

## **Cabrillo Port Liquefied Natural Gas Facility EPA Permit for Water Discharges**

BHP Billiton has applied to U.S. EPA Region 9 for a permit to discharge multiple types of wastewater into the Pacific Ocean. A public hearing will be held for the public to express their views on the proposed permit and water quality impacts from the Cabrillo Port.

### ***Background & Talking Points***

- The Clean Water Act (“CWA”) requires that sources of water pollution obtain a permit prior to discharging pollutants into the Pacific Ocean. The CWA prohibits the discharge of pollutants that do not comply with the conditions and limitations set forth in a National Pollution Discharge Elimination System (“NPDES”) permit. Several state and federal laws protect water quality and must be incorporated into the NPDES permit through conditions, limitations and monitoring protocols.
- EPA has issued a draft NPDES permit that is currently available for the public to provide comment on before a final decision is made to issue or deny the permit.
- According to EPA, Cabrillo Port will discharge several billion gallons of water pollution per year into the Pacific Ocean that will include: submerged combustion vaporizer wastewater, high temperature cooling water heated 28.8 °F above ambient sea water (thermal water pollution), ballast water, gray water, sanitary waste water, desalination unit wastewater, and bilge water.
- Thermal water pollution is known to impact a broad range of critical biological functions for an array of marine species, including the planktonic organisms that form the base of the marine foodweb for several species such as whales and dolphins.
- The draft NPDES permit is inadequate to protect against degradation of the Pacific Ocean and marine life that may be harmed by water pollution discharges from Cabrillo Port.
- Although Cabrillo Port is located in federal waters 14 miles offshore the Los Angeles/Ventura County line, federal law requires that the Port’s water pollution discharges meet California water quality standards.
- However, the NPDES permit allows BHP Billiton to discharge wastewater that violates both the California’s Thermal Plan and the Federal Ocean Discharge Criteria Regulations because of the high temperature discharges of 2.3 billion gallons of waste seawater heated 28.8 °F above ambient sea water temperature.
- The NPDES permit is flawed in several basic ways:
  - 1) It fails to set numerical pollutant limits (it doesn’t state how much of what pollutant is allowed to be in discharge water from each discharge point);
  - 2) it fails to set numerical discharge limitations for flow (it doesn’t say the quantity of water the facility is allowed to discharge from each discharge point);

- 3) it fails to identify who will monitor (if it will be a third party, EPA, or BHP itself), and;
  - 4) it does not set a monitoring protocol (specifying exactly how and when monitoring will be conducted).
- In summary, the draft NPDES permit proposed by the EPA would allow BHP Billiton to discharge billions of gallons of water pollution in violation of both state and federal laws. This permit offers BHP Billiton a unique regulatory freedom not enjoyed by other local facilities, both on and offshore.

***Take Action to Protect Your Water Quality***

The public has an opportunity to take action to protect their local water quality in two ways: 1) attend a public hearing on May 23, 2006 and testify before EPA; and 2) submit written comments to EPA, via email or mail, by June 20, 2006. After all comments are received EPA will make a final decision whether or not to issue or deny the permit.

*Public Hearing:*            Tuesday, May 23, 2006  
   1:00 p.m. (*no evening hearing is scheduled*)  
   Oxnard Performing Arts and Convention Center  
   800 Hobson Way  
   Oxnard, CA 93030

*Written Comments:*    must be received by June 20, 2006

   Email to [honor.lisa@epa.gov](mailto:honor.lisa@epa.gov) ,or mail to:  
   Lisa Honor  
   CWA Standards and Permits Office (WTR-5)  
   EPA Region 9  
   75 Hawthorne Street  
   (415) 972-3510

The proposed permit and supporting information is available at:  
<http://www.epa.gov/region9/water/npdes/pubnotices.html>

***Three comments to tell EPA about the proposed air permit:***

- 1) I live near and appreciate the ocean and coast and all of its wildlife and am concerned about the significant water quality impacts caused by BHP Billiton's Port.
- 2) EPA is permitting the Port in a manner that evades California and federal laws intended to prevent industry from degrading the marine environment.
- 3) EPA should establish specific, enforceable numerical limits and conditions in the permit that will protect the water quality of my coast and ocean, not the polluter.

**Prepared for the California Coastal Protection Network  
by the Environmental Defense Center. For more information, go to [www.edcnet.org](http://www.edcnet.org)**