

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of
Bethlehem Steel Corporation, for
Review of Order No. 76-132 (NPDES
Permit No. CA0001058), California
Regional Water Quality Control
Board, Los Angeles Region. Our
File No. A-151.

Order No. WQ 79-5

BY THE BOARD:

Bethlehem Steel Corporation (petitioner) manufactures hot-rolled structural steel products at its Los Angeles plant, located at 6000 South Alcoa Avenue, Los Angeles, California, and discharges up to 1,325 cubic meters (350,000 gallons) per day of excess contact cooling water. The discharge is from the recirculated contact cooling water system used in the hot-forming rolling mill in the production of structural steel materials. The wastes are discharged via the plant storm drain system into a storm drain in Alcoa Avenue, and flow to the Los Angeles River, a water of the United States, at a point immediately upstream of Southern Avenue, above the tidal prism.

On August 23, 1976, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted Order No. 76-132 (NPDES Permit No. CA0001058) revising waste discharge requirements for the discharge. The revised requirements applied the Table B effluent limitations for total chromium from the 1972 Ocean Plan to the discharge. On

September 22, 1976, a petition for review contending that the effluent limitation for chromium was inappropriate and requesting a stay was filed with the State Water Resources Control Board (State Board). On January 10, 1977, Roy E. Dodson, then a member of the State Board, held a hearing to receive evidence related to the request for a stay and on January 20, 1977, the State Board adopted Order No. WQ 77-2 staying the effect of Order No. 76-132 with respect to total chromium only. Discussion among the State Board members, at that time, indicated their intent that the stay would remain in effect until such time as the 1972 Ocean Plan was revised.

I. DISCUSSION

The State Board superseded the 1972 Ocean Plan by Resolution No. 78-2. The 1978 Ocean Plan differs in several major respects from the earlier 1972 Ocean Plan. One difference is that the 1978 Ocean Plan no longer specifies effluent limitations for the constituent in question. Rather the 1978 Ocean Plan specifies receiving water concentrations for chromium and requires that the discharger need only treat the waste to a level which will assure compliance with the receiving water concentration. More importantly, footnote 1 of the 1978 Ocean Plan provides: "[t]his Plan is not applicable to discharges to enclosed bays and estuaries or inland waters...". In adopting the 1978 Ocean Plan the State Board clearly indicated that it did not wish the Regional Boards to include the new Table B receiving water limitations as effluent limitations for persons discharging to inland waters.

Inclusion of the Table B, 1972 Ocean Plan toxic effluent limitations in current Board orders would be difficult to uphold. Effluent limitations should be placed in waste discharge requirements only when required by Water Quality Control Plans, applicable state and federal regulations or when there is evidence indicating the need for such limitations to protect the beneficial uses of the receiving waters or to prevent nuisance. Inasmuch as the State Board superseded the Table B, 1972 Ocean Plan limitations because, in part, there was insufficient data to support their continued use, it is unlikely that the Regional Boards' record contains substantial evidence to support the continued use of Table B effluent limitations from the 1972 Ocean Plan.

In addition, even before the adoption of the 1978 Ocean Plan, the State Board opted to depart from the practice of including the Table B, 1972 Ocean Plan effluent limitations in waste discharge requirements for fresh water discharges upstream from the ocean in its Order No. WQ 78-7. In that case, the Department of Fish and Game alleged that effluent limitations for various toxic metals were not sufficiently stringent and requested the State Board to review waste discharge requirements issued by the Los Angeles Regional Board to the cities of Burbank and Thousand Oaks. In its Order, the State Board concluded that "...testing the quality of these discharges with a standard bioassay is a more direct and practical approach for determining whether the discharges will protect the beneficial uses" rather than reliance upon separate effluent limitations for each individual toxicant.

Finally, the Environmental Protection Agency (EPA) is scheduled to promulgate regulations for this industry by March 31, 1979, establishing effluent limitations achievable by the best available technology economically achievable (BAT). These regulations must include effluent limitations for any of the 65 toxic substances for which Congress has required that EPA develop guidelines if those substances are present in this industry's wastewaters. Industry must comply with these toxic effluent limitations by July 1, 1984. Because of the difficulty in predicting what BAT toxic effluent limitations will be, the EPA and the State Board are recommending that, when possible, requirements prescribing specific toxic effluent limitations be avoided and also that reissued waste discharge requirements be set to expire eighteen months after the date of promulgating BAT guidelines for a particular industry.

II. CONCLUSIONS

After consideration of this matter, we conclude that Order No. 76-132 should be remanded to the Regional Board for modifications consistent with the preceding discussion.

III. ORDER

IT IS HEREBY ORDERED that Order No. 76-132 is remanded to the California Regional Water Quality Control Board, Los Angeles Region for modifications consistent with this Order.

Dated: JAN 25 1979

ABSENT

John E. Bryson, Chairman

W. Don Maughan
W. Don Maughan, Vice Chairman

William J. Miller
William J. Miller, Member

L. L. Mitchell
L. L. Mitchell, Member