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

ORDER NO. R4-2004-0143
NPDES PERMIT NO. CA0056855

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER
JOHN FERRARO OFFICE BUILDING
(FORMERLY GENERAL OFFICE BUILDING)

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

Background

1. The City of Los Angeles Department of Water and Power (hereinafter the LADWP or Discharger) discharges wastewater from its John Ferraro Office Building (JFB, formerly General Office Building) under waste discharge requirements (WDRs) and National Pollution Discharge Elimination System (NPDES) permit contained in Board Order No. 97-054 (NPDES Permit No. CA0056855). Order No. 97-054 expired on April 10, 2002.

2. LADWP filed a report of waste discharge on October 11, 2001, and has applied for renewal of its WDRs and NPDES permit for discharge of wastes to surface waters.

Purpose of Order

3. The purpose of this Order is to renew the WDRs for discharges of wastes from LADWP. This NPDES permit regulates the discharge reflecting pool overflow during rain events, heliport storm water runoff, cooling equipment condensate, storm water runoff from parking areas, and reflecting pool drainage during maintenance via two outfalls into the storm drains, thence to Los Angeles River, a water of the United States. The points of discharge are described in Finding No. 5 of this Order.

Facility Description

4. LADWP operates the John Ferraro Office Building (JFB, its headquarters) located at 111 North Hope Street, Los Angeles, California. The JFB consists of a 15-story, 43,560-square foot office complex comprise of a reflecting pool with one million gallon holding capacity located at the front of the office building, a heliport on the roof, an air conditioning system, and underground and aboveground parking areas. Figure 1 depicts the facility location map.

Description of Wastes Discharged and Outfalls

5. LADWP discharges up to 1.41 million gallons per day (mgd) of wastewater via two outfalls (Discharge Serial Nos. 001, and 002) into the storm drain located at Dewap Road. The

storm drain along Dewap Road connects with the Second Street storm drain which discharges to the Los Angeles River, above the Estuary, a water of the United States, at a point approximately 600 feet downstream from the First Street Bridge. Figure 2 depicts the locations of the Outfalls. The wastes discharged through the Outfalls consist of the following:

a. Discharge Serial No. 001 - North Drain (Latitude 34°03'34" North and Longitude 118°14'52" West):

   Up to 192,000 gallons per day (gpd) of reflecting pool overflow[1] during rain events, and up to 500,000 gpd of reflecting pool drainage during maintenance (which is conducted approximately once every two years). The effluent flows to the North Drain into a storm drain along Dewap Road at a point approximately 100 feet southwesterly of Temple Street.

b. Discharge Serial No. 002 - South Drain (Latitude 34°03'39" North and Longitude 118°14'53" West):

   Up to 192,000 gpd of reflecting pool overflow[1] during rain events, up to 24,000 gpd of heliport storm water runoff, up to 200 gpd of cooling equipment condensate, and up to 500,000 gpd of reflecting pool drainage during maintenance (which is conducted approximately once every two years). The effluent flows to the South Drain into a storm drain along Dewap Road at a point approximately 600 feet southwesterly of Temple Street.

   No helicopter fueling or maintenance activities are conducted on the roof top. The heliport is used exclusively for take-offs and landings. An oil-water separator is used to treat storm water runoff from the heliport prior to discharge to the South Drain.

Discharges to the North and South Drains do not occur concurrently. Furthermore, reflecting pool drainage does not occur during periods of rain events.

6. During heavy rainfall, excessive rainwater (e.g., greater than 2 inches) could potentially cause the reflecting pool in front of the main office complex to overflow. During these rare instances, reflecting pool water would be directed to Discharge Serial Nos. 001 and 002. The reflecting pool has not overflowed in the last 15 years as a result of excessive rainfall.

7. The existing Order (No. 97-054) permitted LADWP to discharge up to 426,000 gallons per day (gpd) of reflecting pool overflow, up to 24,500 gpd of heliport storm water runoff, up to 8,700 gpd of cooling tower blow down (from the building's air conditioning system) and up to 1 million gpd of water when emptying the reflecting pool for cleaning and maintenance (which is conducted approximately once every 2 years).

   Currently, cooling tower blow down from the air conditioning system, and all other wastes, including reflecting pool drainage/filter backwash and domestic sanitary wastes are discharged to the sanitary sewer. In the rare instance that the sanitary sewer system cannot

[1] Estimates indicate that the reflecting pool would only overflow during a 25-year return, 24-hour duration storm event.

accept the discharge, the cooling tower blow down water would used as feed water to the reflecting pool.

8. During the reflecting pool maintenance/cleanings, best management practices are utilized to prevent dirt and sediment from the bottom of the reflecting pool from being discharged. The bottom of the reflecting pool is vacuumed and no chemicals are used in the cleaning process. In most all instances, water drained from the reflecting pool during cleaning is directed to the sanitary sewer system. Permission must be granted to the Discharger from the City of Los Angeles Bureau of Sanitation prior to releasing up to 1 million gallons of reflecting pool water into the sanitary sewer system. The last cleaning was conducted on January 14, 2003, and all water was discharged to the sanitary sewer at approximately 70 gallons per minute.

9. A portion of the aboveground parking area is covered by a roof. All storm water runoff from the parking areas are directed to the North and South Drains (Discharge Serial Nos. 001 and 002, respectively).

Storm Water Management

10. The objective of the proposed Order is to protect the beneficial uses of receiving waters. To meet this objective, the proposed Order requires the LADWP to update and implement a Storm Water Pollution Prevention Plan (SWPPP) consistent with the SWPPP requirements in the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity [State Water Resources Control Board (State Board) Order No. 97-03-DWQ, NPDES Permit No. CAS000001]. The SWPPP will outline site-specific management practices for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged into surface waters.

11. The SWPPP shall also specify Best Management Practices Plan (BMPPs) that will be implemented to reduce the discharge of pollutants in storm water and non-storm water to the maximum extent practicable. Further, the Discharger shall assure that storm water and non-storm discharges from the facility would neither cause, nor contribute to, the exceedance of water quality standards and objectives, nor create conditions of nuisance in the receiving water.

Applicable Plans, Policies, and Regulations

12. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on January 27, 1997 by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Board Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The Regional Board prepared the 1994 update of the Basin Plan to be consistent with all previously adopted

State and Regional Board plans and policies. This proposed Order implements the plans, policies and provisions of the Regional Board's Basin Plan.

13. **Ammonia Basin Plan Amendment**. The 1994 Basin Plan provided water quality objectives for ammonia to protect aquatic life, in Tables 3-1 through Tables 3-4. However, those ammonia objectives were revised on April 25, 2002, by the Regional Board with the adoption of Resolution No. 2002-011, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Update the Ammonia Objectives for Inland Surface Waters (Including Enclosed Bays, Estuaries and Wetlands) with Beneficial Use Designations for Protection of Aquatic Lif*e. The ammonia Basin Plan amendment was approved by the State Board, the Office of Administrative Law, and United States Environmental Protection Agency (U.S. EPA) on April 30, 2003, June 5, 2003, and June 19, 2003, respectively. Although the revised ammonia water quality objectives may be less stringent than those contained in the 1994 Basin Plan, they are still protective of aquatic life and are consistent with U.S. EPA's 1999 ammonia criteria update.

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

15. The receiving water for the permitted discharge covered by this permit is the Los Angeles River, above the Estuary. The beneficial uses listed in the Basin Plan for the Los Angeles River, above the Estuary (HU 405.12) are as follows:

    Existing Uses: Groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, marine habitat, wildlife habitat, and preservation of rare and endangered species.

    Potential Uses: Municipal and domestic water supply, industrial service supply, industrial process supply, migration of aquatic organisms, spawning, reproduction and/or early development, and shell fish harvesting.

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

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

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

17. On May 18, 2000, the U.S. EPA promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as 40 CFR

Section 131.38]. In the CTR, U.S. EPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million (10^{-6}), for all priority toxic pollutants regulated as carcinogens. The CTR also allows a schedule of compliance not to exceed 5 years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with the effluent limitations derived from the CTR criteria.

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

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

20. Effluent limitation guidelines requiring the application of best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT), were promulgated by the U.S. EPA for some pollutants in this discharge. Effluent limitations for pollutants not subject to the U.S. EPA effluent limitation guidelines are based on one of the following: (1) best professional judgment (BPJ) of BPT, BCT or BAT; (2) current plant performance; or (3) WQBELs. The WQBELs are based on the Basin Plan, other State plans and policies, or U.S. EPA water quality criteria which are taken from the CTR. These requirements, as they are met, will protect and maintain existing beneficial uses of the receiving water. The attached Fact Sheet for this Order includes specific bases for the effluent limitations.

21. State and Federal anti-backsliding and anti-degradation policies require Regional Board actions to protect the water quality of a water body and to ensure that the waterbody will not

be further degraded. The antibacksliding provisions are specified in section 402(o) and 303(d)(4) of the Clean Water Act (CWA) and in Title 40, Code of Federal Regulations (40 CFR), Section 122.44(l). Those provisions require a reissued permit to be as stringent as the previous permit with some exceptions where effluent limitations may be relaxed.

22. Effluent limitations are established in accordance with Parts 301, 304, 306, and 307 of the Federal CWA, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of the Los Angeles River.

23. Permit conditions (effluent limitations and other special conditions) in the existing waste discharge requirements that are applicable to this Order have been carried over.

Watershed Management Approach and Total Maximum Daily Loads (TMDLs)

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

25. The Los Angeles River receives discharges from highly industrial areas. The 2002 State Board's California 303(d) List (approved by the U.S. EPA in July 2003) classifies the Los Angeles River (within Reach 1) as impaired. The pollutants of concern, detected in the water column, in the sediment, and in the fish tissue, include total aluminum, ammonia, cadmium, copper, high coliform count, lead, nutrients (algae), pH, scum/foam (unnatural), and zinc.

Data Availability and Reasonable Potential Analysis

26. 40 CFR Section 122.44(d)(1)(i) requires that each toxic pollutant be analyzed with respect to its reasonable potential when determining whether a discharge (1) causes; (2) has the reasonable potential to cause; or (3) contributes to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant. In performing the RPA, the permitting authority uses procedures that account for existing controls on point and non-point sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, and the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity). Because of effluent variability, there is always some degree of uncertainty in determining an effluent's impact on the receiving water. The U.S. EPA's *Technical Support Document for Water Quality-Based Toxics Control (TSD) of 1991*

(U.S. EPA/505/2-90-001), addresses this issue by suggesting the use of a statistical approach. The approach used in the TSD is equally valid for determining the reasonable potential for discharges not comprised entirely of storm water. Further, for non-storm water discharges, the SIP establishes specific implementation procedures for determining reasonable potential and establishing WQBELs for priority pollutant criteria promulgated by U.S. EPA through the CTR and NTR, as well as the Basin Plan.

27. Sufficient effluent and ambient data are needed to conduct and complete an RPA. If data are not sufficient, the Discharger is required to collect the appropriate data for the Regional Board to conduct an RPA. Upon review of the data, and if the Regional Board determines that WQBELs are needed to protect the beneficial uses, the permit will be reopened for appropriate modification.

28. There are insufficient monitoring data available to perform the RPA for the priority pollutants in the effluent. The SIP requires the dischargers to submit sufficient data to conduct the determination of priority pollutants requiring WQBELs and to calculate the effluent limitations. This Order includes interim monitoring requirements to obtain the necessary data.

29. Storm water runoff may contribute to acute toxicity. This Order establishes effluent limitations for acute toxicity.

CEQA and Notifications

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

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

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

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

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

IT IS HEREBY ORDERED that City of Los Angeles Department of Water and Power, John Ferraro Office Building, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted there under, shall comply with the following:

I. DISCHARGE REQUIREMENTS

A. Discharge Prohibitions

1. Wastes discharged shall be limited to a maximum of 1.41 mgd of reflecting pool overflow during rain events, heliport storm water runoff, cooling equipment condensate, storm water runoff from parking areas, and reflecting pool drainage during maintenance, as proposed. The discharge of wastes from accidental spills or other sources is prohibited.

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

B. Effluent Limitations

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

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

2. A temperature greater than 86 °F.

3. Toxicity limitations:

a. Acute Toxicity Limitation and Requirements

i. 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 shorter test duration with Executive Officer approval) or continuous flow bioassay tests shall be at least 90%, and (ii) no single test producing less than 70% survival.

ii. If either of the above requirements [Section I.B.3.a.(i)] is not met, the Discharger shall conduct six additional tests over a 6-week period, if possible. The Discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of the completion of the test, and the additional tests shall begin within 3 business days of the receipt of the result. If the additional tests indicate compliance with acute toxicity limitation, the Discharger may resume regular testing. However, if the results of any two of the six accelerated tests are less than 90% survival, then the Discharger shall begin a Toxicity Identification Evaluation (TIE). The TIE shall include all reasonable

steps to identify the source(s) of toxicity. Once the source(s) of toxicity is identified, the Discharger shall take all reasonable steps to reduce the toxicity to meet the objective.

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

iv. The Discharger shall conduct acute toxicity monitoring as specified in *M&RP* No. CI-4135.

4. Final Effluent Limitations:

In addition to the Requirements I.B.1 through I.B.3, the discharge of effluent through Discharge Serial No. 001/North Drain and Discharge Serial No. 002/South Drain containing constituent in excess of the following limitations is prohibited:

Concentration	Units	Discharge Limitations	
		Monthly Average	Daily Maximum
Total suspended solids	mg/L	50	75
Turbidity	NTU	50	75
BOD_5 20°C	mg/L	20	30
Oil and grease	mg/L	10	15
Settleable solids	ml/L	---	0.3
Residual chlorine	mg/L	---	1.0
Total dissolved solids	mg/L	---	1500
Sulfate	mg/L	---	350
Chloride	mg/L	---	190
Nitrate-nitrogen plus nitrite-nitrogen (as Nitrogen)	mg/L	---	8
Total chromium[1]	µg/L	---	50

[1] To be measured and reported as total recoverable.

C. Receiving Water Limitations

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

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

b. Alteration of temperature, turbidity, or apparent color beyond present

natural background levels;

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

d. Bottom deposits or aquatic growths; or,

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

2. The discharge shall not cause nuisance or adversely affect beneficial uses of the receiving water.

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

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

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

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

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

   d. The ammonia in the 1994 Basin Plan were revised by Regional Board Resolution No. 2002-011, adopted on April 28, 2002, to be consistent with the 1999 USEPA update on ammonia criteria. Regional Board Resolution No. 2002-011 was approved by State Board, OAL and USEPA on April 30, 2003, June 5, 2003, and June 19, 2003, respectively and is now in effect. Total ammonia (as N) shall not exceed concentrations specified in the Regional Board Resolution 2002-011.

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

6. The discharge shall not cause the following to be present in receiving waters:

a. Biostimulatory substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses;

b. Chemical substances in amounts that adversely affect any designated beneficial use;

c. 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;

d. Suspended or settleable materials in concentrations that cause nuisance or adversely affect beneficial uses;

e. 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;

f. Substances that result in increases of $BOD_5$20°C that adversely affect beneficial uses;

7. The discharge shall not alter the color, create a visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters.

8. The discharge shall not degrade surface water communities and populations including vertebrate, invertebrate, and plant species.

9. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures or facilities nor overload their design capacity.

10. The discharge shall not cause problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.

II. REQUIREMENTS

A. The Discharger shall submit within 180 days of the effective date of this Order:

1. An updated SWPPP that describes site-specific management practices for minimizing contamination of storm water runoff and for preventing contaminated storm water runoff from being discharged to waters of the State. The SWPPP shall be developed in accordance with the requirements in Attachment A.

2. BMPP shall be incorporated into the SWPPP that entail site-specific plans and

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

Both plans shall cover all areas of the facility and shall include an updated drainage map for the facility. The Discharger shall identify on a map of appropriate scale the areas that contribute runoff to the permitted discharge points; describe the activities in each area and the potential for contamination of storm water runoff and the discharge of hazardous waste/material; and address the feasibility of containment and/or treatment of the storm water. The plans shall be reviewed annually by the Discharger and at the same time. Updated information, if any, shall be submitted within 30 days of revision.

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

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

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

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

F. 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.

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

H. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to the planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such

notification shall include:

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

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

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

III. PROVISIONS

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

B. This Order includes the attached *M&RP* No. CI-4135. If there is any conflict between provisions stated in the *M&RP* and the Standard Provisions, those provisions stated in the former shall prevail.

C. The Discharger shall comply with the relevant requirements contained in the attached *Storm Water Pollution Prevention Plan Requirements* (Attachment A).

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

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

F. Discharge of wastes to any point other than specifically described in this Order and

permit is prohibited and constitutes a violation thereof.

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

H. Compliance Determination

1. Compliance with 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 II.C. of the *M&RP* No. CI-4135*)*, then the Discharger is out of compliance.

2. Compliance with monthly average limitations – In determining compliance with monthly average limitations, the following provisions shall apply to all constituents:

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

b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limit for any constituent, the Discharger shall collect up to four additional samples at approximately equal intervals during that month provided that there are subsequent discharge events. All 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.

When one or more sample results are reported as “Not-Detected ND” or “Detected, but not Quantified (DNQ)” (see Effluent Monitoring Requirement II.C. of *M&RP*), the median value of these samples shall be used for compliance determination. If one or both of the middle values is ND or DNQ, the median shall be the lower of the two middle values.

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

d. If only one sample was obtained for the month of more than a monthly period and the result exceed the monthly average, then the Discharger is in violation of the monthly average limit.

3. Compliance with 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.

4. Compliance with the receiving water temperature limitation – If the receiving water temperature, downstream of the discharge, exceeds 80 °F as a result of:

   a. high temperature in the ambient air, or

   b. high temperature in the receiving water upstream of the discharge, then the exceedance shall not be considered a violation.

IV. REOPENERS

A. 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 the RPA.

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

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

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 River.

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

V. EXPIRATION DATE

This Order expires on August 10, 2009.

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

VI. RESCISSION

Order No. 97-054 adopted by this Regional Board on May 12, 1997, is hereby rescinded except for enforcement purposes.

I, Jonathan Bishop, Interim Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on September 2, 2004.

_____
Jonathan Bishop
Interim Executive Officer