Message

From: D'Angelo, Lauren [DAngelo.Lauren@epa.gov]
Sent: 9/22/2022 4:17:48 PM
To: Young, Nichole [young.nichole@epa.gov]; Angove, Sharon [Angove.Sharon@epa.gov]; Nguyen, Helen [Nguyen.Helen@epa.gov]; Garcia, Mitty [Garcia.Mitty@epa.gov]
CC: Mayer, Amanda N (CGI Federal) [amanda.nadeau@cgifederal.com]; Tillman, James W (CGI Federal) [james.w.tillman@cgifederal.com]; Greg Slusher [gregory.h.slusher@cgifederal.com]; Kaldani, Jason [Kaldani.Jason@epa.gov]; Nguyen, Jake [Nguyen.Jake@epa.gov]
Subject: RE: GMG Permit Update

Hi Nichole,

If you are able to attend for at least the first few minutes of the meeting just to give a quick update, that will be very helpful. The discussion will focus on the risks I have identified below and the timeline moving forward. Ideally we can come to an agreement regarding a later Production release for the reasons listed below and with the understanding that there are several outstanding Action Items to be completed before going live.

For all others – we will discuss in detail next week.

Thanks,
Lauren

From: Young, Nichole <young.nichole@epa.gov>
Sent: Thursday, September 22, 2022 12:02 PM
To: D'Angelo, Lauren <DAngelo.Lauren@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>; Nguyen, Helen <Nguyen.Helen@epa.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>
Cc: Mayer, Amanda N (CGI Federal) <amanda.nadeau@cgifederal.com>; Tillman, James W (CGI Federal) <james.w.tillman@cgifederal.com>; Greg Slusher <gregory.h.slusher@cgifederal.com>; Kaldani, Jason <Kaldani.Jason@epa.gov>; Nguyen, Jake <Nguyen.Jake@epa.gov>
Subject: RE: GMG Permit Update

Lauren,

If possible can we either keep the meeting short or can I shoot you an email to keep you updated. Or I can update Sharon and Mitty and they can relay the information in the meeting. I am extremely busy responding to comments and trying to finalize the permit and am devoting all of my time and energy to that effort.

From: D'Angelo, Lauren <DAngelo.Lauren@epa.gov>
Sent: Thursday, September 22, 2022 9:44 AM
To: Young, Nichole <young.nichole@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>; Nguyen, Helen <Nguyen.Helen@epa.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>
Cc: Mayer, Amanda N (CGI Federal) <amanda.nadeau@cgifederal.com>; Tillman, James W (CGI Federal) <james.w.tillman@cgifederal.com>; Greg Slusher <gregory.h.slusher@cgifederal.com>; Kaldani, Jason <Kaldani.Jason@epa.gov>; Nguyen, Jake <Nguyen.Jake@epa.gov>
Subject: RE: GMG Permit Update

Hi Nichole and Sharon,

Regarding Nichole's email below indicating the possibility of the permit not going into an Admin Continued period and becoming effective 10/1/22, in general, at least two weeks notice is preferred before deploying updates to Production. This allows CGI adequate time to develop and test the applications in the Testing environment to ensure that the code

that is being deployed to Production does not introduce any bugs or errors. With that said, we do have a Production deployment scheduled for 9/23/22 to implement the 2017 GMG290000 expiration and begin the Administrative Continuation coverage on midnight on 10/1/22.

In the event that the permit is signed on 9/30/22 to be effective on 10/1/22, CGI would have to have the code for the reissuance deployed to Production on 9/30/22 to take effect on midnight on 10/1/22. While this is possible, there are a number of risks associated with this approach. If the code was to be deployed to Production, it would need to be deployed to the TEST environment **no later than Tuesday 9/27** to ensure there are at least two business days to perform full regression testing before deploying the code on 9/30/22 to Production. This timeline assumes that any issues discovered during regressing testing are minimum and can be addressed prior to 9/30/22. Another risk associated is that the code could potentially be deployed on 9/30/22 before the permit is even signed.

There are also a number of open items that need to be addressed outside of the NeTGMG application. These items are:
1. Updating the final limit sets in ICIS
2. Entering in the GMG290000 MGP updates in ICIS TEST, original deadline 8/4/22 (this is **in addition to** any updates you have been making to the General Permit Covered Facility GMG29000N in PROD)
3. Entering in the GMG290000 MGP updates in ICIS PROD and reissuing the MGP effective 10/1
4. Conducting user training sessions to both end users and the NPDES help desk.

Not having the updates in ICIS TEST during the anticipated regression testing period of 9/27 – 9/29 will hinder us from performing full end-to-end regression testing prior to Production deployment on 9/30. All of the actions listed above ideally should be completed before we go live in Production. A finalization of ICIS requirements on 9/30 is not enough time to complete the above actions before reissuing 10/1.

Even though technically the GMG reissuance code could be deployed to Production on 9/30, I would suggest deferring the deployment to Production no earlier than 10/14 for the reasons listed above and to ensure the NeTGMG application is thoroughly tested and that the limit sets are accurate and tested in ICIS. This will also allow additional time to debrief the NPDES help desk and potentially end users of the updates that are being made to GMG to support the 2022 reissuance.

It is critical that we remain in communication regarding any changes to the timeline of the GMG reissuance. Let's please discuss the overall timeline to ensure that there would not be any negative ramifications associated with a 10/14 deployment. I will schedule a meeting for early next week to discuss.

Thank you,
Lauren

From: Young, Nichole <young.nichole@epa.gov>
Sent: Wednesday, September 21, 2022 9:14 AM
To: Angove, Sharon <Angove.Sharon@epa.gov>; D'Angelo, Lauren <DAngelo.Lauren@epa.gov>; Nguyen, Helen <Nguyen.Helen@epa.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>
Cc: Mayer, Amanda N (CGI Federal) <amanda.nadeau@cgifederal.com>; Tillman, James W (CGI Federal) <james.w.tillman@cgifederal.com>
Subject: RE: GMG Permit Update

Lauren,

For clarification we cannot say for certain that the permit will go into Admin. Continuance status, however we will know forsure by the end of next week. If permit does go into admin cont. status we anticipate that this will be a fairly short time period.

Thanks,

Nichole Young

From: Angove, Sharon <Angove.Sharon@epa.gov>
Sent: Wednesday, September 21, 2022 7:49 AM
To: D'Angelo, Lauren <DAngelo.Lauren@epa.gov>; Nguyen, Helen <Nguyen.Helen@epa.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>; Young, Nichole <young.nichole@epa.gov>
Cc: Mayer, Amanda N (CGI Federal) <amanda.nadeau@cgifederal.com>; Tillman, James W (CGI Federal) <james.w.tillman@cgifederal.com>
Subject: RE: GMG Permit Update

Lauren,

It has not been lost on our part regarding getting the 2022 GMG DMR ready; we have had 2 meetings per week for quite some time and have made significant progress. But, we had to wait on others input to get to where we are now. We had to resort to a lot of cattle prodding and going through Manager's help to get to where we are now.

We have 2 pieces left to finalize and will have them done either late this week/early next week. The GMG29000N DMR will be finalized before September 30th.

As for the permit, it is still going to Administratively Continued Status. The permit writer will determine when the permit is ready to be signed, pending final review/response to public comments. The deadline for public comments was yesterday, September 20th. I received comments from our Department of Interior and the Offshore Operators Committee; I forwarded them to Nichole as she is the one who must review/respond. She had stated to me that she will get the 2022 permit reissued as quickly as possible but could not give me an exact date. She is cc: on this email and may have a more definitive timeline to provide.

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECDWE)
Enforcement and Compliance Assurance Division (ECD)
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Dallas, TX 75270
(214) 665-6472 (office)
(214) 665-2168 (fax)
mailto:angove.sharon@epa.gov

NEW Region 6 Offshore Enforcement web site, as of 08/07/2017: https://www.epa.gov/npdes-permits/western-and-central-gulf-mexico-offshore-oil-gas-npdes-program

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From: D'Angelo, Lauren <DAngelo.Lauren@epa.gov>
Sent: Wednesday, September 21, 2022 7:22 AM
To: Angove, Sharon <Angove.Sharon@epa.gov>; Nguyen, Helen <Nguyen.Helen@epa.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>; Young, Nichole <young.nichole@epa.gov>
Cc: Mayer, Amanda N (CGI Federal) <amanda.nadeau@cgifederal.com>; Tillman, James W (CGI Federal) <james.w.tillman@cgifederal.com>
Subject: GMG Permit Update

Hi Sharon,

I am reaching out for an update regarding the 2022 GMG and its current status. Do you have an update on the timeline of the permit signing? It is our understanding that the permit will be going into an Admin Continued status 10/1/22, but we were looking for any additional timing information you may have regarding when the permit will become effective.

Additionally, the coding of the new MGP requirements have not been completed in ICIS TEST. They have also not been completed on the GMG29000N record that was created in PROD. It does not appear that the new parameters that were added to PROD by Steve Rubin have been added to any of the Limit Sets under GMG29000N. ICIS is showing that only the PLAT limit sets have been added so far.

There is a planned ICIS TEST refresh happening sometime in early October. I will be setting up a meeting with myself, Jim from CGI, and Helen to walk through the coding completion of the updated GMG29000 requirements. Due to the refresh, we can update the GMG29000N record in PROD to reflect the 2022 GMG29000 requirements, and copy those requirements over to the MGP in TEST after the refresh. **It is imperative that this gets completed to allow for adequate end to end testing before the permit is reissued. Even if the requirements have not been finalized, it is beneficial to code what the expected requirements will be and then make adjustments if needed.** I will send out a meeting invite for sometime next week so that we can ensure this action gets completed by the time the 2022 NOI is in the TEST environment (estimated date for that is 9/28/22).

Thank you,

Lauren D'Angelo
U.S. EPA
Program Analyst, ICIS OM&M
OECA/OC/ETDD
202-564-6781

Message

From: Young, Nichole [young.nichole@epa.gov]
Sent: 1/9/2023 11:18:49 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]; Casey Callahan [casey.callahan@merjent.com]; Garcia, Mitty [Garcia.Mitty@epa.gov]
Subject: RE: Question regarding status of NPDES GMG290000

Yes Casey that is correct.

From: Angove, Sharon <Angove.Sharon@epa.gov>
Sent: Monday, January 9, 2023 1:39 PM
To: Casey Callahan <casey.callahan@merjent.com>; Garcia, Mitty <Garcia.Mitty@epa.gov>
Cc: Young, Nichole <young.nichole@epa.gov>
Subject: RE: Question regarding status of NPDES GMG290000

Casey,

I am referring your question to our offshore permit writer, Nichole Young, who would know the latest status of the GMG permit.

It had been in Administratively Continued Status through December; not sure where it stands now that it is January.

From: Casey Callahan <casey.callahan@merjent.com>
Sent: Monday, January 9, 2023 12:03 PM
To: Angove, Sharon <Angove.Sharon@epa.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>
Subject: Question regarding status of NPDES GMG290000

Hello, I'm trying to confirm that NPDES GMG290000 is still in administrative continuance and that a new permit hasn't been issued yet?

Thanks.
Casey

Casey Callahan
Chief Operating Officer

443.569.2107 mobile
casey.callahan@merjent.com

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Message

From: Young, Nichole [young.nichole@epa.gov]
Sent: 1/9/2023 11:20:35 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]; Casey Callahan [casey.callahan@merjent.com]; Garcia, Mitty [Garcia.Mitty@epa.gov]
CC: Zavala, Silvia [Zavala.Silvia@epa.gov]
Subject: RE: Question regarding status of NPDES GMG290000

Casey,

Yes once/year tox test for misc discharges is correct.

From: Angove, Sharon <Angove.Sharon@epa.gov>
Sent: Monday, January 9, 2023 1:41 PM
To: Casey Callahan <casey.callahan@merjent.com>; Garcia, Mitty <Garcia.Mitty@epa.gov>
Cc: Young, Nichole <young.nichole@epa.gov>; Zavala, Silvia <Zavala.Silvia@epa.gov>
Subject: RE: Question regarding status of NPDES GMG290000

Referring you second question to our toxicity expert, Silvia Zavala.

From: Casey Callahan <casey.callahan@merjent.com>
Sent: Monday, January 9, 2023 12:22 PM
To: Angove, Sharon <Angove.Sharon@epa.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>
Subject: RE: Question regarding status of NPDES GMG290000

Also, to confirm, under NPDES GMG290000, discharges of uncontaminated seawater need to be monitored for toxicity 1/year, correct?

Thanks.

Casey Callahan
Chief Operating Officer

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casey.callahan@merjent.com

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Minneapolis, MN 55414
612.746.3660 main
www.merjent.com

From: Casey Callahan
Sent: Monday, January 9, 2023 1:03 PM
To: 'angove.sharon@epa.gov' <angove.sharon@epa.gov>; 'garcia.mitty@epa.gov' <garcia.mitty@epa.gov>
Subject: Question regarding status of NPDES GMG290000

Hello, I'm trying to confirm that NPDES GMG290000 is still in administrative continuance and that a new permit hasn't been issued yet?

Thanks.
Casey

Casey Callahan
Chief Operating Officer

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Message

From: Stephanie Kusinski [stephanie@theooc.org]
Sent: 1/30/2023 3:21:02 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
CC: Greg Southworth [greg@theooc.org]; Garcia, Mitty [Garcia.Mitty@epa.gov]
Subject: Re: Permit Training Attendees
Attachments: 2023 GMG Permit Training Registration updated 2023 01 30.xlsx

Hi Sharon -

We had a few more people wanting to register for the permit training. I've attached the full list with the additional 7 people listed at the bottom. Please let me know if you have any questions.

Thanks,
stephanie

On Thu, Jan 19, 2023 at 3:29 PM Angove, Sharon <Angove.Sharon@epa.gov> wrote:

Greg,

Thank you very much for putting this list together for us. This will help us very much to get the word out to as much of the industry as possible when we are ready to do the training.

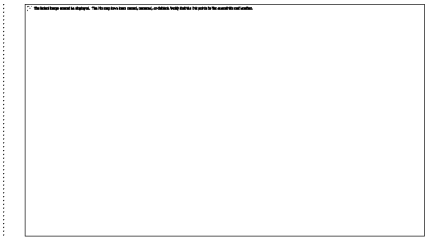
Emails will be sent out in advance of that training to those on the list so they will have a heads up to know the what/when/where/how/and how to register for the training.

From: Greg Southworth <greg@theooc.org>
Sent: Thursday, January 19, 2023 1:32 PM
To: Angove, Sharon <Angove.Sharon@epa.gov>
Cc: Stephanie Kusinski <stephanie@theooc.org>
Subject: Permit Training Attendees

Sharon -

Attached are the names and associated information you requested to plan the permit training. Currently there are 58 people listed. If you have no objections we would like to leave the registration form open for another week to see if we get any additional people interested.

Please let me know if that works for you.



The limited image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

Timestamp	Email Address	Attendee First Name	Attendee Last Name
1/13/2023 14:05:11	lindsay.wright@external.eni.com	Lindsay	Wright
1/13/2023 14:06:33	mbegnaud@arenaoffshore.com	Marla	Begnaud
1/13/2023 14:10:38	ddaniel@eeusa.com	David	Daniel
1/13/2023 14:14:21	knorton@eeusa.com	Kim	Norton
1/13/2023 14:21:10	Osvaldo.Pascolini@eni.com	Osvaldo	Pascolini
1/13/2023 14:22:00	Cyril.Mickiewicz@eni.com	Cyril	Mickiewicz
1/13/2023 14:24:19	jgriffith@eeusa.com	Jennifer	Griffith
1/13/2023 15:22:25	lauren1234cox@gmail.com	Lauren	Cox
1/13/2023 16:00:35	bradley.koskowich@bp.com	Bradley	Koskowich
1/13/2023 16:25:01	ckirchof@tetratec.com	Clifford	Kirchof
1/13/2023 17:23:05	Jeremy.Dugas@commodoreoffshore.com	Jeremy	Dugas
1/14/2023 13:56:41	joanna.e.spires@hess.com	Joanna	Spires
1/15/2023 21:29:15	Joshua.e.obrien@shell.com	Joshua	O'Brien
1/16/2023 7:15:44	sue.sachitana@llog.com	Susan	Sachitana
1/16/2023 7:29:52	mandie.bosch@chevron.com	Mandie	Bosch
1/16/2023 7:31:33	kim.desopo@llog.com	kim	DeSopo
1/16/2023 7:54:36	Shilpi_desai@murphyoilcorp.com	SHILPI	DESAI
1/16/2023 9:20:05	pamela.schick@jccteam.com	Pam	Schick
1/16/2023 11:33:25	adeady@arenaoffshore.com	Aimee	Deady
1/16/2023 11:34:29	abirdwell@arenaoffshore.com	Amy	Birdwell
1/16/2023 11:37:50	jim.rocco@iadc.org	JIm.	Rocco
1/16/2023 14:58:09	mary.nguyen@jccteam.com	Mary	Nguyen
1/16/2023 15:02:33	bennie.eldred@mineralstech.com	Bennie	Eldred
1/17/2023 6:31:32	kyle.clocksin@woodside.com	Kyle	Clocksin
1/17/2023 7:09:46	shamm@wtoffshore.com	Steve	Hamm
1/17/2023 7:46:50	Sofia_Lamon@oxy.com	Sofia	Lamon
1/17/2023 7:48:44	lthomas@kosmosenergy.com	Lee	Thomas
1/17/2023 7:48:49	vanessa.villagran@apachecorp.com	Vanessa	Villagran
1/17/2023 7:49:36	jamtaylor@noblecorp.com	James	Taylor
1/17/2023 7:50:50	jrl@coxoil.com	Jason	Rains-Love
1/17/2023 8:04:02	bhebert@beaconoffshore.com	Brandon	Hebert
1/17/2023 8:05:06	bmcfadden@arenaoffshore.com	Brittany	McFadden
1/17/2023 8:56:26	daviddykes@chevron.com	David	Dykes
1/17/2023 9:07:03	cindy_kunkel@murphyoilcorp.com	Cindy	Kunkel
1/17/2023 9:31:03	sara_carlson@oxy.com	Sara	Carlson
1/17/2023 9:49:08	mark.hasenkampf@jccteam.com	Mark	Hasenkampf
1/17/2023 10:16:31	alexia@kcampassociates.com	Alexia	Camp
1/17/2023 10:17:50	jeff.camp@kcampassociates.com	Jeff	Camp
1/17/2023 10:22:40	bridghebert@gmail.com	Bridget	Hebert
1/17/2023 11:04:02	brianeboyer@gmail.com	Brian	Boyer
1/17/2023 11:28:11	carly.moss@chevron.com	Carly	Moss
1/17/2023 13:05:14	marsha.lutz@jccteam.com	Marsha	Lutz
1/17/2023 13:28:40	kristy.copeland@jccteam.com	Kristy	Copeland
1/17/2023 13:58:53	cpowell@enven.com	Cheryl	Powell
1/17/2023 14:36:34	ashleyhaynes@chevron.com	Ashley	Haynes
1/17/2023 16:15:44	morris.jones@shell.com	Morris	Jones
1/17/2023 17:00:21	warren.moity@shell.com	Warren	Moity
1/18/2023 8:47:33	Lauren.cox@woodside.com	Lauren	Cox
1/18/2023 8:49:19	dani.milling@chevron.com	Dani	Milling
1/18/2023 9:05:19	eddie_borden@oxy.com	Eddie	Borden
1/18/2023 10:14:14	carson.morey@shell.com	Carson	Morey
1/18/2023 12:16:08	bijon.rafie@shell.com	Bijon	Rafie
1/18/2023 13:48:43	ezinne.rennie@woodside.com.au	Ezinne	Rennie

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knorton@eeusa.com	985-646-2787
Osvaldo.Pascolini@eni.com	832-247-8885
Cyril.Mickiewicz@eni.com	281-682-2973
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shamm@wtoffshore.com	713-624-7338
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bhebert@beaconoffshore.com	985-666-0143
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kristy.copeland@jccteam.com	512-965-1700
cpowell@enven.com	713-335-7041
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morris.jones@shell.com	5044254929
warren.moity@shell.com	504 425 3480
lauren.cox1@petroleumdeepwater.com	2702270018
dani.milling@chevron.com	832-878-1735
eddie_borden@oxy.com	281-770-7082
carson.morey@shell.com	8323372779
bawr747@gmail.com	17654702023
ezinne.rennie@woodside.com.au	8324755413

Company Name	Company Permit Number
Eni US Operating Co. Inc.	CMG290002
Arena Offshore LP	GMG290269
Environmental Enterprises USA Inc	Environmental Enterprises USA Inc
Environmental Enterprises USA, Inc.	GMG290351
Eni US Operating Co. Inc.	GMG290002
Eni US Operating Co. Inc.	GMG290002
Environmental Enterprises USA, Inc.	290103
Woodside	Unsure
BP	GMG290110
TETRA Technologies, Inc	contractor
GOM Shelf LLC	GMG290235
Hess	GMG290003
Shell Offshore Inc.	GMG290103
LLOG Exploration Offshore, LLC	GMG290180
Chevron U.S.A. Inc.	GMG290132
LLOG Exploration Offshore, LLC	GMG290180
Murphy Oil Corporation	GMG29062K
J. Connor Consulting, Inc.	Consulting Firm-No Specific Permit #
Arena Offshore, LP	GMG290269
Arena Offshore, LP	GMG290269
International Association of Drilling Contractors	N/A
J. Connor Consulting	2815783388
Cetco Energy Services	GMG290268
Woodside Energy	GMG290184
W&T Offshore, Inc.	GMG290067
Oxy	GMG290006
Kosmos Energy	GMG290573
Apache Corporation	GMG290388
Noble Drilling	GMG290405
Cox Operating LLC	Cox Operating LLC
BOE Exploration & Production	GMG290629
Arena Offshore	Arena Offshore
Chevron North America Exploration & Production Company	GMG290132
Murphy Exploration & Production Company - USA	Murphy Exploration & Production Company - USA
Anadarko petroleum corporation	GMG290006
J. Connor Consulting	GMG 290573
K Camp Associates	290340
K Camp Associates	290357
BTGap LLC, Consultant	GMG290163, GMG290203
BTGap, L.L.C. - consultant to Cantium, LLC	290615
Chevron	GMG290132
J. Connor Consulting, Inc.	J. Connor Consulting, Inc.
J. CONNOR COCSULTING	123
EnVen	GMG290376
Chevron	GMG290132
Shell	GMG290103
Shell	Western Gulf of Mexico
Woodside	GMG290184
Chevron	GMG290132
Anadarko Petroleum (Oxy)	GMG290006
Shell	GMG290103
Shell	GMG290103
Woodside Energy	GMG290184.

1/19/2023 6:44:17	shannon.e.ortega@woodside.com	Shannon	Ortega
1/19/2023 9:01:05	lindsay.smith@williams.com	Lindsay	Smith
1/19/2023 9:30:03	michael.rains@shell.com	Mike	Rains
1/19/2023 9:46:22	Damonica.pierson@shell.com	Damonica	Pierson
1/19/2023 10:11:53	ailsa.robson@cantium.us	Ailsa	Robson
1/20/2023 9:27:00	Janet.Resseguie@deepwater.com	Janet	Resseguie
1/20/2023 9:27:06	micah.lindsey@deepwater.com	Micah	Lindsey
1/20/2023 9:29:28	caitlyn.mitts@deepwater.com	Caitlyn	Mitts
1/20/2023 9:56:03	kaourantin.duplenne@deepwater.com	Kaourantin	Duplenne
1/20/2023 12:10:19	neil.obrien@deepwater.com	Neil	O'Brien
1/21/2023 20:18:13	bepperson@hess.com	Brian	Epperson
1/22/2023 16:49:08	matt.harlan@jccteam.com	Matt	Harlan

shannon.e.ortega@woodside.com	505-592-2245	
lindsay.smith@williams.com	405-590-2552	
michael.rains@shell.com	504-230-9709	
Damonica.pierson@shell.com		5044259065
ailsa.robson@cantium.us	713-775-7758	
Janet.Resseguie@deepwater.com		7135877500
micah.lindsey@deepwater.com		2818441769
caitlyn.mitts@deepwater.com		12816850389
kaourantin.duplenne@deepwater.com		13464985374
Neil.Obrien@deepwater.com		3462693301
bepperson@hess.com		7013890547
matt.harlan@jccteam.com	281-578-3388	

Woodside Energy	GMG290184
Williams	GMG290263
Shell Oil	GMG290103
Shell	GMG290103
Cantium LLC	GMG290615
Transocean	GMG290347
Transocean	GMG 290347
Transocean	GMG290347
Transocean	GMG290347
Transocean	Unknown
Hess	Hess
J. Connor Consulting	GMG290000

Message

From: Casey Callahan [casey.callahan@merjent.com]
Sent: 2/1/2023 4:35:57 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: EXTERNAL: RE: Question regarding status of NPDES GMG290000
Attachments: Read: EXTERNAL: RE: Question regarding status of NPDES GMG290000

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Delivery Report

From: Casey Callahan [casey.callahan@merjent.com]
Sent: 2/1/2023 4:35:57 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: EXTERNAL: RE: Question regarding status of NPDES GMG290000

Your message
To: Nguyen, Helen; Casey Callahan
CC: Young, Nichole; Garcia, Mitty
Subject: RE: EXTERNAL: RE: Question regarding status of NPDES GMG290000
Sent: 2/1/2023 3:57:34 PM

was read on 2/1/2023 4:35:49 PM

Your message

To: Casey Callahan
Subject: RE: EXTERNAL: RE: Question regarding status of NPDES GMG290000
Sent: Wednesday, February 1, 2023 9:57:34 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, February 1, 2023 10:35:49 AM (UTC-06:00) Central Time (US & Canada).

Message

From: D'Angelo, Lauren [DAngelo.Lauren@epa.gov]
Sent: 2/16/2023 12:46:38 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
CC: Tillman, James W (CGI Federal) [james.w.tillman@cgifederal.com]; Mayer, Amanda N (CGI Federal) [amanda.nadeau@cgifederal.com]; Bouras, Peter C (CGI Federal) [peter.bouras@cgifederal.com]; robert.west1@cgifederal.com; Nguyen, Trish [Nguyen.Trish@epa.gov]; Nguyen, Jake [Nguyen.Jake@epa.gov]; Nguyen, Helen [Nguyen.Helen@epa.gov]; Lescure, Nasrin [Lescure.Nasrin@epa.gov]; Garcia, Mitty [Garcia.Mitty@epa.gov]
Subject: RE: Status of Reissued GMG290000 Offshore General Permit

Thank you for the update!

From: Angove, Sharon <Angove.Sharon@epa.gov>
Sent: Thursday, February 16, 2023 7:44 AM
To: D'Angelo, Lauren <DAngelo.Lauren@epa.gov>
Cc: Tillman, James W (CGI Federal) <james.w.tillman@cgifederal.com>; Mayer, Amanda N (CGI Federal) <amanda.nadeau@cgifederal.com>; Bouras, Peter C (CGI Federal) <peter.bouras@cgifederal.com>; robert.west1@cgifederal.com; Nguyen, Trish <Nguyen.Trish@epa.gov>; Nguyen, Jake <Nguyen.Jake@epa.gov>; Nguyen, Helen <Nguyen.Helen@epa.gov>; Lescure, Nasrin <Lescure.Nasrin@epa.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>
Subject: Status of Reissued GMG290000 Offshore General Permit

FYI…

I was informed late yesterday afternoon by Mitty that the new timeframe for the GMG290000 general permit to be reissued is:

sometime between April 1 - end of May 2023

I wanted to share this information as some of you have asked from time to time the status of its reissuance.

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECD-WE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
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(214) 665-6472 (office)
(214) 665-2168 (fax)
angove.sharon@epa.gov

NEW Region 6 Offshore Enforcement web site, as of December 2022:
https://www.epa.gov/npdes-permits/western-and-central-gulf-mexico-offshore-oil-gas-npdes-program

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Delivery Report

From: Tillman, James W (CGI Federal) [james.w.tillman@cgifederal.com]
Sent: 2/16/2023 2:22:36 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: Status of Reissued GMG290000 Offshore General Permit

Your message
To: Tillman, James W (CGI Federal)

was read 2/16/2023
on 2:22:36
PM

Your message

To:
Subject: Status of Reissued GMG290000 Offshore General Permit
Sent: Thursday, February 16, 2023 2:22:47 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, February 16, 2023 2:22:36 PM (UTC+00:00) Monrovia, Reykjavik.

Message

From: Tillman, James W (CGI Federal) [james.w.tillman@cgifederal.com]
Sent: 2/16/2023 2:24:54 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: RE: Status of Reissued GMG290000 Offshore General Permit

Thanks Sharon.. I appreciate the notification. Hope you have a good Thursday!

Jim T.

From: Angove, Sharon <Angove.Sharon@epa.gov>
Sent: Thursday, February 16, 2023 6:44 AM
To: D'Angelo, Lauren <DAngelo.Lauren@epa.gov>
Cc: Tillman, James W (CGI Federal) <james.w.tillman@cgifederal.com>; Mayer, Amanda N (CGI Federal) <amanda.nadeau@cgifederal.com>; Bouras, Peter C (CGI Federal) <peter.bouras@cgifederal.com>; West, Robert C (CGI Federal) <robert.west1@cgifederal.com>; Nguyen, Trish <Nguyen.Trish@epa.gov>; Nguyen, Jake <Nguyen.Jake@epa.gov>; Nguyen, Helen <Nguyen.Helen@epa.gov>; Lescure, Nasrin <Lescure.Nasrin@epa.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>
Subject: Status of Reissued GMG290000 Offshore General Permit

EXTERNAL SENDER: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

FYI…

I was informed late yesterday afternoon by Mitty that the new timeframe for the GMG290000 general permit to be reissued is:

sometime between April 1 - end of May 2023

I wanted to share this information as some of you have asked from time to time the status of its reissuance.

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECD-WE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-6472 (office)
(214) 665-2168 (fax)
angove.sharon@epa.gov

NEW Region 6 Offshore Enforcement web site, as of December 2022:

https://www.epa.gov/npdes-permits/western-and-central-gulf-mexico-offshore-oil-gas-npdes-program

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Message

From: Greg Southworth [greg@theooc.org]
Sent: 2/27/2023 3:29:58 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Re: GMG290000 General Permit

Thanks, Sharon.

On Thu, Feb 23, 2023 at 11:29 AM Angove, Sharon <Angove.Sharon@epa.gov> wrote:

FYI…the permit is still pending reissuance.

The new **projected** timeline for reissuance is now: April/May 2023.

Am sharing this information as I am getting phone calls/emails from the offshore industry on the latest status of its reissuance.

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECD-WE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-6472 (office)
(214) 665-2168 (fax)
angove.sharon@epa.gov

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Message

From: Houghton, Jesse [jesse@ig.utexas.edu]
Sent: 3/9/2023 8:14:34 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: RE: GMG Permit

Hi Sharon,

I hope this email finds you well. I have a couple of brief questions.

The first question is if there any updates on the GMG290000 permit? Do we know yet if the Regional Administrator has requested additional changes from the permit writer? If not, does that mean the permit been sent to OMB for the significance determination?

The second question is whether we were supposed to have received information for the new CDX/NOI/DMR training. I thought these were ready, but it's possible that I misunderstood and they are still in development. I just wanted to check.

Last, in a recent meeting with our drilling vessel contractor (Helix ESG), it was mentioned that the drilling vessel we will use (the Q-4000 MODU) might not need to acquire a separate NPDES permit, and that they might be able to "piggy-back" under UT's GMG290000 permit once secured. However, I do not know whether or not this is true. It seem to me that both entities would need their own NPDES permits. Do you know if there a clear answer, or do we need to consult with our permitting consultants and review regulation?

Thank you,
Jesse

Jesse Houghton
Senior Project Manager
The University of Texas at Austin | Institute for Geophysics

From: Houghton, Jesse
Sent: Wednesday, March 1, 2023 3:22 PM
To: Angove, Sharon <Angove.Sharon@epa.gov>
Cc: Flemings, Peter B <pflemings@jsg.utexas.edu>
Subject: GMG Permit

Hi Sharon,

Thank you again for meeting with Peter and me this afternoon.

Below is Peter's and my contract information. Please add us to your distribution list for updates on the general permit, as well as for the CDX/NOI/DMR training.

Jesse Houghton
Senior Project Manager
The University of Texas at Austin
E: Jesse@IG.utexas.edu
O: 512-232-8096

Peter Flemings

Research Scientist, Professor
The University of Texas at Austin
E: pflemings@jsg.utexas.edu
O: 512-475-8738

Best regards,
Jesse

Jesse Houghton, PG, PMP
Senior Project Manager
The University of Texas at Austin, Institute for Geophysics
Jackson School of Geosciences, 5.316
512.232.8096

Message

From: Houghton, Jesse [jesse@ig.utexas.edu]
Sent: 3/9/2023 9:31:04 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: RE: GMG Permit

Sharon,

Thank you for the quick response and updates.

Best,
Jesse

Jesse Houghton
Senior Project Manager
The University of Texas at Austin | Institute for Geophysics

From: Angove, Sharon <Angove.Sharon@epa.gov>
Sent: Thursday, March 9, 2023 3:27 PM
To: Houghton, Jesse <jesse@ig.utexas.edu>
Subject: RE: GMG Permit

Jesse,

See my answers to your questions below, in **red**.

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECD-WE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-6472 (office)
(214) 665-2168 (fax)
angove.sharon@epa.gov

NEW Region 6 Offshore Enforcement web site, as of December 2022:
https://www.epa.gov/npdes-permits/western-and-central-gulf-mexico-offshore-oil-gas-npdes-program

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****

From: Houghton, Jesse <jesse@ig.utexas.edu>
Sent: Thursday, March 9, 2023 2:15 PM
To: Angove, Sharon <Angove.Sharon@epa.gov>
Subject: RE: GMG Permit

Hi Sharon,

I hope this email finds you well. I have a couple of brief questions.

The first question is if there any updates on the GMG290000 permit? Do we know yet if the Regional Administrator has requested additional changes from the permit writer? If not, does that mean the permit been sent to OMB for the significance determination? There's been no change; the permit remains in Admin Cont Status. I have not been informed of any movement of the permit from Region 6 to OMB.

The second question is whether we were supposed to have received information for the new CDX/NOI/DMR training. I thought these were ready, but it's possible that I misunderstood and they are still in development. I just wanted to check. That training won't happen until the permit has been reissued. We want to ensure we are giving you the most up-to-date "how to's. If we do anything sooner, and things change, then we are feeding you outdated information and will have to keep redoing the training which can lead to confusion.

Last, in a recent meeting with our drilling vessel contractor (Helix ESG), it was mentioned that the drilling vessel we will use (the Q-4000 MODU) might not need to acquire a separate NPDES permit, and that they might be able to "piggy-back" under UT's GMG290000 permit once secured. However, I do not know whether or not this is true. It seem to me that both entities would need their own NPDES permits. Do you know if there a clear answer, or do we need to consult with our permitting consultants and review regulation? The decision on each having their own permit coverage is based on the agreement between the primary operator and the contractor. It the primary operator wants to take responsibility for the coverage of their contractor, that is their decision not ours. In Admin Cont Status, the contractor cannot gain new coverage under an expired permit. Yet, if the primary operator has coverage, then the primary operator can take that responsibility. Then, when the permit is reissued, the primary operator can transfer that coverage to their contractor.

Thank you,
Jesse

Jesse Houghton
Senior Project Manager
The University of Texas at Austin | Institute for Geophysics

From: Houghton, Jesse
Sent: Wednesday, March 1, 2023 3:22 PM
To: Angove, Sharon <Angove.Sharon@epa.gov>
Cc: Flemings, Peter B <pflemings@jsg.utexas.edu>
Subject: GMG Permit

Hi Sharon,

Thank you again for meeting with Peter and me this afternoon.

Below is Peter's and my contract information. Please add us to your distribution list for updates on the general permit, as well as for the CDX/NOI/DMR training.

Jesse Houghton
Senior Project Manager
The University of Texas at Austin
E: Jesse@IG.utexas.edu
O: 512-232-8096

Peter Flemings
Research Scientist, Professor
The University of Texas at Austin
E: pflemings@jsg.utexas.edu
O: 512-475-8738

Best regards,
Jesse

Jesse Houghton, PG, PMP
Senior Project Manager
The University of Texas at Austin, Institute for Geophysics
Jackson School of Geosciences, 5.316
512.232.8096

Message

From: Josie Roberts [jroberts@hlpengineering.com]
Sent: 3/16/2023 7:07:19 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
CC: dhouser@hlpengineering.com
Subject: GMG Permitting Question/Scenario

Sharon,

Good afternoon! We were recently approached by a client who had questions regarding a unique scenario that we were hoping to get some insight on.

Company A is being ordered by BSEE to P&A an inactive well previously owned by an operator which no longer exists by March 31. Company A contacted Company B, who currently has coverage under the GMG290000 permit within the same lease block as the aforementioned well to inquire whether it would be possible to utilize Company B's current permit coverage for the P&A operations. The permitted feature type is a Mobile Offshore Drilling Unit, so these operations would meet the applicability criteria for coverage. Within both the current permit (2017) and the draft permit (2022), it states, *"An eNOI filed for a drilling vessel is valid for different drilling jobs within the same lease block from the originally filed location if drilling jobs are performed for the same designated operator."* From our understanding, this says that Company A would not have coverage under Company B's permit, as operations are not being completed for the same designated operator.

If our assumption is correct, and since it's impossible to proceed with a zero-discharge operation:
1) Even though the GMG290000 permit from 2017 has expired and has fallen into continuance, would the EPA recommend Company A submit a paper NOI as eNOI services aren't available to obtain adequate permit coverage for the P&A operations?
2) Should BSEE be contacted to ask for a delay of the order until the GMG permit has been reissued? (I've heard it should be reissued sometime in July of this year)

Thank you in advance for your guidance! This is just a brief rundown of the situation, so if you'd like more information, please ask!

Thanks!

Josie Roberts
Environmental Specialist

HLP engineering inc.
A Professional Environmental Firm

117 Park Center Dr.
Broussard, LA 70518
(O) 337.362.1556
www.hlpengineering.com

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Message

From: Garcia, Mitty [Garcia.Mitty@epa.gov]
Sent: 3/21/2023 4:46:49 PM
To: Broussard, T.J. [T.J.Broussard@bsee.gov]; Angove, Sharon [Angove.Sharon@epa.gov]
CC: Triche, Judy B [Judy.Triche@bsee.gov]; Mcclary, Ronald L [Ronald.Mcclary@bsee.gov]; McElroy, Damon [mcelroy.damon@epa.gov]; Young, Nichole [young.nichole@epa.gov]
Subject: RE: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

T.J,

I still think we should meet if that works for you because the offshore companies have been calling and email us (EPA R6) about not being able to meet BSEE request/requirements due to the GMG290000 permit not being issued. I'm not familiar with what is required by BSEE that would be impacted by this current situation for the offshore oil and gas industry. So, I would like to meet and learn more about what is occuring so that we can better answer questions from offshore companies.

Mitty

From: Broussard, T.J. <T.J.Broussard@bsee.gov>
Sent: Tuesday, March 21, 2023 08:59 AM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>
Cc: Triche, Judy B <Judy.Triche@bsee.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; McElroy, Damon <mcelroy.damon@epa.gov>; Young, Nichole <young.nichole@epa.gov>
Subject: Re: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

I haven't received anything back from OOC yet to discuss.
I mentioned what Nichole noted below - ***that OOC has requested a meeting with you/EPA R6 to discuss the issue/consider options***. I then recommend that we drop the item from the BSEE-OOC agenda to allow for OOC to meet with your office first - allow an options discussion with the agency overseeing the program - before coming in to BSEE asking for extensions and variances under our regulations to address speculative issues that may not even exist.

We'll see how they respond, and I'll loop back.

--

TJ Broussard
Bureau of Safety and Environmental Enforcement - Gulf of Mexico OCS Region
Regional Environmental Officer - Office of Environmental Compliance
Phone: 504-736-3245 - Cell: 985-722-7902 - FAX: 504-736-7500

From: Garcia, Mitty <Garcia.Mitty@epa.gov>
Sent: Monday, March 20, 2023 12:25 PM
To: Broussard, T.J. <T.J.Broussard@bsee.gov>; Angove, Sharon <Angove.Sharon@epa.gov>
Cc: Triche, Judy B <Judy.Triche@bsee.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; McElroy, Damon <mcelroy.damon@epa.gov>; Young, Nichole <young.nichole@epa.gov>
Subject: RE: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

T.J,

What day are you available?

Mitty

From: Broussard, T.J. <T.J.Broussard@bsee.gov>
Sent: Friday, March 17, 2023 05:02 AM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>
Cc: Triche, Judy B <Judy.Triche@bsee.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; McElroy, Damon <mcelroy.damon@epa.gov>; Young, Nichole <young.nichole@epa.gov>
Subject: Re: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

We sure can.
My RD reached out to Evan/OOC to let him know that our offices are coordinating on the issue, but he didn't get any specifics - just '*we think this*' and '*some members feel that...,*' etc. So he has given me permission to ask OOC for specific examples/details. I'm hoping to get a response, so that we can circle back and discuss.

I'll let everyone know when I get something to work with.
Thanks,
TJ

--

TJ Broussard
Bureau of Safety and Environmental Enforcement - Gulf of Mexico OCS Region
Regional Environmental Officer - Office of Environmental Compliance
Phone: 504-736-3245 - Cell: 985-722-7902 - FAX: 504-736-7500

From: Garcia, Mitty <Garcia.Mitty@epa.gov>
Sent: Thursday, March 16, 2023 3:53 PM
To: Broussard, T.J. <T.J.Broussard@bsee.gov>; Angove, Sharon <Angove.Sharon@epa.gov>
Cc: Triche, Judy B <Judy.Triche@bsee.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; McElroy, Damon <mcelroy.damon@epa.gov>
Subject: RE: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

T.J,

Can we (EPA & BSEE) meet before this meeting occurs with OOC?

Thanks,
Mitty

From: Broussard, T.J. <T.J.Broussard@bsee.gov>
Sent: Wednesday, March 15, 2023 11:00 AM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>; Young, Nichole <young.nichole@epa.gov>
Cc: Triche, Judy B <Judy.Triche@bsee.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>
Subject: Re: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

Great suggestion...as that is just how I wanted to go into the meeting - keeping the operators from pitting our agencies against each other.

I'll inquire back through my Regional Director to have OOC provide us with the details/questions to review before the meeting even starts.

TJ Broussard
Bureau of Safety and Environmental Enforcement - Gulf of Mexico OCS Region
Regional Environmental Officer - Office of Environmental Compliance
Phone: 504-736-3245 - Cell: 985-722-7902 - FAX: 504-736-7500

From: Garcia, Mitty <Garcia.Mitty@epa.gov>
Sent: Wednesday, March 15, 2023 10:30 AM
To: Broussard, T.J. <T.J.Broussard@bsee.gov>; Angove, Sharon <Angove.Sharon@epa.gov>; Young, Nichole <young.nichole@epa.gov>
Cc: Triche, Judy B <Judy.Triche@bsee.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>
Subject: RE: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

TJ,

To avoid any issues between the agencies, maybe having them (OOC) submit questions that we can both look at and address would be my recommendation. That way we (EPA/BSEE) are not contradicting each other. We have been getting similar questions on this "issue" as well.

Mitty

From: Broussard, T.J. <T.J.Broussard@bsee.gov>
Sent: Wednesday, March 15, 2023 10:24 AM
To: Angove, Sharon <Angove.Sharon@epa.gov>; Young, Nichole <young.nichole@epa.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>
Cc: Triche, Judy B <Judy.Triche@bsee.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>
Subject: Re: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

Mitty/Nichole/Sharon,
Absolutely great feedback from all.
I believe we are likely in a situation where (as I hinted in the first message) we may have folks looking for a reason to 'push-back' requisite well/decommissioning work. I will ask for specifics during the OOC meeting - and there may be some MODU-related nuances that come into play - but from my read, you've provided enough flexibility for continued coverage within the lease/area & block by editing their eNOI and even using their existing, primary-operator oversight to assume liability for the discharges from contracted work - until the 2022 permit is issued.

I'll loop back with Ron/Shelly to keep me on track and will pass on any details we get from OOC.
Thank again and all,
TJ

TJ Broussard
Bureau of Safety and Environmental Enforcement - Gulf of Mexico OCS Region

Regional Environmental Officer - Office of Environmental Compliance
Phone: 504-736-3245 - Cell: 985-722-7902 - FAX: 504-736-7500

From: Angove, Sharon <Angove.Sharon@epa.gov>
Sent: Wednesday, March 15, 2023 10:11 AM
To: Broussard, T.J. <T.J.Broussard@bsee.gov>; Young, Nichole <young.nichole@epa.gov>
Cc: Garcia, Mitty <garcia.mitty@epa.gov>; Triche, Judy B <Judy.Triche@bsee.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>
Subject: RE: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

TJ / Nichole,

In response to your statements regarding coverage within a lease area/block for which coverage was obtained under the 2017 permit before it expired, we do allow them to add limit sets, remove limit sets, and update lat/long for a location within that lease area/block for which they have Admin Cont Status coverage.

We also allow a primary operator to change their structure type, within that same lease area/block/permitted feature, to add additional services needed (e.g., change platform to subsea). Normally, they would have a contractor get coverage and take responsibility for any discharges/violations on the new structure. But, since the contractor cannot gain coverage under an expired permit, the primary operator will use its existing coverage to take care of the additional services. Then when the permit is reissued, the primary operator can require their contractor to get coverage for all future discharges.

So, they can edit their eNOI to add limit sets, remove limit sets no longer needed, update lat/long, add a well or other location within that lease area/block to their existing coverage. This is not gaining coverage under an expired permit. It is adding additional needs for existing coverage.

What **we don't allow** is for them to change the lease area/block number for a permitted feature gained under a different lease area/block number. For example: change Keathley Canyon 89 to Mississippi Canyon 30 under permitted feature (PF) 0125. PF 0125 was assigned to Keathley Canyon; it cannot be reassigned to a different lease area/block number.

Each lease area/block must get its own permitted feature assignment.

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECD-WE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-6472 (office)
(214) 665-2168 (fax)
angove.sharon@epa.gov

NEW Region 6 Offshore Enforcement web site, as of December 2022:
https://www.epa.gov/npdes-permits/western-and-central-gulf-mexico-offshore-oil-gas-npdes-program

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****

From: Broussard, T.J. <T.J.Broussard@bsee.gov>
Sent: Wednesday, March 15, 2023 9:28 AM
To: Young, Nichole <young.nichole@epa.gov>
Cc: Garcia, Mitty <Garcia.Mitty@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>; Triche, Judy B <Judy.Triche@bsee.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>
Subject: Re: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

Even more great points...
I'm curious to get the specifics on the particular casing pressure/decommissioning issue(s). All existing facilities should have coverage under the continued-2017 GMG290000 - if just for their sumps - so bringing well-remediation or decommissioning equipment onto the platform to address the issue may just involve shifting the outfall location.

My "*Administratively-Continued*" Thanks!
TJ

--

TJ Broussard
Bureau of Safety and Environmental Enforcement - Gulf of Mexico OCS Region
Regional Environmental Officer - Office of Environmental Compliance
Phone: 504-736-3245 - Cell: 985-722-7902 - FAX: 504-736-7500

From: Young, Nichole <young.nichole@epa.gov>
Sent: Wednesday, March 15, 2023 9:17 AM
To: Broussard, T.J. <T.J.Broussard@bsee.gov>
Cc: Garcia, Mitty <garcia.mitty@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>
Subject: RE: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

They definitely should. Ill defer to Mitty and Sharon on what exactly they can do in regards to outfall location changes to NOI, but esp if the outfall location change is proximal, I don't see the issue. Our regs allow accuracy within 15 seconds, so in that case they wouldn't even necessarily need to change outfall location.

From: Broussard, T.J. <T.J.Broussard@bsee.gov>
Sent: Wednesday, March 15, 2023 9:13 AM
To: Young, Nichole <young.nichole@epa.gov>
Subject: Re: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

Great point!
So even if they need additional equipment to address the *Post-October 1st concern*, since you allow them to make updates to their existing NOIs (and possibly change outfall locations to incorporate the new gear), then they may have sufficient flexibility to get the work accomplished.

Very gracious...
Thanks again,
TJ

--

TJ Broussard
Bureau of Safety and Environmental Enforcement - Gulf of Mexico OCS Region
Regional Environmental Officer - Office of Environmental Compliance
Phone: 504-736-3245 - Cell: 985-722-7902 - FAX: 504-736-7500

From: Young, Nichole <young.nichole@epa.gov>
Sent: Wednesday, March 15, 2023 9:06 AM
To: Broussard, T.J. <T.J.Broussard@bsee.gov>
Subject: RE: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

Many of them took advantage. Per out enforcement we had an influx.

We are also allowing them to make updates to their NOIs during the process. We didn't explicitly say they could change their outfall locations specifically, but I assume that some may be doing this.

Sounds good T.J.

Let me know!

From: Broussard, T.J. <T.J.Broussard@bsee.gov>
Sent: Wednesday, March 15, 2023 9:03 AM
To: Young, Nichole <young.nichole@epa.gov>
Subject: Re: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

Thanks, Nichole.
I do appreciate the confirmation and explanation regarding the post-October 1st outfall needs. Very gracious that you provided the operators the opportunity to add new outfalls before October 1st - not sure how many took advantage of the offer.

It still seems a bit questionable to me that an operator would need a 'new outfall' to address and existing well (the 'casing pressure' case) or existing facility decommissioning. Perhaps they'll claim they need to bring out new process-equipment or vessels to conduct the work that will introduce the 'new outfall.' I'll ask them for details and we may have Ron follow up with you.

Thanks again for your clarification,
TJ

--

TJ Broussard
Bureau of Safety and Environmental Enforcement - Gulf of Mexico OCS Region
Regional Environmental Officer - Office of Environmental Compliance
Phone: 504-736-3245 - Cell: 985-722-7902 - FAX: 504-736-7500

From: Young, Nichole <young.nichole@epa.gov>
Sent: Wednesday, March 15, 2023 8:47 AM
To: Broussard, T.J. <T.J.Broussard@bsee.gov>
Subject: [EXTERNAL] RE: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

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TJ,

Permit is in admin cont. status. Any coverages obtain before expiration date are valid, however no new coverages may be gained under this status, so if they are needing to add new outfalls to accomplish what you described below, that may be true. We did inform OOC, operators/permittees we might go into admin cont. status several times and gave them the opportunity to add any outfalls they may have needed for future use before the expiration date.

We are hoping to brief our ra on the renewal with next few weeks, so that we can submit to our omb office (unsure if they will decline or ask to review permit which could be up to 90 days). Once that is done I can make any requested changes, if they decided to review and send to fr notice for final issuance. Hopefully that answers your questions and gives you a better idea of where we are. Please call me if you need any further clarification or have any other questions.

Nichole Young
Offshore Oil & Gas Coordinator
Permitting Section (6WQ-PP)
NPDES Permits and TMDL Branch
Water Division
US EPA-Region 6
Tel: (214) 665-6447
E-mail: Young.Nichole@EPA.gov

From: Broussard, T.J. <T.J.Broussard@bsee.gov>
Sent: Wednesday, March 15, 2023 7:51 AM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>; Ward, Kimberly B <Kimberly.Ward@bsee.gov>; Triche, Judy B <Judy.Triche@bsee.gov>; Young, Nichole <young.nichole@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>; Larsen, Brent <Larsen.Brent@epa.gov>
Subject: Offshore Operators Committee (OOC) comment/issue with the 2017 GMG2900000/NPDES Coverage

The OOC is scheduled to be in our office next week and in their proposed agenda, they've included the following topic:

EPA Region 6 NPDES Permit Approval Issues

- **The EPA Permit has been expired since September 2022.**

- **A company has sustained casing pressure on a well, and cannot conduct remedial work to address the situation because this developed after the expiration of the EPA permit. Can't address the issues due to no approved EPA permit.**
- **If the permit continues to be delayed, how long can BSEE extend compliance deadlines (casing pressure, decom orders, etc.)?**

I was under the impression that with the 2017 GMG290000 being in "**Administratively Continued Status**," NPDES coverage would still be allowed for the operators/contractors until the 2022 GMG290000 is issued and superseded the 2017 permit. But it seems that the operators are trying to make the argument that if an issue requiring managed-discharges occurred after October 1, 2022, the company had/has no way of remediating the issue in compliance with NPDES coverage. The last bullet then seems to try and make the argument that without requisite NPDES coverage, BSEE need to compensate by extending time frames for OCSLA compliance requirements.

This isn't the first (or even 25th) time where industry came in to try and pit one Federal oversight program against another to use as an advantage/leverage tool. However, before we can push-back on the approach next week, I wanted to clarify that:

- 2017 GMG290000 **is not 'expired'** - but still in **Administratively-Continued Status** and effectively the same as being 'active' - and
- Offshore issues/discharge needs identified after October 1st, 2023, would still be allowed NPDES oversight coverage under 2017 GMG290000.

Any assistance would be greatly appreciated.
Thanks,
TJ

—

TJ Broussard
Bureau of Safety and Environmental Enforcement - Gulf of Mexico OCS Region
Regional Environmental Officer - Office of Environmental Compliance
Phone: 504-736-3245 - Cell: 985-722-7902 - FAX: 504-736-7500

Message

From: Houghton, Jesse [jesse@ig.utexas.edu]
Sent: 3/27/2023 2:58:43 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: OCS General Permit

Good morning Sharon,

We have to provide a status update to the US DOE and other stakeholders tomorrow. Is there any news/update on the status of the OCS General Permit?

Kind regards,
Jesse

Jesse Houghton, PG, PMP
Senior Project Manager
The University of Texas at Austin, Institute for Geophysics
Jackson School of Geosciences, 5.316
512.232.8096

Message

From: Garcia, Mitty [Garcia.Mitty@epa.gov]
Sent: 3/29/2023 7:13:35 PM
To: Broussard, T.J. [T.J.Broussard@bsee.gov]; Angove, Sharon [Angove.Sharon@epa.gov]
CC: Mcclary, Ronald L [Ronald.Mcclary@bsee.gov]; Ward, Kimberly B [Kimberly.Ward@bsee.gov]; Young, Nichole [young.nichole@epa.gov]; Fitzgerald, Michelle R [michelle.fitzgerald@bsee.gov]
Subject: RE: [EXTERNAL] Meeting Request

T.J,

I recommend pausing until tomorrow, as sometimes things get "lost" or misunderstood via email. Sharon's example is correct but I think being able to explain it tomorrow will help. We appreciate you setting-up the call for tomorrow.

Mitty

From: Broussard, T.J. <T.J.Broussard@bsee.gov>
Sent: Wednesday, March 29, 2023 02:10 PM
To: Angove, Sharon <Angove.Sharon@epa.gov>
Cc: Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Ward, Kimberly B <Kimberly.Ward@bsee.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>; Young, Nichole <young.nichole@epa.gov>; Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>
Subject: Re: [EXTERNAL] Meeting Request

Thanks, Sharon, but I can see that I'm not following too well. I was under the impression from a point you made in last week's messages that an operator with existing lease coverage under the 2017 permit would be able to shift variables around to incorporate the PA work while in Admin-Cont Status - even if conducted by contractor working for them without coverage:

In response to your statements regarding coverage within a lease area/block for which coverage was obtained under the 2017 permit before it expired, we do allow them to add limit sets, remove limit sets, and update lat/long for a location within that lease area/block for which they have Admin Cont Status coverage.

We also allow a primary operator to change their structure type, within that same lease area/block/permitted feature, to add additional services needed (e.g., change platform to subsea). Normally, they would have a contractor get coverage and take responsibility for any discharges/violations on the new structure. But, since the contractor cannot gain coverage under an expired permit, the primary operator will use its existing coverage to take care of the additional services. Then when the permit is reissued, the primary operator can require their contractor to get coverage for all future discharges.

So, they can edit their eNOI to add limit sets, remove limit sets no longer needed, update lat/long, add a well or other location within that lease area/block to their existing coverage. This is not gaining coverage under an expired permit. It is adding additional needs for existing coverage.

Perhaps the companies you mention in this message under orders from BSEE for PA work never had coverage under the 2017 permit? Let it expire? I look forward to being set straight tomorrow. The other aspect to this that the issues are being contorted by industry, but not outlining specific companies/examples. OOC is in here looking for blanket extensions for all the operators/issues. I asked that they work with you first to determine what could be done and then come back - again - with specific companies/examples so that we can work with them on a case by case basis.

Thanks again,

TJ

--

TJ Broussard
Bureau of Safety and Environmental Enforcement - Gulf of Mexico OCS Region
Regional Environmental Officer - Office of Environmental Compliance
Phone: 504-736-3245 - Cell: 985-722-7902 - FAX: 504-736-7500

From: Angove, Sharon <Angove.Sharon@epa.gov>
Sent: Wednesday, March 29, 2023 1:43 PM
To: Broussard, T.J. <T.J.Broussard@bsee.gov>; Garcia, Mitty <garcia.mitty@epa.gov>
Cc: Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Ward, Kimberly B <Kimberly.Ward@bsee.gov>
Subject: RE: [EXTERNAL] Meeting Request

TJ – I can answer that question. Mitty and I have discussed it.

I am getting emails from some of the offshore companies stating BSEE has given them orders to complete P&A by a specific deadline. One offshore company told me their BSEE deadline is March 30 (tomorrow).

I stated our permit is in Admin Cont Status and we cannot grant new coverage on an expired permit.

I suggested they ask BSEE for an extension of the deadline.

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECD-WE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-6472 (office)
(214) 665-2168 (fax)
angove.sharon@epa.gov

NEW Region 6 Offshore Enforcement web site, as of December 2022:
https://www.epa.gov/npdes-permits/western-and-central-gulf-mexico-offshore-oil-gas-npdes-program

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From: Broussard, T.J. <T.J.Broussard@bsee.gov>
Sent: Wednesday, March 29, 2023 11:56 AM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>
Cc: Angove, Sharon <Angove.Sharon@epa.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Ward, Kimberly B <Kimberly.Ward@bsee.gov>
Subject: Re: [EXTERNAL] Meeting Request

Mitty,
I had to run to D.C. late last week and am now just getting caught back up. If this issue is related to OOC's request for BSEE departures due to the Administratively-Continued 2017 permit, I was able to get with Evan directly to ask for details and ask if he'd first contacted your office. He admitted at they intend to meet with you and really couldn't provide me any specifics, outside of the generalities I noted in the prior emails. OOC dropped the agenda topic with us, until they can meet with you. Sorry I didn't provide an update yet, but my summons up to D.C. tripped me up a bit.

if this is on another topic, I'll place a hold on my calendar for 0900 tomorrow morning and a Teams call to meet.
Thanks,
TJ

--

TJ Broussard
Bureau of Safety and Environmental Enforcement - Gulf of Mexico OCS Region
Regional Environmental Officer - Office of Environmental Compliance
Phone: 504-736-3245 - Cell: 985-722-7902 - FAX: 504-736-7500

From: Garcia, Mitty <Garcia.Mitty@epa.gov>
Sent: Wednesday, March 29, 2023 10:25 AM
To: Broussard, T.J. <T.J.Broussard@bsee.gov>
Cc: Angove, Sharon <Angove.Sharon@epa.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Ward, Kimberly B <Kimberly.Ward@bsee.gov>
Subject: [EXTERNAL] Meeting Request

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T.J,

Would it be possible to meet some time today or tomorrow. We have been requesting a meeting with you for several weeks on an urgent issue we really need to discuss with you.

Mitty Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6
1201 Elm Street, 500
Dallas, TX 75270
214-665-6497

Please visit our Offshore Website for more information on the GMG290000 General Permit

Message

From: Houghton, Jesse [jesse@ig.utexas.edu]
Sent: 4/4/2023 5:01:33 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: RE: GMG290000

Good afternoon Sharon,

Thank you for the update – very much appreciated.

Sincerely,
Jesse

Jesse Houghton
Senior Project Manager
The University of Texas at Austin | Institute for Geophysics

From: Angove, Sharon <Angove.Sharon@epa.gov>
Sent: Tuesday, April 4, 2023 11:56 AM
To: Houghton, Jesse <jesse@ig.utexas.edu>
Subject: RE: GMG290000

Our permit writer provided an update this morning.

The permit is being pushed "hard" to get it reissued as there is a great deal of political push to get it reissued ASAP.

It has been sent to the Office of Management and Budget in HQ requesting expedited review.

We hope to get it signed within the next couple of weeks, fingers crossed.

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECD-WE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-6472 (office)
(214) 665-2168 (fax)
angove.sharon@epa.gov

NEW Region 6 Offshore Enforcement web site, as of December 2022:
https://www.epa.gov/npdes-permits/western-and-central-gulf-mexico-offshore-oil-gas-npdes-program

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From: Houghton, Jesse <jesse@ig.utexas.edu>
Sent: Monday, April 3, 2023 3:15 PM
To: Angove, Sharon <Angove.Sharon@epa.gov>
Subject: GMG290000

Good afternoon Sharon,

Now that we are in early April I just wanted to check in and inquire if there are any known updates regarding the GMG permit status. As our mobilization date draws closer, we continue to try to plan accordingly.

Thank you,
Jesse

Jesse Houghton, PG, PMP
Senior Project Manager
The University of Texas at Austin, Institute for Geophysics
Jackson School of Geosciences, 5.316
512.232.8096

Delivery Report

From: Mcclary, Ronald L [Ronald.Mcclary@bsee.gov]
Sent: 6/30/2022 4:21:20 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: [EXTERNAL] Updated Draft 2022 OCS General Permit (GMG290000)

Your message
To: Mcclary, Ronald L

was read on 6/30/2022 4:21:20 PM

Your message

To:
Subject: [EXTERNAL] Updated Draft 2022 OCS General Permit (GMG290000)
Sent: Thursday, June 30, 2022 4:21:38 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, June 30, 2022 4:21:20 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Pamela Schick [pamela.schick@jccteam.com]
Sent: 6/30/2022 4:31:08 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Your message
To: Pamela Schick

was read on 6/30/2022 4:31:08 PM

Your message

To:
Subject: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)
Sent: Thursday, June 30, 2022 4:31:26 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, June 30, 2022 4:31:08 PM (UTC+00:00) Monrovia, Reykjavik.

Message

From: Kim Norton [knorton@eeusa.com]
Sent: 6/30/2022 4:31:44 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Automatic reply: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

I am currently out of the office on vacation, returning July 5.

Delivery Report

From: Marsha Lutz [marsha.lutz@jccteam.com]
Sent: 6/30/2022 4:41:20 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Your message
To: Marsha Lutz

was read on 6/30/2022 4:41:20 PM

Your message

To:
Subject: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)
Sent: Thursday, June 30, 2022 4:41:25 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, June 30, 2022 4:41:20 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Marla Begnaud [MBegnaud@arenaoffshore.com]
Sent: 6/30/2022 4:42:54 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: [EXTERNAL] Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Your message
To: Marla Begnaud

was read on 6/30/2022 4:42:54 PM

Your message

To:
Subject: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)
Sent: Thursday, June 30, 2022 4:43:08 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, June 30, 2022 4:42:54 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Tillman, James W (CGI Federal) [james.w.tillman@cgifederal.com]
Sent: 6/30/2022 4:49:23 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: List of Offshore Companies and/or Consultants Who Volunteered to Test Remodeled eNOI for the GMG290000 General Permit

Your message
To: Tillman, James W (CGI Federal)

was read on 6/30/2022 4:49:23 PM

Your message

To:
Subject: List of Offshore Companies and/or Consultants Who Volunteered to Test Remodeled eNOI for the GMG290000 General Permit
Sent: Thursday, June 30, 2022 4:49:27 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, June 30, 2022 4:49:23 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Joshua.E.OBrien@shell.com [Joshua.E.OBrien@shell.com]
Sent: 6/30/2022 5:00:28 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Your message
To: O'Brien, Joshua E SEPCO-UPD/P/SE

was read on 6/30/2022 5:00:28 PM

Your message

To:
Subject: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)
Sent: Thursday, June 30, 2022 5:00:47 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, June 30, 2022 5:00:28 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Spires, Joanna [Joanna.E.Spires@hess.com]
Sent: 6/30/2022 6:16:15 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: [EXTERNAL] Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Your message
To: Spires, Joanna

was read on 6/30/2022 6:16:15 PM

Your message

To:
Subject: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)
Sent: Thursday, June 30, 2022 6:16:35 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, June 30, 2022 6:16:15 PM (UTC+00:00) Monrovia, Reykjavik.

Message

From: Pamela Schick [pamela.schick@jccteam.com]
Sent: 6/30/2022 6:23:15 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: RE: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)
Attachments: ATT00001.txt

Sharon,

I am going to need that link you mentioned to obtain assistance. I got the below error message. I already had a Test account so I reset my password, selected a role then selected my company and got the below error message. Will I need to edit my profile in Test to my personal email address? Please advise.

Sincerely,

Pam Schick
Environmental Services Associate Manager

J. Connor Consulting, Inc.
19219 Katy Fwy Ste 200 |Houston, TX 77094
P: (281) 578-3388 | D: (281) 698-8558 | Cell: (832) 247-3512
www.jccteam.com | pamela.schick@jccteam.com

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From: Angove, Sharon [mailto:Angove.Sharon@epa.gov]
Sent: Thursday, June 30, 2022 11:30 AM
To: mbegnaud@arenaoffshore.com; Eddie_borden@oxy.com; knorton@eeusa.com; joanna.e.spires@hess.com; Marsha Lutz; Pamela Schick; Kristy Copeland; jeremy.dugas@qnenergy.com; ashleyhaynes@chevron.com; cpowell@enven.com; Joshua.E.OBrien@shell.com; Morris.Jones@shell.com
Cc: Greg Southworth
Subject: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

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Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECDWE)
Enforcement and Compliance Assurance Division (ECD)
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mailto:angove.sharon@epa.gov

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****

Delivery Report

From: Mayer, Amanda N (CGI Federal) [amanda.nadeau@cgifederal.com]
Sent: 7/1/2022 12:29:35 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: List of Offshore Companies and/or Consultants Who Volunteered to Test Remodeled eNOI for the GMG290000 General Permit

Your message
To: Mayer, Amanda N (CGI Federal)

was read on 7/1/2022 12:29:35 PM

Your message

To:
Subject: List of Offshore Companies and/or Consultants Who Volunteered to Test Remodeled eNOI for the GMG290000 General Permit
Sent: Friday, July 1, 2022 12:29:52 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, July 1, 2022 12:29:35 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: West, Robert C (CGI Federal) [robert.west1@cgifederal.com]
Sent: 7/1/2022 1:17:13 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: List of Offshore Companies and/or Consultants Who Volunteered to Test Remodeled eNOI for the GMG290000 General Permit

Your message
To: West, Robert C (CGI Federal)

was read on 7/1/2022 1:17:13 PM

Your message

To:
Subject: List of Offshore Companies and/or Consultants Who Volunteered to Test Remodeled eNOI for the GMG290000 General Permit
Sent: Friday, July 1, 2022 1:17:18 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, July 1, 2022 1:17:13 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Pamela Schick [pamela.schick@jccteam.com]
Sent: 7/1/2022 2:45:19 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Your message
To: Pamela Schick

was read on 7/1/2022 2:45:19 PM

Your message

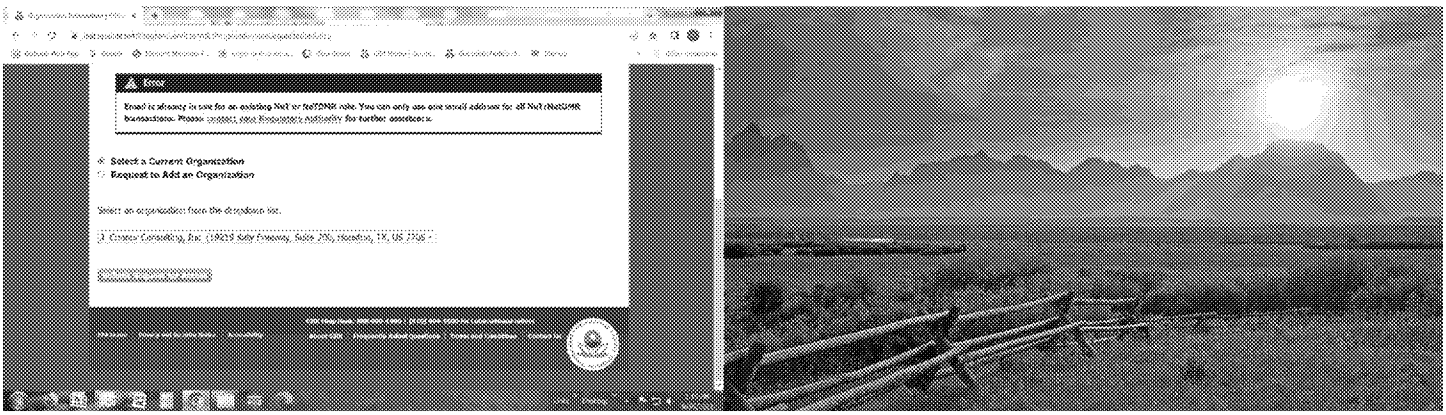
To:
Subject: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)
Sent: Friday, July 1, 2022 2:45:48 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, July 1, 2022 2:45:19 PM (UTC+00:00) Monrovia, Reykjavik.

Message

From: Pamela Schick [pamela.schick@jccteam.com]
Sent: 7/1/2022 2:46:49 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
CC: Nguyen, Jake [Nguyen.Jake@epa.gov]
Subject: RE: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Here you go.



Sincerely,

Pam Schick
Environmental Services Associate Manager

J. Connor Consulting, Inc.
19219 Katy Fwy Ste 200 |Houston, TX 77094
P: (281) 578-3388 | D: (281) 698-8558 | Cell: (832) 247-3512
www.jccteam.com | pamela.schick@jccteam.com

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From: Angove, Sharon [mailto:Angove.Sharon@epa.gov]
Sent: Friday, July 01, 2022 9:38 AM
To: Pamela Schick
Cc: Nguyen, Jake
Subject: RE: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

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Can you resend your image of what you were trying to share. It didn't come through.

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Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECDWE)
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1201 Elm Street, Suite 500
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Stand by…

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From: Angove, Sharon [mailto:Angove.Sharon@epa.gov]
Sent: Thursday, June 30, 2022 11:30 AM
To: mbegnaud@arenaoffshore.com; Eddie_borden@oxy.com; knorton@eeusa.com; joanna.e.spires@hess.com; Marsha Lutz; Pamela Schick; Kristy Copeland; jeremy.dugas@qnenergy.com; ashleyhaynes@chevron.com; cpowell@enven.com;

Joshua.E.OBrien@shell.com; Morris.Jones@shell.com
Cc: Greg Southworth
Subject: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

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Message

From: Pamela Schick [pamela.schick@jccteam.com]
Sent: 7/1/2022 3:09:57 PM
To: Nguyen, Jake [Nguyen.Jake@epa.gov]
CC: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: RE: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

I am in. Thanks Jake! You guys have a great holiday weekend.

Sincerely,

Pam Schick
Environmental Services Associate Manager

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From: Nguyen, Jake [mailto:Nguyen.Jake@epa.gov]
Sent: Friday, July 01, 2022 9:54 AM
To: Pamela Schick
Cc: Angove, Sharon
Subject: RE: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Hi Pamela,

Here is the information for your current TEST account. Rather than creating a new account, please try to reset your password instead. I will add GMG Signatory to your account so you can test without restriction.

User Personal Information

User ID PAMELAPREPARER		**User Name** Mrs Pamela A. Schick
Registration Status Password Expired	**Federal Employee / Contractor** N	**Paper Verification Index** Not Set
Previous Log In 1/14/2020 11:34:02 AM	**Registration Date** 5/25/2018 4:40:51 PM	**Electronic Verification Index** Not Set

Verification Methods

Signature Questions Not Set	**Mobile Number** Primary Number » Not Set

User Organization Information *(click organization name to modify)* - Add Organization

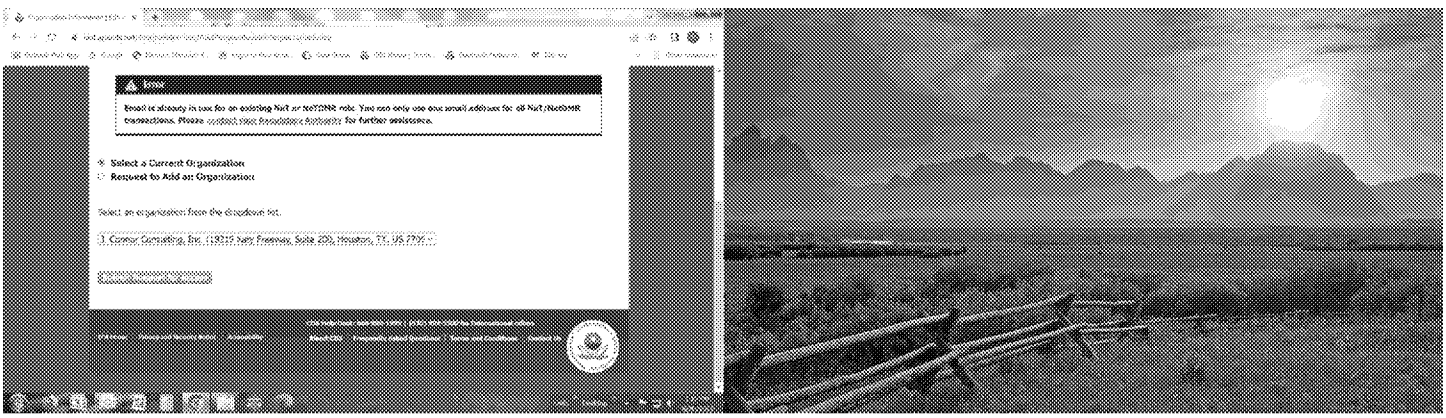
Primary Organization »

Org #	Organization Information	Contact Information	User-Org Verification Index	Organization Verification Index
(1)	J. Connor Consulting, Inc. 19219 Katy Freeway, Suite 200 Houston, TX, US 77094	pamela.schick@jccteam.com **Phone**: (281) 698-8558	**Electronic Verification**: Not Set **Paper Verification**: Not Set **ESA Status**: ESA Details	**Electronic Verification**: Not Set **Paper Verification**: Not Set **Organization ID**: 28960

Anh "Jake" Nguyen
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
P: (202)564-8298 | Nguyen.Jake@epa.gov

From: Pamela Schick <pamela.schick@jccteam.com>
Sent: Friday, July 1, 2022 10:47 AM
To: Angove, Sharon <Angove.Sharon@epa.gov>
Cc: Nguyen, Jake <Nguyen.Jake@epa.gov>
Subject: RE: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Here you go.



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To: mbegnaud@arenaoffshore.com; Eddie_borden@oxy.com; knorton@eeusa.com; joanna.e.spires@hess.com; Marsha Lutz; Pamela Schick; Kristy Copeland; jeremy.dugas@qnenergy.com; ashleyhaynes@chevron.com; cpowell@enven.com; Joshua.E.OBrien@shell.com; Morris.Jones@shell.com
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Sharon Angove

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****

Message

From: Clocksin, Kyle [kyle.clocksin@woodside.com]
Sent: 7/5/2022 3:08:14 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: RE: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Thank you Sharon. I've registered for a test account.

From: Angove, Sharon <Angove.Sharon@epa.gov>
Sent: Friday, July 1, 2022 6:44 AM
To: kyle.clocksin@woodside.com
Subject: FW: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Kyle,

Greg Southworth contacted me stating you are interested in helping test the new eNOI for the 2022 OCS General Permit.

Thank you for your help on this matter.

Please see the instructions below for registering for your Test Environment account.

We will notify you when the eNOI has been uploaded into the Test Environment and testing can begin.

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECDWE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-6472 (office)
(214) 665-2168 (fax)
mailto:angove.sharon@epa.gov

NEW Region 6 Offshore Enforcement web site, as of 08/07/2017: https://www.epa.gov/npdes-permits/western-and-central-gulf-mexico-offshore-oil-gas-npdes-program

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****

From: Angove, Sharon
Sent: Thursday, June 30, 2022 11:30 AM
To: mbegnaud@arenaoffshore.com; Eddie_borden@oxy.com; knorton@eeusa.com; joanna.e.spires@hess.com; marsha.lutz@jccteam.com; pamela.schick@jccteam.com; kristy.copeland@jccteam.com; jeremy.dugas@qnenergy.com; ashleyhaynes@chevron.com; cpowell@enven.com; Joshua.E.OBrien@shell.com; Morris.Jones@shell.com
Cc: Greg Southworth <greg@theooc.org>
Subject: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

First of all, thank you for volunteering to test our remodeled eNOI that will be used for the reissued 2022 OCS General Permit, EPA Region 6.

Your help in testing the eNOI will ensure any kinks, bugs, issues, etc. are addressed before the new eNOI goes live later this year. HQ and Region 6 have been working on the modifications over the course of several meetings. But, we need to ensure the "users" of the product don't find any issues that we may have overlooked.

NOTE: as of today, the remodeled eNOI is NOT yet IN THE TEST ENVIRONMENT. HQ (or Region 6) will send each of you an email notifying you when testing will begin.

In the interim, you will need to do the following:

- Register for a test account (if you do not currently have a test account), which is SEPARATE FROM A PRODUCTION ACCOUNT (which is live/real time).
- Go to the following link to set up your TEST Environment Account: https://test.epacdx.net
- When registering, select the NeTGMG program service and select either the Preparer or Signatory role.
- If users have questions about TEST account registration, there are a number of ServiceNow articles that will help walk you through CDX registration. Please let me know if you need assistance and I will have HQ send you the links to the help guides.
- Testing of the remodeled eNOI do not go Live (as it would under the Production Environment); the testing stays in the test environment.
- NOTE: once the new eNOI is finalized, the How To instructions you used in the past will be updated to reflect the changes to the eNOI.

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECDWE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-6472 (office)

(214) 665-2168 (fax)
mailto:angove.sharon@epa.gov

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****

Delivery Report

From: Cheryl Powell [cpowell@enven.com]
Sent: 7/6/2022 1:57:06 AM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Your message
To: Cheryl Powell

was read on 7/6/2022 1:57:06 AM

Your message

To:
Subject: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)
Sent: Wednesday, July 6, 2022 1:57:32 AM (UTC+00:00) Monrovia, Reykjavik

was read on Wednesday, July 6, 2022 1:57:06 AM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Kristy Copeland [kristy.copeland@jccteam.com]
Sent: 7/11/2022 4:11:17 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Your message
To: Kristy Copeland

was read on 7/11/2022 4:11:17 PM

Your message

To:
Subject: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)
Sent: Monday, July 11, 2022 4:11:32 PM (UTC+00:00) Monrovia, Reykjavik

was read on Monday, July 11, 2022 4:11:17 PM (UTC+00:00) Monrovia, Reykjavik.

Message

From: Greg Southworth [greg@theooc.org]
Sent: 7/12/2022 3:42:03 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
CC: Mohon, Mitty [Mohon.Mitty.M@epa.gov]
Subject: Re: Questions on eNOIs - GMG290000

Thanks, Sharon. Any guidance is very much appreciated.

Greg Southworth
Associate Director
Offshore Operators Committee

Office: 504.904.7966
Cell: 504.638.8642
greg@theooc.org

On Tue, Jul 12, 2022 at 10:29 AM Angove, Sharon <Angove.Sharon@epa.gov> wrote:

Greg,

I have your email; will respond shortly.

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECDWE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-6472 (office)
(214) 665-2168 (fax)
mailto:angove.sharon@epa.gov

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https://www.epa.gov/npdes-permits/western-and-central-gulf-mexico-offshore-oil-gas-npdes-program

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****

From: Greg Southworth <greg@theooc.org>
Sent: Monday, July 11, 2022 2:09 PM
To: Angove, Sharon <Angove.Sharon@epa.gov>
Cc: Mohon, Mitty <Mohon.Mitty.M@epa.gov>
Subject: Questions on eNOIs - GMG290000

Sharon –

On behalf of OOC members, I am contacting you seeking clarification and guidance on the required information for eNOIs for future projects. As operators plan for future projects given the potential for an administratively continued permit (GMG290000), operators may submit eNOI's prior to current permit expiry. As you are aware, the current permit outlines the information operators must submit with an eNOI (permit language is shown below).

Our questions regarding eNOIs submittals if the permit is administratively continued are:

Scenario 1 – Updates to eNOIs submitted prior to permit expiration with known data for a) through l).

- If an operator submits the eNOI before the current permit expires, can any of the items listed in a) through l) below be changed as project execution gets closer? For example, if an operator submits lat/long coordinates in their eNOI and those lat/long coordinates change, can they be updated in the eNOI system if the permit has been administratively continued?
- Will the eNOI system be available for eNOI updates and changes during an administrative continuation? If the system is inaccessible during an administrative continuation, do operators have another mechanism to notify EPA of the changes to information in a) through l), such as lat/long coordinates?

Scenario 2 – Updates to eNOIs submitted prior to permit extension with unknown data for a) through l)

- If any of the items listed in a) through l) are unknown at the time of eNOI submittal (prior to current permit expiration), can an operator submit the eNOI and indicate that the information will be provided at a later date, and/or prior to discharge?
- Would the above example constitute coverage under the existing permit and during administrative continuation? For example, if the exact lat/long is unknown at the time of eNOI submittal, will the eNOI system allow operators to input "unknown"? Can the lat/long be provided at a later date under the administratively continued permit? If the system is not capable of accepting "unknown," do you recommend inputting the lat/long of the center of the lease block?

OOC appreciates any clarification you can provide on these questions. Thanks in advance for reviewing them.

Permit reference from GMG 290000 Part I.A.2.a) - l)

All NOIs shall include the following information:

a) the legal names, company number and contact information of the designated operator registered with the Bureau of Ocean Energy Management (BOEM) or the Bureau of Safety and Environmental Enforcement (BSEE);
b) the legal name, company number and contact information of the operator who files the eNOI;
c) the permit number previously assigned to the operator;
d) the lease block (including state tract) code and number assigned by BOEM/BSEE;
e) the name and/or identification (BSEE Complex ID/API Number) and location including geographic coordinates (latitude and longitude) of the facility owned or operated by the operator;
f) the types of discharges and associated sources (facilities or wells) under the control of the operator;
g) expecting/actual drill/discharge commence date and well locations;
h) the range of depth of water within the operation area or the estimated sea depths at wells;
i) new facilities (defined as facilities for which construction was commenced after July 17, 2006): design intake capacity (million gallons per day as MGD) of each cooling water intake structure (CWIS), the maximum designed intake through-screen velocity (feet per second as ft/s) of each CWIS, and the percentage (%) of total intake water used for cooling purpose; (Note: A new facility which has designed intake capacity >= 2 MGD must have designed intake through-screen velocity <= 0.5 ft/s to be eligible for coverage under this general permit.) (Note: The operator shall keep the record of detailed descriptions, calculations and drawings on site available for inspection, instead of submittal to EPA.)
j) whether or not the operator's activities are located in a lease block either in or immediately adjacent to "no activity" areas or require live bottom surveys;
k) whether the NOI is being submitted to transfer coverage due to a merger or acquisition and if so, the identification of the affected parties, timing of the transfer of operational control, and confirmation that notice had been submitted to EPA; and,
l) any other information included in the eNOI to identify the nature and location of discharges being authorized and any co-permitees, if applicable.

Greg Southworth

Associate Director

Offshore Operators Committee

Office: 504.904.7966

Cell: 504.638.8642

greg@theooc.org

Message

From: Greg Southworth [greg@theooc.org]
Sent: 7/12/2022 4:29:13 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
CC: Mohon, Mitty [Mohon.Mitty.M@epa.gov]
Subject: Re: Questions on eNOIs - GMG290000

Thank you. This is very helpful.

Greg Southworth
Associate Director
Offshore Operators Committee

Office: 504.904.7966
Cell: 504.638.8642
greg@theooc.org

On Tue, Jul 12, 2022 at 11:12 AM Angove, Sharon <Angove.Sharon@epa.gov> wrote:

Greg,

See my responses below in **RED**

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECDWE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-6472 (office)
(214) 665-2168 (fax)
mailto:angove.sharon@epa.gov

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https://www.epa.gov/npdes-permits/western-and-central-gulf-mexico-offshore-oil-gas-npdes-program

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****

From: Greg Southworth <greg@theooc.org>
Sent: Monday, July 11, 2022 2:09 PM
To: Angove, Sharon <Angove.Sharon@epa.gov>
Cc: Mohon, Mitty <Mohon.Mitty.M@epa.gov>
Subject: Questions on eNOIs - GMG290000

Sharon –

On behalf of OOC members, I am contacting you seeking clarification and guidance on the required information for eNOIs for future projects. As operators plan for future projects given the potential for an administratively continued permit (GMG290000), operators may submit eNOI's prior to current permit expiry. As you are aware, the current permit outlines the information operators must submit with an eNOI (permit language is shown below).

Our questions regarding eNOIs submittals if the permit is administratively continued are:

Scenario 1 – Updates to eNOIs submitted prior to permit expiration with known data for a) through l).

- If an operator submits the eNOI before the current permit expires, can any of the items listed in a) through l) below be changed as project execution gets closer? **Yes, but only prior to midnight 09/30/2022; updates cannot be accepted after midnight as the permit has expired by then.** For example, if an operator submits lat/long coordinates in their eNOI and those lat/long coordinates change, can they be updated in the eNOI system if the permit has been administratively continued? **No; cannot change during Admin Cont period**
- Will the eNOI system be available for eNOI updates and changes during an administrative continuation? **No** If the system is inaccessible during an administrative continuation, do operators have another mechanism to notify EPA of the changes to information in a) through l), such as lat/long coordinates? **Yes – they send me a letter (signed and certified by the corporate officer) with items a) through l) to the address noted in the permit (see page 8 of the current Draft 2022 GMG General Permit).**

Scenario 2 – Updates to eNOIs submitted prior to permit extension with unknown data for a) through l)

- If any of the items listed in a) through l) are unknown at the time of eNOI submittal (prior to current permit expiration), can an operator submit the eNOI and indicate that the information will be provided at a later date, and/or prior to discharge? **Yes – but only as long as: 1) it is done before midnight June 30, 2022; and, 2) at a MINIMUM the following items are provided in the eNOI: items a), b), c), d), f), g), j),**

and k). These items, at the bare bones minimum, will need to be placed on the eNOI. Without these, the eNOI is basically a blank piece of paper.

- Would the above example constitute coverage under the existing permit and during administrative continuation? **Yes, but again, only if the above noted items are provided, at a minimum. The eNOI cannot be a blank form.** For example, if the exact lat/long is unknown at the time of eNOI submittal, will the eNOI system allow operators to input "unknown"? Can the lat/long be provided at a later date under the administratively continued permit? If the system is not capable of accepting "unknown," do you recommend inputting the lat/long of the center of the lease block? **NOTE: If the eNOI flags a required item that was not provided, then the operator will need to insert the best information available at the time; then, when the eNOI becomes available (after the permit has expired), updates can be made at that time. But, again, if the eNOI is not available, then a letter must be sent to me with all required information that was not able to be placed on the eNOI. My address is on page 8 of the draft permit.**

As a reminder, the eNOI for the 2022 GMG permit will not be available for use if the permit goes into Administratively Continued Status <u>EXCEPT</u> if the operator is doing a merger and/or transfer of "EXISTING COVERAGE".

New coverage cannot be gained on an Expired permit.

OOC appreciates any clarification you can provide on these questions. Thanks in advance for reviewing them.

Permit reference from GMG 290000 Part I.A.2.a) - l)

All NOIs shall include the following information:

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c) the permit number previously assigned to the operator;
d) the lease block (including state tract) code and number assigned by BOEM/BSEE;
e) the name and/or identification (BSEE Complex ID/API Number) and location including geographic coordinates (latitude and longitude) of the facility owned or operated by the operator;
f) the types of discharges and associated sources (facilities or wells) under the control of the operator;
g) expecting/actual drill/discharge commence date and well locations;
h) the range of depth of water within the operation area or the estimated sea depths at wells;
i) new facilities (defined as facilities for which construction was commenced after July 17, 2006): design intake capacity (million gallons per day as MGD) of each cooling water intake structure (CWIS), the maximum designed intake through-screen velocity (feet per second as ft/s) of each CWIS, and the percentage (%) of total intake water used for cooling purpose; (Note: A new facility which has designed intake capacity >= 2 MGD must have designed intake through-screen velocity <= 0.5 ft/s to be eligible for coverage under this general permit.) (Note: The operator shall keep the record of detailed descriptions, calculations and drawings on site available for inspection, instead of submittal to EPA.)
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l) any other information included in the eNOI to identify the nature and location of discharges being authorized and any co-permitees, if applicable.

Greg Southworth
Associate Director
Offshore Operators Committee

Office: 504.904.7966
Cell: 504.638.8642
greg@theooc.org

Message

From: Greg Southworth [greg@theooc.org]
Sent: 7/12/2022 4:33:35 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Re: Questions on eNOIs - GMG290000

Got it - thanks

Greg Southworth
Associate Director
Offshore Operators Committee

Office: 504.904.7966
Cell: 504.638.8642
greg@theooc.org

On Tue, Jul 12, 2022 at 11:30 AM Angove, Sharon <Angove.Sharon@epa.gov> wrote:

From: Angove, Sharon
Sent: Tuesday, July 12, 2022 11:12 AM
To: Greg Southworth <greg@theooc.org>
Cc: Mohon, Mitty <Mohon.Mitty.M@epa.gov>
Subject: RE: Questions on eNOIs - GMG290000

Greg,

See my responses below in **RED**

TWO ADDITIONAL COMMENTS

1. **If the permit has expired and not been reissued, the paper NOI serves as a "place holder" showing the operator "attempted to gain coverage". Operations can begin BUT all discharges must be captured and barged to shore. There cannot be any discharge on location where coverage has not been obtained. [Again, this is only where coverage is NEW; not a merger or transfer or EXISTING coverage.]**
2. **Then, once the permit has been reissued, the operator must submit an eNOI to replace the "place holder NOI." Notification must also be made to me when that has happened.**

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECDWE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-6472 (office)
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From: Greg Southworth <greg@theooc.org>
Sent: Monday, July 11, 2022 2:09 PM
To: Angove, Sharon <Angove.Sharon@epa.gov>
Cc: Mohon, Mitty <Mohon.Mitty.M@epa.gov>
Subject: Questions on eNOIs - GMG290000

Sharon –

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submits lat/long coordinates in their eNOI and those lat/long coordinates change, can they be updated in the eNOI system if the permit has been administratively continued? **No; cannot change during Admin Cont period**

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Scenario 2 – Updates to eNOIs submitted prior to permit extension with unknown data for a) through l)

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- Would the above example constitute coverage under the existing permit and during administrative continuation? **Yes, but again, only if the above noted items are provided, at a minimum. The eNOI cannot be a blank form.** For example, if the exact lat/long is unknown at the time of eNOI submittal, will the eNOI system allow operators to input "unknown"? Can the lat/long be provided at a later date under the administratively continued permit? If the system is not capable of accepting "unknown," do you recommend inputting the lat/long of the center of the lease block? **NOTE: If the eNOI flags a required item that was not provided, then the operator will need to insert the best information available at the time; then, when the eNOI becomes available (after the permit has expired), updates can be made at that time. But, again, if the eNOI is not available, then a letter must be sent to me with all required information that was not able to be placed on the eNOI. My address is on page 8 of the draft permit.**

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g) expecting/actual drill/discharge commence date and well locations;
h) the range of depth of water within the operation area or the estimated sea depths at wells;
i) new facilities (defined as facilities for which construction was commenced after July 17, 2006): design

intake capacity (million gallons per day as MGD) of each cooling water intake structure (CWIS), the maximum designed intake through-screen velocity (feet per second as ft/s) of each CWIS, and the percentage (%) of total intake water used for cooling purpose; (Note: A new facility which has designed intake capacity >= 2 MGD must have designed intake through-screen velocity <= 0.5 ft/s to be eligible for coverage under this general permit.) (Note: The operator shall keep the record of detailed descriptions, calculations and drawings on site available for inspection, instead of submittal to EPA.)
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l) any other information included in the eNOI to identify the nature and location of discharges being authorized and any co-permitees, if applicable.

Greg Southworth

Associate Director

Offshore Operators Committee

Office: 504.904.7966

Cell: 504.638.8642

greg@theooc.org

Delivery Report

From: Cheryl Powell [cpowell@enven.com]
Sent: 7/14/2022 4:38:14 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)

Your message
To: Cheryl Powell

was read on 7/14/2022 4:38:14 PM

Your message

To:
Subject: Test for Redesigned eNOI for EPA Region 6 2022 GMG290000 General Permit (slated to be reissued October 1, 2022)
Sent: Thursday, July 14, 2022 4:40:53 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, July 14, 2022 4:38:14 PM (UTC+00:00) Monrovia, Reykjavik.

Message

From: Garcia, Mitty [Garcia.Mitty@epa.gov]
Sent: 8/8/2022 7:24:31 PM
To: Fitzgerald, Michelle R [michelle.fitzgerald@bsee.gov]; Angove, Sharon [Angove.Sharon@epa.gov]; Woods, Kayla [Woods.Kayla@epa.gov]
CC: Mcclary, Ronald L [Ronald.Mcclary@bsee.gov]; Broussard, T.J. [T.J.Broussard@bsee.gov]
Subject: RE: [EXTERNAL] RE: overboard discharge rules

Shelly,

Yes, I spoke with the EPA Region 6 permit writer and she confirmed there is no permit requirement for this in the GMG290000 Offshore GP.

Mitty (Mohon) Garcia (ECAD)
Offshore Coordinator and Enforcement Officer
U.S. EPA Region 6
1201 Elm Street, 500
Dallas, TX 75270
214-665-6497
ALERT: My email has changed to garcia.mitty@epa.gov
mohon.mitty@epa.gov will be deactivated on 9/1/2022.

Confidentiality Warning:
This e-mail may be privileged and/or confidential, and the sender does not waive any related rights and obligations. It is intended for the named recipient(s) only. Any distribution, use or copying of this e-mail or the information it contains by other than an intended recipient is unauthorized. If you received this e-mail in error, please advise me (by return e-mail or otherwise) immediately and do not duplicate it or disclose its contents to anyone

From: Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>
Sent: Monday, August 8, 2022 12:51 PM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>; Woods, Kayla <Woods.Kayla@epa.gov>
Cc: Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Broussard, T.J. <T.J.Broussard@bsee.gov>
Subject: Re: [EXTERNAL] RE: overboard discharge rules

Hi Mitty,

Checking to see if you had any additional word on this from EPA ORC?

Thanks,
Shelly

Michelle (Shelly) Fitzgerald
Environmental Engineer, Water Quality Coordinator
Office of Environmental Compliance | Environmental Monitoring Unit
Bureau of Safety and Environmental Enforcement | Gulf of Mexico Region
1201 Elmwood Park Blvd | New Orleans, LA 70123

From: Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>
Sent: Thursday, July 28, 2022 11:10 AM
To: Mohon, Mitty <Mohon.Mitty.M@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>; Woods, Kayla <woods.kayla@epa.gov>
Cc: Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Broussard, T.J. <T.J.Broussard@bsee.gov>
Subject: Re: [EXTERNAL] RE: overboard discharge rules

Thanks, Mitty. I am glad you agree and thank you for also checking if it has come up before. This is not urgent.

Shelly

Michelle (Shelly) Fitzgerald
Environmental Engineer, Water Quality Coordinator
Office of Environmental Compliance | Environmental Monitoring Unit
Bureau of Safety and Environmental Enforcement | Gulf of Mexico Region
1201 Elmwood Park Blvd | New Orleans, LA 70123

From: Mohon, Mitty <Mohon.Mitty.M@epa.gov>
Sent: Thursday, July 28, 2022 9:35 AM
To: Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>; Angove, Sharon <Angove.Sharon@epa.gov>; Woods, Kayla <woods.kayla@epa.gov>
Cc: Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Broussard, T.J. <T.J.Broussard@bsee.gov>
Subject: [EXTERNAL] RE: overboard discharge rules

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Shelly,

I don't think there is a requirement. I am aware of some platforms that discharge above the surface. Can I get back to you because we have never had this question come up? Do you know if there is a time frame for this? Just want to make sure it's not a urgent question.

Mitty

From: Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>
Sent: Thursday, July 28, 2022 9:00 AM
To: Mohon, Mitty <Mohon.Mitty.M@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>; Woods, Kayla <Woods.Kayla@epa.gov>
Cc: Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Broussard, T.J. <T.J.Broussard@bsee.gov>
Subject: Fw: overboard discharge rules

Hi all,

Anyone (or your attorneys) heard of an overboard discharge requirement to be below the water line? I am not aware of anything, but maybe you know of some context to this that I am not aware of.

Shelly

Michelle (Shelly) Fitzgerald
Environmental Engineer, Water Quality Coordinator
Office of Environmental Compliance | Environmental Monitoring Unit
Bureau of Safety and Environmental Enforcement | Gulf of Mexico Region
1201 Elmwood Park Blvd | New Orleans, LA 70123

From: Rosenzweig, William A <william.rosenzweig@bsee.gov>
Sent: Monday, July 25, 2022 11:49 AM
To: Carter, Lee A <Lee.Carter@bsee.gov>; Pizza, Anthony N <Anthony.Pizza@bsee.gov>
Cc: Williams, Darryl P <Darryl.Williams@bsee.gov>; Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>
Subject: RE: overboard discharge rules

I agree-I've never encountered a Water Quality rule that regulates the position of the discharge point unless that parameter itself had the potential to cause adverse impact. It's usually all of the other common parameters (receiving body, discharge composition and rate, equipment/process, NAICS/SIC, etc.). There would have to an increase in potential adverse impact by having it above the water line, which I just don't see here.

But to be sure, I'm copying our Water Quality folks, Michelle ("Shelly") Fitzgerald and Ron McClary.

Hope this helped, thanks for including us.

Best-
Bill Rosenzweig | Environmental Engineer (he/him)
BSEE - GOMR | OEC | EMU
1201 Elmwood Park Blvd | New Orleans, LA 70123
william.rosenzweig@bsee.gov | 504-736-2623

I took the pledge

From: Carter, Lee A <Lee.Carter@bsee.gov>
Sent: Monday, July 25, 2022 10:35 AM
To: Pizza, Anthony N <Anthony.Pizza@bsee.gov>; Rosenzweig, William A <william.rosenzweig@bsee.gov>
Cc: Williams, Darryl P <Darryl.Williams@bsee.gov>
Subject: Re: overboard discharge rules

Ive never heard of such a rule. If there is one, there are a great many facilities in need of INC's.

Lee A. Carter
New Orleans District
Supervisory Inspector / BSEE
504-734-6768 (desk)
504-453-3786 (mobile)

From: Pizza, Anthony N <Anthony.Pizza@bsee.gov>
Sent: Monday, July 25, 2022 10:32 AM
To: Rosenzweig, William A <william.rosenzweig@bsee.gov>
Cc: Carter, Lee A <Lee.Carter@bsee.gov>; Williams, Darryl P <Darryl.Williams@bsee.gov>
Subject: overboard discharge rules

Are you aware of any rule for overboard water discharge that the pipe has to be below the water line?

An operator asked me and I have not heard of it...

Anthony N. Pizza P.E.
Production Operations Section Chief
New Orleans District
U.S. Department of The Interior
The Bureau of Safety And Environmental Enforcement (BSEE)
800 W. Commerce Rd., Suite 300
New Orleans, LA 70123-3392
(504) 734-6749 (Office phone)
(504) 452-7958 (Cell phone)
After Hours Production Phone: (504) 919-4734
New After Hours Production Email: NewOrleans.ProdOps.AfterHours@bsee.gov

Message

From: Larsen, Brent [Larsen.Brent@epa.gov]
Sent: 9/26/2022 3:28:23 PM
To: Jeffrey Sherman [jsherman@reaction35.com]
CC: Young, Nichole [young.nichole@epa.gov]; Angove, Sharon [Angove.Sharon@epa.gov]; Gillespie, David [Gillespie.David@epa.gov]
Subject: RE: Proposed Change to NDPES Regulations

Mr Sherman:

I believe you are referring to reissuance of NPDES General Permit GMG290000, which authorizes discharges associated with oil and gas exploration and production in the western Gulf of Mexico at least 3 miles offshore of Louisiana and Texas. There are no new regulations in the works, at this time, as far as I know.

The proposed permit included new proposed requirements for discharges containing well treatment, completion, and workover fluids, including an acute Whole Effluent Toxicity limit. However, the Part I.B.6. Well Treatment Fluids, Completion Fluids, and Workover Fluids note that discharges of excess or testing fluids were not authorized by the permit (see below) was continued from the 2017 permit and is not a new condition.

6. Well Treatment Fluids, Completion Fluids, and Workover Fluids

[Note: Discharges of excess fluids, excess mixed fluids, and fluids used for testing fluid handling equipment are not authorized by the permit.]

The comment period on the draft permit ended on September 20th and we are currently in the process of evaluating and responding to comments received and preparing a final permit decision.

Sincerely,

Brent Larsen
Supervisor, Permitting Section (6WQ-PP)
214-665-7523

U.S. Environmental Protection Agency
Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270

From: Angove, Sharon <Angove.Sharon@epa.gov>
Sent: Monday, September 26, 2022 9:20 AM
To: Jeffrey Sherman <jsherman@reaction35.com>
Cc: Larsen, Brent <Larsen.Brent@epa.gov>; Young, Nichole <young.nichole@epa.gov>
Subject: RE: Proposed Change to NDPES Regulations

Mr. Sherman,

I have cc: some members of our Water Quality staff on this email; they should be able to advise or redirect your email to the appropriate individual(s).

****

Sharon Angove

Ms. Sharon Angove
Environmental Protection/Offshore Specialist and
Offshore Enforcement Officer
Energy Sector Compliance Section (ECDWE)
Enforcement and Compliance Assurance Division (ECD)
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-6472 (office)
(214) 665-2168 (fax)
mailto:angove.sharon@epa.gov

NEW Region 6 Offshore Enforcement web site, as of 08/07/2017: https://www.epa.gov/npdes-permits/western-and-central-gulf-mexico-offshore-oil-gas-npdes-program

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****

From: Jeffrey Sherman <jsherman@reaction35.com>
Sent: Monday, September 26, 2022 8:56 AM
To: Angove, Sharon <Angove.Sharon@epa.gov>
Subject: Proposed Change to NDPES Regulations

Dear Ms. Angrove,

I'm hoping you can direct to information regarding certain changes that have been proposed under the NDPES.

Recently, several owner / operators active engaged in exploration and production activities in the Gulf of Mexico have informed me that EPA has or is soon to propose new regulations under the NPDES. These regulations are intended to further restrict the materials, such as waste completion fluids, that may be disposed to the ocean directly from offshore drilling and completion activities. Once effective, the proposed regulations – as they have been briefly described to me – would eliminate ocean discharge of spent completion fluids, thereby requiring the fluid to be returned to shore (i.e. Port Fourchon) for proper management.

I would like to learn more about these proposed regulations as I believe technology developed by my company would enable companies to comply with their implementation in a manner that derives value.

My company, Reaction35, has developed technology for managing waste completion fluids, specifically those that are based on bromide brines. Our technology is able to recover the bromide in the form of high purity hydrobromic acid, which in turn, can be employed to produce the high density

bromide brines (e.g. sodium bromide, calcium bromide, etc.) that form the basis of completion fluids. We have targeted Port Fourchon, LA as the site where we hope to first implement the technology, which would enable Reaction35 to service the Gulf of Mexico.

If providing more information or speaking by phone would help you to respond to my request, please don't hesitate to let me know.

I look forward to hearing from you.

Best Regards,

Jeffrey H. Sherman, Ph. D.
President
Reaction35 LLC
(772) 538-3971
(831) 536-1657 Fax
jsherman@reaction35.com

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Message

From: Fitzgerald, Michelle R [michelle.fitzgerald@bsee.gov]
Sent: 9/20/2022 3:54:24 PM
To: Rosborough, Evelyn [rosborough.evelyn@epa.gov]
CC: Broussard, T.J. [T.J.Broussard@bsee.gov]; Mcclary, Ronald L [Ronald.Mcclary@bsee.gov]; Giordano, Juliette C [juliette.giordano@bsee.gov]; Fish, David S [David.Fish@bsee.gov]; Vaughan, Susan (Erin O'Reilly) [Susan.Erin.OReilly.Vaughan@boem.gov]; Kaller, Agatha-Marie (Arie) [Arie.Kaller@boem.gov]; Garcia, Mitty [Garcia.Mitty@epa.gov]; Woods, Kayla [Woods.Kayla@epa.gov]; Angove, Sharon [Angove.Sharon@epa.gov]; Alam, Shawn K [Shawn_Alam@ios.doi.gov]
Subject: Docket ID. No EPA–R06–OW–2022–0603, BSEE Comments
Attachments: BSEE_CoverLetter_R6 NPDES Comments 9-20-22.pdf; BSEE_OEC_Comments_EPA R6 2022 NPDES Draft Permit_09202022 (Enclosure).pdf

Good morning,

With this email, the Bureau of Safety and Environmental Enforcement Office of Environmental Compliance submits comments (see enclosure, attached) regarding the proposed NPDES General Permit GMG290000 for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico, Docket ID. No. EPA-R06-OW-2022-0603.

Should you have any questions or concerns regarding these comments, please contact me, Michelle Fitzgerald at michelle.fitzgerald@bsee.gov, or T.J. Broussard via phone at 504-736-3245 or via email at T.J.Broussard@bsee.gov.

Thank you,

Michelle (Shelly) Fitzgerald
Environmental Engineer, Water Quality Coordinator
Office of Environmental Compliance | Environmental Monitoring Unit
Bureau of Safety and Environmental Enforcement | Gulf of Mexico Region
1201 Elmwood Park Blvd | New Orleans, LA 70123

United States Department of the Interior

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT
Gulf of Mexico OCS Region
1201 Elmwood Park Boulevard
New Orleans, Louisiana 70123-2394

September 20, 2022

Via Electronic Mail to: rosborough.evelyn@epa.gov

Re: Docket ID. No EPA–R06–OW–2022– 0603, Proposed NPDES General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (GMG290000)

To Whom It May Concern,

The Bureau of Safety and Environmental Enforcement, Office of Environmental Compliance appreciates the opportunity to review the proposed NPDES General Permit GMG290000 for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico and to provide feedback during the public comment period. Please find enclosed a summary of comments.

Should you have any questions or concerns regarding these comments, please contact me at 504-736-3245 or at T.J.Broussard@bsee.gov.

Sincerely,

TOMMY BROUSSARD

Digitally signed by TOMMY BROUSSARD
Date: 2022.09.19 13:12:53 -05'00'

T.J. Broussard
Regional Environmental Officer
Office of Environmental Compliance
Gulf of Mexico OCS Region

Enclosure

Cc via e-mail:

Mitty Mohon, U.S. EPA Region 6
Sharon Angove, U.S. EPA Region 6
Kayla Woods, U.S. EPA Region 6
David Fish, BSEE
Juliette Giordano, BSEE
Ron McClary, BSEE
Michelle Fitzgerald, BSEE
Arie Kaller, BOEM
Erin O'Reilly, BOEM

Document: EPA Region 6 2022 Draft NPDES Permit
Commenters: BSEE - Office of Environmental Compliance

Comment Number	Type / Category	Draft Permit Reference	Issue/Suggested Revised Wording/Clarification	Further Explanation/Rationale
1	Permit Applicability and Coverage Conditions: Abandonment/ Decommissioning	Part I. Section A.1. Page 6	The NPDES permit states *"This permit establishes effluent limitations, prohibitions, reporting requirements, and other conditions on discharges from oil and gas facilities, and supporting pipeline facilities, engaged in production, field exploration, developmental drilling, facility installation, well completion, well treatment, well workover, **and abandonment/decommissioning operations**."* (Emphasis added.) BSEE requests that EPA add language to address the following: 1. definitions for "abandonment" and "decommissioning;" 2. enforceable requirements that apply during such operations; 3. clarifying language that states under which conditions NPDES permit coverage is applicable and/or terminated; 4. statement explicitly delineating when NPDES regulated activities are deemed to have permanently ceased and NPDES permit	The permit does not contain specific provisions regarding EPA's expectations for facilities' compliance during abandonment/decommissioning activities even though such operations are explicitly included in the list of applicable NPDES operations. All OCS operations must be supported within the NPDES permit, including abandonment and decommissioning operations because EPA is responsible for implementing and enforcing the Clean Water Act and has the authority to investigate and enforce against NPDES permit violations and unpermitted discharges. BSEE is not authorized to manage such CWA NPDES discharge compliance under the Outer Continental Shelf Lands Act (OCSLA) and its implementing regulations.

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Comment Number	Type / Category	Draft Permit Reference	Issue/Suggested Revised Wording/Clarification	Further Explanation/Rationale
			coverage would no longer be applicable following abandonment/decommissioning activities. Suggest adding a submittal of an "Out-of-Service statement," a "Removal Report," "End of Operations Report (EOR)," or "Completion Report" for pipeline decommissioning; and 5. specify that operators must flush and capture the materials contained in pipelines, umbilicals, and other equipment prior to disconnection. A release of fluid from pipelines, umbilicals, and other equipment that are disconnected or cut from the facility during abandonment/decommissioning activities is not authorized by this permit.	
2	Notice of Intent	Page 7	Add language to require that each structure/platform of a larger bridge-connected facility must be assigned its own Permitted Feature if it has a discharge point.	This change will allow BSEE to make sound compliance verification determinations on EPA's behalf.

Comment Number	Type / Category	Draft Permit Reference	Issue/Suggested Revised Wording/Clarification	Further Explanation/Rationale
3	Notice of Intent	Page 7	Consider removal of Day-to-Day Operator as an "Operator."	Allowing multiple parties to file their own separate NOI for a single facility makes it difficult for BSEE to perform compliance verification of the permit on EPA's behalf. Generally, the Day-to-Day Operator should be the same as the Primary Operator in that BSEE expects the Primary Operator to have "day-to-day" control and oversight of the operations. The Primary Operator is the party to which BSEE grant permits to conduct oil and gas operations, not a contractor.
4	Notice of Intent	Page 7	Add language for an exception to primary operator filing for NOI – maintenance waste BMP and cooling water intake permitted features could be filed by secondary operator.	BSEE agrees with previous comments made to EPA that there are specific sources of discharge from drilling vessels for which the primary operator may not have any control.
5	Notice of Intent	Part I. Section A.2. Page 8	The permit is unclear regarding the information that operators must submit with an NOI regarding each "specific discharge." For example, the operator is asked to be "specific," when submitting an eNOI, but this leads to operator confusion about limit sets and actual specifically approved discharge locations (differentiated from potentially unauthorized discharge points that are not specified with the NOI). BSEE requests language be added to the permit that would require an operator to specifically delineate each discharge point or points for each limit set an	

Comment Number	Type / Category	Draft Permit Reference	Issue/Suggested Revised Wording/Clarification	Further Explanation/Rationale
			operator requests to be covered under the permit.	
6	Produced Water	Page 24 Part I. Section B.4.a.	Recommend that the produced water limitations are re-evaluated by performing an updated study of new available technology and improved performance of existing technology.	It has been a long time (over 20 years) since EPA has evaluated the technologies to ensure that the limitations provide the best reduction of pollution. Current limits could allow over a barrel of oil per day to be legally discharged from some of the largest facilities (discharging at 35,000 bbl/day of water).
7	Produced Water	Page 25 Part I. Section B.4.b	Recommend that EPA consider existing technologies for measuring onsite oil and grease concentrations in discharges and the applicability / feasibility of the technology for oil and gas platforms (e.g. similar to Oil Content Monitors (OCMs) used for bilge water monitoring for vessels, infrared, UV florescence).	More representative sampling/measurement for better real-time monitoring of produced water. In the case of a sheen incident, it would be helpful to have a suite of tools and associated methods recognized by the EPA that would inform on-site decisions until lab sample results come back.
8	Produced Water	Page 25 Part I. Section B.4.b	Recommend reducing the maximum 2-hour allowance for sampling after a visible sheen sighting to 30 minutes for a manned facility.	BSEE believes that it is important to obtain samples more representative of the discharge that is observed. This will allow for: 1) the operator to define the baseline by which adjustments and corrections were made at the time of the incident and 2) EPA to better monitor the performance of produced water and the adequacy of the permit limitations.

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Comment Number	Type / Category	Draft Permit Reference	Issue/Suggested Revised Wording/Clarification	Further Explanation/Rationale
9	Produced Water	Page 26 Part I. Section B.4.b	Rephrase to specify that consecutive toxicity tests shall be taken no less than 3 months apart, with one in the first half and one in the second half of each calendar year.	BSEE agrees with previous comments made to the EPA on this issue that this suggested clarification would provide for more representative sampling throughout the year.
10	Produced Sand and Misc. Discharges	Page 28 Part I. Section B.5 and Page 32, Part I. Section B.10.(ii)	Provide references to definitions in Part II. Section G, pages 81 and 82 for "Produced Sand" and "Source Water and Sand."	Clarification of the difference between "produced sand" and "source water and sand" For example, how does one know the difference between the two types of discharges in practice in the field? In particular, the Source Water and Sand definition is not clear on how it differs from Produced Sand. What is considered a non-hydrocarbon bearing zone? It should also be defined.
11		Page 28 Part I. Section B.6.	No composite sample option for oil and grease sampling for well treatment fluids. What is the reason for this omission? Nature of discharge?	O&G for other sources allow for grab or composite sampling.
12	Sanitary Waste	Page 31 Part I. Sections B.7 and 8	There is very little difference between Sections 7 and 8. Should they be the same? The intent of chlorine sampling in Section 8 is unclear. Will there be a limitation and reporting?	Clarification
13	Sanitary Waste	Page 31 Part I. Section B.7	Remove or add discrete boundaries to the TRC monitoring language "shall be maintained as close to this concentration as possible."	Vague language (e.g. "close to" and "as possible") does not allow for appropriate verification of compliance.

Comment Number	Type / Category	Draft Permit Reference	Issue/Suggested Revised Wording/Clarification	Further Explanation/Rationale
14	Sanitary Waste	Page 31 Part I Section B.7	Permit is lacking a maximum limit for Total Residual Chlorine	Verifying that it was not an oversite.
15	Sanitary Waste	Page 31 Part I. Sections B.7 and 8	Suggested additional language for verification of proper MSD operation: [Exception] ... If the MSD is not properly operating or not operating, then the operator is required to immediately comply with the permit prohibitions and limitations for sanitary waste and maintain all records of when the MSD was not properly operating or not operating. Any time the MSD is not properly operating or not operating, it must be reported to EPA on the corresponding quarterly DMR.	Clarification is needed for facilities to demonstrate proper MSD operation.
16	Sanitary Waste	Page 31 Part I. Section B.8	Require some type of treatment for sanitary wastewater discharges for facilities with 9 or fewer occupants for 30 or more consecutive days. Suggest adding requirement for (at minimum) grinding of effluent prior to discharge.	Many facilities relatively close to shore support recreational fishing and are located in close proximity to each other. Also, water near the mouth of the Mississippi River can be much less saline (even fresh to brackish) than typical seawater, and therefore the destruction of the fecal bacteria and potential feces pathogens is not as likely or rapid as would be in full seawater concentrations.
17	Misc. Discharges and Misc. Discharges of Seawater and	Page 32 and Page 35, Part I	Recommend that the fluids authorized for discharge under the MD Limit Set be clearly associated with specific operations in the permit. Describing	Discharging a hydrate control fluid or subsea production control fluids during subsea production operations could likely result in very different volumes and concentrations

Comment Number	Type / Category	Draft Permit Reference	Issue/Suggested Revised Wording/Clarification	Further Explanation/Rationale
	Freshwater which have been Chemically Treated	Sections B.10 and 11	the operation associated with discharged fluid would potentially help provide clarification on the appropriate monitoring and discharge limitations.	as compared to discharging those very fluids subsea during decommissioning operations.
18	Misc. Discharges to which Treatment Chemicals have been added	Page 146 Table 1	The Region 4 NPDES permit toxicity test specifies 7-day minimum and monthly average minimum NOEC. The Region 6 NPDES permit specifies 48-hr average minimum and monthly average minimum NOEC. Which test is more appropriate?	EPA Region 4 and 6 are using different test methods. Recommend that EPA Region 4 and 6 evaluate the best and most appropriate test method and be consistent.
19	Other	Throughout	All defined terms in the permit should be capitalized within the document so as to indicate to the reader that the term is defined.	Necessary clarification and specificity
20	Other		Permit should address, define, and limit the discharge of hydraulic fluid	Many leaks and spills reported to the National Response Center are reports of hydraulic fluid which go uncaptured from the required observation documentation because hydraulic fluid is not defined or mentioned in the permit.
21	Other		Permit should provide acceptable methods for estimating flow.	Flow estimation methods should be stated when parameters and frequency of sampling are based on flow rate.

Appointment

From: Young, Nichole [young.nichole@epa.gov]
Sent: 9/29/2022 5:40:36 PM
To: Larsen, Brent [Larsen.Brent@epa.gov]; Gillespie, David [Gillespie.David@epa.gov]; Angove, Sharon [Angove.Sharon@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Greg Southworth [greg@theooc.org]; Zavala, Silvia [Zavala.Silvia@epa.gov]
CC: Garcia, Mitty [Garcia.Mitty@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; Henson, Tucker [Henson.Tucker@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Staples, Bridget [Staples.Bridget@epa.gov]; Shell, Karrie-Jo [Shell.Karrie-Jo@epa.gov]; Hayes, Mark [hayes.mark@epa.gov]; Morris.Jones@shell.com; Roberta.Lewis@shell.com; Joshua.E.OBrien@shell.com; Schwartz, Paul [Schwartz.Paul@epa.gov]; Gray, Stephanie [Gray.Stephanie@epa.gov]; Hesterlee, Craig [Hesterlee.Craig@epa.gov]

Subject: OCS GP meeting with OOC on proposed permit comments
Attachments: Joint Trades_EPA R6 Comment Mtg - Agenda and Comments - 09.29.2022 - Rev 1.pdf
Location: 5th Floor Arkansas (AR) Conference room - 9810 & Microsoft Teams Meeting

Start: 9/29/2022 6:00:00 PM
End: 9/29/2022 8:00:00 PM
Show Time As: Tentative

Required Attendees: Larsen, Brent; Gillespie, David; Angove, Sharon; Eckhart, Jeanne; Greg Southworth; Zavala, Silvia
Optional Attendees: Garcia, Mitty; McDonald, Scott; Henson, Tucker; Smalley, Bryant; Staples, Bridget; Shell, Karrie-Jo; Hayes, Mark; Morris.Jones@shell.com; Roberta.Lewis@shell.com; Joshua.E.OBrien@shell.com; Schwartz, Paul; Gray, Stephanie; Hesterlee, Craig

---

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Joint Energy Trade Associations
Meeting with EPA Region 6
Proposed GOM OCS NPDES Permit (GMG290000)
September 29, 2022

Agenda

#	Topic	Start	End
	Introductions	1:00	1:05
	Administrative Continuance	1:05	1:15
Technical Comments – Priority Items			

01	TCW Toxicity
	• Testing Not Appropriate
	  ○ 48-hr Acute
	  ○ 7-Day Chronic
	  ○ Critical Dilution Determination – Discharge Rate
	• Alternate Approaches
	  ○ 48-hr Acute Monitoring Only
	  ○ Compliance Implementation
	• 36 hr v. 72 hr Holding Times
	• Alternate Test Procedures
		1:15	1:45

02	General Toxicity • Dilution Water • Grab Samples & Timing of Samples • Determine of Annual Frequency	1:45	2:00
03	Tracers	2:00	2:10
04	CWIS – Production	2:10	2:20
05	CWIS – Drilling	2:20	2:30
06	Sheens – 24 hr Reporting	2:30	2:40
07	eNOIs • Filing during administrative continuance • Training • Mergers/Acquisitions/Transfers • Timeframes if system unavailable	2:40	2:50
08	Permit Summary Table	2:50	2:55
	Wrap-Up	2:55	3:00
Other Technical Comments – Time Permitting			
09	Miscellaneous Discharges • Continuous v. non-continuous • Subsea Cleaning Fluids definition		
10	MSD		
11	STORET Codes / NODI Codes		
12	Statistical Procedures		
13	Other Changes		
14	Permit Supporting Documents		

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Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
01 – TCW Toxicity	**Part I.B.6.a.1.a** 48-Hour Acute WET Limitation	Toxicity shall be assessed through a 48-hour acute Whole Effluent Toxicity (WET) test in accordance with *Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms* (EPA/821-R-02-012), or the most current edition. The acute test is to be conducted using *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs), and *Menidia beryllina,* Method 2006.0. The WET limit applies to both species. In order to be in compliance with the WET limit, the No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Appendix D, Table 1 (1-A through 1-F) of this permit. The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the estimated flow rate when the discharge occurs, discharge pipe diameter, and water depth between the discharge pipe and the bottom. A WET test must be conducted per discharge, and the limit applies to every discharge.	The Joint Trades are recommending 3 options for EPA to consider regarding 48-Hour Acute WET Limitations for TCW fluids. Those options, in order of priority, are: 1. Removal of the limitations from the permit, or 2. Modify the limitation to a monitoring requirement and allow 1 sample to accommodate both 48-hour acute testing and 7-day chronic testing, or 3. Adding a compliance implementation period for the limitation and clarifying on how discharge rates are determined Each option is discussed below. **1. Removal of the limitations from the permit** A 48-hour Acute WET limitation for TCW fluids is not appropriate and the Joint Trades strongly recommend that this requirement be removed from the permit. The industry wide TCW fluid toxicity study forms the basis for this recommendation. The study concluded that several factors limit the potential for aquatic toxicity risks, including: • TCW fluid discharges are typically of short duration. 75% of the discharges sampled during the study were less than 2 hours in duration (median discharge time was 1-hour). A 48-hour test exposure is extremely conservative is not representative of the behavior of these discharges in the marine environment. • TCW fluid discharges are small volumes. TCW fluid discharges are estimated to be 0.01% of produced water discharge volumes.

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			• Of the substances evaluated during the study, no concentration was greater than conservative acute saltwater ecological thresholds. TCW fluids do not pose an unreasonable risk to the aquatic environment, and additional WET testing does not provide any added environmental benefit. Implementation of WET testing requirements increases operational complexity and risk. Some of the operational considerations include: • Increases in onshore waste volumes from fluids that may no longer be discharged. • Safety risks increase due to increased material handling and transfer of fluids. • Potential for increased risk for human exposure pathways due to waste being disposed of onshore. • Increases in GHG emissions due to increased vessel and ground transportation. • Burden on lab operations, impacting lab capacities and availability for testing, increase in testing materials/equipment, and increase in consumption of animals/organisms during testing. Currently, there are only 2-3 laboratories on the Gulf Coast that are capable of performing this type of WET testing. • Offshore operations have unique challenges in meeting WET test hold times. Experience from the industry-wide study shows that holding times required by the WET test method are extremely difficult and sometimes impossible to meet. Implementation of 48-hour WET testing for TCW fluids will result in added cost and burden to the regulated community in the form of "special order" flights and ground transportation. • Implementation of 48-hour testing significantly increases compliance uncertainty. Most TCW fluid discharges will have concluded before the sample reaches the laboratory. In the event of a sample not meeting the toxicity limits there will be nothing for an operator to do to take

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			corrective action (the discharge will be over). This uncertainty will likely result in many operators choosing not to discharge the fluids. In essence, EPA is establishing a "de facto" zero discharge limitation on these fluids. In addition, as noted the industry-wide study report, the critical dilutions listed in Appendix D Table are overly-conservative for assessing TCW fluid discharges. The industry-wide TCW fluid toxicity study concluded the following: "Recognizing that the median duration of the sampled TCW discharges was 1-h, a series of toxicity tests using a 2-h exposure was performed. These tests showed that toxicity for 2-h exposures was generally less than toxicity in 48-h exposure tests. This suggests that, since TCW discharges are of short duration, a comparison of a 48-h NOEC with a critical effluent dilution (CD) as an indicator of potential acute toxicity has a high degree of conservatism." The conservative nature of existing Critical Dilution tables to TCW fluid discharges provides additional rationale for removing the WET testing requirements from the permit. TCW fluid discharges are not steady-state, continuous discharges. These discharges are intermittent, short duration and low volume discharges. In 2017 EPA acknowledged in their proposed permit's fact sheet that the number of available, experienced, and qualified laboratories for WET testing is limited. We agree with this statement. Given the number of TCW discharges that will require testing, the available laboratories cannot manage the volume of toxicity analyses that EPA is proposing for TCW fluids. This in turn could cause quality control issues. Laboratories only culture a limited number of test age organisms. Increasing the number of required tests in a short time frame is not possible. There are only 2-3 laboratories

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			that can perform testing on offshore oil and gas discharges. Inability to predict extended platform downtime periods (i.e., intermittent production), logistics issues for these specific monitoring and testing requirements, and weather (i.e., hurricanes and other tropical storms) can also be problematic with an increase in testing. Increasing required toxicity testing would not only increase the burden on the operator and the testing laboratories, but it will increase the operator's risk for additional missed samples resulting in administrative non-compliances. **2. Modify the limitation to a monitoring requirement and allow 1 sample to accommodate both 48-hour acute testing and 7-day chronic testing** If EPA disagrees that the 48-hour acute WET limitations for TCW fluids should be removed, then the Joint Trades recommend that EPA provide the rationale and change the 48-hour acute limitation to a 48-hour acute monitoring requirement. As discussed in section 1 above, the industry-wide study concluded that several factors limit the potential for aquatic toxicity risks, including: • TCW fluid discharges are typically of short duration. 75% of the discharges sampled during the study were less than 2 hours in duration (median discharge time was 1-hour). A 48-hour test exposure is extremely conservative is not representative of the behavior of these discharges in the marine environment. • TCW fluid discharges are small volumes. TCW fluid discharges are estimated to be 0.01% of produced water discharge volumes. • Of the substances evaluated during the study, no concentration was greater than conservative acute saltwater ecological thresholds. TCW fluids do not pose an unreasonable risk to the aquatic environment. However, data collection through additional monitoring could provide a mechanism to further validate these conclusions.

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			In addition, a monitoring requirement may also present an opportunity for EPA and industry to collaborate on developing a more appropriate test procedure that better represents how these fluids are introduced into the marine environment. A test of less than 48-hours in duration would be more representative and less conservative. Lastly, if 48-hour acute monitoring and 7-day chronic monitoring are included in the final permit, the Joint Trades recommend that EPA include language that clarifies that a single sample can be utilized to obtain both acute and chronic test results. It is more efficient, but still technically appropriate, for operators to capture one sample of a TCW discharge and set up a 7-day chronic WET test. The 48-hour acute results can be obtained on Day 2 of the 7-day test. Therefore, the Joint Trades recommend the following language be added to the final permit: *A single grab or composite sample may be obtained to satisfy both the 48-hour acute and 7-day chronic monitoring. 48-hour acute test results may be obtained from the 7-day chronic test procedure.* **3. Adding a compliance implementation period for the limitation and clarifying how discharge rates are determined** Finally, if 48 acute WET testing for TCW fluids is included in the final permit, it is imperative that a compliance implementation period be included to allow operators time to establish procedures, processes and resources to achieve compliance. The Joint Trades strongly recommend that EPA establish a schedule of compliance for implementation of the new requirements as outlined in 40 CFR 122.47. Offshore facilities subject to these new requirements may require capital upgrades (e.g., fabrication / installation of diffusers or seawater dilution systems) making immediate compliance with the new requirements impossible. Accordingly, should EPA

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			require 48-hour WET testing, the Joint Trades request EPA include a compliance schedule of two years for permittees to determine how to implement the new requirement. The Joint Trades propose the following language be added to this section of the permit: *Compliance with 48-hour Acute WET testing must be achieved within two years of the effective date of the permit.* This type of compliance implementation period would allow the regulated community to: • Train operational personnel on the new requirements, • Establish logistical plans and schedules to meet required holding times, • Identify the impacts to industry laboratories to determine what additional resources are needed to accommodate the new testing, • Allow for fabrication and installation of diffuser and/or seawater dilution systems if needed. • Allow for constructing, contracting, and/or acquisition of additional vessels capable of compliantly managing materials for disposal • Identify and plan for onshore disposal facility capacities and limitations and expansions as needed. In addition, the operational considerations listed above, a compliance implementation period will also allow the regulated community to seek alternative test procedures, if needed, under 40 CFR 136.5. During the industry-wide TCW fluids study, we learned that certain fluids may require additional stirring and be allowed to return to room temperature in order for the WET testing procedure to be executed. As noted in several other comments in this document, the Joint Trades strongly recommend EPA allow the regulated community to seek approval for alternative test procedures, if needed. A two-year implementation period will allow sufficient time for industry to determine if such procedures are needed,

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			how test methods need to be modified and seek approval from EPA under the requirements of 40 CFR 136.5. EPA granted a similar compliance implementation period for produced water chronic WET testing during the 2007 permit renewal. EPA included language in the 2007 permit that said: *Compliance with sub-lethal effects must be achieved within two years after the effective date of this permit.* The Joint Trades strongly encourage EPA to consider this type of implementation schedule for these requirements as well. Also, if the 48-hour acute testing limitations are included in the final permit, the Joint Trades recommend that EPA also add language that clarifies how flow rate used to determine critical dilutions is determined. As described above, most TCW fluid discharges are less than 2 hours in duration and are not continuous discharges. Therefore, it is important to explain how flow rate is estimated to determine the proper critical dilution. The flow rates in Appendix D Table 1 are listed in units of bbls/day. If a discharge lasts 24 hours or longer then the flow rate should be calculated using total volume discharged/number of days of discharge duration. However, if the discharge is less than 24 hours in duration the flow rate should be estimated as total volume discharged/1 day to provide a realistic estimate of the rate discharge during the 24 hour period. The following recommended language is proposed for consideration: *The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the estimated flow rate when the discharge occurs, discharge pipe diameter, and water depth between the discharge pipe and the bottom. Flow rate shall be determined as follows:*

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			• *For discharges greater than 24 hours in duration, flow rate=total volume discharged (bbls)/total duration of discharge (days)* • *For discharges of lasting 24 hours or less, flow rate=total volume discharged (bbls)/1 day* *A WET test must be conducted per discharge, and the limit applies to every discharge.* EPA has stated in the draft Fact Sheet accompanying this proposed permit that: "46% of the samples collected showed acute toxicity for one or more species indicating there is a reasonable potential for acute toxicity stemming from well treatment, completion and workover fluid discharge." However, if the actual volume discharged is used to determine the critical dilution for those discharges lasting less than 24 hours, then 25 of the 28 (89%) samples analyzed did not exhibit acute toxicity at the critical dilution. During the industry-wide TCW study estimated flow rates were calculated using the total volume discharged divided by discharge duration to determine an hourly discharge rate. When this hourly rate is extrapolated to a 24-hour day the estimated discharge rate is conservatively overestimated. For example, if 100 barrels of fluid are discharged in 1 hour, the discharge rate is 100 barrels/hour. Extrapolated to a "barrel per day" rate value, one could estimate a daily rate of 2400 barrels/day. However, this is not representative of what was actually discharged. 100 barrels was discharged

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			in 1 hour and the discharge ceased, therefore, a more representative estimate of actual discharge rate is 100 barrels/day. This illustrates the importance of clearly defining how discharge rates are used to determine critical dilution, especially if EPA proceeds with these requirements as a compliance limitation. This type of approach, use of the total volume discharged for discharges lasting less than 24 hours, is consistent with how discharge rates are estimated for other short duration discharges authorized by the permit.
01 – TCW Toxicity	**Part I.B.6.a.1.b**	One composite sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period. In order to assess compliance with the WET limit, no alternate test procedures are authorized, and the test must be conducted in accordance with the method.	A 48-hour Acute WET Limitation for TCW fluids is not appropriate and the Joint Trades recommend that this requirement be removed from the permit. However, if the 48-hour WET testing requirements are finalized the use of 3 aliquots spaced out at constant time intervals in not feasible. As discussed above, the majority of TCW fluid discharges are less than 2 hours in duration. Capturing 3 aliquots from such short duration discharges does not provide any benefit to the testing methodology. During the industry-wide study, 4 of 28 discharges had durations longer than 4 hours. The remaining 24 discharges had a combined duration of 22.5 hours. The Joint Trades recommend revising the proposed text as follows: *One grab or one composite sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period. In order to assess compliance with the WET limit, ~~no alternate test procedures are authorized, and~~ the test must be conducted in accordance with the method.*

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			Rationale: EPA has not provided a justification for grab samples not being representative of the discharge. Increasing the volume of samples through composite sampling introduces additional operational complexity; most notably increased weight for transport on helicopters. Larger sample volumes will also increase the amount of laboratory waste for disposal. Increasing waste volumes is in conflict with the regulated community's sustainability principles to reduce wastes as much a practical. As an alternative, if EPA does not accept continuing to allow single grab samples for testing, the Joint Trades recommend that EPA adopt the following sampling methodology: • Discharges 24 hours of less in duration: 1 grab sample is required. • Discharges more than 24 hours in duration: 3 aliquots are required captured at evenly space time intervals over a 24 hour period or less. It is also important for EPA to include language in the permit that clarifies when sample holding times begin. Adding the following statement to the permit would provide additional clarification: *As described in the National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, time of sample collection (holding time) begins when the last aliquot is dispensed into the composite sample container.* Source: https://www.epa.gov/sites/default/files/2017-03/documents/npdesinspect-chapter-05.pdf As well, the Joint Trades believe that the phrase "no alternative test procedures are authorized" contradicts existing EPA regulations and should be removed from the permit.

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			40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region." By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits. Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.
01 – TCW Toxicity	**Part I.B.6.a.2.a** 7-day Chronic WET Monitoring	Toxicity shall be assessed through a 7-day chronic WET test in accordance with *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms* (EPA/821-R-02-014), or the most current edition. The chronic test is to be conducted using *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs), and *Menidia beryllina,* Method 1006.0. In order to pass a chronic test, the No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Appendix D, Table 1 (1-A through 1-F) of this permit. The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the estimated flow rate when the discharge occurs, discharge pipe diameter, and water depth between the discharge pipe and the bottom. A chronic WET test must be conducted per discharge.	The Joint Trades are recommending 2 options for EPA to consider regarding 7-day chronic WET Limitations for TCW fluids. Those options are: 1. Removal of the monitoring requirements from the permit, or 2. Adding a compliance implementation period for the monitoring and include a minimum discharge duration of 4 days that require monitoring. Each option is discussed below. **1. Removal of the monitoring requirements from the permit** As discussed under the Joint Trades comments on 48-hour acute testing, most TCW fluid discharges are short duration, intermittent and low volume. The nature of these discharges brings into question the appropriateness of acute WET testing. The nature of these discharges certainly makes 7-day

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			chronic testing unnecessary and not representative of how these discharges interact with the marine environment. Chronic testing is simply not appropriate for these types of discharges. In addition, chronic testing was not part of the industry-wide TCW fluids study. There is no evidence to support inclusion of chronic testing as a permit requirement. By including chronic testing in the permit EPA would be adding additional burden to the regulated community that is not based on scientific evidence. It is also an unnecessary use of vertebrate test organisms. Wherever possible the EPA should reduce, refine, and replace all vertebrate testing for ethical reasons especially considering the industry-wide TCW fluids study found invertebrate test (*Americamysis bahia*) on average more sensitive than the vertebrate test (*Menidia beryllina*). **2. Adding a compliance implementation period for the limitation and include a minimum discharge duration of 4 days that requires monitoring** As discussed under the 48-hour acute testing limitations above, if 7-day chronic WET testing for TCW fluids is included in the final permit, it is imperative that a compliance implementation period be included to allow operators time to establish procedures, processes and resources to implement the monitoring. The Joint Trades strongly recommend that EPA provide justification of this monitoring requirement and establish a schedule of compliance for implementation of the new requirements as outlined in 40 CFR 122.47. The Joint Trades propose the following language be added to this section of the permit: *Compliance with 7-day chronic WET monitoring requirements must be achieved within two years of the effective date of the permit.* In addition, a compliance implementation period will also allow the regulated community to seek alternative test procedures, if needed, under

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			40 CFR 136.5. During the industry-wide TCW fluids study, we learned that certain fluids may require additional stirring and be allowed to return to room temperature in order for the WET testing procedure to be executed. As noted in several other comments in this document, the Joint Trades strongly recommend EPA allow the regulated community to seek approval for alternative test procedures, if needed. A two-year implementation period will allow sufficient time for industry to determine if such procedures are needed, how test methods need to be modified and seek approval from EPA under the requirements of 40 CFR 136.5. EPA granted a similar compliance implementation period for produced water chronic WET testing during the 2007 permit renewal. EPA included language in the 2007 permit that said: *Compliance with sub-lethal effects must be achieved within two years after the effective date of this permit.* The Joint Trades strongly encourage EPA to consider this type of implementation schedule for these requirements as well. The Joint Trades also recommend that EPA also add language that clarifies a minimum duration of discharge that the 7-day monitoring would apply to. During the industry-wide study, only 4 of the 28 operations sampled had discharge durations longer than 38 hours. The remaining 24 operations had discharge durations of less than 2 hours. Applying 7-day chronic testing to discharges of less than 2 hours is inappropriate and misrepresents any potential environmental risks from these discharges. Therefore, we recommend that EPA include the following statement in the final permit if 7-day chronic monitoring is retained: *Toxicity shall be assessed through a 7-day chronic WET test in accordance with Short-term Methods for Estimating the Chronic*

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			Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms (EPA/821-R-02-014), or the most current edition. The 7-day chronic WET test shall only apply to those discharges lasting longer than 4 days in duration. Lastly, if 48-hour acute monitoring and 7-day chronic monitoring are included in the final permit, the Joint Trades recommend that EPA include language that clarifies that a single sample can be utilized to obtain both acute and chronic test results. It is more efficient, but still technically appropriate for operators to capture one sample of a TCW discharge and set up a 7-day chronic WET test. The 48-hour acute results can be obtained on Day 2 of the 7-day test. Therefore, the Joint Trades recommend the following language be added to the final permit: *A single grab or composite sample may be obtained to satisfy both the 48-hour acute and 7-day chronic monitoring. 48-hour acute test results may be obtained from the 7-day chronic test procedure.*
01 – TCW Toxicity	**Part I.B.6.a.2.b**	Three (3) samples are to be collected for the chronic test. The samples may be collected as grab samples spaced out at constant time intervals throughout the duration of the discharge. Each sample must meet the holding time of 36 hours (up to 72 if required) for first use of the sample, and then the samples may be used to prepare renewals until test completion. In order to assess toxicity, no alternate test procedures are authorized, and the test must be conducted in accordance with the method.	As discussed in the previous comment, 7-Day Chronic WET testing monitoring requirements should be removed from the permit. However, if the 7-day chronic testing monitoring requirements are retained in the final permit, the monitoring should only be applicable to discharge durations of 4 days or more. If the 7-day chronic testing monitoring requirements are included in the final permit, the Joint Trades recommend modifying the proposed language in this paragraph as follows: *Three (3) samples are to be collected for the chronic test. The samples may be collected as grab samples spaced out at constant time intervals throughout the duration of the discharge. Each sample must meet the holding time of ~~36 hours (up to~~ 72 hours ~~if required)~~ for first use of the sample, and then the samples may be used to prepare renewals until*

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			test completion. In order to assess toxicity, ~~no alternate test procedures are authorized, and~~ the test must be conducted in accordance with the method. The highlighted language regarding holding times is unclear. Is the holding time 36 hours or 72 hours? EPA should clarify this sentence so that it is clear as to the intent. Furthermore, the hold time for TCW samples should be adjusted to the maximum of 72 hours. A 36-hour hold-time will introduce significant logistical complexity to well workover, completion, and treatment operations by creating the need for operators to have multiple vessels and flights dedicated to sample transportation only. The increased number of vessel and helicopter trips between offshore facilities and shore will increase emissions, noise, and other environmental impacts. They will also increase safety risks associated with landing/takeoff, vessel transport and transfer of samples. These risks will be more acute given a 36-hour time constraint. The requirement for additional flights/vessel trips will also increase costs, as operators compete for scarce supply of helicopters and fast vessels. Lastly, the competition for helicopters and fast vessels will result in project delays, which will further increase costs and result in additional environmental impacts. The Joint Trades also recommend that the phrase "no alternative test procedures are authorized" be struck as it contradicts existing EPA regulations. 40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region."

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			By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits. Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.
01 – TCW Toxicity	**Part I.B.6.c**	Operators must conduct well treatment fluids, well completion fluids, and workover fluids assessments whenever they apply those fluids. Such assessments shall be conducted for each applicable well by operators either corporately or individually. The general information of a specific well treatment, well completion or workover fluid could be used for assessment purposes. Each fluid assessment shall include the following information: 1) Lease and block number 2) API well number 3) Type of well treatment or workover operation conducted 4) Date of discharge 5) Time discharge commenced 6) Duration of discharge 7) Volume of well treatment 8) Volume of completion or workover fluids used 9) The common names and chemical parameters for all additives to the fluids 10) The volume of each additive 11) Concentration of all additives in the well treatment 12) Concentration of all additives in the completion, or workover fluid	The Joint Trades recommend the characteristic assessment requirements be removed from the permit. **Rationale**: The Characteristic Assessment requirements retained from the 2017 permit were intended to apply to the industry-wide TCW fluid toxicity study, or individual studies for those operators that chose not to participate in the industry study. Now that the studies have concluded, these characteristic assessment requirements are not appropriate for routine, normal operations and should be removed from the 2022 permit. This type of detailed information is maintained by operators in well files and could be made available to EPA upon request. In addition, these requirements may create the risk of operators providing proprietary and/or trade secret information on well campaigns. This information is nearly always kept confidential. Experience with the industry-wide TCW study showed that trades secrets are a significant issue with regards to TCW campaigns. During the study, extraordinary measures were taken to ensure that trade secrets and proprietary information were protected. This included procedures to limit chemical analysis of fluid components to mitigate the risk of revealing proprietary information.
01 – TCW Toxicity	**Part I.D.3**	The approved test methods for permit compliance are identified in 40 CFR Part 136. No alternative test procedures are authorized.	The Joint Trades believe that the sentence "No alternative test procedures are allowed" contradicts existing EPA regulations and should be removed from the permit.

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			40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region." By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits. Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.
01 – TCW Toxicity	**Part I.D.4**	The approved test methods for permit compliance are identified in 40 CFR Part 136. No alternative test procedures are authorized.	The Joint Trades believe that the sentence "No alternative test procedures are allowed" contradicts existing EPA regulations and should be removed from the permit. 40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region." By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits.

<table>
<tr><th>Agenda Topic</th><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td></td><td></td><td>Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.</td></tr>
<tr><td>01 – TCW Toxicity</td><td>Part I.D.4.f</td><td>Test Acceptability Criteria

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:
<table>
<tr><th>Condition/Criteria</th><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td># of replicates per concentration</td><td>2</td><td>2</td></tr>
<tr><td># of organisms per replicate</td><td>10</td><td>10</td></tr>
<tr><td># or organisms per concentration</td><td>20</td><td>20</td></tr>
<tr><td># of test concentrations per effluent</td><td>5 and a control</td><td>5 and a control</td></tr>
</table></td><td>The Joint Trades recommend that some of the values listed in the Test Acceptability Criteria table be changed to align with WET testing protocols and methods.

For both species, we recommend the following changes:

• # of replicates per concentration should be 5; not 2.
• # of organisms per replicate should be 8; not 10.
• # of organisms per concentration should be 40; not 20.

NOEC values cannot be achieved with less than 4 replicates.</td></tr>
<tr><td>02 – General Toxicity</td><td>Part I.B.11.a</td><td>One composite sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period.</td><td>The Joint Trades recommend revising the proposed text as follows:

One grab, or one composite, sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period.

<u>Rationale</u>: EPA has not provided a justification for grab samples not being representative of the discharge. Increasing the volume of samples through composite sampling introduces additional operational complexity; most notably increased weight for transport on helicopters. Larger sample volumes will also increase the amount of laboratory waste for disposal.</td></tr>
</table>

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			Increasing waste volumes is in conflict with the regulated community's sustainability principles to reduce wastes as much a practical. As an alternative, if EPA does not accept continuing to allow single grab samples for testing, the Joint Trades recommend that EPA adopt the following sampling methodology: • Discharges 24 hours of less in duration: 1 grab sample is required. • Discharges more than 24 hours in duration: 3 aliquots are required captured at evenly space time intervals over a 24 hour period or less. It is also important for EPA to include language in the permit that clarifies when sample holding times begin. Adding the following statement to the permit would provide additional clarification: *As described in the National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, time of sample collection (holding time) begins when the last aliquot is dispensed into the composite sample container.* Source: https://www.epa.gov/sites/default/files/2017-03/documents/npdesinspect-chapter-05.pdf
02 – General Toxicity	**Part I.B.4.a**	Toxicity. Toxicity shall be assessed through a 7-day chronic Whole Effluent Toxicity (WET) test in accordance with *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms* (EPA/821-R-02- 014), or the most current edition. In order to be in compliance with a WET limit, the No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Appendix D, Table 1 (1-A through 1-F) of this permit. The critical dilution to be used for each calendar year shall be determined during the month of December using Table 1 in Appendix D of this permit and is based on the highest estimated monthly flow rate recorded during the previous 12-months, discharge pipe	The Joint Trades recommend EPA continue to use the language contained in the 2017 permit: *The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the highest monthly average discharge rate for the three months prior to the month in which the test sample is collected, discharge pipe diameter, and water depth between the discharge pipe and the bottom.*

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		diameter, and water depth between the discharge pipe and the bottom. The critical dilution shall be calculated when this permit becomes effective, using the previous 12 months, until recalculated in December and every end of calendar year thereafter.	Alternatively, if EPA has rationale for discharge rate to be moved from three months prior to calendar year prior; the Joint Trades request revisions to the proposed permit language: *The critical dilution to be used for each calendar year ~~shall be determined during the month of December~~ using Table 1 in Appendix D of this permit and is based on the highest estimated monthly flow rate recorded during the previous calendar year ~~12-months~~, discharge pipe diameter, and water depth between the discharge pipe and the bottom.* *The critical dilution shall be calculated when this permit becomes effective, using the previous calendar year. ~~12 months, until recalculated in December and every end of calendar year thereafter.~~* **Rationale**: The Joint Trades are requesting rationale from EPA for discharge rate to be moved from three months prior to calendar year prior. If language is moved to calendar year, the Joint Trades are requesting the language change to this section of the permit to provide clarity. Replacing "12 months" with calendar year will prevent operators from making varying interpretations and will help answer the following questions: Did EPA intend for a calendar year or rolling 12-month period from month sampled? If this is to be done in December, does the Operator include December since the month is not complete?
02 – General Toxicity	**Part I.B.4.b**	Toxicity. Flow must be analyzed at the end of each calendar year (December). The flow used to determine the frequency of toxicity testing for the following calendar year shall be the highest estimated monthly flow rate recorded during the previous 12-months. The required frequency of testing shall be determined as follows: Discharge Rate — Toxicity Testing Frequency 0 - 4,599 bbl/day — once per calendar year	The Joint Trades recommend maintaining the language contained in the 2017 permit: *Toxicity. The flow used to determine the frequency of toxicity testing shall be the highest monthly average flow for the three months prior to the month in which the test sample is collected.*

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		4,600 bbl/day and above once per calendar quarter	Alternatively, if EPA has rationale for discharge rate to be moved from three months prior to calendar year prior, the Joint Trades request revisions to the proposed permit language: *Toxicity. Flow must be analyzed at the end of each calendar year ~~(December)~~. The flow used to determine the frequency of toxicity testing for the following calendar year shall be the highest estimated monthly flow rate recorded during the previous calendar year ~~12-months~~. The required frequency of testing shall be determined as follows:* **Rationale**: The Joint Trades are requesting rationale from EPA for discharge rate to be moved from three months prior to calendar year prior. If language is moved to calendar year, the Joint Trades are requesting the language change in this section of the permit to provide clarity. Replacing "12 months" with calendar year will prevent operators from making varying interpretations and will help answer the following questions: Did EPA intend for a calendar year or rolling 12-month period from month sampled? If this is to be done in December, does the Operator include December since the month is not complete?
02 – General Toxicity	**Part I.B.4.b**	New discharges must perform initial toxicity tests as required by this permit within three months after discharge begins and continue on the appropriate calendar quarter or calendar year based on the highest monthly flow rate available.	The Joint Trades recommend revising the permit text as follows: *New discharges must perform initial toxicity tests as required by this permit within three months after discharge begins and continue on the appropriate calendar quarter or calendar year based on the highest monthly discharge rate available.* **Rationale**: Adding the word "discharge" as noted above provides additional clarity.
02 – General Toxicity	**Part I.B.4.b**	Existing dischargers under the 2017 permit shall commence testing schedules in the 2022 permit as of the effective day of this permit. If the permittee qualified to monitor produced water toxicity at the reduced frequency of once per year	The Joint Trades offer the following suggested revisions to the proposed permit language:

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		under the 2017 permit, the required monitoring frequency shall remain at once per year as long as the discharge is compliant with the toxicity limits. Results of testing for any overlapping monitoring period that were done during the previous permit may also be used to satisfy that monitoring period under the 2022 permit. Flow rate for the purpose of determining the frequency of testing and critical dilution of the next calendar year shall be analyzed in the month of December following issuance of this permit.	*Results of testing for any overlapping monitoring period that were done during the previous permit may also be used to satisfy that monitoring period under the 2022 permit.* ~~*Flow rate for the purpose of determining the frequency of testing and critical dilution of the next calendar year shall be analyzed in the month of December following issuance of this permit.*~~ **Rationale**: If the permittee qualified to monitor produced water toxicity at the reduced frequency of once per year under the 2017 permit, the required monitoring frequency should remain at once per year as long as the discharge is compliant with the toxicity limits. Determining toxicity testing frequency for new discharges or existing discharges on a reduced monitoring period is covered in those respective sections of the permit. The Joint Trades are requesting to remove duplicate information from this section.
02 – General Toxicity	**Part I.B.4.b**	A minimum of three (3) samples shall be collected as grabs or composites. Test Acceptability Criteria and reporting requirements can be found in Part I.D.3 of this permit.	The Joint Trades recommend revising the proposed text as follows: ~~*A minimum of three (3)*~~ *Samples shall be collected as grabs or composites. Test Acceptability Criteria and reporting requirements can be found in Part I.D.3 of this permit.* **Rationale**: EPA has not provided a justification for proposing that a "minimum of three samples" is necessary. Increasing the number of samples and, by default, the volume of samples introduces additional operational complexity; most notably increased weight for transport on helicopters. Larger sample volumes will also increase the amount of laboratory waste for disposal. Increasing waste volumes is in conflict with the regulated community's sustainability principles to reduce wastes as much a practical.

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			As an alternative, if EPA does not accept continuing to allow single grab samples for testing, the Joint Trades recommend that EPA adopt the following sampling methodology: • Discharges 24 hours or less in duration: 1 grab sample is required. • Discharges more than 24 hours in duration: 3 aliquots are required captured at evenly space time intervals over a 24 hour period or less. It is also important for EPA to include language in the permit that clarifies when sample holding times begin. Adding the following statement to the permit would provide additional clarification: *As described in the National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, time of sample collection (holding time) begins when the last aliquot is dispensed into the composite sample container.* Source: https://www.epa.gov/sites/default/files/2017-03/documents/npdesinspect-chapter-05.pdf
02 – General Toxicity	**Part I.D.3.1**	The testing frequency is assessed at the end of every calendar year and established for the following year. However, monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. If a test is not conducted every month, then the permittee must report "NODI 9" for toxicity data.	The Joint Trades recommend the following changes to the proposed permit language to improve clarity. In addition, we recommend removing the references to NODI codes from the permit as this type of language is better suited for DMR instructions instead of permit language. ~~*The testing frequency is assessed at the end of every calendar year and established for the following year. However,*~~ *Monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency.* ~~*If a test is not conducted every month, then the permittee must report "NODI 9" for toxicity data.*~~

<table>
<tr><th>Agenda Topic</th><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr>
<td>02 – General Toxicity</td>
<td>Part I.D.3.f</td>
<td>Test Acceptability Criteria

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:
<table>
<tr><th>Condition/Criteria</th><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Test Duration</td><td>7 days</td><td>7 days</td></tr>
<tr><td># of replicates per concentration</td><td>8</td><td>4</td></tr>
<tr><td># of organisms per replicate</td><td>5</td><td>10</td></tr>
<tr><td># or organisms per concentration</td><td>40</td><td>40</td></tr>
<tr><td># of test concentrations per effluent</td><td>5 and a control</td><td>5 and a control</td></tr>
<tr><td>Holding time *</td><td>36 hours for first use</td><td>36 hours for first use</td></tr>
<tr><td>Sampling Requirement *</td><td>Minimum of 3 samples</td><td>Minimum of 3 samples</td></tr>
<tr><td>Test Acceptability Criteria</td><td>≥80% survival of all control organisms.</td><td>≥80% survival of all control organisms.</td></tr>
<tr><td></td><td>Average dry weight per surviving organism in control ≥0.2mg.</td><td>Average dry weight per surviving unpreserved organism in the control must be ≥0.5mg when test starts with 7d old larvae, or, ≥0.43mg or greater after no more than 7days if preserved.</td></tr>
<tr><td>Coefficient of Variation**</td><td>40% or less, unless significant effects are exhibited.</td><td>40% or less, unless significant effects are exhibited.</td></tr>
<tr><td>Percent Minimum Significant Difference (PMSD range) for Sublethal Endpoint **</td><td>11 - 37</td><td>11 - 28</td></tr>
</table>

* If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples and the minimum number of effluent portions are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent, and must meet the holding time between collection and first use of the sample. When possible, the effluent</td>
<td>The Joint Trades recommend that some of the values listed in the Test Acceptability Criteria table be changed to align with WET testing protocols and methods.

For Menidia beryllina, we recommend the following changes:

• # of replicates per concentration should be 5; not 4.
• # of organisms per replicate should be 8; not 10.

In addition, to align with our recommendations on TCW fluids 48-hour acute WET testing, Sample Requirements for both Americamysis bahia and Menidia beryllina should be modified to:

1 grab sample for discharges of 24 hours or less, or 3 aliquots at evenly spaced time intervals over a 24-hour period for discharges greater than 24-hours in duration.

The rationale for this recommendation is discussed above in previous comments.

<u>Regarding PMSD Limits:</u> PMSD limits are protective of the environment and permittees. Upper PMSD limits prevent highly variable data that decreases the power of the required statistical methods from being used to demonstrate permit compliance. Lower PMSD limits prevent data sets with very low variability, hyper-sensitive data sets, from failing. If the PMSD for a sub-lethal data set is less than the lower PMSD limit and the required statistical methods indicate a statistically significant difference between the control and a treatment, this difference must be confirmed by calculating relative differences between the control and each treatment.

Growth data are based on biomass: dry weight of survivors from each replicate divided by the number of organisms exposed not the number</td>
</tr>
</table>

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		samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section. **Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%, or a PMSD value greater than the higher value on the range provided.	surviving. Any mortalities exacerbate sublethal biomass variability. If the replicate dry weight is for one surviving organism, it must be divided by the number originally exposed! If a treatment fails survival it is excluded from sub-lethal data analyses. If the survival and growth data are near perfect and clearly passing except at the highest concentration tested (low survival and high variability between replicates), the required statistical methods (Steel's Many-One Rank Test in particular) may not pick up >40% mortality as statistically significant. This can lead to the upper biomass PMSD limit being exceeded and an invalid test, even though the lower sample dilutions are statistically equivalent in survival and biomass to the concurrent control. Including the 2017 permit language for chronic tests could prevent resampling and retesting clearly passing data sets: *If the conditions of Test Acceptability are met in Item 3.f. above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the survival test shall be considered to be passing and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found below.* And adding similar language for sublethal biomass data: *If the conditions of Test Acceptability are met in Item 3.f. except that the PMSD upper limit is exceeded, then if the mean dry weight of surviving control organisms is equal to or greater than the limit in the test method, and the biomass data for the critical dilution and all lower dilutions are not more than the PMSD lower limit (11% for both species) less than the concurrent control, the growth test shall be considered to be passing and the permittee shall report a growth NOEC*

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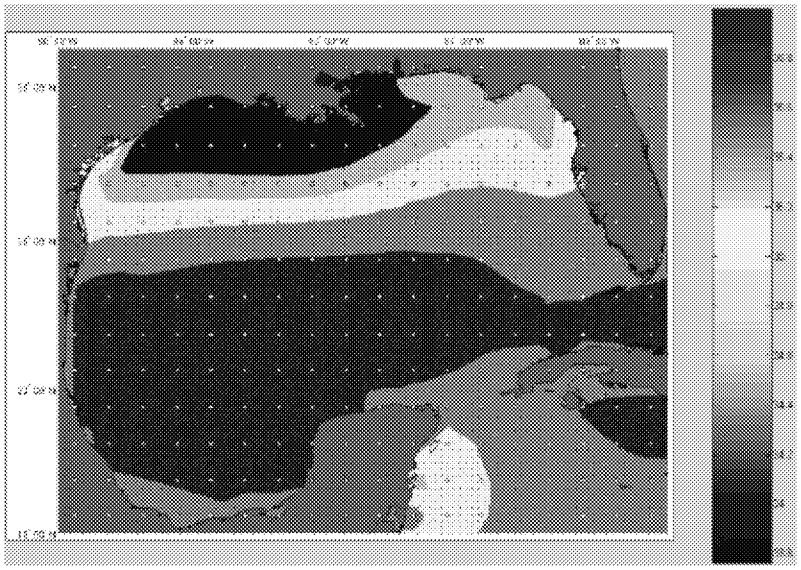
			of not less than the critical dilution for the DMR reporting requirements found below.
02 – General Toxicity	**Part I.D.3.h**	Dilution Water Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar salinity closest to the point of discharge if the receiving water shows toxicity and fails to meet acceptability criteria for the control.	The Joint Trades strongly recommend removing the requirements for the use of receiving waters as dilution water for the purposes of WET testing. There are several technical and operational reasons for concern. **1. WET Testing Methods Recommendations** EPA's *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition* contains the following recommendations regarding types of dilution water, "7.1.1.1 If the objective of the test is to estimate the absolute acute toxicity of the effluent, a synthetic (standard) dilution water is used." As well as, "7.1.2 An acceptable dilution water is one which is appropriate for the objectives of the test; supports adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test (i.e., consistently meets test acceptability criteria for control responses); is consistent in quality; and does not contain contaminants that could produce toxicity." Method 1007.0: Mysid, Mysidopsis bahia, Survival, Growth and Fecundity Test: Chronic Toxicity contains the following requirement, "14.6.11.1 Saline test and dilution water -- The salinity of the test water must be in the range of 20‰ to 30‰." Gulf of Mexico receiving waters mean annual sea-surface salinity ranges from 33‰ to greater than 36‰ as shown in the figure below from

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
			Vinogradov, S., *The use of ocean tomographic observations in numeric simulation of mesoscale oceanic circulation in the northern Gulf of Mexico, 2005.*  Gulf of Mexico receiving waters are higher than the recommended salinities in Method 1007.0 and therefore may not "support adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test." **2. Impractically of Capturing Receiving Water Samples** The proposed permit language states that "Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge." It is unclear how

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			operators are to determine if the receiving water collection point is unaffected by the discharge. The requirement is vague and ambiguous. In addition, capturing samples of receiving water for use as dilution water would potentially require the launching and operation of small fast rescue craft from the platform. Most platforms do not have such craft available or installed. Launching of such craft requires lower the vessel 150-200 feet via cables to the water's surface with people on board. This is a high risk activity that is conducted only when it is absolutely necessary (i.e., responding to an emergency). This requirement to use receiving water as dilution water increases the risks and hazards to offshore personnel. If receiving water was collected for use as dilution water, approximately 40 gallons would be needed per test. That would require transport of more than 320 lbs. of water, ice and containers. Additional helicopter flights would be required as well as additional ground transport. As noted in other comments contained in this document, increased transportation results in significantly higher greenhouse gas emissions, higher costs to the regulated community and additional burden in the form of increased scheduling and planning. The use of synthetic dilution water eliminates all of these concerns and provides a practical, sound alternative to the use of receiving water. **3. Synthetic Dilution Water Has a Proven History** Synthetic dilution water has been used for Gulf of Mexico dilution water since the inception of the General Permit. There are decades of data that provide ample evidence that synthetic dilution water is appropriate for WET testing. If EPA has identified concerns or issues with the historical use of synthetic dilution water based upon this historical data, then that

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			information should be shared with the regulated community and the public to justify the need for this proposed change. Based on the rationale discussed in items 1-3, the Joint Trades recommend that this proposed paragraph be removed from the permit.
02 – General Toxicity	**Part I.D.4.f**	* If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples and the minimum number of effluent portions are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent, and must meet the holding time between collection and first use of the sample. When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section.	The Joint Trades recommend that the following sentence be removed from the permit: ~~*When possible, the effluent samples used for the toxicity tests shall be collected on separate days.*~~ **Rationale**: Collection of samples on separate days creates unnecessary burden on the regulated community, including: • Increase difficulty in meeting required holding times leading to "special order" flights and ground transportation. • Safety risks increase due to increased material handling and additional helicopter flights. • Increased air pollutants and GHG emissions due to increased vessel and ground transportation.
02 – General Toxicity	**Part I.D.4.h**	Dilution Water Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar salinity closest to the point of discharge if the receiving water shows toxicity and fails to meet acceptability criteria for the control.	Comments made above regarding dilution water are repeated here. The Joint Trades strongly recommend removing the requirements for the use of receiving waters as dilution water for the purposes of WET testing. There are several technical and operational reasons for concern. **1. WET Testing Methods Recommendations** EPA's *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition* contains the following recommendations regarding types of dilution water,

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			"7.1.1.1 If the objective of the test is to estimate the absolute acute toxicity of the effluent, a synthetic (standard) dilution water is used." As well as, "7.1.2 An acceptable dilution water is one which is appropriate for the objectives of the test; supports adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test (i.e., consistently meets test acceptability criteria for control responses); is consistent in quality; and does not contain contaminants that could produce toxicity." Method 1007.0: Mysid, Mysidopsis bahia, Survival, Growth and Fecundity Test: Chronic Toxicity contains the following requirement, "14.6.11.1 Saline test and dilution water -- The salinity of the test water must be in the range of 20‰ to 30‰." Gulf of Mexico receiving waters mean annual sea-surface salinity ranges from 33‰ to greater than 36‰ as shown in the figure below from Vinogradov, S., *The use of ocean tomographic observations in numeric simulation of mesoscale oceanic circulation in the northern Gulf of Mexico, 2005.*

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			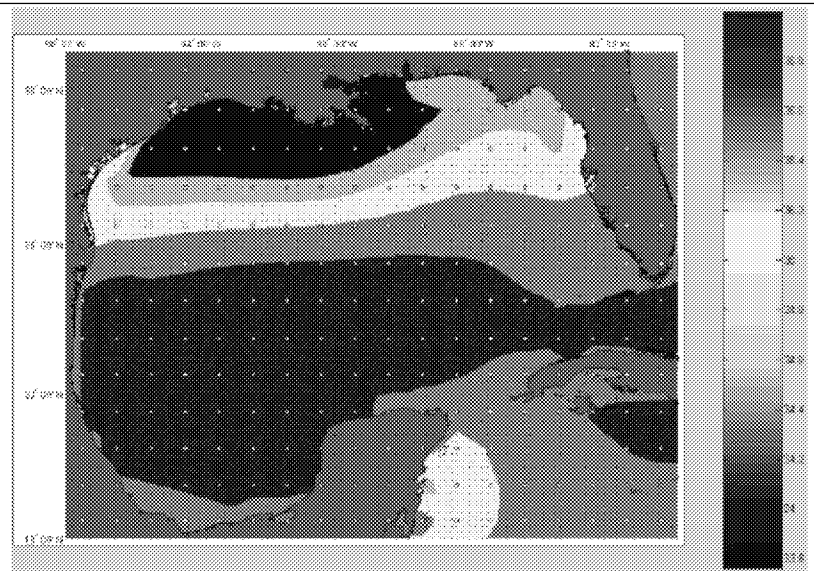 Gulf of Mexico receiving waters are higher than the recommended salinities in Method 1007.0 and therefore may not "support adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test." **2. Impractically of Capturing Receiving Water Samples** The proposed permit language states that "Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge." It is unclear how operators are to determine if the receiving water collection point is unaffected by the discharge. The requirement is vague and ambiguous. In addition, capturing samples of receiving water for use as dilution water would potentially require the launching and operation of small fast rescue

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			craft from the platform. Most platforms do not have such craft available or installed. Launching of such craft requires lower the vessel 150-200 ft via cables to the water's surface with people on board. This is a high risk activity that is conducted only when it is absolutely necessary (i.e., responding to an emergency). This requirement to use receiving water as dilution water increases the risks and hazards to offshore personnel. If receiving water was collected for use as dilution water, approximately 40 gallons would be needed per test. That would require transport of more than 320 lbs. of water, ice and containers. Additional helicopter flights would be required as well as additional ground transport. As noted in other comments contained in this document, increased transportation results in higher greenhouse gas emissions, higher costs to the regulated community and additional burden in the form of increased scheduling and planning. The use of synthetic dilution water eliminates all of these concerns and provides a practical, sound alternative to the use of receiving water. **3. Synthetic Dilution Water Has a Proven History** Synthetic dilution water has been used for Gulf of Mexico dilution water since the inception of the General Permit. There are decades of data that provide ample evidence that synthetic dilution water is appropriate for WET testing. If EPA has identified concerns or issues with the historical use of synthetic dilution water based upon this historical data, then that information should be shared with the regulated community and the public to justify the need for this proposed change. Based on the rationale discussed in items 1-3, the Joint Trades recommend that this proposed paragraph be removed from the permit.

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03 - Tracers	**Part I.A.1.b**	Limitations on Coverage: The following are not authorized under this permit: i) Discharges not described under Parts I.B.1-13 ii) This general permit does not authorize discharges, including spills or leaks, caused by failures of equipment, blowout, damage of facility, or any form of unexpected discharge. iii) Historic Properties: Facilities which adversely affect properties listed or eligible for listing in the National Register of Historic Places are not authorized to discharge under this permit. iv) Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. Permittees must obtain separate authorization from NRC in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit or for any other disposal of such materials.	The Joint Trades recommend moving this paragraph to Part I.C Other Discharge Limitations. The suggested revisions are as follows: *Section C. Other Discharge Limitations* *8. Discharges not described under Parts I.B.1-13* *9. This general permit does not authorize discharges, including spills or leaks, caused by failures of equipment, blowout, damage of facility, or any form of unexpected discharge.* *10. Historic Properties: Facilities which adversely affect properties listed or eligible for listing in the National Register of Historic Places are not authorized to discharge under this permit.* *11. Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. Permittees must obtain separate authorization from NRC in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit or for any other disposal of such materials.* **Rationale**: Part I.C is the part of the permit where general discharge limitations and prohibitions are described. The limitations described in this proposed section are better aligned for inclusion in Part I.C. In addition, the Joint Trades are offering additional comments on item iv) radioactive tracers (see next comment).
03 - Tracers	**Part I.A.1.b.iv**	iv) Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. Permittees must obtain separate authorization from NRC in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this	The Joint Trades agree with EPA that nothing in this permit shall be construed to circumvent any applicable requirements imposed by the Nuclear Regulatory Commission (NRC) for the discharge of radioactive materials under the Atomic Energy Act. See 42 U.S.C. § 2012; see also 40 CFR § 122.2 (excluding radioactive materials regulated under the Atomic

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		permit or for any other disposal of such materials.	Energy Act from the definition of "pollutant."). However, the language of the draft permit relating to radioactive materials under the jurisdiction of the Nuclear Regulatory Commission (NRC) could be interpreted as prohibiting all discharges of radioactive materials absent an explicit grant of authorization to the operator from the NRC. Accordingly, the Joint Trades recommend adding the following language to clarify that the NRC require NRC licensees to obtain authorization. *Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC) not authorized for discharge under an NRC License (if required): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. N R C licensees ~~Permittees~~ must obtain separate authorization from NRC, if required, in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit ~~or for any other disposal of such materials.~~ Compliance with this limitation must be achieved within two years after the effective date of this permit.* This is important as third-party vendors hold the NRC license for use of radioactive tracers, not the operators. The Joint Trades are committed to working with these vendors to understand what steps, if any, need to be taken for NRC to authorize discharges of radioactive materials. The Joint Trades further note that EPA's past consideration of radioactive tracers weighs strongly against an outright prohibition against their discharge. For example, EPA "examined [radioactive tracer discharges] in the process of issuing National Effluent Limitations Guidelines and in our permit development." See Attachment B Letter from S. Wilson dated August 19, 2003 for more information. EPA's current proposal to prohibit the discharge presents no information to counter their own 2003 determination. (See also Avanti Corporation, *Ocean Discharge Criteria*

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			Evaluation for the NPDES General Permit for the Western Gulf of Mexico OCS, EPA Contract No. 68-C9-0009 Work Assignment S-4-49(P), Task 161, prepared for USEPA Region 6, Dallas TX Dated August 9, 1993.) In preparation for the 2012 Permit Renewal, EPA proposed language requiring radioactive tracers to be separated from TCW and Produced Water discharges and sent to shore for disposal. In a letter from OOC to Mr. Isaac Chen, EPA Region 6 Permit Writer, dated December 15, 2011, OOC provided comments to strike the proposed language. As explained in this letter, excerpts of which are provided below, it would be prohibitively expensive and time consuming to filter these tracers from produced water, an undertaking not justified given the trivial levels of tracers present in the produced water. Mr. Chen agreed and the proposed language was not included in the final Permit, effectively approving discharge of radioactive tracers. EPA again considered and approved discharge of radioactive tracers in the 2017 NPDES Permit. Specifically, during the 2017 permit renewal process, the OOC requested that EPA add the following language, underlined and in red, to the Miscellaneous Discharge section: "Mud, Cuttings, and Cement (including tracers) at the seafloor." OOC explained its rationale for this request as follows: *Being able to identify top of cement (TOC) behind a wellbore casing can sometimes be challenging given current (acoustic) cement evaluation logging technology. By being able to run tracers detectable by logging tools, the technical limits of acoustic logging tools are bypassed, thus allowing the operator another option that may more clearly identify TOC and ensure the cemented casing meets technical and HSE requirements for the well. The tracer in question would be a very small quantity (~ 1 mCi) of Sc-46 embedded in inert beads suspended in a gel (~1 cup by volume total),*

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			placed in the first 50 bbls of cement pumped (and so may extrude to sea floor for top hole casings). Sc-46 decays by beta emission (with detectable gamma), with a half-life of ~84 days (so effectively gone after 5 half-lives or 420 days). The beads will not float or disperse, rather we expect they will be encapsulated into the cement slurry as it solidifies (over 12-24 hours at the sea floor). Sc-46 beta emissions travel distance in water is estimated at 0.11 cm. The tenth thickness in concrete for the gamma emissions is 16 cm. Given these small distances, along with short half-life and cement encapsulation, we would not expect significant ecological risk from this tracer. EPA accepted OOC's proposed language and added it to the current permit, which reads "Muds, Cuttings, and Cement (including cement tracer) at the Seafloor." The radioactive tracers used in fracturing are the same as used in cementing, discussed above. They are tiny beads, similar in size to a proppant grain, which are injected to the slurry stream at a very low concentration while pumping the frac. The primary reason that radioactive tracers are added to the frac slurry is to confirm the presence of an annular pack of proppant around the screens. Frac height confirmation is a secondary benefit of the tracers in sand control wells. In wells requiring sand control—which include most Gulf of Mexico wells—the proppant pack around the screens acts as an additional filter preventing sand production and protecting the integrity of the screens, tubulars and facilities. Without a complete proppant pack in place around the screens, the screens can quickly erode compromising screen integrity. The sand and proppant produced after the screens are compromised erode tubulars and facility piping. It can also foul the safety valve and subsea tree valves making them non-functional. Thus, the use of radioactive tracers in the frac slurry is important to the integrity and safety of the well.

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			Given the above—i.e., EPA's prior determinations, the proppant's small size, the viscous matrix used to convey the proppant, and the expected trivial loss to produced water due to the well bore screen—USEPA should not prohibit discharge of insignificant levels of radioactive tracers. Should EPA intend to prohibit discharge of radioactive tracers, OOC requests: 1. EPA demonstrate a cost/benefit analysis for requiring a prohibition of the discharge of radioactive tracers. 2. OOC proposes the following language be added to this section of the permit: "Compliance with this limitation must be achieved within two years after the effective date of this permit." **Additional background information:** Radioactive Tracers in Proppants Background (edited from OOC letter to Mr. Isaac Chen dated December 15, 2011): *Propping agents are like grains of sand in size (< 600 microns typically). Proppants or solids introduced into a gravel pack or fracture job are not themselves radioactive. Proppants are generally man made and composed of ceramic material. Occasionally a gravel pack may be tagged with a weak radioactive isotope in order to determine what the extent of the fracture height is. This isotope is added to the main portion of the fluid which may or may not contain proppant [OOC realizes that the August 1, 2011, submittal to EPA was not clear on how trace radioactive materials were added to the proppant- the fluid is dosed with the tracer; radioactive material is not physically added into the proppant grains.]. For well completion applications the base fluid is viscosified with an organic biodegradable polymer and a chemically inert propping agent which is incorporated at varying concentrations. This slurry is pumped down the work string and hydraulically forced into the production zone. Any excess slurry is reversed out of the work string and returned to the surface. Pending a passing static sheen and oil and grease test, the slurry is discharged (if it does not contain priority*

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			pollutants above trace amounts). Once placed in the formation, the proppants will be retained therein by the well screen. This screen is of critical importance for sand control (to prevent excess erosion of piping which could result in a loss of hydrocarbon containment). The only proppant that is discharged is proppant which remains in the work string (tubing used to channel the proppant slurry to the formation face). As noted above this mixture is a very viscous gel (highly cross-linked). Because of this, separation of the proppant from this well fluid is not feasible without extensive or time-consuming treatment. *This prohibition could also impact produced water discharges. Proppants may be returned with produced water. As discussed above, proppant application is into the formation, and prevented from return with the oil/gas by use of screens across the producing zones. As such, proppant levels in produced water will be trivial. Data from one major operator indicates that produced water discharged overboard contain relatively low volumes (approximately 25ppm) of solids with an average (D50) particle size of 25 micron based on limited sampling at a major platform in the Gulf. The Effluent Guidelines (Table IX-12) indicates solids loading on the order of 13.38-74.72 ug/l. Filtration of produced waters just prior to overboard discharge would require installation of suitable pumping capacity and elevated deck sections to accommodate the additional equipment and space for operator intervention and maintenance. Existing assets lack open deck space to accommodate this equipment. Filtration of produced water can be very problematic given oil has a "stickiness" property which would bridge over in time the filter screens requiring a solvent wash or steam cleaning. An initial estimate to filter a 10,000 bwpd produced water stream to < 600 micron solids was made. The cost for engineering, filtration and pumping equipment would be on the order of $750,000* [2011

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			estimate]. *The cost for structural steel and offshore installation may require as much as 5000-man hours and cost an estimated $4 million dollars* [2011 estimate]. *It is estimated to take 24 weeks to procure the required equipment. Additional time would be required for conducting the engineering on the facility to address weight, space and safety classification issues. Assuming this cost, given there are approximately 800 platforms* [2011 estimate] *discharging produce water, this yields a total industry cost of approximately $3,800,000,000* [2011 estimate]. *Finally, the solids recovered from the filtration system would have to be disposed onshore.* *The above is a rough estimate made in the limited time available. However, it does indicate that addition of filtration equipment to produced water streams is a significant undertaking in the offshore environment. As such, OOC feels it is difficult to justify such systems given the small chance some proppant grains/radioactive tracer particles are returned with the produced fluids. OOC notes that sand loss control is a critical design concern for a well as sand can erode piping and valves and result in loss of containment of the hydrocarbons. As such, great care is taken to ensure even fine grain sands/solids do not exit the formation. Certainly, very fine solids can and do come out and up into the topsides equipment.; However, weight and space limitations make the addition of solids separating equipment quite challenging.*
04 – CWIS Production	**Part I.B.12.c.1).ii**	Velocity monitoring. The operator must monitor intake flow velocity across the intake screens on a continuous basis to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies: If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be <0.300 — Quarterly 0.300 – 0.38 — Monthly	The Joint Trades propose to strike "on a continuous basis" as it directly conflicts with the below monitoring frequencies. *iii. Velocity monitoring. The operator must monitor intake flow velocity across the intake screens ~~on a continuous basis~~ to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies:*

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		>0.38 Daily	*If the Most recent intake flow velocity (ft/s)* — *Then Monitoring Frequency Should be* *<0.300* — *Quarterly* *0.300 – 0.38* — *Monthly* *>0.38* — *Daily* **Rationale**: The Joint Trades request all intake flow velocity monitoring proposed as "continuous" be struck. Continuous intake flow velocity monitoring would require possibly significant upgrades to existing intake flow velocity monitoring systems including routing of signals to process computers for automatic logging. Monitoring frequencies in the table allow permittees to manually log the intake flow velocity if continuous monitoring systems are not feasible. EPA agreed with this request in their Response to Comments for the 2012 GMG290000 permit renewal, "OOC requested that EPA change the flow monitoring frequency from continuous to daily because continuous monitoring may require significant upgrades to the existing flow system. Response: EPA has revised the permit language. Daily monitoring frequency will be used for flow monitoring. EPA has also changed the frequency for screen monitoring to daily based on the same reason for changing flow monitoring." EPA again agreed with this request in the 2017 GMG290000 permit renewal when they included the tiered monitoring frequencies in the current permit and did not include continuous intake flow velocity monitoring. 2017 Rationale: Velocity monitoring consists of a demonstration requirement based on the facilities' proposed design and a compliance monitoring requirement that verifies the velocity limitation is being met. There is agreement with the purpose of inspection, but not the frequency.

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			The tiered velocity monitoring approach is based upon a statistical analysis of six separate CWIS operated in the GOM during 2015. The analysis is based on the rate-of-change in daily velocity monitoring data (attached as Appendix D). An ANOVA indicates no statistical difference in the rate of change in intake velocity among the five intakes ($P < 0.05$). The data are approximately normally distributed with a mean change in velocity equal to 0.0001 (ft/s)/day and a standard deviation equal to 0.0106 (ft/s)/day. Based on these data, there is a 95% probability that the mean velocity increase over any 30-day period will be less than 0.11 (ft/s)/day; and a 95% probability that the mean velocity increase over any 90-day period will be less than 0.20 (ft/s)/day. Therefore, 95% of all monthly intake velocity measurements will be less than 0.5 ft/s provided that the previous month's velocity measurement was less than 0.39 ft/s. Similarly, 95% of all quarterly velocity measurements will be less than 0.5 ft/s provided that the previous quarter's measurement was less than 0.30 ft/s. We note this data makes sense relative to visual inspection information presented elsewhere the rate of biogrowth on intakes is quite low and so the rate of change of intake velocity would also be expected to be quite low, hence allowing for reduced monitoring frequencies (using a tiered approach to ensure compliance with the 0.5 fps standard for any CWIS design). Related to this issue, EPA must allow for the fact that some affected facilities have been constructed between July 2006 and October 2022 with intake flow velocity monitoring designs based on initial and quarterly/monthly/daily flow monitoring. These facilities may require capital upgrades to reach a continuous intake flow velocity monitoring capability. Should EPA require continuous monitoring, The Joint Trades propose the following language be added to this section of the permit:

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			Compliance with continuous intake flow velocity monitoring must be achieved within two years after the effective date of this permit.
04 – CWIS Production	**Part I.B.12.c.2).iii**	Velocity monitoring. The operator must monitor intake flow velocity across the intake screens on a continuous basis to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies: If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be <0.300 — Quarterly 0.300 – 0.38 — Monthly >0.38 — Daily	The Joint Trades propose to strike "on a continuous basis" as it directly conflicts with the below monitoring frequencies. *iv. Velocity monitoring. The operator must monitor intake flow velocity across the intake screens ~~on a continuous basis~~ to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies:* *If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be* *<0.300 — Quarterly* *0.300 – 0.38 — Monthly* *>0.38 — Daily* **Rationale**: The Joint Trades request all intake flow velocity monitoring proposed as "continuous" be struck. Continuous intake flow velocity monitoring would require possibly significant upgrades to existing intake flow velocity monitoring systems including routing of signals to process computers for automatic logging. Monitoring frequencies in the table allow permittees to manually log the intake flow velocity if continuous monitoring systems are not feasible. EPA agreed with this request in their Response to Comments for the 2012 GMG290000 permit renewal, "OOC requested that EPA change the flow monitoring frequency from continuous to daily because continuous monitoring may require significant upgrades to the existing flow system. Response: EPA has revised the permit language. Daily monitoring frequency will be used for flow monitoring. EPA has also changed the frequency for

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			screen monitoring to daily based on the same reason for changing flow monitoring." EPA again agreed with this request in the 2017 GMG290000 permit renewal when they included the tiered monitoring frequencies in the current permit and did not include continuous intake flow velocity monitoring. <u>2017 Rationale</u>: Velocity monitoring consists of a demonstration requirement based on the facilities' proposed design and a compliance monitoring requirement that verifies the velocity limitation is being met. There is agreement with the purpose of inspection, but not the frequency. The tiered velocity monitoring approach is based upon a statistical analysis of six separate CWIS operated in the GOM during 2015. The analysis is based on the rate-of-change in daily velocity monitoring data (attached as Appendix D). An ANOVA indicates no statistical difference in the rate of change in intake velocity among the five intakes ($P < 0.05$). The data are approximately normally distributed with a mean change in velocity equal to 0.0001 (ft/s)/day and a standard deviation equal to 0.0106 (ft/s)/day. Based on these data, there is a 95% probability that the mean velocity increase over any 30-day period will be less than 0.11 (ft/s)/day; and a 95% probability that the mean velocity increase over any 90-day period will be less than 0.20 (ft/s)/day. Therefore, 95% of all monthly intake velocity measurements will be less than 0.5 ft/s provided that the previous month's velocity measurement was less than 0.39 ft/s. Similarly, 95% of all quarterly velocity measurements will be less than 0.5 ft/s provided that the previous quarter's measurement was less than 0.30 ft/s. We note this data makes sense relative to visual inspection information presented elsewhere the rate of biogrowth on intakes is quite low and so the rate of change of intake velocity would also be expected to be quite low, hence allowing for reduced monitoring frequencies (using a tiered approach to ensure compliance with the 0.5 fps standard for any CWIS design).

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			Related to this issue, EPA must allow for the fact that some affected facilities have been constructed between July 2006 and October 2022 with intake flow velocity monitoring designs based on initial and quarterly/monthly/daily flow monitoring. These facilities may require capital upgrades to reach a continuous intake flow velocity monitoring capability. Should EPA require continuous monitoring, The Joint Trades propose the following language be added to this section of the permit: *Compliance with continuous intake flow velocity monitoring must be achieved within two years after the effective date of this permit.*
05 - CWIS Drilling	**Part I.B.12.b.1). i**	The cooling water intake structure(s) must be designed, constructed, operated, and maintained so that the maximum through-screen design intake velocity shall not exceed 0.5 ft/s;	The Joint Trades recommend that EPA consider the comments submitted by the International Association of Drilling Contractors (IADC) regarding cooling water intake structures on non-fixed facilities.
05 – CWIS Drilling	**Part I.B.12.b.1). ii**	The permittee must develop and implement an Operation and Maintenance plan to minimize impingement mortality of fish and shellfish through use of cooling water intake design and construction technologies or operational measures.	The Joint Trades recommend that EPA consider the comments submitted by the International Association of Drilling Contractors (IADC) regarding cooling water intake structures on non-fixed facilities.
06 – 24 hr Reporting	**Part I.B.10.a**	Free Oil. No free oil shall be discharged. Discharge is limited to those times that a visual sheen observation is possible unless the operator uses the static sheen method. Monitoring shall be performed using the visual sheen method on the surface of the receiving water every day when discharging, or by use of the static sheen method at the operator's option. Visual sheen observation must be made during daylight in the vicinity of outfalls. Observation of sheen must be recorded whenever a sheen is observed during the day. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.* **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
06 – 24 hr Reporting	**Part I.B.11.a**	Free Oil. No free oil shall be discharged. Discharge is limited to those times that a visible sheen observation is possible unless the operator uses the static sheen method. Monitoring shall be performed using the visual sheen method on the surface of the receiving water daily when discharging, or by use of the static sheen method daily at the operator's option. Visual sheen observation must be	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.*

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		made during daylight in the vicinity of outfalls. Observation of sheen must be recorded whenever a sheen is observed during the day. The total number of days a sheen is observed must be recorded and reported.	**Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
06 – 24 hr Reporting	**Part I.B.3.a**	Free Oil. No free oil shall be discharged, as determined by the visual sheen method on the surface of the receiving water. Monitoring shall be performed daily when discharging, during conditions when an observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge, and the facility is manned. If a sheen is observed at other times, in addition to the required daily monitoring, it must be recorded. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.* **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
06 – 24 hr Reporting	**Part I.B.6.a**	Free Oil. No free oil shall be discharged. Monitoring shall be performed using the static sheen test method daily when discharging and the facility is manned. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.* **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
06 – 24 hr Reporting	**Part II.D.7.a**	The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be reported to the Offshore 24-Hour Reporting Application Portal at the following address https://caedext.epa.gov/ords/caedext/f?p=OFFSHOREINCIDENT within 24 hours of the time the permittee becomes aware of the circumstances. A detailed report shall be submitted with the quarterly NetDMR. The report shall contain the following information:	The Joint Trades strongly recommend that EPA hold a training seminar and provide instructions for the regulated community on the new reporting system prior to the permit becoming effective.
06 – 24 hr Reporting	**Part II.D.7.c**	All sheen events associated with Miscellaneous Discharges, Miscellaneous Discharges of seawater and freshwater to which treatment chemicals have been added, Well Treatment Fluids, Completion Workover Fluids, Pipeline Brine, Produced Water, Deck Drainage, Drill Cuttings, and Drilling Fluids must be reported under the twenty-four hour reporting requirements.	The Joint Trades recommend the proposed permit language be changed as follows: *All sheens on the receiving water from permitted discharge points with free oil limitations must be reported under the twenty-four hour reporting requirements. If the online reporting system is not available*

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			or functioning, operators may submit the required notification via email to: INSERT EMAIL ADDRESS. **Rationale**: The suggested red text above adds clarity that EPA is referring to discharges subject to the requirements of the permit. Sheens from other, non-permitted sources (typically traditional oil spills) are currently required to be reported immediately to the National Response Center. In addition, EPA has proposed language for produced water discharges for operators to document the cause of produced water sheens and that documentation of those sheens be available for inspection, as well as reported on DMRs. By restricting the 24-hour reporting requirements to discharges with free oil limitations, duplicative reporting and complexity of requirements is eliminated. However, if produced water is retained in the final permit as a sheen that requires 24-hour reporting, then EPA should provide some clarification that a sheen from produced water discharges may not be a non-compliance based on the outcome of the required sheen sampling. Similarly, treatment, completion, workover fluids are required to meet free oil limitations using the static sheen test. Often, the static sheen test is run prior to fluid discharge. If the fluid does not pass the static sheen test, then it is not discharged. Therefore, the Joint Trades are requesting that EPA clarify that if an effluent stream does not pass a static sheen test and, as a result, is not discharged to the receiving water then 24-hour reporting is not required. Lastly, the regulated community needs a secondary method of submitting the required report in the event that the online reporting system is unavailable.

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07 - eNOI	**Authorization to Discharge Under the National Pollutant Discharge Elimination System**	Operators located within the general permit area must submit an electronic Notice of Intent (NOI) that they intend to be covered. An operator must file one NOI for each facility to cover all discharges associated with the facility. An NOI must be updated as necessary to identify additional discharges needing (or existing discharges no longer needing) authorization under this permit. Operators who previously submitted an NOI to be covered under this permit are covered under this reissued permit until 60 days after the effective date of the reissued permit and must submit a new NOI prior to that date to retain coverage.	The Joint Trades offer the following suggested revisions to the proposed permit language: *Operators who previously submitted an NOI to be covered under this permit are covered under this reissued permit until 60 days after either the effective date of the reissued permit or the date the eNOI system is available (whichever is later) and must submit a new NOI prior to that date to retain coverage.* **Rationale**: The Joint Trades are requesting the additional language to this section of the permit to provide clarity in the event the eNOI system is unavailable. The Joint Trades respectfully request that EPA hold workshops in both Houston and New Orleans for the new eNOI system that are specific to the Region 6 OCS permit and reiterate there be a transitional period to assure the system is fully operational before its use becomes a requirement.
07 - eNOI	**Part I.A.2**	Operators who filed eNOIs under the previous permit, issued on September 30, 2017, will be authorized to discharge by this reissued permit without submittal of an NOI up to 60 days after the effective date of the reissued permit. Operators must submit a new eNOI within 60 days of the effective date of the reissued permit, to retain coverage after that time. During any time the eNOI system is unavailable, operators may submit a short NOI via email to the Offshore Specialist or paper NOI via mail to: U.S. Environmental Protection Agency, Region 6 Water Enforcement Branch (ECD-WE) ATTN: Offshore Specialist 1201 Elm Street, Suite 500 Dallas, Texas 75270 The email/paper NOI shall include information a) through f) listed below. EPA	The Joint Trades offer the following suggested revisions to the proposed permit language: *Operators who filed eNOIs under the previous permit, issued on September 30, 2017, will be authorized to discharge by this reissued permit without submittal of an NOI up to 60 days after either the effective date of the reissued permit or the date the eNOI system is available (whichever is later). Operators must submit a new eNOI within 60 days of the effective date of the reissued permit, to retain coverage after that time.* *An email or a written and signed paper NOI mailed to EPA will be accepted as temporary coverage based on the postmark/email date. The temporary NOI is good for 14 days, unless an extension is granted by the Director. Official eNOIs shall be filed within 14 days of*

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		will consider disruptions in both the eNOI and elecNOI registration systems (including waiting on EPA personnel to resolve issues) to fall under the meaning of the system being unavailable and thus allow the use of temporary NOIs if necessary. An email or a written and signed paper NOI mailed to EPA will be accepted as temporary coverage based on the postmark/email date. The temporary NOI is good for 14 days, unless an extension is granted by the Director. Official eNOIs shall be filed within 14 days of submitting a temporary NOI. EPA may deny an NOI within 45 days after the filing. All NOIs shall include the following information:	*submitting a temporary NOI. If the eNOI system remains unavailable, the temporary NOI coverage will be extended to 14 days after the system becomes functional. EPA may deny an NOI within 45 days after the filing. All NOIs shall include the following information:* **Rationale**: The Joint Trades are requesting the change in the rare instance where the eNOI system is unavailable for an extended period of time, the permit should contain language to address such a situation. The Joint Trades respectfully request that EPA hold workshops in both Houston and New Orleans for the new eNOI system that are specific to the Region 6 OCS permit and reiterate there be a transitional period to assure the system is fully operational before its use becomes a requirement.
07 - eNOI	**Part I.A.2**	a) the legal names, company number and contact information of the designated operator registered with the Bureau of Ocean Energy Management (BOEM) or the Bureau of Safety and Environmental Enforcement (BSEE); b) the legal name, company number and contact information of the operator who files the eNOI; c) the permit number previously assigned to the operator; d) the lease block (including state tract) code and number assigned by BOEM/BSEE; e) the name and/or identification (BSEE Complex ID/API Number) and location including geographic coordinates (latitude and longitude) of the facility owned or operated by the operator; f) the types of discharges and associated sources (facilities or wells) under the control of the operator; g) expecting/actual drill/discharge commence date and well locations; h) the range of depth of water within the operation area or the estimated sea depths at wells; i) new facilities (defined as facilities for which construction was commenced after July 17, 2006): design intake capacity (million gallons per day as MGD)	The Joint Trades recommend the proposed permit language in item l) be modified as follows: *l) any other information included in the eNOI to identify the nature and location of each discharge being authorized and any co-permittees, if applicable. ~~For each separate discharge point, the location volume and nature of the discharge.~~* **Rationale**: This change is recommended because the location, volume and nature of a discharge may change over time. In addition, item f) requires the operator to list the types of discharges (similar to nature of discharge) expected from the facility and item e) requires BSEE Complex ID/API Number and geographic coordinates (location). Not all authorized discharges listed in the permit have limitations or monitoring requirements related to discharge volume. For those permitted discharges that have requirements regarding discharge volume that information will be reported to EPA on an ongoing basis as stipulated by the permit.

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		of each cooling water intake structure (CWIS), the maximum designed intake through-screen velocity (feet per second as ft/s) of each CWIS, and the percentage (%) of total intake water used for cooling purpose; (Note: A new facility which has designed intake capacity >= 2 MGD must have designed intake through-screen velocity <= 0.5 ft/s to be eligible for coverage under this general permit.) (Note: The operator shall keep the record of detailed descriptions, calculations and drawings on site available for inspection, instead of submittal to EPA.) j) whether or not the operator's activities are located in a lease block either in or immediately adjacent to "no activity" areas or require live bottom surveys; k) whether the NOI is being submitted to transfer coverage due to a merger or acquisition and if so, the identification of the affected parties, timing of the transfer of operational control, and confirmation that notice had been submitted to EPA; and, l) any other information included in the eNOI to identify the nature and location of each discharge being authorized and any co-permittees, if applicable. For each separate discharge point, the location volume and nature of the discharge.	
07 - eNOI	**Part I.A.2**	Permittees are required to make timely updates to the eNOI. Any change in name, location, address, contact or contact information must be updated within 30 days of the change.	The Joint Trades offer the following suggested edits to this paragraph: *Permittees are required to make timely updates to the Operators NPDES ID section in EPA's CDX system ~~eNOI~~. Any change in name, address, contact or contact information must be updated within 30 days of the change.* **Rationale:** The Joint Trades request that this section clarify the updates to be made to the Operators NPDES ID section in EPA's CDX system for contact information changes being that the CDX system is the repository for name, address, or contact information requested.
07 - eNOI	**Part I.A.2**	Please visit https://usepa.servicenowservices.com/oeca_icis for eNOI/eNOT instructions.	The Joint Trades recommend that EPA ensure this link is functioning prior to the issuance of the final permit.

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07 - eNOI	**Part I.A.2**	A Notice of Intent (NOI) must be filed in advance to cover specific discharges prior to commencement of specified discharges. The primary operator must file an electronic Notice of Intent (eNOI) for discharges directly associated with oil/gas exploration, development, or production activities to be covered by this permit. A separate eNOI is required for each facility and that eNOI shall include all discharges controlled by the primary operator. Other operators or vessel operators must file an eNOI to cover discharges which are directly under their controls but are not covered by eNOIs filed by the primary operator. In a case-by-case circumstance, the primary operator may require day-to-day or vessel operators to file their own eNOIs for dual coverage. Individual coverage by this permit becomes effective when a complete eNOI is signed and submitted. Once an eNOI has been accepted for coverage a Permitted Feature ID numbers will be assigned.	The Joint Trades recommend the following revised language: *Once an eNOI has been accepted for coverage a ~~Permitted Feature ID~~ Structure ID number will be assigned.* **Rationale**: It is our understanding the Permitted Feature ID and Structure are synonymous and the terminology used in the permit should be consistent with the reporting systems.
07 - eNOI	**Part I.A.2**	A facility means either an exploratory facility, a development facility, or a production facility as defined in Part II.G of the permit. All well heads and infrastructures connected to the facility shall be considered parts of the host facility. For clarification purposes, following conditions apply: Note 1: A separate eNOI is required for each facility, and that eNOI shall include all discharges associated with that facility controlled by the primary operator. Note 2: An eNOI filed for a drilling vessel is valid for different drilling jobs within the same lease block from the originally filed location if drilling jobs are performed for the same designated operator. (Note: eNOI update is required to reflect well locations and associated information.) A separate eNOI is required for drilling jobs not within the same lease block, and/or if the Mobile Offshore Drilling Unit or drilling vessel moves to a new lease block. Note 3: While a drilling vessel is located in the leasing block permit area between drilling jobs, it may file an eNOI for coverage.	The Joint Trades recommend the proposed permit language be modified as follows: *A facility means either an exploratory facility, a development facility, or a production facility as defined in Part II.G of the permit. All well heads, pipelines, jumpers, and associated infrastructure connected to the facility shall be considered parts of the host facility, even where such infrastructure crosses lease block boundaries. For clarification purposes, following conditions apply:* *Note 1: A separate eNOI is required for each facility, and that eNOI shall include all discharges associated with that facility controlled by the primary operator.* *Note 2: An eNOI filed for a Mobile Offshore Drilling Unit or ~~drilling~~ vessel is valid for different well ~~drilling~~ jobs within the same lease block ~~from the originally filed location~~ if well ~~drilling~~ jobs are performed for the same designated operator. (Note: eNOI update is required to reflect well locations and associated information.) A separate eNOI is required for*

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			well ~~drilling~~ jobs not within the same lease block, and/or if the Mobile Offshore Drilling Unit or ~~drilling~~ vessel moves to a new lease block. **Rationale**: The recommended revised language provides additional clarity on the types of equipment and infrastructure associated with a host facility and provides additional context for the regulated community to understand the intent of the permit. In addition, the revised language in Note 2 broadens the types of operations a MODU or vessel may undertake. The term "drilling" does not address well completions, treatment, intervention or decommissioning operations.
07 - eNOI	**Part I.A.4**	a) During the initial term of permit: : The new operator shall submit an NOI prior to taking operational control and the old operator shall submit a NOT (for all lease areas/blocks as well as their NPDES permit number. Final DMRs shall also be submitted) within 60 days of receiving confirmation that the new permittee has submitted the NOI.	The Joint Trades recommend the proposed language in paragraph a) be changed as follows: *a) During the initial term of permit: The surviving company of a merger between two offshore companies shall submit an NOI (or NOIs) prior to taking operational control. The company that will no longer operate shall submit a NOT within 60 days of relinquishing operational control. The company that will no longer operate shall also submit final DMRs within 60 days of their NOT date(s).* **Rationale**: The proposed language creates unnecessary burden on the regulated community because the information requested in the proposed language is duplicative of the information provided in the NOI. In addition, linking the submission of an NOT for one operator to the submittal of an NOI for another operator ties permit compliance for one operator to another. The operator relinquishing operational control of a facility has no control over whether the company acquiring the facility will submit the required NOI. Therefore, the relinquishing company cannot achieve compliance independently and must rely on the acquiring company. Furthermore, the date that operational control is transferred between two companies is a logical date, negotiated between the two parties, which should drive submission of NOIs and NOTs. In addition, the date of transfer

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			of operational control should also be the date when any non-compliances would begin once the surviving company assumes operational control.
07 - eNOI	**Part I.A.4**	b) Companies involved in a merger must also submit a written and signed agreement between the companies identifying: the names of the two offshore companies and their assigned NPDES permit number; the agreement between the two companies for the merger; the effective date of the merger; the lease area(s)/block(s) involved in the merger; the surviving company name; the surviving NPDES permit number; and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:	The Joint Trades recommend striking the proposed language: ~~*b) Companies involved in a merger must also submit a written and signed agreement between the companies identifying: the names of the two offshore companies and their assigned NPDES permit number; the agreement between the two companies for the merger; the effective date of the merger; the lease area(s)/block(s) involved in the merger; the surviving company name; the surviving NPDES permit number; and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:*~~ **Rationale**: The proposed language creates unnecessary burden on the regulated community because the information requested in the proposed language is duplicative of the information provided in the NOI and NOT as listed in section 4.a. Furthermore, the date that operational control is transferred between two companies is a logical date, negotiated between the two parties, which should drive submission of NOIs and NOTs. In addition, the date of transfer of operational control should also be the date when any non-compliances would begin once the surviving company assumes operational control.
07 - eNOI	**Part I.A.4**	NOTE: Each company must collect and report their own samples. Samples from a company transferring coverage cannot be used by the receiving company. Transfer of coverage can be for a single lease area/block of multiple lease areas/blocks. Transfer of coverage during "Administratively Continued" status can only occur when the company who is transferring their coverage obtained that coverage on or before midnight of when the previous permit expired. The written and signed agreements shall be sent to the following address: U.S. Environmental Protection Agency, Region 6	The Joint Trades recommend that the following text be removed from the permit: ~~*NOTE: Each company must collect and report their own samples. Samples from a company transferring coverage cannot be used by the receiving company. Transfer of coverage can be for a single lease area/block of multiple lease areas/blocks. Transfer of coverage during "Administratively Continued" status can only occur when the company who is transferring their coverage obtained that coverage on or before midnight of when the previous permit expired.*~~

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		Water Enforcement Branch (ECD-WE) ATTN: Offshore Specialist 1201 Elm Street, Suite 500 Dallas, Texas 75270	**Rationale**: The information listed in the "NOTE" is important for the regulated community to understand. However, the Joint Trades recommend that this information be included in guidance and/or instructions that support implementation of the permit requirements.
07 - eNOI	**Part I.A.5**	Note that if the 2022 permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (see 40 CFR 122.6) and remain in force and effect for operators that were covered prior to its expiration. All operators authorized to discharge prior to the expiration date of the 2022 permit will automatically remain covered under the 2022 permit until the earliest of: a) The date the operator is authorized for coverage under a new version of the permit following the timely submittal of a complete and accurate NOI. Note that if a timely NOI for coverage under the reissued or replacement permit is not submitted, coverage will terminate on the date that the NOI was due; or b) The date of the submittal of a Notice of Termination; or c) Issuance of an individual permit for the facility's discharge(s); or d) A final permit decision by EPA not to reissue the permit, at which time EPA will identify a reasonable time period for covered operators to obtain coverage under an alternative general permit or an individual permit. Coverage under the 2022 permit will terminate at the end of this time period.	The Joint Trades recommend adding the following: *Note that if the 2022 permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (see 40 CFR 122.6) and remain in force and effect for operators that were covered prior to its expiration. Operators with existing coverage may continue to submit NOIs during the period the permit is continued. All operators authorized to discharge prior to the expiration date of the 2022 permit will automatically remain covered under the 2022 permit until the earliest of:* **Rationale**: As proposed, the existing General Permit will be administratively continued for existing facilities if there is a delay, but discharges from new facilities and operations may not be covered under the existing permit (e.g., discharges from new drilling, completion, and abandonment operations and from new oil and natural gas platforms); therefore, those facilities and activities may need to obtain separate coverage for those associated discharges via a lengthy individual permit application. Furthermore, an administrative continuance of the General Permit could result in delays or cancellations of new projects and may further delay delivery of existing and planned energy resources to the market and the American people. To avoid these consequences, the Joint Trades request the addition of the above language clarifying that EPA will continue processing new Notices of Intent for coverage for new lease areas under the administrative continuance until the renewed General Permit becomes effective. This would allow the Agency time to carefully consider all comments and provide permittees the

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			confirmation needed to continue to plan and execute necessary activities. With 15% of U.S. oil production coming from the U.S. Gulf of Mexico, any disruption in that production or future development could be detrimental to an already imbalanced supply and demand market.
07- eNOI	**Part I.A.4**	c) During any "administratively continued" term of the permit following the indicated expiration date: The new operator shall submit an NOI at least 30 days prior to taking operational control and the old operator shall submit a NOT within 60 days of receiving confirmation that the new permittee has submitted the NOI. The new operator shall submit a written agreement between the new and old permittees concerning the date of the transfer of permit responsibility, coverage, and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:	The Joint Trades recommend the proposed permit be changed as follows: *During any "administratively continued" term of the permit following the indicated expiration date: The new operator shall submit an NOI at least 30 days prior to taking operational control and the old operator shall submit a NOT within 60 days of relinquishing operational control. ~~receiving confirmation that the new permittee has submitted the NOI. The new operator shall submit a written agreement between the new and old permittees concerning the date of the transfer of permit responsibility, coverage, and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:~~* **Rationale**: The proposed language creates unnecessary burden on the regulated community because the information requested in the proposed language is duplicative of the information provided in the NOI. Furthermore, the date that operational control is transferred between two companies is a logical date, negotiated between the two parties, which should drive submission of NOIs and NOTs. In addition, the date of transfer of operational control should also be the date when any non-compliances would begin once the surviving company assumes operational control.
09 – Miscellaneous Discharges	**Part I.B.10**	(iv) Subsea Discharges: Subsea Wellhead Preservation Fluid, Subsea Cleaning Fluids, Subsea Production Control Fluid, Umbilical Steel Tube Storage Fluid, Leak Tracer Fluid, Riser Tensioner Fluid, and Pipeline Brine (used as piping or equipment preservation fluids). Note 1: Brine and water-based mud discharge at the seafloor for temporary well abandonment" are permitted if such water based drilling fluid and brine have been demonstrated to comply with the permits conditions for their original use	The Joint Trades support the addition of "Subsea Cleaning Fluids" to this section of the permit. However, we are recommending that a definition of "subsea cleaning fluids" be included in the permit. See our comments under Section G – Definitions.

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		(e.g.: water based drilling fluids that have been shown to meet the permit's limits for SPP toxicity, free oil, and cadmium and mercury in stock barite; and brine that has met limits for free oil, oil and grease concentrations, priority pollutants and toxicity requirements).	
09 – Miscellaneous Discharges	**Part I.B.11**	Excess water which permits the continuous operation of fire control and utility lift pumps, Excess water from pressure maintenance and secondary recovery projects, Water released during training of personnel in fire protection, Water used to pressure test new and existing piping and pipelines, Ballast water, Once through non-contact cooling water, Water used as piping or equipment preservation fluids, and Water used during Dual Gradient Drilling.	The Joint Trades recommend the proposed permit language be revised as follows: *Excess water which permits the continuous operation of fire control and utility lift pumps, Excess water from pressure maintenance and secondary recovery projects,* *Water released during training of personnel in fire protection, Water used to pressure test new and existing piping and pipelines,* *Ballast water,* *Once through non-contact cooling water,* *Water used as piping or equipment preservation fluids, and Water used during Dual Gradient Drilling and well operations.* **Rationale**: Seawater and fresh water used for fluid displacement in well operations is drawn from chemically treated and uncontaminated sources. The chemically treated water sources are the same as, or similar to, those sources used for water released during training of personnel in fire protection, ballast water, once through non-contact cooling water, water used as piping or equipment preservation fluids, and water used during Dual Gradient Drilling. The change provides clarity and would be more inclusive of current operations in industry.
09 – Miscellaneous Discharges	**Part I.B.11.a**	If the effluent fails the survival endpoint at the critical dilution, the permittee shall be considered in violation of this permit limit. Also, when the testing frequency stated above is less than monthly and the effluent fails the survival endpoint at the critical dilution, the monitoring frequency for the affected species will increase to monthly until compliance with the NOEC limit (critical dilution) is demonstrated for a period of three consecutive months. After compliance is demonstrated for three consecutive months, the permittee may	The Joint Trades recommend modifying the proposed language in this paragraph to improve clarity. The recommended language is as follows: *For continuous discharges, if a test fails the survival or sub-lethal endpoint at the critical dilution in any test, the operator must perform monthly retest until it passes three consecutive monthly tests. Failing the toxicity test is considered violation of the permit. After compliance*

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		return to the testing frequency in use at the time of the initial test failure. During the period the permittee is out of compliance, test results shall be reported on the DMR that includes this period. Reporting instructions can be found in Part II.D.4 of this permit.	*is demonstrated for three consecutive months, the permittee may return to the testing frequency in use at the time of the initial test failure.* **Rationale**: For non-continuous discharges, this language regarding frequency is not applicable since those discharges require monitoring once per discharge.
09 – Miscellaneous Discharges	**Part I.B.11.b**	Toxicity. The required frequency of testing for continuous discharges occurring more than once per week shall be determined as follows: Discharge Rate — Toxicity Testing Frequency 0 - 499 bbl/day — once per calendar year 500 - 4,599 bbl/day — once per calendar quarter 4,600 bbl/day and above — once per calendar month	The Joint Trades recommend the following changes to the proposed permit language: *Toxicity. The required frequency of testing for continuous discharges ~~occurring more than once per week~~ shall be determined as follows:* **Rationale**: The phrase "occurring more than once per week" as applied to continuous discharges is confusing. If a discharge is "continuous" then, by its nature, it is an ongoing discharge and not limited to a weekly timeframe.
09 – Miscellaneous Discharges	**Part I.B.11.b**	Intermittent or batch discharges that occur less than or equal to once per week and lasts less than 24 hours shall be monitored once per discharge but are required to be monitored no more frequently than the corresponding frequencies shown above for continuous discharges. Test Acceptability Criteria can be found in Section Part II.D.4 of this permit.	The Joint Trades recommend the proposed permit language be revised as follows: *~~Intermittent or batch~~ Non-continuous discharges that occur less than or equal to once per week and last less than 24 hours shall be monitored once per discharge ~~but are required to be monitored no more frequently than the corresponding frequencies shown above for continuous discharges.~~ Test Acceptability Criteria can be found in Section Part II.D.4 of this permit.* **Rationale**: The Joint Trades recommend that the phrase "intermittent or batch discharges" be changed to "non-continuous discharges" to improve clarity as well as improve consistency with the previous paragraph discussing continuous discharges.

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			In addition, the language referencing the corresponding frequencies for continuous discharges is unnecessary. Non-continuous discharges are sampled as they occur and are not continuous. Therefore, a determining test frequency based on discharge rate or volume is not needed.
09 – Miscellaneous Discharges	**Part II.G**	NEW PROPOSED DEFINITION	The Joint Trades recommend adding a new definition to the permit: *"Subsea cleaning fluids" means acidic cleaning agents used to dissolve marine deposits on subsea equipment during subsea maintenance and intervention activities to assure proper sealing of operating equipment and to avoid ingress of extremely high subsea pressures and egress (losses of containment) of fluids to the environment.* **Rationale**: EPA provided this definition in the 2022 draft Fact Sheet that accompanied the proposed permit. The Joint Trades believe this definition is appropriate and should be included in the permit.
10 - MSD	**Part I.B.7.b**	Residual Chlorine. Total residual chlorine (TRC) is a surrogate parameter for fecal coliform. Discharge of TRC must meet a minimum of 1 mg/l and shall be maintained as close to this concentration as possible. A grab sample must be taken once per month and the concentration recorded. The approved methods are either Hach CN-66-DPD or EPA method specified in 40 CFR part 136 for TRC.	The Joint trades recommend the following revisions to the proposed language: *Residual Chlorine. Total residual chlorine (TRC) is a surrogate parameter for fecal coliform. Discharge of TRC must meet a minimum of 1 mg/l and shall be maintained as close to this concentration as possible. A grab sample must be taken once per month and the concentration recorded. The approved methods are either Hach CN-66-DPD or EPA method specified in 40 CFR part 136 for TRC.* *Equivalent Disinfection – Other Technologies. The use of other disinfection technologies, including, but not limited to, bio-membrane filtration and ultra-violet light, are allowed as substitutes for total residual chlorine provided that those technologies result in equivalent or improved disinfection of the sanitary waste stream.*

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			Rationale: The Joint Trades recommend that the EPA consider updating this standard to include additional types of disinfection technologies. Modern sanitary treatment equipment may also utilize other means by which to disinfect sanitary waste, such as bio-membrane technology and ultra-violet light. The single standard for total residual chlorine may limit the use of such technologies. Such technologies are proven and have been utilized in the sanitary waste treatment for many years. In addition, USCG-approved MSDs are already in use that do not utilize chlorine for disinfection. These types of units are approved by the USCG and the International Maritime Organization (IMO).
10 - MSD	**Part I.B.7.b**	[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA.	The Joint Trades recommend that the proposed permit language be revised as follows: *[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA. If an MSD is undergoing maintenance and/or is malfunctioning, then an operator may demonstrate compliance by maintaining disinfection capabilities. If the limitations are met this does not constitute a non-compliance.* **Rationale**: Based on discussions with EPA staff, it is our understanding that if an operator can demonstrate compliance with limitations during MSD

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			maintenance and/or malfunction, then the operator remains in compliance with permit limitations. This should be clearly documented in the permit.
10 - MSD	**Part I.B.8.a**	[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA.	The Joint Trades recommend that the proposed permit language be revised as follows: *[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA. If an MSD is undergoing maintenance and/or is malfunctioning, then an operator may demonstrate compliance by maintaining disinfection capabilities. If the limitations are met this does not constitute a non-compliance.* **Rationale**: Based on discussions with EPA staff, it is our understanding that if an operator can demonstrate compliance with limitations during MSD maintenance and/or malfunction, then the operator remains in compliance with permit limitations. This should be clearly documented in the permit.
11 – STORET Codes NODI Codes	**Part I.D.3.1**	Compliance with the WET limit is established when both the sublethal and lethal NOEC of a WET test is greater than or equal to the critical dilution. Compliance is represented by a "0" in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for *Menidia beryllina* is less than the permittee's critical dilution, this constitutes a violation of the WET limit and a "1" should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal	The Joint Trades recommend revising the paragraph preceding the STORET codes table as follows: *Compliance with the WET limit is established when both the sublethal and lethal NOEC of a WET test is greater than or equal to the critical dilution. ~~Compliance is represented by a "0" in the DMR. In accordance~~*

<table>
<tr><th>Agenda Topic</th><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td></td><td>to the critical dilution, a “0” should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. For each toxicity test conducted, the permittee shall also report the results as follows:
<table>
<tr><th>Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><th></th><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Enter a “1” if either the sublethal or lethal NOEC is less than the critical dilution, otherwise enter a “0”.</td><td>51713</td><td>51712</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOP3E</td><td>TOP6J</td></tr>
<tr><td>Report the LOEC value for survival</td><td>TXP3E</td><td>TXP6J</td></tr>
<tr><td>Report the NOEC value for growth or reproduction</td><td>TPP3E</td><td>TPP6J</td></tr>
<tr><td>Report the LOEC value for growth</td><td>TYP3E</td><td>TYP6J</td></tr>
<tr><td>Report the critical dilution used for the test</td><td>51726</td><td>51726</td></tr>
</table></td><td><s>with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for Menidia beryllina is less than the permittee’s critical dilution, this constitutes a violation of the WET limit and a “1” should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR.</s> For each toxicity test conducted, the permittee shall also report the results as follows:

<u>Rationale</u>: The type of information highlighted above for removal from the paragraph is better suited for DMR instructions rather than permit language.

In addition, the following STORET CODE Corrections are needed to this table for M. Beryllina:
• Survival NOEC TOP6B
• Survival LOEC TXP6B
• Growth NOEC TPP6B
• Growth LOEC TYP6B</td></tr>
<tr><td>11 – STORET Codes NODI Codes</td><td>Part I.D.3.2</td><td>A chronic test shall be conducted per discharge. For each test, the permittee shall report the results as follows:</td><td>As recommended in these comments, chronic toxicity testing for TCW fluids should be removed from the permit.

However, if the requirement is retained, the following STORET CODE Corrections are needed to this table:
• M. Beryllina 51712
• Survival NOEC TOP6B
• Survival LOEC TXP6B</td></tr>
</table>

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<tr><td>Enter a “1” if the NOEC for survival is less than the critical dilution, otherwise enter a "0".</td><td>TLP3E</td><td>TLP6J</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOP3E</td><td>TOP6J</td></tr>
<tr><td>Report the LOEC value for survival</td><td>TXP3E</td><td>TXP6J</td></tr>
<tr><td>Enter a “1” if the NOEC for growth or reproduction is less than the critical dilution, otherwise enter a “0”.</td><td>TWP3E</td><td>TWP6J</td></tr>
<tr><td>Report the NOEC value for growth or reproduction</td><td>TPP3E</td><td>TPP6J</td></tr>
<tr><td>Report the LOEC value for growth</td><td>TYP3E</td><td>TYP6J</td></tr>
</table>
</td><td>
Growth NOEC TPP6B
Growth LOEC TYP6B
CD 51726
A. Bahia 51713
Survival NOEC TOP3E
Survival LOEC TXP3E
Growth NOEC TPP3E
Growth LOEC TYP3E
CD 51726
</td></tr>
<tr><td>11 – STORET Codes NODI Codes</td><td>Part I.D.4.1</td><td>Monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. If a test is not conducted every month, then the permittee must report “NODI 9” for toxicity data.</td><td>The Joint Trades recommend removing the references to NODI codes from the permit as this type of language is better suited for DMR instructions instead of permit language. The recommended permit text is as follows:

Monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. ~~If a test is not conducted every month, then the permittee must report “NODI 9” for toxicity data.~~</td></tr>
<tr><td>11 – STORET Codes NODI Codes</td><td>Part I.D.4.1</td><td>Compliance with the WET limit is established when the NOEC of a WET test is greater than or equal to the critical dilution. Compliance is represented by a “0” in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for Menidia beryllina is less than the permittee’s critical dilution, this constitutes a violation of the WET limit and a “1” should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. For each toxicity test conducted, the permittee shall also report the results as follows:</td><td>The Joint Trades recommend revising the paragraph prior to the STORET codes table as follows:

Compliance with the WET limit is established when the NOEC of a WET test is greater than or equal to the critical dilution. ~~Compliance is represented by a “0” in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for Menidia beryllina is less than the permittee’s critical dilution, this constitutes a violation of the WET limit and a “1” should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than~~</td></tr>
</table>

<table>
<tr><th>Agenda Topic</th><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td></td><td>
<table>
<tr><th rowspan="2">Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Enter a “1” if the NOEC for survival is less than the critical dilution, otherwise enter a "0".</td><td>51712</td><td>51713</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOM3E</td><td>TOM6J</td></tr>
<tr><td>Report the Critical Dilution used for the test</td><td>51726</td><td>51726</td></tr>
</table>
</td><td><s>the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR.</s> For each toxicity test conducted, the permittee shall also report the results as follows:

<u>Rationale</u>: The type of information included in the paragraph is better suited for DMR instructions rather than permit language.

In addition, the following STORET CODE Corrections are needed to this table:
• A. bahia 51713
• Survival NOEC TOM3E

• M. beryllina 51712
• Survival NOEC TOM6B</td></tr>
<tr><td>11 – STORET Codes NODI Codes</td><td>Part I.D.4.2</td><td>A chronic test shall be conducted per discharge. For each test, the permittee shall report the results as follows:
<table>
<tr><th rowspan="2">Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Enter a “1” if the NOEC for survival is less than the critical dilution, otherwise enter a "0".</td><td>51712</td><td>51713</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOM3E</td><td>TOM6J</td></tr>
<tr><td>Report the Critical Dilution used for the test</td><td>51726</td><td>51726</td></tr>
</table>
</td><td>This section of the permit describes reporting requirements for acute testing. The paragraph should be changed as follows:

An acute <s>chronic</s> test shall be conducted per discharge. For each test, the permittee shall report the results as follows:

In addition, the following STORET CODE Corrections are needed to this table:
• A. bahia 51713
• Survival NOEC TOM3E
• CD 51726

• M. beryllina 51712
• Survival NOEC TOM6B
• CD 51726</td></tr>
</table>

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
11 – STORET Codes NODI Codes	**Part II.C.2**	Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. If a representative sample is not possible due to a natural disaster, environmental conditions, or weather, the facility should use one of the following NODI Codes: K – Natural disaster (declared by President) T – Environmental conditions- monitoring not possible (hurricanes that are not declared by President, high tides) V – Weather related (thunderstorms, hail, wind, etc.). Facilities have 30 days after a weather event/national disaster occurs to submit DMRs or other required reporting documents.	The Joint Trades recommend the following language be removed from the permit: *Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. ~~If a representative sample is not possible due to a natural disaster, environmental conditions, or weather, the facility should use one of the following NODI Codes:" K – Natural disaster (declared by President) T – Environmental conditions- monitoring not possible (hurricanes, high tides) V – Weather related (storms, hail, wind, etc.). Facilities have 30 days after a weather event/national disaster occurs to submit DMRs or other required reporting documents.~~* **Rationale**: The strikethrough sentences above are more suited for updated guidance and DMR instructions. If such language is included in the permit and NODI codes change during the permit term, then the permit will be outdated and potentially contain incorrect information. Whereas guidance and/or DMR instructions can more easily be updated than permit language. Therefore, the Joint Trades recommend updating 2007 Permit Offshore Discharge Monitoring Reports *INSTRUCTIONS FOR COMPLETING DISCHARGE MONITORING REPORTS (DMRs) UNDER OFFSHORE GENERAL PERMIT GMG290000.* In addition, the listed NODI codes require additional clarification because the code descriptions overlap. For example, Code K is for natural disasters, which may be a hurricane in the Gulf of Mexico. However, Code V is described as Weather-Related including storms. It is unclear to the regulated community what the appropriate code should be for a hurricane/tropical storm.
11 – STORET Codes	**Part II.D.4**	Permittees shall be responsible for submitting accurate monitoring results for all facilities which they have permit coverage. The monitoring results for each facility shall be reported on DMRs for each individual permitted feature	The Joint Trades offer the following suggested revisions to the proposed permit language:

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NODI Codes		authorized that has a monitoring requirement. Each individual permitted feature may authorize multiple points of discharge or outfalls. Points of discharge will be assigned limit sets based on discharge.	*Permittees shall be responsible for submitting accurate monitoring results for all facilities which they have permit coverage. The monitoring results for each facility shall be reported on DMRs for each individual permitted feature authorized that has a monitoring requirement. Each individual permitted feature may authorize multiple points of discharge or outfalls.* ~~*Points of discharge will be assigned limit sets based on discharge.*~~ **Rationale**: The Joint Trades are requesting the language change to this section of the permit to provide clarity. The final sentence of this paragraph creates ambiguity, and descriptions such as the assignment of limit sets is better suited for permit guidance and instructions.
12 – Statistical Procedures	**Part I.D.3.g**	Statistical Interpretation The statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in the appropriate method manual listed above, or the most recent update.	The Joint Trades offer the following comments on statistical interpretation: PMSD limits are protective of the environment and permittees. Upper PMSD limits prevent highly variable data that decreases the power of the required statistical methods from being used to demonstrate permit compliance. Lower PMSD limits prevent data sets with very low variability, hyper-sensitive data sets, from failing. If the PMSD for a sub-lethal data set is less than the lower PMSD limit and the required statistical methods indicate a statistically significant difference between the control and a treatment, this difference must be confirmed by calculating relative differences between the control and each treatment. Growth data are based on biomass: dry weight of survivors from each replicate divided by the number of organisms exposed not the number surviving. Any mortalities exacerbate sublethal biomass variability. If the replicate dry weight is for one surviving organism, it must be divided by the number originally exposed! If a treatment fails survival it is excluded from sub-lethal data analyses. If the survival and growth data are near perfect and clearly passing except at the highest concentration tested (low survival and high variability between replicates), the required statistical methods

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
			(Steel's Many-One Rank Test in particular) may not pick up >40% mortality as statistically significant. This can lead to the upper biomass PMSD limit being exceeded and an invalid test, even though the lower sample dilutions are statistically equivalent in survival and biomass to the concurrent control. Including the 2017 permit language for chronic tests could prevent resampling and retesting clearly passing data sets: *If the conditions of Test Acceptability are met in Item 3.f. above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the survival test shall be considered to be passing and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found below.* And adding similar language for sublethal biomass data: *If the conditions of Test Acceptability are met in Item 3.f. except that the PMSD upper limit is exceeded, then if the mean dry weight of surviving control organisms is equal to or greater than the limit in the test method, and the biomass data for the critical dilution and all lower dilutions are not more than the PMSD lower limit (11% for both species) less than the concurrent control, the growth test shall be considered to be passing and the permittee shall report a growth NOEC of not less than the critical dilution for the DMR reporting requirements found below.*
12 – Statistical Procedures	**Part I.D.4.f**	**Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%, or a PMSD value greater than the higher value on the range provided.	The Joints Trades recommend that the reference to PMSD values be removed from this section of the permit. PMSD limits do not apply to 48-hour tests.

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
13 – Other Changes	**Part I.B.4.b**	Oil and Grease. Samples for oil and grease monitoring shall be collected and analyzed a minimum of once per month. If a sheen is observed during the required daily monitoring, the operator must record the sheen and assess the cause of the sheen. In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease. The sample type for all oil and grease monitoring shall be grab or a composite which consists of the arithmetic average of the results of four (4) or more grab samples collected at even intervals during a period of 24-hours or less. The operator must keep records of findings and make the record available for inspector's review. The operator must report number of days of sheen observed during the reporting period. Oil and grease samples collected for any sheen event must be included in the monthly average on DMRs. If only one sample is taken for any one month, it must meet both the daily maximum and monthly average limits. Samples for oil and grease monitoring shall be collected prior to the addition of any seawater to the produced water waste stream. The analytical method is that specified at 40 CFR Part 136.	The Joint Trades offer the following suggested revisions to the proposed permit language: *Oil and Grease. Samples for oil and grease monitoring shall be collected and analyzed a minimum of once per month. ~~If a sheen is observed during the required daily monitoring, the operator must record the sheen and assess the cause of the sheen.~~ In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease.* *~~The operator must keep records of findings and make the record available for inspector's review. The operator must report number of days of sheen observed during the reporting period.~~ Oil and grease samples collected for any sheen event must be included in the monthly average on DMRs.* **Rationale**: The proposed permit contains both a section dedicated to produced water oil and grease limitations and another section for produced water visual sheen requirements. It appears that the intent is to delineate the sampling and analytical component in the oil and grease section while defining the monitoring/recordkeeping obligations related specifically to sheens in the visual sheen section. Since the passages referring to sheen recording, recordkeeping, and cause identification are already included in the visual sheen portion, the Joint Trades recommend removing the duplication from the oil and grease section. The requirement listed in the oil and grease section to collect produced water samples within two (2) hours of observing a sheen is pertinent to the sampling and analytical portion of the produced water requirements and should remain in this section.

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
13 – Other Changes	**Part I.B.4.b**	Visual Sheen. The permittee shall monitor free oil using the visual sheen test method on the surface of the receiving water. Monitoring shall be performed daily when discharging, during conditions when observation of a sheen on the surface of the receiving water is possible in the vicinity of the discharge, and when the facility is manned. If a sheen is observed in the course of required daily monitoring, or at any other time, the Operator must record the sheen and assess the cause of sheen. In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease. The sample type for all oil and grease monitoring shall be grab or a composite which consists of the arithmetic average of the results of four (4) or more grab samples collected at even intervals during a period of 24- hours or less. The operator must keep records of findings and make the record available for inspector's review. The operator must report total number of days of sheen observed during the reporting period.	The Joint Trades offer the following suggested revisions to the proposed permit language: *The permittee shall monitor free oil using the visual sheen test method on the surface of the receiving water. Monitoring shall be performed daily when discharging, during conditions when observation of a sheen on the surface of the receiving water is possible in the vicinity of the discharge, and when the facility is manned. If a sheen is observed in the course of required daily monitoring, or at any other time, the Operator must record the sheen and assess the cause of sheen. ~~In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease. The sample type for all oil and grease monitoring shall be grab or a composite which consists of the arithmetic average of the results of four (4) or more grab samples collected at even intervals during a period of 24- hours or less.~~ The operator must keep records of findings and make the record available for inspector's review. The operator must report total number of days of sheen observed during the reporting period.* **Rationale**: The proposed permit contains sections dedicated to oil and grease and another for Visual Sheen. It appears that the intent is to delineate the sampling and analytical component in the oil and grease section while defining the visual monitoring/recordkeeping obligations related specifically to sheens in the visual sheen section. Since the passage referring to collection of produced water samples within two (2) hours of observing a sheen is already included in the oil and grease section, the Joint Trades recommend removing the duplication from the visual sheen section.
13 – Other Changes	**Part I.B.9.b**	Solids. Observation must be made during daylight in the vicinity of domestic waste outfalls. If floating solids are observed at other times in addition to the daily monitoring, it must be recorded and reported to EPA.	The Joint Trades recommend modifying the permit language for domestic waste monitoring as follows:

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
			Solids. Observation must be made daily during daylight in the vicinity of domestic waste outfalls. If floating solids are observed at other times in addition to the daily monitoring, it must be recorded and reported to EPA. **Rationale**: Adding the word "daily" makes these requirements consistent with the sanitary waste monitoring requirements.
13 – Other Changes	**Part II.D.4**	If discharge is not applicable for a facility, "no discharge" must be reported for that facility until an NOT is submitted. If a permittee or facility submits a "no discharge" DMR for a reporting period in which a discharge occurred, it is a violation of this permit, and the permittee shall submit corrected data as soon as the error is identified.	The Joint Trades recommend the following changes to the proposed permit language: *If discharge is not applicable for a facility, "no discharge" must be reported for that facility until an NOT is submitted. If a permittee or facility submits a "no discharge" DMR for a reporting period in which a discharge occurred, it is a violation of this permit, and the permittee shall submit corrected data no later than the following quarter.* **Rationale**: A definitive timeframe provides clarity to both the regulated community and the agency. In addition, correction of such an error may require operators to validate the information submitted on the DMR and obtain the necessary signatures of the responsible corporate official. This approach is consistent with other sections of the permit, particularly Part II.D.4.
13 – Other Changes	**Part II.G.71**	"Produced Water" means the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the oil/water separation process.	The Joint Trades recommend the following changes to the proposed permit language: *"Produced Water" means the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the ~~oil/water~~ oil/gas/water separation process.* **Rationale**: The definition change to provide clarity, be more inclusive and a more realistic approach with what we believe is current operations in

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
			industry. The basic separation process at any offshore production facility is designed to separate oil, natural gas and produced water into 3 distinct streams for processing, handling and/or treatment.

03 - Tracers

August 19, 2003 Letter from S. Wilson regarding Radioactive Tracers

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

AUG 19 2003

COPY

Mr. Tom Hampton
President
Pro Technics
6316 Windfern, Room 310
Houston, TX 77040

Dear Mr. Hampton:

Thank you for meeting with me on August 15, 2003 and supplying information on your product and its use in offshore oil and gas operations.

Based on the information you have presented, it appears that the discharge of well treatment fluids which contain Iridium-192 and Scandium-46 as propping agents would be in compliance with the requirements of the Western Gulf of Mexico Outer Continental Shelf NPDES General Permit for the Offshore Oil and Gas Subcategory (GMG290000). Use of such radioactive elements in very low concentrations has been examined in the process of issuing National Effluent Limitations Guidelines and in our permit development. I understand that Iridium-192 and Scandium-46 are generally used in concentrations less than 0.1 ppm (2000 pCi/gm) and they are likely to be further diluted by other constituents involved in the process. The discharge of such well treatment fluids is presently allowed under the NPDES general permit with no additional monitoring requirements other than for oil and grease and free oil.

Again, it was good to meet with you and obtain more information on your industry. Should you have additional questions please feel free to contact me by telephone at (214) 665-7511 or by E-mail at: wilson.js@epa.gov.

Sincerely,

J. Scott Wilson
Acting Chief
NPDES Permits Section

Comments on Permit Appendices and Permit Supporting Documents

The Joint Trades are offering the following comments on the proposed permit appendices and permit supporting documents.

08 – Permit Summary Table

A. Appendix F – Permit Summary Table

The Joint Trades request that the permit summary table should be deleted from the permit. The permit summary table is not necessary since it is repetitive of the permit limitations and requirements described in the permit itself. The information in the permit summary table is better suited for permit guidance and instructions. Inclusion of this type of information in the permit itself creates opportunities for discontinuity and misalignment with the permit text.

However, if the permit summary table is retained, it must be updated to align with the permit language. The Joint Trades have attached (Attachment D) a "redline" version of the proposed permit summary table that highlights areas where we believe there is inconsistency and inaccuracies in the table.

Most importantly, if the permit summary table is retained in the final permit, it is imperative that a statement be added to the permit summary table that states that the permit language, not the table, is the enforceable requirements of the permit.

14 – Supporting Documents

B. Fact Sheet

The Joint Trades would like to note one item regarding the proposed Fact Sheet. The Fact Sheet includes the following statement regarding the industry-wide treatment, completion and workover fluids toxicity study:

> *46% of the samples collected showed acute toxicity for one or more species indicating that there is reasonable potential for acute toxicity stemming from well treatment, completion and workover fluid discharge. Therefore, in accordance with 40 CFR §122.44 (d)(1)(iv), acute WET limits are included the proposed permit. Chronic toxicity monitoring will be a requirement of the proposed permit to assess potential for chronic effects.*

However, if the actual volume discharged is used to determine the critical dilution for those discharges lasting less than 24 hours, then 25 of the 28 (89%) samples analyzed did not exhibit acute toxicity at the critical dilution. During the industry-wide TCW study estimated flow rates were calculated using the total volume discharged divided by discharge duration to determine an hourly discharge rate. When this hourly rate is extrapolated to a 24-hour day the estimated discharge rate is conservatively overestimated.

For example, if 100 barrels of fluid are discharged in 1 hour, the discharge rate is 100 barrels/hour. Extrapolated to a "barrel per day" rate value, one could estimate a daily rate of 2400 barrels/day. However, this is not representative of what was actually discharged. 100 barrels was discharged in 1 hour and the discharge ceased, therefore, a more representative estimate of actual discharge rate is 100 barrels/day.

This illustrates the importance of clearly defining how discharge rates are used to determine critical dilution, especially if EPA proceeds with these requirements as a compliance limitation. This type of approach, use of the total volume discharged for discharges lasting less than 24 hours, is consistent with how discharge rates are estimated for other short duration discharges authorized by the permit.

C. Ocean Discharge Evaluation Criteria

The Joint Trades offer two observations regarding the Ocean Discharge Evaluation Criteria.

1. *Evaluation of discharges* – The Ocean Discharge Evaluation Criteria does not appear to provide a full evaluation of all discharge streams authorized by the permit. Produced water and drilling fluids are discussed extensively, but other authorized discharges such as deck drainage, sanitary waste, and miscellaneous discharges are not addressed. EPA should consider a more comprehensive review to better align the criteria with the authorized discharges.

2. *List of threatened and endangered species* – The Joint Trades recommend that the list of threatened and endangered species in the Ocean Discharge Evaluation Criteria be reviewed to determine if the list is consistent with other documents describing Gulf of Mexico threatened and endangered species. The Joint Trades have identified 3 resources that may be helpful:

    a. NOAA Fisheries *Threatened and Endangered Species List Gulf of Mexico*
    b. NOAA Fisheries *Biological Opinion on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico* (also known as "the BiOp).
    c. BOEM's 2023-2028 National Outer Continental Shelf Oil and Gas Leasing Program *Draft Programmatic Environmental Impact Statement*.

D. Essential Fish Habitat Assessment

The Essential Fish Habitat Assessment includes the same statement as the Fact Sheet regarding the industry-wide treatment, completion and workover fluids toxicity study:

> *46% of the samples collected showed acute toxicity for one or more species indicating that there is reasonable potential for acute toxicity stemming from well treatment, completion and workover fluid discharge. Therefore, in accordance with 40 CFR §122.44 (d)(1)(iv), acute WET limits are included the proposed permit. Chronic toxicity monitoring will be a requirement of the proposed permit to assess potential for chronic effects.*

However, if the actual volume discharged is used to determine the critical dilution for those discharges lasting less than 24 hours, then 25 of the 28 (89%) samples analyzed did not exhibit acute toxicity at the critical dilution. During the industry-wide TCW study estimated flow rates were calculated using the total volume discharged divided by discharge duration to determine an hourly discharge rate. When this hourly rate is extrapolated to a 24-hour day the estimated discharge rate is conservatively overestimated.

For example, if 100 barrels of fluid are discharged in 1 hour, the discharge rate is 100 barrels/hour. Extrapolated to a "barrel per day" rate value, one could estimate a daily rate of 2400 barrels/day. However, this is not representative of what was actually discharged. 100 barrels was discharged in 1 hour and the discharge ceased, therefore, a more representative estimate of actual discharge rate is 100 barrels/day.

This illustrates the importance of clearly defining how discharge rates are used to determine critical dilution, especially if EPA proceeds with these requirements as a compliance limitation. This type of approach, use of the total volume discharged for discharges lasting less than 24 hours, is consistent with how discharge rates are estimated for other short duration discharges authorized by the permit.

Appendix F

Table 1. Effluent Limitations, Prohibitions and Monitoring Requirements (Samples collected and prepared for analyses must be representative of the monitored activities. The following are enforceable permit limits and a violation of this appendix is a violation of the permit and/or the Clean Water Act:)

For Reference Only. In the event of a discrepancy, the language in the text of the permit is the enforceable condition.

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
Drilling Fluids..	Free Oil..........	No free oil.................	Once/week(~~*1~~) when discharging	Static sheen See Part I.D.6	Number of days sheen observed
	Toxicity(~~*2~~) (*1) ~~96-hr LC50~~	30,000 ppm daily min 30,000 ppm monthly avg min	Once/month......... Once/end of well(~~*3~~) (*2) ~~Once/month~~.	Grab................ ~~Grab~~. ~~Grab~~. See Part I.D.2	96-hr LC50 ~~96-hr LC50~~ ~~96-hr LC50~~
	Discharge Rate.....	Maximum discharge rate of 1,000 barrels/hour......... Refer to Part I.B.1.b for facilities with proximity to areas of biological concern.	Once/hour(~~*1~~) when discharging	Estimate..........	Max. hourly rate
	~~Discharge Rate for controlled rate areas~~	~~(*4)~~	~~Once/hour(*1)~~	~~Measure~~	~~Max. hourly rate~~
	Mercury and cadmium in barite	No discharge. of drilling fluids to which barite has been added, if such barite contains mercury in excess of 1.0 mg/kg or cadmium in excess of 3.0 mg/kg (dry weight)	Once prior to drilling each well (~~*6~~) (*3)	~~Absorption Spectro-photometry~~ See Part I.B.1.b	mg mercury/kg barite mg cadmium/kg barite
	Oil Based or Inverse Emulsion Drilling Fluids	No discharge			
	Oil Contaminated... Drilling Fluids	No discharge (~~*34~~) (*4)			
	Diesel Oil.........	No discharge of drilling fluids to which diesel oil has been added as a lubricant			
	Mineral Oil........	Mineral oil may be used only as a carrier fluid, lubricity additive, or pill			
	Non aqueous Based.. Fluids	No discharge except that which adheres to drill cuttings and small volume discharges (~~*5~~)			

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
All Drill Cuttings	~~No free oil~~	~~Once/week(*1)~~	~~Static sheen~~	~~Number of days sheen observed~~	
~~Free oil~~	Free Oil	No free oil.	Once/week when discharging	Static Sheen See Part I.D.6	Number of Days Sheen Observed
	Toxicity~~(*2) 96-hr LC50~~ (*1)	No discharge of cuttings generated using drilling fluids which exhibit a toxicity of less than 30,000 ppm daily min. or 30,000 ppm monthly avg. min.			
	Mercury and cadmium..... in barite	No discharge. if generated using drilling fluid to which barite is added which contains mercury in excess of 1.0 mg/kg or cadmium in excess of 3.0 mg/kg			
	Cuttings generated using Oil Contaminated Drilling Fluids	No discharge			
	Cuttings generated using drilling fluids to which Diesel Oil has been added	No discharge			
	Cuttings generated using drilling fluids to which Mineral Oil has been added	Mineral oil may be used only as a carrier fluid, lubricity additive, or pill			

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
Stock Limits for Drill Cuttings Generated using Non aqueous Based Drilling Fluids	Polynuclear Aromatic.. Hydrocarbons (PAH)	0.00001 grams PAH per gram of base fluid	Once/year on each base fluid blend	PAH content of Oil by HPLC/UV, EPA Method 1654 (see 40 CFR 435.11(u)) See Part I.D.10	gram PAH / gram stock base fluid
	Sediment Toxicity.....	Ratio of 10-day LC50s not to exceed 1.0(*7) (*5) Ratio of cumulative gas productions	Once/year on each base fluid blend	ASTM method E1367-99 (*8) See Parts I.D.7 and I.D.9	Ratio of C16-C18 IO LC50 to stock base fluid LC50 Ratio of 10-day LC50s
	Biodegradation Rate...	Biodegradation rate ratio. not to exceed 1.0 (*9) (*7)	Once/year on each base fluid blend	Modified ISO 11734:1995 (*10) See Parts I.D.8 and I.D.9	Ratio of C16-C18 IO biodeg. to stock base fluid biodeg. Biodegradation rate ratio
Discharge Limits for Cuttings Generated using Non aqueous Based Drilling Fluids	Sediment Toxicity.....	Ratio of 4-day LC50s not to exceed 1.0(*11) (*6)	Once/month (*35) (*8)	Modified ASTM Method E1367-99 (*12) See Appendix A.	Ratio of C16-C18 IO LC50 to stock base fluid LC50 Ratio of 4-day LC50s
	Formation Oil.....	No Discharge.....	Once prior to drilling	GCMS (*13) See Part I.D.11 and Appendix C.	Pass/Fail
			Once/week.....	RPE (*14) See Part I.D.12	Pass/Fail
	Base Fluids Retained on Cuttings	6.9% IO (*15) 9.4% ester (*16) 6.9% for drilling fluids which meet stock limitations for C16-C18 internal olefin; 9.4% for drilling fluids which meet stock limitations for C12-C14 ester or C8 ester	Once/day (*17) (*9)	Retort Test Method (*18) See Part I.D.13	Percent retained

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/ Method	Monitoring Requirement: Recorded Value(s)
Deck Drainage.....	Free Oil.....	No free oil.....	Daily(*19)XXXX (*10)	Visual sheen... See Part I.D.5	Number of days sheen observed
Produced Water.....	Oil and grease.....	42 mg/l daily max.,... 29 mg/l monthly avg.	Once/month.....	Grab(*20)XXX Grab/Composite (*11)	Daily max., monthly average
	Toxicity.....	0 (*21)X (*12)	Rate Dependent (*13) Twice/Year(*28) See Part I.B.4.b	Grab/Composite (*37) (*11)	See Part I.D.3
	Free Oil.....	Monitor.....	Daily (*19,*29) (*10)	Visual sheen... See Part I.D.5	Number of days sheen observed
	Flow (bbl/day).....	Monitor……	Once/month.....	Estimate.....	Monthly Average
Produced Sand (includes propping agent)XXX	No Discharge, including propping agents		Once/year(*37)XXXX	EstimateXXXX	Highest monthly flowX
Well treatment fluids, completion fluids, workover fluids (includes packer fluids),x and pipeline brine (*22)XX (*14)	Free oil.....	No free oil.....	Daily(*1)XXX when discharging	Static sheen.... See Part I.D.6	Number of days sheen observed
	Oil & Grease.....	42 mg/l daily max., 29 mg/l monthly avg.	Once/month.....	Grab(*20)XXXX	Daily max., monthly average
	Toxicity 48 Hour Acute	0 (*21)X (*12)	Per Discharge	Composite….	See Part I.D.4
	Toxicity 7-day NOEC	Report	Per Discharge	Grab……	See Part I.D.3
Sanitary waste facilities(*24) continuously manned for 30 or more days by 10 or more persons	Residual chlorine(*25)X (*15)	1 mg/l (minimum).....	Once/month..... (*16)	Grab.....	Concentration
	Solids.....	No Floating Solids...	Daily..... (*16)	Observation(*27) (*17)	Number of days solids observed
Sanitary waste facilities (*24) continuously manned for thirty or more days by 9 or fewer persons or intermittently by any number	Solids.....	No floating solids...	Daily..... (*16)	Observation(*27) (*17)	Number of days solids observed
Domestic waste(*26)..... (*18)	Solids.....	No floating solids or foam	Daily.....	Observation(*27) (*17)	Number of days observed

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/ Method	Monitoring Requirement: Recorded Value(s)
All Miscellaneous discharges: ~~Desalinization unit discharge; blowout pre-venter fluid; uncontaminated ballast water; uncontaminated bilge water; uncontaminated freshwater; mud, cuttings and cement at seafloor; uncontaminated seawater; boiler blowdown; source water and sand; diatomaceous earth filter media; excess cement slurry; bulk pipeline brine; transfer powdersub sea wellhead preservation fluids; subsea cleaning fluids; sub sea production control fluid; umbilical steel tube storage fluid; leak tracer fluid; riser tensioner fluids. (See Part I.B.10 for more restrictions and reporting requirements for unused cement slurry)~~	Free oil.....	No free oil.....	Daily(~~*23~~) (*19)	Visual sheen.. or Static Sheen	Number of days sheen observed
	Toxicity..... (*20)	7-day NOEC < 50 mg/l (product-specific NOEC for powder dye) (*22)	Once/Year.....	Grab.....	See Part I.D.3
Unused Cement Slurry					
Miscellaneous discharges of seawater and freshwater to which treatment chemicals have been added: ~~excess seawater which permits the continuous operation of fire control and utility lift pumps; excess seawater from pressure maintenance and secondary recovery projects, water released during training of personnel in fire protection; seawater used to pressure test new and existing piping and pipelines, ballast water, once-through non-contact cooling water, water used as piping or equipment preservation fluids, water used during Dual Gradient Drilling~~	Treatment chemicals	Most stringent of: EPA label registration, maximum manufacturers recommended dose, or 500 mg/l.			
	Flow Volume.	Monitor.....	Once/month....	Estimate.....	Monthly Average
	Free oil.....	No free oil.....	~~Once/week~~ Daily	Visual Sheen.. (~~*32~~) (*23) or Static Sheen	Number of days sheen observed
	Toxicity.....	0 (~~*30~~) (*24)	Rate Dependent (~~*31~~) See Part I.B.11.b	Grab.....	See Part I.D.4
Hydrate Control Fluids (~~if discharge alone~~)	Toxicity(~~*33~~)... (*21)	7-day NOEC (~~Product-specific NOEC~~)..... ~~product-specific NOEC for powder dye~~	Once/year	Grab.....	See Part I.D.4 3
Pipeline Brines	Free Oil	No Free Oil.	Daily	Visual Sheen or Static Sheen	
	Oil & Grease	29 mg/l maximum	Once prior to applying as preservation fluids		
	Priority Pollutants	No content except in trace amounts.			
	Toxicity	7-day NOEC (or 48-hour if duration of total discharge is a shorter period of duration)	Per Discharge		See Part I.D.3
AFFF		During a fire emergency, no permit limitations.			

Table 1 (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
Cooling Water Intake Structure					
Non-Fixed and Fixed with Sea Chest	Intake Screen Velocity	Maximum not to exceed 0.5 ft/sec	Continuous	Measuring Device	Maximum value
	Visual/remote Inspection	Report (*25)	~~Once/month(*38)~~ Once every 6 months	Observation	Fish number
Fixed without Sea Chest	Intake Screen Velocity	Maximum not to exceed 0.5 ft/sec	Continuous	Measuring Device	Maximum value
	Visual/remote Inspection	Report (*25)	~~Once/month(*38)~~ Once every 6 months	Observation	Fish number
	Entrainment Study /Sampling (*26)	……	……. Dependent on the depth of the intake structure	……. 24-hour entrainment samples from water withdrawn at all CWISs	……. Entrainment per sample event; Total annual entrainment

Footnotes

*1 *2 Suspended particulate phase (SPP) with *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs) following approved test method. The sample shall be taken beneath the shale shaker; or if there are no returns across the shaker then the sample must be taken from a location that is characteristic of the overall mud system to be discharged.

*2 *3 Sample shall be taken after the final log run is completed and prior to bulk discharge.

*3 *6 Analyses shall be conducted on each new stock of barite used. If more than one well is being drilled at a site, new analyses are not required for subsequent wells, provided that no new supplies of barite have been received since the previous analysis.

*5 *7 The ratio of the 10-day LC50 of C16-C18 internal olefin divided by the 10-day LC50 of the base fluid shall not exceed 1.0. See Part I.B.2.c.1 of this permit. The ratio of the 10-day LC50 of C16-C18 internal olefin or C12-C14 or C8 ester reference fluid divided by the 10-day LC50 sediment toxicity test with Leptocheirus plumulosus of the base fluid shall not exceed 1.0.

*7 *9 The ratio of the cumulative gas production (ml) of C16-C18 internal olefin divided by the cumulative gas production (ml) of stock base fluid, both at 275 days, shall not exceed 1.0. See Part I.B.2.c.1 of this permit. The ratio of the cumulative gas production (ml) of C16 - C18 internal olefin or C12-C14 or C8 ester reference fluid divided by the cumulative gas production (ml) of stock base fluid, both at 275 days, shall not exceed 1.0. See Part I.B.2.c.1 of this permit.

*6 *11 The ratio of the 4-day LC50 of C16-C18 internal olefin divided by the 4-day LC50 of the base fluid shall not exceed 1.0. See Part I.B.2.c.2 of this permit. The ratio of the 4-day LC50 of C16 - C18 internal olefin reference drilling fluid divided by the 4-day LC50 of the drilling fluids, removed from cuttings at the solids control equipment, shall not exceed 1.0.

*8 *15 Drilling fluids which meet the stock base fluid limitations for C16-C18 internal olefins. *16 Drilling fluids which meet the stock limitations for C12-C14 ester or C8 ester. Monitoring shall be performed at least once per month on drilling fluids which meet the stock limitations for a C16-C18 internal olefin. For drilling fluids which meet stock limitations for C12-C14 ester or C8 ester, monitoring shall be performed at least once per well at the end of drilling with nonaqueous based drilling fluids.

*9 *17 Except when meeting the conditions for the Best Management Practices described in Part I.B.2.c of this permit. Operators conducting fast drilling shall collect and analyze samples once per 500 feet or a maximum of three per day.

*10 *19 When discharging and facility is manned. Monitoring shall be accomplished during times when observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge.

*11 *20 May be based on either a grab sample or a composite which consists of the arithmetic average of the results of grab samples collected at even intervals during a period of 24-hours or less. (Example: If four samples are collected within a 24-hour period, samples must be 6 hours apart)

*12 *21 See Appendix D, Table 1 of this permit for critical dilutions. A permittee is in compliance with the WET limit when the NOEC is equal to or greater than the permittee's critical dilution, and this is reported as a "0" in the DMR. A WET violation happens when the NOEC is less than the permittee's critical dilution, and this is reported as "1" in the DMR.

*14 *22 No discharge of priority pollutants except in trace amounts. Information on the specific chemical composition shall be recorded but not reported unless requested by EPA.

*19 *23 When discharging for muds, cuttings, and cement at the seafloor, blowout preventer fluid, subsea cleaning fluids, sub sea wellhead preservation fluids, subsea production control fluid, umbilical steel tube storage fluid, leak tracer fluid, and riser tensioner fluids. All other miscellaneous discharges: when discharging, discharge is authorized only during times when visual sheen observation is possible, unless the static sheen method is used. Uncontaminated seawater uncontaminated freshwater, source water and source sand, uncontaminated bilge water, and uncontaminated ballast water from platforms on automatic purge systems may be discharged without monitoring from platforms which are not manned.

*16 *24 Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed to be in compliance with permit limitations for sanitary waste. The MSD shall be tested yearly for proper operation, and test results maintained at the facility.

*15 *25 Hach method CN-66 DPD approved. Minimum of 1 mg/l and maintained as close to this concentration as possible.

*18 *26 The discharge of food waste is prohibited within 12 nautical miles from nearest land. Comminuted food waste able to pass through a 25 mm mesh screen (approximately 1 inch) may be discharged more than 12 nautical miles from nearest land.

*17 *27 Monitoring shall be accomplished during daylight by visual observation of the surface of the receiving water in the vicinity of sanitary and domestic waste outfalls. Observations shall be made following either the morning or midday meals at a time of maximum estimated discharge.

*28 Twice per calendar year. Tests must be at least 90 days apart.

*29 See Part I.B.4.b of this permit

*24 *30 See Appendix D, Table 2 of this permit for critical dilutions. A permittee is in compliance with the WET limit when the NOEC is equal to or greater than the permittee's critical dilution, and this is reported as a "0" in the DMR. A WET violation happens when the NOEC is less than the permittee's critical dilution, and this is reported as "1" in the DMR.

*31 See Part I.B.1.b of this permit

*23 *32 Monitoring for free oil on discharges from existing piping and existing pipelines shall be performed at least three times per discharge as follows: 1) within thirty minutes after commencement of discharge; 2) at the estimated middle of the discharge; and 3) within fifteen minutes before or after the discharge has ceased.

*21 *33 Toxicity test is waived if the discharge of methanol is less than 20 bbl within a 7-day period or the discharge of ethylene glycol is less than 200 bbl within a 7-day period.

*4 *34 The discharge of drilling fluids which contain waste engine oil, cooling oil, gear oil or any lubricants which have been previously used for purposes other than borehole lubrication, is prohibited.

*8 ~~*35 For drilling fluids which meet stock limitations for C12-C14 ester or C8 ester, monitoring shall be performed at least once per well at the end of drilling with non-aqueous based drilling fluids~~

Monitoring shall be performed at least once per month on drilling fluids which meet the stock limitations for a C16-C18 internal olefin. For drilling fluids which meet stock limitations for C12-C14 ester or C8 ester, monitoring shall be performed at least once per well at the end of drilling with nonaqueous based drilling fluids.

~~*36 A minimum of three (3) samples shall be collected as grabs or composites.~~

*13 ~~*37 Highest monthly flow shall be reported in the month of December.~~ At the end of each calendar year (December), the highest estimated monthly flow rate recorded during the previous 12 months will be used to determine the frequency of toxicity testing for the following calendar year.

*25 ~~*38~~ **Number of fish/shellfish impinged and estimated screen area blockage for each screen for months when inspections are conducted.**

*26 The permittees who completed or participated in the previous "Gulf of Mexico Cooling Water Intake Structure Entrainment Monitoring Study" or have performed entrainment monitoring for two years, may submit Southeast Area Monitoring and Assessment Program (SEAMAP) data, instead.

*20 Fluids which are used as subsea wellhead preservation fluids, subsea production control fluids, umbilical steel tube storage fluids, leak tracer fluids made without powder dye, and riser tensioning fluids shall have a 7-day No Observable Effect Concentration (NOEC) of no less than 50 mg/l prior to the discharge. For leak tracer fluid made from powder dye, the maximum concentration to be discharged shall be no greater than is the 7-day NOEC for that specific powder dye; the 50 mg/l NOEC limit rule does not apply to leak tracer fluid made from powder dye.

*22 Discharges of unused cement slurry due to equipment failure during the cementing job are limited to once per calendar year per facility. Discharges of unused cement slurry due to off-specification during the cementing job are limited to one discharge per well.

Delivery Report

From: Mcclary, Ronald L [Ronald.Mcclary@bsee.gov]
Sent: 10/11/2022 7:32:54 PM
To: Angove, Sharon [Angove.Sharon@epa.gov]
Subject: Read: [EXTERNAL] GMG290000 Draft GP - Question

Importance: High

Your message
To: Mcclary, Ronald L

was read 10/11/2022
on 7:32:54 PM

Your message

To:
Subject: [EXTERNAL] GMG290000 Draft GP - Question
Sent: Tuesday, October 11, 2022 7:33:01 PM (UTC+00:00) Monrovia, Reykjavik

was read on Tuesday, October 11, 2022 7:32:54 PM (UTC+00:00) Monrovia, Reykjavik.

Message

From: Rosborough, Evelyn [rosborough.evelyn@epa.gov]
Sent: 9/20/2022 10:54:01 PM
To: Fitzgerald, Michelle R [michelle.fitzgerald@bsee.gov]
CC: Broussard, T.J. [T.J.Broussard@bsee.gov]; Mcclary, Ronald L [Ronald.Mcclary@bsee.gov]; Giordano, Juliette C [juliette.giordano@bsee.gov]; Fish, David S [David.Fish@bsee.gov]; Vaughan, Susan (Erin O'Reilly) [Susan.Erin.OReilly.Vaughan@boem.gov]; Kaller, Agatha-Marie (Arie) [Arie.Kaller@boem.gov]; Garcia, Mitty [Garcia.Mitty@epa.gov]; Woods, Kayla [Woods.Kayla@epa.gov]; Angove, Sharon [Angove.Sharon@epa.gov]; Alam, Shawn K [Shawn_Alam@ios.doi.gov]
Subject: RE: Docket ID. No EPA–R06–OW–2022–0603, BSEE Comments

Hello Ms. Fitzgerald,

This email is confirmation of receipt of your comments on today September 20, 2022.

Thanks,

Evelyn Rosborough

NPDES/Wetlands Review Section (WD-PN)
1201 Elm Street, Suite 500
Dallas, TX 75270-2102
Phone:214.665.7515
Email: rosborough.evelyn@epa.gov

From: Fitzgerald, Michelle R <michelle.fitzgerald@bsee.gov>
Sent: Tuesday, September 20, 2022 10:54 AM
To: Rosborough, Evelyn <rosborough.evelyn@epa.gov>
Cc: Broussard, T.J. <T.J.Broussard@bsee.gov>; Mcclary, Ronald L <Ronald.Mcclary@bsee.gov>; Giordano, Juliette C <juliette.giordano@bsee.gov>; Fish, David S <David.Fish@bsee.gov>; Vaughan, Susan (Erin O'Reilly) <Susan.Erin.OReilly.Vaughan@boem.gov>; Kaller, Agatha-Marie (Arie) <Arie.Kaller@boem.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>; Woods, Kayla <Woods.Kayla@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>; Alam, Shawn K <Shawn_Alam@ios.doi.gov>
Subject: Docket ID. No EPA–R06–OW–2022–0603, BSEE Comments

Good morning,

With this email, the Bureau of Safety and Environmental Enforcement Office of Environmental Compliance submits comments (see enclosure, attached) regarding the proposed NPDES General Permit GMG290000 for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico, Docket ID. No. EPA-R06-OW-2022-0603.

Should you have any questions or concerns regarding these comments, please contact me, Michelle Fitzgerald at michelle.fitzgerald@bsee.gov, or T.J. Broussard via phone at 504-736-3245 or via email at T.J.Broussard@bsee.gov.

Thank you,

Michelle (Shelly) Fitzgerald
Environmental Engineer, Water Quality Coordinator
Office of Environmental Compliance | Environmental Monitoring Unit
Bureau of Safety and Environmental Enforcement | Gulf of Mexico Region

Appointment

From: Young, Nichole [young.nichole@epa.gov]
Sent: 9/21/2022 5:05:12 PM
To: Young, Nichole [young.nichole@epa.gov]; Larsen, Brent [Larsen.Brent@epa.gov]; Gillespie, David [Gillespie.David@epa.gov]; Angove, Sharon [Angove.Sharon@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Greg Southworth [greg@theooc.org]; Zavala, Silvia [Zavala.Silvia@epa.gov]
CC: Garcia, Mitty [Garcia.Mitty@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; Henson, Tucker [Henson.Tucker@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Staples, Bridget [Staples.Bridget@epa.gov]; Shell, Karrie-Jo [Shell.Karrie-Jo@epa.gov]; Hayes, Mark [hayes.mark@epa.gov]; Morris.Jones@shell.com; Roberta.Lewis@shell.com; Joshua.E.OBrien@shell.com; Schwartz, Paul [Schwartz.Paul@epa.gov]; Gray, Stephanie [Gray.Stephanie@epa.gov]; Hesterlee, Craig [Hesterlee.Craig@epa.gov]

Subject: OCS GP meeting with OOC on proposed permit comments
Attachments: Joint Trades_EPA R6 Comment Mtg - Agenda and Comments - 09.29.2022 - Rev 1.pdf
Location: 5th Floor Arkansas (AR) Conference room - 9810 & Microsoft Teams Meeting

Start: 9/29/2022 6:00:00 PM
End: 9/29/2022 8:00:00 PM
Show Time As: Tentative

Required Attendees: Larsen, Brent; Gillespie, David; Angove, Sharon; Eckhart, Jeanne; Greg Southworth; Zavala, Silvia
Optional Attendees: Garcia, Mitty; McDonald, Scott; Henson, Tucker; Smalley, Bryant; Staples, Bridget; Shell, Karrie-Jo; Hayes, Mark; Morris.Jones@shell.com; Roberta.Lewis@shell.com; Joshua.E.OBrien@shell.com; Schwartz, Paul; Gray, Stephanie; Hesterlee, Craig

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Joint Energy Trade Associations
Meeting with EPA Region 6
Proposed GOM OCS NPDES Permit (GMG290000)
September 29, 2022

Agenda

#	Topic	Start	End
	Introductions	1:00	1:05
	Administrative Continuance	1:05	1:15
Technical Comments – Priority Items			

01	TCW Toxicity
	• Testing Not Appropriate
	  ○ 48-hr Acute
	  ○ 7-Day Chronic
	  ○ Critical Dilution Determination – Discharge Rate
	• Alternate Approaches
	  ○ 48-hr Acute Monitoring Only
	  ○ Compliance Implementation
	• 36 hr v. 72 hr Holding Times
	• Alternate Test Procedures
		1:15	1:45

02	General Toxicity • Dilution Water • Grab Samples & Timing of Samples • Determine of Annual Frequency	1:45	2:00
03	Tracers	2:00	2:10
04	CWIS – Production	2:10	2:20
05	CWIS – Drilling	2:20	2:30
06	Sheens – 24 hr Reporting	2:30	2:40
07	eNOIs • Filing during administrative continuance • Training • Mergers/Acquisitions/Transfers • Timeframes if system unavailable	2:40	2:50
08	Permit Summary Table	2:50	2:55
	Wrap-Up	2:55	3:00
Other Technical Comments – Time Permitting			
09	Miscellaneous Discharges • Continuous v. non-continuous • Subsea Cleaning Fluids definition		
10	MSD		
11	STORET Codes / NODI Codes		
12	Statistical Procedures		
13	Other Changes		
14	Permit Supporting Documents		

ED_014484_00005359-00001

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
01 – TCW Toxicity	**Part I.B.6.a.1.a** 48-Hour Acute WET Limitation	Toxicity shall be assessed through a 48-hour acute Whole Effluent Toxicity (WET) test in accordance with *Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms* (EPA/821-R-02-012), or the most current edition. The acute test is to be conducted using *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs), and *Menidia beryllina,* Method 2006.0. The WET limit applies to both species. In order to be in compliance with the WET limit, the No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Appendix D, Table 1 (1-A through 1-F) of this permit. The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the estimated flow rate when the discharge occurs, discharge pipe diameter, and water depth between the discharge pipe and the bottom. A WET test must be conducted per discharge, and the limit applies to every discharge.	The Joint Trades are recommending 3 options for EPA to consider regarding 48-Hour Acute WET Limitations for TCW fluids. Those options, in order of priority, are: 1. Removal of the limitations from the permit, or 2. Modify the limitation to a monitoring requirement and allow 1 sample to accommodate both 48-hour acute testing and 7-day chronic testing, or 3. Adding a compliance implementation period for the limitation and clarifying on how discharge rates are determined Each option is discussed below. **1. Removal of the limitations from the permit** A 48-hour Acute WET limitation for TCW fluids is not appropriate and the Joint Trades strongly recommend that this requirement be removed from the permit. The industry wide TCW fluid toxicity study forms the basis for this recommendation. The study concluded that several factors limit the potential for aquatic toxicity risks, including: • TCW fluid discharges are typically of short duration. 75% of the discharges sampled during the study were less than 2 hours in duration (median discharge time was 1-hour). A 48-hour test exposure is extremely conservative is not representative of the behavior of these discharges in the marine environment. • TCW fluid discharges are small volumes. TCW fluid discharges are estimated to be 0.01% of produced water discharge volumes.

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			• Of the substances evaluated during the study, no concentration was greater than conservative acute saltwater ecological thresholds. TCW fluids do not pose an unreasonable risk to the aquatic environment, and additional WET testing does not provide any added environmental benefit. Implementation of WET testing requirements increases operational complexity and risk. Some of the operational considerations include: • Increases in onshore waste volumes from fluids that may no longer be discharged. • Safety risks increase due to increased material handling and transfer of fluids. • Potential for increased risk for human exposure pathways due to waste being disposed of onshore. • Increases in GHG emissions due to increased vessel and ground transportation. • Burden on lab operations, impacting lab capacities and availability for testing, increase in testing materials/equipment, and increase in consumption of animals/organisms during testing. Currently, there are only 2-3 laboratories on the Gulf Coast that are capable of performing this type of WET testing. • Offshore operations have unique challenges in meeting WET test hold times. Experience from the industry-wide study shows that holding times required by the WET test method are extremely difficult and sometimes impossible to meet. Implementation of 48-hour WET testing for TCW fluids will result in added cost and burden to the regulated community in the form of "special order" flights and ground transportation. • Implementation of 48-hour testing significantly increases compliance uncertainty. Most TCW fluid discharges will have concluded before the sample reaches the laboratory. In the event of a sample not meeting the toxicity limits there will be nothing for an operator to do to take

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
			corrective action (the discharge will be over). This uncertainty will likely result in many operators choosing not to discharge the fluids. In essence, EPA is establishing a "de facto" zero discharge limitation on these fluids. In addition, as noted the industry-wide study report, the critical dilutions listed in Appendix D Table are overly-conservative for assessing TCW fluid discharges. The industry-wide TCW fluid toxicity study concluded the following: "Recognizing that the median duration of the sampled TCW discharges was 1-h, a series of toxicity tests using a 2-h exposure was performed. These tests showed that toxicity for 2-h exposures was generally less than toxicity in 48-h exposure tests. This suggests that, since TCW discharges are of short duration, a comparison of a 48-h NOEC with a critical effluent dilution (CD) as an indicator of potential acute toxicity has a high degree of conservatism." The conservative nature of existing Critical Dilution tables to TCW fluid discharges provides additional rationale for removing the WET testing requirements from the permit. TCW fluid discharges are not steady-state, continuous discharges. These discharges are intermittent, short duration and low volume discharges. In 2017 EPA acknowledged in their proposed permit's fact sheet that the number of available, experienced, and qualified laboratories for WET testing is limited. We agree with this statement. Given the number of TCW discharges that will require testing, the available laboratories cannot manage the volume of toxicity analyses that EPA is proposing for TCW fluids. This in turn could cause quality control issues. Laboratories only culture a limited number of test age organisms. Increasing the number of required tests in a short time frame is not possible. There are only 2-3 laboratories

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
			that can perform testing on offshore oil and gas discharges. Inability to predict extended platform downtime periods (i.e., intermittent production), logistics issues for these specific monitoring and testing requirements, and weather (i.e., hurricanes and other tropical storms) can also be problematic with an increase in testing. Increasing required toxicity testing would not only increase the burden on the operator and the testing laboratories, but it will increase the operator's risk for additional missed samples resulting in administrative non-compliances. **2. Modify the limitation to a monitoring requirement and allow 1 sample to accommodate both 48-hour acute testing and 7-day chronic testing** If EPA disagrees that the 48-hour acute WET limitations for TCW fluids should be removed, then the Joint Trades recommend that EPA provide the rationale and change the 48-hour acute limitation to a 48-hour acute monitoring requirement. As discussed in section 1 above, the industry-wide study concluded that several factors limit the potential for aquatic toxicity risks, including: • TCW fluid discharges are typically of short duration. 75% of the discharges sampled during the study were less than 2 hours in duration (median discharge time was 1-hour). A 48-hour test exposure is extremely conservative is not representative of the behavior of these discharges in the marine environment. • TCW fluid discharges are small volumes. TCW fluid discharges are estimated to be 0.01% of produced water discharge volumes. • Of the substances evaluated during the study, no concentration was greater than conservative acute saltwater ecological thresholds. TCW fluids do not pose an unreasonable risk to the aquatic environment. However, data collection through additional monitoring could provide a mechanism to further validate these conclusions.

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			In addition, a monitoring requirement may also present an opportunity for EPA and industry to collaborate on developing a more appropriate test procedure that better represents how these fluids are introduced into the marine environment. A test of less than 48-hours in duration would be more representative and less conservative. Lastly, if 48-hour acute monitoring and 7-day chronic monitoring are included in the final permit, the Joint Trades recommend that EPA include language that clarifies that a single sample can be utilized to obtain both acute and chronic test results. It is more efficient, but still technically appropriate, for operators to capture one sample of a TCW discharge and set up a 7-day chronic WET test. The 48-hour acute results can be obtained on Day 2 of the 7-day test. Therefore, the Joint Trades recommend the following language be added to the final permit: *A single grab or composite sample may be obtained to satisfy both the 48-hour acute and 7-day chronic monitoring. 48-hour acute test results may be obtained from the 7-day chronic test procedure.* **3. Adding a compliance implementation period for the limitation and clarifying how discharge rates are determined** Finally, if 48 acute WET testing for TCW fluids is included in the final permit, it is imperative that a compliance implementation period be included to allow operators time to establish procedures, processes and resources to achieve compliance. The Joint Trades strongly recommend that EPA establish a schedule of compliance for implementation of the new requirements as outlined in 40 CFR 122.47. Offshore facilities subject to these new requirements may require capital upgrades (e.g., fabrication / installation of diffusers or seawater dilution systems) making immediate compliance with the new requirements impossible. Accordingly, should EPA

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			require 48-hour WET testing, the Joint Trades request EPA include a compliance schedule of two years for permittees to determine how to implement the new requirement. The Joint Trades propose the following language be added to this section of the permit: *Compliance with 48-hour Acute WET testing must be achieved within two years of the effective date of the permit.* This type of compliance implementation period would allow the regulated community to: • Train operational personnel on the new requirements, • Establish logistical plans and schedules to meet required holding times, • Identify the impacts to industry laboratories to determine what additional resources are needed to accommodate the new testing, • Allow for fabrication and installation of diffuser and/or seawater dilution systems if needed. • Allow for constructing, contracting, and/or acquisition of additional vessels capable of compliantly managing materials for disposal • Identify and plan for onshore disposal facility capacities and limitations and expansions as needed. In addition, the operational considerations listed above, a compliance implementation period will also allow the regulated community to seek alternative test procedures, if needed, under 40 CFR 136.5. During the industry-wide TCW fluids study, we learned that certain fluids may require additional stirring and be allowed to return to room temperature in order for the WET testing procedure to be executed. As noted in several other comments in this document, the Joint Trades strongly recommend EPA allow the regulated community to seek approval for alternative test procedures, if needed. A two-year implementation period will allow sufficient time for industry to determine if such procedures are needed,

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			how test methods need to be modified and seek approval from EPA under the requirements of 40 CFR 136.5. EPA granted a similar compliance implementation period for produced water chronic WET testing during the 2007 permit renewal. EPA included language in the 2007 permit that said: *Compliance with sub-lethal effects must be achieved within two years after the effective date of this permit.* The Joint Trades strongly encourage EPA to consider this type of implementation schedule for these requirements as well. Also, if the 48-hour acute testing limitations are included in the final permit, the Joint Trades recommend that EPA also add language that clarifies how flow rate used to determine critical dilutions is determined. As described above, most TCW fluid discharges are less than 2 hours in duration and are not continuous discharges. Therefore, it is important to explain how flow rate is estimated to determine the proper critical dilution. The flow rates in Appendix D Table 1 are listed in units of bbls/day. If a discharge lasts 24 hours or longer then the flow rate should be calculated using total volume discharged/number of days of discharge duration. However, if the discharge is less than 24 hours in duration the flow rate should be estimated as total volume discharged/1 day to provide a realistic estimate of the rate discharge during the 24 hour period. The following recommended language is proposed for consideration: *The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the estimated flow rate when the discharge occurs, discharge pipe diameter, and water depth between the discharge pipe and the bottom. Flow rate shall be determined as follows:*

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			• *For discharges greater than 24 hours in duration, flow rate=total volume discharged (bbls)/total duration of discharge (days)* • *For discharges of lasting 24 hours or less, flow rate=total volume discharged (bbls)/1 day* *A WET test must be conducted per discharge, and the limit applies to every discharge.* EPA has stated in the draft Fact Sheet accompanying this proposed permit that: "46% of the samples collected showed acute toxicity for one or more species indicating there is a reasonable potential for acute toxicity stemming from well treatment, completion and workover fluid discharge." However, if the actual volume discharged is used to determine the critical dilution for those discharges lasting less than 24 hours, then 25 of the 28 (89%) samples analyzed did not exhibit acute toxicity at the critical dilution. During the industry-wide TCW study estimated flow rates were calculated using the total volume discharged divided by discharge duration to determine an hourly discharge rate. When this hourly rate is extrapolated to a 24-hour day the estimated discharge rate is conservatively overestimated. For example, if 100 barrels of fluid are discharged in 1 hour, the discharge rate is 100 barrels/hour. Extrapolated to a "barrel per day" rate value, one could estimate a daily rate of 2400 barrels/day. However, this is not representative of what was actually discharged. 100 barrels was discharged

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			in 1 hour and the discharge ceased, therefore, a more representative estimate of actual discharge rate is 100 barrels/day. This illustrates the importance of clearly defining how discharge rates are used to determine critical dilution, especially if EPA proceeds with these requirements as a compliance limitation. This type of approach, use of the total volume discharged for discharges lasting less than 24 hours, is consistent with how discharge rates are estimated for other short duration discharges authorized by the permit.
01 – TCW Toxicity	**Part I.B.6.a.1.b**	One composite sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period. In order to assess compliance with the WET limit, no alternate test procedures are authorized, and the test must be conducted in accordance with the method.	A 48-hour Acute WET Limitation for TCW fluids is not appropriate and the Joint Trades recommend that this requirement be removed from the permit. However, if the 48-hour WET testing requirements are finalized the use of 3 aliquots spaced out at constant time intervals in not feasible. As discussed above, the majority of TCW fluid discharges are less than 2 hours in duration. Capturing 3 aliquots from such short duration discharges does not provide any benefit to the testing methodology. During the industry-wide study, 4 of 28 discharges had durations longer than 4 hours. The remaining 24 discharges had a combined duration of 22.5 hours. The Joint Trades recommend revising the proposed text as follows: *One grab or one composite sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period. In order to assess compliance with the WET limit, ~~no alternate test procedures are authorized, and~~ the test must be conducted in accordance with the method.*

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			Rationale: EPA has not provided a justification for grab samples not being representative of the discharge. Increasing the volume of samples through composite sampling introduces additional operational complexity; most notably increased weight for transport on helicopters. Larger sample volumes will also increase the amount of laboratory waste for disposal. Increasing waste volumes is in conflict with the regulated community's sustainability principles to reduce wastes as much a practical. As an alternative, if EPA does not accept continuing to allow single grab samples for testing, the Joint Trades recommend that EPA adopt the following sampling methodology: • Discharges 24 hours of less in duration: 1 grab sample is required. • Discharges more than 24 hours in duration: 3 aliquots are required captured at evenly space time intervals over a 24 hour period or less. It is also important for EPA to include language in the permit that clarifies when sample holding times begin. Adding the following statement to the permit would provide additional clarification: *As described in the National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, time of sample collection (holding time) begins when the last aliquot is dispensed into the composite sample container.* Source: https://www.epa.gov/sites/default/files/2017-03/documents/npdesinspect-chapter-05.pdf As well, the Joint Trades believe that the phrase "no alternative test procedures are authorized" contradicts existing EPA regulations and should be removed from the permit.

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			40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region." By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits. Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.
01 – TCW Toxicity	**Part I.B.6.a.2.a** 7-day Chronic WET Monitoring	Toxicity shall be assessed through a 7-day chronic WET test in accordance with *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms* (EPA/821-R-02-014), or the most current edition. The chronic test is to be conducted using *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs), and *Menidia beryllina,* Method 1006.0. In order to pass a chronic test, the No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Appendix D, Table 1 (1-A through 1-F) of this permit. The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the estimated flow rate when the discharge occurs, discharge pipe diameter, and water depth between the discharge pipe and the bottom. A chronic WET test must be conducted per discharge.	The Joint Trades are recommending 2 options for EPA to consider regarding 7-day chronic WET Limitations for TCW fluids. Those options are: 1. Removal of the monitoring requirements from the permit, or 2. Adding a compliance implementation period for the monitoring and include a minimum discharge duration of 4 days that require monitoring. Each option is discussed below. **1. Removal of the monitoring requirements from the permit** As discussed under the Joint Trades comments on 48-hour acute testing, most TCW fluid discharges are short duration, intermittent and low volume. The nature of these discharges brings into question the appropriateness of acute WET testing. The nature of these discharges certainly makes 7-day

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			chronic testing unnecessary and not representative of how these discharges interact with the marine environment. Chronic testing is simply not appropriate for these types of discharges. In addition, chronic testing was not part of the industry-wide TCW fluids study. There is no evidence to support inclusion of chronic testing as a permit requirement. By including chronic testing in the permit EPA would be adding additional burden to the regulated community that is not based on scientific evidence. It is also an unnecessary use of vertebrate test organisms. Wherever possible the EPA should reduce, refine, and replace all vertebrate testing for ethical reasons especially considering the industry-wide TCW fluids study found invertebrate test (*Americamysis bahia*) on average more sensitive than the vertebrate test (*Menidia beryllina*). **2. Adding a compliance implementation period for the limitation and include a minimum discharge duration of 4 days that requires monitoring** As discussed under the 48-hour acute testing limitations above, if 7-day chronic WET testing for TCW fluids is included in the final permit, it is imperative that a compliance implementation period be included to allow operators time to establish procedures, processes and resources to implement the monitoring. The Joint Trades strongly recommend that EPA provide justification of this monitoring requirement and establish a schedule of compliance for implementation of the new requirements as outlined in 40 CFR 122.47. The Joint Trades propose the following language be added to this section of the permit: *Compliance with 7-day chronic WET monitoring requirements must be achieved within two years of the effective date of the permit.* In addition, a compliance implementation period will also allow the regulated community to seek alternative test procedures, if needed, under

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			40 CFR 136.5. During the industry-wide TCW fluids study, we learned that certain fluids may require additional stirring and be allowed to return to room temperature in order for the WET testing procedure to be executed. As noted in several other comments in this document, the Joint Trades strongly recommend EPA allow the regulated community to seek approval for alternative test procedures, if needed. A two-year implementation period will allow sufficient time for industry to determine if such procedures are needed, how test methods need to be modified and seek approval from EPA under the requirements of 40 CFR 136.5. EPA granted a similar compliance implementation period for produced water chronic WET testing during the 2007 permit renewal. EPA included language in the 2007 permit that said: *Compliance with sub-lethal effects must be achieved within two years after the effective date of this permit.* The Joint Trades strongly encourage EPA to consider this type of implementation schedule for these requirements as well. The Joint Trades also recommend that EPA also add language that clarifies a minimum duration of discharge that the 7-day monitoring would apply to. During the industry-wide study, only 4 of the 28 operations sampled had discharge durations longer than 38 hours. The remaining 24 operations had discharge durations of less than 2 hours. Applying 7-day chronic testing to discharges of less than 2 hours is inappropriate and misrepresents any potential environmental risks from these discharges. Therefore, we recommend that EPA include the following statement in the final permit if 7-day chronic monitoring is retained: *Toxicity shall be assessed through a 7-day chronic WET test in accordance with Short-term Methods for Estimating the Chronic*

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			Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms (EPA/821-R-02-014), or the most current edition. The 7-day chronic WET test shall only apply to those discharges lasting longer than 4 days in duration. Lastly, if 48-hour acute monitoring and 7-day chronic monitoring are included in the final permit, the Joint Trades recommend that EPA include language that clarifies that a single sample can be utilized to obtain both acute and chronic test results. It is more efficient, but still technically appropriate for operators to capture one sample of a TCW discharge and set up a 7-day chronic WET test. The 48-hour acute results can be obtained on Day 2 of the 7-day test. Therefore, the Joint Trades recommend the following language be added to the final permit: *A single grab or composite sample may be obtained to satisfy both the 48-hour acute and 7-day chronic monitoring. 48-hour acute test results may be obtained from the 7-day chronic test procedure.*
01 – TCW Toxicity	**Part I.B.6.a.2.b**	Three (3) samples are to be collected for the chronic test. The samples may be collected as grab samples spaced out at constant time intervals throughout the duration of the discharge. Each sample must meet the holding time of 36 hours (up to 72 if required) for first use of the sample, and then the samples may be used to prepare renewals until test completion. In order to assess toxicity, no alternate test procedures are authorized, and the test must be conducted in accordance with the method.	As discussed in the previous comment, 7-Day Chronic WET testing monitoring requirements should be removed from the permit. However, if the 7-day chronic testing monitoring requirements are retained in the final permit, the monitoring should only be applicable to discharge durations of 4 days or more. If the 7-day chronic testing monitoring requirements are included in the final permit, the Joint Trades recommend modifying the proposed language in this paragraph as follows: *Three (3) samples are to be collected for the chronic test. The samples may be collected as grab samples spaced out at constant time intervals throughout the duration of the discharge. Each sample must meet the holding time of ~~36 hours (up to~~ 72 hours ~~if required)~~ for first use of the sample, and then the samples may be used to prepare renewals until*

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			test completion. In order to assess toxicity, ~~no alternate test procedures are authorized, and~~ the test must be conducted in accordance with the method. The highlighted language regarding holding times is unclear. Is the holding time 36 hours or 72 hours? EPA should clarify this sentence so that it is clear as to the intent. Furthermore, the hold time for TCW samples should be adjusted to the maximum of 72 hours. A 36-hour hold-time will introduce significant logistical complexity to well workover, completion, and treatment operations by creating the need for operators to have multiple vessels and flights dedicated to sample transportation only. The increased number of vessel and helicopter trips between offshore facilities and shore will increase emissions, noise, and other environmental impacts. They will also increase safety risks associated with landing/takeoff, vessel transport and transfer of samples. These risks will be more acute given a 36-hour time constraint. The requirement for additional flights/vessel trips will also increase costs, as operators compete for scarce supply of helicopters and fast vessels. Lastly, the competition for helicopters and fast vessels will result in project delays, which will further increase costs and result in additional environmental impacts. The Joint Trades also recommend that the phrase "no alternative test procedures are authorized" be struck as it contradicts existing EPA regulations. 40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region."

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			By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits. Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.
01 – TCW Toxicity	**Part I.B.6.c**	Operators must conduct well treatment fluids, well completion fluids, and workover fluids assessments whenever they apply those fluids. Such assessments shall be conducted for each applicable well by operators either corporately or individually. The general information of a specific well treatment, well completion or workover fluid could be used for assessment purposes. Each fluid assessment shall include the following information: 1) Lease and block number 2) API well number 3) Type of well treatment or workover operation conducted 4) Date of discharge 5) Time discharge commenced 6) Duration of discharge 7) Volume of well treatment 8) Volume of completion or workover fluids used 9) The common names and chemical parameters for all additives to the fluids 10) The volume of each additive 11) Concentration of all additives in the well treatment 12) Concentration of all additives in the completion, or workover fluid	The Joint Trades recommend the characteristic assessment requirements be removed from the permit. **Rationale**: The Characteristic Assessment requirements retained from the 2017 permit were intended to apply to the industry-wide TCW fluid toxicity study, or individual studies for those operators that chose not to participate in the industry study. Now that the studies have concluded, these characteristic assessment requirements are not appropriate for routine, normal operations and should be removed from the 2022 permit. This type of detailed information is maintained by operators in well files and could be made available to EPA upon request. In addition, these requirements may create the risk of operators providing proprietary and/or trade secret information on well campaigns. This information is nearly always kept confidential. Experience with the industry-wide TCW study showed that trades secrets are a significant issue with regards to TCW campaigns. During the study, extraordinary measures were taken to ensure that trade secrets and proprietary information were protected. This included procedures to limit chemical analysis of fluid components to mitigate the risk of revealing proprietary information.
01 – TCW Toxicity	**Part I.D.3**	The approved test methods for permit compliance are identified in 40 CFR Part 136. No alternative test procedures are authorized.	The Joint Trades believe that the sentence "No alternative test procedures are allowed" contradicts existing EPA regulations and should be removed from the permit.

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			40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region." By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits. Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.
01 – TCW Toxicity	**Part I.D.4**	The approved test methods for permit compliance are identified in 40 CFR Part 136. No alternative test procedures are authorized.	The Joint Trades believe that the sentence "No alternative test procedures are allowed" contradicts existing EPA regulations and should be removed from the permit. 40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region." By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits.

<table>
<tr><th>Agenda Topic</th><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td></td><td></td><td>Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.</td></tr>
<tr><td>01 – TCW Toxicity</td><td>Part I.D.4.f</td><td>Test Acceptability Criteria

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:
<table>
<tr><th>Condition/Criteria</th><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td># of replicates per concentration</td><td>2</td><td>2</td></tr>
<tr><td># of organisms per replicate</td><td>10</td><td>10</td></tr>
<tr><td># or organisms per concentration</td><td>20</td><td>20</td></tr>
<tr><td># of test concentrations per effluent</td><td>5 and a control</td><td>5 and a control</td></tr>
</table></td><td>The Joint Trades recommend that some of the values listed in the Test Acceptability Criteria table be changed to align with WET testing protocols and methods.

For both species, we recommend the following changes:

• # of replicates per concentration should be 5; not 2.
• # of organisms per replicate should be 8; not 10.
• # of organisms per concentration should be 40; not 20.

NOEC values cannot be achieved with less than 4 replicates.</td></tr>
<tr><td>02 – General Toxicity</td><td>Part I.B.11.a</td><td>One composite sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period.</td><td>The Joint Trades recommend revising the proposed text as follows:

One grab, or one composite, sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period.

<u>Rationale</u>: EPA has not provided a justification for grab samples not being representative of the discharge. Increasing the volume of samples through composite sampling introduces additional operational complexity; most notably increased weight for transport on helicopters. Larger sample volumes will also increase the amount of laboratory waste for disposal.</td></tr>
</table>

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			Increasing waste volumes is in conflict with the regulated community's sustainability principles to reduce wastes as much a practical. As an alternative, if EPA does not accept continuing to allow single grab samples for testing, the Joint Trades recommend that EPA adopt the following sampling methodology: • Discharges 24 hours of less in duration: 1 grab sample is required. • Discharges more than 24 hours in duration: 3 aliquots are required captured at evenly space time intervals over a 24 hour period or less. It is also important for EPA to include language in the permit that clarifies when sample holding times begin. Adding the following statement to the permit would provide additional clarification: *As described in the National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, time of sample collection (holding time) begins when the last aliquot is dispensed into the composite sample container.* Source: https://www.epa.gov/sites/default/files/2017-03/documents/npdesinspect-chapter-05.pdf
02 – General Toxicity	**Part I.B.4.a**	Toxicity. Toxicity shall be assessed through a 7-day chronic Whole Effluent Toxicity (WET) test in accordance with *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms* (EPA/821-R-02- 014), or the most current edition. In order to be in compliance with a WET limit, the No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Appendix D, Table 1 (1-A through 1-F) of this permit. The critical dilution to be used for each calendar year shall be determined during the month of December using Table 1 in Appendix D of this permit and is based on the highest estimated monthly flow rate recorded during the previous 12-months, discharge pipe	The Joint Trades recommend EPA continue to use the language contained in the 2017 permit: *The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the highest monthly average discharge rate for the three months prior to the month in which the test sample is collected, discharge pipe diameter, and water depth between the discharge pipe and the bottom.*

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		diameter, and water depth between the discharge pipe and the bottom. The critical dilution shall be calculated when this permit becomes effective, using the previous 12 months, until recalculated in December and every end of calendar year thereafter.	Alternatively, if EPA has rationale for discharge rate to be moved from three months prior to calendar year prior; the Joint Trades request revisions to the proposed permit language: *The critical dilution to be used for each calendar year ~~shall be determined during the month of December~~ using Table 1 in Appendix D of this permit and is based on the highest estimated monthly flow rate recorded during the previous calendar year ~~12-months~~, discharge pipe diameter, and water depth between the discharge pipe and the bottom.* *The critical dilution shall be calculated when this permit becomes effective, using the previous calendar year. ~~12 months, until recalculated in December and every end of calendar year thereafter.~~* **Rationale**: The Joint Trades are requesting rationale from EPA for discharge rate to be moved from three months prior to calendar year prior. If language is moved to calendar year, the Joint Trades are requesting the language change to this section of the permit to provide clarity. Replacing "12 months" with calendar year will prevent operators from making varying interpretations and will help answer the following questions: Did EPA intend for a calendar year or rolling 12-month period from month sampled? If this is to be done in December, does the Operator include December since the month is not complete?
02 – General Toxicity	**Part I.B.4.b**	Toxicity. Flow must be analyzed at the end of each calendar year (December). The flow used to determine the frequency of toxicity testing for the following calendar year shall be the highest estimated monthly flow rate recorded during the previous 12-months. The required frequency of testing shall be determined as follows: Discharge Rate — Toxicity Testing Frequency 0 - 4,599 bbl/day — once per calendar year	The Joint Trades recommend maintaining the language contained in the 2017 permit: *Toxicity. The flow used to determine the frequency of toxicity testing shall be the highest monthly average flow for the three months prior to the month in which the test sample is collected.*

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		4,600 bbl/day and above once per calendar quarter	Alternatively, if EPA has rationale for discharge rate to be moved from three months prior to calendar year prior, the Joint Trades request revisions to the proposed permit language: *Toxicity. Flow must be analyzed at the end of each calendar year ~~(December)~~. The flow used to determine the frequency of toxicity testing for the following calendar year shall be the highest estimated monthly flow rate recorded during the previous calendar year ~~12-months~~. The required frequency of testing shall be determined as follows:* **Rationale**: The Joint Trades are requesting rationale from EPA for discharge rate to be moved from three months prior to calendar year prior. If language is moved to calendar year, the Joint Trades are requesting the language change in this section of the permit to provide clarity. Replacing "12 months" with calendar year will prevent operators from making varying interpretations and will help answer the following questions: Did EPA intend for a calendar year or rolling 12-month period from month sampled? If this is to be done in December, does the Operator include December since the month is not complete?
02 – General Toxicity	**Part I.B.4.b**	New discharges must perform initial toxicity tests as required by this permit within three months after discharge begins and continue on the appropriate calendar quarter or calendar year based on the highest monthly flow rate available.	The Joint Trades recommend revising the permit text as follows: *New discharges must perform initial toxicity tests as required by this permit within three months after discharge begins and continue on the appropriate calendar quarter or calendar year based on the highest monthly discharge rate available.* **Rationale**: Adding the word "discharge" as noted above provides additional clarity.
02 – General Toxicity	**Part I.B.4.b**	Existing dischargers under the 2017 permit shall commence testing schedules in the 2022 permit as of the effective day of this permit. If the permittee qualified to monitor produced water toxicity at the reduced frequency of once per year	The Joint Trades offer the following suggested revisions to the proposed permit language:

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		under the 2017 permit, the required monitoring frequency shall remain at once per year as long as the discharge is compliant with the toxicity limits. Results of testing for any overlapping monitoring period that were done during the previous permit may also be used to satisfy that monitoring period under the 2022 permit. Flow rate for the purpose of determining the frequency of testing and critical dilution of the next calendar year shall be analyzed in the month of December following issuance of this permit.	*Results of testing for any overlapping monitoring period that were done during the previous permit may also be used to satisfy that monitoring period under the 2022 permit.* ~~*Flow rate for the purpose of determining the frequency of testing and critical dilution of the next calendar year shall be analyzed in the month of December following issuance of this permit.*~~ **Rationale**: If the permittee qualified to monitor produced water toxicity at the reduced frequency of once per year under the 2017 permit, the required monitoring frequency should remain at once per year as long as the discharge is compliant with the toxicity limits. Determining toxicity testing frequency for new discharges or existing discharges on a reduced monitoring period is covered in those respective sections of the permit. The Joint Trades are requesting to remove duplicate information from this section.
02 – General Toxicity	**Part I.B.4.b**	A minimum of three (3) samples shall be collected as grabs or composites. Test Acceptability Criteria and reporting requirements can be found in Part I.D.3 of this permit.	The Joint Trades recommend revising the proposed text as follows: ~~*A minimum of three (3)*~~ *Samples shall be collected as grabs or composites. Test Acceptability Criteria and reporting requirements can be found in Part I.D.3 of this permit.* **Rationale**: EPA has not provided a justification for proposing that a "minimum of three samples" is necessary. Increasing the number of samples and, by default, the volume of samples introduces additional operational complexity; most notably increased weight for transport on helicopters. Larger sample volumes will also increase the amount of laboratory waste for disposal. Increasing waste volumes is in conflict with the regulated community's sustainability principles to reduce wastes as much a practical.

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			As an alternative, if EPA does not accept continuing to allow single grab samples for testing, the Joint Trades recommend that EPA adopt the following sampling methodology: • Discharges 24 hours or less in duration: 1 grab sample is required. • Discharges more than 24 hours in duration: 3 aliquots are required captured at evenly space time intervals over a 24 hour period or less. It is also important for EPA to include language in the permit that clarifies when sample holding times begin. Adding the following statement to the permit would provide additional clarification: *As described in the National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, time of sample collection (holding time) begins when the last aliquot is dispensed into the composite sample container.* Source: https://www.epa.gov/sites/default/files/2017-03/documents/npdesinspect-chapter-05.pdf
02 – General Toxicity	**Part I.D.3.1**	The testing frequency is assessed at the end of every calendar year and established for the following year. However, monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. If a test is not conducted every month, then the permittee must report "NODI 9" for toxicity data.	The Joint Trades recommend the following changes to the proposed permit language to improve clarity. In addition, we recommend removing the references to NODI codes from the permit as this type of language is better suited for DMR instructions instead of permit language. ~~*The testing frequency is assessed at the end of every calendar year and established for the following year. However,*~~ *Monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency.* ~~*If a test is not conducted every month, then the permittee must report "NODI 9" for toxicity data.*~~

<table>
<tr><th>Agenda Topic</th><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr>
<td>02 – General Toxicity</td>
<td>Part I.D.3.f</td>
<td>Test Acceptability Criteria

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:
<table>
<tr><th>Condition/Criteria</th><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Test Duration</td><td>7 days</td><td>7 days</td></tr>
<tr><td># of replicates per concentration</td><td>8</td><td>4</td></tr>
<tr><td># of organisms per replicate</td><td>5</td><td>10</td></tr>
<tr><td># or organisms per concentration</td><td>40</td><td>40</td></tr>
<tr><td># of test concentrations per effluent</td><td>5 and a control</td><td>5 and a control</td></tr>
<tr><td>Holding time *</td><td>36 hours for first use</td><td>36 hours for first use</td></tr>
<tr><td>Sampling Requirement *</td><td>Minimum of 3 samples</td><td>Minimum of 3 samples</td></tr>
<tr><td rowspan="2">Test Acceptability Criteria</td><td>≥80% survival of all control organisms.</td><td>≥80% survival of all control organisms.</td></tr>
<tr><td>Average dry weight per surviving organism in control ≥0.2mg.</td><td>Average dry weight per surviving unpreserved organism in the control must be ≥0.5mg when test starts with 7d old larvae, or, ≥0.43mg or greater after no more than 7days if preserved.</td></tr>
<tr><td>Coefficient of Variation**</td><td>40% or less, unless significant effects are exhibited.</td><td>40% or less, unless significant effects are exhibited.</td></tr>
<tr><td>Percent Minimum Significant Difference (PMSD range) for Sublethal Endpoint **</td><td>11 - 37</td><td>11 - 28</td></tr>
</table>

* If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples and the minimum number of effluent portions are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent, and must meet the holding time between collection and first use of the sample. When possible, the effluent</td>
<td>The Joint Trades recommend that some of the values listed in the Test Acceptability Criteria table be changed to align with WET testing protocols and methods.

For Menidia beryllina, we recommend the following changes:

• # of replicates per concentration should be 5; not 4.
• # of organisms per replicate should be 8; not 10.

In addition, to align with our recommendations on TCW fluids 48-hour acute WET testing, Sample Requirements for both Americamysis bahia and Menidia beryllina should be modified to:

1 grab sample for discharges of 24 hours or less, or 3 aliquots at evenly spaced time intervals over a 24-hour period for discharges greater than 24-hours in duration.

The rationale for this recommendation is discussed above in previous comments.

<u>Regarding PMSD Limits:</u> PMSD limits are protective of the environment and permittees. Upper PMSD limits prevent highly variable data that decreases the power of the required statistical methods from being used to demonstrate permit compliance. Lower PMSD limits prevent data sets with very low variability, hyper-sensitive data sets, from failing. If the PMSD for a sub-lethal data set is less than the lower PMSD limit and the required statistical methods indicate a statistically significant difference between the control and a treatment, this difference must be confirmed by calculating relative differences between the control and each treatment.

Growth data are based on biomass: dry weight of survivors from each replicate divided by the number of organisms exposed not the number</td>
</tr>
</table>

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		samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section. **Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%, or a PMSD value greater than the higher value on the range provided.	surviving. Any mortalities exacerbate sublethal biomass variability. If the replicate dry weight is for one surviving organism, it must be divided by the number originally exposed! If a treatment fails survival it is excluded from sub-lethal data analyses. If the survival and growth data are near perfect and clearly passing except at the highest concentration tested (low survival and high variability between replicates), the required statistical methods (Steel's Many-One Rank Test in particular) may not pick up >40% mortality as statistically significant. This can lead to the upper biomass PMSD limit being exceeded and an invalid test, even though the lower sample dilutions are statistically equivalent in survival and biomass to the concurrent control. Including the 2017 permit language for chronic tests could prevent resampling and retesting clearly passing data sets: *If the conditions of Test Acceptability are met in Item 3.f. above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the survival test shall be considered to be passing and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found below.* And adding similar language for sublethal biomass data: *If the conditions of Test Acceptability are met in Item 3.f. except that the PMSD upper limit is exceeded, then if the mean dry weight of surviving control organisms is equal to or greater than the limit in the test method, and the biomass data for the critical dilution and all lower dilutions are not more than the PMSD lower limit (11% for both species) less than the concurrent control, the growth test shall be considered to be passing and the permittee shall report a growth NOEC*

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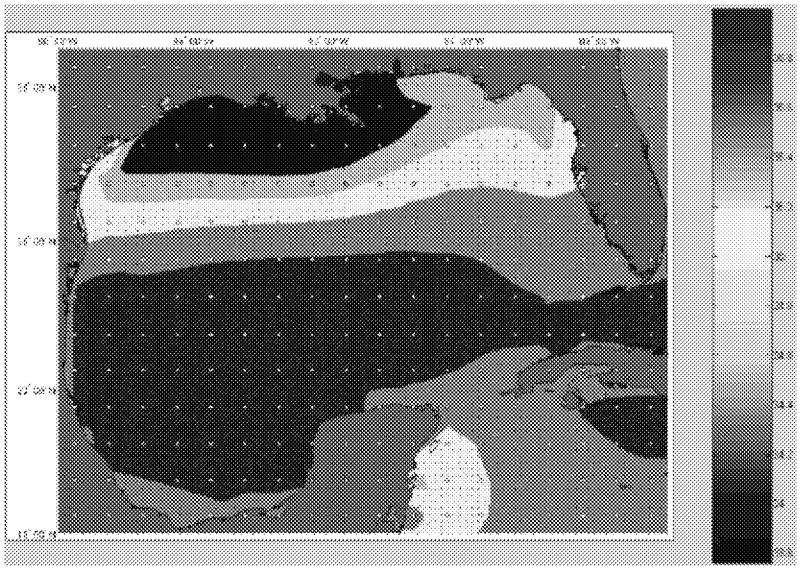
			of not less than the critical dilution for the DMR reporting requirements found below.
02 – General Toxicity	**Part I.D.3.h**	Dilution Water Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar salinity closest to the point of discharge if the receiving water shows toxicity and fails to meet acceptability criteria for the control.	The Joint Trades strongly recommend removing the requirements for the use of receiving waters as dilution water for the purposes of WET testing. There are several technical and operational reasons for concern. **1. WET Testing Methods Recommendations** EPA's *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition* contains the following recommendations regarding types of dilution water, "7.1.1.1 If the objective of the test is to estimate the absolute acute toxicity of the effluent, a synthetic (standard) dilution water is used." As well as, "7.1.2 An acceptable dilution water is one which is appropriate for the objectives of the test; supports adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test (i.e., consistently meets test acceptability criteria for control responses); is consistent in quality; and does not contain contaminants that could produce toxicity." Method 1007.0: Mysid, Mysidopsis bahia, Survival, Growth and Fecundity Test: Chronic Toxicity contains the following requirement, "14.6.11.1 Saline test and dilution water -- The salinity of the test water must be in the range of 20‰ to 30‰." Gulf of Mexico receiving waters mean annual sea-surface salinity ranges from 33‰ to greater than 36‰ as shown in the figure below from

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
			Vinogradov, S., *The use of ocean tomographic observations in numeric simulation of mesoscale oceanic circulation in the northern Gulf of Mexico, 2005.*  Gulf of Mexico receiving waters are higher than the recommended salinities in Method 1007.0 and therefore may not "support adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test." **2. Impractically of Capturing Receiving Water Samples** The proposed permit language states that "Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge." It is unclear how

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			operators are to determine if the receiving water collection point is unaffected by the discharge. The requirement is vague and ambiguous. In addition, capturing samples of receiving water for use as dilution water would potentially require the launching and operation of small fast rescue craft from the platform. Most platforms do not have such craft available or installed. Launching of such craft requires lower the vessel 150-200 feet via cables to the water's surface with people on board. This is a high risk activity that is conducted only when it is absolutely necessary (i.e., responding to an emergency). This requirement to use receiving water as dilution water increases the risks and hazards to offshore personnel. If receiving water was collected for use as dilution water, approximately 40 gallons would be needed per test. That would require transport of more than 320 lbs. of water, ice and containers. Additional helicopter flights would be required as well as additional ground transport. As noted in other comments contained in this document, increased transportation results in significantly higher greenhouse gas emissions, higher costs to the regulated community and additional burden in the form of increased scheduling and planning. The use of synthetic dilution water eliminates all of these concerns and provides a practical, sound alternative to the use of receiving water. **3. Synthetic Dilution Water Has a Proven History** Synthetic dilution water has been used for Gulf of Mexico dilution water since the inception of the General Permit. There are decades of data that provide ample evidence that synthetic dilution water is appropriate for WET testing. If EPA has identified concerns or issues with the historical use of synthetic dilution water based upon this historical data, then that

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
			information should be shared with the regulated community and the public to justify the need for this proposed change. Based on the rationale discussed in items 1-3, the Joint Trades recommend that this proposed paragraph be removed from the permit.
02 – General Toxicity	**Part I.D.4.f**	* If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples and the minimum number of effluent portions are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent, and must meet the holding time between collection and first use of the sample. When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section.	The Joint Trades recommend that the following sentence be removed from the permit: ~~*When possible, the effluent samples used for the toxicity tests shall be collected on separate days.*~~ **Rationale**: Collection of samples on separate days creates unnecessary burden on the regulated community, including: • Increase difficulty in meeting required holding times leading to "special order" flights and ground transportation. • Safety risks increase due to increased material handling and additional helicopter flights. • Increased air pollutants and GHG emissions due to increased vessel and ground transportation.
02 – General Toxicity	**Part I.D.4.h**	Dilution Water Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar salinity closest to the point of discharge if the receiving water shows toxicity and fails to meet acceptability criteria for the control.	Comments made above regarding dilution water are repeated here. The Joint Trades strongly recommend removing the requirements for the use of receiving waters as dilution water for the purposes of WET testing. There are several technical and operational reasons for concern. **1. WET Testing Methods Recommendations** EPA's *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition* contains the following recommendations regarding types of dilution water,

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			"7.1.1.1 If the objective of the test is to estimate the absolute acute toxicity of the effluent, a synthetic (standard) dilution water is used." As well as, "7.1.2 An acceptable dilution water is one which is appropriate for the objectives of the test; supports adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test (i.e., consistently meets test acceptability criteria for control responses); is consistent in quality; and does not contain contaminants that could produce toxicity." Method 1007.0: Mysid, Mysidopsis bahia, Survival, Growth and Fecundity Test: Chronic Toxicity contains the following requirement, "14.6.11.1 Saline test and dilution water -- The salinity of the test water must be in the range of 20‰ to 30‰." Gulf of Mexico receiving waters mean annual sea-surface salinity ranges from 33‰ to greater than 36‰ as shown in the figure below from Vinogradov, S., *The use of ocean tomographic observations in numeric simulation of mesoscale oceanic circulation in the northern Gulf of Mexico, 2005.*

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			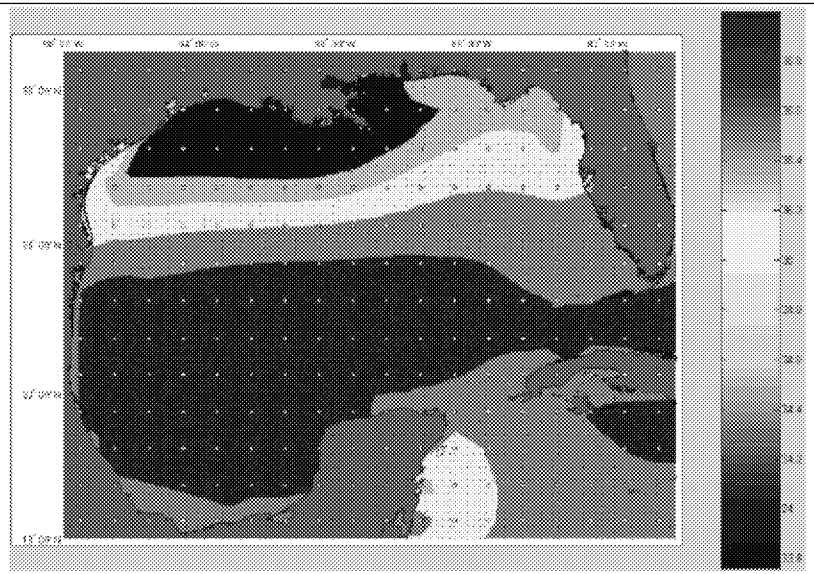 Gulf of Mexico receiving waters are higher than the recommended salinities in Method 1007.0 and therefore may not "support adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test." **2. Impractically of Capturing Receiving Water Samples** The proposed permit language states that "Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge." It is unclear how operators are to determine if the receiving water collection point is unaffected by the discharge. The requirement is vague and ambiguous. In addition, capturing samples of receiving water for use as dilution water would potentially require the launching and operation of small fast rescue

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			craft from the platform. Most platforms do not have such craft available or installed. Launching of such craft requires lower the vessel 150-200 ft via cables to the water's surface with people on board. This is a high risk activity that is conducted only when it is absolutely necessary (i.e., responding to an emergency). This requirement to use receiving water as dilution water increases the risks and hazards to offshore personnel. If receiving water was collected for use as dilution water, approximately 40 gallons would be needed per test. That would require transport of more than 320 lbs. of water, ice and containers. Additional helicopter flights would be required as well as additional ground transport. As noted in other comments contained in this document, increased transportation results in higher greenhouse gas emissions, higher costs to the regulated community and additional burden in the form of increased scheduling and planning. The use of synthetic dilution water eliminates all of these concerns and provides a practical, sound alternative to the use of receiving water. **3. Synthetic Dilution Water Has a Proven History** Synthetic dilution water has been used for Gulf of Mexico dilution water since the inception of the General Permit. There are decades of data that provide ample evidence that synthetic dilution water is appropriate for WET testing. If EPA has identified concerns or issues with the historical use of synthetic dilution water based upon this historical data, then that information should be shared with the regulated community and the public to justify the need for this proposed change. Based on the rationale discussed in items 1-3, the Joint Trades recommend that this proposed paragraph be removed from the permit.

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03 - Tracers	**Part I.A.1.b**	Limitations on Coverage: The following are not authorized under this permit: i) Discharges not described under Parts I.B.1-13 ii) This general permit does not authorize discharges, including spills or leaks, caused by failures of equipment, blowout, damage of facility, or any form of unexpected discharge. iii) Historic Properties: Facilities which adversely affect properties listed or eligible for listing in the National Register of Historic Places are not authorized to discharge under this permit. iv) Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. Permittees must obtain separate authorization from NRC in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit or for any other disposal of such materials.	The Joint Trades recommend moving this paragraph to Part I.C Other Discharge Limitations. The suggested revisions are as follows: *Section C. Other Discharge Limitations* *8. Discharges not described under Parts I.B.1-13* *9. This general permit does not authorize discharges, including spills or leaks, caused by failures of equipment, blowout, damage of facility, or any form of unexpected discharge.* *10. Historic Properties: Facilities which adversely affect properties listed or eligible for listing in the National Register of Historic Places are not authorized to discharge under this permit.* *11. Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. Permittees must obtain separate authorization from NRC in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit or for any other disposal of such materials.* **Rationale**: Part I.C is the part of the permit where general discharge limitations and prohibitions are described. The limitations described in this proposed section are better aligned for inclusion in Part I.C. In addition, the Joint Trades are offering additional comments on item iv) radioactive tracers (see next comment).
03 - Tracers	**Part I.A.1.b.iv**	iv) Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. Permittees must obtain separate authorization from NRC in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this	The Joint Trades agree with EPA that nothing in this permit shall be construed to circumvent any applicable requirements imposed by the Nuclear Regulatory Commission (NRC) for the discharge of radioactive materials under the Atomic Energy Act. See 42 U.S.C. § 2012; see also 40 CFR § 122.2 (excluding radioactive materials regulated under the Atomic

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		permit or for any other disposal of such materials.	Energy Act from the definition of "pollutant."). However, the language of the draft permit relating to radioactive materials under the jurisdiction of the Nuclear Regulatory Commission (NRC) could be interpreted as prohibiting all discharges of radioactive materials absent an explicit grant of authorization to the operator from the NRC. Accordingly, the Joint Trades recommend adding the following language to clarify that the NRC require NRC licensees to obtain authorization. *Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC) not authorized for discharge under an NRC License (if required): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. N R C licensees ~~Permittees~~ must obtain separate authorization from NRC, if required, in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit ~~or for any other disposal of such materials.~~ Compliance with this limitation must be achieved within two years after the effective date of this permit.* This is important as third-party vendors hold the NRC license for use of radioactive tracers, not the operators. The Joint Trades are committed to working with these vendors to understand what steps, if any, need to be taken for NRC to authorize discharges of radioactive materials. The Joint Trades further note that EPA's past consideration of radioactive tracers weighs strongly against an outright prohibition against their discharge. For example, EPA "examined [radioactive tracer discharges] in the process of issuing National Effluent Limitations Guidelines and in our permit development." See Attachment B Letter from S. Wilson dated August 19, 2003 for more information. EPA's current proposal to prohibit the discharge presents no information to counter their own 2003 determination. (See also Avanti Corporation, *Ocean Discharge Criteria*

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			Evaluation for the NPDES General Permit for the Western Gulf of Mexico OCS, EPA Contract No. 68-C9-0009 Work Assignment S-4-49(P), Task 161, prepared for USEPA Region 6, Dallas TX Dated August 9, 1993.) In preparation for the 2012 Permit Renewal, EPA proposed language requiring radioactive tracers to be separated from TCW and Produced Water discharges and sent to shore for disposal. In a letter from OOC to Mr. Isaac Chen, EPA Region 6 Permit Writer, dated December 15, 2011, OOC provided comments to strike the proposed language. As explained in this letter, excerpts of which are provided below, it would be prohibitively expensive and time consuming to filter these tracers from produced water, an undertaking not justified given the trivial levels of tracers present in the produced water. Mr. Chen agreed and the proposed language was not included in the final Permit, effectively approving discharge of radioactive tracers. EPA again considered and approved discharge of radioactive tracers in the 2017 NPDES Permit. Specifically, during the 2017 permit renewal process, the OOC requested that EPA add the following language, underlined and in red, to the Miscellaneous Discharge section: "Mud, Cuttings, and Cement (including tracers) at the seafloor." OOC explained its rationale for this request as follows: *Being able to identify top of cement (TOC) behind a wellbore casing can sometimes be challenging given current (acoustic) cement evaluation logging technology. By being able to run tracers detectable by logging tools, the technical limits of acoustic logging tools are bypassed, thus allowing the operator another option that may more clearly identify TOC and ensure the cemented casing meets technical and HSE requirements for the well. The tracer in question would be a very small quantity (~ 1 mCi) of Sc-46 embedded in inert beads suspended in a gel (~1 cup by volume total),*

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			placed in the first 50 bbls of cement pumped (and so may extrude to sea floor for top hole casings). Sc-46 decays by beta emission (with detectable gamma), with a half-life of ~84 days (so effectively gone after 5 half-lives or 420 days). The beads will not float or disperse, rather we expect they will be encapsulated into the cement slurry as it solidifies (over 12-24 hours at the sea floor). Sc-46 beta emissions travel distance in water is estimated at 0.11 cm. The tenth thickness in concrete for the gamma emissions is 16 cm. Given these small distances, along with short half-life and cement encapsulation, we would not expect significant ecological risk from this tracer. EPA accepted OOC's proposed language and added it to the current permit, which reads "Muds, Cuttings, and Cement (including cement tracer) at the Seafloor." The radioactive tracers used in fracturing are the same as used in cementing, discussed above. They are tiny beads, similar in size to a proppant grain, which are injected to the slurry stream at a very low concentration while pumping the frac. The primary reason that radioactive tracers are added to the frac slurry is to confirm the presence of an annular pack of proppant around the screens. Frac height confirmation is a secondary benefit of the tracers in sand control wells. In wells requiring sand control—which include most Gulf of Mexico wells—the proppant pack around the screens acts as an additional filter preventing sand production and protecting the integrity of the screens, tubulars and facilities. Without a complete proppant pack in place around the screens, the screens can quickly erode compromising screen integrity. The sand and proppant produced after the screens are compromised erode tubulars and facility piping. It can also foul the safety valve and subsea tree valves making them non-functional. Thus, the use of radioactive tracers in the frac slurry is important to the integrity and safety of the well.

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			Given the above—i.e., EPA's prior determinations, the proppant's small size, the viscous matrix used to convey the proppant, and the expected trivial loss to produced water due to the well bore screen—USEPA should not prohibit discharge of insignificant levels of radioactive tracers. Should EPA intend to prohibit discharge of radioactive tracers, OOC requests: 1. EPA demonstrate a cost/benefit analysis for requiring a prohibition of the discharge of radioactive tracers. 2. OOC proposes the following language be added to this section of the permit: "Compliance with this limitation must be achieved within two years after the effective date of this permit." **Additional background information:** Radioactive Tracers in Proppants Background (edited from OOC letter to Mr. Isaac Chen dated December 15, 2011): *Propping agents are like grains of sand in size (< 600 microns typically). Proppants or solids introduced into a gravel pack or fracture job are not themselves radioactive. Proppants are generally man made and composed of ceramic material. Occasionally a gravel pack may be tagged with a weak radioactive isotope in order to determine what the extent of the fracture height is. This isotope is added to the main portion of the fluid which may or may not contain proppant [OOC realizes that the August 1, 2011, submittal to EPA was not clear on how trace radioactive materials were added to the proppant- the fluid is dosed with the tracer; radioactive material is not physically added into the proppant grains.]. For well completion applications the base fluid is viscosified with an organic biodegradable polymer and a chemically inert propping agent which is incorporated at varying concentrations. This slurry is pumped down the work string and hydraulically forced into the production zone. Any excess slurry is reversed out of the work string and returned to the surface. Pending a passing static sheen and oil and grease test, the slurry is discharged (if it does not contain priority*

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			pollutants above trace amounts). Once placed in the formation, the proppants will be retained therein by the well screen. This screen is of critical importance for sand control (to prevent excess erosion of piping which could result in a loss of hydrocarbon containment). The only proppant that is discharged is proppant which remains in the work string (tubing used to channel the proppant slurry to the formation face). As noted above this mixture is a very viscous gel (highly cross-linked). Because of this, separation of the proppant from this well fluid is not feasible without extensive or time-consuming treatment. *This prohibition could also impact produced water discharges. Proppants may be returned with produced water. As discussed above, proppant application is into the formation, and prevented from return with the oil/gas by use of screens across the producing zones. As such, proppant levels in produced water will be trivial. Data from one major operator indicates that produced water discharged overboard contain relatively low volumes (approximately 25ppm) of solids with an average (D50) particle size of 25 micron based on limited sampling at a major platform in the Gulf. The Effluent Guidelines (Table IX-12) indicates solids loading on the order of 13.38-74.72 ug/l. Filtration of produced waters just prior to overboard discharge would require installation of suitable pumping capacity and elevated deck sections to accommodate the additional equipment and space for operator intervention and maintenance. Existing assets lack open deck space to accommodate this equipment. Filtration of produced water can be very problematic given oil has a "stickiness" property which would bridge over in time the filter screens requiring a solvent wash or steam cleaning. An initial estimate to filter a 10,000 bwpd produced water stream to < 600 micron solids was made. The cost for engineering, filtration and pumping equipment would be on the order of $750,000* [2011

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			estimate]. *The cost for structural steel and offshore installation may require as much as 5000-man hours and cost an estimated $4 million dollars* [2011 estimate]. *It is estimated to take 24 weeks to procure the required equipment. Additional time would be required for conducting the engineering on the facility to address weight, space and safety classification issues. Assuming this cost, given there are approximately 800 platforms* [2011 estimate] *discharging produce water, this yields a total industry cost of approximately $3,800,000,000* [2011 estimate]. *Finally, the solids recovered from the filtration system would have to be disposed onshore.* *The above is a rough estimate made in the limited time available. However, it does indicate that addition of filtration equipment to produced water streams is a significant undertaking in the offshore environment. As such, OOC feels it is difficult to justify such systems given the small chance some proppant grains/radioactive tracer particles are returned with the produced fluids. OOC notes that sand loss control is a critical design concern for a well as sand can erode piping and valves and result in loss of containment of the hydrocarbons. As such, great care is taken to ensure even fine grain sands/solids do not exit the formation. Certainly, very fine solids can and do come out and up into the topsides equipment.; However, weight and space limitations make the addition of solids separating equipment quite challenging.*
04 – CWIS Production	**Part I.B.12.c.1).ii**	Velocity monitoring. The operator must monitor intake flow velocity across the intake screens on a continuous basis to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies: If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be <0.300 — Quarterly 0.300 – 0.38 — Monthly	The Joint Trades propose to strike "on a continuous basis" as it directly conflicts with the below monitoring frequencies. *iii. Velocity monitoring. The operator must monitor intake flow velocity across the intake screens ~~on a continuous basis~~ to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies:*

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		>0.38 Daily	*If the Most recent intake flow velocity (ft/s)* — *Then Monitoring Frequency Should be* *<0.300* — *Quarterly* *0.300 – 0.38* — *Monthly* *>0.38* — *Daily* **Rationale**: The Joint Trades request all intake flow velocity monitoring proposed as "continuous" be struck. Continuous intake flow velocity monitoring would require possibly significant upgrades to existing intake flow velocity monitoring systems including routing of signals to process computers for automatic logging. Monitoring frequencies in the table allow permittees to manually log the intake flow velocity if continuous monitoring systems are not feasible. EPA agreed with this request in their Response to Comments for the 2012 GMG290000 permit renewal, "OOC requested that EPA change the flow monitoring frequency from continuous to daily because continuous monitoring may require significant upgrades to the existing flow system. Response: EPA has revised the permit language. Daily monitoring frequency will be used for flow monitoring. EPA has also changed the frequency for screen monitoring to daily based on the same reason for changing flow monitoring." EPA again agreed with this request in the 2017 GMG290000 permit renewal when they included the tiered monitoring frequencies in the current permit and did not include continuous intake flow velocity monitoring. 2017 Rationale: Velocity monitoring consists of a demonstration requirement based on the facilities' proposed design and a compliance monitoring requirement that verifies the velocity limitation is being met. There is agreement with the purpose of inspection, but not the frequency.

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			The tiered velocity monitoring approach is based upon a statistical analysis of six separate CWIS operated in the GOM during 2015. The analysis is based on the rate-of-change in daily velocity monitoring data (attached as Appendix D). An ANOVA indicates no statistical difference in the rate of change in intake velocity among the five intakes ($P < 0.05$). The data are approximately normally distributed with a mean change in velocity equal to 0.0001 (ft/s)/day and a standard deviation equal to 0.0106 (ft/s)/day. Based on these data, there is a 95% probability that the mean velocity increase over any 30-day period will be less than 0.11 (ft/s)/day; and a 95% probability that the mean velocity increase over any 90-day period will be less than 0.20 (ft/s)/day. Therefore, 95% of all monthly intake velocity measurements will be less than 0.5 ft/s provided that the previous month's velocity measurement was less than 0.39 ft/s. Similarly, 95% of all quarterly velocity measurements will be less than 0.5 ft/s provided that the previous quarter's measurement was less than 0.30 ft/s. We note this data makes sense relative to visual inspection information presented elsewhere the rate of biogrowth on intakes is quite low and so the rate of change of intake velocity would also be expected to be quite low, hence allowing for reduced monitoring frequencies (using a tiered approach to ensure compliance with the 0.5 fps standard for any CWIS design). Related to this issue, EPA must allow for the fact that some affected facilities have been constructed between July 2006 and October 2022 with intake flow velocity monitoring designs based on initial and quarterly/monthly/daily flow monitoring. These facilities may require capital upgrades to reach a continuous intake flow velocity monitoring capability. Should EPA require continuous monitoring, The Joint Trades propose the following language be added to this section of the permit:

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			Compliance with continuous intake flow velocity monitoring must be achieved within two years after the effective date of this permit.
04 – CWIS Production	**Part I.B.12.c.2).iii**	Velocity monitoring. The operator must monitor intake flow velocity across the intake screens on a continuous basis to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies: If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be <0.300 — Quarterly 0.300 – 0.38 — Monthly >0.38 — Daily	The Joint Trades propose to strike "on a continuous basis" as it directly conflicts with the below monitoring frequencies. *iv. Velocity monitoring. The operator must monitor intake flow velocity across the intake screens ~~on a continuous basis~~ to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies:* *If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be* *<0.300 — Quarterly* *0.300 – 0.38 — Monthly* *>0.38 — Daily* **Rationale**: The Joint Trades request all intake flow velocity monitoring proposed as "continuous" be struck. Continuous intake flow velocity monitoring would require possibly significant upgrades to existing intake flow velocity monitoring systems including routing of signals to process computers for automatic logging. Monitoring frequencies in the table allow permittees to manually log the intake flow velocity if continuous monitoring systems are not feasible. EPA agreed with this request in their Response to Comments for the 2012 GMG290000 permit renewal, "OOC requested that EPA change the flow monitoring frequency from continuous to daily because continuous monitoring may require significant upgrades to the existing flow system. Response: EPA has revised the permit language. Daily monitoring frequency will be used for flow monitoring. EPA has also changed the frequency for

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			screen monitoring to daily based on the same reason for changing flow monitoring." EPA again agreed with this request in the 2017 GMG290000 permit renewal when they included the tiered monitoring frequencies in the current permit and did not include continuous intake flow velocity monitoring. <u>2017 Rationale</u>: Velocity monitoring consists of a demonstration requirement based on the facilities' proposed design and a compliance monitoring requirement that verifies the velocity limitation is being met. There is agreement with the purpose of inspection, but not the frequency. The tiered velocity monitoring approach is based upon a statistical analysis of six separate CWIS operated in the GOM during 2015. The analysis is based on the rate-of-change in daily velocity monitoring data (attached as Appendix D). An ANOVA indicates no statistical difference in the rate of change in intake velocity among the five intakes ($P < 0.05$). The data are approximately normally distributed with a mean change in velocity equal to 0.0001 (ft/s)/day and a standard deviation equal to 0.0106 (ft/s)/day. Based on these data, there is a 95% probability that the mean velocity increase over any 30-day period will be less than 0.11 (ft/s)/day; and a 95% probability that the mean velocity increase over any 90-day period will be less than 0.20 (ft/s)/day. Therefore, 95% of all monthly intake velocity measurements will be less than 0.5 ft/s provided that the previous month's velocity measurement was less than 0.39 ft/s. Similarly, 95% of all quarterly velocity measurements will be less than 0.5 ft/s provided that the previous quarter's measurement was less than 0.30 ft/s. We note this data makes sense relative to visual inspection information presented elsewhere the rate of biogrowth on intakes is quite low and so the rate of change of intake velocity would also be expected to be quite low, hence allowing for reduced monitoring frequencies (using a tiered approach to ensure compliance with the 0.5 fps standard for any CWIS design).

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			Related to this issue, EPA must allow for the fact that some affected facilities have been constructed between July 2006 and October 2022 with intake flow velocity monitoring designs based on initial and quarterly/monthly/daily flow monitoring. These facilities may require capital upgrades to reach a continuous intake flow velocity monitoring capability. Should EPA require continuous monitoring, The Joint Trades propose the following language be added to this section of the permit: *Compliance with continuous intake flow velocity monitoring must be achieved within two years after the effective date of this permit.*
05 - CWIS Drilling	**Part I.B.12.b.1). i**	The cooling water intake structure(s) must be designed, constructed, operated, and maintained so that the maximum through-screen design intake velocity shall not exceed 0.5 ft/s;	The Joint Trades recommend that EPA consider the comments submitted by the International Association of Drilling Contractors (IADC) regarding cooling water intake structures on non-fixed facilities.
05 – CWIS Drilling	**Part I.B.12.b.1). ii**	The permittee must develop and implement an Operation and Maintenance plan to minimize impingement mortality of fish and shellfish through use of cooling water intake design and construction technologies or operational measures.	The Joint Trades recommend that EPA consider the comments submitted by the International Association of Drilling Contractors (IADC) regarding cooling water intake structures on non-fixed facilities.
06 – 24 hr Reporting	**Part I.B.10.a**	Free Oil. No free oil shall be discharged. Discharge is limited to those times that a visual sheen observation is possible unless the operator uses the static sheen method. Monitoring shall be performed using the visual sheen method on the surface of the receiving water every day when discharging, or by use of the static sheen method at the operator's option. Visual sheen observation must be made during daylight in the vicinity of outfalls. Observation of sheen must be recorded whenever a sheen is observed during the day. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.* **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
06 – 24 hr Reporting	**Part I.B.11.a**	Free Oil. No free oil shall be discharged. Discharge is limited to those times that a visible sheen observation is possible unless the operator uses the static sheen method. Monitoring shall be performed using the visual sheen method on the surface of the receiving water daily when discharging, or by use of the static sheen method daily at the operator's option. Visual sheen observation must be	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.*

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		made during daylight in the vicinity of outfalls. Observation of sheen must be recorded whenever a sheen is observed during the day. The total number of days a sheen is observed must be recorded and reported.	**Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
06 – 24 hr Reporting	**Part I.B.3.a**	Free Oil. No free oil shall be discharged, as determined by the visual sheen method on the surface of the receiving water. Monitoring shall be performed daily when discharging, during conditions when an observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge, and the facility is manned. If a sheen is observed at other times, in addition to the required daily monitoring, it must be recorded. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.* **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
06 – 24 hr Reporting	**Part I.B.6.a**	Free Oil. No free oil shall be discharged. Monitoring shall be performed using the static sheen test method daily when discharging and the facility is manned. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.* **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
06 – 24 hr Reporting	**Part II.D.7.a**	The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be reported to the Offshore 24-Hour Reporting Application Portal at the following address https://caedext.epa.gov/ords/caedext/f?p=OFFSHOREINCIDENT within 24 hours of the time the permittee becomes aware of the circumstances. A detailed report shall be submitted with the quarterly NetDMR. The report shall contain the following information:	The Joint Trades strongly recommend that EPA hold a training seminar and provide instructions for the regulated community on the new reporting system prior to the permit becoming effective.
06 – 24 hr Reporting	**Part II.D.7.c**	All sheen events associated with Miscellaneous Discharges, Miscellaneous Discharges of seawater and freshwater to which treatment chemicals have been added, Well Treatment Fluids, Completion Workover Fluids, Pipeline Brine, Produced Water, Deck Drainage, Drill Cuttings, and Drilling Fluids must be reported under the twenty-four hour reporting requirements.	The Joint Trades recommend the proposed permit language be changed as follows: *All sheens on the receiving water from permitted discharge points with free oil limitations must be reported under the twenty-four hour reporting requirements. If the online reporting system is not available*

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			or functioning, operators may submit the required notification via email to: INSERT EMAIL ADDRESS. **Rationale**: The suggested red text above adds clarity that EPA is referring to discharges subject to the requirements of the permit. Sheens from other, non-permitted sources (typically traditional oil spills) are currently required to be reported immediately to the National Response Center. In addition, EPA has proposed language for produced water discharges for operators to document the cause of produced water sheens and that documentation of those sheens be available for inspection, as well as reported on DMRs. By restricting the 24-hour reporting requirements to discharges with free oil limitations, duplicative reporting and complexity of requirements is eliminated. However, if produced water is retained in the final permit as a sheen that requires 24-hour reporting, then EPA should provide some clarification that a sheen from produced water discharges may not be a non-compliance based on the outcome of the required sheen sampling. Similarly, treatment, completion, workover fluids are required to meet free oil limitations using the static sheen test. Often, the static sheen test is run prior to fluid discharge. If the fluid does not pass the static sheen test, then it is not discharged. Therefore, the Joint Trades are requesting that EPA clarify that if an effluent stream does not pass a static sheen test and, as a result, is not discharged to the receiving water then 24-hour reporting is not required. Lastly, the regulated community needs a secondary method of submitting the required report in the event that the online reporting system is unavailable.

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07 - eNOI	**Authorization to Discharge Under the National Pollutant Discharge Elimination System**	Operators located within the general permit area must submit an electronic Notice of Intent (NOI) that they intend to be covered. An operator must file one NOI for each facility to cover all discharges associated with the facility. An NOI must be updated as necessary to identify additional discharges needing (or existing discharges no longer needing) authorization under this permit. Operators who previously submitted an NOI to be covered under this permit are covered under this reissued permit until 60 days after the effective date of the reissued permit and must submit a new NOI prior to that date to retain coverage.	The Joint Trades offer the following suggested revisions to the proposed permit language: *Operators who previously submitted an NOI to be covered under this permit are covered under this reissued permit until 60 days after either the effective date of the reissued permit or the date the eNOI system is available (whichever is later) and must submit a new NOI prior to that date to retain coverage.* **Rationale**: The Joint Trades are requesting the additional language to this section of the permit to provide clarity in the event the eNOI system is unavailable. The Joint Trades respectfully request that EPA hold workshops in both Houston and New Orleans for the new eNOI system that are specific to the Region 6 OCS permit and reiterate there be a transitional period to assure the system is fully operational before its use becomes a requirement.
07 - eNOI	**Part I.A.2**	Operators who filed eNOIs under the previous permit, issued on September 30, 2017, will be authorized to discharge by this reissued permit without submittal of an NOI up to 60 days after the effective date of the reissued permit. Operators must submit a new eNOI within 60 days of the effective date of the reissued permit, to retain coverage after that time. During any time the eNOI system is unavailable, operators may submit a short NOI via email to the Offshore Specialist or paper NOI via mail to: U.S. Environmental Protection Agency, Region 6 Water Enforcement Branch (ECD-WE) ATTN: Offshore Specialist 1201 Elm Street, Suite 500 Dallas, Texas 75270 The email/paper NOI shall include information a) through f) listed below. EPA	The Joint Trades offer the following suggested revisions to the proposed permit language: *Operators who filed eNOIs under the previous permit, issued on September 30, 2017, will be authorized to discharge by this reissued permit without submittal of an NOI up to 60 days after either the effective date of the reissued permit or the date the eNOI system is available (whichever is later). Operators must submit a new eNOI within 60 days of the effective date of the reissued permit, to retain coverage after that time.* *An email or a written and signed paper NOI mailed to EPA will be accepted as temporary coverage based on the postmark/email date. The temporary NOI is good for 14 days, unless an extension is granted by the Director. Official eNOIs shall be filed within 14 days of*

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		will consider disruptions in both the eNOI and elecNOI registration systems (including waiting on EPA personnel to resolve issues) to fall under the meaning of the system being unavailable and thus allow the use of temporary NOIs if necessary. An email or a written and signed paper NOI mailed to EPA will be accepted as temporary coverage based on the postmark/email date. The temporary NOI is good for 14 days, unless an extension is granted by the Director. Official eNOIs shall be filed within 14 days of submitting a temporary NOI. EPA may deny an NOI within 45 days after the filing. All NOIs shall include the following information:	*submitting a temporary NOI. If the eNOI system remains unavailable, the temporary NOI coverage will be extended to 14 days after the system becomes functional. EPA may deny an NOI within 45 days after the filing. All NOIs shall include the following information:* **Rationale**: The Joint Trades are requesting the change in the rare instance where the eNOI system is unavailable for an extended period of time, the permit should contain language to address such a situation. The Joint Trades respectfully request that EPA hold workshops in both Houston and New Orleans for the new eNOI system that are specific to the Region 6 OCS permit and reiterate there be a transitional period to assure the system is fully operational before its use becomes a requirement.
07 - eNOI	**Part I.A.2**	a) the legal names, company number and contact information of the designated operator registered with the Bureau of Ocean Energy Management (BOEM) or the Bureau of Safety and Environmental Enforcement (BSEE); b) the legal name, company number and contact information of the operator who files the eNOI; c) the permit number previously assigned to the operator; d) the lease block (including state tract) code and number assigned by BOEM/BSEE; e) the name and/or identification (BSEE Complex ID/API Number) and location including geographic coordinates (latitude and longitude) of the facility owned or operated by the operator; f) the types of discharges and associated sources (facilities or wells) under the control of the operator; g) expecting/actual drill/discharge commence date and well locations; h) the range of depth of water within the operation area or the estimated sea depths at wells; i) new facilities (defined as facilities for which construction was commenced after July 17, 2006): design intake capacity (million gallons per day as MGD)	The Joint Trades recommend the proposed permit language in item l) be modified as follows: *l) any other information included in the eNOI to identify the nature and location of each discharge being authorized and any co-permittees, if applicable. ~~For each separate discharge point, the location volume and nature of the discharge.~~* **Rationale**: This change is recommended because the location, volume and nature of a discharge may change over time. In addition, item f) requires the operator to list the types of discharges (similar to nature of discharge) expected from the facility and item e) requires BSEE Complex ID/API Number and geographic coordinates (location). Not all authorized discharges listed in the permit have limitations or monitoring requirements related to discharge volume. For those permitted discharges that have requirements regarding discharge volume that information will be reported to EPA on an ongoing basis as stipulated by the permit.

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		of each cooling water intake structure (CWIS), the maximum designed intake through-screen velocity (feet per second as ft/s) of each CWIS, and the percentage (%) of total intake water used for cooling purpose; (Note: A new facility which has designed intake capacity >= 2 MGD must have designed intake through-screen velocity <= 0.5 ft/s to be eligible for coverage under this general permit.) (Note: The operator shall keep the record of detailed descriptions, calculations and drawings on site available for inspection, instead of submittal to EPA.) j) whether or not the operator's activities are located in a lease block either in or immediately adjacent to "no activity" areas or require live bottom surveys; k) whether the NOI is being submitted to transfer coverage due to a merger or acquisition and if so, the identification of the affected parties, timing of the transfer of operational control, and confirmation that notice had been submitted to EPA; and, l) any other information included in the eNOI to identify the nature and location of each discharge being authorized and any co-permittees, if applicable. For each separate discharge point, the location volume and nature of the discharge.	
07 - eNOI	**Part I.A.2**	Permittees are required to make timely updates to the eNOI. Any change in name, location, address, contact or contact information must be updated within 30 days of the change.	The Joint Trades offer the following suggested edits to this paragraph: *Permittees are required to make timely updates to the Operators NPDES ID section in EPA's CDX system ~~eNOI~~. Any change in name, address, contact or contact information must be updated within 30 days of the change.* **Rationale:** The Joint Trades request that this section clarify the updates to be made to the Operators NPDES ID section in EPA's CDX system for contact information changes being that the CDX system is the repository for name, address, or contact information requested.
07 - eNOI	**Part I.A.2**	Please visit https://usepa.servicenowservices.com/oeca_icis for eNOI/eNOT instructions.	The Joint Trades recommend that EPA ensure this link is functioning prior to the issuance of the final permit.

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07 - eNOI	**Part I.A.2**	A Notice of Intent (NOI) must be filed in advance to cover specific discharges prior to commencement of specified discharges. The primary operator must file an electronic Notice of Intent (eNOI) for discharges directly associated with oil/gas exploration, development, or production activities to be covered by this permit. A separate eNOI is required for each facility and that eNOI shall include all discharges controlled by the primary operator. Other operators or vessel operators must file an eNOI to cover discharges which are directly under their controls but are not covered by eNOIs filed by the primary operator. In a case-by-case circumstance, the primary operator may require day-to-day or vessel operators to file their own eNOIs for dual coverage. Individual coverage by this permit becomes effective when a complete eNOI is signed and submitted. Once an eNOI has been accepted for coverage a Permitted Feature ID numbers will be assigned.	The Joint Trades recommend the following revised language: *Once an eNOI has been accepted for coverage a ~~Permitted Feature ID~~ Structure ID number will be assigned.* **Rationale**: It is our understanding the Permitted Feature ID and Structure are synonymous and the terminology used in the permit should be consistent with the reporting systems.
07 - eNOI	**Part I.A.2**	A facility means either an exploratory facility, a development facility, or a production facility as defined in Part II.G of the permit. All well heads and infrastructures connected to the facility shall be considered parts of the host facility. For clarification purposes, following conditions apply: Note 1: A separate eNOI is required for each facility, and that eNOI shall include all discharges associated with that facility controlled by the primary operator. Note 2: An eNOI filed for a drilling vessel is valid for different drilling jobs within the same lease block from the originally filed location if drilling jobs are performed for the same designated operator. (Note: eNOI update is required to reflect well locations and associated information.) A separate eNOI is required for drilling jobs not within the same lease block, and/or if the Mobile Offshore Drilling Unit or drilling vessel moves to a new lease block. Note 3: While a drilling vessel is located in the leasing block permit area between drilling jobs, it may file an eNOI for coverage.	The Joint Trades recommend the proposed permit language be modified as follows: *A facility means either an exploratory facility, a development facility, or a production facility as defined in Part II.G of the permit. All well heads, pipelines, jumpers, and associated infrastructure connected to the facility shall be considered parts of the host facility, even where such infrastructure crosses lease block boundaries. For clarification purposes, following conditions apply:* *Note 1: A separate eNOI is required for each facility, and that eNOI shall include all discharges associated with that facility controlled by the primary operator.* *Note 2: An eNOI filed for a Mobile Offshore Drilling Unit or ~~drilling~~ vessel is valid for different well ~~drilling~~ jobs within the same lease block ~~from the originally filed location~~ if well ~~drilling~~ jobs are performed for the same designated operator. (Note: eNOI update is required to reflect well locations and associated information.) A separate eNOI is required for*

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			well ~~drilling~~ jobs not within the same lease block, and/or if the Mobile Offshore Drilling Unit or ~~drilling~~ vessel moves to a new lease block. **Rationale**: The recommended revised language provides additional clarity on the types of equipment and infrastructure associated with a host facility and provides additional context for the regulated community to understand the intent of the permit. In addition, the revised language in Note 2 broadens the types of operations a MODU or vessel may undertake. The term "drilling" does not address well completions, treatment, intervention or decommissioning operations.
07 - eNOI	**Part I.A.4**	a) During the initial term of permit: : The new operator shall submit an NOI prior to taking operational control and the old operator shall submit a NOT (for all lease areas/blocks as well as their NPDES permit number. Final DMRs shall also be submitted) within 60 days of receiving confirmation that the new permittee has submitted the NOI.	The Joint Trades recommend the proposed language in paragraph a) be changed as follows: *a) During the initial term of permit: The surviving company of a merger between two offshore companies shall submit an NOI (or NOIs) prior to taking operational control. The company that will no longer operate shall submit a NOT within 60 days of relinquishing operational control. The company that will no longer operate shall also submit final DMRs within 60 days of their NOT date(s).* **Rationale**: The proposed language creates unnecessary burden on the regulated community because the information requested in the proposed language is duplicative of the information provided in the NOI. In addition, linking the submission of an NOT for one operator to the submittal of an NOI for another operator ties permit compliance for one operator to another. The operator relinquishing operational control of a facility has no control over whether the company acquiring the facility will submit the required NOI. Therefore, the relinquishing company cannot achieve compliance independently and must rely on the acquiring company. Furthermore, the date that operational control is transferred between two companies is a logical date, negotiated between the two parties, which should drive submission of NOIs and NOTs. In addition, the date of transfer

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			of operational control should also be the date when any non-compliances would begin once the surviving company assumes operational control.
07 - eNOI	**Part I.A.4**	b) Companies involved in a merger must also submit a written and signed agreement between the companies identifying: the names of the two offshore companies and their assigned NPDES permit number; the agreement between the two companies for the merger; the effective date of the merger; the lease area(s)/block(s) involved in the merger; the surviving company name; the surviving NPDES permit number; and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:	The Joint Trades recommend striking the proposed language: ~~*b) Companies involved in a merger must also submit a written and signed agreement between the companies identifying: the names of the two offshore companies and their assigned NPDES permit number; the agreement between the two companies for the merger; the effective date of the merger; the lease area(s)/block(s) involved in the merger; the surviving company name; the surviving NPDES permit number; and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:*~~ **Rationale**: The proposed language creates unnecessary burden on the regulated community because the information requested in the proposed language is duplicative of the information provided in the NOI and NOT as listed in section 4.a. Furthermore, the date that operational control is transferred between two companies is a logical date, negotiated between the two parties, which should drive submission of NOIs and NOTs. In addition, the date of transfer of operational control should also be the date when any non-compliances would begin once the surviving company assumes operational control.
07 - eNOI	**Part I.A.4**	NOTE: Each company must collect and report their own samples. Samples from a company transferring coverage cannot be used by the receiving company. Transfer of coverage can be for a single lease area/block of multiple lease areas/blocks. Transfer of coverage during "Administratively Continued" status can only occur when the company who is transferring their coverage obtained that coverage on or before midnight of when the previous permit expired. The written and signed agreements shall be sent to the following address: U.S. Environmental Protection Agency, Region 6	The Joint Trades recommend that the following text be removed from the permit: ~~*NOTE: Each company must collect and report their own samples. Samples from a company transferring coverage cannot be used by the receiving company. Transfer of coverage can be for a single lease area/block of multiple lease areas/blocks. Transfer of coverage during "Administratively Continued" status can only occur when the company who is transferring their coverage obtained that coverage on or before midnight of when the previous permit expired.*~~

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		Water Enforcement Branch (ECD-WE) ATTN: Offshore Specialist 1201 Elm Street, Suite 500 Dallas, Texas 75270	**Rationale**: The information listed in the "NOTE" is important for the regulated community to understand. However, the Joint Trades recommend that this information be included in guidance and/or instructions that support implementation of the permit requirements.
07 - eNOI	**Part I.A.5**	Note that if the 2022 permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (see 40 CFR 122.6) and remain in force and effect for operators that were covered prior to its expiration. All operators authorized to discharge prior to the expiration date of the 2022 permit will automatically remain covered under the 2022 permit until the earliest of: a) The date the operator is authorized for coverage under a new version of the permit following the timely submittal of a complete and accurate NOI. Note that if a timely NOI for coverage under the reissued or replacement permit is not submitted, coverage will terminate on the date that the NOI was due; or b) The date of the submittal of a Notice of Termination; or c) Issuance of an individual permit for the facility's discharge(s); or d) A final permit decision by EPA not to reissue the permit, at which time EPA will identify a reasonable time period for covered operators to obtain coverage under an alternative general permit or an individual permit. Coverage under the 2022 permit will terminate at the end of this time period.	The Joint Trades recommend adding the following: *Note that if the 2022 permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (see 40 CFR 122.6) and remain in force and effect for operators that were covered prior to its expiration. Operators with existing coverage may continue to submit NOIs during the period the permit is continued. All operators authorized to discharge prior to the expiration date of the 2022 permit will automatically remain covered under the 2022 permit until the earliest of:* **Rationale**: As proposed, the existing General Permit will be administratively continued for existing facilities if there is a delay, but discharges from new facilities and operations may not be covered under the existing permit (e.g., discharges from new drilling, completion, and abandonment operations and from new oil and natural gas platforms); therefore, those facilities and activities may need to obtain separate coverage for those associated discharges via a lengthy individual permit application. Furthermore, an administrative continuance of the General Permit could result in delays or cancellations of new projects and may further delay delivery of existing and planned energy resources to the market and the American people. To avoid these consequences, the Joint Trades request the addition of the above language clarifying that EPA will continue processing new Notices of Intent for coverage for new lease areas under the administrative continuance until the renewed General Permit becomes effective. This would allow the Agency time to carefully consider all comments and provide permittees the

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			confirmation needed to continue to plan and execute necessary activities. With 15% of U.S. oil production coming from the U.S. Gulf of Mexico, any disruption in that production or future development could be detrimental to an already imbalanced supply and demand market.
07- eNOI	**Part I.A.4**	c) During any "administratively continued" term of the permit following the indicated expiration date: The new operator shall submit an NOI at least 30 days prior to taking operational control and the old operator shall submit a NOT within 60 days of receiving confirmation that the new permittee has submitted the NOI. The new operator shall submit a written agreement between the new and old permittees concerning the date of the transfer of permit responsibility, coverage, and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:	The Joint Trades recommend the proposed permit be changed as follows: *During any "administratively continued" term of the permit following the indicated expiration date: The new operator shall submit an NOI at least 30 days prior to taking operational control and the old operator shall submit a NOT within 60 days of relinquishing operational control.* ~~*receiving confirmation that the new permittee has submitted the NOI. The new operator shall submit a written agreement between the new and old permittees concerning the date of the transfer of permit responsibility, coverage, and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:*~~ **Rationale**: The proposed language creates unnecessary burden on the regulated community because the information requested in the proposed language is duplicative of the information provided in the NOI. Furthermore, the date that operational control is transferred between two companies is a logical date, negotiated between the two parties, which should drive submission of NOIs and NOTs. In addition, the date of transfer of operational control should also be the date when any non-compliances would begin once the surviving company assumes operational control.
09 – Miscellaneous Discharges	**Part I.B.10**	(iv) Subsea Discharges: Subsea Wellhead Preservation Fluid, Subsea Cleaning Fluids, Subsea Production Control Fluid, Umbilical Steel Tube Storage Fluid, Leak Tracer Fluid, Riser Tensioner Fluid, and Pipeline Brine (used as piping or equipment preservation fluids). Note 1: Brine and water-based mud discharge at the seafloor for temporary well abandonment" are permitted if such water based drilling fluid and brine have been demonstrated to comply with the permits conditions for their original use	The Joint Trades support the addition of "Subsea Cleaning Fluids" to this section of the permit. However, we are recommending that a definition of "subsea cleaning fluids" be included in the permit. See our comments under Section G – Definitions.

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		(e.g.: water based drilling fluids that have been shown to meet the permit's limits for SPP toxicity, free oil, and cadmium and mercury in stock barite; and brine that has met limits for free oil, oil and grease concentrations, priority pollutants and toxicity requirements).	
09 – Miscellaneous Discharges	**Part I.B.11**	Excess water which permits the continuous operation of fire control and utility lift pumps, Excess water from pressure maintenance and secondary recovery projects, Water released during training of personnel in fire protection, Water used to pressure test new and existing piping and pipelines, Ballast water, Once through non-contact cooling water, Water used as piping or equipment preservation fluids, and Water used during Dual Gradient Drilling.	The Joint Trades recommend the proposed permit language be revised as follows: *Excess water which permits the continuous operation of fire control and utility lift pumps, Excess water from pressure maintenance and secondary recovery projects,* *Water released during training of personnel in fire protection, Water used to pressure test new and existing piping and pipelines,* *Ballast water,* *Once through non-contact cooling water,* *Water used as piping or equipment preservation fluids, and Water used during Dual Gradient Drilling and well operations.* **Rationale**: Seawater and fresh water used for fluid displacement in well operations is drawn from chemically treated and uncontaminated sources. The chemically treated water sources are the same as, or similar to, those sources used for water released during training of personnel in fire protection, ballast water, once through non-contact cooling water, water used as piping or equipment preservation fluids, and water used during Dual Gradient Drilling. The change provides clarity and would be more inclusive of current operations in industry.
09 – Miscellaneous Discharges	**Part I.B.11.a**	If the effluent fails the survival endpoint at the critical dilution, the permittee shall be considered in violation of this permit limit. Also, when the testing frequency stated above is less than monthly and the effluent fails the survival endpoint at the critical dilution, the monitoring frequency for the affected species will increase to monthly until compliance with the NOEC limit (critical dilution) is demonstrated for a period of three consecutive months. After compliance is demonstrated for three consecutive months, the permittee may	The Joint Trades recommend modifying the proposed language in this paragraph to improve clarity. The recommended language is as follows: *For continuous discharges, if a test fails the survival or sub-lethal endpoint at the critical dilution in any test, the operator must perform monthly retest until it passes three consecutive monthly tests. Failing the toxicity test is considered violation of the permit. After compliance*

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		return to the testing frequency in use at the time of the initial test failure. During the period the permittee is out of compliance, test results shall be reported on the DMR that includes this period. Reporting instructions can be found in Part II.D.4 of this permit.	*is demonstrated for three consecutive months, the permittee may return to the testing frequency in use at the time of the initial test failure.* **Rationale**: For non-continuous discharges, this language regarding frequency is not applicable since those discharges require monitoring once per discharge.
09 – Miscellaneous Discharges	**Part I.B.11.b**	Toxicity. The required frequency of testing for continuous discharges occurring more than once per week shall be determined as follows: Discharge Rate — Toxicity Testing Frequency 0 - 499 bbl/day — once per calendar year 500 - 4,599 bbl/day — once per calendar quarter 4,600 bbl/day and above — once per calendar month	The Joint Trades recommend the following changes to the proposed permit language: *Toxicity. The required frequency of testing for continuous discharges ~~occurring more than once per week~~ shall be determined as follows:* **Rationale**: The phrase "occurring more than once per week" as applied to continuous discharges is confusing. If a discharge is "continuous" then, by its nature, it is an ongoing discharge and not limited to a weekly timeframe.
09 – Miscellaneous Discharges	**Part I.B.11.b**	Intermittent or batch discharges that occur less than or equal to once per week and lasts less than 24 hours shall be monitored once per discharge but are required to be monitored no more frequently than the corresponding frequencies shown above for continuous discharges. Test Acceptability Criteria can be found in Section Part II.D.4 of this permit.	The Joint Trades recommend the proposed permit language be revised as follows: *~~Intermittent or batch~~ Non-continuous discharges that occur less than or equal to once per week and last less than 24 hours shall be monitored once per discharge ~~but are required to be monitored no more frequently than the corresponding frequencies shown above for continuous discharges.~~ Test Acceptability Criteria can be found in Section Part II.D.4 of this permit.* **Rationale**: The Joint Trades recommend that the phrase "intermittent or batch discharges" be changed to "non-continuous discharges" to improve clarity as well as improve consistency with the previous paragraph discussing continuous discharges.

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			In addition, the language referencing the corresponding frequencies for continuous discharges is unnecessary. Non-continuous discharges are sampled as they occur and are not continuous. Therefore, a determining test frequency based on discharge rate or volume is not needed.
09 – Miscellaneous Discharges	**Part II.G**	NEW PROPOSED DEFINITION	The Joint Trades recommend adding a new definition to the permit: *"Subsea cleaning fluids" means acidic cleaning agents used to dissolve marine deposits on subsea equipment during subsea maintenance and intervention activities to assure proper sealing of operating equipment and to avoid ingress of extremely high subsea pressures and egress (losses of containment) of fluids to the environment.* **Rationale**: EPA provided this definition in the 2022 draft Fact Sheet that accompanied the proposed permit. The Joint Trades believe this definition is appropriate and should be included in the permit.
10 - MSD	**Part I.B.7.b**	Residual Chlorine. Total residual chlorine (TRC) is a surrogate parameter for fecal coliform. Discharge of TRC must meet a minimum of 1 mg/l and shall be maintained as close to this concentration as possible. A grab sample must be taken once per month and the concentration recorded. The approved methods are either Hach CN-66-DPD or EPA method specified in 40 CFR part 136 for TRC.	The Joint trades recommend the following revisions to the proposed language: *Residual Chlorine. Total residual chlorine (TRC) is a surrogate parameter for fecal coliform. Discharge of TRC must meet a minimum of 1 mg/l and shall be maintained as close to this concentration as possible. A grab sample must be taken once per month and the concentration recorded. The approved methods are either Hach CN-66-DPD or EPA method specified in 40 CFR part 136 for TRC.* *Equivalent Disinfection – Other Technologies. The use of other disinfection technologies, including, but not limited to, bio-membrane filtration and ultra-violet light, are allowed as substitutes for total residual chlorine provided that those technologies result in equivalent or improved disinfection of the sanitary waste stream.*

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			Rationale: The Joint Trades recommend that the EPA consider updating this standard to include additional types of disinfection technologies. Modern sanitary treatment equipment may also utilize other means by which to disinfect sanitary waste, such as bio-membrane technology and ultra-violet light. The single standard for total residual chlorine may limit the use of such technologies. Such technologies are proven and have been utilized in the sanitary waste treatment for many years. In addition, USCG-approved MSDs are already in use that do not utilize chlorine for disinfection. These types of units are approved by the USCG and the International Maritime Organization (IMO).
10 - MSD	**Part I.B.7.b**	[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA.	The Joint Trades recommend that the proposed permit language be revised as follows: *[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA. If an MSD is undergoing maintenance and/or is malfunctioning, then an operator may demonstrate compliance by maintaining disinfection capabilities. If the limitations are met this does not constitute a non-compliance.* **Rationale**: Based on discussions with EPA staff, it is our understanding that if an operator can demonstrate compliance with limitations during MSD

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			maintenance and/or malfunction, then the operator remains in compliance with permit limitations. This should be clearly documented in the permit.
10 - MSD	**Part I.B.8.a**	[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA.	The Joint Trades recommend that the proposed permit language be revised as follows: *[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA. If an MSD is undergoing maintenance and/or is malfunctioning, then an operator may demonstrate compliance by maintaining disinfection capabilities. If the limitations are met this does not constitute a non-compliance.* **Rationale**: Based on discussions with EPA staff, it is our understanding that if an operator can demonstrate compliance with limitations during MSD maintenance and/or malfunction, then the operator remains in compliance with permit limitations. This should be clearly documented in the permit.
11 – STORET Codes NODI Codes	**Part I.D.3.1**	Compliance with the WET limit is established when both the sublethal and lethal NOEC of a WET test is greater than or equal to the critical dilution. Compliance is represented by a "0" in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for *Menidia beryllina* is less than the permittee's critical dilution, this constitutes a violation of the WET limit and a "1" should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal	The Joint Trades recommend revising the paragraph preceding the STORET codes table as follows: *Compliance with the WET limit is established when both the sublethal and lethal NOEC of a WET test is greater than or equal to the critical dilution. ~~Compliance is represented by a "0" in the DMR. In accordance~~*

<table>
<tr><th>Agenda Topic</th><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td></td><td>to the critical dilution, a “0” should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. For each toxicity test conducted, the permittee shall also report the results as follows:
<table>
<tr><th>Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><th></th><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Enter a “1” if either the sublethal or lethal NOEC is less than the critical dilution, otherwise enter a “0”.</td><td>51713</td><td>51712</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOP3E</td><td>TOP6J</td></tr>
<tr><td>Report the LOEC value for survival</td><td>TXP3E</td><td>TXP6J</td></tr>
<tr><td>Report the NOEC value for growth or reproduction</td><td>TPP3E</td><td>TPP6J</td></tr>
<tr><td>Report the LOEC value for growth</td><td>TYP3E</td><td>TYP6J</td></tr>
<tr><td>Report the critical dilution used for the test</td><td>51726</td><td>51726</td></tr>
</table></td><td><s>with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for Menidia beryllina is less than the permittee’s critical dilution, this constitutes a violation of the WET limit and a “1” should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR.</s> For each toxicity test conducted, the permittee shall also report the results as follows:

<u>Rationale</u>: The type of information highlighted above for removal from the paragraph is better suited for DMR instructions rather than permit language.

In addition, the following STORET CODE Corrections are needed to this table for M. Beryllina:
• Survival NOEC TOP6B
• Survival LOEC TXP6B
• Growth NOEC TPP6B
• Growth LOEC TYP6B</td></tr>
<tr><td>11 – STORET Codes NODI Codes</td><td>Part I.D.3.2</td><td>A chronic test shall be conducted per discharge. For each test, the permittee shall report the results as follows:</td><td>As recommended in these comments, chronic toxicity testing for TCW fluids should be removed from the permit.

However, if the requirement is retained, the following STORET CODE Corrections are needed to this table:
• M. Beryllina 51712
• Survival NOEC TOP6B
• Survival LOEC TXP6B</td></tr>
</table>

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<tr><td>Enter a “1” if the NOEC for survival is less than the critical dilution, otherwise enter a "0".</td><td>TLP3E</td><td>TLP6J</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOP3E</td><td>TOP6J</td></tr>
<tr><td>Report the LOEC value for survival</td><td>TXP3E</td><td>TXP6J</td></tr>
<tr><td>Enter a “1” if the NOEC for growth or reproduction is less than the critical dilution, otherwise enter a “0”.</td><td>TWP3E</td><td>TWP6J</td></tr>
<tr><td>Report the NOEC value for growth or reproduction</td><td>TPP3E</td><td>TPP6J</td></tr>
<tr><td>Report the LOEC value for growth</td><td>TYP3E</td><td>TYP6J</td></tr>
</table>
</td><td>
Growth NOEC TPP6B
Growth LOEC TYP6B
CD 51726
A. Bahia 51713
Survival NOEC TOP3E
Survival LOEC TXP3E
Growth NOEC TPP3E
Growth LOEC TYP3E
CD 51726
</td></tr>
<tr><td>11 – STORET Codes NODI Codes</td><td>Part I.D.4.1</td><td>Monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. If a test is not conducted every month, then the permittee must report “NODI 9” for toxicity data.</td><td>The Joint Trades recommend removing the references to NODI codes from the permit as this type of language is better suited for DMR instructions instead of permit language. The recommended permit text is as follows:

Monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. ~~If a test is not conducted every month, then the permittee must report “NODI 9” for toxicity data.~~</td></tr>
<tr><td>11 – STORET Codes NODI Codes</td><td>Part I.D.4.1</td><td>Compliance with the WET limit is established when the NOEC of a WET test is greater than or equal to the critical dilution. Compliance is represented by a “0” in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for Menidia beryllina is less than the permittee’s critical dilution, this constitutes a violation of the WET limit and a “1” should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. For each toxicity test conducted, the permittee shall also report the results as follows:</td><td>The Joint Trades recommend revising the paragraph prior to the STORET codes table as follows:

Compliance with the WET limit is established when the NOEC of a WET test is greater than or equal to the critical dilution. ~~Compliance is represented by a “0” in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for Menidia beryllina is less than the permittee’s critical dilution, this constitutes a violation of the WET limit and a “1” should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than~~</td></tr>
</table>

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<tr><td>Report the NOEC value for survival</td><td>TOM3E</td><td>TOM6J</td></tr>
<tr><td>Report the Critical Dilution used for the test</td><td>51726</td><td>51726</td></tr>
</table>
</td><td><s>the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR.</s> For each toxicity test conducted, the permittee shall also report the results as follows:

<u>Rationale</u>: The type of information included in the paragraph is better suited for DMR instructions rather than permit language.

In addition, the following STORET CODE Corrections are needed to this table:
• A. bahia 51713
• Survival NOEC TOM3E

• M. beryllina 51712
• Survival NOEC TOM6B</td></tr>
<tr><td>11 – STORET Codes NODI Codes</td><td>Part I.D.4.2</td><td>A chronic test shall be conducted per discharge. For each test, the permittee shall report the results as follows:
<table>
<tr><th rowspan="2">Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Enter a “1” if the NOEC for survival is less than the critical dilution, otherwise enter a "0".</td><td>51712</td><td>51713</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOM3E</td><td>TOM6J</td></tr>
<tr><td>Report the Critical Dilution used for the test</td><td>51726</td><td>51726</td></tr>
</table>
</td><td>This section of the permit describes reporting requirements for acute testing. The paragraph should be changed as follows:

An acute <s>chronic</s> test shall be conducted per discharge. For each test, the permittee shall report the results as follows:

In addition, the following STORET CODE Corrections are needed to this table:
• A. bahia 51713
• Survival NOEC TOM3E
• CD 51726

• M. beryllina 51712
• Survival NOEC TOM6B
• CD 51726</td></tr>
</table>

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11 – STORET Codes NODI Codes	**Part II.C.2**	Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. If a representative sample is not possible due to a natural disaster, environmental conditions, or weather, the facility should use one of the following NODI Codes: K – Natural disaster (declared by President) T – Environmental conditions- monitoring not possible (hurricanes that are not declared by President, high tides) V – Weather related (thunderstorms, hail, wind, etc.). Facilities have 30 days after a weather event/national disaster occurs to submit DMRs or other required reporting documents.	The Joint Trades recommend the following language be removed from the permit: *Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. ~~If a representative sample is not possible due to a natural disaster, environmental conditions, or weather, the facility should use one of the following NODI Codes:" K – Natural disaster (declared by President) T – Environmental conditions- monitoring not possible (hurricanes, high tides) V – Weather related (storms, hail, wind, etc.). Facilities have 30 days after a weather event/national disaster occurs to submit DMRs or other required reporting documents.~~* **Rationale**: The strikethrough sentences above are more suited for updated guidance and DMR instructions. If such language is included in the permit and NODI codes change during the permit term, then the permit will be outdated and potentially contain incorrect information. Whereas guidance and/or DMR instructions can more easily be updated than permit language. Therefore, the Joint Trades recommend updating 2007 Permit Offshore Discharge Monitoring Reports *INSTRUCTIONS FOR COMPLETING DISCHARGE MONITORING REPORTS (DMRs) UNDER OFFSHORE GENERAL PERMIT GMG290000.* In addition, the listed NODI codes require additional clarification because the code descriptions overlap. For example, Code K is for natural disasters, which may be a hurricane in the Gulf of Mexico. However, Code V is described as Weather-Related including storms. It is unclear to the regulated community what the appropriate code should be for a hurricane/tropical storm.
11 – STORET Codes	**Part II.D.4**	Permittees shall be responsible for submitting accurate monitoring results for all facilities which they have permit coverage. The monitoring results for each facility shall be reported on DMRs for each individual permitted feature	The Joint Trades offer the following suggested revisions to the proposed permit language:

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NODI Codes		authorized that has a monitoring requirement. Each individual permitted feature may authorize multiple points of discharge or outfalls. Points of discharge will be assigned limit sets based on discharge.	*Permittees shall be responsible for submitting accurate monitoring results for all facilities which they have permit coverage. The monitoring results for each facility shall be reported on DMRs for each individual permitted feature authorized that has a monitoring requirement. Each individual permitted feature may authorize multiple points of discharge or outfalls.* ~~*Points of discharge will be assigned limit sets based on discharge.*~~ **Rationale**: The Joint Trades are requesting the language change to this section of the permit to provide clarity. The final sentence of this paragraph creates ambiguity, and descriptions such as the assignment of limit sets is better suited for permit guidance and instructions.
12 – Statistical Procedures	**Part I.D.3.g**	Statistical Interpretation The statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in the appropriate method manual listed above, or the most recent update.	The Joint Trades offer the following comments on statistical interpretation: PMSD limits are protective of the environment and permittees. Upper PMSD limits prevent highly variable data that decreases the power of the required statistical methods from being used to demonstrate permit compliance. Lower PMSD limits prevent data sets with very low variability, hyper-sensitive data sets, from failing. If the PMSD for a sub-lethal data set is less than the lower PMSD limit and the required statistical methods indicate a statistically significant difference between the control and a treatment, this difference must be confirmed by calculating relative differences between the control and each treatment. Growth data are based on biomass: dry weight of survivors from each replicate divided by the number of organisms exposed not the number surviving. Any mortalities exacerbate sublethal biomass variability. If the replicate dry weight is for one surviving organism, it must be divided by the number originally exposed! If a treatment fails survival it is excluded from sub-lethal data analyses. If the survival and growth data are near perfect and clearly passing except at the highest concentration tested (low survival and high variability between replicates), the required statistical methods

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			(Steel's Many-One Rank Test in particular) may not pick up >40% mortality as statistically significant. This can lead to the upper biomass PMSD limit being exceeded and an invalid test, even though the lower sample dilutions are statistically equivalent in survival and biomass to the concurrent control. Including the 2017 permit language for chronic tests could prevent resampling and retesting clearly passing data sets: *If the conditions of Test Acceptability are met in Item 3.f. above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the survival test shall be considered to be passing and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found below.* And adding similar language for sublethal biomass data: *If the conditions of Test Acceptability are met in Item 3.f. except that the PMSD upper limit is exceeded, then if the mean dry weight of surviving control organisms is equal to or greater than the limit in the test method, and the biomass data for the critical dilution and all lower dilutions are not more than the PMSD lower limit (11% for both species) less than the concurrent control, the growth test shall be considered to be passing and the permittee shall report a growth NOEC of not less than the critical dilution for the DMR reporting requirements found below.*
12 – Statistical Procedures	**Part I.D.4.f**	**Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%, or a PMSD value greater than the higher value on the range provided.	The Joints Trades recommend that the reference to PMSD values be removed from this section of the permit. PMSD limits do not apply to 48-hour tests.

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
13 – Other Changes	**Part I.B.4.b**	Oil and Grease. Samples for oil and grease monitoring shall be collected and analyzed a minimum of once per month. If a sheen is observed during the required daily monitoring, the operator must record the sheen and assess the cause of the sheen. In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease. The sample type for all oil and grease monitoring shall be grab or a composite which consists of the arithmetic average of the results of four (4) or more grab samples collected at even intervals during a period of 24-hours or less. The operator must keep records of findings and make the record available for inspector's review. The operator must report number of days of sheen observed during the reporting period. Oil and grease samples collected for any sheen event must be included in the monthly average on DMRs. If only one sample is taken for any one month, it must meet both the daily maximum and monthly average limits. Samples for oil and grease monitoring shall be collected prior to the addition of any seawater to the produced water waste stream. The analytical method is that specified at 40 CFR Part 136.	The Joint Trades offer the following suggested revisions to the proposed permit language: *Oil and Grease. Samples for oil and grease monitoring shall be collected and analyzed a minimum of once per month. ~~If a sheen is observed during the required daily monitoring, the operator must record the sheen and assess the cause of the sheen.~~ In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease.* *~~The operator must keep records of findings and make the record available for inspector's review. The operator must report number of days of sheen observed during the reporting period.~~ Oil and grease samples collected for any sheen event must be included in the monthly average on DMRs.* **Rationale**: The proposed permit contains both a section dedicated to produced water oil and grease limitations and another section for produced water visual sheen requirements. It appears that the intent is to delineate the sampling and analytical component in the oil and grease section while defining the monitoring/recordkeeping obligations related specifically to sheens in the visual sheen section. Since the passages referring to sheen recording, recordkeeping, and cause identification are already included in the visual sheen portion, the Joint Trades recommend removing the duplication from the oil and grease section. The requirement listed in the oil and grease section to collect produced water samples within two (2) hours of observing a sheen is pertinent to the sampling and analytical portion of the produced water requirements and should remain in this section.

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
13 – Other Changes	**Part I.B.4.b**	Visual Sheen. The permittee shall monitor free oil using the visual sheen test method on the surface of the receiving water. Monitoring shall be performed daily when discharging, during conditions when observation of a sheen on the surface of the receiving water is possible in the vicinity of the discharge, and when the facility is manned. If a sheen is observed in the course of required daily monitoring, or at any other time, the Operator must record the sheen and assess the cause of sheen. In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease. The sample type for all oil and grease monitoring shall be grab or a composite which consists of the arithmetic average of the results of four (4) or more grab samples collected at even intervals during a period of 24- hours or less. The operator must keep records of findings and make the record available for inspector's review. The operator must report total number of days of sheen observed during the reporting period.	The Joint Trades offer the following suggested revisions to the proposed permit language: *The permittee shall monitor free oil using the visual sheen test method on the surface of the receiving water. Monitoring shall be performed daily when discharging, during conditions when observation of a sheen on the surface of the receiving water is possible in the vicinity of the discharge, and when the facility is manned. If a sheen is observed in the course of required daily monitoring, or at any other time, the Operator must record the sheen and assess the cause of sheen. ~~In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease. The sample type for all oil and grease monitoring shall be grab or a composite which consists of the arithmetic average of the results of four (4) or more grab samples collected at even intervals during a period of 24- hours or less.~~ The operator must keep records of findings and make the record available for inspector's review. The operator must report total number of days of sheen observed during the reporting period.* **Rationale**: The proposed permit contains sections dedicated to oil and grease and another for Visual Sheen. It appears that the intent is to delineate the sampling and analytical component in the oil and grease section while defining the visual monitoring/recordkeeping obligations related specifically to sheens in the visual sheen section. Since the passage referring to collection of produced water samples within two (2) hours of observing a sheen is already included in the oil and grease section, the Joint Trades recommend removing the duplication from the visual sheen section.
13 – Other Changes	**Part I.B.9.b**	Solids. Observation must be made during daylight in the vicinity of domestic waste outfalls. If floating solids are observed at other times in addition to the daily monitoring, it must be recorded and reported to EPA.	The Joint Trades recommend modifying the permit language for domestic waste monitoring as follows:

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
			Solids. Observation must be made daily during daylight in the vicinity of domestic waste outfalls. If floating solids are observed at other times in addition to the daily monitoring, it must be recorded and reported to EPA. **Rationale**: Adding the word "daily" makes these requirements consistent with the sanitary waste monitoring requirements.
13 – Other Changes	**Part II.D.4**	If discharge is not applicable for a facility, "no discharge" must be reported for that facility until an NOT is submitted. If a permittee or facility submits a "no discharge" DMR for a reporting period in which a discharge occurred, it is a violation of this permit, and the permittee shall submit corrected data as soon as the error is identified.	The Joint Trades recommend the following changes to the proposed permit language: *If discharge is not applicable for a facility, "no discharge" must be reported for that facility until an NOT is submitted. If a permittee or facility submits a "no discharge" DMR for a reporting period in which a discharge occurred, it is a violation of this permit, and the permittee shall submit corrected data no later than the following quarter.* **Rationale**: A definitive timeframe provides clarity to both the regulated community and the agency. In addition, correction of such an error may require operators to validate the information submitted on the DMR and obtain the necessary signatures of the responsible corporate official. This approach is consistent with other sections of the permit, particularly Part II.D.4.
13 – Other Changes	**Part II.G.71**	"Produced Water" means the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the oil/water separation process.	The Joint Trades recommend the following changes to the proposed permit language: *"Produced Water" means the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the ~~oil/water~~ oil/gas/water separation process.* **Rationale**: The definition change to provide clarity, be more inclusive and a more realistic approach with what we believe is current operations in

Agenda Topic	Section	2022 Proposed Permit Language	Joint Trades Comments
			industry. The basic separation process at any offshore production facility is designed to separate oil, natural gas and produced water into 3 distinct streams for processing, handling and/or treatment.

03 - Tracers

August 19, 2003 Letter from S. Wilson regarding Radioactive Tracers

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

AUG 19 2003

COPY

Mr. Tom Hampton
President
Pro Technics
6316 Windfern, Room 310
Houston, TX 77040

Dear Mr. Hampton:

Thank you for meeting with me on August 15, 2003 and supplying information on your product and its use in offshore oil and gas operations.

Based on the information you have presented, it appears that the discharge of well treatment fluids which contain Iridium-192 and Scandium-46 as propping agents would be in compliance with the requirements of the Western Gulf of Mexico Outer Continental Shelf NPDES General Permit for the Offshore Oil and Gas Subcategory (GMG290000). Use of such radioactive elements in very low concentrations has been examined in the process of issuing National Effluent Limitations Guidelines and in our permit development. I understand that Iridium-192 and Scandium-46 are generally used in concentrations less than 0.1 ppm (2000 pCi/gm) and they are likely to be further diluted by other constituents involved in the process. The discharge of such well treatment fluids is presently allowed under the NPDES general permit with no additional monitoring requirements other than for oil and grease and free oil.

Again, it was good to meet with you and obtain more information on your industry. Should you have additional questions please feel free to contact me by telephone at (214) 665-7511 or by E-mail at: wilson.js@epa.gov.

Sincerely,

J. Scott Wilson
Acting Chief
NPDES Permits Section

Comments on Permit Appendices and Permit Supporting Documents

The Joint Trades are offering the following comments on the proposed permit appendices and permit supporting documents.

08 – Permit Summary Table

A. Appendix F – Permit Summary Table

The Joint Trades request that the permit summary table should be deleted from the permit. The permit summary table is not necessary since it is repetitive of the permit limitations and requirements described in the permit itself. The information in the permit summary table is better suited for permit guidance and instructions. Inclusion of this type of information in the permit itself creates opportunities for discontinuity and misalignment with the permit text.

However, if the permit summary table is retained, it must be updated to align with the permit language. The Joint Trades have attached (Attachment D) a "redline" version of the proposed permit summary table that highlights areas where we believe there is inconsistency and inaccuracies in the table.

Most importantly, if the permit summary table is retained in the final permit, it is imperative that a statement be added to the permit summary table that states that the permit language, not the table, is the enforceable requirements of the permit.

14 – Supporting Documents

B. Fact Sheet

The Joint Trades would like to note one item regarding the proposed Fact Sheet. The Fact Sheet includes the following statement regarding the industry-wide treatment, completion and workover fluids toxicity study:

> *46% of the samples collected showed acute toxicity for one or more species indicating that there is reasonable potential for acute toxicity stemming from well treatment, completion and workover fluid discharge. Therefore, in accordance with 40 CFR §122.44 (d)(1)(iv), acute WET limits are included the proposed permit. Chronic toxicity monitoring will be a requirement of the proposed permit to assess potential for chronic effects.*

However, if the actual volume discharged is used to determine the critical dilution for those discharges lasting less than 24 hours, then 25 of the 28 (89%) samples analyzed did not exhibit acute toxicity at the critical dilution. During the industry-wide TCW study estimated flow rates were calculated using the total volume discharged divided by discharge duration to determine an hourly discharge rate. When this hourly rate is extrapolated to a 24-hour day the estimated discharge rate is conservatively overestimated.

For example, if 100 barrels of fluid are discharged in 1 hour, the discharge rate is 100 barrels/hour. Extrapolated to a "barrel per day" rate value, one could estimate a daily rate of 2400 barrels/day. However, this is not representative of what was actually discharged. 100 barrels was discharged in 1 hour and the discharge ceased, therefore, a more representative estimate of actual discharge rate is 100 barrels/day.

This illustrates the importance of clearly defining how discharge rates are used to determine critical dilution, especially if EPA proceeds with these requirements as a compliance limitation. This type of approach, use of the total volume discharged for discharges lasting less than 24 hours, is consistent with how discharge rates are estimated for other short duration discharges authorized by the permit.

C. Ocean Discharge Evaluation Criteria

The Joint Trades offer two observations regarding the Ocean Discharge Evaluation Criteria.

1. *Evaluation of discharges* – The Ocean Discharge Evaluation Criteria does not appear to provide a full evaluation of all discharge streams authorized by the permit. Produced water and drilling fluids are discussed extensively, but other authorized discharges such as deck drainage, sanitary waste, and miscellaneous discharges are not addressed. EPA should consider a more comprehensive review to better align the criteria with the authorized discharges.

2. *List of threatened and endangered species* – The Joint Trades recommend that the list of threatened and endangered species in the Ocean Discharge Evaluation Criteria be reviewed to determine if the list is consistent with other documents describing Gulf of Mexico threatened and endangered species. The Joint Trades have identified 3 resources that may be helpful:

    a. NOAA Fisheries *Threatened and Endangered Species List Gulf of Mexico*
    b. NOAA Fisheries *Biological Opinion on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico* (also known as "the BiOp).
    c. BOEM's 2023-2028 National Outer Continental Shelf Oil and Gas Leasing Program *Draft Programmatic Environmental Impact Statement*.

D. Essential Fish Habitat Assessment

The Essential Fish Habitat Assessment includes the same statement as the Fact Sheet regarding the industry-wide treatment, completion and workover fluids toxicity study:

> *46% of the samples collected showed acute toxicity for one or more species indicating that there is reasonable potential for acute toxicity stemming from well treatment, completion and workover fluid discharge. Therefore, in accordance with 40 CFR §122.44 (d)(1)(iv), acute WET limits are included the proposed permit. Chronic toxicity monitoring will be a requirement of the proposed permit to assess potential for chronic effects.*

However, if the actual volume discharged is used to determine the critical dilution for those discharges lasting less than 24 hours, then 25 of the 28 (89%) samples analyzed did not exhibit acute toxicity at the critical dilution. During the industry-wide TCW study estimated flow rates were calculated using the total volume discharged divided by discharge duration to determine an hourly discharge rate. When this hourly rate is extrapolated to a 24-hour day the estimated discharge rate is conservatively overestimated.

For example, if 100 barrels of fluid are discharged in 1 hour, the discharge rate is 100 barrels/hour. Extrapolated to a "barrel per day" rate value, one could estimate a daily rate of 2400 barrels/day. However, this is not representative of what was actually discharged. 100 barrels was discharged in 1 hour and the discharge ceased, therefore, a more representative estimate of actual discharge rate is 100 barrels/day.

This illustrates the importance of clearly defining how discharge rates are used to determine critical dilution, especially if EPA proceeds with these requirements as a compliance limitation. This type of approach, use of the total volume discharged for discharges lasting less than 24 hours, is consistent with how discharge rates are estimated for other short duration discharges authorized by the permit.

Appendix F

Table 1. Effluent Limitations, Prohibitions and Monitoring Requirements (Samples collected and prepared for analyses must be representative of the monitored activities. The following are enforceable permit limits and a violation of this appendix is a violation of the permit and/or the Clean Water Act:)

For Reference Only. In the event of a discrepancy, the language in the text of the permit is the enforceable condition.

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
Drilling Fluids..	Free Oil..........	No free oil.................	Once/week~~(*1)~~ when discharging	Static sheen See Part I.D.6	Number of days sheen observed
	Toxicity~~(*2)~~ (*1) ~~96-hr LC50~~	30,000 ppm daily min 30,000 ppm monthly avg min	Once/month......... Once/end of well~~(*3)~~ (*2) ~~Once/month~~.	Grab................ ~~Grab.~~ ~~Grab.~~ See Part I.D.2	96-hr LC50 ~~96-hr LC50~~ ~~96-hr LC50~~
	Discharge Rate.....	Maximum discharge rate of 1,000 barrels/hour.......... Refer to Part I.B.1.b for facilities with proximity to areas of biological concern.	Once/hour~~(*1)~~ when discharging	Estimate..........	Max. hourly rate
	~~Discharge Rate for controlled rate areas~~	~~(*4)~~	~~Once/hour(*1)~~	~~Measure~~	~~Max. hourly rate~~
	Mercury and cadmium in barite	No discharge. of drilling fluids to which barite has been added, if such barite contains mercury in excess of 1.0 mg/kg or cadmium in excess of 3.0 mg/kg (dry weight)	Once prior to drilling each well ~~(*6)~~ (*3)	~~Absorption Spectro-photometry~~ See Part I.B.1.b	mg mercury/kg barite mg cadmium/kg barite
	Oil Based or Inverse Emulsion Drilling Fluids	No discharge			
	Oil Contaminated... Drilling Fluids	No discharge ~~(*34)~~ (*4)			
	Diesel Oil.........	No discharge of drilling fluids to which diesel oil has been added as a lubricant			
	Mineral Oil........	Mineral oil may be used only as a carrier fluid, lubricity additive, or pill			
	Non aqueous Based.. Fluids	No discharge except that which adheres to drill cuttings and small volume discharges ~~(*5)~~			

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
All Drill Cuttings ~~Free oil XXXXXXX~~	~~No free oil XXXXXXX.~~ Free Oil	~~Once/week(*1)XXX~~ No free oil.	~~Static sheen XXXX~~ Once/week when discharging	~~Number of days sheen observed~~ Static Sheen See Part I.D.6	Number of Days Sheen Observed
	Toxicity~~(*2) 96-hr LC50 XX~~ (*1)	No discharge of cuttings generated using drilling fluids which exhibit a toxicity of less than 30,000 ppm daily min. or 30,000 ppm monthly avg. min.			
	Mercury and cadmium..... in barite	No discharge. if generated using drilling fluid to which barite is added which contains mercury in excess of 1.0 mg/kg or cadmium in excess of 3.0 mg/kg			
	Cuttings generated using Oil Contaminated Drilling Fluids	No discharge			
	Cuttings generated using drilling fluids to which Diesel Oil has been added	No discharge			
	Cuttings generated using drilling fluids to which Mineral Oil has been added	Mineral oil may be used only as a carrier fluid, lubricity additive, or pill			

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
Stock Limits for Drill Cuttings Generated using Non aqueous Based Drilling Fluids	Polynuclear Aromatic.. Hydrocarbons (PAH)	0.00001 grams PAH per gram of base fluid	Once/year on each base fluid blend	PAH content of Oil by HPLC/UV, EPA Method 1654 (see 40 CFR 435.11(u)) See Part I.D.10	gram PAH / gram stock base fluid
	Sediment Toxicity.....	Ratio of 10-day LC50s not to exceed 1.0(*7) (*5) Ratio of cumulative gas productions	Once/year on each base fluid blend	ASTM method E1367-99 (*8) See Parts I.D.7 and I.D.9	Ratio of C16-C18 IO LC50 to stock base fluid LC50 Ratio of 10-day LC50s
	Biodegradation Rate...	Biodegradation rate ratio. not to exceed 1.0 (*9) (*7)	Once/year on each base fluid blend	Modified ISO 11734:1995 (*10) See Parts I.D.8 and I.D.9	Ratio of C16-C18 IO biodeg. to stock base fluid biodeg. Biodegradation rate ratio
Discharge Limits for Cuttings Generated using Non aqueous Based Drilling Fluids	Sediment Toxicity.....	Ratio of 4-day LC50s not to exceed 1.0(*11) (*6)	Once/month (*35) (*8)	Modified ASTM Method E1367-99 (*12) See Appendix A.	Ratio of C16-C18 IO LC50 to stock base fluid LC50 Ratio of 4-day LC50s
	Formation Oil.....	No Discharge.....	Once prior to drilling	GCMS (*13) See Part I.D.11 and Appendix C.	Pass/Fail
			Once/week.....	RPE (*14) See Part I.D.12	Pass/Fail
	Base Fluids Retained on Cuttings	6.9% IO (*15) 9.4% ester (*16) 6.9% for drilling fluids which meet stock limitations for C16-C18 internal olefin; 9.4% for drilling fluids which meet stock limitations for C12-C14 ester or C8 ester	Once/day (*17) (*9)	Retort Test Method (*18) See Part I.D.13	Percent retained

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/ Method	Monitoring Requirement: Recorded Value(s)
Deck Drainage.....	Free Oil.....	No free oil.....	Daily(*19)XXXX (*10)	Visual sheen... See Part I.D.5	Number of days sheen observed
Produced Water.....	Oil and grease.....	42 mg/l daily max.,... 29 mg/l monthly avg.	Once/month.....	Grab(*20)XXX Grab/Composite (*11)	Daily max., monthly average
	Toxicity.....	0 (*21)X (*12)	Rate Dependent (*13) Twice/Year(*28) See Part I.B.4.b	Grab/Composite (*37) (*11)	See Part I.D.3
	Free Oil.....	Monitor.....	Daily (*19,*29) (*10)	Visual sheen... See Part I.D.5	Number of days sheen observed
	Flow (bbl/day).....	Monitor……	Once/month.....	Estimate.....	Monthly Average
Produced Sand (includes propping agent)XXX	No Discharge, including propping agents		Once/year(*37)XXXX	EstimateXXXX	Highest monthly flowX
Well treatment fluids, completion fluids, workover fluids (includes packer fluids),x and pipeline brine (*22)XX (*14)	Free oil.....	No free oil.....	Daily(*1)XXX when discharging	Static sheen.... See Part I.D.6	Number of days sheen observed
	Oil & Grease.....	42 mg/l daily max., 29 mg/l monthly avg.	Once/month.....	Grab(*20)XXXX	Daily max., monthly average
	Toxicity 48 Hour Acute	0 (*21)X (*12)	Per Discharge	Composite….	See Part I.D.4
	Toxicity 7-day NOEC	Report	Per Discharge	Grab……	See Part I.D.3
Sanitary waste(*24) facilities continuously manned for 30 or more days by 10 or more persons	Residual chlorine(*25)X (*15)	1 mg/l (minimum).....	Once/month..... (*16)	Grab.....	Concentration
	Solids.....	No Floating Solids...	Daily..... (*16)	Observation(*27) (*17)	Number of days solids observed
Sanitary waste (*24) facilities continuously manned for thirty or more days by 9 or fewer persons or intermittently by any number	Solids.....	No floating solids...	Daily..... (*16)	Observation(*27) (*17)	Number of days solids observed
Domestic waste(*26)..... (*18)	Solids.....	No floating solids or foam	Daily.....	Observation(*27) (*17)	Number of days observed

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/ Method	Monitoring Requirement: Recorded Value(s)
All Miscellaneous discharges: ~~Desalinization unit discharge; blowout pre-venter fluid; uncontaminated ballast water; uncontaminated bilge water; uncontaminated freshwater; mud, cuttings and cement at seafloor; uncontaminated seawater; boiler blowdown; source water and sand; diatomaceous earth filter media; excess cement slurry; bulk pipeline brine; transfer powdersub sea wellhead preservation fluids; subsea cleaning fluids; sub sea production control fluid; umbilical steel tube storage fluid; leak tracer fluid; riser tensioner fluids. (See Part I.B.10 for more restrictions and reporting requirements for unused cement slurry)~~	Free oil.....	No free oil.....	Daily(~~*23~~) (*19)	Visual sheen.. or Static Sheen	Number of days sheen observed
	Toxicity..... (*20)	7-day NOEC < 50 mg/l (product-specific NOEC for powder dye) (*22)	Once/Year…..	Grab……..	See Part I.D.3
Unused Cement Slurry					
Miscellaneous discharges of seawater and freshwater to which treatment chemicals have been added: ~~excess seawater which permits the continuous operation of fire control and utility lift pumps; excess seawater from pressure maintenance and secondary recovery projects, water released during training of personnel in fire protection; seawater used to pressure test new and existing piping and pipelines, ballast water, once-through non-contact cooling water, water used as piping or equipment preservation fluids, water used during Dual Gradient Drilling~~	Treatment chemicals	Most stringent of: EPA label registration, maximum manufacturers recommended dose, or 500 mg/l.			
	Flow Volume.	Monitor.....	Once/month....	Estimate.....	Monthly Average
	Free oil.....	No free oil.....	~~Once/week~~ Daily	Visual Sheen.. (~~*32~~) (*23) or Static Sheen	Number of days sheen observed
	Toxicity.....	0 (~~*30~~) (*24)	Rate Dependent (~~*31~~) See Part I.B.11.b	Grab.....	See Part I.D.4
Hydrate Control Fluids (~~if discharge alone~~)	Toxicity(~~*33~~)… (*21)	7-day NOEC (~~Product-specific NOEC~~)…… ~~product-specific NOEC for powder dye~~	Once/year	Grab……..	See Part I.D.4 3
Pipeline Brines	Free Oil Oil & Grease Priority Pollutants Toxicity	No Free Oil. 29 mg/l maximum No content except in trace amounts. 7-day NOEC (or 48-hour if duration of total discharge is a shorter period of duration)	Daily Once prior to applying as preservation fluids Per Discharge	Visual Sheen or Static Sheen	See Part I.D.3
AFFF		During a fire emergency, no permit limitations.			

Table 1 (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
Cooling Water Intake Structure					
Non-Fixed and Fixed with Sea Chest	Intake Screen Velocity	Maximum not to exceed 0.5 ft/sec	Continuous	Measuring Device	Maximum value
	Visual/remote Inspection	Report (*25)	~~Once/month(*38)~~ Once every 6 months	Observation	Fish number
Fixed without Sea Chest	Intake Screen Velocity	Maximum not to exceed 0.5 ft/sec	Continuous	Measuring Device	Maximum value
	Visual/remote Inspection	Report (*25)	~~Once/month(*38)~~ Once every 6 months	Observation	Fish number
	Entrainment Study /Sampling (*26)	……	……. Dependent on the depth of the intake structure	……. 24-hour entrainment samples from water withdrawn at all CWISs	……. Entrainment per sample event; Total annual entrainment

Footnotes

*1 When discharging

*1 *2 Suspended particulate phase (SPP) with *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs) following approved test method. The sample shall be taken beneath the shale shaker; or if there are no returns across the shaker then the sample must be taken from a location that is characteristic of the overall mud system to be discharged.

*2 *3 Sample shall be taken after the final log run is completed and prior to bulk discharge.

*4 See Part I.B.1.b of this permit.

*5 See Part I.B.1.a of this permit.

*3 *6 Analyses shall be conducted on each new stock of barite used. If more than one well is being drilled at a site, new analyses are not required for subsequent wells, provided that no new supplies of barite have been received since the previous analysis.

*5 *7 The ratio of the 10-day LC50 of C16-C18 internal olefin divided by the 10-day LC50 of the base fluid shall not exceed 1.0. See Part I.B.2.c.1 of this permit.

*8 See Part I.D.7. The ratio of the 10-day LC50 of C16-C18 internal olefin or C12-C14 or C8 ester reference fluid divided by the 10-day LC50 sediment toxicity test with Leptocheirus plumulosus of the base fluid shall not exceed 1.0.

*7 *9 The ratio of the cumulative gas production (ml) of C16-C18 internal olefin divided by the cumulative gas production (ml) of stock base fluid, both at 275 days, shall not exceed 1.0. See Part I.B.2.c.1 of this permit. The ratio of the cumulative gas production (ml) of C16 - C18 internal olefin or C12-C14 or C8 ester reference fluid divided by the cumulative gas production (ml) of stock base fluid, both at 275 days, shall not exceed 1.0. See Part I.B.2.c.1 of this permit.

*10 See Part I.D.8 of this permit.

*6 *11 The ratio of the 4-day LC50 of C16-C18 internal olefin divided by the 4-day LC50 of the base fluid shall not exceed 1.0. See Part I.B.2.c.2 of this permit. The ratio of the 4-day LC50 of C16 - C18 internal olefin reference drilling fluid divided by the 4-day LC50 of the drilling fluids, removed from cuttings at the solids control equipment, shall not exceed 1.0.

*12 See Appendix A of this permit.

*13 See Appendix 5 of 40 CFR Part 435, Subpart A and Part I.D.11 and Appendix C of this permit.

*14 See Section I.D.12 of this permit.

*8 *15 Drilling fluids which meet the stock base fluid limitations for C16-C18 internal olefins. Monitoring shall be performed at least once per month on drilling fluids which meet the stock limitations for a C16-C18 internal olefin. For drilling fluids which meet stock limitations for C12-C14 ester or C8 ester, monitoring shall be performed at least once per well at the end of drilling with nonaqueous based drilling fluids.

*16 Drilling fluids which meet the stock limitations for C12-C14 ester or C8 ester.

*9 *17 Except when meeting the conditions for the Best Management Practices described in Part I.B.2.c of this permit. Operators conducting fast drilling shall collect and analyze samples once per 500 feet or a maximum of three per day.

*18 See Part I.D.13 of this permit.

*10 *19 When discharging and facility is manned. Monitoring shall be accomplished during times when observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge.

*11 *20 May be based on either a grab sample or a composite which consists of the arithmetic average of the results of grab samples collected at even intervals during a period of 24-hours or less. (Example: If four samples are collected within a 24-hour period, samples must be 6 hours apart)

*12 *21 See Appendix D, Table 1 of this permit for critical dilutions. A permittee is in compliance with the WET limit when the NOEC is equal to or greater than the permittee's critical dilution, and this is reported as a "0" in the DMR. A WET violation happens when the NOEC is less than the permittee's critical dilution, and this is reported as "1" in the DMR.

*14 *22 No discharge of priority pollutants except in trace amounts. Information on the specific chemical composition shall be recorded but not reported unless requested by EPA.

*19 *23 When discharging for muds, cuttings, and cement at the seafloor, blowout preventer fluid, subsea cleaning fluids, sub sea wellhead preservation fluids, subsea production control fluid, umbilical steel tube storage fluid, leak tracer fluid, and riser tensioner fluids. All other miscellaneous discharges: when discharging, discharge is authorized only during times when visual sheen observation is possible, unless the static sheen method is used. Uncontaminated seawater uncontaminated freshwater, source water and source sand, uncontaminated bilge water, and uncontaminated ballast water from platforms on automatic purge systems may be discharged without monitoring from platforms which are not manned.

*16 *24 Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed to be in compliance with permit limitations for sanitary waste. The MSD shall be tested yearly for proper operation, and test results maintained at the facility.

*15 *25 Hach method CN-66 DPD approved. Minimum of 1 mg/l and maintained as close to this concentration as possible.

*18 *26 The discharge of food waste is prohibited within 12 nautical miles from nearest land. Comminuted food waste able to pass through a 25 mm mesh screen (approximately 1 inch) may be discharged more than 12 nautical miles from nearest land.

*17 *27 Monitoring shall be accomplished during daylight by visual observation of the surface of the receiving water in the vicinity of sanitary and domestic waste outfalls. Observations shall be made following either the morning or midday meals at a time of maximum estimated discharge.

*28 Twice per calendar year. Tests must be at least 90 days apart.

*29 See Part I.B.4.b of this permit

*24 *30 See Appendix D, Table 2 of this permit for critical dilutions. A permittee is in compliance with the WET limit when the NOEC is equal to or greater than the permittee's critical dilution, and this is reported as a "0" in the DMR. A WET violation happens when the NOEC is less than the permittee's critical dilution, and this is reported as "1" in the DMR.

*31 See Part I.B.1.b of this permit

*23 *32 Monitoring for free oil on discharges from existing piping and existing pipelines shall be performed at least three times per discharge as follows: 1) within thirty minutes after commencement of discharge; 2) at the estimated middle of the discharge; and 3) within fifteen minutes before or after the discharge has ceased.

*21 *33 Toxicity test is waived if the discharge of methanol is less than 20 bbl within a 7-day period or the discharge of ethylene glycol is less than 200 bbl within a 7-day period.

*4 *34 The discharge of drilling fluids which contain waste engine oil, cooling oil, gear oil or any lubricants which have been previously used for purposes other than borehole lubrication, is prohibited.

*8 ~~*35 For drilling fluids which meet stock limitations for C12-C14 ester or C8 ester, monitoring shall be performed at least once per well at the end of drilling with non-aqueous based drilling fluids~~

Monitoring shall be performed at least once per month on drilling fluids which meet the stock limitations for a C16-C18 internal olefin. For drilling fluids which meet stock limitations for C12-C14 ester or C8 ester, monitoring shall be performed at least once per well at the end of drilling with nonaqueous based drilling fluids.

~~*36 A minimum of three (3) samples shall be collected as grabs or composites.~~

*13 ~~*37 Highest monthly flow shall be reported in the month of December.~~ At the end of each calendar year (December), the highest estimated monthly flow rate recorded during the previous 12 months will be used to determine the frequency of toxicity testing for the following calendar year.

*25 ~~*38~~ **Number of fish/shellfish impinged and estimated screen area blockage for each screen for months when inspections are conducted.**

*26 The permittees who completed or participated in the previous "Gulf of Mexico Cooling Water Intake Structure Entrainment Monitoring Study" or have performed entrainment monitoring for two years, may submit Southeast Area Monitoring and Assessment Program (SEAMAP) data, instead.

*20 Fluids which are used as subsea wellhead preservation fluids, subsea production control fluids, umbilical steel tube storage fluids, leak tracer fluids made without powder dye, and riser tensioning fluids shall have a 7-day No Observable Effect Concentration (NOEC) of no less than 50 mg/l prior to the discharge. For leak tracer fluid made from powder dye, the maximum concentration to be discharged shall be no greater than is the 7-day NOEC for that specific powder dye; the 50 mg/l NOEC limit rule does not apply to leak tracer fluid made from powder dye.

*22 Discharges of unused cement slurry due to equipment failure during the cementing job are limited to once per calendar year per facility. Discharges of unused cement slurry due to off-specification during the cementing job are limited to one discharge per well.

Message

From: Garcia, Mitty [Garcia.Mitty@epa.gov]
Sent: 1/24/2023 10:12:52 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]
CC: Garcia, Mitty [Garcia.Mitty@epa.gov]
Subject: PA 2nd Annual Reports for Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico
Attachments: EPA Response to Comments NOAA NMFS_ Second Annual BiOP.docx; EPA Region 6 Second Annual Biological Opinion Report_Final-APH.pdf

Bryant/Jeanne

Attached are my drafted responses to NOAA/NMFS's comments and questions regarding our 2nd Annual Biological Opinion Report. I will set-up a meeting to discuss these sometime next week. NOAA/NMFS would like to meet with us to discuss the report once we have completed our internal review. As seen below, they requested a January meeting but I suggested some additional time to make sure internally we are all on the same page.

Mitty

---------- Forwarded message ---------
From: **Lisamarie Carrubba - NOAA Federal** <lisamarie.carrubba@noaa.gov>
Date: Thu, Dec 22, 2022 at 12:51 PM
Subject: Re: EPA 2nd Annual Reports for Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico
To: Smalley, Bryant <smalley.bryant@epa.gov>
Cc: allison.hernandez@noaa.gov <allison.hernandez@noaa.gov>, Glenn, Tre W <Tre.Glenn@boem.gov>, Vaughn, Sarah L <sarah.vaughn@boem.gov>, Castillo, Jairo <Castillo.Jairo@epa.gov>, Staples, Bridget <Staples.Bridget@epa.gov>, Angove, Sharon <Angove.Sharon@epa.gov>, Garcia, Mitty <Garcia.Mitty@epa.gov>, Alvarado, Tina <Alvarado.Tina@epa.gov>, Larsen, Brent <Larsen.Brent@epa.gov>, Young, Nichole <young.nichole@epa.gov>, Goodwin, John <Goodwin.John@epa.gov>, Sayre, Dennis <Sayre.Dennis@epa.gov>, Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>

Thank you for the annual report submission and apologies for the delay in responding.

NMFS has completed our review of the EPA region 4 and 6 annual reports and is providing feedback/questions on the attached versions of the documents.

We would like to meet with you in January to discuss our comments. Allison Hernandez of my staff will reach out to Mitty Mohon and Jairo Castillo to schedule the meeting.

Happy Holidays!
Lee

--
Dr. Lisamarie Carrubba
Acting Chief, Interagency Cooperation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910
301-427-8493
240-595-1963 (Cell)

On Mon, Oct 31, 2022 at 7:18 PM Smalley, Bryant <smalley.bryant@epa.gov> wrote:

Dr. Lisamarie Carrubba, Acting Division Chief
Endangered Species Act Interagency Cooperation Division

Office of Protected Resources

Re: EPA 2nd Annual Biological Opinion (BiOP) Report
March 2021 to March 2022

The U.S. Environmental Protection Agency (EPA) Regions 4 and 6, are pleased to transmit the second annual report, from March 31, 2021 to March 31, 2022, for the Biological Opinion (BiOp) on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico and associated amended incidental take statement. The 2nd Annual BiOP reports for both EPA Region 4 and 6 can be found attached to this email. We look forward to engaging with your staff in early 2022 in a focused workshop to inform and improve ongoing BiOp implementation and future annual reviews. If you have any questions, please reach out to Mitty Garcia at garcia.mitty@epa.gov in EPA Region 6 or Jairo Castillo at Castillo.Jairo@epa.gov in EPA Region 4.

Respectfully,

Bryant Smalley
Chief
Water Enforcement Branch
USEPA R6
214-665-7368

Message

From: Jim Rocco [Jim.Rocco@iadc.org]
Sent: 8/22/2022 7:30:19 PM
To: Garcia, Mitty [Garcia.Mitty@epa.gov]
Subject: RE: Follow-up Question to our discussion last week

Thanks Mitty,

We'll certainly do as you suggest.

However, as it pertains to the existing permit or any previous permits, I was just wondering how you might describe EPA's observations related to examples of how industry installations of impingement measures on sea chests were found to provide satisfactory compliance.

Also, can you direct me to any references that provide the technical/performance characteristics for how impingement arrangements should properly function? (eg. screening/mesh size, particular screening shape/profile as affixed to suction areas in way of sea chests.

Lastly, the email you sent me last week did not successfully reach my inbox – could you possibly resend it?

Thanks again,

Jim.

From: Garcia, Mitty <Garcia.Mitty@epa.gov>
Sent: Monday, August 22, 2022 1:33 PM
To: Jim Rocco <Jim.Rocco@iadc.org>
Cc: Greg Southworth <greg@theooc.org>
Subject: RE: Follow-up Question to our discussion last week

[EXTERNAL] This Message Came From an External Source

Hi Jim,

Any questions or information regarding the 2022 drafted permit for GMG290000 needs to submitted to public comment or answered by the permit writer. The links I provided in the previous email should have a place to register for the virtual public hearing as well.

Mitty (Mohon) Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6
1201 Elm Street, 500
Dallas, TX 75270
214-665-6497
ALERT: My email has changed to garcia.mitty@epa.gov
mohon.mitty@epa.gov will be deactivated on 9/1/2022.

From: Jim Rocco <Jim.Rocco@iadc.org>
Sent: Monday, August 22, 2022 12:19 PM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>
Cc: Greg Southworth <greg@theooc.org>
Subject: Follow-up Question to our discussion last week

HI Mitty,

Thanks again for taking the time to discuss my questions last week.

One more question I had was relative to cooling water intake structures and Region 6's observations of "impingement arrangements" affixed to sea chests on fixed and non-fixed structures. In the course of inspections previously undertaken, can you generally describe what your inspection teams have witnessed on offshore facilities with regard to the industry's efforts to satisfy cooling water intake structure (CWIS) arrangements? If you had a pictures, that would perfect.

I need to better frame our members discussion around CWIS sea chest arrangements. If you could "add a bit of color" to EPA's observations of how you've seen compliance measures successfully implemented, I can use such examples to help steer our conversations so that we put forth meaningful insight for IADC comments to the Notice.

I'm copying Greg at the OOC on this email as your reply will also be insightful for him.

Also, I haven't yet received the email you sent last week. Any chance you can resent it?

Thanks,
Jim.

Jim Rocco
Sr Director, Government & Industry Affairs - Offshore

International Association of Drilling Contractors
3657 Briarpark Drive Suite 200
Houston, TX 77042
D + 1 713 600 1888
C + 1 985 791 1832
www.iadc.org

Message

From: Garcia, Mitty [Garcia.Mitty@epa.gov]
Sent: 8/18/2022 7:40:35 PM
To: jim.racco@iabc.com
Subject: EPA Offshore Oil & Gas
Attachments: 2022_GMG290000_Proposed_General_Permit_1.pdf

EXTERNAL MESSAGE

EXTERNAL MESSAGE

EXTERNAL MESSAGE

Jim,

Thanks for your call. As discussed here is a link to the 2022 drafted GMG290000 GP for Offshore Oil & Gas (scroll down to "Draft Permit Section"): https://www.epa.gov/npdes-permits/support-documents-npdes-general-permit-offshore-oil-and-gas-operations-western-gulf there is also a link to submit public comments/suggestions.

Attached is a copy of the proposed (draft) 2022.

EPA Region 6 Permit Writer for the GMG290000 GP: Nichole Young, young.nichole@epa.gov

Mitty (Mohon) Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6
1201 Elm Street, 500
Dallas, TX 75270
214-665-6497
ALERT: My email has changed to garcia.mitty@epa.gov
mohon.mitty@epa.gov will be deactivated on 9/1/2022.

Appointment

From: Young, Nichole [young.nichole@epa.gov]
on behalf of Ruiz, Thomas [Ruiz.Thomas@epa.gov]
Sent: 8/30/2022 7:56:33 PM
To: Garcia, Mitty [Garcia.Mitty@epa.gov]; Gillespie, David [Gillespie.David@epa.gov]; Angove, Sharon [Angove.Sharon@epa.gov]; Woods, Kayla [Woods.Kayla@epa.gov]

Subject: FW: Virtual Public Meeting Outer Continental Shelf, Gulf of Mexico - NPDES General Permit GMG290000
Location: https://usepa.zoomgov.com/j/1600299461

Start: 9/1/2022 10:00:00 PM
End: 9/1/2022 11:30:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Ruiz, Thomas <Ruiz.Thomas@epa.gov>
Sent: Tuesday, August 30, 2022 10:20 AM
To: Ruiz, Thomas; Alayon-Gonzalez, Ruben
Cc: Martinez, Maria; Larsen, Brent; Hill, Troy; Maguire, Charles; Rauscher, Leslie; Rosborough, Evelyn; Young, Nichole
Subject: Virtual Public Meeting Outer Continental Shelf, Gulf of Mexico - NPDES General Permit GMG290000
When: Thursday, September 1, 2022 5:00 PM-6:30 PM (UTC-06:00) Central Time (US & Canada).
Where: https://usepa.zoomgov.com/j/1600299461

-----Original Appointment-----
From: Ruiz, Thomas <Ruiz.Thomas@epa.gov>
Sent: Thursday, August 25, 2022 4:06 PM
To: Ruiz, Thomas; Alayon-Gonzalez, Ruben
Cc: Martinez, Maria; Larsen, Brent; Hill, Troy; Maguire, Charles; Rauscher, Leslie
Subject: Virtual Public Meeting Outer Continental Shelf, Gulf of Mexico - NPDES General Permit GMG290000
When: Thursday, September 1, 2022 5:00 PM-6:30 PM (UTC-06:00) Central Time (US & Canada).
Where: https://usepa.zoomgov.com/j/1600299461

Join ZoomGov Meeting
https://usepa.zoomgov.com/j/1600299461

Join by phone: 1-551-285-1373
Meeting ID: 160 029 9461

September 20, 2022

Submitted via www.regulations.gov

US Environmental Protection Agency, Region 6
ATTN: Evelyn Rosborough
1201 Elm Street
Dallas, TX 75270

RE: Joint Trade Association Comments
Notice of Proposed NPDES General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf in the Gulf of Mexico (GMG290000)
Docket ID No. EPA-R06-OW-2022-0603

The Offshore Operators Committee (OOC), the American Petroleum Institute (API), the National Ocean Industries Association (NOIA) and the Louisiana Mid-Continent Oil and Gas Association (LMOGA), hereinafter referred to as "the Joint Trades," appreciate the opportunity to provide detailed comments on the above-captioned NPDES General Permit. Comments submitted on behalf of the Joint Trades are submitted without prejudice to any member's right to have or express different or opposing views. It is from this perspective that these comments have been developed.

The Joint Trades represent oil and natural gas operators, drilling contractors, and service providers who conduct essentially all of the offshore oil and natural gas exploration and production activities on the Outer Continental Shelf (OCS). Our members recognize that offshore operations must be conducted safely and in a manner that protects the environment. The offshore industry has a long history of safe operations that have advanced the energy security of our nation and provided energy resources which are crucial to our nation's economy.

Comments

The Joint Trades' detailed technical comments are included in the following attachments:

- Attachment A – Technical Comments on the Proposed Permit Language
- Attachment B – August 19, 2003 Letter from S. Wilson regarding Radioactive Tracers
- Attachment C – Comments on the Proposed Permit Appendices and Permit Supporting Documents
- Attachment D – Redline of the Permit Summary Table

The Joint Trades believe the information included in the attached comments is important and critical to providing a final permit that is protective of water quality in the GOM, as well as a practical permit that

allows the continued development of our nation's energy resources. The attached comments are structured to include suggested edits to the proposed permit language and justification for the suggested change.

Whole Effluent Toxicity (WET) Testing of Treatment, Completion and Workover (TCW) Fluids

One concern that the Joint Trades would like to highlight is the proposed requirements for TCW fluid WET testing and monitoring. The limitations for 48-hour acute WET testing and the monitoring requirements for 7-day chronic WET testing of TCW fluids should be removed from the permit. As discussed in detail in Attachment A, the use of 48-hour and 7-day testing regimens are overly conservative for short duration, intermittent, low volume discharges.

In addition, the industry-wide TCW fluids study concluded that:

- TCW fluid discharges are typically of short duration. 75% of the discharges sampled during the study were less than 2 hours in duration (median discharge time was 1-hour). A 48-hour or 7-day test exposure is extremely conservative and is not representative of the hazard and effects of these discharges in the marine environment.
- TCW fluid discharges are small volumes. TCW fluid discharges are estimated to be 0.01% of produced water discharge volumes.
- Of the substances evaluated during the study, no concentration was greater than conservative acute saltwater ecological thresholds.

TCW fluids do not pose an unreasonable risk to the aquatic environment, and additional WET testing does not provide any added environmental benefit. Implementation of WET testing requirements increases operational complexity and risk.

Compliance Implementation Periods for Several Proposed Requirements

The Joint Trades have also included a few recommendations for EPA to consider regarding the use of compliance implementation periods in our comments in Attachment A. These recommendations are made (details in Attachment A) for the following items:

- TCW fluid 48-hour acute WET testing
- TCW fluid 7-day chronic WET testing
- Radioactive tracers
- Continuous flow monitoring of cooling water intake systems

If these requirements are retained in the final permit, it is imperative that a compliance implementation period be included to allow operators time to establish procedures, processes and resources to achieve compliance. The Joint Trades strongly recommend that EPA establish a schedule of compliance for implementation of the new requirements as outlined in 40 CFR 122.47. Offshore facilities subject to these new requirements may require capital upgrades making immediate compliance with the new requirements impossible.

EPA granted a similar compliance implementation period for produced water chronic WET testing during the 2007 permit renewal. EPA included language in the 2007 permit that said:

> *Compliance with sub-lethal effects must be achieved within two years after the effective date of this permit.*

The Joint Trades strongly encourage EPA to consider this type of implementation schedule for these requirements as well.

Planned Discussion for Further Explanation

Also, the Joints Trades, through OOC, have set a meeting with EPA Region 6 staff, after the comment period closes, to review the attached technical comments, and answer any clarifying questions the agency may have regarding the information provided here.

The Joint Trades appreciate EPA's efforts regarding the draft permit, and look forward to working with the agency on the critical issues included in our comments as the permit is finalized. If you have any questions or require additional information, please contact Mr. Greg Southworth at greg@theooc.org.

Sincerely,

Greg Southworth
Associate Director
Offshore Operators Committee

Andy Radford
Senior Policy Advisor
American Petroleum Institute

Erik Milito
President
National Ocean Industries Association

Lori Leblanc
Director, Offshore Committee
Louisiana Mid-Continent Oil and Gas Association

cc (via email):

Environmental Protection Agency:
Michael S. Regan, Administrator
Earthea Nance, Regional Administrator, Region 6
Charles Maquire, Water Division Director, Region 6
Brent Larsen, Permits & Technical Section, Region 6
Nicole Young, Permits & Technical Section, Region 6
Bryant Smalley, Chief Water Enforcement , Region 6
Mitty Mohon, NPDES Enforcement Officer, Region 6
Sharon Angove, NPDES Enforcement, Region 6
Karrie-Jo Shell, Environmental Engineer, Region 4
Bridget Staples, Environmental Scientist, Region 4

Bureau of Safety and Environmental Enforcement:
Kevin Sligh, Director
Bryan Domangue, Gulf of Mexico Regional Director
TJ Broussard, Gulf of Mexico Regional Environmental Officer

Bureau of Ocean Energy Management:
Amanda Lefton, Director
Michael Celata, Gulf of Mexico Regional Director

ATTACHMENT A

TECHNICAL COMMENTS ON PROPOSED OCS NPDES PERMIT GMG290000

JOINT TRADE ASSOCIATIONS

Section	2022 Proposed Permit Language	Joint Trades Comments
Authorization to Discharge Under the National Pollutant Discharge Elimination System	Operators located within the general permit area must submit an electronic Notice of Intent (NOI) that they intend to be covered. An operator must file one NOI for each facility to cover all discharges associated with the facility. An NOI must be updated as necessary to identify additional discharges needing (or existing discharges no longer needing) authorization under this permit. Operators who previously submitted an NOI to be covered under this permit are covered under this reissued permit until 60 days after the effective date of the reissued permit and must submit a new NOI prior to that date to retain coverage.	The Joint Trades offer the following suggested revisions to the proposed permit language: *Operators who previously submitted an NOI to be covered under this permit are covered under this reissued permit until 60 days after either the effective date of the reissued permit or the date the eNOI system is available (whichever is later) and must submit a new NOI prior to that date to retain coverage.* **Rationale**: The Joint Trades are requesting the additional language to this section of the permit to provide clarity in the event the eNOI system is unavailable. The Joint Trades respectfully request that EPA hold workshops in both Houston and New Orleans for the new eNOI system that are specific to the Region 6 OCS permit and reiterate there be a transitional period to assure the system is fully operational before its use becomes a requirement.
Part I.A.1.b	Limitations on Coverage: The following are not authorized under this permit: i) Discharges not described under Parts I.B.1-13 ii) This general permit does not authorize discharges, including spills or leaks, caused by failures of equipment, blowout, damage of facility, or any form of unexpected discharge. iii) Historic Properties: Facilities which adversely affect properties listed or eligible for listing in the National Register of Historic Places are not authorized to discharge under this permit. iv) Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. Permittees must obtain separate authorization from NRC in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit or for any other disposal of such materials.	The Joint Trades recommend moving this paragraph to Part I.C Other Discharge Limitations. The suggested revisions are as follows: *Section C. Other Discharge Limitations* *8. Discharges not described under Parts I.B.1-13* *9. This general permit does not authorize discharges, including spills or leaks, caused by failures of equipment, blowout, damage of facility, or any form of unexpected discharge.* *10. Historic Properties: Facilities which adversely affect properties listed or eligible for listing in the National Register of Historic Places are not authorized to discharge under this permit.* *11. Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. Permittees must*

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Section	2022 Proposed Permit Language	Joint Trades Comments
		obtain separate authorization from NRC in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit or for any other disposal of such materials. **Rationale**: Part I.C is the part of the permit where general discharge limitations and prohibitions are described. The limitations described in this proposed section are better aligned for inclusion in Part I.C. In addition, the Joint Trades are offering additional comments on item iv) radioactive tracers (see next comment).
Part I.A.1.b.iv	iv) Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. Permittees must obtain separate authorization from NRC in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit or for any other disposal of such materials.	The Joint Trades agree with EPA that nothing in this permit shall be construed to circumvent any applicable requirements imposed by the Nuclear Regulatory Commission (NRC) for the discharge of radioactive materials under the Atomic Energy Act. See 42 U.S.C. § 2012; see also 40 CFR § 122.2 (excluding radioactive materials regulated under the Atomic Energy Act from the definition of "pollutant."). However, the language of the draft permit relating to radioactive materials under the jurisdiction of the Nuclear Regulatory Commission (NRC) could be interpreted as prohibiting all discharges of radioactive materials absent an explicit grant of authorization to the operator from the NRC. Accordingly, the Joint Trades recommend adding the following language to clarify that the NRC require NRC licensees to obtain authorization. *Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC) not authorized for discharge under an NRC License (if required): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. N R C licensees ~~Permittees~~ must obtain separate authorization from NRC, if required, in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit ~~or for any other disposal of such materials.~~ Compliance with this limitation must be achieved within two years after the*

Section	2022 Proposed Permit Language	Joint Trades Comments
		effective date of this permit. This is important as third-party vendors hold the NRC license for use of radioactive tracers, not the operators. The Joint Trades are committed to working with these vendors to understand what steps, if any, need to be taken for NRC to authorize discharges of radioactive materials. The Joint Trades further note that EPA's past consideration of radioactive tracers weighs strongly against an outright prohibition against their discharge. For example, EPA "examined [radioactive tracer discharges] in the process of issuing National Effluent Limitations Guidelines and in our permit development." See Attachment B Letter from S. Wilson dated August 19, 2003 for more information. EPA's current proposal to prohibit the discharge presents no information to counter their own 2003 determination. (See also Avanti Corporation, *Ocean Discharge Criteria Evaluation for the NPDES General Permit for the Western Gulf of Mexico OCS, EPA Contract No. 68-C9-0009 Work Assignment S-4-49(P), Task 161*, prepared for USEPA Region 6, Dallas TX Dated August 9, 1993.) In preparation for the 2012 Permit Renewal, EPA proposed language requiring radioactive tracers to be separated from TCW and Produced Water discharges and sent to shore for disposal. In a letter from OOC to Mr. Isaac Chen, EPA Region 6 Permit Writer, dated December 15, 2011, OOC provided comments to strike the proposed language. As explained in this letter, excerpts of which are provided below, it would be prohibitively expensive and time consuming to filter these tracers from produced water, an undertaking not justified given the trivial levels of tracers present in the produced water. Mr. Chen agreed and the proposed language was not included in the final Permit, effectively approving discharge of radioactive tracers. EPA again considered and approved discharge of radioactive tracers in the 2017 NPDES Permit. Specifically, during the 2017 permit renewal process,

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Section	2022 Proposed Permit Language	Joint Trades Comments
		the OOC requested that EPA add the following language, underlined and in red, to the Miscellaneous Discharge section: "Mud, Cuttings, and Cement (including tracers) at the seafloor." OOC explained its rationale for this request as follows: *Being able to identify top of cement (TOC) behind a wellbore casing can sometimes be challenging given current (acoustic) cement evaluation logging technology. By being able to run tracers detectable by logging tools, the technical limits of acoustic logging tools are bypassed, thus allowing the operator another option that may more clearly identify TOC and ensure the cemented casing meets technical and HSE requirements for the well. The tracer in question would be a very small quantity (~ 1 mCi) of Sc-46 embedded in inert beads suspended in a gel (~1 cup by volume total), placed in the first 50 bbls of cement pumped (and so may extrude to sea floor for top hole casings). Sc-46 decays by beta emission (with detectable gamma), with a half-life of ~84 days (so effectively gone after 5 half-lives or 420 days). The beads will not float or disperse, rather we expect they will be encapsulated into the cement slurry as it solidifies (over 12-24 hours at the sea floor). Sc-46 beta emissions travel distance in water is estimated at 0.11 cm. The tenth thickness in concrete for the gamma emissions is 16 cm. Given these small distances, along with short half-life and cement encapsulation, we would not expect significant ecological risk from this tracer.* EPA accepted OOC's proposed language and added it to the current permit, which reads "Muds, Cuttings, and Cement (including cement tracer) at the Seafloor." The radioactive tracers used in fracturing are the same as used in cementing, discussed above. They are tiny beads, similar in size to a proppant grain, which are injected to the slurry stream at a very low concentration while pumping the frac. The primary reason that radioactive

Section	2022 Proposed Permit Language	Joint Trades Comments
		tracers are added to the frac slurry is to confirm the presence of an annular pack of proppant around the screens. Frac height confirmation is a secondary benefit of the tracers in sand control wells. In wells requiring sand control—which include most Gulf of Mexico wells—the proppant pack around the screens acts as an additional filter preventing sand production and protecting the integrity of the screens, tubulars and facilities. Without a complete proppant pack in place around the screens, the screens can quickly erode compromising screen integrity. The sand and proppant produced after the screens are compromised erode tubulars and facility piping. It can also foul the safety valve and subsea tree valves making them non-functional. Thus, the use of radioactive tracers in the frac slurry is important to the integrity and safety of the well. Given the above—i.e., EPA's prior determinations, the proppant's small size, the viscous matrix used to convey the proppant, and the expected trivial loss to produced water due to the well bore screen—USEPA should not prohibit discharge of insignificant levels of radioactive tracers. Should EPA intend to prohibit discharge of radioactive tracers, OOC requests: 1. EPA demonstrate a cost/benefit analysis for requiring a prohibition of the discharge of radioactive tracers. 2. OOC proposes the following language be added to this section of the permit: "Compliance with this limitation must be achieved within two years after the effective date of this permit." **Additional background information:** Radioactive Tracers in Proppants Background (edited from OOC letter to Mr. Isaac Chen dated December 15, 2011): *Propping agents are like grains of sand in size (< 600 microns typically). Proppants or solids introduced into a gravel pack or fracture job are not themselves radioactive. Proppants are generally man made and composed of ceramic material. Occasionally a gravel pack may be tagged with a weak radioactive isotope in order to determine what the extent of the fracture height is. This isotope is*

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		added to the main portion of the fluid which may or may not contain proppant [OOC realizes that the August 1, 2011, submittal to EPA was not clear on how trace radioactive materials were added to the proppant- the fluid is dosed with the tracer; radioactive material is not physically added into the proppant grains.]. For well completion applications the base fluid is viscosified with an organic biodegradable polymer and a chemically inert propping agent which is incorporated at varying concentrations. This slurry is pumped down the work string and hydraulically forced into the production zone. Any excess slurry is reversed out of the work string and returned to the surface. Pending a passing static sheen and oil and grease test, the slurry is discharged (if it does not contain priority pollutants above trace amounts). Once placed in the formation, the proppants will be retained therein by the well screen. This screen is of critical importance for sand control (to prevent excess erosion of piping which could result in a loss of hydrocarbon containment). The only proppant that is discharged is proppant which remains in the work string (tubing used to channel the proppant slurry to the formation face). As noted above this mixture is a very viscous gel (highly cross-linked). Because of this, separation of the proppant from this well fluid is not feasible without extensive or time-consuming treatment. *This prohibition could also impact produced water discharges. Proppants may be returned with produced water. As discussed above, proppant application is into the formation, and prevented from return with the oil/gas by use of screens across the producing zones. As such, proppant levels in produced water will be trivial. Data from one major operator indicates that produced water discharged overboard contain relatively low volumes (approximately 25ppm) of solids with an average (D50) particle size of 25 micron based on limited sampling at a major platform in the Gulf. The Effluent Guidelines (Table IX-12) indicates solids loading on the order of*

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		13.38-74.72 ug/l. Filtration of produced waters just prior to overboard discharge would require installation of suitable pumping capacity and elevated deck sections to accommodate the additional equipment and space for operator intervention and maintenance. Existing assets lack open deck space to accommodate this equipment. Filtration of produced water can be very problematic given oil has a "stickiness" property which would bridge over in time the filter screens requiring a solvent wash or steam cleaning. An initial estimate to filter a 10,000 bwpd produced water stream to < 600 micron solids was made. The cost for engineering, filtration and pumping equipment would be on the order of $750,000 [2011 estimate]. *The cost for structural steel and offshore installation may require as much as 5000-man hours and cost an estimated $4 million dollars* [2011 estimate]. *It is estimated to take 24 weeks to procure the required equipment. Additional time would be required for conducting the engineering on the facility to address weight, space and safety classification issues. Assuming this cost, given there are approximately 800 platforms* [2011 estimate] *discharging produce water, this yields a total industry cost of approximately $3,800,000,000* [2011 estimate]. *Finally, the solids recovered from the filtration system would have to be disposed onshore.* *The above is a rough estimate made in the limited time available. However, it does indicate that addition of filtration equipment to produced water streams is a significant undertaking in the offshore environment. As such, OOC feels it is difficult to justify such systems given the small chance some proppant grains/radioactive tracer particles are returned with the produced fluids. OOC notes that sand loss control is a critical design concern for a well as sand can erode piping and valves and result in loss of containment of the hydrocarbons. As such, great care is taken to ensure even fine grain sands/solids do not exit the formation. Certainly, very fine solids can and do come out and up into the topsides equipment.; However,*

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		weight and space limitations make the addition of solids separating equipment quite challenging.
Part I.A.2	A Notice of Intent (NOI) must be filed in advance to cover specific discharges prior to commencement of specified discharges. The primary operator must file an electronic Notice of Intent (eNOI) for discharges directly associated with oil/gas exploration, development, or production activities to be covered by this permit. A separate eNOI is required for each facility and that eNOI shall include all discharges controlled by the primary operator. Other operators or vessel operators must file an eNOI to cover discharges which are directly under their controls but are not covered by eNOIs filed by the primary operator. In a case-by-case circumstance, the primary operator may require day-to-day or vessel operators to file their own eNOIs for dual coverage. Individual coverage by this permit becomes effective when a complete eNOI is signed and submitted. Once an eNOI has been accepted for coverage a Permitted Feature ID numbers will be assigned.	The Joint Trades recommend the following revised language: *Once an eNOI has been accepted for coverage a ~~Permitted Feature ID~~ Structure ID number will be assigned.* **Rationale**: It is our understanding the Permitted Feature ID and Structure are synonymous and the terminology used in the permit should be consistent with the reporting systems.
Part I.A.2	A facility means either an exploratory facility, a development facility, or a production facility as defined in Part II.G of the permit. All well heads and infrastructures connected to the facility shall be considered parts of the host facility. For clarification purposes, following conditions apply: Note 1: A separate eNOI is required for each facility, and that eNOI shall include all discharges associated with that facility controlled by the primary operator. Note 2: An eNOI filed for a drilling vessel is valid for different drilling jobs within the same lease block from the originally filed location if drilling jobs are performed for the same designated operator. (Note: eNOI update is required to reflect well locations and associated information.) A separate eNOI is required for drilling jobs not within the same lease block, and/or if the Mobile Offshore Drilling Unit or drilling vessel moves to a new lease block. Note 3: While a drilling vessel is located in the leasing block permit area between drilling jobs, it may file an eNOI for coverage.	The Joint Trades recommend the proposed permit language be modified as follows: *A facility means either an exploratory facility, a development facility, or a production facility as defined in Part II.G of the permit. All well heads, pipelines, jumpers, and associated infrastructure connected to the facility shall be considered parts of the host facility, even where such infrastructure crosses lease block boundaries. For clarification purposes, following conditions apply:* *Note 1: A separate eNOI is required for each facility, and that eNOI shall include all discharges associated with that facility controlled by the primary operator.* *Note 2: An eNOI filed for a Mobile Offshore Drilling Unit or ~~drilling~~ vessel is valid for different well ~~drilling~~ jobs within the same lease block ~~from the originally filed location~~ if well ~~drilling~~ jobs are performed for the same designated operator. (Note: eNOI update is required to reflect well*

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		locations and associated information.) A separate eNOI is required for well ~~drilling~~ jobs not within the same lease block, and/or if the Mobile Offshore Drilling Unit or ~~drilling~~ vessel moves to a new lease block. **Rationale**: The recommended revised language provides additional clarity on the types of equipment and infrastructure associated with a host facility and provides additional context for the regulated community to understand the intent of the permit. In addition, the revised language in Note 2 broadens the types of operations a MODU or vessel may undertake. The term "drilling" does not address well completions, treatment, intervention or decommissioning operations.
Part I.A.2	Operators who filed eNOIs under the previous permit, issued on September 30, 2017, will be authorized to discharge by this reissued permit without submittal of an NOI up to 60 days after the effective date of the reissued permit. Operators must submit a new eNOI within 60 days of the effective date of the reissued permit, to retain coverage after that time. During any time the eNOI system is unavailable, operators may submit a short NOI via email to the Offshore Specialist or paper NOI via mail to: U.S. Environmental Protection Agency, Region 6 Water Enforcement Branch (ECD-WE) ATTN: Offshore Specialist 1201 Elm Street, Suite 500 Dallas, Texas 75270 The email/paper NOI shall include information a) through f) listed below. EPA will consider disruptions in both the eNOI and elecNOI registration systems (including waiting on EPA personnel to resolve issues) to fall under the meaning of the system being unavailable and thus allow the use of temporary NOIs if necessary. An email or a written and signed paper NOI mailed to EPA will be accepted as temporary coverage based on the postmark/email date. The temporary NOI is good for 14 days, unless an extension is granted by the Director. Official eNOIs shall be filed within 14 days of submitting a temporary NOI. EPA may deny an NOI	The Joint Trades offer the following suggested revisions to the proposed permit language: *Operators who filed eNOIs under the previous permit, issued on September 30, 2017, will be authorized to discharge by this reissued permit without submittal of an NOI up to 60 days after either the effective date of the reissued permit or the date the eNOI system is available (whichever is later). Operators must submit a new eNOI within 60 days of the effective date of the reissued permit, to retain coverage after that time.* *An email or a written and signed paper NOI mailed to EPA will be accepted as temporary coverage based on the postmark/email date. The temporary NOI is good for 14 days, unless an extension is granted by the Director. Official eNOIs shall be filed within 14 days of submitting a temporary NOI. If the eNOI system remains unavailable, the temporary NOI coverage will be extended to 14 days after the system becomes functional. EPA may deny an NOI within 45 days after the filing. All NOIs shall include the following information:*

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	within 45 days after the filing. All NOIs shall include the following information:	**Rationale**: The Joint Trades are requesting the change in the rare instance where the eNOI system is unavailable for an extended period of time, the permit should contain language to address such a situation. The Joint Trades respectfully request that EPA hold workshops in both Houston and New Orleans for the new eNOI system that are specific to the Region 6 OCS permit and reiterate there be a transitional period to assure the system is fully operational before its use becomes a requirement.
Part I.A.2	a) the legal names, company number and contact information of the designated operator registered with the Bureau of Ocean Energy Management (BOEM) or the Bureau of Safety and Environmental Enforcement (BSEE); b) the legal name, company number and contact information of the operator who files the eNOI; c) the permit number previously assigned to the operator; d) the lease block (including state tract) code and number assigned by BOEM/BSEE; e) the name and/or identification (BSEE Complex ID/API Number) and location including geographic coordinates (latitude and longitude) of the facility owned or operated by the operator; f) the types of discharges and associated sources (facilities or wells) under the control of the operator; g) expecting/actual drill/discharge commence date and well locations; h) the range of depth of water within the operation area or the estimated sea depths at wells; i) new facilities (defined as facilities for which construction was commenced after July 17, 2006): design intake capacity (million gallons per day as MGD) of each cooling water intake structure (CWIS), the maximum designed intake through-screen velocity (feet per second as ft/s) of each CWIS, and the percentage (%) of total intake water used for cooling purpose; (Note: A new facility which has designed intake capacity >= 2 MGD must have designed intake through-screen velocity <= 0.5 ft/s to be eligible for coverage under this general permit.) (Note: The operator shall keep the	The Joint Trades recommend the proposed permit language in item l) be modified as follows: *l) any other information included in the eNOI to identify the nature and location of each discharge being authorized and any co-permittees, if applicable. ~~For each separate discharge point, the location volume and nature of the discharge.~~* **Rationale**: This change is recommended because the location, volume and nature of a discharge may change over time. In addition, item f) requires the operator to list the types of discharges (similar to nature of discharge) expected from the facility and item e) requires BSEE Complex ID/API Number and geographic coordinates (location). Not all authorized discharges listed in the permit have limitations or monitoring requirements related to discharge volume. For those permitted discharges that have requirements regarding discharge volume that information will be reported to EPA on an ongoing basis as stipulated by the permit.

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	record of detailed descriptions, calculations and drawings on site available for inspection, instead of submittal to EPA.) j) whether or not the operator's activities are located in a lease block either in or immediately adjacent to "no activity" areas or require live bottom surveys; k) whether the NOI is being submitted to transfer coverage due to a merger or acquisition and if so, the identification of the affected parties, timing of the transfer of operational control, and confirmation that notice had been submitted to EPA; and, l) any other information included in the eNOI to identify the nature and location of each discharge being authorized and any co-permittees, if applicable. For each separate discharge point, the location volume and nature of the discharge.	
Part I.A.2	Permittees are required to make timely updates to the eNOI. Any change in name, location, address, contact or contact information must be updated within 30 days of the change.	The Joint Trades offer the following suggested edits to this paragraph: *Permittees are required to make timely updates to the Operators NPDES ID section in EPA's CDX system ~~eNOI~~. Any change in name, address, contact or contact information must be updated within 30 days of the change.* **Rationale:** The Joint Trades request that this section clarify the updates to be made to the Operators NPDES ID section in EPA's CDX system for contact information changes being that the CDX system is the repository for name, address, or contact information requested.
Part I.A.2	Please visit https://usepa.servicenowservices.com/oeca_icis for eNOI/eNOT instructions.	The Joint Trades recommend that EPA ensure this link is functioning prior to the issuance of the final permit.
Part I.A.4	a) During the initial term of permit: : The new operator shall submit an NOI prior to taking operational control and the old operator shall submit a NOT (for all lease areas/blocks as well as their NPDES permit number. Final DMRs shall also be submitted) within 60 days of receiving confirmation that the new permittee has submitted the NOI.	The Joint Trades recommend the proposed language in paragraph a) be changed as follows: *a) During the initial term of permit: The surviving company of a merger between two offshore companies shall submit an NOI (or NOIs) prior to taking operational control. The company that will no longer operate shall submit a NOT within 60 days of relinquishing*

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		operational control. The company that will no longer operate shall also submit final DMRs within 60 days of their NOT date(s). **Rationale**: The proposed language creates unnecessary burden on the regulated community because the information requested in the proposed language is duplicative of the information provided in the NOI. In addition, linking the submission of an NOT for one operator to the submittal of an NOI for another operator ties permit compliance for one operator to another. The operator relinquishing operational control of a facility has no control over whether the company acquiring the facility will submit the required NOI. Therefore, the relinquishing company cannot achieve compliance independently and must rely on the acquiring company. Furthermore, the date that operational control is transferred between two companies is a logical date, negotiated between the two parties, which should drive submission of NOIs and NOTs. In addition, the date of transfer of operational control should also be the date when any non-compliances would begin once the surviving company assumes operational control.
Part I.A.4	b) Companies involved in a merger must also submit a written and signed agreement between the companies identifying: the names of the two offshore companies and their assigned NPDES permit number; the agreement between the two companies for the merger; the effective date of the merger; the lease area(s)/block(s) involved in the merger; the surviving company name; the surviving NPDES permit number; and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:	The Joint Trades recommend striking the proposed language: ~~*b) Companies involved in a merger must also submit a written and signed agreement between the companies identifying: the names of the two offshore companies and their assigned NPDES permit number; the agreement between the two companies for the merger; the effective date of the merger; the lease area(s)/block(s) involved in the merger; the surviving company name; the surviving NPDES permit number; and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:*~~ **Rationale**: The proposed language creates unnecessary burden on the regulated community because the information requested in the proposed language is duplicative of the information provided in the NOI and NOT as listed in section 4.a. Furthermore, the date that operational control is transferred between two companies is a logical date, negotiated between

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		the two parties, which should drive submission of NOIs and NOTs. In addition, the date of transfer of operational control should also be the date when any non-compliances would begin once the surviving company assumes operational control.
Part I.A.4	c) During any "administratively continued" term of the permit following the indicated expiration date: The new operator shall submit an NOI at least 30 days prior to taking operational control and the old operator shall submit a NOT within 60 days of receiving confirmation that the new permittee has submitted the NOI. The new operator shall submit a written agreement between the new and old permittees concerning the date of the transfer of permit responsibility, coverage, and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:	The Joint Trades recommend the proposed permit be changed as follows: *During any "administratively continued" term of the permit following the indicated expiration date: The new operator shall submit an NOI at least 30 days prior to taking operational control and the old operator shall submit a NOT within 60 days of relinquishing operational control. ~~receiving confirmation that the new permittee has submitted the NOI. The new operator shall submit a written agreement between the new and old permittees concerning the date of the transfer of permit responsibility, coverage, and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:~~* **Rationale**: The proposed language creates unnecessary burden on the regulated community because the information requested in the proposed language is duplicative of the information provided in the NOI. Furthermore, the date that operational control is transferred between two companies is a logical date, negotiated between the two parties, which should drive submission of NOIs and NOTs. In addition, the date of transfer of operational control should also be the date when any non-compliances would begin once the surviving company assumes operational control.
Part I.A.4	NOTE: Each company must collect and report their own samples. Samples from a company transferring coverage cannot be used by the receiving company. Transfer of coverage can be for a single lease area/block of multiple lease areas/blocks. Transfer of coverage during "Administratively Continued" status can only occur when the company who is transferring their coverage obtained that coverage on or before midnight of when the previous permit expired. The written and signed agreements shall be sent to the following address: U.S. Environmental Protection Agency, Region 6	The Joint Trades recommend that the following text be removed from the permit: *~~NOTE: Each company must collect and report their own samples. Samples from a company transferring coverage cannot be used by the receiving company. Transfer of coverage can be for a single lease area/block of multiple lease areas/blocks. Transfer of coverage during "Administratively Continued" status can only occur when the company who is transferring their coverage obtained that coverage on or before midnight of when the previous permit expired.~~*

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	Water Enforcement Branch (ECD-WE) ATTN: Offshore Specialist 1201 Elm Street, Suite 500 Dallas, Texas 75270	**Rationale**: The information listed in the "NOTE" is important for the regulated community to understand. However, the Joint Trades recommend that this information be included in guidance and/or instructions that support implementation of the permit requirements.
Part I.A.5	Note that if the 2022 permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (see 40 CFR 122.6) and remain in force and effect for operators that were covered prior to its expiration. All operators authorized to discharge prior to the expiration date of the 2022 permit will automatically remain covered under the 2022 permit until the earliest of: a) The date the operator is authorized for coverage under a new version of the permit following the timely submittal of a complete and accurate NOI. Note that if a timely NOI for coverage under the reissued or replacement permit is not submitted, coverage will terminate on the date that the NOI was due; or b) The date of the submittal of a Notice of Termination; or c) Issuance of an individual permit for the facility's discharge(s); or d) A final permit decision by EPA not to reissue the permit, at which time EPA will identify a reasonable time period for covered operators to obtain coverage under an alternative general permit or an individual permit. Coverage under the 2022 permit will terminate at the end of this time period.	The Joint Trades recommend adding the following: *Note that if the 2022 permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (see 40 CFR 122.6) and remain in force and effect for operators that were covered prior to its expiration. Operators with existing coverage may continue to submit NOIs during the period the permit is continued. All operators authorized to discharge prior to the expiration date of the 2022 permit will automatically remain covered under the 2022 permit until the earliest of:* **Rationale**: As proposed, the existing General Permit will be administratively continued for existing facilities if there is a delay, but discharges from new facilities and operations may not be covered under the existing permit (e.g., discharges from new drilling, completion, and abandonment operations and from new oil and natural gas platforms); therefore, those facilities and activities may need to obtain separate coverage for those associated discharges via a lengthy individual permit application. Furthermore, an administrative continuance of the General Permit could result in delays or cancellations of new projects and may further delay delivery of existing and planned energy resources to the market and the American people. To avoid these consequences, the Joint Trades request the addition of the above language clarifying that EPA will continue processing new Notices of Intent for coverage for new lease areas under the administrative continuance until the renewed General Permit becomes effective. This would allow the Agency time to carefully consider all comments and provide permittees the confirmation needed to continue to plan and execute necessary activities.

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		With 15% of U.S. oil production coming from the U.S. Gulf of Mexico, any disruption in that production or future development could be detrimental to an already imbalanced supply and demand market.
Part I.B.3.a	Free Oil. No free oil shall be discharged, as determined by the visual sheen method on the surface of the receiving water. Monitoring shall be performed daily when discharging, during conditions when an observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge, and the facility is manned. If a sheen is observed at other times, in addition to the required daily monitoring, it must be recorded. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.* **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
Part I.B.4.a	Toxicity. Toxicity shall be assessed through a 7-day chronic Whole Effluent Toxicity (WET) test in accordance with *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms* (EPA/821-R-02- 014), or the most current edition. In order to be in compliance with a WET limit, the No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Appendix D, Table 1 (1-A through 1-F) of this permit. The critical dilution to be used for each calendar year shall be determined during the month of December using Table 1 in Appendix D of this permit and is based on the highest estimated monthly flow rate recorded during the previous 12-months, discharge pipe diameter, and water depth between the discharge pipe and the bottom. The critical dilution shall be calculated when this permit becomes effective, using the previous 12 months, until recalculated in December and every end of calendar year thereafter.	The Joint Trades recommend EPA continue to use the language contained in the 2017 permit: *The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the highest monthly average discharge rate for the three months prior to the month in which the test sample is collected, discharge pipe diameter, and water depth between the discharge pipe and the bottom.* Alternatively, if EPA has rationale for discharge rate to be moved from three months prior to calendar year prior; the Joint Trades request revisions to the proposed permit language: *The critical dilution to be used for each calendar year ~~shall be determined during the month of December~~ using Table 1 in Appendix D of this permit and is based on the highest estimated monthly flow rate recorded during the previous calendar year ~~12-months~~, discharge pipe diameter, and water depth between the discharge pipe and the bottom.*

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		The critical dilution shall be calculated when this permit becomes effective, using the previous calendar year. ~~12 months, until recalculated in December and every end of calendar year thereafter.~~ **Rationale**: The Joint Trades are requesting rationale from EPA for discharge rate to be moved from three months prior to calendar year prior. If language is moved to calendar year, the Joint Trades are requesting the language change to this section of the permit to provide clarity. Replacing "12 months" with calendar year will prevent operators from making varying interpretations and will help answer the following questions: Did EPA intend for a calendar year or rolling 12-month period from month sampled? If this is to be done in December, does the Operator include December since the month is not complete?
Part I.B.4.b	Oil and Grease. Samples for oil and grease monitoring shall be collected and analyzed a minimum of once per month. If a sheen is observed during the required daily monitoring, the operator must record the sheen and assess the cause of the sheen. In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease. The sample type for all oil and grease monitoring shall be grab or a composite which consists of the arithmetic average of the results of four (4) or more grab samples collected at even intervals during a period of 24-hours or less. The operator must keep records of findings and make the record available for inspector's review. The operator must report number of days of sheen observed during the reporting period. Oil and grease samples collected for any sheen event must be included in the monthly average on DMRs. If only one sample is taken for any one month, it must meet both the daily maximum and monthly average limits. Samples for oil and grease monitoring shall be collected prior to the addition of any seawater to the produced water waste stream. The analytical method is that specified at 40 CFR Part 136.	The Joint Trades offer the following suggested revisions to the proposed permit language: *Oil and Grease. Samples for oil and grease monitoring shall be collected and analyzed a minimum of once per month. ~~If a sheen is observed during the required daily monitoring, the operator must record the sheen and assess the cause of the sheen.~~ In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease.* *~~The operator must keep records of findings and make the record available for inspector's review. The operator must report number of days of sheen observed during the reporting period.~~ Oil and grease samples collected for any sheen event must be included in the monthly average on DMRs.* **Rationale**: The proposed permit contains both a section dedicated to produced water oil and grease limitations and another section for produced

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		water visual sheen requirements. It appears that the intent is to delineate the sampling and analytical component in the oil and grease section while defining the monitoring/recordkeeping obligations related specifically to sheens in the visual sheen section. Since the passages referring to sheen recording, recordkeeping, and cause identification are already included in the visual sheen portion, the Joint Trades recommend removing the duplication from the oil and grease section. The requirement listed in the oil and grease section to collect produced water samples within two (2) hours of observing a sheen is pertinent to the sampling and analytical portion of the produced water requirements and should remain in this section.
Part I.B.4.b	Toxicity. Flow must be analyzed at the end of each calendar year (December). The flow used to determine the frequency of toxicity testing for the following calendar year shall be the highest estimated monthly flow rate recorded during the previous 12-months. The required frequency of testing shall be determined as follows: Discharge Rate — Toxicity Testing Frequency 0 - 4,599 bbl/day — once per calendar year 4,600 bbl/day and above — once per calendar quarter	The Joint Trades recommend maintaining the language contained in the 2017 permit: *Toxicity. The flow used to determine the frequency of toxicity testing shall be the highest monthly average flow for the three months prior to the month in which the test sample is collected.* Alternatively, if EPA has rationale for discharge rate to be moved from three months prior to calendar year prior, the Joint Trades request revisions to the proposed permit language: *Toxicity. Flow must be analyzed at the end of each calendar year ~~(December)~~. The flow used to determine the frequency of toxicity testing for the following calendar year shall be the highest estimated monthly flow rate recorded during the previous calendar year ~~12-months~~. The required frequency of testing shall be determined as follows:* **Rationale**: The Joint Trades are requesting rationale from EPA for discharge rate to be moved from three months prior to calendar year prior. If language is moved to calendar year, the Joint Trades are requesting the language change in this section of the permit to provide clarity. Replacing

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		"12 months" with calendar year will prevent operators from making varying interpretations and will help answer the following questions: Did EPA intend for a calendar year or rolling 12-month period from month sampled? If this is to be done in December, does the Operator include December since the month is not complete?
Part I.B.4.b	New discharges must perform initial toxicity tests as required by this permit within three months after discharge begins and continue on the appropriate calendar quarter or calendar year based on the highest monthly flow rate available.	The Joint Trades recommend revising the permit text as follows: *New discharges must perform initial toxicity tests as required by this permit within three months after discharge begins and continue on the appropriate calendar quarter or calendar year based on the highest monthly discharge rate available.* **Rationale**: Adding the word "discharge" as noted above provides additional clarity.
Part I.B.4.b	Existing dischargers under the 2017 permit shall commence testing schedules in the 2022 permit as of the effective day of this permit. If the permittee qualified to monitor produced water toxicity at the reduced frequency of once per year under the 2017 permit, the required monitoring frequency shall remain at once per year as long as the discharge is compliant with the toxicity limits. Results of testing for any overlapping monitoring period that were done during the previous permit may also be used to satisfy that monitoring period under the 2022 permit. Flow rate for the purpose of determining the frequency of testing and critical dilution of the next calendar year shall be analyzed in the month of December following issuance of this permit.	The Joint Trades offer the following suggested revisions to the proposed permit language: *Results of testing for any overlapping monitoring period that were done during the previous permit may also be used to satisfy that monitoring period under the 2022 permit. ~~Flow rate for the purpose of determining the frequency of testing and critical dilution of the next calendar year shall be analyzed in the month of December following issuance of this permit.~~* **Rationale**: If the permittee qualified to monitor produced water toxicity at the reduced frequency of once per year under the 2017 permit, the required monitoring frequency should remain at once per year as long as the discharge is compliant with the toxicity limits. Determining toxicity testing frequency for new discharges or existing discharges on a reduced monitoring period is covered in those respective sections of the permit. The Joint Trades are requesting to remove duplicate information from this section.
Part I.B.4.b	A minimum of three (3) samples shall be collected as grabs or composites. Test	The Joint Trades recommend revising the proposed text as follows:

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	Acceptability Criteria and reporting requirements can be found in Part I.D.3 of this permit.	*~~A minimum of three (3)~~ Samples shall be collected as grabs or composites. Test Acceptability Criteria and reporting requirements can be found in Part I.D.3 of this permit.* **Rationale**: EPA has not provided a justification for proposing that a "minimum of three samples" is necessary. Increasing the number of samples and, by default, the volume of samples introduces additional operational complexity; most notably increased weight for transport on helicopters. Larger sample volumes will also increase the amount of laboratory waste for disposal. Increasing waste volumes is in conflict with the regulated community's sustainability principles to reduce wastes as much a practical. As an alternative, if EPA does not accept continuing to allow single grab samples for testing, the Joint Trades recommend that EPA adopt the following sampling methodology: • Discharges 24 hours or less in duration: 1 grab sample is required. • Discharges more than 24 hours in duration: 3 aliquots are required captured at evenly space time intervals over a 24 hour period or less. It is also important for EPA to include language in the permit that clarifies when sample holding times begin. Adding the following statement to the permit would provide additional clarification: *As described in the National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, time of sample collection (holding time) begins when the last aliquot is dispensed into the composite sample container.* Source: https://www.epa.gov/sites/default/files/2017-03/documents/npdesinspect-chapter-05.pdf

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Part I.B.4.b	Visual Sheen. The permittee shall monitor free oil using the visual sheen test method on the surface of the receiving water. Monitoring shall be performed daily when discharging, during conditions when observation of a sheen on the surface of the receiving water is possible in the vicinity of the discharge, and when the facility is manned. If a sheen is observed in the course of required daily monitoring, or at any other time, the Operator must record the sheen and assess the cause of sheen. In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease. The sample type for all oil and grease monitoring shall be grab or a composite which consists of the arithmetic average of the results of four (4) or more grab samples collected at even intervals during a period of 24- hours or less. The operator must keep records of findings and make the record available for inspector's review. The operator must report total number of days of sheen observed during the reporting period.	The Joint Trades offer the following suggested revisions to the proposed permit language: *The permittee shall monitor free oil using the visual sheen test method on the surface of the receiving water. Monitoring shall be performed daily when discharging, during conditions when observation of a sheen on the surface of the receiving water is possible in the vicinity of the discharge, and when the facility is manned. If a sheen is observed in the course of required daily monitoring, or at any other time, the Operator must record the sheen and assess the cause of sheen. ~~In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease. The sample type for all oil and grease monitoring shall be grab or a composite which consists of the arithmetic average of the results of four (4) or more grab samples collected at even intervals during a period of 24- hours or less.~~ The operator must keep records of findings and make the record available for inspector's review. The operator must report total number of days of sheen observed during the reporting period.* **Rationale**: The proposed permit contains sections dedicated to oil and grease and another for Visual Sheen. It appears that the intent is to delineate the sampling and analytical component in the oil and grease section while defining the visual monitoring/recordkeeping obligations related specifically to sheens in the visual sheen section. Since the passage referring to collection of produced water samples within two (2) hours of observing a sheen is already included in the oil and grease section, the Joint Trades recommend removing the duplication from the visual sheen section.
Part I.B.6.a	Free Oil. No free oil shall be discharged. Monitoring shall be performed using the static sheen test method daily when discharging and the facility is manned. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows:

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		The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit. **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
Part I.B.6.a.1.a 48-Hour Acute WET Limitation	Toxicity shall be assessed through a 48-hour acute Whole Effluent Toxicity (WET) test in accordance with *Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms* (EPA/821-R-02-012), or the most current edition. The acute test is to be conducted using *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs), and *Menidia beryllina,* Method 2006.0. The WET limit applies to both species. In order to be in compliance with the WET limit, the No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Appendix D, Table 1 (1-A through 1-F) of this permit. The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the estimated flow rate when the discharge occurs, discharge pipe diameter, and water depth between the discharge pipe and the bottom. A WET test must be conducted per discharge, and the limit applies to every discharge.	The Joint Trades are recommending 3 options for EPA to consider regarding 48-Hour Acute WET Limitations for TCW fluids. Those options, in order of priority, are: 1. Removal of the limitations from the permit, or 2. Modify the limitation to a monitoring requirement and allow 1 sample to accommodate both 48-hour acute testing and 7-day chronic testing, or 3. Adding a compliance implementation period for the limitation and clarifying on how discharge rates are determined Each option is discussed below. **1. Removal of the limitations from the permit** A 48-hour Acute WET limitation for TCW fluids is not appropriate and the Joint Trades strongly recommend that this requirement be removed from the permit. The industry wide TCW fluid toxicity study forms the basis for this recommendation. The study concluded that several factors limit the potential for aquatic toxicity risks, including: • TCW fluid discharges are typically of short duration. 75% of the discharges sampled during the study were less than 2 hours in duration (median discharge time was 1-hour). A 48-hour test exposure is extremely conservative is not representative of the behavior of these discharges in the marine environment.

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		• TCW fluid discharges are small volumes. TCW fluid discharges are estimated to be 0.01% of produced water discharge volumes. • Of the substances evaluated during the study, no concentration was greater than conservative acute saltwater ecological thresholds. TCW fluids do not pose an unreasonable risk to the aquatic environment, and additional WET testing does not provide any added environmental benefit. Implementation of WET testing requirements increases operational complexity and risk. Some of the operational considerations include: • Increases in onshore waste volumes from fluids that may no longer be discharged. • Safety risks increase due to increased material handling and transfer of fluids. • Potential for increased risk for human exposure pathways due to waste being disposed of onshore. • Increases in GHG emissions due to increased vessel and ground transportation. • Burden on lab operations, impacting lab capacities and availability for testing, increase in testing materials/equipment, and increase in consumption of animals/organisms during testing. Currently, there are only 2-3 laboratories on the Gulf Coast that are capable of performing this type of WET testing. • Offshore operations have unique challenges in meeting WET test hold times. Experience from the industry-wide study shows that holding times required by the WET test method are extremely difficult and sometimes impossible to meet. Implementation of 48-hour WET testing for TCW fluids will result in added cost and burden to the regulated community in the form of "special order" flights and ground transportation. • Implementation of 48-hour testing significantly increases compliance uncertainty. Most TCW fluid discharges will have concluded before the sample reaches the laboratory. In the event of a sample not meeting

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		the toxicity limits there will be nothing for an operator to do to take corrective action (the discharge will be over). This uncertainty will likely result in many operators choosing not to discharge the fluids. In essence, EPA is establishing a "de facto" zero discharge limitation on these fluids. In addition, as noted the industry-wide study report, the critical dilutions listed in Appendix D Table are overly-conservative for assessing TCW fluid discharges. The industry-wide TCW fluid toxicity study concluded the following: "Recognizing that the median duration of the sampled TCW discharges was 1-h, a series of toxicity tests using a 2-h exposure was performed. These tests showed that toxicity for 2-h exposures was generally less than toxicity in 48-h exposure tests. This suggests that, since TCW discharges are of short duration, a comparison of a 48-h NOEC with a critical effluent dilution (CD) as an indicator of potential acute toxicity has a high degree of conservatism." The conservative nature of existing Critical Dilution tables to TCW fluid discharges provides additional rationale for removing the WET testing requirements from the permit. TCW fluid discharges are not steady-state, continuous discharges. These discharges are intermittent, short duration and low volume discharges. In 2017 EPA acknowledged in their proposed permit's fact sheet that the number of available, experienced, and qualified laboratories for WET testing is limited. We agree with this statement. Given the number of TCW discharges that will require testing, the available laboratories cannot manage the volume of toxicity analyses that EPA is proposing for TCW fluids. This in turn could cause quality control issues. Laboratories only culture a limited number of test age organisms. Increasing the number of required tests in a short time frame is not possible. There are only 2-3 laboratories

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		that can perform testing on offshore oil and gas discharges. Inability to predict extended platform downtime periods (i.e., intermittent production), logistics issues for these specific monitoring and testing requirements, and weather (i.e., hurricanes and other tropical storms) can also be problematic with an increase in testing. Increasing required toxicity testing would not only increase the burden on the operator and the testing laboratories, but it will increase the operator's risk for additional missed samples resulting in administrative non-compliances. **2. Modify the limitation to a monitoring requirement and allow 1 sample to accommodate both 48-hour acute testing and 7-day chronic testing** If EPA disagrees that the 48-hour acute WET limitations for TCW fluids should be removed, then the Joint Trades recommend that EPA provide the rationale and change the 48-hour acute limitation to a 48-hour acute monitoring requirement. As discussed in section 1 above, the industry-wide study concluded that several factors limit the potential for aquatic toxicity risks, including: • TCW fluid discharges are typically of short duration. 75% of the discharges sampled during the study were less than 2 hours in duration (median discharge time was 1-hour). A 48-hour test exposure is extremely conservative is not representative of the behavior of these discharges in the marine environment. • TCW fluid discharges are small volumes. TCW fluid discharges are estimated to be 0.01% of produced water discharge volumes. • Of the substances evaluated during the study, no concentration was greater than conservative acute saltwater ecological thresholds. TCW fluids do not pose an unreasonable risk to the aquatic environment. However, data collection through additional monitoring could provide a mechanism to further validate these conclusions.

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		In addition, a monitoring requirement may also present an opportunity for EPA and industry to collaborate on developing a more appropriate test procedure that better represents how these fluids are introduced into the marine environment. A test of less than 48-hours in duration would be more representative and less conservative. Lastly, if 48-hour acute monitoring and 7-day chronic monitoring are included in the final permit, the Joint Trades recommend that EPA include language that clarifies that a single sample can be utilized to obtain both acute and chronic test results. It is more efficient, but still technically appropriate, for operators to capture one sample of a TCW discharge and set up a 7-day chronic WET test. The 48-hour acute results can be obtained on Day 2 of the 7-day test. Therefore, the Joint Trades recommend the following language be added to the final permit: *A single grab or composite sample may be obtained to satisfy both the 48-hour acute and 7-day chronic monitoring. 48-hour acute test results may be obtained from the 7-day chronic test procedure.* **3. Adding a compliance implementation period for the limitation and clarifying how discharge rates are determined** Finally, if 48 acute WET testing for TCW fluids is included in the final permit, it is imperative that a compliance implementation period be included to allow operators time to establish procedures, processes and resources to achieve compliance. The Joint Trades strongly recommend that EPA establish a schedule of compliance for implementation of the new requirements as outlined in 40 CFR 122.47. Offshore facilities subject to these new requirements may require capital upgrades (e.g., fabrication / installation of diffusers or seawater dilution systems) making immediate compliance with the new requirements impossible. Accordingly, should EPA require 48-hour WET testing, the Joint Trades request EPA include a compliance schedule of two years for permittees to determine how to

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		implement the new requirement. The Joint Trades propose the following language be added to this section of the permit: *Compliance with 48-hour Acute WET testing must be achieved within two years of the effective date of the permit.* This type of compliance implementation period would allow the regulated community to: • Train operational personnel on the new requirements, • Establish logistical plans and schedules to meet required holding times, • Identify the impacts to industry laboratories to determine what additional resources are needed to accommodate the new testing, • Allow for fabrication and installation of diffuser and/or seawater dilution systems if needed. • Allow for constructing, contracting, and/or acquisition of additional vessels capable of compliantly managing materials for disposal • Identify and plan for onshore disposal facility capacities and limitations and expansions as needed. In addition, the operational considerations listed above, a compliance implementation period will also allow the regulated community to seek alternative test procedures, if needed, under 40 CFR 136.5. During the industry-wide TCW fluids study, we learned that certain fluids may require additional stirring and be allowed to return to room temperature in order for the WET testing procedure to be executed. As noted in several other comments in this document, the Joint Trades strongly recommend EPA allow the regulated community to seek approval for alternative test procedures, if needed. A two-year implementation period will allow sufficient time for industry to determine if such procedures are needed, how test methods need to be modified and seek approval from EPA under the requirements of 40 CFR 136.5.

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		EPA granted a similar compliance implementation period for produced water chronic WET testing during the 2007 permit renewal. EPA included language in the 2007 permit that said: *Compliance with sub-lethal effects must be achieved within two years after the effective date of this permit.* The Joint Trades strongly encourage EPA to consider this type of implementation schedule for these requirements as well. Also, if the 48-hour acute testing limitations are included in the final permit, the Joint Trades recommend that EPA also add language that clarifies how flow rate used to determine critical dilutions is determined. As described above, most TCW fluid discharges are less than 2 hours in duration and are not continuous discharges. Therefore, it is important to explain how flow rate is estimated to determine the proper critical dilution. The flow rates in Appendix D Table 1 are listed in units of bbls/day. If a discharge lasts 24 hours or longer then the flow rate should be calculated using total volume discharged/number of days of discharge duration. However, if the discharge is less than 24 hours in duration the flow rate should be estimated as total volume discharged/1 day to provide a realistic estimate of the rate discharge during the 24 hour period. The following recommended language is proposed for consideration: *The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the estimated flow rate when the discharge occurs, discharge pipe diameter, and water depth between the discharge pipe and the bottom. Flow rate shall be determined as follows:* • *For discharges greater than 24 hours in duration, flow rate=total volume discharged (bbls)/total duration of discharge (days)*

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		• *For discharges of lasting 24 hours or less, flow rate=total volume discharged (bbls)/1 day* *A WET test must be conducted per discharge, and the limit applies to every discharge.* EPA has stated in the draft Fact Sheet accompanying this proposed permit that: "46% of the samples collected showed acute toxicity for one or more species indicating there is a reasonable potential for acute toxicity stemming from well treatment, completion and workover fluid discharge." However, if the actual volume discharged is used to determine the critical dilution for those discharges lasting less than 24 hours, then 25 of the 28 (89%) samples analyzed did not exhibit acute toxicity at the critical dilution. During the industry-wide TCW study estimated flow rates were calculated using the total volume discharged divided by discharge duration to determine an hourly discharge rate. When this hourly rate is extrapolated to a 24-hour day the estimated discharge rate is conservatively overestimated. For example, if 100 barrels of fluid are discharged in 1 hour, the discharge rate is 100 barrels/hour. Extrapolated to a "barrel per day" rate value, one could estimate a daily rate of 2400 barrels/day. However, this is not representative of what was actually discharged. 100 barrels was discharged in 1 hour and the discharge ceased, therefore, a more representative estimate of actual discharge rate is 100 barrels/day. This illustrates the importance of clearly defining how discharge rates are used to determine critical dilution, especially if EPA proceeds with these requirements as a compliance limitation. This type of approach, use of the

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		total volume discharged for discharges lasting less than 24 hours, is consistent with how discharge rates are estimated for other short duration discharges authorized by the permit.
Part I.B.6.a.1.b	One composite sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period. In order to assess compliance with the WET limit, no alternate test procedures are authorized, and the test must be conducted in accordance with the method.	A 48-hour Acute WET Limitation for TCW fluids is not appropriate and the Joint Trades recommend that this requirement be removed from the permit. However, if the 48-hour WET testing requirements are finalized the use of 3 aliquots spaced out at constant time intervals in not feasible. As discussed above, the majority of TCW fluid discharges are less than 2 hours in duration. Capturing 3 aliquots from such short duration discharges does not provide any benefit to the testing methodology. During the industry-wide study, 4 of 28 discharges had durations longer than 4 hours. The remaining 24 discharges had a combined duration of 22.5 hours. The Joint Trades recommend revising the proposed text as follows: *One grab or one composite sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period. In order to assess compliance with the WET limit, ~~no alternate test procedures are authorized, and~~ the test must be conducted in accordance with the method.* **Rationale**: EPA has not provided a justification for grab samples not being representative of the discharge. Increasing the volume of samples through composite sampling introduces additional operational complexity; most notably increased weight for transport on helicopters. Larger sample volumes will also increase the amount of laboratory waste for disposal. Increasing waste volumes is in conflict with the regulated community's sustainability principles to reduce wastes as much a practical.

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		As an alternative, if EPA does not accept continuing to allow single grab samples for testing, the Joint Trades recommend that EPA adopt the following sampling methodology: • Discharges 24 hours of less in duration: 1 grab sample is required. • Discharges more than 24 hours in duration: 3 aliquots are required captured at evenly space time intervals over a 24 hour period or less. It is also important for EPA to include language in the permit that clarifies when sample holding times begin. Adding the following statement to the permit would provide additional clarification: *As described in the National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, time of sample collection (holding time) begins when the last aliquot is dispensed into the composite sample container.* Source: https://www.epa.gov/sites/default/files/2017-03/documents/npdesinspect-chapter-05.pdf As well, the Joint Trades believe that the phrase "no alternative test procedures are authorized" contradicts existing EPA regulations and should be removed from the permit. 40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region." By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the

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		regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits. Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.
Part I.B.6.a.2.a 7-day Chronic WET Monitoring	Toxicity shall be assessed through a 7-day chronic WET test in accordance with *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms* (EPA/821-R-02-014), or the most current edition. The chronic test is to be conducted using *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs), and *Menidia beryllina,* Method 1006.0. In order to pass a chronic test, the No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Appendix D, Table 1 (1-A through 1-F) of this permit. The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the estimated flow rate when the discharge occurs, discharge pipe diameter, and water depth between the discharge pipe and the bottom. A chronic WET test must be conducted per discharge.	The Joint Trades are recommending 2 options for EPA to consider regarding 7-day chronic WET Limitations for TCW fluids. Those options are: 1. Removal of the monitoring requirements from the permit, or 2. Adding a compliance implementation period for the monitoring and include a minimum discharge duration of 4 days that require monitoring. Each option is discussed below. **1. Removal of the monitoring requirements from the permit** As discussed under the Joint Trades comments on 48-hour acute testing, most TCW fluid discharges are short duration, intermittent and low volume. The nature of these discharges brings into question the appropriateness of acute WET testing. The nature of these discharges certainly makes 7-day chronic testing unnecessary and not representative of how these discharges interact with the marine environment. Chronic testing is simply not appropriate for these types of discharges. In addition, chronic testing was not part of the industry-wide TCW fluids study. There is no evidence to support inclusion of chronic testing as a permit requirement. By including chronic testing in the permit EPA would be adding additional burden to the regulated community that is not based on scientific evidence. It is also an unnecessary use of vertebrate test organisms. Wherever possible the EPA should reduce, refine, and replace

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		all vertebrate testing for ethical reasons especially considering the industry-wide TCW fluids study found invertebrate test (*Americamysis bahia*) on average more sensitive than the vertebrate test (*Menidia beryllina*). **2. Adding a compliance implementation period for the limitation and include a minimum discharge duration of 4 days that requires monitoring** As discussed under the 48-hour acute testing limitations above, if 7-day chronic WET testing for TCW fluids is included in the final permit, it is imperative that a compliance implementation period be included to allow operators time to establish procedures, processes and resources to implement the monitoring. The Joint Trades strongly recommend that EPA provide justification of this monitoring requirement and establish a schedule of compliance for implementation of the new requirements as outlined in 40 CFR 122.47. The Joint Trades propose the following language be added to this section of the permit: *Compliance with 7-day chronic WET monitoring requirements must be achieved within two years of the effective date of the permit.* In addition, a compliance implementation period will also allow the regulated community to seek alternative test procedures, if needed, under 40 CFR 136.5. During the industry-wide TCW fluids study, we learned that certain fluids may require additional stirring and be allowed to return to room temperature in order for the WET testing procedure to be executed. As noted in several other comments in this document, the Joint Trades strongly recommend EPA allow the regulated community to seek approval for alternative test procedures, if needed. A two-year implementation period will allow sufficient time for industry to determine if such procedures are needed, how test methods need to be modified and seek approval from EPA under the requirements of 40 CFR 136.5. EPA granted a similar compliance implementation period for produced

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		water chronic WET testing during the 2007 permit renewal. EPA included language in the 2007 permit that said: *Compliance with sub-lethal effects must be achieved within two years after the effective date of this permit.* The Joint Trades strongly encourage EPA to consider this type of implementation schedule for these requirements as well. The Joint Trades also recommend that EPA also add language that clarifies a minimum duration of discharge that the 7-day monitoring would apply to. During the industry-wide study, only 4 of the 28 operations sampled had discharge durations longer than 38 hours. The remaining 24 operations had discharge durations of less than 2 hours. Applying 7-day chronic testing to discharges of less than 2 hours is inappropriate and misrepresents any potential environmental risks from these discharges. Therefore, we recommend that EPA include the following statement in the final permit if 7-day chronic monitoring is retained: *Toxicity shall be assessed through a 7-day chronic WET test in accordance with Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms (EPA/821-R-02-014), or the most current edition. The 7-day chronic WET test shall only apply to those discharges lasting longer than 4 days in duration.* Lastly, if 48-hour acute monitoring and 7-day chronic monitoring are included in the final permit, the Joint Trades recommend that EPA include language that clarifies that a single sample can be utilized to obtain both acute and chronic test results. It is more efficient, but still technically appropriate for operators to capture one sample of a TCW discharge and set up a 7-day chronic WET test. The 48-hour acute results can be obtained on Day 2 of the 7-day test. Therefore, the Joint Trades recommend the

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		following language be added to the final permit: *A single grab or composite sample may be obtained to satisfy both the 48-hour acute and 7-day chronic monitoring. 48-hour acute test results may be obtained from the 7-day chronic test procedure.*
Part I.B.6.a.2.b	Three (3) samples are to be collected for the chronic test. The samples may be collected as grab samples spaced out at constant time intervals throughout the duration of the discharge. Each sample must meet the holding time of 36 hours (up to 72 if required) for first use of the sample, and then the samples may be used to prepare renewals until test completion. In order to assess toxicity, no alternate test procedures are authorized, and the test must be conducted in accordance with the method.	As discussed in the previous comment, 7-Day Chronic WET testing monitoring requirements should be removed from the permit. However, if the 7-day chronic testing monitoring requirements are retained in the final permit, the monitoring should only be applicable to discharge durations of 4 days or more. If the 7-day chronic testing monitoring requirements are included in the final permit, the Joint Trades recommend modifying the proposed language in this paragraph as follows: *Three (3) samples are to be collected for the chronic test. The samples may be collected as grab samples spaced out at constant time intervals throughout the duration of the discharge. Each sample must meet the holding time of ~~36 hours (up to~~ 72 hours ~~if required)~~ for first use of the sample, and then the samples may be used to prepare renewals until test completion. In order to assess toxicity, ~~no alternate test procedures are authorized, and~~ the test must be conducted in accordance with the method.* The highlighted language regarding holding times is unclear. Is the holding time 36 hours or 72 hours? EPA should clarify this sentence so that it is clear as to the intent. Furthermore, the hold time for TCW samples should be adjusted to the maximum of 72 hours. A 36-hour hold-time will introduce significant logistical complexity to well workover, completion, and treatment operations by creating the need for operators to have multiple vessels and flights dedicated to sample transportation only. The increased number of vessel and helicopter trips between offshore facilities and shore will increase emissions, noise, and other environmental impacts. They will

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		also increase safety risks associated with landing/takeoff, vessel transport and transfer of samples. These risks will be more acute given a 36-hour time constraint. The requirement for additional flights/vessel trips will also increase costs, as operators compete for scarce supply of helicopters and fast vessels. Lastly, the competition for helicopters and fast vessels will result in project delays, which will further increase costs and result in additional environmental impacts. The Joint Trades also recommend that the phrase "no alternative test procedures are authorized" be struck as it contradicts existing EPA regulations. 40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region." By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits. Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.
Part I.B.6.c	Operators must conduct well treatment fluids, well completion fluids, and workover fluids assessments whenever they apply those fluids. Such assessments shall be conducted for each applicable well by operators either corporately or individually. The general information of a specific well treatment, well completion or workover fluid could be used for assessment purposes. Each fluid assessment	The Joint Trades recommend the characteristic assessment requirements be removed from the permit. **Rationale**: The Characteristic Assessment requirements retained from the 2017 permit were intended to apply to the industry-wide TCW fluid toxicity

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	shall include the following information: 1) Lease and block number 2) API well number 3) Type of well treatment or workover operation conducted 4) Date of discharge 5) Time discharge commenced 6) Duration of discharge 7) Volume of well treatment 8) Volume of completion or workover fluids used 9) The common names and chemical parameters for all additives to the fluids 10) The volume of each additive 11) Concentration of all additives in the well treatment 12) Concentration of all additives in the completion, or workover fluid	study, or individual studies for those operators that chose not to participate in the industry study. Now that the studies have concluded, these characteristic assessment requirements are not appropriate for routine, normal operations and should be removed from the 2022 permit. This type of detailed information is maintained by operators in well files and could be made available to EPA upon request. In addition, these requirements may create the risk of operators providing proprietary and/or trade secret information on well campaigns. This information is nearly always kept confidential. Experience with the industry-wide TCW study showed that trades secrets are a significant issue with regards to TCW campaigns. During the study, extraordinary measures were taken to ensure that trade secrets and proprietary information were protected. This included procedures to limit chemical analysis of fluid components to mitigate the risk of revealing proprietary information.
Part I.B.7.b	Residual Chlorine. Total residual chlorine (TRC) is a surrogate parameter for fecal coliform. Discharge of TRC must meet a minimum of 1 mg/l and shall be maintained as close to this concentration as possible. A grab sample must be taken once per month and the concentration recorded. The approved methods are either Hach CN-66-DPD or EPA method specified in 40 CFR part 136 for TRC.	The Joint trades recommend the following revisions to the proposed language: *Residual Chlorine. Total residual chlorine (TRC) is a surrogate parameter for fecal coliform. Discharge of TRC must meet a minimum of 1 mg/l and shall be maintained as close to this concentration as possible. A grab sample must be taken once per month and the concentration recorded. The approved methods are either Hach CN-66-DPD or EPA method specified in 40 CFR part 136 for TRC.* *Equivalent Disinfection – Other Technologies. The use of other disinfection technologies, including, but not limited to, bio-membrane filtration and ultra-violet light, are allowed as substitutes for total residual chlorine provided that those technologies result in equivalent or improved disinfection of the sanitary waste stream.* **Rationale**: The Joint Trades recommend that the EPA consider updating this standard to include additional types of disinfection technologies. Modern

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		sanitary treatment equipment may also utilize other means by which to disinfect sanitary waste, such as bio-membrane technology and ultra-violet light. The single standard for total residual chlorine may limit the use of such technologies. Such technologies are proven and have been utilized in the sanitary waste treatment for many years. In addition, USCG-approved MSDs are already in use that do not utilize chlorine for disinfection. These types of units are approved by the USCG and the International Maritime Organization (IMO).
Part I.B.7.b	[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA.	The Joint Trades recommend that the proposed permit language be revised as follows: *[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA. If an MSD is undergoing maintenance and/or is malfunctioning, then an operator may demonstrate compliance by maintaining disinfection capabilities. If the limitations are met this does not constitute a non-compliance.* **Rationale**: Based on discussions with EPA staff, it is our understanding that if an operator can demonstrate compliance with limitations during MSD maintenance and/or malfunction, then the operator remains in compliance with permit limitations. This should be clearly documented in the permit.

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Part I.B.8.a	[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA.	The Joint Trades recommend that the proposed permit language be revised as follows: *[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA. If an MSD is undergoing maintenance and/or is malfunctioning, then an operator may demonstrate compliance by maintaining disinfection capabilities. If the limitations are met this does not constitute a non-compliance.* **Rationale**: Based on discussions with EPA staff, it is our understanding that if an operator can demonstrate compliance with limitations during MSD maintenance and/or malfunction, then the operator remains in compliance with permit limitations. This should be clearly documented in the permit.
Part I.B.9.b	Solids. Observation must be made during daylight in the vicinity of domestic waste outfalls. If floating solids are observed at other times in addition to the daily monitoring, it must be recorded and reported to EPA.	The Joint Trades recommend modifying the permit language for domestic waste monitoring as follows: *Solids. Observation must be made daily during daylight in the vicinity of domestic waste outfalls. If floating solids are observed at other times in addition to the daily monitoring, it must be recorded and reported to EPA.*

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		Rationale: Adding the word "daily" makes these requirements consistent with the sanitary waste monitoring requirements.
Part I.B.10	(iv) Subsea Discharges: Subsea Wellhead Preservation Fluid, Subsea Cleaning Fluids, Subsea Production Control Fluid, Umbilical Steel Tube Storage Fluid, Leak Tracer Fluid, Riser Tensioner Fluid, and Pipeline Brine (used as piping or equipment preservation fluids). Note 1: Brine and water-based mud discharge at the seafloor for temporary well abandonment" are permitted if such water based drilling fluid and brine have been demonstrated to comply with the permits conditions for their original use (e.g.: water based drilling fluids that have been shown to meet the permit's limits for SPP toxicity, free oil, and cadmium and mercury in stock barite; and brine that has met limits for free oil, oil and grease concentrations, priority pollutants and toxicity requirements).	The Joint Trades support the addition of "Subsea Cleaning Fluids" to this section of the permit. However, we are recommending that a definition of "subsea cleaning fluids" be included in the permit. See our comments under Section G – Definitions.
Part I.B.10.a	Free Oil. No free oil shall be discharged. Discharge is limited to those times that a visual sheen observation is possible unless the operator uses the static sheen method. Monitoring shall be performed using the visual sheen method on the surface of the receiving water every day when discharging, or by use of the static sheen method at the operator's option. Visual sheen observation must be made during daylight in the vicinity of outfalls. Observation of sheen must be recorded whenever a sheen is observed during the day. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.* **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
Part I.B.11	Excess water which permits the continuous operation of fire control and utility lift pumps, Excess water from pressure maintenance and secondary recovery projects, Water released during training of personnel in fire protection, Water used to pressure test new and existing piping and pipelines, Ballast water, Once through non-contact cooling water, Water used as piping or equipment preservation fluids, and Water used during Dual Gradient Drilling.	The Joint Trades recommend the proposed permit language be revised as follows: *Excess water which permits the continuous operation of fire control and utility lift pumps, Excess water from pressure maintenance and secondary recovery projects,* *Water released during training of personnel in fire protection, Water used to pressure test new and existing piping and pipelines,* *Ballast water,* *Once through non-contact cooling water,*

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		Water used as piping or equipment preservation fluids, and Water used during Dual Gradient Drilling and well operations. **Rationale**: Seawater and fresh water used for fluid displacement in well operations is drawn from chemically treated and uncontaminated sources. The chemically treated water sources are the same as, or similar to, those sources used for water released during training of personnel in fire protection, ballast water, once through non-contact cooling water, water used as piping or equipment preservation fluids, and water used during Dual Gradient Drilling. The change provides clarity and would be more inclusive of current operations in industry.
Part I.B.11.a	Free Oil. No free oil shall be discharged. Discharge is limited to those times that a visible sheen observation is possible unless the operator uses the static sheen method. Monitoring shall be performed using the visual sheen method on the surface of the receiving water daily when discharging, or by use of the static sheen method daily at the operator's option. Visual sheen observation must be made during daylight in the vicinity of outfalls. Observation of sheen must be recorded whenever a sheen is observed during the day. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.* **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
Part I.B.11.a	One composite sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period.	The Joint Trades recommend revising the proposed text as follows: *One grab, or one composite, sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period.* **Rationale**: EPA has not provided a justification for grab samples not being representative of the discharge. Increasing the volume of samples through composite sampling introduces additional operational complexity; most notably increased weight for transport on helicopters. Larger sample volumes will also increase the amount of laboratory waste for disposal.

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		Increasing waste volumes is in conflict with the regulated community's sustainability principles to reduce wastes as much a practical. As an alternative, if EPA does not accept continuing to allow single grab samples for testing, the Joint Trades recommend that EPA adopt the following sampling methodology: • Discharges 24 hours of less in duration: 1 grab sample is required. • Discharges more than 24 hours in duration: 3 aliquots are required captured at evenly space time intervals over a 24 hour period or less. It is also important for EPA to include language in the permit that clarifies when sample holding times begin. Adding the following statement to the permit would provide additional clarification: *As described in the National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, time of sample collection (holding time) begins when the last aliquot is dispensed into the composite sample container.* Source: https://www.epa.gov/sites/default/files/2017-03/documents/npdesinspect-chapter-05.pdf
Part I.B.11.a	If the effluent fails the survival endpoint at the critical dilution, the permittee shall be considered in violation of this permit limit. Also, when the testing frequency stated above is less than monthly and the effluent fails the survival endpoint at the critical dilution, the monitoring frequency for the affected species will increase to monthly until compliance with the NOEC limit (critical dilution) is demonstrated for a period of three consecutive months. After compliance is demonstrated for three consecutive months, the permittee may return to the testing frequency in use at the time of the initial test failure. During the period the permittee is out of compliance, test results shall be reported on the DMR that includes this period. Reporting instructions can be found in Part II.D.4 of this permit.	The Joint Trades recommend modifying the proposed language in this paragraph to improve clarity. The recommended language is as follows: *For continuous discharges, if a test fails the survival or sub-lethal endpoint at the critical dilution in any test, the operator must perform monthly retest until it passes three consecutive monthly tests. Failing the toxicity test is considered violation of the permit. After compliance is demonstrated for three consecutive months, the permittee may return to the testing frequency in use at the time of the initial test failure.*

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		Rationale: For non-continuous discharges, this language regarding frequency is not applicable since those discharges require monitoring once per discharge.
Part I.B.11.b	Toxicity. The required frequency of testing for continuous discharges occurring more than once per week shall be determined as follows: Discharge Rate — Toxicity Testing Frequency 0 - 499 bbl/day — once per calendar year 500 - 4,599 bbl/day — once per calendar quarter 4,600 bbl/day and above — once per calendar month	The Joint Trades recommend the following changes to the proposed permit language: *Toxicity. The required frequency of testing for continuous discharges ~~occurring more than once per week~~ shall be determined as follows:* **Rationale**: The phrase "occurring more than once per week" as applied to continuous discharges is confusing. If a discharge is "continuous" then, by its nature, it is an ongoing discharge and not limited to a weekly timeframe.
Part I.B.11.b	Intermittent or batch discharges that occur less than or equal to once per week and lasts less than 24 hours shall be monitored once per discharge but are required to be monitored no more frequently than the corresponding frequencies shown above for continuous discharges. Test Acceptability Criteria can be found in Section Part II.D.4 of this permit.	The Joint Trades recommend the proposed permit language be revised as follows: *~~Intermittent or batch~~ Non-continuous discharges that occur less than or equal to once per week and last less than 24 hours shall be monitored once per discharge ~~but are required to be monitored no more frequently than the corresponding frequencies shown above for continuous discharges.~~ Test Acceptability Criteria can be found in Section Part II.D.4 of this permit.* **Rationale**: The Joint Trades recommend that the phrase "intermittent or batch discharges" be changed to "non-continuous discharges" to improve clarity as well as improve consistency with the previous paragraph discussing continuous discharges. In addition, the language referencing the corresponding frequencies for continuous discharges is unnecessary. Non-continuous discharges are sampled as they occur and are not continuous. Therefore, a determining test frequency based on discharge rate or volume is not needed.

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Part I.B.12.b.1).i	The cooling water intake structure(s) must be designed, constructed, operated, and maintained so that the maximum through-screen design intake velocity shall not exceed 0.5 ft/s;	The Joint Trades recommend that EPA consider the comments submitted by the International Association of Drilling Contractors (IADC) regarding cooling water intake structures on non-fixed facilities.
Part I.B.12.b.1).ii	The permittee must develop and implement an Operation and Maintenance plan to minimize impingement mortality of fish and shellfish through use of cooling water intake design and construction technologies or operational measures.	The Joint Trades recommend that EPA consider the comments submitted by the International Association of Drilling Contractors (IADC) regarding cooling water intake structures on non-fixed facilities.
Part I.B.12.c.1).ii	Velocity monitoring. The operator must monitor intake flow velocity across the intake screens on a continuous basis to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies: If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be <0.300 — Quarterly 0.300 – 0.38 — Monthly >0.38 — Daily	The Joint Trades propose to strike "on a continuous basis" as it directly conflicts with the below monitoring frequencies. *iii. Velocity monitoring. The operator must monitor intake flow velocity across the intake screens ~~on a continuous basis~~ to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies:* *If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be* *<0.300 — Quarterly* *0.300 – 0.38 — Monthly* *>0.38 — Daily* **Rationale**: The Joint Trades request all intake flow velocity monitoring proposed as "continuous" be struck. Continuous intake flow velocity monitoring would require possibly significant upgrades to existing intake flow velocity monitoring systems including routing of signals to process computers for automatic logging. Monitoring frequencies in the table allow permittees to manually log the intake flow velocity if continuous monitoring systems are not feasible. EPA agreed with this request in their Response to Comments for the 2012 GMG290000 permit renewal, "OOC requested that EPA change the flow monitoring frequency from continuous to daily because continuous monitoring may require significant upgrades to the existing flow system.

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		Response: EPA has revised the permit language. Daily monitoring frequency will be used for flow monitoring. EPA has also changed the frequency for screen monitoring to daily based on the same reason for changing flow monitoring." EPA again agreed with this request in the 2017 GMG290000 permit renewal when they included the tiered monitoring frequencies in the current permit and did not include continuous intake flow velocity monitoring. 2017 Rationale: Velocity monitoring consists of a demonstration requirement based on the facilities' proposed design and a compliance monitoring requirement that verifies the velocity limitation is being met. There is agreement with the purpose of inspection, but not the frequency. The tiered velocity monitoring approach is based upon a statistical analysis of six separate CWIS operated in the GOM during 2015. The analysis is based on the rate-of-change in daily velocity monitoring data (attached as Appendix D). An ANOVA indicates no statistical difference in the rate of change in intake velocity among the five intakes ($P < 0.05$). The data are approximately normally distributed with a mean change in velocity equal to 0.0001 (ft/s)/day and a standard deviation equal to 0.0106 (ft/s)/day. Based on these data, there is a 95% probability that the mean velocity increase over any 30-day period will be less than 0.11 (ft/s)/day; and a 95% probability that the mean velocity increase over any 90-day period will be less than 0.20 (ft/s)/day. Therefore, 95% of all monthly intake velocity measurements will be less than 0.5 ft/s provided that the previous month's velocity measurement was less than 0.39 ft/s. Similarly, 95% of all quarterly velocity measurements will be less than 0.5 ft/s provided that the previous quarter's measurement was less than 0.30 ft/s. We note this data makes sense relative to visual inspection information presented elsewhere the rate of biogrowth on intakes is quite low and so the rate of change of intake velocity would also be expected to be quite low,

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		hence allowing for reduced monitoring frequencies (using a tiered approach to ensure compliance with the 0.5 fps standard for any CWIS design). Related to this issue, EPA must allow for the fact that some affected facilities have been constructed between July 2006 and October 2022 with intake flow velocity monitoring designs based on initial and quarterly/monthly/daily flow monitoring. These facilities may require capital upgrades to reach a continuous intake flow velocity monitoring capability. Should EPA require continuous monitoring, The Joint Trades propose the following language be added to this section of the permit: *Compliance with continuous intake flow velocity monitoring must be achieved within two years after the effective date of this permit.*
Part I.B.12.c.2).iii	Velocity monitoring. The operator must monitor intake flow velocity across the intake screens on a continuous basis to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies: If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be <0.300 — Quarterly 0.300 – 0.38 — Monthly >0.38 — Daily	The Joint Trades propose to strike "on a continuous basis" as it directly conflicts with the below monitoring frequencies. *iv. Velocity monitoring. The operator must monitor intake flow velocity across the intake screens ~~on a continuous basis~~ to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies:* *If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be* *<0.300 — Quarterly* *0.300 – 0.38 — Monthly* *>0.38 — Daily* **Rationale**: The Joint Trades request all intake flow velocity monitoring proposed as "continuous" be struck. Continuous intake flow velocity monitoring would require possibly significant upgrades to existing intake flow velocity monitoring systems including routing of signals to process

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		computers for automatic logging. Monitoring frequencies in the table allow permittees to manually log the intake flow velocity if continuous monitoring systems are not feasible. EPA agreed with this request in their Response to Comments for the 2012 GMG290000 permit renewal, "OOC requested that EPA change the flow monitoring frequency from continuous to daily because continuous monitoring may require significant upgrades to the existing flow system. <u>Response</u>: EPA has revised the permit language. Daily monitoring frequency will be used for flow monitoring. EPA has also changed the frequency for screen monitoring to daily based on the same reason for changing flow monitoring." EPA again agreed with this request in the 2017 GMG290000 permit renewal when they included the tiered monitoring frequencies in the current permit and did not include continuous intake flow velocity monitoring. <u>2017 Rationale</u>: Velocity monitoring consists of a demonstration requirement based on the facilities' proposed design and a compliance monitoring requirement that verifies the velocity limitation is being met. There is agreement with the purpose of inspection, but not the frequency. The tiered velocity monitoring approach is based upon a statistical analysis of six separate CWIS operated in the GOM during 2015. The analysis is based on the rate-of-change in daily velocity monitoring data (attached as Appendix D). An ANOVA indicates no statistical difference in the rate of change in intake velocity among the five intakes ($P < 0.05$). The data are approximately normally distributed with a mean change in velocity equal to 0.0001 (ft/s)/day and a standard deviation equal to 0.0106 (ft/s)/day. Based on these data, there is a 95% probability that the mean velocity increase over any 30-day period will be less than 0.11 (ft/s)/day; and a 95% probability that the mean velocity increase over any 90-day period will be less than 0.20 (ft/s)/day. Therefore, 95% of all monthly intake velocity

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		measurements will be less than 0.5 ft/s provided that the previous month's velocity measurement was less than 0.39 ft/s. Similarly, 95% of all quarterly velocity measurements will be less than 0.5 ft/s provided that the previous quarter's measurement was less than 0.30 ft/s. We note this data makes sense relative to visual inspection information presented elsewhere the rate of biogrowth on intakes is quite low and so the rate of change of intake velocity would also be expected to be quite low, hence allowing for reduced monitoring frequencies (using a tiered approach to ensure compliance with the 0.5 fps standard for any CWIS design). Related to this issue, EPA must allow for the fact that some affected facilities have been constructed between July 2006 and October 2022 with intake flow velocity monitoring designs based on initial and quarterly/monthly/daily flow monitoring. These facilities may require capital upgrades to reach a continuous intake flow velocity monitoring capability. Should EPA require continuous monitoring, The Joint Trades propose the following language be added to this section of the permit: *Compliance with continuous intake flow velocity monitoring must be achieved within two years after the effective date of this permit.*
Part I.D.3	The approved test methods for permit compliance are identified in 40 CFR Part 136. No alternative test procedures are authorized.	The Joint Trades believe that the sentence "No alternative test procedures are allowed" contradicts existing EPA regulations and should be removed from the permit. 40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region."

<table>
<tr><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td></td><td>By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits.

Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.</td></tr>
<tr><td>Part I.D.3.f</td><td>Test Acceptability Criteria

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:
<table>
<tr><th>Condition/Criteria</th><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Test Duration</td><td>7 days</td><td>7 days</td></tr>
<tr><td># of replicates per concentration</td><td>8</td><td>4</td></tr>
<tr><td># of organisms per replicate</td><td>5</td><td>10</td></tr>
<tr><td># or organisms per concentration</td><td>40</td><td>40</td></tr>
<tr><td># of test concentrations per effluent</td><td>5 and a control</td><td>5 and a control</td></tr>
<tr><td>Holding time *</td><td>36 hours for first use</td><td>36 hours for first use</td></tr>
<tr><td>Sampling Requirement *</td><td>Minimum of 3 samples</td><td>Minimum of 3 samples</td></tr>
<tr><td>Test Acceptability Criteria</td><td>≥80% survival of all control organisms.</td><td>≥80% survival of all control organisms.</td></tr>
<tr><td></td><td>Average dry weight per surviving organism in control ≥0.2mg.</td><td>Average dry weight per surviving unpreserved organism in the control must be ≥0.5mg when test starts with 7d old larvae, or, ≥0.43mg or greater after no more than 7days if preserved.</td></tr>
<tr><td>Coefficient of Variation**</td><td>40% or less, unless significant effects are exhibited.</td><td>40% or less, unless significant effects are exhibited.</td></tr>
<tr><td>Percent Minimum Significant Difference (PMSD range) for Sublethal Endpoint **</td><td>11 - 37</td><td>11 - 28</td></tr>
</table></td><td>The Joint Trades recommend that some of the values listed in the Test Acceptability Criteria table be changed to align with WET testing protocols and methods.

For Menidia beryllina, we recommend the following changes:

• # of replicates per concentration should be 5; not 4.
• # of organisms per replicate should be 8; not 10.

In addition, to align with our recommendations on TCW fluids 48-hour acute WET testing, Sample Requirements for both Americamysis bahia and Menidia beryllina should be modified to:

1 grab sample for discharges of 24 hours or less, or 3 aliquots at evenly spaced time intervals over a 24-hour period for discharges greater than 24-hours in duration.

The rationale for this recommendation is discussed above in previous comments.

<u>Regarding PMSD Limits:</u> PMSD limits are protective of the environment and permittees. Upper PMSD limits prevent highly variable data that decreases the power of the required statistical methods from being used to</td></tr>
</table>

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	* If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples and the minimum number of effluent portions are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent, and must meet the holding time between collection and first use of the sample. When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section. **Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%, or a PMSD value greater than the higher value on the range provided.	demonstrate permit compliance. Lower PMSD limits prevent data sets with very low variability, hyper-sensitive data sets, from failing. If the PMSD for a sub-lethal data set is less than the lower PMSD limit and the required statistical methods indicate a statistically significant difference between the control and a treatment, this difference must be confirmed by calculating relative differences between the control and each treatment. Growth data are based on biomass: dry weight of survivors from each replicate divided by the number of organisms exposed not the number surviving. Any mortalities exacerbate sublethal biomass variability. If the replicate dry weight is for one surviving organism, it must be divided by the number originally exposed! If a treatment fails survival it is excluded from sub-lethal data analyses. If the survival and growth data are near perfect and clearly passing except at the highest concentration tested (low survival and high variability between replicates), the required statistical methods (Steel's Many-One Rank Test in particular) may not pick up >40% mortality as statistically significant. This can lead to the upper biomass PMSD limit being exceeded and an invalid test, even though the lower sample dilutions are statistically equivalent in survival and biomass to the concurrent control. Including the 2017 permit language for chronic tests could prevent resampling and retesting clearly passing data sets: *If the conditions of Test Acceptability are met in Item 3.f. above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the survival test shall be considered to be passing and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found below.* And adding similar language for sublethal biomass data:

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		If the conditions of Test Acceptability are met in Item 3.f. except that the PMSD upper limit is exceeded, then if the mean dry weight of surviving control organisms is equal to or greater than the limit in the test method, and the biomass data for the critical dilution and all lower dilutions are not more than the PMSD lower limit (11% for both species) less than the concurrent control, the growth test shall be considered to be passing and the permittee shall report a growth NOEC of not less than the critical dilution for the DMR reporting requirements found below.
Part I.D.3.g	Statistical Interpretation The statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in the appropriate method manual listed above, or the most recent update.	The Joint Trades offer the following comments on statistical interpretation: PMSD limits are protective of the environment and permittees. Upper PMSD limits prevent highly variable data that decreases the power of the required statistical methods from being used to demonstrate permit compliance. Lower PMSD limits prevent data sets with very low variability, hyper-sensitive data sets, from failing. If the PMSD for a sub-lethal data set is less than the lower PMSD limit and the required statistical methods indicate a statistically significant difference between the control and a treatment, this difference must be confirmed by calculating relative differences between the control and each treatment. Growth data are based on biomass: dry weight of survivors from each replicate divided by the number of organisms exposed not the number surviving. Any mortalities exacerbate sublethal biomass variability. If the replicate dry weight is for one surviving organism, it must be divided by the number originally exposed! If a treatment fails survival it is excluded from sub-lethal data analyses. If the survival and growth data are near perfect and clearly passing except at the highest concentration tested (low survival and high variability between replicates), the required statistical methods (Steel's Many-One Rank Test in particular) may not pick up >40% mortality as statistically significant. This can lead to the upper biomass PMSD limit being exceeded and an invalid test, even though the lower sample dilutions

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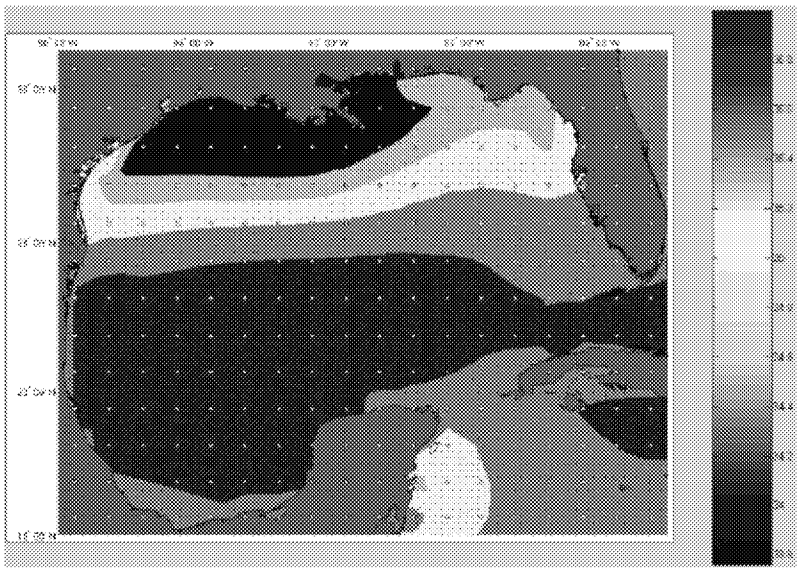
		are statistically equivalent in survival and biomass to the concurrent control. Including the 2017 permit language for chronic tests could prevent resampling and retesting clearly passing data sets: *If the conditions of Test Acceptability are met in Item 3.f. above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the survival test shall be considered to be passing and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found below.* And adding similar language for sublethal biomass data: *If the conditions of Test Acceptability are met in Item 3.f. except that the PMSD upper limit is exceeded, then if the mean dry weight of surviving control organisms is equal to or greater than the limit in the test method, and the biomass data for the critical dilution and all lower dilutions are not more than the PMSD lower limit (11% for both species) less than the concurrent control, the growth test shall be considered to be passing and the permittee shall report a growth NOEC of not less than the critical dilution for the DMR reporting requirements found below.*
Part I.D.3.h	Dilution Water Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar salinity closest to the point of discharge if the receiving water shows toxicity and fails to meet acceptability criteria for the control.	The Joint Trades strongly recommend removing the requirements for the use of receiving waters as dilution water for the purposes of WET testing. There are several technical and operational reasons for concern. **1. WET Testing Methods Recommendations** EPA's *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition* contains the following recommendations regarding types of dilution water,

Section	2022 Proposed Permit Language	Joint Trades Comments
		"7.1.1.1 If the objective of the test is to estimate the absolute acute toxicity of the effluent, a synthetic (standard) dilution water is used." As well as, "7.1.2 An acceptable dilution water is one which is appropriate for the objectives of the test; supports adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test (i.e., consistently meets test acceptability criteria for control responses); is consistent in quality; and does not contain contaminants that could produce toxicity." Method 1007.0: Mysid, Mysidopsis bahia, Survival, Growth and Fecundity Test: Chronic Toxicity contains the following requirement, "14.6.11.1 Saline test and dilution water -- The salinity of the test water must be in the range of 20‰ to 30‰." Gulf of Mexico receiving waters mean annual sea-surface salinity ranges from 33‰ to greater than 36‰ as shown in the figure below from Vinogradov, S., *The use of ocean tomographic observations in numeric simulation of mesoscale oceanic circulation in the northern Gulf of Mexico, 2005.*

Section	2022 Proposed Permit Language	Joint Trades Comments
		 Gulf of Mexico receiving waters are higher than the recommended salinities in Method 1007.0 and therefore may not "support adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test." **2. Impractically of Capturing Receiving Water Samples** The proposed permit language states that "Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge." It is unclear how operators are to determine if the receiving water collection point is unaffected by the discharge. The requirement is vague and ambiguous. In addition, capturing samples of receiving water for use as dilution water would potentially require the launching and operation of small fast rescue

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		craft from the platform. Most platforms do not have such craft available or installed. Launching of such craft requires lower the vessel 150-200 feet via cables to the water's surface with people on board. This is a high risk activity that is conducted only when it is absolutely necessary (i.e., responding to an emergency). This requirement to use receiving water as dilution water increases the risks and hazards to offshore personnel. If receiving water was collected for use as dilution water, approximately 40 gallons would be needed per test. That would require transport of more than 320 lbs. of water, ice and containers. Additional helicopter flights would be required as well as additional ground transport. As noted in other comments contained in this document, increased transportation results in significantly higher greenhouse gas emissions, higher costs to the regulated community and additional burden in the form of increased scheduling and planning. The use of synthetic dilution water eliminates all of these concerns and provides a practical, sound alternative to the use of receiving water. **3. Synthetic Dilution Water Has a Proven History** Synthetic dilution water has been used for Gulf of Mexico dilution water since the inception of the General Permit. There are decades of data that provide ample evidence that synthetic dilution water is appropriate for WET testing. If EPA has identified concerns or issues with the historical use of synthetic dilution water based upon this historical data, then that information should be shared with the regulated community and the public to justify the need for this proposed change. Based on the rationale discussed in items 1-3, the Joint Trades recommend that this proposed paragraph be removed from the permit.

<table>
<tr><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td>Part I.D.3.1</td><td>The testing frequency is assessed at the end of every calendar year and established for the following year. However, monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. If a test is not conducted every month, then the permittee must report “NODI 9” for toxicity data.</td><td>The Joint Trades recommend the following changes to the proposed permit language to improve clarity. In addition, we recommend removing the references to NODI codes from the permit as this type of language is better suited for DMR instructions instead of permit language.

~~The testing frequency is assessed at the end of every calendar year and established for the following year. However,~~ Monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. ~~If a test is not conducted every month, then the permittee must report “NODI 9” for toxicity data.~~</td></tr>
<tr><td>Part I.D.3.1</td><td>Compliance with the WET limit is established when both the sublethal and lethal NOEC of a WET test is greater than or equal to the critical dilution. Compliance is represented by a “0” in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for Menidia beryllina is less than the permittee’s critical dilution, this constitutes a violation of the WET limit and a “1” should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. For each toxicity test conducted, the permittee shall also report the results as follows:
<table>
<tr><th>Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><td></td><td>Americamysis bahia</td><td>Menidia beryllina</td></tr>
<tr><td>Enter a “1” if either the sublethal or lethal NOEC is less than the critical dilution, otherwise enter a "0".</td><td>51713</td><td>51712</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOP3E</td><td>TOP6J</td></tr>
<tr><td>Report the LOEC value for survival</td><td>TXP3E</td><td>TXP6J</td></tr>
<tr><td>Report the NOEC value for growth or reproduction</td><td>TPP3E</td><td>TPP6J</td></tr>
<tr><td>Report the LOEC value for growth</td><td>TYP3E</td><td>TYP6J</td></tr>
<tr><td>Report the critical dilution used for the test</td><td>51726</td><td>51726</td></tr>
</table></td><td>The Joint Trades recommend revising the paragraph preceding the STORET codes table as follows:

Compliance with the WET limit is established when both the sublethal and lethal NOEC of a WET test is greater than or equal to the critical dilution. ~~Compliance is represented by a “0” in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for Menidia beryllina is less than the permittee’s critical dilution, this constitutes a violation of the WET limit and a “1” should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR.~~ For each toxicity test conducted, the permittee shall also report the results as follows:

<u>Rationale</u>: The type of information highlighted above for removal from the paragraph is better suited for DMR instructions rather than permit language.</td></tr>
</table>

<table>
<tr><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td></td><td>In addition, the following STORET CODE Corrections are needed to this table for M. Beryllina:
• Survival NOEC TOP6B
• Survival LOEC TXP6B
• Growth NOEC TPP6B
• Growth LOEC TYP6B</td></tr>
<tr><td>Part I.D.3.2</td><td>A chronic test shall be conducted per discharge. For each test, the permittee shall report the results as follows:
<table>
<tr><th rowspan="2">Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Enter a “1” if the NOEC for survival is less than the critical dilution, otherwise enter a “0”.</td><td>TLP3E</td><td>TLP6J</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOP3E</td><td>TOP6J</td></tr>
<tr><td>Report the LOEC value for survival</td><td>TXP3E</td><td>TXP6J</td></tr>
<tr><td>Enter a “1” if the NOEC for growth or reproduction is less than the critical dilution, otherwise enter a “0”.</td><td>TWP3E</td><td>TWP6J</td></tr>
<tr><td>Report the NOEC value for growth or reproduction</td><td>TPP3E</td><td>TPP6J</td></tr>
<tr><td>Report the LOEC value for growth</td><td>TYP3E</td><td>TYP6J</td></tr>
</table></td><td>As recommended in these comments, chronic toxicity testing for TCW fluids should be removed from the permit.

However, if the requirement is retained, the following STORET CODE Corrections are needed to this table:
• M. Beryllina 51712
• Survival NOEC TOP6B
• Survival LOEC TXP6B
• Growth NOEC TPP6B
• Growth LOEC TYP6B
• CD 51726

• A. Bahia 51713
• Survival NOEC TOP3E
• Survival LOEC TXP3E
• Growth NOEC TPP3E
• Growth LOEC TYP3E
• CD 51726</td></tr>
<tr><td>Part I.D.4</td><td>The approved test methods for permit compliance are identified in 40 CFR Part 136. No alternative test procedures are authorized.</td><td>The Joint Trades believe that the sentence “No alternative test procedures are allowed” contradicts existing EPA regulations and should be removed from the permit.

40 CFR 136.5 contains regulations for “Approval of alternate test procedures for limited use.” Paragraph (a) of 40 CFR 136.5 clearly states that:</td></tr>
</table>

<table>
<tr><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td></td><td>"Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region."

By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits.

Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.</td></tr>
<tr><td>Part I.D.4.f</td><td>Test Acceptability Criteria

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:
<table>
<tr><th>Condition/Criteria</th><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td># of replicates per concentration</td><td>2</td><td>2</td></tr>
<tr><td># of organisms per replicate</td><td>10</td><td>10</td></tr>
<tr><td># or organisms per concentration</td><td>20</td><td>20</td></tr>
<tr><td># of test concentrations per effluent</td><td>5 and a control</td><td>5 and a control</td></tr>
</table></td><td>The Joint Trades recommend that some of the values listed in the Test Acceptability Criteria table be changed to align with WET testing protocols and methods.

For both species, we recommend the following changes:

• # of replicates per concentration should be 5; not 2.
• # of organisms per replicate should be 8; not 10.
• # of organisms per concentration should be 40; not 20.

NOEC values cannot be achieved with less than 4 replicates.</td></tr>
<tr><td>Part I.D.4.f</td><td>* If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples and the minimum number of effluent portions are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent, and must meet the holding time between collection and first use of the sample.</td><td>The Joint Trades recommend that the following sentence be removed from the permit:

<s>When possible, the effluent samples used for the toxicity tests shall be collected on separate days.</s>

<u>Rationale</u>: Collection of samples on separate days creates unnecessary burden on the regulated community, including:</td></tr>
</table>

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	When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section.	• Increase difficulty in meeting required holding times leading to "special order" flights and ground transportation. • Safety risks increase due to increased material handling and additional helicopter flights. • Increased air pollutants and GHG emissions due to increased vessel and ground transportation.
Part I.D.4.f	**Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%, or a PMSD value greater than the higher value on the range provided.	The Joints Trades recommend that the reference to PMSD values be removed from this section of the permit. PMSD limits do not apply to 48-hour tests.
Part I.D.4.h	Dilution Water Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar salinity closest to the point of discharge if the receiving water shows toxicity and fails to meet acceptability criteria for the control.	Comments made above regarding dilution water are repeated here. The Joint Trades strongly recommend removing the requirements for the use of receiving waters as dilution water for the purposes of WET testing. There are several technical and operational reasons for concern. **1. WET Testing Methods Recommendations** EPA's *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition* contains the following recommendations regarding types of dilution water, "7.1.1.1 If the objective of the test is to estimate the absolute acute toxicity of the effluent, a synthetic (standard) dilution water is used." As well as, "7.1.2 An acceptable dilution water is one which is appropriate for the objectives of the test; supports adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test (i.e., consistently meets test acceptability criteria for control responses); is consistent in quality; and does not contain contaminants that could produce toxicity."

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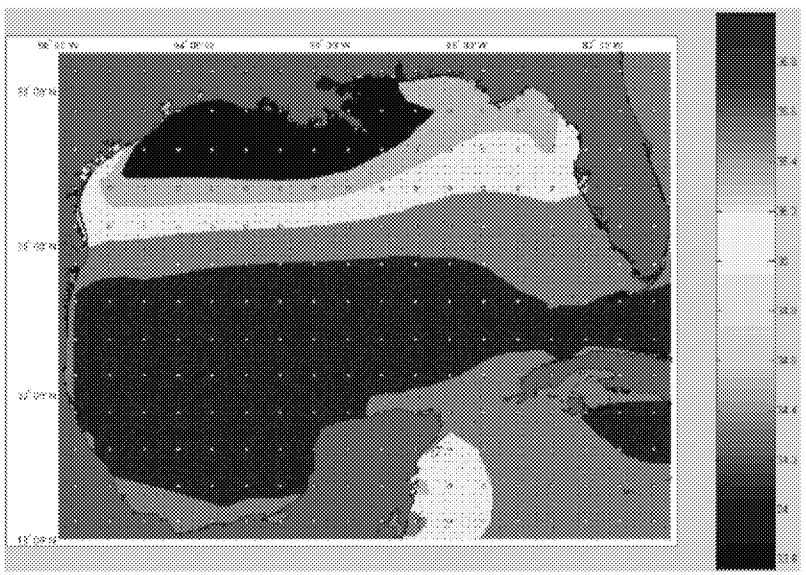
		Method 1007.0: Mysid, Mysidopsis bahia, Survival, Growth and Fecundity Test: Chronic Toxicity contains the following requirement, "14.6.11.1 Saline test and dilution water -- The salinity of the test water must be in the range of 20‰ to 30‰." Gulf of Mexico receiving waters mean annual sea-surface salinity ranges from 33‰ to greater than 36‰ as shown in the figure below from Vinogradov, S., *The use of ocean tomographic observations in numeric simulation of mesoscale oceanic circulation in the northern Gulf of Mexico, 2005.*  Gulf of Mexico receiving waters are higher than the recommended salinities in Method 1007.0 and therefore may not "support adequate performance

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		of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test." **2. Impractically of Capturing Receiving Water Samples** The proposed permit language states that "Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge." It is unclear how operators are to determine if the receiving water collection point is unaffected by the discharge. The requirement is vague and ambiguous. In addition, capturing samples of receiving water for use as dilution water would potentially require the launching and operation of small fast rescue craft from the platform. Most platforms do not have such craft available or installed. Launching of such craft requires lower the vessel 150-200 ft via cables to the water's surface with people on board. This is a high risk activity that is conducted only when it is absolutely necessary (i.e., responding to an emergency). This requirement to use receiving water as dilution water increases the risks and hazards to offshore personnel. If receiving water was collected for use as dilution water, approximately 40 gallons would be needed per test. That would require transport of more than 320 lbs. of water, ice and containers. Additional helicopter flights would be required as well as additional ground transport. As noted in other comments contained in this document, increased transportation results in higher greenhouse gas emissions, higher costs to the regulated community and additional burden in the form of increased scheduling and planning. The use of synthetic dilution water eliminates all of these concerns and provides a practical, sound alternative to the use of receiving water.

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		3. Synthetic Dilution Water Has a Proven History Synthetic dilution water has been used for Gulf of Mexico dilution water since the inception of the General Permit. There are decades of data that provide ample evidence that synthetic dilution water is appropriate for WET testing. If EPA has identified concerns or issues with the historical use of synthetic dilution water based upon this historical data, then that information should be shared with the regulated community and the public to justify the need for this proposed change. Based on the rationale discussed in items 1-3, the Joint Trades recommend that this proposed paragraph be removed from the permit.
Part I.D.4.1	Monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. If a test is not conducted every month, then the permittee must report "NODI 9" for toxicity data.	The Joint Trades recommend removing the references to NODI codes from the permit as this type of language is better suited for DMR instructions instead of permit language. The recommended permit text is as follows: *Monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. ~~If a test is not conducted every month, then the permittee must report "NODI 9" for toxicity data.~~*
Part I.D.4.1	Compliance with the WET limit is established when the NOEC of a WET test is greater than or equal to the critical dilution. Compliance is represented by a "0" in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for *Menidia beryllina* is less than the permittee's critical dilution, this constitutes a violation of the WET limit and a "1" should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a "0" should be entered in the DMR. If the (lethal or sublethal) NOEC for *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs) is less than the permittee's critical dilution, this constitutes a violation of a WET limit and a "1" should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a "0" should be entered in the DMR. For each toxicity test conducted, the permittee shall also report the results as follows:	The Joint Trades recommend revising the paragraph prior to the STORET codes table as follows: *Compliance with the WET limit is established when the NOEC of a WET test is greater than or equal to the critical dilution. ~~Compliance is represented by a "0" in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for Menidia beryllina is less than the permittee's critical dilution, this constitutes a violation of the WET limit and a "1" should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a "0" should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than~~*

<table>
<tr><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td>
<table>
<tr><th rowspan="2">Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Enter a “1” if the NOEC for survival is less than the critical dilution, otherwise enter a “0”.</td><td>51712</td><td>51713</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOM3E</td><td>TOM6J</td></tr>
<tr><td>Report the Critical Dilution used for the test</td><td>51726</td><td>51726</td></tr>
</table>
</td><td>~~the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR.~~ For each toxicity test conducted, the permittee shall also report the results as follows:

<u>Rationale</u>: The type of information included in the paragraph is better suited for DMR instructions rather than permit language.

In addition, the following STORET CODE Corrections are needed to this table:
• A. bahia 51713
• Survival NOEC TOM3E

• M. beryllina 51712
• Survival NOEC TOM6B</td></tr>
<tr><td>Part I.D.4.2</td><td>A chronic test shall be conducted per discharge. For each test, the permittee shall report the results as follows:
<table>
<tr><th rowspan="2">Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Enter a “1” if the NOEC for survival is less than the critical dilution, otherwise enter a “0”.</td><td>51712</td><td>51713</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOM3E</td><td>TOM6J</td></tr>
<tr><td>Report the Critical Dilution used for the test</td><td>51726</td><td>51726</td></tr>
</table>
</td><td>This section of the permit describes reporting requirements for acute testing. The paragraph should be changed as follows:

An acute ~~chronic~~ test shall be conducted per discharge. For each test, the permittee shall report the results as follows:

In addition, the following STORET CODE Corrections are needed to this table:
• A. bahia 51713
• Survival NOEC TOM3E
• CD 51726

• M. beryllina 51712
• Survival NOEC TOM6B
• CD 51726</td></tr>
<tr><td>Part II.C.2</td><td>Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. If a representative sample is not possible</td><td>The Joint Trades recommend the following language be removed from the permit:</td></tr>
</table>

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	due to a natural disaster, environmental conditions, or weather, the facility should use one of the following NODI Codes: K – Natural disaster (declared by President) T – Environmental conditions- monitoring not possible (hurricanes that are not declared by President, high tides) V – Weather related (thunderstorms, hail, wind, etc.). Facilities have 30 days after a weather event/national disaster occurs to submit DMRs or other required reporting documents.	*Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.* ~~*If a representative sample is not possible due to a natural disaster, environmental conditions, or weather, the facility should use one of the following NODI Codes:" K – Natural disaster (declared by President) T – Environmental conditions- monitoring not possible (hurricanes, high tides) V – Weather related (storms, hail, wind, etc.). Facilities have 30 days after a weather event/national disaster occurs to submit DMRs or other required reporting documents.*~~ **Rationale**: The strikethrough sentences above are more suited for updated guidance and DMR instructions. If such language is included in the permit and NODI codes change during the permit term, then the permit will be outdated and potentially contain incorrect information. Whereas guidance and/or DMR instructions can more easily be updated than permit language. Therefore, the Joint Trades recommend updating 2007 Permit Offshore Discharge Monitoring Reports *INSTRUCTIONS FOR COMPLETING DISCHARGE MONITORING REPORTS (DMRs) UNDER OFFSHORE GENERAL PERMIT GMG290000.* In addition, the listed NODI codes require additional clarification because the code descriptions overlap. For example, Code K is for natural disasters, which may be a hurricane in the Gulf of Mexico. However, Code V is described as Weather-Related including storms. It is unclear to the regulated community what the appropriate code should be for a hurricane/tropical storm.
Part II.D.4	Permittees shall be responsible for submitting accurate monitoring results for all facilities which they have permit coverage. The monitoring results for each facility shall be reported on DMRs for each individual permitted feature authorized that has a monitoring requirement. Each individual permitted feature may authorize multiple points of discharge or outfalls. Points of discharge will be assigned limit sets based on discharge.	The Joint Trades offer the following suggested revisions to the proposed permit language: *Permittees shall be responsible for submitting accurate monitoring results for all facilities which they have permit coverage. The monitoring results for each facility shall be reported on DMRs for each*

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		individual permitted feature authorized that has a monitoring requirement. Each individual permitted feature may authorize multiple points of discharge or outfalls. ~~*Points of discharge will be assigned limit sets based on discharge.*~~ **Rationale**: The Joint Trades are requesting the language change to this section of the permit to provide clarity. The final sentence of this paragraph creates ambiguity, and descriptions such as the assignment of limit sets is better suited for permit guidance and instructions.
Part II.D.4	If discharge is not applicable for a facility, "no discharge" must be reported for that facility until an NOT is submitted. If a permittee or facility submits a "no discharge" DMR for a reporting period in which a discharge occurred, it is a violation of this permit, and the permittee shall submit corrected data as soon as the error is identified.	The Joint Trades recommend the following changes to the proposed permit language: *If discharge is not applicable for a facility, "no discharge" must be reported for that facility until an NOT is submitted. If a permittee or facility submits a "no discharge" DMR for a reporting period in which a discharge occurred, it is a violation of this permit, and the permittee shall submit corrected data no later than the following quarter.* **Rationale**: A definitive timeframe provides clarity to both the regulated community and the agency. In addition, correction of such an error may require operators to validate the information submitted on the DMR and obtain the necessary signatures of the responsible corporate official. This approach is consistent with other sections of the permit, particularly Part II.D.4.
Part II.D.7.a	The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be reported to the Offshore 24-Hour Reporting Application Portal at the following address https://caedext.epa.gov/ords/caedext/f?p=OFFSHOREINCIDENT within 24 hours of the time the permittee becomes aware of the circumstances. A detailed report shall be submitted with the quarterly NetDMR. The report shall contain the following information:	The Joint Trades strongly recommend that EPA hold a training seminar and provide instructions for the regulated community on the new reporting system prior to the permit becoming effective.
Part II.D.7.c	All sheen events associated with Miscellaneous Discharges, Miscellaneous Discharges of seawater and freshwater to which treatment chemicals have been	The Joint Trades recommend the proposed permit language be changed as follows:

Section	2022 Proposed Permit Language	Joint Trades Comments
	added, Well Treatment Fluids, Completion Workover Fluids, Pipeline Brine, Produced Water, Deck Drainage, Drill Cuttings, and Drilling Fluids must be reported under the twenty-four hour reporting requirements.	*All sheens on the receiving water from permitted discharge points with free oil limitations must be reported under the twenty-four hour reporting requirements. If the online reporting system is not available or functioning, operators may submit the required notification via email to: INSERT EMAIL ADDRESS.* **Rationale**: The suggested red text above adds clarity that EPA is referring to discharges subject to the requirements of the permit. Sheens from other, non-permitted sources (typically traditional oil spills) are currently required to be reported immediately to the National Response Center. In addition, EPA has proposed language for produced water discharges for operators to document the cause of produced water sheens and that documentation of those sheens be available for inspection, as well as reported on DMRs. By restricting the 24-hour reporting requirements to discharges with free oil limitations, duplicative reporting and complexity of requirements is eliminated. However, if produced water is retained in the final permit as a sheen that requires 24-hour reporting, then EPA should provide some clarification that a sheen from produced water discharges may not be a non-compliance based on the outcome of the required sheen sampling. Similarly, treatment, completion, workover fluids are required to meet free oil limitations using the static sheen test. Often, the static sheen test is run prior to fluid discharge. If the fluid does not pass the static sheen test, then it is not discharged. Therefore, the Joint Trades are requesting that EPA clarify that if an effluent stream does not pass a static sheen test and, as a result, is not discharged to the receiving water then 24-hour reporting is not required.

Section	2022 Proposed Permit Language	Joint Trades Comments
		Lastly, the regulated community needs a secondary method of submitting the required report in the event that the online reporting system is unavailable.
Part II.G.71	"Produced Water" means the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the oil/water separation process.	The Joint Trades recommend the following changes to the proposed permit language: *"Produced Water" means the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the ~~oil/water~~ oil/gas/water separation process.* **Rationale**: The definition change to provide clarity, be more inclusive and a more realistic approach with what we believe is current operations in industry. The basic separation process at any offshore production facility is designed to separate oil, natural gas and produced water into 3 distinct streams for processing, handling and/or treatment.
Part II.G	NEW PROPOSED DEFINITION	The Joint Trades recommend adding a new definition to the permit: *"Subsea cleaning fluids" means acidic cleaning agents used to dissolve marine deposits on subsea equipment during subsea maintenance and intervention activities to assure proper sealing of operating equipment and to avoid ingress of extremely high subsea pressures and egress (losses of containment) of fluids to the environment.* **Rationale**: EPA provided this definition in the 2022 draft Fact Sheet that accompanied the proposed permit. The Joint Trades believe this definition is appropriate and should be included in the permit.

ED_014484_00006236-00070

August 19, 2003 Letter from S. Wilson regarding Radioactive Tracers

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

AUG 19 2003

COPY

Mr. Tom Hampton
President
Pro Technics
6316 Windfern, Room 310
Houston, TX 77040

Dear Mr. Hampton:

Thank you for meeting with me on August 15, 2003 and supplying information on your product and its use in offshore oil and gas operations.

Based on the information you have presented, it appears that the discharge of well treatment fluids which contain Iridium-192 and Scandium-46 as propping agents would be in compliance with the requirements of the Western Gulf of Mexico Outer Continental Shelf NPDES General Permit for the Offshore Oil and Gas Subcategory (GMG290000). Use of such radioactive elements in very low concentrations has been examined in the process of issuing National Effluent Limitations Guidelines and in our permit development. I understand that Iridium-192 and Scandium-46 are generally used in concentrations less than 0.1 ppm (2000 pCi/gm) and they are likely to be further diluted by other constituents involved in the process. The discharge of such well treatment fluids is presently allowed under the NPDES general permit with no additional monitoring requirements other than for oil and grease and free oil.

Again, it was good to meet with you and obtain more information on your industry. Should you have additional questions please feel free to contact me by telephone at (214) 665-7511 or by E-mail at: wilson.js@epa.gov.

Sincerely,

J. Scott Wilson
Acting Chief
NPDES Permits Section

Comments on Permit Appendices and Permit Supporting Documents

The Joint Trades are offering the following comments on the proposed permit appendices and permit supporting documents.

A. Appendix F – Permit Summary Table

The Joint Trades request that the permit summary table should be deleted from the permit. The permit summary table is not necessary since it is repetitive of the permit limitations and requirements described in the permit itself. The information in the permit summary table is better suited for permit guidance and instructions. Inclusion of this type of information in the permit itself creates opportunities for discontinuity and misalignment with the permit text.

However, if the permit summary table is retained, it must be updated to align with the permit language. The Joint Trades have attached (Attachment D) a "redline" version of the proposed permit summary table that highlights areas where we believe there is inconsistency and inaccuracies in the table.

Most importantly, if the permit summary table is retained in the final permit, it is imperative that a statement be added to the permit summary table that states that the permit language, not the table, is the enforceable requirements of the permit.

B. Fact Sheet

The Joint Trades would like to note one item regarding the proposed Fact Sheet. The Fact Sheet includes the following statement regarding the industry-wide treatment, completion and workover fluids toxicity study:

> *46% of the samples collected showed acute toxicity for one or more species indicating that there is reasonable potential for acute toxicity stemming from well treatment, completion and workover fluid discharge. Therefore, in accordance with 40 CFR §122.44 (d)(1)(iv), acute WET limits are included the proposed permit. Chronic toxicity monitoring will be a requirement of the proposed permit to assess potential for chronic effects.*

However, if the actual volume discharged is used to determine the critical dilution for those discharges lasting less than 24 hours, then 25 of the 28 (89%) samples analyzed did not exhibit acute toxicity at the critical dilution. During the industry-wide TCW study estimated flow rates were calculated using the total volume discharged divided by discharge duration to determine an hourly discharge rate. When this hourly rate is extrapolated to a 24-hour day the estimated discharge rate is conservatively overestimated.

For example, if 100 barrels of fluid are discharged in 1 hour, the discharge rate is 100 barrels/hour. Extrapolated to a "barrel per day" rate value, one could estimate a daily rate of 2400 barrels/day. However, this is not representative of what was actually discharged. 100 barrels was discharged in 1 hour and the discharge ceased, therefore, a more representative estimate of actual discharge rate is 100 barrels/day.

This illustrates the importance of clearly defining how discharge rates are used to determine critical dilution, especially if EPA proceeds with these requirements as a compliance limitation. This type of approach, use of the total volume discharged for discharges lasting less than 24 hours, is consistent with how discharge rates are estimated for other short duration discharges authorized by the permit.

C. Ocean Discharge Evaluation Criteria

The Joint Trades offer two observations regarding the Ocean Discharge Evaluation Criteria.

1. *Evaluation of discharges* – The Ocean Discharge Evaluation Criteria does not appear to provide a full evaluation of all discharge streams authorized by the permit. Produced water and drilling fluids are discussed extensively, but other authorized discharges such as deck drainage, sanitary waste, and miscellaneous discharges are not addressed. EPA should consider a more comprehensive review to better align the criteria with the authorized discharges.

2. *List of threatened and endangered species* – The Joint Trades recommend that the list of threatened and endangered species in the Ocean Discharge Evaluation Criteria be reviewed to determine if the list is consistent with other documents describing Gulf of Mexico threatened and endangered species. The Joint Trades have identified 3 resources that may be helpful:

    a. NOAA Fisheries *Threatened and Endangered Species List Gulf of Mexico*
    b. NOAA Fisheries *Biological Opinion on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico* (also known as "the BiOp).
    c. BOEM's 2023-2028 National Outer Continental Shelf Oil and Gas Leasing Program *Draft Programmatic Environmental Impact Statement*.

D. Essential Fish Habitat Assessment

The Essential Fish Habitat Assessment includes the same statement as the Fact Sheet regarding the industry-wide treatment, completion and workover fluids toxicity study:

> *46% of the samples collected showed acute toxicity for one or more species indicating that there is reasonable potential for acute toxicity stemming from well treatment, completion and workover fluid discharge. Therefore, in accordance with 40 CFR §122.44 (d)(1)(iv), acute WET limits are included the proposed permit. Chronic toxicity monitoring will be a requirement of the proposed permit to assess potential for chronic effects.*

However, if the actual volume discharged is used to determine the critical dilution for those discharges lasting less than 24 hours, then 25 of the 28 (89%) samples analyzed did not exhibit acute toxicity at the critical dilution. During the industry-wide TCW study estimated flow rates were calculated using the total volume discharged divided by discharge duration to determine an hourly discharge rate. When this hourly rate is extrapolated to a 24-hour day the estimated discharge rate is conservatively overestimated.

For example, if 100 barrels of fluid are discharged in 1 hour, the discharge rate is 100 barrels/hour. Extrapolated to a "barrel per day" rate value, one could estimate a daily rate of 2400 barrels/day. However, this is not representative of what was actually discharged. 100 barrels was discharged in 1 hour and the discharge ceased, therefore, a more representative estimate of actual discharge rate is 100 barrels/day.

This illustrates the importance of clearly defining how discharge rates are used to determine critical dilution, especially if EPA proceeds with these requirements as a compliance limitation. This type of approach, use of the total volume discharged for discharges lasting less than 24 hours, is consistent with how discharge rates are estimated for other short duration discharges authorized by the permit.

ATTACHMENT D

Redline of the Permit Summary Table

Appendix F

Table 1. Effluent Limitations, Prohibitions and Monitoring Requirements (Samples collected and prepared for analyses must be representative of the monitored activities. The following are enforceable permit limits and a violation of this appendix is a violation of the permit and/or the Clean Water Act:)
For Reference Only. In the event of a discrepancy, the language in the text of the permit is the enforceable condition.

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
Drilling Fluids..	Free Oil..........	No free oil.................	Once/week(*1) when discharging	Static sheen See Part I.D.6	Number of days sheen observed
	Toxicity(*2) (*1) 96-hr LC50	30,000 ppm daily min 30,000 ppm monthly avg min	Once/month......... Once/end of well(*3) (*2) Once/month....	Grab................ Grab..... Grab.... See Part I.D.2	96-hr LC50 96-hr LC50 96-hr LC50
	Discharge Rate.....	Maximum discharge rate of 1,000 barrels/hour......... Refer to Part I.B.1.b for facilities with proximity to areas of biological concern.	Once/hour(*1) when discharging	Estimate..........	Max. hourly rate
	Discharge Rate for controlled rate areas	(*4)........	Once/hour(*1).....	Measure..........	Max. hourly rate
	Mercury and cadmium in barite	No discharge. of drilling fluids to which barite has been added, if such barite contains mercury in excess of 1.0 mg/kg or cadmium in excess of 3.0 mg/kg (dry weight)	Once prior to drilling each well (*6) (*3)	Absorption Spectro-photometry See Part I.B.1.b	mg mercury/kg barite mg cadmium/kg barite
	Oil Based or Inverse Emulsion Drilling Fluids	No discharge			
	Oil Contaminated... Drilling Fluids	No discharge (*34) (*4)			
	Diesel Oil.........	No discharge of drilling fluids to which diesel oil has been added as a lubricant			
	Mineral Oil........	Mineral oil may be used only as a carrier fluid, lubricity additive, or pill			
	Non aqueous Based.. Fluids	No discharge except that which adheres to drill cuttings and small volume discharges (*5)			

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
All Drill Cuttings ~~Free oil XXXXXXX~~	~~No free oil XXXXXXX.~~ Free Oil	~~Once/week(*1) XXX~~ No free oil.	~~Static sheen XXXX~~ Once/week when discharging	~~Number of days sheen observed X~~ Static Sheen See Part I.D.6	Number of Days Sheen Observed
	Toxicity~~(*2) 96-hr LC50 XX~~ (*1)	No discharge of cuttings generated using drilling fluids which exhibit a toxicity of less than 30,000 ppm daily min. or 30,000 ppm monthly avg. min.			
	Mercury and cadmium..... in barite	No discharge. if generated using drilling fluid to which barite is added which contains mercury in excess of 1.0 mg/kg or cadmium in excess of 3.0 mg/kg			
	Cuttings generated using Oil Contaminated Drilling Fluids	No discharge			
	Cuttings generated using drilling fluids to which Diesel Oil has been added	No discharge			
	Cuttings generated using drilling fluids to which Mineral Oil has been added	Mineral oil may be used only as a carrier fluid, lubricity additive, or pill			

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
Stock Limits for Drill Cuttings Generated using Non aqueous Based Drilling Fluids	Polynuclear Aromatic.. Hydrocarbons (PAH)	0.00001 grams PAH per gram of base fluid	Once/year on each base fluid blend	~~PAH content of Oil by HPLC/UV, EPA Method 1654 (see 40 CFR 435.11(u))~~ See Part I.D.10	gram PAH / gram stock base fluid
	Sediment Toxicity.....	Ratio of 10-day LC50s not to exceed 1.0~~(*7)~~ (*5) Ratio of cumulative gas productions	Once/year on each base fluid blend	~~ASTM method D1367-99 (*8)~~ See Parts I.D.7 and I.D.9	~~Ratio of C16-C18 IO LC50 to stock base fluid LC50~~ Ratio of 10-day LC50s
	Biodegradation Rate...	~~Biodegradation rate ratio~~. not to exceed 1.0 ~~(*9)~~ (*7)	Once/year on each base fluid blend	~~Modified ISO 11734:1995 (*10)~~ See Parts I.D.8 and I.D.9	~~Ratio of C16-C18 IO biodeg. to stock base fluid biodeg.~~ Biodegradation rate ratio
Discharge Limits for Cuttings Generated using Non aqueous Based Drilling Fluids	Sediment Toxicity.....	Ratio of 4-day LC50s not to exceed 1.0~~(*11)~~ (*6)	~~Once/month (*35)~~ (*8)	~~Modified ASTM Method D1367-99 (*12)~~ See Appendix A.	~~Ratio of C16-C18 IO LC50 to stock base fluid LC50~~ Ratio of 4-day LC50s
	Formation Oil.....	No Discharge.....	Once prior to drilling	~~GCMS (*13)~~ See Part I.D.11 and Appendix C.	Pass/Fail
			Once/week.....	~~RPE (*14)~~ See Part I.D.12	Pass/Fail
	Base Fluids Retained on Cuttings	~~6.9% IO (*15) 9.4% ester (*16)~~ 6.9% for drilling fluids which meet stock limitations for C16-C18 internal olefin; 9.4% for drilling fluids which meet stock limitations for C12-C14 ester or C8 ester	Once/day ~~(*17)~~ (*9)	~~Retort Test Method (*18)~~ See Part I.D.13	Percent retained

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/ Method	Monitoring Requirement: Recorded Value(s)
Deck Drainage.....	Free Oil.....	No free oil.....	Daily(*19)XXXX (*10)	Visual sheen... See Part I.D.5	Number of days sheen observed
Produced Water.....	Oil and grease.....	42 mg/l daily max.,... 29 mg/l monthly avg.	Once/month.....	Grab(*20)XXX Grab/Composite (*11)	Daily max., monthly average
	Toxicity.....	0 (*21)X (*12)	Rate Dependent (*13) Twice/Year(*28) See Part I.B.4.b	Grab/Composite (*37) (*11)	See Part I.D.3
	Free Oil.....	Monitor.....	Daily (*19,*29) (*10)	Visual sheen... See Part I.D.5	Number of days sheen observed
	Flow (bbl/day).....	Monitor……	Once/month.....	Estimate.....	Monthly Average
Produced Sand (includes propping agent)XXX	No Discharge, including propping agents		Once/year(*37)XXX	EstimateXXX	Highest monthly flowX
Well treatment fluids, completion fluids, workover fluids (includes packer fluids),x and pipeline brine (*22)XX (*14)	Free oil.....	No free oil.....	Daily(*1)XXX when discharging	Static sheen.... See Part I.D.6	Number of days sheen observed
	Oil & Grease.....	42 mg/l daily max., 29 mg/l monthly avg.	Once/month.....	Grab(*20)XXX	Daily max., monthly average
	Toxicity 48 Hour Acute	0 (*21)X (*12)	Per Discharge	Composite….	See Part I.D.4
	Toxicity 7-day NOEC	Report	Per Discharge	Grab……	See Part I.D.3
Sanitary waste(*24) facilities continuously manned for 30 or more days by 10 or more persons	Residual chlorine(*25)X (*15)	1 mg/l (minimum).....	Once/month..... (*16)	Grab.....	Concentration
	Solids.....	No Floating Solids...	Daily..... (*16)	Observation(*27) (*17)	Number of days solids observed
Sanitary waste (*24) facilities continuously manned for thirty or more days by 9 or fewer persons or intermittently by any number	Solids.....	No floating solids...	Daily..... (*16)	Observation(*27) (*17)	Number of days solids observed
Domestic waste(*26)..... (*18)	Solids.....	No floating solids or foam	Daily.....	Observation(*27) (*17)	Number of days observed

Table 1. (Continued)

	Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/ Method	Monitoring Requirement: Recorded Value(s)
All	Miscellaneous discharges: ~~Desalinization unit discharge; blowout pre-venter fluid; uncontaminated ballast water; uncontaminated bilge water; uncontaminated freshwater; mud, cuttings and cement at seafloor; uncontaminated seawater; boiler blowdown; source water and sand; diatomaceous earth filter media; excess cement slurry; bulk pipeline brine; transfer powdersub sea wellhead preservation fluids; subsea cleaning fluids; sub sea production control fluid; umbilical steel tube storage fluid; leak tracer fluid; riser tensioner fluids. (See Part I.B.10 for more restrictions and reporting requirements for unused cement slurry)~~	Free oil.....	No free oil.....	Daily(~~*23~~) (*19)	Visual sheen.. or Static Sheen	Number of days sheen observed
		Toxicity..... (*20)	7-day NOEC < 50 mg/l (product-specific NOEC for powder dye) (*22)	Once/Year…..	Grab……..	See Part I.D.3
	Unused Cement Slurry					
	Miscellaneous discharges of seawater and freshwater to which treatment chemicals have been added: ~~excess seawater which permits the continuous operation of fire control and utility lift pumps; excess seawater from pressure maintenance and secondary recovery projects, water released during training of personnel in fire protection; seawater used to pressure test new and existing piping and pipelines, ballast water, once-through non-contact cooling water, water used as piping or equipment preservation fluids, water used during Dual Gradient Drilling~~	Treatment chemicals	Most stringent of: EPA label registration, maximum manufacturers recommended dose, or 500 mg/l.			
		Flow Volume.	Monitor.....	Once/month....	Estimate.....	Monthly Average
		Free oil.....	No free oil.....	~~Once/week~~ Daily	Visual Sheen.. (~~*32~~) (*23) or Static Sheen	Number of days sheen observed
		Toxicity.....	0 (~~*30~~) (*24)	Rate Dependent (~~*31~~) See Part I.B.11.b	Grab.....	See Part I.D.4
	Hydrate Control Fluids (~~if discharge alone~~)	Toxicity(~~*33~~)… (*21)	7-day NOEC (~~Product-specific NOEC~~)….. ~~product-specific NOEC for powder dye~~	Once/year	Grab……..	See Part I.D.4 3
	Pipeline Brines	Free Oil Oil & Grease Priority Pollutants Toxicity	No Free Oil. 29 mg/l maximum No content except in trace amounts. 7-day NOEC (or 48-hour if duration of total discharge is a shorter period of duration)	Daily Once prior to applying as preservation fluids Per Discharge	Visual Sheen or Static Sheen	See Part I.D.3
	AFFF		During a fire emergency, no permit limitations.			

Table 1 (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
Cooling Water Intake Structure					
Non-Fixed and Fixed with Sea Chest	Intake Screen Velocity	Maximum not to exceed 0.5 ft/sec	Continuous	Measuring Device	Maximum value
	Visual/remote Inspection	Report (*25)	~~Once/month(*38)~~ Once every 6 months	Observation	Fish number
Fixed without Sea Chest	Intake Screen Velocity	Maximum not to exceed 0.5 ft/sec	Continuous	Measuring Device	Maximum value
	Visual/remote Inspection	Report (*25)	~~Once/month(*38)~~ Once every 6 months	Observation	Fish number
	Entrainment Study /Sampling (*26)	……	……. Dependent on the depth of the intake structure	……. 24-hour entrainment samples from water withdrawn at all CWISs	……. Entrainment per sample event; Total annual entrainment

Footnotes

*1 When discharging

*1 *2 Suspended particulate phase (SPP) with *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs) following approved test method. The sample shall be taken beneath the shale shaker; or if there are no returns across the shaker then the sample must be taken from a location that is characteristic of the overall mud system to be discharged.

*2 *3 Sample shall be taken after the final log run is completed and prior to bulk discharge.

*4 See Part I.B.1.b of this permit.

*5 See Part I.B.1.a of this permit.

*3 *6 Analyses shall be conducted on each new stock of barite used. If more than one well is being drilled at a site, new analyses are not required for subsequent wells, provided that no new supplies of barite have been received since the previous analysis.

*5 *7 The ratio of the 10-day LC50 of C16-C18 internal olefin divided by the 10-day LC50 of the base fluid shall not exceed 1.0. See Part I.B.2.c.1 of this permit.

*8 See Part I.D.7. The ratio of the 10-day LC50 of C16-C18 internal olefin or C12-C14 or C8 ester reference fluid divided by the 10-day LC50 sediment toxicity test with Leptocheirus plumulosus of the base fluid shall not exceed 1.0.

*7 *9 The ratio of the cumulative gas production (ml) of C16-C18 internal olefin divided by the cumulative gas production (ml) of stock base fluid, both at 275 days, shall not exceed 1.0. See Part I.B.2.c.1 of this permit. The ratio of the cumulative gas production (ml) of C16 - C18 internal olefin or C12-C14 or C8 ester reference fluid divided by the cumulative gas production (ml) of stock base fluid, both at 275 days, shall not exceed 1.0. See Part I.B.2.c.1 of this permit.

*10 See Part I.D.8 of this permit.

*6 *11 The ratio of the 4-day LC50 of C16-C18 internal olefin divided by the 4-day LC50 of the base fluid shall not exceed 1.0. See Part I.B.2.c.2 of this permit. The ratio of the 4-day LC50 of C16 - C18 internal olefin reference drilling fluid divided by the 4-day LC50 of the drilling fluids, removed from cuttings at the solids control equipment, shall not exceed 1.0.

*12 See Appendix A of this permit.

*13 See Appendix 5 of 40 CFR Part 435, Subpart A and Part I.D.11 and Appendix C of this permit.

*14 See Section I.D.12 of this permit.

*8 *15 Drilling fluids which meet the stock base fluid limitations for C16-C18 internal olefins. Monitoring shall be performed at least once per month on drilling fluids which meet the stock limitations for a C16-C18 internal olefin. For drilling fluids which meet stock limitations for C12-C14 ester or C8 ester, monitoring shall be performed at least once per well at the end of drilling with nonaqueous based drilling fluids.

*16 Drilling fluids which meet the stock limitations for C12-C14 ester or C8 ester.

*9 *17 Except when meeting the conditions for the Best Management Practices described in Part I.B.2.c of this permit. Operators conducting fast drilling shall collect and analyze samples once per 500 feet or a maximum of three per day.

*18 See Part I.D.13 of this permit.

*10 *19 When discharging and facility is manned. Monitoring shall be accomplished during times when observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge.

*11 *20 May be based on either a grab sample or a composite which consists of the arithmetic average of the results of grab samples collected at even intervals during a period of 24-hours or less. (Example: If four samples are collected within a 24-hour period, samples must be 6 hours apart)

*12 ~~*21~~ See Appendix D, Table 1 of this permit for critical dilutions. A permittee is in compliance with the WET limit when the NOEC is equal to or greater than the permittee's critical dilution, and this is reported as a "0" in the DMR. A WET violation happens when the NOEC is less than the permittee's critical dilution, and this is reported as "1" in the DMR.

*14 ~~*22~~ No discharge of priority pollutants except in trace amounts. Information on the specific chemical composition shall be recorded but not reported unless requested by EPA.

*19 ~~*23~~ When discharging for muds, cuttings, and cement at the seafloor, blowout preventer fluid, subsea cleaning fluids, sub sea wellhead preservation fluids, subsea production control fluid, umbilical steel tube storage fluid, leak tracer fluid, and riser tensioner fluids. All other miscellaneous discharges: when discharging, discharge is authorized only during times when visual sheen observation is possible, unless the static sheen method is used. Uncontaminated seawater uncontaminated freshwater, source water and source sand, uncontaminated bilge water, and uncontaminated ballast water from platforms on automatic purge systems may be discharged without monitoring from platforms which are not manned.

*16 ~~*24~~ Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed to be in compliance with permit limitations for sanitary waste. The MSD shall be tested yearly for proper operation, and test results maintained at the facility.

*15 ~~*25~~ Hach method CN-66 DPD approved. Minimum of 1 mg/l and maintained as close to this concentration as possible.

*18 ~~*26~~ The discharge of food waste is prohibited within 12 nautical miles from nearest land. Comminuted food waste able to pass through a 25 mm mesh screen (approximately 1 inch) may be discharged more than 12 nautical miles from nearest land.

*17 ~~*27~~ Monitoring shall be accomplished during daylight by visual observation of the surface of the receiving water in the vicinity of sanitary and domestic waste outfalls. Observations shall be made following either the morning or midday meals at a time of maximum estimated discharge.

~~*28 XXXX Twice per calendar year. Tests must be at least 90 days apart.~~

~~*29 XXXX See Part I.B.4.b of this permit XX~~

*24 ~~*30~~ See Appendix D, Table 2 of this permit for critical dilutions. A permittee is in compliance with the WET limit when the NOEC is equal to or greater than the permittee's critical dilution, and this is reported as a "0" in the DMR. A WET violation happens when the NOEC is less than the permittee's critical dilution, and this is reported as "1" in the DMR.

~~*31 XXXX See Part I.B.1.b of this permit X~~

*23 ~~*32~~ Monitoring for free oil on discharges from existing piping and existing pipelines shall be performed at least three times per discharge as follows: 1) within thirty minutes after commencement of discharge; 2) at the estimated middle of the discharge; and 3) within fifteen minutes before or after the discharge has ceased.

*21 ~~*33~~ Toxicity test is waived if the discharge of methanol is less than 20 bbl within a 7-day period or the discharge of ethylene glycol is less than 200 bbl within a 7-day period.

*4 ~~*34~~ The discharge of drilling fluids which contain waste engine oil, cooling oil, gear oil or any lubricants which have been previously used for purposes other than borehole lubrication, is prohibited.

*8 ~~*35~~ ~~For drilling fluids which meet stock limitations for C12-C14 ester or C8 ester, monitoring shall be performed at least once per well at the end of drilling with non-aqueous based drilling fluids~~

Monitoring shall be performed at least once per month on drilling fluids which meet the stock limitations for a C16-C18 internal olefin. For drilling fluids which meet stock limitations for C12-C14 ester or C8 ester, monitoring shall be performed at least once per well at the end of drilling with nonaqueous based drilling fluids.

~~*36 A minimum of three (3) samples shall be collected as grabs or composites.~~

*13 ~~*37~~ ~~Highest monthly flow shall be reported in the month of December.~~ At the end of each calendar year (December), the highest estimated monthly flow rate recorded during the previous 12 months will be used to determine the frequency of toxicity testing for the following calendar year.

*25 ~~*38~~ **Number of fish/shellfish impinged and estimated screen area blockage for each screen for months when inspections are conducted.**

*26 The permittees who completed or participated in the previous "Gulf of Mexico Cooling Water Intake Structure Entrainment Monitoring Study" or have performed entrainment monitoring for two years, may submit Southeast Area Monitoring and Assessment Program (SEAMAP) data, instead.

*20 Fluids which are used as subsea wellhead preservation fluids, subsea production control fluids, umbilical steel tube storage fluids, leak tracer fluids made without powder dye, and riser tensioning fluids shall have a 7-day No Observable Effect Concentration (NOEC) of no less than 50 mg/l prior to the discharge. For leak tracer fluid made from powder dye, the maximum concentration to be discharged shall be no greater than is the 7-day NOEC for that specific powder dye; the 50 mg/l NOEC limit rule does not apply to leak tracer fluid made from powder dye.

*22 Discharges of unused cement slurry due to equipment failure during the cementing job are limited to once per calendar year per facility. Discharges of unused cement slurry due to off-specification during the cementing job are limited to one discharge per well.

Message

From: Jeremy Dugas [Jeremy.Dugas@qnenergy.com]
Sent: 10/4/2022 9:04:33 PM
To: Garcia, Mitty [Garcia.Mitty@epa.gov]
Subject: RE: 24-Hour Access

Thanks Mitty!

Thanks,
Jeremy Dugas
Environmental Coordinator

QuarterNorth Energy LLC
2014 W. Pinhook Rd Suite 800
Lafayette, LA 70508
(337) 354-8068 *direct*
(337) 257-7717 *mobile*
jeremy.dugas@qnenergy.com

From: Garcia, Mitty <Garcia.Mitty@epa.gov>
Sent: Tuesday, October 4, 2022 10:36
To: Jeremy Dugas <jeremy.dugas@qnenergy.com>
Subject: 24-Hour Access

External: This Email is from an external sender. Be alert for Phishing. Do not click links if you do not know the sender.

Hi,

You are about to be approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

NOTE: As of October 1, 2022, the 2017 GMG290000 Offshore GP is in Administratively Continued Status. The 2022 proposed permit has not been issued and not in effect as of 10.02.2022. Please visit our website for updates. Reporting to the 24-hour reporting application portal is not required under the 2017 permit. Any submission will be deleted when the 2022 GMG290000 permits is signed. Which means, you are free to submit "test" reports during this time.

Mitty (Mohon) Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6
1201 Elm Street, 500
Dallas, TX 75270
214-665-6497
ALERT: My email has changed to garcia.mitty@epa.gov
mohon.mitty@epa.gov will be deactivated on 9/1/2022.

Message

From: Greg Southworth [greg@theooc.org]
Sent: 10/6/2022 5:46:35 PM
To: Garcia, Mitty [Garcia.Mitty@epa.gov]
CC: Jim Rocco [Jim.Rocco@iadc.org]
Subject: Re: 24-Hour Reporting Application Portal

Thanks, Mitty!

Will do.

On Thu, Oct 6, 2022 at 12:39 PM Garcia, Mitty <Garcia.Mitty@epa.gov> wrote:

Hi Greg and Jim,

Pleased feel free to pass this information forward.

The **24-Hour Reporting Application Portal** is "live" to the offshore oil & gas facilities under the GMG290000 general permit. A training will be provided after the 2022 GMG290000 general permit is signed, as of today (10/6/22) the 2017 GMG290000 general permit is still in Administratively Continued Status, but companies can start creating accounts now and requesting approval for access. Between now (10/6/22) and when the 2022 GMG290000 general permit is signed, users can submit "test" reports. These test reports will not be enforced on and will be deleted after the effective day of the 2022 GMG290000 general permit. This is an opportunity for users to get familiar with the 24-hour portal and test out the submission process. Please email me, Mitty Garcia, if you have any questions.

Please visit our EPA Region 6 Offshore website for instructions and links to the portal and other offshore information.

Mitty (Mohon) Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6

1201 Elm Street, 500
Dallas, TX 75270
214-665-6497

ALERT: My email has changed to garcia.mitty@epa.gov

mohon.mitty@epa.gov will be deactivated on 9/1/2022.

Message

From: Jim Rocco [Jim.Rocco@iadc.org]
Sent: 10/6/2022 5:48:34 PM
To: Garcia, Mitty [Garcia.Mitty@epa.gov]; greg@theooc.org
Subject: RE: 24-Hour Reporting Application Portal

Mitty,

Thank you for this update. 😊

Jim.

From: Garcia, Mitty <Garcia.Mitty@epa.gov>
Sent: Thursday, October 06, 2022 12:40 PM
To: greg@theooc.org; Jim Rocco <Jim.Rocco@iadc.org>
Subject: 24-Hour Reporting Application Portal

[EXTERNAL] This Message Came From an External Source

Hi Greg and Jim,

Pleased feel free to pass this information forward.

The **24-Hour Reporting Application Portal** is "live" to the offshore oil & gas facilities under the GMG290000 general permit. A training will be provided after the 2022 GMG290000 general permit is signed, as of today (10/6/22) the 2017 GMG290000 general permit is still in Administratively Continued Status, but companies can start creating accounts now and requesting approval for access. Between now (10/6/22) and when the 2022 GMG290000 general permit is signed, users can submit "test" reports. These test reports will not be enforced on and will be deleted after the effective day of the 2022 GMG290000 general permit. This is an opportunity for users to get familiar with the 24-hour portal and test out the submission process. Please email me, Mitty Garcia, if you have any questions.

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Dallas, TX 75270
214-665-6497
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mohon.mitty@epa.gov will be deactivated on 9/1/2022.

Message

From: Mickiewicz Cyril [Cyril.Mickiewicz@eni.com]
Sent: 11/3/2022 8:26:50 PM
To: Garcia, Mitty [Garcia.Mitty@epa.gov]
Subject: RE: [EXTERNAL] 24-Hour Portal Reporting Access (GMG290000)

Yes! Sorry, I checked earlier and I could get in. I just forgot to write back to you.

Thanks for the help,

Cyril

From: Garcia, Mitty <Garcia.Mitty@epa.gov>
Sent: Thursday, November 3, 2022 3:25 PM
To: Mickiewicz Cyril <Cyril.Mickiewicz@eni.com>
Subject: RE: [EXTERNAL] 24-Hour Portal Reporting Access (GMG290000)

Hi Cyril,

I just approved your request, so please try again. If you still have issues let me know and we can work through the issue.

Mitty

From: Mickiewicz Cyril <Cyril.Mickiewicz@eni.com>
Sent: Thursday, November 3, 2022 1:22 PM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>
Subject: RE: [EXTERNAL] 24-Hour Portal Reporting Access (GMG290000)

Dear Mitty,

Thanks- I just tried the link below, but it says that I still don't have authorization. Will there be another email indicating that authorization has been approved?

-Cyril

From: Garcia, Mitty <Garcia.Mitty@epa.gov>
Sent: Thursday, November 3, 2022 1:16 PM
To: Mickiewicz Cyril <Cyril.Mickiewicz@eni.com>
Subject: [EXTERNAL] 24-Hour Portal Reporting Access (GMG290000)

> **Security Warning:** This email originated from outside of the organization. Do not click links or open attachments unless you have verified the sender's email address and know the content is safe.

Hi,

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Mitty Garcia
garcia.mitty@epa.gov
EPA Region 6
Offshore Coordinator

Message for the recipient only, if received in error, please notify the sender and read http://www.eni.com/disclaimer/

Message

From: Mike Autin [MAutin@contango.com]
Sent: 3/28/2023 2:09:39 PM
To: Garcia, Mitty [Garcia.Mitty@epa.gov]
Subject: NPDES Question

Ms. Mohon,

I attempted to reach you by phone, so you will have a few VM's from me. I represent Contango Operators Inc. We have been ordered by BSEE to P&A the VR 170 A001 on OCS-G 33596 by March 31, 2023. As a record title holder we must complete this work as the current operator of record (Topco) has become insolvent and is not able to do it.

Another operator, Gulf Offshore, current RUE holder for the VR 170 facility and ROW, has coverage under the GMG290000 permit within the same lease block as the aforementioned well. We are inquiring whether it would be possible to utilize Gulf Offshore's current permit coverage for our P&A operations. The permitted feature type is a Mobile Offshore Drilling Unit, so these operations would meet the applicability criteria for coverage. Even though the GMG290000 permit from 2017 has expired and has fallen into continuance, would the EPA recommend a course of action to Contango to obtain adequate permit coverage for these imminent P&A operations?

Stephen Dessauer at BSEE recommended that I reach out to you on this. Please advise as we are currently working to satisfy this P&A order and we need to resolve this question.

Regards,

Michael Autin
Vice President
Contango
Contango Oil & Gas Company

717 Texas Ave, Ste. 2900 | Houston, TX 77002
P 713.960.0454 | F 713.237.4354 | C 832.540.7676

Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 1/9/2023 6:46:59 PM
To: Casey Callahan [casey.callahan@merjent.com]
Subject: RE: Question regarding status of NPDES GMG290000

Hi Casey,

That is correct. We will update our website on the effective date of the new permit and announce training dates as well. You can now sign-up for the 24-hour reporting portal that will be a new requirement in the permit. Instructions are also available on our website under "supporting documents".

EPA REGION 6 OFFSHORE WEBSITE

Mitty (Mohon) Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6
1201 Elm Street, 500
Dallas, TX 75270
214-665-6497
Please visit our Offshore Website for more information on the GMG290000 General Permit
ALERT: My email has changed to garcia.mitty@epa.gov as of 09/01/22
.

From: Casey Callahan <casey.callahan@merjent.com>
Sent: Monday, January 9, 2023 12:03 PM
To: Angove, Sharon <Angove.Sharon@epa.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>
Subject: Question regarding status of NPDES GMG290000

Hello, I'm trying to confirm that NPDES GMG290000 is still in administrative continuance and that a new permit hasn't been issued yet?

Thanks.
Casey

Casey Callahan
Chief Operating Officer

443.569.2107 mobile
casey.callahan@merjent.com

merjent
1 Main Street SE, Suite 300
Minneapolis, MN 55414
612.746.3660 main
www.merjent.com

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Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 8/22/2022 6:32:44 PM
To: Jim Rocco [Jim.Rocco@iadc.org]
CC: Greg Southworth [greg@theooc.org]
Subject: RE: Follow-up Question to our discussion last week

Hi Jim,

Any questions or information regarding the 2022 drafted permit for GMG290000 needs to submitted to public comment or answered by the permit writer. The links I provided in the previous email should have a place to register for the virtual public hearing as well.

Mitty (Mohon) Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6
1201 Elm Street, 500
Dallas, TX 75270
214-665-6497
ALERT: My email has changed to garcia.mitty@epa.gov
mohon.mitty@epa.gov will be deactivated on 9/1/2022.

From: Jim Rocco <Jim.Rocco@iadc.org>
Sent: Monday, August 22, 2022 12:19 PM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>
Cc: Greg Southworth <greg@theooc.org>
Subject: Follow-up Question to our discussion last week

HI Mitty,

Thanks again for taking the time to discuss my questions last week.

One more question I had was relative to cooling water intake structures and Region 6's observations of "impingement arrangements" affixed to sea chests on fixed and non-fixed structures. In the course of inspections previously undertaken, can you generally describe what your inspection teams have witnessed on offshore facilities with regard to the industry's efforts to satisfy cooling water intake structure (CWIS) arrangements? If you had a pictures, that would perfect.

I need to better frame our members discussion around CWIS sea chest arrangements. If you could "add a bit of color" to EPA's observations of how you've seen compliance measures successfully implemented, I can use such examples to help steer our conversations so that we put forth meaningful insight for IADC comments to the Notice.

I'm copying Greg at the OOC on this email as your reply will also be insightful for him.

Also, I haven't yet received the email you sent last week. Any chance you can resent it?

Thanks,
Jim.

Jim Rocco
Sr Director, Government & Industry Affairs - Offshore

International Association of Drilling Contractors
3657 Briarpark Drive Suite 200
Houston, TX 77042
D + 1 713 600 1888
C + 1 985 791 1832
www.iadc.org

Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 8/22/2022 2:43:29 PM
To: jim.racco@iadc.org
Subject: EPA Offshore Oil & Gas
Attachments: 2022_GMG290000_Proposed_General_Permit_1.pdf

Note: Had to resend due to incorrect email, my apologies.

Jim,

Thanks for your call. As discussed here is a link to the 2022 drafted GMG290000 GP for Offshore Oil & Gas (scroll down to "Draft Permit Section"): https://www.epa.gov/npdes-permits/support-documents-npdes-general-permit-offshore-oil-and-gas-operations-western-gulf there is also a link to submit public comments/suggestions.

Attached is a copy of the proposed (draft) 2022.

EPA Region 6 Permit Writer for the GMG290000 GP: Nichole Young, young.nichole@epa.gov

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Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6
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214-665-6497
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Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 10/3/2022 2:08:53 PM
To: mbegnaud@arenaoffshore.com
BCC: Garcia, Mitty [Garcia.Mitty@epa.gov]
Subject: 24-Hour Reporting Application Portal

Hi,

You are about to be approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

NOTE: As of October 1, 2022, the 2017 GMG290000 Offshore GP is in Administratively Continued Status. The 2022 proposed permit has not been issued and not in effect as of 10.02.2022. Please visit our website for updates. Reporting to the 24-hour reporting application portal is not required under the 2017 permit. Any submission will be deleted when the 2022 GMG290000 permits is signed. Which means, you are free to submit "test" reports during this time.

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Message

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Sent: 8/18/2022 7:40:35 PM
To: jim.racco@iabc.com
Subject: EPA Offshore Oil & Gas
Attachments: 2022_GMG290000_Proposed_General_Permit_1.pdf

Jim,

Thanks for your call. As discussed here is a link to the 2022 drafted GMG290000 GP for Offshore Oil & Gas (scroll down to "Draft Permit Section"): https://www.epa.gov/npdes-permits/support-documents-npdes-general-permit-offshore-oil-and-gas-operations-western-gulf there is also a link to submit public comments/suggestions.

Attached is a copy of the proposed (draft) 2022.

EPA Region 6 Permit Writer for the GMG290000 GP: Nichole Young, young.nichole@epa.gov

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Offshore Coordinator and Enforcement Officer (ECADWE)
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Sent: 10/4/2022 4:42:45 PM
To: david.duke2@bp.com
Subject: 24-Hour Access

Hi,

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Sent: 8/22/2022 2:40:58 PM
To: jim.racco@iabc.org
Subject: EPA Offshore Oil & Gas (resent due to incorrect email)
Attachments: 2022_GMG290000_Proposed_General_Permit_1.pdf

Jim,

Thanks for your call. As discussed here is a link to the 2022 drafted GMG290000 GP for Offshore Oil & Gas (scroll down to "Draft Permit Section"): https://www.epa.gov/npdes-permits/support-documents-npdes-general-permit-offshore-oil-and-gas-operations-western-gulf there is also a link to submit public comments/suggestions.

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Message

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Sent: 10/5/2022 5:56:28 PM
To: bradley.koskowich@bp.com
Subject: 24-Hour Access

Hi,

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Sent: 10/11/2022 6:20:57 PM
To: shilpi_desai@murphyoilcorp.com
Subject: 24-Hour Portal Access

Hi,

You are about receive approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

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Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 10/11/2022 6:25:02 PM
To: sue.sachitana@llog.com
Subject: 24-hour Portal Access

Hi,

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Offshore Coordinator and Enforcement Officer (ECADWE)
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mohon.mitty@epa.gov will be deactivated on 9/1/2022.

Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 10/11/2022 8:21:26 PM
To: Valerie Greeve [vgreeve@wtoffshore.com]
Subject: RE: [EXTERNAL]RE: [EXTERNAL]Fwd: 24-Hour Reporting Application Portal

Yes! Please complete all the steps. Let me know if you still have issues.

From: Valerie Greeve <vgreeve@wtoffshore.com>
Sent: Tuesday, October 11, 2022 2:19 PM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>
Subject: RE: [EXTERNAL]RE: [EXTERNAL]Fwd: 24-Hour Reporting Application Portal

Yes, I have an existing login.gov account. I completed the Web Application Access Registration last week. I used your information as the EPA Contact was that correct?

After completing it I never received an email confirmation. If I attempted to access the reporting portal link after I registered I see a page that states: "United States EPA Web Server, NOT AUTHORIZED, You are not authorized to access the requested resource."

Today if I go to the EPA login again, it seems I can complete the registration again, is that what I need to do?

Thank you for the assistance,

Valerie Greeve
Environmental Program Manager

251-973-4627 (OTF office) (direct)
vgreeve@wtoffshore.com

W&T Offshore, Inc.
6000 Deakle Road
Theodore, AL, US 36582
+1 (713) 626-8525 (main)
www.wtoffshore.com

A U.S. Company helping to safely supply energy for its Country

---

From: Garcia, Mitty [mailto:Garcia.Mitty@epa.gov]
Sent: Tuesday, October 11, 2022 1:36 PM
To: Valerie Greeve <vgreeve@wtoffshore.com>
Subject: [EXTERNAL]RE: [EXTERNAL]Fwd: 24-Hour Reporting Application Portal

Have you request a login.gov ID? If yes, the next step is to request access to EPA community – R6 Offshore 24 Hour Reporting Portal. See the instructions attached to this email.

1.Login.gov
2.EPA community

Mitty (Mohon) Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6
1201 Elm Street, 500
Dallas, TX 75270
214-665-6497
ALERT: My email has changed to garcia.mitty@epa.gov
mohon.mitty@epa.gov will be deactivated on 9/1/2022.

From: Valerie Greeve <vgreeve@wtoffshore.com>
Sent: Monday, October 10, 2022 1:04 PM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>
Subject: RE: [EXTERNAL]Fwd: 24-Hour Reporting Application Portal

Good afternoon,

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Thanks,

Valerie Greeve
Environmental Program Manager
251-973-4627 (OTF office) (Direct)
vgreeve@wtoffshore.com | www.wtoffshore.com
6000 Deakie Road, Theodore, AL, US, 36582

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From: Greg Southworth [mailto:greg@theooc.org]
Sent: Monday, October 10, 2022 9:24 AM
Subject: [EXTERNAL]Fwd: 24-Hour Reporting Application Portal

OOC Water SC -

FYI - more information from EPA Region 6 re: the 24-hr reporting system is below.

---------- Forwarded message ---------
From: **Garcia, Mitty** <Garcia.Mitty@epa.gov>
Date: Thu, Oct 6, 2022 at 12:39 PM
Subject: 24-Hour Reporting Application Portal
To: greg@theooc.org <greg@theooc.org>, Jim Rocco <Jim.Rocco@iadc.org>

Hi Greg and Jim,

Pleased feel free to pass this information forward.

The **24-Hour Reporting Application Portal** is "live" to the offshore oil & gas facilities under the GMG290000 general permit. A training will be provided after the 2022 GMG290000 general permit is signed, as of today (10/6/22) the 2017 GMG290000 general permit is still in Administratively Continued Status, but companies can start creating accounts now and requesting approval for access. Between now (10/6/22) and when the 2022 GMG290000 general permit is signed, users can submit "test" reports. These test reports will not be enforced on and will be deleted after the effective day of the 2022 GMG290000 general permit. This is an opportunity for users to get familiar with the 24-hour portal and test out the submission process. Please email me, Mitty Garcia, if you have any questions.

Please visit our EPA Region 6 Offshore website for instructions and links to the portal and other offshore information.

Mitty (Mohon) Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6

1201 Elm Street, 500
Dallas, TX 75270
214-665-6497

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Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 10/11/2022 6:36:14 PM
To: Valerie Greeve [vgreeve@wtoffshore.com]
Subject: RE: [EXTERNAL]Fwd: 24-Hour Reporting Application Portal
Attachments: 24-Hour Reporting Application Portal_How to create an account R6.pdf

Have you request a login.gov ID? If yes, the next step is to request access to EPA community – R6 Offshore 24 Hour Reporting Portal. See the instructions attached to this email.

1.Login.gov
2.EPA community

Mitty (Mohon) Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6
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Dallas, TX 75270
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From: Valerie Greeve <vgreeve@wtoffshore.com>
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Sent: Monday, October 10, 2022 9:24 AM
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Please visit our EPA Region 6 Offshore website for instructions and links to the portal and other offshore information.

Mitty (Mohon) Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6

1201 Elm Street, 500
Dallas, TX 75270
214-665-6497

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Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 10/12/2022 2:53:01 PM
To: Matlamela, Lerato [Lerato.Matlamela@bp.com]
Subject: RE: 24-Hour Portal Access

Lerato,

Thank you for your great questions and sorry I missed your call yesterday. I will add these questions to our training and will hopefully be able to provide more clarity and understanding.

Mitty

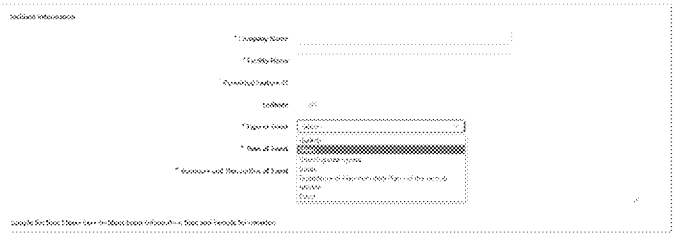
From: Matlamela, Lerato <Lerato.Matlamela@bp.com>
Sent: Tuesday, October 11, 2022 5:19 PM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>
Cc: Garcia, Mitty <Garcia.Mitty@epa.gov>
Subject: Re: 24-Hour Portal Access

Thanks, Mitty.

I am going to give you a call, but here are my questions in email.

The New 24 Hour Portal

There are 6 Options under 'Type of Event':



- Sheen
- **Unanticipated Bypass**
- **Upset**
- **Exceedance of Maximum Daily (Part I. of the permit)**
- Release
- Other

In the following scenarios, what would be the 'Type of Event' to select?

- What if there is a Release, that causes a Sheen, would the 'Type of Event' = Release or Sheen?
- What if there is an Unanticipated Bypass that causes a Release, would the 'Type of Event' = Release or Unanticipated Bypass?
- What if there is a Sheen caused by an Upset, would the 'Type of Event' = Sheen or Upset?

Your clarifications would be greatly appreciated.

Regards,
Lerato

Lerato Matlamela

Environmental Compliance Program Manager – Water | epa NPDES

bp E&S GoM Region | P&O

Main: 832.780.4392 or Cell: 713.705.1343

CLICK HERE FOR **WATER LINKS**

From: Matlamela, Lerato <Lerato.Matlamela@bp.com>
Sent: Tuesday, October 11, 2022 04:23 PM
To: Burge, Farley <Farley.Burge@bp.com>; Rosamond, Kenneth P <kenneth.rosamond@bp.com>; Gilmore, Jacob <Jacob.Gilmore@bp.com>; Weaver, Joshua <weavj6@bp.com>; Quevedo, Pedro <Pedro.Quevedo@bp.com>; Proffitt, Chad <Chad.Proffitt@bp.com>; Earnest, Heather Quarles <heather.earnest@bp.com>
Cc: Koskowich, Bradley (SWIFT) <bradley.koskowich@bp.com>; Duke, David <David.Duke2@bp.com>
Subject: Re: 24-Hour Portal Access

Thanks, Farley! See below.

Lerato Matlamela

Environmental Compliance Program Manager – Water | epa NPDES

bp E&S GoM Region | P&O

Main: 832.780.4392 or Cell: 713.705.1343

CLICK HERE FOR **WATER LINKS**

From: Burge, Farley <Farley.Burge@bp.com>
Sent: Tuesday, October 11, 2022 04:01 PM
To: Matlamela, Lerato <Lerato.Matlamela@bp.com>; Rosamond, Kenneth P <kenneth.rosamond@bp.com>; Gilmore, Jacob <Jacob.Gilmore@bp.com>; Weaver, Joshua <weavj6@bp.com>; Quevedo, Pedro <Pedro.Quevedo@bp.com>; Proffitt, Chad <Chad.Proffitt@bp.com>; Earnest, Heather Quarles <heather.earnest@bp.com>

Cc: Koskowich, Bradley (SWIFT) <bradley.koskowich@bp.com>; Duke, David <David.Duke2@bp.com>
Subject: RE: 24-Hour Portal Access

Thanks, Lerato. Some good questions. See my comments below.

From: Matlamela, Lerato <Lerato.Matlamela@bp.com>
Sent: Tuesday, October 11, 2022 3:06 PM
To: Rosamond, Kenneth P <kenneth.rosamond@bp.com>; Gilmore, Jacob <Jacob.Gilmore@bp.com>; Weaver, Joshua <weavj6@bp.com>; Quevedo, Pedro <Pedro.Quevedo@bp.com>; Proffitt, Chad <Chad.Proffitt@bp.com>; Earnest, Heather Quarles <heather.earnest@bp.com>
Cc: Koskowich, Bradley (SWIFT) <bradley.koskowich@bp.com>; Duke, David <David.Duke2@bp.com>; Burge, Farley <Farley.Burge@bp.com>
Subject: Re: 24-Hour Portal Access

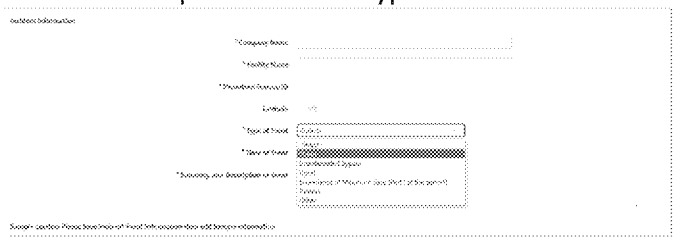
Team - please review my inquiry below and let me know if you have any other questions or clarifications to add.

Thanks, Mitty.

I am going to give you a call, but here are my questions in email.

The New 24 Hour Portal

There are 6 Options under 'Type of Event':



- Sheen
- **Unanticipated Bypass**
- **Upset**
- **Exceedance of Maximum Daily (Part I. of the permit)**
- Release
- Other

In the following scenarios, what would be the 'Type of Event' to select?

- What if there is a Release, that causes a Sheen, would the 'Type of Event' = Release or Sheen?
- What if there is an Unanticipated Bypass that causes a Release, would the 'Type of Event' = Release or Unanticipated Bypass?
- What if there is a Sheen caused by an Upset, would the 'Type of Event' = Sheen or Upset?
- For All Sheen events associated with {*Miscellaneous Discharges, Miscellaneous Discharges of seawater and freshwater to which treatment chemicals have been added, Well Treatment Fluids, Completion Workover Fluids, Pipeline Brine, Produced Water, Deck Drainage, Drill Cuttings, and Drilling Fluids}*, would the 'Type of Event' always = Sheen, irrespective of what caused the sheen (e.g. unanticipated bypass); also, are we required to include the information listed under NPDES Part II.7.b ~~details,~~ under 'Summary and Description of Event':
-

- [I don't understand this question. What are the "details" you refer to?]
-
- See NPDES Part II.7.b in blue below:
- Per NPDES Part II.7.b.: the following shall be included as information which must be reported within 24 hours:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
(2) Any upset which exceeds any effluent limitation in the permit; and,
(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours. [Are these the "details" that you refer to above? Because these are not really "details". Details would be size of sheen, duration, cause of sheen, time of occurrence, etc.]

- The 'Exceedance of Maximum Daily', is this for Produced Water Sheens only? [This is for "(3) Violation of a maximum daily discharge limitation for of the pollutants listed by the Director in Part I of the permit..."]
- I think this is only for produced water sheen limits and would like EPA to clarify if Oil and Grease Results are to be loaded, or if there are other parameters.
-
-
- And, would the results be entered at a later date once the compliance lab issues results?

Regards,
Lerato

Lerato Matlamela

Environmental Compliance Program Manager – Water | epa NPDES

bp E&S GoM Region | P&O

Main: 832.780.4392 or Cell: 713.705.1343

CLICK HERE FOR **WATER LINKS**

From: Garcia, Mitty <Garcia.Mitty@epa.gov>
Sent: Tuesday, October 11, 2022 01:27 PM
To: Matlamela, Lerato <lerato.matlamela@bp.com>
Subject: 24-Hour Portal Access

Hi,

You are about receive approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

NOTE: As of October 1, 2022, the 2017 GMG290000 Offshore GP is in Administratively Continued Status. The 2022 proposed permit has not been issued and not in effect as of 10.02.2022. Please visit our website for updates. Reporting to the 24-hour reporting application portal is not required under the 2017 permit. Any submission will be deleted when the 2022 GMG290000 permits is signed. Which means, you are free to submit "test" reports during this time.

Mitty (Mohon) Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6
1201 Elm Street, 500
Dallas, TX 75270
214-665-6497
ALERT: My email has changed to garcia.mitty@epa.gov
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Confidential

Confidential

Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 10/13/2022 7:18:56 PM
To: ashleyhaynes@chevron.com
Subject: 24-Hour Reporting

Hi,

You are about receive approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

NOTE: As of October 1, 2022, the 2017 GMG290000 Offshore GP is in Administratively Continued Status. The 2022 proposed permit has not been issued and not in effect as of 10.02.2022. Please visit our website for updates. Reporting to the 24-hour reporting application portal is not required under the 2017 permit. Any submission will be deleted when the 2022 GMG290000 permits is signed. Which means, you are free to submit "test" reports during this time.

Mitty Garcia
garcia.mitty@epa.gov
EPA Region 6
Offshore Coordinator

Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 10/17/2022 8:12:55 PM
To: jamtaylor@noblecorp.com
Subject: 24-Hour Portal Access (GMG290000)

Hi,

You are about receive approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

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EPA Region 6
Offshore Coordinator

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Sent: 9/21/2022 2:10:32 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: FW: Energy Association Comments on Proposed GOM OCS NPDES Permit
Attachments: Joint Trades (OOC API NOIA LMOGA) Comments - Proposed NPDES Permit GMG290000 - 09.20.2022.pdf

Looks like the OOC submitted more comments. This usually leads to a few meetings with WQ depending on if they need/want our input.

Mitty

From: Greg Southworth <greg@theooc.org>
Sent: Tuesday, September 20, 2022 4:12 PM
To: Regan, Michael <Regan.Michael@epa.gov>; Nance, Earthea <Nance.Earthea@epa.gov>; Maguire, Charles <maguire.charles@epa.gov>; Larsen, Brent <Larsen.Brent@epa.gov>; Young, Nichole <young.nichole@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Garcia, Mitty <Garcia.Mitty@epa.gov>; Angove, Sharon <Angove.Sharon@epa.gov>; Shell, Karrie-Jo <Shell.Karrie-Jo@epa.gov>; Staples, Bridget <Staples.Bridget@epa.gov>; kevin.sligh@bsee.gov; Bryan Domangue <bryan.domangue@bsee.gov>; TJ Broussard <t.j.broussard@bsee.gov>; amanda.lefton@boem.gov; Michael Celata <michael.celata@boem.gov>
Subject: Energy Association Comments on Proposed GOM OCS NPDES Permit

All -

You are being provided a copy of comments submitted by the Offshore Operators Committee, American Petroleum Institute, National Ocean Industries Association, and the Louisiana Mid-Continent Oil & Gas Association on the proposed Gulf of Mexico NPDES Permit (GMG290000). The comments were submitted today to the docket at www.regulations.gov.

Thank you.

Greg Southworth

Associate Director

Offshore Operators Committee

Office: 504.904.7966

Cell: 504.638.8642

greg@theooc.org

September 20, 2022

Submitted via www.regulations.gov

US Environmental Protection Agency, Region 6
ATTN: Evelyn Rosborough
1201 Elm Street
Dallas, TX 75270

RE: Joint Trade Association Comments
Notice of Proposed NPDES General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf in the Gulf of Mexico (GMG290000)
Docket ID No. EPA-R06-OW-2022-0603

The Offshore Operators Committee (OOC), the American Petroleum Institute (API), the National Ocean Industries Association (NOIA) and the Louisiana Mid-Continent Oil and Gas Association (LMOGA), hereinafter referred to as "the Joint Trades," appreciate the opportunity to provide detailed comments on the above-captioned NPDES General Permit. Comments submitted on behalf of the Joint Trades are submitted without prejudice to any member's right to have or express different or opposing views. It is from this perspective that these comments have been developed.

The Joint Trades represent oil and natural gas operators, drilling contractors, and service providers who conduct essentially all of the offshore oil and natural gas exploration and production activities on the Outer Continental Shelf (OCS). Our members recognize that offshore operations must be conducted safely and in a manner that protects the environment. The offshore industry has a long history of safe operations that have advanced the energy security of our nation and provided energy resources which are crucial to our nation's economy.

Comments

The Joint Trades' detailed technical comments are included in the following attachments:

- Attachment A – Technical Comments on the Proposed Permit Language
- Attachment B – August 19, 2003 Letter from S. Wilson regarding Radioactive Tracers
- Attachment C – Comments on the Proposed Permit Appendices and Permit Supporting Documents
- Attachment D – Redline of the Permit Summary Table

The Joint Trades believe the information included in the attached comments is important and critical to providing a final permit that is protective of water quality in the GOM, as well as a practical permit that

allows the continued development of our nation's energy resources. The attached comments are structured to include suggested edits to the proposed permit language and justification for the suggested change.

Whole Effluent Toxicity (WET) Testing of Treatment, Completion and Workover (TCW) Fluids

One concern that the Joint Trades would like to highlight is the proposed requirements for TCW fluid WET testing and monitoring. The limitations for 48-hour acute WET testing and the monitoring requirements for 7-day chronic WET testing of TCW fluids should be removed from the permit. As discussed in detail in Attachment A, the use of 48-hour and 7-day testing regimens are overly conservative for short duration, intermittent, low volume discharges.

In addition, the industry-wide TCW fluids study concluded that:

- TCW fluid discharges are typically of short duration. 75% of the discharges sampled during the study were less than 2 hours in duration (median discharge time was 1-hour). A 48-hour or 7-day test exposure is extremely conservative and is not representative of the hazard and effects of these discharges in the marine environment.
- TCW fluid discharges are small volumes. TCW fluid discharges are estimated to be 0.01% of produced water discharge volumes.
- Of the substances evaluated during the study, no concentration was greater than conservative acute saltwater ecological thresholds.

TCW fluids do not pose an unreasonable risk to the aquatic environment, and additional WET testing does not provide any added environmental benefit. Implementation of WET testing requirements increases operational complexity and risk.

Compliance Implementation Periods for Several Proposed Requirements

The Joint Trades have also included a few recommendations for EPA to consider regarding the use of compliance implementation periods in our comments in Attachment A. These recommendations are made (details in Attachment A) for the following items:

- TCW fluid 48-hour acute WET testing
- TCW fluid 7-day chronic WET testing
- Radioactive tracers
- Continuous flow monitoring of cooling water intake systems

If these requirements are retained in the final permit, it is imperative that a compliance implementation period be included to allow operators time to establish procedures, processes and resources to achieve compliance. The Joint Trades strongly recommend that EPA establish a schedule of compliance for implementation of the new requirements as outlined in 40 CFR 122.47. Offshore facilities subject to these new requirements may require capital upgrades making immediate compliance with the new requirements impossible.

EPA granted a similar compliance implementation period for produced water chronic WET testing during the 2007 permit renewal. EPA included language in the 2007 permit that said:

> *Compliance with sub-lethal effects must be achieved within two years after the effective date of this permit.*

The Joint Trades strongly encourage EPA to consider this type of implementation schedule for these requirements as well.

Planned Discussion for Further Explanation

Also, the Joints Trades, through OOC, have set a meeting with EPA Region 6 staff, after the comment period closes, to review the attached technical comments, and answer any clarifying questions the agency may have regarding the information provided here.

The Joint Trades appreciate EPA's efforts regarding the draft permit, and look forward to working with the agency on the critical issues included in our comments as the permit is finalized. If you have any questions or require additional information, please contact Mr. Greg Southworth at greg@theooc.org.

Sincerely,

Greg Southworth
Associate Director
Offshore Operators Committee

Andy Radford
Senior Policy Advisor
American Petroleum Institute

Erik Milito
President
National Ocean Industries Association

Lori Leblanc
Director, Offshore Committee
Louisiana Mid-Continent Oil and Gas Association

cc (via email):

Environmental Protection Agency:
Michael S. Regan, Administrator
Earthea Nance, Regional Administrator, Region 6
Charles Maquire, Water Division Director, Region 6
Brent Larsen, Permits & Technical Section, Region 6
Nicole Young, Permits & Technical Section, Region 6
Bryant Smalley, Chief Water Enforcement , Region 6
Mitty Mohon, NPDES Enforcement Officer, Region 6
Sharon Angove, NPDES Enforcement, Region 6
Karrie-Jo Shell, Environmental Engineer, Region 4
Bridget Staples, Environmental Scientist, Region 4

Bureau of Safety and Environmental Enforcement:
Kevin Sligh, Director
Bryan Domangue, Gulf of Mexico Regional Director
TJ Broussard, Gulf of Mexico Regional Environmental Officer

Bureau of Ocean Energy Management:
Amanda Lefton, Director
Michael Celata, Gulf of Mexico Regional Director

ATTACHMENT A

TECHNICAL COMMENTS ON PROPOSED OCS NPDES PERMIT GMG290000

JOINT TRADE ASSOCIATIONS

Section	2022 Proposed Permit Language	Joint Trades Comments
Authorization to Discharge Under the National Pollutant Discharge Elimination System	Operators located within the general permit area must submit an electronic Notice of Intent (NOI) that they intend to be covered. An operator must file one NOI for each facility to cover all discharges associated with the facility. An NOI must be updated as necessary to identify additional discharges needing (or existing discharges no longer needing) authorization under this permit. Operators who previously submitted an NOI to be covered under this permit are covered under this reissued permit until 60 days after the effective date of the reissued permit and must submit a new NOI prior to that date to retain coverage.	The Joint Trades offer the following suggested revisions to the proposed permit language: *Operators who previously submitted an NOI to be covered under this permit are covered under this reissued permit until 60 days after either the effective date of the reissued permit or the date the eNOI system is available (whichever is later) and must submit a new NOI prior to that date to retain coverage.* **Rationale**: The Joint Trades are requesting the additional language to this section of the permit to provide clarity in the event the eNOI system is unavailable. The Joint Trades respectfully request that EPA hold workshops in both Houston and New Orleans for the new eNOI system that are specific to the Region 6 OCS permit and reiterate there be a transitional period to assure the system is fully operational before its use becomes a requirement.
Part I.A.1.b	Limitations on Coverage: The following are not authorized under this permit: i) Discharges not described under Parts I.B.1-13 ii) This general permit does not authorize discharges, including spills or leaks, caused by failures of equipment, blowout, damage of facility, or any form of unexpected discharge. iii) Historic Properties: Facilities which adversely affect properties listed or eligible for listing in the National Register of Historic Places are not authorized to discharge under this permit. iv) Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. Permittees must obtain separate authorization from NRC in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit or for any other disposal of such materials.	The Joint Trades recommend moving this paragraph to Part I.C Other Discharge Limitations. The suggested revisions are as follows: *Section C. Other Discharge Limitations* *8. Discharges not described under Parts I.B.1-13* *9. This general permit does not authorize discharges, including spills or leaks, caused by failures of equipment, blowout, damage of facility, or any form of unexpected discharge.* *10. Historic Properties: Facilities which adversely affect properties listed or eligible for listing in the National Register of Historic Places are not authorized to discharge under this permit.* *11. Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. Permittees must*

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		obtain separate authorization from NRC in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit or for any other disposal of such materials. **Rationale**: Part I.C is the part of the permit where general discharge limitations and prohibitions are described. The limitations described in this proposed section are better aligned for inclusion in Part I.C. In addition, the Joint Trades are offering additional comments on item iv) radioactive tracers (see next comment).
Part I.A.1.b.iv	iv) Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. Permittees must obtain separate authorization from NRC in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit or for any other disposal of such materials.	The Joint Trades agree with EPA that nothing in this permit shall be construed to circumvent any applicable requirements imposed by the Nuclear Regulatory Commission (NRC) for the discharge of radioactive materials under the Atomic Energy Act. See 42 U.S.C. § 2012; see also 40 CFR § 122.2 (excluding radioactive materials regulated under the Atomic Energy Act from the definition of "pollutant."). However, the language of the draft permit relating to radioactive materials under the jurisdiction of the Nuclear Regulatory Commission (NRC) could be interpreted as prohibiting all discharges of radioactive materials absent an explicit grant of authorization to the operator from the NRC. Accordingly, the Joint Trades recommend adding the following language to clarify that the NRC require NRC licensees to obtain authorization. *Radioactive Materials Under the Jurisdiction of the Nuclear Regulatory Commission (NRC) not authorized for discharge under an NRC License (if required): Discharge of radioactive materials under the jurisdiction of the NRC are not independently authorized by this permit. N R C licensees ~~Permittees~~ must obtain separate authorization from NRC, if required, in order to include radioactive materials under the jurisdiction of the NRC in discharges authorized by this permit ~~or for any other disposal of such materials.~~ Compliance with this limitation must be achieved within two years after the*

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		effective date of this permit. This is important as third-party vendors hold the NRC license for use of radioactive tracers, not the operators. The Joint Trades are committed to working with these vendors to understand what steps, if any, need to be taken for NRC to authorize discharges of radioactive materials. The Joint Trades further note that EPA's past consideration of radioactive tracers weighs strongly against an outright prohibition against their discharge. For example, EPA "examined [radioactive tracer discharges] in the process of issuing National Effluent Limitations Guidelines and in our permit development." See Attachment B Letter from S. Wilson dated August 19, 2003 for more information. EPA's current proposal to prohibit the discharge presents no information to counter their own 2003 determination. (See also Avanti Corporation, *Ocean Discharge Criteria Evaluation for the NPDES General Permit for the Western Gulf of Mexico OCS, EPA Contract No. 68-C9-0009 Work Assignment S-4-49(P), Task 161*, prepared for USEPA Region 6, Dallas TX Dated August 9, 1993.) In preparation for the 2012 Permit Renewal, EPA proposed language requiring radioactive tracers to be separated from TCW and Produced Water discharges and sent to shore for disposal. In a letter from OOC to Mr. Isaac Chen, EPA Region 6 Permit Writer, dated December 15, 2011, OOC provided comments to strike the proposed language. As explained in this letter, excerpts of which are provided below, it would be prohibitively expensive and time consuming to filter these tracers from produced water, an undertaking not justified given the trivial levels of tracers present in the produced water. Mr. Chen agreed and the proposed language was not included in the final Permit, effectively approving discharge of radioactive tracers. EPA again considered and approved discharge of radioactive tracers in the 2017 NPDES Permit. Specifically, during the 2017 permit renewal process,

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		the OOC requested that EPA add the following language, underlined and in red, to the Miscellaneous Discharge section: "Mud, Cuttings, and Cement (including tracers) at the seafloor." OOC explained its rationale for this request as follows: *Being able to identify top of cement (TOC) behind a wellbore casing can sometimes be challenging given current (acoustic) cement evaluation logging technology. By being able to run tracers detectable by logging tools, the technical limits of acoustic logging tools are bypassed, thus allowing the operator another option that may more clearly identify TOC and ensure the cemented casing meets technical and HSE requirements for the well. The tracer in question would be a very small quantity (~ 1 mCi) of Sc-46 embedded in inert beads suspended in a gel (~1 cup by volume total), placed in the first 50 bbls of cement pumped (and so may extrude to sea floor for top hole casings). Sc-46 decays by beta emission (with detectable gamma), with a half-life of ~84 days (so effectively gone after 5 half-lives or 420 days). The beads will not float or disperse, rather we expect they will be encapsulated into the cement slurry as it solidifies (over 12-24 hours at the sea floor). Sc-46 beta emissions travel distance in water is estimated at 0.11 cm. The tenth thickness in concrete for the gamma emissions is 16 cm. Given these small distances, along with short half-life and cement encapsulation, we would not expect significant ecological risk from this tracer.* EPA accepted OOC's proposed language and added it to the current permit, which reads "Muds, Cuttings, and Cement (including cement tracer) at the Seafloor." The radioactive tracers used in fracturing are the same as used in cementing, discussed above. They are tiny beads, similar in size to a proppant grain, which are injected to the slurry stream at a very low concentration while pumping the frac. The primary reason that radioactive

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		tracers are added to the frac slurry is to confirm the presence of an annular pack of proppant around the screens. Frac height confirmation is a secondary benefit of the tracers in sand control wells. In wells requiring sand control—which include most Gulf of Mexico wells—the proppant pack around the screens acts as an additional filter preventing sand production and protecting the integrity of the screens, tubulars and facilities. Without a complete proppant pack in place around the screens, the screens can quickly erode compromising screen integrity. The sand and proppant produced after the screens are compromised erode tubulars and facility piping. It can also foul the safety valve and subsea tree valves making them non-functional. Thus, the use of radioactive tracers in the frac slurry is important to the integrity and safety of the well. Given the above—i.e., EPA's prior determinations, the proppant's small size, the viscous matrix used to convey the proppant, and the expected trivial loss to produced water due to the well bore screen—USEPA should not prohibit discharge of insignificant levels of radioactive tracers. Should EPA intend to prohibit discharge of radioactive tracers, OOC requests: 1. EPA demonstrate a cost/benefit analysis for requiring a prohibition of the discharge of radioactive tracers. 2. OOC proposes the following language be added to this section of the permit: "Compliance with this limitation must be achieved within two years after the effective date of this permit." **Additional background information:** Radioactive Tracers in Proppants Background (edited from OOC letter to Mr. Isaac Chen dated December 15, 2011): *Propping agents are like grains of sand in size (< 600 microns typically). Proppants or solids introduced into a gravel pack or fracture job are not themselves radioactive. Proppants are generally man made and composed of ceramic material. Occasionally a gravel pack may be tagged with a weak radioactive isotope in order to determine what the extent of the fracture height is. This isotope is*

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		added to the main portion of the fluid which may or may not contain proppant [OOC realizes that the August 1, 2011, submittal to EPA was not clear on how trace radioactive materials were added to the proppant- the fluid is dosed with the tracer; radioactive material is not physically added into the proppant grains.]. For well completion applications the base fluid is viscosified with an organic biodegradable polymer and a chemically inert propping agent which is incorporated at varying concentrations. This slurry is pumped down the work string and hydraulically forced into the production zone. Any excess slurry is reversed out of the work string and returned to the surface. Pending a passing static sheen and oil and grease test, the slurry is discharged (if it does not contain priority pollutants above trace amounts). Once placed in the formation, the proppants will be retained therein by the well screen. This screen is of critical importance for sand control (to prevent excess erosion of piping which could result in a loss of hydrocarbon containment). The only proppant that is discharged is proppant which remains in the work string (tubing used to channel the proppant slurry to the formation face). As noted above this mixture is a very viscous gel (highly cross-linked). Because of this, separation of the proppant from this well fluid is not feasible without extensive or time-consuming treatment. *This prohibition could also impact produced water discharges. Proppants may be returned with produced water. As discussed above, proppant application is into the formation, and prevented from return with the oil/gas by use of screens across the producing zones. As such, proppant levels in produced water will be trivial. Data from one major operator indicates that produced water discharged overboard contain relatively low volumes (approximately 25ppm) of solids with an average (D50) particle size of 25 micron based on limited sampling at a major platform in the Gulf. The Effluent Guidelines (Table IX-12) indicates solids loading on the order of*

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		13.38-74.72 ug/l. Filtration of produced waters just prior to overboard discharge would require installation of suitable pumping capacity and elevated deck sections to accommodate the additional equipment and space for operator intervention and maintenance. Existing assets lack open deck space to accommodate this equipment. Filtration of produced water can be very problematic given oil has a "stickiness" property which would bridge over in time the filter screens requiring a solvent wash or steam cleaning. An initial estimate to filter a 10,000 bwpd produced water stream to < 600 micron solids was made. The cost for engineering, filtration and pumping equipment would be on the order of $750,000 [2011 estimate]. *The cost for structural steel and offshore installation may require as much as 5000-man hours and cost an estimated $4 million dollars* [2011 estimate]. *It is estimated to take 24 weeks to procure the required equipment. Additional time would be required for conducting the engineering on the facility to address weight, space and safety classification issues. Assuming this cost, given there are approximately 800 platforms* [2011 estimate] *discharging produce water, this yields a total industry cost of approximately $3,800,000,000* [2011 estimate]. *Finally, the solids recovered from the filtration system would have to be disposed onshore.* *The above is a rough estimate made in the limited time available. However, it does indicate that addition of filtration equipment to produced water streams is a significant undertaking in the offshore environment. As such, OOC feels it is difficult to justify such systems given the small chance some proppant grains/radioactive tracer particles are returned with the produced fluids. OOC notes that sand loss control is a critical design concern for a well as sand can erode piping and valves and result in loss of containment of the hydrocarbons. As such, great care is taken to ensure even fine grain sands/solids do not exit the formation. Certainly, very fine solids can and do come out and up into the topsides equipment.; However,*

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		weight and space limitations make the addition of solids separating equipment quite challenging.
Part I.A.2	A Notice of Intent (NOI) must be filed in advance to cover specific discharges prior to commencement of specified discharges. The primary operator must file an electronic Notice of Intent (eNOI) for discharges directly associated with oil/gas exploration, development, or production activities to be covered by this permit. A separate eNOI is required for each facility and that eNOI shall include all discharges controlled by the primary operator. Other operators or vessel operators must file an eNOI to cover discharges which are directly under their controls but are not covered by eNOIs filed by the primary operator. In a case-by-case circumstance, the primary operator may require day-to-day or vessel operators to file their own eNOIs for dual coverage. Individual coverage by this permit becomes effective when a complete eNOI is signed and submitted. Once an eNOI has been accepted for coverage a Permitted Feature ID numbers will be assigned.	The Joint Trades recommend the following revised language: *Once an eNOI has been accepted for coverage a ~~Permitted Feature ID~~ Structure ID number will be assigned.* **Rationale**: It is our understanding the Permitted Feature ID and Structure are synonymous and the terminology used in the permit should be consistent with the reporting systems.
Part I.A.2	A facility means either an exploratory facility, a development facility, or a production facility as defined in Part II.G of the permit. All well heads and infrastructures connected to the facility shall be considered parts of the host facility. For clarification purposes, following conditions apply: Note 1: A separate eNOI is required for each facility, and that eNOI shall include all discharges associated with that facility controlled by the primary operator. Note 2: An eNOI filed for a drilling vessel is valid for different drilling jobs within the same lease block from the originally filed location if drilling jobs are performed for the same designated operator. (Note: eNOI update is required to reflect well locations and associated information.) A separate eNOI is required for drilling jobs not within the same lease block, and/or if the Mobile Offshore Drilling Unit or drilling vessel moves to a new lease block. Note 3: While a drilling vessel is located in the leasing block permit area between drilling jobs, it may file an eNOI for coverage.	The Joint Trades recommend the proposed permit language be modified as follows: *A facility means either an exploratory facility, a development facility, or a production facility as defined in Part II.G of the permit. All well heads, pipelines, jumpers, and associated infrastructure connected to the facility shall be considered parts of the host facility, even where such infrastructure crosses lease block boundaries. For clarification purposes, following conditions apply:* *Note 1: A separate eNOI is required for each facility, and that eNOI shall include all discharges associated with that facility controlled by the primary operator.* *Note 2: An eNOI filed for a Mobile Offshore Drilling Unit or ~~drilling~~ vessel is valid for different well ~~drilling~~ jobs within the same lease block ~~from the originally filed location~~ if well ~~drilling~~ jobs are performed for the same designated operator. (Note: eNOI update is required to reflect well*

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		locations and associated information.) A separate eNOI is required for well ~~drilling~~ jobs not within the same lease block, and/or if the Mobile Offshore Drilling Unit or ~~drilling~~ vessel moves to a new lease block. **Rationale**: The recommended revised language provides additional clarity on the types of equipment and infrastructure associated with a host facility and provides additional context for the regulated community to understand the intent of the permit. In addition, the revised language in Note 2 broadens the types of operations a MODU or vessel may undertake. The term "drilling" does not address well completions, treatment, intervention or decommissioning operations.
Part I.A.2	Operators who filed eNOIs under the previous permit, issued on September 30, 2017, will be authorized to discharge by this reissued permit without submittal of an NOI up to 60 days after the effective date of the reissued permit. Operators must submit a new eNOI within 60 days of the effective date of the reissued permit, to retain coverage after that time. During any time the eNOI system is unavailable, operators may submit a short NOI via email to the Offshore Specialist or paper NOI via mail to: U.S. Environmental Protection Agency, Region 6 Water Enforcement Branch (ECD-WE) ATTN: Offshore Specialist 1201 Elm Street, Suite 500 Dallas, Texas 75270 The email/paper NOI shall include information a) through f) listed below. EPA will consider disruptions in both the eNOI and elecNOI registration systems (including waiting on EPA personnel to resolve issues) to fall under the meaning of the system being unavailable and thus allow the use of temporary NOIs if necessary. An email or a written and signed paper NOI mailed to EPA will be accepted as temporary coverage based on the postmark/email date. The temporary NOI is good for 14 days, unless an extension is granted by the Director. Official eNOIs shall be filed within 14 days of submitting a temporary NOI. EPA may deny an NOI	The Joint Trades offer the following suggested revisions to the proposed permit language: *Operators who filed eNOIs under the previous permit, issued on September 30, 2017, will be authorized to discharge by this reissued permit without submittal of an NOI up to 60 days after either the effective date of the reissued permit or the date the eNOI system is available (whichever is later). Operators must submit a new eNOI within 60 days of the effective date of the reissued permit, to retain coverage after that time.* *An email or a written and signed paper NOI mailed to EPA will be accepted as temporary coverage based on the postmark/email date. The temporary NOI is good for 14 days, unless an extension is granted by the Director. Official eNOIs shall be filed within 14 days of submitting a temporary NOI. If the eNOI system remains unavailable, the temporary NOI coverage will be extended to 14 days after the system becomes functional. EPA may deny an NOI within 45 days after the filing. All NOIs shall include the following information:*

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	within 45 days after the filing. All NOIs shall include the following information:	**Rationale**: The Joint Trades are requesting the change in the rare instance where the eNOI system is unavailable for an extended period of time, the permit should contain language to address such a situation. The Joint Trades respectfully request that EPA hold workshops in both Houston and New Orleans for the new eNOI system that are specific to the Region 6 OCS permit and reiterate there be a transitional period to assure the system is fully operational before its use becomes a requirement.
Part I.A.2	a) the legal names, company number and contact information of the designated operator registered with the Bureau of Ocean Energy Management (BOEM) or the Bureau of Safety and Environmental Enforcement (BSEE); b) the legal name, company number and contact information of the operator who files the eNOI; c) the permit number previously assigned to the operator; d) the lease block (including state tract) code and number assigned by BOEM/BSEE; e) the name and/or identification (BSEE Complex ID/API Number) and location including geographic coordinates (latitude and longitude) of the facility owned or operated by the operator; f) the types of discharges and associated sources (facilities or wells) under the control of the operator; g) expecting/actual drill/discharge commence date and well locations; h) the range of depth of water within the operation area or the estimated sea depths at wells; i) new facilities (defined as facilities for which construction was commenced after July 17, 2006): design intake capacity (million gallons per day as MGD) of each cooling water intake structure (CWIS), the maximum designed intake through-screen velocity (feet per second as ft/s) of each CWIS, and the percentage (%) of total intake water used for cooling purpose; (Note: A new facility which has designed intake capacity >= 2 MGD must have designed intake through-screen velocity <= 0.5 ft/s to be eligible for coverage under this general permit.) (Note: The operator shall keep the	The Joint Trades recommend the proposed permit language in item l) be modified as follows: *l) any other information included in the eNOI to identify the nature and location of each discharge being authorized and any co-permittees, if applicable. ~~For each separate discharge point, the location volume and nature of the discharge.~~* **Rationale**: This change is recommended because the location, volume and nature of a discharge may change over time. In addition, item f) requires the operator to list the types of discharges (similar to nature of discharge) expected from the facility and item e) requires BSEE Complex ID/API Number and geographic coordinates (location). Not all authorized discharges listed in the permit have limitations or monitoring requirements related to discharge volume. For those permitted discharges that have requirements regarding discharge volume that information will be reported to EPA on an ongoing basis as stipulated by the permit.

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	record of detailed descriptions, calculations and drawings on site available for inspection, instead of submittal to EPA.) j) whether or not the operator's activities are located in a lease block either in or immediately adjacent to "no activity" areas or require live bottom surveys; k) whether the NOI is being submitted to transfer coverage due to a merger or acquisition and if so, the identification of the affected parties, timing of the transfer of operational control, and confirmation that notice had been submitted to EPA; and, l) any other information included in the eNOI to identify the nature and location of each discharge being authorized and any co-permittees, if applicable. For each separate discharge point, the location volume and nature of the discharge.	
Part I.A.2	Permittees are required to make timely updates to the eNOI. Any change in name, location, address, contact or contact information must be updated within 30 days of the change.	The Joint Trades offer the following suggested edits to this paragraph: *Permittees are required to make timely updates to the Operators NPDES ID section in EPA's CDX system ~~eNOI~~. Any change in name, address, contact or contact information must be updated within 30 days of the change.* **Rationale:** The Joint Trades request that this section clarify the updates to be made to the Operators NPDES ID section in EPA's CDX system for contact information changes being that the CDX system is the repository for name, address, or contact information requested.
Part I.A.2	Please visit https://usepa.servicenowservices.com/oeca_icis for eNOI/eNOT instructions.	The Joint Trades recommend that EPA ensure this link is functioning prior to the issuance of the final permit.
Part I.A.4	a) During the initial term of permit: : The new operator shall submit an NOI prior to taking operational control and the old operator shall submit a NOT (for all lease areas/blocks as well as their NPDES permit number. Final DMRs shall also be submitted) within 60 days of receiving confirmation that the new permittee has submitted the NOI.	The Joint Trades recommend the proposed language in paragraph a) be changed as follows: *a) During the initial term of permit: The surviving company of a merger between two offshore companies shall submit an NOI (or NOIs) prior to taking operational control. The company that will no longer operate shall submit a NOT within 60 days of relinquishing*

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		operational control. The company that will no longer operate shall also submit final DMRs within 60 days of their NOT date(s). **Rationale**: The proposed language creates unnecessary burden on the regulated community because the information requested in the proposed language is duplicative of the information provided in the NOI. In addition, linking the submission of an NOT for one operator to the submittal of an NOI for another operator ties permit compliance for one operator to another. The operator relinquishing operational control of a facility has no control over whether the company acquiring the facility will submit the required NOI. Therefore, the relinquishing company cannot achieve compliance independently and must rely on the acquiring company. Furthermore, the date that operational control is transferred between two companies is a logical date, negotiated between the two parties, which should drive submission of NOIs and NOTs. In addition, the date of transfer of operational control should also be the date when any non-compliances would begin once the surviving company assumes operational control.
Part I.A.4	b) Companies involved in a merger must also submit a written and signed agreement between the companies identifying: the names of the two offshore companies and their assigned NPDES permit number; the agreement between the two companies for the merger; the effective date of the merger; the lease area(s)/block(s) involved in the merger; the surviving company name; the surviving NPDES permit number; and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:	The Joint Trades recommend striking the proposed language: ~~*b) Companies involved in a merger must also submit a written and signed agreement between the companies identifying: the names of the two offshore companies and their assigned NPDES permit number; the agreement between the two companies for the merger; the effective date of the merger; the lease area(s)/block(s) involved in the merger; the surviving company name; the surviving NPDES permit number; and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:*~~ **Rationale**: The proposed language creates unnecessary burden on the regulated community because the information requested in the proposed language is duplicative of the information provided in the NOI and NOT as listed in section 4.a. Furthermore, the date that operational control is transferred between two companies is a logical date, negotiated between

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		the two parties, which should drive submission of NOIs and NOTs. In addition, the date of transfer of operational control should also be the date when any non-compliances would begin once the surviving company assumes operational control.
Part I.A.4	c) During any "administratively continued" term of the permit following the indicated expiration date: The new operator shall submit an NOI at least 30 days prior to taking operational control and the old operator shall submit a NOT within 60 days of receiving confirmation that the new permittee has submitted the NOI. The new operator shall submit a written agreement between the new and old permittees concerning the date of the transfer of permit responsibility, coverage, and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:	The Joint Trades recommend the proposed permit be changed as follows: *During any "administratively continued" term of the permit following the indicated expiration date: The new operator shall submit an NOI at least 30 days prior to taking operational control and the old operator shall submit a NOT within 60 days of relinquishing operational control.* ~~*receiving confirmation that the new permittee has submitted the NOI. The new operator shall submit a written agreement between the new and old permittees concerning the date of the transfer of permit responsibility, coverage, and liability. This letter can be emailed to the Offshore Specialist or sent to the address below:*~~ **Rationale**: The proposed language creates unnecessary burden on the regulated community because the information requested in the proposed language is duplicative of the information provided in the NOI. Furthermore, the date that operational control is transferred between two companies is a logical date, negotiated between the two parties, which should drive submission of NOIs and NOTs. In addition, the date of transfer of operational control should also be the date when any non-compliances would begin once the surviving company assumes operational control.
Part I.A.4	NOTE: Each company must collect and report their own samples. Samples from a company transferring coverage cannot be used by the receiving company. Transfer of coverage can be for a single lease area/block of multiple lease areas/blocks. Transfer of coverage during "Administratively Continued" status can only occur when the company who is transferring their coverage obtained that coverage on or before midnight of when the previous permit expired. The written and signed agreements shall be sent to the following address: U.S. Environmental Protection Agency, Region 6	The Joint Trades recommend that the following text be removed from the permit: ~~*NOTE: Each company must collect and report their own samples. Samples from a company transferring coverage cannot be used by the receiving company. Transfer of coverage can be for a single lease area/block of multiple lease areas/blocks. Transfer of coverage during "Administratively Continued" status can only occur when the company who is transferring their coverage obtained that coverage on or before midnight of when the previous permit expired.*~~

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	Water Enforcement Branch (ECD-WE) ATTN: Offshore Specialist 1201 Elm Street, Suite 500 Dallas, Texas 75270	**Rationale**: The information listed in the "NOTE" is important for the regulated community to understand. However, the Joint Trades recommend that this information be included in guidance and/or instructions that support implementation of the permit requirements.
Part I.A.5	Note that if the 2022 permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (see 40 CFR 122.6) and remain in force and effect for operators that were covered prior to its expiration. All operators authorized to discharge prior to the expiration date of the 2022 permit will automatically remain covered under the 2022 permit until the earliest of: a) The date the operator is authorized for coverage under a new version of the permit following the timely submittal of a complete and accurate NOI. Note that if a timely NOI for coverage under the reissued or replacement permit is not submitted, coverage will terminate on the date that the NOI was due; or b) The date of the submittal of a Notice of Termination; or c) Issuance of an individual permit for the facility's discharge(s); or d) A final permit decision by EPA not to reissue the permit, at which time EPA will identify a reasonable time period for covered operators to obtain coverage under an alternative general permit or an individual permit. Coverage under the 2022 permit will terminate at the end of this time period.	The Joint Trades recommend adding the following: *Note that if the 2022 permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (see 40 CFR 122.6) and remain in force and effect for operators that were covered prior to its expiration. Operators with existing coverage may continue to submit NOIs during the period the permit is continued. All operators authorized to discharge prior to the expiration date of the 2022 permit will automatically remain covered under the 2022 permit until the earliest of:* **Rationale**: As proposed, the existing General Permit will be administratively continued for existing facilities if there is a delay, but discharges from new facilities and operations may not be covered under the existing permit (e.g., discharges from new drilling, completion, and abandonment operations and from new oil and natural gas platforms); therefore, those facilities and activities may need to obtain separate coverage for those associated discharges via a lengthy individual permit application. Furthermore, an administrative continuance of the General Permit could result in delays or cancellations of new projects and may further delay delivery of existing and planned energy resources to the market and the American people. To avoid these consequences, the Joint Trades request the addition of the above language clarifying that EPA will continue processing new Notices of Intent for coverage for new lease areas under the administrative continuance until the renewed General Permit becomes effective. This would allow the Agency time to carefully consider all comments and provide permittees the confirmation needed to continue to plan and execute necessary activities.

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		With 15% of U.S. oil production coming from the U.S. Gulf of Mexico, any disruption in that production or future development could be detrimental to an already imbalanced supply and demand market.
Part I.B.3.a	Free Oil. No free oil shall be discharged, as determined by the visual sheen method on the surface of the receiving water. Monitoring shall be performed daily when discharging, during conditions when an observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge, and the facility is manned. If a sheen is observed at other times, in addition to the required daily monitoring, it must be recorded. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.* **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
Part I.B.4.a	Toxicity. Toxicity shall be assessed through a 7-day chronic Whole Effluent Toxicity (WET) test in accordance with *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms* (EPA/821-R-02- 014), or the most current edition. In order to be in compliance with a WET limit, the No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Appendix D, Table 1 (1-A through 1-F) of this permit. The critical dilution to be used for each calendar year shall be determined during the month of December using Table 1 in Appendix D of this permit and is based on the highest estimated monthly flow rate recorded during the previous 12-months, discharge pipe diameter, and water depth between the discharge pipe and the bottom. The critical dilution shall be calculated when this permit becomes effective, using the previous 12 months, until recalculated in December and every end of calendar year thereafter.	The Joint Trades recommend EPA continue to use the language contained in the 2017 permit: *The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the highest monthly average discharge rate for the three months prior to the month in which the test sample is collected, discharge pipe diameter, and water depth between the discharge pipe and the bottom.* Alternatively, if EPA has rationale for discharge rate to be moved from three months prior to calendar year prior; the Joint Trades request revisions to the proposed permit language: *The critical dilution to be used for each calendar year ~~shall be determined during the month of December~~ using Table 1 in Appendix D of this permit and is based on the highest estimated monthly flow rate recorded during the previous calendar year ~~12-months~~, discharge pipe diameter, and water depth between the discharge pipe and the bottom.*

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		The critical dilution shall be calculated when this permit becomes effective, using the previous calendar year. ~~12 months, until recalculated in December and every end of calendar year thereafter.~~ **Rationale**: The Joint Trades are requesting rationale from EPA for discharge rate to be moved from three months prior to calendar year prior. If language is moved to calendar year, the Joint Trades are requesting the language change to this section of the permit to provide clarity. Replacing "12 months" with calendar year will prevent operators from making varying interpretations and will help answer the following questions: Did EPA intend for a calendar year or rolling 12-month period from month sampled? If this is to be done in December, does the Operator include December since the month is not complete?
Part I.B.4.b	Oil and Grease. Samples for oil and grease monitoring shall be collected and analyzed a minimum of once per month. If a sheen is observed during the required daily monitoring, the operator must record the sheen and assess the cause of the sheen. In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease. The sample type for all oil and grease monitoring shall be grab or a composite which consists of the arithmetic average of the results of four (4) or more grab samples collected at even intervals during a period of 24-hours or less. The operator must keep records of findings and make the record available for inspector's review. The operator must report number of days of sheen observed during the reporting period. Oil and grease samples collected for any sheen event must be included in the monthly average on DMRs. If only one sample is taken for any one month, it must meet both the daily maximum and monthly average limits. Samples for oil and grease monitoring shall be collected prior to the addition of any seawater to the produced water waste stream. The analytical method is that specified at 40 CFR Part 136.	The Joint Trades offer the following suggested revisions to the proposed permit language: *Oil and Grease. Samples for oil and grease monitoring shall be collected and analyzed a minimum of once per month. ~~If a sheen is observed during the required daily monitoring, the operator must record the sheen and assess the cause of the sheen.~~ In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease.* *~~The operator must keep records of findings and make the record available for inspector's review. The operator must report number of days of sheen observed during the reporting period.~~ Oil and grease samples collected for any sheen event must be included in the monthly average on DMRs.* **Rationale**: The proposed permit contains both a section dedicated to produced water oil and grease limitations and another section for produced

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		water visual sheen requirements. It appears that the intent is to delineate the sampling and analytical component in the oil and grease section while defining the monitoring/recordkeeping obligations related specifically to sheens in the visual sheen section. Since the passages referring to sheen recording, recordkeeping, and cause identification are already included in the visual sheen portion, the Joint Trades recommend removing the duplication from the oil and grease section. The requirement listed in the oil and grease section to collect produced water samples within two (2) hours of observing a sheen is pertinent to the sampling and analytical portion of the produced water requirements and should remain in this section.
Part I.B.4.b	Toxicity. Flow must be analyzed at the end of each calendar year (December). The flow used to determine the frequency of toxicity testing for the following calendar year shall be the highest estimated monthly flow rate recorded during the previous 12-months. The required frequency of testing shall be determined as follows: Discharge Rate — Toxicity Testing Frequency 0 - 4,599 bbl/day — once per calendar year 4,600 bbl/day and above — once per calendar quarter	The Joint Trades recommend maintaining the language contained in the 2017 permit: *Toxicity. The flow used to determine the frequency of toxicity testing shall be the highest monthly average flow for the three months prior to the month in which the test sample is collected.* Alternatively, if EPA has rationale for discharge rate to be moved from three months prior to calendar year prior, the Joint Trades request revisions to the proposed permit language: *Toxicity. Flow must be analyzed at the end of each calendar year ~~(December)~~. The flow used to determine the frequency of toxicity testing for the following calendar year shall be the highest estimated monthly flow rate recorded during the previous calendar year ~~12-months~~. The required frequency of testing shall be determined as follows:* **Rationale**: The Joint Trades are requesting rationale from EPA for discharge rate to be moved from three months prior to calendar year prior. If language is moved to calendar year, the Joint Trades are requesting the language change in this section of the permit to provide clarity. Replacing

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		"12 months" with calendar year will prevent operators from making varying interpretations and will help answer the following questions: Did EPA intend for a calendar year or rolling 12-month period from month sampled? If this is to be done in December, does the Operator include December since the month is not complete?
Part I.B.4.b	New discharges must perform initial toxicity tests as required by this permit within three months after discharge begins and continue on the appropriate calendar quarter or calendar year based on the highest monthly flow rate available.	The Joint Trades recommend revising the permit text as follows: *New discharges must perform initial toxicity tests as required by this permit within three months after discharge begins and continue on the appropriate calendar quarter or calendar year based on the highest monthly discharge rate available.* **Rationale**: Adding the word "discharge" as noted above provides additional clarity.
Part I.B.4.b	Existing dischargers under the 2017 permit shall commence testing schedules in the 2022 permit as of the effective day of this permit. If the permittee qualified to monitor produced water toxicity at the reduced frequency of once per year under the 2017 permit, the required monitoring frequency shall remain at once per year as long as the discharge is compliant with the toxicity limits. Results of testing for any overlapping monitoring period that were done during the previous permit may also be used to satisfy that monitoring period under the 2022 permit. Flow rate for the purpose of determining the frequency of testing and critical dilution of the next calendar year shall be analyzed in the month of December following issuance of this permit.	The Joint Trades offer the following suggested revisions to the proposed permit language: *Results of testing for any overlapping monitoring period that were done during the previous permit may also be used to satisfy that monitoring period under the 2022 permit. ~~Flow rate for the purpose of determining the frequency of testing and critical dilution of the next calendar year shall be analyzed in the month of December following issuance of this permit.~~* **Rationale**: If the permittee qualified to monitor produced water toxicity at the reduced frequency of once per year under the 2017 permit, the required monitoring frequency should remain at once per year as long as the discharge is compliant with the toxicity limits. Determining toxicity testing frequency for new discharges or existing discharges on a reduced monitoring period is covered in those respective sections of the permit. The Joint Trades are requesting to remove duplicate information from this section.
Part I.B.4.b	A minimum of three (3) samples shall be collected as grabs or composites. Test	The Joint Trades recommend revising the proposed text as follows:

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	Acceptability Criteria and reporting requirements can be found in Part I.D.3 of this permit.	*~~A minimum of three (3)~~ Samples shall be collected as grabs or composites. Test Acceptability Criteria and reporting requirements can be found in Part I.D.3 of this permit.* **Rationale**: EPA has not provided a justification for proposing that a "minimum of three samples" is necessary. Increasing the number of samples and, by default, the volume of samples introduces additional operational complexity; most notably increased weight for transport on helicopters. Larger sample volumes will also increase the amount of laboratory waste for disposal. Increasing waste volumes is in conflict with the regulated community's sustainability principles to reduce wastes as much a practical. As an alternative, if EPA does not accept continuing to allow single grab samples for testing, the Joint Trades recommend that EPA adopt the following sampling methodology: • Discharges 24 hours or less in duration: 1 grab sample is required. • Discharges more than 24 hours in duration: 3 aliquots are required captured at evenly space time intervals over a 24 hour period or less. It is also important for EPA to include language in the permit that clarifies when sample holding times begin. Adding the following statement to the permit would provide additional clarification: *As described in the National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, time of sample collection (holding time) begins when the last aliquot is dispensed into the composite sample container.* Source: https://www.epa.gov/sites/default/files/2017-03/documents/npdesinspect-chapter-05.pdf

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Part I.B.4.b	Visual Sheen. The permittee shall monitor free oil using the visual sheen test method on the surface of the receiving water. Monitoring shall be performed daily when discharging, during conditions when observation of a sheen on the surface of the receiving water is possible in the vicinity of the discharge, and when the facility is manned. If a sheen is observed in the course of required daily monitoring, or at any other time, the Operator must record the sheen and assess the cause of sheen. In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease. The sample type for all oil and grease monitoring shall be grab or a composite which consists of the arithmetic average of the results of four (4) or more grab samples collected at even intervals during a period of 24- hours or less. The operator must keep records of findings and make the record available for inspector's review. The operator must report total number of days of sheen observed during the reporting period.	The Joint Trades offer the following suggested revisions to the proposed permit language: *The permittee shall monitor free oil using the visual sheen test method on the surface of the receiving water. Monitoring shall be performed daily when discharging, during conditions when observation of a sheen on the surface of the receiving water is possible in the vicinity of the discharge, and when the facility is manned. If a sheen is observed in the course of required daily monitoring, or at any other time, the Operator must record the sheen and assess the cause of sheen. ~~In addition, a produced water sample shall be collected, within two (2) hours of when a sheen is observed in the vicinity of the discharge or within two hours after startup of the system if it is shut down following a sheen discovery and analyzed for oil and grease. The sample type for all oil and grease monitoring shall be grab or a composite which consists of the arithmetic average of the results of four (4) or more grab samples collected at even intervals during a period of 24- hours or less.~~ The operator must keep records of findings and make the record available for inspector's review. The operator must report total number of days of sheen observed during the reporting period.* **Rationale**: The proposed permit contains sections dedicated to oil and grease and another for Visual Sheen. It appears that the intent is to delineate the sampling and analytical component in the oil and grease section while defining the visual monitoring/recordkeeping obligations related specifically to sheens in the visual sheen section. Since the passage referring to collection of produced water samples within two (2) hours of observing a sheen is already included in the oil and grease section, the Joint Trades recommend removing the duplication from the visual sheen section.
Part I.B.6.a	Free Oil. No free oil shall be discharged. Monitoring shall be performed using the static sheen test method daily when discharging and the facility is manned. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows:

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		The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit. **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
Part I.B.6.a.1.a 48-Hour Acute WET Limitation	Toxicity shall be assessed through a 48-hour acute Whole Effluent Toxicity (WET) test in accordance with *Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms* (EPA/821-R-02-012), or the most current edition. The acute test is to be conducted using *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs), and *Menidia beryllina,* Method 2006.0. The WET limit applies to both species. In order to be in compliance with the WET limit, the No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Appendix D, Table 1 (1-A through 1-F) of this permit. The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the estimated flow rate when the discharge occurs, discharge pipe diameter, and water depth between the discharge pipe and the bottom. A WET test must be conducted per discharge, and the limit applies to every discharge.	The Joint Trades are recommending 3 options for EPA to consider regarding 48-Hour Acute WET Limitations for TCW fluids. Those options, in order of priority, are: 1. Removal of the limitations from the permit, or 2. Modify the limitation to a monitoring requirement and allow 1 sample to accommodate both 48-hour acute testing and 7-day chronic testing, or 3. Adding a compliance implementation period for the limitation and clarifying on how discharge rates are determined Each option is discussed below. **1. Removal of the limitations from the permit** A 48-hour Acute WET limitation for TCW fluids is not appropriate and the Joint Trades strongly recommend that this requirement be removed from the permit. The industry wide TCW fluid toxicity study forms the basis for this recommendation. The study concluded that several factors limit the potential for aquatic toxicity risks, including: • TCW fluid discharges are typically of short duration. 75% of the discharges sampled during the study were less than 2 hours in duration (median discharge time was 1-hour). A 48-hour test exposure is extremely conservative is not representative of the behavior of these discharges in the marine environment.

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		• TCW fluid discharges are small volumes. TCW fluid discharges are estimated to be 0.01% of produced water discharge volumes. • Of the substances evaluated during the study, no concentration was greater than conservative acute saltwater ecological thresholds. TCW fluids do not pose an unreasonable risk to the aquatic environment, and additional WET testing does not provide any added environmental benefit. Implementation of WET testing requirements increases operational complexity and risk. Some of the operational considerations include: • Increases in onshore waste volumes from fluids that may no longer be discharged. • Safety risks increase due to increased material handling and transfer of fluids. • Potential for increased risk for human exposure pathways due to waste being disposed of onshore. • Increases in GHG emissions due to increased vessel and ground transportation. • Burden on lab operations, impacting lab capacities and availability for testing, increase in testing materials/equipment, and increase in consumption of animals/organisms during testing. Currently, there are only 2-3 laboratories on the Gulf Coast that are capable of performing this type of WET testing. • Offshore operations have unique challenges in meeting WET test hold times. Experience from the industry-wide study shows that holding times required by the WET test method are extremely difficult and sometimes impossible to meet. Implementation of 48-hour WET testing for TCW fluids will result in added cost and burden to the regulated community in the form of "special order" flights and ground transportation. • Implementation of 48-hour testing significantly increases compliance uncertainty. Most TCW fluid discharges will have concluded before the sample reaches the laboratory. In the event of a sample not meeting

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		the toxicity limits there will be nothing for an operator to do to take corrective action (the discharge will be over). This uncertainty will likely result in many operators choosing not to discharge the fluids. In essence, EPA is establishing a "de facto" zero discharge limitation on these fluids. In addition, as noted the industry-wide study report, the critical dilutions listed in Appendix D Table are overly-conservative for assessing TCW fluid discharges. The industry-wide TCW fluid toxicity study concluded the following: "Recognizing that the median duration of the sampled TCW discharges was 1-h, a series of toxicity tests using a 2-h exposure was performed. These tests showed that toxicity for 2-h exposures was generally less than toxicity in 48-h exposure tests. This suggests that, since TCW discharges are of short duration, a comparison of a 48-h NOEC with a critical effluent dilution (CD) as an indicator of potential acute toxicity has a high degree of conservatism." The conservative nature of existing Critical Dilution tables to TCW fluid discharges provides additional rationale for removing the WET testing requirements from the permit. TCW fluid discharges are not steady-state, continuous discharges. These discharges are intermittent, short duration and low volume discharges. In 2017 EPA acknowledged in their proposed permit's fact sheet that the number of available, experienced, and qualified laboratories for WET testing is limited. We agree with this statement. Given the number of TCW discharges that will require testing, the available laboratories cannot manage the volume of toxicity analyses that EPA is proposing for TCW fluids. This in turn could cause quality control issues. Laboratories only culture a limited number of test age organisms. Increasing the number of required tests in a short time frame is not possible. There are only 2-3 laboratories

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		that can perform testing on offshore oil and gas discharges. Inability to predict extended platform downtime periods (i.e., intermittent production), logistics issues for these specific monitoring and testing requirements, and weather (i.e., hurricanes and other tropical storms) can also be problematic with an increase in testing. Increasing required toxicity testing would not only increase the burden on the operator and the testing laboratories, but it will increase the operator's risk for additional missed samples resulting in administrative non-compliances. **2. Modify the limitation to a monitoring requirement and allow 1 sample to accommodate both 48-hour acute testing and 7-day chronic testing** If EPA disagrees that the 48-hour acute WET limitations for TCW fluids should be removed, then the Joint Trades recommend that EPA provide the rationale and change the 48-hour acute limitation to a 48-hour acute monitoring requirement. As discussed in section 1 above, the industry-wide study concluded that several factors limit the potential for aquatic toxicity risks, including: • TCW fluid discharges are typically of short duration. 75% of the discharges sampled during the study were less than 2 hours in duration (median discharge time was 1-hour). A 48-hour test exposure is extremely conservative is not representative of the behavior of these discharges in the marine environment. • TCW fluid discharges are small volumes. TCW fluid discharges are estimated to be 0.01% of produced water discharge volumes. • Of the substances evaluated during the study, no concentration was greater than conservative acute saltwater ecological thresholds. TCW fluids do not pose an unreasonable risk to the aquatic environment. However, data collection through additional monitoring could provide a mechanism to further validate these conclusions.

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		In addition, a monitoring requirement may also present an opportunity for EPA and industry to collaborate on developing a more appropriate test procedure that better represents how these fluids are introduced into the marine environment. A test of less than 48-hours in duration would be more representative and less conservative. Lastly, if 48-hour acute monitoring and 7-day chronic monitoring are included in the final permit, the Joint Trades recommend that EPA include language that clarifies that a single sample can be utilized to obtain both acute and chronic test results. It is more efficient, but still technically appropriate, for operators to capture one sample of a TCW discharge and set up a 7-day chronic WET test. The 48-hour acute results can be obtained on Day 2 of the 7-day test. Therefore, the Joint Trades recommend the following language be added to the final permit: *A single grab or composite sample may be obtained to satisfy both the 48-hour acute and 7-day chronic monitoring. 48-hour acute test results may be obtained from the 7-day chronic test procedure.* **3. Adding a compliance implementation period for the limitation and clarifying how discharge rates are determined** Finally, if 48 acute WET testing for TCW fluids is included in the final permit, it is imperative that a compliance implementation period be included to allow operators time to establish procedures, processes and resources to achieve compliance. The Joint Trades strongly recommend that EPA establish a schedule of compliance for implementation of the new requirements as outlined in 40 CFR 122.47. Offshore facilities subject to these new requirements may require capital upgrades (e.g., fabrication / installation of diffusers or seawater dilution systems) making immediate compliance with the new requirements impossible. Accordingly, should EPA require 48-hour WET testing, the Joint Trades request EPA include a compliance schedule of two years for permittees to determine how to

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		implement the new requirement. The Joint Trades propose the following language be added to this section of the permit: *Compliance with 48-hour Acute WET testing must be achieved within two years of the effective date of the permit.* This type of compliance implementation period would allow the regulated community to: • Train operational personnel on the new requirements, • Establish logistical plans and schedules to meet required holding times, • Identify the impacts to industry laboratories to determine what additional resources are needed to accommodate the new testing, • Allow for fabrication and installation of diffuser and/or seawater dilution systems if needed. • Allow for constructing, contracting, and/or acquisition of additional vessels capable of compliantly managing materials for disposal • Identify and plan for onshore disposal facility capacities and limitations and expansions as needed. In addition, the operational considerations listed above, a compliance implementation period will also allow the regulated community to seek alternative test procedures, if needed, under 40 CFR 136.5. During the industry-wide TCW fluids study, we learned that certain fluids may require additional stirring and be allowed to return to room temperature in order for the WET testing procedure to be executed. As noted in several other comments in this document, the Joint Trades strongly recommend EPA allow the regulated community to seek approval for alternative test procedures, if needed. A two-year implementation period will allow sufficient time for industry to determine if such procedures are needed, how test methods need to be modified and seek approval from EPA under the requirements of 40 CFR 136.5.

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		EPA granted a similar compliance implementation period for produced water chronic WET testing during the 2007 permit renewal. EPA included language in the 2007 permit that said: *Compliance with sub-lethal effects must be achieved within two years after the effective date of this permit.* The Joint Trades strongly encourage EPA to consider this type of implementation schedule for these requirements as well. Also, if the 48-hour acute testing limitations are included in the final permit, the Joint Trades recommend that EPA also add language that clarifies how flow rate used to determine critical dilutions is determined. As described above, most TCW fluid discharges are less than 2 hours in duration and are not continuous discharges. Therefore, it is important to explain how flow rate is estimated to determine the proper critical dilution. The flow rates in Appendix D Table 1 are listed in units of bbls/day. If a discharge lasts 24 hours or longer then the flow rate should be calculated using total volume discharged/number of days of discharge duration. However, if the discharge is less than 24 hours in duration the flow rate should be estimated as total volume discharged/1 day to provide a realistic estimate of the rate discharge during the 24 hour period. The following recommended language is proposed for consideration: *The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the estimated flow rate when the discharge occurs, discharge pipe diameter, and water depth between the discharge pipe and the bottom. Flow rate shall be determined as follows:* • *For discharges greater than 24 hours in duration, flow rate=total volume discharged (bbls)/total duration of discharge (days)*

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		• *For discharges of lasting 24 hours or less, flow rate=total volume discharged (bbls)/1 day* *A WET test must be conducted per discharge, and the limit applies to every discharge.* EPA has stated in the draft Fact Sheet accompanying this proposed permit that: "46% of the samples collected showed acute toxicity for one or more species indicating there is a reasonable potential for acute toxicity stemming from well treatment, completion and workover fluid discharge." However, if the actual volume discharged is used to determine the critical dilution for those discharges lasting less than 24 hours, then 25 of the 28 (89%) samples analyzed did not exhibit acute toxicity at the critical dilution. During the industry-wide TCW study estimated flow rates were calculated using the total volume discharged divided by discharge duration to determine an hourly discharge rate. When this hourly rate is extrapolated to a 24-hour day the estimated discharge rate is conservatively overestimated. For example, if 100 barrels of fluid are discharged in 1 hour, the discharge rate is 100 barrels/hour. Extrapolated to a "barrel per day" rate value, one could estimate a daily rate of 2400 barrels/day. However, this is not representative of what was actually discharged. 100 barrels was discharged in 1 hour and the discharge ceased, therefore, a more representative estimate of actual discharge rate is 100 barrels/day. This illustrates the importance of clearly defining how discharge rates are used to determine critical dilution, especially if EPA proceeds with these requirements as a compliance limitation. This type of approach, use of the

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		total volume discharged for discharges lasting less than 24 hours, is consistent with how discharge rates are estimated for other short duration discharges authorized by the permit.
Part I.B.6.a.1.b	One composite sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period. In order to assess compliance with the WET limit, no alternate test procedures are authorized, and the test must be conducted in accordance with the method.	A 48-hour Acute WET Limitation for TCW fluids is not appropriate and the Joint Trades recommend that this requirement be removed from the permit. However, if the 48-hour WET testing requirements are finalized the use of 3 aliquots spaced out at constant time intervals in not feasible. As discussed above, the majority of TCW fluid discharges are less than 2 hours in duration. Capturing 3 aliquots from such short duration discharges does not provide any benefit to the testing methodology. During the industry-wide study, 4 of 28 discharges had durations longer than 4 hours. The remaining 24 discharges had a combined duration of 22.5 hours. The Joint Trades recommend revising the proposed text as follows: *One grab or one composite sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period. In order to assess compliance with the WET limit, ~~no alternate test procedures are authorized, and~~ the test must be conducted in accordance with the method.* **Rationale**: EPA has not provided a justification for grab samples not being representative of the discharge. Increasing the volume of samples through composite sampling introduces additional operational complexity; most notably increased weight for transport on helicopters. Larger sample volumes will also increase the amount of laboratory waste for disposal. Increasing waste volumes is in conflict with the regulated community's sustainability principles to reduce wastes as much a practical.

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		As an alternative, if EPA does not accept continuing to allow single grab samples for testing, the Joint Trades recommend that EPA adopt the following sampling methodology: • Discharges 24 hours of less in duration: 1 grab sample is required. • Discharges more than 24 hours in duration: 3 aliquots are required captured at evenly space time intervals over a 24 hour period or less. It is also important for EPA to include language in the permit that clarifies when sample holding times begin. Adding the following statement to the permit would provide additional clarification: *As described in the National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, time of sample collection (holding time) begins when the last aliquot is dispensed into the composite sample container.* Source: https://www.epa.gov/sites/default/files/2017-03/documents/npdesinspect-chapter-05.pdf As well, the Joint Trades believe that the phrase "no alternative test procedures are authorized" contradicts existing EPA regulations and should be removed from the permit. 40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region." By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the

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		regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits. Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.
Part I.B.6.a.2.a 7-day Chronic WET Monitoring	Toxicity shall be assessed through a 7-day chronic WET test in accordance with *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms* (EPA/821-R-02-014), or the most current edition. The chronic test is to be conducted using *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs), and *Menidia beryllina,* Method 1006.0. In order to pass a chronic test, the No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Appendix D, Table 1 (1-A through 1-F) of this permit. The critical dilution shall be determined using Table 1 in Appendix D of this permit and is based on the estimated flow rate when the discharge occurs, discharge pipe diameter, and water depth between the discharge pipe and the bottom. A chronic WET test must be conducted per discharge.	The Joint Trades are recommending 2 options for EPA to consider regarding 7-day chronic WET Limitations for TCW fluids. Those options are: 1. Removal of the monitoring requirements from the permit, or 2. Adding a compliance implementation period for the monitoring and include a minimum discharge duration of 4 days that require monitoring. Each option is discussed below. **1. Removal of the monitoring requirements from the permit** As discussed under the Joint Trades comments on 48-hour acute testing, most TCW fluid discharges are short duration, intermittent and low volume. The nature of these discharges brings into question the appropriateness of acute WET testing. The nature of these discharges certainly makes 7-day chronic testing unnecessary and not representative of how these discharges interact with the marine environment. Chronic testing is simply not appropriate for these types of discharges. In addition, chronic testing was not part of the industry-wide TCW fluids study. There is no evidence to support inclusion of chronic testing as a permit requirement. By including chronic testing in the permit EPA would be adding additional burden to the regulated community that is not based on scientific evidence. It is also an unnecessary use of vertebrate test organisms. Wherever possible the EPA should reduce, refine, and replace

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		all vertebrate testing for ethical reasons especially considering the industry-wide TCW fluids study found invertebrate test (*Americamysis bahia*) on average more sensitive than the vertebrate test (*Menidia beryllina*). **2. Adding a compliance implementation period for the limitation and include a minimum discharge duration of 4 days that requires monitoring** As discussed under the 48-hour acute testing limitations above, if 7-day chronic WET testing for TCW fluids is included in the final permit, it is imperative that a compliance implementation period be included to allow operators time to establish procedures, processes and resources to implement the monitoring. The Joint Trades strongly recommend that EPA provide justification of this monitoring requirement and establish a schedule of compliance for implementation of the new requirements as outlined in 40 CFR 122.47. The Joint Trades propose the following language be added to this section of the permit: *Compliance with 7-day chronic WET monitoring requirements must be achieved within two years of the effective date of the permit.* In addition, a compliance implementation period will also allow the regulated community to seek alternative test procedures, if needed, under 40 CFR 136.5. During the industry-wide TCW fluids study, we learned that certain fluids may require additional stirring and be allowed to return to room temperature in order for the WET testing procedure to be executed. As noted in several other comments in this document, the Joint Trades strongly recommend EPA allow the regulated community to seek approval for alternative test procedures, if needed. A two-year implementation period will allow sufficient time for industry to determine if such procedures are needed, how test methods need to be modified and seek approval from EPA under the requirements of 40 CFR 136.5. EPA granted a similar compliance implementation period for produced

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		water chronic WET testing during the 2007 permit renewal. EPA included language in the 2007 permit that said: *Compliance with sub-lethal effects must be achieved within two years after the effective date of this permit.* The Joint Trades strongly encourage EPA to consider this type of implementation schedule for these requirements as well. The Joint Trades also recommend that EPA also add language that clarifies a minimum duration of discharge that the 7-day monitoring would apply to. During the industry-wide study, only 4 of the 28 operations sampled had discharge durations longer than 38 hours. The remaining 24 operations had discharge durations of less than 2 hours. Applying 7-day chronic testing to discharges of less than 2 hours is inappropriate and misrepresents any potential environmental risks from these discharges. Therefore, we recommend that EPA include the following statement in the final permit if 7-day chronic monitoring is retained: *Toxicity shall be assessed through a 7-day chronic WET test in accordance with Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms (EPA/821-R-02-014), or the most current edition. The 7-day chronic WET test shall only apply to those discharges lasting longer than 4 days in duration.* Lastly, if 48-hour acute monitoring and 7-day chronic monitoring are included in the final permit, the Joint Trades recommend that EPA include language that clarifies that a single sample can be utilized to obtain both acute and chronic test results. It is more efficient, but still technically appropriate for operators to capture one sample of a TCW discharge and set up a 7-day chronic WET test. The 48-hour acute results can be obtained on Day 2 of the 7-day test. Therefore, the Joint Trades recommend the

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		following language be added to the final permit: *A single grab or composite sample may be obtained to satisfy both the 48-hour acute and 7-day chronic monitoring. 48-hour acute test results may be obtained from the 7-day chronic test procedure.*
Part I.B.6.a.2.b	Three (3) samples are to be collected for the chronic test. The samples may be collected as grab samples spaced out at constant time intervals throughout the duration of the discharge. Each sample must meet the holding time of 36 hours (up to 72 if required) for first use of the sample, and then the samples may be used to prepare renewals until test completion. In order to assess toxicity, no alternate test procedures are authorized, and the test must be conducted in accordance with the method.	As discussed in the previous comment, 7-Day Chronic WET testing monitoring requirements should be removed from the permit. However, if the 7-day chronic testing monitoring requirements are retained in the final permit, the monitoring should only be applicable to discharge durations of 4 days or more. If the 7-day chronic testing monitoring requirements are included in the final permit, the Joint Trades recommend modifying the proposed language in this paragraph as follows: *Three (3) samples are to be collected for the chronic test. The samples may be collected as grab samples spaced out at constant time intervals throughout the duration of the discharge. Each sample must meet the holding time of ~~36 hours (up to~~ 72 hours ~~if required)~~ for first use of the sample, and then the samples may be used to prepare renewals until test completion. In order to assess toxicity, ~~no alternate test procedures are authorized, and~~ the test must be conducted in accordance with the method.* The highlighted language regarding holding times is unclear. Is the holding time 36 hours or 72 hours? EPA should clarify this sentence so that it is clear as to the intent. Furthermore, the hold time for TCW samples should be adjusted to the maximum of 72 hours. A 36-hour hold-time will introduce significant logistical complexity to well workover, completion, and treatment operations by creating the need for operators to have multiple vessels and flights dedicated to sample transportation only. The increased number of vessel and helicopter trips between offshore facilities and shore will increase emissions, noise, and other environmental impacts. They will

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		also increase safety risks associated with landing/takeoff, vessel transport and transfer of samples. These risks will be more acute given a 36-hour time constraint. The requirement for additional flights/vessel trips will also increase costs, as operators compete for scarce supply of helicopters and fast vessels. Lastly, the competition for helicopters and fast vessels will result in project delays, which will further increase costs and result in additional environmental impacts. The Joint Trades also recommend that the phrase "no alternative test procedures are authorized" be struck as it contradicts existing EPA regulations. 40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region." By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits. Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.
Part I.B.6.c	Operators must conduct well treatment fluids, well completion fluids, and workover fluids assessments whenever they apply those fluids. Such assessments shall be conducted for each applicable well by operators either corporately or individually. The general information of a specific well treatment, well completion or workover fluid could be used for assessment purposes. Each fluid assessment	The Joint Trades recommend the characteristic assessment requirements be removed from the permit. **Rationale**: The Characteristic Assessment requirements retained from the 2017 permit were intended to apply to the industry-wide TCW fluid toxicity

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	shall include the following information: 1) Lease and block number 2) API well number 3) Type of well treatment or workover operation conducted 4) Date of discharge 5) Time discharge commenced 6) Duration of discharge 7) Volume of well treatment 8) Volume of completion or workover fluids used 9) The common names and chemical parameters for all additives to the fluids 10) The volume of each additive 11) Concentration of all additives in the well treatment 12) Concentration of all additives in the completion, or workover fluid	study, or individual studies for those operators that chose not to participate in the industry study. Now that the studies have concluded, these characteristic assessment requirements are not appropriate for routine, normal operations and should be removed from the 2022 permit. This type of detailed information is maintained by operators in well files and could be made available to EPA upon request. In addition, these requirements may create the risk of operators providing proprietary and/or trade secret information on well campaigns. This information is nearly always kept confidential. Experience with the industry-wide TCW study showed that trades secrets are a significant issue with regards to TCW campaigns. During the study, extraordinary measures were taken to ensure that trade secrets and proprietary information were protected. This included procedures to limit chemical analysis of fluid components to mitigate the risk of revealing proprietary information.
Part I.B.7.b	Residual Chlorine. Total residual chlorine (TRC) is a surrogate parameter for fecal coliform. Discharge of TRC must meet a minimum of 1 mg/l and shall be maintained as close to this concentration as possible. A grab sample must be taken once per month and the concentration recorded. The approved methods are either Hach CN-66-DPD or EPA method specified in 40 CFR part 136 for TRC.	The Joint trades recommend the following revisions to the proposed language: *Residual Chlorine. Total residual chlorine (TRC) is a surrogate parameter for fecal coliform. Discharge of TRC must meet a minimum of 1 mg/l and shall be maintained as close to this concentration as possible. A grab sample must be taken once per month and the concentration recorded. The approved methods are either Hach CN-66-DPD or EPA method specified in 40 CFR part 136 for TRC.* *Equivalent Disinfection – Other Technologies. The use of other disinfection technologies, including, but not limited to, bio-membrane filtration and ultra-violet light, are allowed as substitutes for total residual chlorine provided that those technologies result in equivalent or improved disinfection of the sanitary waste stream.* **Rationale**: The Joint Trades recommend that the EPA consider updating this standard to include additional types of disinfection technologies. Modern

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		sanitary treatment equipment may also utilize other means by which to disinfect sanitary waste, such as bio-membrane technology and ultra-violet light. The single standard for total residual chlorine may limit the use of such technologies. Such technologies are proven and have been utilized in the sanitary waste treatment for many years. In addition, USCG-approved MSDs are already in use that do not utilize chlorine for disinfection. These types of units are approved by the USCG and the International Maritime Organization (IMO).
Part I.B.7.b	[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA.	The Joint Trades recommend that the proposed permit language be revised as follows: *[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA. If an MSD is undergoing maintenance and/or is malfunctioning, then an operator may demonstrate compliance by maintaining disinfection capabilities. If the limitations are met this does not constitute a non-compliance.* **Rationale**: Based on discussions with EPA staff, it is our understanding that if an operator can demonstrate compliance with limitations during MSD maintenance and/or malfunction, then the operator remains in compliance with permit limitations. This should be clearly documented in the permit.

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Part I.B.8.a	[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA.	The Joint Trades recommend that the proposed permit language be revised as follows: *[Exception] Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit prohibitions and limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained for three years at the facility or at an alternate site if not practicable. The operator is required to demonstrate proper operation of MSD via US Coast Guard approval, annual inspections, Class/Flag State inspections and/or the International Sewage Pollution Prevention Certificate (ISPPC) and maintenance logs/records. Failure to comply with any of the aforementioned requirements for the U.S. Coast Guard must be included in a non-compliance report to EPA. If an MSD is undergoing maintenance and/or is malfunctioning, then an operator may demonstrate compliance by maintaining disinfection capabilities. If the limitations are met this does not constitute a non-compliance.* **Rationale**: Based on discussions with EPA staff, it is our understanding that if an operator can demonstrate compliance with limitations during MSD maintenance and/or malfunction, then the operator remains in compliance with permit limitations. This should be clearly documented in the permit.
Part I.B.9.b	Solids. Observation must be made during daylight in the vicinity of domestic waste outfalls. If floating solids are observed at other times in addition to the daily monitoring, it must be recorded and reported to EPA.	The Joint Trades recommend modifying the permit language for domestic waste monitoring as follows: *Solids. Observation must be made daily during daylight in the vicinity of domestic waste outfalls. If floating solids are observed at other times in addition to the daily monitoring, it must be recorded and reported to EPA.*

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		Rationale: Adding the word "daily" makes these requirements consistent with the sanitary waste monitoring requirements.
Part I.B.10	(iv) Subsea Discharges: Subsea Wellhead Preservation Fluid, Subsea Cleaning Fluids, Subsea Production Control Fluid, Umbilical Steel Tube Storage Fluid, Leak Tracer Fluid, Riser Tensioner Fluid, and Pipeline Brine (used as piping or equipment preservation fluids). Note 1: Brine and water-based mud discharge at the seafloor for temporary well abandonment" are permitted if such water based drilling fluid and brine have been demonstrated to comply with the permits conditions for their original use (e.g.: water based drilling fluids that have been shown to meet the permit's limits for SPP toxicity, free oil, and cadmium and mercury in stock barite; and brine that has met limits for free oil, oil and grease concentrations, priority pollutants and toxicity requirements).	The Joint Trades support the addition of "Subsea Cleaning Fluids" to this section of the permit. However, we are recommending that a definition of "subsea cleaning fluids" be included in the permit. See our comments under Section G – Definitions.
Part I.B.10.a	Free Oil. No free oil shall be discharged. Discharge is limited to those times that a visual sheen observation is possible unless the operator uses the static sheen method. Monitoring shall be performed using the visual sheen method on the surface of the receiving water every day when discharging, or by use of the static sheen method at the operator's option. Visual sheen observation must be made during daylight in the vicinity of outfalls. Observation of sheen must be recorded whenever a sheen is observed during the day. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.* **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
Part I.B.11	Excess water which permits the continuous operation of fire control and utility lift pumps, Excess water from pressure maintenance and secondary recovery projects, Water released during training of personnel in fire protection, Water used to pressure test new and existing piping and pipelines, Ballast water, Once through non-contact cooling water, Water used as piping or equipment preservation fluids, and Water used during Dual Gradient Drilling.	The Joint Trades recommend the proposed permit language be revised as follows: *Excess water which permits the continuous operation of fire control and utility lift pumps, Excess water from pressure maintenance and secondary recovery projects,* *Water released during training of personnel in fire protection, Water used to pressure test new and existing piping and pipelines,* *Ballast water,* *Once through non-contact cooling water,*

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		Water used as piping or equipment preservation fluids, and Water used during Dual Gradient Drilling and well operations. **Rationale**: Seawater and fresh water used for fluid displacement in well operations is drawn from chemically treated and uncontaminated sources. The chemically treated water sources are the same as, or similar to, those sources used for water released during training of personnel in fire protection, ballast water, once through non-contact cooling water, water used as piping or equipment preservation fluids, and water used during Dual Gradient Drilling. The change provides clarity and would be more inclusive of current operations in industry.
Part I.B.11.a	Free Oil. No free oil shall be discharged. Discharge is limited to those times that a visible sheen observation is possible unless the operator uses the static sheen method. Monitoring shall be performed using the visual sheen method on the surface of the receiving water daily when discharging, or by use of the static sheen method daily at the operator's option. Visual sheen observation must be made during daylight in the vicinity of outfalls. Observation of sheen must be recorded whenever a sheen is observed during the day. The total number of days a sheen is observed must be recorded and reported.	The Joint Trades recommend revising the last sentence of this paragraph as follows: *The total number of days a sheen is observed must be recorded and reported in accordance with Part II.D.7.c of this permit.* **Rationale**: Providing a specific reference for reporting increases clarity of the requirement and provides certainty to the regulated community.
Part I.B.11.a	One composite sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period.	The Joint Trades recommend revising the proposed text as follows: *One grab, or one composite, sample representing the duration of the discharge, must be collected, and used in the initiation and renewal of the 48-hour test. The time composite sample must contain no fewer than 3 aliquots spaced out at constant time intervals throughout the compositing period.* **Rationale**: EPA has not provided a justification for grab samples not being representative of the discharge. Increasing the volume of samples through composite sampling introduces additional operational complexity; most notably increased weight for transport on helicopters. Larger sample volumes will also increase the amount of laboratory waste for disposal.

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		Increasing waste volumes is in conflict with the regulated community's sustainability principles to reduce wastes as much a practical. As an alternative, if EPA does not accept continuing to allow single grab samples for testing, the Joint Trades recommend that EPA adopt the following sampling methodology: • Discharges 24 hours of less in duration: 1 grab sample is required. • Discharges more than 24 hours in duration: 3 aliquots are required captured at evenly space time intervals over a 24 hour period or less. It is also important for EPA to include language in the permit that clarifies when sample holding times begin. Adding the following statement to the permit would provide additional clarification: *As described in the National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, time of sample collection (holding time) begins when the last aliquot is dispensed into the composite sample container.* Source: https://www.epa.gov/sites/default/files/2017-03/documents/npdesinspect-chapter-05.pdf
Part I.B.11.a	If the effluent fails the survival endpoint at the critical dilution, the permittee shall be considered in violation of this permit limit. Also, when the testing frequency stated above is less than monthly and the effluent fails the survival endpoint at the critical dilution, the monitoring frequency for the affected species will increase to monthly until compliance with the NOEC limit (critical dilution) is demonstrated for a period of three consecutive months. After compliance is demonstrated for three consecutive months, the permittee may return to the testing frequency in use at the time of the initial test failure. During the period the permittee is out of compliance, test results shall be reported on the DMR that includes this period. Reporting instructions can be found in Part II.D.4 of this permit.	The Joint Trades recommend modifying the proposed language in this paragraph to improve clarity. The recommended language is as follows: *For continuous discharges, if a test fails the survival or sub-lethal endpoint at the critical dilution in any test, the operator must perform monthly retest until it passes three consecutive monthly tests. Failing the toxicity test is considered violation of the permit. After compliance is demonstrated for three consecutive months, the permittee may return to the testing frequency in use at the time of the initial test failure.*

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		Rationale: For non-continuous discharges, this language regarding frequency is not applicable since those discharges require monitoring once per discharge.
Part I.B.11.b	Toxicity. The required frequency of testing for continuous discharges occurring more than once per week shall be determined as follows: Discharge Rate — Toxicity Testing Frequency 0 - 499 bbl/day — once per calendar year 500 - 4,599 bbl/day — once per calendar quarter 4,600 bbl/day and above — once per calendar month	The Joint Trades recommend the following changes to the proposed permit language: *Toxicity. The required frequency of testing for continuous discharges ~~occurring more than once per week~~ shall be determined as follows:* **Rationale**: The phrase "occurring more than once per week" as applied to continuous discharges is confusing. If a discharge is "continuous" then, by its nature, it is an ongoing discharge and not limited to a weekly timeframe.
Part I.B.11.b	Intermittent or batch discharges that occur less than or equal to once per week and lasts less than 24 hours shall be monitored once per discharge but are required to be monitored no more frequently than the corresponding frequencies shown above for continuous discharges. Test Acceptability Criteria can be found in Section Part II.D.4 of this permit.	The Joint Trades recommend the proposed permit language be revised as follows: *~~Intermittent or batch~~ Non-continuous discharges that occur less than or equal to once per week and last less than 24 hours shall be monitored once per discharge ~~but are required to be monitored no more frequently than the corresponding frequencies shown above for continuous discharges.~~ Test Acceptability Criteria can be found in Section Part II.D.4 of this permit.* **Rationale**: The Joint Trades recommend that the phrase "intermittent or batch discharges" be changed to "non-continuous discharges" to improve clarity as well as improve consistency with the previous paragraph discussing continuous discharges. In addition, the language referencing the corresponding frequencies for continuous discharges is unnecessary. Non-continuous discharges are sampled as they occur and are not continuous. Therefore, a determining test frequency based on discharge rate or volume is not needed.

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Part I.B.12.b.1).i	The cooling water intake structure(s) must be designed, constructed, operated, and maintained so that the maximum through-screen design intake velocity shall not exceed 0.5 ft/s;	The Joint Trades recommend that EPA consider the comments submitted by the International Association of Drilling Contractors (IADC) regarding cooling water intake structures on non-fixed facilities.
Part I.B.12.b.1).ii	The permittee must develop and implement an Operation and Maintenance plan to minimize impingement mortality of fish and shellfish through use of cooling water intake design and construction technologies or operational measures.	The Joint Trades recommend that EPA consider the comments submitted by the International Association of Drilling Contractors (IADC) regarding cooling water intake structures on non-fixed facilities.
Part I.B.12.c.1).ii	Velocity monitoring. The operator must monitor intake flow velocity across the intake screens on a continuous basis to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies: If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be <0.300 — Quarterly 0.300 – 0.38 — Monthly >0.38 — Daily	The Joint Trades propose to strike "on a continuous basis" as it directly conflicts with the below monitoring frequencies. *iii. Velocity monitoring. The operator must monitor intake flow velocity across the intake screens ~~on a continuous basis~~ to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies:* *If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be* *<0.300 — Quarterly* *0.300 – 0.38 — Monthly* *>0.38 — Daily* **Rationale**: The Joint Trades request all intake flow velocity monitoring proposed as "continuous" be struck. Continuous intake flow velocity monitoring would require possibly significant upgrades to existing intake flow velocity monitoring systems including routing of signals to process computers for automatic logging. Monitoring frequencies in the table allow permittees to manually log the intake flow velocity if continuous monitoring systems are not feasible. EPA agreed with this request in their Response to Comments for the 2012 GMG290000 permit renewal, "OOC requested that EPA change the flow monitoring frequency from continuous to daily because continuous monitoring may require significant upgrades to the existing flow system.

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		Response: EPA has revised the permit language. Daily monitoring frequency will be used for flow monitoring. EPA has also changed the frequency for screen monitoring to daily based on the same reason for changing flow monitoring." EPA again agreed with this request in the 2017 GMG290000 permit renewal when they included the tiered monitoring frequencies in the current permit and did not include continuous intake flow velocity monitoring. 2017 Rationale: Velocity monitoring consists of a demonstration requirement based on the facilities' proposed design and a compliance monitoring requirement that verifies the velocity limitation is being met. There is agreement with the purpose of inspection, but not the frequency. The tiered velocity monitoring approach is based upon a statistical analysis of six separate CWIS operated in the GOM during 2015. The analysis is based on the rate-of-change in daily velocity monitoring data (attached as Appendix D). An ANOVA indicates no statistical difference in the rate of change in intake velocity among the five intakes ($P < 0.05$). The data are approximately normally distributed with a mean change in velocity equal to 0.0001 (ft/s)/day and a standard deviation equal to 0.0106 (ft/s)/day. Based on these data, there is a 95% probability that the mean velocity increase over any 30-day period will be less than 0.11 (ft/s)/day; and a 95% probability that the mean velocity increase over any 90-day period will be less than 0.20 (ft/s)/day. Therefore, 95% of all monthly intake velocity measurements will be less than 0.5 ft/s provided that the previous month's velocity measurement was less than 0.39 ft/s. Similarly, 95% of all quarterly velocity measurements will be less than 0.5 ft/s provided that the previous quarter's measurement was less than 0.30 ft/s. We note this data makes sense relative to visual inspection information presented elsewhere the rate of biogrowth on intakes is quite low and so the rate of change of intake velocity would also be expected to be quite low,

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		hence allowing for reduced monitoring frequencies (using a tiered approach to ensure compliance with the 0.5 fps standard for any CWIS design). Related to this issue, EPA must allow for the fact that some affected facilities have been constructed between July 2006 and October 2022 with intake flow velocity monitoring designs based on initial and quarterly/monthly/daily flow monitoring. These facilities may require capital upgrades to reach a continuous intake flow velocity monitoring capability. Should EPA require continuous monitoring, The Joint Trades propose the following language be added to this section of the permit: *Compliance with continuous intake flow velocity monitoring must be achieved within two years after the effective date of this permit.*
Part I.B.12.c.2).iii	Velocity monitoring. The operator must monitor intake flow velocity across the intake screens on a continuous basis to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies: If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be <0.300 — Quarterly 0.300 – 0.38 — Monthly >0.38 — Daily	The Joint Trades propose to strike "on a continuous basis" as it directly conflicts with the below monitoring frequencies. *iv. Velocity monitoring. The operator must monitor intake flow velocity across the intake screens ~~on a continuous basis~~ to ensure the maximum intake flow velocity does not exceed 0.5 ft/s. The intake flow velocity shall be monitored according to the following frequencies:* *If the Most recent intake flow velocity (ft/s) — Then Monitoring Frequency Should be* *<0.300 — Quarterly* *0.300 – 0.38 — Monthly* *>0.38 — Daily* **Rationale**: The Joint Trades request all intake flow velocity monitoring proposed as "continuous" be struck. Continuous intake flow velocity monitoring would require possibly significant upgrades to existing intake flow velocity monitoring systems including routing of signals to process

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		computers for automatic logging. Monitoring frequencies in the table allow permittees to manually log the intake flow velocity if continuous monitoring systems are not feasible. EPA agreed with this request in their Response to Comments for the 2012 GMG290000 permit renewal, "OOC requested that EPA change the flow monitoring frequency from continuous to daily because continuous monitoring may require significant upgrades to the existing flow system. <u>Response</u>: EPA has revised the permit language. Daily monitoring frequency will be used for flow monitoring. EPA has also changed the frequency for screen monitoring to daily based on the same reason for changing flow monitoring." EPA again agreed with this request in the 2017 GMG290000 permit renewal when they included the tiered monitoring frequencies in the current permit and did not include continuous intake flow velocity monitoring. <u>2017 Rationale</u>: Velocity monitoring consists of a demonstration requirement based on the facilities' proposed design and a compliance monitoring requirement that verifies the velocity limitation is being met. There is agreement with the purpose of inspection, but not the frequency. The tiered velocity monitoring approach is based upon a statistical analysis of six separate CWIS operated in the GOM during 2015. The analysis is based on the rate-of-change in daily velocity monitoring data (attached as Appendix D). An ANOVA indicates no statistical difference in the rate of change in intake velocity among the five intakes ($P < 0.05$). The data are approximately normally distributed with a mean change in velocity equal to 0.0001 (ft/s)/day and a standard deviation equal to 0.0106 (ft/s)/day. Based on these data, there is a 95% probability that the mean velocity increase over any 30-day period will be less than 0.11 (ft/s)/day; and a 95% probability that the mean velocity increase over any 90-day period will be less than 0.20 (ft/s)/day. Therefore, 95% of all monthly intake velocity

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		measurements will be less than 0.5 ft/s provided that the previous month's velocity measurement was less than 0.39 ft/s. Similarly, 95% of all quarterly velocity measurements will be less than 0.5 ft/s provided that the previous quarter's measurement was less than 0.30 ft/s. We note this data makes sense relative to visual inspection information presented elsewhere the rate of biogrowth on intakes is quite low and so the rate of change of intake velocity would also be expected to be quite low, hence allowing for reduced monitoring frequencies (using a tiered approach to ensure compliance with the 0.5 fps standard for any CWIS design). Related to this issue, EPA must allow for the fact that some affected facilities have been constructed between July 2006 and October 2022 with intake flow velocity monitoring designs based on initial and quarterly/monthly/daily flow monitoring. These facilities may require capital upgrades to reach a continuous intake flow velocity monitoring capability. Should EPA require continuous monitoring, The Joint Trades propose the following language be added to this section of the permit: *Compliance with continuous intake flow velocity monitoring must be achieved within two years after the effective date of this permit.*
Part I.D.3	The approved test methods for permit compliance are identified in 40 CFR Part 136. No alternative test procedures are authorized.	The Joint Trades believe that the sentence "No alternative test procedures are allowed" contradicts existing EPA regulations and should be removed from the permit. 40 CFR 136.5 contains regulations for "Approval of alternate test procedures for limited use." Paragraph (a) of 40 CFR 136.5 clearly states that: "Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region."

<table>
<tr><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td></td><td>By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits.

Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.</td></tr>
<tr><td>Part I.D.3.f</td><td>Test Acceptability Criteria

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:
<table>
<tr><th>Condition/Criteria</th><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Test Duration</td><td>7 days</td><td>7 days</td></tr>
<tr><td># of replicates per concentration</td><td>8</td><td>4</td></tr>
<tr><td># of organisms per replicate</td><td>5</td><td>10</td></tr>
<tr><td># or organisms per concentration</td><td>40</td><td>40</td></tr>
<tr><td># of test concentrations per effluent</td><td>5 and a control</td><td>5 and a control</td></tr>
<tr><td>Holding time *</td><td>36 hours for first use</td><td>36 hours for first use</td></tr>
<tr><td>Sampling Requirement *</td><td>Minimum of 3 samples</td><td>Minimum of 3 samples</td></tr>
<tr><td>Test Acceptability Criteria</td><td>≥80% survival of all control organisms.</td><td>≥80% survival of all control organisms.</td></tr>
<tr><td></td><td>Average dry weight per surviving organism in control ≥0.2mg.</td><td>Average dry weight per surviving unpreserved organism in the control must be ≥0.5mg when test starts with 7d old larvae, or, ≥0.43mg or greater after no more than 7days if preserved.</td></tr>
<tr><td>Coefficient of Variation**</td><td>40% or less, unless significant effects are exhibited.</td><td>40% or less, unless significant effects are exhibited.</td></tr>
<tr><td>Percent Minimum Significant Difference (PMSD range) for Sublethal Endpoint **</td><td>11 - 37</td><td>11 - 28</td></tr>
</table></td><td>The Joint Trades recommend that some of the values listed in the Test Acceptability Criteria table be changed to align with WET testing protocols and methods.

For Menidia beryllina, we recommend the following changes:

• # of replicates per concentration should be 5; not 4.
• # of organisms per replicate should be 8; not 10.

In addition, to align with our recommendations on TCW fluids 48-hour acute WET testing, Sample Requirements for both Americamysis bahia and Menidia beryllina should be modified to:

1 grab sample for discharges of 24 hours or less, or 3 aliquots at evenly spaced time intervals over a 24-hour period for discharges greater than 24-hours in duration.

The rationale for this recommendation is discussed above in previous comments.

<u>Regarding PMSD Limits:</u> PMSD limits are protective of the environment and permittees. Upper PMSD limits prevent highly variable data that decreases the power of the required statistical methods from being used to</td></tr>
</table>

Section	2022 Proposed Permit Language	Joint Trades Comments
	* If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples and the minimum number of effluent portions are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent, and must meet the holding time between collection and first use of the sample. When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section. **Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%, or a PMSD value greater than the higher value on the range provided.	demonstrate permit compliance. Lower PMSD limits prevent data sets with very low variability, hyper-sensitive data sets, from failing. If the PMSD for a sub-lethal data set is less than the lower PMSD limit and the required statistical methods indicate a statistically significant difference between the control and a treatment, this difference must be confirmed by calculating relative differences between the control and each treatment. Growth data are based on biomass: dry weight of survivors from each replicate divided by the number of organisms exposed not the number surviving. Any mortalities exacerbate sublethal biomass variability. If the replicate dry weight is for one surviving organism, it must be divided by the number originally exposed! If a treatment fails survival it is excluded from sub-lethal data analyses. If the survival and growth data are near perfect and clearly passing except at the highest concentration tested (low survival and high variability between replicates), the required statistical methods (Steel's Many-One Rank Test in particular) may not pick up >40% mortality as statistically significant. This can lead to the upper biomass PMSD limit being exceeded and an invalid test, even though the lower sample dilutions are statistically equivalent in survival and biomass to the concurrent control. Including the 2017 permit language for chronic tests could prevent resampling and retesting clearly passing data sets: *If the conditions of Test Acceptability are met in Item 3.f. above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the survival test shall be considered to be passing and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found below.* And adding similar language for sublethal biomass data:

Section	2022 Proposed Permit Language	Joint Trades Comments
		If the conditions of Test Acceptability are met in Item 3.f. except that the PMSD upper limit is exceeded, then if the mean dry weight of surviving control organisms is equal to or greater than the limit in the test method, and the biomass data for the critical dilution and all lower dilutions are not more than the PMSD lower limit (11% for both species) less than the concurrent control, the growth test shall be considered to be passing and the permittee shall report a growth NOEC of not less than the critical dilution for the DMR reporting requirements found below.
Part I.D.3.g	Statistical Interpretation The statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in the appropriate method manual listed above, or the most recent update.	The Joint Trades offer the following comments on statistical interpretation: PMSD limits are protective of the environment and permittees. Upper PMSD limits prevent highly variable data that decreases the power of the required statistical methods from being used to demonstrate permit compliance. Lower PMSD limits prevent data sets with very low variability, hyper-sensitive data sets, from failing. If the PMSD for a sub-lethal data set is less than the lower PMSD limit and the required statistical methods indicate a statistically significant difference between the control and a treatment, this difference must be confirmed by calculating relative differences between the control and each treatment. Growth data are based on biomass: dry weight of survivors from each replicate divided by the number of organisms exposed not the number surviving. Any mortalities exacerbate sublethal biomass variability. If the replicate dry weight is for one surviving organism, it must be divided by the number originally exposed! If a treatment fails survival it is excluded from sub-lethal data analyses. If the survival and growth data are near perfect and clearly passing except at the highest concentration tested (low survival and high variability between replicates), the required statistical methods (Steel's Many-One Rank Test in particular) may not pick up >40% mortality as statistically significant. This can lead to the upper biomass PMSD limit being exceeded and an invalid test, even though the lower sample dilutions

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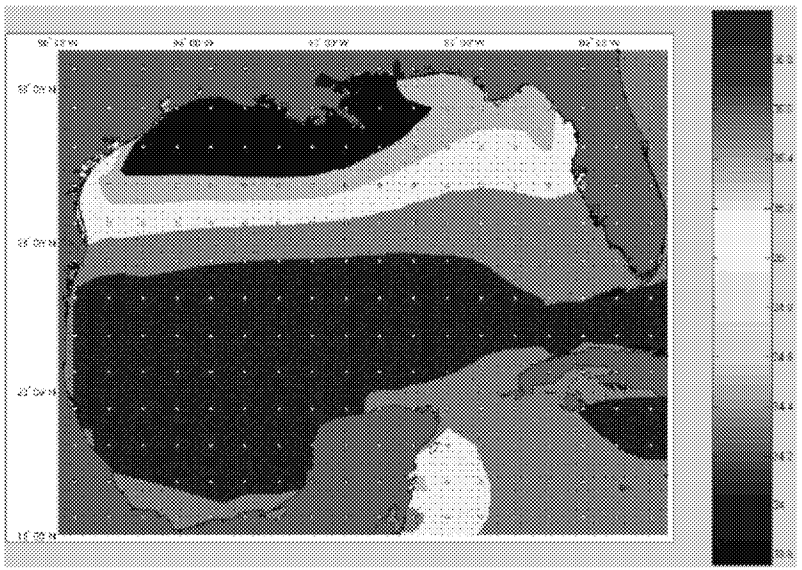
		are statistically equivalent in survival and biomass to the concurrent control. Including the 2017 permit language for chronic tests could prevent resampling and retesting clearly passing data sets: *If the conditions of Test Acceptability are met in Item 3.f. above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the survival test shall be considered to be passing and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found below.* And adding similar language for sublethal biomass data: *If the conditions of Test Acceptability are met in Item 3.f. except that the PMSD upper limit is exceeded, then if the mean dry weight of surviving control organisms is equal to or greater than the limit in the test method, and the biomass data for the critical dilution and all lower dilutions are not more than the PMSD lower limit (11% for both species) less than the concurrent control, the growth test shall be considered to be passing and the permittee shall report a growth NOEC of not less than the critical dilution for the DMR reporting requirements found below.*
Part I.D.3.h	Dilution Water Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar salinity closest to the point of discharge if the receiving water shows toxicity and fails to meet acceptability criteria for the control.	The Joint Trades strongly recommend removing the requirements for the use of receiving waters as dilution water for the purposes of WET testing. There are several technical and operational reasons for concern. **1. WET Testing Methods Recommendations** EPA's *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition* contains the following recommendations regarding types of dilution water,

Section	2022 Proposed Permit Language	Joint Trades Comments
		"7.1.1.1 If the objective of the test is to estimate the absolute acute toxicity of the effluent, a synthetic (standard) dilution water is used." As well as, "7.1.2 An acceptable dilution water is one which is appropriate for the objectives of the test; supports adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test (i.e., consistently meets test acceptability criteria for control responses); is consistent in quality; and does not contain contaminants that could produce toxicity." Method 1007.0: Mysid, Mysidopsis bahia, Survival, Growth and Fecundity Test: Chronic Toxicity contains the following requirement, "14.6.11.1 Saline test and dilution water -- The salinity of the test water must be in the range of 20‰ to 30‰." Gulf of Mexico receiving waters mean annual sea-surface salinity ranges from 33‰ to greater than 36‰ as shown in the figure below from Vinogradov, S., *The use of ocean tomographic observations in numeric simulation of mesoscale oceanic circulation in the northern Gulf of Mexico, 2005.*

Section	2022 Proposed Permit Language	Joint Trades Comments
		 Gulf of Mexico receiving waters are higher than the recommended salinities in Method 1007.0 and therefore may not "support adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test." **2. Impractically of Capturing Receiving Water Samples** The proposed permit language states that "Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge." It is unclear how operators are to determine if the receiving water collection point is unaffected by the discharge. The requirement is vague and ambiguous. In addition, capturing samples of receiving water for use as dilution water would potentially require the launching and operation of small fast rescue

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		craft from the platform. Most platforms do not have such craft available or installed. Launching of such craft requires lower the vessel 150-200 feet via cables to the water's surface with people on board. This is a high risk activity that is conducted only when it is absolutely necessary (i.e., responding to an emergency). This requirement to use receiving water as dilution water increases the risks and hazards to offshore personnel. If receiving water was collected for use as dilution water, approximately 40 gallons would be needed per test. That would require transport of more than 320 lbs. of water, ice and containers. Additional helicopter flights would be required as well as additional ground transport. As noted in other comments contained in this document, increased transportation results in significantly higher greenhouse gas emissions, higher costs to the regulated community and additional burden in the form of increased scheduling and planning. The use of synthetic dilution water eliminates all of these concerns and provides a practical, sound alternative to the use of receiving water. **3. Synthetic Dilution Water Has a Proven History** Synthetic dilution water has been used for Gulf of Mexico dilution water since the inception of the General Permit. There are decades of data that provide ample evidence that synthetic dilution water is appropriate for WET testing. If EPA has identified concerns or issues with the historical use of synthetic dilution water based upon this historical data, then that information should be shared with the regulated community and the public to justify the need for this proposed change. Based on the rationale discussed in items 1-3, the Joint Trades recommend that this proposed paragraph be removed from the permit.

<table>
<tr><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td>Part I.D.3.1</td><td>The testing frequency is assessed at the end of every calendar year and established for the following year. However, monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. If a test is not conducted every month, then the permittee must report “NODI 9” for toxicity data.</td><td>The Joint Trades recommend the following changes to the proposed permit language to improve clarity. In addition, we recommend removing the references to NODI codes from the permit as this type of language is better suited for DMR instructions instead of permit language.

~~The testing frequency is assessed at the end of every calendar year and established for the following year. However,~~ Monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. ~~If a test is not conducted every month, then the permittee must report “NODI 9” for toxicity data.~~</td></tr>
<tr><td>Part I.D.3.1</td><td>Compliance with the WET limit is established when both the sublethal and lethal NOEC of a WET test is greater than or equal to the critical dilution. Compliance is represented by a “0” in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for Menidia beryllina is less than the permittee’s critical dilution, this constitutes a violation of the WET limit and a “1” should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. For each toxicity test conducted, the permittee shall also report the results as follows:
<table>
<tr><th rowspan="2">Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Enter a “1” if either the sublethal or lethal NOEC is less than the critical dilution, otherwise enter a "0".</td><td>51713</td><td>51712</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOP3E</td><td>TOP6J</td></tr>
<tr><td>Report the LOEC value for survival</td><td>TXP3E</td><td>TXP6J</td></tr>
<tr><td>Report the NOEC value for growth or reproduction</td><td>TPP3E</td><td>TPP6J</td></tr>
<tr><td>Report the LOEC value for growth</td><td>TYP3E</td><td>TYP6J</td></tr>
<tr><td>Report the critical dilution used for the test</td><td>51726</td><td>51726</td></tr>
</table></td><td>The Joint Trades recommend revising the paragraph preceding the STORET codes table as follows:

Compliance with the WET limit is established when both the sublethal and lethal NOEC of a WET test is greater than or equal to the critical dilution. ~~Compliance is represented by a “0” in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for Menidia beryllina is less than the permittee’s critical dilution, this constitutes a violation of the WET limit and a “1” should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR.~~ For each toxicity test conducted, the permittee shall also report the results as follows:

<u>Rationale</u>: The type of information highlighted above for removal from the paragraph is better suited for DMR instructions rather than permit language.</td></tr>
</table>

<table>
<tr><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td></td><td>In addition, the following STORET CODE Corrections are needed to this table for M. Beryllina:
• Survival NOEC TOP6B
• Survival LOEC TXP6B
• Growth NOEC TPP6B
• Growth LOEC TYP6B</td></tr>
<tr><td>Part I.D.3.2</td><td>A chronic test shall be conducted per discharge. For each test, the permittee shall report the results as follows:

<table>
<tr><th rowspan="2">Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Enter a “1” if the NOEC for survival is less than the critical dilution, otherwise enter a “0”.</td><td>TLP3E</td><td>TLP6J</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOP3E</td><td>TOP6J</td></tr>
<tr><td>Report the LOEC value for survival</td><td>TXP3E</td><td>TXP6J</td></tr>
<tr><td>Enter a “1” if the NOEC for growth or reproduction is less than the critical dilution, otherwise enter a “0”.</td><td>TWP3E</td><td>TWP6J</td></tr>
<tr><td>Report the NOEC value for growth or reproduction</td><td>TPP3E</td><td>TPP6J</td></tr>
<tr><td>Report the LOEC value for growth</td><td>TYP3E</td><td>TYP6J</td></tr>
</table></td><td>As recommended in these comments, chronic toxicity testing for TCW fluids should be removed from the permit.

However, if the requirement is retained, the following STORET CODE Corrections are needed to this table:
• M. Beryllina 51712
• Survival NOEC TOP6B
• Survival LOEC TXP6B
• Growth NOEC TPP6B
• Growth LOEC TYP6B
• CD 51726

• A. Bahia 51713
• Survival NOEC TOP3E
• Survival LOEC TXP3E
• Growth NOEC TPP3E
• Growth LOEC TYP3E
• CD 51726</td></tr>
<tr><td>Part I.D.4</td><td>The approved test methods for permit compliance are identified in 40 CFR Part 136. No alternative test procedures are authorized.</td><td>The Joint Trades believe that the sentence “No alternative test procedures are allowed” contradicts existing EPA regulations and should be removed from the permit.

40 CFR 136.5 contains regulations for “Approval of alternate test procedures for limited use.” Paragraph (a) of 40 CFR 136.5 clearly states that:</td></tr>
</table>

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<tr><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td></td><td>"Any person may request the Regional ATP Coordinator to approve the use of an alternate test procedure in the Region."

By pre-emptively stating that no alternate test procedures are authorized in the permit language, EPA is effectively removing the ability of the regulated community to avail itself of the procedures in 40 CFR 136.5, and thereby, contradicting EPA's regulations for NPDES permits.

Removing the regulated community's ability to apply for alternate test procedures for the offshore oil and gas sector in the OCS General Permit puts the offshore oil and gas sector at a disadvantage compared to other industries and potentially creates unfair advantages for other industries.</td></tr>
<tr><td>Part I.D.4.f</td><td>Test Acceptability Criteria

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:
<table>
<tr><th>Condition/Criteria</th><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td># of replicates per concentration</td><td>2</td><td>2</td></tr>
<tr><td># of organisms per replicate</td><td>10</td><td>10</td></tr>
<tr><td># or organisms per concentration</td><td>20</td><td>20</td></tr>
<tr><td># of test concentrations per effluent</td><td>5 and a control</td><td>5 and a control</td></tr>
</table></td><td>The Joint Trades recommend that some of the values listed in the Test Acceptability Criteria table be changed to align with WET testing protocols and methods.

For both species, we recommend the following changes:

• # of replicates per concentration should be 5; not 2.
• # of organisms per replicate should be 8; not 10.
• # of organisms per concentration should be 40; not 20.

NOEC values cannot be achieved with less than 4 replicates.</td></tr>
<tr><td>Part I.D.4.f</td><td>* If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples and the minimum number of effluent portions are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent, and must meet the holding time between collection and first use of the sample.</td><td>The Joint Trades recommend that the following sentence be removed from the permit:

<s>When possible, the effluent samples used for the toxicity tests shall be collected on separate days.</s>

<u>Rationale</u>: Collection of samples on separate days creates unnecessary burden on the regulated community, including:</td></tr>
</table>

Section	2022 Proposed Permit Language	Joint Trades Comments
	When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section.	• Increase difficulty in meeting required holding times leading to "special order" flights and ground transportation. • Safety risks increase due to increased material handling and additional helicopter flights. • Increased air pollutants and GHG emissions due to increased vessel and ground transportation.
Part I.D.4.f	**Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%, or a PMSD value greater than the higher value on the range provided.	The Joints Trades recommend that the reference to PMSD values be removed from this section of the permit. PMSD limits do not apply to 48-hour tests.
Part I.D.4.h	Dilution Water Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar salinity closest to the point of discharge if the receiving water shows toxicity and fails to meet acceptability criteria for the control.	Comments made above regarding dilution water are repeated here. The Joint Trades strongly recommend removing the requirements for the use of receiving waters as dilution water for the purposes of WET testing. There are several technical and operational reasons for concern. **1. WET Testing Methods Recommendations** EPA's *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition* contains the following recommendations regarding types of dilution water, "7.1.1.1 If the objective of the test is to estimate the absolute acute toxicity of the effluent, a synthetic (standard) dilution water is used." As well as, "7.1.2 An acceptable dilution water is one which is appropriate for the objectives of the test; supports adequate performance of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test (i.e., consistently meets test acceptability criteria for control responses); is consistent in quality; and does not contain contaminants that could produce toxicity."

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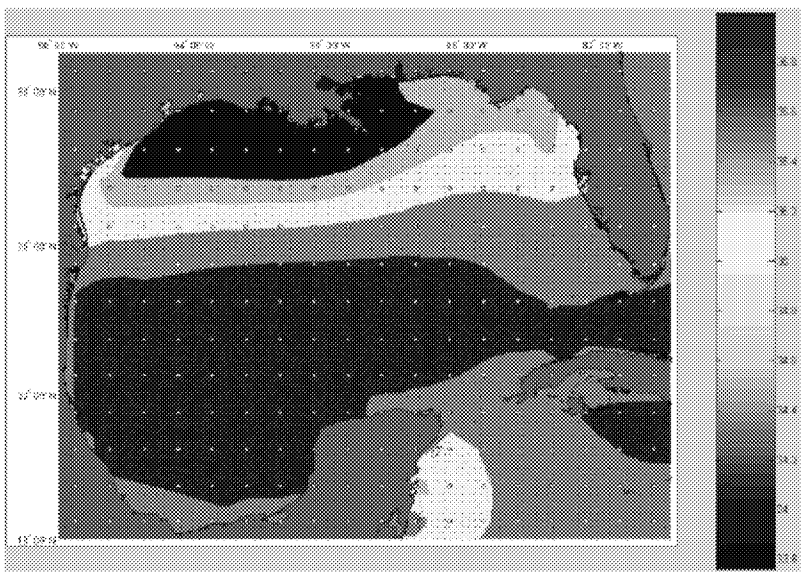
		Method 1007.0: Mysid, Mysidopsis bahia, Survival, Growth and Fecundity Test: Chronic Toxicity contains the following requirement, "14.6.11.1 Saline test and dilution water -- The salinity of the test water must be in the range of 20‰ to 30‰." Gulf of Mexico receiving waters mean annual sea-surface salinity ranges from 33‰ to greater than 36‰ as shown in the figure below from Vinogradov, S., *The use of ocean tomographic observations in numeric simulation of mesoscale oceanic circulation in the northern Gulf of Mexico, 2005.*  Gulf of Mexico receiving waters are higher than the recommended salinities in Method 1007.0 and therefore may not "support adequate performance

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		of the test organisms with respect to survival, growth, reproduction, or other responses that may be measured in the test." **2. Impractically of Capturing Receiving Water Samples** The proposed permit language states that "Dilution water used in the toxicity tests shall be receiving water collected as close to the point of discharge as possible but unaffected by the discharge." It is unclear how operators are to determine if the receiving water collection point is unaffected by the discharge. The requirement is vague and ambiguous. In addition, capturing samples of receiving water for use as dilution water would potentially require the launching and operation of small fast rescue craft from the platform. Most platforms do not have such craft available or installed. Launching of such craft requires lower the vessel 150-200 ft via cables to the water's surface with people on board. This is a high risk activity that is conducted only when it is absolutely necessary (i.e., responding to an emergency). This requirement to use receiving water as dilution water increases the risks and hazards to offshore personnel. If receiving water was collected for use as dilution water, approximately 40 gallons would be needed per test. That would require transport of more than 320 lbs. of water, ice and containers. Additional helicopter flights would be required as well as additional ground transport. As noted in other comments contained in this document, increased transportation results in higher greenhouse gas emissions, higher costs to the regulated community and additional burden in the form of increased scheduling and planning. The use of synthetic dilution water eliminates all of these concerns and provides a practical, sound alternative to the use of receiving water.

Section	2022 Proposed Permit Language	Joint Trades Comments
		3. Synthetic Dilution Water Has a Proven History Synthetic dilution water has been used for Gulf of Mexico dilution water since the inception of the General Permit. There are decades of data that provide ample evidence that synthetic dilution water is appropriate for WET testing. If EPA has identified concerns or issues with the historical use of synthetic dilution water based upon this historical data, then that information should be shared with the regulated community and the public to justify the need for this proposed change. Based on the rationale discussed in items 1-3, the Joint Trades recommend that this proposed paragraph be removed from the permit.
Part I.D.4.1	Monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. If a test is not conducted every month, then the permittee must report "NODI 9" for toxicity data.	The Joint Trades recommend removing the references to NODI codes from the permit as this type of language is better suited for DMR instructions instead of permit language. The recommended permit text is as follows: *Monthly reporting of toxicity data is required regardless of the testing frequency. This is to allow a space in the DMR to report data under a fluctuating frequency. ~~If a test is not conducted every month, then the permittee must report "NODI 9" for toxicity data.~~*
Part I.D.4.1	Compliance with the WET limit is established when the NOEC of a WET test is greater than or equal to the critical dilution. Compliance is represented by a "0" in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for *Menidia beryllina* is less than the permittee's critical dilution, this constitutes a violation of the WET limit and a "1" should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a "0" should be entered in the DMR. If the (lethal or sublethal) NOEC for *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs) is less than the permittee's critical dilution, this constitutes a violation of a WET limit and a "1" should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a "0" should be entered in the DMR. For each toxicity test conducted, the permittee shall also report the results as follows:	The Joint Trades recommend revising the paragraph prior to the STORET codes table as follows: *Compliance with the WET limit is established when the NOEC of a WET test is greater than or equal to the critical dilution. ~~Compliance is represented by a "0" in the DMR. In accordance with Part II.D.4 of this permit, if the (sublethal or lethal) NOEC for Menidia beryllina is less than the permittee's critical dilution, this constitutes a violation of the WET limit and a "1" should be entered under parameter 51712 of the DMR. If the NOEC is greater than or equal to the critical dilution, a "0" should be entered in the DMR. If the (lethal or sublethal) NOEC for Americamysis bahia (formerly Mysidopsis bahia as referred to in Method 2007.0 and 1007.0, and DMRs) is less than~~*

<table>
<tr><th>Section</th><th>2022 Proposed Permit Language</th><th>Joint Trades Comments</th></tr>
<tr><td></td><td>
<table>
<tr><th rowspan="2">Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Enter a “1” if the NOEC for survival is less than the critical dilution, otherwise enter a “0”.</td><td>51712</td><td>51713</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOM3E</td><td>TOM6J</td></tr>
<tr><td>Report the Critical Dilution used for the test</td><td>51726</td><td>51726</td></tr>
</table>
</td><td>~~the permittee’s critical dilution, this constitutes a violation of a WET limit and a “1” should be entered under parameter 51713. If the NOEC is greater than or equal to the critical dilution, a “0” should be entered in the DMR.~~ For each toxicity test conducted, the permittee shall also report the results as follows:

<u>Rationale</u>: The type of information included in the paragraph is better suited for DMR instructions rather than permit language.

In addition, the following STORET CODE Corrections are needed to this table:
• A. bahia 51713
• Survival NOEC TOM3E

• M. beryllina 51712
• Survival NOEC TOM6B</td></tr>
<tr><td>Part I.D.4.2</td><td>A chronic test shall be conducted per discharge. For each test, the permittee shall report the results as follows:
<table>
<tr><th rowspan="2">Reporting Requirement</th><th colspan="2">Parameter STORET CODE</th></tr>
<tr><th>Americamysis bahia</th><th>Menidia beryllina</th></tr>
<tr><td>Enter a “1” if the NOEC for survival is less than the critical dilution, otherwise enter a “0”.</td><td>51712</td><td>51713</td></tr>
<tr><td>Report the NOEC value for survival</td><td>TOM3E</td><td>TOM6J</td></tr>
<tr><td>Report the Critical Dilution used for the test</td><td>51726</td><td>51726</td></tr>
</table>
</td><td>This section of the permit describes reporting requirements for acute testing. The paragraph should be changed as follows:

An acute ~~chronic~~ test shall be conducted per discharge. For each test, the permittee shall report the results as follows:

In addition, the following STORET CODE Corrections are needed to this table:
• A. bahia 51713
• Survival NOEC TOM3E
• CD 51726

• M. beryllina 51712
• Survival NOEC TOM6B
• CD 51726</td></tr>
<tr><td>Part II.C.2</td><td>Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. If a representative sample is not possible</td><td>The Joint Trades recommend the following language be removed from the permit:</td></tr>
</table>

Section	2022 Proposed Permit Language	Joint Trades Comments
	due to a natural disaster, environmental conditions, or weather, the facility should use one of the following NODI Codes: K – Natural disaster (declared by President) T – Environmental conditions- monitoring not possible (hurricanes that are not declared by President, high tides) V – Weather related (thunderstorms, hail, wind, etc.). Facilities have 30 days after a weather event/national disaster occurs to submit DMRs or other required reporting documents.	*Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.* ~~*If a representative sample is not possible due to a natural disaster, environmental conditions, or weather, the facility should use one of the following NODI Codes:" K – Natural disaster (declared by President) T – Environmental conditions- monitoring not possible (hurricanes, high tides) V – Weather related (storms, hail, wind, etc.). Facilities have 30 days after a weather event/national disaster occurs to submit DMRs or other required reporting documents.*~~ **Rationale**: The strikethrough sentences above are more suited for updated guidance and DMR instructions. If such language is included in the permit and NODI codes change during the permit term, then the permit will be outdated and potentially contain incorrect information. Whereas guidance and/or DMR instructions can more easily be updated than permit language. Therefore, the Joint Trades recommend updating 2007 Permit Offshore Discharge Monitoring Reports *INSTRUCTIONS FOR COMPLETING DISCHARGE MONITORING REPORTS (DMRs) UNDER OFFSHORE GENERAL PERMIT GMG290000.* In addition, the listed NODI codes require additional clarification because the code descriptions overlap. For example, Code K is for natural disasters, which may be a hurricane in the Gulf of Mexico. However, Code V is described as Weather-Related including storms. It is unclear to the regulated community what the appropriate code should be for a hurricane/tropical storm.
Part II.D.4	Permittees shall be responsible for submitting accurate monitoring results for all facilities which they have permit coverage. The monitoring results for each facility shall be reported on DMRs for each individual permitted feature authorized that has a monitoring requirement. Each individual permitted feature may authorize multiple points of discharge or outfalls. Points of discharge will be assigned limit sets based on discharge.	The Joint Trades offer the following suggested revisions to the proposed permit language: *Permittees shall be responsible for submitting accurate monitoring results for all facilities which they have permit coverage. The monitoring results for each facility shall be reported on DMRs for each*

Section	2022 Proposed Permit Language	Joint Trades Comments
		individual permitted feature authorized that has a monitoring requirement. Each individual permitted feature may authorize multiple points of discharge or outfalls. ~~*Points of discharge will be assigned limit sets based on discharge.*~~ **Rationale**: The Joint Trades are requesting the language change to this section of the permit to provide clarity. The final sentence of this paragraph creates ambiguity, and descriptions such as the assignment of limit sets is better suited for permit guidance and instructions.
Part II.D.4	If discharge is not applicable for a facility, "no discharge" must be reported for that facility until an NOT is submitted. If a permittee or facility submits a "no discharge" DMR for a reporting period in which a discharge occurred, it is a violation of this permit, and the permittee shall submit corrected data as soon as the error is identified.	The Joint Trades recommend the following changes to the proposed permit language: *If discharge is not applicable for a facility, "no discharge" must be reported for that facility until an NOT is submitted. If a permittee or facility submits a "no discharge" DMR for a reporting period in which a discharge occurred, it is a violation of this permit, and the permittee shall submit corrected data no later than the following quarter.* **Rationale**: A definitive timeframe provides clarity to both the regulated community and the agency. In addition, correction of such an error may require operators to validate the information submitted on the DMR and obtain the necessary signatures of the responsible corporate official. This approach is consistent with other sections of the permit, particularly Part II.D.4.
Part II.D.7.a	The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be reported to the Offshore 24-Hour Reporting Application Portal at the following address https://caedext.epa.gov/ords/caedext/f?p=OFFSHOREINCIDENT within 24 hours of the time the permittee becomes aware of the circumstances. A detailed report shall be submitted with the quarterly NetDMR. The report shall contain the following information:	The Joint Trades strongly recommend that EPA hold a training seminar and provide instructions for the regulated community on the new reporting system prior to the permit becoming effective.
Part II.D.7.c	All sheen events associated with Miscellaneous Discharges, Miscellaneous Discharges of seawater and freshwater to which treatment chemicals have been	The Joint Trades recommend the proposed permit language be changed as follows:

Section	2022 Proposed Permit Language	Joint Trades Comments
	added, Well Treatment Fluids, Completion Workover Fluids, Pipeline Brine, Produced Water, Deck Drainage, Drill Cuttings, and Drilling Fluids must be reported under the twenty-four hour reporting requirements.	*All sheens on the receiving water from permitted discharge points with free oil limitations must be reported under the twenty-four hour reporting requirements. If the online reporting system is not available or functioning, operators may submit the required notification via email to: INSERT EMAIL ADDRESS.* **Rationale**: The suggested red text above adds clarity that EPA is referring to discharges subject to the requirements of the permit. Sheens from other, non-permitted sources (typically traditional oil spills) are currently required to be reported immediately to the National Response Center. In addition, EPA has proposed language for produced water discharges for operators to document the cause of produced water sheens and that documentation of those sheens be available for inspection, as well as reported on DMRs. By restricting the 24-hour reporting requirements to discharges with free oil limitations, duplicative reporting and complexity of requirements is eliminated. However, if produced water is retained in the final permit as a sheen that requires 24-hour reporting, then EPA should provide some clarification that a sheen from produced water discharges may not be a non-compliance based on the outcome of the required sheen sampling. Similarly, treatment, completion, workover fluids are required to meet free oil limitations using the static sheen test. Often, the static sheen test is run prior to fluid discharge. If the fluid does not pass the static sheen test, then it is not discharged. Therefore, the Joint Trades are requesting that EPA clarify that if an effluent stream does not pass a static sheen test and, as a result, is not discharged to the receiving water then 24-hour reporting is not required.

Section	2022 Proposed Permit Language	Joint Trades Comments
		Lastly, the regulated community needs a secondary method of submitting the required report in the event that the online reporting system is unavailable.
Part II.G.71	"Produced Water" means the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the oil/water separation process.	The Joint Trades recommend the following changes to the proposed permit language: *"Produced Water" means the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the ~~oil/water~~ oil/gas/water separation process.* **Rationale**: The definition change to provide clarity, be more inclusive and a more realistic approach with what we believe is current operations in industry. The basic separation process at any offshore production facility is designed to separate oil, natural gas and produced water into 3 distinct streams for processing, handling and/or treatment.
Part II.G	NEW PROPOSED DEFINITION	The Joint Trades recommend adding a new definition to the permit: *"Subsea cleaning fluids" means acidic cleaning agents used to dissolve marine deposits on subsea equipment during subsea maintenance and intervention activities to assure proper sealing of operating equipment and to avoid ingress of extremely high subsea pressures and egress (losses of containment) of fluids to the environment.* **Rationale**: EPA provided this definition in the 2022 draft Fact Sheet that accompanied the proposed permit. The Joint Trades believe this definition is appropriate and should be included in the permit.

August 19, 2003 Letter from S. Wilson regarding Radioactive Tracers

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

AUG 19 2003

COPY

Mr. Tom Hampton
President
Pro Technics
6316 Windfern, Room 310
Houston, TX 77040

Dear Mr. Hampton:

Thank you for meeting with me on August 15, 2003 and supplying information on your product and its use in offshore oil and gas operations.

Based on the information you have presented, it appears that the discharge of well treatment fluids which contain Iridium-192 and Scandium-46 as propping agents would be in compliance with the requirements of the Western Gulf of Mexico Outer Continental Shelf NPDES General Permit for the Offshore Oil and Gas Subcategory (GMG290000). Use of such radioactive elements in very low concentrations has been examined in the process of issuing National Effluent Limitations Guidelines and in our permit development. I understand that Iridium-192 and Scandium-46 are generally used in concentrations less than 0.1 ppm (2000 pCi/gm) and they are likely to be further diluted by other constituents involved in the process. The discharge of such well treatment fluids is presently allowed under the NPDES general permit with no additional monitoring requirements other than for oil and grease and free oil.

Again, it was good to meet with you and obtain more information on your industry. Should you have additional questions please feel free to contact me by telephone at (214) 665-7511 or by E-mail at: wilson.js@epa.gov.

Sincerely,

J. Scott Wilson
Acting Chief
NPDES Permits Section

Comments on Permit Appendices and Permit Supporting Documents

The Joint Trades are offering the following comments on the proposed permit appendices and permit supporting documents.

A. Appendix F – Permit Summary Table

The Joint Trades request that the permit summary table should be deleted from the permit. The permit summary table is not necessary since it is repetitive of the permit limitations and requirements described in the permit itself. The information in the permit summary table is better suited for permit guidance and instructions. Inclusion of this type of information in the permit itself creates opportunities for discontinuity and misalignment with the permit text.

However, if the permit summary table is retained, it must be updated to align with the permit language. The Joint Trades have attached (Attachment D) a "redline" version of the proposed permit summary table that highlights areas where we believe there is inconsistency and inaccuracies in the table.

Most importantly, if the permit summary table is retained in the final permit, it is imperative that a statement be added to the permit summary table that states that the permit language, not the table, is the enforceable requirements of the permit.

B. Fact Sheet

The Joint Trades would like to note one item regarding the proposed Fact Sheet. The Fact Sheet includes the following statement regarding the industry-wide treatment, completion and workover fluids toxicity study:

> *46% of the samples collected showed acute toxicity for one or more species indicating that there is reasonable potential for acute toxicity stemming from well treatment, completion and workover fluid discharge. Therefore, in accordance with 40 CFR §122.44 (d)(1)(iv), acute WET limits are included the proposed permit. Chronic toxicity monitoring will be a requirement of the proposed permit to assess potential for chronic effects.*

However, if the actual volume discharged is used to determine the critical dilution for those discharges lasting less than 24 hours, then 25 of the 28 (89%) samples analyzed did not exhibit acute toxicity at the critical dilution. During the industry-wide TCW study estimated flow rates were calculated using the total volume discharged divided by discharge duration to determine an hourly discharge rate. When this hourly rate is extrapolated to a 24-hour day the estimated discharge rate is conservatively overestimated.

For example, if 100 barrels of fluid are discharged in 1 hour, the discharge rate is 100 barrels/hour. Extrapolated to a "barrel per day" rate value, one could estimate a daily rate of 2400 barrels/day. However, this is not representative of what was actually discharged. 100 barrels was discharged in 1 hour and the discharge ceased, therefore, a more representative estimate of actual discharge rate is 100 barrels/day.

This illustrates the importance of clearly defining how discharge rates are used to determine critical dilution, especially if EPA proceeds with these requirements as a compliance limitation. This type of approach, use of the total volume discharged for discharges lasting less than 24 hours, is consistent with how discharge rates are estimated for other short duration discharges authorized by the permit.

C. Ocean Discharge Evaluation Criteria

The Joint Trades offer two observations regarding the Ocean Discharge Evaluation Criteria.

1. *Evaluation of discharges* – The Ocean Discharge Evaluation Criteria does not appear to provide a full evaluation of all discharge streams authorized by the permit. Produced water and drilling fluids are discussed extensively, but other authorized discharges such as deck drainage, sanitary waste, and miscellaneous discharges are not addressed. EPA should consider a more comprehensive review to better align the criteria with the authorized discharges.

2. *List of threatened and endangered species* – The Joint Trades recommend that the list of threatened and endangered species in the Ocean Discharge Evaluation Criteria be reviewed to determine if the list is consistent with other documents describing Gulf of Mexico threatened and endangered species. The Joint Trades have identified 3 resources that may be helpful:

    a. NOAA Fisheries *Threatened and Endangered Species List Gulf of Mexico*
    b. NOAA Fisheries *Biological Opinion on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico* (also known as "the BiOp).
    c. BOEM's 2023-2028 National Outer Continental Shelf Oil and Gas Leasing Program *Draft Programmatic Environmental Impact Statement*.

D. Essential Fish Habitat Assessment

The Essential Fish Habitat Assessment includes the same statement as the Fact Sheet regarding the industry-wide treatment, completion and workover fluids toxicity study:

> *46% of the samples collected showed acute toxicity for one or more species indicating that there is reasonable potential for acute toxicity stemming from well treatment, completion and workover fluid discharge. Therefore, in accordance with 40 CFR §122.44 (d)(1)(iv), acute WET limits are included the proposed permit. Chronic toxicity monitoring will be a requirement of the proposed permit to assess potential for chronic effects.*

However, if the actual volume discharged is used to determine the critical dilution for those discharges lasting less than 24 hours, then 25 of the 28 (89%) samples analyzed did not exhibit acute toxicity at the critical dilution. During the industry-wide TCW study estimated flow rates were calculated using the total volume discharged divided by discharge duration to determine an hourly discharge rate. When this hourly rate is extrapolated to a 24-hour day the estimated discharge rate is conservatively overestimated.

For example, if 100 barrels of fluid are discharged in 1 hour, the discharge rate is 100 barrels/hour. Extrapolated to a "barrel per day" rate value, one could estimate a daily rate of 2400 barrels/day. However, this is not representative of what was actually discharged. 100 barrels was discharged in 1 hour and the discharge ceased, therefore, a more representative estimate of actual discharge rate is 100 barrels/day.

This illustrates the importance of clearly defining how discharge rates are used to determine critical dilution, especially if EPA proceeds with these requirements as a compliance limitation. This type of approach, use of the total volume discharged for discharges lasting less than 24 hours, is consistent with how discharge rates are estimated for other short duration discharges authorized by the permit.

ATTACHMENT D

Redline of the Permit Summary Table

Appendix F

Table 1. Effluent Limitations, Prohibitions and Monitoring Requirements (Samples collected and prepared for analyses must be representative of the monitored activities. The following are enforceable permit limits and a violation of this appendix is a violation of the permit and/or the Clean Water Act:)

For Reference Only. In the event of a discrepancy, the language in the text of the permit is the enforceable condition.

			Monitoring Requirement		
Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Measurement Frequency	Sample Type/Method	Recorded Value(s)
Drilling Fluids..	Free Oil..........	No free oil................	Once/week~~(*1)~~ when discharging	Static sheen See Part I.D.6	Number of days sheen observed
	Toxicity~~(*2)~~ (*1) ~~96-hr LC50~~	30,000 ppm daily min 30,000 ppm monthly avg min	Once/month........ Once/end of well~~(*3)~~ (*2) ~~Once/month~~.	Grab................ ~~Grab~~ ~~Grab~~ See Part I.D.2	96-hr LC50 ~~96-hr LC50~~ ~~96-hr LC50~~
	Discharge Rate.....	Maximum discharge rate of 1,000 barrels/hour......... Refer to Part I.B.1.b for facilities with proximity to areas of biological concern.	Once/hour~~(*1)~~ when discharging	Estimate..........	Max. hourly rate
	~~Discharge Rate for controlled rate areas~~	~~(*4)~~	~~Once/hour(*1)~~	~~Measure~~	~~Max. hourly rate~~
	Mercury and cadmium in barite	No discharge. of drilling fluids to which barite has been added, if such barite contains mercury in excess of 1.0 mg/kg or cadmium in excess of 3.0 mg/kg (dry weight)	Once prior to drilling each well ~~(*6)~~ (*3)	~~Absorption Spectro-photometry~~ See Part I.B.1.b	mg mercury/kg barite mg cadmium/kg barite
	Oil Based or Inverse Emulsion Drilling Fluids	No discharge			
	Oil Contaminated... Drilling Fluids	No discharge ~~(*34)~~ (*4)			
	Diesel Oil.........	No discharge of drilling fluids to which diesel oil has been added as a lubricant			
	Mineral Oil........	Mineral oil may be used only as a carrier fluid, lubricity additive, or pill			
	Non aqueous Based.. Fluids	No discharge except that which adheres to drill cuttings and small volume discharges ~~(*5)~~			

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
All Drill Cuttings ~~Free oil XXXXXXX~~	~~No free oil XXXXXXX.~~ Free Oil	~~Once/week(*1) XXX~~ No free oil.	~~Static sheen XXXX~~ Once/week when discharging	~~Number of days sheen observed X~~ Static Sheen See Part I.D.6	Number of Days Sheen Observed
	Toxicity~~(*2) 96-hr LC50 XX~~ (*1)	No discharge of cuttings generated using drilling fluids which exhibit a toxicity of less than 30,000 ppm daily min. or 30,000 ppm monthly avg. min.			
	Mercury and cadmium..... in barite	No discharge. if generated using drilling fluid to which barite is added which contains mercury in excess of 1.0 mg/kg or cadmium in excess of 3.0 mg/kg			
	Cuttings generated using Oil Contaminated Drilling Fluids	No discharge			
	Cuttings generated using drilling fluids to which Diesel Oil has been added	No discharge			
	Cuttings generated using drilling fluids to which Mineral Oil has been added	Mineral oil may be used only as a carrier fluid, lubricity additive, or pill			

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
Stock Limits for Drill Cuttings Generated using Non aqueous Based Drilling Fluids	Polynuclear Aromatic.. Hydrocarbons (PAH)	0.00001 grams PAH per gram of base fluid	Once/year on each base fluid blend	~~PAH content of Oil by HPLC/UV, EPA Method 1654 (see 40 CFR 435.11(u))~~ See Part I.D.10	gram PAH / gram stock base fluid
	Sediment Toxicity.....	Ratio of 10-day LC50s not to exceed 1.0~~(*7)~~ (*5) Ratio of cumulative gas productions	Once/year on each base fluid blend	~~ASTM method D1367-99 (*8)~~ See Parts I.D.7 and I.D.9	~~Ratio of C16-C18 IO LC50 to stock base fluid LC50~~ Ratio of 10-day LC50s
	Biodegradation Rate...	~~Biodegradation rate ratio~~. not to exceed 1.0 ~~(*9)~~ (*7)	Once/year on each base fluid blend	~~Modified ISO 11734:1995 (*10)~~ See Parts I.D.8 and I.D.9	~~Ratio of C16-C18 IO biodeg. to stock base fluid biodeg.~~ Biodegradation rate ratio
Discharge Limits for Cuttings Generated using Non aqueous Based Drilling Fluids	Sediment Toxicity.....	Ratio of 4-day LC50s not to exceed 1.0~~(*11)~~ (*6)	~~Once/month (*35)~~ (*8)	~~Modified ASTM Method D1367-99 (*12)~~ See Appendix A.	~~Ratio of C16-C18 IO LC50 to stock base fluid LC50~~ Ratio of 4-day LC50s
	Formation Oil.....	No Discharge.....	Once prior to drilling	~~GCMS (*13)~~ See Part I.D.11 and Appendix C.	Pass/Fail
			Once/week.....	~~RPE (*14)~~ See Part I.D.12	Pass/Fail
	Base Fluids Retained on Cuttings	~~6.9% IO (*15) 9.4% ester (*16)~~ 6.9% for drilling fluids which meet stock limitations for C16-C18 internal olefin; 9.4% for drilling fluids which meet stock limitations for C12-C14 ester or C8 ester	Once/day ~~(*17)~~ (*9)	~~Retort Test Method (*18)~~ See Part I.D.13	Percent retained

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/ Method	Monitoring Requirement: Recorded Value(s)
Deck Drainage.....	Free Oil.....	No free oil.....	Daily(~~*19~~)~~XXXX~~ (*10)	Visual sheen... See Part I.D.5	Number of days sheen observed
Produced Water.....	Oil and grease.....	42 mg/l daily max.,... 29 mg/l monthly avg.	Once/month.....	~~Grab(*20)XXX~~ Grab/Composite (*11)	Daily max., monthly average
	Toxicity.....	0 (~~*21~~)~~XX~~ (*12)	Rate Dependent (*13) ~~Twice/Year(*28)~~ See Part I.B.4.b	Grab/Composite (~~*37~~) (*11)	See Part I.D.3
	Free Oil.....	Monitor.....	Daily (~~*19,*29~~) (*10)	Visual sheen... See Part I.D.5	Number of days sheen observed
	Flow (bbl/day).....	Monitor……	Once/month.....	Estimate.....	Monthly Average
Produced Sand ~~(includes propping agent)XXX~~	No Discharge, including propping agents		~~Once/year(*37)XXXX~~	~~EstimateXXXX~~	~~Highest monthly flowX~~
Well treatment fluids, completion fluids, workover fluids ~~(includes packer fluids),X and pipeline brine (*22)XX~~ (*14)	Free oil.....	No free oil.....	Daily(~~*1~~)~~XXX~~ when discharging	Static sheen.... See Part I.D.6	Number of days sheen observed
	Oil & Grease.....	42 mg/l daily max., 29 mg/l monthly avg.	Once/month.....	Grab(~~*20~~)~~XXXX~~	Daily max., monthly average
	Toxicity 48 Hour Acute	0 (~~*21~~)~~X~~ (*12)	Per Discharge	Composite….	See Part I.D.4
	Toxicity 7-day NOEC	Report	Per Discharge	Grab……	See Part I.D.3
Sanitary waste(~~*24~~) facilities continuously manned for 30 or more days by 10 or more persons	Residual chlorine(~~*25~~)~~X~~ (*15)	1 mg/l (minimum).....	Once/month..... (*16)	Grab.....	Concentration
	Solids.....	No Floating Solids...	Daily..... (*16)	Observation(~~*27~~) (*17)	Number of days solids observed
Sanitary waste (~~*24~~) facilities continuously manned for thirty or more days by 9 or fewer persons or intermittently by any number	Solids.....	No floating solids...	Daily..... (*16)	Observation(~~*27~~) (*17)	Number of days solids observed
Domestic waste(~~*26~~)~~X~~..... (*18)	Solids.....	No floating solids or foam	Daily.....	Observation(~~*27~~) (*17)	Number of days observed

Table 1. (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/ Method	Monitoring Requirement: Recorded Value(s)
All Miscellaneous discharges: ~~Desalinization unit discharge; blowout pre-venter fluid; uncontaminated ballast water; uncontaminated bilge water; uncontaminated freshwater; mud, cuttings and cement at seafloor; uncontaminated seawater; boiler blowdown; source water and sand; diatomaceous earth filter media; excess cement slurry; bulk pipeline brine; transfer powdersub sea wellhead preservation fluids; subsea cleaning fluids; sub sea production control fluid; umbilical steel tube storage fluid; leak tracer fluid; riser tensioner fluids. (See Part I.B.10 for more restrictions and reporting requirements for unused cement slurry)~~	Free oil.....	No free oil.....	Daily(~~*23~~) (*19)	Visual sheen.. or Static Sheen	Number of days sheen observed
	Toxicity..... (*20)	7-day NOEC < 50 mg/l (product-specific NOEC for powder dye) (*22)	Once/Year…..	Grab……..	See Part I.D.3
Unused Cement Slurry					
Miscellaneous discharges of seawater and freshwater to which treatment chemicals have been added: ~~excess seawater which permits the continuous operation of fire control and utility lift pumps; excess seawater from pressure maintenance and secondary recovery projects, water released during training of personnel in fire protection; seawater used to pressure test new and existing piping and pipelines, ballast water, once-through non-contact cooling water, water used as piping or equipment preservation fluids, water used during Dual Gradient Drilling~~	Treatment chemicals	Most stringent of: EPA label registration, maximum manufacturers recommended dose, or 500 mg/l.			
	Flow Volume.	Monitor.....	Once/month....	Estimate.....	Monthly Average
	Free oil.....	No free oil.....	~~Once/week~~ Daily	Visual Sheen.. (~~*32~~) (*23) or Static Sheen	Number of days sheen observed
	Toxicity.....	0 (~~*30~~) (*24)	Rate Dependent (~~*31~~) See Part I.B.11.b	Grab.....	See Part I.D.4
Hydrate Control Fluids (~~if discharge alone~~)	Toxicity(~~*33~~)… (*21)	7-day NOEC (~~Product-specific NOEC~~)…… ~~product-specific NOEC for powder dye~~	Once/year	Grab……..	See Part I.D.4 3
Pipeline Brines	Free Oil	No Free Oil.	Daily	Visual Sheen or Static Sheen	
	Oil & Grease	29 mg/l maximum	Once prior to applying as preservation fluids		
	Priority Pollutants	No content except in trace amounts.			
	Toxicity	7-day NOEC (or 48-hour if duration of total discharge is a shorter period of duration)	Per Discharge		See Part I.D.3
AFFF		During a fire emergency, no permit limitations.			

Table 1 (Continued)

Discharge	Regulated & Monitored Parameter	Discharge Limitation/ Prohibition	Monitoring Requirement: Measurement Frequency	Monitoring Requirement: Sample Type/Method	Monitoring Requirement: Recorded Value(s)
Cooling Water Intake Structure					
Non-Fixed and Fixed with Sea Chest	Intake Screen Velocity	Maximum not to exceed 0.5 ft/sec	Continuous	Measuring Device	Maximum value
	Visual/remote Inspection	Report (*25)	~~Once/month(*38)~~ Once every 6 months	Observation	Fish number
Fixed without Sea Chest	Intake Screen Velocity	Maximum not to exceed 0.5 ft/sec	Continuous	Measuring Device	Maximum value
	Visual/remote Inspection	Report (*25)	~~Once/month(*38)~~ Once every 6 months	Observation	Fish number
	Entrainment Study /Sampling (*26)	……	……. Dependent on the depth of the intake structure	……. 24-hour entrainment samples from water withdrawn at all CWISs	……. Entrainment per sample event; Total annual entrainment

Footnotes

*1 When discharging

*1 *2 Suspended particulate phase (SPP) with *Americamysis bahia* (formerly *Mysidopsis bahia* as referred to in Method 2007.0 and 1007.0, and DMRs) following approved test method. The sample shall be taken beneath the shale shaker; or if there are no returns across the shaker then the sample must be taken from a location that is characteristic of the overall mud system to be discharged.

*2 *3 Sample shall be taken after the final log run is completed and prior to bulk discharge.

*4 See Part I.B.1.b of this permit.

*5 See Part I.B.1.a of this permit.

*3 *6 Analyses shall be conducted on each new stock of barite used. If more than one well is being drilled at a site, new analyses are not required for subsequent wells, provided that no new supplies of barite have been received since the previous analysis.

*5 *7 The ratio of the 10-day LC50 of C16-C18 internal olefin divided by the 10-day LC50 of the base fluid shall not exceed 1.0. See Part I.B.2.c.1 of this permit.

*8 See Part I.D.7. The ratio of the 10-day LC50 of C16-C18 internal olefin or C12-C14 or C8 ester reference fluid divided by the 10-day LC50 sediment toxicity test with Leptocheirus plumulosus of the base fluid shall not exceed 1.0.

*7 *9 The ratio of the cumulative gas production (ml) of C16-C18 internal olefin divided by the cumulative gas production (ml) of stock base fluid, both at 275 days, shall not exceed 1.0. See Part I.B.2.c.1 of this permit. The ratio of the cumulative gas production (ml) of C16 - C18 internal olefin or C12-C14 or C8 ester reference fluid divided by the cumulative gas production (ml) of stock base fluid, both at 275 days, shall not exceed 1.0. See Part I.B.2.c.1 of this permit.

*10 See Part I.D.8 of this permit.

*6 *11 The ratio of the 4-day LC50 of C16-C18 internal olefin divided by the 4-day LC50 of the base fluid shall not exceed 1.0. See Part I.B.2.c.2 of this permit. The ratio of the 4-day LC50 of C16 - C18 internal olefin reference drilling fluid divided by the 4-day LC50 of the drilling fluids, removed from cuttings at the solids control equipment, shall not exceed 1.0.

*12 See Appendix A of this permit.

*13 See Appendix 5 of 40 CFR Part 435, Subpart A and Part I.D.11 and Appendix C of this permit.

*14 See Section I.D.12 of this permit.

*8 *15 Drilling fluids which meet the stock base fluid limitations for C16-C18 internal olefins. Monitoring shall be performed at least once per month on drilling fluids which meet the stock limitations for a C16-C18 internal olefin. For drilling fluids which meet stock limitations for C12-C14 ester or C8 ester, monitoring shall be performed at least once per well at the end of drilling with nonaqueous based drilling fluids.

*16 Drilling fluids which meet the stock limitations for C12-C14 ester or C8 ester.

*9 *17 Except when meeting the conditions for the Best Management Practices described in Part I.B.2.c of this permit. Operators conducting fast drilling shall collect and analyze samples once per 500 feet or a maximum of three per day.

*18 See Part I.D.13 of this permit.

*10 *19 When discharging and facility is manned. Monitoring shall be accomplished during times when observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge.

*11 *20 May be based on either a grab sample or a composite which consists of the arithmetic average of the results of grab samples collected at even intervals during a period of 24-hours or less. (Example: If four samples are collected within a 24-hour period, samples must be 6 hours apart)

*12 ~~*21~~ See Appendix D, Table 1 of this permit for critical dilutions. A permittee is in compliance with the WET limit when the NOEC is equal to or greater than the permittee's critical dilution, and this is reported as a "0" in the DMR. A WET violation happens when the NOEC is less than the permittee's critical dilution, and this is reported as "1" in the DMR.

*14 ~~*22~~ No discharge of priority pollutants except in trace amounts. Information on the specific chemical composition shall be recorded but not reported unless requested by EPA.

*19 ~~*23~~ When discharging for muds, cuttings, and cement at the seafloor, blowout preventer fluid, subsea cleaning fluids, sub sea wellhead preservation fluids, subsea production control fluid, umbilical steel tube storage fluid, leak tracer fluid, and riser tensioner fluids. All other miscellaneous discharges: when discharging, discharge is authorized only during times when visual sheen observation is possible, unless the static sheen method is used. Uncontaminated seawater uncontaminated freshwater, source water and source sand, uncontaminated bilge water, and uncontaminated ballast water from platforms on automatic purge systems may be discharged without monitoring from platforms which are not manned.

*16 ~~*24~~ Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed to be in compliance with permit limitations for sanitary waste. The MSD shall be tested yearly for proper operation, and test results maintained at the facility.

*15 ~~*25~~ Hach method CN-66 DPD approved. Minimum of 1 mg/l and maintained as close to this concentration as possible.

*18 ~~*26~~ The discharge of food waste is prohibited within 12 nautical miles from nearest land. Comminuted food waste able to pass through a 25 mm mesh screen (approximately 1 inch) may be discharged more than 12 nautical miles from nearest land.

*17 ~~*27~~ Monitoring shall be accomplished during daylight by visual observation of the surface of the receiving water in the vicinity of sanitary and domestic waste outfalls. Observations shall be made following either the morning or midday meals at a time of maximum estimated discharge.

~~*28 XXXX Twice per calendar year. Tests must be at least 90 days apart.~~

~~*29 XXXX See Part I.B.4.b of this permit XX~~

*24 ~~*30~~ See Appendix D, Table 2 of this permit for critical dilutions. A permittee is in compliance with the WET limit when the NOEC is equal to or greater than the permittee's critical dilution, and this is reported as a "0" in the DMR. A WET violation happens when the NOEC is less than the permittee's critical dilution, and this is reported as "1" in the DMR.

~~*31 XXXX See Part I.B.1.b of this permit X~~

*23 ~~*32~~ Monitoring for free oil on discharges from existing piping and existing pipelines shall be performed at least three times per discharge as follows: 1) within thirty minutes after commencement of discharge; 2) at the estimated middle of the discharge; and 3) within fifteen minutes before or after the discharge has ceased.

*21 ~~*33~~ Toxicity test is waived if the discharge of methanol is less than 20 bbl within a 7-day period or the discharge of ethylene glycol is less than 200 bbl within a 7-day period.

*4 ~~*34~~ The discharge of drilling fluids which contain waste engine oil, cooling oil, gear oil or any lubricants which have been previously used for purposes other than borehole lubrication, is prohibited.

*8 ~~*35 For drilling fluids which meet stock limitations for C12-C14 ester or C8 ester, monitoring shall be performed at least once per well at the end of drilling with non-aqueous based drilling fluids~~

~~*36 A minimum of three (3) samples shall be collected as grabs or composites.~~

Monitoring shall be performed at least once per month on drilling fluids which meet the stock limitations for a C16-C18 internal olefin. For drilling fluids which meet stock limitations for C12-C14 ester or C8 ester, monitoring shall be performed at least once per well at the end of drilling with nonaqueous based drilling fluids.

*13 ~~*37 Highest monthly flow shall be reported in the month of December.~~ At the end of each calendar year (December), the highest estimated monthly flow rate recorded during the previous 12 months will be used to determine the frequency of toxicity testing for the following calendar year.

*25 ~~*38~~ **Number of fish/shellfish impinged and estimated screen area blockage for each screen for months when inspections are conducted.**

*26 The permittees who completed or participated in the previous "Gulf of Mexico Cooling Water Intake Structure Entrainment Monitoring Study" or have performed entrainment monitoring for two years, may submit Southeast Area Monitoring and Assessment Program (SEAMAP) data, instead.

*20 Fluids which are used as subsea wellhead preservation fluids, subsea production control fluids, umbilical steel tube storage fluids, leak tracer fluids made without powder dye, and riser tensioning fluids shall have a 7-day No Observable Effect Concentration (NOEC) of no less than 50 mg/l prior to the discharge. For leak tracer fluid made from powder dye, the maximum concentration to be discharged shall be no greater than is the 7-day NOEC for that specific powder dye; the 50 mg/l NOEC limit rule does not apply to leak tracer fluid made from powder dye.

*22 Discharges of unused cement slurry due to equipment failure during the cementing job are limited to once per calendar year per facility. Discharges of unused cement slurry due to off-specification during the cementing job are limited to one discharge per well.

Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 10/18/2022 4:24:22 PM
To: eddie_borden@oxy.com
Subject: 24-Hour Portal Access (GMG290000)

Hi,

You are about receive approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

NOTE: As of October 1, 2022, the 2017 GMG290000 Offshore GP is in Administratively Continued Status. The 2022 proposed permit has not been issued and not in effect as of 10.02.2022. Please visit our website for updates. Reporting to the 24-hour reporting application portal is not required under the 2017 permit. Any submission will be deleted when the 2022 GMG290000 permits is signed. Which means, you are free to submit "test" reports during this time.

Mitty Garcia
garcia.mitty@epa.gov
EPA Region 6
Offshore Coordinator

Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 10/19/2022 4:25:53 PM
To: brad.yarbrough@shell.com
Subject: 24-Hour Portal Access (GMG290000)

Hi,

You are about receive approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

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EPA Region 6
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Sent: 10/25/2022 5:59:31 PM
To: kristi.unzicker@genlp.com
Subject: 24-Hour Portal Access (GMG290000)

Hi,

You are about receive approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

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EPA Region 6
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Sent: 10/27/2022 1:53:14 PM
To: ramesh.gopal@bp.com
Subject: 24-Hour Access (GMG290000)

Hi,

You are about receive approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

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Sent: 11/3/2022 6:14:30 PM
To: osvaldo.pascolini@eni.com
Subject: 24-Hour Portal Access (GMG290000)

Hi,

You are about receive approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

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Sent: 11/3/2022 6:15:51 PM
To: cyril.mickiewicz@eni.com
Subject: 24-Hour Portal Reporting Access (GMG290000)

Hi,

You are about receive approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

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Offshore Coordinator

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Sent: 11/3/2022 6:17:25 PM
To: lindsay.wright@external.eni.com
Subject: 24-Hour Portal Reporting Access (GMG290000)

Hi,

You are about receive approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

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EPA Region 6
Offshore Coordinator

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Sent: 11/9/2022 3:18:57 PM
To: Josie Roberts [jroberts@hlpengineering.com]
Subject: RE: NPDES GMG Permit Question

Hi Josie,

This is correct, new coverage (permitted feature) currently can not be added until the permit is reissued. The facility would have to wait to discharge/start operating or capture their discharge and send it to land until permit coverage is gained.

Please visit our EPA Region 6 Offshore Website for more information. This will be the first place we (EPA R6) will announce when the permit has been reissued and NOIs can be submitted.

Mitty

From: Josie Roberts <jroberts@hlpengineering.com>
Sent: Wednesday, November 9, 2022 8:24 AM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>
Subject: NPDES GMG Permit Question

Good morning!

I see the GMG290000 permit hasn't yet been reissued and the expired permit has gone into administrative continuance. On https://www.epa.gov/npdes-permits/support-documents-npdes-general-permit-offshore-oil-and-gas-operations-western-gulf it also mentions that new dischargers should have applied for coverage under the permit prior to September 30, 2022 (the permit expiration date). I have a client that has coverage under the permit but needs to submit NOIs to cover additional permitted features. Would we have to wait until the permit is reissued to submit these? I assume yes, but just want to make sure!

Thank you in advance!

Josie Roberts
Environmental Specialist

HLP engineering, inc.
A Professional Environmental Firm

117 Park Center Dr.
Broussard, LA 70518
O 337.839.1075, EXT 236
www.hlpengineering.com

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Message

From: Garcia, Mitty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A116F508EDFF4B1BB40BF25E75ABCCC3-MOHON, LESL]
Sent: 11/16/2022 8:18:52 PM
To: jun.h.kim@exxonmobil.com
Subject: EPA GMG290000 24-Hour Reporting Portal Access

Hi,

You are about receive approved on WAA for your 24 hour reporting portal account. Here is the link to access the portal: https://caedext.epa.gov/ords/caedext/f?p=145:1:15828573503312::::&tz=-5%3A00

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EPA Region 6
Offshore Coordinator

Message

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Sent: 11/16/2022 8:19:10 PM
To: morris.jones@shell.com
Subject: EPA GMG290000 24-Hour Reporting Portal Access

Hi,

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Sent: 12/21/2022 4:56:14 PM
To: Jason Rains-Love [jrl@coxoil.com]
Subject: RE: 24 hour reporting portal

Good Afternoon,

Just wanted to follow-up to see you are still having trouble accessing our 24-Hour Portal. If so let me know what issued you may be having.

Thanks,

Mitty (Mohon) Garcia
Offshore Coordinator and Enforcement Officer (ECADWE)
U.S. EPA Region 6
1201 Elm Street, 500
Dallas, TX 75270
214-665-6497
Please visit our Offshore Website for more information on the GMG290000 General Permit
ALERT: My email has changed to garcia.mitty@epa.gov as of 09/01/22
.

From: Jason Rains-Love <jrl@coxoil.com>
Sent: Tuesday, December 6, 2022 03:57 PM
To: Garcia, Mitty <Garcia.Mitty@epa.gov>
Subject: 24 hour reporting portal

Mitty,

I am having trouble logging into the 24-hour reporting portal. I think I have an account. But the email for me that comes up is very strange.

Thanks,

Jason A. Rains-Love |*RSO* |*CSHO*[2] |CESCO|COSM
HSE Manager
Cox Operating LLC. | 1615 Poydras St. Suite 830 New Orleans, La.
Office: 504.267.9138 | Fax: 504.267.9139 | Mobile: 504.756.6744
jrl@coxoil.com | ***www.coxoperating.com***

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