

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF NOVEMBER 19-20, 2015**

Prepared on October 30, 2015

**ITEM NUMBER: 10**

**SUBJECT: Rescission of Waste Discharge Requirements, National Pollutant Discharge Elimination System Permit (NPDES) No. CA0007005 for Moss Landing Commercial Park LLC and Moss Landing Cement Company LLC, Moss Landing Cement Company Facility, Moss Landing, Monterey County, Order No. R3-2009-0002**

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**KEY INFORMATION**

Dischargers: Moss Landing Commercial Park, LLC and Moss Landing Cement Company, LLC  
Location: 7697 Highway 1, Moss Landing, CA 95039  
Type of Discharge: Calcium and magnesium depleted seawater  
Permitted Flow: Up to 60 million gallons per day  
Average Flow: Not applicable  
Type of Treatment: Seawater is combined with dolime, lime, brucite, sodium hydroxide, sodium carbonate, fly ash, and/or silicate materials  
Disposal Method: Treated spent seawater is discharged into Monterey Bay via a 620-foot, 51-inch (inside diameter) outfall/diffuser system  
Solid Wastes: Settled material is dried and then sold to the construction industry as green cement or as a cement supplement  
Reclamation: Not applicable  
Existing Orders: Order No. 2014-0057-DWQ Industrial Storm Water NPDES General Permit  
ECM Place ID: CW-243930

**This Action: Rescind Order No. R3-2009-0002**

**DISCUSSION**

During World War II, Permanente Metals Corporation (which later became Kaiser Aluminum Refractories and then National Refractories and Minerals Corporation) constructed the facility to produce magnesium oxide for magnesia metal production at a nearby plant. At the end of the war, Kaiser Refractories converted the facility into a magnesia plant and a refractory plant for production of high purity magnesium oxide and refractory brick and specialties containing magnesium oxide. The refractory plant closed in 1991; however, National Refractories and Minerals Corporation kept the magnesia plant viable by providing magnesia products for the pollution control market until 1999, when price competition shuttered the plant. In December 2003, National Refractories and Minerals Corporation sold the property to Moss Landing Commercial Park, LLC.

Moss Landing Cement Company, LLC, a wholly owned subsidiary of Calera Corporation, is the operator of the cement plant. When the subject permit was adopted by the Central Coast Water Board on March 19, 2009, the two parties were listed as co-permittees on the subject permit. Moss Landing Cement Company utilized the cement plant for research and development to manufacture "green" cement, by using natural gas enriched with carbon dioxide from the nearby Moss Landing Power Plant as a fuel source to power the plant. Moss Landing Cement Company still operates its cement plant at this location, but no longer uses seawater as a water source for its process. It has been approximately six years since Moss Landing Cement Company has discharged cement manufacturing process water into Moss Landing Commercial Park's outfall and Moss Landing Cement Company has physically severed all connections to the intake/outfall structures. Moss Landing Cement Company's existing operation is enrolled in the State Water Board's Order No. 2014-0057-DWQ Industrial Storm Water NPDES General Permit.

On November 6, 2013, Moss Landing Commercial Park submitted an application asking the Water Board to re-issue Order No. R3-2009-0002 to operate an aquaculture facility. The existing NPDES permit is for cement manufacturing and a permit cannot legally be renewed for substantially different activities like an aquaculture facility. Consequently, the Water Board allowed the subject permit to expire on May 9, 2014. In July and August 2015, Monterey Bay Aquarium Research Institute (MBARI), Moss Landing Marine Laboratories (MLML), and Monterey Bluewater Farms (MBW) submitted a joint application to discharge wastewater to Monterey Bay from their aquaculture operations. MBW, MLML, and MBARI share a pass-through seawater system with seawater intake and discharge pipes located within Moss Landing Commercial Park's outfall. These aquaculture facility discharges were previously unpermitted. Water Board staff reviewed the parties' application and deemed it to be complete on August 27, 2015. On September 24, 2015, the Executive Officer enrolled MBARI, MLML, and MBW in the Water Board's General NPDES Permit for Discharges from Aquaculture and Aquariums, Order No. R3-2013-0041. In accordance with Order R3-2013-0041, MBARI, MLML, and MBW are required to submit annual reports by February 1<sup>st</sup> of each calendar year.

## **RECOMMENDATION**

Rescind Order No. R3-2009-0002.

## **ATTACHMENT**

1. Order No. R3-2009-0002, including the following attachments:

- Attachment A – Definitions
- Attachment B – Topographic Map
- Attachment D – Standard Provisions
- Attachment E – Monitoring and Reporting Program
- Attachment F – Fact Sheet