

RESPONSE TO COMMENTS ON THE TENTATIVE NPDES PERMIT AND TENTATIVE TIME SCHEDULE ORDER
Metropolitan Stevedore Company
Bulk Marine Terminal
NPDES Permit No. CA0057746

Commenter	No.	Comment	Response	Action Taken
Comments received from Metropolitan Stevedore Company on February 12, 2015				
Metropolitan Stevedore Company	1.	<p>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 storm water 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:</p> <p>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.</p>	<p>Staff determined that the average monthly and maximum daily effluent limitations as currently proposed in the tentative permit are appropriate. The Regional Water Board has routinely given both average monthly and maximum daily effluent limitations to facilities in the region whose discharges contain process wastewater, regardless of the frequency of the discharge. As current discharges from the Facility includes process wastewater, it is the Regional Water Board's protocol and practice to prescribe both average monthly and maximum daily effluent limitations. The most recent discharges from the Facility in 2005 indicated the occurrence of more than one discharge event during the month of January 2005, providing evidence of reasonable potential that multiple discharges from the Facility can occur within the same calendar month, and that average monthly effluent limitations are appropriate for discharges from the Facility.</p> <p>In response to Comment 1.a., staff determined that the numerical effluent limits for copper, lead, zinc, 4,4'-DDT, and PCBs as currently listed in the tentative permit are appropriate. The Harbor Toxics Total Maximum Daily Load (TMDL) has developed water column waste load allocations (WLAs) for copper, lead, zinc, 4,4'-DDT, and PCBs as these contaminants caused impairments to the Los Angeles/Long Beach Inner Harbor and are included in the 2010 Clean</p>	None necessary.

Commenter	No.	Comment	Response	Action Taken
		<p>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</p>	<p>Water Act (CWA) Section 303(d) list. Elements of a TMDL are described in 40 Code of Federal Regulations (C.F.R.) sections 130.2 and 130.7 and Section 303(d) of the CWA. In accordance to the TMDL and federal regulations, the Regional Water Board prescribes applicable effluent limitations for these contaminants to discharge from the Facility following the implementation provisions in section 1.4 of the State Implementation Policy (SIP).</p> <p>Discharges from the Facility enter the Long Beach Inner Harbor. The Harbor Toxics TMDL includes receiving water column concentration-based waste load allocations for copper, lead, zinc, 4,4'-DDT, and PCBs to the Long Beach Inner Harbor. The TMDL in Attachment A to Resolution No. R11-008 on page 13 states: "non-MS4 point sources such as General Construction, General Industrial, individual industrial permittees, including power generating stations, minor permits and irregular dischargers into Dominguez Channel Estuary and Greater Harbor Waters are assigned concentration-based allocations." As per that directive, final effluent limitations for copper, lead, zinc, 4,4'-DDT, and PCBs are prescribed for the Facility (an individual industrial discharger) in the proposed permit.</p> <p>In response to Comment 1.b., staff determined that the numerical effluent limitations for benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, nickel, chrysene, and TCDD equivalents as currently listed in the tentative permit are appropriate. Staff performed a reasonable potential analysis (RPA) on these contaminants following the steps of section 1.3 of the SIP and using relevant effluent monitoring</p>	

Response to Comments
 Metropolitan Stevedore Company
 Bulk Marine Terminal

Commenter	No.	Comment	Response	Action Taken
		entirety.	data from the Facility, which established reasonable potential for these contaminants to be present in the discharge in amounts that can cause or contribute to an exceedance of a water quality standard. In accordance to 40 C.F.R. section 122.44(d)(1)(i), staff established effluent limitations for these contaminants based on the result from the RPA and following guidelines from the SIP.	
Metropolitan Stevedore Company	2	<p>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 100ug/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 100ug/L. therefore, if the RWQCB deems a numerical limit necessary for TPH, a BPJ value greater than 100ug/L should be utilized.</p>	<p>As authorized by section 402(a)(1) of the CWA and 40 C.F.R. section 125.3, the Regional Water Board establishes a BPJ technology-based effluent limitation for total petroleum hydrocarbons (TPH) of 100 ug/L for fuel storage and transfer facilities in the region. Total petroleum hydrocarbons (defined as the sum of TPH gasoline, TPH diesel, and TPH waste oil) is routinely used as an indicator for the presence of numerous petroleum hydrocarbons that are commonly present in similar facilities. The Regional Water Board has considered the factors listed in 40 C.F.R. sections 125.3(d)(1) and 125.3(d)(3) in prescribing these limitations. As noted by the Discharger, there is reasonable potential that TPH is present in current discharges from the Facility in an amount that exceeds the BPJ effluent limitations. As it is demonstrated that current technology in the Facility is insufficient for the Facility to consistently meet the new limitations, the Discharger will need to consider changes to the equipment, process, control, and new Best Management Practices (BMPs) to come into compliance with the new TPH effluent limitation. Technologies capable of removing TPH and other volatiles from the collected wastewater and storm water are available, and routinely used throughout the region. The Discharger may also choose to request a Time Schedule</p>	None necessary.

Response to Comments
Metropolitan Stevedore Company
Bulk Marine Terminal

Commenter	No.	Comment	Response	Action Taken
			Order (TSO) with a compliance schedule for TPH. Reasonable potential has been established based on the data submitted by the Discharger. Hence, an effluent limit is required. Since it is a new effluent limit and historical data indicate discharges from the Facility may not immediately comply with the proposed limit, it appears that the Discharger has the basis to request for a TSO.	
Metropolitan Stevedore Company	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).	See Response to Comment 1 above.	None necessary.
Metropolitan Stevedore Company	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.	Staff determined that the monitoring requirements for fluoranthene, phenanthrene, and pyrene as listed in the proposed permit are appropriate. There is evidence that these contaminants are present in the discharge from the Facility based on representative effluent monitoring data submitted by the Discharger. Staff conducted an RPA from the representative data and found no reasonable potential for these contaminants to be present in discharges from the Facility at a level that may cause or contribute to an exceedance of their respective water quality standards. Therefore, staff only prescribed monitoring requirements, not effluent limitations, for these contaminants to gather more information for future RPA. Though data from the 2014	None necessary.

Response to Comments
Metropolitan Stevedore Company
Bulk Marine Terminal

Commenter	No.	Comment	Response	Action Taken
			<p>effluent sampling recently conducted by the Discharger can be informative as to identify the contaminant concentrations present in current discharges from the Facility, it may not be representative of current discharges from the Facility as no discharge actually took place during the sampling event. Staff considered effluent monitoring data that are representative of actual discharges from the Facility in the determination of monitoring requirements and reasonable potential for these contaminants.</p>	
Metropolitan Stevedore Company	5	<p>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 (R.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</p>	<p>The proposed permit specifies the statistical analysis of the Test of Significant Toxicity (TST) to determine chronic toxicity compliance, which compares only the control with a permitted discharge in-stream waste concentration (IWC) of 100% effluent. Staff find that using a brine solution to increase the salinity of the effluent is inappropriate, in that such practice would dilute the effluent sample concentration, resulting in an IWC of less than 100%. Discharges from the Facility are likely to remain non-saline; receiving water salinity sampling data in 2005 indicated a receiving water salinity of 14.5 ppt. According to Table 1 in section 11 of the <i>Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms</i> (EPA/600/R-95/136, 1995), even if the maximum salinity (100%) hypersaline brine (HSB) is used, the maximum concentration of effluent (with 0% initial salinity) that can be tested is 66% effluent (IWC) with a final 34% salinity. It is recommended that the Discharger explore the option of using different types of artificial sea salts (such as FORTY FATHOMS® and HW MARINEMIX®) as recommended by section 7.3.3 of the reference document</p>	None necessary.

Commenter	No.	Comment	Response	Action Taken
		<p>underline):</p> <ol style="list-style-type: none"> 1. Discharge In-stream Waste concentration (IWC) for Chronic Toxicity The chronic toxicity IWC for this discharge is 100 percent effluent, <u>not including artificial sea salt and/or brine added for salinity requirements.</u> 3. Chronic Marine and Estuarine Species and Test Methods If effluent samples are collected from outfalls discharging to receiving waters with salinity \geq 1ppt, 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 method 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 <u>or brine solutions</u> shall be used to increase sample salinity. 	<p>and reexamine current laboratory practices and reagents to investigate the cause of toxicity in the controls.</p>	
Metropolitan Stevedore Company	6	<p>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</p>	<p>Footnote 4 of Table E-4 in the MRP is modified as follows:</p> <p>⁴ Priority Pollutants as defined by the CTR, and included as Attachment I. Annual receiving water monitoring samples shall be collected during the first hour of discharge from the first storm event of the year at the first safe opportunity after effluent monitoring samples have been collected. If, for safety</p>	<p>Revision was made to Table E-4 of the MRP in response to Comment 6.</p>

Commenter	No.	Comment	Response	Action Taken
		needed given previous revisions to this footnote.	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.	
Comments received from Heal the Bay on February 11, 2015				
Heal the Bay	7.	<p>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</p>	<p>The duration of the Time Schedule Order (TSO) has been revised from five years to three years; however, staff determined that the interim effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene are appropriate as proposed.</p> <p>The Regional Water Board is proposing a tentative TSO with a compliance schedule and interim effluent limitations based on current facility performance and that the proposed final effluent limitations for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene are new limits. A request submitted by the Discharger on November 7, 2014, demonstrated the Discharger’s need for additional time to implement actions to comply with the new limitations. Staff agrees that immediate compliance with the proposed final effluent limitations for these contaminants is either not immediately attainable or unknown under current facility performance as demonstrated by representative effluent monitoring data. Staff considered the factors outlined below and modified the schedule initially proposed by the Discharger.</p> <p>The discharge is infrequent, discharge events are necessitated by heavy precipitation events; the last discharge event was 2005. A number of facility modifications have been</p>	Revisions made to the TSO.

Response to Comments
 Metropolitan Stevedore Company
 Bulk Marine Terminal

Commenter	No.	Comment	Response	Action Taken
		<p>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.</p>	<p>implemented since 2005; however, as there were few rainfall events in the region in recent years and none that necessitated a discharge, the benefits of these modifications have yet to be quantified. Therefore, staff finds the interval of Task 1 (12 months) appropriate as to allow the Discharger sufficient time to collect relevant data in establishing a baseline characterization of current discharges from the Facility. As discharges from the Facility have not been previously subjected to these effluent limitations, major modifications to current technology and facility processes may be needed to comply with the newly implemented limits, which requires additional time for the planning and implementation of new technologies and controls. Given the infrequency of the discharge, staff understands that it is difficult to characterize and assess the effectiveness of new BMPs and modifications in process operations without sufficient effluent monitoring data. A characterization of the collected wastewater and storm water in the storage tank was done in November 2014 (one sample was collected). The 2014 data provided by the Discharger (though it may not be representative of the discharge as no discharge actually occurred during the sampling event) showed promising results that suggest full compliance with the final effluent limitations for these contaminants may be achieved in a shorter timeframe than five years. Therefore, staff has revised the TSO to combine Task 2 with Task 3 and Task 4 with Task 5 to shorten the tenure of the TSO from five to three years.</p> <p>The interim effluent limitations for these contaminants are based on the effluent monitoring events conducted by the</p>	

Response to Comments
 Metropolitan Stevedore Company
 Bulk Marine Terminal

Commenter	No.	Comment	Response	Action Taken
			<p>Discharger in 2005. As no discharges from the Facility have occurred since, the 2005 effluent monitoring events provide the most recent effluent monitoring data that are representative of discharges from the Facility and are used for RPA in the proposed permit. As per the Regional Water Board's practice, the interim effluent limitations are chosen to be the respective maximum concentrations of these contaminants as presented in the 2005 performance data, in accordance with section 2.2.1 of the SIP, 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. The Regional Water Board recognizes that the proposed interim effluent limitations exceed their respective water quality standards. However, discharges from the Facility are infrequent and short in duration. The temporary exceedances allowed by this TSO are as short as possible, given the constraints in data available as aforementioned. Also, a number of improvements to the Facility have been implemented since 2005 which staff believe will result in better effluent quality if a discharge were to occur from the Facility, at levels that are much lower than the proposed interim effluent limits in the TSO. The Facility has implemented a solids retention system used to take out large particulates and sediment. A decrease in sediment usually results in a decrease in other contaminant concentrations present in the discharge. Two metal polishing filters were installed at the end of the water reclamation system, before Discharge Point 001. As mentioned before, the effectiveness of these implementations have not yet been evaluated due to lack of discharge data from the Facility, and the Regional</p>	

Response to Comments
Metropolitan Stevedore Company
Bulk Marine Terminal

Commenter	No.	Comment	Response	Action Taken
			Water Board used representative data from the discharge event in 2005 in determining the interim effluent limitations as contained in the TSO.	