date of the Trash Amendments. The Santa Monica Bay Debris TMDL was approved by the U.S. EPA on March 20, 2012; however, the waste load allocation of zero trash (no trash) discharged into waterbodies within the Santa Monica Bay Watershed Management Area was not assigned to construction dewatering discharges.As such, consistent with Section III.L.3. of the Ocean Plan, this Order implements the narrative objective of the Trash Provisions through a prohibition of trash to be discharged to the NPDES discharge points, and includes monitoring requirements and effluent limitations for solids to control sediment emission in the discharge. This Order also requires the Discharger to develop and implement a Best Management Practice Plan (BMPP), which shall include specific BMPs used as wastewater control measures that the Discharger will undertake to prevent the discharge of trash from the Facility to the Pacific Ocean. The Discharger is required to detail and submit to the Regional Water Board annually (through their annual BMPP submittal) specific BMPs employed to control and prohibit the discharge of trash and other pollutants from the Facility.

### D. Impaired Water Bodies on the CWA section 303(d) List

Section 303(d) of the CWA requires states to identify specific water bodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources. For all CWA section 303(d)-listed water bodies and pollutants, the Regional Water Board plans to develop and adopt total maximum daily loads (TMDLs) that will specify waste load allocations (WLAs) for point sources and load allocations (LAs) for non-point sources, as appropriate.

The U.S. EPA approved the State's 2014 and 2016 303(d) list of impaired water bodies on April 6, 2018. Certain receiving waters in the Los Angeles and Ventura County watersheds do not

fully support beneficial uses and therefore have been classified as impaired on the 303(d) List of Water Quality Limited Segments (hereinafter 303(d) list) and have been scheduled for TMDL development. The Facility discharges into the Pacific Ocean in the vicinities of local beaches along the coast of Santa Monica Bay and the Palos Verdes Shelf, including Royal Palms Beach and White Point Beach. The 2014/2016 State Water Board's California 303(d) List classifies these water bodies as impaired. The pollutants of concern for these water bodies include:

- Santa Monica Bay (Nearshore and Offshore): arsenic, mercury, trash, DDT (dichlorodiphenyltrichloroethane), and PCBs (polychlorinated biphenyls).
- Local beaches along the coast of the Santa Monica Bay and Palos Verdes Shelf: DDT, PCBs, pesticides, and indicator bacteria.

The inclusion of these waterbodies on the 2014/2016 303(d) list documents the waterbodies' lack of assimilative capacity for the pollutants of concern. Total Maximum Daily Loads (TMDLs) are developed for pollutants of concern to facilitate the waterbody's recovery of its ability to fully support its beneficial uses.

1. **Santa Monica Bay TMDL for DDTs and PCBs.** The U.S. EPA established the *Santa Monica Bay Total Maximum Daily Loads for DDTs and PCBs* (Santa Monica Bay TMDL for DDTs and PCBs) which became effective on March 26, 2012. The TMDL included concentration- and mass-based waste load allocations (WLAs) for DDTs and PCBs for a number of permitted facilities discharging directly to the Santa Monica Bay Watershed Management Area, including the JWPCP; however, the TMDL did not assign any WLAs specifically to construction dewatering wastewater discharges with individual NPDES permits. As dewatering activities will take place at the White Point Outfall Manifold, which historically carried wastewater effluent from JWPCP that was contaminated by DDT and PCBs from the 1940s-1970s, and involves demolition and construction at the site, this Order includes effluent limitations for DDTs and PCBs consistent with the concentration-based WLAs for DDTs and PCBs that were assigned to the JWPCP included in the TMDL. The Facility's discharge is expected to be able to meet these effluent limitations based on screening results of a groundwater well located at the site that were submitted with the ROWD.

   The TMDL also includes monitoring requirements for the JWPCP at the receiving waters, including monitoring of sediment, fish trends, and seafood safety. As JOS is the Discharger for both the JWPCP and the Facility regulated by this Order, and the Facility also discharges through the JWPCP outfalls, compliance with the receiving water monitoring requirement through the JWPCP's NPDES permit will satisfy the receiving water monitoring requirement for this Order.

2. **Santa Monica Bay Debris TMDL.** The Regional Water Board adopted Resolution R10-010 on November 4, 2010, that amended the Basin Plan to incorporate the *Total Maximum Daily Load for Debris for Nearshore and Offshore Santa Monica Bay* (Santa Monica Bay Debris TMDL). The TMDL was approved by the State Water Board on December 6, 2011, the Office of Administrative Law (OAL) on March 15, 2012, and the U.S. EPA on March 20, 2012; the TMDL became effective on March 20, 2012. The TMDL assigned a zero WLA for trash and plastic pellets for discharges from municipalities and industrial facilities to waterbodies within the Santa Monica Bay Watershed Management Area, into the Santa Monica Bay or on the shoreline of Santa Monica Bay. However, no specific WLAs were assigned to construction dewatering individual NPDES discharges. This Order prescribes a combination of requirements that are consistent with the TMDL's zero trash and plastic pellet numeric targets for the applicable waterbodies, including: a prohibition for the discharge of trash and debris; effluent limitations for total suspended solids; and the

implementation of BMPs which will include control measures to prevent contamination of the discharge of trash and debris.

3. **Santa Monica Bay Beach Bacteria TMDL**. The Regional Water Board adopted two TMDLs to reduce bacteria loading to the Santa Monica Bay during dry and wet weather through Resolution No. 2002-004 on January 24, 2002, and Resolution No. 2002-022 on December 12, 2002, respectively. Both TMDLs were approved by the State Water Board, OAL, and U.S. EPA, and they became effective on July 15, 2003. The TMDLs included WLAs as the number of allowable exceedance days of the total coliform, fecal coliform, and enterococci numeric targets. The TMDLs identified JOS as a responsible jurisdiction and assigned WLAs to the JWPCP. The TMDL did not assign any WLAs for construction dewatering wastewater. As groundwater is not expected to be a significant source of coliform bacteria, this Order includes effluent monitoring requirements for bacteria only. JWPCP's NPDES permit allows the Discharger to demonstrate compliance with JWPCP's bacteria WLAs through shoreline monitoring data in the receiving water collected as part of the Los Angeles County MS4 Permit. The discharge regulated by this Order is discharged through the JWPCP outfalls, therefore, compliance with the bacteria WLAs for JWPCP through LA County MS4 Permit's shoreline monitoring will also ensure that the construction dewatering discharge does not contribute to the bacteria impairment in the receiving water.

### E. Other Plans, Polices and Regulations – Not Applicable

## IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations in the Code of Federal Regulations: 40 C.F.R. section 122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 C.F.R. section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water.

Discharges from the Facility into the Pacific Ocean include the discharge of dewatering wastewater from a construction site. The discharge may contain pollutants present in local groundwater and pollutants associated with construction activities. This Order identified a number of pollutants that may be present in the Facility's discharge (pollutants of concern) based on a review of its operations, with consideration of the impairments of the receiving water as identified on the State's 2014/2016 303(d) list. Pollutants of concern included TSS, oil and grease, bacteria, pH, temperature, settleable solids, turbidity, PCB, DDT, and toxicity. This Order includes monitoring requirements and/or effluent limitations for these pollutants of concern.

Generally, mass-based effluent limitations ensure that proper treatment, and not dilution, is employed to comply with the final effluent concentration limitations. Section 122.45(f)(1) requires that all permit limitations, standards or prohibitions be expressed in terms of mass units except under the following conditions: (1) for pH, temperature, radiation or other pollutants that cannot appropriately be expressed by mass limitations; (2) when applicable standards or limitations are expressed in terms of other units of measure; or (3) if in establishing technology-based permit limitations on a case-by-case basis limitations based on mass are infeasible because the mass of pollutant cannot be related to a measure of production. The limitations, however, must ensure that dilution will not be used as a substitute for treatment.

## A. Discharge Prohibitions

Discharge prohibitions in this Order are based on the Federal Clean Water Act, Basin Plan, Water Code, State Water Resources Control Board's plans and policies, Ocean Plan, and U.S. Environmental Protection Agency guidance and regulations. This permit implements discharge prohibitions that are applicable under sections III.I of the Ocean Plan.

## B. Technology-Based Effluent Limitations

### 1. Scope and Authority

Section 301(b) of the CWA and implementing U.S. EPA permit regulations at 40 C.F.R. section 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards in the receiving water.

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

a. Best practicable treatment control technology (BPT) represents the average of the best existing performance by well-operated facilities within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.

b. Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.

c. Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering a two-part reasonableness test in accordance with the methodology developed by the U.S. EPA, as published in a Federal Register notice on July 9, 1986 (51 FR 24974). The first test compares the relationship between the costs of attaining a reduction in effluent discharge and the resulting benefits. The second test examines the cost and level of reduction of pollutants from the discharge from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources. Effluent limitations must be reasonable under both tests.

d. New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires U.S. EPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and 40 C.F.R. section 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the Regional Water Board must consider specific factors outlined in 40 C.F.R. section 125.3 and CWA section 301(b)(2)(A).

### 2. Applicable Technology-Based Effluent Limitations (TBELs)

The Facility discharges dewatering wastewater at a construction site. 40 C.F.R. Part 450 contains effluent limitation guidelines (ELGs) for the Construction and Development Point Source Category. However, 40 C.F.R. section 450.10(a) states that regulations included in Part 450 are only applicable to discharges of storm water associated with industrial

activities or storm water discharges associated with small construction activity (referencing 40 C.F.R. 122.26(b)(14)(x) and (b)(15), respectively). The Discharger has indicated that it will obtain enrollment under the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (NPDES No. CAS000002) for storm water discharges from the site. Compliance with NPDES No. CAS000002 will satisfy these requirements. Since this Order permits the discharge of construction dewatering wastewater only, the requirements contained in 40 C.F.R. Part 450 are not applicable to the discharge regulated by this Order.

The technology-based requirements in this Order are based on the Ocean Plan. Table 2 in Section III.B of the Ocean Plan includes effluent limitations that are applicable to "industrial discharges for which Effluent Limitations Guidelines have not been established." In accordance with the Ocean Plan, TBELs are established in this Order for total suspended solids, oil and grease, turbidity, pH, and settleable solids at Discharge Points 001 and 002 as measured collectively at EFF-001A (during Phase I construction) and EFF-001B (during Phase II construction). The limitations for these pollutants are also consistent with TBELs included in other orders within the State for similar types of discharges to the Pacific Ocean. The Regional Water Board considered other relevant factors pursuant to 40 C.F.R. section 125.3, and concluded that the limitations are appropriate. Existing groundwater monitoring data from groundwater monitoring wells at the White Point Outfall Manifold location suggest that the discharge will be able to comply with the TBELs included herein.

Pursuant to section 122.44(k), this Order requires the Discharger to develop, implement, and submit a Best Management Practices Plan (BMPP). The BMPP shall include a summary of BMPs aimed at controlling the potential exposure of pollutants to construction dewatering wastewater (groundwater). The Discharger indicated that it will obtain enrollment under the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (NPDES No. CAS000002) prior to the commencement of construction activity at the White Point Outfall Manifold, under which the discharge of storm water at the Facility will be regulated and managed.

The combination of the BMPP and permit limitations will serve as the equivalence of technology-based effluent limitations in this Order, in the absence of established ELGs, in order to carry out the purposes and intent of the CWA. All TBELs are independent of the dilution ratio for the discharge outfall.

**Table F-6. Summary of Technology-Based Effluent Limitations at Discharge Points 001 and 002**

| Parameter | Units | Effluent Limitations | | | |
|---|---|---|---|---|---|
| | | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| Oil and Grease | mg/L | 25 | 40 | -- | 75 |
| | lbs/day[1] | 300 | 480 | -- | 900 |
| Settleable Solids | mL/L | 1.0 | 1.5 | -- | 3.0 |
| Total Suspended Solids (TSS) | mg/L | 60 | -- | -- | -- |
| | lbs/day[1] | 720 | -- | -- | -- |
| Turbidity | NTU | 75 | 100 | -- | 225 |
| pH | Std Units | Must be within limit of 6.0 to 9.0 at all times | | | |

[1] Mass-loading limitations are based on the maximum combined flow at Discharge Points 001 and 002 (1.44 million gallons per day (MGD)) and are calculated as follows:

Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day.

Each mass-loading limitation represents the combined mass emission allowable at Discharge Points 001 and 002. Compliance with the mass-loading limitations included in this Table shall be determined

collectively at the Effluent Monitoring Station EFF-001A (during Phase I construction) and EFF-001B (during Phase II construction).

## C. Water Quality-Based Effluent Limitations (WQBELs)

### 1. Scope and Authority

CWA Section 301(b) and 40 C.F.R. section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

Section 122.44(d)(1)(i) of 40 C.F.R. requires that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard in the receiving water, including numeric and narrative objectives within a standard. Where reasonable potential to cause or contribute to an excursion above a narrative criterion within an applicable water quality standard has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) U.S. EPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi). WQBELs must also be consistent with the assumption and requirements of TMDL WLAs approved by the U.S. EPA.

The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan and the Ocean Plan, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the Ocean Plan.

### 2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

The Basin Plan and the Ocean Plan designate beneficial uses, establish water quality objectives, and contain implementation programs and policies to achieve those objectives for the receiving water. Applicable beneficial uses for the receiving water included in the Basin Plan and the Ocean Plan are summarized in section III.C.1 and III.C.3 of this Fact Sheet, respectively. The Basin Plan and the Ocean Plan include both narrative and numeric water quality objectives applicable to the receiving water, which are incorporated as final effluent limitations (through reasonable potential analysis) or receiving water limitations. This Order also includes requirements based on TMDLs applicable to the discharge as listed in section III.D of this Fact Sheet. In addition, the Ocean Plan references the Thermal Plan for provisions regulating the thermal aspect of waste discharged to the ocean. This Order includes an effluent limitation for temperature based on the provisions of the Thermal Plan.

As described in section II of this Fact Sheet, the Facility discharges groundwater generated from construction dewatering to the Pacific Ocean through the JWPCP's existing ocean outfall Discharge Points 001 and 002. Based on consultation with the U.S. EPA, the Regional Water Board adopted Order No. R4-2017-0180 on September 7, 2017, to renew the JWPCP's NPDES permit, and included a $D_m$ of 166:1 for Discharge Points 001 and 002. Since the Facility's total discharge flow only constitute approximately 0.36% of the design flow used to develop the recalculated initial dilution ratio, it is unlikely the Facility's discharge will have a significant impact on the $D_m$ for Discharge Points 001 and 002. As such, consistent with the JWPCP NPDES permit, this Order applies the same minimum probable initial dilution of 166:1 for discharges of construction dewatering wastewater

through Discharge Points 001 and 002 in determining reasonable potential and developing WQBELs.

**3. Determining the Need for WQBELs**

The need for effluent limitations based on water quality objectives in Table 1 of the Ocean Plan was evaluated in accordance with 40 C.F.R. section 122.44(d) and Appendix VI of the Ocean Plan, which provides guidance for statistically determining the reasonable potential for a discharged pollutant to exceed an objective. The statistical RPA approach as included in the Ocean Plan is promulgated into a computer program RPcalc developed by the State Water Resources Control Board.

Consistent with the Ocean Plan, this Order uses RPcalc to calculate the one-sided, upper confidence bound (UCB) at 95% confidence level of the 95$^{th}$ percentile effluent population for a pollutant after complete mixing. The UCB of a pollutant is then compared to its corresponding numeric water quality objective. If the UCB exceeds its objective, then the discharge is determined to cause, have the reasonable potential to cause, or contributes to an excursion above the objective for that pollutant, and an effluent limitation for that pollutant is required. Conversely, if the UCB for a pollutant is lower than its objective, then an effluent limitation for that pollutant may not be required depending on other available information and best professional judgement (BPJ).

According to the Ocean Plan, the reasonable potential analysis (RPA) can yield three endpoints:

Endpoint 1: An effluent limitation is required and monitoring is required;

Endpoint 2: An effluent limitation is not required and the Regional Water Board may require monitoring; and

Endpoint 3: The RPA is inconclusive, monitoring is required, and an existing effluent limitation may be retained or a permit reopener clause may be included to allow inclusion of an effluent limitation if future monitoring warrants the inclusion.

For constituents that have an insufficient number of monitoring data points or a substantial number of non-detected data with a reporting limit higher than the respective water quality objective, the RPA result is likely to be inconclusive.

As discussed in section IV.C.2 of the Fact Sheet, this Order is incorporating a minimum probable initial dilution (Dm) of 166:1 for discharges through Discharge Points 001 and 002, consistent with the NPDES permit Order No. R4-2017-0180 for JWPCP. This $D_m$ value for Discharge Points 001 and 002 is applied to the RPA and WQBELs established herein.

Since the discharge has not commenced at the time of issuance of this Order, no discharge monitoring data were available to conduct a reasonable potential analyses (RPA) during the permit development process. In accordance with Step 13 of the RPA procedure included in Appendix VI of the Ocean Plan, all available information shall be reviewed to determine if a WQBEL is required. As such, groundwater monitoring data collected from May 2009 through October 2018 by the Discharger at groundwater monitoring wells located at the White Point Outfall Manifold site were considered for the RPA. As the discharge consists only of dewatered groundwater at that construction site, the groundwater monitoring data may be used to screen for the presence of pollutants in the discharge, as the Discharger does not plan to implement any treatment to the dewatered groundwater prior to discharge.

The dilution credit applicable to the ocean outfall (166:1) was considered to evaluate reasonable potential in accordance with the procedures contained in the Ocean Plan. The monitoring results for many of the Table 1 parameters were non-detected; also, as there are only a very limited number of data points available for these parameters (most only have one data point), evaluation for all parameters using the *RPcalc 2.2* software tool yielded Endpoint 3 (which denotes an inconclusive RPA result), except cyanide which yielded Endpoint 2. The Ocean Plan indicates that monitoring for parameters with Endpoint 3 RPA results are required and that any existing effluent limitations for these parameters shall be retained; for parameters with endpoint 2 results, effluent limitations and monitoring requirements are not required but the Regional Water Board may require occasional monitoring for that pollutant.

As there are no existing requirements for the discharge, this Order includes monitoring requirements for the Table 1 parameters. No WQBELs were prescribed based on the results of the *RPcalc 2.2* software tool using the groundwater monitoring well data, except PCBs and DDTs (as explained in the following paragraphs). If future effluent monitoring results indicates that the discharge causes, or has reasonable potential to cause or contribute to an excursion above the objectives for the Table 1 parameters, the permit may be reopened to include the appropriate effluent limitations for those parameters.

Effluent Limitations for DDT and PCBs

Step 13 of the RPA procedure included in Appendix VI of the Ocean Plan states that an RPA may be conducted on the basis of best professional judgment using all available information to determine if a water quality-based effluent limitation is required, notwithstanding the above analysis (using Steps 1 through 12 of the RPA procedure in the Ocean Plan), to protect beneficial uses of the receiving water. Information that may be used includes, but is not limited to: the discharge type, potential toxic impacts of the discharge, water quality and beneficial uses of the receiving water, CWA 303(d) listing for the pollutant, and other information. Therefore, due to a lack of representative effluent monitoring data during the permit development process, Regional Water Board considered all other available information (including the impairments identified for the receiving water, the location of the discharge, and construction activities generating the discharge), and concluded that the discharge regulated by this Order demonstrates reasonable potential to cause or contribute to an exceedance of water quality standards for DDT and PCBs based on step 13 of the RPA procedure.

The Facility discharges into the Pacific Ocean in the vicinities of local beaches along the coast of the Santa Monica Bay Watershed Management Area, including the Royal Palms Beach and the White Point Beach. The 2014/2016 State Water Board's California 303(d) List classifies these water bodies as impaired for DDT and PCBs. On March 26, 2012, U.S. EPA published the *Santa Monica Bay TMDL for DDTs and PCBs* to address impairments to human health due to the presence of PCBs and DDT in fish tissue and sediments in the Santa Monica Bay Watershed Management Area. The discharge regulated by this Order was not considered during the TMDL development process because the TMDL became effective prior to the commencement of the discharge. Although the TMDL recognizes that construction-related dewatering activities may have the potential for discharge of pollutants, no WLAs were specifically assigned to this type of discharge due to a lack of sufficiently sensitive monitoring data to be analyzed during the TMDL development.

The TMDL assigned concentration-based WLAs for DDT and PCBs to the JWPCP. Regional Water Board staff determined that the TMDL WLAs for DDT and PCBs assigned to JWPCP are also applicable to this discharge, since the White Point Outfall Manifold structure is part of the JWPCP's sewage system as it carries wastewater effluent from JWPCP for discharge into the Pacific Ocean, and the discharge regulated by this Order is

generated due to dewatered groundwater from construction activities at the White Point Outfall Manifold site. Also, effluent discharged from the JWPCP was historically contaminated by DDT and PCBs during the 1940s to 1970s. Construction activities at the White Point Manifold site include the demolition and reconstruction of the White Point Outfall Manifold structure and excavation at the site, the operations of which may release DDTs and PCBs that may have been deposited at the site or manifold structure due to historic releases. Therefore, to address the impairment of the receiving water, and to ensure that no significant additional loadings of PCBs and DDT are added to the receiving water as a result of the discharge regulated by this Order, this Order includes WQBELs for DDT and PCBs consistent with the concentration-based WLAs assigned to the Discharger's JWPCP Facility.

A summary of the RPA results is provided below:

**Table F-7. RPA Results Summary**

| Pollutant | Units | n[1] | MEC[2,3] | Most Stringent Criterion | Background[4] | RPA Endpoint[5] |
|---|---|---|---|---|---|---|
| **Objectives for Protection of Marine Aquatic Life** | | | | | | |
| Arsenic, Total Recoverable | µg/L | 1 | 1.9 | 8 | 3 | Endpoint 3 |
| Cadmium, Total Recoverable | µg/L | 1 | <0.013 | 1 | 0 | Endpoint 3 |
| Chromium (Hexavalent), Total Recoverable | µg/L | 1 | <0.07 | 2 | 0 | Endpoint 3 |
| Copper, Total Recoverable | µg/L | 1 | <0.04 | 3 | 2 | Endpoint 3 |
| Lead, Total Recoverable | µg/L | 1 | <0.053 | 2 | 0 | Endpoint 3 |
| Mercury | µg/L | 1 | <0.11 | 0.04 | 0.0005 | Endpoint 3 |
| Nickel, Total Recoverable | µg/L | 1 | <0.032 | 5 | 0 | Endpoint 3 |
| Selenium, Total Recoverable | µg/L | 1 | 0.15 | 15 | 0 | Endpoint 3 |
| Silver, Total Recoverable | µg/L | 1 | <0.094 | 0.7 | 0.16 | Endpoint 3 |
| Zinc, Total Recoverable | µg/L | 1 | <0.23 | 20 | 8 | Endpoint 3 |
| Cyanide | µg/L | 5 | 1.1 | 1 | 0 | Endpoint 2 |
| Total Chlorine Residual | µg/L | 1 | <20 | 2 | 0 | Endpoint 3 |
| Ammonia | µg/L | 0 | [6] | 600 | 0 | Endpoint 3 |
| Acute Toxicity | TUa | 0 | [6] | 0.3 | 0 | Endpoint 3 |
| Chronic Toxicity | TUc | 0 | [6] | 1 | 0 | Endpoint 3 |
| Phenolic Compounds (non-chlorinated)[7] | µg/L | 1 | ND[8] | 30 | 0 | Endpoint 3 |
| Chlorinated Phenolics[9] | µg/L | 1 | ND[8] | 1 | 0 | Endpoint 3 |
| Endosulfan | µg/L | 1 | ND[8] | 0.009 | 0 | Endpoint 3 |
| Endrin | µg/L | 1 | <0.002 | 0.002 | 0 | Endpoint 3 |
| HCH[10] | µg/L | 0 | ND[8] | 0.004 | 0 | Endpoint 3 |
| **Objectives for Protection of Human Health – Non-Carcinogens** | | | | | | |
| Acrolein | µg/L | 1 | <0.44 | 220 | 0 | Endpoint 3 |
| Antimony | µg/L | 1 | <0.18 | 1200 | 0 | Endpoint 3 |

| Pollutant | Units | n[1] | MEC[2,3] | Most Stringent Criterion | Background[4] | RPA Endpoint[5] |
|---|---|---|---|---|---|---|
| Bis(2-chloroethoxy) methane | µg/L | 1 | <0.25 | 4.4 | 0 | Endpoint 3 |
| Bis(2-chloroisopropyl) ether | µg/L | 1 | <0.38 | 1200 | 0 | Endpoint 3 |
| Chlorobenzene | µg/L | 1 | <0.46 | 570 | 0 | Endpoint 3 |
| Chromium (III) | µg/L | 1 | <0.03 | 190,000 | 0 | Endpoint 3 |
| Di-n-butyl-phthalate | µg/L | 1 | 0.51 | 3,500 | 0 | Endpoint 3 |
| Dichlorobenzenes | µg/L | 1 | <0.57 | 5,100 | 0 | Endpoint 3 |
| Diethyl phthalate | µg/L | 1 | 0.31 | 33,000 | 0 | Endpoint 3 |
| Dimethyl phthalate | µg/L | 1 | <0.18 | 820,000 | 0 | Endpoint 3 |
| 4,6-dinitro-2-methylphenol | µg/L | 1 | <1.7 | 220 | 0 | Endpoint 3 |
| 2,4-dinitrophenol | µg/L | 1 | <1.6 | 4.0 | 0 | Endpoint 3 |
| Ethylbenzene | µg/L | 1 | <0.43 | 4,100 | 0 | Endpoint 3 |
| Fluoranthene | µg/L | 1 | <0.1 | 15 | 0 | Endpoint 3 |
| Hexachlorocyclopentadiene | µg/L | 1 | <1.5 | 58 | 0 | Endpoint 3 |
| Nitrobenzene | µg/L | 1 | <0.36 | 4.9 | 0 | Endpoint 3 |
| Thallium | µg/L | 1 | <0.04 | 2 | 0 | Endpoint 3 |
| Toluene | µg/L | 1 | <0.45 | 85,000 | 0 | Endpoint 3 |
| Tributyltin | µg/L | 0 | [6] | 0.0014 | 0 | Endpoint 3 |
| 1,1,1-trichloroethane | µg/L | 1 | <0.39 | 540,000 | 0 | Endpoint 3 |
| **Objectives for Protection of Human Health – Carcinogens** | | | | | | |
| Acrylonitrile | µg/L | 1 | <0.27 | 0.10 | 0 | Endpoint 3 |
| Aldrin | µg/L | 1 | <0.002 | 0.000022 | 0 | Endpoint 3 |
| Benzene | µg/L | 1 | <0.3 | 5.9 | 0 | Endpoint 3 |
| Benzidine | µg/L | 2 | <1.8 | 0.000069 | 0 | Endpoint 3 |
| Beryllium | µg/L | 1 | <0.01 | 0.033 | 0 | Endpoint 3 |
| Bis(2-chloroethyl) ether | µg/L | 1 | <0.27 | 0.045 | 0 | Endpoint 3 |
| Bis(2-ethylhexyl) phthalate | µg/L | 1 | <2.3 | 3.5 | 0 | Endpoint 3 |
| Carbon tetrachloride | µg/L | 1 | <0.32 | 0.90 | 0 | Endpoint 3 |
| Chlordane | µg/L | 2 | <0.002 | 0.000023 | 0 | Endpoint 3 |
| Chlorodibromomethane | µg/L | 1 | <0.29 | 8.6 | 0 | Endpoint 3 |
| Chloroform | µg/L | 1 | <0.31 | 130 | 0 | Endpoint 3 |
| DDT[11] | µg/L | 2 | <0.003 | 0.00017 | 0 | Endpoint 1[12] |
| 1,4-dichlorobenzene | µg/L | 1 | <0.55 | 18 | 0 | Endpoint 3 |
| 3,3'-dichlorobenzidine | µg/L | 2 | <0.81 | 0.0081 | 0 | Endpoint 3 |
| 1,2-dichloroethane | µg/L | 1 | <0.28 | 28 | 0 | Endpoint 3 |
| 1,1-dichloroethylene | µg/L | 1 | <0.34 | 0.9 | 0 | Endpoint 3 |
| Dichlorobromomethane | µg/L | 1 | <0.32 | 6.2 | 0 | Endpoint 3 |
| Dichloromethane | µg/L | 1 | <0.34 | 450 | 0 | Endpoint 3 |

| Pollutant | Units | n[1] | MEC[2,3] | Most Stringent Criterion | Background[4] | RPA Endpoint[5] |
|---|---|---|---|---|---|---|
| 1,3-dichloropropene | µg/L | 1 | <0.51 | 8.9 | 0 | Endpoint 3 |
| Dieldrin | µg/L | 1 | <0.002 | 0.00004 | 0 | Endpoint 3 |
| 2,4-dinitrotoluene | µg/L | 1 | <0.18 | 2.6 | 0 | Endpoint 3 |
| 1,2-diphenylhydrazine | µg/L | 1 | <0.25 | 0.16 | 0 | Endpoint 3 |
| Halomethanes[13] | µg/L | 1 | ND[8] | 130 | 0 | Endpoint 3 |
| Heptachlor | µg/L | 1 | <0.001 | 0.00005 | 0 | Endpoint 3 |
| Heptachlor epoxide | µg/L | 1 | <0.002 | 0.00002 | 0 | Endpoint 3 |
| Hexachlorobenzene | µg/L | 2 | <0.17 | 0.00021 | 0 | Endpoint 3 |
| Hexachlorobutadiene | µg/L | 1 | <0.47 | 14 | 0 | Endpoint 3 |
| Hexachloroethane | µg/L | 1 | <0.52 | 2.5 | 0 | Endpoint 3 |
| Isophorone | µg/L | 1 | <0.21 | 730 | 0 | Endpoint 3 |
| N-nitrosodimethylamine | µg/L | 1 | <0.14 | 7.3 | 0 | Endpoint 3 |
| N-nitrosodi-N-propylamine | µg/L | 1 | <0.26 | 0.38 | 0 | Endpoint 3 |
| N-nitrosodiphenylamine | µg/L | 1 | <0.19 | 2.5 | 0 | Endpoint 3 |
| PAHs[14] | µg/L | 1 | 0.012 | 0.0088 | 0 | Endpoint 3 |
| PCBs[15] | µg/L | 1 | <0.03 | 0.000019 | 0 | Endpoint 1[12] |
| TCDD equivalents[16] | µg/L | 1 | ND[8] | $3.9 \times 10^{-9}$ | 0 | Endpoint 3 |
| 1,1,2,2-tetrachloroethane | µg/L | 1 | <0.34 | 2.3 | 0 | Endpoint 3 |
| Tetrachloroethylene | µg/L | 1 | <0.5 | 2.0 | 0 | Endpoint 3 |
| Toxaphene | µg/L | 1 | <0.27 | 0.00021 | 0 | Endpoint 3 |
| Trichloroethylene | µg/L | 1 | <0.35 | 27 | 0 | Endpoint 3 |
| 1,1,2-trichloroethane | µg/L | 1 | <0.29 | 9.4 | 0 | Endpoint 3 |
| 2,4,6-trichlorophenol | µg/L | 1 | <0.22 | 0.29 | 0 | Endpoint 3 |
| Vinyl chloride | µg/L | 1 | <0.33 | 36 | 0 | Endpoint 3 |

1. Number of data points available for the RPA.
2. If there is a detected value (including DNQ value), the highest reported value is summarized in the table. If there are no detected values, the lowest MDL is summarized in the table.
3. Note that the reported MEC does not account for dilution. The RPA does account for dilution; therefore, it is possible for a parameter with an MEC in exceedance of the most stringent criteria not to present an Endpoint 1.
4. As site-specific receiving water quality data are not available and in accordance with implementation procedures for Table 1 of the Ocean Plan, background seawater concentration (Cs) is set equal to zero for all Table 1 parameters except those listed in Table 3 of the Ocean Plan.
5. Endpoint 1 – RP determined, limit required, monitoring required.
   Endpoint 2 – no RP, monitoring may be established.
   Endpoint 3 – RPA was inconclusive, carry over previous limitations if applicable, and establish monitoring.
6. No monitoring data were available for this pollutant.
7. Non-chlorinated phenolic compounds represent the sum of 2-nitrophenol; phenol; 2,4-dimethylphenol; 2,4-dinitrophenol; 2-methyl-4,6-dinitrophenol; and 4-nitrophenol.
8. Results for the individual pollutants used to calculate the summation for this parameter are non-detected.

9. Chlorinated phenolic compounds represent the sum of 2-chlorophenol; 2,4-dichlorophenol; 2,4,6-trichlorophenol; 4-chloro-3-methylphenol; and pentachlorophenol.
10. HCH shall mean the sum of alpha, beta, gamma (lindane), and delta isomers of hexachlorocyclohexane.
11. DDT shall mean the sum of 4,4'-DDT, 2,4'-DDT, 4,4'-DDE, 2,4'-DDE, 4,4'-DDD, and 2,4'-DDD.
12. Reasonable potential was determined for PCBs and DDT based on BPJ in accordance with step 13 of the RPA procedure. See section IV.C.3 of this Fact Sheet for detail.
13. Halomethanes shall mean the sum of bromoform, bromomethane (methyl bromide), and chloromethane (methyl chloride).
14. PAHs shall mean the sum of acenaphthylene; anthracene; 1,2-benzanthracene; 3,4-benzofluoranthene; benzo(k)fluoranthene; 1,12-benzoperylene; benzo(a)pyrene; chrysene; dibenzo(a,h)anthracene; fluorene; indeno(1,2,3-cd)pyrene; phenanthrene; and pyrene.
15. PCBs shall mean the sum of chlorinated biphenyls whose analytical characteristics resemble those of Aroclor-1016, Aroclor-1221, Arolclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.
16. TCDD Equivalents shall mean the sum of the concentrations of chlorinated dibenzodioxins (2,3,7,8-CDDs) and chlorinated dibenzofurans (2,3,7,8-CDFs) multiplied by their respective toxicity factors, as shown in the table below. U.S. EPA method 1613 may be used to analyze dioxin and furan congeners.

$$\text{Dioxin-TEQ (TCDD Equivalents)} = \Sigma (C_x \times TEF_x)$$

Where:

$C_x$ = concentration of dioxin or furan congener x

$TEF_x$ = TEF for congener x

**Toxicity Equivalency Factors**

| Isomer Group | Toxicity Equivalency Factor (TEF) |
|---|---|
| 2,3,7,8-tetra CDD | 1.0 |
| 2,3,7,8-penta CDD | 0.5 |
| 2,3,7,8-hexa CDDs | 0.1 |
| 2,3,7,8-hepta CDD | 0.01 |
| Octa CDD | 0.001 |
| 2,3,7,8 tetra CDF | 0.1 |
| 1,2,3,7,8 penta CDF | 0.05 |
| 2,3,4,7,8 penta CDF | 0.5 |
| 2,3,7,8 hexa CDFs | 0.1 |
| 2,3,7,8 hepta CDFs | 0.01 |
| Octa CDF | 0.001 |

## 4. WQBEL Calculations

WQBELs for DDT and PCBs are included in this Order consistent with the concentration-based WLAs derived for JWPCP on Table 6-2 of the Santa Monica Bay TMDL for DDTs and PCBs, using a $D_m$ of 166:1, an estimated background concentration for DDTs and PCBs in the Palos Verdes shelf of 0.078 ng/L and 0.017 ng/L (in accordance with the TMDL), respectively, and the water quality objectives for DDT and PCBs (0.17 ng/L and 0.019 ng/L, respectively) included in Table 1 of the Ocean Plan. The WLAs are set at levels necessary to ensure attainment of water quality standards at the receiving water. As such, the Regional Water Board has determined that compliance with the WQBELs for DDT and PCBs will ensure that the discharge does not contribute to impairments of the receiving water and protect the beneficial uses of the receiving water.

WLAs for DDTs and PCBs for JWPCP were derived in the TMDL using Equation 1 in the Ocean Plan:

Equation 1: $C_e = C_o + D_m (C_o - C_s)$, where:

$C_e$ = effluent concentration limit, ng/l

$C_o$ = water quality objective to be met at the completion of initial dilution, ng/l

$C_s$ = background seawater concentration, ng/l

$D_m$ = minimum probable initial dilution expressed as parts seawater per part wastewater

Using PCBs as an example,

$$C_{e,\ PCBs} = 0.019\ ng/L + 166\ (\ 0.019\ ng/L – 0.017\ ng/L) = 0.351\ ng/L$$

The following WQBELs for DDT and PCBs are included consistent with the concentration-based WLAs assigned for JWPCP in the TMDL:

**Table F-8. WQBELs for DDT and PCBs**

| Parameter | WQBEL (ng/L) |
|---|---|
| DDT | 15.8 |
| PCBs | 0.351 |

**5. Temperature**

The temperature limitation included in this Order is consistent with temperature water quality objectives for coastal waters discharges included in the Thermal Plan.

**6. Whole Effluent Toxicity (WET)**

Whole Effluent Toxicity (WET) testing detects the aggregate toxic effect on the receiving waters from a mixture of pollutants in the effluent or pollutants that are not typically monitored. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure a sublethal endpoint such as reproduction or growth in addition to mortality. A constituent present at low concentrations may exhibit a chronic effect; however, a higher concentration of the same constituent may be required to produce an acute effect.

Because of construction activities present at the Facility and based on a review of the groundwater monitoring data at the Facility location, toxic constituents (or a mixture of constituents exhibiting toxic effects) may be present in the Facility's construction dewatering wastewater. The Ocean Plan addresses the application of chronic and acute toxicity requirements based on the minimum initial dilution factor for ocean discharges. In accordance with the Ocean Plan, dischargers are required to conduct chronic toxicity monitoring with minimum initial dilution factors ranging from 100:1 to 350:1, and Regional Water Boards may additionally require acute toxicity monitoring as necessary for the protection of beneficial uses of ocean waters. The minimum probable initial dilution ($D_m$) for Discharge Point 001 and 002 is 166:1, which is between 100:1 to 350:1. Consistent with the Ocean Plan, this Order requires only chronic toxicity monitoring for the effluent, as chronic toxicity is a more stringent requirement than acute toxicity, and it evaluates the mortality endpoint as does the acute toxicity testing.

No effluent monitoring data were available to conduct a reasonable potential analysis for toxicity, since the discharge has not commenced at the time of issuance of this Order. The

amount of available monitoring data from samples collected at groundwater monitoring wells located at the White Point Outfall Manifold site were limited for each pollutant, and results were mostly non-detect; none of the results exceeded the applicable Ocean Plan water quality objectives with consideration of the dilution credit assigned for the discharge. Therefore, this Order did not prescribe a chronic or acute toxicity effluent limitation for the dewatered groundwater discharge regulated by this Order. However, the permit may be reopened to incorporate an effluent limitation for chronic or acute toxicity if future effluent monitoring data demonstrate that reasonable potential exists for chronic or acute toxicity in the effluent.

The Ocean Plan establishes a daily maximum chronic toxicity objective of 1.0 $TU_c$ = 100/(No Observed Effect Concentration (NOEC)) using a 5-concentration hypothesis test, and a daily maximum acute toxicity objective of 0.3 $TU_a$ = 100/$LC_{50}$ using a point estimate model. This Order evaluates chronic toxicity using the Test of Significant Toxicity (TST) hypothesis testing statistical approach. This statistical approach is consistent with the Ocean Plan in that it provides the maximum protection to the environment, since it more reliably identifies acute and chronic toxicity than the current NOEC hypothesis-testing approach (See California Ocean Plan, Section III.F and Appendix I).

In June 2010, U.S. EPA published a guidance document titled *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (U.S. EPA 833-R-10-003, June 2010), in which they recommend the following: "Permitting authorities should consider adding the TST approach to their implementation procedures for analyzing valid WET data for their current NPDES WET Program." The TST statistical approach is another statistical option for analyzing valid WET test data. Use of the TST statistical approach does not result in any changes to U.S. EPA's WET test methods. Section 9.4.1.2 of U.S. EPA's *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (U.S. EPA/600/R-95-136), recognizes that, "the statistical methods recommended in this manual are not the only possible methods of statistical analysis." The TST statistical approach can be applied to acute (survival) and chronic (sublethal) endpoints and is appropriate to use for both freshwater and marine WET test methods.

The interpretation of the measurement result from U.S. EPA's TST statistical approach (Pass/Fail) for effluent and receiving water samples is, by design, independent from the concentration-response patterns of the toxicity tests for samples when it is required. Therefore, when using the TST statistical approach, application of U.S. EPA's *Method Guidance and Recommendations for Whole Effluent Toxicity (WET) Testing* (U.S. EPA's 2000 guidance, U.S. EPA 821-B-00-004) on effluent and receiving waters concentration-response patterns will not improve the appropriate interpretation of TST results as long as all Test Acceptability Criteria (TAC) and other test review procedures – including those related to Quality Assurance for effluent and receiving water toxicity tests, reference toxicant tests, and control performance (mean, standard deviation, and coefficient of variation) – described by the WET test methods manual and the TST guidance, are followed. The U.S. EPA's 2000 guidance may be used to identify reliable, anomalous, or inconclusive concentration-response patterns and associated statistical results to the extent that the guidance recommends review of test procedures and laboratory performance already recommended in the WET test methods manual. The guidance does not apply to single concentration (IWC) and control statistical t-tests, and does not apply to the statistical assumptions on which the TST statistical approach is based. The Regional Water Board and the U.S. EPA will not consider a concentration-response pattern as sufficient basis to determine that a TST t-test result for a toxicity test is anything other than valid, absent other evidence. In a toxicity laboratory, unexpected concentration-response patterns should not occur with any regular frequency and consistent reports of anomalous

or inconclusive concentration-response patterns or test results that are not valid will require an investigation of laboratory practices.

Any Data Quality Objectives or Standard Operating Procedure used by the toxicity testing laboratory to identify and report valid, invalid, anomalous, or inconclusive effluent or receiving water toxicity test measurement results from the TST statistical approach which include a consideration of concentration-response patterns and/or PMSDs must be submitted for review by the Regional Water Board, in consultation with U.S. EPA and the State Water Board's Quality Assurance Officer and Environmental Laboratory Accreditations Program (40 CFR section 122.44(h)). The PMSD criteria only apply to compliance for NOEC and the sublethal endpoints of the NOEC, and therefore are not used to interpret TST results.

## D. Final Effluent Limitation Considerations

### 1. Anti-Backsliding Requirements

Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 C.F.R. section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. This Order is a new permit for the Facility's discharge; therefore, anti-backsliding requirements are not applicable.

### 2. Antidegradation Policies

40 C.F.R. Section 131.12 requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16. Resolution 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution 68-16 requires that existing high quality water is maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan and the Ocean Plan implement, and incorporate by reference, both the state and federal antidegradation policies. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge. The Facility's discharge is intermittent and not permanent, and is necessary only through the duration of the construction project which is designed to retrofit aging infrastructures that are serving residents of Los Angeles County. The Ocean Plan allows temporary exceedances of water quality objectives within the zone of initial dilution. As discussed in sections IV.B and IV.C of this Fact Sheet, this Order contains technology-based effluent limitations for TSS, turbidity, oil and grease, settleable solids, and pH based on the Ocean Plan; it also includes effluent limitations for DDTs and PCBs consistent with the *Santa Monica Bay TMDL for DDTs and PCBs* and an effluent limitation for temperature consistent with the Thermal Plan. The cumulative effect of all effluent limitations and other requirements included in this Order is to ensure that applicable water quality objectives of the receiving water will be attained outside of the zone of initial dilution, thereby protecting the beneficial uses of the receiving water. The final limitations in this Order, which include concentration-based and mass-based limitations, hold the Discharger to performance levels that will not cause or contribute to water quality impairment or degradation of water quality, and protects the beneficial uses of the receiving waters. Therefore, the permitted discharge is consistent with the antidegradation provision of 40 C.F.R. section 131.12 and State Water Board Resolution 68-16.

### 3. Mass-based Effluent Limitations

Generally, mass-based effluent limitations ensure that proper treatment, and not dilution, is employed to comply with the final effluent concentration limitations. 40 C.F.R.

122.45(f)(1) requires that all permit limitations, standards or prohibitions be expressed in terms of mass units except under the following conditions: (1) for pH, temperature, radiation or other pollutants that cannot appropriately be expressed by mass limitations; (2) when applicable standards or limitations are expressed in terms of other units of measure; or (3) if in establishing technology-based permit limitation on a case-by-case basis, limitation based on mass are infeasible because the mass or pollutant cannot be related to a measure of production.

Mass-based effluent limitations are established using the following formula:

Mass (lbs/day) = flow rate (MGD) x 8.34 x effluent limitation (mg/L)

where: Mass = mass limitation for a pollutant (lbs/day)

Effluent limitation = concentration limit for a pollutant (mg/L)

Flow rate = discharge flow rate (MGD)

Mass-based effluent limitations applicable to Discharge Points 001 and 002 are calculated based on a total combined permitted discharge flow of 1.44 MGD. Compliance of these mass-based effluent limitation shall be met at the effluent through Discharge Points 001 and 002, as measured collectively at the Effluent Monitoring Location EFF-001A (during Phase I construction) and EFF-001B (during Phase II construction).

**4. Stringency of Requirements for Individual Pollutants**

This Order contains technology-based effluent limitations consisting of restrictions on oil and grease, settleable solids, TSS, turbidity, and pH. Restrictions on these pollutants/parameters are discussed in section IV.B of this Fact Sheet. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements, and are consistent with the Ocean Plan.

Water quality-based effluent limitations have been derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. The scientific procedures for calculating individual water quality-based effluent limitations for priority pollutants are based on the Ocean Plan, which became effective on January 28, 2016. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by U.S. EPA prior to May 30, 2000. Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

**Table F-9. Summary of Final Effluent Limitations for Discharge Points 001 and 002**

| Pollutant | Units | Effluent Limitations | | | | | Basis[2] |
|---|---|---|---|---|---|---|---|
| | | Average monthly (30-day average) | Maximum Daily | Instantaneous Minimum[1] | Instantaneous Maximum[1] | Average Weekly | |
| ***Conventional Pollutants*** | | | | | | | |
| pH | pH Units | -- | -- | 6.0 | 9.0 | -- | OP |
| Total Suspended Solids (TSS) | mg/L | 60 | -- | -- | -- | -- | OP |
| | lbs/day[3] | 720 | -- | -- | -- | -- | |
| Oil and Grease | mg/L | 25 | -- | -- | 75 | 40 | OP |
| | lbs/day[3] | 300 | -- | -- | 900 | 480 | |

| Pollutant | Units | Effluent Limitations | | | | | Basis[2] |
|---|---|---|---|---|---|---|---|
| | | Average monthly (30-day average) | Maximum Daily | Instantaneous Minimum[1] | Instantaneous Maximum[1] | Average Weekly | |
| ***Non-conventional Pollutants*** | | | | | | | |
| Temperature | °F | -- | -- | -- | (4) | -- | TP |
| Turbidity | NTU | 75 | -- | -- | 225 | 100 | OP |
| Settleable Solids | mL/L | 1.0 | -- | -- | 3.0 | 1.5 | OP |
| ***Ocean Plan Table 1 Parameters*** | | | | | | | |
| DDT, Total[5] | µg/L | 0.0158 | -- | -- | -- | -- | OP, TMDL, BPJ |
| | lbs/day[3] | 0.00019 | -- | -- | -- | -- | |
| PCBs, Total[6] | µg/L | 0.00035 | -- | -- | -- | -- | OP, TMDL, BPJ |
| | lbs/day[3] | $4.2 \times 10^{-6}$ | -- | -- | -- | -- | |

1. Instantaneous minimum and maximum limitations are applied to grab samples.
2. OP= California Ocean Plan; TP= Thermal Plan; TMDL = *Santa Monica Bay TMDL for DDTs and PCBs*; BPJ = Best Professional Judgement.
3. Mass loading limitations are based on the maximum combined flow at Discharge Points 001 and 002 (1.44 million gallons per day (MGD)) and are calculated as follows:
   Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day
4. The temperature effluent limitations for the discharge are as follows:
   a. The discharge shall be discharged to the open ocean away from the shoreline to achieve dispersion through the vertical water column.
   b. The discharge shall be discharged a sufficient distance from areas of special biological significance to assure the maintenance of natural temperature in these areas.
   c. The discharge shall not result in increases in the natural water temperature exceeding 4°F at the shoreline, the surface of any ocean substrate, or the ocean surface beyond 1,000 feet from the discharge system. The surface temperature limitation shall be maintained at least 50 percent of the duration of any complete tidal cycle
5. DDT shall mean the sum of 4,4'-DDT, 2,4'-DDT, 4,4'-DDE, 2,4'-DDE, 4,4'-DDD, and 2,4'-DDD.
6. PCBs shall mean the sum of chlorinated biphenyls whose analytical characteristics resemble those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254 and Aroclor-1260.

### E. Interim Effluent Limitations- Not Applicable

### F. Land Discharge Specifications- Not Applicable

### G. Recycling Specifications- Not Applicable

## V. RATIONALE FOR RECEIVING WATER LIMITATIONS

### A. Surface Water

The Ocean Plan contains numeric and narrative water quality objectives applicable to coastal waters of California. The water quality objectives include a policy to maintain the high-quality waters pursuant to federal regulations (40 C.F.R. section 131.12) and State Water Board Resolution No. 68-16. Receiving water limitations in this Order are included to ensure protection of the beneficial uses. If there is reasonable potential as demonstrated by a reasonable potential analysis during permit development or a U.S. EPA-approved TMDL WLA, then WQBELs are included in this Order to ensure protection of those water quality standards.

### B. Groundwater- Not Applicable

## VI. RATIONALE FOR PROVISIONS

### A. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with 40 C.F.R. section 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 C.F.R. section 122.42, are provided in Attachment D to this Order. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under 40 C.F.R. section 122.42.

Sections 122.41(a)(1) and (b) through (n) of 40 C.F.R. establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. 40 C.F.R. Section 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 C.F.R. section 123.25, this Order omits federal conditions that address enforcement authority specified in 40 C.F.R. sections 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

### B. Special Provisions

#### 1. Reopener Provisions

The reopener provisions included in section VI.C.1 of the Waste Discharge Requirements of this Order are based on 40 C.F.R. Part 123. The Regional Water Board may reopen the Order to modify conditions and requirements. Causes for modifications can include, but are not limited to: the promulgation of new regulations, modification in toxicity requirements, or adoption of new regulations by the State Water Board or Regional Water Board, including revisions to the Ocean Plan, Basin Plan, or applicable TMDLs.

#### 2. Special Studies and Additional Monitoring Requirements

a. **Toxicity Reduction Evaluation (TRE) Workplan Requirements.** This Order requires the Discharger to develop a Toxicity Reduction Evaluation (TRE) Workplan. In addition, if effluent toxicity testing consistently result in “Fail” as specified in this Order, the Discharger shall conduct a TRE as detailed in section V of the MRP (Attachment E). The TRE will help the Discharger identify the possible source(s) of toxicity. The Discharger shall take all reasonable steps to reduce toxicity.

#### 3. Best Management Practices Plan (BMPP).

This Order requires the Discharger to develop and implement a BMPP using site-specific procedures to prevent hazardous waste/material and trash from being discharged to waters of the State, to ensure that the discharges from the Facility would neither cause nor contribute to a nuisance in the receiving water, and that unauthorized discharges (i.e. spills or unpermitted storm water and non-storm water discharges) to the receiving water have been effectively prohibited.

#### 4. Construction, Operation, and Maintenance Specifications

This provision included in section VI.C.4 of the Waste Discharge Requirements of this Order is based on the requirements of 40 C.F.R. section 122.41(e) and is consistent with the requirements included in the *General Permit for the Discharge of Groundwater from Construction and Project Dewatering to Surface Waters* (NPDES No. CAG994004).

#### 5. Special Provisions for Publicly-Owned Treatment Works (POTWs) – Not Applicable

#### 6. Other Special Provisions – Not Applicable

### 7. Compliance Schedules- Not Applicable

## VII. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

CWA section 308 and 40 C.F.R. sections 122.41(h), (j)-(*l*), 122.44(i), and 122.48 require that all NPDES permits specify monitoring and reporting requirements. Water Code sections 13267 and 13383 also authorize the Regional Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. The Monitoring and Reporting Program (MRP), Attachment E of this Order establishes monitoring, reporting, and recordkeeping requirements that implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP.

### A. Influent Monitoring- Not Applicable

### B. Effluent Monitoring

Effluent monitoring for discharges regulated by this Order through Discharge Points 001 and 002 shall be conducted collectively at EFF-001A (during Phase I construction) and at EFF-001B (during Phase II construction) in accordance with Table E-2 of the Monitoring and Reporting Program (MRP) (Attachment E). The Discharger is required to conduct monitoring of the permitted discharges in order to evaluate compliance with permit limitations and conditions and to provide data for future reasonable potential analysis. This Order requires compliance with the MRP, which is based on 40 C.F.R. sections 122.48, 122.44(i), 122.41(j), 122.62, 122.63, and 124.5. The MRP is a standard requirement in NPDES permits issued by the Regional Water Board. In addition to containing definition of terms, it specifies general sampling/analytical protocols and the requirements of reporting spills, violations, and routine monitoring data in accordance with NPDES regulations, the California Water Code, and Regional Water Board policies. The MRP also contains a sampling program specific to the Discharger's dewatering operation at the White Point Outfall Manifold. It defines the sampling stations and frequency, pollutants to be monitored, and additional reporting requirements. Pollutants to be monitored include all pollutants for which effluent limitations are specified or expected to be present in the discharge. Monitoring frequencies included in Table E-2 of the MRP are based on the Ocean Plan, best professional judgment, and can generally be summarized as follows:

1. Monthly monitoring is required for some pollutants where effluent limitations at Discharge Points 001 and 002 have been established and/or are commonly present in construction dewatering discharges, including: TSS, oil and grease, turbidity, settleable solids, temperature, and pH.
2. Quarterly monitoring for DDTs and PCB (as aroclor), and annual monitoring for PCB (as congeners) are required, consistent with the *Santa Monica Bay TMDL for DDTs and PCBs* and the Ocean Plan to determine compliance with effluent limitations.
3. Quarterly monitoring for all other parameters, including remaining pollutants contained in Table 1 of the Ocean Plan, which do not have effluent limitations, are required. Data generated from this monitoring are necessary for future reasonable potential analysis to evaluate the discharge regulated by this Order, as there are no representative data available for the discharge during the permit development process of this Order. The monitoring frequency for these parameters may be reduced to semiannually after the second year from the beginning of discharge, upon approval from the Regional Water Board.

### C. Whole Effluent Toxicity Testing Requirements

The rationale for WET testing required under this Order has been discussed in section IV.C.6 of this Fact Sheet.

### D. Receiving Water Monitoring

#### 1. Surface Water

No specific receiving water monitoring requirements are included in this Order. The discharge regulated by this Order is discharged to the same ocean outfalls: Discharge Points 001 and 002 used by the JWPCP, which is separately regulated by NPDES Permit No. CA0053813. JOS is the owner and operator for both the JWPCP and the discharge regulated by this Order. Therefore, compliance with the receiving water monitoring requirements (including participation in regional monitoring programs and inspection for the outfall and diffuser structures) included in JWPCP's NPDES permit (Monitoring and Reporting Program CI-1758) will also satisfy the receiving water monitoring requirements for this Order.

#### 2. Groundwater- Not Applicable

## VIII. PUBLIC PARTICIPATION

The Regional Water Board has considered the issuance of WDRs that will serve as an NPDES permit for the Joint Outfall System, White Point Outfall Manifold Construction Dewatering Project. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs and has encouraged public participation in the WDR adoption process.

### A. Notification of Interested Parties

The Regional Water Board notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and provided an opportunity to submit written comments and recommendations. Notification was provided through the following: email and local newspaper; relevant documents to the tentative permit was also available on the Regional Water Board website.

The public had access to the agenda and any changes in dates and locations through the Regional Water Board's website at:

**http://www.waterboards.ca.gov/losangeles**

### B. Written Comments

Interested persons were invited to submit written comments concerning the tentative WDRs as provided through the notification process. Comments were required to be submitted either in person or by mail to the Executive Officer at the Regional Water Board at 320 West 4th Street, Suite 200, Los Angeles, CA 90013, or by email to losangeles@waterboards.ca.gov with a copy to Ching-Yin.To@waterboards.ca.gov.

To be fully responded to by staff and considered by the Regional Water Board, and included in the record, the written comments were due at the Regional Water Board office by 5:00 p.m. **April 18, 2019**.

### C. Public Hearing

The Regional Water Board held a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: May 9, 2019

Time: 9:00 a.m.

Location: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California

Interested persons were invited to attend. At the public hearing, the Regional Water Board heard testimony pertinent to the discharge, WDRs, and permit. For accuracy of the record, important testimony was requested in writing.

**D. Reconsideration of Waste Discharge Requirements**

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., within 30 calendar days of the date of adoption of this Order at the following address, except that if the thirtieth day following the date of this Order 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:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

Or by email at waterqualitypetitions@waterboards.ca.gov

For instructions on how to file a petition for review, see:

<http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml>

**E. Information and Copying**

The Report of Waste Discharge (ROWD), tentative WDRs, comments received, and other supporting documents are on file and the electronic copies may be assessed in the CIWQS database or on the Los Angeles Regional Water Quality Control Board website at www.waterboards.ca.gov/losangeles. Hard copies may be inspected at the Regional Water Board's office at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Viewing and copying of documents may be arranged through the Regional Water Board by calling (213) 576 – 6600.

**F. Register of Interested Persons**

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this facility, and provide a name, address, and phone number.

**G. Additional Information**

Requests for additional information or questions regarding this order should be directed to Ching Yin To through electronic mail at ching-yin.to@waterboards.ca.gov or by phone at (213) 576-6696.