

February 11, 2015

California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
Attention: Ms. Ching To
Water Resources Control Engineer
Industrial Permitting Unit

RE: Metropolitan Stevedore Company Comments
January 12, 2015 Draft NPDES Permit No. CA0057746 and Time Schedule Order

Dear Ms. To,

Metropolitan Stevedore Company (MSC) offers the following comments to the January 12, 2015 draft NPDES permit and time schedule order (TSO).

Before addressing specific comments, MSC would like to make the RWQCB aware of recent data representative of the discharge from Discharge Point 001. On November 5, 2014, one grab sample was collected from Monitoring Location EFF-001 to provide current characteristics of the MSC discharge Long Beach Inner Harbor. The water manually released from the discharge for this sample did not actually enter the harbor; it was collected from a diverted stream of treated combined process water and stormwater that was recycled back into the process system. This allowed a representative sample to be obtained for all parameters with numerical limits specified in the draft permit, yet did not result in a reportable event under the current permit. The November 5, 2014 sample provided a recent characterization of the effluent; this was important as the last effluent discharge and sample collection occurred in January of 2005. Sample results compared to January 2005 maximum concentrations, current (2009) permit limits and draft (2015) permit limits are given in the attached table. Detailed laboratory reports are not included; however, these may be available upon request.

Overall, the 2014 sampling results showed a significant decrease in effluent concentrations relative to 2005 values. This can be attributed to several site/operations improvements implemented since 2005 including increased facility sweeping schedule, improved dust control methods for conveyors, implemented a wet solids removal process, and installed a metal filtering system on the final discharge. All of the 2014 parameters are within range of compliance with current and draft permit limits (considering analytical detectability). These results provide a basis for the RWQCB to reconsider permitting decisions in the draft permit regarding the need to include individual parameters for monitoring and/or the proper application of numerical limitations.

Specific comments are:

1. NPDES Permit page 4 (Table 4 – Final Effluent Limitations): MSC requests that all **average monthly** effluent limitations be removed from Table 4 given the very infrequent nature of this stormwater and process water discharge. The MSC facility only discharges under extreme precipitation events when the system is beyond specification; therefore, any discharge is unexpected and can be considered non-routine. Average monthly limits would not be appropriate for a discharge that may or may not occur even once for several hours or even one day during the renewed permit term. For this case, **maximum daily** effluent limits best serve to assess compliance. Also, given the results of the 2014 sampling as compared to (i.e., less than) water quality based limits, MSC requests that:
 - a. the new numerical limits for copper, lead, 4-4 DDT, and PCBs be removed and replaced with monitoring only provisions as they are subject to the TMDL. Similarly, the existing limits for zinc can be removed and be replaced with monitoring only
 - b. the new numerical limits for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene be removed from the permit in their entirety as these parameters are not subject to the TMDL. Similarly, the existing limits for nickel, chrysene, and TCDD equivalents can be removed in their entirety
2. NPDES Permit page 4 (Table 4 – TPH Maximum Daily Limit): The definition of Total Petroleum Hydrocarbons (i.e., gasoline plus diesel plus waste oil) was not used for permitting decisions in the current (2009) permit (resulting in monitoring only) as the 2005 historical data presented only the gas and diesel fractions (see attached table). For the draft (2015) permit, these same 2005 effluent data were used to establish a new best professional judgment (BPJ) technology-based effluent limit of 100 ug/L as described on page F-14 of the Fact Sheet. MSC requests that the RWQCB reconsider the TPH limit as the waste oil fraction is now included in the definition of TPH as given in Attachment E (it was not in the 2009 permit). As shown in the attached table, although measured concentrations of TPH in 2014 are significantly lower than 2005, including the waste oil fraction when reporting TPH may present concerns with consistent compliance at 100 ug/L. Therefore, if the RWQCB deems a numerical limit necessary for TPH, a BPJ value greater than 100 ug/L should be utilized.
3. NPDES Permit page 7 (Table 5 – Interim Effluent Limitations): If the RWQCB deems numerical limits as necessary despite the 2014 sampling results (see Comment 1a and 1b above), average monthly limitations for copper, 4-4- DDT and PCBs (which are identical to the maximum daily limits) should be removed. This also applies to the parameters given on page 2 in the Time Schedule Order (benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene).
4. NPDES Permit page E-6 (Table E-2 – Effluent Monitoring): MSC requests fluoranthene, phenanthrene, and pyrene be removed from this table. These PAHs do not have corresponding

numerical limits and no monitoring was required in the previous permit. Further, the attached table shows these three parameters were not detected in recent (2014) effluent sampling.

5. NPDES Permit page E-9 (Part V.A.3 – Chronic Species and Test Methods): As presented in Attachment E, Section V.A. for Chronic Toxicity Testing, sample preparation requires the use of artificial salts to increase sample salinity. Based on experience under the prescribed procedure, MSC's consultant has observed false-positive responses at their aquatic environmental laboratory in test samples and sea-salt controls when using sea salts to increase sample salinity for both the echinoderm fertilization and kelp germination tests (E.V.A.3.b. and E.V.A.3.c., respectively). In such cases, salt-control groups do not show normal fertilization and germination rates and thus cannot be used for evaluation of observed effects in sample groups. Alternatively, use of concentrated brine solutions to increase sample salinity has not shown interference with control groups and thus would be more appropriate. MSC requests that pertinent provisions in Attachment E, Section V.A. be changed as follows (additional language underline):

1. Discharge In-stream Waste concentration (IWC) for Chronic Toxicity

The chronic toxicity IWC for this discharge is 100 percent effluent, not including artificial sea salts and/or brine added for salinity requirements.

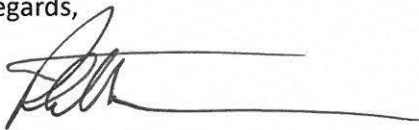
3. Chronic Marine and Estuarine Species and Test Methods

If effluent samples are collected from outfalls discharging to receiving waters with salinity ≥ 1 ppt, the Discharger shall conduct the following chronic toxicity tests on effluent samples—at the in-stream waste concentration for the discharge—in accordance with species and test methods in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (EPA/600/R-95/136, 1995). Artificial sea salts or brine solutions shall be used to increase sample salinity.

6. NPDES Permit page E-12 (Footnote 4 to Table E-4): Please delete the last sentence of this footnote: "If, for safety reasons, a sample cannot be obtained during the first hour of discharge, then a sample shall be obtained, at the first safe opportunity within 12 hours of the beginning of the storm water discharge." This sentence is not needed given previous revisions to this footnote.

Thank you for the opportunity to submit our comments during the public comment period and please feel free to contact me if you have any questions or need any clarification on this submittal.

Regards,



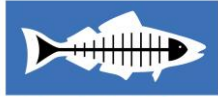
Robert Waterman
Vice President, Operations
Metropolitan Stevedore Company

MSC Long Beach - Comparison of Effluent Samples Results and Permit Limits					
Constituent	Units	Jan 2005 Maximum Concentration	Nov 2014 Concentration	2009 Permit Effluent Limit	2015 Draft Permit Effluent Limit
Biochemical Oxygen Demand (BOD) 5-day	mg/L	1.4	<0.5	30/20	30/20
Oil and Grease	mg/L	1.3	<1.3	15/10	15/10
pH	s.u.	5.3 - 8.03	7.62	6.5-8.5	6.5-8.5
Total Suspended Solids (TSS)	mg/L	76	<0.5	75/50	75/50
Settleable Solids	mL/L	0.18	<0.1	0.3	0.3
Temperature	deg. F	no data	not sampled	86	86
Total Petroleum Hydrocarbon (as Gas & Diesel)	ug/L	4,200 Diesel & 1,700 Gas	95 (a)	monitor	100
Turbidity	NTU	717	0.11	75/50	75/50
Copper	ug/L	14	1.3	monitor	6.1/3.1
Lead	ug/L	<5	<0.5	monitor	14/7
Nickel	ug/L	23	4.2	13.6/6.8	14/6.8
Zinc	ug/L	737	6.8	95.1/47.4	140/70
4,4-DDT	ug/L	<0.05	<0.0038	monitor	0.0012/0.00059
PCBs Total	ug/L	<0.2	0.0000785	monitor	0.00034/0.00017
Benzo(a)anthracene	ug/L	2.4	<0.097	monitor	0.098/0.049
Benzo(a)pyrene	ug/L	2.8	<0.097	monitor	0.098/0.049
Benzo(b)fluoranthene	ug/L	1.6	<0.097	monitor	0.098/0.049
Chrysene	ug/L	5.4	<0.097	0.098/0.049	0.098/0.049
TCDD Equivalents	ug/L	3.34x 10 ⁻⁸ or 4.43x 10 ⁻⁷	3.94x 10 ⁻⁹	2.8x 10 ⁻⁸ / 1.4x 10 ⁻⁸	2.8x 10 ⁻⁸ / 1.4x 10 ⁻⁸
Fluoranthene	ug/L	2.4	<0.097	monitor	monitor
Phenanthrene	ug/L	1.6	<0.097	monitor	monitor
Pyrene	ug/L	5.2	<0.097	monitor	monitor

Where two limits given: Daily maximum / Monthly average

(a) assumes TPH = gas [C4 to C12 = 29 ug/L] + diesel [C13 to C22 = 66 ug/L] = 95 ug/L

If TPH also includes waste oil [C23+ = 31 ug/L], then total TPH = 126 ug/L



Heal the Bay

1444 9th Street
Santa Monica CA 90401

ph 310 451 1500
fax 310 496 1902

info@healthebay.org
www.healthebay.org

February 11, 2015

Mr. Samuel Unger, Executive Officer
Los Angeles Regional Water Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013
Via email: Samuel.Unger@waterboards.ca.gov; Cassandra.Owens@waterboards.ca.gov;
Ching-Yin.To@waterboards.ca.gov; losangeles@waterboards.ca.gov

Re: Comments on Tentative Time Schedule Order No. R4-2015-YYYY for Metropolitan Stevedore Company, Bulk Marine Terminal to comply with requirements prescribed in Order Number R4-2015-XXXX (NPDES Permit No. CA0057746)

Dear Mr. Unger,

On behalf of Heal the Bay, a non-profit environmental organization with over 15,000 members dedicated to making Southern California coastal waters and watershed safe, healthy, and clean for people and aquatic life, I submit the following comments regarding the tentative Time Schedule Order No. R4-2015-YYYY ("Tentative TSO") for Metropolitan Stevedore Company ("Permittee"), Bulk Marine Terminal to comply with requirements prescribed in tentative Waste Discharge Requirements for discharge to Long Beach Inner Harbor via Discharge Point 001 (Order Number R4-2015-XXXX) (NPDES Permit No. CA0057746) ("Tentative Permit").

The Tentative TSO would give the Permittee five years to achieve compliance with benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene final effluent limits contained in the Tentative Permit. In general, Heal the Bay does not support the somewhat liberal use of Time Schedule Orders ("TSOs") in the Region. Although we understand these are new effluent limits and compliance does not occur overnight, we are concerned because the Tentative TSO would permit effluent with benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene concentrations several orders of magnitudes greater than applicable water quality criteria to be discharged into receiving waters. What was the justification for using these concentrations for interim effluent limitations? Moreover, the proposed studies, actions, and milestones schedule contained in the Tentative TSO is excessively long. Task No. 1-Baseline Assessment of Discharge Concentrations is given 12 months to complete. What was the reasoning for Task No. 1's timeline given the facility should already employ sampling and analytical procedures onsite as well as implement BMPs and process operations to meet effluent limits? Furthermore, we believe Task No. 3 can be conducted at the same time Task No. 1 & 2 are being completed. Thus, the high interim effluent limits and the unwarranted length of the time the Permittee is given to attain final effluent limits are likely to impact aquatic life. We ask that the duration of Tentative TSO be shortened to three years or less to minimize aquatic life impacts.

We strongly encourage the Permittee to take the necessary steps to meet final limits as soon as possible. If you have any questions or would like to discuss any of these comments, please contact me at (310) 451-1500. Thank you for your consideration of these comments.

Sincerely,

Peter Shellenbarger, MESM
Science and Policy Analyst, Water Quality
Heal the Bay