

RESPONSE TO COMMENTS
EQUILON ENTERPRISES LLC DBA SHELL OIL PRODUCTS US
SHELL OIL PRODUCTS US MORMON ISLAND TERMINAL
TENTATIVE ORDER NO. R4-2023-XXXX
NPDES NO. CA0064637

Comment Letter dated May 17, 2023, from Christopher Sherman of the Shell Oil Products US Mormon Island Terminal

No.	Comment	Response	Action Taken
1	<p>Please add specification to this portion of the permit to clarify that such monitoring requirements are not required during reporting periods in which discharge does not occur. [Under Section 6.3.2 of the WDR, Special Studies, Technical Papers and Additional Monitoring Requirements]</p>	<p>The Tentative Order already specifies which monitoring requirements are not required unless there is a discharge to surface waters. For example, Section 6.3.2.b states “The Discharger shall implement its approved Monitoring Plan with QAPP <i>when a discharge from the Facility occurs</i>” (emphasis added); Attachment E, Table E-2 footnote b states “. If there is no discharge to surface waters, then no [effluent] monitoring is required”; and Table E-3 footnote c, states, “[Receiving] Water Monitoring is not required during years in which no discharge occurs.”</p> <p>The Los Angeles Water Board declines to update section 6.3.2 as requested by the Discharger. Section 6.3.2 requires the submittal of certain monitoring related plans that must be in place prior to a discharge event so that these plans can be implemented expeditiously in the event of a discharge. Therefore, regardless of whether a discharge occurs, the Discharger is still required to submit all other monitoring related plans, such as Monitoring Plan with Quality Assurance Project Plan (QAPP) and a Toxicity Reduction Evaluation (TRE) workplan.</p>	<p>No action taken.</p>
2	<p>Resolution No. R22-005 has not yet been approved and is therefore not in effect. The</p>	<p>The LA Water Board acknowledges that the amendments to the Harbor Toxics TMDL (adopted in</p>	<p>Revisions were made.</p>

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	<p>mention or inclusion of Resolution No. R22-005 should be removed from the permit at this time and, if necessary to include after the resolution has been approved, included in the next permit renewal. [Under sections 6.3.2.i, Water Column Monitoring, 6.3.2.ii, Sediment Monitoring, and Section 3.4.2 of Attachment F]</p>	<p>Los Angeles Water Board Resolution R22-005) are not currently in effect. These amendments are regulations and must be approved by the State Water Board, Office of Administrative Law, and U.S. EPA prior to becoming effective. Approval by the U.S. EPA is anticipated to be approved during the period of the Order. As such, the Tentative Order includes conditional phrases for implementation of these TMDL amendments once Resolution R22-005 has been approved by U.S. EPA. For example, on page 12 of the Waste Discharge Requirements (WDR), "Updates to the Harbor Toxics TMDL shall be implemented upon U.S. EPA approval." The Tentative Order further defines the updates on page 13-14 of the WDR as "Upon U.S. EPA approval of Resolution No. R22-005..." The mention or inclusion of Resolution No. R22-005 is appropriate at this time.</p> <p>However, the Tentative Order has been revised to clarify which TMDL monitoring requirements are new and which requirements will only go into effect upon U.S. EPA approval. Specifically, the relevant amendments to the Harbor Toxics TMDL to the Discharger is a modification to the monitoring requirements for discharges in the Los Angeles Harbor requiring water samples and total suspended solids samples for metals, including lead, zinc, and copper, DDT, PCBs, Benzo[a]anthracene, Benzo[a]pyrene, Chrysene, Phenanthrene, and Pyrene. PCBs monitoring will also be required for 44 congeners using recommended EPA methods 8270 and 1668 or equivalent methods, and should be reported with a target reporting limit of 10 to 20 pg/L. The Tentative Order has also been revised to require the Discharger to update their monitoring plan and QAPP within 90</p>	

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		days of U.S. EPA approval to the basin plan amendments revising the Harbor Toxics TMDL.	
3	[“Dry weather event” and “wet weather event”] definitions should be returned to the permit as they are each referenced in Water Column Sampling in Section 6.3.2.i. [Under Attachment A, Definitions]	The LA Water Board agrees to include “Dry weather event” and “Wet weather event” definitions back into Attachment A - Definitions.	Revisions were made.
4	Effluent monitoring during the facility's last discharge in 2001 was shown to not contribute Total Suspended Solids or Turbidity to the receiving water. And, as stated in the Fact Sheet, the facility did not discharge during the term of Order No. R4-2017-0039. As the facility maintains onsite storm water quality in a manner congruent with prevention of suspended solids discharges, please consider removing these unnecessary parameters from the receiving water monitoring. [Under Table E-3. Receiving Water Monitoring Requirements – RSW- 001; Attachment F, Fact Sheet, Section 4, Rationale for Effluent Limitations and Discharge Specifications]	<p>The LA Water Board acknowledges that the last discharge from the facility occurred in 2001. However, under extreme circumstances, which we are expecting to occur with more frequency due to climate change, there are possibilities of the discharge containing Total Suspended Solids (TSS) and Turbidity into the receiving water.</p> <p>Since TSS and Turbidity have effluent limitations and receiving water limitations, it is essential to monitor these pollutants in the event of a discharge. Monitoring data will be used to determine compliance with the receiving water limitations and the potential impact of its discharge to the receiving water.</p> <p>Also noted in Table E-3, footnote c, monitoring is not required during years in which no discharge occurs.</p>	No action taken.
5	Change to “End of Footnotes to Table E-3” to reflect correct table number.	Table E-3 and Table E-4 will be corrected with the correct corresponding table numbers.	Revisions were made.