



Western States Petroleum Association
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Kevin Buchan
Manager, CA Climate Policy and State Water Issues

VIA ELECTRONIC MAIL: veronica.cuevas@waterboards.ca.gov

October 10, 2014

Chair Stringer, and Members of the Board
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Subject: **Western States Petroleum Association Comments on the Tentative NPDES Orders for Whittier Narrows and Pomona Water Reclamation Facilities**

Dear Board Chair Stringer, and Members of the Board:

The Western States Petroleum Association (WSPA) is a non-profit trade association representing twenty-six companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California, Arizona, Nevada, Oregon, and Washington.

WSPA objects to the premature incorporation of numeric toxicity limits into the Whittier Narrows and Pomona Water Reclamation Plant Permits (Permits).

This action circumvents extensive efforts to date by the State Water Board (SWRCB). WSPA, along with EPA Region 9 and others in the regulatory community, has been participating in the SWRCB regulatory development process to revise the Inland Surface Waters, Enclosed Bays and Estuaries Plan (Plan) to establish a statewide policy for toxicity.

The formal objection letter to staff from EPA IX (dated September 4, 2014) is misleading and contrary to their own approval of both the 2009 Whittier & Pomona Permit renewals containing narrative objectives and the SWRCB order for Whittier in 2003 mandating the use of narrative limits and numeric toxicity triggers. This change in direction by USEPA as expressed in their September 4th letter should be considered suspect.

The administrative record is replete with decisions & permit adoptions by various regional water boards and the SWRCB in support of narrative limits; all without objection by EPA IX. USEPA has chosen to not issue their test of significant toxicity (TST) protocol nationwide for public comment and scrutiny, and has relied upon imposing the TST on a permit by permit basis within various water board regions throughout the west.

It is unsound policy for a regional board to incorporate TST provisions in this manner, especially considering the pending toxicity Plan to be soon issued by the SWRCB.

WSPA recommends the Board remove the TST provisions these Permits and revert back to narrative provisions from the 2009 renewals until the SWRCB adopts their toxicity Plan.

Sincerely,

A handwritten signature in black ink that reads "Kevin Buchan". The signature is written in a cursive, flowing style.