

**State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

TIME SCHEDULE ORDER NO. R4-2015-YYYY

**REQUIRING METROPOLITAN STEVEDORE COMPANY,
BULK MARINE TERMINAL
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NUMBER R4-2015-XXXX
(NPDES PERMIT NO. CA0057746)**

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

1. Metropolitan Stevedore Company (hereinafter referred interchangeably as The Permittee or Discharger) operates the Bulk Marine Terminal (hereafter Facility), a marine bulk cargo handling and storage facility located at 1045 Pier G Avenue, Berth 212 through 215, Long Beach, California, within the Dominguez Channel and Los Angeles/Long Beach Harbors Watershed. The cargo consists of bulk dry materials such as coal, petroleum coke, sulfur, calcium carbonate, and sulfate. The Port of Long Beach owns the property, and Metropolitan Stevedore Company leases the property from the Port of Long Beach.
2. The Facility is subject to waste discharge requirements contained in Order No. R4-2009-0097, which was adopted by this Regional Water Board on September 3, 2009. Order No. R4-2009-0097 also serves as a permit under the National Pollutant Discharge Elimination System (NPDES No. CA0057746) Program, and regulates the discharge of treated process wastewater and storm water from NPDES Discharge Point 001 into Long Beach Inner Harbor, a water of the United States, within the Dominguez Channel and Los Angeles/Long Beach Harbors Watershed. Order No. R4-2009-0097 expired on August 10, 2014, but was administratively extended and continues to be in effect until a new order is adopted, pursuant to 40 C.F.R. section 122.6.
3. The Facility discharges up to 900,000 gallons per day (gpd) of treated storm water and wastewater from Discharge Point 001 to Long Beach Inner Harbor, a water of the United States. Wastewater at the Facility primarily consists of facility wash down and truck wash water; drainage of residual water from petroleum coke storage piles; and leaks from air pollution control mist and water spray systems. There are no storm drains at the dock area where the transfer of materials occurs. A sweeper truck is continuously driven up and down the dock area to wash the dock area, using the Facility's reclaimed water, and to collect all wash water, storm water, or spills that have accumulated in the dock area during material transfers. Storm water and process wastewater are routed via facility drains or collected by sweeper trucks to the M-1 sump, which has a solids retention system that eliminates most suspended solids from the combined storm water and process wastewater before the water is pumped into the Facility's water reclamation system.
4. The Facility water reclamation system consists of a one million gallon storage and equalization tank, a 12,500 gallon auxiliary storage tank for dirty water, a clarifier, metal polishing filters, and a 25,000 gallon clean water storage tank. Reclaimed water is used for facility wash downs and dust control and is added to the bulk materials. Flocculants, caustic

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soda, aluminum sulfate, and sulfuric acid are added to the reclamation system after the water goes through the storage and equalization tank, but before the clarifier. Underflow from the clarifier is transferred to two sludge drying beds. The solids from the sludge drying beds are air dried and shipped by railcar to an out-of-state landfill, while the drainage from the sludge drying beds is routed back to the storage tanks. The supernatant from the clarifier is routed to the clean water storage tanks for subsequent reuse within the facility. The Discharger uses as much of the treated water as possible within the Facility. The remaining portion of the treated water is discharged to the sanitary sewer under the terms of three industrial wastewater discharge permits from the Sanitation Districts of Los Angeles County, Permits Nos. 003671, 010001, and 014683. Discharge of treated storm water and wastewater to Discharge Point 001 is intermittent and occurs during rainfall events, when storage tanks are full and the amount of treated water that can be reused within the facility is exceeded by inflow. The discharge then takes place by opening a discharge valve, which routes the effluent from the clean water storage tanks to the metal polishing filters for further processing before flowing through the storm drain to Discharge Point 001 (Thums Outfall).

5. On March 12, 2015, the Regional Water Board adopted Order No. R4-2015-XXXX, which renewed the waste discharge requirements and NPDES permit for the Facility. Order No. R4-2015-XXXX regulates the Facility's discharge of up to 900,000 gallons per day of treated wastewater and storm water from Discharge Point 001 to Long Beach Inner Harbor. Order No. R4-2015-XXXX becomes effective on May 1, 2015.
6. Order No. R4-2009-0097 did not prescribe effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene.
7. Order No. R4-2015-XXXX prescribes new final maximum daily and average monthly effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene based on the priority pollutant saltwater water quality criteria in the California Toxics Rule (CTR) applicable to the Long Beach Inner Harbor. A reasonable potential analysis (RPA) based on recent historical data determined benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene were present in the discharge at levels that would cause or contribute to a violation of water quality standards. Order No. R4-2015-XXXX requires the Permittee to comply with the following final water quality based effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene as of the effective date of the permit:

Parameter	Units	Effluent Limitations	
		Maximum Daily	Average Monthly
benzo(a)anthracene	µg/L	0.098	0.049
	lbs/day	0.00074	0.00037
benzo(a)pyrene	µg/L	0.098	0.049
	lbs/day	0.00074	0.00037
benzo(b)fluoranthene	µg/L	0.098	0.049
	lbs/day	0.00074	0.00037

8. The Discharger will not be able to consistently meet the final effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene based on its recent effluent monitoring data.

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9. On November 7, 2014, the Permittee submitted a request to the Regional Water Board for a time schedule order for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene and included the following:
 - a. The Permittee stated that immediate compliance with the corresponding numerical limits may not be attainable under current operating conditions as historical water quality control practices have not had to address these specific parameters in detail.
 - b. The Permittee indicated that the database of effluent monitoring data is limited. Historical concentrations of benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene have exceeded the final maximum daily and average monthly effluent limits.
 - c. The Permittee stated that site specific assessment and feasibility studies may need to be conducted during the time schedule order to determine if additional storm water management measures, physical controls, or modified analytical measurement techniques can be implemented to comply with the final limits.
 - d. The Permittee provided a proposed time schedule order timeline with milestones and completion dates for studies and facility assessment, which will take longer than thirty days to complete and evaluate. These studies and proposed actions will enable the Permittee to achieve compliance with the final effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene by April 30, 2020.
10. California Water Code (CWC) 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.”
11. Based on recent effluent monitoring data, the Permittee is not able to consistently comply with the final maximum daily and average monthly effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene contained in Order No. R4-2015-XXXX. Accordingly, pursuant to CWC section 13300, a discharge of waste is taking place and/or threatens to take place that violates requirements prescribed by the Regional Water Board.
12. California Water Code section 13385, subdivisions (h) and (i), requires the Regional Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. Section 13385(j)(3) exempts violations of an effluent limitation from mandatory minimum penalties "where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, *if all of the [specified] requirements are met.*"

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13. The Facility has a work plan specifying the actions it will take to comply with the final maximum daily and average monthly effluent limits for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene. The Regional Water Board issues this Time Schedule Order (TSO) in recognition that the Discharger needs time to complete necessary studies and facility modifications. Through this TSO, the Discharger will be required to submit updates associated with the existing work plan specifying the actions the Discharger will take in order to prevent violations of applicable effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene. Upon submittal, the Regional Water Board will evaluate the updated information associated with the previously submitted work plan.
14. In accordance with California Water Code section 13385(j)(3), the Regional Water Board finds that: (a) the final maximum daily and average monthly effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene are new limitations in Order No. R4-2015-XXXX, (b) the Facility needs to implement new or modified control measures in order to comply with the effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene, and (c) the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
15. Since the time schedule for completion of the actions necessary to bring the waste discharge into compliance exceeds one year from the effective date of this TSO, this TSO includes interim requirements and dates for their achievements. The interim requirements include both interim maximum daily and average monthly effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene and actions and milestones leading to compliance with the final maximum daily and average monthly effluent limitations for these three pollutants. This TSO does not exceed ~~five~~three years.
16. This TSO establishes interim maximum daily and average monthly effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene and requires the Permittee to undertake specific actions to put the Permittee on the path towards compliance with the final maximum daily and average monthly effluent limitations for these pollutants in Order No. R4-2015-XXXX. The established time schedule is as short as possible, taking into account the technological, operation, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the final effluent limitations.
17. The interim maximum daily and average monthly effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene are chosen based on the maximum of the performance data collected in 2005 (since there were only one datum available for each of these pollutants), in accordance with section 2.2.1 of the SIP (Interim Requirements under a Compliance Schedule), which states that interim limitations must be included based on current treatment facility performance or existing permit limitations, whichever is more stringent to maintain existing water quality.
18. CWC section 13385(j)(3)(D) requires the Permittee to prepare and implement a Pollution Prevention Plan (PPP) pursuant to CWC section 13263.3. Therefore, a PPP will be necessary for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene.

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19. A TSO is appropriate in these circumstances to allow time for the Permittee to complete necessary studies and facility modifications that will bring the Bulk Marine Terminal into compliance with the final effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene. These necessary studies and modifications cannot be completed within 30 calendar days. The temporary exceedances of benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene allowed by this TSO are in the public interest given the significant environmental benefits associated with promptly achieving compliance with the final effluent limitations for this priority pollutant.
20. Pursuant to CWC section 13385(j)(3), full compliance with the requirements of this TSO exempts the Permittee from mandatory minimum penalties only for violations of the final effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene in Order No. R4-2015-XXXX that occur after the effective date of this TSO.
21. This TSO concerns an existing facility and does not significantly alter the status with respect to the facility. This TSO is also being provided for the protection of the environment for the shortest period of time possible. Therefore, issuance of this TSO is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21100, et seq.) in accordance with sections 15301 and 15321(a)(2) of Title 14 of the California Code of Regulations (CCR).
22. The Regional Water Board has notified the Permittee and interested agencies and persons of its intent to issue this TSO concerning compliance with waste discharge requirements. The Regional Water Board, in a public hearing, heard and considered all testimony pertinent to this matter.
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 CWC section 13320 and CCR, 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 on the Internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

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IT IS HEREBY ORDERED that, pursuant to California Water Code section 13300, Metropolitan Stevedore Company, as operator of the Bulk Marine Terminal, shall comply with the requirements listed below to ensure its discharges comply with the final effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene in Order No. R4-2015-XXXX:

- From May 1, 2015 to April 30, ~~2020~~2018, the Permittee shall comply with the following interim effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene:

Parameter	Units	Interim Effluent Limitations	
		Maximum Daily	Average Monthly
benzo(a)anthracene	µg/L	2.4	2.4
	lbs/day	0.018	0.018
benzo(a)pyrene	µg/L	2.8	2.8
	lbs/day	0.021	0.021
benzo(b)fluoranthene	µg/L	1.6	1.6
	lbs/day	0.012	0.012

- The Permittee shall implement and complete the following studies, actions, and milestones according to the schedule proposed by the Discharger in its request dated November 7, 2014, with appropriate modifications by the Regional Water Board, as follows:

Task No.	Description	Start Date	Completion Date	Report Date
1	Baseline Assessment of Discharge Concentrations <ul style="list-style-type: none"> Review sampling and analytical procedures Identify potential sources of constituents Review current BMPs and process operations related to infrequent discharge 	May 1, 2015	April 30, 2016	May 14, 2016
2a	Implementation of New and Modified BMPs and Process Operations <ul style="list-style-type: none"> Initiate BMP and process controls/management Evaluate effectiveness of effluent concentration reduction/control 	May 1, 2016	April 30, 2017	May 14, 2017

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Task No.	Description	Start Date	Completion Date	Report Date
2b	Implementation of New and Modified BMPs and Process Operations • Evaluate effectiveness of effluent concentration reduction/control	May 1, 2017	April 30, 2018	May 14, 2018
3	Assess Feasibility <u>and Implementation</u> of Engineering Controls/Treatment <ul style="list-style-type: none"> • Review control alternatives for site applicability • Assess technical and economic feasibility • <u>Perform treatment testing or testing of promising alternatives (as necessary)</u> • <u>Select preferred alternative</u> • <u>-Procure, construct, and start-up controls (as necessary)</u> • <u>Achieve compliance with final effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene</u> 	November 1, 2016	April 30, 201 8 <u>9</u>	May 14, 201 8 <u>9</u>
4	Implementation of Engineering Controls/Treatment • Procure, construct, and start-up controls (as necessary) • Achieve compliance with final effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene	May 1, 2017	April 30, 2020	May 14, 2020

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- The Permittee shall achieve compliance with the final effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene as soon as possible, but no later than April 30, ~~2020~~2018.
- The Permittee shall submit yearly progress reports of efforts taken towards achieving compliance with the final effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene. The reports shall summarize the progress to date, activities conducted during that year, and the activities planned for the upcoming years. The reports shall also state whether or not the Facility was in compliance with the interim effluent limitations during the reporting period; report the daily maximum and average monthly concentration and mass of benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene discharged for each discharge event within the reporting year;

and, show how the daily maximum and average monthly masses discharged were calculated, by specifying the concentration of benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene for the given date and flow used for the given date of sample collection. The Discharger shall notify the Regional Water Board, in writing, of its compliance or noncompliance with the time schedule requirements as listed in the above table no later than 14 days following each completion date. The Regional Water Board shall receive the first progress report on May 14, 2016.

5. All technical and monitoring reports required under this TSO are required pursuant to CWC sections 13267 and 13383. The Regional Water Board needs the required information in order to determine compliance with this TSO and Order No. R4-2015-XXXX. The Regional Water Board believes that the burdens, including costs, of these reports bear a reasonable relationship to the needs for the reports and the benefits to be obtained from the reports.
6. The Permittee shall submit a Pollution Prevention Plan (PPP) work plan, with the time schedule for implementation, for approval of the Executive Officer no later than November 1, 2015, pursuant to CWC section 13263.3.
7. 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."
8. If the Permittee fails to comply with any provision of this 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 enforcement action pursuant, but not limited to, CWC 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.
9. All other provisions of Order No. R4-2015-XXXX not in conflict with this TSO are in full force and effect.
10. The Regional Water Board may reopen this TSO at its discretion or at the request of the Permittee, 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.
11. If the Discharger will not be able to complete the necessary tasks in accordance with the above schedule to bring the facility into compliance with the final effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene by the expiration date of this TSO, the Discharger may request additional time to complete the remaining tasks.

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12. This TSO shall become effective on May 1, 2015. This TSO expires on April 30, ~~2020~~2018.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on March 12, 2015.

Samuel Unger, P.E., Executive Officer

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