

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

**AMENDED TIME SCHEDULE ORDER NO. R4-2021-0005-A01
REQUIRING BASIC FIBERS, INC., WESTERN METALS**

**TO COMPLY WITH REQUIREMENTS PRESCRIBED IN GENERAL PERMIT FOR
STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES
AMENDED NOVEMBER 6, 2018 AND EFFECTIVE JULY 1, 2020
(NPDES PERMIT NO. CAS000001)
WDID NO. 4 19I019130**

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

1. Basic Fibers, Inc. (BFI), owns and operates Western Metals, located at 5921 South Western Avenue in Los Angeles, California (Western Metals or Facility). The Facility encompasses a total area of 38,000 square feet.
2. The Facility is an industrial operation that is required to obtain coverage under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, amended on November 6, 2018 and effective on July 1, 2020 (Amended General Permit). The Amended General Permit also serves as a permit under the National Pollutant Discharge Elimination System program, NPDES Permit No. CAS000001. Western Metals is a metal recycling facility that accumulates scrap metal, weighs and sorts ferrous and non-ferrous materials, and shears and cuts scrap metal. Western Metals has a Standard Industrial Classification (SIC) code of 5093-Scrap and Waste Materials. This SIC code is listed as requiring permit coverage in Attachment A to the Amended General Permit.
3. The Amended General Permit establishes numeric effluent limitations (NELs) for facilities that discharge stormwater associated with industrial activities into water bodies that have certain approved Total Maximum Daily Loads (TMDLs) set forth in Attachment E to the Amended General Permit and that have waste load allocations for industrial stormwater discharges. NELs are numerical limits, an exceedance of which is a violation of the Amended General Permit and require dischargers to limit the concentration of pollutants in their stormwater discharges to protect water quality.
4. Stormwater from the Facility discharges to Ballona Creek.
5. The NELs that apply to industrial discharges from the Facility include total copper, total lead, and total zinc. The NELs are new and more stringent than the prior regulatory requirements in the previous General Permit. These NELs became

effective on July 1, 2020 and exceedances of NELs will result in mandatory minimum penalties pursuant to California Water Code (Water Code) section 13385, subdivisions (h) and (i).

6. BFI has completed a pollutant source assessment that addresses each of these pollutants and identified total zinc, total copper, and total lead as associated with industrial activities at the facility.
7. Western Metals is expected to exceed the NEL for total copper based on historical monitoring data reported to the State's online Stormwater Multiple Application and Report Tracking System (SMARTS) database. The NEL and the corresponding concentrations of this pollutant in the discharge from the Facility have been reported to be:

| Pollutant | Reported Concentration Range in mg/L | Numeric Effluent Limit in mg/L |
|------------------|---|---------------------------------------|
| Total copper | 0.0042-0.147 | 0.0137 |

8. Western Metals will require additional pollutant control measures to comply with the applicable NELs listed in the Amended General Permit.
9. BFI has updated their stormwater treatment system that was designed by StormPROOF™. This system consists of a settling tank, an attenuation tank, pumps, mechanical filtration, and advanced media filtration. This system captures stormwater with capture trenches at each exit, with berms downstream of the capture trench to prevent discharge from leaving the site prior to treatment. The stormwater captured by the trenches is pumped into a 2,500-gallon settling tank. Stormwater in the settling tank will gravity flow to an attenuation tank. Flow rates generated from storm events are variable and the settling and attenuation tanks provide a means to control flow in the system using float switches. Water gets pumped from the attenuation tank through the filter bag vessels at a flow rate of 50 gallons per minute. The water flows through 3 sets of 3 filters including 25-micron, 10-micron, and 5-micron filter bags. Water flows through the filter bags and into a pressurized media vessel filled with a mixture of granular activated carbon and ion exchange resin to remove dissolved metals prior to discharge from the facility. This treatment system was designed with the capability to treat stormwater during the 85th percentile, 24-hour storm. This treatment system was installed on July 7, 2020.
10. On February 18, 2021, the Regional Water Board issued Order No. R4-2021-0005 to provide BFI time to test the efficacy of the system by evaluating sampling results and implement system improvements, as needed. Under Order No R4-2021-0005, BFI had until September 1, 2021 to complete their effectiveness study of the treatment system.

11. After exceedances were observed in the effectiveness study, BFI added a second media vessel to the treatment system during the 2021-2022 reporting year. The current treatment system has effectively reduced the pollutants for total copper, total lead and total zinc below the NELs, but additional modifications are being implemented to further reduce the total copper concentrations to prevent future NEL exceedances. On January 16, 2023, BFI requested an extension of Order No R4-2021-0005 due to potential exceedances of the total copper NEL. BFI conducted a bench-scale testing of media and determined that bonechar media will most effectively reduce total copper concentrations at the Facility. BFI has obtained a third media vessel and ordered the bonechar media. The time requested under this amendment will be used to receive, install and test the bonechar media by June 30, 2024.
12. BFI has developed and updated a facility specific Storm Water Pollution Prevention Plan (SWPPP) that is currently being implemented and complies with the monitoring and reporting requirements of the Amended General Permit. The facility specific SWPPP dated October 2, 2023, has been submitted electronically to the SMARTS database.
13. Water Code section 13300 states: “Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”
14. Water Code section 13385, subdivisions (h) and (i), require the Regional Water Board to impose mandatory minimum penalties when dischargers violate effluent limitations in NPDES permits. Water Code section 13385, subdivision (j)(3) allows the Regional Board to exempt certain facilities from mandatory minimum penalties “when there are exceedances of NELs if the facility is in compliance with a time schedule order issued pursuant to Section 13300 if all of the [specified] requirements are met.”(emphasis added).
15. Water Code section 13385, subdivision (j)(3)(B)(i), allows the Regional Water Board to issue a Time Schedule Order (TSO) if the “regional board finds that... the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements” if the “effluent limitation is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or

modified control measures cannot be designed, installed, and put into operation within 30 calendar days.”

16. Prerequisites to issuing a TSO include those set forth in Water Code section 13385 subdivisions (j)(3)(C)(i) and (j)(3)(D):

The TSO must establish “a time schedule for bringing the waste discharge into compliance with the effluent limitation that is as short as possible, taking into account the technological, operational, and economic factors that affect design, development and implementation of the control measures that are necessary to comply with the effluent limitation,” (Wat. Code § 13385, subd. (j)(3)(C)(i).) If the time schedule exceeds one year from the effective date of the order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both (I) Effluent limitations for the pollutant or pollutants of concern. (II) Actions and milestones leading to compliance with the effluent limitation. (Wat. Code § 13385, subd. (j)(3)(C)(iii).) The discharger must “[have] prepared and [be] implementing in a timely and proper manner, or [be] required by the regional board to prepare and implement, a pollution prevention plan pursuant to section 13263.3.” (Wat. Code § 13385, subd. (j)(3)(D).)

17. The Regional Water Board issues this Amended TSO based on all the findings set forth herein.
18. The time schedule set forth herein ends on June 30, 2024. This date does not exceed five years from the effective date of Order No. R4-2021-0005, February 18, 2021.
19. Pursuant to the Water Code section 13385, subdivision (j)(3), full compliance with the requirements of this Amended TSO exempts the Permittee from mandatory minimum penalties (MMPs) only for violations of the NEL for, total copper that occur after the effective date of this Amended TSO until the expiration date of this Amended TSO. If an interim effluent limitation contained in this Amended TSO is exceeded, BFI may be subject to enforcement action. An exceedance of the interim effluent limitations for the purpose of this Amended TSO is defined as when two (2) or more analytical results from samples taken for any single parameter within a reporting year exceed the interim effluent limitations. In addition, if BFI does not implement its SWPPP or comply with the time schedule in this Order, BFI may be subject to an enforcement action.
20. All technical and monitoring reports required under this Amended TSO are required pursuant to Water Code section 13383. The Regional Water Board needs the required information to determine compliance with this Amended TSO and the Amended General Permit.

21. The issuance of this Amended TSO is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, section 15301 because the Amended TSO pertains to an existing facility and involves negligible or no expansion of an existing use. In addition, the issuance of this Amended TSO is categorically exempt from CEQA pursuant to California Code of Regulations, Title 14, sections 15307, 15308, and 15321, subdivision (a)(2). The issuance of this Amended TSO is an action to assure the maintenance, restoration, enhancement and protection of the environment and a natural resource and is also an enforcement order issued by the Regional Water Board.
22. Pursuant to Water Code section 13167.5, subdivision (a)(3), the Regional Water Board has notified BFI, interested agencies, and interested persons of its intent to issue this Amended TSO concerning compliance with waste discharge requirements and provided a 30-day comment period. The Regional Water Board considered all comments received.
23. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with the Water Code section 13320 and the California Code of Regulations, Title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the Regional Water Board action, except that if the thirtieth day following the action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found online at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to the California Water Code (Water Code) section 13300, BFI, as owner and operator of Western Metals, shall comply with the requirements listed below to ensure compliance with the NEL for total copper contained in the Amended General Permit by June 30, 2024:

1. Comply immediately with the following interim actions, schedule, and interim effluent limitations at all discharge points:

| Interim Action: | Schedule: |
|---|---|
| Implement facility specific SWPPP | Throughout the span of enrollment in the Amended General Permit |
| Install bonechar media in the treatment system | December 31, 2023 |
| Completion of treatment system efficacy testing | June 30, 2024 |

| Pollutant | Interim Effluent Limitation in mg/L |
|------------------|--|
| Total copper | 0.032 |

The foregoing actions are in effect from **DATE OF IMPLEMENTATION** through June 30, 2024. During this time BFI shall comply with the interim actions and associated schedule as described in this Amended TSO.

2. Submit, electronically through the SMARTS database, biannual progress reports of efforts taken to comply with the interim actions per the above schedule and with the interim effluent limitation in addition to other reporting requirements pursuant to the Amended General Permit. The reports shall summarize the progress to date, activities conducted during the reporting period, activities conducted during the reporting period, and the activities planned for the upcoming reporting period. The progress report for this Order is due February 1, 2024.
3. Submit, electronically through the SMARTS database, a final report due on June 30, 2024, that describes a summary of all the interim actions completed and successful completion.
4. Any person signing a document submitted under this Amended TSO shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information

submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

5. If BFI fails to comply with any provisions of this Amended TSO, the Regional Water Board may take any further action authorized by law. The Executive Officer, or his/her delegee, is authorized to take appropriate administrative enforcement action pursuant, but not limited to, Water Code sections 13350 and 13385. The Regional Water Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
6. All other provisions of the Amended General Permit that are not in conflict with this Amended TSO, including NELs not addressed by this Amended TSO, remain in full force and effect.
7. The Regional Water Board may reopen this Amended TSO at its discretion or at the request of BFI, if warranted. Lack of progress towards compliance with this Amended TSO may be cause for the Regional Board to modify the conditions of this Amended TSO.
8. This Amended Time Schedule Order is effective on **DATE OF IMPLEMENTATION** and expires on June 30, 2024.

SO ORDERED.

Susana Arredondo
Executive Officer

Date