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

ORDER NO. R4-2003-0117
NPDES PERMIT NO. CA0000787

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
U.S. BORAX, INCORPORATED
Wilmington Refinery

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

Background

1. The U.S. Borax, Incorporated (hereinafter Discharger or Borax) Wilmington Refinery discharges single-pass, non-contact cooling seawater under waste discharge requirements (WDRs) contained in Order No. 97-004 (NPDES No. CA0000787, CI-1449) adopted by the Regional Board on January 27, 1997. Order 97-004 serves as the National Pollutant Discharge Elimination System (NPDES) permit (CA0000787).

2. The Discharger has filed a report of waste discharge (ROWD) and has applied for renewal of its WDRs and NPDES permit.

Purpose of Order

3. The purpose of this Order is to renew the WDRs for the Wilmington Refinery. This NPDES permit regulates the discharge of single-pass, non-contact cooling seawater through Discharge Serial No. 009 into Slip No. 1 of Los Angeles Inner Harbor (at Berth 166), a water of the United States. Discharge Serial 009 is located at Latitude 33°45'28" North, Longitude 118°16'02" West.

Facility Description

4. The Borax Wilmington Refinery is located at 300 Falcon Street in Wilmington, California. The Discharger produces boron-based compounds including boric acid, zinc borates, sodium tetraborate and other products. These products are used as wood preservatives, fire retardants, pesticides, fertilizers, for pharmaceutical applications, and as nuclear grade boric acid.

Discharge Description

5. Raw boric acid and water are heated by steam coils to bring the boric acid into solution. The solution of boric acid and water then undergoes a treatment specific to the final product that is being developed. After the treatment, the final product is taken out of solution by cooling the solution in the tanks using the single-pass, non-contact cooling water.

6. The intake water source for the cooling system is the Los Angeles Harbor. There were two intake structures for the cooling system that merged into a single water line. The single water line was subsequently split and diverged into two separate cooling systems. Each cooling system was equipped with a designated outfall pipe. Only the seawater cooling wastewaters were discharged through these outfalls; all other industrial wastewater is discharged through the sanitary sewer system.

7. The cooling water system consists of single-pass, non-contact seawater, cooling coils, a pump system, and a treatment system (chlorine dioxide generating system). The intake seawater is chlorinated using a chlorine dioxide injection system to retard marine growth inside the cooling system. Muriatic Acid (hydrochloric acid), SB Chlorinate, and Di-Oxy Chlor are used in the chlorine dioxide generating system. The non-contact cooling water is not de-chlorinated prior to discharge.

8. The facility had a maximum of twenty-nine outfalls, all of which discharged directly to the Los Angeles Harbor. Twenty-eight of them have been previously closed in place or removed. The two remaining cooling systems previously had individual outfall locations (Discharge Serial Nos. 003 and 009). In June 2001, the Discharger modified the cooling water system and consolidated the two outfalls into one outfall. Discharge Serial No. 003 has been removed and all flow is consolidated into what was previously referred to as Discharge Serial No. 009. This permit refers to the remaining outfall as Discharge Serial 001.

9. Borax proposes to discharge up to 2.16 million gallons per day (mgd) of single-pass, non-contact cooling seawater through Discharge Serial No. 001 into Slip No. 1 of Los Angeles Inner Harbor, a water of the United States, at Berth 166, Latitude 33°45’28” North, Longitude 118°16’02” West.

Storm Water Management

10. This Order does not cover discharges of storm water from the facility. The facility has filed a Notice of Intent and is subject to the requirements of the General Permit for Storm Water Discharges Associated with Industrial Activity [State Water Resources Control Board (State Board) Order No. 97-03-DWQ, NPDES Permit No. CAS000001].

Applicable Plans, Policies, and Regulations

11. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on January 27, 1997 by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to

the state antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Board Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the

Basin Plan incorporates (by reference) applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The Regional Board prepared the 1994 update of the Basin Plan to be consistent with all previously adopted State and Regional Board plans and policies. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.

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

13. The receiving water for the permitted discharge covered by this permit is the Los Angeles Inner Harbor. The beneficial uses listed in the Basin Plan for Los Angeles Inner Harbor include:

    Existing: industrial water supply, navigation, non-contact water recreation, preservation of rare and endangered species, commercial and sport fishing, and marine habitat.

    Potential: contact water recreation and shellfish harvesting.

14. The State Water Resources Control Board (State Board) adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains a narrative limit for existing discharges to enclosed bays. The limit reads:

    > "Elevated temperature waste discharges shall comply with limitations necessary to assure protection of the beneficial uses."

    Best professional judgment was used to transfer this narrative limit into a numeric limit, which is included in the permit.

15. On May 18, 2000, the U.S. Environmental Protection Agency (USEPA) promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as 40 CFR 131.38]. In the CTR, USEPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million (10^{-6}), for all priority toxic pollutants regulated as carcinogens. The CTR also provides a schedule of compliance not to exceed 5 years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with the CTR criteria.

16. On March 2, 2000, the State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP*).* The SIP was effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the National Toxics Rule (NTR), and to the priority pollutant objectives established by the Regional Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP was effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The SIP requires the dischargers' submittal of data sufficient to conduct the determination of priority pollutants requiring water quality-based effluent limits (WQBELs) and to calculate the effluent limitations. The CTR criteria for salt water or human health for consumption of organisms, whichever is more stringent, is used to develop the effluent limitations in this Order. The purpose of the effluent limits is to protect the beneficial uses of the Los Angeles Inner Harbor.

17. Under 40 CFR 122.44(d), Water Quality Standards and State Requirements, "Limitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants), which the Director [permitting authority] determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality." Where numeric effluent limitations for a pollutant or pollutant parameter have not been established in the applicable state water quality control plan, 40 CFR section 122.44(d)(1)(vi) specifies that WQBELs may be set based on USEPA criteria, and may be supplemented where necessary by other relevant information to attain and maintain narrative water quality criteria, and to fully protect designated beneficial uses.

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

19. State and Federal antibacksliding and antidegradation policies require Regional Board actions to protect the water quality of a water body and to ensure that the waterbody will not be further degraded. The antibacksliding provisions are specified in section 402(o) of the Clean Water Act (CWA) and in Title 40, Code of Federal Regulations (40 CFR), section 122.44(l). Those provisions require a reissued permit to be as stringent as the previous permit with some exceptions where effluent limitations may be relaxed.

20. Effluent limitations are established in accordance with sections 301, 304, 306, and 307 of the CWA, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of the Los Angeles Inner Harbor.

21. The 1972 amendments to the Federal Water Pollution Control Act (P.L. 92-500) require in section 316(b) that:

> "Any standard established pursuant to section 301 or section 306 of this Act and applicable to a point source shall require that the location, design, construction and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact."

Sections 301 and 306 refer to the development of effluent limitations and dates for achievement of various standards of performance for existing and new sources of waste discharges. The steam-electric generating point source category is the largest user of cooling water in the United States and the *Draft Guidance for Evaluating the Adverse Impact of Cooling Water Intake Structures on the Aquatic Environment: Section 316 (b) P.L. 92-500* (dated May 1, 1977) is directed primarily at this category.

40 CFR Parts 9, et al. (*National Pollutant Discharge Elimination System – Proposed Regulations to Establish Requirements for Cooling Water Intake Structures Phase II Existing Facilities* Proposed Rule) implements section 316 (b) of the Clean Water Act (CWA) for certain existing power producing facilities. The proposed rule constitutes Phase II in EPA's development of section 316 (b) regulations and would establish national requirements applicable to the location design construction, and capacity of cooling water intake structures for facilities that withdraw 50 million gallons per day (MGD) or more of water from river, streams, lakes, reservoirs, estuaries, oceans, or other waters of the United States, and uses more than 25% of this water for cooling purposes.

Phase III of EPA's development of section 316 (b) regulations will address facilities that withdraw less than fifty MGD of cooling water and may include smaller-flow power plants and other industrial sectors. The final action on Phase III is scheduled for June 1, 2006. These requirements will likely be used to evaluate the cooling water intake structure at U.S. Borax.

Watershed Management Approach and Total Maximum Daily Loads (TMDLs)

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

23. The Los Angeles/Long Beach Harbors are located in the southern portion of the Los Angeles Basin in the greater San Pedro Bay. These Harbors receive discharges from highly industrialized areas. The 1998 State Board's California 303(d) List classifies the Los Angeles Inner Harbor, and several water bodies within the Harbor, as impaired. These water bodies include: Consolidated Slip, Southwest Slip, a portion of Main Channel, Fish Harbor, Cabrillo Pier, and the breakwater. The pollutants of concern, detected in the water column, in the sediment, and in the fish tissue, include: copper, lead, ammonia, coliform, chromium, zinc, DDT, PAHs, sediment toxicity, aldrin, benthic community effects, Chem A [refers to the sum of aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, HCH (including lindane), endosulfan, and toxaphene], chlordane, PCBs, and tributyltin.

Data Availability and Reasonable Potential Monitoring

24. 40 CFR 122.44(d)(1)(i) and (ii) require that each toxic pollutant be analyzed with respect to its reasonable potential to (1) cause; (2) have the reasonable potential to cause; or (3) contribute to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant.

25. Section 1.3 of the SIP requires that a limit be imposed for a toxic pollutant if (1) the maximum effluent concentration (MEC) is greater than or equal to the most stringent water quality criteria for the pollutant applicable to the receiving water (C), or (2) the background concentration (B) is greater than C, or (3) other information is available. Sufficient effluent data are needed for this analysis.

26. Regional Board staff has determined that pollutants that have effluent limits in the current permit will be included in this permit. Certain effluent limitations for priority pollutants have been established based on the revised water quality criteria contained in the CTR and the requirements contained in Section 1.4 of the SIP.

27. A RPA was completed using the data collected for priority pollutants in the discharge and in the receiving water. There was reasonable potential for the concentrations of six contaminants to exceed the respective criteria. The contaminants with reasonable potential are 4,4-DDT, alpha-BHC, beta-BHC, copper, lead, and zinc. Effluent limits for these contaminants along with conventional pollutants are included in this Order.

Compliance Schedules and Interim Limitations

27. US Borax may not be able to achieve immediate compliance with the WQBELs for copper, and DDT in Section I.B.3. of this Order. Data submitted in self-monitoring reports for the priority pollutants is limited. In most cases the statistical reasonable potential analysis was completed with five samples. Copper has been detected at concentrations that exceed the limit proposed in this Order. DDT was not detected in any of the samples, however the detection limit used in the analysis exceeds the proposed effluent limit for this constituent. A compliance schedule including requirements for these constituents has been developed.

28. 40 CFR 131.38(e) and the CTR provide conditions under which interim effluent limits and compliance schedules may be issued. The CTR and SIP allow inclusion of an interim limit with a specific compliance schedule of up to five years in a NPDES permit for priority

pollutants if the limit for the priority pollutant is CTR-based. Interim limits for copper, and DDT are contained in this Order.

29. The SIP requires that the Regional Board establish other interim requirements, such as requiring the Discharger to develop a pollutant minimization plan and/or source control measures. Once final limitations become effective, the interim limitations will no longer apply.

    The Discharger has requested that the interim limits remain effective for three years. Planning, scheduling and implementation of a transfer of operations from the Wilmington Refinery to France are anticipated during this interim period.

CEQA and Notifications

30. The Regional Board has notified the Discharger and interested agencies and persons of its intent to issue waste discharge requirements for this discharge, and has provided them with an opportunity to submit their written views and recommendations.

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

32. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Clean Water Act or amendments thereto, and shall take effect in accordance with federal law, provided the Regional Administrator, USEPA, has no objections.

33. Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, Office of Chief Counsel, ATTN: Elizabeth Miller Jennings, Senior Staff Counsel, 1001 I Street, 22nd Floor, Sacramento, California, 95814, within 30 days of adoption of this Order.

34. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) in accordance with the California Water Code, section 13389.

IT IS HEREBY ORDERED that U.S. Borax, Incorporated, Wilmington Refinery, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted there under, shall comply with the following:

I. DISCHARGE REQUIREMENTS

A. Discharge Prohibitions

1. Wastes discharged shall be limited to a maximum of 2.16 million gallons per day (gpd) of single-pass, non-contact cooling seawater.

2. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to a storm drain system, Los Angeles Inner Harbor, or waters of the State, are prohibited.

B. Effluent Limitations

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

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

2. Water temperature shall not exceed 86ºF in the effluent.

3. Final effluent limitations: In addition to the Requirements I.B.1 and I.B.2, the discharge of once through non-contact cooling water from Discharge Serial No. 001 containing constituents in excess of the following limitations is prohibited:

Constituents	Discharge Limitations			
	Monthly Average		Daily Maximum	
	Concentration	Mass[1] (lbs/day)	Concentration	Mass[1] (lbs/day)
Total suspended solids (mg/L)	50	901	75	1,351
Turbidity (NTU)	50	--	75	--
Settleable solids (ml/L)	0.1	--	0.3	--
$BOD_5 20^oC$ (mg/L)	20	360	30	540
Oil and Grease (mg/L)	10	180	15	270
Phenols (mg/L)	--	--	1	18
Residual chlorine (mg/L)	--	--	0.1	1.8
4-4-DDT[2] (µg/L)	0.00059	0.01	0.0012	0.02
Alpha-BHC (µg/L)	0.013	0.23	0.026	0.47
Beta-BHC (µg/L)	0.05	0.9	0.09	1.6
Copper[2] (µg/L)	2.4	43	4.8	77.5
Lead (µg/L)	6.6	119	13.3	240
Zinc (µg/L)	45	811	90	1,621

[1] The mass-based effluent limitations are based on a maximum discharge flow rate of 2.16 mgd of single pass non-contact cooling water.

The equation used to calculate the mass is:

$m = 8.34 * C * Q$ where:

m = mass limit for a pollutant in lbs/day

C = concentration limit for a pollutant, mg/L

Q = maximum discharge flow rate, mgd

[2] These effluent limits are for discharges after September 11, 2006. Discharges prior to that date must comply with the interim limits.

4. Interim Effluent Limitations. From the effective date of this Order until September 11, 2006 the discharge of an effluent in excess of the following limitations is prohibited:

Constituents	Discharge Limitations			
	Daily Maximum		Monthly Average	
	Concentration (µg/L)	Mass[1] (lbs/day)	Concentration (µg/L)	Mass[1] (lbs/day)
Copper[2]	15	0.27	---	---
DDT	0.03	0.0005	---	---

[1] The mass-based effluent limitations are based on a flow rate of 2.16 mgd for daily maximum. There are no monthly average limits prescribed.
[2] Discharge limitation expressed as total recoverable.

C. Receiving Water Limitations

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

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

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

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

   d) Bottom deposits or aquatic growths; or,

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

2. Toxicity limitations:

   a) Acute Toxicity Limitation and Requirements

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

      (2) If any acute toxicity bioassay test result is less than 90% survival, the Discharger shall conduct six additional tests over a six-week period. The Discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of the completion of the test, and the additional tests shall begin within 3 business days of the receipt of the result. If the additional tests indicate compliance with acute toxicity

limitation, the Discharger may resume regular testing. However if the results of any two of the six accelerated tests are less than 90% survival, then the Discharger shall begin a Toxicity Identification Evaluation (TIE). The TIE shall include all reasonable steps to identify the source(s) of toxicity. Once the source(s) of toxicity is identified, the Discharger shall take all reasonable steps to reduce the toxicity to meet the objective.

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

(4) The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 1449.

b) Chronic Toxicity Limitation and Requirements

(1) This Order includes a chronic testing toxicity trigger defined as an exceedance of 1.0 TU_c in a critical life stage test for 100% effluent. (The monthly median for chronic toxicity of 100% effluent shall not exceed, 1 TU_c in a critical life stage test.)

(2) If the chronic toxicity of the effluent exceeds 1.0 TU_c, the Discharger shall immediately implement accelerated chronic toxicity testing according to Monitoring and Reporting Program 1449, Item IV.D.1. If the results of two of the six accelerated tests exceed 1.0 TU_c, the Discharger shall initiate a TIE and implement the Initial investigation TRE Workplan.

(3) The Discharger shall conduct chronic toxicity monitoring as specified in Monitoring and Reporting Program No. 1449.

(4) The chronic toxicity of the effluent shall be expressed and reported in toxic units, where:

$$TU_c = \frac{100}{NOEC}$$

The No Observable Effect Concentration (NOEC) is expressed as the maximum percent effluent concentration that causes no observable effect on test organisms, as determined by the results of a critical life stage toxicity test.

(5) Preparation of an Initial Investigation TRE Workplan

i. The Discharger shall submit a detailed initial investigation Toxicity Reduction Evaluation (TRE) workplan to the Executive Officer of the Regional Board for approval within 90 days of the effective date of this permit. The Discharger shall use EPA manuals

EPA/600/2-88/070 (industrial) or EPA/833B-99/002 (municipal) as guidance or current versions. At a minimum, the TRE workplan must contain the provisions in Attachment C. This workplan shall describe the steps the Discharger intends to follow if toxicity is detected, and should include, at a minimum:

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

iii. 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 operation of the facility; and,

iv. 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) (See MRP Section IV.E.3. for guidance manuals).

3. The discharge shall not cause nuisance, or adversely effect beneficial uses of the receiving water.

4. No discharge shall cause a surface water temperature rise greater than $5^{o}F$ above the natural temperature of the receiving waters at any time or place.

5. The discharge shall not cause the following limitations to be exceeded in the receiving waters at any place within the waterbody of the receiving waters:

   a) The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH levels by more than 0.5 units;

   b) Dissolved oxygen shall not be less than 5.0 mg/L anytime, and the median dissolved oxygen concentration for any three consecutive months shall not be less than 80 percent of the dissolved oxygen content at saturation;

   c) Dissolved sulfide shall not be greater than 0.1 mg/L;

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

II. REQUIREMENTS

A. Best Management Practices and Spill Contingency Plans

The Discharger shall develop and implement, within 90 days of the effective date of this Order, a Best Management Practices Plan (BMPP). If necessary, the plan shall be updated to address any changes in operation and/or management of the facility. Updated plans shall be submitted to the Regional Board within 30 days of revision.

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

The plan shall cover all areas of the facility and shall include an updated drainage map for the facility. The Discharger shall identify on a map of appropriate scale the areas that contribute runoff to the permitted discharge points; describe the activities in each area and the potential for contamination of storm water runoff and the discharge of hazardous waste/material; and address the feasibility of containment and/or treatment of the storm water. The plans shall be reviewed annually and at the same time.

B. Compliance Plan

1. Compliance Tasks for Constituents with Interim Limits

i. For those compounds with interim limits established in provision I.B.5, the Discharger shall submit quarterly progress reports to describe the progress of studies and or actions undertaken to reduce these compounds in the effluent, and to achieve compliance with the final effluents limits in this Order by July 1, 2006. The first progress report shall be received by the Regional Board by November 15, 2003.

ii. U.S. Borax shall submit within twelve weeks after the adoption of this permit, an engineering work plan detailing how the final limitations contained in this Order will be met. The plan shall include, at a minimum, the following elements:

a. An engineering analysis of all water quality data collected since the adoption of the Order, along with an identification of the type of source reductions planned;

b. An evaluation of treatment methods or other corrective actions to be taken to meet the requirements of this Order;

c. A layout of the implementation plan, along with the cost estimates for same;

d. An explanation regarding any additional monitoring that will be required in order to finalize the implementation plan; and,

e. A schedule setting forth compliance implementation dates. There shall be no more than one year between events in the compliance implementation schedule.

2. The Discharger must notify the Regional Board's Executive Officer, in writing, no later than 14 days following each interim date, compliance implementation event, or quarterly report, of the Discharger's compliance or noncompliance with the interim requirements.

C. The Discharger shall submit within 180 days of the effective date of this Order an updated Spill Contingency Plan. The Contingency Plan shall be site-specific and shall cover all areas of the facility. The Contingency Plan shall be reviewed at the same time as the BMPP. Updated information shall be submitted within 30 days of revision.

D. The Discharger shall implement or require the implementation of the most effective combination of BMPs for storm water pollution control. When implemented, BMPs are intended to result in the reduction of pollutants in storm water to the maximum extent practicable.

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

E. In the determination of compliance with the monthly average limitations, the following provisions shall apply to all constituents:

1. If the analytical result of a single sample, monitored monthly or at a lesser frequency, does not exceed the monthly average limit for that constituent, the Discharger will have demonstrated compliance with the monthly average limit for that month.

2. If the analytical result of a single sample monitored monthly or at a lesser frequency, exceeds the monthly average limit for any constituent, the Discharger shall collect three additional samples at approximately equal intervals during the month. All four analytical results shall be reported in the monitoring report for that month, or 45 days after the sample was obtained whichever is later.

3. If the numerical average of the analytical result of these four samples does not exceed the monthly average limit for that constituent, compliance with the monthly average limit has been demonstrated for that month. Otherwise, the monthly average limit has been violated.

4. If Item II.E.2. has not been implemented, and the result of one sample (Item II.E.1) exceeds the monthly average, then the Discharger is in violation of the monthly average limit.

5. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the monthly average effluent limitation has been demonstrated.

F. Pursuant to the requirements of 40 CFR 122.42(a), the Discharger must notify the Board as soon as it knows, or has reason to believe (1) that it has begun or expected to begin, to use or manufacture a toxic pollutant not reported in the permit application, or (2) a discharge of toxic pollutant not limited by this Order has occurred, or will occur, in concentrations that exceed the specified limitations in 40 CFR 122.42(a).

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

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

I. 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.

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

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

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

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

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

III. PROVISIONS

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

B. This Order includes the attached Monitoring and Reporting Program No. 1449. If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the former shall prevail.

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

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

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

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

IV. REOPENERS

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

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

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

D. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, or the adoption of a TMDL for the Los Angeles Inner Harbor Coastal Watershed Management Area.

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

F. This Order may be reopened and modified, to revise the toxicity language once that language becomes standardized.

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

V. EXPIRATION DATE

This Order expires on August 10, 2008.

The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

VI. RESCISSION

Order No. 97-004, adopted by this Regional Board on January 27, 1997, is hereby rescinded except for enforcement purposes.

I, Dennis Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on September 11, 2003.

_____
Dennis A. Dickerson
Executive Officer