

**RESPONSE TO COMMENTS
ZENITH ENERGY WEST COAST TERMINALS LLC
DOMINGUEZ HILLS TANK FARMS
TENTATIVE ORDER NO. R4-2023-XXXX
NPDES NO. CA0052949**

Comment Letter dated October 23, 2023, from Connie Cunningham of the Zenith Energy West Coast Terminals LLC

No.	Comment	Response	Action Taken
1	<p>Section 4 of the WDR, Table 4, Footnote h, regarding “dry-weather”: If the Wardlow Road gage station is not functioning, what alternative/contingency method is expected to determine which wet- or dry-weather conditions apply for any given discharge event?</p>	<p>In the unlikely event that the Wardlow Station is non-operational, other gages in the Los Angeles River downstream of the Wardlow Station may be used, or flow conditions can be measured manually or by the use of temporary equipment in the Los Angeles River in the vicinity of the Wardlow Station.</p> <p>To ensure transparency and accurate reporting, the Discharger should indicate the dates when the Wardlow Station gage was non-functional in their quarterly self-monitoring report (SMR) and provide documentation of any alternative method or source used to measure stream flow. The footnote (h) of the Table 4 of the WDR, and footnote (h) of Table F-7 of the Fact Sheet is revised as follows:</p> <p style="padding-left: 40px;">“h. Within this Order, “dry-weather” applies to days when the maximum daily flow in the Los Angeles River is less than 500 cubic feet per second (cfs) as measured at Wardlow Road gage station (Wardlow Station). In the event that Wardlow Station is non-functional, the Discharger may use flow measurements from the nearest downstream gage or submit a manual flow measurement taken in the vicinity of Wardlow Station. Information on alternative measurements shall be documented in the corresponding quarterly SMR,”</p> <p>Section 4.3.3.(b) Priority Pollutants with a Total Maximum Daily Load (TMDL) of the Fact Sheet is also updated to reflect the above language.</p>	<p>Revision made to the tentative Order.</p>
2	<p>Under Attachment D, Section 5.5.1, Twenty-Four Hour Monitoring, delete repeated phrase.</p> <p>Will a reporting link be added to the CIWQS for the required reporting for such events, combined sewer overflows, sanitary sewer overflows, or</p>	<p>Attachment D includes Standard Provisions applicable to all NPDES permits, except as modified to incorporate more stringent requirements (see discussion in Section VII of the Fact Sheet). Revisions were made to delete the repeated phrase. However, no changes to these provisions to include a link to CWIQS is necessary.</p> <p>Reporting requirements related to noncompliance, concerns are provided under Standard Provisions, Section 6.1.2.I on page 11 of the Order and in Attachment</p>	<p>Revisions made to the tentative Order.</p>

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	bypass events? The section also mentions electronic reporting in the context of CDX. Could you please clarify if the Water Board is planning to transition to CDX for this purpose?	<p>D, section 5.5. Where these provisions overlap, the more stringent provision applies. Section 6.1.2.I of the Order requires the Discharger to report via phone and email any incidence of noncompliance within 24 hours of having knowledge of such events. In the event of any of noncompliance related to combined sewer overflows, sanitary sewer overflows, or bypass incidents, section 5.5 of Attachment D also requires the Discharger electronic reporting of the incident to the “initial recipient.” The initial recipient is defined in 40 CFR section 127.2(b) as the governmental entity implementing the NPDES program that is designated to receive electronic information (i.e. the State and Regional Water Boards). Pursuant to Attachment E, page E-16, section 10.2.1 a comprehensive summary of the incident is expected to be included in the quarterly SMR when submitting it to CIWQS, which would generally satisfy this electronic reporting requirement in Attachment D, section 5.5.</p> <p>The State and regional Water Boards currently have no plans to transition to CDX for electronic reporting. Should there be any future plans to transition from CIWQs to CDX, or any other electronic reporting platform, the Discharger will be duly informed.</p> <p>For additional discussion on the “initial recipient” see also Response to comment 3.</p>	
3	Could you provide further clarification to Attachment D, Section 5.10, Initial Recipient for Electronic Reporting Data on the process regarding appendix A to 40 CFR part 127), in terms of the Permittee’s responsibility to submit information, particularly regarding any new/revised requirements of the Permittee?	As discussed in response to comment 2, the initial recipient for electronic reporting data is the governmental authority authorized by EPA to implement the NPDES program. The state of California has a delegation of authority to implement the NPDES program. As such, the initial recipient for electronic reporting for NPDES information is the state of California, i.e., Los Angeles Water Board, in your case. According to 40 CFR Part 127.14(b), electronic submissions of NPDES data must be “identical to the actual measurements taken by the owner, operator, or their duly authorized representative.” To that end, Attachment D requires the owner, operator, or their duly authorized representative to submit any such electronic data.	No action taken.

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4	<p>The Permittee requests for the following language in bold to be added to Attachment F, Fact Sheet, Section 2.1, Description of Wastewater and Treatment Controls: "The on-site treatment system consists of a four-chamber sand filter (optional, where need is determined by facility management), a four bag mechanical filtration chamber, two 8,000-pounds activated carbon vessels and two 130 cubic feet ion exchange vessels operated in series."</p>	<p>The Los Angeles Water Board did not accept the proposed language because the addition of the term "optional" may inadvertently suggest that the treatment of stormwater and hydrostatic test water is optional, which could raise concerns among stakeholders.</p> <p>However, in consideration of the fact that the sand filter is used as needed basis, a new paragraph was added to Section 2.1 to clarify that the use of the sand filter may not be warranted if preliminary test results during recirculation mode are shown to be within effluent limitations as determined by facility management. The language included is as follows:</p> <p>"The treatment system is enabled with a recirculation mode which facilitates internal assessment during non-emergency conditions of the storm water quality and treatment system functions prior to discharge from the facility. Storm water and/or hydrostatic test water within recirculation mode is cycled through the treatment system and primary surge reservoir until approved for discharge. The use of the sand filter component as part of the treatment system may not be warranted if preliminary test results taken during recirculation mode are shown to be within the permit effluent limitations. Provided this assessment confirms that use of the sand filter component is not warranted, the storm water and/or hydrostatic test water is directed through the remaining treatment components prior to discharge and monitoring pursuant to permit requirements."</p> <p>An updated flow schematic was also included to reflect the language update.</p>	<p>Revisions made to the tentative Order.</p>

Comment Letter dated October 23, 2023, from Ava Farriday and Annelisa Ehret Moe of Heal the Bay

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5	Request clarification as to why this particular permit has taken more than two years to come up for review following its expiration and asks that every effort be made to ensure future permit renewals are not delayed beyond reasonable circumstances.	<p>The Los Angeles Water Board acknowledges your concern and would like to provide clarity on the factors contributing to this delay and assure you of our commitment to preventing such delays in the future.</p> <p>It is crucial to highlight that our team is tasked with handling various permits concurrently, which occasionally necessitates prioritization based on critical factors and timelines. The Los Angeles Water Board oversees 91 NPDES permits. The current permit renewal backlog rate is in line with other regions in the state, and the Los Angeles Water Board is working towards achieving the US EPA required backlog rate.</p> <p>Additionally, the Los Angeles Water Board has experienced a period of transition within our staff, resulting in a temporary shortage of personnel available to manage the NPDES permitting workload, including this particular permit review.</p>	No action taken.