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10 July 2017

U.S. EPA-Region 6
U.S. Environmental Protection Agency
1445 Ross Avenue
Dallas, Texas 75202-
Docket: EPA-R06-OW-2017-0217

Re: Draft NPDES General Permit for the Western Portion of Gulf of Mexico (GMG290000)

To whom it may concern:

The International Association of Drilling Contractors is a trade association representing the interests of drilling contractors, onshore and offshore, operating worldwide. Our membership includes all drilling contractors currently operating mobile offshore drilling units (MODUs) in the areas subject to the jurisdiction of the United States.

The purpose of this letter is to respond to the EPA's 11 May 2017 (82 FR 21995) Federal Register Notice of Reissuance of the NPDES General Permit for the Western Portion of the Gulf of Mexico (GMG290000).

These comments are offered without prejudice to comments that may also be addressed directly by IADC members.

IADC offers the following comments with regards to the reissuance of EPA R6 NPDES General Permit GMG290000:

Notice of Intent (I.A.2., Notes 3 and 4 on p. 4 of draft Permit).

Note 3 clarifies that an eNOI is valid for different drilling jobs within 1500 feet from the originally filed location. There may be instances where the vessel is still in the same lease block but farther than 1500 feet, and vice versa – that the vessel may be in a different lease block but actually less than 1500 feet. IADC suggests that the wording be modified as follows:

“Note 3: eNOI filed by a drilling vessel is valid for different drilling jobs within the same lease block or 1500 feet from the originally filed location.”

Regarding Note 4, IADC believes that the use of the word “stands” may result in confusion depending on its interpreted definition. IADC requests that the note be modified as follows:

“Note 4: While a drilling vessel ~~stands offshore~~ is located in the permit area between drilling jobs, it ~~could~~ may file an eNOI for coverage.”

Sanitary Waste – Monitoring Requirements (Section I.B.7.b.; p. 25 of draft Permit and pp. 19-20 of Fact Sheet)

The EPA has removed the “Exception” for Marine Sanitation Devices (MSDs), which allows operators to test the unit annually in lieu of requiring monthly testing for total residual chlorine. The basis of this change was due to the EPA’s conclusions that: (1) some MSDs do not provide automatic disinfection treatment; (2) the U.S. Coast Guard does not conduct annual MSD inspections; and (3) the exception has caused confusion with operators about observation and reporting requirements.

In the offshore industry, most oil and gas mobile offshore drilling vessels (MODUs) have MSDs tested – and inspected – by a third party on an annual basis to verify that the equipment is functioning properly. IADC offers the following justification for EPA to retain the MSD exception:

1. While it is correct that some MSDs do not provide automatic disinfection treatment, the majority of MSDs in the oil and gas drilling industry do provide it. For MSDs that are properly functioning, they are indeed providing disinfection treatment.
2. The U.S. Coast Guard conducts annual inspections of MSDs in order to issue or revalidate the MODU’s Certificate of Compliance. During this inspection, the Coast Guard confirms that the MSD is type-approved and fully operational. Additionally, it should be understood that an overwhelming majority of oil and gas drilling vessels are internationally flagged. As such, their Class Society, on behalf of Flag State, conducts MSD inspections as a requirement for issuance of the International Sewage Pollution Prevention Certificate pursuant to MARPOL, Annex IV [Regulations for the prevention of pollution by sewage from ships].
3. Prohibitions in subsection (a) of the draft general permit refers to daily observations. The limitations stated in subsection (b) refers to monthly total residual chlorine testing. *For clarity as to what the Exception applies to, IADC recommends a revision to the Exception to remove the reference to “prohibitions” as follows:*

“Any facility operator which properly operates and maintains a marine sanitation device (MSD) that complies with the pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with the permit ~~prohibitions and~~ limitations for sanitary waste.”

Based on all of the above information, IADC requests that the EPA does not remove the Exception for a properly functioning MSD.

Miscellaneous Discharges of Seawater and Freshwater which have been chemically treated (Section 11.a-b; pp. 28-30 of draft Permit)

The draft permit defines chemically treated seawater and freshwater as “seawater or freshwater to which corrosion inhibitors, scale inhibitors, and/or biocides have been added.” MODUs utilize marine growth prevention systems that serve to prevent bio-fouling organisms from taking over hulls, ballasts, fire control, fire protection, piping and equipment whilst simultaneously preventing corrosion in the aforementioned via the utilization of anodic/cathodic protection (also known as Impressed Current Cathodic Protection – ICCP), which is necessary for the continued safe operation of a vessel.

These systems are currently being used by the shipping industry and the U.S. Military and are allowable under the EPA’s Vessel General Permit. It is important to note that MODUs act as ships when not participating in Oil & Gas exploratory activities and, as such, are also governed by the shipping laws, which include the International Maritime Organization (IMO), the United States Coast Guard, and the Class Society and Flag State.

The concentration of ion discharges, particularly copper and aluminum during the electrochemical process of anti-corrosion and bio-fouling prevention are significantly less than the EPA’s established National Recommended Water Quality Criteria for Aquatic Life, as described in the following EPA documents:

- Appendix A, Cathodic Protection: Nature of Discharge for the “Phase I Final Rule and Technical Development Document of Uniform National Discharge Standards (UNDS),” published in April 1999
- Appendix A, Seawater Piping Biofouling Prevention: Nature of Discharge for the “Phase I Final Rule and Technical Development Document of Uniform National Discharge Standards (UNDS),” published in April 1999

IADC recommends that the EPA exempt ICCP and similar systems that prevent bio-fouling and corrosion from periodic toxicity testing, monitoring and reporting (including in DMRs). Rather, we recommend that the EPA request a one-time submittal for Marine Growth protection/Cathodic-Anodic systems to show that the discharge of ions meets the toxic monitoring limits established in the EPA’s Water Quality Criteria for Aquatic Life and ensure proper maintenance of these systems.

Cooling Water Intake Structure (Section I.B.12.c.2.i on p. 34 and II.D.4. on p. 56 of draft Permit)

Section I.B.12.c.2.i has revised the monitoring requirements for visual or remote inspections up to every 6 months (rather than monthly as was previously required).

IADC requests that the section on "Reporting Requirements for the Cooling Water Intake Structure" (Section I.B.12.d.; page 35 of draft Permit) be modified to clarify that the yearly status report replaces the DMR reporting requirement and suggests that the language be modified to read:

"For all In lieu of submitting quarterly monitoring results, that new facilities required to comply with the intake structure monitoring requirements must submit the following information in a yearly status report by March 31 of the following year..."

Alternatively, Section II.D.4 (p. 56 of draft Permit), which requires submittal of the monitoring results on DMRs each quarter, IADC recommends that the language be modified to read:

"DMRs shall be submitted quarterly no later than sixty (60) days following the end of the quarterly monitoring period; except in the case of the Cooling Water Intake Structures, which should be submitted every six months."

IADC appreciates the opportunity to provide our comments regarding this notice and asks that they be given due consideration. Should you have any questions, please contact me by phone at (713) 292-1945 Ext.203.

Sincerely,



John Pertgen
Director, Offshore Technical and Regulatory Affairs