December 11, 2013

Response to Public Comments
Reissuance of National Pollutant Discharge Elimination System (NPDES) General Permit No. CAG280000 for Offshore Oil and Gas Exploration, Development and Production Operations off Southern California.

Public notice of EPA's tentative decision to reissue the general permit was published in the *Federal Register* on December 20, 2012 (77 FR 75429) and in the *Santa Barbara News-Press* on December 19, 2012. The following parties submitted written comments on the proposed permit within the public comment period which closed on February 4, 2013:

Plains Exploration & Production Company (PXP)
Bureau of Ocean Energy Management (BOEM)
DCOR, LLC
Pacific Offshore Operators
Venoco, Inc.
ExxonMobil Production Company
Santa Barbara County

Another letter commenting on the proposed permit was submitted by the Santa Barbara Channelkeeper on February 28, 2013. Since this letter was received after the close of the comment period, Region 9 is not obligated to consider it, but using its discretion, Region 9 included the letter in the administrative record for the permit and considered the comments in the letter along with the other comment letters received during the comment period.

Subsequent to the close of the public comment period, Region 9 also met with staff of the California Coastal Commission (CCC) concerning EPA's consistency determination for the draft permit of December 20, 2012, pursuant to the requirements of the Coastal Zone Management Act (CZMA). The final permit includes certain revisions based on recommendations from the CCC staff and Region 9's responses to the CCC recommendations are discussed below in addition to responses to the other comments received.

1. **Comment:** Several industry commenters objected to the requirement in the proposed permit for annual whole effluent toxicity (WET) testing for produced water discharges. These commenters argued that toxicity testing conducted under the previous permit had shown little toxicity and that the proposed requirements should be removed or scaled back. Two commenters suggested testing only for the specific species and platforms for which reasonable potential had been determined based on previous tests. Other commenters recommended clarification of the difference between permit triggers

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and permit effluent limits. One industry commenter suggested replacing these terms with actual measures of toxicity.

CCC staff and the Santa Barbara Channelkeeper, however, recommended more frequent toxicity testing, stating that annual testing was insufficient to measure discharge quality accurately; quarterly testing was suggested. Channelkeeper also recommended that the required dilution scenarios be established in the permit and include multiple test dilutions; in addition, Channelkeeper expressed concern that the proposed time period of 14 days for notification to EPA of an exceedance of a WET limit was too long.

Response: After considering the comments Region 9 has revised the toxicity testing frequency from annual tests (as proposed) to quarterly tests in the final permit, at least for the first four quarters of the term of the permit. Following any four consecutive quarterly test results of "pass" for a given species, annual tests would be required. However, following a "fail" test result from an annual test, quarterly tests would resume until four consecutive "pass" results are obtained. Similar requirements can be found in the latest general permit for offshore oil and gas facilities in the Gulf of Mexico (permit No. GMG290000) issued on October 10, 2012 (77 FR 61605).

In response to the industry comments recommending elimination or a substantial reduction in the monitoring, Region 9 believes the monitoring is appropriate and necessary to ensure compliance with section 403 of the Clean Water Act (CWA), and implementing regulations at 40 CFR 125, Subpart M, which prohibit "unreasonable degradation" of the marine environment. The regulations at 40 CFR 125.123(a) also provide that Region 9 may include monitoring requirements as appropriate to ensure no unreasonable degradation. More than 50% of the platforms showed reasonable potential for WET for either the giant kelp or the topsmelt. We believe these results demonstrate the potential environmental risks associated with this discharge and that continued monitoring for all three species (topsmelt, giant kelp and red abalone) is appropriate.

On August 6, 2013, EPA also received an inquiry from nine California legislators expressing concern regarding discharges associated with offshore hydraulic fracturing operations, and the potential toxicity of the chemicals used to formulate the fluids used for such operations. Since these fluids are commonly commingled and discharged with produced water, the WET tests for produced water will help to address concerns regarding the toxicity of the fluids.

The cost associated with the toxicity tests was a concern to the industry commenters. The new permit requires toxicity testing in accordance with EPA's 2010 Test for Significant Toxicity (TST) manual[1] which only requires testing for a control and a sample of produced water diluted to the instream waste concentration (i.e., the concentration at the edge of the mixing zone). Region 9 checked with the laboratory used by the permittees for toxicity testing during the previous permit and found the costs of the

[1] U.S. EPA. 2010. National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document , EPA 833-R-10-003, June 2010.

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new tests are roughly half that of the tests required under the previous permit. As such, for platforms qualifying for annual monitoring after the first four quarters, the total costs during the next permit term would be slightly lower than for the previous permit term.

We also believe the final permit is responsive to the comments of the CCC staff and Channelkeeper. Quarterly testing would continue for a given species as long as four consecutive "pass" results are not obtained. This will ensure that the discharges of greatest concern receive the most attention. It also provides an incentive to permittees to reduce toxicity in order to qualify for the reduced monitoring frequency.

The final permit requires that the toxicity tests be conducted in accordance with the procedures in EPA's 2010 TST manual (see above), which sets the test procedures and the samples and dilutions to be tested. The permit includes permit language obtained directly from the TST manual that we believe is clear and will ensure the required procedures are followed. Regarding the test dilutions required, the TST procedure (as noted above) only requires one dilution of wastewater to be tested, and the permit needs to be consistent with the TST procedure.

With regards to the 14-day period allowed for notification of EPA of exceedances of a WET limit, this provision was also taken directly from the TST manual and we believe it is appropriate for the permit to be consistent with the manual. Part IV.1.6 of the permit requires 24-hour reporting of any noncompliance which may endanger health or the environment. Exceedances of WET limits of this nature would be reported within 24 hours.

Finally, as stated in the draft fact sheet, an exceedance of an effluent limit is a violation of the permit, whereas an exceedance of a "trigger" only requires certain follow-up actions to try to prevent future exceedances; the same follow-up actions are also required in the event of an exceedance of an effluent limit. Essentially, the "trigger" provision is a mechanism to ensure no unreasonable degradation of the marine environment. The final permit was revised from the proposal to provide additional clarification of this matter to address the concerns.

2. Comment: In 2009, Region 9 modified the 2004 permit to incorporate effluent limits and monitoring requirements for certain constituents in produced water discharges based on a reasonable potential study submitted in 2006. For the new permit, Region 9 re-evaluated reasonable potential for these constituents based on more recent monitoring conducted in 2009-2012. The updated analysis showed that many of the previous effluent limits were no longer needed and were not included in the new proposed permit. However, the proposed permit did require annual monitoring for these constituents; quarterly tests were proposed for constituents where reasonable potential was again determined to exist. Several industry commenters recommended that these monitoring requirements be removed, or reduced. CCC staff, however, contended that quarterly monitoring was inadequate at least for constituents where reasonable potential was still present; CCC staff and also Santa Barbara County commented that it was unclear how compliance with effluent limits (that are expressed as a daily maximum and

a monthly average) could be determined based on one quarterly sample.

Response: As noted in the draft fact sheet, the proposed monitoring frequency was reduced from quarterly to annually for constituents which showed no reasonable potential based on the more recent monitoring. Nevertheless, given the environmental risks associated with this discharge noted in the response to comment #1 above, we believe that at least annual monitoring is appropriate for these constituents to ensure compliance with section 403 of the CWA. Furthermore, as explained in the draft fact sheet on pages 24-28, given that many water quality-based effluent limits have been eliminated, it is necessary to conduct monitoring of the pollutants that were previously addressed by such limits in order to ensure no unreasonable degradation of the marine environment.

In response to the concerns of the CCC staff, Region 9 increased the monitoring frequency in the final permit to monthly from quarterly for platforms where reasonable potential still exists. The only two chemical constituents where reasonable potential still exists are benzene and sulfide. Industry concerns were largely the cost of the monitoring, and the cost of the increased monitoring frequency for benzene and sulfide is more than offset by the decrease associated with the reduction from quarterly to annual monitoring for numerous other constituents, particularly PAHs.

In response to the question concerning how one quarterly sample could be used to determine compliance with effluent limits expressed as daily maximum and monthly average limits, the one sample result would have to comply with the more stringent of the daily maximum or monthly average limit; this clarification has been added to the final permit (Appendix B and C). NPDES regulations at 40 CFR 122.45(d)(1) require that effluent limits be expressed this way for all dischargers other than publicly-owned treatment works (unless impracticable). The monitoring frequency in NPDES permits, however, is determined on a case-by-case basis considering a number of factors including costs, compliance history and the nature of the pollutants discharged (EPA's permit writers' guide, EPA 833-K-10-001, September 2010). After considering factors such as these, Region 9 believes that the monitoring frequency in the final permit is appropriate for the discharges.

3) Comment: Several industry commenters recommended that the proposed study requirement to evaluate the environmental effects of cooling water intake structures (CWIS) used at the platforms (Part II.G.8 of the proposed permit) be removed or revised in scope. One commenter suggested limiting the study to discharges greater than 2 MGD, with 25% or more used for cooling and where the intake velocity is greater than 0.5 feet per second. The commenter further recommended the study be limited to an evaluation of existing data, modeling results and other information available at the time of the report.

Response: Region 9 believes that the study should be conducted for all the platforms to be covered under the permit. There is little information about the impact of CWISs at existing oil and gas facilities, as explained in the preamble of the final CWA

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section 316(b) regulations for new offshore oil and gas facilities (71 FR 35005, 35012-35014; June 16, 2006), and the draft fact sheet for the permit at pages 20-21. Thus a study requirement is appropriate and reasonable to ensure the protection of the marine environment and ensure that existing facilities comply with section 316(b) and its implementing regulations which provide for requirements determined by the permitting authority on a case-by-case, best professional judgment (BPJ) basis.

Regarding the recommendation that the assessment of environmental impacts be limited to existing data, as stated in the draft fact sheet, Region 9 believes that a study based on existing data/modeling is sufficient to comply with the intent of the permit. As such, we believe the commenter's concern has been addressed.

4) Comment: Several industry comments recommended that Region 9 reconsider the proposed requirement for on-line oil and grease monitors for produced water discharges. These commenters noted that on-line monitors use test methods that are not approved for determining compliance with the oil and grease effluent limits in the permit. Another industry commenter, while not objecting to the requirements, requested clarification concerning the recordkeeping and reporting requirements for the monitoring results. CCC staff and Santa Barbara County supported the proposed requirements.

Response: The proposed permit required that permittees either install on-line monitoring equipment capable of providing "rapid" information (either real time or with a brief lag time such as one hour) concerning potential exceedances of the oil and grease limits for produced water in the permit, or provide Region 9 with information demonstrating that such equipment had already been installed.

After considering the comments, Region 9 has revised the requirements for the final permit as described below. For platforms with relatively low volume produced water discharges (defined as less than 100,000 gal/day in the final permit), tests would be required once/4 hours as suggested by a permittee. The revision reduces the monitoring requirement for the discharges with the least potential for environmental impacts; several of the affected platforms are also the same platforms that the permittee noted above had indicated may lack adequate staff for the more frequent tests.

In selecting the proposed requirements, Region 9 recognized that some permittees had already installed equipment generally meeting Region 9's objective, i.e., providing more timely information concerning potential upset conditions than the regular monitoring (once/week) using EPA approved test methods which is used to formally determine compliance with the permit limits. The draft fact sheet noted that one permittee had already installed equipment of this nature and that tests were performed once/hour on the permitttee's platforms (this permittee is also the operator of the largest number of platforms covered by the permit). The permittee's existing procedures would generally satisfy Region 9's intent in developing the proposed requirements, and given that no additional costs would be incurred, they were selected as the proposed permit requirements. In its comments on the proposed permit, however, this permittee indicated that it needed to correct its previous assertion that its existing procedures include hourly

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tests, and that the actual current frequency is less than once/hour, at least on some platforms. The permittee suggested a minimum test frequency of once every 4-6 hours, or 1-2 hours depending on the instrumentation currently available on a platform; this permittee also expressed concerns regarding available staffing on certain platforms. Another permittee noted its standard procedures include regular checks roughly once/hour, but may include visual inspections as well as actual on-line measurements.

As noted in the draft fact sheet, the 2004 general permit required an evaluation of the practicality of on-line monitors for measuring oil and grease in produced water discharges. The CCC in its review of previous general permits, had recommended such monitors be considered given their potential to improve compliance with the permit effluent limits for oil and grease, thereby increasing the protection of the marine environment. As noted in section V.H.10 of the draft fact sheet, three reports were submitted by permittees in 2008 and Region 9 concluded from the reports that the technology is practical for use at offshore platforms. We recognize the on-line test equipment is not appropriate for formally determining compliance with permit effluent limits, but it is nevertheless of value in rapidly alerting permittees to possible upset conditions, thereby allowing permittees to respond more quickly and minimize any impacts to the marine environment.

We also believe that given the concerns of the CCC, and the need to ensure the consistency of the permit with the approved California Coastal Management Program (CMP), the monitors should provide early detection of potential noncompliance to ensure that any periods of noncompliance are minimized. In a letter to CCC staff dated July 24, 2013, Region 9 asked CCC staff whether they would be satisfied with the revised requirements. CCC staff approved the change in a letter to Region 9 dated July 29, 2013, and indicated that further review by the CCC itself would not be necessary.[2] Overall, we believe the revised requirements appropriately balance the various factors noted above.

The permit does not specify any particular type of monitor which would be required. The 2008 reports note that various types of monitors are available and the best monitor may vary with the platform. The 2008 reports provide a good summary of available equipment and Region 9 recommends the reports be considered by permittees when selecting equipment.

In response to the question concerning reporting and recordkeeping requirements for the monitoring data, the final permit does not require that the test results be submitted to Region 9 with the quarterly discharge monitoring reports (DMRs). The test results would need to be retained for at least three years and be available for review by Region 9 or the Bureau of Safety and Environmental Enforcement (BSEE) during a platform inspection.

5) Comment: PXP[3] requested that reasonable potential for produced water

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[2] On June12, 2013, the CCC concurred with Region 9's consistency determination that the proposed permit was consistent with the California CMP.

[3] Effective May 31, 2013, the platforms previously operated by PXP (Platforms Harvest, Hidalgo, Hermosa

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discharges (chemical constituents and toxicity) be re-calculated for Platform Harvest. PXP noted that it had recently installed a new multi-port diffuser at the platform and the predicted dilution factor for the discharge is now larger than the factor Region 9 had used in its reasonable potential analysis for the proposed permit.

Response: Region 9 believes this is a reasonable request and reasonable potential was re-calculated for produced water discharges from Platform Harvest using the new dilution factor. For chemical constituents and using the previous dilution factor of 2064:1, the proposed permit had included effluent limits for benzene and undissociated sulfide for Platform Harvest. Using the updated dilution factor (3583:1), the new analysis showed that reasonable potential still exists for benzene and undissociated sulfide for this platform. As such, the proposed effluent limits for the chemical constituents were retained in the final permit.

For Platform Harvest, the proposed permit had also included a WET effluent limit for the topsmelt based on Region 9's reasonable potential analysis for the proposed permit. Region 9 re-calculated reasonable potential for WET for Platform Harvest using the updated dilution factor, and determined that reasonable potential is no longer present for the topsmelt. As such, the WET effluent limit for the topsmelt for Platform Harvest in the proposed permit was replaced by a "permit trigger" in the final permit.

6) Comment: PXP requested that the annual discharge limits for drilling muds and cuttings for Platforms Hidalgo, Irene, Harvest and Hermosa be increased to account for new drilling activity anticipated at these platforms in the future. Santa Barbara County also noted that drilling activity at Platform Irene may increase in the future if the State Lands Commission were to approve the Tranquillon Ridge Project, and Region 9 should ensure discharges associated with such drilling would be consistent with the permit.

PXP specifically requested that the annual drilling mud discharge limits be increased to 80,000 bbls/year for each platform from the proposed limits which vary from 23,000 bbls/year to 105,000 bbls/year, depending on the platform. For cuttings, PXP requested an increase to 25,000 bbls/year for each platform from the proposed limits which vary from 11,250 to 30,000 bbls/year.

Response: Table 3 of the proposed permit set forth the annual limits for drilling muds and cuttings discharges for each platform. For Platform Irene, the annual discharge limits in the proposed permit (105,000 bbls/year for muds and 30,000 bbls/year for cuttings) were already larger than the amount requested; as such, no revision of the permit is necessary for this platform.

For the three other PXP platforms, even with the requested increases, the annual discharge limits would be lower than the annual limits for the majority of the other platforms covered by the permit, which range as high as 200,000 bbls/year for muds and 90,000 bbls/year for cuttings. As such, Region 9 believes the revision would not

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and Irene) are now operated by Freeport-McMoran Oil and Gas.

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constitute a significant change in the permit nor affect our conclusion that the discharges would not cause unreasonable degradation of the marine environment. Accordingly, the final permit includes the requested revisions for the PXP platforms.

In response to Santa Barbara County's comment, Region 9 will be reviewing DMRs from all the OCS platforms (including Platform Irene) to monitor for compliance with the annual discharge limits for muds and cuttings, as well as other permit limits.

7) Comment: PXP noted that the company was currently engaged in a sulfide decay study and may submit a request in the near future that a decay factor be included in the permit when making compliance determinations for undissociated sulfide in produced water discharges. PXP noted that unless the reissued permit includes the decay factor, a formal permit modification would be necessary, which could take a considerable amount of time. PXP requested a more expeditious incorporation of such a decay factor into the permit.

Response: If the decay factor study had been submitted prior to reissuance of the permit, Region 9 would have considered the results in setting the final effluent limits for undissociated sulfide in produced water discharges. However, the study was not submitted, and since the permit is now reissued, formal permit modification would be necessary to comply with the public notice requirements of NPDES regulations (40 CFR Part 124.5).

8) Comment: Santa Barbara County noted that Appendix B requires a "grab sample" for the produced water monitoring; the County recommended the permit include a description of the sampling methodology to ensure the correct monitoring procedures are followed. Finally, the County supported lower detection limits in the permit, which the commenter perceived to be a proposed requirement of the new permit.

Response: Part V of the permit includes a definition of a "grab sample" which is "a single sample collected at a particular time and place that represents the composition of the wastestream only at that time and place." Part III.A of the permit also requires that monitoring must be conducted in accordance with procedures approved at 40 CFR 136, where a list of approved procedures can be found for pollutants regulated under the NPDES permit program. The actual details of the approved procedures are found in other documents cited at 40 CFR 136, such as *Standard Methods for the Examination of Water and Wastewater* (various editions), including procedures for sample collection as well as laboratory procedures for sample analysis. Given that these procedures are often lengthy, they are generally included by reference in NPDES permits. The procedures are permit requirements and do provide the detailed guidance the commenter is recommending concerning monitoring.

Regarding detection limits, Region 9 has not revised the test methods for the analysis of pollutants in produced water. The test methods required by the new permit continue to be methods approved at 40 CFR Part 136. As noted in the fact sheet, laboratories have been more successful in achieving lower detection limits in recent years

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than in previous years.

9) Comment: Santa Barbara Channelkeeper noted the draft fact sheet (page 12) seemed to suggest that discharges from the offshore platforms located in Federal waters could not be carried into State waters by the currents in the Santa Barbara Channel. The commenter contended this was quite plausible, and concern was expressed about potential impacts to State waters. In addition, the draft fact sheet (page 20) noted that Region 9 had not designated any areas of biological concern in the permit area, and the commenter recommended reconsideration of this matter given the nearby Channel Islands Marine Sanctuary, as well as Federal Marine Protected Areas (MPAs) and recently implemented State MPAs. The fact sheet also noted that the absence of designated areas of biological concern affects CWIS requirements for exploratory operations. The commenter supported the proposed CWIS requirements in the proposed permit and urged a more extensive study.

Response: The draft fact sheet noted that the draft permit does not authorize discharges into State waters. The fact sheet was referring to the fact that the points of discharge are in Federal waters and not in State waters. We recognize that currents could eventually carry the discharges into State waters. The California Ocean Plan requires that discharges located outside State waters (but which may be carried into State waters by the currents) be controlled as necessary to ensure compliance with Ocean Plan requirements at the boundary of State waters. We believe the general permit will ensure compliance with this requirement. For produced water discharges, for example, the general permit requires compliance with effluent limits at the edge of the 100-meter mixing zone based on the more stringent of Ocean Plan or EPA water quality criteria. The platforms closest to State waters (Platforms Gina and Hogan) are about 400 meters from State waters and the discharges from these platforms must meet Ocean Plan criteria at a distance of 100 meters from the point of discharge. The final permit also requires monthly or annual sampling of constituents of concern in the discharges. Accordingly, we believe that any discharges from these platforms that are carried into State waters will comply with Ocean Plan requirements and that State waters will be protected.

With regards to the Channel Islands Marine Sanctuary, the draft fact sheet pointed out that the general permit does not authorize discharges in the Sanctuary. The nearest platform to the Sanctuary boundary is Platform Gail, which is located about 1,100 meters from the Sanctuary boundary. Based on this distance and the permit limits, the discharges should not adversely affect the Sanctuary's waters.

The Santa Barbara Channelkeeper website (www.SBCK.org) notes that 36 new State MPAs were adopted off the Southern California coast in December 2010, five of which are located in the Santa Barbara area. However, these MPAs are all located in State waters and, as noted above, we believe the requirements of the general permit will ensure such areas are protected. The Federal MPAs are all within the Channel Islands Marine Sanctuary and, as also noted above, we believe the general permit will also protect these areas.

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Lastly, we would agree with the commenter that there are areas of biological concern in certain areas of the Santa Barbara Channel. However, the general permit only authorizes discharges within the 49 lease blocks considered active by BOEM, and information was not provided showing that these particular blocks include areas of concern such as those noted by the commenter. As such, the final permit (including the CWIS requirements that are also discussed in response to comment #3) was not revised regarding this issue.

10) Comment: Santa Barbara Channelkeeper recommended the water quality criterion for undissociated sulfide be decreased from 5.79 ug/l to 2 ug/l, and that Region 9 confirm that the CCC had concurred with the 2009 revision from 2 ug/l to 5.79 ug/l. Channelkeeper also questioned whether the revision would ensure consistency with State standards.

Response: The revision from 2 ug/l to 5.79 ug/l for the criterion was based on a 2006 study entitled "Site-Specific Sulfide Criterion for Produced Water Discharges at Five California OCS Platforms." Region 9 worked with EPA's Office of Science and Technology in reviewing the study and finally selecting the revised criterion of 5.79 ug/l, which we believe is based on sound science. Additional information is available in the fact sheet for the 2009 permit modification which is available at: http://www.epa.gov/region9/water/npdes/permits.html#watersca.

On March 27, 2009 Region 9 submitted its CZMA consistency determination for the 2009 general permit modification (including the revision of the undissociated sulfide criterion from 2 ug/l to 5.79 ug/l) to the CCC. On November 19, 2009, the CCC provided its concurrence with the modification, including the revised criterion for undissociated sulfide. The California Ocean Plan does not include a water quality objective for undissociated sulfide and as such, the revision is not inconsistent with the Ocean Plan. Therefore, the figure of 5.79 ug/l was retained in the final permit.

11) Comment: Santa Barbara Channelkeeper recommended that Region 9 ensure independent third party monitoring to verify compliance with permit effluent limits, and urged Region 9 to renew the commitment in the CZMA consistency certification for the 2004 permit related to third party monitoring.

Response: In 1989, EPA and the former Minerals Management Service (now BSEE and two other separate agencies) entered into an MOA which provides that BSEE will conduct certain inspection and sampling activities for EPA at offshore oil and gas facilities. This sampling has been conducted annually since 1990 and Region 9 believes it addresses the concerns of the commenter.

In a letter dated December 20, 2012, Region 9 submitted its CZMA consistency determination for the general permit to the CCC. The letter did not specifically address the BSEE monitoring activities; following guidance on the CCC website, the certification focused on demonstrating consistency with the enforceable policies of Articles 1 through 7 of Chapter 3 of the California Coastal Act. However, in a letter to the CCC dated May

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2, 2013, Region 9 amended its CZMA consistency determination and committed (as recommended by the commenter) to continue working with BSEE in implementing the MOA during the term of the permit.

12) Comment: Santa Barbara Channelkeeper disagreed with the apparent determination in the fact sheet that synthetic-based drilling muds need not be regulated at this time. The fact sheet had indicated that one operator had expressed an interest in using such muds during the term of the permit.

Response: The permit does not authorize discharges of synthetic-based drilling muds; in effect, the effluent limit is no discharge, which is the most stringent of all effluent limits. Given the limited interest in using such muds in Region 9, we believe an individual NPDES permit would be appropriate, especially given the complexity of the effluent guidelines for the discharges at 40 CFR 435.13.

13) Comment: BOEM recommended that the term "Summary Lease Report" in Part I.A.2 of the proposed permit be changed to "Status of Leases" to ensure correct terminology.

Response: Region 9 agrees with the commenter on this matter, and the final permit was revised to include the recommended change.

14) Comment: BOEM recommended that the word "exploration" be removed from Part I.A.6.a of the permit because there are no exploration facilities on the platforms. This change should also be reflected in the fact sheet.

Response: The draft fact sheet noted that in some circumstances a well considered to be "exploratory" may be drilled from a fixed production platform rather than a mobile exploratory drilling vessel. As such, Region 9 has retained the word "exploration" in Part I.A.6.a of the final permit to clarify that discharges from such an operation would be authorized by the permit.

15) Comment: BOEM noted that some permittees are now using NetDMR to submit their DMRs. Part III.A.2 of the proposed permit, however, requires the use of EPA form No. 3320-1 for the submittal of DMRs. The commenter recommended that Part III.A.2 be modified to reflect the new NetDMR option.

Response: Region 9 agrees with the commenter on this matter and the final permit incorporates the recommended revision in Part III.A.2 and Part III.C where the revision is also needed.

16) Comment: BOEM requested that Part I.A.6.d of the proposed permit be revised to correct BOEM's current address.

Response: Region 9 has made the recommended revision in Part I.A.6.d of the final permit.

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17) Comment: BOEM suggested deleting platforms from Appendix B of the permit if there are no requirements for a given platform. For example, Platform Harmony is listed in Appendix B, but there are no effluent limits or monitoring requirements specified.

Response: Region 9 believes it is helpful in clarifying the permit to include such platforms. Questions may arise about the status of such platforms if they were not included. Accordingly, the final permit includes the platforms.

18) Comment: BOEM noted that its regulations are now found at 30 CFR 550 whereas regulations pertaining to BSEE are found at 30 CFR 250. This change should be reflected in section IV.C of the fact sheet.

Response: Region 9 agrees with the commenter, and the Addendum to Fact Sheet for the final permit acknowledges this revision.

19) Comment: Section V.H of the draft fact sheet had suggested that some Pacific OCS platforms were nearing the end of their useful lives and accordingly, studies of the effects of platform removal were being conducted. BOEM indicated that the statement was misleading and that decommissioning of any platforms was at least five or more years away. The commenter provided an alternate description of the current status of the platforms.

Response: The Addendum to Final Sheet for the final permit re-characterizes the status of the platforms in accordance with the commenter's recommendation.

20) Comment: Section V.H of the draft fact sheet indicated that only 15 platforms may discharge produced water. However, Table 5 of the proposed permit includes annual discharge limits for 19 platforms or combinations of platforms. BOEM requested an explanation.

Response: The number (15) of platforms discharging produced water noted in the draft fact sheet referred to platforms currently discharging produced water and those with a reasonable likelihood of discharging produced water during the term of the permit. The limits in Table 5 were based on industry estimates provided for the 2004 permit and included figures for all platforms even where produced water discharges are unlikely. This is the reason for the difference in the lists of platforms.

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