



# California Regional Water Quality Control Board Los Angeles Region



Matthew Rodriguez  
Secretary for  
Environmental Protection

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Edmund G. Brown Jr.  
Governor

September 15, 2011

Mr. Wesley McElhannon  
Van Nuys Terminal Manager  
Chevron USA, Inc.  
15359 Oxnard Street  
Van Nuys, CA 91411

## TRANSMITTAL OF WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND TIME SCHEDULE ORDER – CHEVRON USA, INC., VAN NUYS TERMINAL, VAN NUYS, CALIFORNIA (NPDES NO. CA0059293, CI NO. 6659)

Dear Mr. McElhannon:

The Los Angeles Regional Water Quality Control Board (Regional Board) letter dated August 22, 2011, transmitted revised tentative waste discharge requirements and a revised time schedule order for the Chevron USA, Inc., Van Nuys Terminal.

Pursuant to Division 7 of California Water Code, this Regional Board at a public hearing held on September 1, 2011, reviewed the revised tentative requirements and the revised tentative time schedule order, considered all factors in the case, and adopted Order No. R4-2011-0152 and Time Schedule Order (TSO) No. R4-2011-0153 (copies attached) relative to the Van Nuys Terminal storm water discharge. Order No. R4-2011-0152 serves as your NPDES permit and expires on August 10, 2016. Section 13376 of the California Water Code requires that a complete application for a new permit must be filed at least 180 days before the expiration date, which would be February 12, 2016.

Table E-4 of the Monitoring and Reporting Program requires you to begin implementing the daily, discharge event, monthly, quarter or yearly sampling on the effective date of Order No. R4-2011-0152, which is October 1, 2011. Your first monitoring report for the period of October 2011 through December 2011 must be received in this Regional Board Office by February 15, 2012.

When submitting monitoring or technical reports to the Regional Board, as required by your Monitoring and Reporting Program, please send them ATTN: Information Technology Unit and include a reference to Compliance File No. 6659. This will assure that the reports are directed to the appropriate file and staff. Also please do not combine other reports with your monitoring reports. Submit each type of report as a separate document.

TSO No. R4-2011-0153 requires you to comply with the interim effluent limitations for copper, mercury and zinc on the effective date of the TSO, which is October 1, 2011, until the order expires on January 11, 2016. The first semiannual progress report is due on May 15, 2012, for the report period of October 2011 through March 2012.

*California Environmental Protection Agency*

Mr. Wesley McElhannon  
Van Nuys Terminal Manager

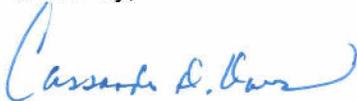
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September 15, 2011

We are sending copies of the final Order No. R4-2011-0152 and TSO No. R4-2011-0153 only to Chevron USA, Inc., in order to save on printing and postage expenses. For those on the mailing list, an electronic copy will be e-mailed to you.

If you have any questions, please contact Ms. Rebecca Christmann at (213) 576-6756 or via email at [rchristmann@waterboards.ca.gov](mailto:rchristmann@waterboards.ca.gov).

Sincerely,



Cassandra Owens, Chief  
Industrial Permitting Unit

Enclosures

cc: Ms. Robyn Stuber, Environmental Protection Agency, Region 9, Permits Branch (WTR-5)  
Mr. Roger Vann, 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, Department of Fish and Game, Region 5  
Mr. Philip Isorena, State Water Resources Control Board, Division of Water Quality  
Mr. Renan Jauregui, State Water Resources Control Board  
Ms. Jennifer Fordyce, State Water Resources Control Board  
Ms. Leah Godsay Walker, CA Department of Public Health, Division of Drinking Water and Environmental Management  
Ms. Teresa Henry, California Coastal Commission, South Coast Region  
Ms. Helen Mendoza, Water Replenishment District of Southern California  
Mr. Tim Smith, Los Angeles County Department of Public Works, Waste Management Division  
Mr. Kurt Souza, Los Angeles County, Department of Health Services  
Dr. Mark Gold, Heal the Bay  
Ms. Kirsten James, Heal the Bay  
Ms. Liz Crosson, Santa Monica BayKeeper  
Ms. Tatiana Guar, Santa Monica BayKeeper  
Mr. Daniel Cooper, Lawyers for Clean Water  
Mr. David Beckman, Natural Resources Defense Council  
Ms. Lily S. Baldwin, Health Environmental Specialist - Water, Chevron USA, Inc.  
Mr. John M. Dalton, Health Environmental Specialist, Chevron USA, Inc.  
Mr. Jae Kim, Tetra Tech  
Ms. Ann La Duca, Tetra Tech  
Ms. Mary Welch, PG Environmental, LLC

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

**TIME SCHEDULE ORDER NO. R4-2011-0153**

**REQUIRING CHEVRON, USA, INC.  
(VAN NUYS TERMINAL)  
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN  
ORDER NO. R4-2011-0152  
(NPDES PERMIT NO. CA0059293)**

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

1. Chevron USA, Inc. (hereinafter Chevron or Discharger) owns and operates the Van Nuys Terminal (hereinafter Facility), a bulk petroleum-fuel storage and distribution facility located at 15359 Oxnard Street, Van Nuys, California. The Facility area includes a tank farm, a paved loading area, a decommissioned truck wash area, and a paved truck parking area.
2. Chevron discharges waste from the Van Nuys Terminal under waste discharge requirements (WDRs) contained in Order No. R4-2011-0152 adopted by the Regional Water Board on September 1, 2011, which also serves as the National Pollutant Discharge Elimination System (NPDES) permit (No. CA0059293). Order No. R4-2011-0152 expires on August 10, 2016.
3. Order No. R4-2011-0152 authorizes Chevron to discharge up to 63,000 gallons per day (gpd) of untreated storm water runoff from the tank farm through Discharge Point No. 001 (Latitude 34° 10' 47" North, Longitude 118° 27' 55" West) to the street where it flows to the storm drain. The storm drain discharges to Reach 4 of the Los Angeles River, a water of the United States, at a location approximately 2 miles from the Facility.

Order No. R4-2011-0152 also authorizes Chevron to discharge up to 106,161 gpd of commingled treated and untreated storm water runoff from the paved parking and loading area through Discharge Point No. 002 (Latitude 34° 10' 45" North, Longitude 118° 27' 30" West) to the storm drain. The runoff initially enters an 8,000 gallon underground vault where settling occurs followed by an above ground two-stage filtration system. The treatment system utilizes two zeolite, perlite, and granular activated carbon media filled cartridges. The treatment system is designed to treat the first 1.2 inches of a rain event. Once capacity is exceeded, the untreated overflow runoff commingles with the treated storm water runoff at the sampling location. The storm drain discharges to Reach 4 of the Los Angeles River, a water of the United States, at a location approximately 2 miles from the Facility.

4. On September 1, 2011, the Regional Water Board adopted NPDES permit Order No. R4-2011-0152, which includes effluent limitations for mercury at Discharge Point Nos. 001 and 002 based on the California Toxics Rule (CTR); and effluent limitations for copper and zinc at Discharge Point No. 002 based on the *Los Angeles River and Tributaries Metals Total Maximum Daily Load* (Metals TMDL). Since the Facility's previous permits (Order Nos. 83-11 and 96-018) did not include effluent limitations for mercury, copper, or zinc the final

effluent limitations for these pollutants prescribed in Order No. R4-2011-0152 are new regulatory requirements for this Facility. The final effluent limitations are as follows:

Discharge Point No. 001

Constituent	Units	Maximum Daily	Rationale
Mercury, Total Recoverable	µg/L	0.10	CTR
	lbs/day <sup>1</sup>	0.000053	

<sup>1</sup> The mass limitation in lbs/day was calculated using the concentration limitation and the maximum flow rate of 0.063 millions gallons per day (mgd).

Discharge Point No. 002

Constituent	Units	Maximum Daily	Rationale
Copper, Total Recoverable (Dry weather)	µg/L	26	TMDL
	lbs/day <sup>2</sup>	0.023	
Copper, Total Recoverable (Wet weather)	µg/L	17	TMDL
	lbs/day <sup>2</sup>	0.015	
Mercury, Total Recoverable	µg/L	0.10	CTR
	lbs/day <sup>2</sup>	0.000089	
Zinc, Total Recoverable (Dry weather)	µg/L	190	CTR
	lbs/day <sup>2</sup>	0.17	
Zinc, Total Recoverable (Wet weather)	µg/L	160	TMDL
	lbs/day <sup>2</sup>	0.14	

<sup>2</sup> The mass limitations in lbs/day were calculated using the concentration limitations and the maximum flow rate of 0.106161 mgd.

The final effluent limitations prescribed for mercury and total recoverable zinc (dry weather) are the result of an evaluation for reasonable potential for these pollutants to exceed or contribute to an exceedance of the water quality standards. The effluent limitations for these constituents were based on the CTR to protect the beneficial uses of the receiving water. The final effluent limitations prescribed for total recoverable copper (dry and wet weather) and total recoverable zinc (wet weather) are based on the waste load allocations (WLAs) contained in the Metals TMDL.

- Monitoring data indicate that the Discharger is not able to consistently comply with the final effluent limitations for mercury at Discharge Point No. 001 and the final effluent limitations for copper, mercury and zinc at Discharge Point No. 002, as prescribed in Order No. R4-2011-0152. New or modified control measures are necessary for the Discharger to comply with the final effluent limitations for mercury at Discharge Point No. 001, and the final effluent limitations for copper, mercury and zinc at Discharge Point No. 002. Such control measures cannot be designed, installed, and put into operation with 30 calendar days.

6. On April 27, 2011, the Discharger requested the Regional Water Board to issue a time schedule order (TSO) with interim effluent limitations for copper, mercury, and zinc because the discharges from the Facility may not consistently comply with the final effluent limitations for these metals. The Discharger's submittal also included a proposal and schedule for additional source control and treatment measures. The Discharger will initiate additional source control measures, conduct bench scale testing of the existing treatment unit, and testing of a pilot scale treatment system that will result in the installation of a full scale treatment system at the Facility. The Discharger's proposal also specified a schedule to implement the actions to achieve full compliance with the final effluent limitations for these metals.
7. At the September 1, 2011 Regional Water Board meeting, the Discharger verbally requested that the deadline for compliance with the final effluent limitations be extended to January 11, 2016. The Discharger stated that an additional eight months was necessary to be able to identify a technology and test it over the range of possible conditions under which it will need to perform. Chevron will likely be required to conduct iterative bench and pilot tests on various technologies and media, design and construct a new system, and conduct testing to evaluate actual performance to comply with the new final effluent limitations. The Regional Water Board found that the Discharger justified its request and agreed to extend the deadline as requested as a logical outgrowth of comments received during the meeting.
8. California Water Code 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.”
9. Based on monitoring data, the Discharger may not consistently achieve compliance with the final effluent limitations for mercury at Discharge Point No. 001 and the final effluent limitations for copper, mercury and zinc at Discharge Point No. 002, as prescribed in Order No. R4-2011-0152. Accordingly, pursuant to Water Code section 13300, a discharge of waste is taking place and/or threatens to take place that violates requirements prescribed by the Regional Water Board. Therefore, this TSO establishes interim effluent limitations for mercury at Discharge Point No. 001 and copper, mercury and zinc at Discharge Point No. 002. The TSO also requires the Discharger to undertake specific actions to put the Discharger on the path towards compliance with the final effluent limitations for copper, mercury and zinc in as short amount of time as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of control measures that are necessary to comply with the final effluent limitations.

10. This TSO specifies the actions that the Discharger is required to take in order to correct the violations that would otherwise be subject to mandatory minimum penalties pursuant to Water Code section 13385 subdivisions (h) and (i). This TSO requires the Discharger to install structural and non-structural controls that will allow the Discharger to achieve full compliance with the final effluent limitations for copper, mercury, and zinc prescribed in Order No. R4-2011-0152, and prescribes certain interim effluent limitations for copper, mercury and zinc for the Discharger to comply with until the final compliance date specified in this TSO.
11. Since the time schedule for completion of 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 the dates for their achievement. The interim requirements include both interim effluent limitations for copper, mercury, and zinc and actions and milestones leading to compliance with the final effluent limitations for these metals. This TSO does not exceed five years.
12. A TSO is appropriate in these circumstances in order to accommodate the Discharger's investigation, design and installation of structural and non-structural controls at the Facility. Further, the temporary copper, mercury and zinc 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 these metals.
13. Water Code 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 or 13308, if all the [specified] requirements are met."
14. Pursuant to Water Code 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 mercury at Discharge Point No. 001 and the final effluent limitations for copper, mercury and zinc at Discharge Point No. 002, as prescribed in Order No. R4-2011-0152. Water Code section 13385(j)(3) also requires the Discharger to prepare and implement a pollution prevention plan pursuant to Water Code section 13263.3. Therefore, a pollution prevention plan will be necessary for copper, mercury and zinc.
15. The Regional Water Board has notified the Discharger, interested agencies, and interested persons of its intent to issue this TSO concerning compliance with waste discharge requirements. The Regional Water Board heard and considered all testimony pertinent to this matter in a public hearing.
16. The Regional Board may reopen this TSO at its discretion or at the request of the Discharger, if warranted.

17. Issuance of this TSO is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et. seq.) in accordance with Section 15321(a)(2), Title 14 of the California Code of Regulations.
18. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, 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](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, Chevron USA, Inc., as owner and operator of the Van Nuys Terminal, shall comply with the requirements below to ensure compliance with the final effluent limitations for mercury at Discharge Point No. 001 and copper, mercury and zinc at Discharge Point No. 002 prescribed in Order No. R4-2011-0152:

1. Comply with the following interim effluent limitations, which shall be deemed effective from October 1, 2011 to January 11, 2016:

**Discharge Point No. 001**

Constituent	Units	Interim Effluent Limitations Maximum Daily
Mercury, Total Recoverable	µg/L	0.20 <sup>1</sup>
	lbs/day <sup>2</sup>	0.00011

<sup>1</sup> Interim effluent limitation is based on the minimum level as defined in Appendix 4 of the State Implementation Plan, 2005.

<sup>2</sup> The mass limitation in lbs/day was calculated using the concentration limitation and the maximum flow rate of 0.063 mgd.

**Discharge Point No. 002**

Constituents	Units	Interim Effluent Limitations Maximum Daily
Copper, Total Recoverable (dry and wet weather)	µg/L	36 <sup>1</sup>
	lbs/day <sup>2</sup>	0.032
Mercury, Total Recoverable	µg/L	0.20 <sup>3</sup>
	lbs/day <sup>2</sup>	0.00018
Zinc, Total Recoverable (dry and wet weather)	µg/L	240 <sup>1</sup>
	lbs/day <sup>2</sup>	0.21

<sup>1</sup> Interim effluent limitations were established as maximum effluent concentrations from the Facility's monitoring data from November 2007 through January 2008.

<sup>2</sup> The mass limitations in lbs/day were calculated using the concentration limitations and the maximum flow rate of 0.106161 mgd.

<sup>3</sup> Interim effluent limitation is based on the minimum level as defined in Appendix 4 of the State Implementation Plan, 2005.

2. Achieve full compliance with the final effluent limitations for mercury at Discharge Point No. 001 and copper, mercury and zinc at Discharge Point No. 002, as specified in Order No. R4-2011-0152 no later than January 12, 2016.
3. Comply with the schedule as stipulated below:

No.	Task	Deadline
1.	Initiate additional source control measures	On-going
2.	Conduct metal analyses using more sensitive analytical methods and evaluate results and additional reduction needs.	April 30, 2012
3.	Conduct bench scale testing for improvements to the existing treatment unit.	April 30, 2012
4.	Install and test a pilot scale treatment system.	April 30, 2014
5.	Install the full scale treatment system.	September 30, 2014
6.	Test the full scale treatment system	January 11, 2016
7.	Achieve compliance with final effluent limitations.	January 12, 2016

4. Submit semiannual progress reports of efforts taken towards compliance with the final effluent limitations. The reports shall summarize the progress to date, activities conducted during the reporting period and the activities planned for the upcoming period. Each report shall be submitted to this Regional Water Board by May 15th and November 15th for the reporting period of October 1st through March 31st and April 1st through September 30th, respectively, and include milestones completed and any new pertinent updates. The first semiannual progress report is due on May 15, 2012 for the October 1, 2011 through March 31, 2012, reporting period.
5. Submit a Pollution Prevention Plan (PPP) workplan, with the time schedule for implementation, for approval of the Executive Officer by February 28, 2012, pursuant to California Water Code section 13263.3.
6. Submit a final report on the results of the implementation and evaluation of the selected actions/measures by January 11, 2016. 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.
7. All technical and monitoring reports required under this TSO are required pursuant to California Water Code sections 13267 and 13383. The Regional Water Board needs the required information in order to determine compliance with this TSO and Order No. R4-2011-0152. 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.

8. 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."

9. If the Discharger fails to comply with any provisions 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 administrative enforcement action pursuant, but not limited to, Water Code 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.
10. All other provisions of NPDES Order No. R4-2011-0152 not in conflict with this TSO are in full force and effect.
11. This Time Schedule Order expires on January 11, 2016.

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 September 1, 2011.

  
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Samuel Unger  
Executive Officer