STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

Mr. Glen Bevan
Manager, Bucksport Terminal
Webber Tanks Inc.
P.O. Drawer CC
Bucksport, ME. 04416

April 25, 2005

RE: Maine Waste Discharge License (WDL) Application #W002566-5S-C-R
Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0001457
Final Permit/License

Dear Mr. Bevan:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the permit/license to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

We would like to make you aware of the fact that your monthly Discharge Monitoring Reports (DMR) may not reflect the revisions in this permitting action for several months however, you are required to report applicable test results for parameters required by this permitting action that do not appear on the DMR. Please see the attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,

Gregg Wood
Division of Water Resource Regulation
Bureau of Land and Water Quality

Enc.
cc: Tanya Hovell, DEP/EMRO [redacted] USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507

web site: www.state.me.us/dep

printed on recycled paper

DMR Lag

(reprinted from April 2003 O&M Newsletter)

When the Department renews discharge permits, the parameter limits may change or parameters may be added or deleted. In some cases, it is merely the replacement of the federally issued NPDES permit with a state-issued MEPDES permit that results in different limits. When the new permit is finalized, a copy of the permit is passed to our data entry staff for coding into EPA's Permits Compliance System (PCS) database. PCS was developed in the 1970's and is not user-friendly. Entering or changing parameters can take weeks or even months. This can create a lag between the time your new permit becomes effective and the new permit limits appearing on your DMRs. If you are faced with this, it can create three different situations that have to be dealt with in different ways.

1. If the parameter was included on previous DMRs, but only the limit was changed, there will be a space for the data. Please go ahead and enter it. When the changes are made to PCS, the program will have the data and compare it to the new limit.

2. When a parameter is eliminated from monitoring in your new permit, but there is a delay in changing the DMR, you will have a space on the DMR that needs to be filled. For a parameter that has been eliminated, please enter the space on the DMR for that parameter only with "NODI-9" (No Discharge Indicator Code #9). This code means monitoring is conditional or not required this monitoring period.

3. When your new permit includes parameters for which monitoring was not previously required, and coding has not caught up on the DMRs, there will not be any space on the DMR identified for those parameters. In that case, please fill out an extra sheet of paper with the facility name and permit number, along with all of the information normally required for each parameter (parameter code, data, frequency of analysis, sample type, and number of exceedances). Each data point should be identified as monthly average, weekly average, daily max, etc. and the units of measurement such as mg/L or lb/day. Staple the extra sheet to the DMR so that the extra data stays with the DMR form. Our data entry staff cannot enter the data for the new parameters until the PCS coding catches up. When the PCS coding does catch up, our data entry staff will have the data right at hand to do the entry without having to take the extra time to seek it from your inspector or from you.

   EPA is planning significant improvements for the PCS system that will be implemented in the next few years. These improvements should allow us to issue modified permits and DMRs concurrently. Until then we appreciate your assistance and patience in this effort.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

WEBBER TANKS INC.	)	MAINE POLLUTANT DISCHARGE
BUCKSPORT, HANCOCK COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
BULK FUEL STORAGE FACILITY	)	AND
W002566-5S-C-R	)	WASTE DISCHARGE LICENSE
ME0001457 **APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq. and Maine Law 38 M.R.S.A., Section 414-A et. seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of WEBBER TANKS INC. (Webber hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The permittee has submitted an application to the Department to modify and renew Waste Discharge License (WDL) #W002566-5S-B-R, which was issued on March 8, 2000 and expired on March 8, 2005. The WDL authorized the permittee to discharge treated storm water runoff and/or hydrostatic test waters from three outfalls to the Penobscot River, Class SC, in Bucksport, Maine. It is noted the Department administratively modified the 3/8/00 WDL on 11/5/04 by suspending all the monitoring requirements for Outfall #002.

MODIFICATIONS REQUESTED

1. Eliminate Outfall #002 associated with a rail car loading rack cited in the 3/8/00 licensing action as the facility no longer distributes or receives petroleum products by rail car.

2. Increase the daily maximum limitations for total suspended solids (TSS) for Outfalls #001 and #003 from 50 mg/L to 100 mg/L to be consistent with National Pollutant Discharge Elimination System (NPDES) permits for other facilities permitted by the U.S. Environmental Protection Agency (EPA) in Region I – New England.

3. Reduce the monitoring frequency for all parameters in the permit from 1/Month to 1/Quarter to be consistent with NPDES permits for other facilities permitted by the EPA in Region I – New England.

PERMIT SUMMARY

On January 12, 2001, the Department received authorization from the EPA to administer the NPDES permit program in Maine. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and permit #ME0001457 (same as NPDES permit number) will utilized as the primary reference number for Webber's Bucksport facility.

This permitting action is similar to the 3/8/00 WDL action in that it is carrying forward all the terms and conditions with the following exceptions:

1. Establishing a daily maximum concentration reporting requirement for benzene for Outfall #001 and Outfall #003

2. Increasing the daily maximum limit for TSS from 50 mg/L to 100 mg/L for the discharges from Outfalls #001 and #003 to be consistent with the NPDES permits for other similar facilities permitted by the EPA in Region I - New England. In addition, this permit establishes an average limit of 50 mg/L whereby compliance is based on a 12-month rolling averaging period.

3. Reducing the monitoring frequency for all parameters (with the exception of pH) from 1/Month to 1/Quarter.

4. Establishing limitations and monitoring requirements for hydrostatic test water discharges.

5. Establishing a requirement to develop, maintain and periodically update a storm water pollution prevention plan (SWPPP) for the facility.

6. Eliminating Outfall #002 associated with a rail car loading rack cited in the 3/8/00 licensing action as the facility no longer distributes or receives petroleum products by rail car.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated March 10, 2005, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:

   a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;

   b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;

   c. The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

   d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and

   e. Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the application of WEBBER TANKS INC. to discharge treated storm water runoff, vehicle wash waters and/or hydrostatic test waters from a bulk fuel storage and transfer facility to the Penobscot River, Class SC, subject to the attached conditions and all applicable standards and regulations:

1. "*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*," revised July 1, 2002, copy attached.

2. The attached Special Conditions, including any effluent limitations and monitoring requirements.

3. This permit expires five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 25TH DAY OF April, 2005.

COMMISSIONER OF ENVIRONMENTAL PROTECTION

BY: _____ for
Dawn Gallagher, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application January 3, 2005.

Date of application acceptance January 4, 2005.

FILED
APR 26 2005
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE

Date filed with Board of Environmental Protection _____

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY

W25665C 4/25/05

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge treated storm water runoff, treated vehicle wash waters and/or hydrostatic test waters to the Penobscot River. Such discharges shall be limited and monitored by the permittee as specified below.

OUTFALL #001 - Storm water runoff, vehicle wash waters and/or hydrostatic test waters.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50050]*	---	---	---	172 gpm[1] *[78]*	1/ Quarter *[01/90]*	Measure *[MS]*
Total Suspended Solids *[00530]*	---	---	50 mg/L[2] *[19]*	100 mg/L *[19]*	1/ Quarter *[01/90]*	Grab[3] *[GR]*
Oil & Grease *[00552]*	---	---	---	15 mg/L *[19]*	1/Quarter *[01/90]*	Grab[3] *[GR]*
Benzene *[34030]*	---	---	---	Report mg/L[5] *[19]*	1/Quarter *[01/90]*	Grab[3] *[GR]*
pH *[00400]* *(April – November)*	---	---	---	6.0 –8.5 SU[6]	1/Month[6] *[01/30]*	Grab[3] *[GR]*

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL #003 - Storm water runoff

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50050]*	---	---	---	94 gpm[1] *[78]*	1/ Quarter *[01/90]*	Measure *[MS]*
Total Suspended Solids *[00530]*	---	---	50 mg/L[2] *[19]*	100 mg/L *[19]*	1/ Quarter *[01/90]*	Grab[3] *[GR]*
Oil & Grease *[00552]*	---	---	---	15 mg/L *[19]*	1/Quarter *[01/90]*	Grab[3] *[GR]*
Benzene *[34030]*	---	---	---	Report mg/L[5] *[19]*	1/Quarter *[01/90]*	Grab[3] *[GR]*
pH *[00400]* *(April – November)*	---	---	---	6.0 –8.5 SU[6]	1/Month[6] *[01/30]*	Grab[3] *[GR]*

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

OUTFALL #004 - Hydrostatic test waters

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum As specified	Measurement Frequency as specified	Sample Type as specified
Flow (Total Gallons) *[82220]*	---	---	---	6.3 million gallons *[57]*	1/Discharge *[01/DD]*	Measure *[MS]*
Total Suspended Solids *[00530]*	---	---	---	50 mg/L *[19]*	1/Discharge *[01/DD]*	Grab *[GR]*
Oil & Grease *[00552]*	---	---	---	15 mg/L *[19]*	1/Discharge *[01/DD]*	Grab *[GR]*
Total Residual Chlorine *[50060]*	---	---	---	13 ug/L(4) *[28]*	1/Discharge *[01/DD]*	Grab *[GR]*
pH *[00400]* *(April – November)*	---	---	---	6.0 –8.5 SU(6)	1/Discharge(6) *[01/DD]*	Grab *[GR]*

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Footnotes:

Sampling Locations: Samples for all parameters shall be collected after the oil/water separators (or other location(s) approved by the Department) during the first hour of discharge.

Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services.

(1) **Flow** - The flow through the oil/water separators shall consist of storm water runoff, hydrostatic test waters and vehicle wash waters only. The direct or indirect discharge of liquids from petroleum product pipelines, transport tanks, vessels or storage tanks through the oil/water separator is not authorized by this permit. No chemical treatment such as dispersants, emulsifiers or surfactants may be added to the oil/water separator or any waste water discharge stream contributing flow to the separator.

At no time shall the flow through the oil/water separators exceed the design flow of of the separators (175 gpm Outfall #001 and 94 gpm for Outfall #003). Flow measurement devices or calculated flow estimates via pump curves or tank volumes or other methods must be approved by the Department. Measurement of flow may be suspended upon approval from the Department in the event the permittee limits flow to the separator by installing a permanent constriction to prevent flows from exceeding the design capacity of the separator. The installation, replacement or modification of any flow measurement or constriction device requires prior approval by the Department.

(2) **Total Suspended Solids (TSS)** – The monthly average concentration limitation of 50 mg/L for TSS is based on an average over the previous twelve-month period. Months when there is no discharge are not to be included in the calculations. See page 8 of the attached Fact Sheet of this permit for an example calculation. For the first three calendar quarters (4/05 – 6/05, 7/05 – 9/05, 10/05 – 12/05) of the term of this permit, the permittee shall report enter "**NODI-9**", *Monitoring Is Conditional/ Not Required This Monitoring Period*, in the applicable space on the Discharge Monitoring Report (DMR). In the "Comments" box at the bottom of the DMR, the permittee shall indicate this is the first of four quarters, second of four quarters, etc. In the first calendar quarter of 2006 and each quarter thereafter, the permittee shall calculate and report on the DMR, the 12-month rolling average TSS concentration.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

(3) Storm water runoff from one significant storm event per calendar quarter shall be sampled for TSS, oil & grease and benzene. Significant storm event is defined as any event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable storm event. Suitable size and type of samples shall be collected in accordance with 40 CFR Part 136. Grab samples will be collected within the first hour (first flush) after the diked area(s) drainage area and/or pumpout has started. Separate aliquot samples shall be taken for the analysis for each parameter.

(4) **Total residual chlorine (TRC):** If the permittee or agent for the permittee utilizes a water supply and or piping that has been disinfected with elemental chlorine or chlorine based compounds for hydrostatically testing tanks, sampling for TRC is required once per discharge event. Compliance with the daily maximum limitation will be based on EPA's minimum level (ML) of detection of 50 ug/L (0.05 mg/L). All analytical test results shall be reported to the Department including results which are detected below the ML of 0.05 mg/L.

If the permittee or agent for the permittee utilizes a water supply that <u>has not</u> been disinfected with elemental chlorine or chlorine based compounds for hydrostatically testing tanks and or piping, sampling for TRC is not required. For the purposes of reporting on the DMR in this instance, enter "**NODI-9**", *Monitoring Is Conditional/ Not Required This Monitoring Period.*

(5) **Benzene**: Compliance with the daily maximum limitation will be based on the Department's reporting level (RL) of detection of 5 ug/L (0.005 mg/L). All analytical test results shall be reported to the Department including results which are detected below the RL of 0.005 mg/L.

(6) **pH**: Limitations and monitoring requirements are only applicable between April – November (inclusive) of each year. The pH of the discharge shall be in the range of 6.0 – 8.5 standard units unless exceedences of this pH range are due to ambient pH levels of the precipitation. In such an event, the pH of the discharge may not be more than 0.5 standard units higher or lower the ambient pH. This provision is not applicable for the discharge of hydrostatic test waters.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time that would impair the usages designated by the classification of the receiving waters.

2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.

3. The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.

4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. OIL/WATER SEPARATOR MAINTENANCE

The permittee shall maintain an up-to-date operations and maintenance plan for the oil/water separator. The plan shall include, but not be limited to, measures to ensure the separator performs within the designed performance standards of the system, is maintained on a routine basis to maximize the design capacity and efficiency of the system, and that adequate staffing and training of personnel is provided to ensure compliance with discharge limitations. The operations and maintenance plan shall remain on site at all times and will be subject to periodic inspection by Department personnel.

For the purposes of minimizing suspended solids in the storm water directed to the separator, the permittee shall implement best management practices (BMP's) for erosion and sedimentation control. The permittee shall periodically inspect, maintain and repair erosion and sedimentation control structures as necessary.

D. HYDROSTATIC TEST WATER

Tanks being hydrostatically tested must be clean of product, all construction debris, including sandblasting grit, prior to testing and discharge. The discharge must be dechlorinated if test results indicate that discharged waters will violate water quality standards. Hydrostatic test water from tanks that have been washed, cleaned and certified for welding need not be discharged through the oil/water separator. The permittee shall notify the Department of an intended discharge of hydrostatic test water at least three days, excluding weekends, prior to the discharge.

SPECIAL CONDITIONS

E. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

The permittee shall develop, maintain and update a Storm Water Pollution Prevention Plan (SWPPP) for the facility. As the site or any operations conducted on it have changed or are expected to change materially or substantially, the permittee shall modify its SWPPP as necessary to include such changes and notify the Department and the EPA within 90 days of such modifications to the plan. The permittee shall maintain a copy of the SWPPP and any subsequent revisions at the terminal and shall make the plan available to any Department or EPA representative upon request.

The SWPPP requirements are intended to facilitate a process whereby the permittee thoroughly evaluates potential pollution sources at the terminal and selects and implements appropriate measures to prevent or control the discharge of pollutants in storm water runoff. The process involves the following four steps: (1) formation of a team of qualified facility personnel who will be responsible for preparing the SWPPP and assisting the terminal manager in its implementation; (2) assessment of potential storm water pollution sources; (3) selection and implementation of appropriate management practices and controls; and (4) periodic evaluation of the effectiveness of the plan to prevent storm water contamination and comply with the terms and conditions of the permit.

F. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from Outfall #001 and #003. It is noted Outfall #004 is an administrative outfall that provides the permittee with a mechanism to report sampling results for hydrostatic test waters. Discharges of waste water from any other point source are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5)(*Bypass*) of this permit.

G. MONITORING AND REPORTING

Monitoring results shall be summarized for each calendar quarter and reported on separate Discharge Monitoring Report Forms provide by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. A signed copy of the Discharge Monitoring Report and all other reports required herein shall be submitted to the following address:

Maine Department of Environmental Protection
Bureau of Land & Water Quality, Division of Engineering, Compliance & Technical Assistance
Eastern Maine Regional Office
106 Hogan Road
Bangor, ME. 04401

SPECIAL CONDITIONS

H. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results in the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded: (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **March 10, 2005**

PERMIT NUMBER: **ME0001457**
LICENSE NUMBER: **W002566-5S-C-R**

NAME AND ADDRESS OF APPLICANT:

WEBBER TANKS INC.
P.O. Drawer CC
Bucksport, ME. 04416

COUNTY: **Hancock**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

River Road
Bucksport, Maine

RECEIVING WATER AND CLASSIFICATION: **Penobscot River, Class SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

Mr. Michael Shea
(207) 942-5501

1. APPLICATION SUMMARY

a. Application: The permittee has submitted an application to the Department to modify and renew Waste Discharge License (WDL) #W002566-5S-B-R, which was issued on March 8, 2000 and expired on March 8, 2005. The WDL authorized the permittee to discharge treated storm water runoff and/or hydrostatic test waters from three outfalls to the Penobscot River, Class SC, in Bucksport, Maine. It is noted the Department administratively modified the 3/8/00 WDL on 11/5/04 by suspending all the monitoring requirements for Outfall #002.

1. APPLICATION SUMMARY (cont'd)

b. Modifications requested: In the application for permit renewal, the permittee has requested the following modifications

1. Eliminate Outfall #002 associated with a rail car loading rack cited in the 3/8/00 licensing action as the facility no longer distributes or receives petroleum products by rail car.

2. Increase the daily maximum limitations for total suspended solids (TSS) for Outfalls #001 and #003 from 50 mg/L to 100 mg/L to be consistent with National Pollutant Discharge Elimination System (NPDES) permits for other facilities permitted by the U.S. Environmental Protection Agency (EPA) in Region I – New England.

3. Reduce the monitoring frequency for all parameters in the permit from 1/Month to 1/Quarter to be consistent with NPDES permits for other facilities permitted by the EPA in Region I – New England.

2. PERMIT SUMMARY

a. Regulatory - On January 12, 2001, the Department received authorization from the EPA to administer the NPDES permit program in Maine. From this point forward, the program will be referenced as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and permit #ME0001457 (same as NPDES permit number) will be utilized as the primary reference permit number for the permittee's facility. As a point of clarification, the Department's records indicate the EPA has never issued a NPDES permit for the discharges from the Webber facility.

b. Terms and conditions - This permitting action is similar to the 2/8/00 WDL action in that it is carrying forward all the terms and conditions with the following exceptions:

1. Eliminating Outfall #002 associated with a rail car loading rack cited in the 3/8/00 licensing action as the facility no longer distributes or receives petroleum products by rail car.

2. Establishing a daily maximum concentration reporting requirement for benzene for Outfall #001 and Outfall #003.

3. Establishing a seasonal (April – November) daily maximum pH range limitation of 6.0 –9.0 standard units with a monitoring frequency of 1/Month.

2. PERMIT SUMMARY (cont'd)

4. Increasing the daily maximum limit for total suspended solids (TSS) from 50 mg/L to 100 mg/L for the discharges from Outfall #001and #003 to be consistent with the NPDES permits for other similar facilities permitted by the EPA in Region I - New England. In addition, this permit establishes an average limit of 50 mg/L whereby compliance is based on a 12-month rolling averaging period.

5. Reducing the monitoring frequency for all parameters (with the exception of pH) from 1/Month to 1/Quarter.

6. Establishing limitations and monitoring requirements for hydrostatic test water discharges.

7. Establishing a requirement to develop, maintain and periodically update a storm water pollution prevention plan (SWPPP) for the facility.

c. History – The most current relevant regulatory actions include the following:

March 8, 2000 – The Department issued WDL #W002563-5S-B-R renewal for a five-year term.

October 5, 2004 – The Department administratively modified the WDL by suspending all monitoring requirements for Outfall #002.

January 3, 2005 – Webber submitted an application to the Department to renew the WDL for the Bucksport facility.

d. Source description & waste water treatment: The permittee's facility is engaged in the transfer (ship to shore), storage and distribution of refined petroleum products such as gasoline and distillate oils. The site has two discharge outfalls; Outfall 001 and Outfall 003.

Outfall 001 is associated with storm water collected in the Tank Farm and storm water collected at Loading Racks A, B, & C. Vehicle washing also occurs at these racks. Stormwater and wash water discharge directly into the tank farm. The Tank Farm is divided into two separate containment areas; Containment Area A and Containment Area B. All storm water collected in Containment Area B is drained by gravity into Containment Area A. Hydrostatic test water from bulk storage tanks in the tank farm is physically discharged via Outfall 001. For the purposes of this permitting action, the Department has established an administrative outfall designated as Outfall #002 as a mechanism for the permittee to report sampling results for the discharge of hydrostatic test waters. The discharges from this tank farm are treated by an oil/water separator that is designed to effectively treat discharges at a rate of 172 gpm. The outfall pipe measures six inches in diameter and outlets above the high water level of the Penobscot River. The discharge location is shown in Attachment A of this Fact Sheet. There are no overflows,

2. PERMIT SUMMARY (cont'd)

bypasses or emergency discharge locations associated with this outfall. The Tank Farm contains eight (8) above-ground bulk storage tanks (Tanks 1, 2, 3, 4, 5, 6, 7, & 8) having a total gross capacity of approximately 32,259,989 gallons, with the largest single tank having a capacity of 6,213,030 gallons. Tanks 1-6 are located in Containment Area A and Tanks 7 &8 are located in Containment Area B. Both containment areas are composed of a gravelly clay lined base and walls with sufficient capacity to contain the entire contents of the largest tank in the event of a structural failure of a tank. In addition to tankage, there is an extensive above-ground and below-ground network of piping.

The total drainage area of the site contributing to storm water discharge at Outfall 001 is from the Tank Farm and from Loading Racks A, B, & C. Loading Racks A & B are approximately 4,100 square feet of impervious surface (concrete) and Loading Rack C is approximately 2,054 square feet of impervious surface (concrete). Containment area A is approximately is approximately 287,044 square feet and Containment Area B is approximately 177,013 square feet. Therefore the total area contributing to storm water discharge is 470,211 square feet of which 6,154 square feet is impervious.

Outfall 003 is associated with storm water collected at Loading Rack D. Currently storm water collected at this rack may co-mingle with storm water that accumulates on the parking lot in the surrounding area of the rack. Webber has proposed to correct this problem by constructing a berm around the rack during the summer of 2005. Once the berm is constructed, the amount of storm water collected at the rack will be based on the actual area of the berm surrounding the rack. This will also prevent the co-mingling of storm water from the parking lot with storm water accumulated at the rack. The sources of pollutants at the loading rack originate from miscellaneous drips from tanker trucks which load product and other miscellaneous such as normal maintenance and repairs to the rack and incidental leaks and spills that may occur at the rack. The total drainage area contributing to the discharge at Outfall 003 is solely from Rack D and is approximately 2,507 square feet of impervious (concrete) surface. The discharges from Outfall 003 are treated by an oil/water separator that is designed to effectively treat discharges at a rate of 94 gpm. The outfall pipe measures six inches in diameter and outlets above the high water level of the Penobscot River. The discharge location is shown in Attachment A of this Fact Sheet.

Sanitary waste waters generated by employees at the facility are disposed of in an on-site sub-surface waste water disposal system.

3. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A., Section 414-A, requires that the effluent limitations prescribed for discharges require application of best practicable treatment, be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., Section 420, and Department Regulation Chapter 530.5, *Surface Water Toxics Control Program*, requires the regulation of toxic substances at the levels set forth for Federal Water Quality Criteria as published by the U.S. Environmental Protection Agency pursuant to the Clean Water Act.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Article 4-A §469(4) classifies the Penobscot River at the point of discharge as a Class SC waterway. Maine law, 38 M.R.S.A., Article 4-A, §465-A(3) describes the classification standards for Class SC waters.

5. RECEIVING WATER CONDITIONS

The lower Penobscot River is listed in a table entitled *Category 3: Estuarine and Marine Waters With Insufficient Data or Information To Determine Attainment* in a document entitled, *The State of Maine, Department of Environmental Protection, 2002 Integrated Water Quality Monitoring and Assessment Report*, published by the Department. During the summers of 1997 and 2001, the Department conducted ambient water quality monitoring in the Penobscot River from Millinocket to the tide waters of Bucksport. The Department is scheduled to perform a comprehensive evaluation of the data collected and calibrate an existing model of the river in calendar year 2005 and if necessary, prepare a total maximum daily load (TMDL) for segments of the river not attaining the standards of their assigned classification(s). If the evaluation and modeling runs determine that at full permitted discharge limits the discharge from the Webber facility is causing or contributing to the non-attainment, this permit will be re-opened per Special Condition H, *Reopening of Permit For Modifications*, to impose more stringent limitations to meet water quality standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Discharges from activities associated with bulk petroleum stations and terminal operations must satisfy best conventional technology (BCT) and best available technology (BAT) requirements and must comply with more stringent water quality standards if BCT and BAT requirements are not adequate. On September 25, 1992, EPA promulgated through its General Permit for Storm Water Discharge Associated with Industrial Activity, that the minimum BAT/BCT requirement for storm water discharges associated with industrial activity is a Storm Water Pollution Prevention Plan (SWPPP) [57 FR, 44438]. In addition to a SWPPP, the Department is carrying numeric effluent limitations and or monitoring requirements forward from the previous NPDES permitting and WDL action for petroleum constituents to ensure the discharge(s) do not contribute to violations of the State's water quality standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

This permit authorizes the discharge of treated storm water, hydrostatic test waters and vehicle wash water with numeric effluent limitations which are within applicable water quality standards and requires the development and implementation of a SWPPP and/or Best Management Practices (BMPs) for additional protection of the environment. The effluent parameters for each waste stream are discussed in more detail below. The sections are arranged according to the effluent characteristic(s) being regulated.

a. Outfall #001 & #003– Storm water, vehicle wash waters and/or hydrostatic test waters

1. Flow - Typically, the treatment technology for storm water runoff employed by bulk storage petroleum terminals is an oil/water [O/W] separator. This device uses gravity to separate the lower-density oils from water; resulting in an oil phase above the oil/water interface and a heavier particulate (sludge) phase on the bottom of the O/W separator. It follows that the sizing of O/W separators is based on the following design parameters: water-flow rate, density of oil to be separated, desired percentage removal of oil, and the operating temperature range.

   For outfall #001, the previous licensing established a daily maximum flow limit of 650 gpm that was based on information supplied by the permittee as to the design capacity of the O/W separator. The permittee has indicated a recent evaluation of the separator and supporting calculations indicate the capacity of the separator is 172 gpm not 650 gpm. Therefore, this permitting action is reducing the flow rate to 172 gpm.

   For outfall #003, the previous licensing established a daily maximum flow limit of 350 gpm that was based on information supplied by the permittee as to the design capacity of the O/W separator. The permittee has indicated a recent evaluation of the separator and supporting calculations indicate the capacity of the separator is 94 gpm not 350 gpm. Therefore, this permitting action is reducing the flow rate to 94 gpm.

2. Total Suspended Solids (TSS) - Total suspended solids have been limited in this permit to minimize the potential carryover of petroleum fractions to the receiving water(s) by adsorption to particulate matter or suspended solids. Both heavy metals and polynuclear aromatic hydrocarbons (PAHs) readily adsorb to particulate matter.

   The previous licensing action established a daily maximum concentration limit of 50 mg/L for TSS based on a Department best professional judgment (BPJ) of limits that were achievable for bulk fuel storage and transfer facilities located in the State of Maine. The most current NPDES permit issued by the EPA establishing a daily maximum concentration limit of 100 mg/L based on a EPA Region I BPJ

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

a. Outfall #001 & #003 – Storm water, vehicle wash waters and/or hydrostatic test waters

determination that the technology guidelines promulgated at 40 CFR Part *423—Steam Electric Power Generating Point Source Category*, for point source discharges of low volume waste water were appropriate to control the discharge of sediment particles and oils from bulk storage petroleum terminals in the region.

The Department issued WDL renewals for all the bulk fuel storage and transfer facilities in calendar year 1997 (generally speaking) with a daily maximum concentration limit of 50 mg/L for TSS. Many of the facilities, including the Webber facility, have not been able to consistently comply with the daily maximum limit of 50 mg/L after implementing the SWPPP and properly operating and maintaining the O/W separators. A number of the facilities have written to the Department requesting the Department revise the limit to be consistent with EPA's Region I BPJ limit of 100 mg/L.

The Department has reviewed the Discharge Monitoring Reports (DMR's) for all of the bulk fuel storage and transfer facilities in the State of Maine and conducted on-site inspections at many of the facilities to verify the SWPPPs or other like BMPs are being implemented and the O/W's are being properly operated and maintained. The Department concurs that the daily maximum concentration limit is overly stringent and is not achievable on a year-round basis. The industry believes the root cause for the exceedences is that the soil types used to construct the dikes and spread on the yard areas to enhance traction in the winter (areas subject to foot and vehicular traffic) contain a high level of fine clay-like materials that do not settle out before discharge.

A permit may not be renewed, reissued or modified with less stringent limitations or conditions than those contained in the previous permit unless in compliance with the anti-backsliding requirements of the CWA [see Sections 402(o) and 303(d)(4) of the CWA and 40 CFR §122.44(l)(1 and 2)]. EPA's antibacksliding provisions prohibit the relaxation of permit limits, standards, and conditions except under certain circumstances. The anti-backsliding provisions authorizes the permitting authority to relax limits based on new information and under circumstances where the permittee has applied best practicable treatment and is unable to comply with the limit. The Department has made the determination that bulk fuel storage and transfer facilities as a whole have satisfied the Department that the Department's BPJ daily maximum concentration limitation of 50 mg/L established in the previous licensing actions is not consistently achievable even after the application best practicable treatment and implementation of the SWPPPs/BMPs. Therefore, to be consistent with the EPA

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

a. Outfall #001 & #003 – Storm water, vehicle wash waters and/or hydrostatic test waters

Region I's issuance of NPDES permits for like facilities in New England, the Department is establishing a daily maximum concentration limit of 100 mg/L and establishing a twelve-month rolling averaging period for compliance with the concentration limit of 50 mg/L. The Department has made a best professional judgment that the increase in the daily maximum limit will not cause or contribute to failure of the receiving water to meet water quality standards given the infrequent nature of the discharge. An example of calculating a 12-month rolling average is as follows:

Calendar year 2005

Quarter #2

Month	Test Result
Apr	15 mg/L
	53 mg/L
May	31 mg/L
June	71 mg/L
	24 mg/L
	37 mg/L

Quarter #3

Month	Test Result
July	50 mg/L
Aug	34 mg/L
	47 mg/L
	39 mg/L
Sept	No Discharge

Quarter #4

Month	Test Result
Oct	25 mg/L
	72 mg/L
Nov	No Discharge
Dec	71 mg/L
	22 mg/L
	26 mg/L

Quarter #1 (2006)

Month	Test Result
Jan	50 mg/L
Feb	34 mg/L
	47 mg/L
	59 mg/L
Mar	89 mg/L

$$\text{12-Month rolling average} = \frac{\Sigma \text{ effluent concentrations}}{\text{n results}} = \frac{896}{20} = 45 \text{ mg/L}$$

As stated in footnote #2 of Special Condition A, *Effluent Limitations and Monitoring Requirements*, of the permit, the 12-month averaging period is based on the most recent twelve months. Months where no discharge took place are excluded (i.e. do not figure in a zero) in the calculation. It is noted the monitoring frequency for TSS in this permitting action is 1/Quarter. The example above for calculating the 12-month rolling average indicates the permittee has conducted testing more frequently than required by the permit. Pursuant to federal regulation 40 CFR, §122.41(l)(4)(ii) and Standard Condition D(1)(d)(ii) of this permit, requires the additional monitoring results to be reported to the Department and included in applicable calculations.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

a. Outfall #001 & #003 – Storm water, vehicle wash waters and/or hydrostatic test waters

3. Oil and Grease (O&G) – The previous licensing action contained a daily maximum concentration limit of 15 mg/L based on Department regulation, Chapter 600-§16, stipulating that all oil terminal facilities shall be equipped with an oil/water separator system capable of receiving all oily water runoff from the facility and reducing oil content to 15 mg/L or less. A review of the DMR data for the period 1997 to the present indicates the limit has consistently been achieved and is therefore being carried forward in this permitting action.

4. Benzene - Three gasoline compounds with the highest solubility's are: naphthalene, propylene, and benzene. Propylene and naphthalene, however, are minor constituents of gasoline. In the past, benzene has been selected as the main pollutant of concern in light distillates such as gasoline since it existed in light distillates at significant concentrations.

   A traditional approach to limiting effluents contaminated with gasoline or other light distillates has been to limit the aggregate parameter of: benzene, ethylbenzene, toluene, and total xylenes (or BETXs). This approach stems from the petroleum-industry practice of determining the quality of fuels by measuring BETXs, which can be highly variable amongst gasoline products. Another reason for limiting BETXs is that EPA and the State have promulgated ambient water quality criteria (AWQC) for benzene, ethylbenzene, toluene, and the xylene(s). Of the four aromatics, benzene is by far the most soluble in water. In addition, benzene has the most stringent water quality criteria for human health. Because of its relatively high solubility in water, benzene can be considered as the "limiting pollutant parameter." Therefore, a monitoring requirement of the daily maximum concentration of benzene is being established as a screening parameter for BETX compounds in this permitting action and is based on EPA's acute AWQC for marine waters.

5: pH – The National Marine Fisheries Services (NMFS) has recommended that the Department establish a pH range limitation due to migratory habits (April-November) of the Atlantic salmon in the Penobscot River. The NMFS contends that under adverse pH conditions, Atlantic salmon experience reduced feeding and growth, altered behavior, gill damage and endocrine and osmoregulatory disruption. Therefore, the Department is establishing a seasonal (April – November) pH range limitation of 6.0 –8.5 for the protecting of the Atlantic salmon during the migratory season. This permit provides for the discharge of storm water outside the specified pH if the cause is due to precipitation. In such an event, the pH of the discharge may not be more than 0.5 standard units higher or lower than the ambient pH.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

b. Hydrostatic Test Water (Outfall #004)

The previous licensing action established sampling protocols and reporting requirements for TSS, oil & grease, total iron, chemical oxygen demand (COD), pH and total residual chlorine. The permittee has indicated that hydrostatic testing of pipelines and tanks with water is no longer the practice at the Bucksport facility. Pipelines are tested utilizing fuel product and tanks are tested via X-rays, eliminating the need for discharging hydrostatic test waters. However, the permittee would like to retain the option to do so. Therefore, the authorization to discharge hydrostatic test waters is being carried forward in this permitting action in accordance with the following conditions:

1. Flow – The previous licensing action did not establish a flow limitation but did establish a reporting requirement. This permitting action is limiting the permittee to 6,300,000 gallons per discharge event which is equivalent to the largest tank volume on the farm.

2. Total Suspended Solids – The previous licensing action did not establish any limitations for TSS. This permitting action is establishing a daily maximum limit of 50 mg/L based on a Department BPJ of limits that are achievable given the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing.

3. Oil & Grease: The previous licensing action did not establish any limitations for oil & grease. This permitting action is establishing a daily maximum concentration limit of 15 mg/L that is a Department BPJ of limits that are achievable given the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing.

4. Total residual chlorine (TRC): The previous licensing action did not establish any limits for TRC. This permitting action is establishing a daily maximum TRC limit of 13 ug/L. The limitation is based on EPA's acute criteria maximum concentration (CMC) of 13 ug/L for marine waters. The limitation does not take into consideration dilution in the receiving water due to the fact that the outfall pipe does not have a diffuser and is above the high and low water marks. A chronic limit is not specified because the discharge is not a continuous discharge.

   Compliance with the daily maximum limitation will be based on EPA's minimum level (ML) of detection of 50 ug/L (0.05 mg/L). All analytical test results shall be reported to the Department including results which are detected below the ML of 0.05 mg/L.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

b. Hydrostatic Test Water (Outfall #001A)

5. pH – For the same reason cited in Section 6(a)(5) of this Fact Sheet, the Department is establishing a limitation of 6.0 –8.5 standard units for the discharge of hydrostatic test waters.

6. Total iron and chemical oxygen demand – The previous licensing action required the permittee to monitor for these parameters in the event of a discharge of hydrostatic test waters. The Department has re-evaluated its position on these monitoring requirements and has made a determination that they are not necessary given the nature of the water being discharged. Therefore, thse parameters are not being included in this permitting action.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the waterbody to meet standards for Class SC classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the local newspaper on or about December 28, 2004. The Department receives public comment on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

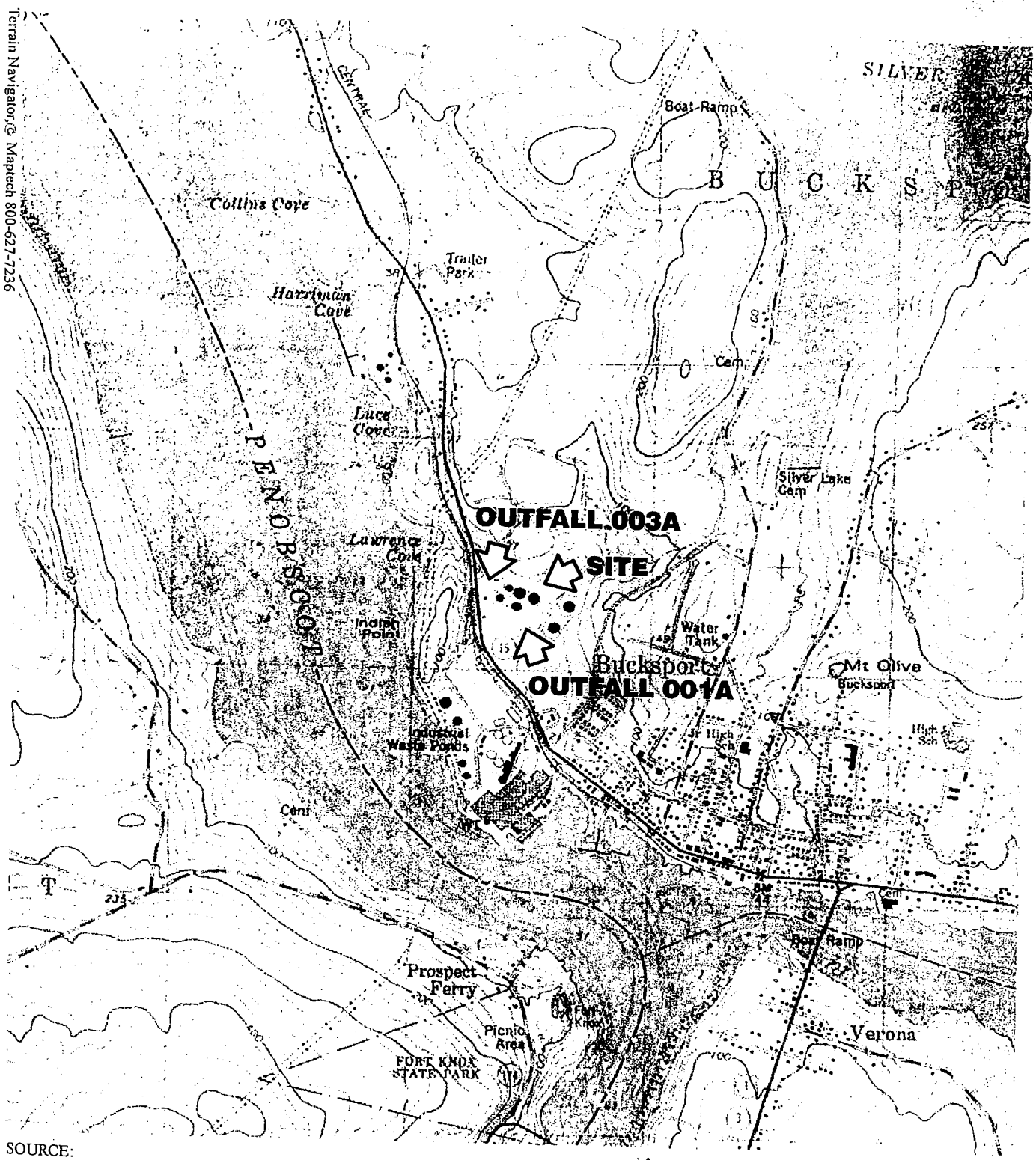
9. DEPARTMENT CONTACTS

Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Gregg Wood
Division of Water Resource Regulation
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 287-7693
Electronic mail: gregg.wood@maine.gov

10. RESPONSE TO COMMENTS

During the period of March 10, 2005, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge from Webber Tank's facility in Bucksport. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.



SOURCE:
U.S.G.S. TOPOGRAPHIC QUADRANGLE
BUCKSPORT, MAINE
@ 1: 24 000

CES
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WEBBER TANKS INC.
BUCKSPORT TERMINAL
BUCKSPORT, MAINE
LOCATION MAP

DATE: 12/23/04
Jn: 4027