

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

TIME SCHEDULE ORDER NO. R4-2017-0104

**REQUIRING VOPAK TERMINAL LONG BEACH INC.
(VOPAK TERMINAL LONG BEACH INC. FACILITY)
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NO. R4-2016-0142
(NPDES PERMIT NO. CA0064165)**

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

1. Vopak Terminal Long Beach Inc. (hereinafter, Discharger or Vopak) is the owner and operator of Vopak Terminal Long Beach Inc. Facility (hereinafter Facility), a bulk liquid chemical storage and transfer terminal located at 3601 Dock Street, San Pedro, California.
2. The Facility receives shipments of bulk liquid chemicals by rail and tanker ships. The Facility has 55 aboveground storage tanks to store biodiesel, chlorinated solvents, non-halogenated solvents, caustics, organic liquids, amines, oil, and petroleum distillates. Tanker trucks are then filled from the storage tanks with the final products for distribution.
3. The Facility discharges wastewater to the Cerritos Channel, within the Long Beach Inner Harbor, a water of the United States. The discharge is regulated by Order No. R4-2016-0142, adopted by the Regional Water Board on April 14, 2016, and will expire on May 31, 2021. Order No. R4-2016-0142 serves as a permit under the National Pollutant Discharge Elimination System program (NPDES No. CA0064165). The permit authorizes the discharge of up to 0.288 million gallons per day (MGD) of wastewater through discharge point (Discharge Point 001) to Cerritos Channel. The wastewater consists of treated storm water, compressor condensate water, fire system test water, truck rinse water, and boiler blowdown.

The Facility uses a system of dikes and drains to direct storm water flows to a centralized sump pump. If there is a need to discharge accumulated storm water, the sump pump directs the storm water to the Facility treatment system prior to discharge. The treatment system consists of chlorination (injector pump and reaction tank), filtration (sand and bag filters), and adsorption (granular activated carbon vessels and MetalPROOF vessels). After the treatment, representative water samples are taken and tested for compliance with the NPDES discharge requirements prior to discharge. If the accumulated storm water doesn't meet effluent limitations, then it is stored in one of two tanks and eventually transported off-site for disposal. Compressor condensate water, fire system testing water, and truck rinse water are also directed to the centralized sump pump and treated if discharge is necessary.

4. Order No. R4-2016-0142 prescribes final effluent limitations for copper and zinc at Discharge Point 001. The final effluent limitations are based on the *Total Maximum Daily*

Load (TMDL) for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters (Harbor Toxics TMDL) that became effective on March 23, 2012. The final effluent limitations are as follows:

Table 1. Final Effluent Limitations Contained in Order No. R4-2016-0142

Parameter	Units	Final Effluent Limitations		Rationale
		Average Monthly	Maximum Daily	
Copper, Total Recoverable	µg/L	2.9	6.5	TMDL
	lbs/day ¹	0.007	0.016	
Zinc, Total Recoverable	µg/L	49	150	TMDL
	lbs/day ¹	0.012	0.36	

¹ The mass-based effluent limitations in lbs/day were calculated using the concentration limits and the maximum discharge flow rate of 0.288 MGD at Discharge Point 001 and are calculated as follows:

$$\text{Mass (lbs/day)} = 8.34 \times C \times Q$$

where:

C = concentration for a pollutant, in mg/L

Q = maximum discharge flow rate in MGD.

- On February 24, 2017, the Discharger submitted a written request to the Regional Water Board for a time schedule order (TSO) to make modifications to the existing treatment system to meet the copper and zinc limits in the recently adopted NPDES permit. The Discharger indicated that analytical results of water samples collected from November 22, 2016, to February 16, 2017, showed that the copper and zinc limits were exceeded on several occasions. The letter summarized the Discharger's actions to achieve full compliance with the final effluent limitations for copper and zinc in Order No. R4-2016-0142. The actions include replacing the ion exchange metal removal media with a fresh charge, water management practices and/or control measures, contacted new consultants to provide permanent/portable treatment systems, collection and evaluation of data at various locations to determine the source of elevated copper and zinc, and implementation of the measures selected that are intended to achieve full compliance with the final effluent limitations for copper and zinc. The metal removal media were replaced twice (January 6 and 24, 2017) but elevated copper and zinc concentrations continued to occur. The Discharger requested interim effluent limitations and additional time to comply with the final effluent limitations. Accordingly, the Regional Water Board finds that Vopak is making diligent effort to bring its waste discharge into compliance with the final effluent limitations for copper and zinc and that a time schedule is warranted.

The Facility discharges wastewater intermittently. During the term of the previous Order R4-2010-0018, the Facility had 10 discharge events. Storm water had been accumulating at the Facility since November 2016, with standing water levels around electrical equipment posing a safety hazard as rainwater levels continued to rise with successive storms. On January 20, 2017, with water levels at unsafe levels and rain continuing, the Facility decided to discharge treated wastewater to the outfall. Results of water samples

collected prior to the discharge indicated that the monthly average limits for copper and zinc were exceeded.

6. 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.”

7. Monitoring data submitted by the Discharger during the period of November 22, 2016, to February 16, 2017, indicate that Vopak is not able to comply with the final effluent limitations prescribed in Order No. R4-2016-0142 for the pollutants identified in Table 1 above. Accordingly, pursuant to CWC section 13300, a discharge of waste is taking place and/or threatens to take place that violates or will violate requirements prescribed by the Regional Water Board.
8. CWC section 13385, subdivisions (h) and (i), require 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.*" (emphasis added).
9. In order to comply with its waste discharge requirements and NPDES permit, the Discharger is evaluating treatment technology from two water treatment companies (GEM Mobile Treatment and EVOQUA Water Technologies). The companies have taken water samples from the Facility and run bench tests to determine treatment effectiveness. A preliminary test results from EVOQUA show that their proprietary metal removal media is capable of reducing copper / zinc concentrations down to 1 µg/L. Additional samples were taken February 22, 2017, from various locations at the Facility to confirm metal removal capability. Therefore, the Discharger is requesting a TSO with interim limits that will allow time to identify and implement the treatment system/technology that will consistently meet the limits of the recently issued NPDES permit. On March 7, 2017, the Discharger requested a three month extension to the original proposed completion date from May 26, 2017, to August 25, 2017, to make modifications of the existing water treatment system.
10. The Regional Water Board issues this TSO in recognition that the Discharger needs time to make infrastructure changes and implement appropriate control measures as described above. Through this TSO, the Discharger will be required to comply with the final effluent limitations for copper and zinc no later than September 1, 2017.

11. In accordance with CWC section 13385(j)(3)(B)(i), the Regional Water Board finds that: (a) the final effluent limitations identified in Table 1 are new limitations in Order No. R4-2016-0142, (b) the Discharger needs to implement new or modified control measures in order to comply with the new and/or more stringent effluent limitations, and (c) the new or modified control measures cannot be designed, installed, and put into operation within thirty calendar days.
12. This TSO includes interim limitations for copper and zinc based on the performance data. This TSO will provide the required time to make infrastructure changes and implement appropriate control measures or make necessary modifications to its treatment system to bring the Facility into full compliance with the final limitations for copper and zinc.
13. CWC section 13385(j)(3)(D) requires the Discharger to prepare and implement a Pollution Prevention Plan (PPP) pursuant to CWC section 13263.3. Therefore, a PPP will be necessary for the pollutants addressed in this TSO.
14. A TSO is appropriate in these circumstances to allow time for the Discharger to implement necessary control measures that will bring the Facility into compliance with the final effluent limitations for copper and zinc. The installation of necessary control measures cannot be completed within thirty calendar days. The temporary exceedances allowed by this TSO are in the public interest given the significant environmental benefits associated with implementing new more effective best management practices, installing new treatment system and promptly achieving compliance with the final effluent limitations for these pollutants for discharges of treated wastewater through Discharge Point 001.
15. Pursuant to CWC section 13385(j)(3), full compliance with the requirements of this TSO exempts the Discharger from mandatory minimum penalties only for violations of the final effluent limitations for copper and zinc contained in Order No. R4-2016-0142 that occur after the effective date of this TSO.
16. This TSO concerns an existing facility and does not significantly alter the status with respect to the facility. This TSO is also being taken for the protection of the environment. 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).
17. The Regional Water Board has notified the Discharger, interested agencies, and persons of its intent to issue this TSO concerning compliance with waste discharge requirements. The Regional Water Board accepted written comments, and considered all comments pertinent to this matter.
18. Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control Board (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 date of this Order, except that if the thirtieth day following the date of this Order 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.

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13300, Vopak Terminal Long Beach Inc., as the owner and operator of the Vopak Terminal Long Beach Inc. Facility, shall comply with the requirements listed below to ensure its discharges comply with the final effluent limitations for copper and zinc contained in Order No. R4-2016-0142.

1. Comply immediately with the following interim effluent limitations at Discharge Point 001.

Table 2. Interim Effluent Limitations

Parameter	Units	Interim Effluent Limitations	
		Average Monthly	Maximum Daily
Copper, Total Recoverable	µg/L	6.2 ¹	7.3 ²
	lbs/day ³	0.015	0.018
Zinc, Total Recoverable	µg/L	204 ¹	241 ²
	lbs/day ³	0.49	0.58

¹ The average monthly interim effluent limitations were derived from the Facility's monitoring data collected from Discharge Point 001 on November 22, 2016, to February 16, 2017, using the 95th percentile.

² The maximum daily interim effluent limitations were derived from the Facility's monitoring data collected from Discharge Point 001 on November 22, 2016, to February 16, 2017, using the 99th percentile.

³ The mass-based effluent limitations in lbs/day were calculated using the concentration limits and the maximum flow rate of 0.288 MGD at Discharge Point 001.

The foregoing interim effluent limitations for copper and zinc are in effect upon issuance of this TSO through August 31, 2017. During this time, the Discharger shall investigate and implement any required upgrades to ensure compliance with the final effluent limitations for copper and zinc contained in Order No. R4-2015-0201.

2. Achieve full compliance with the final effluent limitations for copper and zinc in Order No. R4-2016-0142, no later than September 1, 2017.
3. Submit as soon as possible, but no later than April 28, 2017, a Pollution Prevention Plan (PPP), pursuant to California Water Code (CWC) section 13263.3.
4. Submit monthly progress reports of efforts taken towards compliance with the final effluent limitations for copper and zinc. The reports shall summarize the progress to date, activities conducted during the reporting period, and the activities planned for the upcoming reporting period. Each report shall be submitted to this Regional Water Board by 15th of the following month and include milestones completed and any new pertinent updates. The first monthly report covering the activities in April 2017 shall be received by the Regional Water Board by May 15, 2017.
5. Submit a final report on the implementation and evaluation of the selected actions/measures by October 10, 2017. The report shall include: a) a description of the

actions/measures selected, b) the monitoring data collected after the implementation of the selected actions/measures including treatment process, if any, and c) an evaluation of the effectiveness of the selected actions/measures.

6. 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."

7. If the Discharger 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, may take appropriate administrative enforcement action pursuant, but not limited to, CWC sections 13350 and 13385. The Regional Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
8. All other provisions of Order No. R4-2016-0142 not in conflict with this TSO are in full force and effect.
9. The Regional Water Board may reopen this TSO at its discretion or at the request of the Discharger, if warranted. Lack of progress towards compliance with this TSO may cause for the Regional Water Board to modify the conditions of this TSO.
10. This Time Schedule Order becomes effective immediately upon issuance and it expires on **August 31, 2017**.

IT IS SO ORDERED.


Samuel Unger, P.E.
Executive Officer

April 13, 2017
Date