

Heal the Bay

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May 13, 2019

Renee Purdy, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 W 4th Street, Suite 200
Los Angeles, CA 90013

Sent via e-mail to: losangeles@waterboards.ca.gov

RE: TENTATIVE WASTE DISCHARGE REQUIREMENTS (WDRs) AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR TORRANCE REFINING COMPANY LLC - TORRANCE REFINERY.

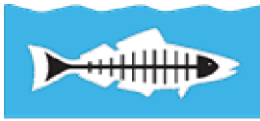
To Ms. Purdy:

Heal the Bay is a non-profit environmental organization with over 30 years of experience and 15,000 members dedicated to making the coastal waters and watersheds of Greater Los Angeles safe, healthy and clean. On behalf of Heal the Bay, we respectfully submit the following comments in response to the Tentative Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) Permit for Torrance Refining Company LLC - Torrance Refinery (Tentative Permit).

The Torrance Refinery has not needed to discharge wastewater to the Torrance Lateral since 2005, due to onsite storage capacity and a program to divert all wastewater and onsite stormwater to a nearby water recycling facility. However, as this permit provides authority to the Torrance Refinery to discharge wastewater to the Torrance Lateral, a tributary to the Dominguez Channel Estuary, which is a Water of the United States and therefore protected under the Clean Water Act, it is imperative that the conditions of the permit be sufficiently protective of public and environmental health, in the event of a discharge. In review of the Tentative Permit, we submit four recommendations to strengthen the permit in order to better protect water quality, environmental health and public health:

- The Los Angeles Regional Water Quality Control Board (Regional Board) must assess the contaminant load of an extreme rain event, during which discharge would actually occur.
- We request that, in the event of a discharge, the Regional Board require weekly sampling to determine compliance with the average monthly limit, to ensure that the data is representative of average conditions.
- We request that the Regional Board require the permittee to use the closest rain gauge, and to provide the rain gauge identification code and the title of the entity that maintains it.
- We request that enforcement action be taken in response to permit violation.

These comments are discussed in further detail below.



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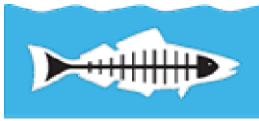
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The Regional Board must assess the contaminant load of an extreme rain event, during which discharge would actually occur. The contaminant load limits (expressed in weight) under the Tentative Permit are for a maximum discharge of 10 million gallons per day (MGD). These contaminant load limits are subject to change in the event of an emergency storm event discharge, during which the permittee may exceed 10 MGD discharge. However, according to the permittee, discharge is only necessary during extreme rain events when all storm water storage has been utilized. The Regional Board must assess the contaminant load of an extreme rain event, during which discharge would actually occur. We therefore request that an analysis be completed to assess the storm event that would trigger necessary discharge, based on facility holding capacity, and the associated contaminant loading. This will allow for a better understanding of the potential ecological impacts of an emergency discharge at the facility.

We request that the Regional Board require weekly sampling to determine compliance with the average monthly limit and ensure that the data is representative of average conditions. In the event of an extreme rain event leading to a discharge, sampling must be representative of average discharge flow conditions. In the case that the usual single monthly sample exceeds the average monthly limit, additional sampling is granted until compliance is demonstrated. This action accounts for the possibility that a single monthly sample is not representative of average conditions, but may instead be a single high-concentration occurrence (a false positive). The same precaution must be taken given the possibility that a single monthly sample may not be representative of average conditions, but may instead be a single low-concentration occurrence (a false negative). If a single low-concentration sample is taken as evidence of compliance, but it is not representative of average conditions, ecological impacts can persist undetected and unenforced. While this permit accounts for the possibility of a false positive, it does not account for the possibility of a false negative, which could negatively impact public and environmental health. We request that the Regional Board require weekly sampling, in the event of a discharge, to determine compliance with the average monthly limit and ensure that the data is representative of average conditions.

We request that the Regional Board require the permittee to use the closest rain gauge and provide the rain gauge identification code and the title of the entity that maintains it. The Tentative Permit states that “the location of the rain gauge utilized and the distance from the Facility and any other information shall be included in the monitoring report for that month.” Rainfall monitoring and reporting is incredibly important for water quality data analysis, particularly looking at long term water quality trends. For many contaminants of concern, there are separate limits and deadlines for dry weather and for wet weather. The long-term water quality trends in dry and wet weather can also be a first step in source identification, and eventual source control. In the event that weather conditions are unclear in data reporting (i.e. sample taken during wet weather vs dry weather), detailed reporting of the rain gauge used can help to fill these important data gaps. We support the requirements under the Tentative Permit to report the location of the rain gauge used, and its distance from the permittees’ facility. We request that the Regional Board also require that the permittee identify and use the closest rain gauge, and provide additional specific information including the Rain Gauge identification code and the title of the entity that maintains it.



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We request that enforcement action be taken in response to permit violation. The Torrance Lateral is hydrologically connected to the Los Angeles / Long Beach Harbor, which is impaired for toxicity. This threatens multiple beneficial uses of the harbor including marine and rare, threatened or endangered species habitat; commercial and sport fishing; shellfish harvesting; and recreational water contact. Under Order No. R4-2013-0138, the permittee was required to develop a Harbor Toxics TMDL Water Column Compliance Program, to be submitted to the Regional Board. Alternatively, the permittee was given the option to collaborate with other local permittees to develop this program. The permittee has coordinated with other permittees in beginning this process. However, no Harbor Toxics TMDL Water Column Compliance Program has been completed and submitted to the Regional Board as required under Order No. R4-2013-0138. Without the completion of this first step towards Harbor Toxics TMDL compliance, poor water quality will continue to threaten intended beneficial uses of these waterbodies, as well as the health of anyone or any ecosystem that use these waterbodies. We request that enforcement action be taken in light of this violation.

Thank you for this opportunity to comment on the Tentative WDRs and NPDES Permit for the Torrance Refining Company LLC Torrance Refinery. We look forward to continuing our collaborative work with the Regional Board in order to protect public and environmental health throughout the Los Angeles Region. If you have any questions concerning this comment letter, please contact Annelisa Moe via e-mail at amoe@healthebay.org, or by telephone at (310) 451-1500 X115.

Sincerely,

Annelisa Ehret Moe
Water Quality Scientist
Heal the Bay

cc by email: Mazhar Ali, Water Resources Control Engineer, Los Angeles Regional Water Quality Control Board. Mazhar.Ali@waterboards.ca.gov