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## Los Angeles Regional Water Quality Control Board

November 18, 2016

Mr. Steven Johnson  
Water Resources Policy Analyst  
Heal the Bay  
1444 9th Street  
Santa Monica, CA 90401

Dear Mr. Johnson:

**RESPONSE TO COMMENTS ON THE TENTATIVE AMENDED 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 – CHEVRON PRODUCTS COMPANY, EL SEGUNDO REFINERY, EL SEGUNDO, CALIFORNIA (NPDES NO. CA 0000337, CI NO. 1603)**

On February 7, 2013, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) established waste discharge requirements in Order No. R4-2013-0025 (Permit) for Chevron Products Company (Discharger), El Segundo Refinery (Facility). Also on that date, the Regional Board issued Time Schedule Order (TSO) No. R4-2013-0026 that provided the Discharger additional time, until May 9, 2017, to achieve compliance with the final effluent limitations for acute toxicity in the Permit.

On February 15, 2016, the Discharger submitted a request for an extension of fifteen months to complete the tasks required by the TSO. The extension request was due to an unanticipated need for a South Coast Air Quality Management District (SCAQMD) Permit to Construct, which takes 12 to 24 months to obtain. On September 15, 2016, the Regional Board provided the Discharger and interested persons with an opportunity to comment on the tentative amended Time Schedule Order No. R4-2013-0026-AX, which proposed to extend the schedule in the TSO by eight months. On October 14, 2016, the Regional Board received comments on the tentative amended TSO from Heal the Bay. The Regional Board has reviewed these comments and prepared this letter in response.

### **Denial of 15-month Extension**

#### Comment:

*Heal the Bay comments that they believe the Discharger could have anticipated the need for a Powdered Activated Carbon (PAC) treatment system and therefore could have managed the project to completion without the need for an extension of the TSO. Heal the Bay commented that the Regional Board is being quite lenient with the Discharger for allowing an eight-month extension, but commends the Regional Board for not granting the requested fifteen-month extension.*

Response:

The comment is noted. As indicated in the semi-annual progress reports submitted by the Discharger pursuant to the TSO, the Discharger is in compliance with the requirements of TSO No. R4-2013-0026. In meeting these requirements, the Discharger performed stressor determination testing on both the unsegregated (non-process wastewater) and segregated (petroleum process wastewater) systems. The testing demonstrated two primary sources of toxicity in the Facility's effluent: organic toxicants in the segregated system and filterable toxicants in the unsegregated system. The Discharger then performed pilot testing to determine how best to address these toxicity sources. Pilot testing demonstrated that changing the flocculation polymer would address the filterable toxicants in the unsegregated system, and that PAC treatment would address the organic toxicants in the segregated system.

The Regional Board finds that the Discharger has identified the sources of toxicity and evaluated the treatment of these sources as required by TSO No. R4-2013-0026. While the process of obtaining the necessary permits was referenced in the TSO, the length of time required was not anticipated. Therefore, a limited eight-month extension is appropriate and aligns the tenure of the TSO with the Permit. The Regional Board is hopeful that the SCAQMD permit will be secured in a timely manner such that the construction of the treatment system will be complete at the time of reissuance of the Permit. However, the Regional Board is aware that this assumption anticipates a SCAQMD permit within the next few months to allow time for construction. In the event that the Phase IV, V, and VI activities are not completed during the term of the amended TSO, the Discharger may make a request to the Regional Board for an amended or new TSO and provide the required information to support such a request.

**Data Analysis**

Comment:

*Heal the Bay comments that the public should have an opportunity to view the acute toxicity monitoring data prior to authorizing the eight-month extension.*

Response:

The public has had, and continues to have, the opportunity to view the requested monitoring data. As required by the Permit, the Discharger has been monitoring for acute toxicity. The Regional Board requires National Pollutant Discharge Elimination System (NPDES) permittees to submit electronic Self Monitoring Reports (eSMRs) through the California Integrated Water Quality System (CIWQS). This data is accessible to the public by visiting the CIWQS website at [http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs](http://www.waterboards.ca.gov/water_issues/programs/ciwqs) and clicking on "CIWQS Public Reports" and "Electronic Self-Monitoring Report (eSMR) At-A-Glance". Data for this Facility can be obtained by entering CI No. 1603.

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

Comment:

*Heal the Bay comments that, due to the Discharger's status as the 31<sup>st</sup> largest company in the world (according to Fortune magazine) and the absence of any new acute toxicity data generated over the past four years, the public "is entitled to some manner of compensation" for the eight-month extension, specifically the lowering of the interim toxicity effluent limitation of 8.7 TU<sub>a</sub> to a value closer to the 2.7 TU<sub>a</sub> final effluent limitation in the Permit.*

Response:

As discussed above, the Discharger is in compliance with the requirements of the TSO and has performed stressor determination testing, as well as pilot testing to determine how best to address the toxicity sources.

The numeric interim effluent limitation for acute toxicity in TSO No. RB4-2013-0026 was based on 61 monitoring results from January 2007 to January 2012. The interim effluent limitation was set at the 99th percentile of treatment performance for that period, which is our standard practice, calculated to be 8.7 TU<sub>a</sub>.

The Regional Board assessed acute toxicity data submitted by the Discharger since the issuance of the TSO. From March 2013 to June 2016, there have been 41 monitoring results. The 99th percentile of treatment performance for that period is 11.4 TU<sub>a</sub>. The Regional Board has determined that increasing the interim effluent limitation is not appropriate; therefore, the amended TSO continues to utilize the existing interim effluent limitation of 8.7 TU<sub>a</sub>.

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

Sincerely,



Samuel Unger, P.E.  
Executive Officer

**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. Bruce Reznik, Los Angeles WaterKeeper  
Ms. Becky Hayat, Natural Resources Defense Council  
Mr. Rod Spackman, Chevron Products Company  
Ms. Susan Worley, Chevron Products Company  
Ms. Mary Welch, PG Environmental  
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Ms. Sarah Torres, PG Environmental