
Los Angeles Regional Water Quality Control Board

July 17, 2013

CERTIFIED MAIL No. 7001 2510 0002 2221 8645
RETURN RECEIPT REQUESTED

Mr. Chris Cannon, Director Environmental Management Division
The Port of Los Angeles, New Dock Street Pump Station
925 Harbor Plaza
Long Beach, CA 90801

Dear Mr. Cannon:

TRANSMITTAL OF THE WASTE DISCHARGE REQUIREMENTS (WDRs), NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT, AND TIME SCHEDULE ORDER (TSO) FOR THE PORT OF LOS ANGELES, NEW DOCK STREET PUMP STATION, TERMINAL ISLAND, CALIFORNIA (NPDES NO. CA0064157, CI NO. 7856)

Our letters dated May 8, 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 tentative Time Schedule Order (TSO).

Pursuant to Division 7 of the California Water Code, this Regional Water Board at a public hearing held on July 11, 2013, reviewed the tentative requirements, considered all factors in the case, and adopted Order No. R4-2013-0108 (NPDES permit) and TSO No. R4-2013-0109.


Order R4-2013-0108 serves as an NPDES permit, and it expires on August 30, 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. R4-2013-0109 expires on July 11, 2017.


You are required to implement the MRP on the effective date (August 30, 2013) of Order No. R4-2013-0108. Your first monitoring report for the period of July 2013 through September 2013, is due by November 1, 2013. All monitoring reports should be sent to the Regional Board, electronically by email to losangeles@waterboards.ca.gov. When submitting monitoring or technical reports to the Regional Board per these requirements, please include a reference to "Compliance File No. CI-7856 and NPDES No. CA0064157", which 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.

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 have any questions, please contact Gensen Kai at (213) 576-6651.

Sincerely,



 Cassandra D. Owens, Chief
Industrial Permitting Unit

Enclosures

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
Mr. William Paznokas, Department of Fish and Game, Region 5
Department of Public Health, Sanitary Engineering Section
California State Parks and Recreation
California Coastal Commission, South Coast Region
Water Replenishment District of Southern California
Los Angeles County, Department of Public Works, Waste Management Division
Ms. Leah Godsay Walker, DPH Division of Drinking Water and Environmental
Management
Kristen James, Heal the Bay
Liz Crosson, Santa Monica BayKeeper
Anna Kheyfets, Natural Resources Defense Council
Ms. Pauling Sun, Tetra Tech
Ms. Mary Welch, PG Environmental, LLC
Mr. Jae Kim, Tetra Tech

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

TIME SCHEDULE ORDER NO. R4-2013-0109

**REQUIRING PORT OF LOS ANGELES
(NEW DOCK STREET PUMP STATION)
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NO. R4-2013-0108
(NPDES PERMIT NO. CA0064157)**

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

1. The Port of Los Angeles (Discharger), an independent, self-supporting department of the City of Los Angeles, serves as a landlord to the port complex, occupying 7,500 acres of waterfront land in the Los Angeles Harbor. The Discharger owns and operates the New Dock Street Pump Station (Facility) located at New Dock Street/151 Henry Ford Avenue, Terminal Island, California, on land owned by the City of Long Beach. The Facility collects, treats, and discharges storm water and infiltrating groundwater from adjacent tributary areas.
2. The Discharger discharges wastes from the Facility under waste discharge requirements (WDRs) contained in Order No. R4-2013-0108 adopted by the Regional Water Board on July 11, 2013, which serves as the National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CA0064157).
3. Groundwater enters the Facility through a French drain/slotted pipe installed underneath the intersection of Henry Ford Avenue and New Dock Street and through leaks found on other segments of the storm drains. Storm water and infiltrating groundwater are treated by retention and aeration through three cells at the Facility pump station. The first cell collects the water from the three drain lines. A fourth line routes backwash to the influent cell. The water then gravity flows through a triangular shaped section to the second cell, a 10ft x 20ft x 10ft retention basin equipped with an aeration system. From the retention basin, water flows through bar screens into the third cell, a 20ft x 20ft x 20ft holding basin. In the holding basin, the treated wastewater is pumped via six lift pumps into the force main, where it is discharged into the Cerritos Channel, a water of the United States via Discharge Point No. 001 (Latitude 33^o 45' 54" N, Longitude 118^o 14' 23" W, coordinates correspond to *Google Earth Images*).
4. Order R4-2006-0086 authorized the Discharger to discharge up to 0.725 million gallons per day (MGD) effluent including storm water and infiltrating groundwater from the Facility. During the term of Order R4-2006-0086, high volumes of storm water and

infiltrating groundwater were recorded. The Discharger estimated the maximum storm water flow from the tributary areas was 5.87 MGD and the Facility receives approximately 1.38 MGD of infiltrating groundwater. Therefore, the Discharger proposed to discharge up to 7.25 MGD of effluent from the Pump Station into the Cerritos Channel.

5. Order R4-2006-0086 included discharge limitations for selenium. The monitoring data collected prior to the adoption of the Order indicated that the Discharger was not able to consistently comply with the discharge limitations. Therefore, interim effluent limitations for selenium were included in the Order. The interim limits were effective from December 9, 2006 to December 12, 2009.
6. In Order R4-2006-0086, some of the discharge limits were based on the Municipal and Domestic Supply (MUN) beneficial use designation of the groundwater under the Cerritos Channel, which is the receiving water for the discharge from the New Dock Street Pump Station. The Regional Water Board removed the MUN beneficial use in accordance with Resolution R4-1998-018. Therefore, limits for MBAs, xylene, arsenic, and selenium based on MUN have not been included in the most recent Order (R4-2013-0108).
7. A reasonable potential analysis was completed utilizing the data collected from December 15, 2006 to December 31, 2012. The discharge limitations for selenium were derived from the salt water aquatic life criteria in the California Toxics Rule (CTR) and the State Implementation Policy (SIP). Below is a table which lists the selenium limits included in Order R4-2006-0086 and in the Order R4-2013-0108. The change in the selenium average monthly effluent limitation (AMEL) and maximum daily effluent limitation (MDEL) is the result of removing the MUN beneficial use designation from the groundwater basin beneath the Cerritos Channel.

Parameter	Units	Effluent Limitations			
		R4-2006-0086		R4-2013-0108	
		AMEL	MDEL	AMEL	MDEL
Selenium, Total Recoverable	µg/L	--	10	45	130
	lbs/day*	--	0.061	2.7	7.9

* The mass limitations in lbs/day were calculated using the concentration limits and the maximum flow rate of 0.725 MGD for the Order R4-2006-0086 and 7.25 MGD for the Order R4-2013-0108.

8. Order R4-2006-0086 included interim effluent limits for arsenic, cadmium, copper, mercury, nickel, selenium, and zinc which were effective from December 9, 2006 to November 12, 2009. The Discharger was required to develop a plan to come into full compliance with the final effluent limits at the end of stipulated compliance period. The Discharger completed a number of studies during that time. An Alternative Flow Diversion Analysis was completed in June 2008, which includes a

hydraulic study to model the pump station drainage basin to predict the discharge volume for 20-, 50-, and 100-year storms, a feasibility study for connecting the discharge to Terminal Island Wastewater Reclamation Plant, and a study of water reuse for irrigation and dust control. The Discharger also completed a Metal Analysis project in December 2008, which indicated that there was no correlation between total metal concentration and total suspended solids. The study concluded that most metals detected in the effluent do not bind to the solids and are in dissolved form. A Metals Treatment Evaluation was completed in June 2009, in which three filtration systems and different in-line treatment media were evaluated; bench scale testing was conducted and the highest metal removal efficiency was obtained in bone char media. Pilot testing at the Facility with bone char was conducted from November 2009 through February 2010; inconclusive results were obtained with inconsistent metal removal. The Discharger conducted a Metal Source Identification Study from January 2012 to July 2012, which included Storm drain Line Sampling – before rain, Storm drain Line Sampling – 10 days after rain, Storm Runoff Sampling, Surface Water (Cerritos Channel) Sampling, and Storm drain Surface Sediment Sampling. Groundwater samplings were also conducted in the study, which included 14 locations along the storm drains, at the Pasha Terminal (Berths 206-209) in the southwest portion of the tributary areas, in the parking area for the Port of Los Angeles which occupies approximately 9 acres in the west portion of the tributary areas, and in the northwest portion of the tributary areas, a property leased to Tidelands Oil Production Company. The Discharger is currently conducting additional research on possible tenant discharge(s), selenium speciation, historical land use, and other potential sources that may be identified. In order to control the multiple sources of copper and selenium, the Discharger has proposed the following measures: Cleanout of storm drain inlet and pump station basin, Implementation of BMPs for all 32 storm drains which include those located on Port of Long Beach property, storm drain repairs to prevent leaks, and further research on the best available treatment and BMP technologies to reduce the copper and selenium in the effluent.

9. In spite of the Discharger's efforts to control the metal concentration in the effluent from the Facility, monitoring data collected demonstrates that exceedances of the copper and selenium discharge limitations have occurred numerous times. The monitoring data also indicates that the Discharger would not be able to consistently comply with the revised final selenium discharge limitations (AMEL) in Order R4-2013-0108 and with the final copper limitation (MDEL) which is based on the Total Maximum Daily Load for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters (Harbor Toxics TMDL).
10. Historical effluent violations have been settled in enforcement actions. An Administrative Civil Liability Complaint No. R4-2010-0169-M was issued on December 17, 2010 by the Regional Water Board for the Discharger's noncompliance from March 28, 2000 to March 31, 2010. After a hearing held on March 17, 2011, the Regional Water Board issued Administrative Civil Liability Order No. R4-2010-0169-M (Directive) on June 9, 2011 which directed the Discharger to

pay \$42,000 for the violations subject to mandatory minimum penalties. The Discharger complied with the Directive and a full payment was received by the Regional Water Board on August 19, 2011. On September 12, 2011, the Regional Water Board issued Settlement Offer No. R4-2011-0156-M (Offer) for \$108,000 for violations of waste discharge requirements of Order R4-2006-0086 from September 30, 2010 to June 30, 2011. A Stipulated Order on the Offer issued by the Regional Water Board on January 6, 2012 indicates that the Discharger waived its right to a hearing and accepted an amended penalty of \$93,000. The Board received a payment of \$93,000 from the Discharger on December 15, 2011.

11. On February 10, 2012, the Discharger requested the Regional Water Board issue a Time Schedule Order (TSO) with interim effluent limitations for copper and selenium. The Port of Los Angeles claims that the Facility “will not meet the.....permit discharge limitations for selenium, in spite of significant efforts by the Port to find a solution that would eliminate...exceedances” of those discharge limitations. The Discharger stated that a TSO would “provide additional time for the Port to identify the source of these contaminants and investigate further the potential options to eliminate [the] exceedance[s].”
12. In conjunction with USEPA, the Regional Water Board developed the Harbor Toxics TMDL to improve the water quality of Los Angeles Harbor, which was approved by the USEPA on March 23, 2012. The Harbor Toxics TMDL includes Waste Load Allocations (WLAs) for copper and other toxic compounds. On November 8, 2012, the Region IX office of USEPA issued the Clean Water Act section 303(c)(2) approval authorizing compliance schedules for CTR criteria with WLAs in the Harbor Toxics TMDL to be included in the permit. Thus, the copper interim effluent limitations and compliance schedule is included in the National Pollutant Discharge Elimination System Permit.
13. On January 11, 2013, the Discharger provided updated information for its request to issue a TSO with interim effluent limitations for selenium. The information included documentation of progress on the source identification and source control efforts since January 2012 and changes to the action plan were proposed.
14. Section 13300 of the California Water Code 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.”
15. Based on the monitoring data submitted during the term of Order R4-2006-0086, the Discharger cannot consistently achieve compliance with the final effluent limitations

for selenium contained in Order R4-2013-0108. 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.

16. 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).
17. Senate Bill No. 1284, which became effective January 1, 2011, amended Water Code section 13385. Water Code section 13385(j)(3)(C)(ii)(II) now states:

"Following a public hearing, and upon a showing that the discharger is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation, the regional board may extend the time schedule for an additional period not exceeding five years in length, if the discharger demonstrates that the additional time is necessary to comply with the effluent limitation."

18. On January 11, 2013, the Discharger submitted an updated workplan for the TSO that indicated the actions to be taken to prevent future violations of the effluent limitations. The Discharger will continue its ongoing Source(s) Identification / Assessment and proposes to take the corrective actions including cleaning-out the storm drain network and pump station, implementing an improved Best Management Practices program, repairing the storm drain leaks, further research of treatment options, and implementation of the best applicable and feasible treatment option(s). The Work Plan also specifies a schedule to implement the actions to achieve full compliance with the final effluent limitations. The Regional Water Board finds that The Discharger is making diligent progress toward bringing their waste discharge into compliance with the final effluent limitations for selenium contained in Order R4-2013-0108 and that a TSO is warranted.
19. The temporary selenium 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. It allows the Discharger to continue mitigating the potential for flooding the roadway and it provides time for the Discharger to determine the sources of the elevated selenium concentrations and to implement a control or treatment mechanism.
20. Therefore, this TSO establishes interim effluent limitations for selenium based on performance. This TSO will provide the required time for the Discharger to investigate and implement any required actions to bring the Facility into compliance with the final effluent limitations for selenium. The established time schedule is as short as possible, taking into account the technological, operation, and economic

factors that affect the investigation of the sources, design, development, and implementation of the control measures that are necessary to comply with the final effluent limitations for these constituents.

21. Since the time schedule for completion of the actions necessary to bring the waste discharge into compliance exceeds one year from the effective date of this TSO, interim requirements and the dates for their achievement are set forth in the TSO. The interim requirements include both interim effluent limitations for selenium, and actions and milestones leading to compliance with the final effluent limitations for these metals.
22. Water Code section 13385(j)(3) requires the Discharger to prepare and implement in a timely and proper manner a pollution prevention plan pursuant to Water Code section 13263.3. On March 15, 2012, the Discharger submitted to the Regional Water Board a Work Plan with tasks and associated schedule milestones. An update of the work plan was submitted to the Regional Water Board on January 11, 2013. This Work Plan and its update constitute a pollution prevention plan under Water Code section 13263.3.
23. Full compliance with the requirements of this TSO exempts the Discharger from mandatory minimum penalties only for violations of the final effluent limitations for selenium in Order No. R4-2013-0108 pursuant to Water Code section 13385(j)(3).
24. 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.
25. 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.
26. 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 or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to the California Water Code section 13300, The Discharger The Port of Los Angeles, as owner and operator of the New Dock Street Pump Station, shall comply with the requirements listed below to ensure compliance with the final effluent limitations for selenium contained in Order No. R4-2013-0108:

1. Comply immediately with the following interim effluent limitations:

Parameter	Units	Interim Effluent Limitations	
		Average Monthly	Maximum Daily
Selenium, Total Recoverable	µg/L	116	130**
	lbs/day*	7.0	7.9**

* The interim mass emissions rate is based on a maximum flow of 7.25 MGD and is calculated as follows: Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day.

** Interim and final MDEL values are the same because the Discharger will be able to meet the final effluent limitations set forth in Order R4-2013-0108, based on the monitoring data during the term of Order No. R4-2006-0080.

The foregoing interim effluent limitations for selenium are in effect from July 11, 2013 through July 11, 2017. During this time, the Discharger shall investigate and implement any required upgrades to ensure compliance with the final effluent limitations contained in NPDES Permit No. CA0064157, Order No. R4-2013-0108.

2. Achieve full compliance with the final effluent limitations for selenium in Order No. R4-2013-0108 no later than July 11, 2017.
3. Comply with the following schedule that is based on the Discharger's proposed Work Plan but with a shorter implementation period of 4 years:

Task	Complete Date
<i>SOURCE IDENTIFICATION PHASE</i>	
Complete evaluation of water and sediment samples including sediment and surface debris adjacent to the storm drain inlets.	<u>September 2013</u>
Complete groundwater assessment on the upgradient and downgradient of the storm drain lines.	<u>September 2013</u>
Complete assessment on receiving water (Cerritos Channel).	<u>September 2013</u>
Complete additional research on possible discharges, selenium metal speciation, historical land use, and other potential sources.	<u>December 2013</u>

<i>SOURCE CONTROL PHASE</i>	
<p>Clean-out sediment in the storm drains.</p> <ul style="list-style-type: none"> Initial storm drain and Pump Station cleanout will be conducted by August 2013. The Pump Station will be cleaned out on an annual basis to remove accumulated sediments. 	<u>August 2013</u>
<p>Control aerial deposit, surface soil, and storm water runoff.</p> <ul style="list-style-type: none"> Street sweeping will be conducted periodically to remove excess sediments and soils. BMP associated operation and maintenance will be implemented. 	<u>January 2014</u>
Correct potential pipe leaks, degradation, and corrosion.	<u>October 2014</u>
Assess the effectiveness of the pipe repairs	<u>February 2015</u>
Conduct studies on treatment options if necessary.	<u>February, 2015</u>
Implement the best applicable treatment option(s).	<u>October 2016</u>
Achieve Compliance with Final Effluent Limitations	<u>July 11, 2017</u>

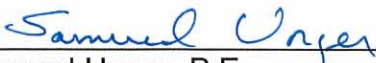
- Submit semiannual progress reports of efforts taken towards compliance with the final effluent limitations and/or diversion of the discharge. The reports shall summarize the progress to date, activities conducted during the reporting period, and the activities planned for the upcoming period. The report shall provide updates to the Work Plan that occur as a result of information obtained during the implementation. 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 August 15, 2013.
- Implement in a timely and proper manner the Work Plan that is outlined above, which constitutes a pollution prevention plan under Water Code section 13263.3, referenced in Finding 22 above.
- Submit a final report on the results of the implementation and evaluation of the selected actions/measures by August 15, 2017. 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 13383. The Regional Water Board needs the required information in order to determine compliance with this TSO and Order No. R4-2013-0108.
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 in provisions of NPDES Order No. R4-2013-0108 not in conflict with this TSO are effect.
11. This Time Schedule Order expires on July 11, 2017.

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 July 11, 2013.



Samuel Unger, P.E.
Executive Officer