

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

ORDER NO. R4-2005-0016  
NPDES PERMIT NO. CA0064297

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
AND  
WASTE DISCHARGE REQUIREMENTS  
FOR  
CITY OF REDONDO BEACH  
(SEASIDE LAGOON)

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

**Background**

1. The City of Redondo Beach (hereinafter, the City or Discharger) discharges dechlorinated lagoon water from Seaside Lagoon Facility (Seaside Lagoon or Facility) to King Harbor, a water of the United States. Wastes discharged from Seaside Lagoon by the City are regulated by Waste Discharge Requirements (WDRs) and a National Pollutant Discharge Elimination System (NPDES) permit contained in Board Order No. 99-057 (NPDES Permit No. CA0064297). Order No. 99-057 expired on June 10, 2004.
2. The City filed a Report of Waste Discharge and applied for renewal of its NPDES permit on April 9, 2004. The tentative Order is the reissuance of the WDRs and NPDES permit for discharges from Seaside Lagoon. A NPDES permit compliance evaluation inspection (CEI) was conducted on March 31, 2004, to observe operations and collect additional data to develop permit limitations and conditions.

**Purpose of Order**

3. The purpose of this NPDES permit is to renew the WDRs for the Facility. This NPDES permit regulates the discharge of dechlorinated lagoon swimming water through Discharge Serial No. 001 to King Harbor, a water of the United States. The point of discharge of dechlorinated lagoon water is located at Latitude 33° 50' 38"N and Longitude 118° 23' 47" W.

**Facility Description**

4. The Facility is located at 200 Portfino Way, Redondo Beach, California, and is owned and operated by the City. The Facility is a city park and consists of a 1.4 million gallon man-made saltwater lagoon, artificial beaches, children's play area, snack bar facilities, and other recreational areas. The Lagoon was constructed in 1962 and has since been open to the public for swimming from Memorial Day to Labor Day each year. At other times, the City may allow the use of the Facility for social functions which may result in discharges

into the receiving water outside the designated operational season. The surface area of the water in the Lagoon is approximately 1.2 acres with a maximum depth of 7 feet. Figure 1 provides a Facility location map.

### **Discharge Description**

5. Water for Lagoon comes from a nearby steam generating plant (AES Redondo Beach, L.L.C., Power Plant) where the seawater is used to cool turbines. The Power Plant is located at 1100 Harbor Drive, Redondo Beach. When operated at design capacity, the AES Power Plant discharges up to 898 million gallons per day (mgd) of once-through cooling water combined with small volumes of metal cleaning and low-volume wastes into the Pacific Ocean at Santa Monica Bay. This discharge is regulated under separate waste discharge requirements contained in Board Order No. 00-085. Approximately 3,200 gallons per minute (gpm), which is equivalent to approximately 2.3 mgd, of once-through cooling water, is directed to the Lagoon.
6. The City is using only a small portion (0.26 %) of the cooling water from the Power Plant for recreational beneficial use, which would otherwise be discharged directly to the ocean. The warm temperature of the Power Plant's discharged cooling water is comforting to the swimmers. On the other hand, by passing the cooling water through the Lagoon, the water temperature of the cooling water is lowered close to the ocean ambient temperature that is more favorable to the aquatic life in the receiving water.
7. To maintain the water level in the Seaside Lagoon, the City discharges roughly 3,200 gpm (approximately 2.3 mgd) of dechlorinated saltwater to King Harbor when the Lagoon is in use. The water is discharged through three overflow structures located along the northwest edge of the Lagoon. The water then flows by gravity to a manhole, then to a conduit that empties into King Harbor at the shoreline (Latitude 33° 50' 38" N and Longitude 118° 23' 47" W) embankment, Discharge Serial 001. During periods when the Lagoon is not open for public use, the lagoon water will be flushed periodically.
8. The water supply system is equipped with both chlorination and de-chlorination facilities. The chlorination system consists of one, 1,000-gallon storage tank which holds 17% sodium hypochlorite, dual chemical feed pumps with manual controls, and related piping. The de-chlorination system consists of one, 1,000-gallon storage tank which holds 38% bi-sulfate, dual chemical feed pumps with manual controls, and related piping. The de-chlorination piping terminates at the overflow structures at which point the bi-sulfite solution is added to the effluent. Bi-sulfite is added at all three overflow structures. Figure 2 provides a schematic diagram of the pumping system.
9. The Discharger is considering the installation of a re-circulation pipe at the overflow collector pipe (prior to the discharge vault), to direct Lagoon water back to the Lagoon. A valve will be installed in the vault to stop all flow from being discharged. The de-chlorination system will be shut down and a chlorination feed pipe connected the re-circulation piping would allow chlorinated water to circulate in the Lagoon and collector pipe. The modification would reduce the amount of bacteria in the discharge.

### Compliance History

10. A review of effluent monitoring data indicates that the Discharger may have exceeded the effluent limitation for Enterococcus in June 2002 and June 2003. Further, the available effluent monitoring data indicate that the Discharger has had multiple exceedances of the existing effluent limitations for total suspended solids (TSS) and total residual chlorine. The Regional Board issued a Notice of Violation (NOV) on May 4, 2001, addressing violations of effluent limitations for BOD and residual chlorine, for the period from July 1999 through August 2000. The City responded to the NOV in correspondence dated July 16, 2001. In the July 16, 2001, response, the City states that several laboratories were unable to detect residual chlorine accurately below 0.01 mg/L (the existing residual chlorine monthly average effluent limitation is 2 µg/L, or 0.002 mg/L) and that the monitoring location established in Order No. 99-057 is inappropriate for this facility. Further, the City requested that the residual chlorine effluent limitation be revised to 0.01 mg/L, and that the NOV be rescinded.
11. An Administrative Civil Liability (ACL) was issued to the City on March 29, 2002, in the amount of \$51,000 for violation of the residual chlorine effluent limitation. The City responded on April 10, 2002, and submitted payment to the Regional Board and committed to the preparation of a Supplemental Environmental Project, subject to Regional Board approval.

### Applicable Plans, Policies, and Regulations

12. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on January 27, 1997, by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Board Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The Regional Board prepared the 1994 update of the Basin Plan to be consistent with all previously adopted State and Regional Board plans and policies. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.
13. **Ammonia Water Quality Objective (WQO)** – The 1994 Basin Plan contained water quality objectives for ammonia to protect aquatic life, in Tables 3-1 through Tables 3-4. However, those ammonia objectives were revised on March 4, 2004, by the Regional Board with the adoption of Resolution No. 2004-022. The amendment revised the Basin Plan by updating the ammonia objectives for inland surface waters not characteristic of freshwater such that they are consistent with the U.S. EPA "Ambient Water Quality Criteria for Ammonia (Saltwater)-1989." The amendment revised the regulatory provisions of the Basin Plan by adding language to Chapter 3 "Water Quality Objectives."

For inland surface waters not characteristic of freshwater, the proposed objectives are a 4-day average concentration of unionized ammonia of 0.035 mg/L, and a one-hour average concentration of unionized ammonia of 0.233 mg/L. The proposed objectives are fixed concentrations of unionized ammonia, independent of pH, temperature, or salinity. The proposed amendment includes an implementation procedure to convert un-ionized ammonia objectives to total ammonia effluent limits. The proposed amendment also simplifies the implementation procedures for translating ammonia objectives into effluent limits in situations where a mixing zone has been authorized by the Regional Board. Finally, the proposed amendment revises the implementation procedure for determining saltwater, brackish or freshwater conditions, to be consistent with the proposed objectives. The proposed objectives will apply only to inland surface waters not characteristic of freshwater (including enclosed bays, estuaries and wetlands) and do not impact the Ammonia Water Quality Objectives for ocean waters contained in the California Ocean Plan.

The Office of Administrative Law approved the amendment on September 15, 2004. USEPA has 60 calendar days to approve this amendment. The amendment will become final when staff files the Notice of Decision document and final Certificate of Fee Exemption with the California Department of Fish and Game.

14. The Basin Plan contains water quality objectives and beneficial uses for inland surface waters and for the Pacific Ocean. Inland surface waters consist of rivers, streams, lakes, reservoirs, and inland wetlands. Beneficial uses for a surface water can be designated, whether or not they have been attained on a waterbody, in order to implement either federal or state mandates and goals (such as fishable and swimmable for regional waters).
15. The Basin Plan contains beneficial uses and water quality objectives for King Harbor (H.U. 405.12), an inland surface waterbody.  
  
Existing uses: Industrial service supply; navigation; water contact recreation; non-contact water recreation; commercial and sport fishing; marine habitat; wildlife habitat; rare, threatened, or endangered species.
16. 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.
17. On May 18, 2000, the U.S. Environmental Protection Agency (U.S. EPA) promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as 40 CFR 131.38]. In the CTR, U.S. EPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million ( $10^{-6}$ ), for all priority toxic pollutants regulated as carcinogens. The CTR also provides a schedule of compliance not to exceed five years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with effluent limitations derived from the CTR criteria.

18. Under 40 CFR 122.44(d), Water Quality Standards and State Requirements, “Limitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants), which the Director [permitting authority] determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.” Where numeric effluent limitations for a pollutant or pollutant parameter have not been established in the applicable state water quality control plan, 40 CFR section 122.44(d)(1)(vi) specifies that Water Quality Based Effluent Limits (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.
19. 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.
20. State and Federal antibacksliding and antidegradation policies require Regional Board actions to protect the water quality of a water body and to ensure that the waterbody will not be further degraded. The antibacksliding provisions are specified in section 402(o) of the Clean Water Act (CWA) and in Title 40, Code of Federal Regulations (40 CFR), section 122.44(l). Those provisions require a reissued permit to be as stringent as the previous permit with some exceptions where effluent limitations may be relaxed.
21. Effluent limitations are established in accordance with sections 301, 304, 306, and 307 of the CWA, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of King Harbor.

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

22. The Regional Board has implemented the Watershed Management Approach to address water quality issues in the region. Watershed management may include diverse issues as defined by stakeholders to identify comprehensive solutions to protect, maintain, enhance, and restore water quality and beneficial uses. To achieve this goal, the Watershed Management Approach integrates the Regional Board’s many diverse programs, particularly Total Maximum Daily Loads (TMDLs), to better assess cumulative impacts of pollutants from all point and non-point sources. A TMDL is a tool for implementing water quality standards and is based on the relationship between pollution sources and in-stream water quality conditions. The TMDL establishes the allowable loadings or other quantifiable parameters for a waterbody and thereby provides the basis to establish water quality-based controls. These controls should provide the pollution reduction necessary

for a waterbody to meet water quality standards. This process facilitates the development of watershed-specific solutions that balance the environmental and economic impacts within the watershed. The TMDLs will establish waste load allocation (WLAs) and load allocations (LAs) for point and non-point sources, and will result in achieving water quality standards for the waterbody.

23. King Harbor receives discharges from highly industrial areas. However, 2002 State Board's California 303(d) List does not classify King Harbor as impaired.

#### **Data Availability and Reasonable Potential Monitoring**

24. 40 CFR 122.44(d)(1)(i) and (ii) require that each toxic pollutant be analyzed with respect to its reasonable potential to (1) cause; (2) have the reasonable potential to cause; or (3) contribute to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant.
25. Section 1.3 of the SIP requires that a limitation be imposed for a toxic pollutant if (1) the maximum effluent concentration (MEC) is greater than the most stringent CTR criteria, or (2) the background concentration is greater than the CTR criteria, or (3) other information is available. Sufficient effluent data are needed for this analysis.
26. There are insufficient monitoring data available to perform an RPA of the priority pollutants associated with dechlorinated lagoon water from the Redondo Beach Lagoon facility. The Policy for Implementation of Toxic Standards (SIP) for Inland Surface Waters, Enclosed Bays, and Estuaries of California (Policy) requires the dischargers to submit sufficient data to conduct the determination of priority pollutants requiring WQBELs and to calculate the effluent limitations. Thus, this permit includes monitoring requirements to obtain the necessary data to evaluate reasonable potential.
27. Regional Board staff has determined that pollutants that have effluent limitations in the current permit will be included in this permit. Certain effluent limitations have been established based on the revised water quality criteria contained in the CTR and the requirements contained in Section 1.4 of the SIP. This permit also includes requirements for additional monitoring to provide the data needed to perform an RPA on all of the priority pollutants.
28. This permit may be reopened to include effluent limitations for toxic pollutants determined to be present in significant amounts in the discharge based on the more comprehensive monitoring program included as part of this Order and based on the results of the RPA.
29. The previous permit does not contain acute toxicity limitations or monitoring requirements. This Order includes effluent limitations for acute toxicity and requires the Discharger to monitor the discharge for acute toxicity.

### **CEQA and Notifications**

30. 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.
31. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
32. 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 (April 2, 2005) from the date of its adoption, in accordance with federal law, provided the Regional Administrator, U.S. EPA, has no objections.
33. 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.
34. 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 City of Redondo Beach, for Seaside Lagoon 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. Wastes discharged shall be limited to a maximum of 2.3 mgd of dechlorinated lagoon swimming water as described in the Findings. The discharge of wastes from accidental spills or other sources is prohibited.
2. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to a storm drain system, King Harbor, or other waters of the State, are prohibited.

##### **B. Effluent Limitations**

The discharge of an effluent in excess of the following limitations is prohibited:

1. A pH value less than 6.5 or greater than 8.5.

2. 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. CI-8034.
4. Final effluent limitations: In addition to the Requirements I.B.1 through I.B.3, the discharge of dechlorinated lagoon swimming water from Discharge Serial No. 001 (Latitude 33° 50' 38" N and Longitude 118° 23' 47" W) containing pollutants in excess of the following limitations is prohibited:



<b>Pollutant</b>	<b>Units</b>	<b>Monthly Average Effluent Limitations <sup>1</sup></b>	<b>Daily Maximum Effluent Limitations</b>
Total Suspended Solids	mg/L	50	75
BOD <sub>5</sub> @20°C	mg/L	20	30
Oil and Grease	mg/L	10	15
Turbidity	NTU	50	75
Total Coliform	mpn/100 ml	1000 <sup>2</sup>	10,000
Fecal Coliform	mpn/100 ml	200 <sup>3</sup>	400
Enterococcus	mpn/100 ml	35 <sup>4</sup>	104
Total Residual Chlorine <sup>5</sup>	µg/L	2	8

1. The monthly average concentration shall be the arithmetic average of all the values of daily concentrations calculated using the results of analyses of all samples collected during the month. If only one sample is taken in that month, compliance shall be based on this sample result.
2. The geometric mean density of total coliform organisms shall be less than 1000 per 100 ml (10 per ml): provided that not more than 20 percent of the samples, in any 30-day period, may exceed 1,000 per 100 ml (10 per ml), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml (100 per ml). Also, the total coliform density shall not exceed 1000 per 100 ml if the ratio of fecal to total coliform exceeds 0.1.
3. The fecal coliform density for any 30-day period, shall not exceed a geometric mean of 200 per 100 ml nor shall more than 10 percent of the total samples during any 60-day period exceed 400 per 100ml.
4. The geometric mean enterococcus density of the discharge shall not exceed 35 organisms per 100 ml for a 30-day period or 12 organisms per 100 ml for a six-month period.
5. If there is no analytical method with a detection level below the effluent limitation, then the most sensitive method must be used. If the sample result is non-detect, the Discharger shall report the results as less than the method detection level and provide the actual detection level achieved.

**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 limitations in the 1994 Basin Plan were revised by Regional Board Resolution No. 2004-022, adopted on March 4, 2004. Total ammonia (as N) shall not exceed concentrations specified in the Regional Board Resolution 2004-022.
  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. 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).
- B. The discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.
- C. The Discharger shall comply with the waste load allocations that will be developed

- from the TMDL process for the 303 (d) listed pollutants.
- D. 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.
  - E. 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.
  - F. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
    - 1. Name and general composition of the chemical,
    - 2. Frequency of use,
    - 3. Quantities to be used,
    - 4. Proposed discharge concentrations, and
    - 5. U.S. EPA registration number, if applicable.No discharge of such chemical shall be made prior to the Executive Officer's approval.
  - G. 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. 8034. If there is any conflict between provisions stated in the *MRP* and the Standard Provisions, those provisions stated in the former shall prevail.
- C. 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.
- D. 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.
  - E. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
  - F. 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.
  - G. Compliance Determination
    - 1. Compliance with single pollutant effluent limitation – If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (see Reporting Requirement II.C. of *MRP*), 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 pollutants:
      - a. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the monthly average limitation for that pollutant, the Discharger has demonstrated compliance with the monthly average limitation for that month.
      - b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limitation for any pollutant, 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 II.C. of *MRP*), 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 III. D. of *MRP*), the median value of these samples shall be used for compliance determination. If one or both of the middle values is ND or DNQ, the median shall be the lower of the two middle values.

- c. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that pollutant 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 pollutants – 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 pollutants 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.
- H. 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 II.G.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 limits 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 MLs.
- D. This Order may be reopened and modified to revise effluent limitations as a result of future Basin Plan Amendments, such as an update of an objective or the adoption of a TMDL for the King 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 February 10, 2010.

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.

**V. RESCISSION**

Order No. 99-057, adopted by this Regional Board on June 30, 1999, is hereby rescinded except for enforcement purposes.

I, Jonathan S. Bishop, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on March 3, 2005.

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Jonathan S. Bishop  
Executive Officer