State of California
California Regional Water Quality Control Board
Santa Ana Region

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 - FAX (951) 781-6288– TDD (951) 782-3221
http://www.waterboards.ca.gov/santaana

TIME SCHEDULE ORDER NO. R8-2014-0075

**REQUIRING CALIFORNIA STEEL INDUSTRIES, INC.
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NO. R8-2014-0007, NPDES NO. CA0105449**

The California Regional Water Quality Control Board, Santa Ana Region, (hereinafter Regional Water Board), finds that:

1. On December 12, 2014, the Regional Water Board adopted Order No. R8-2014-0007, NPDES No. CA0105449, prescribing waste discharge requirements for California Steel Industries, Inc. (hereinafter Discharger).

2. Order No. R8-2014-0007 allows the discharge of stormwater runoff and process water from the Discharger's facility to San Sevaine Channel and Mulberry Ditch, tributaries of Reach 3 of the Santa Ana River.

3. Order No. R8-2014-0007 contains final Effluent Limitations and Discharge Specifications IV.A.1 and IV.A.2 for Discharge Points 001, 002, 003, and 004, which read as follows:

    1. *The discharge of wastes containing an area-weighted average of constituent concentrations in excess of the following limits is prohibited:*

Constituents	*Units*	*Maximum Daily Effluent Limitation*
Suspended Solids	*mg/L*	*75*
Oil and Grease	*mg/L*	*15*
Copper	*ug/L*	*14*
Lead	*ug/L*	*5.6*
Zinc	*ug/L*	*117*

    2. *The area-weighted average pH of the discharge shall be within the range of 6.5 to 8.5 pH units at all times.*

4. Based on the monitoring data submitted since January 2008, the Discharger cannot consistently comply with the effluent limitations for copper, lead, zinc, suspended solids, or pH in Order No. R8-2014-0007.

5. California Water Code (CWC) section 13300, authorizes the Regional Water Board to require a 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 whenever a discharge of waste is taking place and/or threatens to take place that violates requirements prescribed by the Regional Water Board.

6. On September 15, 2014, the Discharger submitted a detailed time schedule, with proposed interim effluent limitations for copper, lead, zinc, suspended solids, and pH (maximum), to achieve compliance with the effluent limits in Order No. R8-2014-0007. The Discharger's submittal included: (a) documentation that diligent efforts have been made to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream; (b) documentation of source control measures and/or pollutant minimization efforts currently underway or completed; and (c) a proposal for additional or future source control measures, pollutant minimization actions, or waste treatment (i.e. facility upgrades) with projected time schedules to achieve compliance with final effluent limitations.

7. The Discharger is currently implementing a source reduction paving project to limit the solids that enter the storm system. Suspended solids can be a significant contributor of metals in stormwater runoff. Therefore, the paving project is also expected to reduce metals concentrations. Other pollution reduction tasks have been identified and the Discharger will proceed with them according to the compliance schedule.

8. CWC section 13385, subdivisions (h) and (i), require the Regional Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. However, CWC section 13385(j)(3) exempts violations of an effluent limitation from MMPs where the waste discharge is in compliance with a time schedule order issued pursuant to Section 13300 under specific conditions.

9. CWC section 13385(j)(3)(B)(i) exempts violations of an effluent limitation from MMPs if the Regional Water Board finds that:

> *(i) The effluent limitation is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.*

10. As specified in CWC section 13385(j)(3)(C), a time schedule order must be as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitation. Such a time schedule may not exceed five years in length. If the time schedule exceeds one year, it must include interim requirements, including interim effluent limitations, and the date for their achievement.

11. In accordance with CWC section 13385(j)(3), the Regional Water Board finds that:

    a. This Order specifies the actions that the Discharger is required to take in order to correct the violations that would otherwise be subject to CWC section 13385(h) and (i).

    b. To comply with final effluent limitations, the Discharger proposed that additional time is necessary to allow the Discharger to complete facility upgrades. The Discharger submitted a time schedule to achieve full compliance with the effluent limitations contained in WDR Order R8-2014-0007 within a maximum of five years from the effective date of WDR Order R8-2014-00007 (which has the same effective date of this Order).

    c. The effluent limitations for copper, lead, and zinc in Order R8-2014-0007 are new and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

    d. This Order establishes a time schedule to bring the discharge into compliance with the effluent limitations that is as short as practicable, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the final effluent limitations.

12. Compliance with this Time Schedule Order exempts the Discharger from MMPs for violations of the final effluent limitations copper, lead, and zinc in accordance with CWC section 13385(j)(3). Protection from MMPs begins on the effective date of this Order and shall continue during the effective period of this Order, as established herein.

13. Although this Time Schedule Order also addresses potential future violations of the effluent limits for Suspended Solids and pH, such violations will not be exempt from MMPs, as the limits set in Order No. R8-2014-0007 for those constituents are not new.

14. CWC Section 13385(j)(3)(C)(iii) states:

> *(iii) If the time schedule exceeds one year from the effective date of the order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both of the following:*
>
> *(I) Effluent limitations for the pollutant or pollutants of concern.*
> *(II) Actions and milestones leading to compliance with the effluent limitation*

15. This Order includes performance-based interim effluent limitations for copper, lead, and zinc. The interim effluent limitations are based on the current discharge conditions, using area-weighted average effluent concentrations from January 2008 through March 2013. One-half of the reporting limit was substituted for non-detected results. The data were graphed on probability plots to determine normality, and all datasets were log-normally distributed. The 99.87th percentile (average plus three times the standard deviation) was calculated using a log-normal distribution and compared to the maximum concentration. The higher of the two was selected as the daily interim limitation for each metal.

    The following table summarizes the calculations of the daily maximum interim effluent limitations for the area-weighted average concentrations of these metals.

	Units	Count	% Detect	Distribution	Maximum Area-Weighted Average	99.87th Percentile (lognormal)	Maximum Daily Interim Limitation
Copper	µg/L	60	100%	Lognormal	170	317	317
Lead	µg/L	60	83%	Lognormal	230	409	409
Zinc	µg/L	60	100%	Lognormal	1461	3148	3148

16. The Regional Water Board finds that the Discharger can maintain compliance with the interim limitations included in this Order. Interim limitations are established when compliance with the final effluent limitations cannot be achieved by the existing discharge. The interim limitations, however, establish an enforceable ceiling concentration until compliance with the final effluent limitations can be achieved.

17. If an interim effluent limit contained in this Order is exceeded, then the Discharger is subject to MMPs for that particular exceedance as it will no longer meet the exemption in Water Code 13385(j)(3).

18. Issuance of this Order 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, California Code of Regulations.

19. The Regional Water Board has notified the Discharger, interested agencies, and interested persons of its intent to issue this Order concerning compliance with the waste discharge requirements. The Regional Water Board conducted a public hearing at which evidence was received to consider this Order under CWC sections 13300 and 133885(j)(3) to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED THAT

Pursuant to CWC sections 13300 and 13385(j)(3), the Discharger shall comply with the following time schedule to ensure compliance with the final effluent limitations contained in Order No. R8-2014-0007 as described in the above Findings and as set forth herein.

1. The Discharger shall comply with the following time schedule:

Step	Completion Date[1]
– Establish a team of site inspectors to form a technical advisory group to investigate stormwater issues around the facility. – Perform stormwater flow study to evaluate and improve stormwater flow patterns through grading and paving projects.	– Underway
– Investigate structural BMP improvements to CSI property, including but not limited to the CSI storm basin. – Investigate the effect of non-structural BMPs. – Develop workplans for a mixing zone, receiving water, and translator study. – Implement training program to provide necessary training to key personnel.	– September 2015
– Evaluate non-structural BMP performance.	– As storms occur

Step	Completion Date[1]
– Submit work plans for a mixing zone, receiving water, and translator study to Regional Water Board for review and approval.	– October 2015
– Implement work plans for a mixing zone, receiving water, and translator study after approval by the Regional Water Board.	– As storms occur
– Complete mixing zone, receiving water, and translator studies.	– May 2018
– Prepare mixing zone, receiving water, and translator study reports and submit to Regional Water Board.	– September 2018
– Implement paving projects as determined by stormwater flow study results. – Implement structural BMP improvements to CSI property as determined by structural BMP investigation results. – Implement non-structural BMPs throughout entire site as determined by non-structural BMP evaluation results. – Receive effluent limit adjustments from Regional Water Board through permit reopener, if appropriate based on study results.	– September 2019
– Adjust and finalize training materials to account for new BMP strategies, changes or infrastructure changes. – Revise and finalize SWPPP to provide an appropriate plan for updated infrastructure, BMPs, and training materials.	– December 2019
– Submit annual progress reports.	– January 15 annually, starting on January 15, 2016
– Comply with final effluent limitations.	– December 2019

[1] Dependent upon rainfall.

2. The following interim effluent limitations for copper, lead, and zinc, shall be effective on the effective date of this Order and shall remain in place for a period of five years from the effective date of this Order, or until the Discharger is able to consistently comply with the final effluent limitations, whichever is sooner.

Constituents	Units	Maximum Daily Interim Limitation
Copper	µg/L	317
Lead	µg/L	409
Zinc	µg/L	3148

3. Any person signing a document submitted under this Order shall make the following certification:

   "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

4. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order or with the WDRs may result in the assessment of Administrative Civil Liability of up to $10,000 per violation, per day, depending on the violation, pursuant to the CWC, including sections 13350 and 13385. The Regional Water Board reserves its right to take any enforcement actions authorized by law.

5. 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 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 (including mandatory furlough days), 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.

6. This Order is effective upon the same date that Order R8-2014-0007 becomes effective. This Order shall remain in effect for a maximum of five years from its effective date.

I, Kurt V. Berchtold, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on December 12, 2014.

Kurt V. Berchtold

Kurt V. Berchtold, Executive Officer