



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

October 9, 2013

Mr. Adrian Rosu
Environmental Engineer
Tesoro Refining & Marketing Company, LLC
Los Angeles Refinery – Calciner Operations
1175 Carrack Avenue
Wilmington, CA 90748 -1028

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7099 3220 0006 2237 7555

Dear Mr. Rosu:

TRANSMITTAL OF WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (ORDER NO. R4-2013-0157), AND TIME SCHEDULE ORDER (ORDER NO. R4-2013-0158), FOR TESORO REFINING & MARKETING COMPANY LLC, (FORMER BP WEST COAST PRODUCTS LLC) TESORO (FORMER BP) WILMINGTON CALCINER, WILMINGTON, CA. (NPDES NO. CA0059153, CI 6571)

Our letter dated September 24, 2013, transmitted the revised tentative Waste Discharge Requirements (WDRs) for renewal of your permit for the discharge of wastes under the National Pollutant Discharge Elimination System (NPDES) Program and a revised tentative Time Schedule Order (TSO).

Pursuant to Division 7 of the California Water Code, this Regional Water Board at a public hearing held on October 3, 2013, reviewed the revised tentative requirements, considered all factors in the case, and adopted Order No. R4-2013-0157 (NPDES permit) and TSO No. R4-2013-0158.

Order R4-2013-0157 serves as an NPDES permit, and it is scheduled to expire on November 22, 2018. Section 13376 of the California Water Code requires that an application/Report of Waste Discharge for a new permit must be filed at least 180 days before the expiration date. The TSO No. R4-2013-0158 is scheduled to expire on November 22, 2018.

You are required to implement the Monitoring and Reporting Program (MRP) on the effective date (November 22, 2013) of Order No. R4-2013-0157. Your first monitoring report for the period of November 2013 through December 2013 is due by February 1, 2014. The first technical and/or progress report required under TSO No. R4-2013-0158 is due by the 15th of February 2014, as listed on page 7 of the TSO. Submit all monitoring and technical/progress reports to the Regional Water Board, ATTN: Information Technology Unit.

The Regional Water Board is implementing a paperless office system to reduce paper use, increase efficiency and provide a more effective way for our staff, the public and interested parties to view water quality documents. Therefore, please convert all regulatory documents, submissions, data and correspondence that you would normally submit to us as hard copies to

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

October 9, 2013

a searchable Portable Document Format (PDF). Documents that are less than 10 megabyte (MB) should be emailed to losangeles@waterboards.ca.gov. Documents that are 10 MB or larger should be transferred to a disk and mailed to the address listed below. If you need additional information regarding electronic submittal of documents please visit the Regional Water Board's website listed above and navigate to Paperless Office.

**California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013**

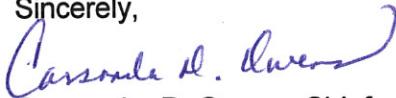
When submitting monitoring or technical reports to the Regional Water Board per these requirements, please include a reference to Compliance File CI-6571 and NPDES No. CA0059153, which will assure that the reports, are directed to the appropriate file and staff. Please do not combine your discharge monitoring reports with other reports, such as technical/progress reports. Submit each type of report as a separate document.

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

[http://www.waterboards.ca.gov/losangeles/board decisions/adopted orders/by permits tools.shtml](http://www.waterboards.ca.gov/losangeles/board%20decisions/adopted%20orders/by%20permits%20tools.shtml).

If you would like a hard copy of the TSO or if you have any questions, please contact Rosario Aston at (213) 576-6653.

Sincerely,



Cassandra D. Owens, Chief
Industrial Permitting Unit

cc: See Mailing List

Enclosure: Order No. R4-2013-0157 - Waste Discharge Requirements
Attachment E - Monitoring and Reporting Program (MRP No. 6571)
Attachment F - Fact Sheet
Order No. R4-2013-0158 - Time Schedule Order

Mailing List (Via Email Only)

Environmental Protection Agency, Region 9, Permits Branch (WTR-5)
U.S. Army Corps of Engineers
NOAA, National Marine Fisheries Service
Department of Interior, U.S. Fish and Wildlife Service
NPDES Wastewater Unit, State water Resources Control Board, Division of Water Quality
Mr. William Paznokas, Department of Fish and Game, Region 5
Department of Health Services, Sanitary Engineering Section
California Coastal Commission, South Coast Region
South Coast Air Quality Management District
Water Replenishment District of Southern California
Los Angeles County, Department of Public Works, Waste Management Division
Ms. Leah G. Walker, Department of Public Health, Division of Drinking Water and
Environment Management
City of Wilmington
Ms. Kirsten James, Heal the Bay
Ms. Liz Crosson, Los Angeles WaterKeeper
Ms. Anna Kheyfets, Natural Resources Defense Council
Mr. Jae Kim, Tetra Tech

**ORDER NO. R4-2013-0158
TIME SCHEDULE ORDER (TSO)**

FOR

**TESORO REFINING & MARKETING COMPANY LLC
TESORO WILMINGTON CALCINER
NPDES NO. CA0059153**

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

TIME SCHEDULE ORDER NO. R4-2013-0158

REQUIRING TESORO REFINING & MARKETING COMPANY LLC
(TESORO WILMINGTON CALCINER)
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NO. R4-2013-0157
(NPDES PERMIT NO. CA0059153)

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

1. The Tesoro Refining & Marketing Company LLC, former BP West Coast Products LLC (hereinafter, Discharger or Tesoro) is the owner and operator of the Tesoro (former BP) Wilmington Calciner Facility (hereinafter, Facility), located at 1175 Carrack Avenue, Wilmington, California. The Facility is a petroleum coke calcining facility.
2. The Facility discharges wastes under waste discharge requirements (WDRs) contained in Order No. R4-2013-0157 adopted by the Regional Board on September 12, 2013. Order No. R4-2013-0157 serves as a National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CA0059153) and it expires on November 1, 2018.
3. The Facility is permitted to discharge up to 1.1 million gallons per day (mgd) of treated storm water and wastewater associated with industrial activities (wastewater) from the Facility into the Cerritos Channel, within the Los Angeles-Long Beach Inner Harbor, a water of the United States via Discharge Point No. 001 (Latitude 33° 46' 29" N, Longitude 118° 13' 39" W). Tesoro believes that based on the March 21, 2013, "Hydrological Study" submitted to the Regional Water Board, the Facility can retain approximately 2.2 million gallons of storm water, which equates to approximately 5.45 inches of rainfall from a 50-year, 24-hour storm.
4. The Facility was permitted to discharge storm water and wastewater pursuant to WDRs contained in Order No. R4-2007-0031, adopted by the Board on June 7, 2007, which also served as NPDES Permit No. CA0059153 and it expired on May 10, 2012. The terms and conditions of the current Order have been administratively extended and remain in effect until new Waste Discharge Requirements and an NPDES permit are adopted pursuant to this Order. Order No. R4-2007-0031 did not prescribe effluent limitations for lead, 4,4'-DDT, and Total PCBs.
5. On May 5, 2011, the Regional Water Board adopted Resolution No. R11-008, that amended the Basin Plan to incorporate the *TMDL for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters* (Harbor Toxics

TMDL). The Harbor Toxic TMDL was approved by the State Water Resources Control Board (State Water Board) on February 7, 2012, the Office of Administrative Law (OAL) on March 21, 2012, and the U.S. Environmental Protection Agency (USEPA) on March 23, 2012. The Harbor Toxics TMDL contains requirements applicable to discharges from the Facility to the Cerritos Channel which is located within the Long Beach Inner Harbor. The Harbor Toxics TMDL included water column final concentration-based waste load allocations (WLAs) for lead, 4,4'-DDT, and total PCBs.

As required by Title 40 Code of Federal Regulations section 122.44(d)(4)(vii)(B), Order No. R4-2013-0157 implements and is consistent with the assumptions and requirements of all WLAs established in the Harbor Toxics TMDLs. The final water quality-based effluent limitations (WQBELs) are statistically-calculated based on salt water column final concentration-based WLAs for lead, 4,4'-DDT, and total PCBs, converted from saltwater California Toxics Rule (CTR) criteria using CTR saltwater default translators, and relevant implementation provisions in section 1.4 of the State Implementation Policy.

6. Order No. R4-2013-0157 prescribed effluent limitations for lead, 4,4'-DDT, and PCBs for Discharge Point 001. The final effluent limitations are as follows:

Table 1. Final Effluent Limitations

Constituents	Units	Effluent Limitations		Rationale
		Average Monthly	Maximum Daily	
Lead, Total Recoverable	µg/L	7	14	TMDL ²
	lbs/day ¹	0.1	0.1	
4,4'-DDT	µg/L	0.0006	0.001	TMDL ²
	lbs/day ¹	5.4E-06	1.1E-05	
Total PCBs	µg/L	0.0002	0.0003	TMDL ²
	lbs/day ¹	1.6E-06	3.1E-06	

¹ The mass limitations in lbs/day were calculated using the concentration limits and the maximum flow rate of 1.1 mgd and calculated as follows:

$$\text{Mass (lbs/day)} = \text{Flow (MGD)} \times \text{Concentration (mg/L)} \times 8.34 \text{ (conversion factor)}$$

² TMDL – Total maximum daily load – Harbor Toxics TMDL (Resolution No.R11-008).

7. Monitoring data (water samples collected in the retention pond) submitted to the Regional Water Board indicates that the Discharger may not be able to comply with the prescribed new effluent limitations for 4,4'-DDT, and total PCBs based on the Harbor Toxics TMDLs by Order No. R4-2013-0157. Monitoring data for 4,4'-DDT and total PCBs collected from the retention pond in 2007, 2008, 2009, 2010, and 2011 indicate that these pollutants were not detected (ND) but the MDLs (4,4'-DDT = 0.038 µg/L, and total PCBs = 0.56 µg/L, in one case for one of the PCBs, Aroclor 1016) were greater than the State Water Resources Control Board Minimum Levels (SMLs) (4,4'-DDT= 0.01 µg/L, and total PCBs = 0.5 µg/L) and the new effluent limitations listed in Table 1

for 4,4'-DDT and total PCBs. The Discharger may not be able to comply with the new effluent limitations for 4,4'-DDT and total PCBs. Accordingly, pursuant to Water Code section 13300, a discharge of waste is taking place and/or threatens to take place that violates or will violate the new effluent limitations for 4,4'-DDT, and total PCBs prescribed by the Regional Water Board.

On March 28, 2013, the Discharger submitted a letter requesting a time schedule order (TSO) to conduct a study to determine if discharges to receiving waters exceed the limits for lead, 4,4'-DDT, and total PCBs. The letter summarized the Discharger's actions to achieve full compliance with the new effluent limitations for lead, 4,4'-DDT, and total PCBs in Order No. R4-2013-0157. The actions include collection and evaluation of data, selection and design of water management practices and/or control measures, and implementation of the measures selected that are intended to achieve full compliance with the final effluent limitations for 4,4'-DDT, and total PCBs in the discharge. Accordingly, the Regional Water Board finds that Tesoro is making diligent effort to bring its waste discharge into compliance with the new effluent limitations for lead, 4,4'-DDT, and total PCBs and that a time schedule is warranted.

The Discharger is able to meet the new effluent limitations for lead in Order No. R4-2013-0157. The monitoring data collected from the retention pond in 2007, 2008, 2009, 2010, and 2011 indicate that lead was detected at concentrations (ranges from ND to 2.9 µg/L) greater than the SMLs (0.5 µg/L) and laboratory's method detection limit (MDL = 0.2 µg/L) but below the new effluent limitations listed in Table 1 for lead. Thus, lead is not included in this TSO.

8. Section 13300 of the California Water Code states, in part, that:

"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. 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, *if all of the [specified] requirements are met.*" (emphasis added).

10. The final effluent limitations for 4,4'-DDT, and total PCBs prescribed in Order No. R4-2013-0157, are new regulatory requirements. The prior WDRs for the waste discharge, Order No. R4-2007-0031 did not prescribe effluent limitations for 4,4'-DDT, and total PCBs.
11. As described in Finding 8, new or modified control measures may be necessary in order for the Discharger to comply with the new effluent limitations for 4,4'-DDT, and total PCBs prescribed in Order No. R4-2013-0157. These new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
12. This TSO establishes interim effluent limitations for 4,4'-DDT and total PCBs, and requires the Discharger to undertake specific actions if necessary in order to prevent or correct the discharge of waste that exceeds or threatens to exceed the final effluent limitations for 4,4'-DDT and total PCBs prescribed in Order No. R4-2013-0157. The TSO establishes a time schedule for bringing the waste discharge into compliance with the final effluent limitations for 4,4'-DDT and total PCBs in as short amount of time as possible, taking into account the technological, operation, and economic factors that affect the design, development, and implementation of the control measures that are necessary for compliance.
13. The time schedule for completion of the action necessary to bring the waste discharge into compliance exceeds one year from the effective date of this TSO. Accordingly, this TSO includes interim requirements and the dates for their achievement. The interim requirements include interim effluent limitations for 4,4'-DDT and total PCBs, and actions and milestones leading to compliance with the final effluent limitations set by Order No. R4-2013-0157.
14. Full compliance with the requirements of this TSO exempts the Discharger from mandatory minimum penalties only for violations of the final effluent limitation for 4,4'-DDT and total PCBs in Order No. R4-2013-0157, pursuant to Water Code section 13385(j)(3). This TSO does not apply to the final effluent limitations for lead set by Order No. R4-2013-0157.
15. Water Code section 13385(j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to Water Code section 13263.3. The Discharger must prepare and implement a pollution prevention plan for 4,4'-DDT and total PCBs pursuant to Water Code section 13263.3.
16. This TSO allows the Discharger necessary time to evaluate and, if needed undertake actions to reduce the amount of 4,4'-DDT and total PCBs in its waste discharge and

comply with applicable effluent limitations for 4,4'-DDT and total PCBs. This Order does not modify the final effluent limitations for 4,4'-DDT and total PCBs set by Order No. R4-2013-0157. The interim effluent limitations for 4,4'-DDT and total PCBs included in this TSO will advance completion of necessary upgrades to control measures if necessary to reduce 4,4'-DDT and total PCBs in the waste discharge in a timely manner, and are therefore in the public interest.

17. The Regional Water Board has notified the Discharger, interested agencies, and persons of its intent to issue this TSO concerning compliance with waste discharge requirements. The Regional Water Board accepted written comments, and heard and considered all comments pertinent to this matter in a public hearing.
18. 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), Title 14 of the California Code of Regulations (exemption from CEQA for enforcement actions) and section 15301, Title 14 of the California Code of Regulations (exemption from CEQA for existing facilities).
19. Any person aggrieved by this action of the Regional 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 date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13300, Tesoro Refining & Marketing Company LLC, as the owner and operator of the Tesoro Wilmington Calciner Facility, shall comply with the requirements listed below to ensure compliance with the final effluent limitations for 4,4'-DDT and total PCBs contained in Order No. R4-2013-0157:

1. Comply immediately with the following interim effluent limitations:

Table 2. Interim Effluent Limitations

Constituents	Units	Interim Effluent Limitations	
		Average Monthly ¹	Maximum Daily ¹
4,4'-DDT	µg/L	0.041	0.049
	lbs/day ²	0.0004	0.00045
Total PCBs	µg/L	0.61	0.80
	lbs/day ²	0.006	0.007

¹ The interim effluent limitations were derived from the Facility's monitoring data collected from the retention pond obtained in 2007 through 2011 using the 95th (average monthly) and 99th (maximum daily) of the laboratory's method detection limits.

² The mass limitations in lbs/day were calculated using the concentration limits and the maximum flow rate of 1.1 million gallons per day (mgd);
 Mass (lbs/day) = Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor)

The foregoing interim effluent limitations for 4,4'-DDT and Total PCBs are in effect from November 22, 2013, through November 22, 2018. During this time, the Discharger shall investigate and implement any required upgrades to control measures to ensure compliance with the final effluent limitations for 4,4'-DDT and Total PCBs contained in Order No. R4-2013-0157.


2. Achieve full compliance with the final effluent limitations for 4,4'-DDT and Total PCBs in Order No. R4-2013-0157, no later than November 23, 2018, to the extent the pollutants are discharged to receiving waters from the Facility.
3. Submit for approval to the Executive Officer as soon as possible, but no later than March 1, 2014, a workplan to evaluate water quality and select actions/measures, if needed including a feasibility study of the selected actions/measures, and implement the selected actions/measures to prevent or correct any violation of applicable effluent limits for 4,4'-DDT and Total PCBs in the discharge from the Facility to receiving waters. The workplan shall contain the following components:
 - a. A time schedule that identifies a means to achieves compliance with the final effluent limitations for 4,4'-DDT and Total PCBs as soon as possible, but no later than November 23, 2018;
 - b. A determination of whether or not actions/measures are needed, and a description of the actions/measures to be utilized;
 - c. A schedule for the evaluation, design, installation or construction, and implementation of the selected actions/measures to bring Tesoro Wilmington Calciner's discharge into full compliance with the final effluent limitations for 4,4'-DDT and Total PCBs; and

- d. A feasibility study on the selected actions/measures, including assessment of the impacts to land, surface waters, and groundwater.
4. Submit for approval to the Executive Officer as soon as possible, but no later than March 1, 2014, a Pollution Prevention Plan (PPP) workplan, with the time schedule for implementation, pursuant to California Water Code section 13263.3.
5. Submit semiannual progress reports of efforts towards compliance with the final effluent limitations for 4,4'-DDT and Total PCBs. The reports shall summarize the progress to date, activities conducted during the reporting period, and the activities planned for the upcoming reporting period. Each report shall be submitted to this Regional Water Board by February 15th and August 15th for the second half of the previous reporting year and the first half of the reporting year, respectively, and include milestones completed and any new pertinent updates. The first semiannual progress report is due on February 15, 2014.
6. Submit a final report on the results of the evaluation of the selected actions/measures by February 1, 2019. The report shall include: a) results of the study proposed by Discharger; b) a description of the actions/measures selected; c) the monitoring data collected; and d) an evaluation of the effectiveness of the selected actions/measures.
7. All technical 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. 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 provision of this TSO, the Regional Water Board may take any further action authorized by law. The Executive Officer, or his/her delegee, is authorized to take appropriate administrative enforcement action pursuant, but not limited to, Water Code sections 13301, 13350 and/or 13385. The Regional Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
10. All other provisions of Order No. R4-2013-0157, that do not conflict with this TSO, are in full force and effect.
11. This Time Schedule Order expires on November 22, 2018.

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 October 3, 2013.



Samuel Unger, P.E.
Executive Officer