

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

**TIME SCHEDULE ORDER NO. R4-2022-0007
REQUIRING KDC ONE COSMETIC LABORATORIES OF AMERICA, INC.**

**TO COMPLY WITH REQUIREMENTS PRESCRIBED IN THE 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 19I028604**

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

1. KDC One Cosmetic Laboratories of America, Inc. (KDC One) owns and operates a facility located at 20245 Sunburst Street in Chatsworth, California (Facility). This Facility encompasses a total area of 4.4 acres, and an industrial area of 1 acre.
2. The Facility is an industrial operation that is required to have 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. KDC One manufactures personal care products for skin and hair. KDC One has a Standard Industrial Classification (SIC) code of 2844-Perfumes, Cosmetics, and other Toilet Preparations. 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) and that have waste load allocations for industrial stormwater discharges as set forth in Attachment E to the Amended General Permit. 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 runoff from the Facility discharges to Reach 6 of the Los Angeles River.
5. The NELs that apply to industrial discharges from the Facility include total cadmium, total copper, total lead, total zinc, nitrate-nitrogen, nitrite-nitrogen, nitrate

plus nitrite-nitrogen and ammonia. These 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 the NELs may result in mandatory minimum penalties pursuant to California Water Code (Water Code) section 13385, subdivisions (h) and (i).

6. KDC One has completed a pollutant source assessment that addresses each of these pollutants and identified total zinc as associated with industrial activities at the Facility.
7. KDC One is expected to exceed the NEL for total zinc 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 zinc	0.30-0.55	0.159

8. KDC One will require additional pollutant control measures to comply with the applicable NELs listed in the Amended General Permit.
9. KDC One implements good housekeeping Best Management Practices (BMPs) to maintain a clean and orderly facility in order to prevent potential pollution sources from coming into contact with stormwater. In addition to preventative maintenance measures, spill and leak prevention and response protocols, and a training program, KDC One implements metal absorbant socks, downspout filters and safe drains to limit pollutant loads in stormwater discharges at the Facility. As of October of 2021, KDC One has installed speed bumps along their entrances with a low point. This will consolidate flow of each discharge area to the low point of the speed bump, where biochar filters are placed to remove metals, sediment and organics. The filters are 8 inches in diameter and 10 feet in length. The speed bumps are designed to concentrate the flow and increase contact time with the filter. The filters will be placed whenever there is at least a 50% chance of a forecasted rain event; KDC One's stormwater pollution prevention team will inspect the filters monthly, and prior to storm events.
10. KDC One expects the proposed BMPs to effectively reduce the levels of zinc in the Facility's stormwater discharge below the NELs. Because the efficacy of the implemented BMPs has not been tested, the additional time requested in this Time Schedule Order will be used to test and optimize the newly installed BMPs to meet the NEL.

11. KDC One 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 November 9, 2021 has been submitted electronically to the SMARTS database.
12. 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.”
13. 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 Water 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.”
14. 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.”
15. 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).) The TSO shall not exceed five years in length unless an extension is granted in accordance with Water Code section 13385, subdivision (j)(3)(C). 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).)

16. The Regional Water Board issues this TSO based on all the findings set forth herein.
17. The time schedule set forth herein ends on March 1, 2023. This date does not exceed one year from the date of issuance of this Order.
18. Since the time schedule for completion of the actions necessary to comply with the NEL for total zinc in the Amended General Permit does not exceed one year from the effective date of this Order, this TSO does not include interim effluent limitations.
19. Pursuant to the Water Code section 13385, subdivision (j)(3), full compliance with the requirements of this TSO exempts KDC One from mandatory minimum penalties (MMPs) only for violations of the NEL for total zinc that occur after the effective date of this TSO until the expiration date of this TSO. If KDC One does not implement its SWPPP or comply with the time schedule in this TSO, KDC One may be subject to enforcement action.
20. All technical and monitoring reports required under this TSO are required pursuant to Water Code section 13383. The Regional Water Board needs the required information to determine compliance with this TSO and the Amended General Permit.
21. The issuance of this 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 TSO pertains to an existing facility and involves negligible or no expansion of an existing use. In addition, the issuance of this 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 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 KDC One, interested agencies, and interested persons of its intent to issue this 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 Water Code sections 13300 and 13385, subdivision (j)(3), KDC One Cosmetic Laboratories of America, Inc. (KDC One), shall comply with the requirements listed below to ensure compliance with the NEL for total zinc contained in the Amended General Permit by March 1, 2023:

1. Comply immediately with the following actions and schedule:

Action:	Schedule:
Implement a facility specific SWPPP	Throughout the span of enrollment in the Amended General Permit
Test and optimize the proposed BMPs to meet NALs and NELs	March 1, 2023

The foregoing actions are in effect from (**Date of Issuance**) through March 1, 2023. During this time, KDC One shall comply with the actions and associated schedule as described in this TSO.

2. Submit, electronically through the SMARTS database, quarterly progress reports of efforts taken to comply with the actions per the above schedule in addition to other reporting requirements pursuant to the Amended General Permit. The reports shall summarize the progress to date, the activities conducted during the reporting period, and the activities planned for the upcoming reporting period. Progress reports shall be due on, October 1, 2022, and January 1, 2023.
3. Submit, electronically through the SMARTS database, a final report due on March 1, 2023 that describes a summary of all the interim actions completed and their successful completion.
4. Any person signing a document submitted under this 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 KDC One fails to comply with any provisions of this TSO, the Regional Water Board may take any further action authorized by law. The Executive Officer, or a 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 TSO, including NELs not addressed in this TSO, remain in full force and effect.
7. The Regional Water Board may reopen this TSO at its discretion or at the request of KDC One, if warranted. Lack of progress towards compliance with this TSO may be cause for the Regional Water Board to modify the conditions of this TSO.
8. This TSO is effective on (**Date of Issuance**) and expires on March 1, 2023.

SO ORDERED.

Renee Purdy, Executive Officer

Date