

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

ORDER NO. R4-2002-0079
NPDES PERMIT NO. CA0055247

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
PAKTANK CORPORATION - LOS ANGELES
(MARINE TERMINAL FACILITY)

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

Background

1. Paktank Corporation-Los Angeles (hereinafter Paktank or Discharger) discharges treated wastes from its Marine Terminal under waste discharge requirements (WDRs) contained in Order No. 94-036 adopted by the Regional Board on May 9, 1994. Order 94-036 serves as a National Pollutant Discharge Elimination System (NPDES) permit (CA0055247) for the facility.
2. Paktank has filed a report of waste discharge (ROWD) and has applied for renewal of its WDRs and NPDES permit.

Purpose of Order

3. The purpose of this order is to renew the WDRs for the Paktank Marine Terminal. This NPDES permit regulates the discharge of storm water, steam condensate, boiler blowdown, and truck washing water to the Los Angeles Inner Harbor, Slip 5, a water of the United States. The point of discharge is located at Latitude 33°, 45', 59" and Longitude 118°, 15', 16".

Facility Description

4. The Marine Terminal, an oil transfer and bulk storage facility, is located at Berths 187-188, Port of Los Angeles, Wilmington, California. The facility consists of 61 bulk storage tanks, vehicle loading and off-loading areas, and a wastewater treatment system. Storage tanks hold petroleum products (diesel oil, fuel oil, and lube oil), volatile organic compounds, vegetable oils, caustic soda, and caustic potash. Figures 1 and 2 show the location and plan view of the facility, respectively.

Discharge Description

5. The facility's Storm Water Monitoring Plan (August 1997) states that storm water generated in the tank farms, loading and unloading stations, some of the internal roads and all of the

internal rail tracks and wastewaters are directed to an internal drainage system that drains to the on-site wastewater treatment system. Wastewaters include external tank truck wash water, steam condensate and boiler blowdown. The areas previously designated as truck loading, off-loading, and external tank truck wash stations are now only used as truck loading and off-loading areas. Before the trucks leave the loading station, the outside of the tank trucks are rinsed with water to remove any caustic soda that may have incidentally dripped outside the loading hatch, during the loading process. Truck rinsing is conducted on an individual basis and is isolated to the area of the truck around the loading hatch; it is not the entire vehicle that is rinsed nor is it a continuous process. Tank truck rinse water is a small contribution to the waste stream. The loading and off-loading areas will be cleaned by sweeping and steam cleaning.

6. The wastewaters and storm water are collected and directed to an on-site wastewater treatment system. The water is then pumped out through a series of monitors to the publicly owned treatment works (POTW) at a rate of approximately 200 gallons per minute (gpm). Water is collected via isolated drains throughout the facility and pumped into a series of four holding/settling tanks. These four tanks have a combined capacity of 537,600 gallons. These tanks are piped together in series, but are capable of being isolated should the need arise. These tanks are used as holding tanks for excess storm water in the event that the POTW cannot handle the flow of water or a large rain event threatens to inundate the facility. From these tanks, wastewater is pumped into a 12-stage, weir-type clarifier. The clarifier consists of two banks of six cells. Wastewater flows in series through all 12 cells. From the last bank, water is pumped through four carbon canisters in series to provide polishing of the wastewater. In an emergency situation, if the aforementioned holding tanks are insufficient, Paktank will divert the treated water to the NPDES discharge point via a storm drain at Matsonia Way to Los Angeles Inner Harbor, at Berth 187. The point of discharge is located at Latitude 33°, 45', 59" and Longitude 118°, 15', 16".
7. Over the past 20 years, there has been no discharge through the NPDES discharge point; however, the NPDES permit is maintained in the event that storm water runoff levels exceed the storage capacity and the flow parameter of the sewer system. The volume of storm water discharge will be variable, depending on rainfall intensity, duration, and flooding conditions on site. Flow data collected over the last 5 years shows that the Marine Terminal discharged an average of 0.003 million gallons per day (mgd) of treated storm water runoff to the POTW. Figure 3 shows the schematic diagram of the wastewater flow.
8. Compliance inspection reports dated October 21, 1999, and October 17, 2000, indicate that Paktank was in compliance with its NPDES permit; no violations were cited.

Storm Water Management

9. Paktank has implemented a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the existing individual permit, and is consistent with the SWPPP requirements in the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity [State Water Resources Control Board (State Board) Order No. 97-03-DWQ, NPDES Permit No. CAS000001]. The updated, individual permit requires the Discharger to update and implement its SWPPP. The SWPPP will outline site-specific management processes for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged directly into surface waters.

Applicable Plans, Policies, and Regulations

10. 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.
11. The Basin Plan contains beneficial uses and water quality objectives for the Los Angeles Inner Harbor:

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

Potential: contact water recreation and shellfish harvesting.
12. 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 Los Angeles Inner Harbor.
13. In May 1974, the State Board adopted a *Water Quality Control Policy for the Enclosed Bays and Estuaries of California* (Policy). The Policy contains narrative and numerical water quality objectives that were designed to prevent water quality degradation and protect beneficial uses in enclosed bays and estuaries. The Policy also lists principles of management that include the State Board's goal to phase out all discharges (excluding cooling waters), particularly industrial process water, to enclosed bays and estuaries as soon as practicable. The wastes discharged to Los Angeles Inner Harbor described above are not considered industrial process wastewater for purposes of the Policy.
14. On May 18, 2000, the U.S. Environmental Protection Agency (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]. In the CTR, USEPA promulgated criteria that protects the general population at an incremental cancer risk level of one in a million (10^{-6}), for all priority toxic pollutants regulated as carcinogens. The CTR also provides a schedule of compliance not to exceed 5 years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with the CTR criteria.

15. 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. The SIP does not apply to discharges comprised solely of storm water, but some of the protocols identified in the SIP provide a rationale approach for determining reasonable potential and represent the best available science with respect to minimum levels for all surface water discharges. The SIP requires the dischargers' submittal of data sufficient to conduct the determination of priority pollutants requiring WQBELs and to calculate the effluent limitations. The CTR criteria for saltwater or human health for consumption of organisms, whichever is more stringent, are used to develop the effluent limitations in this Order to protect the beneficial uses of the Los Angeles Inner Harbor.
16. State and Federal antibacksliding and antidegradation policies require that Regional Board actions to protect the water quality of a water body and to ensure that the waterbody will not be further degraded. The antibacksliding provisions are specified in section 402(o) of the Clean Water Act (CWA) and in the Title 40 of the Code of Federal Regulations (40 CFR), section 122.44(i). Those provisions require a reissued permit to be as stringent as the previous permit with some exceptions where effluent limitations may be relaxed.
17. Effluent limitations are established in accordance with sections 301, 304, 306, and 307 of the federal Water Pollution Control Act, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of the Los Angeles Inner Harbor.

Watershed Management Approach and Total Maximum Daily Loads (TMDLs)

18. 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.
19. The Los Angeles/Long Beach Harbors are located in the southern portion of the Los Angeles

Basin in the greater San Pedro Bay. Together with the Dominguez Channel, these harbors receive discharges from highly industrialized areas. The 1998 State Board's California 303(d) List classifies the Los Angeles Inner Harbor and several portions within the Harbor as impaired. These water bodies include: Consolidated Slip, Southwest Slip, a portion of Main Channel, Fish Harbor, Cabrillo Pier, and breakwater. The pollutants of concern, detected in the water column, in the sediment, and in the fish tissue, include copper, lead, ammonia, coliform, chromium, zinc, DDT, PAHs, sediment toxicity, aldrin, benthic community effects, Chem A [refers to the sum of aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, HCH (including lindane), endosulfan, and toxaphene], DDT, PCBs, and tributyltin.

Data Availability and Reasonable Potential Monitoring

20. 40 CFR 122.44(d)(1)(i) and (ii) requires that each toxic pollutant be analyzed with respect to its reasonable potential to (1) cause; (2) have the reasonable potential to cause; or (3) contribute to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant.
21. 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, or (2) the background concentration is greater than the CTR criteria, or (3) other information is available. For the pollutants on the 303(d) list, no background concentration data is necessary for RPA. Sufficient effluent data are needed for this analysis.
22. No discharge has occurred from this Paktank facility for 20 years, so no data exists to perform a RPA for the toxic parameters. In such circumstance, the SIP recommends that additional data be gathered prior to permit issuance, or that additional data be gathered during the term of the permit. When the additional data has been collected, the Regional Board may reopen the permit to incorporate appropriate effluent limits based on the RPA.

CEQA and Notifications

23. 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.
24. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
25. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Clean Water Act or amendments thereto, and shall take effect at the end of ten days from the date of its adoption provided the Regional Administrator, USEPA has no objections.
26. 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, P. O. Box 100, Sacramento, California, 95812, within 30 days of adoption of this Order.
27. 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 Paktank Corporation-Los Angeles, 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 Prohibition

1. Wastes discharged shall be limited to storm water runoff, boiler blowdown, steam condensate, and truck station washdown water, as proposed. The discharge of water from accidental spills or other sources is prohibited.
2. 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, tributaries to the Los Angeles Inner Harbor, Slip 5, or waters of the State are prohibited.

B. Effluent Limitations

The discharge of an effluent in excess of the following limits is prohibited:

1. A pH value less than 6.5 or greater than 8.5.
2. A temperature greater than 100° F.
3. Toxicity limitations:
 - a) 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 static or continuous flow bioassay tests shall be at least 90%, and (ii) no single test producing less than 70% survival.
 - b) If either of the above requirements (Section I.B.3.a.) is not met, then the Discharger shall begin a Toxicity Identification Evaluation (TIE) using discharge water kept in reserve for this purpose. The Discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of the completion of the test and the additional tests shall begin within 3 business days of the receipt of the result. If the toxicity is complex, all phases including confirmatory phases of TIE may not be possible with reserve water, however, the TIE shall include all reasonable steps to identify the source(s) of toxicity. The TIE will be continued with discharge water from the next discharge event. Once the source(s) of toxicity is identified, the Discharger shall take all reasonable steps to reduce the toxicity to meet the objective.

c) The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 5985.

4. The discharge of an effluent in excess of the following limits is prohibited:

Constituent	Daily Maximum Discharge Limitations (mg/L; unless specified)
BOD ₅	30
Oil and Grease	15
Total Suspended Solids	150
Turbidity (NTU)	75
Sulfides	1.0
Phenols	1.0
Benzene (µg/L)	1.0
Toluene (µg/L)	10.0
Xylene (µg/L)	10.0
Ethylbenzene (µg/L)	10.0
Arsenic ¹	0.05
Cadmium ¹	0.01
Chromium ¹	0.05
Copper ¹	1.0
Lead ¹	0.05
Mercury ¹	0.002
Selenium ¹	0.01
Silver ¹	0.05
Zinc ¹	5.0

¹Discharge limitations for these metals are expressed as total recoverable.

C. Receiving Water Limitations

1. The discharge shall not cause the following conditions to exist in the receiving waters:
 - 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 growths; 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. The discharge shall not cause nuisance, or adversely effect beneficial uses of the receiving water.
3. 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.
4. The discharge shall not cause the following limits to be exceeded in the receiving waters at any place within the waterbody of the receiving waters:
 - a) The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH levels by more than 0.5 units;
 - b) Dissolved oxygen shall not be less than 5.0 mg/L anytime, and the median dissolved oxygen concentration for any three consecutive months shall not be less than 80 percent of the dissolved oxygen content at saturation;
 - c) Dissolved sulfide shall not be greater than 0.1 mg/L;
 - d) The discharge shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Board or State Board. 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 or modify this Order in accordance with such standards.

II. REQUIREMENTS

- A. The Discharger shall submit within 90 days of the effective date of this Order an updated Storm Water Pollution Prevention Plan (SWPPP) that describes site-specific management practices for minimizing storm water runoff from being contaminated, 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 contained in Attachment A.
- B. The Discharger shall submit within 90 days of the effective date of this Order an updated Spill Contingency Plan. The Contingency Plan shall be site-specific and shall cover all areas of the terminal facility including the tank farms. **The Contingency Plan shall be reviewed at the same time as the SWPPP.** Updated information shall be submitted within 30 days of revision.
- C. 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).

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 hereinbefore and the attached Standard Provisions, those provisions stated hereinbefore prevail.
- B. This Order includes the attached Monitoring and Reporting Program. If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the former prevail.
- C. This Order includes the attached *Storm Water Pollution Prevention Plan Requirements* (Attachment A).
- D. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of 40 CFR Parts 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; 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.

- E. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to their storm drain systems.

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 the Ammonia objective, or the adoption of a TMDL for Los Angeles/Long Beach Harbors Watershed.
- F. This Order may be reopened and modified, to revise the toxicity language once that language becomes standardized.
- G. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR Parts 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, endangerment to human health or the environment resulting from the permitted activity.

IV. EXPIRATION DATE

This Order expires on February 10, 2007.

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.

V. RESCISSION

Order No. 94-036, adopted by this Regional Board on May 9, 1994, is hereby rescinded except for enforcement purposes.

I, Dennis Dickerson, 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 March 28, 2002.

Dennis A. Dickerson
Executive Officer