

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

ORDER NO. R4-2009-0026  
AMENDING ORDER NO. R4-2004-0174  
NPDES PERMIT NO. CA0061476

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
AND  
WASTE DISCHARGE REQUIREMENTS  
FOR  
MORTON INTERNATIONAL, INC.  
MORTON SALT DIVISION – LONG BEACH FACILITY

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

**Background**

1. Morton International, Inc. (hereinafter Morton Salt or Discharger), discharges process water and storm water runoff from its Long Beach facility under waste discharge requirements (WDRs) and a National Pollutant Discharge Elimination System (NPDES) permit contained in Order No. 97-081 (NPDES Permit No. CA0061476), adopted by the Regional Board on June 16, 1997. Order No. 97-081 expired on May 10, 2002.
2. Morton International, Inc., Morton Salt Division filed a Report of Waste Discharge and applied for renewal of its WDRs and NPDES permit on April 11, 2002.

**Purpose of Order**

3. The purpose of the proposed Order is to renew the WDRs for the Morton Salt facility. Process water and storm water runoff from the Morton Salt facility is discharged through Discharge Serial No. 001 (Latitude 33°45'00" North, Longitude 118°12'30" West) to Long Beach Harbor, a water of the United States, above the Estuary. Figure 1 provides a facility location map.

**Facility Description**

4. Morton Salt, owns the Morton Salt Division, Long Beach Facility (Facility), located at 1050 Pier F Avenue, Long Beach, California. At this Facility, Morton Salt operates a salt processing and packaging plant. The Facility consists of five industrial buildings that house packaging operations and finished goods inventory. There are no floor drains in any of the buildings. The Facility produces products for industrial and home water conditioning and treatment. The Facility occupies approximately five acres and continuously discharges up to 24,000 gallons per day (gpd) of process water which is comprised of 100% wet scrubber effluent. In addition, depending on wet weather conditions, the Facility may also intermittently discharge 163,000 gpd of storm water runoff

comprised of salt storage pile seepage, storm water runoff from on-site operations, and storm water runoff from an off-site property. While water is not a component of the final product, it is used at the Facility for supporting equipment and plant operations. Figure 2 provides a wastewater schematic flow diagram.

### Discharge Description

5. Previous Order (Order No. 97-081) regulates the discharge of up to 24,000 gallons per day (gpd) of process (e.g., wet scrubber effluent) and storm water runoff through Discharge Serial No. 001.
6. The Facility typically receives two, 60,000-ton shipments per year of wet solar salt from Mexico. Salt is stockpiled on-site and processed as follows: (1) materials are transferred directly to trucks; (2) materials are dried in a natural gas-fired kiln (dryer) and subsequently screened and stored in silos for packaging; (3) materials are dried in the kiln and transferred to trucks directly from screening; or (4) materials are screened and packaged without drying.
7. During salt processing, water is employed in air scrubber equipment to control salt dust. No additives are used in the process. The Facility operates one wet scrubber for the dryer and one wet scrubber for other salt handling operations. Scrubber water is used on a once-through basis and is routed to a collection sump. From the collection sump, wet scrubber water is pumped to an in-ground sample box on the west side of the Facility property. During wet weather conditions, the wet scrubber effluent may combine with salt storage pile seepage and storm water runoff from on-site Facility operations. From the in-ground sample box, the wastewater is directed to the catch basin and mixes with on-site storm water runoff and off-site storm water runoff from an adjacent property. The wastewater from the catch basin flows by gravity through a pipe that discharges into Long Beach Harbor. The existing Order refers to the point of discharge as Discharge Serial No. 001. No treatment is provided to the wastewater prior to discharge.
8. During intermittent and infrequent wet weather conditions, the components of the effluent in the in-ground sample box differ from that found in the catch basin. During wet weather conditions, the in-ground sample box consists of process water, salt storage pile seepage, and on-site storm water runoff. The in-ground sample box water then flows to the catch basin. The catch basin receives water from the in-ground sample box (e.g., process water, salt storage pile seepage, and on-site storm water) and during wet weather conditions, receives additional on-site storm water runoff and off-site storm water runoff from an adjacent property. During wet weather conditions, the effluent observed in the in-ground sample box differs from that observed in the catch basin.
9. Discharge Serial Nos. 02D (e.g., "D" signifying dry weather conditions) and 02W (e.g., "W" signifying wet weather conditions) at the catch basin have been established to characterize the waste stream, collection additional information for the RPA in the future,

and to determine compliance with final effluent limitations. Discharge Serial Nos. 02D and 02W refer only to the catch basin.

10. Final effluent limitations will be applied to Discharge Serial Nos. 02D (e.g., "D" signifying dry weather conditions) and 02W (e.g., "W" signifying wet weather conditions) at the catch basin. Monitoring will be required at Discharge Serial Nos. 02D and 02W to determine compliance with the effluent limitations during dry and wet weather conditions. As previously stated, the effluent observed in the catch basin during dry weather conditions differs from that observed during wet weather conditions (e.g., 02D  $\neq$  02W). Therefore, sampling at both locations will be required during both dry and wet weather conditions to characterize the effluent.
11. As stated before, the previous Order (Order No. 97-081) authorizes the discharge of up to 24,000 gpd of wet scrubber effluent and storm water runoff from salt stockpiles; however, Morton Salt proposes to discharge up to 24,000 gpd of wet scrubber effluent and 163,000 gpd of intermittent storm water runoff through Discharge Serial Nos. 02D and 02W.
12. Morton Salt is pursuing the option of discharging the wastewater to the municipal sanitary sewer of the County Sanitation Districts of Los Angeles County (CSDLAC). Because of high salinity, CSDLAC might not allow the wastewater to be discharged to sewer.
13. The high salinity of wastewater prevents it from being used for irrigation or other beneficial uses.

#### **Storm Water Management and Best Management Practices**

14. The objective of this Order is to protect the beneficial uses of receiving waters. To meet this objective, this Order requires Morton Salt to update and implement a Storm Water Pollution Prevention Plan (SWPPP) consistent with the SWPPP requirements in the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity [State Water Resources Control Board (State Board) Order No. 97-03-DWQ, NPDES Permit No. CAS000001]. The SWPPP will outline site-specific management practices for minimizing storm water runoff pollution and for preventing polluted storm water runoff from being discharged into surface waters. During the compliance evaluation inspection (CEI), Best Management Practices (BMPs) were identified as one method to reduce pollution in storm water runoff. Morton Salt prepared a SWPPP on February 17, 2003. As a result, the proposed Order requires Morton Salt to update and continue to implement their SWPPP and control storm water runoff to the Long Beach Harbor.
15. The SWPPP shall also specify Best Management Practices (BMPs) that will be implemented to reduce the discharge of pollutants in the process water and in the storm water runoff to the maximum extent practicable. Further, the Discharger shall assure that

process water and 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.

16. Morton Salt will be required to monitor the storm water runoff, update their SWPPP, and submit analytical data for discharges of process water and storm water runoff. This information will be used to conduct the RPA and where appropriate, revised effluent limitations will be developed for discharges of process water and storm water runoff.

#### **Applicable Plans, Policies, and Regulations**

17. 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 anti-degradation 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.
18. 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 U.S. 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.
19. 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 water body, in order to implement either federal or state mandates and goals, such as fishable and swimmable for regional waters.

20. The receiving waters for the permitted discharge covered by this permit is Long Beach Harbor, within the Estuary. The beneficial uses listed in the Basin Plan for the Long Beach Harbor (H.U. 405.12) are:
- Existing Uses: Industrial service supply, navigation, contact and non-contact water recreation, commercial and sport fishing, marine habitat, and rare, threatened or endangered species.
- Potential Uses: Shellfish harvesting.
21. 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.
22. 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 effluent limitations derived from the CTR criteria.
23. On March 2, 2000, the State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP was effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the National Toxics Rule (NTR), and to the priority pollutant objectives established by the Regional Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the U.S. EPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP was effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the U.S. EPA through the CTR. The SIP requires the dischargers' submittal of data sufficient to conduct the determination of priority pollutants requiring water quality-based effluent limitations (WQBELs) and to calculate the effluent limitations. Because the discharge to Long Beach Harbor is within the Estuary, the CTR criteria for fresh water, saltwater, or human health for consumption of organisms, whichever is more stringent, are used to develop the effluent limitations in the proposed Order to protect the beneficial uses of the Long Beach Harbor in the vicinity of the discharge.
24. 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 may be supplemented where necessary by other relevant information to attain and maintain narrative water quality criteria, and to fully protect designated beneficial uses.

25. 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: 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.
26. State and Federal anti-backsliding and anti-degradation policies require Regional Board actions to protect the water quality of a water body and to ensure that the water body will not be further degraded. The anti-backsliding provisions are specified in section 402(o) and 303(d)(4) of the Clean Water Act (CWA) and 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.
27. Effluent limitations are established in accordance with Parts 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 Long Beach Harbor.
28. Existing waste discharge requirements are contained in Order No. 97-081, adopted by the Regional Board on June 16, 1997. The permit conditions (effluent limitations and other special conditions) established in the existing waste discharge requirements have been carried over to the proposed Order and apply to Discharge Serial Nos. 02D and 02W; the designation Discharge Serial No. 001 has been eliminated and renamed as previously described.

#### **Watershed Management Approach and Total Maximum Daily Loads (TMDLs)**

29. 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 water body and thereby provides the basis to establish water quality-based controls. These controls should provide the pollution reduction necessary for a water body 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 water body.

30. The U.S. EPA approved the State's 2002 303(d) list of impaired water bodies on July 25, 2003. Certain receiving waters in the Los Angeles County watershed do not fully support beneficial uses. Therefore, these waters have been classified as impaired on the 2002 303(d) list and have been scheduled for TMDL development.
31. The 2002 303(d) list classifies the Long Beach Harbor as impaired. The facility discharges to the Long Beach Harbor, at the breakwater. The pollutants of concern, detected in the water column in Long Beach Harbor include: DDT, PAHs, and PCBs. In addition, benthic community effects were noted as well as sediment toxicity. TMDLs have not been developed and approved but will be developed in the future; therefore, no conditions in the Order are based on TMDLs.

#### **Data Availability and Reasonable Potential Analysis**

32. 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 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. Further, the SIP provides the procedures for evaluating reasonable potential to exceed applicable water quality criteria and objectives. Sufficient effluent data are needed to perform the RPA.
33. There were insufficient monitoring data available to evaluate reasonable potential for the priority pollutants in Morton Salt's process water or storm water runoff. In accordance with section 13267 of the California Water Code, the Regional Board is requiring the

Discharger to conduct CTR priority pollutant sampling for the effluent and receiving water annually for the life of the permit. Internal outfalls have been established for monitoring purposes. Certain priority pollutants were detected in the effluent in a sample collected April 9, 2002. [i.e., arsenic, chromium (III), copper, nickel, selenium, zinc, bromoform, bromodichloromethane, chloroform, and dibromochloromethane]. The Order requires the Discharger to monitor the effluent and receiving water annually to provide data to evaluate reasonable potential to exceed water quality criteria.

34. Effluent limitations have been carried over from the previous Order to the proposed Order for discharges through the catch basin during dry and wet weather conditions. Effluent limitations have been established at Discharge Serial No. 02D (i.e., dry conditions) and Discharge Serial No. 02W (i.e., wet conditions).

#### **CEQA and Notifications**

35. 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.
36. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
37. 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.
38. 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.
39. 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 Morton International, Inc., Morton Salt Division, Long Beach facility, 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. During normal operations, process water is continually discharged from the operation. Process water consists of wet scrubber effluent. Non-process water discharges are intermittent and shall include salt storage pile seepage and on and off-site storm water runoff. Non-process water discharges are wet weather dependent. The discharge of wastes from accidental spills or other sources is prohibited.
2. During normal operations, a maximum of 24,000 gpd of wet scrubber effluent may be continuously discharged during dry and wet weather conditions and 163,000 gpd of salt storage pile seepage, and on and off-site storm water runoff may be discharged intermittently during wet weather conditions.
3. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to the in-ground sample box or the catch basin, Long Beach Harbor, or waters of the State, are prohibited.

### B. Final 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. Temperature:
  - a. A temperature greater than 86 °F; and
  - b. The maximum temperature of the discharge shall not exceed the natural receiving water temperature by more than 20 °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 (or shorter test duration period with Executive Officer approval) static or continuous flow bioassay tests shall be at least 90%, and (ii) no single test shall produce less than 70% survival.
    - ii. If either of the above requirements [Section I.B.3.a.(i)] is not met, the Discharger shall conduct six additional tests over a 6-week period, if possible. The Discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of the completion of the test, and the additional tests shall begin within 3

business days of the receipt of the result. If the additional tests indicate compliance with acute toxicity limitation, the Discharger may resume regular testing. However if the results of any two of the six accelerated tests are less than 90% survival, then the Discharger shall begin a Toxicity Identification Evaluation (TIE). The TIE shall include all reasonable steps to identify the source(s) of toxicity. Once the source(s) of toxicity is identified, the Discharger shall take all reasonable steps to reduce the toxicity to meet the objective.

- iii. If the initial test and any of the additional six acute toxicity bioassay tests result in less than 70% survival, including the initial test, the Discharger shall immediately begin a TIE.
  - iv. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 6949.
4. Final Effluent Limitations for NPDES Discharge Serial Nos. 02D and 02W: In addition to the Requirements I.B.1 through I.B.3, the effluent limitations established in this Order are applicable to discharges during both dry and wet weather conditions through NPDES Discharge Serial Nos. 02D and 02W (Latitude 33°45'00" North and Longitude 118°12'30" West), at the catch basin and are as follows:

Constituents	Units	Maximum Daily Discharge Limitations	Average Monthly Discharge Limitations
Oil and Grease	mg/L	15	10
	lbs/day	3 <sup>1</sup>	2 <sup>1</sup>
	lbs/day	23.4 <sup>2</sup>	15.6 <sup>2</sup>
Total Suspended Solids	mg/L	75	50
	lbs/day	15 <sup>1</sup>	10 <sup>1</sup>
	lbs/day	117 <sup>2</sup>	78 <sup>2</sup>
BOD <sub>5</sub> @ 20°C	mg/L	30	20
	lbs/day	6 <sup>1</sup>	4 <sup>1</sup>
	lbs/day	46.8 <sup>2</sup>	31.2 <sup>2</sup>
Turbidity	NTU	75	50
Settleable Solids	ml/L	0.3	0.1

- 1. Based on a scrubber water only discharge flow of 24,000 gallons per day (gpd). If the flow is lower than the maximum design flow, then the final effluent mass must be calculated utilizing the actual flow.
- 2. Based on a scrubber water and storm water discharge flow of 187,000gpd. If the flow is lower than the maximum design flow, then the final effluent mass must be calculated utilizing the actual flow.

C. Receiving Water Limitations

1. The discharge shall not cause the following conditions to exist in the receiving waters:
  - a. Floating, suspended, or deposited macroscopic particulate matter or foam;
  - b. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
  - c. Visible, floating, suspended or deposited oil or other products of petroleum origin;
  - d. Bottom deposits or aquatic growths; or,
  - e. Toxic or other deleterious substances present in concentrations or quantities that cause deleterious effects on aquatic biota, wildlife, or waterfowl or render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
2. The discharge shall not cause nuisance or adversely affect beneficial uses of the receiving water.
3. No discharge shall cause a surface water temperature rise greater than 5°F above the natural temperature of the receiving waters at any time or place.
4. The discharge shall not cause the following 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 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.

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<sub>5</sub>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 population including vertebrate, invertebrate, and plant species.

9. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures or facilities nor overload their design capacity.
10. The discharge shall not cause problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.

## II. REQUIREMENTS

- A. The Discharger shall submit within 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 to waters of the State. The SWPPP shall be developed in accordance with the requirements in Attachment A.
  2. Best Management Practices (BMPs) 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 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. BMPs shall be included in the updated SWPPP.

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 and at the same time. Updated information shall be submitted within 30 days of revision.

- B. Pursuant to the requirements of 40 CFR 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 122.42(a).
- 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. The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.
- E. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303(d)-listed pollutants.
- F. The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which may ultimately be released to waters of the United States, is prohibited unless specifically authorized elsewhere in this permit or another NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.
- G. The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream which ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this permit.
- H. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to the planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
  - a. Name and general composition of the chemical,
  - b. Frequency of use,
  - c. Quantities to be used,
  - d. Proposed discharge concentrations, and
  - e. U.S. EPA registration number, if applicable.

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

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

### III. PROVISIONS

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

- B. This Order includes the attached Monitoring and Reporting Program (*MRP*) No. CI-6949. 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 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 R4-2004-0174 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 I of the *MRP* No. CI-6949), 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 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, semi-annually, or annually, exceeds the monthly average limitation for any constituent, the Discharger shall collect up to four additional samples at approximately equal intervals during the 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 all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirement I of *MRP* No. CI-6949), the numerical average of the analytical results of these 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 I of *MRP* No. CI-6949), 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 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.

4. Compliance with effluent limitations expressed as a median in determining compliance with a median limitation, the analytical results in a set of data will be arranged in Order of magnitude (either increasing or decreasing Order); and
  - a. If the number of measurements (n) is odd, then the median will be calculated as  $= X_{(n+1)/2}$ , or
  - b. If the number of measurements (n) is even, then the median will be calculated as  $= [X_{n/2} + X_{(n/2)+1}]$ , i.e. the midpoint between the n/2 and n/2+1 data points.
- I. In calculating mass emission rates from the monthly average concentrations, use one half of the method detection limit for "Not Detected" (ND) and the estimated concentration for "Detected, but Not Quantified" (DNQ) for the calculation of the monthly average concentration. To be consistent with section III.H.3., if all pollutants belonging to the same group are reported as ND or DNQ, the sum of the individual pollutant concentrations should be considered as zero for the calculation of the monthly average concentration.

#### IV. REOPENERS

- A. This Order may be reopened and modified, in accordance with SIP Section 2.2.2.A, 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, such as an update of an objective or the adoption of a TMDL for Long Beach Harbor.
- 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. 97-081 adopted by this Regional Board on June 16, 1997, is hereby rescinded except for enforcement purposes.

I, Tracy J. Egoscue, 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 February 5, 2009.

  
\_\_\_\_\_  
Tracy J. Egoscue  
Executive Officer

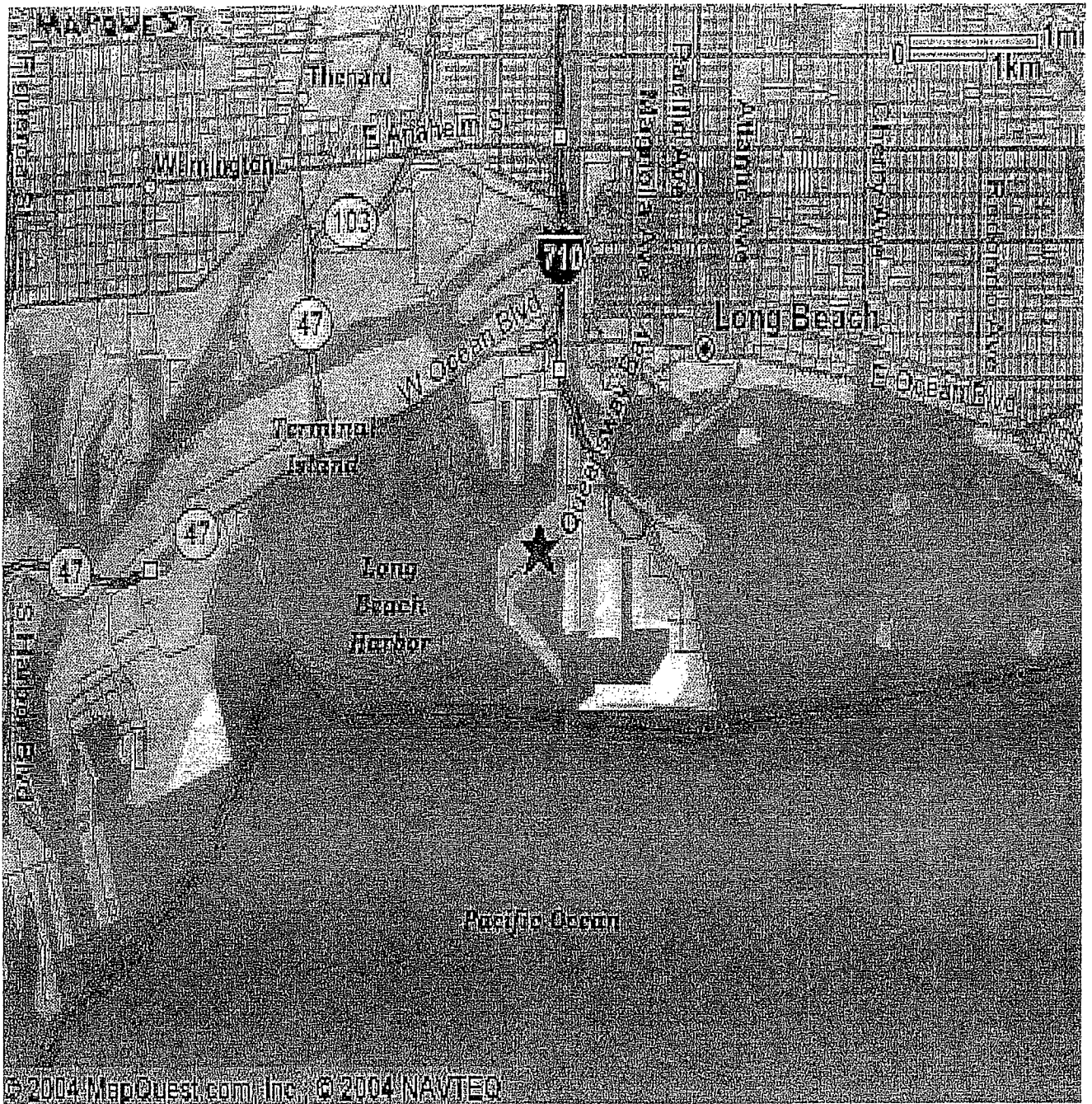
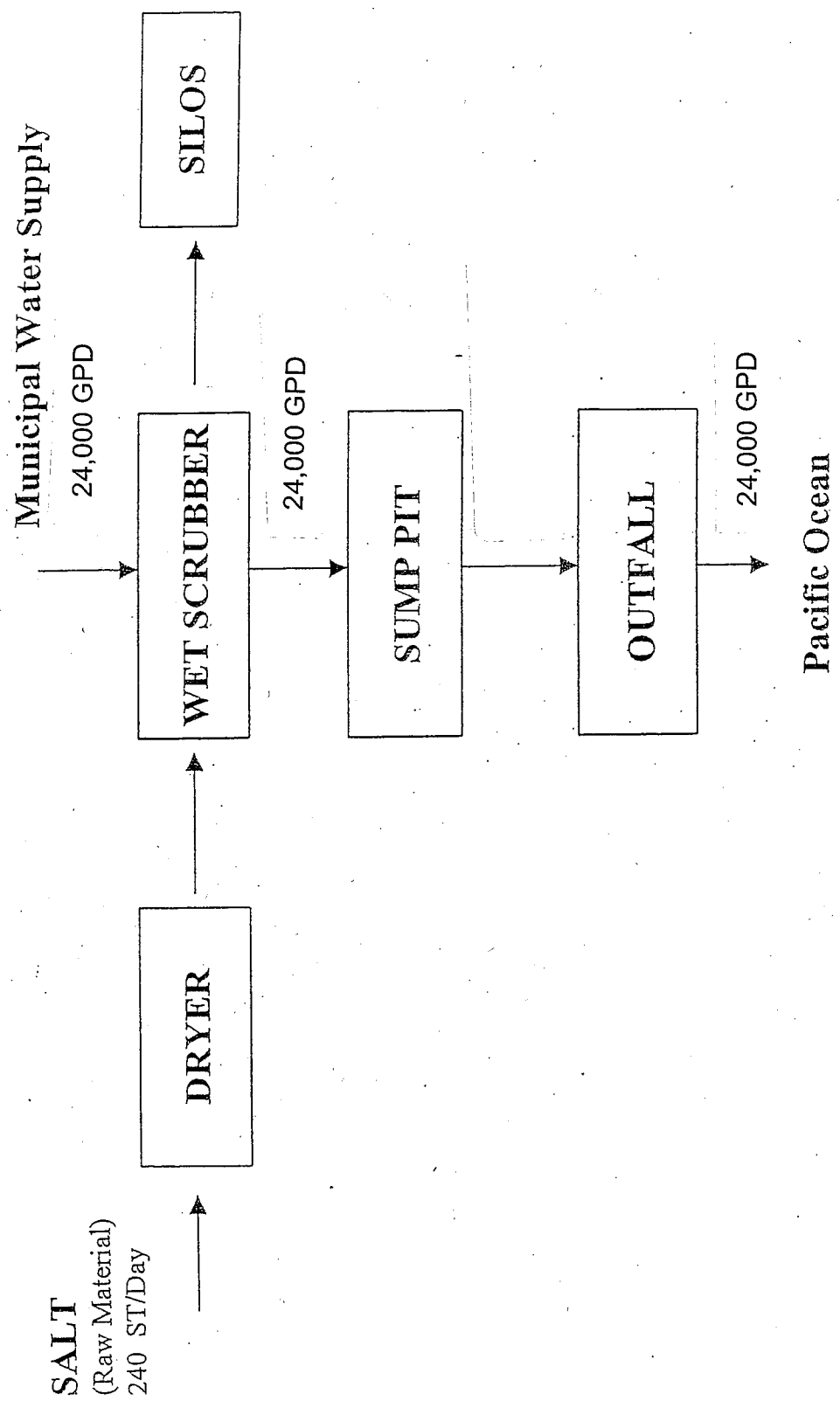


Figure 1: Morton Salt Facility Location Map

Figure 2: Wastewater Flow Diagram

# LINE DRAWING



SECTION A: STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

1. Implementation Schedule

A storm water pollution prevention plan (SWPPP) shall be developed and implemented for each facility covered by this General Permit in accordance with the following schedule.

- a. Facility operators beginning industrial activities before October 1, 1992 shall develop and implement the SWPPP no later than October 1, 1992. Facility operators beginning industrial activities after October 1, 1992 shall develop and implement the SWPPP when industrial activities begin.
- b. Existing facility operators that submitted a Notice of Intent (NOI), pursuant to State Water Resources Control Board (State Water Board) Order No. 91-013-DWQ (as amended by Order No. 92-12) or San Francisco Bay Regional Water Quality Control Board (Regional Water Board) Order No. 92-11 (as amended by Order No. 92-116), shall continue to implement their existing SWPPP and shall implement any necessary revisions to their SWPPP in a timely manner, but in no case later than August 1, 1997.

2. Objectives

The SWPPP has two major objectives: (a) to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-storm water discharges from the facility; and (b) to identify and implement site-specific best management practices (BMPs) to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges. BMPs may include a variety of pollution prevention measures or other low-cost and pollution control measures. They are generally categorized as non-structural BMPs (activity schedules, prohibitions of practices, maintenance procedures, and other low-cost measures) and as structural BMPs (treatment measures, run-off controls, over-head coverage.) To achieve these objectives, facility operators should consider the five phase process for SWPPP development and implementation as shown in Table A.

The SWPPP requirements are designed to be sufficiently flexible to meet the needs of various facilities. SWPPP requirements that are not applicable to a facility should not be included in the SWPPP.

A facility's SWPPP is a written document that shall contain a compliance activity schedule, a description of industrial activities and pollutant sources, descriptions of BMPs, drawings, maps, and relevant copies or references of parts of other plans. The SWPPP shall be revised whenever appropriate and shall be readily available for review by facility employees or Regional Water Board inspectors.

3. Planning and Organization

a. Pollution Prevention Team

The SWPPP shall identify a specific individual or individuals and their positions within the facility organization as members of a storm water pollution prevention team responsible for developing the SWPPP, assisting the facility manager in SWPPP implementation and revision, and conducting all monitoring program activities required in Section B of this General Permit. The SWPPP shall clearly identify the General Permit related responsibilities, duties, and activities of each team member. For small facilities, storm water pollution prevention teams may consist of one individual where appropriate.

b. Review Other Requirements and Existing Facility Plans

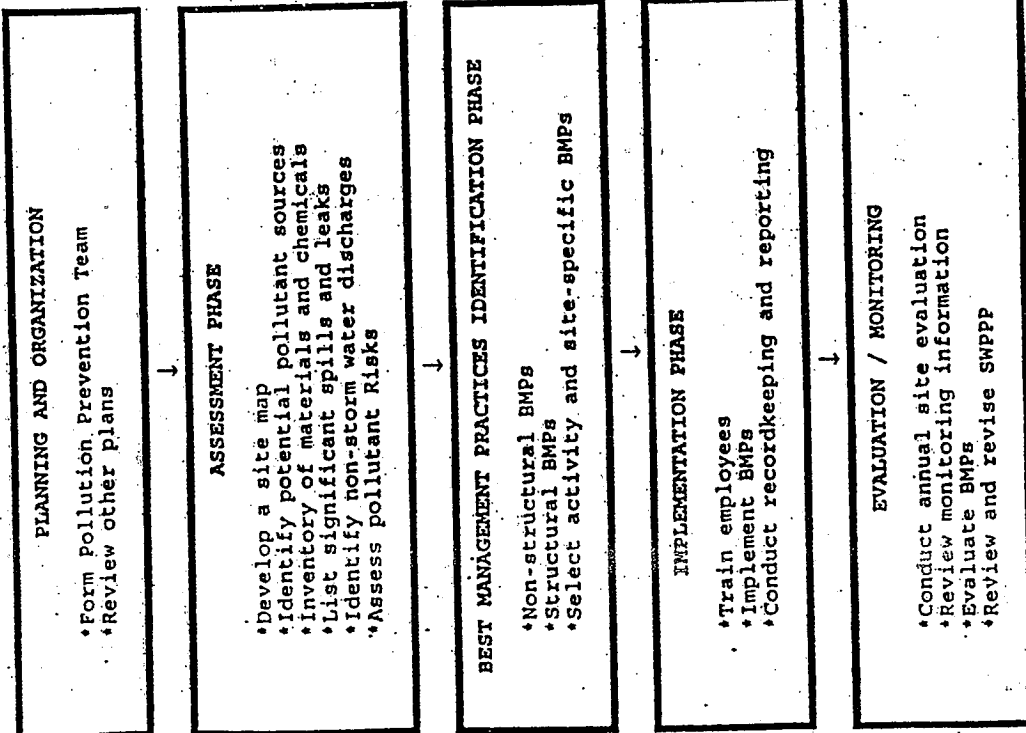
The SWPPP may incorporate or reference the appropriate elements of other regulatory requirements. Facility operators should review all local, State, and Federal requirements that impact, complement, or are consistent with the requirements of this General Permit. Facility operators should identify any existing facility plans that contain storm water pollutant control measures or relate to the requirements of this General Permit. As examples, facility operators whose facilities are subject to Federal Spill Prevention Control and Countermeasures, requirements should already have instituted a plan to control spills of certain hazardous materials. Similarly, facility operators whose facilities are subject to air quality related permits and regulations may already have evaluated industrial activities that generate dust or particulates.

4. Site Map

The SWPPP shall include a site map. The site map shall be provided on an 8-1/2 x 11 inch or larger sheet and include notes, legends, and other data as appropriate to ensure that the site map is clear and understandable. If necessary, facility operators may provide the required information on multiple site maps.

TABLE A

FIVE PHASES FOR DEVELOPING AND IMPLEMENTING INDUSTRIAL STORM WATER POLLUTION PREVENTION PLANS



PLANNING AND ORGANIZATION

- \*Form Pollution Prevention Team
- \*Review other plans

ASSESSMENT PHASE

- \*Develop a site map
- \*Identify potential pollutant sources
- \*Inventory of materials and chemicals
- \*List significant spills and leaks
- \*Identify non-storm water discharges
- \*Assess pollutant Risks

BEST MANAGEMENT PRACTICES IDENTIFICATION PHASE

- \*Non-structural BMPs
- \*Structural BMPs
- \*Select activity and site-specific BMPs

IMPLEMENTATION PHASE

- \*Train employees
- \*Implement BMPs
- \*Conduct recordkeeping and reporting

EVALUATION / MONITORING

- \*Conduct annual site evaluation
- \*Review monitoring information
- \*Evaluate BMPs
- \*Review and revise SWPPP

The following information shall be included on the site map:

- The facility boundaries; the outline of all storm water drainage areas within the facility boundaries; portions of the drainage area impacted by run-on from surrounding areas; and direction of flow of each drainage area, on-site surface water bodies, and areas of soil erosion. The map shall also identify nearby water bodies (such as rivers, lakes, ponds) and municipal storm drain inlets where the facility's storm water discharges and authorized non-storm water discharges may be received.
- The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.
- An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.
- Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks identified in Section A.6.a.iv. below have occurred.
- Areas of industrial activity. This shall include the locations of all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and rinsing areas, and other areas of industrial activity which are potential pollutant sources.

5. List of Significant Materials

The SWPPP shall include a list of significant materials handled and stored at the site. For each material on the list, describe the locations where the material is being stored, received, shipped, and handled, as well as the typical quantities and frequency. Materials shall include raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.

6. Description of Potential Pollutant Sources

a. The SWPPP shall include a narrative description of the facility's industrial activities, as identified in Section A.4.e above, associated potential pollutant sources, and potential pollutants that could be discharged in storm water discharges or authorized non-storm water discharges. At a minimum, the following items related to a facility's industrial activities shall be considered:

i. Industrial Processes

Describe each industrial process, the type, characteristics, and quantity of significant materials used in or resulting from the process, and a description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to the process. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

ii. Material Handling and Storage Areas

Describe each handling and storage area, type, characteristics, and quantity of significant materials handled or stored, description of the shipping, receiving, and loading procedures, and the spill or leak prevention and response procedures. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

iii. Dust and Particulate Generating Activities

Describe all industrial activities that generate dust or particulates that may be deposited within the facility's boundaries and identify their discharge locations; the characteristics of dust and particulate pollutants; the approximate quantity of dust and particulate pollutants that may be deposited within the facility boundaries; and a description of the primary areas of the facility where dust and particulate pollutants would settle.

iv. Significant Spills and Leaks

Describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges since April 17, 1994. Include toxic chemicals (listed in 40 CFR, Part 302)

that have been discharged to storm water as reported on U.S. Environmental Protection Agency (U.S. EPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 Code of Federal Regulations [CFR], Parts 110, 117, and 302).

The description shall include the type, characteristics, and approximate quantity of the material spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that may be exposed to storm water or non-storm water discharges, and the preventative measures taken to ensure spill or leaks do not reoccur. Such list shall be updated as appropriate during the term of this General Permit.

v. Non-Storm Water Discharges

Facility operators shall investigate the facility to identify all non-storm water discharges and their sources. As part of this investigation, all drains (inlets and outlets) shall be evaluated to identify whether they connect to the storm drain system.

All non-storm water discharges shall be described. This shall include the source, quantity, frequency, and characteristics of the non-storm water discharges and associated drainage area.

Non-storm water discharges that contain significant quantities of pollutants or that do not meet the conditions provided in Special Conditions D. are prohibited by this General Permit (Examples of prohibited non-storm water discharges are contact and non-contact cooling water, boiler blowdown, rinse water, wash water, etc.). Non-storm water discharges that meet the conditions provided in Special Condition D. are authorized by this General Permit. The SWPPP must include BMPs to prevent or reduce contact of non-storm water discharges with significant materials or equipment.

vi. Soil Erosion

Describe the facility locations where soil erosion may occur as a result of industrial activity, storm water discharges associated with industrial activity, or authorized non-storm water discharges.

b. The SWPPP shall include a summary of all areas of industrial activities, potential pollutant sources, and

potential pollutants. This information should be summarized similar to Table B. The last column of Table B, "Control Practices", should be completed in accordance with Section A.8. below.

**7. Assessment of Potential Pollutant Sources**

- a. The SWPPP shall include a narrative assessment of all industrial activities and potential pollutant sources as described in A.6. above to determine:
  - i. Which areas of the facility are likely sources of pollutants in storm water discharges and authorized non-storm water discharges, and
  - ii. Which pollutants are likely to be present in storm water discharges and authorized non-storm water discharges. Facility operators shall consider and evaluate various factors when performing this assessment such as current storm water BMPs; quantities of significant materials handled, produced, stored, or disposed of; likelihood of exposure to storm water or authorized non-storm water discharges; history of spill or leaks; and run-on from outside sources.
- b. Facility operators shall summarize the areas of the facility that are likely sources of pollutants and the corresponding pollutants that are likely to be present in storm water discharges and authorized non-storm water discharges. Facility operators are required to develop and implement additional BMPs as appropriate and necessary to prevent or reduce pollutants associated with each pollutant source. The BMPs will be narratively described in Section 8 below.

**8. Storm Water Best Management Practices**

The SWPPP shall include a narrative description of the storm water BMPs to be implemented at the facility for each potential pollutant and its source identified in the site assessment phase (Sections A.6. and 7. above). The BMPs shall be developed and implemented to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Each pollutant and its source may require one or more BMPs. Some BMPs may be implemented for multiple pollutants and their sources, while other BMPs will be implemented for a very specific pollutant and its source.

**ASSESSMENT OF POTENTIAL POLLUTION SOURCES AND CORRESPONDING BEST MANAGEMENT PRACTICES SUMMARY**

**EXAMPLE TABLE B**

Area	Activity	Pollutant Source	Pollutant	Best Management Practices
Vehicle & Equipment Fueling	Fueling	Spills and leaks during delivery	Fuel oil	- Use spill and overflow protection into the fueling area - Cover fueling area - Use dry cleanup methods rather than hosing down area - Implement proper spill prevention control program - Implement adequate preventative maintenance program to preventive tank and line leaks - Inspect fueling areas regularly to detect problems before they occur - Train employees on proper fueling, cleanup, and spill response techniques.
		Spills caused by topping off fuel tanks	Fuel oil	
		Hosing or washing down fuel area	Fuel oil	
		Leaking storage tanks	Fuel oil	
		Rainfall running off fueling area, and rainfall running onto and off fueling area	Fuel oil	



The description of the BMPs shall identify the BMPs as (1) existing BMPs, (2) existing BMPs to be revised and implemented, or (3) new BMPs to be implemented. The description shall also include a discussion on the effectiveness of each BMP to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. The SWPPP shall provide a summary of all BMPs implemented for each pollutant source. This information should be summarized similar to Table B.

Facility operators shall consider the following BMPs for implementation at the facility:

a. Non-Structural BMPs

Non-structural BMPs generally consist of processes, prohibitions, procedures, schedule of activities, etc., that prevent pollutants associated with industrial activity from contacting with storm water discharges and authorized non-storm water discharges. They are considered low technology, cost-effective measures. Facility operators should consider all possible non-structural BMPs options before considering additional structural BMPs (see Section A.8.b. below). Below is a list of non-structural BMPs that should be considered:

i. Good Housekeeping

Good housekeeping generally consist of practical procedures to maintain a clean and orderly facility.

ii. Preventive Maintenance

Preventive maintenance includes the regular inspection and maintenance of structural storm water controls (catch basins, oil/water separators, etc.) as well as other facility equipment and systems.

iii. Spill Response

This includes spill clean-up procedures and necessary clean-up equipment based upon the quantities and locations of significant materials that may spill or leak.

iv. Material Handling and Storage

This includes all procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to storm water and authorized non-storm water discharges.

v. Employee Training

This includes training of personnel who are responsible for (1) implementing activities identified in the SWPPP, (2) conducting inspections, sampling, and visual observations, and (3) managing storm water. Training should address topics such as spill response, good housekeeping, and material handling procedures, and actions necessary to implement all BMPs identified in the SWPPP. The SWPPP shall identify periodic dates for such training. Records shall be maintained of all training sessions held.

vi. Waste Handling/Recycling

This includes the procedures or processes to handle, store, or dispose of waste materials or recyclable materials.

vii. Recordkeeping and Internal Reporting

This includes the procedures to ensure that all records of inspections, spills, maintenance activities, corrective actions, visual observations, etc., are developed, retained, and provided, as necessary, to the appropriate facility personnel.

viii. Erosion Control and Site Stabilization

This includes a description of all sediment and erosion control activities. This may include the planting and maintenance of vegetation, diversion of run-on and runoff, placement of sandbags, silt screens, or other sediment control devices, etc.

ix. Inspections

This includes, in addition to the preventative maintenance inspections identified above, an inspection schedule of all potential pollutant sources. Tracking and follow-up procedures shall be described to ensure adequate corrective actions are taken and SWPPPs are made.

x. Quality Assurance

This includes the procedures to ensure that all elements of the SWPPP and Monitoring Program are adequately conducted.

b. Structural BMPs

Where non-structural BMPs as identified in Section A.8.a. above are not effective, structural BMPs shall be considered. Structural BMPs generally consist of structural devices that reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Below is a list of structural BMPs that should be considered:

i. Overhead Coverage

This includes structures that provide horizontal coverage of materials, chemicals, and pollutant sources from contact with storm water and authorized non-storm water discharges.

ii. Retention Ponds

This includes basins, ponds, surface impoundments, bermed areas, etc., that do not allow storm water to discharge from the facility.

iii. Control Devices

This includes berms or other devices that channel or route run-on and runoff away from pollutant sources.

iv. Secondary Containment Structures

This generally includes containment structures around storage tanks and other areas for the purpose of collecting any leaks or spills.

v. Treatment

This includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc., that reduce the pollutants in storm water discharges and authorized non-storm water discharges.

9. Annual Comprehensive Site Compliance Evaluation

The facility operator shall conduct one comprehensive site compliance evaluation (evaluation) in each reporting period (July 1-June 30). Evaluations shall be conducted within 8-16 months of each other. The SWPPP shall be revised, as appropriate, and the revisions implemented within 90 days of the evaluation. Evaluations shall include the following:

- a. A review of all visual observation records, inspection records, and sampling and analysis results.
- b. A visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system.
- c. A review and evaluation of all BMPs (both structural and non-structural) to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be included.
- d. An evaluation report that includes, (i) identification of personnel performing the evaluation, (ii) the date(s) of the evaluation, (iii) necessary SWPPP revisions, (iv) schedule, as required in Section A.10.e, for implementing SWPPP revisions, (v) any incidents of non-compliance and the corrective actions taken, and (vi) a certification that the facility operator is in compliance with this General Permit. If the above certification cannot be provided, explain in the evaluation report why the facility operator is not in compliance with this General Permit. The evaluation report shall be submitted as part of the annual report, retained for at least five years, and signed and certified in accordance with Standard Provisions 9. and 10. of Section C. of this General Permit.

10. SWPPP General Requirements

- a. The SWPPP shall be retained on site and made available upon request of a representative of the Regional Water Board and/or local storm water management agency (local agency) which receives the storm water discharges.
- b. The Regional Water Board and/or local agency may notify the facility operator when the SWPPP does not meet one or more of the minimum requirements of this Section. As requested by the Regional Water Board and/or local agency, the facility operator shall submit an SWPPP revision and implementation schedule that meets the minimum requirements of this section to the Regional Water Board and/or local agency that requested the SWPPP revisions. Within 14 days after implementing the required SWPPP revisions, the facility operator shall provide written certification to the Regional Water Board and/or local agency that the revisions have been implemented.

- c. The SWPPP shall be revised, as appropriate, and implemented prior to changes in industrial activities which (i) may significantly increase the quantities of pollutants in storm water discharge, (ii) cause a new area of industrial activity at the facility to be exposed to storm water, or (iii) begin an industrial activity which would introduce a new pollutant source at the facility.
- d. Other than as provided in Provisions B.11, B.12, and E.2 of the General Permit, the SWPPP shall be revised and implemented in a timely manner, but in no case more than 90 days after a facility operator determines that the SWPPP is in violation of any requirement(s) of this General Permit.
- e. When any part of the SWPPP is infeasible to implement by the deadlines specified in Provision E.2 or Sections A.1, A.9, A.10.c, and A.10.d of this General Permit due to proposed significant structural changes, the facility operator shall submit a report to the Regional Water Board prior to the applicable deadline that (i) describes the portion of the SWPPP that is infeasible to implement by the deadline, (ii) provides justification for a time extension, (iii) provides a schedule for completing and implementing that portion of the SWPPP, and (iv) describes the BMPs that will be implemented in the interim period to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Such reports are subject to Regional Water Board approval and/or modifications. Facility operators shall provide written notification to the Regional Water Board within 14 days after the SWPPP revisions are implemented.
- f. The SWPPP shall be provided, upon request, to the Regional Water Board. The SWPPP is considered a report that shall be available to the public by the Regional Water Board under Section 308(b) of the Clean Water Act.

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

STANDARD PROVISIONS, GENERAL MONITORING AND  
REPORTING REQUIREMENTS

"ATTACHMENT N"

A. General Requirements

1. Neither the disposal nor any handling of wastes shall cause pollution or nuisance.
2. Wastes discharged shall not contain any substances in concentrations toxic to human, animal, plant, or aquatic life.
3. This discharge shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Board or the State Water Resources Control Board as required by the Federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Clean Water Act, and amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.
4. Wastes discharged shall not contain visible color, oil or grease, and shall not cause the appearance of color, grease, oil or oily slick, or persistent foam in the receiving waters or on channel banks, walls, inverts or other structures.
5. Wastes discharged shall not increase the natural turbidity of the receiving waters at the time of discharge.
6. Wastes discharged shall not cause the formation of sludge deposits.
7. Wastes discharged shall not damage flood control structures or facilities.
8. Oil or oily material, chemicals, refuse, or other pollutionable materials shall not be stored or deposited in areas where they may be picked up by rainfall and carried off of the property and/or discharged to surface waters. Any spill of such materials shall be contained and removed immediately.
9. The pH of wastes discharged shall at all times be within the range 6.0 to 9.0.
10. The temperature of wastes discharged shall not exceed 100° F.
11. The discharge of any radiological, chemical, or biological warfare agent or high level radiological waste is prohibited.

Standard Provisions  
and General Monitoring  
and Reporting Requirements

12. Effluent limitations, national standards of performance and toxic and pretreatment effluent standards established pursuant to Sections 301, 302, 303(d), 304, 306, 307, 316, 318 and 405 of the Federal Clean Water Act and amendments thereto are applicable to the discharge.

B. General Provisions

1. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from his liabilities under federal, state, or local laws, nor guarantee the discharger a capacity right in the receiving waters.
2. These requirements do not exempt the operator of the waste disposal facility from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste disposal facility, and they leave unaffected any further restraints on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.
3. The discharger must comply with all of the terms, requirements, and conditions of this order. Any violation of this order constitutes a violation of the Clean Water Act, its regulations and the California Water Code, and is grounds for enforcement action, Order termination, Order revocation and reissuance, denial of an application for reissuance; or a combination thereof.
4. A copy of these waste discharge specifications shall be maintained at the discharge facility so as to be available at all times to operating personnel.
5. Any discharge of wastes at any point(s) other than specifically described in this Order is prohibited, and constitutes a violation of the Order.
6. The Regional Board, EPA, and other authorized representatives shall be allowed:
  - a) Entry upon premises where a regulated facility is located or conducted, or where records are kept under conditions of this Order;
  - b) Access to copy any records that are kept under the conditions of this Order;
  - c) To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

Standard Provisions  
and General Monitoring  
and Reporting Requirements

- (d) To photograph, sample, and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by the Clean Water Act and the California Water Code.
7. If the discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the discharger must apply for and obtain a new Order.
  8. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. If a toxic effluent standard or prohibition is established for toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the Board will revise or modify this Order in accordance with such toxic effluent standard or prohibition and so notify the discharger.
  9. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
    - (a) Violation of any term or condition contained in this Order;
    - (b) Obtaining this Order by misrepresentation, or failure to disclose all relevant facts;
    - (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
  10. In the event the discharger is unable to comply with any of the conditions of this Order due to:
    - (a) breakdown of waste treatment equipment;
    - (b) accidents caused by human error or negligence; or
    - (c) other causes such as acts of nature,

the discharger shall notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate

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- what steps were taken to correct the problem and the dates thereof, and what steps are being taken to prevent the problem from recurring.
11. If there is any storage of hazardous or toxic materials or hydrocarbons at this facility and if the facility is not manned at all times, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.
  12. The discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.
  13. The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control including sludge use and disposal facilities (and related appurtenances) that are installed or used by the discharger to achieve compliance with this Order. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar system that are installed by a discharger only when necessary to achieve compliance with the conditions of this Order.
  14. This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
  15. This Order does not convey any property rights of any sort, or any exclusive privilege.
  16. The discharger shall furnish, within a reasonable time, any information the Regional Board or EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
  17. All applications, reports, or information submitted to the Regional Board shall be signed:
    - (a) In the case of corporations, by a principal executive officer at least of the level of vice-president or his duly authorized representative; if such representative is responsible for the overall operation of the facility from which discharge originates;
    - (b) In the case of a partnership, by a general partner;

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- (c) In the case of a sole proprietorship, by the proprietor;
  - (d) In the case of municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
18. The discharger shall notify the Board of:
- (a) new introduction into such works of pollutants from a source which could be a new source as defined in section 306 of the Federal Clean Water Act, or amendments thereto, if such source were discharging pollutants to the waters of the United States,
  - (b) new introductions of pollutants into such works from a source which would be subject to Section 301 of the Federal Clean Water Act, or amendments thereto, if substantial change in the volume or character of pollutants being introduced into such works by a source introducing pollutants into such works at the time the waste discharge requirements were adopted.
- Notice shall include a description of the quantity and quality of pollutants and the impact of such change on the quantity and quality of effluent from such publicly owned treatment works. A substantial change in volume is considered an increase of ten percent in the mean dry-weather flow rate. The discharger shall forward a copy of such notice directly to the Regional Administrator.
19. The discharger shall notify the Board not later than 120 days in advance of implementation of any plans to alter production capacity of the product line of the manufacturing, producing or processing facility by more than ten percent. Such notification shall include estimates of proposed production rate, the type of process, and projected effects on effluent quality. Notification shall include submittal of a new report of waste discharge appropriate filing fee.
20. The discharger shall give advance notice to the Regional Board as soon as possible of any planned physical alterations or additions to the facility or of any planned changes in the facility or activity that may result in noncompliance with requirements.
21. The discharger shall file with the Board a report of waste discharge at least 120 days before making any material change or proposed change in the character, location or volume of the discharge.
22. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Regional Board as soon as they know or have reason to believe:



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- (a) that any activity has occurred or will occur that would result in the discharge of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels:"
    - (i) One hundred micrograms per liter (100 µg/l);
    - (ii) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
    - (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
    - (iv) The level established by the Regional Board in accordance with 40 CFR 122.44(f).
  - (b) that they have begun or expect to begin to use or manufacture intermediate or final product or byproduct of any toxic pollutant that was not reported on their application.
23. Bypass (the intentional diversion of waste streams from any portion of a treatment facility) is prohibited. The Regional Board may take enforcement action against the discharger for bypass unless:
- (a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.);
  - (b) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass that could occur during normal periods of equipment downtime or preventive maintenance; and
  - (c) The discharger submitted a notice at least ten days in advance of the need for a bypass to the Regional Board.

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The discharger may allow a bypass to occur that does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. In such a case, the above bypass conditions are not applicable. The discharger shall submit notice of an unanticipated bypass as required in E-16.

24. A discharger that wishes to establish the affirmative defense of an upset in an action brought for non-compliance shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (a) an upset occurred and that the discharger can identify the cause(s) of the upset;
  - (b) the permitted facility was being properly operated by the time of the upset;
  - (c) the discharger submitted notice of the upset as required in E-16; and
  - (d) the discharger complied with any remedial measures required.

No determination made before an action for noncompliance, such as during administrative review of claims that non-compliance was caused by an upset, is final administrative action subject to judicial review.

In any enforcement proceeding, the discharger seeking to establish the occurrence of an upset has the burden of proof.

25. This Order is not transferable to any person except after notice to the Regional Board. In the event of any change in name, ownership, or control of these waste disposal facilities, the discharger shall notify this Board of such change and shall notify the succeeding owner or operator of the existence of this Order by letter, copy of which shall be forwarded to the Board. The Regional Board may require modification or revocation and reissuance of the Order to change the name of the discharger and incorporate such other requirements as may be necessary under the Clean Water Act.

C. Enforcement

1. The California Water Code provides that any person who violates a waste discharge requirement or a provision of the California Water Code is subject to civil penalties of up to \$5,000 per day, \$10,000 per day, or \$25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day or \$25 per gallon per day of violation; or

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some combination thereof, depending on the violation, or upon the combination of violations.

Violation of any of the provisions of the NPDES program or of any of the provisions of this Order may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation.

2. The Federal Clean Water Act (CWA) provides that any person who violates a permit condition or any requirement imposed in a pretreatment program implementing sections 301, 302, 306, 307, 308, 318 or 405 of the CWA is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing these sections of the CWA is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions implementing these sections of the CWA is subject to a fine of not less than \$5,000, or more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.
3. It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.
4. The Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, or other document submitted or required to be maintained under this Order, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this act, shall upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years per violation, or by both.

D. Monitoring Requirements

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The discharger shall retain records of all monitoring information, including all calibration and maintenance monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the Report of Waste Discharge and application for this Order, for a period of at least five(5) years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Board or EPA at any time and shall be extended during the course of any unresolved litigation regarding this discharge.

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3. Records of monitoring information shall include:
  - (a) The date, exact place, and time of sampling or measurements;
  - (b) The individual(s) who performed the sampling or measurements;
  - (c) The date(s) analyses were performed;
  - (d) The individual(s) who performed the analyses;
  - (e) The analytical techniques or methods used; and
  - (f) The results of such analyses.
4. All sampling, sample preservation, and analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Order.
5. All chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by an appropriate governmental regulatory agency.
6. The discharger shall calibrate and perform maintenance procedures on all monitoring instruments and to insure accuracy of measurements, or shall insure that both equipment activities will be conducted.
7. The discharger shall have, and implement, an acceptable written quality assurance (QA) plan for laboratory analyses. The annual monitoring report required in E-8 shall also summarize the QA activities for the previous year. Duplicate chemical analyses must be conducted on a minimum of ten percent (10%) of the samples, or at least one sample per sampling period, whichever is greater. A similar frequency shall be maintained for analyzing spiked samples.

When requested by the Board or EPA, the discharger will participate in the NPDES discharge monitoring report QA performance study. The discharger must have a success rate equal to or greater than 80%.
8. Effluent samples shall be taken downstream of any addition to treatment works and prior to mixing with the receiving waters.
9. For parameters where both 30-day average and maximum limits are specified but

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where the monitoring frequency is less than four times a month, the following procedure shall apply:

- (a) Initially, not later than the first week of the second month after the adoption of this permit, a representative sample shall be obtained of each waste discharge at least once per week for at least four consecutive weeks and until compliance with the 30-day average limit has been demonstrated. Once compliance has been demonstrated, sampling and analyses shall revert to the frequency specified.
- (b) If future analyses of two successive samples yield results greater than 90% of the maximum limit for a parameter, the sampling frequency for that parameter shall be increased (within one week of receiving the laboratory result on the second sample) to a minimum of once weekly until at least four consecutive weekly samples have been obtained and compliance with the 30-day average limit has been demonstrated again and the discharger has set forth for the approval of the Executive Officer a program which ensures future compliance with the 30-day average limit.

E. Reporting Requirements

1. The discharger shall file with the Board technical reports on self monitoring work performed according to the detailed specifications contained in any Monitoring and Reporting Programs as directed by the Executive Officer.
2. In reporting the monitoring data, the discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernable. The data shall be summarized to demonstrate compliance with waste discharge requirements and, where applicable, shall include results of receiving water observations.
3. For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.
4. The discharger shall submit to the Board, together with the first monitoring report required by this permit, a list of all chemicals and proprietary additives which could affect this waste discharge, including quantities of each. Any subsequent changes in types and/or quantities shall be reported promptly.
5. The discharger shall file a technical report with this Board not later than 30 days after receipt of this Order, relative to the operation and maintenance program for this waste disposal facility. The information to be contained in that report shall

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include as a minimum, the following:

- (a) The name and address of the person or company responsible for operation and maintenance of the facility.
- (b) Type of maintenance (preventive or corrective).
- (c) Frequency of maintenance, if preventive.

If an operation and maintenance report has been supplied to the Board previously and there have been no changes, a second report need not be provided.

6. Monitoring results shall be reported at the intervals specified in the monitoring and Reporting Program.
  - (a) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
  - (b) If the discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
  - (c) Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this Order.
7. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this Order shall be submitted no later than 14 days following, each schedule date.
8. By March 1 of each year, the discharger shall submit an annual report to the Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the discharger shall discuss the compliance record and the corrective actions taken or planned which may be needed to bring the discharge into full compliance with the waste discharge requirements.
9. The discharger shall include in the annual report, an annual summary of the quantities of all chemicals, listed by both trade and chemical names, which are used for cooling and/or boiler water treatment and which are discharged.
10. Each monitoring report must affirm in writing that "all analyses were conducted at a laboratory certified for such analyses by the Department of Health Services or

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approved by the Executive Officer and in accordance with current EPA guideline procedures or as specified in this Monitoring Program".

11. Each report shall contain the following completed declaration:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility, of a fine and imprisonment for knowing violations.

Executed on the \_\_\_ day of \_\_\_\_\_, 19\_\_.

at \_\_\_\_\_.

\_\_\_\_\_(Signature)

\_\_\_\_\_(Title)"

12. If no flow occurred during the reporting period, the monitoring report shall so state.
13. For any analyses performed for which no procedure is specified in the EPA guidelines or in the monitoring and Reporting Program, the constituent or parameter analyzed and the method or procedure used must be specified in the monitoring report.
14. This Board requires the discharger to file with the Board, within 90 days after the effective date of this Order, a technical report on his preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. The technical report should:
- (a) Identify the possible sources of accidental loss, untreated waste bypass, and contaminated drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.
  - (b) Evaluate the effectiveness of present facilities and procedures and state when they become operational.

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- (c) Describe facilities and procedures needed for effective preventive and contingency plans.
- (d) Predict the effectiveness of the proposed facilities and procedures and provide an implementation schedule contingent interim and final dates when they will be constructed, implemented, or operational.

This Board, after review of the technical report, may establish conditions which it deems necessary to control accidental discharges and to minimize the effects of such events.

Such conditions may be incorporated as part of this Order, upon notice to the discharger.

15. In the event wastes are transported to a different disposal site during the report period, the following shall be reported in the monitoring report:
- (a) Types of wastes and quantity of each type;
  - (b) Name and address for each hauler of wastes (or method of transport if other than by hauling); and
  - (c) Location of the final point(s) of disposal for each type of waste.

If no wastes are transported offsite during the reporting period, a statement to that effect shall be submitted.

16. The discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information that must be reported within 24 hours under this paragraph:
- (a) Any unanticipated bypass that exceeds any effluent limitation in the Order.
  - (b) Any upset that exceeds any effluent limitation in the Order.
  - (c) Violation of a maximum daily discharge limitation for any of the pollutants



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listed in this Order to be reported within 24 hours.

The Regional Board may waive the above-required written report on a case-by-case basis.

17. Should the discharger discover that it failed to submit any relevant facts or that it submitted incorrect information in a report, it shall promptly submit the missing or correct information.
18. The discharger shall report all instances of non-compliance not otherwise reported at the time monitoring reports are submitted. The reports shall contain all information listed in E-16.
19. Each monitoring report shall state whether or not there was any change in the discharge as described in the Order during the reporting period.
20. Analytical data reported as "less than" for the purpose of reporting compliance with permit limitations shall be the same or lower than the permit limit(s) established for the given parameter.
21. The discharger shall mail a copy of each monitoring report to:

INFORMATION TECHNOLOGY  
CALIFORNIA REGIONAL WATER QUALITY  
CONTROL BOARD - LOS ANGELES REGION  
320 W. 4<sup>TH</sup> STREET, SUITE 200  
LOS ANGELES, CA 90013

A copy of such monitoring report for those discharges designated as a major discharge shall also be mailed to:

REGIONAL ADMINISTRATOR  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9  
75 Hawthorne Street  
San Francisco, CA 94105

F. Publicly Owned Wastewater Treatment Plant Requirements  
(Does not apply to any other type or class of discharger)

1. Publicly owned treatment works (POTWs) must provide adequate notice to the

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Regional Board of:

- (a) Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants.
- (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the Order.

Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

2. The discharger shall file a written report with the Board within 90 days after the average dry-weather waste flow for any month equals or exceeds 75 percent of the design capacity of his waste treatment and/or disposal facilities. The discharger's senior administration officer shall sign a letter which transmits that report and certifies that the policy-making body is adequately informed about it. The report shall include:
  - (a) Average daily flow for the month, the date on which the instantaneous peak flow occurred, the rate of that peak flow, and the total flow for that day.
  - (b) The discharger's best estimate of when the average daily dry weather flow rate will equal or exceed the design capacity of his facilities.
  - (c) The discharger's intended schedule for studies, design, and other steps needed to provide additional capacity for his waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units.
3. The flow measurement system shall be calibrated at least once per year or more frequently, to ensure continued accuracy.
4. The discharger shall require any industrial user of the treatment works to comply with applicable service charges and toxic pretreatment standards promulgated in accordance with Sections 204(b), 307, and 308 of the Federal Clean Water Act or amendments thereto. The discharger shall require each individual user to submit periodic notice (over intervals not to exceed nine months) of progress toward compliance with applicable toxic and pretreatment standards developed pursuant to the Federal Clean Water Act or amendments thereto. The discharger shall forward a copy of such notice to the Board and the Regional Administrator.

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5. Collected screening, sludges, and other solids removed from liquid wastes shall be disposed of at a legal point of disposal and in accordance with the provisions of Section 405(d) of the Federal Clean Water Act and Division 7 of the California Water Code. For the purpose of this requirement, a legal point of disposal is defined as one for which waste discharge requirements have been prescribed by a Regional Water Quality Control Board and which is in full compliance therewith.
6. Supervisors and operators of publicly owned wastewater treatment plants shall possess a certificate of appropriate grade in accordance with regulations adopted by the State Water Resources Control Board.

The annual report required by E-8 shall address operator certification and provide a list of current operating personnel and their grade of certification. The report shall include the date of each facility's Operation and Maintenance Manual, the date the manual was last reviewed, and whether the manual is complete and valid for the current facilities. The report shall restate, for the record, the laboratories used by the discharger to monitor compliance with this order and permit and provide a summary of performance.

G. Definitions

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility whose operation is necessary to maintain compliance with the terms and conditions of this Order.
2. "Composite sample" means, for flow rate measurements, the arithmetic mean of no fewer than eight individual measurements taken at equal intervals for 24 hours or for the duration of discharge, whichever is shorter.

"Composite sample" means, for other than flow rate measurement,

- (a) A combination of at least eight individual portions obtained at equal time intervals for 24 hours, or the duration of the discharge, whichever is shorter. The volume of each individual portion shall be directly proportional to the discharge flow rate at the time of sampling;

OR

- (b) A combination of at least eight individual portions of equal volume obtained over a 24-hour period. The time interval will vary such that the volume of wastewater discharged between samplings remains constant.

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The compositing period shall equal the specified sampling period, or 24 hours, if no period is specified.

3. "Daily discharge" means:
- (a) For flow rate measurements, the average flow rate measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.
  - (b) For pollutant measurements, the concentration or mass emission rate measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.

4. The "daily discharge rate" shall be obtained from the following calculation for any calendar day:

$$\text{Daily discharge rate} = \frac{8.34 \cdot N}{N} \sum (Q_i)(C_i)$$

in which N is the number of samples analyzed in any calendar day,  $Q_i$  and  $C_i$  are the rate (MGD) and the constituent concentration (mg/l) respectively, which are associated with each of the N grab samples which may be taken in any calendar day. If a composite sample is taken,  $C_i$  is the concentration measured in the composite sample and  $Q_i$  is the average flow rate occurring during the period over which samples are composited.

5. "Daily maximum" limit means the maximum acceptable "daily discharge" for pollutant measurements. Unless otherwise specified, the results to be compared to the "daily maximum" limit are based on composite samples."
6. "Duly authorized representative" is one whose:
- (a) Authorization is made in writing by a principal executive officer or ranking elected official;
  - (b) Authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

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- (c) Written authorization is submitted to the Regional Board and EPA Region 9. If an authorization becomes no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements above must be submitted to the Regional Board and EPA Region 9 prior to or together with any reports, information, or applications to be signed by an authorized representative.
7. "Grab sample" is defined as any individual sample collected in a short period of time not exceeding 15 minutes. "Grab samples" shall be collected during normal peak loading conditions for the parameter of interest, which may or may not be during hydraulic peaks. It is used primarily in determining compliance with "daily maximum" limits and the "instantaneous maximum" limits.
  8. "Hazardous substance" means any substance designated under 40 CFR 116 pursuant to Section 311 of the Clean Water Act.
  9. "Heavy metals" are for purposes of this Order, arsenic, cadmium, chromium, copper, lead, mercury, silver, nickel, and zinc.
  10. "Instantaneous maximum" concentration is defined as the maximum value measured from any single "grab sample."
  11. "Median" of an ordered set of values is the value which the values above and below is an equal number of values, or which is the arithmetic mean of the two middle values, if there is no one middle value.
  12. "Priority pollutants" are those constituents referred to in 40 CFR 401.15 and listed in the EPA NPDES Application Form 2C, pp. V-3 through V-9.
  13. "6-month median" means a moving "median" of daily values for any 180-day period in which daily values represent flow-weighted average concentrations within a 24-hour period. For intermittent discharges, the daily value shall be considered to equal zero for days on which no discharge occurred.
  14. "7-day" and "30-day average" shall be the arithmetic average of the values of daily discharge calculated using the results of analyses of all samples collected during any 7 and 30 consecutive calendar day periods, respectively.
  15. "Toxic pollutant" means any pollutant listed as toxic under section 307(a)(1) of the Clean Water Act or under 40 CFR 122, Appendix D.

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16. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with effluent limitations because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper action.