

Los Angeles Regional Water Quality Control Board

February 10, 2017

Mr. Chris Cannon
Director, Environmental Management Division
The Port of Los Angeles, New Dock Street Pump Station
425 South Palos Verdes St.
San Pedro, CA 90733

TRANSMITTAL OF AMENDED WASTE DISCHARGE REQUIREMENTS / NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND TIME SCHEDULE ORDER – THE PORT OF LOS ANGELES, NEW DOCK STREET PUMP STATION, TERMINAL ISLAND, CALIFORNIA) (NPDES NO. CA 0064157, CI NO. 7856)

Dear Mr. Cannon:

On November 21, 2016, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) transmitted the tentative amended Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit, along with the tentative Time Schedule Order (TSO) for the Port of Los Angeles (Discharger), New Dock Street Pump Station (Facility). On January 13, 2017, the Regional Board transmitted to you revised tentative amended WDRs that corrected a date on Page F-4 of the tentative amended requirements.

Pursuant to Division 7 of the California Water Code, the Regional Board at a public hearing held on February 2, 2107, reviewed the revised tentative amended requirements, considered all factors in the case, and adopted Order No. R4-2013-0108-A01. The Regional Board also reviewed the tentative TSO, considered all factors in the case, and adopted Order No. R4-2017-0046.

Order No. R4-2013-0108-A01 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.

You are required to implement the attached Monitoring and Reporting Program (MRP) on the effective date (April 1, 2017) of Order No. R4-2013-0108-A01. Your first monitoring report for the period of April 1, 2017 through June 30, 2017 is due by August 1, 2017. You are also required to implement the attached TSO on the effective date of Order No. R4-2017-0046. Your first semiannual progress report for the period of April 1, 2017 through June 30, 2017 is due by August 15, 2018. Future semiannual reports shall be submitted to the Regional Board by August 15th and February 15th for the reporting periods of January 1st through June 30th and July 1st through December 31st, respectively.

Please continue to electronically submit Self-Monitoring Reports (SMRs) using the State Water Resource Control Board's California Integrated Water Quality System (CIWQS) Program web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). The CIWQS web site will provide

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additional information for SMR submittal in the event there is a planned service interruption for electronic submittal. Also, please do not combine other reports with your monitoring reports. Submit each type of report as a separate document.

If you have any further questions, please contact Thomas Siebels at (213) 576-6756.

Sincerely,



Cassandra Owens, Chief
Industrial Permitting Unit

Enclosures

Cc: (via email only—see mailing list)

Mailing List

Ms. Robyn Stuber, Environmental Protection Agency, Region 9, Permits Branch (WTR-5)
Ms. Becky Mitschele, Environmental Protection Agency, Region 9
Mr. Kenneth Wong, U.S. Army Corps of Engineers
Mr. Bryant Chesney, NOAA, National Marine Fisheries Service
Mr. Jeff Phillips, Department of Interior, U.S. Fish and Wildlife Service
Mr. William Paznokas, Department of Fish and Wildlife, Region 5
Ms. Sutida Bergquist, State Water Resource Control Board, Drinking Water Division
Ms. Teresa Henry, California Coastal Commission, South Coast Region
Mr. Theodore Johnson, Water Replenishment District of Southern California
Mr. Tommy Smith, Los Angeles County, Department of Public Works
Mr. Angelo Bellomo, Los Angeles County, Department of Public Health
Ms. Rita Kampalath, Heal the Bay
Mr. Steven Johnson, Heal the Bay
Mr. Bruce Reznik, Los Angeles WaterKeeper
Ms. Becky Hayat, Natural Resources Defense Council
Ms. Pauling Sun, The Port of Los Angeles
Ms. Heather Benfield, TetraTech
Mr. James Ashby, PG Environmental
Ms. Sarah Torres, PG Environmental
Ms. Mary Welch, PG Environmental

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

TIME SCHEDULE ORDER NO. R4-2017-0046

**REQUIRING THE PORT OF LONG ANGELES
(NEW DOCK STREET PUMP STATION)
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NUMBER R4-2013-0108-A01
(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, occupies 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/Pier S Avenue (formerly 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. CA 0064157). Order No. R4-2013-0108 authorized the discharge of up to 7.25 million gallons per day (MGD) of storm water and infiltrating groundwater from the Facility.
3. Groundwater enters the Facility through a French drain/slotted pipe installed underneath the intersection of Pier S Avenue (formerly 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° 45' 54" N, Longitude 118° 14' 23" W).
4. The Facility was previously regulated under Order No. R4-2006-0086 which did not include effluent limitations for bacteria. Effluent limitations for bacteria that applied to Discharge Point 001 were included in Order No. R4-2013-0108 to implement the water quality objectives (WQOs) in the *Water Quality Control Plan Los Angeles Region Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan), The Fact Sheet (Attachment F), however, included contradicting language that indicated no effluent limitations for bacteria would be established. To affirm the ability to enforce the limitations

the Regional Board reopened Order No. R4-2013-0108 to correct the language in the Fact Sheet regarding the effluent limitations for bacteria and make the required administrative changes. On February 2, 2017, the Regional Board adopted Order No. R4-2013-0108-A01 that amended Order No. R4-2013-0108. The effluent limitations for bacteria established in Order No. R4-2013-0108 and continued in Order No. R4-2013-0108-A01 are as follows:

Parameters	Units	30-day¹ Geometric Mean	Single Sample
Total Coliform	MPN/100 ml	1,000	10,000
Fecal Coliform	MPN/100 ml	200	400
Enterococcus	MPN/100 ml	35	104
If Fecal/Total Coliform > 0.1	MPN/100 ml	- - -	1,000
1. Five samples shall be collected that are equally spaced in a 30-day period.			

5. Pursuant to the WQOs in the Basin Plan, Order No. R4-2013-0108 prescribed new geometric mean and single sample effluent limitations for bacteria for discharges from Discharge Point 001. Order No. R4-2013-0108-A01 includes the effluent limitations for bacteria established in Order No. R4-2013-0108.
6. On October 6, 2016, the Discharger submitted a written request to the Regional Water Board seeking a time schedule order (TSO) that would allow it the time necessary – up to August 30, 2018 – to achieve compliance with the effluent limitations for bacteria contained in Order No. R4-2013-0108-A01. The request stated that the Discharger has conducted several source identification activities and evaluated treatment technologies to address the elevated bacteria concentrations in Discharge Point 001. In addition to seeking a TSO, the Discharger has requested that the TSO include interim effluent limitations for bacteria that would apply during the time period set forth in the TSO. The TSO would allow the Discharger the time it needs to approve, purchase, and install the necessary treatment system.
7. California Water Code (CWC) section 13300 states:
“Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”
8. Based on field measurements submitted by the Discharger for the period of September, 2013 through June, 2016, the Regional Board finds that the discharge through Discharge Point 001 did not comply with the new effluent limitations for bacteria as follows:
 - For enterococcus (single sample) in 36 out of 64 samples
 - For fecal coliform (single sample) in 9 out of 64 samples

- For total coliform (single sample) in 6 out of 64 samples
 - For enterococcus (30-day geometric mean) in 12 out of 12 samples
 - For fecal coliform (30-day geometric mean) in 1 out of 12 samples
 - For total coliform (30-day geometric mean) in 4 out of 12 samples
9. Based on recent effluent monitoring data for Discharge Point 001 the Permittee cannot consistently comply with the effluent limitations for bacteria contained in Order No. R4-2013-0108-A01. Accordingly, pursuant to CWC section 13300, a discharge of waste is taking place and/or threatens to take place that violates requirements prescribed by the Regional Water Board.
 10. CWC 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).
 11. In order to comply with the bacteria effluent limitations for Discharge Point 001 the Discharger will purchase and install a permanent large scale, three-part treatment system. The treatment system includes treatment of particulates and dissolved pollutants, treatment of dissolved metals, and UV disinfection for treatment of bacteria. The Regional Water Board issues this TSO in recognition that the Discharger needs time to complete necessary studies, and implement appropriate control measures, including the purchase and installation of the treatment system. Through this TSO, the Discharger will be required to comply with the final effluent limitations for bacteria no later than August 30, 2018, which is the expiration date of Order No. R4-2013-0108-A01.
 12. In accordance with California Water Code section 13385(j)(3), the Regional Water Board finds that: (a) the final effluent limitations in Order No. R4-2013-0108-A01 for bacteria for Discharge Point 001 are new effluent limitations not previously applicable in Order No. R4-2006-0086, (b) the Discharger needs to implement new or modified control measures in order to comply with the bacteria effluent limitations, and (c) the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
 13. A TSO is appropriate in these circumstances to allow time for the Permittee to purchase and install the three-part treatment system, which is designed to bring the Facility into compliance with the final effluent limitations for bacteria for discharge from Discharge Point 001. These facility modifications cannot be designed, installed, and put into operation within 30 calendar days. The temporary exceedances allowed by this TSO are in the public interest given that the facility has performed appropriate source identification and treatment activities and given that the function of this operation is to prevent flooding of the roadway that would interfere with the movement of port traffic.
 14. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one year from the effective date of this TSO, this TSO includes interim requirements and the dates for their achievement. The interim requirements include both interim effluent limitations for bacteria for Discharge Point 001 and actions and milestones leading to compliance with the final effluent limitations for these pollutants at Discharge Point 001. This TSO does not exceed five years.

15. This TSO establishes interim effluent limitations for bacteria and requires the Permittee to undertake specific actions to put the Permittee on the path towards compliance with the final effluent limitations for bacteria for discharges from Discharge Point 001. The established time schedule is as short 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 to comply with the final effluent limitation for bacteria.
16. The interim effluent limitations for bacteria have been determined based on a statistical analysis of data submitted by the Discharger, with the 30-day geometric mean and the single sample limitations established at the 95th percentile.
17. CWC section 13385(j)(3)(D) requires the Permittees to prepare and implement a Pollution Prevention Plan (PPP) pursuant to CWC section 13263.3. Therefore a PPP will be necessary to address bacteria in discharges from Discharge Point 001.
18. Pursuant to CWC section 13385(j)(3), full compliance with the requirements of this TSO exempts the Permittee from mandatory minimum penalties only for violations of the final effluent limitations for bacteria in the discharges from Discharge Point 001 to the Cerritos Channel contained in Order No. R4-2013-0108-A01 that occur while this TSO is in effect.
19. This TSO concerns an existing facility and does not significantly alter the status with respect to the facility. This TSO is also being issued for the protection of the environment. Therefore, issuance of this TSO is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21100, et seq.) in accordance with sections 15301 and 15321(a)(2) of Title 14 of the California Code of Regulations (CCR).
20. The Regional Water Board has notified the Permittee and interested agencies and persons of its intent to issue this TSO concerning compliance with waste discharge requirements. The Regional Water Board, in a public hearing, heard and considered all testimony pertinent to this matter.
21. 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 CCR, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the Regional Water Board action, except that if the thirtieth day following the action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13300, 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 its discharges at Discharge Point 001 comply with the final effluent limitations for bacteria contained in Order No. R4-2013-0108-A01:

1. Comply immediately with the following interim effluent limitations for Discharge Point 001, which apply all year round, and which shall be deemed effective from February 2, 2017, to August 30, 2018:

Parameters	Units	30-day Geometric Mean	Single Sample
Total Coliform	MPN/100 ml	3,464 ¹	16,000 ²
Fecal Coliform	MPN/100 ml	200 ³	2,910 ²
Enterococcus	MPN/100 ml	773 ¹	2,685 ²
<ol style="list-style-type: none"> 1. The numerical interim effluent limitation for the 30-day geometric mean is based on current treatment facility performance. Data for the current treatment facility performance includes 12 results from September 2013 to April 2016. The interim limitation is set at the 95th percentile of treatment performance for that period based on 12 monitoring data results. 2. The numerical interim effluent limitation for the single sample is based on current treatment facility performance. Data for the current treatment facility performance includes 64 results from September 2013 to April 2016. The interim limitation is set at the 95th percentile of treatment performance for that period based on 64 monitoring data results. 3. This is the final effluent limitation. Data for the period of September 2013 to April 2016 indicates that the Discharger would have complied with the final 30-day geometric mean effluent limitation for fecal coliform in 11 out of 12 samples, therefore no interim effluent limitation is necessary. 			

2. Comply with the actions and milestones as stipulated below:

No.	Task	Deadline
1.	Approval and purchase of a three-part treatment system including UV disinfection for bacteria	May 31, 2017
2.	Installation of treatment system	December 31, 2017
3.	Testing and evaluation of treatment system	August 30, 2018

3. Achieve full compliance with the final effluent limitations for bacteria at Discharge Point 001 as soon as possible, but no later than August 30, 2018.
4. Pursuant to CWC section 13263.3, prepare and implement a Pollution Prevention Plan (PPP) and submit a copy of the PPP to the Regional Water Board by no later than May 3, 2017.
5. Submit semiannual progress reports of efforts taken towards compliance with the final effluent limitations for bacteria. The reports shall summarize the progress to date, activities conducted during the reporting period and the activities planned for the upcoming period. Each report shall be submitted to this Regional Water Board by August 15th and February 15th for the reporting period of January 1st through June 30th and July 1st through December 31st, respectively, and include milestones completed and any new

pertinent updates. The first semiannual progress report is due on August 15, 2017 for the February 2, 2017 through June 30, 2017, reporting period.

6. Any person signing a document required to be 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."
7. If the Permittee 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 delegatee, is authorized to take appropriate enforcement action pursuant, but not limited to, CWC 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.
8. All other provisions of Order No. R4-2013-0108-A01 not in conflict with this TSO are in full force and effect.
9. The Regional Water Board may reopen this TSO at its discretion or at the request of the Permittee, if warranted. Lack of progress towards compliance with this TSO may be cause for the Regional Water Board to modify the conditions of this TSO.
10. This TSO becomes effective immediately upon adoption by the Regional Water Board. This TSO expires on August 30, 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 February 2, 2017.



Samuel Unger, P.E., Executive Officer