



July 25, 2019

Submitted via email

Mr. Eugene Bromley
NPDES Permits Section (WTR-2-3)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

SUBJECT: COMMENTS ON PRE-PUBLIC NOTICE DRAFT
NPDES GENERAL PERMIT CAG280000

Mr. Bromley,

The Offshore Operators Committee appreciates the opportunity to provide input and feedback on the pre-public notice draft of the National Pollutant Discharge Elimination System (NPDES) General Permit Number CAG280000 (hereinafter referred to as "the Permit").

The OOC is an offshore oil and natural gas trade association that serves as a technical advocate for companies operating on the US Outer-Continental Shelf (OCS). Founded in 1948, the OOC has evolved into the principal technical representative regarding regulation of offshore oil and natural gas exploration, development, and producing operations. The OOC's member companies are responsible for more than 90% of the oil and natural gas production from the OCS. The comments contained in this letter are submitted without prejudice to any of our members who may have differing or opposing views.

After completing our review, OOC and members would like to offer the comments contained in the table in Attachment 1 of this letter for your consideration. After reviewing these comments and recommendations, if you have any questions please contact me at greg@offshoreoperators.com.

Sincerely,

A handwritten signature in blue ink that reads "Greg Southworth". The signature is written in a cursive, flowing style.

Greg Southworth
Associate Director
Offshore Operators Committee

Attachment 1
Offshore Operators Committee Comments
Pre-Public Notice Draft – NPDES General Permit CAG280000

Permit Reference	Draft Permit Language	Comments/Recommendations
Part II C.4	Upon approval of a workplan (submitted individually or jointly) by Region 9, implementation of the workplan becomes a requirement of this permit. Interim progress reports shall be submitted with quarterly DMR reports subsequent to the approval of a workplan. A final workplan report shall be submitted within four years of the effective date of this permit.	Could EPA clarify what is included in the "Work Plan Report" which is to be submitted within 4 years of the permit effective date?
Part II C.4	Chemical analyses of expected flowback constituents from the well stimulation treatment fluids in the commingled discharge along with WET tests shall be conducted at least daily during the period when flowback fluids would be anticipated (minimum of seven days after commencement of the commingled discharge).	Due to the limited hold time for toxicity samples and the logistics and potential delays associated with shipping and transferring samples from offshore during inclement weather conditions such as fog, etc., we would like EPA to consider reducing the amount of toxicity samples from 7 straight days to 1-2 days during peak stimulation fluid returns.
Part II C.4	The WET test species, test procedures and other requirements set forth in Parts II.B.2.b, d, e, f, g and h of this permit for produced water also apply and shall be followed for discharges of well treatment, completion and workover fluids that are discharged but not commingled with produced water.	<p>Recommend that EPA reconsider the use of Topsmelt, <i>atherinops affinis</i>, as a bioassay testing species, particularly for treatment, completion and workover fluids testing. Topsmelt assays involve a seven-day renewal test that is not a relevant exposure duration for treatment, completion, and workover fluid discharges. The remaining two assays listed involve marine invertebrates (i.e. kelp and abalone) included in the draft Permit involve shorter term 48-hour exposures more reflective of the nature of treatment, completion, and workover fluid discharges.</p> <p>In addition, the inclusion of topsmelt may raise vertebrate animal testing concerns with public stakeholders.</p>

Permit Reference	Draft Permit Language	Comments/Recommendations
Part II C.5	<p>WET Requirements for Well Treatment, Completion and Workover Fluids that are Discharged Alone (i.e., Not Commingled with Produced Water)</p> <p>a. The Permittee shall conduct quarterly chronic WET tests (or once/discharge whichever is less frequent) on grab samples of well treatment, completion or workover fluids that are discharged, but not commingled with produced water. Following four consecutive Pass results for any of the three categories of discharges, annual testing is required for that category. However, quarterly tests are required following any Fail test result from an annual test until four consecutive Pass results are again obtained after which annual tests would again be required.</p> <p>b. The WET test species, test procedures and other requirements set forth in Parts II.B.2.b, d, e, f, g and h of this permit for produced water also apply and shall be followed for discharges of well treatment, completion and workover fluids that are discharged but not commingled with produced water.</p>	<p>We note that there are many references to the produced water requirement in this section, but the allowance for dilution is omitted. Certain limits on produced water discharges are applied after a zone of initial dilution (ZID) - at 100 meters. While we understand why a dilution ratio for produced water flow rates would not apply when well stimulation fluids are discharged separately, we believe that the limits here should nonetheless be applied after dilution, where the dilution ratio is calculated specifically for well stimulation fluids discharge volumes using the ZID equation in the permit and Plumes UM modeling. We request EPA provide language that specifies the limits in this section apply after dilution using the appropriate dilution ratio specifically calculated for this discharge stream.</p>
Part II.D, Table 8 footnote	<p>Visual observations are not required when a facility is unstaffed; however, to qualify for this waiver, the Permittee must ensure that industrial materials at the facility that could be a source of pollutants in deck drainage are not exposed to stormwater.</p>	<p>To improve clarity and intent, we recommend the statement contained in this footnote be changed to read as follows:</p> <p>“Visual observations are not required when a facility is unstaffed if the Permittee ensures potential sources of pollution are not exposed to stormwater.”</p>
Part II F.1		<p>We would request that EPA add pipeline preservation fluids to the definitions section of the permit. The definition is discussed in the associated Permit Fact Sheet, but the definition was not identified in the actual permit.</p>

Permit Reference	Draft Permit Language	Comments/Recommendations
		<p>The definition included in the Fact Sheet is as follows:</p> <p>“Discharge 023 – Pipeline Preservation Water. This is water that is placed in a pipeline to maintain pipeline integrity during an extended pipeline shut-in. The need for such a discharge recently arose due to the 2015 rupture of the onshore pipeline that had been used to transport crude oil produced offshore and the cessation of production operations at certain offshore platforms such as Harmony and Heritage. This discharge is very similar to hydrotest water (discharge 021) and may also include chemicals such as corrosion inhibitors, oxygen scavengers or bactericides as necessary to protect the pipelines.”</p>
<p>Appendix B</p>	<p>Average Monthly Limit for Benzo (a) Pyrene and Dibenzo (a,h) Anthracene listed as 0.00000013 mg/l.</p>	<p>For the limits listed in Appendix B for produced water, even without dilution applied, laboratories are not capable of reaching the low detection limits listed in the table for Benzo (a) Pyrene and Dibenzo (a,h) Anthracene. We would encourage EPA to select limits that are achievable by EPA Method 625 which for produced water is 2 ug/l as an MDL (minimum detection limit).</p>