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

ORDER NO. R4-2006-0081
NPDES PERMIT NO. CA0064203

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
LOS ANGELES TURF CLUB
(SANTA ANITA PARK)

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

Background

1. Los Angeles Turf Club, Santa Anita Park (hereinafter LATC, Santa Anita or Discharger), discharges wastewater regulated by Waste Discharge Requirements (WDRs) and a National Pollutant Discharge Elimination System (NPDES) permit contained in Board Order No. 99-109 (NPDES Permit No. CA0064203) which was issued on October 28, 1999, CI-8102. Order No. 99-109 expired on September 10, 2004.

2. LATC filed a Report of Waste Discharge (ROWD) and applied for renewal of its WDRs and NPDES permit on April 2, 2004, for discharges of wastes to surface waters. The tentative Order is the reissuance of the WDRs and a NPDES permit for discharges from LATC.

3. A companion Cease and Desist Order (CDO) (Order No. 99-110) was adopted by the Regional Board on October 28, 1999, concurrently and described a time schedule for compliance with a prohibition of dry weather discharges of process wastewater and a reduction of wet weather discharges.

4. On August 23, 2004, a NPDES permit Compliance Evaluation Inspection (CEI) and a subsequent inspection on June 15, 2005, were conducted, and it was determined that the Discharger has met and completed all the requirements of the CDO. Therefore, the CDO is proposed to be rescinded while renewing these WDRs.

Purpose of Order

5. The purpose of the tentative Order is to renew the WDRs and rescind the CDO for the LATC facility. This NPDES permit regulates the discharge of storm water runoff from the non-production areas and the discharge of process wastewater from the Concentrated Animal Feeding Operations (CAFO) production area that might be discharged only from a facility designed, constructed, operated, and maintained to contain all process wastewater plus the runoff from a 25-year, 24-hour rainfall event through discharge points to Arcadia Wash, which flows southwest for about seven 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. Figure 1 provides a facility location map. A description of discharge locations with corresponding latitude and longitude values is provided in Finding 14. The purpose of this Order is to renew the WDRs for the LATC facility.

Facility Description

6. LATC operates Santa Anita Park, a 310-acre horse stabling, training and racing facility located 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. Figure 2 provides a facility site map.

7. Pursuant to the definitions in 40 Code of Federal Regulations (CFR) Part 122.23 (NPDES Permit Regulations) and Effluent Limitation Guidelines (ELGs) and Standards for CAFOs, established in 40 CFR Part 412 (Subpart A–Horses and Sheep), and revised in February 12, 2003, the stable portions of LATC are subject to the regulatory requirements for CAFOs. Further, the stables are 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. 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. All the process wastewater from the production areas are now discharged into the sewer system .

8. 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.

Discharge Description

9. 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.

10. 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, issued a companion CDO (No. 99-110) which included a time schedule to achieve full compliance with the discharge prohibitions. The CDO described six requirements as follows to eliminate dry weather process wastewater discharges and reduce wet weather process wastewater discharges:

    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.

    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.

    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.

    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.

    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.

    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.

11. As of December 31, 1999, all dry weather flows from the stable area, exception of irrigation water, 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.

12 The first 0.1-inch of any rain event is 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 overflows to the Arcadia Wash at the North and South Diversion Structures (Discharge Serial Outfalls N-OF and S-OF).

13. 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 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 Gardens 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.

14. There are 15 Outfalls of concern that discharge storm water to the Arcadia Wash from the facility and are listed below. The Outfalls discharge to the Arcadia Wash, which flows southwest for approximately seven 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 all permits 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 Garden	NPA
N-23	006	34°08'19"	118°02'47"	Paddock Garden	NPA
N-27	007	34°08'17"	118°02'46"	Paddock Garden	NPA
N-28	008	34°08'17"	118°02'46"	Paddock Garden	NPA
N-32	09	34°08'13"	118°02'40"	Paddock Garden	NPA
N-33	010	34°08'13"	118°02'40"	Paddock Garden	NPA
N-34	011	34°08'12"	118°02'38"	Paddock Garden	NPA
N-35	012	34°08'12"	118°02'38"	Paddock Garden	NPA
N-36	013	34°08'10"	118°02'37"	Infield/Irrigation	NPA
N-OF	014	34°08'22"	118°02'51"	Stable	PA
S-OF	015	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.

Applicable Plans, Policies, Laws, and Regulations

15. On November 16,1990, the U.S. Environmental Protection Agency (USEPA) promulgated Phase I storm water regulations (40 Code of Federal Regulations [CFR] Parts 122, 123, and 124) in compliance with Clean Water Act (CWA) section 402(p). These regulations require operators of facilities that discharge storm water associated with industrial activity (storm water discharges) to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. CWA section 402(p)(3)(A) also requires that permits for discharges associated with industrial activity include requirements necessary to meet water quality standards.

16. Effluent limitations and toxic and effluent standards established in Sections 208(b), 301, 302, 303(d), 304,306,307, and 403 of the federal CWA, as amended, are applicable to storm water discharges and authorized non-storm water discharges regulated by this Permit.

17. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on January 27, 1997, by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state 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.

18. Ammonia Basin Plan Amendment. The 1994 Basin Plan provided water quality objectives for ammonia to protect aquatic life, in Tables 3-1 through Tables 3-4. However, those ammonia objectives were revised on April 25, 2002, by the Regional Water 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 Water Board, the Office of Administrative Law, and 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.

19. The Basin Plan contains water quality objectives and beneficial uses for inland surface waters and for the Pacific Ocean. Inland surface waters consist of rivers, streams, lakes, reservoirs, and inland wetlands. Beneficial uses for a surface water can be designated, whether or not they have been attained on a waterbody, in order to implement either federal or state mandates and goals (such as fishable and swimmable for regional waters).

20. The immediate receiving body for the permitted discharge covered by this Order is the Acadia Wash. The Basin Plan contains beneficial uses and water quality objectives for the Acadia Wash. 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.

21. The State Water Resources Control Board (State Board) adopted a Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.

22. On May 18, 2000, the 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 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. CTR's Compliance Schedule provisions sunseted on May 17, 2005.

23. Under 40 CFR section 122.44(d), Water Quality Standards and State Requirements, "Limitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants), which the Director [permitting authority] determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality." Where numeric effluent limitations for a pollutant or pollutant parameter have not been established in the applicable state water quality control plan, 40 CFR section 122.44(d)(1)(vi) specifies that WQBELs may be set based on USEPA 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.

24. 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) and 303(d)(4) of the Clean Water Act (CWA) and in Title 40, Code of Federal Regulations (40 CFR), section 122.44(l). Those provisions require a reissued permit to be as stringent as the existing permit with some exceptions where effluent limitations may be relaxed.

25. 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 San Jose Creek.

26. 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.

27. In accordance with ELGs from 40 CFR 412.13, the discharge of 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 rainfall event. LATC has eliminated the discharge of process wastewater from the production area. The discharge of storm water will continue to be regulated by this permit. CAFO requirements are not applicable to non-production areas. However, all dry-weather discharges except for landscape irrigation from non-CAFO production areas will continue to be prohibited from entering the storm drain under this proposed Order.

Watershed Management Approach and Total Maximum Daily Loads (TMDLs)

28. 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.

29. 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 became 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.

Data Availability and Reasonable Potential Monitoring

30. CFR section 122.44(d)(1)(ii) requires that each toxic pollutant be analyzed with respect to its reasonable potential when determining whether a discharge (1) causes; (2) has the reasonable potential to cause; or (3) contributes to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant. In performing the RPA, the permitting authority uses procedures that account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, and the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity). Because of effluent variability, there is always some degree of uncertainty in determining an effluent's impact on the receiving water. The USEPA's *Technical Support Document for Water Quality-Based Toxics Control (TSD) of 1991* (USEPA/505/2-90-001), addresses this issue by suggesting the use of a statistical approach. The TSD states, "an analogous approach developed by a regulatory authority can be used to determine reasonable potential." Although the SIP does not apply specifically to storm water discharges, for this permit, the Regional Board is using the SIP methodology to evaluate reasonable potential for storm water discharges, as the SIP provides procedures for evaluating reasonable potential to exceed applicable water quality criteria and objectives. Sufficient effluent data are needed to perform the RPA.

31. LATC provided toxic pollutant analyses data set is not of sufficient size to perform an RPA for the discharge from the Santa Anita Park facility. This permit includes monitoring requirements to obtain additional data to complete the RPA for priority pollutants in the future.

32. This permit will be reopened to include effluent limitations for toxic constituents determined to be present in significant amounts in the discharge through a more comprehensive monitoring program included as part of this Order and based on the results of the RPA.

CEQA and Notifications

33. 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.

34. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.

35. This Order shall serve as a NPDES permit pursuant to Section 402 of the Federal Clean Water Act or amendments thereto, and is effective 30 days (December 10, 2006), from the date of this adoption, in accordance with federal law provided the Regional Administrator, USEPA, has no objections.

36. 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.

37. 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 Los Angeles Turf Club - Santa Anita Park, 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. Prohibitions

1. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to Arcadia Wash, or waters of the State, are prohibited

2. The discharge of designated waste or hazardous waste, as defined in California Water Code Section 13173 and Title 23 CCR Section 2521(a), respectively, is prohibited.

3. CAFO Areas

   A. The direct or indirect discharge of process wastewater from the production area to surface waters is prohibited unless the discharge: (1) consists of overflow of process wastewater from a facility designed, constructed, operated and maintained to contain all manure and process wastewater including the runoff and direct precipitation from a 25-year, 24-hour rainfall event; and (2) does not cause the receiving water to exceed water quality objectives as specified in the Basin Plan.

   B. The disposal of dead animals in any liquid manure or process wastewater system is prohibited as specified in 40 CFR section 412.37(a)(4). In addition, the disposal of dead animals at the facility is prohibited unless a ROWD for the disposal has been submitted to the Executive Officer, and the Regional Board has issued or waived WDRs, and the disposal complies with all state and local laws and regulations.

   C. All animals shall be prohibited from entering any surface water within the confined area.

D. The use of manure to construct containment structures or to repair, replace, improve, or raise existing containment structures is prohibited.

E. Standing water in open animal confinement areas (including corrals), feed storage areas, and dry manure storage areas that persists for more than 24 consecutive hours after a storm event is prohibited.

4. Non-CAFO Areas

A. Discharges of liquids or materials other than storm water or landscape irrigation runoff (non-storm water discharges) either directly or indirectly to waters of the United States, are prohibited.

B. Storm water discharges shall not contain pollutants that cause or threaten to cause pollution, contamination, or nuisance as defined in CWC Section 13050.

II. DISCHARGE REQUIREMENTS

1. Discharge Limitations and Standards

A. 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 volume of any manure or process wastewater containment facilities 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 Nutrient Management Plan (NMP) in accordance with the requirements specified in Attachment E

c. According to 40 CFR section 122.42(e)(1), every large CAFO must develop a NMP as specified in Attachment E. Because LATC does not land-apply manure or process wastewater, the Regional Board has determined that a MMP fulfills the requirements for an NMP. The MMP will apply to all manure management activities at the LATC facility, regardless of where the activities occur (e.g., CAFO production areas and non-CAFO production areas). The Discharger shall update and comply with the requirements of MMP as specified in Attachment F.

B. Non-CAFO Area

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 LATC. 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.

C. Compliance with Metal TMDL

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

[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.

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

D. The combination of the SWPPP and BMPs will serve as the equivalent of technology-based effluent limitations, in the absence of established ELGs, in order to carry out the purposes and intent of the CWA.

2. Receiving Water Limitations

A. 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 turbidity, or apparent color beyond present natural background levels;

c. Visible, floating, suspended or deposited oil or other products of petroleum origin;

d. Bottom deposits or aquatic growths; or,

e. Toxic or other deleterious substances to be present in concentrations or quantities which cause deleterious effects on aquatic biota, wildlife, or waterfowl or render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

B. The discharge shall not cause nuisance, or adversely effect beneficial uses of the receiving water.

C. No discharge shall cause a surface water temperature rise greater than $5^{o}F$ above the natural temperature of the receiving waters at any time or place.

D. 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. The ammonia limitations in the 1994 Basin Plan were revised by Regional Board Resolution No. 2002-011, adopted on April 28, 2002, to be consistent with the 1999 update on ammonia criteria. Regional Board Resolution No. 2002-011 was approved by State Board, Office of

Administrative Law (OAL) and USEPA on April 30, 2003, June 5, 2003, and June 19, 2003, respectively and is now in effect. Total ammonia (as N) shall not exceed concentrations specified in the Regional Board Resolution 2002-011.

E. The discharge shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Board or State Board. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, the Regional Board will revise or modify this Order in accordance with such standards.

F. 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_5$20℃ that adversely affect beneficial uses.

G. The discharge shall not alter the color, create a visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters.

H. The discharge shall not degrade surface water communities and population including vertebrate, invertebrate, and plant species.

I. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures or facilities nor overload their design capacity.

J. The discharge shall not cause problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.

3. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:

   A. Name and general composition of the chemical,

   B. Frequency of use,

   C. Quantities to be used,

   D. Proposed discharge concentrations, and

   E. USEPA registration number, if applicable.

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

4. The Regional Board and USEPA 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.

5. The Discharger shall file a Report of Waste Discharge with the Regional Board at least 180 days before making any material change in the character, location, or volume of the discharge. A material change includes, but is not limited to, the following:

   A. The addition of a new wastewater that results in a change in the character of the waste;

   B. Significantly changing the disposal method or location;

   C. Significantly changing the methods of treatment; and/or

   D. Increasing the discharge flow beyond that specified in the Order.

III. PROVISIONS

1. 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.

2. This Order includes the attached Monitoring and Reporting Program (MRP). If there is any conflict between provisions stated in the *MRP* and the Standard Provisions, those provisions stated in the former shall prevail.

3. The Discharger shall comply with the requirements contained in the attached *Storm*

Water Pollution Prevention Plan Requirements (Attachment G) and shall implement BMPs in CAFO and non-CAFO areas required to meet the Prohibitions and Discharge Requirements sections of this permit.

4. 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.

5. 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.

6. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.

7. 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.

8. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to their storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the Regional Board to local agencies.

9. Compliance with the receiving water temperature limitation – If the receiving water temperature, downstream of the discharge, exceeds 86 °F as a result of:

   A. High temperature in the ambient air, or

   B. High temperature in the receiving water upstream of the discharge, then the exceedance shall not be considered a violation.

IV. REOPENERS

1. This Order may be reopened and modified, to incorporate new limits based on future RPA to be conducted for CTR pollutants, upon completion of the collection of additional data by the Discharger.

2. 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.

3. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new minimum levels (MLs) for each pollutant.

4. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, or the adoption of a TMDL for San Jose Creek.

5. This Order may be reopened and modified, to revise the toxicity language once that language becomes standardized.

6. 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, endangerment to human health or the environment resulting from the permitted activity.

V. EXPIRATION DATE

This Order expires on October 10, 2011.

The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

VI. RESCISSION

Order No. 99-107, adopted by this Regional Board on October 28, 1999, is hereby rescinded except for enforcement purposes.

Order No. 99-108, a companion Cease and Desist Order adopted by this Regional Board on October 28, 1999, is also hereby rescinded.

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 November 9, 2006.

Jonathan S. Bishop
Executive Officer