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

ORDER NO. R4-2003-0023
NPDES NO. CA0000868

WASTE DISCHARGE REQUIREMENTS
for
SOUTHWEST MARINE, INC.
(San Pedro Division)

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

Background

1. Southwest Marine, Inc., (hereinafter Southwest Marine or Discharger) discharges wastes from its San Pedro Division facility under waste discharge requirements (WDRs) contained in Order No. 95-143, adopted by this Regional Board on October 30, 1995. Order No. 95-135 serves as a National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CA0000868) for the facility.

2. Southwest Marine 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 Southwest Marine's San Pedro Division facility. This Order regulates the discharge of wastewater associated with ship repair/maintenance activities which include wastes (spent abrasive, paint rust, petroleum products, marine growth, and general refuse) that remain after cleaning Dry Docks No. 1 upon flooding the dry dock during docking and undocking operations, ballast water from the floating dry dock, non-contact cooling water for vessel repairing machinery, firemain pressure water, and storm water associated with industrial activity from the facility to Los Angeles Harbor Main Channel, a water of the United States. The points of discharge are described in Finding 6 of this Order.

Facility Description

4. Southwest Marine operates a ship repair/maintenance facility located at 985 South Seaside Avenue, Terminal Island, California. Figure 1 shows the location of the facility. The facility occupies approximately 9 acres and comprise of 800 square feet pier space, production shops, warehousing, administration, parking, and piers 1, 2, and 3, within which two floating dry docks (Dry Dock Nos.1 and 2) are berthed and operated. Figure 2 shows the site map of the facility. The dry docks are used to dryberth vessels for inspection, repair, and maintenance activity. Dry Dock No. 2 was permanently out of commission in 2002.

   The dry docking of ships starts with the positioning of the keel blocks in the dry docks to fit

the vessels being serviced. Then the enclosed ballast tanks under the floating dry docks are filled with seawater until the dry dock is submerged. The ship is then brought into position on top of the keel block. At this point, the water is pumped out of the dry dock ballast tanks and the dry dock, along with the vessel, emerges from the water. The ship is then ready to be repaired.

The ship repair/maintenance activities generally include exterior hull repair, preservation (abrasive blasting and/or hydroblasting and painting), and repair/replacement of valves and fittings below the water line. Wastes generated in dry docks may include spent abrasive, paint rust, petroleum products, marine growth, and general refuse. After each repair operation, the Discharger sweeps and washes down the dry docks prior to submerging the floating dry dock. The wash down water from the floating dry docks, and other wastes generated during the repair operation are stored in baker tanks and hauled to a disposal site. Sanitary wastes and a portion of hydroblast and condensate wastewater are discharged to the sanitary sewer.

5. The Regional Board and the United States Environmental Protection Agency (USEPA) have classified the Southwest Marine as a minor discharge.

Description of Waste Discharges and Outfall

6. Southwest Marine discharges wastes to the Los Angeles Harbor Main Channel through five outfalls (Discharge Serial Nos. 001, 002, 003, 004, and 005) located at the southwestern end of Terminal Island (Latitude 33^{o} 49' 56" North, Longitude 118^{o} 16' 13" West). Due to the proximity of the outfalls to each other, the latitude and longitude are considered the same. The locations of the outfalls are shown in Figure 2.

   The previous permits described Discharge No. 001 as the outfall located at Berth 240Z in Terminal Island. This outfall was used to discharge non-contact, air compressor cooling water (seawater) and bilge water (from vessels in the dry dock) that was treated in an oil/water separator. In a letter dated November 5, 1998, Southwest Marine informed the Regional Board that this outfall was taken out of service and the wastes are hauled to a disposal site. In the ROWD, the former discharge points 002, 003, 004, 005, and 006 are now named as 001, 002, 003, 004, and 005, respectively. Since Dry Dock No. 2 was decommissioned, discharge point 002 is no longer in used.

   The wastes discharged to the Los Angeles Harbor Main Channel include:

   a. Spent abrasive, paint rust, petroleum products, marine growth, and general refuse that remain after cleaning Dry Dock #1. These wastes may be carried into the Los Angeles Harbor when the dry dock is submerged to release the vessel, or when storm water or other water from the vessel run off the dry dock floor while the dock is still afloat. The dry dock is submerged 38 times per year.

b. Approximately 5 million gallons (MG) of ballast water (seawater taken from the Harbor) is discharged from Dry Dock #1 for every dry dock submergence. Ballast water is used to submerge the dry docks in order to bring in the vessels. Because the ballast tanks are enclosed and no chemical additive is used, this is a discharge of seawater.

The ballast water from Dry Dock #1 is discharged into the Los Angeles Harbor through Discharge Serial Nos. 001.

c. Non-contact cooling water of up to 720,000 gallons per day (gpd) from each of the three Piers, (i.e., Pier #1, #2, and #3) is discharged into the Los Angeles Harbor through Discharge Serial Nos. 003, 004, and 005, respectively. Some of the vessels being serviced maintain operation of environmental systems on board (air conditioning, heating, and refrigeration). These systems require cooling water flow to operate correctly. Seawater is collected through a fire main system and used for cooling the vessels' operating system. This water comes into contact with the ship piping system and heat generated by these systems, prior to being discharged back to the harbor. No chemicals are added to the system.

d. Storm water runoff which may include the "first flush[1]" of storm water runoff from high risk[2] areas of the facility.

This Order requires the Discharger to implement measures to capture the first flush of storm water from high risk areas of the facility, and to submit a list identifying the high risk areas acceptable to the Executive Officer within 60 days of adoption of this Order.

The nature of ship repair, and maintenance facilities and activities have a number of pathways by which pollutants and wastes from these facilities and activities could be

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[1] Storm water runoff normally conveys a disproportionate concentration of pollutants in the initial period runoff is generated during "storm event", commonly referred to as "first flush". Storm event means a rainfall event that produces more than 0.1 inch of precipitation and that, which is separated from the previous storm event by at least 72 hours of dry weather.

[2] High risk areas are areas where wastes or pollutants from ship repair, modification, and maintenance activities are subject to exposure to precipitation, run-on, and /or runoff. The wastes or pollutants include, but are not limited to abrasive blast grit material, primer, paint, paint chips, solvents, oils fuels, sludges, detergents, cleaners, hazardous substances, toxic pollutants, non-conventional pollutants, materials of petroleum origin, or other substances that are designated as hazardous under Section 101 (14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or any chemical the facility is required to report pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA)]. The high risk areas shall include but not limited to all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment, storage, and disposal areas, dust or particulate generating areas, cleaning and rinsing areas, and other areas of industrial activity which are potential sources of pollutants.

discharged to the harbor. These facilities are located on or immediately adjacent to Los Angeles Harbor and many of the activities are conducted outdoors. Storm water discharges associated with industrial activity at ship repair, and maintenance sites constitute one potentially significant pathway by which pollutants and wastes could be discharged to the harbor.

7. In addition to the waste streams mentioned above, Southwest Marine also discharges some process wastes into the sanitary sewers or hauled offsite for proper disposal. These wastes consist of hydroblasting or hydrostatic testing water from the surface preparation process and tank cleaning process, condensate wastewater, boiler blowdown, oily bilge/ballast wastewater from vessels, salt box water, waste oil, abrasive sandblasting, liquid paint waste, solid paint waste, oily debris (rags/absorbent clay), and paint debris. These discharges are not regulated under this permit. Marine fouling organisms from painted surface (i.e., ship hulls) are hauled offsite for proper disposal.

8. Southwest Marine previously used chlorine to abate infestation by wood borers to the ballast tanks of Dry Dock #1. Dry dock No. 1 was made of wood while Dry Dock No. 2 was made of concrete. In a letter dated February 14, 2001, the Discharger notified the Regional Board that the treatment of the dry dock ballast tank with chlorine ceased since January 1996 and the Discharger does not plan to treat ballast tanks with chlorine in the future.

Discharge Quality

9. The effluent characteristics of ballast water as reported in the ROWD are as follows:

Constituent	Units	Daily Maximum
Flow	MG[1]	5
Biochemical oxygen demand (BOD)	mg/L	30
Total suspended solids (TSS)	mg/L	29
Chemical oxygen demand (COD)	mg/L	840
Total residual chlorine	mg/L	<0.1
Oil and grease	mg/L	<1.7
pH	Std units	7.0

Constituent	Units	Daily Maximum
Total organic carbon (TOC)	mg/L	4.1

Ammonia (as N)	mg/L	<0.5
Temperature - Winter	^{o}C	13.39

[1] MG - million gallons

10. The effluent characteristics of non-contact cooling water as reported in the ROWD are as follows:

Constituent	Units	Daily Maximum
Flow	mgd	0.72
BOD	mg/L	2.9
TSS	mg/L	39
COD	mg/L	1200
Oil and grease	mg/L	<1.0
pH	Std units	7.9
TOC	mg/L	1.5
Ammonia (as N)	mg/L	<0.50
Temperature - Winter	^{o}C	14.23

11. The receiving water (water samples were collected on February 28, 2001) characteristics as reported in the ROWD are as follows:

Constituent	Units	Daily Maximum
BOD	mg/L	27
TSS	mg/L	18
COD	mg/L	630
Total residual chlorine	mg/L	0.1
Oil and grease	mg/L	<1.0
pH	Std units	7.0
TOC	mg/L	2.3
Ammonia (as N)	mg/L	<0.5
Temperature - Winter	^{o}C	13.72

Storm Water Regulation

12. Storm water discharge from the facility was covered under the general NPDES permit for storm water discharges associated with industrial activities [State Water Resources Control Board (State Board) Order No. 97-03-DWQ, NPDES Permit No. CAS000001, adopted on

April 17, 1997] and the Discharger has developed and implemented a Storm Water Pollution Prevention Plan (SWPPP) in accordance with this general NPDES permit. The permit requires the Discharger to update and implement its SWPPP. The SWPPP will outline site-specific management processes for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged directly into surface waters.

The objective of this Order is to protect the beneficial uses of receiving water. To meet this objective, this Order requires that the SWPPP specify Best Management Pracrices (BMPs) that will be implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable. Further, the Discharger shall assure that storm water discharges from the facility would neither cause, nor contribute to, the exceedance of water quality standards and objectives, nor create conditions of nuisance in the receiving water. This Order will now regulate the Southwest Marine's discharge of storm water to the Los Angeles Harbor.

13. The Clean Water Act (CWA) authorizes inclusion of BMPs requirements in the NPDES permits under certain conditions. The nature of ship modification, repair, and maintenance facilities and activities, and the waste streams and pollutants associated with such facilities and activities (as described in Findings 4, and 6) is such that implementation of BMPs is appropriate and necessary. Implementation of a BMP program that emphasizes preventive measures is an effective way to control the potential discharge of pollutants and wastes to the receiving waters.

    In 1998 Southwest Marine has updated its BMP plan and implemented the BMPs to control potential discharge of significant amounts of any pollutants to the receiving water.

Applicable Plans, Policies, and Regulations

14. 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.

15. The Basin Plan contains water quality objectives for, and lists the following beneficial uses

of the Los Angeles Harbor, Main Channel:

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

Potential: water contact recreation, and shellfish harvesting.

16. On May 18, 1972 (amended on September 18, 1975), the State 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). The Thermal Plan contains temperature objectives for the Los Angeles Harbor Main Channel. The narrative objective of the Thermal Plan states that elevated temperatures of wastes discharged shall comply with limitations necessary to assure protection of the beneficial uses.

17. 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 section 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.

18. 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 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 to submit sufficient data to conduct the determination of priority pollutants requiring Water Quality-Based Effluent Limitations (WQBELs) and to calculate the effluent limitations. The CTR criteria for saltwater or human health for consumption of organisms, whichever is more stringent, are used to prescribe the effluent limitations in this Order to protect the beneficial uses of the Los Angeles Harbor, Main Channel.

19. Under title 40 Code of Federal Regulations (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 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 water quality-based effluent limitations (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.

20. 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 judgement (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 California Toxic Rule. These requirements, as they are met, will protect and maintain existing beneficial uses of the receiving water. The attached fact sheet of this Order includes specific bases for the effluent limitations.

21. State and Federal antibacksliding and antidegradation policies require that 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 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.

22. Effluent limitations, toxic effluent standards, and monitoring programs established pursuant to sections 301, 304, 306, and 307 of the federal CWA and amendments thereto are applicable to the discharges herein.

Watershed Management Approach and Total Maximum Daily Loads

23. The Regional Board has implemented the Watershed Management Initiative 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 TMDLs to better assess cumulative impacts of pollutants from all point and non-point sources to more efficiently develop watershed-specific solutions that balance the environmental and economic impacts within a watershed. The TMDLs will establish waste load allocations (WLAs) and load allocations (LAs) for point and non-point sources, and will result in achieving water quality standards for the waterbody.

24. The Los Angeles Region encompasses ten Watershed Management Areas (WMA) which are the geographically defined watershed areas where the Regional Board implements the watershed approach. The Regional Board has enumerated significant issues in each of the

WMAs. Significant watershed issues in the Los Angeles/Long Beach Harbors for the coastal waters are:

- Historic deposits of dichloro-diphenyl trichloroethane (DDT) and polychlorinated biphenyls (PCBs) in sediment;
- Discharges from pubilcly owned treatment works (POTW) & refineries;
- Spills from ships and industrial facilities;
- Leaching of contaminated groundwater; and,
- Impairments from historic pesticides and from dredge material.

Pursuant to this Regional Board's Watershed Initiative Chapter, December 2000, the Los Angeles/Long Beach Harbors Watershed areas are targeted for the 2002-2003 fiscal year.

25. The 1998 California 303(d) list, approved by the USEPA on May 12, 1999, identified the following pollutants of concern for Los Angeles/Long Beach Harbors: DDT, PCBs, and polycyclic aromatic hydrocarbons (PAHs).

26. To prevent further degradation of the water quality of Los Angeles/Long Beach Harbors and to protect its beneficial uses, mixing zones and dilution credits are not allowed in this Order. This determination is based on:

- The discharge may contain the 303(d)-listed pollutants that exceed water column criteria. Since the receiving water is impaired, a dilution factor is not appropriate and the final WQBEL should be numeric objective/criterion applied end-of-pipe.

- The discharge may contain the 303(d)-listed pollutants that are bioaccumulative. These pollutants, when exceeding water criteria within the mixing zone, can potentially result in tissue contamination of organisms directly or indirectly through contamination of bed sediments with subsequent incorporation into the food chain.

Data Availability and Reasonable Potential Analysis

27. 40 CFR 122.44(d)(1)(i) and (ii) require each toxic pollutant be analyzed with respect to its reasonable potential when determining whether a discharge (1) causes; (2) has the reasonable potential to cause; or (3) contributes to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant.

28. Section 1.3 of the SIP require that a limit be imposed for a toxic pollutant if (1) the maximum effluent concentration (MEC) is greater than the most stringent CTR criteria, (2) the background concentration is greater than the CTR criteria, or (3) other available information. Sufficient data are needed to conduct this analysis.

29. The existing permit prescribed effluent limitations as well as effluent monitoring for the wastes discharged only in Discharge 001 that was taken out of service (see Finding No. 6, second paragraph), because of the characteristics of the wastes discharged to this outfall. The wastes consisted of non-contact, air compressor cooling water (seawater), and bilge water that was treated in an oil/water separator. The wastes are hauled to a disposal site since this outfall was taken out of service. There were no effluent limitations nor effluent monitoring prescribed for the wastes discharged to the other outfalls. As such, there is insufficient monitoring data available to perform RPA to the priority pollutants. Pursuant to SIP provisions, no limits are prescribed or, if these pollutants have limits in the existing permit, these limits are prescribed in this Order until data are obtained to complete the RPA. The CTR and SIP require the Dischargers to submit sufficient data to conduct the determination of priority pollutants requiring WQBELs and to calculate the effluent limitations. This permit includes an interim monitoring requirements to obtain the necessary data.

    This permit will be reopened to include effluent limitations for toxic constituents determined to be present in significant amounts in the discharge through a more comprehensive monitoring program included as part of this Order and based on the results of the RPA.

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 NPDES permit pursuant to Section 402 of the Federal Clean Water Act or amendments thereto and shall take effect at the end of ten days from the date of its adoption 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 Southwest Marine, Inc., in order to meet the provisions contained

in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the federal Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

I. Discharge Requirements

A. Discharge Prohibition

1. Wastes discharged shall be limited to effluent from ship repair/maintenance operations which include ballast water from the floating dry docks, non-contact cooling water for vessel repairing machinery, firemain pressure water, and storm water (other than first flush) associated with industrial activity from the facility, as proposed. The discharge of water from accidental spills or other sources is prohibited.

2. The direct discharge of particulate and paint residues from the dry dock, ships, or piers, to the Los Angeles Harbor Main Channel, or waters of the State is prohibited.

3. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to Los Angeles Harbor Main Channel, or waters of the State are prohibited.

4. The placement of spent abrasive and paint residue in areas where the materials may be washed into the Los Angeles Harbor by storm water runoff, or by tide or wave action is prohibited.

5. The discharge of floating oil or other floating material from any activity that may cause deleterious bottom deposits, turbidity or discoloration in surface waters is prohibited.

6. The discharge of pressure washing water, boiler drainage water or any process water that is used or accumulated in the dry docks to the Los Angeles Harbor during the dismantling or repair processes is prohibited.

7. The discharge of particulate from dry dock No. 1 shall not exceed those quantities remaining after the following measures have been taken: prior to the submergence of any portion of either of the floating dry docks, the Discharger shall remove spent abrasives, paint residues, and other debris from those portions of the dry dock floor which are reasonably accessible, to a degree achievable by scraping, broom cleaning and pressure washing. After a vessel has been removed from a dry dock, the remaining area of the floor which were previously inaccessible shall be cleaned by scraping, broom cleaning and

pressure washing as soon as practical, and prior to the introduction of another vessel. This provision shall not apply in cases wherein a vessel must be introduced into the dry dock on an emergency basis, such as to prevent sinking, or leakage of oil or other materials. The Executive Officer shall be notified in such cases.

8. The discharge of polychlorinated biphenyl compounds, such as those used for transformer fluid is prohibited.

9. The discharge of wastes and pollutants from underwater operations, such as underwater paint and/or coating removal and underwater hull cleaning (e.g., scamping) is prohibited.

10. The discharge of the first flush of storm water runoff from high risk areas is prohibited.

B. Discharge Specification

1. The discharge shall not contain hazardous substances equal to or in excess of reportable quantity listed in 40 CFR 117 and/or 40 CFR 302.

2. Southwest Marine shall reduce or prevent the discharge of pollutants through implementation of Best Available Technology [BAT, CWA § 301 (b)(2)(A)] for toxic and non-conventional pollutants and Best Conventional Technology [BCT, CWA § 301 (b)(2)(E)] for conventional pollutants.

3. Waste management systems (e.g. wastewater treatment systems and waste storage facilities) shall be designed, constructed, operated, and maintained so as to prevent the discharge of pollutants and maintain indigenous marine life and a healthy and diverse marine community.

4. Waste discharged shall be essentially free of:

   a. Material (other than ship launch grease / wax) that is floatable or will become floatable upon discharge.

   b. Settleable material or substances that may form sediments which will degrade benthic communities or other aquatic life.

   c. Substances which will accumulate to toxic levels in marine waters, sediments, or biota.

   d. Materials that result in aesthetically undesirable discoloration of receiving waters.

e. Substances that significantly decrease the natural light to benthic communities and other marine life.

C. Effluent Limitations

The discharge of effluent from all discharge points (Discharge serial Nos. 001, 003, 004, and 005) in excess of the following limits is prohibited:

1. The pH of wastes discharge shall at all times be within the range of 6.5 to 8.5.

2. The temperature wastes discharge shall not exceed 100°F.

3. Conventional Pollutants:

Constituents	Units	Discharge Limitations	
		Monthly Average	Daily Maximum
Total Suspended Solids	mg/L	50	75
Turbidity	NTU	50	75
BOD_5 20°C	mg/L	20	30
Oil and Grease	mg/L	10	15
Settleable Solids	ml/L	0.1	0.3
Sulfide	mg/L	---	1.0
Phenols	mg/L	---	1.0

4. Acute Toxicity Limitation and Requirements for Effluent and Storm Water

a. Effluent

The acute toxicity of the effluent which consist of water taken from the Los Angeles Harbor and 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.

However, if the percent survival in the Los Angeles Harbor water at the intake location is less than the levels mentioned above, the percent survival in the undiluted effluent which consist of water taken from the Los Angeles Harbor shall not be less that the percent survival in Los Angeles Harbor

water at the intake location. (In the absence of test results demonstrating otherwise, it will be assumed that the percent survival in Los Angeles Harbor water at intake location is not less than these levels.)

Storm Water

The acute toxicity of the undiluted storm water runoff associated with industrial activity which is discharged to Los Angeles Harbor shall be such that: (i) the average survival in the undiluted storm water runoff 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.

b. If either of the above requirements (Section I.C.4.a) is not met, then the Discharger shall conduct six additional tests once during each of the next 6 discharge events. The Discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of completion of the test and the additional tests shall with the next discharge event. 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 sources of toxicity. Once the sources are identified, the Discharger shall take all reasonable steps to reduce toxicity to meet the objective.

Compliance of the toxicity limitation will be implemented after development and implementation of measures to capture the first flush of storm water (i.e., 18 months from the adoption of the permit).

c. If the initial test and any of the additional six acute toxicity bioassay tests results are less than 70% survival, the Discharger shall immediately begin a TIE.

d. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program (MRP) No. 2061.

E. 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; and

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

3. No discharge shall cause a surface water temperature rise greater than 5°F above the natural temperature of the receiving waters at any time or place.

4. The discharge shall not cause the following limits 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;

4. 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 CWA, or amendments thereto, the Regional Board will revise and modify this Order in accordance with such standards.

II. Requirements

A. Pollution Prevention and Best Management Practices Plans

The Discharger shall submit within 90 days of the effective date of this Order the following :

1. An updated SWPPP that describes site-specific management practices for minimizing storm water runoff from being contaminated, and for preventing contaminated storm water runoff from being discharged directly to waters of the State. The tasks in the SWPPP shall include photographing the dry dock and storm water impacted areas after the first storm event of the year. A copy of these photographs shall be included in the annual report. The SWPPP shall be developed in accordance with the requirements contained in Attachment "M".

2. A Best Management Practices Plan (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 State. The updated BMPP shall be consistent with the requirements of 40 CFR 125, Subpart K, and the general guidance contained in the *NPDES Best Management Guidance Document*, USEPA Report No. 600/9-79-045, December 1979 (revised June 1981). In particular, a risk assessment of each area identified by the Discharger shall be performed to determine the potential of hazardous waste/material discharge to surface waters.

Both plans 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 for containment and/or treatment of the storm water. The plans shall be reviewed annually and at the same time. Updated information shall be submitted within 30 days of revision.

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 SWPPP and 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 or measures necessary to prevent storm water runoff associated with industrial activity from commingling with other storm water runoff. These BMP's or measures shall be implemented no later than six (6) months after the date of adoption of this Order. Within 15 days of completion of all the measures, the Discharger shall submit a written notification to the Executive Officer that the measures have been completed.

E. The Discharger shall develop a plan to capture 0.1 inch of the first storm water flush

from high risk areas to be disposed to either publicly owned treatment works (POTW) or to an offsite disposal facility. The plan shall be implemented and the diversion system must be in operation within 18 months of the adoption of this Order. Within 15 days of completion of the diversion system, the Discharger shall submit a written notification to the Executive Officer that the diversion system has been completed.

The Discharger shall submit a list identifying the high risk areas acceptable to the Executive Officer within 60 days of adoption of this Order.

F. Implementation of a BMP Program does not, in and of itself, constitute compliance with the receiving water limitations or other requirements of this Order. If discharges cause or contribute to any impairment of a beneficial use or any violation of the receiving water limitations of this Order, the Discharger shall conduct an investigation to determine the source(s) of pollutants causing or contributing to such impairment or violation, and the persistence thereof. Based on the findings of the completed investigation, the Discharger shall submit to the Executive Officer a technical report that presents the results of this investigation, evaluates whether its BMP Program will prevent future beneficial use impairment and receiving water limitation violation, and includes a description of and schedule for implementation of any necessary modifications to its BMP Program. The Discharger shall complete and submit the technical report within 60 days after the impairment or violation is identified, unless a different time frame is specified by the Executive Officer. The Discharger shall document the status and effectiveness of such modifications to the BMP Program in its annual report (see MRP 2061).

G. A copy of this Order and the BMP Program for the facility shall be kept at a readily accessible location shall be available on-site at all times.

H. 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.

   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.

3. 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.

4. Any single reported value which exceeds a daily maximum effluent concentration of the waste discharge requirements shall be considered a violation of said limit.

If there is any conflict between the provisions stated herein before and the attached "Standard Provisions', those stated hereinbefore prevail.

I. 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 limits in 40 CFR 122.42(a).

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

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

L. 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.

M. The Discharger shall notify the Executive Officer in writing no later than six months prior to planned discharge of any chemical, other than 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.

N. 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 hereinbefore and the attached Standard Provisions, those provisions stated hereinbefore prevail.

B. This Order includes the attached *Monitoring and Reporting Program*. If there is any conflict between provisions stated in the *Monitoring and Reporting Program* and the Standard Provisions, those provisions stated in the former prevail.

C. The Discharger shall comply with the requirements of SWPPP updates associated with industrial activity (State Board Order No. 97-03-DWQ adopted on April 17, 1997) and SWPPP updates and monitoring and reporting requirements of State Board general permit for discharges of storm water and Construction Activity (State Board Order No. 99-08-DWQ adopted on August 19, 1999). This Order R4-2003-0023 shall take precedence where conflicts or differences arise between it and the aforementioned Orders.

D. The Discharger shall comply with lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges entering storm drain systems or other watercourses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by this Regional Board to local agencies.

E. Pursuant to 40CFR 122.61(b), coverage under this Order may be transferred in case of change of ownership of land or discharge facility provided the existing discharger notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new dischargers containing a specific date of transfer of coverage, responsibility for compliance with this Order, and liability between them.

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 reasonable potential analysis 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 MLs.

D. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR sections 122.44(d)(1)(vi)(C)(4), if the limits on the indicator parameter (total nitrogen) no longer attain and maintain applicable water quality standards.

E. 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 Los Angeles Harbor Watershed.

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

G. This Order may 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.

H. 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.

V. Expiration Date

This Order expires on December 10, 2007.

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. 95-143, adopted by this Regional Board on October 30, 1995, is hereby rescinded except for enforcement purposes.

I, Dennis A. 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 January 30, 2003.

Dennis A. Dickerson
Executive Officer