

Los Angeles Regional Water Quality Control Board

February 20, 2015

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7000 0600 0029 1196 7734

Mr. Alan Wuebker
Facility Manager
Morton Salt, Inc.,
Long Beach Facility
1050 Pier F Avenue
Long Beach, CA 90802

Dear Mr. Wuebker:

TRANSMITTAL OF THE WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND TIME SCHEDULE ORDER (TSO) FOR MORTON SALT, INC., LONG BEACH FACILITY, LONG BEACH, CA. (NPDES NO. CA0061476, CI NO. 6949)

Our letter dated December 18, 2014, transmitted the revised tentative waste discharge requirements (WDRs) for renewal of your permit to discharge storm water to surface waters under the National Pollutant Discharge Elimination System (NPDES) Program and the revised tentative Time Schedule Order (TSO).

Pursuant to Division 7 of the California Water Code, this Regional Water Board at a public hearing held on February 12, 2015, reviewed the revised tentative requirements, considered all factors in the case, and adopted Order No. R4-2015-0025 (NPDES permit) and Order No. R4-2015-0026 (TSO). Order No. R4-2015-0025 serves as an NPDES permit, and expires on March 31, 2020. Section 13376 of the California Water Code requires that an application/Report of Waste Discharge for a new permit must be filed at least 180 days before the expiration date. TSO No. R4-2015-0026 expires on March 31, 2020.

You are required to implement the Monitoring and Reporting Program (MRP) on the effective date (April 1, 2015) of Order No. R4-2015-0025. Your first monitoring report for the period of April 1, 2015, through June 30, 2015, is due by August 1, 2015. The first technical and/or progress report required under TSO No. R4-2015-0026 is due April 14, 2016. The Permittee shall also submit a Pollution Prevention Plan (PPP) no later than October 1, 2015, as listed on page 6 of the TSO. Morton Salt, Inc. will electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) (<http://www.waterboards.ca.gov/ciwqs/index.html>).

When submitting monitoring or technical reports to the Regional Water Board per these requirements, please include a reference to Compliance File CI-6949 and NPDES No. CA0061476, which will assure that the reports are directed to the appropriate file and staff.

We are sending the paper copy of the Permit and TSO to the Discharger only. For those on the mailing list or other interested parties who would like access to a copy of the Permit or TSO, please go to the Regional Water Board's website at:

http://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/by_permits_tools.shtml.

If you have any questions, please contact Ching Yin To at (213) 576-6696.

Sincerely,



Cassandra D. Owens, Chief
Industrial Permitting Unit (NPDES)

Enclosures: Order No. R4-2015-0025 - Waste Discharge Requirements
Attachment E - Monitoring and Reporting Program (MRP No. 6949)
Attachment F - Fact Sheet
Order No. R4-2015-0026 - Time Schedule Order

cc: **(Via Email Only)**

Ms. Robyn Stuber, Environmental Protection Agency, Region 9, Permits Branch (WTR-5)
Ms. Becky Mitschele, Environmental Protection Agency, Region 9, Permits Branch (WTR-5)
Mr. Kenneth Wong, U.S. Army Corps of Engineers
Mr. Bryant Chesney, NOAA, National Marine Fisheries Service
Mr. Jeff Phillips, Department of Interior, U.S. Fish and Wildlife Service
Mr. William Paznokas, California Department of Fish and Wildlife, Region 5
Ms. Teresa Henry, California Coastal Commission, South Coast Region
Mr. Tim Smith, Los Angeles County, Department of Public Works
Mr. Angelo Bellomo, Los Angeles County, Department of Public Health
Mr. Peter Shellenbarger, Heal the Bay
Ms. Liz Crosson, Los Angeles WaterKeeper
Ms. Anna Kheyfets, Natural Resources Defense Council
Mr. Jason Weiner, Ventura Coastkeeper
Ms. Kristy Allen, Tetra Tech
Mr. Jae Kim, Tetra Tech
Ms. Connie White, Morton Salt, Inc.
Ms. Susan Anders, Morton Salt, Inc.

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

TIME SCHEDULE ORDER NO. R4-2015-0026

**REQUIRING MORTON SALT, INC.,
LONG BEACH FACILITY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NUMBER R4-2015-0025
(NPDES PERMIT NO. CA0061476)**

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

1. Morton Salt, Inc. (hereinafter referred interchangeably as The Permittee or Discharger) owns and operates the Long Beach Facility (hereafter Facility), a salt processing and packaging plant located at 1050 Pier F Avenue, Long Beach, California, within the Dominguez Channel and Los Angeles/Long Beach Harbors Watershed.
2. The Facility is subject to waste discharge requirements contained in Order No. R4-2004-0174 as amended by Order No. R4-2009-0026, which were adopted by this Regional Water Board on December 13, 2004 and February 5, 2009, respectively. Order No. R4-2004-0174, as amended by Order No. R4-2009-0174, also serves as a permit under the National Pollutant Discharge Elimination System (NPDES No. CA0061476) Program, and regulates the discharge of process water and storm water runoff 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. R4-2009-0174 expired on November 10, 2009, 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. As of January 27, 2011, the Facility discharges only storm water from Discharge Point 001 to Long Beach Inner Harbor. The Facility no longer discharges process water to Discharge Point 001. All water used in air scrubber equipment to control salt dust during salt processing is discharged to the Sanitation Districts of Los Angeles County sewer system under permit No. 29798, which was effective beginning on January 27, 2011. A process water storage tank was installed to hold process water before sending the process water to the sanitary sewer. A concrete berm around the salt stockpile area was installed to collect storm water in the salt stockpile area and to minimize contamination of storm water runoff from the salt stockpile into the catch basin (EFF-001), which leads to Discharge Point 001. A gap to the berm was created at a location of lowest ground level elevation to allow for storm water flow into the salt stockpile, so that the salt stockpile can serve as a temporary storage area for storm water runoff from most of the Facility during minor storm events. The storm water retained in the salt stockpile would be left to evaporate and dried during salt processing operations; limited volume may be pumped to a holding tank for metered discharge to the sanitary system. Remaining portions of storm water runoff are discharged through the catch basin into Discharge Point 001.
4. On February 12, 2015, the Regional Water Board adopted Order No. R4-2015-0025, which renewed the waste discharge requirements and NPDES permit for the Facility. Order No.

Adopted: 2/12/2015

R4-2015-0025 regulates the Facility's discharge of up to 163,000 gallons per day of storm water runoff from Discharge Point 001 to Long Beach Inner Harbor. Order No. R4-2015-0025 becomes effective on April 1, 2015.

5. Order No. R4-2004-0174 as amended by Order No. R4-2009-0026 did not prescribe any effluent limitations for nickel.
6. Order No. R4-2015-0025 prescribes new final maximum daily effluent limitations for nickel 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 nickel to be present in the discharge at levels that would cause or contribute to a violation of water quality standards. Order No. R4-2015-0025 requires the Permittee to comply with the following final water quality based effluent limitations for nickel as of the effective date of the permit:

Parameter	Units	Effluent Limitations
		Maximum Daily
Nickel	µg/L	14
	lbs/day	0.019

7. The Discharger will not be able to consistently meet the nickel final maximum daily effluent limitations based on its recent effluent monitoring data.
8. On September 12, 2014, the Permittee submitted a request to the Regional Water Board for a time schedule order for nickel 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 nickel has exceeded (or come close to exceeding) the maximum daily final 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 nickel by March 31, 2020.

9. 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.”

10. Based on recent effluent monitoring data, the Permittee is not able to consistently comply with the final maximum daily effluent limitations for nickel contained in Order No. R4-2015-0025. 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.
11. 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.*"
12. The Facility has a work plan specifying the actions it will take to comply with the final maximum daily effluent limits for nickel. 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 nickel. Upon submittal, the Regional Water Board will evaluate the updated information associated with the previously submitted work plan.
13. In accordance with California Water Code section 13385(j)(3), the Regional Water Board finds that: (a) the final maximum daily effluent limitations for nickel are new limitations in Order No. R4-2015-0025, (b) the Facility needs to implement new or modified control measures in order to comply with the nickel effluent limitations, and (c) the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
14. 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 effluent limitations for nickel and actions and milestones leading to compliance with the final maximum daily effluent limitations for nickel. This TSO does not exceed five years.
15. This TSO establishes interim maximum daily effluent limitations for nickel and requires the Permittee to undertake specific actions to put the Permittee on the path towards compliance with the final maximum daily effluent limitations for nickel in Order No. R4-2015-0025. 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.

16. The interim maximum daily effluent limitations for nickel is calculated based on the 99th percentile of the performance data collected from January 2012 to March 2014, 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.
17. 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 nickel.
18. A TSO is appropriate in these circumstances to allow time for the Permittee to complete necessary studies and facility modifications that will bring the Long Beach Facility into compliance with the final effluent limitations for nickel. These necessary studies and modifications cannot be completed within 30 calendar days. The temporary nickel exceedances 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.
19. 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 nickel in Order No. R4-2015-0025 that occur after the effective date of this TSO.
20. 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).
21. 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.
22. 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.

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13300, Morton Salt, Inc., as owner and operator of the Long Beach Facility, shall comply with the requirements listed below to ensure its discharges comply with the final effluent limitations for nickel in Order No. R4-2015-0025:

- From April 1, 2015 to March 31, 2020, the Permittee shall comply with the following interim effluent limitations for nickel:

Parameter	Units	Interim Effluent Limitations
		Maximum Daily
Nickel	µg/L	18
	lbs/day	0.024

- The Permittee shall implement and complete the following studies, actions, and milestones according to the schedule proposed by the Discharger in its request dated September 12, 2014, with appropriate modifications by the Regional Water Board, as follows:

Task No.	Description	Start Date	Completion Date	Report Date
1	Baseline Assessment of Storm Water Discharge Concentrations <ul style="list-style-type: none"> Review storm water sampling and analytical procedures Identify potential sources of constituents Review current BMPs 	April 1, 2015	March 31, 2016	April 14, 2016
2a	Implementation of New and Modified BMPs <ul style="list-style-type: none"> Initiate BMP controls/management 	April 1, 2016	March 31, 2017	April 14, 2017
2b	Implementation of New and Modified BMPs <ul style="list-style-type: none"> Evaluate effectiveness of new BMPs on storm water contaminant concentration reduction/control 	April 1, 2017	March 31, 2018	April 14, 2018
3	Assess Feasibility of Engineering Controls/Treatment <ul style="list-style-type: none"> Review control alternatives for site applicability Assess technical and economic feasibility Perform treatment testing or promising alternatives (as necessary) Select preferred alternative 	October 1, 2016	March 31, 2019	April 14, 2019

Task No.	Description	Start Date	Completion Date	Report Date
4	Implementation of Engineering Controls/Treatment <ul style="list-style-type: none"> • Procure, construct, and start-up controls (as necessary) • Achieve compliance with final effluent limitations for nickel 	April 1, 2017	March 31, 2020	April 14, 2020

3. The Permittee shall achieve compliance with the final effluent limitations for nickel as soon as possible, but no later than March 31, 2020.

4. The Permittee shall submit yearly progress reports of efforts taken by the Permittee towards achieving compliance with the final effluent limitations for nickel. 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 for nickel during the reporting period; report the daily maximum concentration and mass of nickel discharged for each discharge event within the reporting year; and, show how each of the daily maximum mass of nickel discharged was calculated, by specifying the nickel concentration 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 April 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. R4-2015-0025. 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 October 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. R4-2015-0025 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 nickel by the expiration date of this TSO, the Discharger may request additional time to complete the remaining tasks.
12. This TSO shall become effective on April 1, 2015. This TSO expires on March 31, 2020.

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 February 12, 2015.



Samuel Unger, P.E., Executive Officer