RESPONSE TO COMMENTS
EQUILON ENTERPRISES LLC dba SHELL OIL PRODUCTS US
SHELL OIL PRODUCTS US-CARSON DISTRIBUTION FACILITY
TENTATIVE ORDER NO. R4-2018-XXXX
NPDES PERMIT NO. CA0000809

Comment Letter dated October 19, 2018, from Shell Oil Products US (Discharger)		
No.	**Comment**	**Response**
1	**Permit Order, Table 4** The limitation provided in Table 4 of the Permit Order denotes the maximum effluent limitation as Pass OR % effect < 50. However, Section VII.J of the Permit Order stipulates that "The Maximum Effluent Limitation (MDEL) for chronic toxicity is exceeded and a violation will be flagged when a chronic toxicity test, analyzed using the TST approach, results in "Fail" and the "Percent Effect" is ≥ 50." The Facility is unclear on whether a violation for chronic toxicity is dependent on both obtaining a "Pass" and having a % Effect less than 50% OR whether a violation for chronic toxicity is dependent on either result. Basing the results only on a TST pass OR only on the % effect is problematic since there may be outside factors that may impact fish mortality not necessarily attributed to effluent exposure. Having both results determine whether a chronic toxicity test has failed accounts for the actual % effect of the effluent while still considering fish mortality based on fish response to the effluent and/or other uncontrollable factors. The Facility requests the Regional Board to provide clarification and amend the affected sections accordingly to state AND not OR.	The Maximum Daily Effluent Limitation (MDEL) for chronic toxicity is correctly stated in the permit as “Pass or % Effect < 50”. Achieving either of these results demonstrates compliance with the MDEL. As indicated in Section VII.J of the Order, chronic toxic ity is exceeded and a violation will be flagged only when a chronic toxicity test, analyzed using the TST approach, results in "Fail" **and** the "Percent Effect" is ≥ 50." (tentative Order incorrectly states “Percent Effect” is ≥ 0.50.”) Changing the MDEL to “Pass and % Effect < 50” as requested would require achieving both results to demonstrate compliance and a violation would be flagged when a chronic toxicity test, analyzed using the TST approach, results in "Fail" **or** the "Percent Effect" is ≥ 50." This would establish a more stringent MDEL that does not account for the factors discussed in the comment. Therefore, the requested change has not been made. <u>Action taken</u>: Section VII.J of the Order corrected to read: “Percent Effect” is ≥ 50.”
2	**Permit Order, Section V.A.1** If natural conditions are determined on a case by case basis, a footnote clarification is requested noting the ambient pH level of the receiving water. Knowing what the receiving water's ambient pH level is will assist the Facility to better assess whether the ambient pH levels have been altered more than 0.5 units as a result of the waste discharge. The Facility is seeking guidance as it would be impossible for the Facility to determine the natural conditions based on the intermittent batch discharge that would occur at the Facility.	Section VIII of the Monitoring and Reporting Program (MRP, Attachment E) requires annual upstream and downstream receiving water monitoring for pH at locations RSW-001 and RSW-002 to determine ambient levels. This monitoring is only required during years in which a discharge occurs. <u>Action taken</u>: None

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3	**Permit Order, Section V.A.7** Increases in turbidity are restricted based on the natural turbidity of the receiving water, a footnote clarification is requested noting the natural turbidity conditions of the receiving water. Knowing what the natural turbidity of the receiving water is will assist Facility personnel in determining whether increases in turbidity as noted in the Permit Order remain within 10% or 20% of the natural turbidity in the receiving water. The Facility is seeking guidance as it would be impossible for the Facility to determine the natural conditions based on the intermittent batch discharge that would occur at the Facility.	As indicated in the comment, increases in turbidity are restricted based on the natural turbidity conditions of the receiving water. Therefore, monitoring of the receiving water for turbidity is necessary to determine ambient levels. Action taken: Section VIII of the MRP (Attachment E) has been modified to require annual upstream and downstream receiving water monitoring for turbidity at locations RSW-001 and RSW-002 to determine ambient levels. This monitoring is only required during years in which a discharge occurs, during the first discharge of the year.
4	**Permit Order, Section VI.C.2.b.i** The Facility requests clarification on what is meant by “receiving water flow” –does this refer to the effluent flow during discharge?	Section VI.C.2.b refers to monitoring requirements established in the Harbor Toxics TMDL for Dominguez Channel, Torrance Lateral and Dominguez Channel Estuary. The requirements include monitoring and reporting the volume of receiving water (Dominguez Channel Estuary) flow at the time of monitoring. “Receiving water flow” therefore does not refer to effluent flow during discharge. Section VI.C.2.b also indicates that these requirements may be met by developing a site-specific plan or by joining a group already formed. The Discharger has 90 days from the effective date of the Order to inform the Regional Board of the method selected to comply with these requirements. Action taken: None
5	**Permit Order, Section VI.C.3.a** The sentence provided in this section is incomplete. Clarification is requested to ensure that the statement provided is meant to read as follows: "Further, the discharger shall assure the storm water discharge from the Facility would neither cause, nor contribute to the exceedance	Action taken: Sections VI.C.3.a and VI.C.3.b have been clarified to read as follows: "Further, the discharger shall assure the storm water discharge from the Facility would neither cause, nor contribute to the

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	of water quality standards, and that the unauthorized discharges (i.e. spills, dry weather discharge) to the receiving water have been effectively prohibited."	exceedance of water quality standards. The discharger shall also ensure that non-storm water discharges (i.e. spills, dry weather discharge) to the receiving water are prohibited."
6	**Permit Order, Section VII.E** It is unclear how AMELs would apply to the Facility. Based on Section IV of the Permit Fact Sheet, which states that "discharges through Discharge Point 001 consist of storm water only. They are intermittently and of short duration. Therefore, only MDELs are included to ensure protection of the beneficial uses associated with the receiving water," the Facility requests that the Regional Board considers removing this section of the Permit Order as application of the AMEL does not make sense for a Facility who discharges intermittently. However, to further understand the application of AMELs, Facility would like clarification on how AMELs would apply in the following scenario: If the Facility were to discharge two times in a calendar month, how would the Facility be penalized if the individual discharge results exceed the AMEL for a given parameter, would the Facility be considered out of compliance for those days? What if the average of those two discharge days is within the AMEL (i.e. one day the result is higher than AMEL and one day it is lower than the AMEL, but the average is still below the AMEL), would the Facility be considered out of compliance then or receive penalties?	This Order does not establish AMELs and therefore Section VII.E does not apply in this case. Section VII cites standard language that is included in all permits issued in the region. This section may include language that does not apply to every discharger in the region. Only the actual effluent limitations established in the Order are assessed for compliance purposes. Action taken: None
7	**Permit Order, Section VII.I** Facility discharges are characterized to be intermittent and of short duration. If a discharge is triggered from the Facility, the Facility would collect required samples for that discharge event and monitor for the required effluent parameters. However, the discharge is likely to occur, at best, once every permit term due to the Facility's secondary containment areas that allow for a large volume of storm water to be impounded. Clarification is needed to understand how the MMEL would apply to the Facility if the minimum frequency for effluent monitoring established in Table E-2 of the Permit Order lists a minimum sampling	This Order does not establish MMELs and therefore Section VII.I does not apply in this case. Section VII cites standard language that is included in all permits issued in the region. This section may include language that does not apply to every discharger in the region. Only the actual effluent limitations established in the Order are assessed for compliance purposes. Action taken: None

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	frequency of 1/discharge event and no daily/continuous monitoring ouside of flow would be performed.	
8	**Permit Order, Section VII.J** If a discharge is triggered from the Facility, chronic toxicity tests would be submitted to the laboratory for analysis. Results typically take about 2-3 weeks to be distributed to Facility management, at which time the Facility would learn whether the toxicity test resulted in Fail. Because discharges from the Facility are intermittent and of short duration, the effluent discharge would only be available for so many days, it would be difficult for the Facility to run three independent toxicity tests as required since a discharge would like only occur once during the permit term. Therefore, the Facility requests the Regional Board to clarify how the MMEL for chronic toxicity is intended to apply to the Facility's effluent discharge.	This Order does not establish a MMEL for chronic toxicity and therefore the reference to a MMEL for chronic toxicity in Section VII.J does not apply in this case. Section VII cites standard language that is included in all permits issued in the region. This section may include language that does not apply to every discharger in the region. Only the actual effluent limitations established in the Order are assessed for compliance purposes. <u>Action taken</u>: None
9	**Attachment E, Section V.A.6** Accelerated monitoring for chronic toxicity is required if the maximum daily single result is determined to "Fail." Section VII.J of the Permit Order stipulates that "The Maximum Daily Effluent Limitation (MDEL) for chronic toxicity is exceeded and a violation will be flagged when a chronic toxicity test, analyzed using the TST approach, results in "Fail" and the "Percent Effect" is ≥ 50." However, Table 4 of the Permit Order lists the maximum daily as "Pass" or "Percent Effect < 50." The Facility is unclear on whether a violation for chronic toxicity is dependent on obtaining a "Pass" and having a % Effect less than 50% OR whether a violation for chronic toxicity is dependent on either result. Basing the results only on a TST pass or only on the % effect is problematic since there may be outside factors that may impact fish mortality not necessarily attributed to effluent exposure. Having both test results determine whether a chronic toxicity test has failed accounts for the actual % effect of the effluent while still considering fish mortality based on fish response to the effluent and/or other uncontrollable factors. The Facility requests the Regional Board to provide clarification and amend	Response to Comment 1 above addresses the question regarding the MDEL and violations thereof for chronic toxicity. As indicated in the comment, accelerated monitoring is infeasible due to the intermittent nature of the discharge. <u>Action taken</u>: Attachment E, Section V.A.6 has been modified to require accelerated monitoring when chronic toxicity monitoring results are both “Fail” and “% Effect ≥ 50”; and that testing shall be repeated up to a maximum of four times, conducted at approximately two-week intervals, as long as there is a continued discharge

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	the affected sections accordingly. Additionally, if the Facility determines accelerated monitoring is needed, additional effluent samples would need to be collected to initiate the accelerated monitoring test. Additional effluent collection is not feasible due to the Facility's discharge being intermittent and of short duration. The Facility asks the Regional Board to reconsider making amendments to this section to be consistent with the discharge conditions that occur at the Facility.	
10	**Attachment E, Table E-3** Section III.D of the Fact Sheet states the following: "The Bacteria TMDL addresses Inner Cabrillo Beach and the Main Ship Channel of the Los Angeles Inner Harbor, but does not address the Dominguez Channel Estuary. The requirements of the Bacteria TMDL are not applicable to the discharge from this Facility. This Order retains effluent bacteria limitations based on Water Quality Objectives (WQOs) included in the Basin Plan that are applicable to the Dominguez Channel Estuary." It is unclear to the Facility why monitoring for Enterococcus, Fecal Coliform and Total Coliform were added to RSW-001 if Bacteria TMDLs are not applicable to the Dominguez Channel Estuary and historical effluent discharges have not indicated bacteria to be a pollutant of concern that would affect the Dominguez Channel Estuary. The Facility would like to request that the Regional Board reconsiders the addition of Enterococcus, Fecal Coliform, Total Coliform, and Temperature to RSW-001 monitoring requirements as these parameters are not indicators of pollutants discharged in the effluent from this type of point source catagory thus causing unneccesary additional cost and labor.	Order No. R4-2013-0097 established receiving water monitoring requirements in part based on pollutants of concern identified on the 2010 Clean Water Act 303(d) List. At that time the Dominguez Channel Estuary was not listed as impaired for indicator bacteria. The 2014-16 Clean Water Act Section 303(d) List added indicator bacteria as a pollutant of concern for the Dominguez Channel Estuary. Therefore, the tentative Order included receiving water monitoring requirements for *Enterococcus*, Fecal Coliform and Total Coliform at monitoring location RSW-001. This data will provide an assessment of the pollutant concentration in the receiving water prior to the discharge from the Facility entering the receiving water. <u>Action taken</u>: The monitoring requirements for *Enterococcus*, Fecal Coliform and Total Coliform at monitoring location RSW-001 has been reduced to biannually. Effluent monitoring for these pollutants is retained.
11	**Attachment E, Table E-4** Section III.D of the Fact Sheet states the following: "The Bacteria TMDL addresses Inner Cabrillo Beach and the Main Ship Channel of the Los Angeles Inner Harbor, but does not address the Dominguez Channel Estuary. The requirements of the Bacteria TMDL are not applicable to the discharge from this Facility. This Order retains effluent bacteria limitations based on Water Quality Objectives (WQOs) included in the	Response to Comment 10 above provides the basis for including receiving water monitoring for *Enterococcus*, Fecal Coliform and Total Coliform. To address the cost concerns indicated in the comment biannual monitoring for these pollutants will be required only at RSW-001. <u>Action taken</u>:

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	Basin Plan that are applicable to the Dominguez Channel Estuary." It is unclear to the Facility why monitoring for Enterococcus, Fecal Coliform and Total Coliform were added to RSW-002 if Bacteria TMDLs are not applicable to the Dominguez Channel Estuary and historical effluent discharge has not indicated bacteria to be a pollutant of concern that would affect the Dominguez Channel Estuary. The Facility would like to request that the Regional Board reconsiders the addition of Enterococcus, Fecal Coliform, and Total Coliform to RSW-002 monitoring requirements as these parameters are not indicators of pollutants discharged in the effluent from this type of point source catagory thus causing unnecessary additional cost and labor.	The monitoring requirements for *Enterococcus*, Fecal Coliform and Total Coliform at monitoring location RSW-002 have been removed, as requested, from the revised tentative Order. Effluent monitoring and biannual receiving water monitoring for these pollutants at RSW-001 have been retained.
12	**Attachment E, Section X.B.6** The section states: "The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant." The statement listed is repeated at the end of the main paragraph and in subsection 6.a. Please remove the repeated sentence for clarity.	Action taken: As requested, the following sentences have been deleted from Attachment E, Section X.B.6: "The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant." These sentences still appear in Attachment E, Section X.B.6.a.
13	**Fact Sheet, Section III.D** The section states: "Certain receiving waters in the Los Angeles and Ventura County watersheds do not fully support beneficial uses and therefore have been classified as impaired on the 2014-16 303(d) List and have been scheduled for TMDL." The word *development* is missing after TMDL.	Action taken: As requested, the word “development” has been added to Attachment F, Section III.D.

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14	**Fact Sheet Section III.D** The section states: "The Facility discharges into the unlined portion of the Dominguez Channel Estuary below Vermont." The word *Avenue* is missing after Vermont.	Action taken: As requested, the word "Avenue" has been added to Attachment F, Section III.D.
15	**Fact Sheet Section III.D.3.b** The Facility agrees with the quoted stipulation in this section of the Fact Sheet and would like to extend this reasoning to the Harbor Toxics TMDL requirement in Section VI.C.2 of the Permit Order, which requires the Facility to conduct Water Column, Sediment and Fish Tissue Monitoring. Water column requirements includes the collection of water and TSS samples during two wet weather events and one dry weather event each year. Sampling is required to be designed to collect sufficient volumes of suspended solids to allow for analysis of the pollutants in the bulk sediment. Additionally, sediment monitoring and fish tissue monitoring is required to be conducted within the Dominguez Channel to demonstrate compliance with TMDL pollutant loads. However, the Facility is concerned that because discharges from the Facility seldomly occur, results for water column, sediment and fish tissue samples collected will not be representative of the quality of the discharge from the Facility. As a result, compliance with the TMDL allocations for each parameter monitored will be negatively affected by the pollutant contributions from other ongoing discharges into the Dominguez Channel Estuary. In addition, the Facility may face restrictions in gaining access to the Channel during wet weather events. Typically, access permits restrict access to the channel during storm events due to dangerous conditions. The Facility is also concerned with the limited number of commercial labs willing to perform the suspended solid extraction from the water column samples for analysis of the bulk sediment. Consultation with commercial labs	Section VI.C.2.b refers to monitoring requirements established in the Harbor Toxics TMDL for Dominguez Channel, Torrance Lateral and Dominguez Channel Estuary. The requirements include water column monitoring, sediment monitoring and fish tissue monitoring in the Dominguez Channel Estuary. This Order includes these monitoring requirements because the Discharger is a "responsible party" as defined in the TMDL. The monitoring is intended to demonstrate the effectiveness of regional implementation of TMDL waste-load allocations, not compliance for individual dischargers. Section VI.C.2.b also indicates that these requirements may be met by developing a site-specific plan or by joining a group already formed. Developing a site-specific plan provides the opportunity for the Discharger to determine when the Facility will do the TMDL-required monitoring for the receiving water body. The infrequent discharger may choose to include in the site-specific plan a stipulation to only sample when and if there is a discharge. The Discharger has 90 days from the effective date of the Order to inform the Regional Board of whether it will develop a site-specific plan or whether the Facility will join a group already formed. Action taken: None

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	revealed that it is extremely labor intensive to filter water column samples to obtain the MINIMUM sample volume required for analysis of the required constituents. Further clarification is requested from the Regional Board to assist the Facility to understand how the TMDL requirements are to be implemented and how monitoring results will be representative of effluent discharge to demonstrate compliance with TMDLs.	
16	**Fact Sheet, Section IV** Arsenic, mercury, nickel, lead, selenium and zinc were removed from the pollutants of concern listed in section IV in the previous permit. The Facility requests clarification from the Regional Board as to why these parameters are required to be monitored for if the parameters are not listed as pollutants of concern or are not coventional, non-conventional, or toxic pollutants attributed to this type of industrial category.	Monitoring for mercury, nickel, lead and zinc is required because Order No. R4-2013-0097 established effluent limitations for these pollutants since their detected concentrations demonstrated reasonable potential to cause or contribute to an exceedance of the applicable water quality standards. The effluent limitations and associated monitoring requirements for these pollutants are retained in this Order. Order No. R4-2013-0097 did not establish effluent limitations for arsenic and selenium since reasonable potential was not demonstrated for these pollutants. However, prior to Order No. R4-2013-0097, arsenic and selenium were historically detected in the effluent at concentrations that demonstrated reasonable potential, and as such, they remain pollutants of concern. Since the most recent monitoring data did not demonstrate reasonable potential the “1/Discharge Event” monitoring requirements for these pollutants will be removed. Monitoring for these pollutants will continue through annual monitoring of priority pollutants. <u>Action taken</u>: The “1/Discharge Event” monitoring requirements for arsenic and selenium have been deleted from Attachment E, Table E-2.

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		The following text has been added to Attachment F, Section IV: “Arsenic, cadmium, copper, lead, mercury, nickel, selenium, silver and zinc were historically detected at concentrations that demonstrated reasonable potential in the effluent. As such, they remain pollutants of concern.”
17	**Fact Sheet, Section IV.C.4.d** Clarification from the Regional Board is requested to determine if the quoted statement is meant to read as follows: “Since many of the streams in the Region have minimal upstream flows and mixing zones, dilution credits are usually not appropriate. Therefore, in this Order, no dilution credit is being allowed.”	As indicated in the comment, this section requires clarification. Action taken: Attachment F, Section IV.C.4.d has been edited to read: “Since many of the streams in the Region have minimal upstream flows, mixing zones and dilution credits are usually not appropriate. Therefore, in this Order, neither a dilution credit nor a mixing zone is being allowed.”
18	**Fact Sheet, Section IV.C.6** Section VII.J of the Permit Order stipulates that "The Maximum Effluent Limitation (MDEL) for chronic toxicity is exceeded and a violation will be flagged when a chronic toxicity test, analyzed using the TST approach, results in "Fail" and the "Percent Effect" is ≥ 50." The Facility is unclear whether a violation for chronic toxicity is dependent on obtaining a "Pass" and having a % Effect > 50% OR whether a violation for chronic toxicity is dependent on either result. Basing the results only on a TST pass or only on the % effect is problematic since there may be outside factors that may impact fish mortality not necessarily attributed to effluent exposure. Having both test results determine whether a chronic toxicity test has failed accounts for the actual % effect of the effluent while still considering fish mortality based on fish response to the effluent and/or other uncontrollable factors. The Facility requests the Regional Board to provide clarification and amend the affected sections accordingly.	As discussed in the response to Comment 1 above, the Maximum Daily Effluent Limitation (MDEL) for chronic toxicity is correctly stated in the permit as “Pass or % Effect < 50”. Achieving either of these results demonstrates compliance with the MDEL. As indicated in Section VII.J of the Order, chronic toxicity is exceeded and a violation will be flagged only when a chronic toxicity test, analyzed using the TST approach, results in "Fail" **and** the "Percent Effect" is ≥ 50." Action taken: None

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19	**Fact Sheet, Table F-5** The parameters listed in Table 4 of the permit order are listed in Table F-5 of the fact sheet, however, the TSS limitations missing. The TSS limitations should be added for consistency.	Action taken: As requested, the TSS limitation has been added to Attachment F, Table F-5.
20	**Fact Sheet, Table F-7** Section V.A.1 of the permit orders states that ambient pH levels shall not be changed more than 0.5 units. The Facility requests the Regional Board to reconcile the statements for consistency throughout the permit.	Attachment F, Table F-7 states: "The pH of bays or estuaries shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges. Ambient pH levels shall not be changed more than 0.2 units from natural conditions as a result of waste discharge." Section V.A.1 of the tentative Order states: "The pH of the receiving water shall not be depressed below 6.5 or raised above 8.5 as a result of the discharge. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of waste discharge." A review of the Basin Plan Water Quality Objectives indicates that the language in Attachment F, Table F-7 applies to the Dominguez Channel Estuary. Action taken: Section V.A.1 of the Order has been modified to include the applicable Basin Plan language.
21	**Attachment G, Section III** Section III titled "Planning Organization" has its corresponding subsections erroneously noted as subsection M and N. These sections should be labeled as subsection A and B, respectively.	Action taken: Attachment G, Section III, subsections M and N have been corrected to A and B as requested.

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22	**Attachment G, Section VI.A.4 - 10** Section IV titled "Description of Potential Pollutants Sources" consists of subsections A.4 - A.10. These sections should be labeled as subsections A.1-A.7.	Action taken: Attachment G, Section VI.A, subsections 4-10 have been corrected to 1-7 as requested.
23	**Attachment G, Section VIII.O - P** Section VIII titled " Storm Water Best Management Practices" consists of subsections O and P. These sections should be labeled as Section VII.A and Section VII.B, respectively.	Action taken: Attachment G, Section VIII, subsections O and P have been corrected to A and B as requested.
24	**Attachment G, Section X** Section X titled "SWPPP General Requirements" labels subsection C – G incorrectly. The subsections should be labeled as subsections X.A-X.E.	Action taken: Attachment G, Section X, subsections C-G have been corrected to A-E as requested.