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October 14, 2016

Thomas Siebels  
Los Angeles Regional Water Quality Control Board  
320 W. 4<sup>th</sup> St. Suite 200  
Los Angeles, CA 90013  
[Thomas.Siebels@waterboards.ca.gov](mailto:Thomas.Siebels@waterboards.ca.gov)

**VIA EMAIL**

**Re: Time Schedule Order (TSO) No. R4-2013-0026-AX, Requiring Chevron Products Company El Segundo Refinery To Comply with Requirements Prescribed in Order No. R4-2013-0025**

Dear Mr. Siebels,

On behalf of Heal the Bay, we submit the comments on the *Time Schedule Order (TSO) No. R4-2013-0026-AX, Requiring Chevron Products Company El Segundo Refinery To Comply with Requirements Prescribed in Order No. R4-2013-0025*. Heal the Bay is an environmental organization with over 15,000 members dedicated to making the coastal waters and watersheds of greater Los Angeles safe, healthy, and clean. We appreciate the opportunity to provide comments on the above El Segundo following Refinery Time Schedule Order (El Segundo Refinery TSO).

**Denial of 15-month Extension**

After reviewing the El Segundo TSO, we commend the Regional Board for not granting Chevron their request for a fifteen month extension to achieve compliance with their requirement to meet their final effluent limit for acute toxicity. Considering their current spot in the 4th-year of a five year timeline, Chevron will have had a suitable amount of time to bring their refinery to the requested code, regardless of delays caused by external permitting.

Overall, we find it hard to believe that the Chevron Corporation, after their initial assessment of the new acute toxicity were completely blindsided by having to obtain a South Coast Air Quality Management District (SCAQMD) Permit. As the TSO describes, Phase II of the six-phase implementation process, which was to begin on February 7, 2013, was to involve development of “a program of benchtop tests to assess the efficacy of various mitigation measures for acute toxicity.” Based on the timeline, Phase II should have been completed 30 after the original start date, putting us in August 2014 when Chevron should have been aware of likely mitigation options. According to the El Segundo Refinery TSO, Chevron applied for the SCAQMD permit on June 15, 2015.



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Heal the Bay finds it incredible that Chevron didn't have some hint that they might need a Powdered Activated Carbon system in order to come into compliance with the acute toxicity effluent limit before June 15, 2015. This was a point in time 29 months from the initiation of TSO No. R4-2013-0026, and a period of 39 months from Chevron's initial assessment of the effluent limit on March 1, 2012.

Considering all this, Heal the Bay feels that the Regional Board is being quite lenient with Chevron for allowing them extra eight month extension to do what was actually planned for within their Phase system. It is stated plainly in the TSO that Chevron had planned for the possibility of having to receive necessary permits during Phases IV, V, and VI of their phased approach implementation plan. We understand that construction of the new treatment system cannot begin until the SCAQMD permit is obtained, but still feel like this delay could have been avoided with relatively little investigation and better project organization or management.

### **Data Analysis**

The public should have an opportunity to view the acute toxicity monitoring data or the performance data collected the 'best management practice' implemented to achieve compliance. The data from Chevron's studies over the last four years would be informative as part of this extension request. As such, Heal the Bay recommends that the information be provided to the public prior to authorizing the eight-month extension.

### **Request to Modify the Numeric Effluent Limit for Acute Toxicity**

With Chevron's TSO amended to provide an eight month extension to achieve compliance with acute toxicity, once again the public's resources are bearing the burden of this market externality. The marine habitats of the Pacific Ocean pay the price for the time extension with their health, instead of Chevron, which according to *Fortune* magazine is the [31<sup>st</sup> largest](#) company in the world. Considering this economic issue, and the absence of any new acute toxicity data generated over the past four years provided for public review, Heal the Bay requests that the RWQCB reduce the interim toxicity limit (TUa) from 8.7 to a value closer to the TUa limit in their NPDES permit.

The public is entitled to some manner of compensation for the eight month extension provided to this company to maintain elevated acute toxicity limits.



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Thank you for your consideration of these comments. If you have any questions please feel free to contact me at (310) 451-1500.

Sincerely,

Steven Johnson  
Water Resources Policy Analyst  
Heal the Bay