

STATE OF CALIFORNIA

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION  
320 W. 4<sup>th</sup> Street, Suite 200, Los Angeles

**FACT SHEET**  
**WASTE DISCHARGE REQUIREMENTS**  
**for**  
**NORWALK INDUSTRIES-ECOLOGY AUTO PARTS**

NPDES Permit No.: CA0056928  
Public Notice No.: 04-026

FACILITY ADDRESS

Norwalk Industries-Ecology Auto Parts  
13780 E. Imperial Highway  
Santa Fe Springs, CA 90670

FACILITY MAILING ADDRESS

Norwalk Industries-Ecology Auto Parts  
13780 E. Imperial Highway  
Santa Fe Springs, CA 90670  
Contact: Ron Coffman  
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**I. Public Participation**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for the above-referenced facility. As an initial step in the WDR process, the Regional Board staff has developed tentative WDRs. The Regional Board encourages public participation in the WDR adoption process.

**A. Written Comments**

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments should be submitted either in person or by mail to:

Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

To be fully responded to by staff and considered by the Regional Board, written comments should be received at the Regional Board offices by 5:00 p.m. on June 4, 2004.

B. Public Hearing

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

Date: July 1, 2004  
Time: 9:00 a.m.  
Location: City of Simi Valley Council Chambers  
2929 Tapo Canyon Road, Simi Valley, California

Interested persons are invited to attend. At the public hearing, the Regional Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our web address is [www.swrcb.ca.gov/rwgcb4](http://www.swrcb.ca.gov/rwgcb4) where you can access the current agenda for changes in dates and locations.

C. Waste Discharge Requirements Appeals

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Board's action to the following address:

State Water Resources Control Board, Office of Chief Counsel  
ATTN: Elizabeth Miller Jennings, Senior Staff Counsel  
1001 I Street, 22<sup>nd</sup> Floor  
Sacramento, CA 95814

D. Information and Copying

The Report of Waste Discharge (ROWD), related documents, tentative effluent limitations and special conditions, comments received, and other information are on file and may be inspected at 320 West 4<sup>th</sup> Street, Suite 200, Los Angeles, California 90013, at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Los Angeles Regional Board by calling (213) 576-6600.

E. 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 Board, reference this facility, and provide a name, address, and phone number.

## **II. Introduction**

Norwalk Industries-Ecology Auto Parts, (hereinafter Norwalk Industries or Discharger) discharges storm water to the North Fork Coyote Creek, which flows to the San Gabriel River, a water of the United States, above the estuary. Wastes discharged from Norwalk Industries are regulated by WDRs and NPDES permit contained in Board Order No. 97-076 (NPDES Permit No. CA0056928). Order No. 97-076 expired on May 10, 2002.

Norwalk Industries filed a report of waste discharge on November 4, 2001, and has applied for renewal of its WDRs and NPDES permit. The tentative Order is the reissuance of the WDRs and NPDES permit for discharges from Norwalk Industries. A site visit was conducted on January 6, 2004, to observe operations and collect additional data to develop Order limits and conditions.

## **III. Description of Facility and Waste Discharge**

Norwalk Industries leases land to Ecology Auto Parts, which operates an automobile dismantling, smashing, and junk facility located at 13780 East Imperial Highway, Santa Fe Springs, California, and discharges up to 210,000 gallons per day (gpd) of treated storm water runoff.

The permit renewal application states that approximately seven acres of cars available for recycling are exposed to the weather. At the facility, fluids from radiators, engines, transmissions, and gasoline tanks removed from the vehicles are stored and hauled away for reclamation. The automobiles are then set out into the yard where customers remove parts for purchase. After 3 to 4 weeks, vehicles are removed from the yard and the engines and transmissions are dismantled and sold for salvage scrap. The auto bodies are sold for scrap metal.

Storm water (including the first flush) from the facility is routed to a collection sump located in the southeast corner of the property, adjacent to North Fork Coyote Creek. The water is pumped to one of three aboveground storage tanks, which together provide capacity for 105,000 gallons of storm water. Next, the storm water is processed through a 10,000 gallon multi-compartment clarifier that is also equipped with an oil skimmer and a Balboa-Pacific treatment unit for chemical treatment and removal of metals. Effluent from the treatment unit is returned to the final settling chamber of the clarifier prior to discharge.

A roof structure covers the auto dismantling yard. However, some storm water still traverses areas where there may be contaminants.

Norwalk Industries discharges treated storm water to North Fork Coyote Creek, through Discharge Serial No. 001. (Latitude 33°55'03" North, Longitude 118°02'00" West). North Fork Coyote Creek is tributary to the San Gabriel River, a water of the United States, and is part of the San Gabriel River Watershed.

A letter from the Discharger to the Regional Board stated that the facility's storm water flow is generally less than 1/20<sup>th</sup> of the 2.1 million gpd (mgd) maximum flow permitted under Order No. 97-076, and that even during a storm sufficient to exceed the Discharger's current storage capacity of 105,000 gallons, the discharge flow would not exceed 1/10<sup>th</sup> of this maximum permitted flow. Flow data from the Discharger for the period from April 2001 through March 2003 range from 68,230 gpd to 144,000 gpd. For this reason, the proposed Order will change the maximum allowed flow rate from 2.1 mgd to 210,000 gpd.

The Regional Board and the U.S. EPA have classified Norwalk Industries as a minor discharge.

Effluent data presented in the permit renewal application is summarized in the following Table:

Constituent (units)	Reported Maximum Effluent Concentration	Reported Average Effluent Concentration
Aluminum (i g/L)	290	175
Iron (i g/L)	120	30
Arsenic (i g/L)	10	3.9
Cadmium (i g/L)	30	10
Chromium (i g/L)	5.7	1.0
Copper (i g/L)	40	17
Lead (i g/L)	20	7.5
Nickel (i g/L)	20	7
Zinc (i g/L)	590	237
Chemical Oxygen Demand (mg/L)	20	13
pH (standard units)	6.76	6.10

NR = not reported

<sup>1</sup> Minimum pH value.

In the permit renewal application, the Discharger indicated that oil and grease, biochemical oxygen demand (BOD<sub>5</sub>), and total suspended solids were "not detected." Further, all other toxic pollutants were reported as "believed absent" or "not detected".

It should be noted that the Discharger did not provide analysis results for total nitrogen, total phosphorus, and flow in the permit renewal application. The Regional Board sent a letter on November 21, 2001 requesting additional information to complete the renewal application. Norwalk Industries responded on December 6, 2001.

Effluent limits contained in the existing Order for Norwalk Industries Discharge Serial No. 001 and representative monitoring data from the previous Order term are presented in the following Table. These constituents were monitored once per discharge and monitoring reports were submitted quarterly.

Constituent	Effluent Limit (Daily Maximum)	Monitoring Data (January 2000 – March 2003)
		Range of Reported Values
Oil and Grease	15 mg/L	<0.5 – 6.6
	263 lbs/day	NR
Phenols	0.2 mg/L	<0.03 – 0.16
	3.5 lbs/day	NR
BOD <sub>5</sub> 20°C	30 mg/L	< 5 – 20
	526 lbs/day	NR
Zinc	5,000 ÷ g/L	30 – 670
	88 lbs/day	NR
Lead	80 ÷ g/L	<5 – 28
	1.4 lbs/day	NR
Cadmium	30 ÷ g/L	<3 – 30
	0.53 lbs/day	NR
Chromium (total)	50 ÷ g/L	<3
	0.90 lbs/day	NR
Copper	1,000 ÷ g/L	5.4 – 60
	17.7 lbs/day	NR
Arsenic	50 ÷ g/L	<5 – 50
	0.88 lbs/day	NR
Mercury	2 ÷ g/L	<0.2 – <2.0
	0.035 lbs/day	NR
Nickel	200 ÷ g/L	<3 – 41
	3.5 lbs/day	NR

NR = Not reported.

The Regional Board filed a Notice of Violation for Norwalk Industries in March 2001 because the monitoring reports for the following quarters were never submitted: 3<sup>rd</sup> Quarter 1998; 2<sup>nd</sup> Quarter 1999; 3<sup>rd</sup> Quarter 1999; 3<sup>rd</sup> Quarter 2000; and 4<sup>th</sup> Quarter 2000.

A facility inspection conducted on January 6, 2004, indicated that the facility was not in violation of the existing permit conditions. During the inspection it was noted that the sampling protocol used by the facility needs to be modified to ensure that samples meet holding times and preservation requirements, and that proper sample containers are used.

The existing Order also required Norwalk Industries to monitor for total petroleum hydrocarbons (TPH) and polychlorinated biphenyls (PCBs), for which no effluent limitations were developed. Monitoring data for TPH and PCBs are presented in the following Table.

The Table below summarizes the range of reported effluent concentrations for TPH and PCBs.

Constituent	Range of Reported Effluent Concentrations (April 2001 – March 2003)
Total petroleum hydrocarbons (mg/L)	<2 – 9.4
PCBs (̄ g/L)	<9

#### IV. Applicable Plans, Policies, Laws, and Regulations

The requirements contained in the proposed Order are based on the requirements and authorities contained in the following:

- A. The federal Clean Water Act (CWA). The federal Clean Water Act requires that any point source discharges of pollutants to a water of the United States must be done in conformance with an NPDES permit. NPDES permits establish effluent limitations that incorporate various requirements of the CWA designed to protect water quality.
- B. Title 40, Code of Regulations (40 CFR) – Protection of Environment, Chapter I, Environmental Protection Agency, Subchapter D, Water Programs, Parts 122-125 and Subchapter N, Effluent Guidelines. These CWA regulations provide effluent limits for certain dischargers and establish procedures for NPDES permitting, including how to establish effluent limits for certain pollutants discharged.
- C. 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). The Basin Plan contains water quality objectives and beneficial uses for inland surface waters and for the Pacific Ocean. The immediate receiving water body for the permitted discharge covered by this Order is North Fork Coyote Creek, which then conveys water to the San Gabriel River at a point approximately 3,400 feet downstream of Willow Street, above the estuary. The Basin Plan contains beneficial uses and water quality objectives for Coyote Creek. The beneficial uses listed in the Basin Plan for Coyote Creek are:

Coyote Creek (to Estuary) – Hydro Unit No. 405.15

Existing: Preservation of rare, threatened, or endangered species.

Potential: Municipal and domestic water supply, industrial service supply, industrial process supply, water contact recreation (prohibited by LA County DPW), warm fresh-water habitat, and wildlife habitat.

Intermittent: Non-contact water recreation.

- D. 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 Life*. 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.
- E. 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 temperature objectives for inland surface waters.
- F. 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 §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 for a schedule of compliance not to exceed 5 years from the date of permit renewal for an existing discharger if the Discharger demonstrates that it is infeasible to promptly comply with effluent limitations derived from the CTR criteria.
- G. 40 CFR §122.44(d)(vi)(A) requires the establishment of numeric effluent limitations to attain and maintain applicable narrative water quality criteria to protect the designated beneficial uses. Where numeric water quality objectives have not been established in the Basin Plan, 40 CFR section 122.44(d) specifies that water quality-based effluent limits (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 to fully protect designated beneficial uses.
- H. State and Federal antibacksliding and antidegradation policies require that Regional Board actions to protect the water quality of a water body and to ensure that the waterbody will not be further degraded. The antibacksliding provisions are specified in section 402(o) and 303(d)(4) of the CWA and in the Title 40 of the 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.

- I. Effluent limitations are established in accordance with sections 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 Coyote Creek.
- J. Existing waste discharge requirements contained in Board Order No. 97-076, were adopted by the Regional Board on June 16, 1997. In some cases, permit conditions (effluent limits and other special conditions) established in the existing waste discharge requirements have been carried over to this Order.

## V. Regulatory Basis for Effluent Limitations

The CWA requires point source discharges to control the amount of conventional, nonconventional, and toxic pollutants that are discharged into the waters of the United States. The control of the discharge of pollutants is established through NPDES permits that contain effluent limitations. The CWA establishes two principal bases for effluent limitations. First, dischargers are required to meet technology-based effluent limitations that reflect the best controls available considering costs and economic impact. Second, they are required to meet water quality-based effluent limitations (WQBELs) that are developed to protect applicable designated uses of the receiving water.

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

- Best practicable treatment control technology (BPT) is based on the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and nonconventional pollutants.
- 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 nonconventional pollutants.
- Best conventional pollutant control technology (BCT) is a standard for the control of discharges 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 the “cost reasonableness” of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.
- New source performance standards (NSPS) that 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 EPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BCT, BAT, and NSPS. Section 402(a)(1) of the CWA and



40 CFR 125.3 of the NPDES regulations 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.

If a reasonable potential exists for pollutants in a discharge to exceed water quality standards, WQBELs are also required under 40 CFR 122.44(d)(1)(i). WQBELs are established after determining that technology-based limitations are not stringent enough to ensure that state water quality standards are met for the receiving water. WQBELs are based on the designated use of the receiving water, water quality criteria necessary to support the designated uses, and the state's antidegradation policy. For discharges that are composed entirely of storm water, such as the potential discharges to inland surface waters, enclosed bays, and estuaries, the U.S. EPA's *Technical Support Document for Water Quality-Based Toxics Control* (TSD) of 1991 (USEPA/505/2-90-001) established 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. With respect to a reasonable potential analysis, the TSD identifies an appropriate step-wise approach that can be used to determine whether a discharge has a reasonable potential.

There are several other specific factors affecting the development of limitations and requirements in the proposed Order. These are discussed as follows:

A. Pollutants of Concern

The CWA requires that any pollutant that may be discharged by a point source in quantities of concern must be regulated through an NPDES permit. Further, the NPDES regulations require regulation of any pollutant that (1) causes; (2) has the reasonable potential to cause; or (3) contributes to the exceedance of a receiving water quality criteria or objective.

Effluent limitations for Discharge Serial No. 001 in the current Order were established for oil and grease, phenols, BOD<sub>5</sub>, zinc, lead, cadmium, total chromium, copper, arsenic, mercury, and nickel. BOD<sub>5</sub> and oil and grease are constituents commonly present in storm water and oil and grease could potentially be present in residual amounts on car parts, therefore, oil and grease and BOD<sub>5</sub> remain pollutants of concern in this Order. Heavy metals are commonly associated with runoff from automobile salvage yards; therefore, zinc, lead, cadmium, chromium, copper, arsenic, mercury, and nickel will also be considered as pollutants of concern under this Order. The previous Order also required monitoring for phenols, PCBs, and TPH, and because these three constituents are also commonly found in runoff from auto salvage yards, they will be considered pollutants of concern under this Order. Because of the nature of operation (including failure/overflow of the storm water treatment system) and materials and/or wastes present at the site, and using best professional judgment (BPJ), TPH remains pollutant of concern under this Order.

B. Technology-Based Effluent Limits

This Order will require the Discharger to update and continue to implement, consistent with the existing Order requirements, a *Storm Water Pollution Prevention Plan* (SWPPP). The SWPPP will outline site-specific management processes for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged directly into surface waters. Because storm water discharges do occur at the Norwalk Industries facility, this Order will require that Norwalk Industries continue to implement their SWPPP.

Due to the lack of national ELGs for automobile dismantling facilities and the absence of data to apply BPJ, and pursuant to 40 CFR 122.44(k), the Regional Board will require the Discharger to develop and implement a Best Management Practices Plan (BMPP). The combination of the SWPPP and BMPP and existing Order 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.

C. Water Quality-Based Effluent Limits

As specified in 40 CFR § 122.44(d)(1)(i), permits are required to include WQBELs for toxic pollutants (including toxicity) that are or may be discharged at levels which cause, have reasonable potential to cause, or contribute to an excursion above any state water quality standard. The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses for 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 U.S. EPA water quality criteria contained in the CTR and NTR). The procedures for determining reasonable potential, and if necessary for calculating WQBELs, are contained in the TSD for storm water discharges. Further, in the best professional judgment of the Regional Board staff the TSD identifies an appropriate, rational step-wise approach that can be used to determine whether storm water discharges have a reasonable potential.

The CTR contains both saltwater and freshwater criteria. According to 40 CFR § 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; saltwater criteria apply at salinities of 10 ppt and above at locations where this occurs 95 percent or more of the time; and at salinities between 1 and 10 ppt the more stringent of the two apply. The CTR criteria for protection of freshwater aquatic life or human health for consumption of organisms, whichever are more stringent, are used to develop the effluent limitations in this Order to protect the beneficial uses of Coyote Creek.

Some water quality criteria are hardness dependent. Order No. 97-076 contains effluent limitations for certain metals (i.e., cadmium, copper, lead, nickel, and zinc).

Data results from February 5, 2004 indicated that the hardness level for ambient receiving water was 92 mg/L as CaCO<sub>3</sub>, and this value was used for determining reasonable potential to exceed applicable hardness-dependent criteria for these metals and for calculating WQBELs for these metals.

1. Reasonable Potential Analysis (RPA)

The Regional Board will conduct a reasonable potential analysis for each priority pollutant with an applicable criterion or objective to determine if a WQBEL is required in the Order. The Regional Board would analyze effluent data to determine if a pollutant in a discharge has a reasonable potential to cause or contribute to an excursion above a state water quality standard. For all parameters that have a reasonable potential, numeric WQBELs are required. The RPA considers water quality objectives outlined in the CTR, NTR, as well as the Basin Plan. To conduct the RPA, the Regional Board must identify the maximum observed effluent concentration (MEC) for each constituent, based on data provided by the Discharger.

Sufficient effluent and ambient 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 Board to conduct the RPA. Upon review of the data, and if the Regional Board determines that WQBELs are needed to protect the beneficial uses, the Order will be reopened for appropriate modification.

The RPA was performed for the priority pollutants for which effluent data were available. These data were used in the RPA and are summarized in Attachment D.

Based on the RPA, there was reasonable potential to exceed water quality standards for cadmium, copper, lead, and zinc. Refer to Attachment D for a summary of the RPA and associated effluent limitation calculations.

2. Calculating WQBELs

If a reasonable potential exists to exceed applicable water quality criteria or objectives, then a WQBEL must be established in accordance with one of three procedures contained in Section 5.4 of the TSD. These procedures include:

- a. If applicable and available, use of the wasteload allocation (WLA) established as part of a total maximum daily load (TMDL).
- b. Use of a steady-state model to derive maximum daily effluent limitations (MDELs) and average monthly effluent limitations (AMELs).

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

3. Impaired Water Bodies in 303 (d) List

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

U.S. EPA approved the State Board' s 2002 303(d) list of impaired water bodies on July 25, 2003. 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 State Board' s 2002 303(d) list, some of which have been scheduled for TMDL development.

North Fork Coyote Creek is located in the San Gabriel River Watershed. The State Board's 2002 303(d) List classifies Coyote Creek as impaired. The pollutants of concern detected include abnormal fish histology, algae, dissolved copper, high coliform count, dissolved lead, total selenium, toxicity (listed by U.S. EPA), and dissolved zinc. Algae and high coliform counts are considered to be of high priority. TMDLs are being developed by the Regional Board.

4. Whole Effluent Toxicity

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 measures 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 response on aquatic organisms. Detrimental response includes but is 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. The existing Order does not contain acute toxicity effluent limits or monitoring requirements.

In accordance with the Basin Plan, acute toxicity limitations dictate 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. Consistent with the Basin Plan, this Order establishes acute toxicity limitations.

The discharges at the Norwalk Industries facility occur only after a significant storm event; they are not continuous. The discharge at the facility is not expected to contribute to long-term toxic effects, therefore the Discharger will not be required to monitor for chronic toxicity. Intermittent discharges are likely to have short-term effects; therefore at this facility, Norwalk Industries will be required to conduct annual acute toxicity testing in accordance with the Basin Plan and the proposed Order.

D. Specific Rationale for Each Numerical Effluent Limitation

The Regional Board has determined that reasonable potential exists for all priority pollutants that are regulated under the current Order; therefore effluent limitations have been established for these pollutants. Furthermore, requirements for conventional and non-conventional pollutants have been established based on Norwalk Industries' previous Order.

Section 402(o) of the Clean Water Act and 40 CFR 122.44(l) require that effluent limitations standards or conditions in re-issued permits are at least as stringent as in the existing permit. Therefore, existing effluent limitations for oil and grease, BOD<sub>5</sub>, total chromium, mercury, nickel, and arsenic are carried over to this permit. The effluent limitations for pH, temperature, and aquatic toxicity are based on the Basin Plan. The effluent limitation in the Basin Plan for temperature has been revised according to the Regional Board's BPJ. Based on the Discharger's nature of operation (including failure/overflow of the storm water treatment system) and materials and/or wastes present at the site, and using BPJ, the proposed permit prescribed effluent limits for TPH. In addition to these limitations, the Regional Board is implementing the CTR, and additional effluent limitations are required for those regulated priority pollutants that show reasonable potential to exceed water quality standards. For these priority pollutants, a comparison between existing effluent limitations and CTR-based WQBELs was made and the most stringent limitation included in the Order. As stated previously, a receiving water hardness of 92 mg/L (as CaCO<sub>3</sub>) was used in calculations of CTR-based WQBELs for cadmium, copper, lead, nickel, and zinc.

In compliance with 40 CFR §122.45(d), permit limitations shall be expressed, unless impracticable, as both average monthly effluent limitations (AMELs) and maximum daily effluent limitations (MDELs). Due to the absence of AMELs in the existing permit for the priority pollutants and certain non-conventional pollutants, the AMEL for these pollutants was calculated based on the ratios of MDEL:AMEL for those effluent

limitations calculated according to the requirements in the CTR (i.e., cadmium, chromium VI, copper, lead, mercury, nickel, and zinc). The average of the ratios of MDELs to AMELs for cadmium, chromium VI, copper, lead, mercury, nickel, and zinc is 2.42. To calculate the AMEL for these pollutants, based on this average ratio, the MDEL was divided by 2.42. The AMELs for BOD<sub>5</sub> and oil and grease are based on similar NPDES permits recently issued by the Regional Board.

Effluent limitations established in this Order are applicable to storm water discharges from the NPDES Discharge Serial No. 001, (Latitude 33°55'03", Longitude 118°02'00").

Constituents	Units	Maximum Daily Discharge Limitations	Average Monthly Discharge Limitations	Rationale
PH	Std. Units	6.5 – 8.5	6.5 – 8.5	BP
Temperature (	Deg.Fahrenheit	86	86	BP, BPJ
BOD <sub>5</sub> @ 20°C	mg/L	30	20	E, BPJ
Settleable solids	ml/L	0.1	0.3	BPJ
Oil and Grease	mg/L	15	10	E, BPJ
Total suspended solids	mg/L	50	75	BPJ
Phenols	mg/L	-	1	BPJ
Sulfides	mg/L	-	1	BPJ
Total petroleum hydrocarbons	µg/L	100	-	BPJ
Arsenic	µg/L	50	25	E, BPJ
Cadmium	µg/L	4	1	CTR
Total Chromium	µg/L	50	25	E, BPJ
Copper	µg/L	13	5	CTR
Lead	µg/L	6	2	CTR
Mercury	µg/L	2	1	E, BPJ
Nickel	µg/L	200	100	E, BPJ
Zinc	µg/L	112	47	CTR
Acute Toxicity	% survival	<sup>2</sup>	--	BP

<sup>1</sup> BP = Basin Plan, E = Existing Order, CTR = California Toxics Rule, BPJ = Best professional judgment.

<sup>2</sup> Average survival in effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test producing less than 70% survival.

#### D. Interim Requirements

Based on effluent monitoring data submitted by the Discharger, a comparison between the MEC and calculated AMEL values shows that the Discharger will unable to consistently comply with effluent limitations established in the proposed Order for

cadmium, copper, lead, and zinc. Hence, interim limits have been prescribed for these constituents. As a result, the proposed Order contains a compliance schedule that allows the Discharger up to two years to comply with the revised effluent limitations. Within one year after the effective date of the Order, the Discharger must prepare and submit a compliance plan that describes the steps that will be taken to ensure compliance with applicable limitations.

This Order establishes interim requirements such as requiring the Discharger to develop a pollutant minimization plan and/or source control measures and participate in the activities necessary to achieve final effluent limitations. Once final limitations become effective, the interim limitations will no longer apply. These interim limitations shall be effective until June 30, 2006, after which, the Discharger shall demonstrate compliance with the final effluent limitations.

The Discharger will be required to develop and implement a compliance plan that will identify the measures that will be taken to reduce the concentrations cadmium, copper, lead, and zinc in their discharge. This plan should evaluate options to achieve compliance with the revised Order limitations. These options can include, for example, evaluation and updating available treatment unit processes, upgrading the system if necessary, and maintaining proper operation and maintenance of the treatment system.

The Regional Board has determined that interim limits for cadmium, copper, lead, and zinc will be included based on current facility performance or existing permit limitations, whichever is more stringent, to maintain existing water quality. When sufficient effluent data exist, a statistical analysis can be performed using the Plimit™ program to calculate interim limits. The Plimit™ program is based on the Appendix E of the TSD for calculating effluent limits. Effluent data for the period from January 2000 through March 2003 (12 data points) were used in the analysis to calculate interim limits for cadmium, copper, lead, and zinc. A log-normal distribution of the effluent values was assumed. The interim limits calculated by the Plimit™ program for cadmium were more stringent than the MEC; therefore, the Plimit™ interim limits shall serve as the basis for interim effluent limitations for cadmium. The MEC for copper, lead, and zinc were more stringent than both the existing effluent limitations and values calculated by the Plimit™ program; therefore, the MEC still serves as the basis for interim effluent limitations for copper, lead, and zinc.

From the effective date of this Order until June 30, 2006, the discharge of effluent from Discharge Serial No. 001 in excess of the following is prohibited:

Constituent (units)	Daily Maximum Concentration	Average Monthly Concentration	Rationale
Cadmium <sup>1</sup> (i g/L)	14.9	10.4	P limit <sup>TM2</sup>
Copper <sup>1</sup> (i g/L)	60	--	MEC <sup>2</sup>
Lead <sup>1</sup> (i g/L)	20	--	MEC <sup>2</sup>
Zinc <sup>1</sup> (i g/L)	670	--	MEC <sup>2</sup>

<sup>1</sup> Discharge limitations for these metals are expressed as total recoverable.

<sup>2</sup>MEC = Maximum Effluent Concentration, Plimit<sup>TM</sup> = Calculated using the Plimit<sup>TM</sup> Statistical Software Package.

#### E. Monitoring Requirements

On July 27, 2001 the Regional Board sent a letter to the Discharger requiring the monitoring of priority pollutants regulated in the CTR. Quarterly monitoring of the effluent and receiving water was required for the period from July 2001 to March 2003.

Monitoring requirements are discussed in greater detail in Section III of the Monitoring and Reporting Program No. 6041. As described in the Monitoring and Reporting Program, monitoring reports must be submitted quarterly.

##### 1. Effluent Monitoring

To demonstrate compliance with effluent limitations established in the permit, and to assess the impact of the discharge on the beneficial uses of the receiving waters, this Order requires the Discharger to monitor conventional and priority pollutants. Monitoring for acute toxicity is required annually.

##### 2. Receiving Water Monitoring Requirements

To conduct RPA receiving water monitoring data is required. The receiving water monitoring of priority pollutants shall be conducted for the first two years on an annual basis. The two time annual monitoring of the receiving water shall be conducted at the same time as annual effluent monitoring of priority pollutants. Receiving water monitoring station shall be within 50 feet upstream from or near the discharge point (of storm drain) into Receiving Water.

##### 3. Monitoring for TCDD Equivalents

The Regional Board is requiring, as part of the Monitoring and Reporting Program, that the Discharger conduct effluent/receiving water monitoring for the presence of the 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD or Dioxin) congeners. The monitoring shall be a grab sample with a minimum frequency of once during dry weather and once during wet weather in the first year after adoption of the permit. Compliance with the dioxin limitation shall be determined by the summation of the 17 individual TEQs.