

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

ORDER NO. R4-2004-0173
NPDES PERMIT NO. CA0059846

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
CONOCOPHILLIPS COMPANY
(CONOCO PHILLIPS LOS ANGELES LUBRICANTS PLANT)

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

Background

1. ConocoPhillips Company (formerly Tosco Corporation) (hereinafter ConocoPhillips or Discharger) discharges treated storm water runoff from its ConocoPhillips Los Angeles Lubricants Plant under waste discharge requirements (WDRs) contained in Order No. 97-082 (NPDES No. CA0059864) adopted by the Regional Board on June 16, 1997, CI-6773. Order No. 97-082 expired on May 10, 2002.
2. Tosco Corporation (Tosco) filed a report of waste discharge on March 18, 2002, and applied for renewal of its WDRs and a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastes to surface waters. On January 1, 2003, Tosco Corporation, a subsidiary of ConocoPhillips merged into ConocoPhillips Company. ConocoPhillips assumed all rights and responsibilities associated with all environmental permits and licenses previously held by Tosco. An amendment to the renewal application was submitted on May 13, 2003, which states that ownership has been transferred from Tosco to ConocoPhillips and it also addresses the construction of an ethanol railcar unloading rack system (ethanol rail rack).

Purpose of Order

3. The purpose of this Order is to renew the WDRs for the ConocoPhillips facility. This NPDES permit regulates the discharge of treated storm water runoff through the storm drain located at Figueroa Street, (Discharge Serial No. 001; Latitude 33°54'15", Longitude 118°16'45"), and storm water runoff (sheet flow) through the storm drain (Discharge Serial Nos. 002 and 003), thence to the Dominguez Channel, a water of the United States, above the Estuary.

Facility Description

4. ConocoPhillips is the owner and operator of the ConocoPhillips Los Angeles Lubricants Plant (Plant) located at 13707 S. Broadway Avenue, Los Angeles, California. Figure 1 depicts the location map of the Plant. The Plant is a non-marine transfer facility which includes three bulk storage areas (Tank Farms #1, #2, and #3), a storage warehouse (including lubricating oil packaging, storage, and package loading), maintenance shop, office, seven truck racks, and railcar offloading area.

5. The Plant receives lubricating oil base stocks, and additives via railcars, tank trucks, and barrel trucks. Finished products are produced in the blender building by mixing base stocks and additives. Batches of finished lubricating oils are stored in bulk storage tanks and in barrels in the warehouse. Products are shipped off-site via bulk tank trucks, pallets, and barrels from the warehouse.
6. ConocoPhillips completed the construction of the ethanol rail rack in October 31, 2003, and began the ethanol unloading operations in November 2003. The ethanol rail rack consists of 20 unloading stations and was designed to offload maximum of twenty, 30,000-gallon railcars per day. Ethanol received at the Plant is pumped to a permitted Ethanol Aboveground Storage Tank located at the ConocoPhillips Los Angeles Gasoline Terminal across the street. No Ethanol is stored at the Plant.

The ethanol rail rack is completely bermed and each unloading station has a quick flow drain and containment pan collection system. This drain system is tied into a 12,000-gallon, emergency spill collection tank and then into the process and storm water separator systems which is automated with high level alarms in the spill tank. The entire system is protected with series of quick emergency shut down (ESD) switches which close all valves in the event of emergency or spill.

Discharge Description

7. ConocoPhillips discharges up to 648,130 gallons per day (gpd) of treated storm water through Discharge Serial No. 001, and storm water runoff (sheet flow) through Discharge Serial Nos. 002 and 003, into Dominguez Channel, a water of the United States, above the Estuary.

The storm water runoff may pick up pollutants from the process areas, parking lots/driveway areas, truck loading areas, ethanol rail rack collection pans and drains, and the diked tank farm area. All storm water from these areas is collected via an internal storm drain system and the first tenth of an inch of rainfall plus the next 15 minutes of rainfall is discharged into the sanitary sewer. All storm water runoff after the diversion of the first one tenth of an inch of rain plus fifteen minutes (first flush) into the sanitary sewer is collected and treated in a storm water oil-water separator prior to discharged to the outfall Discharge Serial No. 001. Figure 2 depicts the schematic flow diagram.

ConocoPhillips also discharges storm water runoff (sheet flow) from the northeast perimeter of the Plant located near the maintenance shop, and from the front vehicle/truck entrance gate located on the eastern perimeter of the Plant through the storm drain (Discharge Serial Nos. 002 and 003, respectively), into Dominguez Channel. These areas were visually monitored pursuant to the Plant' s Storm Water Pollution Prevention Plan (SWPPP). This Order will require the Discharger to monitor the discharges of sheet flow from these areas for conventional and priority pollutants through Discharge Serial Nos. 002 and 003, into Dominguez Channel.

The storm water treatment system consists of one, 20,000-gallon oil/water separator equipped with petropaks to facilitate oil coalescing and floatation and an underflow/overflow weir system for storm water discharge and oil removal. Separated oil is pumped from the storm water oil/water separator to a 12,000-gallon underground storage tank (UST). Influent valves to the oil/water separator are designed to close when the oil/water separator reaches a high level.

8. ConocoPhillips discharges process water, initial washdown water from the spill collection pans and drains around the ethanol rail rack, and the first one tenth of an inch of rain plus fifteen minutes from the Plant into the sanitary sewer. In addition, all storm water collected in the dike containment of all aboveground storage tanks is impounded and discharged to the sanitary sewer after the storm events. The discharges to the sanitary sewer are permitted under an industrial wastewater permit by the Los Angeles County Sanitation District.
9. The diversion system to discharge to the sanitary sewer is designed to switch discharge from the sewer to the storm channel, after (0.10" inch of rain plus fifteen minutes) has been received. In addition, any rain event less than this amount is always discharged to the sanitary sewer.

Storm Water Management

10. The objective of this Order is to protect the beneficial uses of receiving waters. To meet this objective, this Order requires ConocoPhillips to update and implement the 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 Discharge Serial Nos. 001, 002 and 003 for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged directly into surface waters.

The SWPPP shall also specify Best Management Practices (BMPs) that will be implemented to reduce the discharge of pollutants in storm water. Further, the Discharger shall assure that the storm water 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, and that the discharge of non-storm water to the receiving water has been effectively prohibited.

Applicable Plans, Policies, Laws, 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 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 body for the permitted discharge covered by this Order is the Dominguez Channel. The Basin Plan contains beneficial uses and water quality objectives for the Dominguez Channel. The beneficial uses listed in the Basin Plan for the Dominguez Channel are:

Dominguez Channel (to Estuary) – Hydro Unit No. 405.12

Existing uses: Non-contact water recreation, and preservation of rare, threatened or endangered species.

Potential uses: Municipal and domestic water supply, water contact recreation (prohibited by Los Angeles County Department of Public Works) warm freshwater habitat, and wildlife habitat.
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 inland surface waters.

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 for a schedule of compliance not to exceed five years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with the effluent limitations derived from CTR criteria.
17. Under 40 CFR section 122.44(d), Water Quality Standards and State Requirements, "Limitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants), which the Director [permitting authority] determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality." Where numeric effluent limitations for a pollutant or pollutant parameter have not been established in the applicable state water quality control plan, 40 CFR section 122.44(d)(1)(vi) specifies that water quality-based effluent limitations (WQBELs) may be set based on U.S. EPA criteria, and may be 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 U.S. EPA for some pollutants in this discharge. Effluent limitations for pollutants not subject to U.S. EPA effluent limitation guidelines are based on one of the following: best professional judgment (BPJ) of BPT, BCT or BAT; current plant performance; or WQBELs. The WQBELs are based on the Basin Plan, other State plans and policies, or U.S. EPA water quality criteria which are taken from the CTR. These requirements, as they are met, will protect and maintain existing beneficial uses of the receiving water. The attached fact sheet for this Order includes specific bases for the effluent limitations.
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 sections 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 CWA, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of the Dominguez Channel.

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.

Dominguez Channel is located in Los Angeles County, in Dominguez Channel Watershed. The 2002 State Board's California 303(d) List classifies Dominguez Channel (above Vermont) as impaired. The pollutants of concern detected in fish tissue, sediment, and the water column include aldrin (tissue), ammonia, Chem A (tissue) [refers to the sum of aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, HCH (including lindane), endosulfan, and toxaphene], chlordane (tissue), chromium (sediment), copper, DDT (tissue and sediment), dieldrin (tissue), high coliform count, lead (tissue), PAHs (sediment), and zinc (sediment).

Data Availability and Reasonable Potential Monitoring

22. 40 CFR section 122.44(d)(1)(ii) 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 nonpoint 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* (USEPA/505/2-90-001), addresses this issue by suggesting the use of a statistical approach.
23. A limitation shall be imposed for a toxic pollutant if (1) the maximum effluent concentration (MEC) is greater than the most stringent CTR criteria, or (2) the background concentration is greater than the CTR criteria, or (3) other information is available. Sufficient effluent data are needed for this analysis.
24. Regional Board staff has determined that pollutants that have effluent limitations in the current Order will be included in this Order. The effluent limitations have been modified based on the revised water quality criteria contained in the CTR and the requirements contained in the TSD. This Order also includes requirements for additional monitoring to provide the data needed to complete an RPA on all of the priority pollutants.

25. An RPA was completed using the data collected at the site for the period from March 1999 through November 2002 to determine if any of the constituents have reasonable potential. Based on the RPA, there was reasonable potential to exceed water quality standards for copper, lead, and zinc.

Compliance Schedules and Interim Limitations

26. The ConocoPhillips facility may not be able to achieve immediate compliance with the WQBELs for copper, lead, and zinc contained in section I.B.4. of this Order. Data submitted in self-monitoring reports indicate that these constituents have been detected at concentrations greater than the new limitation proposed in this Order.
27. 40 CFR section 131.38(e) provides conditions under which interim effluent limitations and compliance schedules may be issued. The CTR allows inclusion of an interim limitation with a specific compliance schedule included in a NPDES permit for priority pollutants if the limitation for the priority pollutant is CTR-based. Interim limitations have been included in this Order for copper, lead, and zinc.
28. The Regional Board may establish other 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. These interim limitations shall be effective until December 9, 2007 after which, the Discharger shall demonstrate compliance with the final effluent limitations.

CEQA and Notifications

29. 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.
30. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
31. 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 is effective 30 days (January 12, 2005) from the date of its adoption, in accordance with federal law, provided the Regional Administrator, U.S. EPA, has no objections.
32. 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.

33. 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 ConocoPhillips, 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 treated storm water flow through Discharge Serial Nos. 001 and sheet flow through Discharge Serial Nos. 002 and 003.
2. Discharges of wastewater, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to a storm drain system, Dominguez Channel, or waters of the State, are prohibited.

B. Effluent Limitations

The discharge of an effluent from Discharge Serial Nos. 001 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. 6773.

4. Final effluent limitations for Discharge Serial No. 001:

In addition to the Requirements I.B.1 through I.B.3, the discharge of treated storm water from Discharge Serial No. 001 containing constituents in excess of the following limitations is prohibited:

Constituents	Units	Average Monthly Discharge Limitations	Maximum Daily Discharge Limitations
Total suspended solids	mg/L	50	75
Turbidity	NTU	50	75
BOD ₅ 20°C	mg/L	20	30
Settleable solids	ml/L	---	0.3
Sulfide	mg/L	---	0.1
Oil and Grease	mg/L	10	15
Total Petroleum Hydrocarbons	µg/L	---	100
Phenols	mg/L	---	1.0
Copper ¹	µg/L	7	14
Lead ¹	µg/L	2.6	5.2
Zinc ¹	µg/L	60	120

¹ Measured as total recoverable.

5. Interim effluent limitations for Discharge Serial No. 001:

From the effective date of this Order until December 9, 2007, the discharge of an effluent in excess of the following limitations is prohibited:

Constituents	Units	Discharge Limitations (30-day Average)	Discharge Limitations (Maximum Daily)
Copper ¹	µg/L	---	64
Lead ¹	µg/L	---	78
Zinc ¹	µg/L	---	960

¹ Discharge limitations for these metals are expressed as total recoverable.

The Discharger must comply with the limits for these constituents stipulated in the table in section I.B.4. after December 9, 2007.

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

- e) 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.
5. 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 BOD₅20°C that adversely affect beneficial uses;
 6. The discharge shall not alter the color, create a visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters.
 7. The discharge shall not degrade surface water communities and population including vertebrate, invertebrate, and plant species.
 8. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures or facilities nor overload their design capacity.
 9. The discharge shall not cause problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.

II. REQUIREMENTS

- A. The Discharger shall submit within 90 days of the effective date of this Order:
1. An updated SWPPP that describes site-specific management practices for minimizing contamination of storm water runoff and for preventing contaminated storm water runoff from being discharged to waters of the State. The SWPPP shall be developed in accordance with the requirements in Attachment A.
 2. BMPP shall be incorporated into the SWPPP that entail site-specific plans and procedures implemented and/or to be implemented to prevent hazardous waste/material from being discharged to waters of the State. The BMPs shall be consistent with the general guidance contained in the U.S. EPA *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA 833-B-93-004). In particular, a risk assessment of each area identified by the Discharger shall be performed to determine the potential for hazardous or toxic waste/material discharge to surface waters.
- B. Both plans shall cover all areas of the facility and shall include an updated drainage map for the facility. The Discharger shall identify on a map of appropriate scale the areas that contribute runoff to the permitted discharge points; describe the activities in each area and the potential for contamination of storm water runoff and the discharge of hazardous waste/material; and address the feasibility of containment and/or treatment of the storm water. The plans shall be reviewed annually by the Discharger and at the same time. Updated information, if any, shall be submitted within 30 days of revision.
- C. Compliance Plan
1. The Discharger shall develop and implement a compliance plan that will identify the measures that will be taken to reduce the concentrations of copper, lead, and zinc in their discharge. This plan must evaluate options to achieve compliance with the Order limitations specified in provision 1.B.4.
 2. The Discharger shall submit quarterly progress reports to describe the progress of studies and or actions undertaken to reduce copper, lead, and zinc in the effluent, and to achieve compliance with the limitations in this Order by the deadline specified in provision 1.B.5. The Regional Board shall receive the first annual progress report at the same time the annual summary report is due, as required in section 1.B of *M&RP* No. CI-6773.
 3. The interim limitations stipulated in section 1.B.5 shall be in effect for a period not to extend beyond December 9, 2006. Thereafter, the Discharger shall comply with the limitations specified in section 1.B.4 of this Order.

- 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 limitations 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 planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
 - a. Name and general composition of the chemical,
 - b. Frequency of use,
 - c. Quantities to be used,
 - d. Proposed discharge concentrations, and
 - e. U.S. EPA registration number, if applicable.

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

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

III. PROVISIONS

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

- B. This Order includes the attached *M&RP* No. CI-6773. 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. This Order R4-2004-0173 shall take precedence where conflicts or differences arise between it and the aforementioned Orders. This Order includes the relevant requirements contained in the attached *Storm Water Pollution Prevention Plan Requirements* (Attachment A).
- D. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 125.62 and 125.64. Causes for taking such actions include, but are not limited to: failure to comply with any condition of this Order; endangerment to human health or the environment resulting from the permitted activity; or acquisition of newly-obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the Discharger for an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- E. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional Board to local agencies.
- F. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
- G. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic effluent standards, and all federal regulations established pursuant to 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.D. of *M&RP*), then the Discharger is out of compliance.
 - 2. Compliance with monthly average limitations – In determining compliance with monthly average limitations, the following provisions shall apply to all constituents:
 - a. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the monthly average limitation for that

constituent, the Discharger has demonstrated compliance with the monthly average limitation for that month.

- b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limitation for any constituent, the Discharger shall collect up to four additional samples at approximately equal intervals during that month. All analytical results shall be reported in the monitoring report for that month, or 45 days after results for the additional samples were received, whichever is later.

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

- c. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the monthly average effluent limitation has been demonstrated.
 - d. If only one sample was obtained for the month of more than a monthly period and the result exceed the monthly average, then the Discharger is in violation of the monthly average limitation.
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 and modified, to incorporate new limitations based on future RPA to be conducted, upon completion of the collection of additional data by the Discharger.
- B. This Order may be reopened and modified, to incorporate in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.
- C. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new minimum levels (MLs) for each pollutant.
- D. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, or the adoption of a TMDL.

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

V. EXPIRATION DATE

This Order expires on November 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. 97-082 adopted by this Regional Board on June 16, 1997, is hereby rescinded except for enforcement purposes.

I, Jonathan S. Bishop, 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 December 13, 2004.

Jonathan S. Bishop
Executive Officer