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

ORDER NO. R4-2004-0070
NPDES PERMIT NO. CA0058343

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
BP WEST COAST PRODUCTS, LLC
(HATHAWAY TANK FARM)

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

Background

1. BP West Coast Products, LLC (hereinafter BP West Coast or Discharger) discharges wastes from its Hathaway Tank Farm (Facility) to the Los Cerritos Channel, a water of the United States, under waste discharge requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit contained in Order No. 97-018 (NPDES Permit No. CA0058343) adopted by the Regional Board on March 3, 1997. Order No. 97-018 expired on February 10, 2002.

2. The Facility was formerly owned and operated by ARCO Terminal Services Corporation, a subsidiary of BP West Coast Products, LLC. On January 1, 2002, BP West Coast Products, LLC, took ownership and assumed the operations of the Facility. On February 15, 2002, ARCO notified the Regional Board regarding the transfer of ownership of the Facility.

3. BP West Coast has filed a report of waste discharge (ROWD) and has applied for renewal of its WDRs and NPDES permit.

Purpose of Order

4. The purpose of this Order is to renew the WDRs for the discharge from the Facility. This NPDES permit regulates the discharge of storm water runoff which may pick up pollutants from the tank farm into a discharge pipe, Discharge Serial No. 001, then to the storm drainage pipes at the northeast corner of the Facility, and flows to Los Cerritos Channel, a water of the United States, near the north end of the channel, within the estuary. The point of discharge is located at Latitude 33°47'33" North, Longitude 118°07'38" West.

Facility Description

5. The Facility is a petroleum products storage and distribution facility located at 2350 Obispo Avenue (formerly Hathaway Avenue), Signal Hill, California. Figure 1 depicts the Facility' s location map. The Facility is comprised of two tank farms (Upper Tank Farm and Lower Tank Farm). Ten tanks are located in the Upper Tank Farm (30,000-nominal barrel capacity each) and nine tanks are located in the Lower Tank Farm (100,000-nominal barrel capacity

each). Dedicated containment is provided for each tank in the Lower Tank Farm (shared containment for the Upper Tank Farm), and the containment for each tank is identified by the associated tank number. The Facility receives gasoline and diesel components via pipeline for storage and transfer. Products are loaded and unloaded via a truck rack on the western side of the Facility.

Discharge Description

6. BP West Coast intermittently discharges up to 50,000 gallons per day of storm water runoff through Discharge Serial No. 001 (Latitude 33°47'33" North, Longitude 118°07'38" West) into Los Cerritos Channel, a water of the United States, near the north end of the channel, within the estuary. Los Cerritos Channel eventually discharges to Alamitos Bay. Storm water is collected in the tank farm and cascades via a series of sumps and manually operated valves from the Upper Tank Farm, through the dedicated containment structures in the Lower Tank Farm, to the containment structure for Tank 104. Flow from the Tank 104 containment structure is restricted by two manually operated valves and is routed via a discharge pipe, Discharge Serial 001, to the Facility' s northeast corner, and subsequently overland to two storm water drainage pipes routed to Los Cerritos Channel. Figure 2 depicts the schematic of wastewater flow.

7. Secondary containment is provided for the truck rack, product transfer manifolds, and pump stations. Storm water collected within these containment structures is pumped via level control to either Tank No. 30026 or Tank No. 30024 for transfer to the BP Carson Refinery for treatment. The discharge of storm water is intermittent and occurs only during periods of heavy rainfall. During light rain, the runoff is contained on the property and allowed to evaporate.

8. The Facility' s hydrostatic test water discharge is regulated under the General NPDES Permit and Waste Discharge Requirements for Discharges of Hydrostatic Test Water to Surface Waters (NPDES Permit No. CAG674001, CI-8306).

Storm Water Management

9. The objective of the proposed Order is to protect the beneficial uses of receiving waters. To meet this objective, the proposed Order requires BP West Coast to update and continue to 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 directly into surface waters.

10. The SWPPP shall also specify Best Management Practices (BMPs) 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

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

12. **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.

13. 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.

14. The receiving waters for the permitted discharge covered by this permit is Los Cerritos Channel, within the estuary. The beneficial uses listed in the Basin Plan for the Los Cerritos Channel estuary are as follows:

    Existing uses : industrial service supply, navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, estuarine habitat, marine habitat, wildlife habitat, preservation of rare and endangered species, migration of aquatic organisms, spawning, reproduction, and/or development, and shellfish harvesting.

15. 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 Los Cerritos Channel estuary.

16. 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 limits derived from the CTR criteria.

17. Under 40 CFR Section 122.44(d), *Water Quality Standards and State Requirements*, "[l]imitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants), which the Director [permitting authority] determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality." Where numeric effluent limitations for a pollutant or pollutant parameter have not been established in the applicable state water quality control plan, 40 CFR Section 122.44(d)(1)(vi) specifies that WQBELs may be set based on 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.

18. Effluent limitation guidelines requiring the application of best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT), were promulgated by the 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 justifications for the effluent limitations.

19. State and Federal antibacksliding and antidegradation policies require Regional Board actions to protect the water quality of a water body and to ensure that the waterbody will not be further degraded. The antibacksliding provisions are specified in section 402(o) 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.

20. 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 Los Cerritos Channel estuary.

Watershed Management Approach and Total Maximum Daily Loads (TMDLs)

21. 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.

22. Los Cerritos Channel is included on the 2002 State Board's California 303(d) list and is classified as impaired. The pollutants of concern, detected in the water column in Los Cerritos Channel include: ammonia, copper, coliform, lead and zinc. Chlordane is also found in the sediment. Therefore, TMDLs will be developed for Los Cerritos Channel in the future. Los Cerritos Channel eventually discharges to the Alamitos Bay. Alamitos Bay is not included on the 303(d) List.

Data Availability and Reasonable Potential Analysis

23. 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. Sufficient effluent data are needed to perform the RPA.

24. There is insufficient monitoring data available to perform the RPA for the priority pollutants. The TSD 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.

25. Regional Board staff has determined that pollutants that have effluent limits in the existing Order will be included in the proposed Order. The existing Order prescribed effluent

limitations for oil and grease, suspended solids, and phenols. Therefore, the proposed Order carries over the effluent limitations for oil and grease, suspended solids and phenols.

26. As a result of the comprehensive monitoring program included in this Order and based on the results of the RPA, this Order may be reopened to include effluent limitations for toxic constituents that are present in significant amounts in the discharge.

CEQA and Notifications

27. 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.

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

29. 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.

30. 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.

31. 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 BP West Coast Products, LLC, 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 storm water runoff from the tank farm area, 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, Los Cerritos Channel, 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 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 begin a Toxicity Identification Evaluation (TIE) using the discharge water kept In reserve for this purpose. If the toxicity is complex, all phases including confirmatory phases of TIE may not be possible with reserve water, however, the TIE shall include all reasonable steps to identify the source(s) of toxicity. The TIE shall be continued with discharge water from the next discharge event. Once the source(s) of toxicity is identified, the Discharger shall take all reasonable steps to reduce the toxicity to meet the objective.

      iii. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 6297.

4. Final effluent limitations:

   a. In addition to the Requirements I.B.1 through I.B.3, the discharge of storm water runoff from Discharge Serial No. 001 containing constituents 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

Concentration	Units	Discharge Limitations	
		Monthly Average	Daily Maximum
Oil and Grease	mg/L	10	15
Settleable solids	ml/L	---	0.3
Phenols	mg/L	---	1.0
Sulfides	mg/L	---	0.1

C. **Receiving Water Limitations**

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

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

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

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

   d) Bottom deposits or aquatic growths; or,

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

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

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

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

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

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

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

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 develop and implement, within 90 days of the effective date of this Order:

   1. 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 from being discharged directly to waters of the State. The SWPPP shall be developed in accordance with the requirements in Attachment A.

2. A Best Management Practices Plan (BMPP) that entails site-specific plans and procedures implemented and/or to be implemented to prevent hazardous waste/material from being discharged to waters of the State. The BMPP 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.

3. An updated Spill Contingency Plan that shall be site specific and shall cover all areas of the facility must be prepared. The Contingency Plan shall be reviewed at the same time as the SWPPP and BMPP.

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

D. 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).

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

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

G. 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.

H. 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.

I. 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,
c. Proposed discharge concentrations, and
d. U.S. EPA registration number, if applicable.

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

K. 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 Monitoring and Reporting Program No. 6297. If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the former shall prevail.

C. The Discharger shall comply with the applicable requirements of SWPPP updates associated with industrial activity (State Board Order No. 97-03-DWQ adopted on April 17, 1997) and SWPPP updates and monitoring and reporting requirements of State

Board general permit for discharges of storm water and Construction Activity (State Board Order No. 99-08-DWQ adopted on August 19, 1999). This Order R4-2004-0070 shall take precedence where conflicts or differences arise between it and the aforementioned Orders. This Order includes the applicable 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 Sections 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 Monitoring and Reporting Program No. CI-6297*)*, 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, semi-annually, 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, semi-annually, or annually, exceeds the monthly average limit for any constituent, the Discharger shall 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.

When all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirement II.C. of M&RP No. CI-6297), the numerical average of the analytical results of these five samples will be used for compliance determination.

When one or more sample results are reported as "Not-Detected (ND)" or "Detected, but Not Quantified (DNQ)" (see Reporting Requirement II.C. of M&RP No. CI-6297), the median value of these four 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 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 or 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.

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 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 Los Cerritos Channel.

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

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

H. 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 April 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. 97-018 adopted by this Regional Board on March 3, 1997, is hereby rescinded except for enforcement purposes.

I, Dennis Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on May 6, 2004.

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Dennis A. Dickerson
Executive Officer