February 28, 2019

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 0820 0001 6812 2411

Mr. Jason Lee
Director – Health, Safety & Environmental
Ultramar Inc.
2402 East Anaheim Street
Wilmington, CA 90744

Dear Mr. Lee:

TRANSMITTAL OF WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR ULTRAMAR INC., WILMINGTON MARINE TERMINAL, BERTH 164, 961 LA PALOMA AVENUE, WILMINGTON, CALIFORNIA (NPDES NO. CA0055719, CI NO. 2165)

Our letter dated December 18, 2018, transmitted the tentative waste discharge requirements (WDRs) for the reissuance of a NPDES permit for your Facility to discharge storm water to surface waters under the National Pollutant Discharge Elimination System (NPDES) Program. Pursuant to Division 7 of the California Water Code, this Regional Water Board at a public hearing held on February 14, 2019, reviewed the proposed requirements, considered all factors in the case, and adopted Order No. R4-2019-0022 (Permit). Order No. R4-2019-0022 serves as an NPDES permit, and expires on March 31, 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 (April 1, 2019) of Order No. R4-2019-0022. Your first monitoring report for the period of April 1, 2019, through June 30, 2019, is due by August 1, 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-2165 and NPDES No. CA0055719, 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 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, Chief
Industrial Permitting Unit (NPDES)

Enclosures: Order No. R4-2019-0022 - Waste Discharge Requirements
Attachment E - Monitoring and Reporting Program (MRP No. 2165)
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
Ms. Linda Shadler, Los Angeles County Sanitation Districts
Mr. Theodore Johnson, Water Replenishment Districts of Southern California
Ms. Rachel McPherson, Port of Los Angeles
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. Mark Phair, Ultramar, Inc.
Mr. Mark Snyder, Ultramar, Inc.
Ms. Shannon Hubbard, Ultramar, Inc.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

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

ORDER R4-2019-0022
NPDES NO. CA0055719

WASTE DISCHARGE REQUIREMENTS FOR THE ULTRAMAR, INCORPORATED WILMINGTON MARINE TERMINAL, BERTH 164 DISCHARGE TO THE LOS ANGELES INNER HARBOR

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

Table 1. Discharger Information

Discharger	**Ultramar, Inc.**
Name of Facility	**Wilmington Marine Terminal, Berth 164**
Facility Address	**961 La Paloma Avenue**
	Wilmington, California 90744
	Los Angeles County

Table 2. Discharge Location

Discharge Point	Effluent Description	Discharge Point Latitude (North)	Discharge Point Longitude (West)	Receiving Water
003	**Storm Water**	**33.7600°**	**118.2653°**	**Los Angeles Inner Harbor**

Table 3. Administrative Information

This Order was adopted on:	**February 14, 2019**
This Order shall become effective on:	**April 1, 2019**
This Order shall expire on:	**March 31, 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 discharge**

I, Deborah J. Smith, Executive Officer, do 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 **February 14, 2019**.

Deborah J. Smith, Executive Officer

CONTENTS

TABLES

ATTACHMENTS

I. FACILITY INFORMATION

Information describing the Ultramar, Inc., Wilmington Marine Terminal, Berth 164 (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 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 locations 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 and G through I 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 Parties. 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 this Order supersedes Order No. R4-2013-0133 except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order. This action in no way prevents the Regional Water Board from taking enforcement action for violations of the previous Order.

III. DISCHARGE PROHIBITIONS

A. Wastes discharged at Discharge Point 003 shall be limited to a maximum of 0.72 million gallons per day (MGD) of storm water, as described in the Fact Sheet (Attachment F). The discharge of wastes from accidental spills or other sources is prohibited.

B. Discharges of wastewater, including storm water or hydrostatic test water, through Discharge Points 001, 002, and 004, as included in Order No. R4-2013-0133, are prohibited in this Order.

C. 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 other waters of the State, are prohibited.

D. Neither the treatment nor the discharge of pollutants shall create pollution, contamination, or a nuisance as defined by section 13050 of the Water Code.

E. 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.

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

G. 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.

H. The discharge of any radiological, chemical, or biological warfare agent into the waters of the state is prohibited under Water Code section 13375.

I. 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.

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

L. 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. a. Effluent Limitations – Discharge Point 003

1. Final Effluent Limitations – Discharge Point 003

The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 003, with compliance measured at Monitoring Location EFF-003 as described in the Monitoring and Reporting Program, Attachment E:

Table 4. Effluent Limitations for Discharge Point 003

Parameter	Units	Effluent Limitations		
		Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Conventional Pollutants				
Total Suspended Solids (TSS)	mg/L	75	--	--
	lbs/day[1]	450	--	--
Biochemical Oxygen Demand (BOD) (5-day @ 20°C)	mg/L	30	--	--
	lbs/day[1]	180	--	--
Oil and Grease	mg/L	15	--	--
	lbs/day[1]	90	--	--

Parameter	Units	Effluent Limitations		
		Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
pH	standard units	--	6.5	8.5
Non-Conventional Pollutants				
Chronic Toxicity[2]	Pass or Fail, % Effect (TST)	Pass or % Effect < 50%	--	--
Phenolic Compounds	mg/L	1.0	--	--
	lbs/day[1]	6.0	--	--
Total Coliform	CFU/100mL or MPN/100 mL	[3]		
Fecal Coliform	CFU/100mL or MPN/100 mL	[3]		
Enterococcus	CFU/100mL or MPN/100 mL	[3]		
Temperature	Degree F	--	--	86[4]
Turbidity	NTU	75	--	--
Settleable Solids	mL/L	0.3	--	--
Total Petroleum Hydrocarbons (TPH)[5]	µg/L	100	--	--
	lbs/day[1]	0.6	--	--
Priority Pollutants				
Copper, Total Recoverable[6]	µg/L	6.1	--	--
	lbs/day[1]	0.037	--	--
Lead, Total Recoverable[6]	µg/L	14	--	--
	lbs/day[1]	0.084	--	--
Nickel, Total Recoverable	µg/L	14	--	--
	lbs/day[1]	0.084	--	--
Zinc, Total Recoverable[6]	µg/L	140	--	--
	lbs/day[1]	0.84	--	--
4,4-DDT[6,7]	µg/L	0.0012	--	--
	lbs/day[1]	7.2×10^{-6}	--	--
PCBs, Total[6,7,8]	µg/L	0.00034	--	--
	lbs/day[1]	2.0×10^{-6}	--	--

[1] Mass loading limitations are based on the maximum flow at Discharge Point 003 (0.72 million gallons per day (MGD)) and are calculated as follows:

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

[2] The MDEL shall be reported "Pass" or "Fail" and "% Effect".

[3] Bacterial limitations are established for both geometric means and single samples. The geometric mean values should be calculated based on a statically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period).

a. Rolling 30-day Geometric Mean Limits
   i. Total coliform density shall not exceed 1,000/100 ml.
   ii. Fecal coliform density shall not exceed 200/100 ml.
   iii. *Enterococcus* density shall not exceed 35/100 ml.

b. Single Sample Maximum (SSM)
   i. Total coliform density shall not exceed 10,000/100 ml.

ii. Fecal coliform density shall not exceed 400/100 ml.
iii. *Enterococcus* density shall not exceed 104/100 ml.
iv. Total coliform density shall not exceed 1,000/100 ml, if the ratio of fecal-to-total coliform exceeds 0.1.

[4] The temperature of wastes discharged shall not exceed 86°F except as a result of external ambient temperature.

[5] Total Petroleum Hydrocarbons (TPH) equals the sum of TPH as gasoline (C_4 - C_{12}), TPH as diesel (C_{13} - C_{22}), and TPH waste oil (C_{23+}).

[6] These effluent limitations are included based on applicable WLAs specified in the *Total Maximum Daily Load for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters* (Harbors Toxics TMDL), which were incorporated into the *Water Quality Control Plan for the Los Angeles Region* (Basin Plan) through Regional Water Board Resolution No. R11-008, and calculated using the California Toxics Rule (CTR) and State Implementation Plan (SIP) procedures.

[7] Samples analyzed must be unfiltered samples.

[8] See Footnote 12 of Table E-2 in Attachment E of this Order for requirements on PCBs analyses.

B. Land Discharge Specifications – Not Applicable

C. Recycling Specifications – Not Applicable

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

The discharge shall not cause the following in the Los Angeles Inner Harbor:

1. The pH of the Los Angeles Inner Harbor shall not be depressed below 6.5 or raised above 8.5 as a result of the waste discharge. Ambient pH levels shall not be changed more than 0.2 units from natural conditions as a result of waste discharge. Natural conditions shall be determined on a case-by-case basis.

2. Surface water temperature to rise greater than 5º F above the natural temperature of the receiving waters at any time or place. At no time shall the temperature be raised above 86º F as a result of waste discharged.

3. The mean annual concentration of dissolved oxygen shall be greater than 7 mg/L, and no single determination shall be less than 5.0 mg/L except when natural conditions cause lesser concentrations.

4. Water Contact Standards

a.

In marine water designated for water contact recreation (REC-1), the waste discharged shall not cause the following bacterial standards to be exceeded in the receiving water.

Rolling 30-day Geometric Mean Limits

i. Total coliform density shall not exceed 1,000/100 mL.
ii. Fecal coliform density shall not exceed 200/100 mL.
iii. *Enterococcus* density shall not exceed 35/100 mL.

b. Single Sample Maximum

i. Total coliform density shall not exceed 10,000/100 mL.
ii. Fecal coliform density shall not exceed 400/100 mL.
iii. *Enterococcus* density shall not exceed 104/100 mL.
iv. Total coliform density shall not exceed 1,000/100 mL, if the ratio of fecal-to-total coliform exceeds 0.1.

5. Exceedance of the total ammonia (as N) concentrations specified in Chapter 3 of the Basin Plan as amended by Regional Water Board Resolution 2004-022, adopted on March 4,

2004, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Update the Ammonia Objectives for Inland Surface Waters Not Characteristic of Freshwater (including Enclosed Bays, Estuaries, and Wetlands) with the Beneficial Use Designations for Protection of "Aquatic Life*".

6. The presence of visible, floating, suspended or deposited macroscopic particulate matter or foam.
7. Where natural turbidity is between 0 to 50 NTU, increases in turbidity shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases in turbidity shall not exceed 10%.
8. Chlorine residual shall not be present in surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in receiving waters at any concentration that causes impairment of beneficial uses.
9. Oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the receiving water or on objects in the water.
10. Suspended or settleable materials, chemical substances or pesticides in amounts that cause nuisance or adversely affect any designated beneficial use.
11. Toxic or other deleterious substances 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.
12. Accumulation of bottom deposits or aquatic growths.
13. Biostimulatory substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.
14. The presence of substances that result in increases of BOD that adversely affect beneficial uses.
15. Taste or odor-producing substances in concentrations that alter the natural taste, odor, and/or color of fish, shellfish, or other edible aquatic resources; cause nuisance; or adversely affect beneficial uses.
16. Alteration of turbidity, or apparent color beyond present natural background levels.
17. Damage, discolor, or formation of sludge deposits on flood control structures or facilities, or overloading of the design capacity.
18. Degradation of surface water communities and populations including vertebrate, invertebrate, and plant species.
19. Problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.
20. Nuisance, or adversely affect beneficial uses of the receiving water.
21. Violation of any applicable water quality standards for receiving waters adopted by the Regional Water Board or State Water Board. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the CWA, or amendments thereto, the Regional Water Board will revise or modify this Order in accordance with such standards.

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. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of 40 C.F.R., 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.
    b. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of wastewater and 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.
    c. 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, 405, and 423 of the federal CWA and amendments thereto.
    d. 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.
    e. 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 of the property and/or discharged to surface waters. Any such spill of such materials shall be contained and removed immediately.
    f. 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.
    g. 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.
    h. 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.

i. 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 change in the character, location, or volume of the discharge.

j. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Regional Water Board as soon as they know or have reason to believe that they have begun or expect to begin to use or manufacture intermediate or final product or byproduct of any toxic pollutant that was not reported on their application.

k. 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 30 days prior to taking effect, 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.

l. Violation of any of the provisions of this Order may subject the violator to any of the penalties described herein, 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.

m. The Discharger shall notify the Executive Officer in writing no later than 6 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.

n. 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 or 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.

o. 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) 576-6600 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within five 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. Other noncompliance requires written notification as above at the time of the normal monitoring report.

p. Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a decrease of flow in any portion of a watercourse, the Discharger must file a petition with the State Water Board, Division of Water Rights, and receive approval for such a change. (Wat. Code § 1211.)

q. The provisions of this order are severable. If 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. 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.

b. This Order may 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 any reasonable potential analysis (RPA) that may be conducted.

c. 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 MLs.

d. This Order may be reopened and modified to revise effluent limitations as a result of future Basin Plan Amendments, such as an update of an objective or the adoption of a TMDL for the Los Angeles Inner Harbor, or the Los Angeles/Long Beach Harbor Watershed Management Area.

e. 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.

f. 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. The filing of a request by the Discharger for

a. 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

Toxicity Reduction Requirements

Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan. The Discharger shall submit to the Regional Water Board an Initial Investigation TRE workplan (1-2 pages) **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.

Harbors Toxics TMDL Water Column, Sediment, and Fish Tissue Monitoring for the Greater Los Angeles and Long Beach Harbor Waters Compliance Monitoring Program

b. As defined in the Harbors Toxics TMDL, the Discharger is a "responsible party" because it is an Individual Industrial Permittee. As such, either individually or with a collaborating group, the Discharger shall develop a monitoring and reporting plan (Monitoring Plan) and quality assurance project plan (QAPP) for the water column, sediment, and fish tissue in the Los Angeles Inner Harbor as required by the Harbors Toxics TMDL. These plans shall follow the "TMDL Element - Monitoring Plan" provisions for the Greater Los Angeles and Long Beach Harbor Wasters Compliance Monitoring Program in Attachment A to Resolution No. R11-008. The Harbors Toxics TMDL requires that the Monitoring Plan and QAPP shall be submitted 20 months after the effective date (March 23, 2012) of the TMDL for public review and subsequent Executive Officer approval. Since the effective date of this Order exceeds the deadline for the Monitoring Plan and QAPP, the Discharger shall join a group already formed, form its own collaborating group with other dischargers, or develop a site-specific monitoring plan.

If the Discharger decides to join a group already formed, the Discharger shall notify the Regional Water Board within 90 days of the effective date of the Order and provide proof of participation. If the Discharger decides to form a new group, the Discharger shall notify the Regional Water Board within 90 days of the effective date of the Order and submit a coordinated Monitoring Plan with a QAPP to the Regional Water Board within 12 months of the effective date of the Order for public comment and the Regional Water Board approval. If the Discharger decides to develop a site-specific Monitoring Plan with a QAPP, the Discharger shall notify the Regional Water Board within 90 days of the effective date of the Order and submit the Monitoring Plan with a QAPP to the Regional Water Board within 12 months of the effective date of the Order for public comment and the Regional Water Board approval. The Discharger shall begin monitoring 6 months after the Monitoring Plan and QAPP are approved by the Executive Officer, unless otherwise directed by the Executive Officer.

The compliance monitoring program shall include water column, sediment, and fish tissue monitoring. The Discharger shall submit the annual monitoring report to the Regional Water Board by the specified date in the proposed Monitoring Plan. The annual monitoring report shall indicate compliance and non-compliance with waste load and/or load allocations. At a minimum, monitoring shall be conducted at the locations and for the constituents listed in Table 5 for water column, total suspended solids, and bed sediments. The exact locations of monitoring sites shall be specified in the Monitoring Plan to be approved by the Executive Officer.

The Compliance Monitoring Program shall include:

i. **Water Column Monitoring.** Water samples and TSS samples shall be collected during two wet weather events and one dry weather event each year. TSS samples shall be collected at several depths during wet weather events. The first large storm event of the season shall be included as one of the wet weather monitoring events. Water samples and TSS samples shall be collected at Stations 2 through 6 and analyzed for a suite of compounds including, at a minimum, copper, lead, zinc, DDT, and PCBs as indicated in Table 5. Sampling shall be designed to collect sufficient volumes of suspended solids to allow for analysis of the pollutants in the bulk sediment.

In addition, temperature, dissolved oxygen, pH, salinity, and receiving water flow shall be monitored during each sampling event.

Table 5. Sediment Chemistry Monitoring Requirements[1]

Water Body Name	Station ID	Station Location	Sample Media and Parameters	
			Water Column / TSS	Sediment
Los Angeles Inner Harbor	02	East Turning Basin	Flow, Temperature, Dissolved Oxygen, pH, Salinity, TSS, Metals, PCBs, DDT	Metals, Toxicity, Benthic Community Effect
	03	Center of the POLA West Basin		
	04	Main Turning Basin north of Vincent Thomas Bridge		
	05	Between Pier 300 and Pier 400		
	06	Main Channel south of Port O'Call		

1. Sampling shall be designed to collect sufficient volumes of suspended solids to allow for analysis of the listed pollutants in the bulk sediment.

iv. **Sediment Monitoring.** Sediment chemistry samples shall be collected every five years (in addition to, and in between, the sediment triad sampling events as described below), beginning after the first sediment triad event, to evaluate trends in general sediment quality constituents and listed constituents relative to sediment quality targets. Chemistry data without accompanying sediment triad data shall be used to assess sediment chemistry trends and shall not be used to determine compliance. Sediment samples shall be collected at Stations 2 through 6 and analyzed for parameters as included in Table 5.

Sediment quality objective evaluation as detailed in the sediment triad sampling as specified in the *State Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1 Sediment Quality* (SQO Part 1) shall be performed every 5 years in coordination with the Biological Baseline and Bight regional monitoring programs, if possible. Sampling and analysis for the full chemical suite (as included in Attachment A and Table 6 of the SQO document), two toxicity tests, and four benthic indices as specified in the SQO Part 1 shall be conducted and evaluated. If moderate toxicity is observed, results shall be highlighted in annual reports and further analysis and evaluation to determine causes and remedies shall be required in accordance with the Executive Officer approved Monitoring Plan. Locations for sediment triad assessment and the methodology for combining results from sampling locations to determine sediment conditions shall be specified in the Monitoring Plan. The sampling design shall be in compliance with section VII.E of SQO Part 1.

ii. **Fish Tissue Monitoring.** Fish tissue samples shall be collected every two years in San Pedro Bay, Los Angeles Harbor, and Long Beach Harbor, and analyzed for chlordane, dieldrin, toxaphene, DDT, and PCBs. At a minimum, three species shall be collected, including white croaker, a sport fish, and a prey fish.

iii. **Sampling and Analysis Plan.** The Sampling and Analysis Plan must be proposed based on methods or metrics described in the *State Water Board Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1 Sediment Quality* (Resolution 2008-0070 – SQO Part 1), and the *U.S.EPA or American*

Society for Testing and Materials (ASTM). The plan shall include a list of chemical analytes for the water column and sediment.

iv. **Quality Assurance Project Plan.** The Quality Assurance Project Plan (QAPP) shall describe the project objectives and organization, functional activities, and quality assurance/quality control protocols for the water and sediment monitoring. The QAPP shall include protocols for sample collection, standard analytical procedures, and laboratory certification. All samples shall be collected in accordance with Surface Water Ambient Monitoring Program (SWAMP) protocols.

The details of the Harbors Toxics TMDL Water, Sediment, and Fish Tissue Monitoring Plan including sampling locations and all methods shall be specified in the Monitoring Plans submitted to the Executive Officer.

3. Best Management Practices and Storm Water Pollution Prevention

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

a. An updated **Storm Water Pollution Prevention Plan (SWPPP)** that describes site-specific management practices for minimizing contamination of storm water runoff and for preventing contaminated storm water runoff and trash from being discharged directly to waters of the state. The SWPPP 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 point; describe the activities in each area and the potential for contamination of storm water runoff and the discharge of trash or hazardous waste/material; and address the feasibility of containment and/or treatment of storm water. In addition, the SWPPP shall address and include best management practices procedures that the Discharger will implement to prohibit the discharge of trash from the Facility through Discharge Point 003. The SWPPP shall be developed in accordance with the requirements in Attachment G.

b. A **Best Management Practices Plan (BMPP)** that will be implemented to reduce the discharge of pollutants to the receiving water. The BMPP shall include site-specific plans and procedures implemented and/or to be implemented to prevent hazardous waste/material and trash from being discharged to waters of the State. Further, the Discharger shall ensure that the storm water discharges from the Facility would neither cause nor contribute to the nuisance in the receiving water, and that unauthorized discharges (i.e. spills) to the receiving water have been effectively prohibited. 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 and trash discharge to surface waters. The BMPP can be included and submitted with the SWPPP**.**

c. A **Spill Control Plan (SCP)**, that describes the preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. The SCP may be substituted with the Discharger's existing Spill Prevention Control and Countermeasure (SPCC) Plan.

Each plan shall cover all areas of the Facility and shall include an updated drainage map for the Facility. The Discharger shall implement the SWPPP, BMPP, and SCP (or SPCC) 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 continue to implement any existing and previously approved SWPPP, BMPP, and SCP (or SPCC) until an updated SWPPP, BMPP, and SCP (or SPCC) is approved by the Executive

Officer or until the stipulated 90-day period after the updated SWPPP submittal has occurred. The plans shall be reviewed annually and at the same time. Updated information shall be submitted to the Regional Water Board within 30 days of revisions.

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.

5. Other Special Provisions – Not Applicable

6. 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.

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. and I.I of the MRP), then the Discharger is out of compliance.

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

If the sum of the individual pollutant concentrations is greater than the effluent limitation, then the Discharger is out of compliance. In calculating the sum of the concentrations of a group of pollutants, consider constituents reported as ND or DNQ to have concentrations equal to zero, provided that the applicable ML is used.

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 "Detected, but Not Quantified" (DNQ) or "Not Detected" (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 Effluent Limitation (AMEL).

If the average (or when applicable, the median determined by subsection 2 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; 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). 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. The Discharger will only be considered out of compliance for days when 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 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 Reduction” 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. 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 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

G. 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 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).

H. 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.)

I. 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 (EPA 833-R-10-003, 2010), Appendix A, Figure A-1, and Table A-1. The null hypothesis (Ho) 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%.

The Maximum Daily Effluent Limitation (MDEL) for chronic toxicity is exceeded and a violation will be flagged when a chronic toxicity test, analyzed using the TST statistical approach, results in "Fail" and the "Percent Effect" is ≥ 50%.

J. Mass and Concentration Limitations.

Compliance with mass effluent limitations and concentration 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.

K. 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

ATTACHMENT A – DEFINITIONS

Arithmetic Mean (μ)
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: Σx 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.

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 sources discharges including storm water. BMPs include structural and non-structural controls 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.

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.

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.

Detected, but Not Quantified (DNQ)
DNQ are those sample results less than the RL, but greater than or equal to the laboratory's MDL. Sample results reported as DNQ are estimated concentrations.

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.

Dry Weather
Any day when the maximum daily flow within the Dominguez Channel, measured at the Los Angeles County Department of Public Works (LACDPW) mass emission station S-28, is less than 62.7 cubic feet per second (cfs).

EC25
EC25 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.)

Effluent Concentration Allowance (ECA)
ECA is a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as wasteload allocation (WLA) as used in U.S. EPA guidance (Technical Support Document For Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

Enclosed Bays
Enclosed Bays means 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 the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

Estimated Chemical Concentration
The estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

Estuaries
Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

Existing Discharger
Any Discharger that is not a new discharger. An existing discharger includes an "increasing discharger" (i.e., any existing facility with treatment systems in places for its current discharge that is or will be expanding, upgrading, or modifying its permitted discharge after the effective date of this Order.)

Four-Day Average of Daily Maximum Flows
The average of daily maxima taken from the data set in four-day intervals.

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).

Maximum Daily Effluent Limitation (MDEL)
The highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). 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).

Median Monthly Effluent Limitation (MMEL)
The MMEL is, for the purposes of this Permit, an effluent limit based on the median results of three independent toxicity tests, conducted within the same calendar month, and analyzed using the TST approach. The MMEL is exceeded when the median result (i.e. two out of three) is a "fail".

Method Detection Limit (MDL)
MDL is the minimum concentration of a substance that can be reported with 99 percent confidence that the measured concentration is distinguishable from method blank results, as defined in 40 C.F.R. part 136, Attachment B.

Minimum Level (ML)
ML is 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.

Mixing Zone
Mixing Zone is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.

Not Detected (ND)
Sample results which are 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. Discharges to ocean waters are regulated in accordance with the State Water Board's California Ocean Plan.

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

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 a priority pollutant(s) 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
Pollution Prevention means 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 Water Code 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) or Regional Water Board.

Reporting Level (RL)
The 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 4 of the SIP in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. 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 RL.

Significant Storm Event
A continuous discharge of storm water for a minimum of one hour, or the intermittent discharge of storm water for a minimum of 3 hours in a 12-hour period.

Source of Drinking Water
Any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

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

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

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

Toxicity Reduction Evaluation (TRE)
TRE is 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 operation including, but not limited to, products, product packaging, or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural material.

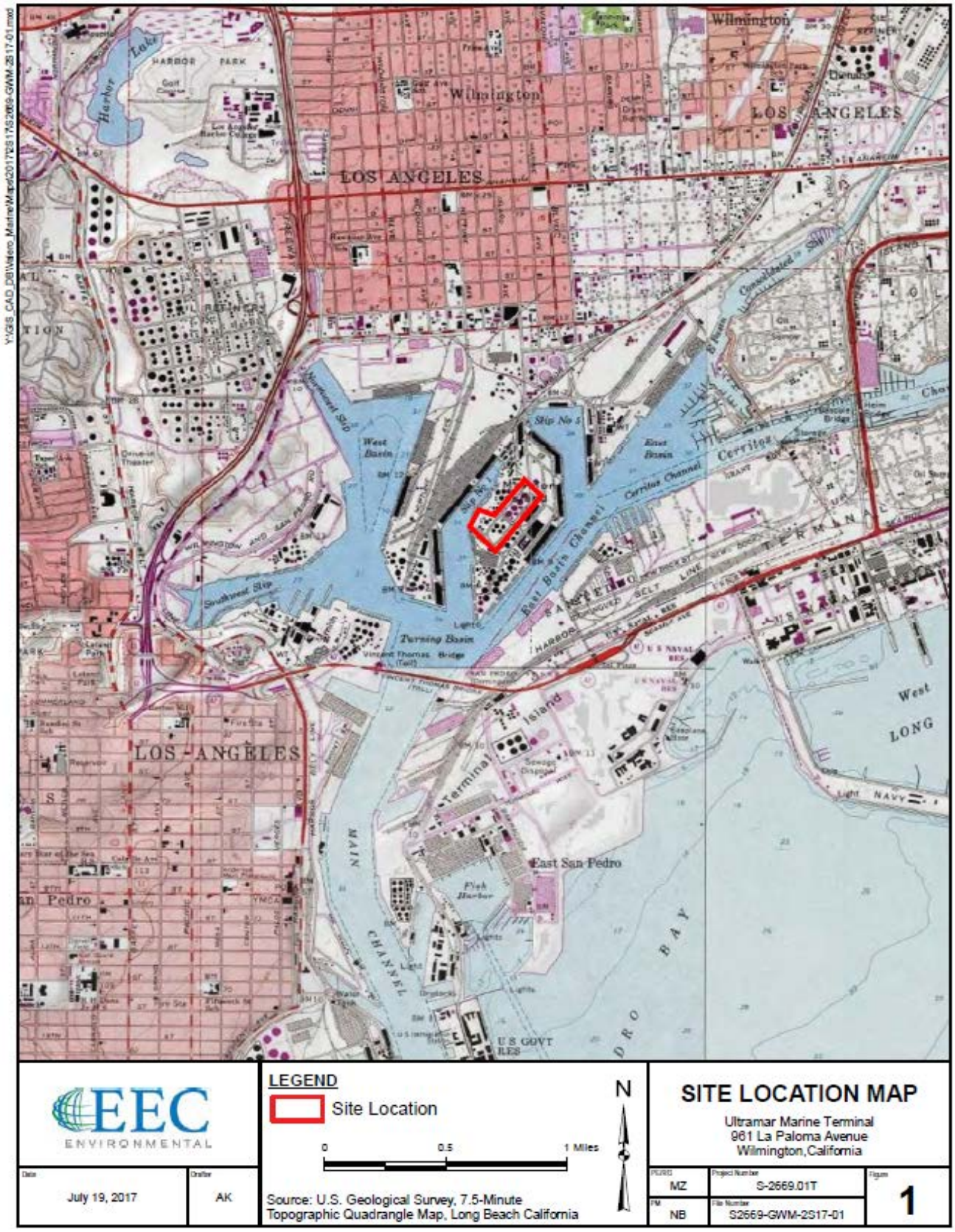
Wet Weather
Any day when the maximum daily flow within the Dominguez Channel, measured at the Los Angeles County Department of Public Works (LACDPW) mass emission station S-28, is equal to or greater than 62.7 cubic feet per second (cfs).

ACRONYMS AND ABBREVIATIONS

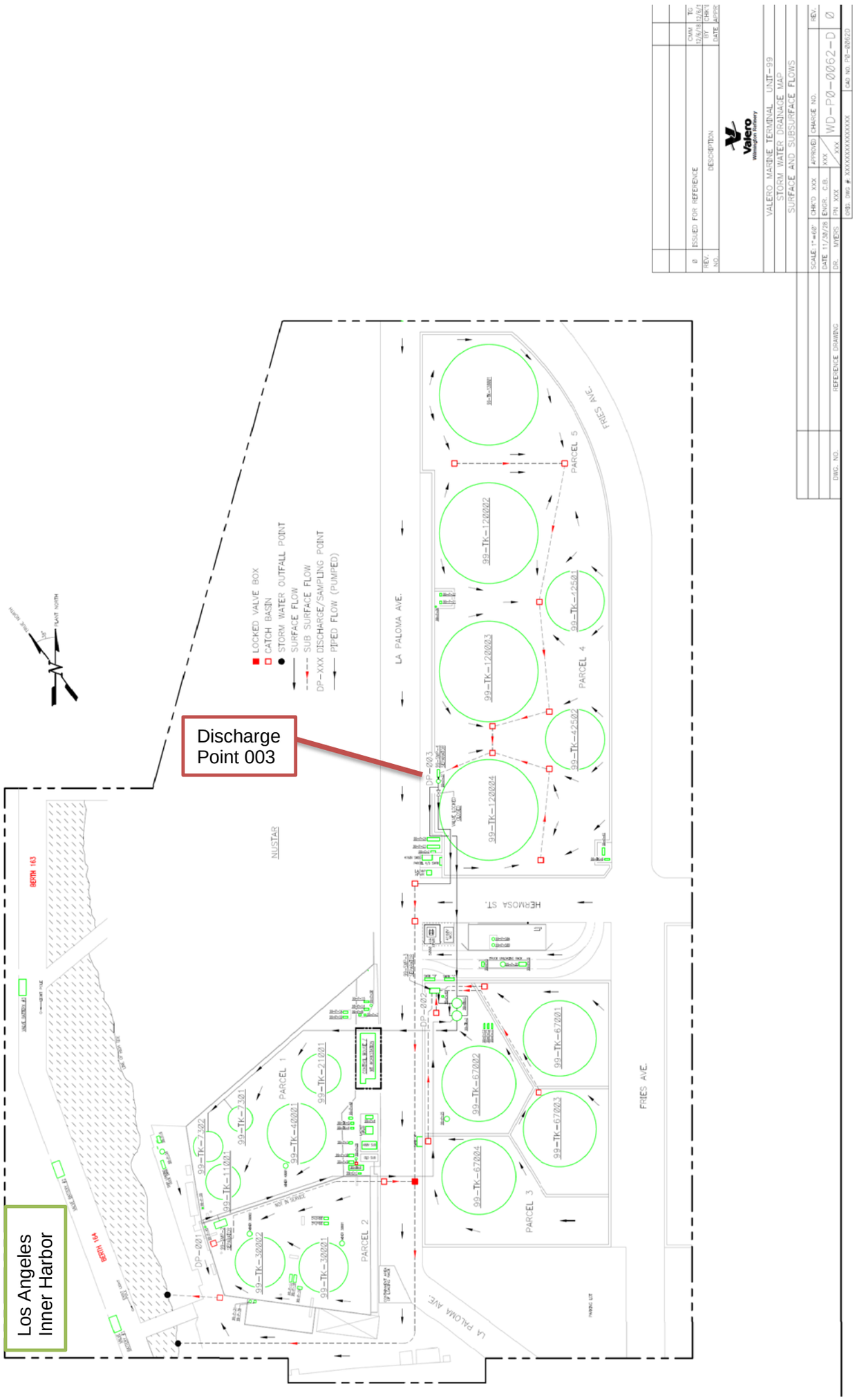
AMEL.....Average Monthly Effluent Limitation
B.....Background Concentration
BAT .....Best Available Technology Economically Achievable
Basin Plan .....Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties
BCT .....Best Conventional Pollutant Control Technology
BMP.....Best Management Practices
BMPP .....Best Management Practices Plan
BPJ .....Best Professional Judgment
BOD.....Biochemical Oxygen Demand 5-day @ 20 °C
BPT .....Best Practicable Treatment Control Technology
C.....Water Quality Objective
C.C.R. .....California Code of Regulations
CEQA .....California Environmental Quality Act
C.F.R. .....Code of Federal Regulations
CTR.....California Toxics Rule
CV .....Coefficient of Variation
CWA.....Clean Water Act
CWC .....California Water Code
Discharger .....Ultramar, Inc.
DMR .....Discharge Monitoring Report
DNQ .....Detected But Not Quantified
ELAP .....State Water Resources Control Board, Drinking Water Division, Environmental Laboratory Accreditation Program
ELG .....Effluent Limitations, Guidelines, and Standards
Facility .....Wilmington Marine Terminal, Berth 164
g/kg.....grams per kilogram
gpd .....gallons per day
IWC .....In-stream Waste Concentration
LA.....Load Allocations
LACDPW .....County of Los Angeles, Department of Public Works
LOEC.....Lowest Observed Effect Concentration
µg/L .....micrograms per Liter
mg/L .....milligrams per Liter
MDEL .....Maximum Daily Effluent Limitation
MEC .....Maximum Effluent Concentration
MGD.....Million Gallons per Day
ML .....Minimum Level
MMEL.....Monthly Median Effluent Limitation
MRP .....Monitoring and Reporting Program
ND .....Not Detected
ng/L .....nanograms per liter
NOEC.....No Observable Effect Concentration
NPDES .....National Pollutant Discharge Elimination System
NSPS.....New Source Performance Standards
NTR.....National Toxics Rule
OAL .....Office of Administrative Law
PAHs .....Polynuclear Aromatic Hydrocarbons
pg/L .....picograms per liter

PMEL.....Proposed Maximum Daily Effluent Limitation
PMP.....Pollutant Minimization Plan
POTW.....Publicly Owned Treatment Works
ppm .....parts per million
ppb .....parts per billion
QA .....Quality Assurance
QA/QC.....Quality Assurance/Quality Control
Ocean Plan.....Water Quality Control Plan for Ocean Waters of California
Regional Water Board.....California Regional Water Quality Control Board, Los Angeles Region
RPA .....Reasonable Potential Analysis
SCP .....Spill Contingency Plan
Sediment Quality Plan .....*Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1 Sediment Quality*
SIP.....State Implementation Policy (Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California)
SMR .....Self-Monitoring Reports
State Water Board .....California State Water Resources Control Board
SWPPP .....Storm Water Pollution Prevention Plan
TAC .....Test Acceptability Criteria
TBEL .....Technology-Based Effluent Limitation
Thermal Plan .....Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California
TIE.....Toxicity Identification Evaluation
TMDL.....Total Maximum Daily Load
TOC.....Total Organic Carbon
TRE .....Toxicity Reduction Evaluation
TSD .....Technical Support Document
TSS .....Total Suspended Solid
TST.....Test of Significant Toxicity Statistical Approach
TU_c .....Chronic Toxicity Unit
U.S. EPA .....United States Environmental Protection Agency
USGS .....United States Geological Survey
Water Code .....California Water Code
WDR.....Waste Discharge Requirements
WET .....Whole Effluent Toxicity
WLA.....Waste Load Allocations
WQBELs.....Water Quality-Based Effluent Limitations
WQS.....Water Quality Standards
% .....Percent

ATTACHMENT B – FACILITY MAP



ATTACHMENT C – FLOW SCHEMATIC



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); Wat. 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); Wat. 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); Wat. 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); Wat. 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); Wat. 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); 40 C.F.R. § 122.41(i)(4); Wat. 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); Wat. 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 a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (40 C.F.R. § 122.22(a)(1).)
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 (5) 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 subject neither to effluent limitations in this Order nor to notification requirements under section 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1). (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 Act, 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 Act, 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 Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, 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 Act, 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 [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 Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. 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 -2165)

CONTENTS

TABLES

ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP) (CI- 2165)

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. An effluent sampling station shall be established for the point of discharge (Discharge Point 003) and shall be located where representative samples of the treated effluent can be obtained. The coordinates for Discharge Point 003 and the corresponding effluent monitoring location shall be reported in the self-monitoring report.

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.

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, Environmental Laboratory Accreditation Program (ELAP) in accordance with the provision 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. 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.

G. Each monitoring report must affirm in writing that “all analyses were conducted at a laboratory certified for such analyses by the State Water Board or approved by the Executive Officer and in accordance with current U.S. EPA guideline procedures or as specified in this MRP”.

H. The monitoring reports shall specify the analytical method used, the Method Detection Limit (MDL), and the 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.

Current MLs (Attachment H) are those published by the State Water Board in the Policy for the Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, February 24, 2005.

I. The MLs employed for effluent analyses to determine compliance with effluent limitations shall be lower than the effluent limitations 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 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, the Discharger shall submit a list of the analytical methods employed for each test and associated laboratory QA/QC procedures.

J. 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 Chapter 3 of the Basin Plan and the CTR (40 C.F.R. section 131.38). If the ML value 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 Attachment H to be included in the Discharger's permit in any of the following situations:

1. When the pollutant under consideration is not included in Attachment H;
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 Attachment H;
4. When the Discharger demonstrates that the calibration standard matrix is sufficiently different from that used to establish the ML in Attachment H, 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.

K. 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.

L. 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 regular monitoring report.

M. 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.

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

O. 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.

P. 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.

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

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:

Table E-1. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
Effluent Monitoring		
003	EFF-003	At a location where a representative sample of the discharge through Discharge Point 003 can be obtained after treatment but prior to discharge into the Los Angeles Inner Harbor. (Latitude 33.7600°, Longitude -118.2653°)
Receiving Water Monitoring		
--	RSW-001	A receiving water sampling location where representative samples of the Los Angeles Inner Harbor can be obtained outside the influence of the effluent discharge location at Battery 1, and at least 50-feet upstream (in the opposite direction of tidal flow in the Los Angeles Inner Harbor.)

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
--	RSW-002	A receiving water sampling location where representative samples of the Los Angeles Inner Harbor can be obtained at least 50-feet downstream (in the direction of tidal flow in the Los Angeles Inner Harbor.)

The North latitude and West longitude information in Table E-1 are approximate for administrative purposes.

III. INFLUENT MONITORING REQUIREMENTS- NOT APPLICABLE

IV. EFFLUENT MONITORING REQUIREMENTS

A. Monitoring Location EFF-003

1. The Discharger shall monitor storm water at Effluent Monitoring Station EFF-003 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 Level:

Table E-2. Effluent Monitoring at Monitoring Location EFF-003

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Flow	Gallons/Day	Meter	1/Day[1]	--
Conventional Pollutants				
Biochemical Oxygen Demand (BOD) (5-day @ 20°C) [2]	mg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Total Suspended Solids (TSS) [2]	mg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Oil and Grease[2]	mg/L	Grab[6]	1/Discharge Event[4]	[5]
pH	standard units	Grab[6]	1/Discharge Event[4]	[5]
Non-conventional Pollutants				
Ammonia Nitrogen, Total (as N)[2]	mg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Chronic Toxicity	Pass or Fail and % Effect (TST)	Grab or Composite[3]	1/Year[7]	[8]
Total Coliform	CFU/100mL or MPN/100mL	Grab[6]	1/Discharge Event[4]	[9]
Fecal Coliform	CFU/100mL or MPN/100mL	Grab[6]	1/Discharge Event[4]	[9]
Enterococcus	CFU/100mL or MPN/100mL	Grab[6]	1/Discharge Event[4]	[9]
Phenolic Componds[2,10]	mg/L	Grab[6]	1/Discharge Event[4]	[5]
Settleable Solids	mL/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Sulfides, Total[2]	mg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Xylene	µg/L	Grab[6]	1/Discharge Event[4]	[5]
Temperature	°F	Grab[6]	1/Discharge Event[4]	[5]

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Petroleum Hydrocarbons (TPH) as Gasoline (C_4-C_{12})[2]	µg/L	Grab[6]	1/Discharge Event[4]	EPA Method 503.1 or 8015B
TPH as Diesel (C_{13}-C_{22})[2]	µg/L	Grab[6]	1/Discharge Event[4]	EPA Method 503.1, 8015B, or 8270
TPH as Waste Oil (C_{23+})[2]	µg/L	Grab[6]	1/Discharge Event[4]	EPA Method 503.1, 8015B, or 8270
Turbidity	NTU	Grab or Composite[3]	1/Discharge Event[4]	[5]
Priority Pollutants				
Arsenic, Total Recoverable[2]	µg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Copper, Total Recoverable[2]	µg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Mercury, Total Recoverable[2]	µg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Nickel, Total Recoverable[2]	µg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Thallium, Total Recoverable[2]	µg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Silver, Total Recoverable[2]	µg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Lead, Total Recoverable[2]	µg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Zinc, Total Recoverable[2]	µg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Bis(2-ethylhexyl)phthalate	µg/L	Grab[6]	1/Discharge Event[4]	[5]
4,4-DDT [2,11]	µg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
Benzo(a)pyrene[11]	µg/L	Grab[6]	1/Discharge Event[4]	[5]
Chrysene[11]	µg/L	Grab[6]	1/Discharge Event[4]	[5]
Benzene	µg/L	Grab[6]	1/Discharge Event[4]	[5]
Ethylbenzene	µg/L	Grab[6]	1/Discharge Event[4]	[5]
Toluene	µg/L	Grab[6]	1/Discharge Event[4]	[5]
PCBs [2,11,12]	µg/L	Grab or Composite[3]	1/Discharge Event[4]	[5]
TCDD Equivalents[13]	µg/L	Grab or Composite[3]	1/Year[7]	[5]
Remaining Priority Pollutants (excluding asbestos)[14]	µg/L	Grab or Composite[3]	1/Year[7]	[5]

[1] Flow shall be recorded daily during each period of discharge. Periods of no flow shall also be reported.

[2] 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).

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

a) collect a grab sample within the first hour of discharge. If, for safety reasons, a sample cannot be obtained during the first hour of discharge, a sample shall be obtained at the first safe opportunity, and the reason for the delay shall be included in the corresponding quarterly report; or
b) collect a flow-weighted composite sample for the entire duration of the discharge or for the first three hours of the discharge. The flow-weight composite sample may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of the discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.

However, grab samples **must** be collected for the analyses of the following parameters: pH, temperature, oil and grease, bacteria (total coliform, fecal coliform, and *enterococcus*), and volatile and semi-volatile organics.

[4] During periods of extended rainfall, no more than one sample per week (or a consecutive 7-day period) is required to be collected.

[5] Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136; for priority pollutants, the methods must meet the lowest MLs specified in Attachment 4 of the SIP, provided in Attachment H, and be sufficiently sensitive to determine compliance with applicable effluent limitations and 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.

[6] Grab samples must be collected during the first hour of discharge. If, for safety reasons, a sample cannot be obtained during the first hour of discharge, a sample shall be obtained at the first safe opportunity, and the reason for the delay shall be included in the corresponding quarterly report.

[7] Monitoring is only required during years in which discharge occurs. Annual samples shall be collected during the first discharge of the year. If there is no discharge to surface water, the corresponding quarterly monitoring report shall so state under penalty of perjury.

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

[9] Detection methods used for coliforms (total and fecal) and *Enterococcus* shall be those presented in Table 1A of 40 C.F.R. section 136, 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.

[10] Phenolic compounds include chlorinated and non-chlorinated compounds.

[11] Samples analyzed must be unfiltered samples.

[12] Monitoring for PCBs as aroclors or PCBs as congeners are required. PCBs as aroclor 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. PCBs as congeners shall be individually quantified (or quantified as mixtures of isomers of a single congener in co-elutions as appropriate) using U.S. EPA proposed method 1668c. PCBs as congeners shall be analyzed using EPA Method 1668c for three years and an alternate method may be used if none of the PCB congeners are detected for three years using EPA Method 1668c. U.S. EPA recommends that until the proposed Method 1668c for PCBs is incorporated into 40 CFR § 136, Dischargers should use for discharge monitoring reports/State monitoring reports: (1) U.S. EPA Method 608 for monitoring data, reported as aroclor results, that will be used for assessing compliance with WQBELs (if applicable) and (2) U.S. EPA proposed method 1668c for monitoring data, reported as 44 congener results, that will be used for informational purposes to help assess concentrations in the receiving water. To facilitate interpretation of sediment/fish tissue data and TMDL development, PCB congeners whose analytical characteristics resemble those of PCB-8, 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, 195, 201, 206 and 209 shall be reported as a sum and individually quantified (or quantified as mixtures of isomers of a single congener in co-elutions as appropriate).

[13] TCDD equivalents shall be calculated using the following formula, where the MLs and the toxicity equivalency factors (TEFs) are as listed in the Table below. The Discharger shall report all measured values of individual congeners, including data qualifiers. When calculating TCDD equivalents, the Discharger shall set congener concentrations below the MLs to zero. U.S. EPA method 1613 may be used to analyze dioxin and furan congeners.

Dioxin-TEQ (TCDD equivalents) = Σ(Cx x TEFx)
where: Cx = concentration of dioxin or furan congener x
TEFx= TEF for congener x

Congeners	Minimum Levels (pg/L)	Toxicity Equivalence Factor (TEF)
2,3,7,8 - tetra CDD	10	1.0
1,2,3,7,8 - penta CDD	50	1.0
1,2,3,4,7,8 - hexa CDD	50	0.1
1,2,3,6,7,8 - hexa CDD	50	0.1
1,2,3,7,8,9 - hexa CDD	50	0.1
1,2,3,4,6,7,8 - hepta CDD	50	0.01
Octa CDD	100	0.0001
2,3,7,8 - tetra CDF	10	0.1
1,2,3,7,8 - penta CDF	50	0.05
2,3,4,7,8 - penta CDF	50	0.5
1,2,3,4,7,8 - hexa CDF	50	0.1
1,2,3,6,7,8 - hexa CDF	50	0.1
1,2,3,7,8,9 - hexa CDF	50	0.1
2,3,4,6,7,8 - hexa CDF	50	0.1
1,2,3,4,6,7,8 - hepta CDFs	50	0.01
1,2,3,4,7,8,9 - hepta CDFs	50	0.01
Octa CDF	100	0.0001

[14] Priority Pollutants as defined by the California Toxics Tule (CTR) defined in Attachment I to this Order.

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 this discharge is **100 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 both the required toxicity tests and Toxicity Identification Evaluation (TIE) studies. 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 and Estuarine 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* (EPA/600/R-95/136, 1995). Artificial sea salts shall be used to increase sample salinity. 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 1006.01).

b. A static non-renewal toxicity test with the purple sea urchin, *Strongylocentrotus purpuratus*, and the sand dollar, *Dendraster excentricus* (Fertilization Test Method 1008.0), or 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).

4. **Species Sensitivity Screening**

Species sensitivity screening shall be conducted during this Order's first required sample collection. The Discharger shall collect a single effluent sample and concurrently conduct three toxicity tests, using the fish, an invertebrate, and the alga species as previously referenced. The species that exhibits the highest "Percent Effect" at the discharge IWC during species sensitivity screening shall be used for routine monitoring during the permit cycle.

Rescreening is required at least once per five (5) years if there is a discharge. The Discharger shall rescreen with the three species listed above and continue to monitor with the most sensitive species. If the first suite of rescreening tests demonstrates that the same species is the most sensitive, then the rescreening does not need to include more than one suit of tests. If a different species is the most sensitive, or if there is ambiguity, then the Discharger shall proceed with suites of screening tests using enough collected effluent for a minimum of three, but not to exceed five suites.

Toxicity tests used to determine the most sensitive test species shall be reported as effluent compliance monitoring results for the chronic toxicity effluent limits.

5. **Quality Assurance and Additional Requirements**

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

a. The discharge is subject to a 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*, *Appendix A, Figure A-1, and Table A-1* (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 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)) x 100%.

b. If the effluent toxicity test does not meet all test acceptability criteria (TAC) specified in the referenced test method, then the Discharger must re-sample and re-test during the subsequent discharge event.

c. Dilution water and control water, including brine controls, shall be 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. Reference toxicant tests and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration, etc.).

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 Monitoring and Reporting Program and the rationale is explained in the Fact Sheet (Attachment F).

6. **Preparation of Initial Investigation Toxicity Reduction Evaluation (TRE) Work Plan**

   The Discharger shall prepare and submit a generic Initial Investigation TRE Work Plan within 90 days of the permit effective date to be ready to respond to toxicity events. 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 would be used to identify potential causes and source of toxicity, effluent variability, and treatment system efficiency.

   b. A description of methods for maximizing in-house treatment system efficiency, good housekeeping practices, and a list of all chemicals used in operations at the Facility.

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

7. **Accelerated Monitoring Schedule for Maximum Daily Single Result: "Fail and % Effect ≥ 50"**

   Within 24 hours of the time the Discharger becomes aware of a failing result, the Discharger shall implement an accelerated monitoring schedule consisting of four, five concentration (including the discharge IWC) toxicity tests, conducted at approximately two-week intervals, over an eight-week period. If there is no discharge during the eight-week period, the Discharger should conduct toxicity testing at the next discharge event following the failing result. If each of the accelerated toxicity tests at the discharge IWC results in "Pass", the Discharger shall return to routine monitoring for the next monitoring period. If one of the accelerated toxicity tests at the discharge IWC results in "Fail", the Discharger shall immediately implement the Toxicity Reduction Evaluation (TRE) Process conditions set forth below. During accelerated monitoring schedules, only TST results ("Pass" or "Fail", "Percent Effect") for chronic toxicity tests shall be reported as effluent compliance monitoring results for the chronic toxicity MDEL.

8. **Toxicity Identification Evaluation and Toxicity Reduction Evaluation Process**

   a. **Toxicity Identification Evaluation (TIE).** A toxicity test sample is immediately subject to TIE procedures to identify the toxic chemical(s), if a chronic toxicity test shows "Fail and % Effect value ≥50". The Discharger shall initiate a TIE using, as guidance, EPA manuals: *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures* (EPA/600/6-91/003, 1991); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996). The TIE should be conducted on the species demonstrating the most sensitive toxicity response.

   b. **Toxicity Reduction Evaluation (TRE).** When a toxicant or class of toxicants is identified, a TRE shall be performed for that toxicant. The TRE shall include all reasonable steps to identify the source(s) of toxicity and discuss appropriate BMPs to eliminate the causes of toxicity. No later than 30 days after the source of toxicity and appropriate BMPs and/or treatment are identified, the Discharger shall submit a TRE Corrective Action Plan to the Executive Officer for approval. At minimum, the plan shall include:

      i. The potential sources of pollutant(s) causing toxicity.

ii. Recommended BMPs and/or treatment to reduce the pollutant(s) causing toxicity.

iii. Follow-up monitoring to demonstrate that toxicity has been removed.

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

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

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 conduct routine effluent monitoring for the duration of the TIE/TRE process.

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.

9. **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 titled *Report Preparation*, including:

a. The toxicity test results for the TST statistical approach, reported as “Pass” or “Fail” and “Percent Effect” at the chronic toxicity IWC for the discharge.

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

c. TRE/TIE results. The Regional Water Board Executive Officer shall be notified no later than 30 days from completion of each aspect of TRE/TIE analyses.

d. Statistical program (e.g., TST calculator, CETIS, etc.) output results for each toxicity test.

e. Any additional QA/QC documentation or any additional chronic toxicity-related information, upon request of Regional Water Board staff.

VI. LAND DISCHARGE MONITORING REQUIREMENTS- NOT APPLICABLE

VII. RECYCLING MONITORING REQUIREMENTS- NOT APPLICABLE

VIII. RECEIVING WATER MONITORING REQUIREMENTS

A. Receiving Water Monitoring Locations RSW-001 and RSW-002

1. The Discharger shall monitor the receiving water at Monitoring Locations RSW-001 and RSW-002 as follows:

Table E-3. Receiving Water Monitoring Requirements at Monitoring Stations RSW-001 and RSW-002

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
pH	standard units	Grab	1/Year[1]	[2,3]
Ammonia Nitrogen, Total (as N)	mg/L	Grab	1/Year[1]	[2,3]
Salinity	ppt	Grab	1/Year[1]	[2,3]
Temperature	°F	Grab	1/Year[1]	[2,3]
Total Coliform	MPN/100mL or CFU/100mL	Grab	1/Year[1]	[2]
Fecal Coliform	MPN/100mL or CFU/100mL	Grab	1/Year[1]	[2]
Enterococcus	MPN/100mL or CFU/100mL	Grab	1/Year[1]	[2]
Dissolved Oxygen	mg/L	Grab	1/Year[1]	[2]
Priority pollutants (excluding asbestos)[4]	µg/L	Grab	1/Year[1]	[2]
TCDD Equivalents[5]	µg/L	Grab	1/Year[1]	[2]

1. Sampling shall be during the first hour of the first discharge event of the monitoring period. If, for safety reasons, a sample cannot be obtained during the first hour of discharge, a sample shall be obtained at the first safe opportunity, and the reason for the delay shall be included in the report. Receiving water monitoring at RSW-001 and RSW-002 are only required during years of discharge. If there is no discharge to surface waters during the year, the Discharger shall so state in the corresponding monitoring report under penalty of perjury.
2. Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136; for priority pollutants, the methods must meet the lowest MLs specified in Attachment 4 of the SIP and be sufficiently sensitive to determine compliance with water quality objectives. Where no methods are specified for a given pollutant, the methods must be approved by this 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 with sufficiently sensitive minimum levels.
3. Receiving water pH, temperature, and salinity shall be collected at the same time or as soon as possible following the collection the effluent samples (Monitoring Location EFF-003) for ammonia and priority pollutant analyses. A hand-held field meter may be used for pH and temperature, provided the meter utilizes an U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
4. Priority pollutants as defined by the California Toxics Rule (CTR) and included as Attachment I.
5. TCDD equivalents shall be calculated using the following formula, where the MLs and the toxicity equivalency factors (TEFs) are as listed in the Table below. The Discharger shall report all measured values of individual congeners, including data qualifiers. When calculating TCDD equivalents, the Discharger shall set congener concentrations below the MLs to zero. U.S. EPA method 1613 may be used to analyze dioxin and furan congeners.

   Dioxin-TEQ (TCDD equivalents) = Σ(Cx x TEFx)

   where: Cx = concentration of dioxin or furan congener x

TEFx= TEF for congener x

Congeners	Minimum Levels (pg/L)	Toxicity Equivalence Factor (TEF)
2,3,7,8 - tetra CDD	10	1.0
1,2,3,7,8 - penta CDD	50	1.0
1,2,3,4,7,8 - hexa CDD	50	0.1
1,2,3,6,7,8 - hexa CDD	50	0.1
1,2,3,7,8,9 - hexa CDD	50	0.1
1,2,3,4,6,7,8 - hepta CDD	50	0.01
Octa CDD	100	0.0001
2,3,7,8 - tetra CDF	10	0.1
1,2,3,7,8 - penta CDF	50	0.05
2,3,4,7,8 - penta CDF	50	0.5
1,2,3,4,7,8 - hexa CDF	50	0.1
1,2,3,6,7,8 - hexa CDF	50	0.1
1,2,3,7,8,9 - hexa CDF	50	0.1
2,3,4,6,7,8 - hexa CDF	50	0.1
1,2,3,4,6,7,8 - hepta CDFs	50	0.01
1,2,3,4,7,8,9 - hepta CDFs	50	0.01
Octa CDF	100	0.0001

IX. OTHER MONITORING REQUIREMENTS

A. Visual Observation

The Discharger shall make visual observations of all discharge locations on each discharge event. Observations shall be descriptive where applicable, such that colors, approximate amounts, or types of materials are apparent. The following observations shall be made:

1. Tidal stage, time, and date of monitoring
2. Weather conditions
3. Color of water
4. Appearance of oil films or grease, or floatable materials
5. Presence and extent of trash, floating and suspended materials, oil and grease, discoloration, turbidity.
6. Description of odor, if any, of the receiving water
7. Direction of tidal flow
8. Presence and activity of California Least Tern and California Brown Pelican.

B. 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 month.

C. Regional Monitoring

The Discharger is required to participate in the development of Regional Monitoring Program(s) to address pollutants as specified in the Harbors Toxics TMDL. If the Discharger joins a group

of stakeholders to complete this monitoring, the Discharger must provide documentation of participation and a description of applicable responsibilities. The Regional Water Board must also be provided with documentation of the availability of the reports associated with the implementation of the Monitoring Plan. If the Discharger chooses to develop its site-specific plan or form its own group, the Discharger shall notify the Regional Water Board as per the requirements enumerated in section VI.C.2.b of this Order.

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 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 proposed construction activity that could potentially affect compliance with applicable requirements.
6. 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 quarterly SMRs using the State Water Board’s California Integrated Water Quality System (CIWQS) Program website <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 under sections III through IX. 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:

Table E-4. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On…	Monitoring Period	SMR Due Date
1/Day	April 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/Discharge Event	April 1, 2019	Duration of each discharge event	Submit with quarterly SMR (refer to monitoring and reporting period for 1/quarter sampling frequency)
1/Quarter	April 1, 2019	January 1 – March 31 April 1 – June 30 July 1 – September 30 October 1 – December 31	May 1 August 1 November 1 February 1
1/Year	April 1, 2019	January 1 through December 31	Submit with 4th quarterly SMR (due February 1 of the subsequent year)
1/Permit Term	April 1, 2019	During the term of this Order	Submit with quarterly SMR (refer to monitoring and reporting period for 1/quarter sampling frequency)

4. **Reporting Protocols**. The Discharger shall report with each sample result the applicable Reporting Level (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 RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).

   b. Sample results less than the RL, 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 priority pollutants shall be determined using sample reporting protocols defined above and 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 priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reporting level (RL).

6. **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 "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, 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)

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. **Within 90 days** of the effective date of this permit, the Discharger is required to submit the following to the Regional Water Board:

   a. Initial Investigation TRE workplan

b. SWPPP

c. BMPP

d. SCP (or SPCC)

The SWPPP, BMPP, and SCP 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 and storm water discharged from the Facility are addressed. All changes or revisions to the SWPPP, BMPP, and SCP shall be submitted to the Regional Water Board within 30 days of revisions. The Discharger is required to submit the SWPPP, BMPP, and SCP to the Regional Water Board annually.

2. Within 90 days of the effective date of this Order, the Discharger must submit to the Regional Water Board notification of whether the Discharger will be participating with an organized group of Responsible Parties to complete the regional monitoring required by the Harbors Toxics TMDL and included in section VI.C.2.b of the Waste Discharge Requirements of this Order, or if the Discharger will be developing a site-specific plan. The Discharger shall provide proof of joining a collaborating group, or if developing a site-specific plan, that plan is due to the Regional Water Board within 12 months from the effective date of this Order. Regional Water Board staff will review the plan and provide an opportunity for public comment. After the receipt of the plan the Executive Officer will comment or approve the plan. The Discharger has six months after the approval to implement the plan.

3. According to the Harbors Toxics TMDL, the Discharger shall submit an annual monitoring/implementation report to the Regional Water Board. The report shall describe the measures implemented and the progress achieved toward meeting the assigned WLAs and compliance with the regional monitoring program in accordance with the Harbors Toxics TMDL, as specified in section VI.C.2.b of the Order. The annual report shall be received by the Regional Water Board by the specified date in the proposed Monitoring Plan and Quality Assurance Project Plan (QAPP).

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	**4B192023002**
Discharger	**Ultramar, Inc. (a Valero Energy Corporation Company)**
Name of Facility	**Wilmington Marine Terminal, Berth 164**
Facility Address	**961 La Paloma Avenue**
	Wilmington, CA 90744
	Los Angeles County
Facility Contact, Title and Phone	**Shannon Hubbard, Waste Program Coordinator, (562) 495-5490**
Authorized Person to Sign and Submit Reports	**Mark Phair, Vice President and General Manager**
Mailing Address	**2402 East Anaheim Street, Wilmington, CA 90744**
Billing Address	**Same as Mailing Address**
Type of Facility	**Industrial (SIC Code 4491, 5171, 4612, and 4613)**
Major or Minor Facility	**Minor**
Threat to Water Quality	**3**
Complexity	**C**
Pretreatment Program	**Not Applicable**
Recycling Requirements	**Not Applicable**
Facility Permitted Flow	**0.72 million gallons per day at Discharge Point 003**
Facility Design Flow	**Not Applicable**
Watershed	**Dominguez Channel and Los Angeles/Long Beach Harbors Watershed Management Area**
Receiving Water	**Los Angeles Inner Harbor**
Receiving Water Type	**Enclosed Bay**

A. Ultramar, Incorporated, a Valero Energy Corporation Company (hereinafter, Discharger), leases and operates the Wilmington Marine Terminal, Berth 164 (hereinafter, Facility), an industrial bulk storage and distribution facility that receives and ships intermediates, feedstock, and refined products by pipeline, marine vessels, and trucks. The Port of Los Angeles owns the property on which the Facility is located.

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 Facility discharges storm water runoff to the Los Angeles Inner Harbor, a water of the United States. The Discharger was previously regulated by Order No. R4-2013-0133 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0055719, adopted on September 12, 2013. The Order became effective on November 1, 2013. Order No. R4-2013-0133 expired on November 1, 2018. Attachment B provides a map of the area around the Facility. Attachment C provides a storm water flow drainage map of the Facility.

C. The Discharger filed a report of waste discharge and submitted an application for the issuance of an individual WDRs and NPDES permit dated March 1, 2018, which was received by the Regional Water Board on March 23, 2018. Supplemental information was subsequently provided by the Discharger on July 9, 2018, and July 12, 2018. The application was deemed complete on July 13, 2018. A site visit was conducted on July 27, 2018, to observe operations of the Facility and provide additional data to develop permit limitations and requirements for waste discharge.

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 40 C.F.R. section 122.6(d) and 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 Facility is a bulk storage and distribution facility that receives and ships intermediates, feedstock, and refined petroleum products by pipeline, marine vessels, and trucks. The Facility is located on Mormon Island within the Port of Los Angeles, and is connected through pipelines to the Ultramar, Inc. Wilmington Refinery (Wilmington Refinery) located two miles northeast from the Facility. The Facility consists of a dock, two unloading rack areas, a fired heater area, a warehouse, a control house, offices, and five tank farm parcels. The Facility occupies approximately 8 acres, most of which is unpaved. Each tank farm parcel is bermed with concrete containment walls; the height of the walls vary with the property area of each parcel to establish the necessary containment. Parcel 1, approximately 1.2 acres and located west of La Paloma Avenue, contains three oil storage tanks (ranges 11,000 barrels to 40,000 barrels) and two slop oil tanks. Parcel 2, approximately 0.7 acres and located west of La Paloma Avenue, contains two oil storage tanks of approximately 30,000 barrels each. Parcel 3, approximately 2 acres and located east of La Paloma Avenue and south of Hermosa Street, contains four oil storage tanks of approximately 67,000 barrels each and two slop oil tanks of approximately 400 barrels each. Parcels 4 and 5, approximately 3.2 acres combined and located east of La Paloma Avenue and north of Hermosa Street, contains six oil storage tanks that range from approximately 42,000 barrels to 120,000 barrels.

A. Description of Wastewater Treatment and Controls

Parcels 1, 2, and 3 have dedicated oil-water separators which have been taken out of service. The oil-water separator for Parcels 4 and 5 remains functional. The oil-water separator is designed to remove sediment, petroleum compounds, and grease. Storm water collected from Parcels 4 and 5 is pumped to the oil-water separator for treatment prior to discharge at Discharge Point 003. Discharges through Discharge Point 003 are routed southwest through the storm drain along La Paloma Ave and then northwest into the Los Angeles Inner Harbor, Battery 1. Refer to Attachment C for the Facility's Storm Water Collection and Discharge

System (SWDS). Storm water falling on the dock and the dock access roads flows directly into the Harbor.

Order No. R4-2013-0133 permitted the discharge of storm water through Discharge Points 001, 002, and 003, and hydrostatic test water through Discharge Point 004 into the Los Angeles Inner Harbor. As requested on the ROWD submitted on July 12, 2018, the Discharger will only discharge storm water collected from Parcels 4 and 5 through Discharge Point 003 into the Los Angeles Inner Harbor under this Order. Storm water from Parcels 1, 2, and 3, which was previously discharged through Discharge Points 001 (from Parcel 1 and 2) and 002 (from Parcel 3), will be left for evaporation or percolation into the soil, or be transferred to Ultramar's Wilmington Refinery via vacuum truck for treatment and subsequent discharge to the Los Angeles County Sanitation Districts' (LACSD's) sanitary sewer under the Wilmington Refinery's industrial wastewater permit. The valves for Discharge Points 001 and 002 have been permanently closed or locked to ensure no future discharges to surface water will occur at these locations. If a storm water discharge from Parcels 1, 2, or 3 is required because the amount of storm water exceeds Parcel 1, 2, and 3's storage capacities and the amount that can be transferred to the Wilmington Refinery, storm water from Parcels 1, 2, and 3 may be transferred to Parcels 4 and 5 using temporary hoses or vacuum trucks. The collected storm water runoff will be treated by the oil-water separator and discharged through Discharge Point 003. The discharge of hydrostatic test water through Discharge Point 004 has been eliminated. Currently, hydrostatic test water is collected in storage tanks and transferred to the Wilmington Refinery for treatment and discharge through LACSD's sanitary sewer.

B. Discharge Points and Receiving Waters

Order No. R4-2013-0133 authorized the discharge of storm water through Discharge Points 001, 002, and 003, and the discharge of hydrostatic test water through Discharge Point 004 into the Los Angeles Inner Harbor. As set forth above or included in the ROWD, the Discharger ceased discharging through Discharge Points 001, 002, and 004, and requested removal of these discharge points from the NPDES permit. The Facility discharges up to 0.72 million gallons per day (MGD) of storm water through Discharge Point 003 (Latitude 33.7600°, Longitude -118.2653°) into the Los Angeles Inner Harbor, a water of the United States and the State of California, under this Order.

C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

Effluent limitations from Order No. R4-2013-0133 for Discharge Point 003 are listed in Table F-2. No discharge of storm water or hydrostatic wastewater occurred during the term of Order No. R4-2013-0133. Monitoring data from 2007 through 2013 (included in the Fact Sheet of Order No. R4-2013-0133) are presented below:

Table F-2. Historic Effluent Monitoring Data at Discharge Point 003

Parameter	Units	Effluent Limitations from Order No. R4-2013-0133 for Discharge Point 003	Monitoring Data from Order No. R4-2007-0039
		Maximum Daily	Range of Reported Concentrations
Conventional Pollutants			
pH	std Units	6.5 - 8.5[1]	7.39 - 8.89
Total Suspended Solids	mg/L	75	1 – 49

Parameter	Units	Effluent Limitations from Order No. R4-2013-0133 for Discharge Point 003	Monitoring Data from Order No. R4-2007-0039
		Maximum Daily	Range of Reported Concentrations
Biochemical Oxygen Demand (BOD) (5-day @ 20 deg. C)	mg/L	30	0.81 – 2.6
Oil and Grease	mg/L	15	ND - 1
Nonconventional Pollutants			
Total Petroleum Hydrocarbons (TPH)	µg/L	100	0.34 - 0.38
Temperature	Degrees F	86[2]	51 – 67.1
Settleable Solids	mL/L	0.3	<0.1 - 0.2
Phenolic Compounds	mg/L	1.0	ND
Sulfide	mg/L	--	ND
Turbidity	NTU	75	6.7 – 55
Acute Toxicity	% Survival	[3]	95 – 100
Priority Pollutants			
Arsenic, Total Recoverable	µg/L	--	0.94 – 5.3
Copper, Total Recoverable	µg/L	6.1	12 – 45.3
Lead, Total Recoverable	µg/L	14	2.9 – 18
Mercury, Total Recoverable	µg/L	--	ND
Nickel, Total Recoverable	µg/L	13.6	0.85 – 5.9
Silver, Total Recoverable	µg/L	--	ND
Thallium, Total Recoverable	µg/L	--	ND
Zinc, Total Recoverable	µg/L	141	46 – 413
Bis(2-ethylhexyl)phthalate	µg/L	--	ND

[1] Instantaneous minimum and maximum effluent limits.
[2] Instantaneous maximum effluent limit.
[3] 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 test shall be at least 90%, and
ii. No single test shall produce less than 70% survival.

D. Compliance Summary

There were no discharges from the Facility; therefore, the Discharger was not cited for any discharge violations during the term of Order No. R4-2013-0133. Neither were there any other types of permit violations during the term of Order No. R4-2013-0133.

E. Planned Changes

The Discharger does not anticipate any changes to their storm water discharge during the term of this Order.

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 locations 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 CEQA. *See, also, County of Los Angeles v. State Water Resources Control Board* (2006) 143 Cal.App.4th 985, 1007.

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

1. **Water Quality Control Plan.** The Regional Water Board adopted a *Water Quality Control Plan for the Los Angeles Region* (hereinafter Basin Plan) on June 13, 1994, that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Requirements in this Order implement the Basin Plan. In addition, the Basin Plan implements State Water Board Resolution 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply (MUN). However, the Los Angeles Inner Harbor was never designated as MUN. Beneficial uses applicable to the Los Angeles Inner Harbor are as follows:

Table F-3. Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
003	**Los Angeles Inner Harbor**	Existing: Industrial Service Supply (IND); Navigation (NAV); Non-contact Water Recreation (REC-2); Commercial and Sport Fishing (COMM); Marine Habitat (MAR); Rare, Threatened, or Endangered Species (RARE)[1] Potential: Shellfish Harvesting (SHELL); Water Contact Recreation (REC-1).

[1] One or more rare species utilizes all ocean, bays, estuaries, and coastal wetlands for foraging and/or nesting.

2. **Enclosed Bays and Estuaries Policy.** The *Water Quality Control Policy for the Enclosed Bays and Estuaries of California* (Enclosed Bays and Estuaries Policy), adopted by the State Water Resources Control Board (State Water Board) in 1974, and amended by Resolution No. 95-84 on November 16, 1995. The Enclosed Bays and Estuaries Policy states that:

"It is the policy of the State Water Board that the discharge of municipal wastewaters and industrial process waters (exclusive of cooling water discharges) to enclosed bays and estuaries, other than the San Francisco Bay-Delta system, shall be phased out at the

earliest practicable date. Exceptions to this provision may be granted by a Regional Water Board only when the Regional Water Board finds that the wastewater in question would consistently be treated and discharged in such a manner that it would enhance the quality of receiving waters above that which would occur in the absence of the discharge."

The Facility discharges into Los Angeles Inner Harbor, within the enclosed bay. Discharges from the Facility consist of storm water only, occur only during storm events and are of short duration; therefore, the Facility's discharge is not considered to be industrial process water. Nonetheless, this Order contains provisions necessary to protect the beneficial uses of the receiving water.

3. **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 surface waters. Additionally, a white paper was developed by Regional Water Board staff entitled *Temperature and Dissolved Oxygen Impacts on Biota in Tidal Estuaries and Enclosed Bays in the Los Angeles Region*. The white paper evaluated the optimum temperatures for steelhead, topsmelt, ghost shrimp, brown rock crab, jackknife clam, and blue mussel. A maximum effluent temperature limitation of 86°F was determined to be appropriate for protection of aquatic life and it is consistent with the maximum temperature limitation of 86°F for thermal waste discharges to the estuaries in the Thermal Plan. The Facility discharges to Los Angeles Inner Harbor waters below the Dominguez Channel Estuary, within the enclosed bay. Therefore, a maximum temperature effluent limitation of 86°F is included in this Order for the protection of aquatic life and beneficial uses of the receiving waters. Requirements of this Order implement the Thermal Plan.

4. **Sediment Quality.** The State Water Board adopted the *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1, Sediment Quality* on September 16, 2008, and it became effective on August 25, 2009. Part 1 of the *Water Quality Control Plan for Enclosed Bays and Estuaries* supersedes other narrative sediment quality objectives, and establishes new sediment quality objectives and related implementation provisions for specifically defined sediments in most bays and estuaries. Requirements of this Order implement sediment quality objectives of Part 1 of the *Water Quality Control Plan for Enclosed Bays and Estuaries*.

5. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** U.S. EPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, U.S. EPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain federal water quality criteria for priority pollutants.

6. **State Implementation Policy (SIP).** On March 2, 2000, the State Water 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 became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the U.S. EPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005, that became effective on July 13, 2005. The SIP establishes

implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. The SIP is used to develop requirements included in this Order. (See section IV.C.1 of this Fact Sheet)

7. **Antidegradation Policy.** CWA section 303 and 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 No. 68-16 ("Statement of Policy with Respect to Maintaining High Quality of Waters in California"). Resolution No. 68-16 is deemed to incorporate the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 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 No. 68-16.

8. **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.

9. **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, threatened, or endangered species. The Discharger is responsible for meeting all requirements of the applicable federal and state Endangered Species Acts.

10. **Trash Provisions.** 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 No. 2015-0019, which was approved by OAL on December 2, 2015 and became effective upon U.S. EPA approval on January 12, 2016. The Trash Amendments established 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 are applicable to the Los Angeles Inner Harbor. As such, this Order implements the requirements of the Trash Amendments through the prohibition of trash discharges to the NPDES discharge point. The Trash Amendments did not prescribe specific monitoring and reporting requirements for individual NPDES permittees; as such, consistent with the monitoring and reporting requirements for General Industrial Storm Water Permittees (due to similarity of the type of discharge, as the Facility's discharge consists of storm water only from an industrial site), this Order requires the Discharger to develop and implement a Storm Water Pollution Prevention Plan (SWPPP), which shall include specific BMPs used as storm water control measures that the Discharger will undertake to prevent the discharge of trash from the Facility to the Los Angeles Inner Harbor. The Discharger is required to detail and submit to the Regional Water Board annually (through their annual SWPPP submittal) specific BMPs (storm water control measures) employed to control and prohibit the discharge of trash and other pollutants

from the Facility through its NPDES discharge point to satisfy the monitoring and reporting requirement of the Trash Provisions.

11. **Mercury Provisions.** The State Water Board adopted *"Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California- Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions"* (Mercury Provisions) through Resolution 2017-0027, which was approved by OAL on June 28, 2017 and became effective upon U.S. EPA approval on July 14, 2017. The Mercury Provisions established one narrative and four numeric water quality objectives for mercury and three new beneficial use definitions, implemented through NPDES permits issued pursuant to CWA section 402, waste discharge requirements, or waivers of waste discharge requirements. The Provisions included implementation provisions for individual non-storm water NPDES permits for municipal and industrial dischargers; storm water discharges including the MS4 and the Industrial General Permit (NPDES No. CAS000001); mine site remediation; nonpoint source discharges; dredging activities; and wetland projects

    The Mercury Provisions did not prescribe specific implementation provisions for individual industrial permittees that discharge storm water only. Effluent monitoring data for Discharge Point 003 from the most recent discharge events indicated no detectable concentrations of mercury. This Order did not include an effluent limitation for mercury at Discharge Point 003; however, this Order requires effluent monitoring requirements for mercury at Discharge Point 003 with a frequency of once per discharge event to identify any elevated mercury concentration that may occur in the discharge so that it can be addressed appropriately.

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 CWA section 303(d)-listed water bodies and pollutants, the Regional Water Board develops and adopts total maximum daily loads (TMDLs) that 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 Los Angeles Inner Harbor. The 2014/2016 State Water Board's California 303(d) List classifies the Los Angeles Inner Harbor as impaired. The pollutants of concern for the Los Angeles Inner Harbor include various pollutants causing benthic community effects, benzo(a)pyrene, chrysene, copper, DDT (dichlorodiphenyltrichloroethane), PCBs (polychlorinated biphenyls), toxicity, and zinc. The inclusion of the Los Angeles Inner Harbor on the 2014/2016 303(d) list documents the waterbody's 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. TMDLs have been developed to address bacteria and toxics in the Los Angeles Inner Harbor.

1. **Los Angeles Harbor Bacteria TMDL.** The Regional Water Board approved the *Los Angeles Harbor Bacteria TMDL* (Inner Cabrillo Beach and Main Ship Channel) through Resolution No. 2004-011 on July 1, 2004. The State Water Board, Office of Administrative Law (OAL), and U.S.EPA approved the TMDL on October 21, 2004, January 5, 2005, and March 1, 2005, respectively; the TMDL became effective on March 10, 2005. The Los Angeles Harbor Bacteria TMDL addresses Inner Cabrillo Beach and the Main Ship

Channel of the Los Angeles Harbor, but does not specifically address the location near the discharge. This Order includes bacteria limitations based on water quality standards (WQS) included in the Basin Plan that are applicable to Los Angeles Inner Harbor. These WQS and water quality-based effluent limitations (WQBELs) are identical to the WQS used to develop the Los Angeles Harbor Bacteria TMDL that is applicable to the Main Ship Channel located within the Los Angeles Inner Harbor.

2. **Harbors Toxics TMDL.** The Regional Water Board adopted Resolution No. R11-008 on May 5, 2011, that amended the Basin Plan to incorporate the *TMDL for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters* (Harbors Toxics TMDL). The Harbors Toxics TMDL was approved by the State Water Board on February 7, 2012, the Office of Administrative Law (OAL) on March 21, 2012, and the U.S. EPA on March 23, 2012; the TMDL became effective on March 23, 2012. The Harbors Toxics TMDL contains requirements applicable to this discharge. Therefore, this Order contains effluent limitations and monitoring requirements based on the TMDL.

   For the Los Angeles Inner Harbor, the Harbors Toxics TMDL included:

   a. Sediment interim concentration-based allocations (in mg/kg sediment) for copper, lead, zinc, 4,4'-DDT, PAHs, and PCBs (Attachment A to Resolution No. R11-008, p. 11).

   b. Receiving (salt) water column concentration-based waste load allocations (WLAs) for copper, lead, zinc, 4,4'-DDT, and total PCBs (Attachment A to Resolution No. R11-008, pp. 13-14).

   c. Provisions for monitoring discharges and/or receiving waters during the TMDL's 20-year implementation schedule to determine attainment with WLAs and LAs as appropriate.

   The provisions included here include the WLAs and LAs established in the Harbors Toxics TMDL.

   Implementation of the Harbors Toxics TMDL:

   The provisions of this Order implement and are consistent with the assumptions and requirements of the wasteload allocations (WLAs) established in the Harbors Toxics TMDL.

   a. **Water Column WLAs**. This Order includes WQBELs that are statistically-calculated based on saltwater water column final concentration-based WLAs in µg/L for copper (3.73), lead (8.52), zinc (85.6), 4,4'-DDT (0.00059), and total PCBs (0.00017), which are referred to in this Order as CTR TMDL-based WLAs (WLAs for copper, lead, and zinc are expressed as total recoverable metal). The TMDL's WLAs for total recoverable metals were converted from saltwater California Toxics Rule (CTR) dissolved metals criteria using CTR saltwater default translators. The WQBELs were statistically calculated from the WLAs according to provisions in section 1.4 of the State Implementation Policy (SIP). See section IV.C.1 of this Fact Sheet.

      The Regional Water Board has determined that the WQBELs established in this Order (i.e., copper, lead, zinc, 4,4'-DDT, and total PCBs) are consistent with, and constitute equivalency with, the Harbors Toxics TMDL's water WLAs and sediment-based allocations for non-MS4 point sources, including irregular discharges. The concentration of the pollutants in the effluent provides a measure of the pollutants discharged from the Facility to the Los Angeles Inner Harbor.

b. **Interim and Final Sediment Allocations**. The Harbors Toxics TMDL includes interim and final bed sediment load allocations that apply to the Los Angeles Inner Harbor. The interim bed sediment load allocations identified in the TMDL were calculated using data from existing bed sediments. The final bed sediment load allocations identified in the TMDL were set equal to the sediment targets. Therefore, the interim and final sediment allocations identified in the TMDL refer to allocations to the bed sediments in the receiving water and identify the receiving water conditions to be achieved, which WQBELs must protect.

As the discharge from the Facility consists of storm water runoff, and no discharge has occurred during the term of the previous Order, the Facility is considered an "irregular discharger" as specified in the TMDL and is assigned concentration-based water column wasteload allocations equal to the CTR saltwater targets for metals and the CTR human health targets for organic compounds. For these dischargers, the direct application of sediment allocations to the effluent is problematic because the volume of effluent necessary to collect a sufficient amount of total suspended solids (TSS) for sediment analysis is very large and would require a level of planning that would be infeasible to implement for an irregular discharge. The alternative of analyzing bed sediments in the receiving water to demonstrate compliance with the TMDL is also problematic because it is not possible to link bed sediment contaminant levels with the quality of the discharge due to the infrequent nature of the Facility's discharge in combination with contributions of pollutants from other ongoing discharges.

The Harbors Toxics TMDL includes interim bed sediment load allocations (in mg/kg dry sediment) for copper (154.1), lead (145.5), zinc (362), DDT (0.341), PAHs (90.3) and PCBs (2.107) at the Los Angeles Inner Harbor. The Harbors Toxics TMDL also includes water column WLAs for these parameters that are applicable to the Los Angeles Inner Harbor, except for the PAHs. As previously discussed, WQBELs for copper, lead zinc, DDT, and PCBs are established in this Order based on Harbors Toxics TMDL WLAs. The most recent effluent monitoring data for PAHs collected at Discharge Point 003 during the term of Order No. R4-2013-0133 indicated no detectable concentrations of PAHs in the discharge. This Order did not include an effluent limitation for PAHs; however, effluent monitoring requirements for PAHs are included to ensure that if PAHs are detected in the discharge in the future, they are appropriately addressed.

c. **Water Column, Sediment, and Fish Tissue Monitoring for Greater Los Angeles and Long Beach Harbor Waters Compliance Monitoring Program.** The TMDL's implementation schedule to demonstrate attainment of WLAs and load allocations is 20 years after the TMDL effective date for a Discharger who justifies the need for this amount of time to be included in a compliance plan. During this period, the Discharger is required, either individually or with a collaborating group, to develop a monitoring and reporting plan (Monitoring Plan) and quality assurance project plan (QAPP) for the water column, sediment, and fish tissue in the Los Angeles Inner Harbor. These plans shall follow the "TMDL Element – Monitoring Plan" provisions in Attachment A to Resolution No. R11-008. The Discharger must inform the Regional Water Board if they plan to join a collaborative monitoring effort or develop a site-specific plan within 90 days after the effective date of the permit. If the Discharger is joining a collaborative effort, the notification must include documentation of such. If developing a site-specific Monitoring Plan (either individually or in a group of other dischargers), the Monitoring Plan and relevant documents must be submitted within 12 months after the effective date of the permit for public review and, subsequently, Executive

Officer approval. Monitoring shall begin within 6 months after a Monitoring Plan is approved by the Executive Officer. The compliance monitoring program shall include water column, sediment, and fish tissue monitoring.

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 applicable 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 consist of storm water from the tank farm parcels. Storm water from the Facility could pick up pollutants that are commonly associated with maritime loading and unloading, and the storage and transfer of petroleum hydrocarbon products, such as solids (total suspended solids (TSS), settleable solids, and turbidity), oil and grease, total petroleum hydrocarbons (TPH), metals, volatile organic compounds (VOCs), and constituents contributing to biochemical oxygen demand (BOD). Further, bacteria (total coliform, fecal coliform, and *enterococcus*) are also pollutants of concern. Pollutants of concern were identified based on the Facility's past monitoring history at Discharge Point 003, impairments of the receiving water as identified by the State's 2014/2016 303(d) list, and waste load allocations as established in applicable TMDLs for the receiving water.

Pursuant to 40 CFR §122.45(d), permit limitations for continuous discharges shall be expressed, unless impracticable, as both average monthly effluent limitations (AMELs) and maximum daily effluent limitations (MDELs). Discharges from the Facility are intermittent, comprised of storm water only, and of short duration; therefore, AMELs are not applicable for the discharge and only MDELs have been established in this Order.

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

The discharge prohibitions enumerated in section III of the Waste Discharge Requirements of this Order are based on the requirements of the CWA, the C.F.R., Basin Plan, State Water Board's plans and policies, and/or the California Water Code (Water Code), and permit provisions for similar permits in the Los Angeles Region. They are consistent with the requirements set for other discharges to the Los Angeles Inner Harbor that are regulated by NPDES permits.

B. Technology-Based Effluent Limitations (TBELs)

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, and any more stringent effluent limitations necessary to meet applicable water quality standards in the receiving water. The discharge authorized by this Order must meet federal technology-based requirements based on Best Professional Judgment (BPJ) in accordance with 40 C.F.R. section 125.3.

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

Federal ELGs have not been developed for storm water runoff from bulk petroleum storage, loading, and transfer facilities. Order No. R4-2013-0133 included effluent limitations for BOD, oil and grease, total suspended solids, total petroleum hydrocarbons, phenolic compounds, turbidity, and settleable solids based on BPJ. In setting these limitations, the Regional Water Board considered the factors listed in 40 C.F.R sections 125.3(c) and 125.3(d). These limitations are summarized in Table F-4. Pursuant to state and federal anti-backsliding regulations, this Order retains effluent limitations for these pollutants as technology-based effluent limitations.

Table F-4. Summary of Technology-Based Effluent Limitations at Discharge Point 003

Parameter	Units	Effluent Limitations
		Maximum Daily
Biochemical Oxygen Demand (BOD) (5-day @ 20°C)[1]	mg/L	30
	lbs/day[2]	180
Oil and Grease[1]	mg/L	15
	lbs/day[2]	90
Total Suspended Solids (TSS) [1]	mg/L	75
	lbs/day[2]	450
Total Petroleum Hydrocarbons (TPH) [1,3]	µg/L	100
	lbs/day[2]	0.60
Phenolic Compounds[1,4]	mg/L	1.0
	lbs/day[2]	6.0
Turbidity[1]	NTU	75
Settleable Solids[1]	mL/L	0.3

1 TBEL for this parameter is included in this Order pursuant to BPT requirements (40 C.F.R. section 125.3(d)(1); 40 C.F.R. section 125.3(c)(2)).

2 Mass loading limitations are based on the maximum flow at Discharge Point 003 (0.72 million gallons per day (MGD)) and are calculated as follows:

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

3 TPH equals the sum of TPH gasoline (C_4-C_{12}), TPH diesel (C_{13}-C_{22}), and TPH waste oil (C_{23+}).

4 Phenolic compounds include the sum of the following individual chlorinated and non-chlorinated phenolic compounds: 2-chlorophenol; 2-nitrophenol, phenol; 2,4-dimethylphenol; 2,4-dichlorophenol; 2,4,6-trichlorophenol; 4-chloro-3-methylphenol; 2,4-dinitrophenol; 2-methyl-4,6-dinitrophenol; pentachlorophenol; and 4-nitrophenol.

Pursuant to CWA section 402(p) and 40 C.F.R section 122.44(k), this Order requires the Discharger to develop, implement, and annually submit a Storm Water Pollution Prevention Plan (SWPPP), in accordance to Attachment G, to outline site-specific management processes for minimizing storm water runoff contamination and for preventing contaminated storm water runoff and trash from being discharged directly into the storm drain or receiving water. At a minimum, the management practices should ensure that raw materials and chemicals do not come into contact with storm water runoff and to prevent the entrainment of trash in storm water that is discharged through Discharge Point 003. These procedures shall also ensure that at no time will process wastewaters be commingled with storm water and unauthorized non-storm water discharges do not occur from the Facility. The SWPPP shall include a summary of BMPs aimed at controlling the potential exposure of pollutants to storm water, inspection practices, schedules of preventive maintenance, housekeeping procedures, vehicle management practices, and spill containment and cleanup procedures; it should demonstrate the Discharger's continued effective implementation of the SWPPP.

This Order also requires the Discharger to develop and implement a Best Management Practices Plan (BMPP) to establish site-specific procedures that will ensure proper operation and maintenance of transfer and storage areas, and to ensure that unauthorized non-storm water discharges (i.e. spills or process wastewater) do no occur at the Facility. In addition, the Discharger must develop and implement a Spill Contingency Plan (SCP). The SCP should be site-specific and shall cover all areas of the Facility; it should address measures to be taken to control accidental discharges and to minimize the effect of such events at the Facility. The combination of the SWPPP, BMPP, SCP, and permit limitations based on past performance and reflecting BPJ will serve as the equivalent of technology-

based effluent limitations, in the absence of established ELGs, in order to carry out the purposes and intent of the CWA.

The technology-based requirements in this Order are based on case-by-case numeric limitations developed using BPJ in accordance with 40 C.F.R. section 125.3. Technology-based effluent limitations are established in this Order for total suspended solids (TSS), oil and grease, turbidity, settleable solids, phenolic compounds, sulfides, total petroleum hydrocarbons (TPH), and biochemical oxygen demand (BOD) at Discharge Point 003. The limitations for these pollutants are consistent with technology-based effluent limitations (TBEL) included in the previous Order and other orders within the State for similar types of discharges. They are included in this Order to ensure that discharges from the Facility meet the level of treatment attainable by other industrial facilities within the state using existing technologies that are practical, available, and economically achievable. The Regional Water Board considered other relevant factors pursuant to 40 C.F.R. section 125.3, and concluded that the limitations are appropriate.

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 in the receiving water.

40 C.F.R. Section 122.44(d)(1)(i) of 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 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 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 CTR and NTR.

The specific procedures for determining reasonable potential for discharges from the Facility, and if necessary for calculating WQBELs, are contained in the U.S. EPA Technical Support Document for Water Quality-Based Toxics Control (TSD) for storm water discharges and in the SIP for non-storm water discharges. The TSD in section 3.3.8 in the first paragraph on page 64 states: "*The statistical approach shown in Box 3-2 or an analogous approach developed by a regulatory authority can be used to determine the reasonable potential.*" The Regional Water Board has determined the procedures for determining reasonable potential and calculating WQBELs contained in the SIP for non-storm water discharges may be used to evaluate reasonable potential and calculate WQBELs for storm water discharges as well. As described in the statement from the TSD,

an analogous approach may also be used to evaluate reasonable potential and calculate WQBELs for storm water discharges. Hence, for this Order, the Regional Water Board has used the SIP methodology to evaluate reasonable potential for discharges through Discharge Point 003.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

As noted in section III of the Fact Sheet, the Regional Water Board adopted a Basin Plan that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan. The beneficial uses applicable to the Los Angeles Inner Harbor are summarized in section III.C.1 of this Fact Sheet. The Basin Plan includes both narrative and numeric water quality objectives applicable to the receiving water.

Priority pollutant water quality criteria in the CTR are applicable to the Los Angeles Inner Harbor. The CTR contains both saltwater and freshwater criteria. Because a distinct separation generally does not exist between freshwater and saltwater aquatic communities, the following apply, in accordance with section 131.38(c)(3); freshwater criteria apply at salinities of 1 part per thousand (ppt) and below at locations where this occurs 95 percent or more of the time. The Regional Water Board has determined that saltwater criteria apply to the Los Angeles Inner Harbor, consistent with Order No. R4-2013-0133. The CTR aquatic life 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 Los Angeles Inner Harbor, a water of the United States.

The Facility's last discharge event from Discharge Points 001 and 002 was in 2006, and the last discharge event from Discharge Point 003 was in 2012. The Facility has been transferring storm water to Ultramar's Wilmington Refinery for disposal or allowing storm water to evaporate/ percolate into the soil at the site. Due to the lack of discharges to surface water, no recent effluent or receiving water monitoring has been conducted by the Discharger during the term of Order No. R4-2013-0133.

Table F-5 summarizes the applicable water quality criteria/objective for priority pollutants that were reported in detectable concentrations historically in the discharge effluent at EFF-003, or for which the receiving water is identified to be impaired. These criteria were used to develop effluent limitations included in this Order.

Table F-5. Applicable Water Quality Criteria

CTR No.	Constituent	Selected Criteria	CTR/NTR Water Quality Criteria		
			Saltwater		Human Health for Consumption of:
			Acute	Chronic	Organisms only
		µg/L	µg/L	µg/L	µg/L
6	Copper, Total Recoverable	3.73	--	3.73[1]	--
7	Lead, Total Recoverable	8.52	--	8.52[1]	Narrative
9	Nickel, Total Recoverable	8.28	74.75	8.28	4600
13	Zinc, Total Recoverable	85.6	--	85.6[1]	--
61	Benzo(a)pyrene	0.049	--	--	0.049
73	Chrysene	0.049	--	--	0.049
108	4,4-DDT	0.00059	0.13	0.001	0.00059[1]

CTR No.	Constituent	Selected Criteria	CTR/NTR Water Quality Criteria		
			Saltwater		Human Health for Consumption of:
			Acute	Chronic	Organisms only
		µg/L	µg/L	µg/L	µg/L
119-125	Polychlorinated biphenyls (PCBs)	0.00017	--	0.03	0.00017[1]

[1] WLAs as included in the Harbors Toxics TMDL.

Harbors Toxics TMDL. The Harbors Toxics TMDL assigned concentration-based waste load allocations (WLAs) to any future minor individual NPDES permits or enrollees under a general NPDES permit. The TMDL states, "*The allocations are set equal to the saltwater targets for metals and equal to the human health targets for the organic compounds in CTR. The averaging period for the concentration-based WLAs shall be consistent with that specified in the regulation establishing the criterion or objective or relevant implementation guidance published by the establishing agency.*"

Table F-6 summarizes the applicable water column concentration-based WLAs for copper, lead, zinc, 4,4'-DDT and total PCBs contained in the Harbors Toxics TMDL. These WLAs are applicable to Discharge Point 003 discharging to the Los Angeles Inner Harbor. This Order implements the applicable WLAs as required in the Harbors Toxics TMDL. The WLAs are converted into effluent limitations by applying the CTR-SIP procedures in accordance with the Harbors Toxics TMDL.

Table F-6. Harbors Toxics TMDL WLAs Applicable to Discharge Point 003

Constituents	Units	WLA
Copper, Total Recoverable[1]	µg/L	3.73
Lead, Total Recoverable[1]	µg/L	8.52
Zinc, Total Recoverable[1]	µg/L	85.6
4,4'-DDT	µg/L	0.00059
Total PCBs[2]	µg/L	0.00017

1. WLAs for metals are converted from saltwater dissolved CTR criteria using CTR saltwater default translators.
2. CTR human health criterion for PCBs applies to total PCBs, e.g., the sum of all congener or isomer or homolog or aroclor analyses. Total PCBs as aroclors 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.

3. Determining the Need for WQBELs

In accordance with Section 1.3 of the SIP, the Regional Water Board conducts a reasonable potential analysis (RPA) for each priority pollutant with an applicable criterion or objective to determine if a WQBEL is required in the permit. The Regional Water Board analyzes effluent and receiving water data and identifies the maximum observed effluent concentration (MEC) and maximum background concentration (B) in the receiving water for each constituent. To determine reasonable potential, the MEC and the B are then compared with the applicable water quality objectives (C) outlined in the CTR, NTR, as well as the Basin Plan. For all pollutants that have a reasonable potential to cause or contribute to an excursion above a state water quality standard, numeric WQBELs are required.

Section 1.3 of the SIP provides the procedures for determining reasonable potential to exceed applicable water quality criteria and objectives. The SIP specifies three triggers to complete a RPA:

i. Trigger 1 – if MEC ≥ C, a limit is needed.

ii. Trigger 2 – If the background concentration B > C and the pollutant is detected in the effluent, a limit is needed.

iii. Trigger 3 – If other related information such as CWA 303(d) listing for a pollutant, discharge type, compliance history, or other applicable factors indicate that a WQBEL is required.

Sufficient effluent and receiving water data are needed to conduct a complete RPA. If data are not sufficient, the Discharger will be required to gather the appropriate data for the Regional Water Board to conduct the RPA. Upon review of the data, and if the Regional Water Board determines that WQBELs are needed to protect the beneficial uses, the permit will be reopened for appropriate modification.

No effluent monitoring data from the term of Order No. R4-2013-0133 were available for an RPA. Therefore, no new RPA is conducted in preparing this Order. This section includes information on the RPA conducted for Order No. R4-2013-0133, on which the Regional Water Board based the WQBELs in this Order.

The Regional Water Board developed WQBELs for copper, lead, zinc, 4,4'-DDT, and PCBs based on the waste load allocations included in the Harbors Toxics TMDL. Effluent limitations for these pollutants were established in this Order independent of a reasonable potential analysis during the development of this Order. The Regional Water Board developed water quality-based effluent limitations for these pollutants pursuant to 40 C.F.R. section 122.44(d)(1)(vii), which does not require or contemplate an additional reasonable potential analysis at the permitting stage for effluent limitations consistent with the assumption and requirements of a TMDL WLA. Similarly, the SIP at Section 1.3 recognizes that reasonable potential analysis is not necessary at the permitting stage if a TMDL has been developed.

Table F-7. Summary of Reasonable Potential Analysis in Order No. R4-2013-0133

CTR No.	Constituent	Applicable Water Quality Criteria (C) (µg/L)	Max Effluent Conc. (MEC) (µg/L) [1]	Maximum Detected Receiving Water Conc. (B) (µg/L) [1]	Harbors Toxics TMDL WLAs[2]	RPA Result Need Limit?	Reason
1	Antimony	4300	0.77	[3]	No	No	MEC<C
2	Arsenic	36	5.3	26.8	No	No	MEC<C
3	Beryllium	No Criteria	[3]	0.645	No	No	No Criteria
4	Cadmium	9.4	[3]	[3]	No	No	MEC<C
5a	Chromium (III)	No Criteria	4.7	[3]	No	No	No Criteria
5b	Chromium (VI)	50	0.76	2.4	No	No	MEC<C
6	**Copper**	**3.73**	**45.3**	**22**	**Yes**	**Yes**	**TMDL**
7	**Lead**	**8.52**	**18**	**1.73**	**Yes**	**Yes**	**TMDL**
8	Mercury	0.051	[3]	[3]	No	No	MEC<C

CTR No.	Constituent	Applicable Water Quality Criteria (C) (µg/L)	Max Effluent Conc. (MEC) (µg/L) [1]	Maximum Detected Receiving Water Conc. (B) (µg/L) [1]	Harbors Toxics TMDL WLAs[2]	RPA Result Need Limit?	Reason
9	**Nickel**	**8.3**	**5.9**	**11.4**	**No**	**Yes**	**B>C, Detected in the Effluent**
10	Selenium	71	0.7	22.3	No	No	MEC<C
11	Silver	2.2	[3]	[3]	No	No	MEC<C
12	Thallium	6.3	[3]	[3]	No	No	MEC<C
13	**Zinc**	**85.6**	**413**	**95**	**Yes**	**Yes**	**TMDL**
14	Cyanide	1.0	[3]	[3]	No	No	MEC<C
15	Asbestos	7 E 6 fibers/L	[3]	[3]	No	No	N/A
16	2,3,7,8 TCDD	1.4E-08	[3]	[3]	No	No	MEC<C
	TCDD Equivalents	1.4E-08	[3]	[3]	No	No	N/A
17	Acrolein	780	[3]	[3]	No	No	MEC<C
18	Acrylonitrile	0.66	[3]	[3]	No	No	MEC<C
19	Benzene	71	1.2	0.3	No	No	MEC<C
20	Bromoform	360	[3]	[3]	No	No	MEC<C
21	Carbon Tetrachloride	4.4	[3]	[3]	No	No	MEC<C
22	Chlorobenzene	21000	[3]	[3]	No	No	MEC<C
23	Chlorodibromomethane	34	[3]	[3]	No	No	MEC<C
24	Chloroethane	No Criteria	[3]	[3]	No	No	No Criteria
25	2-Chloroethylvinyl ether	No Criteria	[3]	[3]	No	No	No Criteria
26	Chloroform	No Criteria	[3]	[3]	No	No	No Criteria
27	Dichlorobromomethane	46	[3]	[3]	No	No	MEC<C
28	1,1-Dichloroethane	No Criteria	[3]	[3]	No	No	No Criteria
29	1,2-Dichloroethane	99	[3]	[3]	No	No	MEC<C
30	1,1-Dichloroethylene	3.2	[3]	[3]	No	No	MEC<C
31	1,2-Dichloropropane	39	[3]	[3]	No	No	MEC<C
32	1,3-Dichloropropylene	1700	[3]	[3]	No	No	MEC<C
33	Ethylbenzene	29000	[3]	[3]	No	No	MEC<C
34	Methyl Bromide	4000	[3]	[3]	No	No	MEC<C
35	Methyl Chloride	No Criteria	[3]	[3]	No	No	No Criteria
36	Methylene Chloride	1600	[3]	[3]	No	No	MEC<C
37	1,1,2,2-Tetrachloroethane	11	[3]	[3]	No	No	MEC<C
38	Tetrachloroethylene	8.85	[3]	[3]	No	No	MEC<C
39	Toluene	200000	1.2	[3]	No	No	MEC<C
40	1,2-Trans-Dichloroethylene	140000	[3]	[3]	No	No	MEC<C
41	1,1,1-Trichloroethane	No Criteria	[3]	[3]	No	No	No Criteria
42	1,1,2-Trichloroethane	42	[3]	[3]	No	No	MEC<C

CTR No.	Constituent	Applicable Water Quality Criteria (C) (µg/L)	Max Effluent Conc. (MEC) (µg/L) [1]	Maximum Detected Receiving Water Conc. (B) (µg/L) [1]	Harbors Toxics TMDL WLAs[2]	RPA Result Need Limit?	Reason
43	Trichloroethylene	81	[3]	[3]	No	No	MEC<C
44	Vinyl Chloride	525	[3]	[3]	No	No	MEC<C
45	2-Chlorophenol	400	[3]	[3]	No	No	MEC<C
46	2,4-Dichlorophenol	790	[3]	[3]	No	No	MEC<C
47	2,4-Dimethylphenol	2300	[3]	[3]	No	No	MEC<C
48	2-methyl-4,6-Dinitrophenol	765	[3]	[3]	No	No	MEC<C
49	2,4-Dinitrophenol	14000	[3]	[3]	No	No	MEC<C
50	2-Nitrophenol	No Criteria	[3]	[3]	No	No	No Criteria
51	4-Nitrophenol	No Criteria	[3]	[3]	No	No	No Criteria
52	3-Methyl-4-Chlorophenol	No Criteria	[3]	[3]	No	No	No Criteria
53	Pentachlorophenol	7.9	[3]	0.43	No	No	MEC<C
54	Phenol	4600000	[3]	[3]	No	No	MEC<C
55	2,4,6-Trichlorophenol	6.5	[3]	[3]	No	No	MEC<C
56	Acenaphthene	2700	[3]	[3]	No	No	MEC<C
57	Acenaphthylene	No Criteria	[3]	[3]	No	No	No Criteria
58	Anthracene	110000	[3]	[3]	No	No	MEC<C
59	Benzidine	0.00054	[3]	[3]	No	No	MEC<C
60	Benzo(a)Anthracene	0.049	[3]	[3]	No	No	MEC<C
61	Benzo(a)Pyrene	0.049	[3]	[3]	No	No	MEC<C
62	Benzo(b)Fluoranthene	0.049	[3]	0.056	No	No	B>C, Undetected in Effluent
63	Benzo(ghi)Perylene	No Criteria	[3]	[3]	No	No	No Criteria
64	Benzo(k)Fluoranthene	0.049	[3]	[3]	No	No	MEC<C
65	Bis(2-Chloroethoxy)Methane	No Criteria	[3]	[3]	No	No	No Criteria
66	Bis(2-Chloroethyl)Ether	1.4	[3]	[3]	No	No	MEC<C
67	Bis(2-Chloroisopropyl)Ether	170000	[3]	[3]	No	No	MEC<C
68	Bis(2-Ethylhexyl)Phthalate	5.9	[3]	[3]	No	No	MEC<C
69	4-Bromophenyl Phenyl Ether	No Criteria	[3]	[3]	No	No	No Criteria
70	Butylbenzyl Phthalate	5200	[3]	1.2	No	No	MEC<C
71	2-Chloronaphthalene	4300	[3]	[3]	No	No	MEC<C
72	4-Chlorophenyl Phenyl Ether	No Criteria	[3]	[3]	No	No	No Criteria
73	Chrysene	0.049	[3]	0.13	No	No	B>C, Undetected in Effluent

CTR No.	Constituent	Applicable Water Quality Criteria (C) (µg/L)	Max Effluent Conc. (MEC) (µg/L) [1]	Maximum Detected Receiving Water Conc. (B) (µg/L) [1]	Harbors Toxics TMDL WLAs[2]	RPA Result Need Limit?	Reason
74	Dibenzo(a,h)Anthracene	0.049	[3]	[3]	No	No	MEC<C
75	1,2-Dichlorobenzene	17000	[3]	0.11	No	No	MEC<C
76	1,3-Dichlorobenzene	2600	[3]	[3]	No	No	MEC<C
77	1,4-Dichlorobenzene	2600	[3]	[3]	No	No	MEC<C
78	3,3 Dichlorobenzidine	0.077	[3]	[3]	No	No	MEC<C
79	Diethyl Phthalate	120000	[3]	0.4	No	No	MEC<C
80	Dimethyl Phthalate	2900000	[3]	[3]	No	No	MEC<C
81	Di-n-Butyl Phthalate	12000	[3]	0.47	No	No	MEC<C
82	2,4-Dinitrotoluene	9.1	[3]	[3]	No	No	MEC<C
83	2,6-Dinitrotoluene	No Criteria	[3]	[3]	No	No	No Criteria
84	Di-n-Octyl Phthalate	No Criteria	[3]	[3]	No	No	No Criteria
85	1,2-Diphenylhydrazine	0.54	[3]	[3]	No	No	MEC<C
86	Fluoranthene	370	[3]	0.66	No	No	MEC<C
87	Fluorene	14000	[3]	0.076	No	No	MEC<C
88	Hexachlorobenzene	0.00077	[3]	[3]	No	No	MEC<C
89	Hexachlorobutadiene	50	[3]	[3]	No	No	MEC<C
90	Hexachlorocyclopenta-diene	17000	[3]	[3]	No	No	MEC<C
91	Hexachloroethane	8.9	[3]	[3]	No	No	MEC<C
92	Indeno(1,2,3-cd)Pyrene	0.049	[3]	[3]	No	No	MEC<C
93	Isophorone	600	[3]	[3]	No	No	MEC<C
94	Naphthalene	No Criteria	[3]	4	No	No	No Criteria
95	Nitrobenzene	1900	[3]	[3]	No	No	MEC<C
96	N-Nitrosodimethylamine	8.1	[3]	[3]	No	No	MEC<C
97	N-Nitrosodi-n-Propylamine	1.4	[3]	[3]	No	No	MEC<C
98	N-Nitrosodiphenylamine	16	[3]	[3]	No	No	MEC<C
99	Phenanthrene	No Criteria	[3]	0.3	No	No	No Criteria
100	Pyrene	11000	[3]	0.2	No	No	MEC<C
101	1,2,4-Trichlorobenzene	No Criteria	[3]	[3]	No	No	No Criteria
102	Aldrin	0.00014	[3]	[3]	No	No	MEC<C
103	alpha-BHC	0.013	[3]	[3]	No	No	MEC<C
104	beta-BHC	0.046	[3]	[3]	No	No	MEC<C
105	gamma-BHC	0.063	[3]	[3]	No	No	MEC<C
106	delta-BHC	No Criteria	[3]	[3]	No	No	No Criteria
107	Chlordane	0.00059	[3]	[3]	No	No	MEC<C
108	**4,4'-DDT**	**0.00059**	[3]	**[3]**	**Yes**	**Yes**	**TMDL**
109	4,4'-DDE	0.00059	[3]	[3]	No	No	MEC<C
110	4,4'-DDD	0.00084	[3]	[3]	No	No	MEC<C

CTR No.	Constituent	Applicable Water Quality Criteria (C) (µg/L)	Max Effluent Conc. (MEC) (µg/L) [1]	Maximum Detected Receiving Water Conc. (B) (µg/L) [1]	Harbors Toxics TMDL WLAs[2]	RPA Result Need Limit?	Reason
111	Dieldrin	0.00014	[3]	[3]	No	No	MEC<C
112	alpha-Endosulfan	0.0087	[3]	[3]	No	No	MEC<C
113	beta-Endosulfan	0.0087	[3]	[3]	No	No	MEC<C
114	Endosulfan Sulfate	240	[3]	[3]	No	No	MEC<C
115	Endrin	0.0023	[3]	[3]	No	No	MEC<C
116	Endrin Aldehyde	0.81	[3]	[3]	No	No	MEC<C
117	Heptachlor	0.00021	[3]	[3]	No	No	MEC<C
118	Heptachlor Epoxide	0.00011	[3]	[3]	No	No	MEC<C
119-125	**Polychlorinated biphenyls (PCBs)**	**0.00017**	[3]	**3**	**Yes**	**Yes**	**TMDL**
126	Toxaphene	0.0002	[3]	[3]	No	No	MEC<C

[1] Based on monitoring data collected during the term of Order No. R4-2007-0039. No monitoring data were available during the term of Order No. R4-2013-0133 due to the lack of discharge during the permit term.

[2] This column indicates the constituents for which WLAs are assigned for discharges to the Los Angeles Inner Harbor in accordance with the Harbors Toxics TMDL.

[3] Results are non-detect or no monitoring data is available.

4. WQBEL Calculations

a. If reasonable potential exists to exceed applicable water quality criteria or objectives, then a WQBEL must be established in accordance with one or more of the three procedures contained in section 1.4 of the SIP. These procedures include:

   i. If applicable and available, use the WLA established as part of a TMDL.

   ii. Use of a steady-state model to derive maximum daily effluent limitations (MDELs) and average monthly effluent limitations (AMELs).

   iii. Where sufficient effluent and receiving water data exist, use of a dynamic model, which has been approved by the Regional Water Board.

b. The WQBELs for copper, lead, zinc, 4,4-DDT, and PCBs are established based on the final WLAs established in the Harbors Toxics TMDL.

c. No dilution credit is included in this Order.

5. WQBELs Calculation Example

Using total recoverable lead and nickel as examples, the following demonstrates how WQBELs were established for this Order. The calculation for total recoverable lead represents a WQBEL established based on WLAs included in the Harbors Toxics TMDL. The calculation for nickel represents a WQBEL established based on aquatic life criteria/human health criteria from the CTR. Table F-7 of this Fact Sheet summarizes the calculation of all WQBELs for this Order using the process described below. The process for developing these limits is in accordance with the Harbors Toxics TMDL and section 1.4 of the SIP.

Concentration-Based Effluent Limitations

Two sets of AMEL and MDEL values are calculated separately, one set for the protection of aquatic life and the other for the protection of human health. The AMEL and MDEL limitations for aquatic life and human health are compared, and the most restrictive AMEL and the most restrictive MDEL are selected as the WQBEL.

Calculation of AMEL and MDEL

Step 1: For each constituent requiring an effluent limit, identify the applicable water quality criteria or objective. For each criterion, determine the effluent concentration allowance (ECA) using the following steady state equation:

$ECA = C + D(C-B)$ when $C>B$, and

$ECA = C$ when $C \leq B$

Where: C = The priority pollutant criterion/objective, adjusted if necessary for hardness, pH and translators. Discharge from the Facility uses saltwater criteria, which are independent of hardness and pH.
D = The dilution credit
B = The ambient background concentration

As discussed above, this Order does not allow dilution; therefore:

$ECA = C$

For total recoverable lead, the ECA is set equal to the concentration-based final WLA established in the Harbors Toxics TMDL:

$ECA_{Acute,Lead}$ = Not Applicable (WLA developed based on CTR aquatic life chronic criteria)

$ECA_{Chronic,Lead} = WLA = 8.52$ µg/L

For nickel, the ECAs are set equal to the aquatic life chronic and acute water quality criteria:

$ECA_{Acute,\ Nickel} = 74.75$ µg/L

$ECA_{Chronic,Nickel} = 8.28$ µg/L

Step 2: For each ECA based or aquatic life criterion/objective, determine the long-term average discharge condition (LTA) by multiplying the ECA by a factor (multiplier). The multiplier is a statistically based factor that adjusts the ECA to account for effluent variability. The value of the multiplier varies depending on the coefficient of variation (CV) of the data set and whether it is an acute or chronic criterion/objective. Table 1 of the SIP provides pre-calculated values for the multipliers based on the value of the CV. Equations to develop the multipliers in place of using values in the tables are provided in section 1.4, Step 3 of the SIP and will not be repeated here.

$LTA_{acute} = ECA_{acute} \times Multiplier_{acute99}$

$LTA_{chronic} = ECA_{chronic} \times Multiplier_{chronic99}$

The CV for the data set must be determined before the multipliers can be selected and will vary depending on the number of samples and the standard deviation of a data set. If the data set is less than 10 samples, or at least 80% of the samples in the data set are reported as non-detect, the CV shall be set equal to 0.6. If the data set is greater than 10 samples, and at least 20% of the samples in the data set are reported as detected, the CV shall be equal to the standard deviation of the data set divided by the average of the data set.

For total recoverable lead and nickel, the following data were used to develop the acute and chronic LTAs using equations provided in Section 1.4, Step 3 of the SIP (Table 1 of the SIP also provides this data up to three decimals):

No. of Samples	No. of Non-Detects (% of Total)	CV	ECA Multiplier$_{acute}$	ECA Multiplier$_{chronic}$
9	>80%	0.6	0.321	0.527

Total Recoverable Lead:

Note that for total recoverable lead, the TMDL WLA is based on the chronic criterion in the CTR, and therefore only chronic multipliers will be used to develop the effluent limitations.

$LTA_{chronic,Lead}$ = 8.52 µg/L x 0.527 = 4.49 µg/L

Total Recoverable Nickel:

$LTA_{acute,\ NIckel}$ = 74.75 µg/L x 0.321 = 24.0 µg/L

$LTA_{chronic,\ Nickel}$ = 8.28 µg/L x 0.527 = 4.36 µg/L

Step 3: Select the most limiting (lowest) of the LTA.

For total recoverable lead, only the chronic LTA is calculated, no comparison is made.

$LTA_{Lead} = LTA_{chronic,Lead}$ = 4.49 µg/L

For total recoverable nickel, the $LTA_{chronic}$ is selected as it is the most limiting.

$LTA_{Nickel} = LTA_{chronic,Nickel}$ = 4.36 µg/L

Step 4: Calculate the WQBELs by multiplying the LTA by a factor (multiplier). WQBELs are expressed as AMEL and MDEL. The multiplier is a statistically based factor that adjusts the LTA for the averaging periods and exceedance frequencies of the criteria/objectives and the effluent limitations. The value of the multiplier varies depending on the probability basis, the CV of the data set, the number of samples (for AMEL) and whether it is a monthly or daily limit. Table 2 of the SIP provides pre-calculated values for the multipliers based on the value of the CV and the number of samples. Equations to develop the multipliers in place of using values in the tables are provided in section 1.4, Step 5 of the SIP and will not be repeated here.

$AMEL_{aquatic\ life} = LTA \times AMEL_{multiplier95}$

$MDEL_{aquatic\ life} = LTA \times MDEL_{multiplier99}$

AMEL multipliers are based on a 95th percentile occurrence probability, and the MDEL multipliers are based on the 99th percentile occurrence probability. If the number of samples is less than four (4), the default number of samples to be used is four (4).

For total recoverable lead and nickel, the following data were used to develop the AMEL and MDEL for effluent limitations using equations provided in section 1.4, Step 5 of the SIP (Table 2 of the SIP also provides this data up to two decimals):

No. of Samples Per Month	CV	$Multiplier_{MDEL99}$	$Multiplier_{AMEL95}$
4	0.6	3.11	1.55

Total Recoverable Lead:

AMEL = 4.49 µg/L x 1.55 = 7.0 µg/L

MDEL = 4.49 µg/L x 3.11 = 14.0 µg/L

Total Recoverable Nickel:

AMEL = 4.36 µg/L x 1.55 = 6.8 µg/L

MDEL =4.36 µg/L x 3.11 = 14.0 µg/L

Calculation of human health AMEL and MDEL:

Step 5: For the ECA based on human health, set the AMEL equal to the $ECA_{human\ health}$

$AMEL_{human\ health} = ECA_{human\ health}$

There are no human health criteria for total recoverable lead.

For nickel, $AMEL_{human\ health} = ECA_{human\ health}$ = 4600 µg/L

Step 6: Calculate the MDEL for human health by multiplying the AMEL by the ratio of $Multipler_{MDEL}$ to the $Multiplier_{AMEL}$. Table 2 of the SIP provides pre-calculated ratios to be used in this calculation based on the CV (0.6) and the number of samples (4 per month).

$MDEL_{human\ health} = AMEL_{human\ health}$ x ($Multiplier_{MDEL}$/ $Multiplier_{AMEL}$)

There are no human health criteria for total recoverable lead.

For nickel, $MDEL_{human\ health}$ = 4600 µg/L x (2.01) = 9246 µg/L

Step 7: Select the lower set of the AMEL and MDEL based on aquatic life and human health criteria as the WQBEL for the Order.

Final WQBELs for Lead and Nickel:

Parameter	MDEL (µg/L)
Total Recoverable Lead	14
Total Recoverable Nickel	14

WLAs for copper, lead, zinc, 4,4'-DDT and total PCBs have been established in the Harbors Toxics TMDL; effluent limitations for these parameters are established based on the Harbors Toxics TMDL WLAs.

In addition, the Regional Water Board has determined that WQBELs are necessary for nickel in accordance with Step 7 of section 1.3 in the SIP, which states that other information may be considered to determine whether a WQBEL is needed. Such information includes, among other aspects, the Facility type, compliance history, and the

potential toxic impacts of the discharge. Order No. R4-2013-0133 contained effluent limitations for nickel at Discharge Point 003 based on the presence of reasonable potential of past monitoring data. As such, this Order retains the effluent limitations for nickel at Discharge Point 003 to protect the beneficial uses of the Los Angeles Inner Harbor.

As explained in the sections above, discharges through Discharge Point 003 are intermittent, of short duration, and consist of storm water only; therefore, only MDELs are prescribed for Discharge Point 003. These limitations are expected to be protective of the beneficial uses of the receiving water. Final WQBELs are summarized in Table F-8 of this Fact Sheet.

6. WQBELs Based on Basin Plan Objectives

a. **pH.** This Order includes effluent limitations for pH at Discharge Point 003, and receiving water limitations for pH, to ensure compliance with Basin Plan Objectives for pH.

b. **Ammonia.** No ammonia effluent data were available for an RPA. This Order requires the Discharger to conduct effluent and receiving water monitoring for ammonia in order to provide data necessary to calculate ammonia objectives and conduct future RPAs.

c. **Turbidity**. Where natural turbidity is between 0 to 50 NTU, increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. This Order applies the water quality objective for turbidity as a receiving water limitation in addition to the technology-based effluent limitation.

d. **Temperature.** This Order includes an instantaneous effluent temperature limitation of 86°F based on the Thermal Plan and consistent with a white paper entitled *Temperature and Dissolved Oxygen Impacts on Biota in Tidal Estuaries and Enclosed Bays in the Los Angeles Region*. This effluent limitation was determined to be appropriate for the protection of the Basin Plan objective for temperature.

e. **Total Suspended Solids.** The Basin Plan requires that, "Waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses." This narrative objective has been translated into a numeric effluent limit, based on U.S. EPA's Quality Criteria for Water (commonly known as the "Gold Book"). In the Gold Book, U.S. EPA notes that "In a study downstream from a discharge where inert suspended solids were increased to 80 mg/L, the density of macroinvertebrates decreased by 60 percent…". This indicates that suspended solids concentrations of 80 mg/L in the receiving water resulted in adverse effects to aquatic life. Therefore, the water quality-based maximum daily effluent limitation of 75 mg/L for Discharge Point 003 included in this Order are also protective of the Basin Plan narrative water quality objective for solids.

f. **Bacteria.** This Order includes effluent limitations for total coliform, fecal coliform, and *Enterococcus* based on the Basin Plan objectives.

7. Whole Effluent Toxicity (WET)

Whole effluent toxicity (WET) protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. WET tests measure the degree of response of exposed aquatic test organisms to an effluent. The WET approach allows for protection of the narrative "no toxics in toxic amounts" criterion while implementing numeric criteria for toxicity. There are two types of WET tests: acute and chronic. 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 mortality, reproduction, and growth.

The Basin Plan specifies a narrative objective for toxicity, requiring that all waters be maintained free of toxic substances in concentrations that are lethal to or produce other detrimental responses by aquatic organisms. Detrimental responses include, but are not limited to: decreased growth rate, decreased reproductive success of resident or indicator species, and/or significant alterations in population, community ecology, or receiving water biota. Order No. R4-2013-0133 contains acute toxicity effluent limitations and monitoring requirements in accordance with the Basin Plan, in which the acute toxicity objective for discharges dictates that the average survival in undiluted effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test having less than 70% survival. There was no effluent acute toxicity monitoring conducted at the Facility during the term of Order No. R4-2013-0133 due to the lack of discharge events.

Chronic toxicity is a more stringent requirement than acute toxicity, and it evaluates the mortality endpoint as does the acute toxicity testing as well as reductions in reproduction and growth. A chemical at a low concentration can have chronic effects but no acute effects. Because discharge from the Facility may include a number of pollutants, which individually may not be present in toxic concentrations while exhibiting aggregated toxic effects as a whole, this Order prescribes a chronic toxicity effluent limitation and requires chronic toxicity monitoring of the effluent in lieu of acute toxicity at Discharge Point 003.

The whole effluent toxicity testing is evaluated using U.S. EPA's 2010 Test of Significant Toxicity (TST) statistical approach. In 2010, U.S. EPA endorsed the peer-reviewed TST statistical approach in the National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document (EPA 833-R-10-003, 2010) as an improved statistical tool to evaluate data from U.S. EPA's toxicity test methods. The TST statistical approach is the superior statistical approach for addressing statistical uncertainty when used in combination with U.S. EPA's toxicity test methods and is implemented in federal permits issued by U.S. EPA Region 9.

The TST's null hypothesis for chronic toxicity is:

H_0: Mean response (In-stream Waste Concentration (IWC) in % effluent) ≤ (0.75 x mean response (Control)).

Results obtained from a chronic toxicity test are analyzed using the TST statistical approach and an acceptable level of chronic toxicity is demonstrated by rejecting the null hypothesis and reporting "Pass" or "P". Chronic toxicity results are expressed as "Pass" or "Fail" and "% Effect". The chronic toxicity IWCs for Discharge Point 003 is 100 percent effluent. The MDEL for chronic toxicity is exceeded and a violation will be flagged when a chronic toxicity test, analyzed at the IWC using the TST statistical approach, results in "Fail" and the Percent Effect is ≥50%.

Section 4 of the SIP states that a chronic toxicity effluent limitation is required in permits for all discharges that will cause, have the reasonable potential to cause, or contribute to chronic toxicity in receiving waters. The Regional Water Board has determined that chronic toxicity demonstrates reasonable potential based on Step 7 of the RPA procedure described in the SIP which states that other information may be considered to determine whether a WQBEL is needed. Such information includes, among other aspects, the facility type, the discharge type, and the potential toxic impacts of the discharge. The Facility has the potential to discharge a number of pollutants as a result of the Facility operations (bulk petroleum storage and transfer) which may cause or contribute to chronic toxicity in the

receiving water; the Facility is also in close proximity to the receiving water (the Facility is immediately adjacent to the Los Angeles Inner Harbor). Therefore, a chronic toxicity effluent limitation and effluent monitoring requirement are included in this Order.

8. Final WQBELs

Table F-8. Summary of Final WQBELs at Discharge Point 003

Parameter	Units	Water Quality-Based Effluent Limitations		
		Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
pH	Standard units	--	6.5	8.5
Chronic Toxicity[1]	Pass or Fail, % Effect (TST statistical approach)	Pass or % Effect < 50	--	--
Temperature	Degrees F	--	--	86
Total Coliform	CFU/100mL or MPN/100 mL	[2]		
Fecal Coliform	CFU/100mL or MPN/100 mL	[2]		
Enterococcus	CFU/100mL or MPN/100 mL	[2]		
Copper, Total Recoverable[4]	µg/L	6.1	--	--
	lbs/day[3]	0.037	--	--
Lead, Total Recoverable[4]	µg/L	14	--	--
	lbs/day[3]	0.084	--	--
Nickel, Total Recoverable	µg/L	14	--	--
	lbs/day[3]	0.084	--	--
Zinc, Total Recoverable[4]	µg/L	140	--	--
	lbs/day[3]	0.84	--	--
4,4-DDT[4]	µg/L	0.0012	--	--
	lbs/day[3]	7.2×10^{-6}	--	--
PCBs, Total[4]	µg/L	0.00034	--	--
	lbs/day[3]	2.0×10^{-6}	--	--

[1] Report "Pass" or "Fail" and "% Effect" for Maximum Daily Effluent Limitation (MDEL).

[2] Bacterial limitations are established for both geometric means and single samples. The geometric mean values should be calculated based on a statically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period).

a. Rolling 30-day Geometric Mean Limits
   i. Total coliform density shall not exceed 1,000/100 ml.
   ii. Fecal coliform density shall not exceed 200/100 ml.
   iii. *Enterococcus* density shall not exceed 35/100 ml.

b. Single Sample Maximum (SSM)
   i. Total coliform density shall not exceed 10,000/100 ml.
   ii. Fecal coliform density shall not exceed 400/100 ml.
   iii. *Enterococcus* density shall not exceed 104/100 ml.

iv. Total coliform density shall not exceed 1,000/100 ml, if the ratio of fecal-to-total coliform exceeds 0.1

[3] Mass loading limitations are based on the maximum flows at Discharge Point 003 (0.72 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 final effluent limitations for these parameters are derived from their final waste load allocations as set forth in the Harbors Toxics TMDL. Consistent with the TMDL, the waste load allocations were translated into effluent limitations by applying the procedures in the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP).

D. Final Effluent Limitation Considerations

Technology-based effluent limitations for BOD, TSS, oil and grease, turbidity, settleable solids, phenolic compounds, and TPH are included in this Order, based on a review of Facility operations, BPJ, and consistent with Order No. R4-2013-0133. WQBELs for nickel are prescribed based on effluent limitations for Discharge Point 003 included in Order No. R4-2013-0133; the effluent limitations for nickel were developed based on CTR criteria and SIP procedures. Effluent limitations for copper, lead, zinc, 4,4'-DDT, and total PCBs are included in this Order consistent with the Harbors Toxics TMDL. The effluent limit for TSS (based on the Gold Book and consistent with Order No. R4-2013-0133) is also consistent with TSS limits included for similar discharges in the Los Angeles Region, at a level which has demonstrated to be achievable using existing technologies that are practical, available, and economically achievable. A chronic toxicity effluent limitation (evaluated using the TST statistical approach), which is a more stringent requirement than the acute toxicity limitation, is also included in this Order. Effluent limitations for bacteria (total coliform, fecal coliform, and *enterococcus*), temperature and pH are included in this Order in accordance with the Basin Plan and BPJ, and consistent with Order No. R4-2013-0133. Refer to Table F-7 of this Fact Sheet for a summary of the RPA for priority pollutants.

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. All effluent limitations established in this Order at Discharge Point 003 are at least as stringent as the requirements and limitations of Order No. R4-2013-0133.

As noted above, there are several exceptions to federal anti-backsliding requirements. Specifically, the anti-backsliding provisions allow for relaxation of effluent limitations when material and substantial alterations or additions to the permitted facility occurred after permit issuance that justifies the application of a less stringent effluent limitation (see CWA section 402(o)(2)(A)). Another exception is when information is available which was not available at the time of permit issuance that would have justified the application of a less stringent effluent limitation at the time of permit issuance (see CWA section 402(o)(2)(B)(i)). As discussed below, the removal of the acute toxicity effluent limitations and effluent limitations at Discharge Points 001, 002, and 004 are either consistent with the anti-backsliding exceptions allowed in the CWA and federal regulations, or they are not actually covered under the anti-backsliding requirements because they are not in fact "backsliding".

First, as explained in section IV.C.6, Order No. R4-2013-0133 contains acute toxicity limitations at Discharge Point 003 based on the objectives in the Basin Plan. Chronic toxicity is a more stringent requirement than acute toxicity. A chemical at a low concentration can have chronic effects but no acute effects. Discharge from the Facility

may include a number of chemicals, which individually may not be present in toxic concentrations while exhibiting aggregated toxic effects as a whole. This Order includes chronic toxicity effluent limitation only, evaluated using the TST statistical approach, and requires chronic toxicity monitoring for the effluent at Discharge Point 003. The removal of the acute toxicity effluent limitation for discharges through Discharge Point 003 is consistent with the anti-backsliding requirements of the CWA and federal regulations since chronic toxicity, which replaces the acute toxicity limitation, is more protective of both the numeric and the narrative acute toxicity Basin Plan water quality objectives.

Effluent limitations associated with Discharge Points 001, 002, and 004 included in Order No. R4-2013-0133 were removed as discharges to surface waters through these discharge locations have been eliminated. Removal of these effluent limitations are consistent with anti-backsliding exceptions, specifically, CWA section 402(o)(2)(A).

2. Antidegradation Policies

40 C.F.R. section 131.12 requires that the state water quality standards include an anti-degradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 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. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge.

The permitted discharge is not a new discharge. This Order does not provide for an increase in the permitted design flow at Discharge Point 003; discharges through Discharge Points 001, 002, and 004 included in Order No. R4-2013-0133 have also been eliminated. This Order does not allow for a reduction in the level of treatment. The final limitations in this Order, which include concentration-based and mass-based limitations, hold the Discharger to performance levels that will not adversely impact the beneficial uses or degrade the water quality of Los Angeles Inner Harbor, and are developed consistent with federal effluent limitation guidelines and state regulations.

The effluent limitations in this Order hold the Discharger to performance levels that will not cause or contribute to water quality impairments or water quality degradation. The effluent limitations, receiving water limitations, and effluent and receiving water monitoring requirements ensure that excursions above water quality objectives applicable to the Los Angeles Inner Harbor will be apparent and can be addressed immediately. Further, compliance with these requirements will result in the use of best practicable treatment or control of the discharge. Therefore, the permitted discharge is consistent with the state's antidegradation policy.

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 Point 003 are calculated based on a permitted discharge flow of 0.72 MGD.

4. Stringency of Requirements for Individual Pollutants

This Order contains both technology-based and water quality-based effluent limitations for individual pollutants. The technology-based effluent limitations consist of restrictions on TSS, BOD, turbidity, oil and grease, TPH, settleable solids, and phenolic compounds. Restrictions on these pollutants 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.

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. To the extent that toxic pollutant water quality-based effluent limitations were derived from the CTR, the CTR is the applicable standard pursuant to 40 C.F.R. section 131.38. The procedures for calculating the individual water quality-based effluent limitations for priority pollutants are based on the CTR implemented by the SIP, which was approved by U.S. EPA on May 18, 2000. Most 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. Any water quality objectives and beneficial uses submitted to U.S. EPA prior to May 30, 2000, but not approved by U.S. EPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to 40 C.F.R. section 131.21(c)(1). The remaining water quality objectives and beneficial uses implemented by this Order were approved by U.S. EPA and are applicable water quality standards pursuant to section 131.21(c)(2). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

5. Summary of Final Effluent Limitations

Table F-9. Summary of Final Effluent Limitations at Discharge Point 003

Parameter	Units	Effluent Limitations			Basis[1]
		Maximum Daily	Instantaneous Minimum	Instantaneous Maximum	
Conventional Pollutants					
Biochemical Oxygen Demand (BOD) (5-day @ 20°C)	mg/L	30	--	--	E, BPJ
	lbs/day[2]	180	--	--	
Total Suspended Solids (TSS)	mg/L	75	--	--	E, BPJ
	lbs/day[2]	450	--	--	
Oil and Grease	mg/L	15	--	--	E, BPJ
	lbs/day[2]	90	--	--	

Parameter	Units	Effluent Limitations			Basis[1]
		Maximum Daily	Instantaneous Minimum	Instantaneous Maximum	
pH	standard units	--	6.5	8.5	E, BP
Non-Conventional Pollutants					
Chronic Toxicity[3]	Pass or Fail, % Effect (TST)	Pass or % Effect < 50	--	--	BP, BPJ
Phenolic Compounds	mg/L	1.0	--	--	E, BPJ
	lbs/day[2]	6.0	--	--	
Total Coliform	CFU/100 mL or MPN/100 mL	[4]			E, BP
Fecal Coliform	CFU/100 mL or MPN/100 mL	[4]			E, BP
Enterococcus	CFU/100 mL or MPN/100 mL	[4]			E, BP
Temperature	Degree F	--	--	86	E, BP, TP, WP
Turbidity	NTU	75	--	--	E, BPJ
Settleable Solids	mL/L	0.3	--	--	E, BPJ
Total Petroleum Hydrocarbons (TPH)[5]	µg/L	100	--	--	E, BPJ
	lbs/day[2]	0.6	--	--	
Priority Pollutants					
Copper, Total Recoverable[6]	µg/L	6.1	--	--	E, TMDL
	lbs/day[2]	0.037	--	--	
Lead, Total Recoverable[6]	µg/L	14	--	--	E, TMDL
	lbs/day[2]	0.084	--	--	
Nickel, Total Recoverable	µg/L	14	--	--	E, CTR, SIP
	lbs/day[2]	0.084	--	--	
Zinc, Total Recoverable[6]	µg/L	140	--	--	E, TMDL
	lbs/day[2]	0.84	--	--	
4,4-DDT[6,7]	µg/L	0.0012	--	--	E, TMDL
	lbs/day[2]	7.2×10^{-6}	--	--	
PCBs, Total[6,7,8]	µg/L	0.00034	--	--	E, TMDL
	lbs/day[2]	2.0×10^{-6}	--	--	

[1] E= Order No. R4-2013-0133; BPJ = Best Professional Judgment; BP = Basin Plan; TMDL = Total Maximum Daily Load (Harbors Toxics TMDL); CTR = California Toxic Rule; SIP = State Implementation Policy; WP = White Paper; TP= Thermal Plan.

[2] Mass loading limitations are based on the maximum flow at Discharge Point 003 (0.72 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 MDEL shall be reported in “Pass” or “Fail” and “% Effect”.

[4] Bacterial limitations are established for both geometric means and single samples. The geometric mean values should be calculated based on a statically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period).

a. Rolling 30-day Geometric Mean Limits
   i. Total coliform density shall not exceed 1,000/100 ml.
   ii. Fecal coliform density shall not exceed 200/100 ml.
   iii. *Enterococcus* density shall not exceed 35/100 ml.

b. Single Sample Maximum (SSM)
   i. Total coliform density shall not exceed 10,000/100 ml.
   ii. Fecal coliform density shall not exceed 400/100 ml.
   iii. *Enterococcus* density shall not exceed 104/100 ml.
   iv. Total coliform density shall not exceed 1,000/100 ml, if the ratio of fecal-to-total coliform exceeds 0.1.

[5] Total Petroleum Hydrocarbons (TPH) equals the sum of TPH as gasoline (C_4 - C_{12}), TPH as diesel (C_{13} - C_{22}), and TPH waste oil (C_{23+}).

[6] These effluent limitations are included based on the Harbors Toxics TMDL WLAs and calculated using the CTR-SIP procedures.

[7] Samples analyzed must be unfiltered samples.

[8] CTR human health criterion for PCBs applies to total PCBs, e.g., the sum of all congener or isomer or homolog or aroclor analyses.

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 Basin Plan contains numeric and narrative water quality objectives applicable to all surface waters within the Los Angeles Region. Water quality objectives include an objective 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 of the receiving water. 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. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under 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. Section 123.25(a)(12) of 40 C.F.R. 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 and the previous regulating Order No. R4-2013-0133. The Regional Water Board may reopen the permit to modify permit conditions and requirements. Causes for modifications can include, but are not limited to, the promulgation of new federal regulations, modification in toxicity requirements, or adoption of new regulations by the State Water Board or Regional Water Board, including revisions to the Basin Plan or adoption of applicable TMDLs associated with the receiving water.

2. Special Studies and Additional Monitoring Requirements

a. **Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan.** This provision is based on section 4 of the SIP, Toxicity Control Provisions, which establishes minimum toxicity control requirements for implementing the narrative toxicity objective for aquatic life protection established in the basin plans of the State of California.

b. **Harbors Toxics TMDL Water Column, Sediment, and Fish Tissue Monitoring for the Great Los Angeles and Long Beach Harbor Waters Compliance Monitoring Program.** This provision implements the Compliance Monitoring Program as required in the Harbors Toxics TMDL. The Compliance Monitoring Program includes water column monitoring, sediment monitoring, and fish tissue monitoring at monitoring stations in the Los Angeles Inner Harbor. The Discharger may join a collaboration group or develop a site-specific plan to comply with this requirement.

3. Best Management Practices and Storm Water Pollution Prevention

a. **Storm Water Pollution Prevention Plan (SWPPP).** This Order requires the Discharger to update, as necessary, and continue to implement a SWPPP. The SWPPP will outline site-specific management processes for minimizing storm water runoff contamination and for preventing trash and contaminated storm water runoff from being discharged directly into the receiving water. At a minimum, best management practices should be implemented to ensure that raw materials and chemicals do not come into contact with storm water runoff and to prevent the entrainment of trash in storm water that is discharged. These procedures shall also ensure that at no time will process wastewaters be commingled with storm water and be discharged through Discharge Point 003. SWPPP requirements are included as Attachment G, based on 40 C.F.R. 122.44(k).

b. **Best Management Practices Plan (BMPP).** This Order requires the Discharger to develop and implement the BMPP. The BMPP may be included as a component of the SWPPP. The purpose of the BMPP is to establish site-specific procedures that ensure proper operation and maintenance of equipment, to ensure that unauthorized non-storm water discharges (i.e., spills) do not occur at the Facility. The BMPP shall incorporate the requirements contained in Attachment G. Attachment G requires a discussion on the effectiveness of each BMP to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.

c. **Spill Contingency Plan (SCP).** This Order requires the Discharger to update or develop and implement a SCP to control the discharge of pollutants. The SCP shall include a technical report on the preventive (failsafe) and contingency (cleanup) plans

for controlling accidental discharges, and for minimizing the effect of such events at the site. This provision is included in this Order to minimize and control the amount of pollutants discharged in case of a spill. The SCP shall be site specific and shall cover all areas of the Facility. A Spill Prevention, Control, and Countermeasure (SPCC) Plan may satisfy this requirement

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).

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 for this Facility.

A. Influent Monitoring – Not Applicable

B. Effluent Monitoring

Effluent monitoring for pollutants expected to be present in the discharge will be required at Monitoring Location EFF-003 as prescribed in Table E-2 in the MRP (Attachment E). To demonstrate compliance with established effluent limitations, the Order includes monitoring requirements of once per discharge event for parameters with effluent limitations, and for parameters to which WLAs have been prescribed in a TMDL. Chronic toxicity monitoring is required at least once year. Monitoring for additional pollutants is required based on considerations of pollutants commonly associated with similar operations and historical presence in the discharge.

The SIP states that the Regional Water Board will require periodic monitoring for pollutants for which criteria or objectives apply and for which no effluent limitations have been established. This Order requires the Discharger to conduct annual monitoring for the remaining CTR priority pollutants, including TCDD equivalents, at Monitoring Location EFF-003. The Regional Water Board will use the additional data to conduct an RPA and determine if additional WQBELs are required. The Regional Water Board may reopen the permit to incorporate additional effluent limitations and requirements, if necessary.

C. Whole Effluent Toxicity Testing Requirements

Whole effluent toxicity (WET) protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. A chronic toxicity test measures mortality, reproduction, and growth. A chemical at a low concentration can have chronic effects but no acute effects. Chronic toxicity is a more stringent requirement that acute toxicity. For this Order, chronic toxicity monitoring in the discharge is required. The chronic toxicity testing results are analyzed using U.S. EPA's 2010 TST statistical approach.

D. Receiving Water Monitoring

1. Surface Water

The SIP requires monitoring of the upstream receiving water for the CTR priority pollutants, including TCDD equivalents, to determine reasonable potential. This Order requires the Discharger to conduct annual receiving water monitoring of the CTR priority pollutants, including TCDD equivalents, at the upstream Receiving Water Monitoring Location RSW-001 and downstream Receiving Water Monitoring Location RSW-002 during years in which a discharge occurs from the Facility. Additionally, the Discharger must sample and analyze within applicable holding times for pH, temperature, salinity, bacteria (total coliform, fecal coliform, and *enterococcus*), dissolved oxygen, and ammonia in the receiving water at the same time samples are collected for priority pollutant (including TCDD equivalents) analyses.

2. Groundwater- Not Applicable

E. Other Monitoring Requirements

1. Visual Monitoring Requirements

The Discharger is required to conduct visual observations of all discharges in the vicinity of the discharge to observe the presence of floating and suspended materials, oil and grease, discoloration, turbidity, and odor. These requirements are consistent with requirements of other dischargers in the Region.

2. Regional Monitoring

Regional monitoring is required to determine compliance with the assigned wasteload and load allocations specified in the Harbors Toxics TMDL. The Discharger may develop a site-specific plan, or join a group of stakeholders in the development of Regional Monitoring program(s) to address pollutants as specified in the Harbors Toxics TMDL. If the Discharger intends to address the Plan requirements in combination with another facility or by joining a group already formed, the Plan must address monitoring requirements for all water bodies to which discharges occur.

VIII. PUBLIC PARTICIPATION

The Regional Water Board has considered the issuance of WDRs that will serve as an NPDES permit for the Ultramar, Inc., Wilmington Marine Terminal, Berth 164. 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, the written comments were due at the Regional Water Board office by 5:00 p.m. **January 19, 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: February 14, 2019

Time: 9:00 a.m.

Location: Port of Long Beach Hearing Room
4801 Airport Plaza Drive
Long Beach, 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.

ATTACHMENT G – STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

I. IMPLEMENTATION SCHEDULE

A storm water pollution prevention plan (SWPPP) shall be developed and submitted to the Regional Water Board within 90 days following the adoption of this Order. The SWPPP shall be implemented for each facility covered by this Permit within 10 days of approval from the Regional Water Board, or no later than 90 days from the date of the submittal of the SWPPP to the Regional Water Board (whichever comes first).

II. OBJECTIVES

The SWPPP has two major objectives: (a) to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-storm water discharges from the facility; and (b) to identify and implement site- specific best management practices (BMPs) to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges. BMPs may include a variety of pollution prevention measures or other low-cost and pollution control measures. They are generally categorized as non-structural BMPs (activity schedules, prohibitions of practices, maintenance procedures, and other low-cost measures) and as structural BMPs (treatment measures, run-off controls, overhead coverage.) To achieve these objectives, facility operators should consider the five-phase process for SWPPP development and implementation as shown in Table A.

The SWPPP requirements are designed to be sufficiently flexible to meet the needs of various facilities. SWPPP requirements that are not applicable to a facility should not be included in the SWPPP.

A facility's SWPPP is a written document that shall contain a compliance activity schedule, a description of industrial activities and pollutant sources, descriptions of BMPs, drawings, maps, and relevant copies or references of parts of other plans. The SWPPP shall be revised whenever appropriate and shall be readily available for review by facility employees or Regional Water Board inspectors.

III. PLANNING AND ORGANIZATION

A. Pollution Prevention Team

The SWPPP shall identify a specific individual or individuals and their positions within the facility organization as members of a storm water pollution prevention team responsible for developing the SWPPP, assisting the facility manager in SWPPP implementation and revision, and conducting all monitoring program activities required in Attachment E of this Permit. The SWPPP shall clearly identify Permit-related responsibilities, duties, and activities of each team member. For small facilities, storm water pollution prevention teams may consist of one individual where appropriate.

B. Review Other Requirements and Existing Facility Plans

The SWPPP may incorporate or reference the appropriate elements of other regulatory requirements. Facility operators should review all local, state, and federal requirements that impact, complement, or are consistent with the requirements of this permit. Facility operators should identify any existing facility plans that contain storm water pollutant control measures or relate to the requirements of this Permit. As examples, facility operators whose facilities are subject to Federal Spill Prevention Control and Countermeasures' requirements should already have instituted a plan to control spills of certain hazardous materials. Similarly, facility operators

whose facilities are subject to air quality related permits and regulations may already have evaluated industrial activities that generate dust or particulates.

IV. SITE MAP

The SWPPP shall include a site map. The site map shall be provided on an 8-½ x 11 inch or larger sheet and include notes, legends, and other data as appropriate to ensure that the site map is clear and understandable. If necessary, facility operators may provide the required information on multiple site maps.

TABLE A
FIVE PHASES FOR DEVELOPING AND IMPLEMENTING INDUSTRIAL STORM WATER POLLUTION PREVENTION PLANS

PLANNING AND ORGANIZATION
Form Pollution Prevention Team
Review other plans

ASSESSMENT PHASE
Develop a site map
Identify potential pollutant sources
Inventory of materials and chemicals
List significant spills and leaks
Identify non-storm water discharges
Assess pollutant risks

BEST MANAGEMENT PRACTICES IDENTIFICATION PHASE
Non-structural BMPs
Structural BMPs
Select activity and site-specific BMPs

IMPLEMENTATION PHASE
Train employees
Implement BMPs
Conduct recordkeeping and reporting

EVALUATION / MONITORING
Conduct annual site evaluation
Review monitoring information
Evaluate BMPs
Review and revise SWPPP

The following information shall be included on the site map:

A. The facility boundaries; the outline of all storm water drainage areas within the facility boundaries; portions of the drainage area impacted by run-on from surrounding areas; and direction of flow of each drainage area, on-site surface water bodies, and areas of soil erosion. The map shall also identify nearby water bodies (such as rivers, lakes, and ponds) and municipal storm drain inlets where the facility's storm water discharges and authorized non-storm water discharges may be received.

B. The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.

C. An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.

D. Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks identified in section VI.A.4 below have occurred.

E. Areas of industrial activity. This shall include the locations of 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 and disposal areas, dust or particulate generating areas, cleaning and rinsing areas, and other areas of industrial activity which are potential pollutant sources.

V. LIST OF SIGNIFICANT MATERIALS

The SWPPP shall include a list of significant materials[1] handled and stored at the site. For each material on the list, describe the locations where the material is being stored, received, shipped, and handled, as well as the typical quantities and frequency. Materials shall include raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.

VI. DESCRIPTION OF POTENTIAL POLLUTANT SOURCES

A. The SWPPP shall include a narrative description of the facility's industrial activities, as identified in section IV.E above, associated potential pollutant sources, and potential pollutants that could be discharged in storm water discharges or authorized non-storm water discharges. At a minimum, the following items related to a facility's industrial activities shall be considered:

a. **Industrial Processes.** Describe each industrial process, the type, characteristics, and quantity of significant materials used in or resulting from the process, and a description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to the process. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

b. **Material Handling and Storage Areas.** Describe each handling and storage area, type, characteristics, and quantity of significant materials handled or stored, description of the

[1] "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

shipping, receiving, and loading procedures, and the spill or leak prevention and response procedures. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

c. **Dust and Particulate Generating Activities.** Describe all industrial activities that generate dust or particulates that may be deposited within the facility's boundaries and identify their discharge locations; the characteristics of dust and particulate pollutants; the approximate quantity of dust and particulate pollutants that may be deposited within the facility boundaries; and a description of the primary areas of the facility where dust and particulate pollutants would settle.

d. **Significant Spills and Leaks.** Describe materials that have spilled or leaked in significant quantities in storm water discharges or authorized non-storm water discharges since April 17, 1994. Include toxic chemicals (listed in 40 Code of Federal Regulations (C.F.R.) part 302) that have been discharged to storm water as reported on U.S. Environmental Protection Agency (U.S. EPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 C.F.R., parts 110, 117, and 302).

The description shall include the type, characteristics, and approximate quantity of the material spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that may be exposed to storm water or non-storm water discharges, and the preventative measures taken to ensure spill or leaks do not reoccur. Such list shall be updated as appropriate during the term of this Permit.

e. **Non-Storm Water Discharges.** Facility operators shall investigate the facility to identify all non-storm water discharges and their sources. As part of this investigation, all drains (inlets and outlets) shall be evaluated to identify whether they connect to the storm drain system.

All non-storm water discharges shall be described. This shall include the source, quantity, frequency, and characteristics of the authorized non-storm water discharges and associated drainage area.

Non-storm water discharges that are not authorized by this Permit, other waste discharge requirements, or other NPDES permits are prohibited. The SWPPP must include BMPs to prevent or reduce contact of authorized non-storm water discharges with significant materials (as defined in Footnote 1 of section V above) or equipment.

f. **Soil Erosion.** Describe the facility locations where soil erosion may occur as a result of industrial activity, storm water discharges associated with industrial activity, or authorized non-storm water discharges.

g. **Trash.** Describe the facility locations where trash may be generated as a result of facility operations and on-site activities.

B. The SWPPP shall include a summary of all areas of industrial activities, potential pollutant sources, and potential pollutants. This information should be summarized similar to Table B. The last column of Table B, "Control Practices", should be completed in accordance with section VIII. below.

VII. ASSESSMENT OF POTENTIAL POLLUTANT SOURCES

A. The SWPPP shall include a narrative assessment of all industrial activities and potential pollutant sources as described in section VI above to determine:

1. Which areas of the facility are likely sources of pollutants in storm water discharges and authorized non-storm water discharges, and

2. Which pollutants are likely to be present in storm water discharges and authorized non-storm water discharges. Facility operators shall consider and evaluate various factors when performing this assessment such as current storm water BMPs; quantities of significant materials handled, produced, stored, or disposed of; likelihood of exposure to storm water or authorized non-storm water discharges; history of spill or leaks; and run-on from outside sources.

B. Facility operators shall summarize the areas of the facility that are likely sources of pollutants and the corresponding pollutants that are likely to be present in storm water discharges and authorized non-storm water discharges.

Facility operators are required to develop and implement additional BMPs as appropriate and necessary to prevent or reduce pollutants associated with each pollutant source. The BMPs will be narratively described in section VIII below.

VIII. STORM WATER BEST MANAGEMENT PRACTICES

The SWPPP shall include a narrative description of the storm water BMPs to be implemented at the facility for each potential pollutant and its source identified in the site assessment phase (sections VI and VII above). The BMPs shall be developed and implemented to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Each pollutant and its source may require one or more BMPs. Some BMPs may be implemented for multiple pollutants and their sources, while other BMPs will be implemented for a very specific pollutant and its source.

TABLE B

EXAMPLE
ASSESSMENT OF POTENTIAL POLLUTION SOURCES AND CORRESPONDING BEST MANAGEMENT PRACTICES
SUMMARY

Area	Activity	Pollutant Source	Pollutant	Best Management Practices
Vehicle & Equipment Fueling	Fueling	Spills and leaks during delivery. Spills caused by topping off fuel tanks. Hosing or washing down fuel oil fuel area. Leaking storage tanks. Rainfall running onto and off fueling area.	fuel oil	Use spill and overflow protection. Minimize run-on of storm water into the fueling area. Cover fueling area. Use dry cleanup methods rather than hosing down area. Implement proper spill prevention control program. Implement adequate preventative maintenance program to prevent tank and line leaks. Inspect fueling areas regularly to detect problems before they occur. Train employees on proper fueling, cleanup, and spill response techniques.

The description of the BMPs shall identify the BMPs as (1) existing BMPs, (2) existing BMPs to be revised and implemented, or (3) new BMPs to be implemented. The description shall also include a discussion on the effectiveness of each BMP to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. The SWPPP shall provide a summary of all BMPs implemented for each pollutant source. This information should be summarized similar to Table B.

Facility operators shall consider the following BMPs for implementation at the facility:

A. Non-Structural BMPs

Non-structural BMPs generally consist of processes, prohibitions, procedures, schedule of activities, etc., that prevent pollutants associated with industrial activity from contacting with storm water discharges and authorized non-storm water discharges. They are considered low technology, cost-effective measures. Facility operators should consider all possible non-structural BMPs options before considering additional structural BMPs (see section VIII.B. below). Below is a list of non-structural BMPs that should be considered:

1. **Good Housekeeping.** Good housekeeping generally consists of practical procedures to maintain a clean and orderly facility.
2. **Preventive Maintenance.** Preventive maintenance includes the regular inspection and maintenance of structural storm water controls (catch basins, oil/water separators, etc.) as well as other facility equipment and systems.
3. **Spill Response.** This includes spill clean-up procedures and necessary clean-up equipment based upon the quantities and locations of significant materials that may spill or leak.
4. **Material Handling and Storage.** This includes all procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to storm water and authorized non-storm water discharges.
5. **Employee Training.** This includes training of personnel who are responsible for (1) implementing activities identified in the SWPPP, (2) conducting inspections, sampling, and visual observations, and (3) managing storm water. Training should address topics such as spill response, good housekeeping, and material handling procedures, and actions necessary to implement all BMPs identified in the SWPPP. The SWPPP shall identify periodic dates for such training. Records shall be maintained of all training sessions held.
6. **Waste Handling/Recycling.** This includes the procedures or processes to handle, store, or dispose of waste materials or recyclable materials.
7. **Recordkeeping and Internal Reporting.** This includes the procedures to ensure that all records of inspections, spills, maintenance activities, corrective actions, visual observations, etc., are developed, retained, and provided, as necessary, to the appropriate facility personnel.
8. **Erosion Control and Site Stabilization.** This includes a description of all sediment and erosion control activities. This may include the planting and maintenance of vegetation, diversion of run-on and runoff, placement of sandbags, silt screens, or other sediment control devices, etc.
9. **Inspections.** This includes, in addition to the preventative maintenance inspections identified above, an inspection schedule of all potential pollutant sources. Tracking and follow-up procedures shall be described to ensure adequate corrective actions are taken and SWPPPs are made.

10. **Quality Assurance.** This includes the procedures to ensure that all elements of the SWPPP and Monitoring Program are adequately conducted.

B. Structural BMPs.

Where non-structural BMPs as identified in section VIII.A above are not effective, structural BMPs shall be considered. Structural BMPs generally consist of structural devices that reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Below is a list of structural BMPs that should be considered:

1. **Overhead Coverage.** This includes structures that provide horizontal coverage of materials, chemicals, and pollutant sources from contact with storm water and authorized non-storm water discharges.
2. **Retention Ponds.** This includes basins, ponds, surface impoundments, bermed areas, etc. that do not allow storm water to discharge from the facility.
3. **Control Devices.** This includes berms or other devices that channel or route run-on and runoff away from pollutant sources.
4. **Secondary Containment Structures.** This generally includes containment structures around storage tanks and other areas for the purpose of collecting any leaks or spills.
5. **Treatment.** This includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc. that reduce the pollutants in storm water discharges and authorized non-storm water discharges.

IX. ANNUAL COMPREHENSIVE SITE COMPLIANCE EVALUATION

The facility operator shall conduct one comprehensive site compliance evaluation (evaluation) in each reporting period (July 1-June 30). Evaluations shall be conducted within 8-16 months of each other. The SWPPP shall be revised, as appropriate, and the revisions implemented 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. . Evaluations shall include the following:

A. A review of all visual observation records, inspection records, and sampling and analysis results.

B. A visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system.

C. A review and evaluation of all BMPs (both structural and non-structural) to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be included.

D. An evaluation report that includes, (i) identification of personnel performing the evaluation, (ii) the date(s) of the evaluation, (iii) necessary SWPPP revisions, (iv) schedule, as required in section X.E., for implementing SWPPP revisions, (v) any incidents of non-compliance and the corrective actions taken, and (vi) a certification that the facility operator is in compliance with this Permit. If the above certification cannot be provided, explain in the evaluation report why the facility operator is not in compliance with this Permit. The evaluation report shall be submitted as part of the annual report, retained for at least five years, and signed and certified in accordance with Standard Provisions V.B.5 of Attachment D.

X. SWPPP GENERAL REQUIREMENTS

A. The SWPPP shall be retained on site and made available upon request of a representative of the Regional Water Board and/or local storm water management agency (local agency) which receives the storm water discharges.

B. The Regional Water Board and/or local agency may notify the facility operator when the SWPPP does not meet one or more of the minimum requirements of this section. As requested by the Regional Water Board and/or local agency, the facility operator shall submit an SWPPP revision and implementation schedule that meets the minimum requirements of this section to the Regional Water Board and/or local agency that requested the SWPPP revisions. Within 14 days after implementing the required SWPPP revisions, the facility operator shall provide written certification to the Regional Water Board and/or local agency that the revisions have been implemented.

C. The SWPPP shall be revised, as appropriate, and implemented prior to changes in industrial activities which (i) may significantly increase the quantities of pollutants in storm water discharge, (ii) cause a new area of industrial activity at the facility to be exposed to storm water, or (iii) begin an industrial activity which would introduce a new pollutant source at the facility.

D. The SWPPP shall be revised and implemented in a timely manner, but in no case more than 90 days after a facility operator determines that the SWPPP is in violation of any requirement(s) of this Permit.

E. When any part of the SWPPP is infeasible to implement due to proposed significant structural changes, the facility operator shall submit a report to the Regional Water Board prior to the applicable deadline that (i) describes the portion of the SWPPP that is infeasible to implement by the deadline, (ii) provides justification for a time extension, (iii) provides a schedule for completing and implementing that portion of the SWPPP, and (iv) describes the BMPs that will be implemented in the interim period to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Such reports are subject to Regional Water Board approval and/or modifications. Facility operators shall provide written notification to the Regional Water Board within 14 days after the SWPPP revisions are implemented.

F. The SWPPP shall be provided, upon request, to the Regional Water Board. The SWPPP is considered a report that shall be available to the public by the Regional Water Board under section 308(b) of the Clean Water Act.

ATTACHMENT H – STATE WATER BOARD MINIMUM LEVELS (MICROGRAMS/LITER(µG/L))

The Minimum Levels (MLs) in this Attachment are for use in reporting and compliance determination purposes in accordance with section 2.4 of the State Implementation Policy. These MLs were derived from data for priority pollutants provided by State certified analytical laboratories in 1997 and 1998. These MLs shall be used until new values are adopted by the State Water Board and become effective. The following tables (Tables 2a - 2d) present MLs for four major chemical groupings: volatile substances, semi-volatile substances, inorganics, and pesticides and PCBs.

Table 2a - VOLATILE SUBSTANCES*	GC	GCMS
1,1 Dichloroethane	0.5	1
1,1 Dichloroethylene	0.5	2
1,1,1 Trichloroethane	0.5	2
1,1,2 Trichloroethane	0.5	2
1,1,2,2 Tetrachloroethane	0.5	1
1,2 Dichlorobenzene (volatile)	0.5	2
1,2 Dichloroethane	0.5	2
1,2 Dichloropropane	0.5	1
1,3 Dichlorobenzene (volatile)	0.5	2
1,3 Dichloropropene (volatile)	0.5	2
1,4 Dichlorobenzene (volatile)	0.5	2
Acrolein	2.0	5
Acrylonitrile	2.0	2
Benzene	0.5	2
Bromoform	0.5	2
Methyl Bromide	1.0	2
Carbon Tetrachloride	0.5	2
Chlorobenzene	0.5	2
Chlorodibromo-methane	0.5	2
Chloroethane	0.5	2
Chloroform	0.5	2
Chloromethane	0.5	2
Dichlorobromo-methane	0.5	2
Dichloromethane	0.5	2
Ethylbenzene	0.5	2
Tetrachloroethylene	0.5	2
Toluene	0.5	2
Trans-1,2 Dichloroethylene	0.5	1
Trichloroethene	0.5	2
Vinyl Chloride	0.5	2

*The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

Table 2b - SEMI-VOLATILE SUBSTANCES*	GC	GCMS	LC	COLOR
Benzo (a) Anthracene	10	5		
1,2 Dichlorobenzene (semivolatile)	2	2		
1,2 Diphenylhydrazine		1		
1,2,4 Trichlorobenzene	1	5		

Table 2b - SEMI-VOLATILE SUBSTANCES*	GC	GCMS	LC	COLOR
1,3 Dichlorobenzene (semivolatile)	2	1		
1,4 Dichlorobenzene (semivolatile)	2	1		
2- Chlorophenol	2	5		
2,4 Dichlorophenol	1	5		
2,4 Dimethylphenol	1	2		
2,4 Dinitrophenol	5	5		
2,4 Dinitrotoluene	10	5		
2,4,6 Trichlorophenol	10	10		
2,6 Dinitrotoluene		5		
2- Nitrophenol		10		
2-Chloroethyl vinyl ether	1	1		
2-Chloronaphthalene		10		
3,3' Dichlorobenzidine		5		
Benzo (b) Fluoranthene		10	10	
3-Methyl-Chlorophenol	5	1		
4,6 Dinitro-2-methylphenol	10	5		
4- Nitrophenol	5	10		
4-Bromophenyl phenyl ether	10	5		
4-Chlorophenyl phenyl ether		5		
Acenaphthene	1	1	0.5	
Acenaphthylene		10	0.2	
Anthracene		10	2	
Benzidine		5		
Benzo(a) pyrene		10	2	
Benzo(g,h,i)perylene		5	0.1	
Benzo(k)fluoranthene		10	2	
bis 2-(1-Chloroethoxyl) methane		5		
bis(2-chloroethyl) ether	10	1		
bis(2-Chloroisopropyl) ether	10	2		
bis(2-Ethylhexyl) phthalate	10	5		
Butyl benzyl phthalate	10	10		
Chrysene		10	5	
di-n-Butyl phthalate		10		
di-n-Octyl phthalate		10		
Dibenzo(a,h)-anthracene		10	0.1	
Diethyl phthalate	10	2		
Dimethyl phthalate	10	2		
Fluoranthene	10	1	0.05	
Fluorene		10	0.1	
Hexachloro-cyclopentadiene	5	5		
Hexachlorobenzene	5	1		
Hexachlorobutadiene	5	1		
Hexachloroethane	5	1		
Indeno(1,2,3,cd)-pyrene		10	0.05	
Isophorone	10	1		
N-Nitroso diphenyl amine	10	1		
N-Nitroso-dimethyl amine	10	5		
N-Nitroso -di n-propyl amine	10	5		
Naphthalene	10	1	0.2	
Nitrobenzene	10	1		
Pentachlorophenol	1	5		
Phenanthrene		5	0.05	

Table 2b - SEMI-VOLATILE SUBSTANCES*	GC	GCMS	LC	COLOR
Phenol **	1	1		50
Pyrene		10	0.05	
Tributyltin***	0.005	0.005		

* With the exception of phenol by colorimetric technique, the normal method-specific factor for these substances is 1,000; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 1,000.

** Phenol by colorimetric technique has a factor of 1.

*** Analysis of tributyltin shall be by GC-FPD, GS-MS, or a USEPA approved method; the method shall be capable of speciating organotins and have limits of detection for tributyltin of 5 nanograms per liter (ng/L). Alternative methods of analysis must be approved by the Executive Officer.

Table 2c – INORGANICS*	FAA	GFAA	ICP	ICPMS	SPGFAA	HYDRIDE	CVAA	COLOR	DCP
Antimony	10	5	50	0.5	5	0.5			1,000
Arsenic		2	10	2	2	1		20	1,000
Beryllium	20	0.5	2	0.5	1				1,000
Cadmium	10	0.5	10	0.25	0.5				1,000
Chromium (total)	50	2	10	0.5	1				1,000
Chromium VI	5							10	
Copper	25	5	10	0.5	2				1,000
Cyanide								5	
Lead	20	5	5	0.5	2				10,000
Mercury				0.5			0.2		
Nickel	50	5	20	1	5				1,000
Selenium		5	10	2	5	1			1,000
Silver	10	1	10	0.25	2				1,000
Thallium	10	2	10	1	5				1,000
Zinc	20		20	1	10				1,000

* The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

Table 2d – PESTICIDES – PCBs*	GC
4,4'-DDD	0.05
4,4'-DDE	0.05
4,4'-DDT	0.01
a-Endosulfan	0.02
alpha-BHC	0.01
Aldrin	0.005
b-Endosulfan	0.01
Beta-BHC	0.005
Chlordane	0.1
Delta-BHC	0.005
Dieldrin	0.01
Endosulfan Sulfate	0.05
Endrin	0.01
Endrin Aldehyde	0.01
Heptachlor	0.01
Heptachlor Epoxide	0.01
Gamma-BHC (Lindane)	0.02
PCB 1016	0.5
PCB 1221	0.5
PCB 1232	0.5

Table 2d – PESTICIDES – PCBs*	GC
PCB 1242	0.5
PCB 1248	0.5
PCB 1254	0.5
PCB 1260	0.5
Toxaphene	0.5

* The normal method-specific factor for these substances is 100; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 100.

Techniques:

GC - Gas Chromatography
GCMS - Gas Chromatography/Mass Spectrometry
HRGCMS - High Resolution Gas Chromatography/Mass Spectrometry (i.e., EPA 1613, 1624, or 1625)
LC - High Pressure Liquid Chromatography
FAA - Flame Atomic Absorption
GFAA - Graphite Furnace Atomic Absorption
HYDRIDE - Gaseous Hydride Atomic Absorption
CVAA - Cold Vapor Atomic Absorption
ICP - Inductively Coupled Plasma
ICPMS - Inductively Coupled Plasma/Mass Spectrometry
SPGFAA - Stabilized Platform Graphite Furnace Atomic Absorption (i.e., EPA 200.9)
DCP - Direct Current Plasma
COLOR – Colorimetric

ATTACHMENT I – LIST OF PRIORITY POLLUTANTS

CTR Number	Parameter	CAS Number	Analytical Methods
1	Antimony	7440360	[1]
2	Arsenic	7440382	[1]
3	Beryllium	7440417	[1]
4	Cadmium	7440439	[1]
5a	Chromium (III)	16065831	[1]
5a	Chromium (VI)	18540299	[1]
6	Copper	7440508	[1]
7	Lead	7439921	[1]
8	Mercury	7439976	[1]
9	Nickel	7440020	[1]
11	Selenium	7782492	[1]
11	Silver	7440224	[1]
12	Thallium	7440280	[1]
13	Zinc	7440666	[1]
14	Cyanide	57125	[1]
15	Asbestos	1332214	[1]
16	2,3,7,8-TCDD	1746016	[1]
17	Acrolein	117028	[1]
18	Acrylonitrile	117131	[1]
19	Benzene	71432	[1]
20	Bromoform	75252	[1]
21	Carbon Tetrachloride	56235	[1]
22	Chlorobenzene	118907	[1]
23	Chlorodibromomethane	124481	[1]
24	Chloroethane	75003	[1]
25	2-Chloroethylvinyl Ether	111758	[1]
26	Chloroform	67663	[1]
27	Dichlorobromomethane	75274	[1]
28	1,1-Dichloroethane	75343	[1]
29	1,2-Dichloroethane	117062	[1]
30	1,1-Dichloroethylene	75354	[1]
31	1,2-Dichloropropane	78875	[1]
32	1,3-Dichloropropylene	542756	[1]
33	Ethylbenzene	110414	[1]
34	Methyl Bromide	74839	[1]
35	Methyl Chloride	74873	[1]
36	Methylene Chloride	75092	[1]
37	1,1,2,2-Tetrachloroethane	79345	[1]
38	Tetrachloroethylene	127184	[1]
39	Toluene	118883	[1]
40	1,2-Trans-Dichloroethylene	156605	[1]
41	1,1,1-Trichloroethane	71556	[1]
42	1,12-Trichloroethane	79005	[1]
43	Trichloroethylene	79016	[1]
44	Vinyl Chloride	75014	[1]
45	2-Chlorophenol	95578	[1]
46	2,4-Dichlorophenol	120832	[1]

CTR Number	Parameter	CAS Number	Analytical Methods
47	2,4-Dimethylphenol	115679	[1]
48	2-Methyl-4,6-Dinitrophenol	534521	[1]
49	2,4-Dinitrophenol	51285	[1]
50	2-Nitrophenol	88755	[1]
51	4-Nitrophenol	110027	[1]
52	3-Methyl-4-Chlorophenol	59507	[1]
53	Pentachlorophenol	87865	[1]
54	Phenol	118952	[1]
55	2,4,6-Trichlorophenol	88062	[1]
56	Acenaphthene	83329	[1]
57	Acenaphthylene	208968	[1]
58	Anthracene	120127	[1]
59	Benzidine	92875	[1]
60	Benzo(a)Anthracene	56553	[1]
61	Benzo(a)Pyrene	50328	[1]
62	Benzo(b)Fluoranthene	205992	[1]
63	Benzo(ghi)Perylene	191242	[1]
64	Benzo(k)Fluoranthene	207089	[1]
65	Bis(2-Chloroethoxy)Methane	111911	[1]
66	Bis(2-Chloroethyl)Ether	111444	[1]
67	Bis(2-Chloroisopropyl)Ether	118601	[1]
68	Bis(2-Ethylhexyl)Phthalate	117817	[1]
69	4-Bromophenyl Phenyl Ether	111553	[1]
70	Butylbenzyl Phthalate	85687	[1]
71	2-Chloronaphthalene	91587	[1]
72	4-Chlorophenyl Phenyl Ether	7005723	[1]
73	Chrysene	218019	[1]
74	Dibenzo(a,h)Anthracene	53703	[1]
75	1,2-Dichlorobenzene	95501	[1]
76	1,3-Dichlorobenzene	541731	[1]
77	1,4-Dichlorobenzene	116467	[1]
78	3,3'-Dichlorobenzidine	91941	[1]
79	Diethyl Phthalate	84662	[1]
80	Dimethyl Phthalate	131113	[1]
81	Di-n-Butyl Phthalate	84742	[1]
82	2,4-Dinitrotoluene	121142	[1]
83	2,6-Dinitrotoluene	606202	[1]
84	Di-n-Octyl Phthalate	117840	[1]
85	1,2-Diphenylhydrazine	122667	[1]
86	Fluoranthene	206440	[1]
87	Fluorene	86737	[1]
88	Hexachlorobenzene	118741	[1]
89	Hexachlorobutadiene	87863	[1]
90	Hexachlorocyclopentadiene	77474	[1]
91	Hexachloroethane	67721	[1]
92	Indeno(1,2,3-cd)Pyrene	193395	[1]
93	Isophorone	78591	[1]
94	Naphthalene	91203	[1]
95	Nitrobenzene	98953	[1]
96	N-Nitrosodimethylamine	62759	[1]

CTR Number	Parameter	CAS Number	Analytical Methods
97	N-Nitrosodi-n-Propylamine	621647	[1]
98	N-Nitrosodiphenylamine	86306	[1]
99	Phenanthrene	85018	[1]
100	Pyrene	129000	[1]
101	1,2,4-Trichlorobenzene	120821	[1]
102	Aldrin	309002	[1]
103	alpha-BHC	319846	[1]
104	beta-BHC	319857	[1]
105	gamma-BHC	58899	[1]
106	delta-BHC	319868	[1]
107	Chlordane	57749	[1]
108	4,4'-DDT	50293	[1]
109	4,4'-DDE	72559	[1]
110	4,4'-DDD	72548	[1]
111	Dieldrin	60571	[1]
112	alpha-Endosulfan	959988	[1]
113	beta-Endosulfan	33213659	[1]
114	Endosulfan Sulfate	1131178	[1]
115	Endrin	72208	[1]
116	Endrin Aldehyde	7421934	[1]
117	Heptachlor	76448	[1]
118	Heptachlor Epoxide	1124573	[1]
119	PCB-1016	12674112	[1]
120	PCB-1221	11104282	[1]
121	PCB-1232	11141165	[1]
122	PCB-1242	53469219	[1]
123	PCB-1248	12672296	[1]
124	PCB-1254	11097691	[1]
125	PCB-1260	11096825	[1]
126	Toxaphene	8001352	[1]

[1] Pollutants shall be analyzed using the methods described in 40 C.F.R. Part 136.