STATE OF CALIFORNIA

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
320 W. 4th Street, Suite 200, Los Angeles

FACT SHEET
WASTE DISCHARGE REQUIREMENTS
for
LOS ANGELES TURF CLUB
(SANTA ANITA PARK)

NPDES Permit No.: CA0064203
Public Notice No.: 06-058

FACILITY ADDRESS	FACILITY MAILING ADDRESS
Los Angeles Turf Club	Los Angeles Turf Club
285 West Huntington Dr.	P.O. Box 60014
Arcadia, CA 91007	Arcadia, CA 91066
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I. Public Participation

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is considering the issuance of Waste Discharge Requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for the above-referenced facility. As an initial step in the WDR process, the Regional Board staff developed tentative WDRs that was mailed on August 11, 2005. Revised tentative WDRs have been developed after several meeting with the Discharger and their consultant and are being mailed The Regional Board encourages public participation in the WDR adoption process.

A. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments should be submitted either in person or by mail to:

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

To be fully responded to by staff and considered by the Regional Board, written comments should be received at the Regional Board offices by 5:00 p.m. on October 20, 2006. The Regional Board chair may exclude from the record written materials received after this date. (See Cal. Code Regs., tit. 23, § 648.4.).

B. Public Hearing

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

Date:	November 9, 2006
Time:	9:00 AM
Location:	Metropolitan Water District of Southern California 700 North Alameda Street, Los Angeles, California

Interested persons are invited to attend. At the public hearing, the Regional Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our web address is www.waterboards.ca.gov/losangeles where you can access the current agenda for changes in dates and locations.

C. Waste Discharge Requirements Appeals

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Board's action to the following address:

State Water Resources Control Board, Office of Chief Counsel
ATTN: Elizabeth Miller Jennings, Senior Staff Counsel
1001 I Street, 22nd Floor
Sacramento, CA 95814

D. Information and Copying

The Report of Waste Discharge (ROWD), related documents, tentative effluent limitations and special conditions, comments received, and other information are on file and may be inspected at 320 West 4th Street, Suite 200, Los Angeles, California 90013, at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Los Angeles Regional Board by calling (213) 576-6600.

E. Register of Interested Persons

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

II. Introduction

Los Angeles Turf Club, Santa Anita Park (hereinafter LATC, Santa Anita or Discharger), a horse stabling, training, and racing facility currently discharges wet weather flows, consisting of storm water discharges and landscape irrigation water, to the Arcadia Wash, which flows southwest for about 7 miles of concrete-lined storm channel prior to reaching the Rio Hondo and then the Los Angeles River, all waters of the United States, above the Estuary. Wastes discharged from the facility are regulated by WDRs and a NPDES permit contained in Board Order No. 99-109 (NPDES Permit No. CA0064203) which was issued on October 28, 1999.

A companion Cease and Desist Order (CDO((No. 99-110) accompanied the Order and described a time schedule for compliance with a prohibition of dry weather discharges of process wastewater. Order No. 99-109 expired on September 10, 2004.

LATC filed a Report of Waste Discharge and applied for renewal of its WDRs and NPDES permit on April 2, 2004. The revised tentative Order is the reissuance of the WDRs and a NPDES permit for discharges from LATC, and the rescission of the CDO . A NPDES permit compliance evaluation inspection (CEI) was conducted on August 23, 2004, and a subsequent inspection on June 15, 2005, that also served as a site visit to observe operations, verify conditions, and collect additional data to develop permit limitations and conditions.

Based on findings from CEI and a subsequent site inspection conducted by Board staff on June 15, 2005, LATC has complied with CDO No. 99-110. In addition, no significant violations were found in the compliance history of the existing permit. Therefore, CDO No. 99-110 is proposed to be rescined.

III. Description of Facility and Waste Discharge

LATC operates Santa Anita Park, a 310-acre horse stabling, training and racing facility at 285 West Huntington Drive, Arcadia, California. The facility includes a racetrack, grandstands, decorative fountains, paddock gardens, horse stables and parking lots. The facility confines and feeds 2,000 horses on 53 acres in approximately 80 stables.

Facility Classification

Pursuant to the definitions found at 40 Code of Federal Regulations (CFR) section 122.23 (NPDES Permit Regulations) and 40 CFR Part 412, Subpart A—Horses and Sheep, (Effluent Limitation Guidelines [ELGs] and Standards for Concentrated Animal Feeding Operations [CAFOs]), as revised February 12, 2003, the stable portions of LATC are subject to the regulatory requirements for CAFOs. Further, the facility is also a Confined

Animal Facility (CAF) pursuant to California Code of Regulations, Title 27, section 20164 because the stables confine horses that do not graze. It is important to note that LATC is also classified as a large CAFO because LATC confines more than 500 horses for 45 days or more in a 12-month period; 2,000 horses are stabled at LATC at any one time.

The CAFO NPDES and ELGs regulations were revised on February 12, 2003, and became effective on April 14, 2003. The revised regulations clarify the definitions of areas subject to the regulatory requirements and establish effluent limitations for large CAFOs (including horses). The revisions to the regulatory requirements are the basis for the change in effluent limitations and requirements established in the proposed Order.

Shortly after the U.S. Environmental Protection Agency (USEPA) published its final CWA CAFO Rule in February 2003, a number of agriculture (American Farm Bureau Federation, the National Chicken Council and the National Pork Producers Council) and environmental (the Waterkeeper Alliance, the Sierra Club and the National Resources Defense Council) organizations separately appealed several aspects of the rule. The appeals were consolidated into one case (Waterkeeper Alliance, Inc. v. USEPA) which was heard in the 2nd Circuit on December 13, 2004. While the court denied many aspects against the petitioners, some of the courts decisions have an impact on the permits issued to CAFO facilities. Of its many provisions, three were important to the Second Circuit's ruling:

Failure to Regulate
The CAFO Rule was found unlawful because it allowed NPDES permitting authorities to issue permits to large CAFOs in the absence of any meaningful review of the Nutrient Management Plans (NMP) those CAFOs have developed. The court requires governmental oversight of the NMP.

Technology-based Effluent Limitation Guidelines
Further, the CAFO Rule was ruled unlawful because it failed to require the terms of the NMP to be included in the NPDES permits. NMP were determined to be "technology-based Effluent Limitation Guidelines" (BAT) and required to be made available for public review.

Duty to Apply
The court ruled unless there is a "discharge of any pollutant" there cannot be a requirement to obtain a permit. The USEPA can only regulate actual and proposed discharges not potential discharges.

Discharges Subject to Regulation
The Court upheld the requirement that runoff from land application areas is part of a CAFO's point source discharges and is subject to regulation even if the runoff is not channelized.

The Regional Board and the USEPA have classified LATC as a minor discharge.

Description of Waste Discharge

According to the Discharger's permit renewal application, dated April 2, 2004, the first 0.1-inch of storm water from the "stable area", as well as the first 0.02-inch of storm water from the West Infield and Grandstand areas is now diverted to the sanitary sewer. The remaining storm water discharges to the Arcadia Wash or East Branch of the Arcadia Wash. Discharge Serial Outfall No. N-36 is equipped with a cyclone-type solids separator. No other treatment of storm water discharged to surface water is performed on-site. The storm drain system consists of catch basins, V-ditches, surface drains, and underground storm water pipes that collect runoff from the paved and unpaved areas.

The permit renewal application stated that all "stable area" dry weather process wastewater flows (i.e., horse wash down water, dust control water, and landscape irrigation runoff) and the first 0.1-inch of any rain event are now diverted through a system of ditches, diversion structures, and sediment traps before entering the sanitary system. Holding tanks capture any storm water necessary to divert the first 0.1-inch. Storm water in excess of this volume overflows to the Arcadia Wash at the North and South Diversion Structures (N-OF and S-OF).

Section I.A.1 of the existing Order authorized the following dry-weather discharges from the facility to surface water: fountain drainage (up to 4,000 gallons per day (gpd)), washdown water from the infield area, paddock gardens areas, view area, and grandstand (up to 10,000 gpd), and intermittent dust control water. The existing Order also authorized the wet weather discharge of storm water. The existing Order defines process wastewater not verbatim from the since revised 40 CFR 122.23, but as "any wastewater generated within the stables and any precipitation which comes into contact with any manure or bedding from the stables." Sections I.A.2 and I.A.3 of the existing Order prohibits: 1) the discharge of process wastewater from the "feedlot" area except as such wastewater may be discharged in the event of a storm exceeding a 25-year return, 24-hour duration rainfall event; and 2) horse wash water, respectively.

Most dry weather flows in both production and non-production areas (i.e., vehicle wash water, irrigation runoff, grandstands washdown, fountain drainages) currently are diverted and conveyed to the sanitary sewer system. The only exception to this is some minor irrigation runoff from the East Racetrack Infield that discharges to Discharge Serial No. N-36 and irrigation runoff from the Paddock Area that discharges to eight separate, unnamed outfalls into the Arcadia Wash. Landscape irrigation water is conditionally exempt under the Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles (NPDES No. CAS614001, Order No. 96-054); therefore, this Order authorizes the discharge of landscape irrigation water generated only in non-production areas.

Storm water generated in a portion of the Maintenance Area discharges to Discharge Serial Outfall No. N-10. The first 0.02-inch of any rain event, according to the permit renewal application, which is generated in the West Infield and Grandstand areas discharges to the sanitary sewer, but the remainder discharges from Discharge Serial Outfall No. N-15 to Arcadia Wash. Storm water runoff from all parking lots discharges directly to the Arcadia Wash through sheet flow. Storm water runoff from the East Infield drains to Discharge Serial No. N-36 and storm water from the Paddock area drains to

eight separate outfalls to the Arcadia Wash. Storm water from the North Hillside area (lumber yard and temporary sediment storage) and a parking lot drains to the East Branch Arcadia Wash.

The storm water impacted areas in both CAFO and non-CAFO sections is 120 acres. The section mostly includes all stable areas, livestock buildings, paddocks, grand stand and the racetrack areas. The discharge of landscape irrigation water generated from the areas is conditionally exempt under the Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles (NPDES No. CAS614001, Order No. 96-054).

90% of the rain storms are smaller than 1.3 inches in a 24-hour duration. Based on acreage and 1.3 inches of rainfall run-off in a 24-hour period, LATC propose to discharge approximately 4.3 million gallons per day (mgd) of storm water.

Cease and Desist Order No. 99-110

The existing Order (No. 99-109, Finding 15) acknowledged LATC's inability to immediately comply with the discharge prohibitions (Section I.A.), and as a result, the Regional Board issued a companion CDO (No. 99-110) that included a time schedule to achieve full compliance with the discharge prohibitions. The CDO described eight requirements to eliminate dry weather process wastewater discharges and reduce wet weather process wastewater discharges, two of which described deadlines and extensions. Six of these requirements are outlined below (compliance status as documented in facility progress reports, the SWPPP, and during the CEI is noted in italics):

a. Eliminate, or bring into compliance with the requirements of CA0064203 [Order No. 99-109], the dry weather discharge of all process wastewater from the stable areas to the Arcadia Wash by December 31, 1999. *Discharge was rerouted to the sanitary sewer system by December 31, 1999.*

b. Eliminate the discharge of, or bring into compliance with the requirements of CA0064203 [Order No. 99-109], the first 0.1-inch of storm water from the stable area to the Arcadia Wash by October 1, 2000. *Progress report submitted January 12, 2001 indicated that all the equipment necessary to reroute the 'first flush' to the sanitary sewer system had been installed and was fully operational.*

c. Eliminate the discharge of, or bring into compliance with the requirements of CA0064203 [Order No. 99-109], all wet weather discharges from the horse wash areas to the Arcadia Wash by October 1, 2000. *119 covered horse wash pads were constructed by September 11, 2000 and now discharge directly to the sanitary sewer.*

d. Eliminate the discharge of, or bring into compliance with the requirements of CA0064203 [Order No. 99-109], all non-stable area dry weather discharges to the Arcadia Wash by December 31, 1999. *Facilities were installed to direct these dry weather discharges to the sanitary sewer by December 31, 1999.*

e. Implement a Manure Management Plan (MMP), to include measures to prevent storm water from contacting stored manure or manure-soiled bedding by October 1, 2000. *The current practice for soiled straw bedding management consists of transferring the material from the stables to 55-cubic yard trailers to containers in below grade bunkers before they are hauled by truck to a covered transfer station in the Maintenance Area where it can be hauled off-site to a mushroom farm. The bunkers are sized to contain soiled straw bedding and the precipitation from a 25-year, 24-hour storm event and are bermed to prevent runon of storm water. The bunkers are equipped with manual sumps for pumping contaminated storm water to the sanitary sewer system. Soiled wood chips are transferred from the stables in 3-cubic yard portable 'dumpsters' located throughout the stable area. They then are moved to the covered transfer area to be hauled off-site three times a week. A MMP was implemented at the facility by October 19, 2000 (a deadline extension was requested of the Regional Board on September 29, 2000).*

f. Implement a periodic (weekly) maintenance and inspection program for all drains currently discharging process wastewater and paddock area wash water to the Arcadia Wash. *LATC has a daily maintenance and inspection program for all storm water drains. LATC also purchased a street sweeper and vacuum jet sewer maintenance truck to service the storm water system and parking lots.*

As of December 31, 1999, all dry weather flows from the stable area, with the exception of fountain drainage and irrigation return flows, were diverted to the municipal sanitary sewer system of the Los Angeles County Sanitation District (Industrial Wastewater Discharge Permit No. 015418). The LATC 2001 Annual Report (dated May 12, 2002) indicated that all fountains had been connected to the sanitary sewer as well. As stated previously, the permit renewal application dated April 2, 2004, indicated that all "stable area" dry weather process wastewater flows (i.e., horse wash down water, dust control water, and landscape irrigation runoff) and the first 0.1-inch of any rain event are now diverted through a system of ditches, diversion structures, and sediment traps before entering the sanitary system.

In addition to the requirements of the CDO, the facility submitted a SWPPP on February 3, 2000, in accordance with the requirement in Section IV of the existing Monitoring and Reporting Program (*MRP*) (CI-8102). The SWPPP outlines additional storm water BMPs being implemented at the facility to reduce the discharge of pollutants from CAFO production areas and the non-production areas not subject to the CAFO regulatory requirements.

In compliance with the CDO, the Discharger has eliminated the discharge of horse wash water, decorative fountain drainage, and the first 0.1-inch of storm water from the stable areas, and has fulfilled all provisions of the CDO.

Based on findings from April 2, 2004, CEI and a subsequent site inspection conducted by Board staff on June 15, 2005, LATC has complied with CDO No. 99-110. In addition, no significant violations were found in the compliance history of the existing permit. Therefore, CDO No. 99-110 is proposed to be rescinded.

Proposed Authorized Discharges

For the purposes of the proposed Order, the areas subject to the ELGs at LATC include all areas that are considered "production area" as defined by 40 CFR section 412.2(h), and as revised February 12, 2003, as follows:

"..that part of an Animal Feeding Operation (AFO) that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, … barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is …any area used in the storage, handling, treatment, or disposal of mortalities."

The term "process wastewater" for the proposed Order is defined as per 40 CFR sections 122.23 and 412.2(d) as:

"Water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, … or bedding."

LATC has implemented measures to eliminate the discharge of process wastewater from the production area of the CAFO through a combination of the following practices:

- Routing of all horse wash waters to the sanitary sewer;
- Routing of all dry weather flow (inclusive of horse wash waters and dust control waters) from the production area to the sanitary sewer;
- Storage of all contaminated bedding materials (manure-soiled bedding), feed, and manure indoors or in covered bunkers such that storm water does not contact these materials;
- Horse presence is limited to the maximum extent practicable to covered production areas during rain events and where necessary,
- Implementation of good housekeeping practices such that any manure inadvertently deposited outdoors in the production area is removed before pollutants from these materials can be entrained in stormwater runoff.

In accordance with 40 CFR section 412.13, discharge of process wastewater from the CAFO production area is prohibited except as such process wastewater might be discharged from a facility designed, constructed, operated and maintained to contain all process wastewater plus the runoff from a 25-year return, 24-hour duration storm.

Compliance with ELGs

The revised ELGs do not include a compliance schedule; therefore all large CAFOs were required to meet the ELGs at the time of publication, April 2003. The Regional Board, in the application of the ELGs to the production areas, understands the complexity of efforts necessary to achieve full compliance with the revised ELGs. The proposed Order applies the ELGs to CAFO production areas, and thus eliminates the discharges of process wastewater except as permitted by the ELGs. By eliminating the discharge of process wastewater, as discussed above, LATC is in compliance with the ELGs.

Effluent Characterization

According to the existing Order and the permit renewal application, there are 36 active outfalls that discharge to the Arcadia Wash from the facility. Fifteen of these outfalls were determined to be outfalls of concern based on their discharge type and drainage area in the existing Order and are listed below. The 21 remaining outfalls are not regulated in the existing Order and must be properly characterized in the SWPPP. The previously identified outfalls discharge to the Arcadia Wash, which flows southwest for about 7 miles of concrete-lined storm channel prior to reaching the Rio Hondo and then the Los Angeles River, all waters of the United States, above the Los Angeles River Estuary. To maintain consistency among NPDES permits issued within the Los Angeles Region, the outfalls have been renamed using the Regional Board naming convention.

The outfalls of concern from the existing Order are as follows:

Discharge Point [1]		Latitude	Longitude	Area [2]	Area Type [3]
Existing	Proposed				
N-10	001	34°08'30"	118°02'55"	Maintenance Area	NPA
N-11	002	34°08'24"	118°02'54"	Infield/Racetrack	NPA
N-12	003	34°08'24"	118°02'54"	Infield/Racetrack	NPA
N-15	004	34°08'21"	118°02'51"	Infield/Irrigation	NPA
N-22	005	34°08'19"	118°02'47"	Paddock Gardens	NPA
N-23	006	34°08'19"	118°02'47"	Paddock Gardens	NPA
N-27	007	34°08'17"	118°02'46"	Paddock Gardens	NPA
N-28	008	34°08'17"	118°02'46"	Paddock Gardens	NPA
N-32	010	34°08'13"	118°02'40"	Paddock Gardens	NPA
N-33	011	34°08'13"	118°02'40"	Paddock Gardens	NPA
N-34	012	34°08'12"	118°02'38"	Paddock Gardens	NPA
N-35	013	34°08'12"	118°02'38"	Paddock Gardens	NPA
N-36	014	34°08'10"	118°02'37"	Infield/irrigation	NPA
N-OF	015	34°08'22"	118°02'51"	Stable	PA
S-OF	016	34°08'21"	118°02'51"	Stable	PA

[1] Outfalls numbered as per facility SWPPP.
[2] As per information submitted in monitoring reports and the facility SWPPP.
[3] PA = drains production area; NPA = does not drain any production area.

The proposed Order establishes two types of outfalls for compliance monitoring: outfalls through which discharges from the production area drain, and outfalls that do not drain any production area discharges. Based upon information provided in the quarterly monitoring reports and the SWPPP, the previously established outfalls of concern have been delineated into these two groups in the proposed Order (as indicated in the outfall type table). Effluent limitations and monitoring requirements for these outfalls are described in greater detail in this Fact Sheet and in the MRP.

No pollutant characterization data for the facility's discharge were provided in the LATC permit renewal application.

Effluent data were provided from the 12 outfalls listed below during the previous permit term. No effluent monitoring data were provided for outfalls previously named N-22, N-23, N-28, N-28B, or N-35. Quarterly monitoring and annual reports were submitted for the period from October 2000 through April 2004. The data submitted characterize wet weather discharges only, therefore, no effluent limitations applied. Only one instance of a dry weather discharge (i.e., fountain discharge) was documented in the file (January 12, 2001), but no data were available for review. All fountains are now drained into the sanitary sewer system. The facility eliminated all sources of dry weather flow except for irrigation runoff overspray in the non-production areas and some dust control runoff. These data are summarized below for each point of discharge of wet weather flows:

Discharge Point	Total Flow (mgd)	pH (s.u.)	BOD (mg/L)	Oil and Grease (mg/L)	TSS (mg/L)	Settleable Solids (ml/l)	MBAS (mg/L)	Ammonia (mg/L)	Nitrate + Nitrite (mg/L)	Fecal Coliform (MPN/100 ml)	Acute Toxicity (% Survival)
N-10	0.045 – 0.41	5.8 – 8.1	<5 - 208	<5 – 4.9	32 – 2148	0.4 – 4.5	0.09 – 1.7	0.41 – 6.05	0.4 – 2.75	5,000 – 160,000	80 – 100
N-11	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
N-12	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
N-15	0.1 – 0.96	5.7 – 8.5	<4 - 205	<5 - 14	16 – 19,700	<0.2 - 25	<0.05 – 1.61	<0.1 – 1.28	0.46 – 5.12	<2 – 90,000	90 - 100
N-27	0.075 – 0.52	7.7 – 8.23	<5 - 18	<1 – 2.7	24-29,900	<0.2 – 1.2	<0.2 – 0.23	<0.1 – 0.3	0.43 - 2	8,000-24,000	100
N-31[2]	0.17 – 0.45	7.19 – 7.9	NS	<5 [3]	16 - 168	0.5	<0.2 – 0.57	0.64	NS	<1.1	NS
N-32[2]	0.06 – 0.56	5.2 – 7.7	<5 - 38	<5 – 1	13 - 228	<0.1 – 0.8	0.13 – 4.9	0.29 – 2.2	0.8 – 4.81	30 – 24,000	10 – 95
N-33[2]	0.1 – 0.56	6.4 – 7.2	<5-45	<5 [3]	12 - 204	<0.1 - 1	0.14 – 0.43	0.33 – 1.9	0.56 – 2.38	500 – 30,000	0 - 100
N-34	0.06 – 0.56	4.35 – 8.2	<5-29	<1 – 2.3	<10 - 3,970	<0.1 – 1.8	0.08-7.14	<0.1 – 2.01	0.31 – 3.18	240 – 50,000	0 - 100
N-36	0.15 – 2.12	6.4 – 8.5	<2 - 43	<5 – 3.7	<5 – 29,900	<0.05 - 9	<0.05 - 3	0.26 – 1.7	0.4 – 5.6	<1.1 – 50,000	90 - 100
N-OF	0.04 – 0.9	6.9 – 8.1	<5 - 54	<5 - 22	29 – 5,790	<0.1 - 3	<0.05 – 5.78	0.1 – 1.45	<0.1 – 4.05	8,000 – 300,000	100
S-OF	0.04 –	6.8 –	<4 - 176	<5 – 1.3	5 –	<0.2 - 13	<0.05 –	0.04 –	0.55 –	7 –	NS

Discharge Point	Total Flow (mgd)	pH (s.u.)	BOD (mg/L)	Oil and Grease (mg/L)	TSS (mg/L)	Settleable Solids (ml/l)	MBAS (mg/L)	Ammonia (mg/L)	Nitrate + Nitrite (mg/L)	Fecal Coliform (MPN/100 ml)	Acute Toxicity (% Survival)
	1.8	8.4			7,258		0.34	2.94	17.5	170,000	

[1] NS – no sample taken; therefore, no data are available
[2] Outfalls not required monitoring locations as per existing SWPPP, but for which data were submitted.
[3] A range of values do not exist as all results were non-detect and therefore, the method detection limit (MDL) is included and is denoted by "<."

IV. Applicable Plans, Policies, Laws, and Regulations

The requirements contained in the proposed Order are based on the requirements and authorities contained in the following:

1. The federal Clean Water Act (CWA). The federal Clean Water Act requires that any point source discharges of pollutants to a water of the United States must be done in conformance with an NPDES permit. NPDES permits establish effluent limitations that incorporate various requirements of the CWA designed to protect water quality.

2. Code of Regulations, Title 40 (40 CFR) – Protection of Environment, Chapter I, Environmental Protection Agency, Subchapter D, Water Programs, Parts 122-125 and Subchapter N, Effluent Guidelines. These CWA regulations provide effluent limits for certain dischargers and establish procedures for NPDES permitting, including how to establish effluent limits for certain pollutants discharged from this facility. 40 CFR section 122.23, as revised on February 12, 2003, strengthens the existing regulations, and clarifies the definitions of areas of the CAFO subject to regulatory requirements. 40 CFR sections 122.23(b)(7) and 122.23(b)(8) define "process wastewater" and "production area," respectively. LATC is classified as a large CAFO and there are areas within LATC that meet the definition of a production area, which are subject to the regulatory requirements that became effective April 14, 2003.

3. Division 2, Subdivision 1, Chapter 7, Subchapter 2, Article 1 of Title 27 of the California Code of Regulations (Title 27) prescribes minimum standards for discharges of animal waste at confined animal facilities to protect both surface water and groundwater. Confined animal facilities are defined in Title 27 of the California Code of Regulations (CCR) as "…any place where cattle, calves, sheep, swine, horses, mules, goats, fowl, or other domestic animals are corralled, penned, tethered, or otherwise enclosed or held and where feeding is by means other than grazing." Designation as a confined animal facility under the CCR is not based on facility size. Confined animal facilities under the CCR include CAFOs as well as all other types and sizes of animal feeding operations. Provided the Discharger operates the facility in compliance with NPDES permit (No. CA0064254), the facility will be deemed in compliance with Title 27 requirements, with the exception of Title 27, Chapter 7, Subchapter 2, Article 1, Section 25561.(d) – Retention Pond Design. This section requires that retention ponds be lined with, or underlain by, soils which

contain at least 10 percent clay and not more than 10 percent gravel or artificial materials of equivalent permeability.

4. 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). The Basin Plan contains water quality objectives and beneficial uses for inland surface waters and for the Pacific Ocean. The beneficial uses listed in the Basin Plan for the Arcadia Wash are:

   Arcadia Wash – H.U. 405.33 and H.U. 405.41
   Existing Uses: None.

   Intermittent: Groundwater recharge, non-contact water recreation.

   Potential Uses: Municipal and domestic water supply, water contact recreation,[1] warm freshwater habitat, and wildlife habitat.

   [1] Access prohibited by Los Angeles County Department of Public Works in concrete-channelized areas.

5. Ammonia Basin Plan Amendment. The 1994 Basin Plan provided water quality objectives for ammonia to protect aquatic life, in Tables 3-1 through 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 the USEPA 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 USEPA's 1999 ammonia criteria update.

6. 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.

7. On May 18, 2000, the USEPA 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, USEPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million (10^{-6}), for all priority toxic pollutants regulated as carcinogens. The CTR also allows for a schedule of compliance not to exceed five years from the date of permit renewal for an existing discharger if the Discharger demonstrates that it is infeasible to promptly comply with effluent limitations derived from the CTR criteria. CTR's Compliance Schedule provisions sunseted on May 17, 2005.

8. 40 CFR section 122.44(d)(1)(vi)(A) requires the establishment of numeric effluent limitations to attain and maintain applicable narrative water quality criteria to protect the designated beneficial uses. Where numeric water quality objectives have not been established in the Basin Plan, 40 CFR section 122.44(d) specifies that WQBELs may be set based on USEPA criteria and supplemented, where necessary, by other relevant information to attain and maintain narrative water quality criteria to fully protect designated beneficial uses.

9. State and Federal antibacksliding and antidegradation policies require that Regional Board actions to protect the water quality of a water body and to ensure that the waterbody will not be further degraded. The antibacksliding provisions are specified in section 402(o) and 303(d)(4) of the CWA and in 40 CFR section 122.44(l). Those provisions require a reissued permit to be as stringent as the existing permit with some exceptions where effluent limitations may be relaxed.

10. Effluent limitations are established in accordance with sections 301, 304, 306, and 307 of the federal CWA, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of San Jose Creek.

11. On March 30, 2000, USEPA revised its regulation that specifies when new and revised State and Tribal water quality standards (WQS) become effective for Clean Water Act (CWA) purposes (40 CFR 131.21, 65 FR 24641, April 27, 2000). Under USEPA's new regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.

12. Existing waste discharge requirements contained in Board Order No. 99-107, were adopted by the Regional Board on October 28, 1999. In some cases, permit conditions (effluent limits and other special conditions) established in the existing waste discharge requirements have been considered in the development of the proposed Order.

V. Permit Areas and Coverage

LATC is divided into two separate sections and distinct permit standards. The two sections are CAFO and Non-CAFO areas of the facility.

1. CAFO Areas

   The "production area" as defined by 40 CFR section 412.2(h) is the CAFO area. The production area includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials

storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any area used in the storage, handling, treatment, or disposal of mortalities.

LATC CAFO area wastes includes, but is not limited to, dry manure, and process wastewater resulting (as defined in 40 CFR sections 122.23 and 412.2 (d)) from water directly or indirectly used in the management of the horses or resulting from any of the following: spillage or overflow from animal watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process waste water also includes any water or precipitation that comes into contact with raw materials, products, or byproducts such as manure, litter, feed, or used bedding.

Manure from horses contains high concentrations of salts (total dissolved solids, including constituents such as sodium and chloride). Manure from horses also contains elevated levels of nutrients (including nitrogen, ammonia, phosphorus and potassium compounds). The application of manure or the discharge of process wastewater to a land application area results in the discharge of salts and nitrogen compounds. Oxidation of nitrogen compounds (i.e., ammonia and organic nitrogen compounds) to nitrites and nitrates has the potential to degrade the quality of surface water and groundwater near the facility, if not properly managed. Surface water can be degraded by the presence of ammonia in the waste, which can cause ammonia toxicity to aquatic life or suppress dissolved oxygen concentrations. In addition, nitrogen and phosphorus compounds in the waste can cause excessive algal growth in surface waters, resulting in lower oxygen levels and which in turn causes fish and other organisms to die. The presence of pathogens in the waste can create a public health threat through contact with affected waters.

2. Non-CAFO Areas

Non-CAFO areas includes racetrack, grandstands, decorative fountains, paddock gardens, and parking lots. Storm water and irrigation runoff are the only wastewaters discharged from these areas.

Nutrients, pathogens, nitrogen, and total suspended solids (TSS) concerns are present in the storm water because of its proximity to CAFO areas and other activities that take place in these areas.

Pollutants most commonly associated with storm water impacted with animal waste include nutrients (including nitrogen and phosphorus), organic matter, solids, pathogens, and odorous compounds. Animal waste can also be a source of salts and various trace pollutants, including metals, pesticides, antibiotics, and hormones. These pollutants can be released into the environment through discharge of storm water if they are are not properly handled and managed.

Nutrients and Dissolved Oxygen
When nutrients such as nitrogen and phosphorus are discharged to surface water, they can cause increased aquatic algae and plant growth. Decomposition of the resulting algae and plants decrease dissolved oxygen levels. In addition, the biochemical oxygen demand of organic waste depletes dissolved oxygen in water. Low dissolved oxygen levels in streams and lakes can cause fish kills in surface waters. Inorganic forms of nitrogen are taken up by plants as nutrients when wastes are applied to cropland. Some nitrogen can be released as ammonia. Excessive or improper application of wastes and improper collection and storage of wastes can cause runoff to surface water or leaching to ground water. High ammonia levels in surface water can be toxic to fish. Ingestion of high levels of nitrate can cause anemia and, if not treated, death to young infants. Elevated levels of nitrate may also indicate that the water source is polluted by other contaminants, such as pathogens and pesticides.

Pathogens
Bacteria, viruses, and protozoa found in animal waste can increase the risk of waterborne diseases. Fecal coliform bacteria are used as a biological indicator to determine if pathogens are probably in the water. In fresh water, high fecal coliform levels can cause a threat to public health, and restrict recreational, industrial, domestic, and agricultural water use.

TSS
Suspended sediments limit the passage of sunlight into waters, which in turn inhibits the growth of aquatic plants. Excessive deposition of sediments can destroy spawning habitat, blanket benthic organisms and abrade the gills of larval fish.

VI. Discharge Requirements and Standards

1. CAFO Areas

   A. Technology-based Effluent Limitations and Standards - Production area.

      There may be no discharge of manure, litter, or process wastewater pollutants into waters of the United States from the production area except as provided below.

      Whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged into waters of the United States provided:

      The overflow consists of process wastewater and any commingled storm water from a facility designed, constructed, operated and maintained to contain all manure, litter, and process wastewater plus the runoff and direct precipitation from a 25-year, 24-hour storm event for the location of the CAFO. The design storage of any manure or process wastewater containment facilities volume must reflect all wastes accumulated during the storage period; normal precipitation less evaporation during the storage period; normal runoff during the storage period; the direct precipitation from a 25-year, 24-hour storm

event; the runoff from the 25-year, 24-hour storm event from the production area; residual solids after liquid has been removed; necessary freeboard to maintain structural integrity; and in the case of treatment lagoons, a minimum treatment volume.

B. Technology-based Effluent Limitations and Standards - Land Application Areas Under the Control of the CAFO Owner/Operator.

If LATC land applies manure, litter, or process wastewater, must develop and implement a NMP in accordance with the requirements specified in Attachment E of the Order. NMP has to be submitted to the Regional Board and made available for public review. If manure and/or process water is not land applied, then the Manure Management Plan (MMP) as specified in Attachment F of the Order will be submitted.

2. Non-CAFO Areas

A. Effluent limitations

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

b. Temperature:

i. A temperature greater than 86°F; and

ii. The maximum temperature of the discharge shall not exceed the natural receiving water temperature by more than 20°F.

c. Implementation of BMPs to meet the requirements specified below.

i. BMP Descriptions

LATC shall update and continue to implement, consistent with the existing Order requirements, a Storm Water Pollution Prevention Plan (SWPPP), and as specified in Attachment G.

LATC shall implement the minimum operational and other source specific operational and structural source control BMPs (where applicable) as specified in Attachment H, in addition to source specific BMPs, as specified below:

ii. Source Specific BMPs

The Discharger shall identify the sources of total coliform, fecal coliform, enterococus, nutrients and TSS. BMPs shall be based on the contamination level and sources. Also, the Discharger shall conduct a special study using Bacteria Source Tracking methodology to determine and identify more accurately the sources of fecal coliform contamination in areas that have experienced

persistent and elevated levels of bacteria. The potential sources of bacteria contamination include but are not limited to birds (cormorants, starling, gulls, and pigeons), animals (horses and other domesticated animals) , human, and potential sources from runon sources outside of Area III. Each source produces unique, identifiable strains of fecal coliform. The knowledge will aid in implementing the correct BMPs to reduce the fecal coliform source level and thus a reduction in the potential risk to human health in the receiving waters. Results and findings of the study, and the BMPs that shall be selected and implemented with the implementation schedule date to meet the required reduction goals of fecal coliform shall be submitted to the Regional Board by December 31, 2007.[1]

iii. BMP Evaluation

(a). Evaluate the current BMPs to see if they are properly implemented. Every potential source of pollution should have a corresponding BMP(s) to reduce the pollutants.

(b). Determine if the designated/selected BMPs are appropriate and effective to reduce the pollutants.

(c). Conduct Annual Comprehensive Site Compliance Evaluation (pursuant to Attachment G) and coordinate with RWQCB Staff as required regarding data assessments and BMP revisions.

(d). Determine if there are pollutants that cannot be linked to facility activity. If such pollutants are found in the discharge, it may be necessary to do further monitoring to determine their source.

VII. Regulatory Basis for Effluent Limitations

The CWA requires point source discharges to control the amount of conventional, nonconventional, and toxic pollutants that are discharged into the waters of the United States. The control of the discharge of pollutants is established through NPDES permits that contain effluent limitations and standards. The CWA establishes two principal bases for effluent limitations. First, dischargers are required to meet technology-based effluent limitations that reflect the best controls available considering costs and economic impact. Second, they are required to meet water quality-based effluent limitations (WQBELs) that are developed to protect applicable designated uses of the receiving water.

The CWA requires that technology-based effluent limitations be established based on several levels of control:

[1] Unless the number of storm events or storm water runoff volumes during this time period are insufficient to provide scientifically valid fecal coliform study results, in which case an extension of time will be allowed.

- Best practicable treatment control technology (BPT) is based on the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.

- Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.

- Best conventional pollutant control technology (BCT) is a standard for the control from existing industrial point sources of conventional pollutants including BOD_5, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the "cost reasonableness" of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.

- New source performance standards (NSPS) that represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires USEPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BCT, BAT, and NSPS. Section 402(a)(1) of the CWA and 40 CFR 125.3 of the NPDES regulations authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern.

If a reasonable potential to exceed water quality standards exists for pollutants in a discharge, WQBELs are also required under 40 CFR 122.44(d)(1)(i). WQBELs are established after determining that technology-based limitations are not stringent enough to ensure that state water quality standards are met for the receiving water. WQBELs are based on the designated use of the receiving water, water quality criteria necessary to support the designated uses, and the state's antidegradation policy.

There are several other specific factors affecting the development of limitations and requirements in the proposed Order. These are discussed as follows:

A. Pollutants of Concern

The CWA requires that any pollutant that may be discharged by a point source in quantities of concern must be regulated through an NPDES permit. Further, the NPDES regulations require regulation of any pollutant that (1) causes; (2) has the reasonable potential to cause; or (3) contributes to the exceedance of a receiving water quality criteria or objective.

LATC has complied with all the requirements of the CDO. In addition, LATC has worked diligently over the course of the previous permit term to eliminate all potential discharges of process wastewater. Since all process wastewater discharge has been eliminated from the production area, the potential for the storm water to come into

contact with straw, wood shavings, horse manure and urine, and feed is also eliminated. The implementation of good housekeeping practices also prevented the exposure of soaps, disinfectants, pesticides, hydraulic fluids, engine oil, fuel, battery acid, refuse, and painting supplies to rain water. Because the materials used on site were kept indoors, it is not reasonable to expect detergents, fecal coliform, biochemical oxygen demand (BOD), oil and grease, nitrate, nitrite, solids, and toxicity to be present in significant amount in the discharge. However, as shown in Section III of this Fact Sheet, the Table on Page F-10, storm water monitoring data indicate high levels of BOD, total suspended solids (TSS), settleable solids, nitrate + nitrite, and fecal coliform. Since these data were collected three years ago, there is no new data collected to verify reductions in the concentration of the above-mentioned pollutants as a result of good housekeeping measures implemented at the facility. Therefore, this permit will require implementation of additional BMPs in the non-CAFO areas within LATC including the investigation of bacteria sources and implementation of BMPs to reduce pollutants in flows from non-CAFO areas within Area III.

B. Technology-Based Effluent Limits

Technology-based effluent limits are intended to achieve a minimum level of treatment of pollutants for point source discharges. Effluent limitation guidelines and standards (ELGs) that would apply to a CAFO are defined in 40 CFR Part 412.

As stated previously, in the existing Order the facility was considered a CAFO based on the regulations found at 40 CFR section 122.23 and Part 412. The NPDES requirements and ELGs for these CAFO regulations were revised in February 2003, and became effective April 14, 2003. The revised regulations redefine the areas of the CAFO that are subject to the regulatory requirements, and establish ELGs for large CAFOs (including horses). The proposed Order incorporates these revisions; thereby redefining the areas within LATC that are subject to the CAFO and ELG requirements. For the purposes of the proposed Order, the area regulated as a CAFO includes all areas that are considered “production areas,” as defined in 40 CFR section 412.2(h), as revised February 12, 2003. The ELGs state that there can be no discharge of wastewater pollutants to navigable waters except, “whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged into U.S. waters.” The proposed Order prohibits any discharges from the CAFO production area except as specified in 40 CFR section 412.2(h). Because LATC has eliminated the discharge of process wastewater from the production area, LATC is in compliance with the ELGs. Other areas within LATC are not classified as CAFO production areas and therefore, are not subject to CAFO regulatory requirements.

The Discharger is required to submit a statement with each annual self-monitoring report confirming that LATC has not land-applied any manure or wastewater during that year. However, if the Discharger wishes to land-apply manure or process wastewater, the Discharger shall notify the Regional Board and develop a NMP that

incorporates all nine of the above requirements in accordance with 40 CFR section 122.42(e)(1).

There are no applicable ELGs for storm water discharges from non-production areas of the CAFO. However, due to high levels of BOD, TSS, oil and grease, settleable solids and fecal coliform in the storm water discharge, this permit requires implementation of additional BMPs in the non-CAFO areas within LATC including the investigation of bacteria sources and implementation of BMPs to reduce pollutants in flows from the non-CAFO areas. Pursuant to 40 CFR section 122.44(k), the Regional Board requires the Discharger to develop and implement BMPs consistent with the requirement specified in Attachment H for discharge of storm water which shall be included in the SWPPP. The SWPPP will outline site-specific BMPs to minimize storm water runoff contamination and to reduce or prevent contaminated storm water runoff from being discharged from portions of LATC that are not in the CAFO production areas. In particular, the Discharger shall focus on addressing fecal coliform contamination. The Discharger shall conduct a special study to identify the specific sources of fecal coliform and, and based on the results of this study, shall develop and implement BMPs to reduce fecal coliform levels in the discharge. The Discharger shall work with Regional Board staff to investigate possible source control and treatment options. The Discharger will submit to the Regional Board a report detailing all monitoring activities, potential cost-effective control measures, and recommended actions in order to evaluate the effectiveness of the BMPs employed at the facility within 1 year of the effective date of this Order, unless storm water runoff during this time period is insufficient to justify scientifically valid fecal coliform study results, and then an extension of time will be allowed. The purpose of these BMPs is to establish site-specific procedures that ensure proper operation of the facility, and provide that unauthorized discharges (i.e., process water (including storm water) from the CAFO production areas, spills) do not occur at the LATC facility. For instance, additional sweeping of parking lot areas may reduce TSS levels in the storm water.

The combination of the SWPPP, BMPs, and SPCC plan will serve as the equivalent of technology-based effluent limitations for those non-production areas, in addition to established ELGs for the CAFO areas, in order to carry out the purposes and intent of the CWA.

C. Impaired Water Bodies in 303 (d) List

Section 303(d) of the CWA requires states to identify specific water bodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources. For all 303(d)-listed water bodies and pollutants, the Regional Board plans to develop and adopt TMDLs that will specify Waste Load Allocations (WLAs) for point sources and load allocations (LAs) for non-point sources, as appropriate.

The USEPA has approved the State's 303(d) list of impaired water bodies on July 25, 2003. Certain receiving waters in the Los Angeles and Ventura County watersheds do not fully support beneficial uses and therefore have been classified as

impaired on the 2002 303(d) list, some of which have been scheduled for TMDL development.

The facility discharges into the Arcadia Wash, then to the Rio Hondo and ultimately to the Los Angeles River. Acadia Wash is not listed as impaired on the 2002 303(d) list; however, the 2002 303(d) list classifies the Rio Hondo as impaired. The pollutants of concern, detected in the water column include: copper, lead, pH, zinc, fecal coliform and trash. TMDLs for nitrogen and related affects, pH, trash and coliform were scheduled for completion in 2001-2002. No TMDLs for Rio Hondo have been completed. Segments of the Los Angeles River and its tributaries exceed water quality objectives for a variety of metals. These segments (i.e. reaches) of the Los Angeles River and tributaries are included on the California 303 (d) list. The Clean Water Act requires a TMDL be developed to restore the impaired water bodies including the Los Angeles River to their full beneficial uses.

The TMDL for metals in the Los Angeles River was approved by the Regional Board during the June 2, 2005, hearing (Resolution No. 2005-006). State Board approved the TMDL on October 20, 2005; OAL and USEPA approvals were received on December 9, 2005 and December 22, 2005 respectively. The TMDL become effective on January 11, 2006, when the notice of decision was filed with the Secretary of Resources.

The metals TMDL implements numeric water quality targets that are based on objectives established by USEPA in the CTR. Targets for copper, lead, zinc and/or selenium (total recoverable) are established in designated reaches of the Los Angeles River. Separate water quality targets are established in the metals TMDL for dry and wet weather discharges. The final waste load allocations will become effective only after 10 years from the effective date of metals TMDL and will be discussed in the next permit cycle. However, LATC shall implement effective BMPs to meet the goals of interim waste load allocations translated as effluent limitations for these metals established in the metals TMDL by January 11, 2011. Every two years in January, LATC will meet with the Regional Board staff to review the monitoring results of the metals of concern and implemented BMP assessment and revision, if necessary

LATC will implement BMPs to meet the following goals of the Los Angeles River TMDL by January 11, 2011.

Parameter	Units	Maximum Daily
Cadmium	µg/L	15.9
Copper	µg/L	63.6
Lead	µg/L	81.6
Zinc	µg/L	117

Discharger shall begin to install and test BMPs to meet the goals of interim effluent limitations. If monitoring demonstrates that interim effluent limitations are being exceeded the Discharger shall evaluate potential Best Management Practices

(BMPs), including structural BMPs, and implement any necessary BMP improvements to achieve compliance with the goals.

D. Specific Rationale for Each Numerical Effluent Limitation

Section 402(o) of the Clean Water Act and 40 CFR section 122.44(l) require that effluent limitations, standards, or conditions in re-issued Orders be at least as stringent as in the existing Order based on the submitted sampling data.

All dry weather process wastewater discharges including horse and animal washdown water, fountain drainage water, and all other dry weather flows from the stable and animal show areas have been eliminated (i.e., discharged to the sanitary sewer or eliminated completely), and further, such discharges are prohibited under this Order; therefore, the effluent limitations from the existing Order are not applicable to these discharges. The technology-based effluent limitations for the production area of the CAFO are based on ELGs contained in 40 CFR section 412.13, which states that discharges of process wastewater are allowed only when rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process wastewater plus the runoff from a 25-year return, 24-hour duration rainfall event. Because LATC has eliminated the discharge of process wastewater from the production area, LATC is in compliance with the ELGs. As stated previously, storm water monitoring data submitted during the existing permit term indicated elevated concentrations of BOD, TSS, oil and grease, settleable solids and fecal coliform. Since the last storm water monitoring was conducted, LATC has implemented additional good housekeeping practices such that any manure that are inadvertently deposited outdoors in the production area is removed before pollutants from these materials can be entrained in storm water runoff. Several other practices were being implemented in order to reduce the exposure of pollutants to storm water. Therefore, numeric effluent limitations will not be included in this proposed Order. However, the proposed Order requires implementation of additional BMPs in the non-CAFO areas within Area III of LATC including the investigation of bacteria sources and implementation of BMPs to reduce pollutants in flows from non-CAFO areas within Area III.

E. Monitoring Requirements

The existing Order for LATC required monitoring of storm water runoff for total waste flow, BOD, oil and grease, fecal coliform, nitrate + nitrite as nitrogen, phosphorus, phenols, residual chlorine, TSS, settleable solids, temperature, detergents (as MBAS) at a frequency of once per discharge, where no more than one sample per 2 weeks is required. Monitoring of fountain discharge for total waste flow, BOD, oil and grease, pH, residual chlorine, TSS, settleable solids, temperature, detergents (as MBAS) was required at a frequency of once per discharge, where no more than one sample per month is required. Annual monitoring for acute toxicity was also required for storm water and fountain drainage discharges.

On July 27, 2001 the Regional Board sent a letter to LATC requiring the monitoring of effluent and receiving water for priority pollutants regulated in the CTR, and submit the data by April 15, 2003. As stated previously, LATC submitted effluent data and

receiving water data for priority pollutants from two wet weather events occurring in April and May 2002.

Monitoring requirements are discussed in greater detail in Section III of the Monitoring and Reporting Program CI-8102 (hereinafter MRP).

1. Effluent Monitoring

a. CAFO Production Area Monitoring

As stated previously, the Discharger has eliminated process wastewater discharges from the CAFO areas. The proposed Order states that discharge of wet weather process wastewater from the production area is prohibited except as such process wastewater might be discharged from a facility designed, constructed, operated, and maintained to contain all process wastewater plus the runoff from a 25-year return, 24-hour duration storm. In the event that any process wastewater is discharged during the term of the proposed Order, the Discharger shall record the date and the approximate time and volume of each discharge of process wastewater (including storm water commingled with process wastewater from the CAFO production areas), and the approximate duration and volume of wastes discharged. During or immediately after any overflow or other discharge of pollutants from a manure or process wastewater storage area or retention pond, whether authorized by the permit or not, the Discharger shall collect samples of the discharge. Although these discharges of process wastewater are expected to occur infrequently if at all, to demonstrate compliance with effluent limitations established in this Order, this Order requires monitoring of process water (including storm water commingled with process wastewater) discharged from the CAFO production areas if the storage capability for a 24 hour return, 25-year duration storm has been exceeded and this water is discharged. Storm water not commingled with process wastewater from CAFO areas shall be sampled as described in the MRP once per discharge but no more than one sample per 2 week period is required.

c. Non-Production Area Monitoring

Characterization Monitoring of Non-Production Areas

To monitor for the presence of pollutants in storm water from non-production areas, this Order carries over the existing monitoring requirements for most parameters for storm water discharges associated with the non-production areas. Monitoring once per discharge event (but not more than once per 2 weeks) is required for the following constituents (which are carried over from the existing Order): flow, pH, temperature, BOD, oil and grease, fecal coliform, nitrate + nitrite as nitrogen, phosphorus, TSS, and settleable solids.

Monitoring annually for detergents (as MBAS) is required to determine the presence of these pollutants in the storm water discharges from nonproduction areas.

CTR Monitoring for Non-Production Areas

As discussed previously, there are insufficient effluent monitoring data for discharges from non-production areas of CTR priority pollutants to conduct the RPA. If data are unavailable or insufficient to conduct the RPA, the Regional Board will establish requirements that require additional monitoring for the pollutants in place of a WQBEL.

The proposed Order requires the Discharger to conduct annual monitoring for all CTR priority pollutants, as listed in the MRP. The Regional Board will use the additional data to conduct the RPA and determine if a WQBEL is required, and may reopen the permit to incorporate additional effluent limitations and requirements, if necessary.

The effluent monitoring program for the discharges through NPDES Discharge Outfalls 001 through 015 is described in more detail in the MRP.

2. Receiving Water Monitoring

This receiving water monitoring location (named RW-1) shall be as close to 50 feet upstream from the discharge point (storm drain) into the receiving water (Arcadia Wash). The proposed Order requires the Discharger to conduct monitoring for all CTR priority pollutants, as listed in the *MRP*, of receiving water once every 2 years, during the 2nd and 4th years of the permit term. The Regional Board will use the additional data to conduct the RPA

F. Recordkeeping and Inspection Requirements

The existing MRP required LATC to conduct inspections of the outfalls and diversion systems, and to maintain a permanent log to document the inspections and material removal practices. These requirements are carried over to the proposed Order; which are described below. Additional requirements have been established in the proposed Order per the CAFO and NPDES requirements; which are also described below.

1. A copy of the facility's manure management plan must be maintained on-site and made available upon request.

2. The Discharger is required to inspect all outfalls once every two weeks to ensure that dry weather discharges are not occurring from the CAFO production areas.

3. The Discharger is required to inspect all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water weekly. Any deficiency shall be corrected as soon as possible.

4. The Discharger shall inspect all manure, litter and process wastewater storage facilities weekly. If LATC constructs any open surface liquid impoundments that are located on the facility, they must have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event.

5. No less than twice during the dry season (June through September), observe and/or test for the presence of non-storm water discharges at all storm water discharge locations in the non-production areas. At a minimum, a visual inspection shall be conducted to determine the presence of stains, odors, debris, or other conditions that might indicate a discharge.

6. Conduct wet season (October through May) observations of all storm water locations in the non-production areas during the first hour of the first storm event of the wet season (safety and daylight conditions permitting)that produces significant storm water discharge (continuous discharge of storm water for one hour or more) to observe the presence of floating and suspended materials, discolorations, turbidity, odor, etc.

7. A permanent log shall be maintained for the inspections required in Sections 1 – 5 and for the waste bedding material hauled offsite.

8. Report any event (i.e., overflows, spills, or leaks) during the year that could contribute to storm water runoff in the production areas and modify the sampling plan for the most probable pollutants expected.

9. The Discharger is required to measure and record the rainfall each day of the month.

10. The Discharger is required to maintain records documenting the waste bedding material hauled off-site.

11. The Discharger must maintain on-site, for a period of 5 years from the date they are created, all records required by this Order to include:

    a. Records documenting all inspections;
    b. Weekly records of depth of manure and process wastewater (if stored in open containment facilities) as indicated by a depth marker, where appropriate;
    c. Records documenting any actions taken to correct deficiencies found during inspections of the CAFO facility;
    d. Mortalities must be handled in such a way as to prevent the discharge of pollutants to surface water and records of mortalities management must be maintained;

e. Records documenting the current design of any manure or litter storage structures, including volumes for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity;
f. Records of the date, time and estimated volume of any overflow to surface waters; and,
g. Records of the date, recipient name, and address, and approximate amount of manure litter, and process wastewater transferred to another person.

12. Prior to transferring manure, litter, or process wastewater to other persons, the Discharger must provide the recipient with the most current nutrient (nitrogen and phosphorus) analysis. This analysis must be in accordance with the local cooperative extension approved methods.