

Final NPDES General Permit for Discharges from the Oil and Gas Extraction Point Source Category to Coastal Waters in Texas (TXG330000)

Response to Comments

EPA proposed and solicited public comment on NPDES General Permit TXG330000 at 66 FR 6607 (January 22, 2001). Region 6 received written comments from the International Association of Drilling Contractors.

Comment 1:

The Association requested that EPA replace the term “desalination unit discharge” under Miscellaneous Discharges with “distillation and reverse osmosis brine”. They believe this terminology is not only more descriptive of the technologies and equipment being used, but also is more explicit in its recognition that one of the discharge streams is composed of brine that has been concentrated from the seawater intake, and that the discharge of this brine is permissible under the permit.

Response 1:

EPA agrees to make this change in the permit.

Comment 2:

The Association requested that EPA replace the term “uncontaminated water” under Miscellaneous Discharges with “uncontaminated water, including seawater cooling overboard discharge, chain locker effluent and firemain system discharge” or that these discharge streams be specifically identified and authorized.

Response 2:

EPA agrees to add these discharges to the definition of “uncontaminated water” in Part II, Section F of the permit.

Comment 3:

Since the maximum amounts of civil and administrative penalties for violations of the Act are now subject to periodic adjustment, it might be more appropriate to refer to 40 CFR 19.4 rather than provide specific (and possibly incorrect) amounts.

Response 3:

EPA agrees to make this change to Part II, Section E of the permit.

Comment 4:

The Association asked EPA to add a permit requirement for permittees to inform contractors and subcontractors of any permit conditions or requirements effecting operations or activities they have been contracted to perform. As the permit acknowledges, the Act provides that ANY person who violates a permit condition may be subject to the penalties provided by law. They believe permittees should be required to disclose such information to their contractors and subcontractors.

Response 4:

“Civil liability under ...[Clean Water Act §301(a)] is predicated on either (1) performance [of a discharge] or (2) responsibility for or control over performance...” *United States v. Bd. of Trustees of Fla. Community College*, 531 F.Supp. 267, 274 (S.D. Fla. 1981). When contractors discharge pollutants regulated by this permit on behalf of a lease operator, both the operator and its contractor are thus responsible for compliance with the terms of this permit. One of the two general permits superseded by the permit issued today, the 1995 Coastal Production General Permit, included specific terms requiring operators to take reasonable steps to assure their disposal contractors were in compliance. See 60 Fed. Reg. 2387 (January 9, 1995). Those provisions were omitted, however, from the draft version of today’s permit. In response to this comment, similar terms are included in today’s final permit, prohibiting lease operators from “causing or allowing” noncompliance and requiring that they “take reasonable positive steps” to assure the pollutants they generate are not unlawfully discharged by third parties. Further information on the derivation of those provisions is contained in responses to comments on the 1995 permit, which may be obtained from EPA Region 6.