

**RESPONSE TO COMMENTS
OWENS-BROCKWAY GLASS CONTAINER INC.
REVISED TENTATIVE ORDER NO. R4-2026-XXXX
NPDES NO. CA0056464**

**Comment Letter dated February 27, 2026, from Kyle Martin, Plant Manager, Owens-Brockway Glass Container Inc.
(Discharger)**

No.	Comment Summary	Response	Action Taken
1	<p>Owens-Brockway (Discharger) requests chronic toxicity monitor frequency be changed from once per discharge to once per year. The sampling frequency for chronic toxicity under the current order R4-2016-0122 is <i>once per year</i> (per Table E-2). This has been increased to <i>once per discharge event</i> under the Revised Tentative Permit, and it does not appear that an explanation for the increased frequency was provided in the Fact Sheet or Monitoring and Reporting Program (MRP). We note that other annual parameters such as TCDD Equivalents and Remaining Priority Pollutants were retained at a <i>once per year</i> frequency. Owens will continue to comply with all Chronic Whole Effluent Toxicity Testing requirements per Section 5 of the MRP.</p>	<p>40 CFR 122.44(i)(4) states, “<i>Requirements to report monitoring results for storm water discharges associated with industrial activity (other than those addressed in paragraph (i)(3) of this section) shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge.</i>” The Los Angeles Water Quality Control Board (Los Angeles Water Board) established the 1/Discharge Event frequency for chronic toxicity based on the nature of the discharge and the Facility’s compliance history. Discharges from EFF-001 and EFF-002 have demonstrated reasonable potential for chronic toxicity, and exceedances have occurred as recently as February 5, 2024 and October 25, 2021, respectively. Although discharges from both EFF-001 and EFF-002 occurred during the last discharge event on February 5, 2024, sampling was not conducted at EFF-002 due to localized flooding. While the Los Angeles Water Board recognizes that the Discharger has taken measures to reduce discharges from the Facility, it remains unclear if the measures taken at the Facility are sufficient to address chronic toxicity should a discharge event occur. Therefore, the Los Angeles Water Board denies the request to decrease the monitoring frequency for chronic toxicity.</p> <p>Additionally, the monitoring frequency for TCDD Equivalents in the revised tentative Order appears to</p>	<p>The revised tentative reflects the change to TCDD equivalent monitoring in Table E-2.</p>

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		<p>have been in error. As noted in the comment, the monitoring frequency was listed as 1/Year. Based on a review of the monitoring data for TCDD, exceedances for TCDD at EFF-001 and EFF-002 were reported on February 5, 2024 and January 29, 2021, respectively. Therefore, the Los Angeles Water Board has revised Table E-2 to require an increase in the monitoring frequency for TCDD Equivalents of 1/Discharge Event to be consistent with the chronic toxicity monitoring. As discussed in Section 7.2 of the Fact Sheet, “[T]he SIP states that the Los Angeles Water Board will require periodic monitoring for pollutants for which criteria or objectives apply and for which no effluent limitations have been established.” Thus, this Order requires the Discharger to conduct monitoring for the remaining CTR priority pollutants on an annual basis.</p> <p>Section 13383 of the California Water Code authorizes the Los Angeles Water Board to establish monitoring requirements. Based on the above reported exceedances, the Los Angeles Water Board has determined that the monitoring frequency of 1/Discharge Event is reasonable in light of the infrequent nature of the discharge, limited existing sampling data following the Facility improvements, and the reasonable potential for an exceedance associated with chronic toxicity and TCDD Equivalents to occur. For consistency, constituents with an effluent limitation shall be monitored at least 1/Discharge Event as shown in Table E-2 of the revised tentative Order.</p> <p>Moreover, due to the infrequent nature of discharges from the Facility, the sampling frequency of 1/Discharge Event is expected to be less than 1/Year. Therefore, the requirement to monitor chronic toxicity and TCDD for every discharge event is unlikely to result in or require</p>	

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		<p>an increase in analytical and reporting costs for the Discharger. Therefore, the Los Angeles Water Board declines to decrease the monitoring frequency for chronic toxicity as requested.</p>	
2	<p>The Discharger requests supporting documentation for the calculation of effluent limitations. Owens would like to obtain records from the water board showing how various effluent limitations were calculated. We note that the Fact Sheet of the Revised Tentative Permit provides an example calculation for the Water Quality Based Effluent Limitation for total copper wet and dry weather limitations, and the Response to Comments (RTC) provided to Owens on January 30, 2026 provides the supporting documentation for the selenium limitation. Owens requests that documentation showing WQBEL calculations be provided for the other effluent limitations applied in the NPDES permit.</p>	<p>Section 3.4 of the Fact Sheet of the revised tentative Order includes the Total Maximum Daily Loads (TMDLs) that are applicable to discharges from the Facility. Section 4 of the Fact Sheet provides the rationale for the effluent limitations and specifications applied to discharges. The Water Quality-Based Effluent Limitations (WQBELs) for EFF-001 are ammonia, bacteria, pH, total dissolved solids (TDS), sulfate, chloride, temperature, antimony, arsenic, cadmium (wet weather), chromium (VI), copper (dry and wet weather), lead (dry and wet weather), nickel, selenium, thallium, zinc (wet weather), cyanide, TCDD equivalents, pentachlorophenol, bis(2-ethylhexyl) phthalate, poly chlorinated biphenyls (PCBs). The WQBELs for EFF-002 are ammonia, bacteria, dissolved oxygen, pH, TDS, sulfate, chloride, temperature, total residual chlorine, arsenic, cadmium (wet weather), chromium (VI), copper (dry and wet weather), lead (dry and wet weather), nickel, selenium, thallium, zinc (wet weather), cyanide, TCDD equivalents, pentachlorophenol, bis(2-ethylhexyl) phthalate, and PCBs. The following is an explanation of how the WQBELs were determined:</p> <ol style="list-style-type: none"> 1. Ammonia. The effluent limitation for ammonia for both discharge points is the waste load allocation (WLA) assigned in the Los Angeles River Nutrient TMDL. As described in Section 5.1.1. of the Fact Sheet, the Revised Tentative Permit applies the one-hour average WLA for ammonia of 8.7 mg/L as a maximum daily effluent limitation and no calculations were made. 	<p>The revised tentative is updated to reflect the correct table references noted in Item 5 of the response.</p>

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		<p>2. Bacteria. The effluent limitation for bacteria for both discharge points is the direct application of the WLA assigned in the Los Angeles River Bacteria TMDL. Section 3.4.1 and Section 5.1.2 of the Fact Sheet provides the rationale for the effluent limitations applied. No calculations were made for the effluent limitation.</p> <p>3. Dissolved Oxygen. See response to comment #3 below for dissolved oxygen.</p> <p>4. pH. See section 4.3.2.d of the Fact Sheet for the Basin Plan numeric water quality objectives applicable to discharges to the receiving water. No calculations were made for the effluent limitation.</p> <p>5. Total Dissolved Solids (TDS), Sulfate, and Chloride. The TDS, sulfate and chloride WQOs were taken from Table 3-10 in the Basin Plan based on the Los Angeles River Reach and directly applied as effluent limitations. Therefore, no calculations were conducted. However, the Revised Tentative Permit lists the table as Table 3-8 in Section 4.3.2.e of the Fact Sheet. This has been revised and the Revised Tentative Permit will reflect the correct table reference of Table 3-10.</p> <p>6. Temperature. The temperature effluent limitation was revised based on the WQO for WARM-designated waters and no calculations were performed.</p> <p>7. Total Residual Chlorine. See response to comment #3 below for total residual chlorine.</p>	

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		<p>8. Antimony, arsenic, nickel, thallium, pentachlorophenol, and bis(2-ethylhexyl) phthalate. These pollutants were derived from the Basin Plan Maximum Contaminant Levels (MCLs) in Table 3-8 because of the Groundwater recharge (GWR) beneficial use for the Los Angeles River Reach 2. The units for the MCLs in Table 3-8 are in mg/L and have been converted to µg/L for the effluent limitations. However, no calculations were performed for these effluent limitations.</p> <p>9. Remaining Effluent Limitations. The remaining effluent limitations were calculated using the RPA methodology procedures described in Section 4.3.4 of Attachment F of the revised tentative Order. The effluent limitations for cadmium, copper, lead, and zinc were established based on the Los Angeles River Metals TMDL WLAs. The effluent limitations for chromium (VI), selenium, cyanide, TCDD equivalents, and PCBs were established based on CTR criteria. The calculations for the copper effluent limitations were demonstrated in Section 4.3.4 of the revised tentative Order, and the selenium effluent limitations were provided in the RTC for the 2025 tentative Order and therefore not included in this response. For the detailed calculations, please see the attached calculation sheet.</p>	
3	<p>The Discharger requests an explanation of the basis for the dissolved oxygen and total residual chlorine effluent limitations. Section 4.3.2.a states that “Based on the monitoring data collected at Monitoring Locations EFF-001 and EFF-002, from December 2016 to February 5,</p>	<p>The applicable Basin Plan water quality objective for Dissolved Oxygen (DO) is as stated:</p> <p><i>“The dissolved oxygen content of all surface waters designated as WARM shall not be depressed below 5 mg/L as a result of waste discharges.”</i></p>	No action taken.

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	<p>2024, dissolved oxygen and total residual chlorine at EFF-002 showed reasonable potential to exceed water quality objectives". Please provide the date and concentration of dissolved oxygen and total residual chlorine showing reasonable potential to exceed water quality objectives.</p>	<p>On October 25, 2021 the DO result for discharges through Discharge Point 002 was reported as 1.94 mg/L. Adequate DO levels are required to support aquatic life. Low levels of DO can cause hypoxic or even anaerobic conditions resulting in odors or the death of aquatic life in the receiving water. Therefore, the discharge has a reasonable potential to cause or contribute to an exceedance of the DO water quality objective and an instantaneous minimum effluent limitation of 5 mg/L was established in the revised tentative Order.</p> <p>The Basin Plan water quality objective for Total Residual Chlorine is as follows:</p> <p><i>"Chlorine residual shall not be present in surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in receiving waters at any concentration that causes impairment of beneficial uses."</i></p> <p>Total residual chlorine results for discharges at Discharge Point 002 on December 6, 2018 and March 13, 2020, were reported as 0.44 mg/L and 0.62 mg/L (Detected, but Not Quantified (DNQ)), respectively, with the Method Detection Limit (MDL) of 0.15 mg/L that is higher than the water quality objective. As a result, the Los Angeles Water Board determined that the discharge from Discharge Point-002 has a reasonable potential to cause or contribute to an exceedance of the total residual chlorine water quality objective. Therefore, an effluent limitation of 0.1 mg/L was established based on the water quality objective for total residual chlorine.</p>	
4	<p>The Discharger requests to remove language referencing receiving water standards. The Revised Tentative Permit removed generalized receiving water limitations (per the explanation in</p>	<p>The Los Angeles Water Board disagrees that the language identified by the Discharger is a generalized receiving water limitation language as contemplated in <i>City and County of San Francisco v. EPA. (City and</i></p>	<p>No action taken.</p>

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	<p>Section 5.1 of the Fact Sheet). However, it appears that Section 6.3.3.b of the order retains the generalized receiving water limitations when describing the Best Management Practice Plan (BMPP), as follows:</p> <p><i>“...the Discharger shall ensure that the stormwater discharges from the Facility would neither cause, nor contribute to the exceedance of water quality standards and objectives...”</i></p> <p>Owens requests that this language be removed because it appears to be a generalized receiving water limitation, similar to those that were removed elsewhere within the Order.</p>	<p><i>County of San Francisco v. EPA (2025) 145 S.Ct 704). City and County of San Francisco v. EPA</i> involved “end-result requirements” that made the discharger responsible for the quality of the receiving water. By contrast, the Best Management Practice Plan (BMPP) makes the discharger responsible for implementation of BMPs at their Facility by requiring the Discharger to develop and implement site-specific plans and procedures to prevent the discharge of hazardous waste/materials from being discharged to the receiving water.</p> <p>Moreover, in the context of Section 6.3.3.b, the revised tentative Order provides specific requirements and actions, i.e. updating and implementing the BMPP and requiring development of site-specific plans and procedures that the Discharger must apply at or before the discharge point for stormwater discharges from the Facility to be protective of the receiving water. Additionally, Attachment G also provides specific direction and guidance on the development and contents of SWPPPs, which include the requirement to identify and implement the site-specific BMPs. This requirement is consistent with Section 6.2.3.b. of the Fact Sheet, and the revised tentative Order specifically allows BMPPs to be incorporated into the SWPPP. Therefore, this language will remain unchanged.</p>	