

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

ORDER NO. R4-2004-0115
NPDES PERMIT NO. CA0002186

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
WESTWAY TERMINAL COMPANY, INCORPORATED

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

Background

1. Westway Terminal Company, Incorporated (hereinafter Westway or Discharger) discharges wastewater from its Westway Terminal Company Berths 70-71, (Facility) under waste discharge requirements (WDRs) and a National Pollutant Discharge Elimination System (NPDES) permit contained in Order No. 97-139 (NPDES Permit No. CA0002186, CI-5960) adopted by the Regional Board on December 8, 1997. Order 97-139 amended Order No. 95-090, adopted by the Regional Board on July 17, 1995.
2. Formerly, the GATX Terminals Corporation owned the Facility. Westway Terminal Company purchased it on December 2, 1996 and in May 1997, Westway filed an application for permit modification of Order No. 95-090. Westway has filed a report of waste discharge and applied for renewal of its waste discharge requirements and NPDES permit for discharge of wastes to surface waters.

Facility Description

3. Westway Terminal Company operates a bulk liquid chemical handling and transfer facility located at 2220 Signal Street (Berths 70-71) in San Pedro, California. This NPDES permit regulates the discharge of storm water runoff and hydrostatic test water through five outfalls (Discharge Serial Nos. 002, 003, 004, 005, 006) which discharge into the Los Angeles Inner Harbor, a water of the United States (Figure 1).
4. The Facility provides storage and handling of bulk liquid petrochemical products for a variety of customer companies. Customers typically own the product and lease storage tanks from Westway. The Facility receives petrochemical products via marine vessel, rail or truck, stores the product onsite and subsequently ships the products via railcar or truck.

Discharge Description

5. Under the current Order (Order No. 97-139), Westway discharged up to 200 gpd (gpd) of water softener backwash and rinse water through Discharge Serial No. 001. The water was softened prior to use in a boiler. In July 2003, the Discharger began discharging the water softener regenerant wastes to the sanitary sewer. Therefore, the proposed Order will not regulate these wastes. If, in the future, the Discharger wishes to resume direct discharge of water softener regenerant wastes, this Order must be modified to include this waste stream.
6. The Facility is a tank farm with numerous storage tanks housed in bermed areas. A maximum of 155,000 gpd of storm water runoff, which has been collected in the bermed areas, may be discharged from the facility. The discharge of the collected storm water occurs intermittently and may pick up pollutants from the bermed areas before it is discharged to the Los Angeles Inner Harbor, a water of the United States. The storm water runoff may be discharged from any of the existing outfalls (Outfall 002 through 005) (Figure 1).
7. The Facility has numerous storage tanks ranging in size from 10,000 gallons to 1.5 million gallons. Each tank is sporadically subject to inspection under the American Petroleum Institute (API) Standard 653, *Tank Inspection, Repair, Alteration, and Reconstruction*, which requires the maintenance, inspection, repair, alteration, and reconstruction of existing aboveground and atmospheric storage tanks. API 653 inspections are required every 5 to 10 years per tank. The tanks are also subject to hydrostatic testing using potable water when a new lining has been installed or other maintenance has been completed. The hydrostatic test wastewater is also intermittently discharged from the facility's outfalls (Discharge Serial Nos. 002, 003, 004, and 005).
8. The proposed Order permits additional storm water and hydrostatic test water discharges from a new outfall (Outfall 006). This outfall also discharges to the Main Channel of the Los Angeles Inner Harbor.
9. The current Order provided separate effluent limitations for hydrostatic test water discharged from new tanks that were constructed and for hydrostatic test discharges from existing pipes. No new tanks will be constructed during the proposed Order's term; therefore, these limits are not included in the proposed Order. If the Discharger wishes to discharge test water from new tanks, the Order must be modified.
10. The discharge points, types and proposed maximum volumes are as follows:
 - ♣ Discharge Serial No. 002 - Latitude 37° 32' 00", Longitude 118° 16' 04", a maximum intermittent discharge of up to 70,000 gallons per event of hydrostatic test water and up to 26,600 gpd of storm water runoff to the Main Channel, Los Angeles Inner Harbor;
 - ♣ Discharge Serial No. 003 - Latitude 37° 31' 55", Longitude 118° 16' 04", a maximum intermittent discharge of up to 70,000 gallons per event of hydrostatic test water and up to 26,600 gpd of storm water runoff to the Main Channel, Los Angeles Inner Harbor;

- ♣ Discharge Serial No. 004 - Latitude 37° 31' 05", Longitude 118° 16' 05", a maximum intermittent discharge of up to 840,000 gallons per event of hydrostatic test water and up to 30,100 gpd of storm water runoff from the diked tank farm to a storm drain located at Signal Street. From here, the wastewater flows to the East Channel near Berth 59;
- ♣ Discharge Serial No. 005 - Latitude 37° 31' 05", Longitude 118° 16' 05", a maximum intermittent discharge of up to 840,000 gallons per event of hydrostatic test water and up to 43,000 gpd of rainfall runoff from the diked tank farm to the East Channel near Berth 59.
- ♣ Discharge Serial No. 006 - Latitude 37° 31' 00", Longitude 118° 16' 04", a maximum intermittent discharge of up to 70,000 gallons per event of hydrostatic test water and up to 30,000 gpd of storm water runoff to the Main Channel, Los Angeles Inner Harbor.

Figure 2 shows the facility wastewater flow diagram.

Storm Water Management

11. One objective of this Order is to protect the beneficial uses of receiving waters. To meet this objective, storm water runoff discharges are subject to requirements contained in this NPDES permit and the Discharger will be required to comply with all applicable provisions of the Storm Water Pollution Prevention Plan (Attachment A). This plan includes requirements to develop, implement, and when appropriate, update a Storm Water Pollution Prevention Plan (SWPPP) along with Best Management Practices (BMPs) with the intent of preventing all pollutants from contacting storm water and with the intent of keeping all contaminants of concern from moving into receiving waters.

Applicable Plans, Policies, and Regulations

12. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on January 27, 1997 by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Board Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The Regional Board prepared the 1994 update of the Basin Plan to be consistent with all previously adopted State and Regional Board plans and policies. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.
13. The receiving water for the discharge covered by this permit is Los Angeles Inner Harbor. The beneficial uses listed in the Basin Plan for Los Angeles Inner Harbor are:

Existing uses: industrial service supply, navigation, non-contact water recreation, preservation of rare and endangered species, commercial and sport fishing, and marine habitat.

Potential uses: contact water recreation and shellfish harvesting.

14. The State Water Resources Control Board (State Board) adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.
15. Ammonia Basin Plan Amendment. The 1994 Basin Plan provided water quality objectives for ammonia to protect aquatic life, in Table 3-1 through Tables 3-4. However, those ammonia objectives were revised on March 4, 2004, by the Regional Board with the adoption of Resolution No. 2004-022, *Amendment to the Water Quality Plan for the Los Angeles Region to Update the Ammonia Objectives for Inland Surface Waters Not Characteristic of Freshwater (including enclosed bays, estuaries and wetlands) with the Beneficial Use designations for protection of "Aquatic Life"*. The ammonia Basin Plan amendment has not yet been approved by the Office of Administrative Law or the United States Environmental Protection Agency (USEPA). The revised criteria are not available for use until the aforementioned approvals have been obtained.
16. Under title 40 Code of Federal Regulations (40 CFR) section 122.44(d), *Water Quality Standards and State Requirements*, "Limitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants), which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality." Where numeric effluent limitations for a pollutant or pollutant parameter have not been established in the applicable state water quality control plan, 40 CFR section 122.44(d)(1)(vi) specifies that water quality-based effluent limitations (WQBELs) may be set based on USEPA criteria, and may be supplemented where necessary by other relevant information to attain and maintain narrative water quality criteria, and to fully protect designated beneficial uses.
17. Section 402(p) of the federal Clean Water Act (CWA), as amended by the Water Quality Act of 1987, requires NPDES permits for storm water discharges. The Discharger in addition to meeting the effluent limits included in this permit for storm water discharges only will be required to develop and implement a SWPPP as stipulated in Finding 11. These requirements as they are met will protect and maintain existing beneficial uses of the receiving water.
18. Effluent limitation guidelines requiring the application of best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT), were promulgated by the USEPA for some pollutants in this discharge. Effluent limitations for pollutants not subject to the USEPA effluent limitation guidelines are based on one of the following: best professional judgment (BPJ) of BPT, BCT or BAT; current plant performance; or water quality based effluent limits (WQBELs). The WQBELs are based on the Basin Plan, other State plans

and policies, or USEPA water quality criteria which are taken from the California Toxics Rule (CTR). These requirements, as they are met, will protect and maintain existing beneficial uses of the receiving water. The attached Fact Sheet for this Order, which has been reviewed and considered by the Regional Board, is considered part of this Order. The Fact Sheet includes specific bases for the effluent limitations, including the basis for determining reasonable potential for a pollutant to cause or contribute to an exceedance of water quality standards. These requirements, as they are met, will maintain and protect the beneficial uses of Los Angeles Inner Harbor.

19. 40 CFR section 122.45(f)(1) requires that except under certain conditions, all permit limits, standards, or prohibitions be expressed in terms of mass units. 40 CFR section 122.45(f)(2) allows the permit writer, at his its discretion, to express limits in additional units (e.g., concentration units). The regulations mandate that, where limits are expressed in more than one unit, the permittee must comply with both.

Generally, mass-based limits ensure that proper treatment, and not dilution is employed to comply with the final effluent concentration limits. Concentration-based effluent limits, on the other hand, discourage the reduction in treatment efficiency during low-flow periods and require proper operation of the treatment units at all times. In the absence of concentration-based effluent limits, a permittee would be able to increase its effluent concentration (i.e., reduce its level of treatment) during low-flow periods and still meet its mass-based limits. To account for this, this permit includes mass and concentration limits.

20. On May 18, 2000, the USEPA promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as 40 CFR section 131.38]. On March 2, 2000, State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (*State Implementation Policy or SIP*). The SIP was effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through National Toxics Rule (NTR) and to the priority pollutant objectives established by the Regional Boards in their Basin Plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP was effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the USEPA through the CTR.
21. The CTR and SIP require dischargers' submittal of data to the Regional Board to: (1) determine if WQBELs for priority pollutants are required; and (2) to calculate effluent limitations, if required. The policy further provides that the time schedule for providing the data shall be as short as practicable but not to exceed three years from the date of the SIP, which was May 22, 2000.
22. The CTR criteria for saltwater or human health for consumption of organisms, whichever is more stringent, were used to prescribe the effluent limitations in this Order to protect the beneficial uses of the Los Angeles Inner Harbor.
23. Under 40 CFR section 131.38(e)(6), the CTR authorizes the Regional Board to grant a compliance schedule for WQBELs based on CTR criteria for a period up to five years from

the date of permit issuance, reissuance, or modification. The SIP provides a compliance schedule for WQBELs (up to five years) and for WQBELs based upon Total Maximum Daily Loads (TMDL) and Waste Load Allocations development (up to 15 years). However, the USEPA has not yet approved the longer of the two compliance schedules nor depromulgated the five-year maximum in the CTR to allow for the 15 years in the SIP. Therefore, the more stringent provision, allowing a compliance schedule of five years, is the maximum duration authorized.

24. Technology-based effluent limits required a minimum level of treatment for industrial/municipal point sources based on currently available treatment technologies while allowing the discharger to use any available control techniques to meet the effluent limits. The 1972 CWA required treatment works treating domestic sewage (TWTDS) to meet performance requirements based on available wastewater treatment technology. The technology based-requirements for secondary treatment are specified in 40 CFR Part 133. These technology-based regulations apply to all (TWTDS) and identify the minimum level of effluent quality to be attained by secondary treatment in terms of five-day biochemical oxygen demand, total suspended solids, and pH.
25. State and Federal antibacksliding and antidegradation policies require Regional Board actions ensure that the waterbody will not be further degraded. Antibacksliding provisions are contained in Section 303(d)(4) and 402(o) of the CWA, and in 40 CFR section 122.44(l). Those provisions require a reissued permit to be as stringent as the previous permit with some exceptions where effluent limitations may be relaxed. For those limits carried forward, the Regional Board has determined that there is reasonable potential for the pollutant to cause or contribute to an exceedance of water quality standards in accordance with State Board Order No. WQ 2003-0009. Reasonable potential is determined using the procedures established in the SIP, informed by best professional judgment.
26. On October 28, 1968, the State Board adopted Resolution No. 68-16, Maintaining High Quality Water, which established an antidegradation policy for State and Regional Boards. Similarly, the CWA (section 304(d)(4)(B)) and USEPA regulations (40 CFR section 131.12) requires that all NPDES permitting actions be consistent with the federal antidegradation policy. Specifically, waters that are of a higher quality than needed to maintain designated beneficial shall be maintained at the higher water quality unless specific findings are made.

Watershed Management Approach and Total Maximum Daily Loads (TMDLs)

27. The Regional Board has implemented the Watershed Management Approach to address water quality issues in the region. Watershed management may include diverse issues as defined by stakeholders to identify comprehensive solutions to protect, maintain, enhance, and restore water quality and beneficial uses. To achieve this goal, the Watershed Management Approach integrates the Regional Board's many diverse programs, particularly Total Maximum Daily Loads (TMDLs), to better assess cumulative impacts of pollutants from all point and non-point sources. A TMDL is a tool for implementing water quality standards and is based on the relationship between pollution sources and in-stream water quality conditions. The TMDL establishes the allowable loadings or other quantifiable parameters for a waterbody and thereby provides the basis to establish water quality-based controls. These controls should provide the pollution reduction necessary

for a waterbody to meet water quality standards. This process facilitates the development of watershed-specific solutions that balance the environmental and economic impacts within the watershed. The TMDLs will establish waste load allocation (WLAs) and load allocations (LAs) for point and non-point sources, and will result in achieving water quality standards for the waterbody.

28. The Los Angeles and Long Beach Harbors are located in the southern portion of the Los Angeles Basin. Along the northern portion of San Pedro Bay is a natural embayment formed by a westerly extension of the coastline which contains both Harbors, with the Palos Verdes Hills the dominant onshore feature. Both Harbors are considered to be one oceanographic unit. The Los Angeles/Long Beach Harbor complex together is now one of the largest ports in the county. Despite its industrial nature, contaminant sources, and low flushing ability, the Inner Harbor area supports fairly diverse fish and benthic populations and provides a protected nursery area for juvenile fish. The California least tern, an endangered species, nests in one part of the Harbor complex.

Parts of the Los Angeles Harbor have historic deposits of pollutants in the sediment and current point and nonpoint source discharges. Fish caught in the East Basin have exhibited histopathological abnormalities (liver lesions). The abnormalities are indicative of aromatic and chlorinated hydrocarbon contamination. There is also significant degradation in the biological community of a part of Inner Harbor with high levels of PCB and DDT; and toxicity of the surface water microlayer of one part of the Harbor to a test fish species (larval kelp bass). The California Office of Environmental Health Hazard Assessment now advises against consumption of white croaker from the Harbor and recommends no more than one meal every two weeks of black croaker, queenfish, and surfperches if caught in the Harbor. The benthic community in many other areas of the inner harbor is healthy and sediments, though high in many pollutants, do not cause a great deal of toxicity in controlled lab tests.

29. The USEPA approved the State's 2002 303(d) list of impaired water bodies on July 25, 2003. The 2002 State Board's California 303(d) List classifies the Los Angeles Inner Harbor and several water bodies within the Harbor as impaired. These water bodies include: Consolidated Slip, Southwest Slip, a portion of Main Channel, Fish Harbor, Cabrillo Pier, East Channel, and breakwater. The pollutants of concern, detected in the water column, in the sediment, and in the fish tissue, include: cadmium, copper, lead, mercury, nickel, chromium, zinc, DDT, PAHs, sediment toxicity, benthic community effects, chlordane, dieldrin, PCBs, and toxaphene.
30. The TMDL for metals in the Los Angeles Harbor Consolidated Slip and Main Channel is scheduled for June 2007. The TMDLs will include WLA for the 303(d) listed pollutants. Upon completion of the TMDL and approval by the State Board, USEPA promulgates and the Office of Administrative Law (OAL) approves a Basin Plan Amendment incorporating the TMDL. The Board subsequently adopts a WQBEL consistent with the corresponding WLA for dischargers discharging to the affected receiving water. If authorized, a time schedule may be included in a revised permit to require compliance with the final WQBEL.

31. To prevent further degradation of the water quality of Los Angeles Inner Harbor, and to protect its beneficial uses, mixing zones and dilution credits are not considered in derivation of the effluent limitations in this Order.

This determination is based on:

- The beneficial uses stipulated for the Los Angeles Inner Harbor include preservation of rare and endangered species and marine habitat. The discharge of contaminants that bioaccumulate or have toxic effects on marine habitat observed in the Harbor could potentially affect the populations present. Since the assimilative capacity for the Los Angeles Inner Harbor has not been evaluated, a dilution factor is not appropriate and the final WQBEL should be a numeric objective applied end-of-pipe.
 - The discharge may contain the 303(d) listed pollutants that are bioaccumulative such as metals. These pollutants, when exceeding water quality criteria within the mixing zone, can potentially result in tissue contamination of an organism directly or indirectly through contamination of bed sediments with subsequent incorporation into the food chain. The SIP, section 1.4.2.2.B. states that the “Regional Board shall deny or significantly limit a mixing zone and dilution credit as necessary to protect beneficial uses...” It continues that “such situations may exist based upon the quality of the discharge... or the overall discharge environment (including ... potential for bioaccumulation).”
32. The Discharger may provide the information needed by the Regional Board to make a site-specific determination on allowing a mixing zone, including the calculations for deriving the appropriate receiving water and effluent flows, and/or the results of a mixing zone study. Upon receiving such data, the Regional Board will re-evaluate its determination for the need to incorporate dilution credits and will revise the effluent limitations as necessary.

Data Availability and Reasonable Potential Monitoring

33. In accordance with section 13267 of the California Water Code, the Regional Board, in a letter dated February 21, 2002, required the Discharger to conduct monitoring for priority pollutants regulated in the CTR in the effluent and the receiving water for four quarters from March 2002 through March 2003. Monitoring data for the discharge of water softener backwash and rinse wastewater were submitted to the Regional Board. The Discharger also submitted storm water effluent monitoring data for one quarter.
34. The current Order permitted Westway to discharge three distinct types of effluent: water softener backwater and rinse water, storm water, and hydrostatic test water. The Discharger submitted water softener and rinse water data on priority pollutants. However, this discharge will not be covered by this Order because it has been diverted to the sewer system. The Discharger submitted any priority pollutant monitoring data for hydrostatic test water effluent and submitted storm water effluent monitoring data for one quarter. There are insufficient monitoring data available to perform a complete RPA on priority pollutants for storm water or hydrostatic test water discharges. The *Technical Support Document for Water Quality-Based Toxics Control (TSD)* requires dischargers to submit sufficient data to conduct the determination of priority pollutants requiring WQBELs and to

calculate the effluent limitations, if required. Monitoring requirements for priority pollutants have been included in the associated Monitoring and Reporting Program No. CI-5960 for each type of effluent discharged by Westway: storm water and hydrostatic test water.

35. 40 CFR section 122.44(d)(1)(i) and (ii) require that each toxic pollutant be analyzed with respect to its reasonable potential when determining whether a discharge (1) causes, (2) has the reasonable potential to cause, or (3) contributes to the exceedance of a receiving water quality objective. This is done by conducting a reasonable potential analysis (RPA) for each pollutant. In performing the RPA, the permitting authority uses procedures that account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, and the sensitivity of the test species to toxicity testing (when evaluating whole effluent toxicity). Because of effluent variability, there is always some degree of uncertainty in determining an effluent's impact on the receiving water. The SIP addresses this issue by suggesting the use of a statistical approach.
36. Section 1.3 of the SIP requires that a limit be imposed for a toxic pollutant if (1) the maximum effluent concentration (MEC) is greater than the most stringent CTR criteria, (2) the background concentration is greater than the CTR criteria, or (3) other available information. These three criteria are routinely referred to as triggers. For the pollutants on the 303(d) list, which have been present in the effluent during past monitoring events, effluent limits derived using the CTR criteria will be imposed in the permit.

The first two triggers were evaluated using an excel spreadsheet to determine RPA and, when reasonable potential exists, calculate the WQBELs, following procedures in SIP. The third trigger is evaluated by the permit writer utilizing all other information available to determine if a water quality-based effluent limitation is required to protect beneficial uses.

37. A partial RPA was completed using the storm water monitoring data available (six data points) to determine if any of the constituents sampled showed reasonable potential. Based on this partial RPA, the storm water discharge contains copper, PCBs, and bis(2-ethylhexyl)phthalate at concentrations that show reasonable potential to exceed water quality standards. For this reason, effluent limitations for copper, PCBs, and bis(2-ethylhexyl)phthalate as well as the Basin Plan constituents have been established in this Order for storm water discharges through Discharge Serial Nos. 002, 003, 004, 005, and 006.
38. Discharge monitoring data required in the previous Order for hydrostatic test water from existing tanks generated nine data points for several of the priority pollutants. These data points were used to perform a partial RPA. Three of the constituents evaluated demonstrated reasonable potential; copper, lead, and silver. Effluent limits for these three constituents, as well as for the Basin Plan constituents, have been included in this Order.
39. For pollutants or discharges that lacked effluent data, interim requirements, as described below, were assigned. For these pollutants, the Discharger must submit to this Regional Board effluent concentration data, so that complete reasonable potential analyses can be performed and the need for effluent limitations can be determined. Pollutants that lacked sufficient data to do RPAs are subject to interim monitoring requirements.

40. For some pollutants, including aldrin, alpha-BHC, chlordane, DDT, dieldrin, heptachlor, heptachlor epoxide, several PAHs, PCBs, TCDD equivalents, and toxaphene, the applicable water quality objectives are below the levels that current analytical techniques can measure. Reasonable potential analyses have not been completed on these constituents in hydrostatic test wastewater since the data set did not include analyses for them. The reasonable potential analysis was completed for most of these constituents in storm water. TCDD in storm water runoff had reasonable potential to cause, or contribute to, an exceedance of water quality based effluent limits.
41. For 303(d) listed pollutants, the Regional Board plans to develop and adopt TMDLs, which will specify WLAs for point sources and LAs for non-point sources, as appropriate. Following the adoption of TMDLs by the Regional Board, NPDES permits will be issued with effluent limits for water quality based on applicable WLAs. In the absence of a TMDL, effluent limits for 303(d) listed pollutants for which RPA indicates a reasonable potential, will be established for (1) concentration based on the most stringent applicable CTR criterion and/or Basin Plan objective, and (2) mass emission based on the maximum discharge flow rate and concentration limitation.
42. As such, water quality objectives/criteria specified in the Basin Plan, the CTR, or the effluent limits from the existing permit were used to set the limits for pollutants that are believed to be present in the effluent and have reasonable potential of exceeding the water quality criteria. Other pollutants may only be monitored to gather data to be used in RPAs for future permit renewals and updates.

Compliance Schedules and Interim Limitations

43. 40 CFR 131.38(e) provides conditions under which interim effluent limits and compliance schedules may be issued. The CTR allows inclusion of an interim limit with a specific compliance schedule included in a NPDES permit for priority pollutants if the limit for the priority pollutant is CTR-based. Interim limits have been included in this Order for copper, PCBs, and bis(2-ethylhexyl)phthalate.
44. Westway may not be able to achieve immediate compliance with the WQBELs for copper, PCBs, and bis(2-ethylhexyl)phthalate in storm water discharges as stated in Section I.B.3. of this Order. Data submitted in self-monitoring reports indicate that these constituents have been detected at concentrations greater than the limit proposed in this Order. Since the data set used to determine the interim limit is very small (six data points), the maximum effluent concentration (MEC) detected was used as the interim limit.
45. Westway may not be able to achieve immediate compliance with WQBELS for copper, lead, and silver in the hydrotest water discharges. These constituents have been detected at concentrations exceeding the CTR WQBELs. The data set used to evaluate reasonable potential for the hydrotest water included nine data points collected from nine different tanks each of which may have stored a different type of product. This Order includes interim effluent limits for these constituents based on the MEC.
46. The Regional Board has established other interim requirements, such as requiring the Discharger to develop a pollutant minimization plan and/or source control measures, and

participate in the activities necessary to achieve final effluent limitations. These interim limitations shall be effective until August 4, 2006, after which, the Discharger shall demonstrate compliance with the final effluent limitations.

CEQA and Notifications

47. The Regional Board has notified the Discharger and interested agencies and persons of its intent to issue waste discharge requirements for this discharge, and has provided them with an opportunity to submit their written views and recommendations.
48. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
49. This Order shall serve as a NPDES permit pursuant to Section 402 of the Federal Clean Water Act or amendments thereto, and shall take effect in accordance with federal law provided the Regional Administrator, USEPA, has no objections.
50. Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, Office of Chief Counsel, ATTN: Elizabeth Miller Jennings, Senior Staff Counsel, 1001 I Street, 22nd Floor, Sacramento, California, 95814, within 30 days of adoption of this Order.
51. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) in accordance with the California Water Code, section 13389.

IT IS HEREBY ORDERED that Westway Terminal Company, Incorporated, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted there under, shall comply with the following:

I. DISCHARGE REQUIREMENTS

A. Discharge Prohibitions

- A. Wastes discharged shall be limited to storm water runoff and hydrostatic test water only, as proposed. The discharge of wastes from accidental spills or other sources is prohibited. The discharge of water softener regenerant wastes, and hydrostatic test water from new tanks, is prohibited.
- B. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to a storm drain system, Los Angeles Inner Harbor, or waters of the State, are prohibited.

B. Effluent Limitations

1. The pH of wastes discharged shall at all times be within the range 6.5 to 8.5.
2. The temperature of wastes discharged shall not exceed 86°F.
3. Final effluent limitations: In addition to the Requirements I.B.1 through I.B.2, the discharge of storm water and hydrostatic test water from Discharge Serial Nos. 002, 003, 004, 005 and 006 containing constituents in excess of the following limits is prohibited:

a. Discharge Serial No. 002, 003, 004¹, 005, 006² – Storm Water Runoff:

Pollutant (units)	Maximum Daily Effluent Limitation		Average Monthly Effluent Limitation	
	Concentration	Mass ³ (lbs/day)	Concentration	Mass ³ (lbs/day)
Oil & Grease (mg/L)	15	19	10	13
Total suspended solids (mg/L)	150	194	50	84
Turbidity (NTU)	150	--	50	--
BOD ₅ 20°F (mg/L)	30	39	20	25.9
Settleable solids (ml/L)	0.3	--	0.1	--
Sulfides (mg/L)	1.0	1.3	--	--
Residual Chlorine (mg/L)	0.1	0.13	--	--
Phenolic Compounds	1.0	1.3	--	--
Copper ^{4,5} (µg/L)	5.8	0.0078	2.9	0.0039
Bis (2-ethylhexyl)phthalate (µg/L)	11.8	0.016	5.9	0.0078
PCBs ⁵ (µg/L)	0.00034	0.0000044	0.00017	0.0000022

¹ Note that it is assumed no hydrostatic test water from "new" tanks should be discharged through Outfall No. 004 during this permit term.

² Discharge Serial No. 006 is a new outfall not previously permitted.

³ Based on a maximum flow rate of 155,000 gpd. If the flow rate is different the mass must be recalculated using the appropriate flow rate.

⁴ Discharge limitations for these metals are expressed as total recoverable.

⁵ The interim limitations in Section I.B.4. below, are applicable from the date of adoption of the Order through August 4, 2006, after which these final effluent limitations apply.

b. Discharge Serial Nos. 002, 003, 004, 005, and 006 – Hydrostatic Test Water:

Pollutant (units)	Maximum Daily Effluent Limitation			Average Monthly Effluent Limitation		
	Concentration	Mass (lbs/day)		Concentration	Mass (lbs/day)	
		Discharge Serial Nos. 002, 003, 006 ¹	Discharge Serial Nos. 004 and 005 ²		Discharge Serial Nos. 002, 003, 006 ¹	Discharge Serial Nos. 004 and 005 ²
Oil & Grease (mg/L)	15	2	26	10	1.5	17
Phenolic Compounds (chlorinated) (µg/L)	1.0	0.15	1.75	--	--	--
Suspended Solids (mg/L)	150	22	263	50	7.3	88
BOD ₅ 20°C (mg/L)	30	4.4	52	20	3	35
Turbidity (NTU)	75	--	--	50	--	--
Settleable Solids (ml/L)	0.3	--	--	0.1	--	--

Pollutant (units)	Maximum Daily Effluent Limitation			Average Monthly Effluent Limitation		
	Concentration	Mass (lbs/day)		Concentration	Mass (lbs/day)	
		Discharge Serial Nos. 002, 003, 006 ¹	Discharge Serial Nos. 004 and 005 ²		Discharge Serial Nos. 002, 003, 006 ¹	Discharge Serial Nos. 004 and 005 ²
Sulfides (mg/L)	1.0	0.15	1.8	--	--	--
Residual Chlorine (mg/L)	0.1	0.015	0.18	--	--	--
Phenols (mg/L)	1.0	0.15	1.8	--	--	--
Total Chromium ³ (µg/L)	50	0.007	0.09	--	--	--
Copper ³ (µg/L)	5.8	0.0009	0.01	2.9	0.0004	0.005
Lead ³ (µg/L)	14	0.002	0.02	7	0.001	0.01
Silver ³ (µg/L)	2.2	0.0003	0.004	1.1	0.0002	0.002

¹ Mass-based effluent limitations based on a maximum discharge flow rate of 17,500 gpd (0.0175 MGD) for Discharge Serial Nos. 002, 003, and 006.

² Mass-based effluent limitations based on a maximum discharge flow rate of 210,000 gpd (0.21 MGD) for Discharge Serial Nos. 004 and 005.

³ Discharge limitations for these metals are expressed as total recoverable.

5. Interim Effluent Limitations: From the effective date of this Order until August 4, 2006, the discharge of storm water and from Discharge Serial Nos. 002, 003, 004, 005, and 006 in excess of the following limitations is prohibited:

Constituent (units)	Daily Maximum Concentration	Mass (lbs/day)	Rationale
Copper ² (µg/L)	19	0.02	MEC ¹
PCBs (µg/L)	76	0.1	MEC ¹

¹ MEC = Maximum Effluent Concentration

² Discharge limitations for copper is expressed as total recoverable.

6. Interim Effluent Limitations: From the effective date of this Order until August 4, 2006, the discharge of hydrostatic test water and from Discharge Serial Nos. 002, 003, 004, 005, and 006 in excess of the following limitations is prohibited:

Constituent (units)	Daily Maximum Concentration	Mass (lbs/day) Outfalls 002, 003, and 006	Mass (lbs/day) Outfalls 004 and 005	Rationale ¹
Copper ² (µg/L)	34	0.005	0.06	MEC ¹
Lead ² (µg/L)	27	0.004	0.05	MEC ¹
Silver ² (µg/L)	5	0.0007	0.009	MEC ¹

¹ MEC = Maximum Effluent Concentration

² Discharge limitations for copper is expressed as total recoverable.

Discharges after August 4, 2006 must comply with the limits for these constituents stipulated in the tables in sections I.B.3.a and I.B.3.b.

C. Receiving Water Limitations

1. The discharge shall not cause any of the following conditions to exist in the receiving waters at any time:

- a. Floating, suspended or deposited macroscopic particulate matter or foam;
 - b. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
 - c. Visible, floating, suspended or deposited oil or other products of petroleum origin;
 - d. Bottom deposits or aquatic growth; or,
 - e. Toxic or other deleterious substances to be present in concentrations or quantities which cause deleterious effects on aquatic biota, wildlife, or waterfowl or render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
2. No discharge shall cause a surface water temperature rise greater than 5°F above the natural temperature of the receiving waters at any time or place.
 3. Dissolved sulfide shall not be greater than 0.1 mg/L;
 4. Toxicity limitations for discharges from Outfalls 002 through 006
 - a. Acute Toxicity Limitation and Requirements
 1. The acute toxicity of the effluent shall be such that: (i) the average survival in the undiluted effluent for any three (3) consecutive 96-hour (or shorter test duration period with Executive Officer approval) static or continuous flow bioassay tests shall be at least 90%, and (ii) no single test producing less than 70 % survival.
 2. If either of the above requirements (Section I.C.4.a.1) is not met, the Discharger shall conduct six additional tests over a six-week period. The discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of the close of the test and the additional tests shall begin within 3 business days of the receipt of the result. If the additional tests indicate compliance with acute toxicity limitation, the discharger may resume regular testing. However, if the results of any two of the six accelerated tests are less than 90% survival, then the Discharger shall begin a Toxicity Identification Evaluation (TIE). The TIE shall include all reasonable steps to identify the sources of toxicity. Once the sources are identified, the Discharger shall take all reasonable steps to reduce toxicity to meet objective.

3. If the initial test and any of the additional six acute toxicity bioassay test result in less than 70% survival, including the initial test, the Discharger shall immediately begin a TIE.
4. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 5960.
5. Preparation of an Initial Investigation TRE Workplan
 - i. The Discharger shall submit a detailed initial investigation Toxicity Reduction Evaluation (TRE) workplan to the Executive Officer of the Regional Board for approval within 90 days of the effective date of this permit. The Discharger shall use EPA manuals EPA/600/2-88/070 (industrial) or EPA/833B-99/002 (municipal) as guidance or current versions. At a minimum, the TRE workplan must contain the provisions in Attachment C. This workplan shall describe the steps the Discharger intends to follow if toxicity is detected, and should include, at a minimum:
 - ii. A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency;
 - iii. A description of the facility's methods of maximizing in-house treatment efficiency and good housekeeping practices, and a list of all chemicals used in operation of the facility; and,
 - iv. If a toxicity identification evaluation (TIE) is necessary, an indication of the person who would conduct the TIEs (i.e., an in-house expert or an outside contractor).
6. The discharge shall not cause a violation of any applicable water quality standard for receiving waters. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act, or amendments, thereto, the Regional Board will revise and modify this Order in accordance with such standards.

II. REQUIREMENTS

- A. The discharge of water softener regenerant wastes and hydrostatic test water from new tanks is prohibited. If, in the future, the Discharger wishes to resume direct discharge of water softener regenerant wastes, it must seek a modification of this Order to include this waste stream. Further, if the Discharger wishes to discharge hydrostatic test water from new tanks, an addendum to this Order must be adopted.

B. The Discharger shall submit within 90 days of the effective date of this Order:

1. A Storm Water Pollution Prevention Plan (SWPPP) that describes site-specific management practices for minimizing contamination of storm water runoff and for preventing contaminated storm water runoff from being discharged directly to waters of the State. The SWPPP shall be developed in accordance with the requirements in Attachment A.
2. Best Management Practices Plan (BMPP) that entails site-specific plans and procedures implemented and/or to be implemented to prevent erosion as well as hazardous waste/material from being discharged to waters of the State during the discharge of hydrostatic test waters. The BMPP shall be consistent with the general guidance contained in the EPA *Guidance Manual for Developing Best*

Management Practices (BMPs) (EPA 833-B-93-004). BMPs in the facility's existing spill prevention plan may be utilized and incorporated into this BMPP.

Both plans shall cover all areas of the facility and shall include an updated drainage map for the facility. The Discharger shall identify on a map of appropriate scale the areas that contribute runoff to the permitted discharge points; describe the activities in each area and the potential for contamination of storm water runoff and the discharge of hazardous waste/material; and address the feasibility of containment and/or treatment of the storm water. The plans shall be reviewed annually and at the same time. Updated information shall be submitted within 30 days of revision.

C. Compliance Determination

1. Compliance with single constituent effluent limitation – If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (see Reporting Requirement II. C. of *M&RP*), then the Discharger is out of compliance.
2. Compliance with monthly average limitations - In determining compliance with monthly average limitations, the following provisions shall apply to all constituents:
 - a. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the monthly average limit for that constituent, the Discharger has demonstrated compliance with the monthly average limit for that month.
 - b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limit for any constituent, the Discharger shall collect four additional samples as early as flow is available during the month. All five analytical results shall be reported in the monitoring report for that month, or 45 days after results for the additional samples were received, whichever is later.

When all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirement II. C. of M&RP), the numerical average of the analytical results of these five samples will be used for compliance determination.

When one or more sample results are reported as “Not-Detected (ND)” or “Detected, but Not Quantified (DNQ)” (see Reporting Requirement II. C. of *M&RP*), the median value of these four samples shall be used for compliance determination. If one or both of the middle values is ND or DNQ, the median shall be the lower of the two middle values.

- c. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the monthly average effluent limitation has been demonstrated.
 - d. If only one sample was obtained for the month or more than a monthly period and the result exceeded the monthly average, then the Discharger is in violation of the monthly average limit.
3. Compliance with effluent limitations expressed as a sum of several constituents – If the sum of the individual pollutant concentrations is greater than the effluent limitation, then the Discharger is out of compliance. In calculating the sum of the concentrations of a group of pollutants, consider constituents reported as ND or DNQ to have concentrations equal to zero, provided that the applicable ML is used.
 4. Compliance with effluent limitations expressed as a median – in determining compliance with a median limitation, the analytical results in a set of data will be arranged in order of magnitude (either increasing or decreasing order); and
 - a. If the number of measurements (n) is odd, then the median will be calculated as $= X_{(n+1)/2}$, or
 - b. If the number of measurements (n) is even, then the median will be calculated as $= [X_{n/2} + X_{(n/2)+1}]$, i.e. the midpoint between the $n/2$ and $n/2+1$ data points.
- D. In calculating mass emission rates from the monthly average concentrations, use one half of the method detection limit for “Not Detected” (ND) and the estimated concentration for “Detected, but Not Quantified” (DNQ) for the calculation of the monthly average concentration. To be consistent with section II.E.3., if all pollutants belonging to the same group are reported as ND or DNQ, the sum of the individual pollutant concentrations should be considered as zero for the calculation of the monthly average concentration.

- E. The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which may ultimately be released to waters of the United States is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes. Discharge of chlorine for disinfection in plant potable and service water systems and in sewage treatment is authorized.
- F. The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream which ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this permit.
- G. There shall be no discharge of PCB compounds, such as those once commonly used for transformer fluid.
- H. The Discharger shall notify the Executive Officer in writing no later than six months prior to planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
 - a. Name and general composition of the chemical,
 - b. Frequency of use,
 - c. Quantities to be used,
 - d. Proposed discharge concentrations, and
 - e. USEPA registration number, if applicable.

No discharge of such chemical shall be made prior to the Executive Officer's approval.

- I. The Regional Board and USEPA shall be notified immediately by telephone, of the presence of adverse conditions in the receiving waters or on beaches and shores as a result of wastes discharged; written confirmation shall follow as soon as possible but not later than five working days after occurrence.
- J. **Compliance Plan**
 - 1. The Discharger shall submit quarterly progress reports to describe the progress of studies and or actions undertaken to reduce these compounds in the effluent, and to achieve compliance with the limits in this Order by the deadline specified in provision I.B.5. The first progress report shall be received by the Regional Board by January 15, 2005.
 - 2. The interim limits stipulated shall be in effect for a period not to extend beyond August 4, 2006. Thereafter, the Discharger shall comply with the limitations specified in Section I.B.4.a. of this Order.

3. The Discharger must notify the Regional Board's Executive Officer, in writing, no later than 14 days following each interim date, compliance implementation event, or quarterly report, of the Discharger's compliance or noncompliance with the interim requirements.
- E. The Discharger shall submit within 180 days of the effective date of this Order an updated Spill Prevention Plan. The Prevention Plan shall be site-specific and shall cover all areas of the facility. The Contingency Plan shall be reviewed at the same time as the SWPPP and BMPP. Updated information shall be submitted within 30 days of revision.
- F. The Discharger shall implement or require the implementation of the most effective combination of BMPs for storm water pollution control. When implemented, BMPs are intended to result in the reduction of pollutants in storm water to the maximum extent practicable.
- G. Oil or oily materials, chemicals, refuse, or other materials that may cause pollution in storm water and/or urban runoff shall not be stored or deposited in areas where they may be picked up by rainfall/urban runoff and discharged to surface waters. Any spill of such materials shall be contained, removed, and cleaned immediately.
- H. Pursuant to the requirements of 40 CFR 122.42(a), the Discharger must notify the Board as soon as it knows, or has reason to believe (1) that it has begun or expected to begin, to use or manufacture a toxic pollutant not reported in the permit application, or (2) a discharge of toxic pollutant not limited by this Order has occurred, or will occur, in concentrations that exceed the specified limits in 40 CFR 122.42(a).
- I. The discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.
- J. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303(d)-listed pollutants.
- K. The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which may ultimately be released to waters of the United States, is prohibited unless specifically authorized elsewhere in this permit or another NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.
- L. The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream which ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this permit.

III. PROVISIONS

- A. This Order includes the attached *Standard Provisions and General Monitoring and Reporting Requirements* (Standard Provisions, Attachment N). If there is any conflict between provisions stated herein and the attached Standard Provisions, those provisions stated herein shall prevail.
- B. This Order includes the attached Monitoring and Reporting Program No. 5960. If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the former shall prevail.
- C. This Order may be modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to: failure to comply with any condition of this order and permit, endangerment to human health or the environment resulting from the permitted activity; or acquisition of newly obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the discharger for an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- D. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional Board to local agencies.
- E. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
- F. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic effluent standards, and all federal regulations established pursuant to Sections 301, 302, 303(d), 304, 306, 307, 316, and 423 of the Federal Clean Water Act and amendments thereto.

IV. REOPENERS

- A. This Order may be reopened and modified, in accordance with SIP Section 2.2.2.A, to incorporate new limits based on future reasonable potential analysis to be conducted, upon completion of the collection of additional data by the discharger.
- B. This Order may be reopened and modified, to incorporate in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.

- C. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new MLs.
- D. This Order may be reopened and modified to revise effluent limitations as a result of future Basin Plan Amendments, such as an update of an objective or the adoption of a TMDL for Los Angeles Inner Harbor.
- E. This Order may be reopened upon submission by the Discharger of adequate information, as determined by the Regional Board, to provide for dilution credits or a mixing zone, as may be appropriate.
- F. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order and permit, and endangerment to human health or the environment resulting from the permitted activity.

V. EXPIRATION DATE

This Order expires on July 10, 2009.

The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

VI. RESCISSION

Order No. 97-139, adopted by this Regional Board December 8, 1997, is hereby rescinded except for enforcement purposes.

I, Jonathan Bishop, Interim 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 August 5, 2004.

Jonathan Bishop
Interim Executive Officer