



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

March 16, 2009

Ms. Susan Salinas
Director, Safety and Environmental Affairs
Teleflex Incorporated
4175 Guardian Street
Simi Valley, CA 93063

VIA CERTIFIED MAIL
RETURNED RECEIPT REQUESTED
No. 7001 2510 0000 4661 0540

RESCISSION OF ORDER NO. R4-2009-0031 AND TERMINATION OF ORDER NO. R4-2003-0095 - WASTE DISCHARGE REQUIREMENTS (WDRs) AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR TELAIR INTERNATIONAL, INC., TELAIR INTERNATIONAL SITE (FORMER TALLEY SITE), NEWBURY PARK, CALIFORNIA (NPDES NO. CA0059609, CI 6729)

Dear Ms. Salinas:

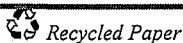
Our letter dated February 19, 2009, transmitted the tentative Orders to rescind Order No. R4-2009-0031, adopted by this Regional Board on February 5, 2009, and to terminate Order No. R4-2003-0095, adopted by this Regional Board on July 10, 2003, for the discharge of treated groundwater from the Telair Site, Newbury Park Facility.

Pursuant to Division 7 of the California Water Code, this Regional Board at a public hearing held on March 5, 2009, reviewed the tentative Orders, considered all factors in the case, and adopted Order No. R4-2009-0040 for rescission of Order No. R4-2009-0031, and Order No. R4-2009-0041 for termination of Order No. R4-2003-0095 (copy attached). If Telair discharges waste that could affect the quality of water of the state, a Report of Waste Discharge should be filed pursuant to Water Code section 13260 or 13376, as appropriate.

The adopted Orders include the following changes/additions made by the Board during the hearing:

1. In Finding 6, page 2, add the statement "If Telair proposes a new discharge point to a water of the United States, a Report of Waste Discharge (ROWD) should be filed pursuant to Water Code section 13376." at the end of the last sentence.
2. On page 3, item 3, delete the words "not later than April 6, 2009." and add "or 13376, as appropriate." to the statement.
3. On page 7 of the Fact Sheet, first paragraph, add "or 13376, as appropriate." at the end of the last sentence.

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Ms. Susan Salinas
Teleflex Incorporated
(Telair International)

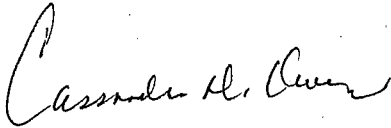
- 2 -

March 16, 2009

We are sending the final copy of the Orders only to the Discharger. For those on the mailing list who would like access to a copy of the final Orders, please go the Regional Board's website <http://www.waterboards.ca.gov/losangeles/>.

If you have any questions, please contact me at (213) 576-6750 or Rosario Aston at (213) 576-6653.

Sincerely,



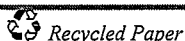
Cassandra D. Owens, Chief
Industrial Permitting Unit

Enclosures

cc: **(Via Email Only)**

Environmental Protection Agency, Region 9, Permits Branch (WTR-5)
U.S. Army Corps of Engineers
NOAA, National Marine Fisheries Service
Department of Interior, U.S. Fish and Wildlife Service
Mr. William Paznokas, Department of Fish and Game, Region 5
Mr. Michael Levy, State Water Resources Control Board, Office of the Chief Counsel
Mr. Phil Isorena, State Water Resources Control Board, Division of Water Quality
Ms. Stephanie Trotter, State Water Resources Control Board
Mr. Gary Yamamoto, California Department of Public Health
California State Parks and Recreation
California Coastal Commission, South Coast Region
Los Angeles County, Department of Public Works, Waste Management Division
Los Angeles County, Department of Health Services
Ms. Ruth Cayabyab, Department of Toxic Substances Control, Sacramento, CA
Mr. Alan Davis, Department of Transportation (Caltrans)
County of Ventura, Flood Control District
Ventura Port District Harbor Patrol
Ms. Vicki Musgrove, City of San Buenaventura
City of San Buenaventura, Parks and Recreation
Sierra Club, Southern Coastal Coordinator
Mr. Mati Waiya, Ventura CoastKeeper
Friends of the Ventura River
Mr. Paul Jenkin, Surfrider Foundation, Ventura County Chapter
Ms. Jessica Altstatt, Santa Barbara Channel Keeper
Ms. Vicki Clark, Environmental Defense Center
City of Thousand Oaks

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Ms. Susan Salinas
Teleflex Incorporated
(Telair International)

- 3 -

March 16, 2009

City of Simi Valley
Mr. Mark Pumford, City of Oxnard
Mr. Tom Ford, Santa Monica BayKeeper
Dr. Mark Gold, Heal the Bay
Mr. Daniel Cooper, Lawyers for Clean Water
Mr. David Beckman, Natural Resources Defense Council
Ms. Sally Bilodeau, ENSR
Mr. Stephen L. Backus, Backus, Bland, Navarro & Weber LLP
Mr. K. Erik Friess, Esq. NOSSAMAN LLP
Ms. Mary LynnK. Coffee, NOSSAMAN LLP
Mr. Shawn D. Moradian, Executive Vice President, NASS Properties
Mr. Jae Kim, Tetra Tech

California Environmental Protection Agency

 *Recycled Paper*

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

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

ORDER NO. R4-2009-0040
RESCINDING ORDER NO. R4-2009-0031

AND

ORDER NO. R4-2009-0041
TERMINATING ORDER NO. R4-2003-0095

WASTE DISCHARGE REQUIREMENTS
AND
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
FOR
TELAIR INTERNATIONAL, INC.
(TELAIR SITE, NEWBURY PARK)

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

1. The Regional Water Board adopted waste discharge requirements (Order No. R4-2009-0031) for discharges to surface waters, which also serve as a National Pollutant Discharge Elimination System (NPDES) permit for Telair International, Inc. (Telair or Discharger) from the Telair Site, Newbury Park on February 5, 2009. By its terms, Order No. R4-2009-0031 becomes effective on March 7, 2009.
2. The Regional Water Board adopted Order No. R4-2003-0095 on July 10, 2003, which has served as the NPDES permit for Telair since that time. Order No. R4-2009-0031 supersedes Order No. R4-2003-0095.
3. On February 5, 2009, owners of property adjacent to the channel into which both orders authorize Telair to discharge, alleged that the channel is not connected to the municipal separate storm sewer system (MS4), but rather is blocked by the construction of a freeway off-ramp, and as a result, Telair's and other discharges overflow the channel onto their property. While prior allegations of a blockage had been raised, Board staff understood the blockage to have been the alleged result of lack of channel maintenance and overgrowth of vegetation, which photos received by Board staff from Telair demonstrated that the vegetation from the channel had been removed prior to the hearing. The Regional Board rejected evidence offered at the hearing about the off-ramp blockage as untimely, but nevertheless, included provisions in the order that prohibit discharges that cause or contribute to an overflow of the channel. The Regional Water Board also directed staff to inspect the site after the hearing.
4. Staff conducted a site inspection on February 9, 2009, following a rain event. The inspection verified that discharges to the channel, which runs adjacent the 101 Freeway

South bound lanes between the Wendy Road and Borchard Road Exit, do not reach waters (the Arroyo Conejo Creek) of the United States. The channel downstream of the discharge is severely eroded, such that its contours as a channel are not effective to contain flows from up-channel. The ditch, therefore, effectively terminates, and no water reaches the culverts under the off-ramp, because the water has flowed off the side of the hill instead.

5. Since Telair's discharges do not reach waters of the United States, an NPDES permit is not appropriate.
6. To the extent Telair's discharge is infiltrating into groundwater, either in the unlined portion of the channel, or after flowing overland at the point where the channel's integrity is lost, it constitutes a discharge of waste that could affect the quality of waters of the state. As such, Telair should be required to file a Report of Waste Discharge (ROWD), pursuant to Water Code section 13260. If Telair proposes a new discharge point to a water of the United States, a ROWD should be filed pursuant to Water Code section 13376.
7. The termination of waste discharge requirements is exempt from the provisions of Chapter 3 (commencing with Section 21100), Division 13, Public Resources Code, in accordance with Water Code section 13389.
8. The Regional Board has notified the Discharger and interested agencies and persons of its intent to consider rescission of Order No. R4-2009-0031 and termination of coverage under Order No. R4-2003-0095, and notice of the hearing during which this matter will be considered.
9. The Regional Board, in a public hearing, heard and considered all evidence (including testimony), and comments presented in support of and opposition to this action.

WHEREFORE, IT IS HEREBY ORDERED:

1. Effective immediately, the following waste discharge requirements and NPDES permit are hereby rescinded:

Discharger (NPDES No.)	Order No. (Adoption Date)	<u>Reason for Rescission</u>
Telair International, Inc. (Telair Site, Newbury Park) 3085 Old Conejo Road Newbury Park, CA (CA0059609)	R4-2009-0031 (February 5, 2009)	The discharge is not to Waters of the United States

TELAIR INTERNATIONAL, INC.
THE TELAIR SITE, NEWBURY PARK


ORDER NO. R4-2009-0040
AND ORDER NO. R4-2209-041
NPDES NO. CA0059609

2. Effective immediately, the following waste discharge requirements and NPDES permit are hereby terminated:

Discharger (NPDES No.)	Order No. (Adoption Date)	<u>Reason for Termination</u>
Telair International, Inc. (Telair Site, Newbury Park) 3085 Old Conejo Road Newbury Park, CA (CA0059609)	R4-2003-0095 (July 10, 2003)	The discharge is not to Waters of the United States

3. Telair International, Inc., is hereby directed to file a ROWD, pursuant to Water Code section 13260 or 13376, as appropriate.
4. The Executive Officer of the Regional Water Board, is authorized and directed to certify and submit copies of this Order to the Discharger, and to such individuals and governmental agencies as may have need therefore, or may request the same.

I, Tracy J. Egoscue, Executive Officer, do 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 March 5, 2009.



Tracy J. Egoscue
Executive Officer

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

FACT SHEET
FOR
ORDER NO. R4-2009-0040
RESCINDING ORDER NO. R4-2009-0031

AND

ORDER NO. R4-2009-0041
TERMINATING ORDER NO. R4-2003-0095

WASTE DISCHARGE REQUIREMENTS
AND
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
FOR
TELAIR INTERNATIONAL, INC.
(TELAIR SITE, NEWBURY PARK)
NPDES Permit No.: CA0059609

Public Notice No.: 09-071

FACILITY ADDRESS
Telair Site, Newbury Park
3085 Old Conejo Road
Newbury Park, CA 91320

FACILITY MAILING ADDRESS
Telair International, Inc.,
4175 Guardian Street
Simi Valley, CA 93063
Contact: Susan Salinas
Telephone No.: (805) 306-8066

I. Public Participation

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is considering the issuance of Order No. R4-2009-0040 to rescind Order No. R4-2009-0031 (adopted by this Regional Board on February 5, 2009) and Order No. R4-2009-0041 to terminate Order No. R4-2003-0095 (adopted by this Regional Board on July 10, 2003) that contained waste discharge requirements (WDRs) which served as a National Pollutant Discharge Elimination System (NPDES) permit for Telair International, Inc., Telair Site, Newbury Park. This Fact Sheet supports the draft Order. The Regional Board encourages public participation in the adoption process.

A. Notification of Interested Parties

The Regional Board has notified the Discharger and interested agencies and persons of the hearing on this Order and has provided them with an opportunity

to submit their written comments and recommendations, as well as oral presentations at a public hearing on March 5, 2009.

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning the tentative Order. Comments must be submitted either in person or by mail to the Executive Officer of the Regional Board at:

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

To be fully responded to by staff and considered by the Regional Board, written comments must be received at the Regional Board offices by 5:00 p.m. on February 26, 2009.

C. Public Hearing

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

Date: March 5, 2009
Time: 9:00 A.M.
Location: Metropolitan Water District, Board Room
700 N. Alameda Street
Los Angeles, California

Interested persons are invited to attend. At the public hearing, the Regional Board will hear testimony, if any, pertinent to the tentative Order. 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 <http://www.waterboards.ca.gov/losangeles> where you can access the current agenda for changes in dates and locations.

D. Nature of Hearing

This will be a formal adjudicative hearing pursuant to section 648 et seq. of title 23 of the California Code of Regulations. Chapter 5 of the California Administrative Procedure Act (commencing with section 11500 of the Government Code) will not apply to this proceeding.

Ex Parte Communications Prohibited: As a quasi-adjudicative proceeding, no board member may discuss the subject of this hearing with any person, except

during the public hearing itself. Any communications to the Regional Board must be directed to staff.

E. Parties to the Hearing

The following are the parties to this proceeding:

1. The applicant/permittee

Any other persons requesting party status must submit a written or electronic request to staff not later than February 26, 2009. All parties will be notified if other persons are so designated.

F. Public Comments and Submittal of Evidence

Persons wishing to comment upon or object to the tentative Orders, or submit evidence for the Board to consider, are invited to submit them in writing to the above address. To be evaluated and responded to by staff, included in the Board's agenda folder, and fully considered by the Board, written comments must be received no later than close of business on **February 26, 2009**. Comments or evidence received after that date will only be included in administrative record with express approval of the Chair during the hearing, only upon a showing of good cause, and only if it will not prejudice any other party or regional board staff. Additionally, if the Board receives only supportive comments, the permit may be placed on the Board's consent calendar, and approved without an oral testimony.

G. Hearing Procedure

The meeting, during which the hearing take place, will start at 9:00 a.m. Interested persons are invited to attend. Staff will present the matter under consideration, after which oral presentations from parties or interested persons will be heard. For accuracy of the record, all important testimony should be in writing. The Board will include in the administrative record written transcriptions of oral testimony that is actually presented at the hearing. Oral testimony may be limited to 3 minutes maximum or less for each speaker, depending on the number of persons wishing to be heard. Parties or persons with similar concerns or opinions are encouraged to choose one representative to speak. After all presentations, the Board may ask questions of interested persons, parties, or staff. At the conclusion of questioning, the Board will deliberate in open or close session, and render a decision.

Parties or persons with special procedural requests should contact staff. Any procedure not specified in this hearing notice will be waived pursuant to section 648(d) of title 23 of the California Code of Regulations. Objections to any procedure to be used during this hearing must be submitted in writing not later than close of business on **February 26, 2009**, prior to the date of the hearing. Procedural objections will not be entertained at the hearing.

If there should not be a quorum on the scheduled date of this meeting, all cases will be automatically continued to the next scheduled meeting on April 2, 2009. A continuance will not extend any time set forth herein.

H. Waste Discharge Requirements Petitions

Any person aggrieved by this action of the Regional Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

The mailing address of the State Water Board is the following:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

I. Information and Copying

The WDRs and NPDES permit, related documents, tentative Order, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (213) 576 – 6600.

J. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this facility, and provide a name, address, and phone number.

K. Additional Information

Requests for additional information or questions regarding this order should be directed to Rosario Aston at (213) 576-6653.

Background and Reasons for the Orders

Telair International, Inc., (hereinafter Discharger or Telair) is the operator of a groundwater treatment facility (hereinafter Facility) at the Telair Site, Newbury Park. The Telair Site is located at 3085 Old Conejo Road in Newbury Park, California. The Discharger treats the site's contaminated groundwater and discharges up to 0.110

million gallons per day (MGD) of treated groundwater. The operations at the site are limited to groundwater extraction, treatment, and discharge. The Facility discharges treated groundwater to a storm drain (or channel) on property owned by the California Department of Transportation (CalTrans), which then conveys the treated groundwater to an unnamed intermittent tributary to the South Branch of Arroyo Conejo, a water of the United States. The discharge is regulated by Order R4-2003-0095 that was adopted on July 10, 2003. Order No. 2003-0095 expired on June 10, 2008, however it has been and continues to be administratively extended in accordance with applicable regulations. When this order was originally adopted, the drain conveyed the treated groundwater to the CalTrans Storm Channel to the South Branch of Arroyo Conejo. The South Branch of Arroyo Conejo is tributary to Conejo Creek, Calleguas Creek, and Mugu Lagoon, waters of the United States. These waterways are located in the Calleguas Creek Watershed Management Area.

The Discharger filed a Report of Waste Discharge (ROWD) and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit on November 21, 2007.

Following the filing of the Discharger's Report of Waste Discharge, the Regional Board received a complaint alleging that the drain had been blocked for some period of time, and alleging that the Discharger's discharge had been overflowing onto the property (Borchard Road Property) adjacent to the drain. The Regional Board confirmed that the drain had been blocked by vegetation, and that CalTrans intended to reopen the drain. On July 29, 2008, Board staff received photographs from Telair that confirmed that the vegetation in the storm drain channel had been cleared and the contours of the unlined portion of the channel had been defined. In an effort to ensure that Telair's discharge did not exceed the capacity of the channel, Prohibition III.A. was included in the Order. The prohibition states:

"Wastes discharged shall be limited to a maximum of 0.110 MGD of treated groundwater as described in the findings. Notwithstanding the aforesaid, wastes shall not be discharged in volumes that cause or contribute to an overflow of the storm drain/drainage facilities to which they are discharged. The discharge of wastes from accidental spills or other sources is prohibited."

On February 5, 2009, the Regional Board adopted Order No. R4-2009-0031, renewing the permit for Telair's discharge of treated groundwater to the CalTrans Storm Drain Channel that transports the wastewater to the South Branch of Arroyo Conejo, a water of the United States. The permit specified that the treated groundwater was to be discharged to the CalTrans Storm Drain Channel that runs alongside the 101 Freeway down to the Borchard Road Exit (off-ramp).

Considerable discussion was heard from both the Discharger and from representatives for the owners of the Borchard Road Property. The testimony from the property owners indicated that the discharge from the Telair Site continues to result in flooding of the property as the discharge overflows the storm drain, not because of vegetation, but because the storm drain had been blocked by the construction of a freeway off-ramp. The Discharger's representatives denied that the drain was blocked, and argued that its discharge is not responsible for overflows of the storm drain. The property owners'

offers of evidence to support their claim were rejected as untimely, but the Regional Board determined that the claims were moot in any event, because of the prohibition that bars the Discharger from discharging waste in volumes that cause or contribute to overflows of the drain. The Regional Board adopted the order, and included a number of monitoring requirements directed to ascertaining if the discharger was actually contributing to overflows. The Regional Board also directed staff to inspect the site.

On February 5, 2009, (Thursday afternoon) Los Angeles and Ventura County experienced rainfall. That rainfall continued throughout the weekend. The rainfall reported on February 9, 2009, for Thousand Oaks, the closest rain station to Newbury Park, was 2.13 inches for the last five days. Representatives from Telair informed Board staff that discharges from the facility were stopped on Thursday, February 5, 2009, at 4:30 p.m. On the morning of February 9, 2009, Board staff conducted an inspection to look at the flow in the storm drain channel. It rained that morning during the drive out to the site. However, there was no rain during the inspection. The storm drain channel that runs along the 101 Freeway's southbound lanes between the Wendy Road and Borchard Road Exit widens past a sound wall that exists in that area. In some areas the channel is well defined, but as the channel progresses toward the off-ramp, and near the Borchard Road Property, the channel integrity is completely degraded due to apparent erosion. Effectively, the channel terminates before it reaches the culverts in the off-ramp, and the water in the channel flows overland at the channel's terminus, well upgradient of the culverts, which would otherwise connect the channel to CalTrans' storm water system. During the inspection, water was plainly overflowing portions of the defined channel in some areas, and completely spilling down the hillside at the point where the channel integrity is lost. Water was collecting on the Borchard Road Property. However, it was unclear whether all of the water was from the storm drain or if some of the water was trapped on the property due to poor drainage. The elevation of the south side of the Borchard Road Property is lower than the berm for Arroyo Conejo Creek on one side and also lower than the Borchard Road Exit on the other side. The culverts underneath the Borchard Road Exit near the south side of the Borchard Road Property which direct storm water runoff to the Arroyo Conejo Creek are essentially dry, and are not fed from the channel upgradient. As such, neither the storm water runoff, nor the discharge from Telair when it is operating, flows into the waters of the United States. Therefore, an NPDES permit to discharge pollutants to waters of the United States is not appropriate.

The facts as described in this Fact Sheet represent a material change in the location of the discharge warranting a termination of the authorization to discharge waste under both orders.

The proposed Orders, therefore rescinds Order No. R4-2009-0031, and terminates Order No. R4-2003-0095.

Moreover, contrary to the Discharger's testimony, its discharges pond in the system, and during storm events, the discharges contribute to overflows of the storm drain, even when the discharges are stopped, as at least ponded waste in the channel is flushed over the banks by other storm waters.

The evidence in the administrative record demonstrates, and the Discharger admits, that Telair's discharges infiltrate into the subsurface, both in the unlined portion of the drain, and when the discharges overflow the channel on the adjacent property. Likewise, when the discharges reach the effective terminus of the channel, they likewise are susceptible of and do infiltrate into the ground. The Discharger is therefore discharging waste that could affect the quality of water of the state, and should therefore be required to submit a report of waste discharge pursuant to Water Code section 13260 or 13376, as appropriate.

The proposed Orders for rescission and termination are based upon section 13381 of the Water Code, part 122.64(a) of title 40 of the Code of Federal Regulations, and Provision VI.A.2.h of Order No. R4-2009-0031, and Provision V.A. (Standard Provisions, Attachment N, Section B.9.) of Order No. R4-2003-0095.