

August 9, 2019

Dear Department of Ecology:

I write to offer public comment concerning the renewal of National Pollutant Discharge Elimination System Waste Discharge Permit No. WA0001783 by U.S. Oil & Refining Co. of Tacoma, Washington. For the reasons I will explain below, I ask that you not renew this Waste Discharge Permit that covers the discharge of wastewater and stormwater from U.S. Oil's facility at the Tacoma Tideflats.

I attended the Aug. 7, 2019 hearing/public meeting held at the Holiday Inn Express & Suites in downtown Tacoma, but was not able to stay past 8:30 p.m. and thus was unable to make my public comments verbally, so I am communicating them in writing.

First, I want to thank the Department of Ecology staff for their willingness to provide detailed responses to the many questions the area residents who attended the meeting had. I found the conversation extremely helpful in terms of understanding the permitting review process overall, the specific situation at hand with U.S. Oil & Refining Co's permit, and the scope of the Department of Ecology's jurisdiction.

Among the many things I gleaned from the Q and A was that in the past, the permitting process has nearly always resulted in the renewal of a permit and that if deficiencies were found in a business's proposed waste discharge plan, the likely outcome is that the Department of Ecology would work with that business to come up with a plan that remedied the deficiencies.

In the case of U.S. Oil & Refining Co. the deficiencies are inherent in the applicant's business. Fossil fuel refining is inherently a polluting and dangerous industry, from the acquisition of fossil fuel feedstock to the use of the fuel by the purchaser. The aspect of the industry relevant to the Waste Discharge permit is the refining of raw feedstocks into fuels and other petrochemical compounds, and there is no technology that can mitigate the impact of the resulting wastewater and stormwater on marine life in Commencement Bay and the greater Puget Sound. That marine ecosystem is collapsing rapidly, with salmon runs a fraction of their historic numbers, individual orcas underweight, and orca pods unable to sustain their populations. Local fisherman report that many of the salmon that pass through the Tideflats are emaciated and/or missing body parts. Crab caught in the area are often covered in tumors. All of this is the result of toxic industry polluting the waters of our bay, much of it involving fossil fuels. Marine life must contend with the toxic legacy of the past and with the present pollution being released every day by companies like U.S. Oil.

U.S. Oil's Waste Discharge Permit for wastewater and stormwater at its Tacoma refinery was last renewed in 2008. In the eleven years since that time, we have deepened our understanding of the ecology of Commencement Bay and Puget Sound, and we appreciate more keenly the direness of the threats marine life faces. Marine biologists—that is, independent scientists who do research at universities and government agencies, not the consultants hired by industry—have a much better understanding in 2019 than they did in 2008 of how fragile the marine ecosystem that remains is, and how urgent the need is for us to make the significant changes necessary to allow marine life to survive and heal. For that reason, the assumptions and factual context informing a permit renewal application in 2019 are much different than those that applied in 2008, even with the addition of enhanced monitoring requirements and the requirements of Washington State's AKART program.

If the Department of Ecology does decide to renew U.S. Oil & Refining Co.'s Waste Discharge Permit No. WA0001783, I would ask the allowable amount of each individual pollutant covered by the waste discharge permitted be reduced by a minimum of 75%. Such a reduction in pollutant discharge would give salmon, orcas, and other marine organisms in our region a better chance to begin to recover. It should be standard policy going forward that any time any fossil fuel company's waste discharge permit is renewed for the Tacoma Tidelands area, there should be stipulated a minimum of 75% reduction in each listed pollutant as compared to previous allowable levels.

I would also ask that the permit specify that it does not cover any expansion of fossil fuel refining/processing capacity and that should U.S. Oil & Refining Co. and/or Par Pacific Holdings, which recently purchased U.S. Oil & Refining Co., wish to expand any aspect of their operations, a new permit application will be required, along with ample opportunity for public input.

Thank you again to all the Department of Ecology staff who attended the August 7 meeting/public hearing for their thoughtful answers to attendees many questions. I know that two hours is a long time for such Q and A, but I really did find every minute of it valuable and I hope that you will consider offering a similar format when future permitting issues and other matters inviting public comment arise. As a means of addressing the time issue, perhaps the Q and A and public comment portions could occur on separate evenings in the future.

Given how late the public comment portion of the meeting started, I ask that the Department of Ecology consider extending the period during which written comments can be received by one week, until Friday, August 16, 2019. I would also ask that the Department update the hyperlink where the public can submit comments relating to the proposed renewal of U.S. Oil & Refining Co.'s Waste Discharge Permit No. WA0001783.

(<http://ws.ecology.commentinput.com/?id=8FtD7>) as the hyperlink appears on

webpage/document regarding public notice of U.S. Oil's permit renewal (<https://fortress.wa.gov/ecy/publications/documents/1907013.pdf>). In the document's current format, the link runs over multiple lines and does not function as a clickable link for some internet browsers. I had to type the URL in manually to upload my comment, an obstacle which could discourage the public from submitting comments—another reason to extend the comment period.

I would appreciate being kept apprised via notification at the email address from which I am writing of all future regulatory matters involving U.S. Oil & Refining Co. and/or Par Pacific Holdings.

Sincerely,

William Kupinse  
Tacoma, WA