NPDES PERMIT NO. OK0043168
STATEMENT OF BASIS

FOR THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

I. APPLICANT:

Magellan Midstream Partners LP
P.O. Box 21899, MD 27-3
Tulsa, OK 74121-1899

II. ISSUING OFFICE:

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

III. PREPARED BY:

Isaac Chen
NPDES Permits & TMDL Branch
Permits & Technical Section (6WQ-PP)
Water Quality Protection Division
VOICE: 214-665-7364
FAX: 214-665-2191
EMAIL: chen.isaac@epa.gov

IV. DATE PREPARED:

September 15, 2008

V. PERMIT ACTION:

The Environmental Protection Agency (EPA) has made a tentative determination, after consultation with the State of Oklahoma, to reissue the permit previously issued June 13, 2003, with an effective date of August 1, 2003, and an expiration date of July 31, 2008.

40 CFR CITATIONS: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of July 11, 2008.

FINAL DETERMINATION - The public notice describes the procedures for the formulation of final determinations.

VI. PROPOSED CHANGES FROM PREVIOUS PERMIT

There are changes from the current permit issued June 13, 2003.

A. Delete previous Outfalls 001, 001A, and 002A;
B. Change previous Outfall 002 to be new Outfall 001; and
C. Delete monitoring requirement for metals.

VII. DISCHARGE LOCATION

As described in the application, the facility is located at 2128 County Road 2401, Barnsdall, Osage County, Oklahoma. Discharges of engine room contact water are to an unnamed tributary to Choteau Creek, thence to Bird Creek, in Waterbody ID Number Segment number 121300 of the Middle Arkansas River Basin.

VIII. APPLICANT ACTIVITY

Under the Standard Industrial Classification (SIC) Code(s) 4613, the applicant handles, stores, and loads petroleum products in the form of motor gasoline and fuel oils.

IX. STREAM STANDARDS

The general and specific stream standards are provided in "Oklahoma's Water Quality Standards" (WQS), Oklahoma Administrative Code (OAC 785:45) as effective July 1, 2007.

X. RECEIVING STREAM USES

The designated beneficial uses of the unnamed tributary to Choteau Creek, and Choteau Creek are not listed in Appendix A of OAC 785:45. Default uses for waterbodies not specifically listed in Appendix A of the Waterbody ID Number 121300, according to OAC 785:45-5-3 are:

A. Fish and Wildlife Propagation (Warm Water Aquatic Community) (785:45-5-12),
B. Agriculture: livestock and irrigation (785:45-5-13),
C. Industrial and Municipal Process and Cooling Water (785:45-5-15),
D. Primary Body Contact Recreation (785:45-5-16),
E. Aesthetics (785:45-5-19), and
F. Fish Consumption (785:45-5-20).

Approximately 3 miles downstream of Outfall 002, Choteau Creek enters Bird Creek, a listed waterbody, and the Public and Private Water Supply use (785:45-5-10) becomes applicable.

XI. DISCHARGE DESCRIPTION

The facility will no longer discharge tank bottom water, other petroleum related contact water and hydrostatic test waters from Outfall 001. These wastewaters shall be trucked to another company owned facility out of state. The only discharge from Outfall 001 shall be stormwater

from the containment dike. The previous permit established internal Outfalls 001A and 002A for technology-based limitations. Since the operator shall no longer discharge tank bottom water and other petroleum related contact water, Outfall 001A is no longer needed. With the elimination of hydrostatic test waters, Outfall 002A is also no longer required. The draft permit also eliminates internal monitoring Outfalls 001A and 002A. Previous Outfall 002 is re-designated to be Outfall 001 as the discharge point for the engine room contact water.

XII. EFFLUENT CHARACTERISTICS

Industrial process discharges from Outfall 001 are not presented here since they will not be authorized in the draft permit. A review of the discharges from previous Outfall 002 is as follows:

Pollutant	**Geo Mean**	**Max**
	mg/l unless noted	
pH, su's	7.8	8.0
Total Suspended Solids (TSS)	N/A	N/A
Oil & Grease (O&G)	3.007	6.9
BETX (*1)	0.009	0.014
Benzene	0.004	0.038
Total Petroleum Hydrocarbon (TPH)	0.230	0.840
Flow, MGD	---	0.002

Additionally, the facility was required to monitor and report several metals and that data along with the minimum quantification level (MQL) is as follows:

Pollutant	**MQL**	**Geo Mean**	**Max**
	ug/l		
Arsenic	10	36.830	460
Cadmium	1	4.089	5
Chromium	10	15.027	260
Copper	10	16.818	20
Lead	5	7.271	50
Thallium	10	17.602	24
Nickel	40	20.000	20
Silver	2	7.499	10
Zinc	20	40.814	93
Selenium	5	15.422	20
Mercury	0.2	0.200	0.2

XIII. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. Also set forth are any calculations or other necessary explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under 40 CFR Part 122.44 and reasons why they are applicable

or an explanation of how the alternate effluent limitations were developed. The draft permit limits are based on either technology-based effluent limits pursuant to 40 CFR 122.44(a), on BPJ in the absence of guidelines, WQS and/or requirements pursuant to 40 CFR 122.44(d), whichever are more stringent.

A. REASON FOR PERMIT

The permittee submitted its NPDES renewal application to EPA received February 6, 2008. The issuance of the NPDES permit ensures that such discharges would comply with the State WQS and any technology-based effluent limitations.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS AND/OR CONDITIONS

There are no effluent guidelines for Transportation of Liquid Petroleum Products. Technology-based effluent limitations are established based on the best professional judgment (BPJ) of the permit drafter. The previous permit EPA Region 6 issued June 13, 2003, developed technology-based daily maximum limitations for certain pollutants. The draft permit will repropose those limitations to remain in effect to comply with antibacksliding regulations contained at 40 CFR 122.44(l) and the State Water Quality Management Plan (WQMP). The following are the technology-based daily maximum effluent limitations for Outfall 002:

Total Petroleum Hydrocarbons	15 mg/l
Benzene	0.05 mg/l
Total BETX	0.5 mg/l
Oil and Grease	15 mg/l
pH	6.0 - 9.0 s.u.

Where BETX is the sum of Benzene, Ethylbenzene, Toluene, and Xylene.

Since the flow is not based on any level of “production”, mass loading limits will not be required in the draft permit and this is also consistent with the previous permit. Concentration limitations for these technology-based parameters will be protective of the potential impacts on the receiving stream. The monitoring frequencies will be proposed in the draft permit consistent with the previous NPDES permit.

Continued in the draft permit are the requirements to maintain its Storm Water Pollution Prevention Plan (SWPPP) in accordance with the SWPPP requirements for Sector P- “Land Transportation of the Storm Water Multi-Sector General Permit for Industrial Activities” for storm water runoffs.

C. WATER QUALITY-BASED EFFLUENT LIMITATIONS AND/OR CONDITIONS

1. General Comments

Effluent limitations and/or conditions established in the draft permit are in compliance with State WQS and the applicable State WQMP.

2. Water Quality Standards

The Oklahoma WQS, promulgated by the Oklahoma Water Resources Board (OWRB) effective July 1, 2007, is available on the OWRB's website at: http://www.owrb.ok.gov/util/rules/pdf_rul/Chap45.pdf.

3. Toxics – Outfall 002

a. General

The Clean Water Act in Section 301 (b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR 122.44 (d) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criterion the permit must contain an effluent limit for that pollutant.

b. Flow Rate

The high 30-day average effluent flow rate ($Q_{e(30)}$) over the two-year period of record for previous Outfall 002 is 0.002 MGD and the long-term average effluent flow rate ($Q_{e(LTA)}$)is 0.001 MGD. Because the upstream 7Q2 flow data ($Q_{u(7Q2)}$) is not available, the default 0.643 MGD (1.0 cfs) 7Q2 flow rate is used to calculate the critical dilution for chronic toxicity. The upstream long-term average flow rate ($Q_{u(LTA)}$) is estimated by multiplying the receiving water's drainage area at the point of discharge by the mean annual runoff per unit area published in the Continuing Planning Process (CPP). The upstream long-term average flow is estimated to be 2 MGD. Determination of a pollutants reasonable potential (RP) to exceed state WQS is based on applicable Q* values. The table below shows the calculated Q* values based on the various flows noted above:

Q* Values for Outfall 002

Q* Ratio	Corresponding Water Quality Screens	Implementation Reference	Q* Value
$Q_{e(30)}/Q_{u(7Q2)}$	Chronic Toxicity	OAC 252:690-3-53(a)(2)	0.0039
$Q_{e(30)}/Q_{u(LTA)}$	Raw Water Column	OAC 252:690-3-73(a)	0.0001
$Q_{e(LTA)}/Q_{u(LTA)}$	Human Health/Fish Flesh and Water	OAC 252:690-3-73(a)	0.0005
	Human Health/Fish Flesh	OAC 252:690-3-66(a)	0.0005

c. Reasonable Potential

The mean hardness, 153 mg/l $CaCO_3$, taken from OAC 785.46, Appendix B, for Segment No. 121300, was used to calculate certain hardness-dependent metals. The following Tables indicate that the discharge has no reasonable potential to cause or contribute violations of State water quality standards. Monitoring requirements for water quality-based metals in the 2003 issued permit are therefore proposed to be removed from this permit renewal.

Results of Acute and Chronic Toxicity Criteria Screens for Outfall 002

(Concentrations in ug/l unless otherwise specified)

Effluent Characteristic	Acute Toxicity				Chronic Toxicity			
	C_d	C_A	$C_d > C_A$?	WLA_A	C_d	C_C	$C_d > C_C$?	WLA_C
Arsenic, total	0.002	360	No	---	0.47	190	No	---
Cadmium, total	0.0003	54.43	No	---	0.052	1.58	No	---
Chromium, total	---	---	---	---	0.19	50	No	---
Copper, total	0.001	28.65	No	---	0.21	18.40	No	---
Lead, total	0.0005	140.3	No	---	0.09	5.47	No	---
Selenium, total	0.001	20	No	---	0.20	5	No	---
Silver, total	0.0005	8.43	No	---	---	---	---	---
Thallium, total	0.001	1400	No	---	---	---	---	---
Zinc, total	0.003	167.79	No	---	0.52	151.97	No	---
Benzene	---	---	---	---	0.05	2200	No	---

Results of Human Health/Fish Flesh Consumption Screens for Outfall 002

(Concentrations in ug/l unless otherwise specified)

Effluent Characteristic	OWQS Fish Flesh Criteria			
	C_d	C_{FF}	$C_d > C_{FF}$?	WLA_{FF}
Arsenic, total	0.039	205	No	---
Cadmium, total	0.005	84.13	No	---
Chromium, total	0.016	3365	No	---
Copper, total	---	---	---	---
Lead, total	0.008	25	No	---
Selenium, total	---	---	---	---
Silver, total	0.008	64620	No	---
Thallium, total	0.018	6.0	No	---
Zinc, total	---	---	---	---
Benzene	0.004	714.1	No	---

Results of Raw Water Column and Human Health/Fish Flesh and Water Consumption Screens for Outfall 002 at Bird Creek

(Concentrations in ug/l unless otherwise specified)

Effluent Characteristic	Raw Water Column Criteria				Human Health/Fish Flesh and Water Criteria			
	C_d	C_{RAW}	$C_d > C_{RAW}$?	WLA_{RAW}	C_d	C_{FFW}	$C_d > C_{FFW}$?	WLA_{FFW}
Arsenic, total	0.079	40	No	---	---	---	---	---
Cadmium, total	0.009	20	No	---	0.004	14.49	No	---
Chromium, total	0.032	50	No	---	0.016	166.3	No	---
Copper, total	0.036	1000	No	---	---	---	---	---
Lead, total	0.016	100	No	---	0.008	5.0	No	---

Selenium, total	0.033	10	No	---	---	---	---	---
Silver, total	0.016	50	No	---	0.008	104.8	No	---
Thallium, total	---	---	---	---	0.018	1.7	No	---
Zinc, total	0.087	5000	No	---	---	---	---	---
Benzene	---	---	---	---	0.004	11.87	No	---

d. pH

The parameter pH is limited in waters that have a wildlife or aquatic community designation. The parameter pH is limited to be within 6.5 – 9.0 s.u.'s. This limitation will be included in the draft permit consistent with the previous permit and the State WQMP.

e. 303(d) List

The receiving water body, an unnamed tributary to Choteau Creek, and Choteau Creek are not on the 2006-2008 State 303(d) list for impairment. Bird Creek, Waterbody ID Number 121300030010, is on the 2006-2008 State 303(d) list for impairment. However, the source of impairment is fecal coliform from unknown sources, and the discharge from this facility does not contain bacteria, nor is it authorized by the permit. Additionally the receiving water body is not listed as an Appendix B Water, High Quality Waters, or Sensitive Public and Private Water Supplies as described in Oklahoma's Anti-Degradation Policy Statement. No additional pollutants are recommended in the draft permit.

4. Post Third Round Policy and Strategy

Section 101 of the Clean Water Act (CWA) states that "...it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited..." To insure that the CWA's prohibitions on toxic discharges are met, EPA has issued a "Policy for the Development of Water Quality-Based Permit Limitations for Toxic Pollutants (49 FR 9016-9019, 3/9/84)." In support of the national policy, Region 6 adopted the "Policy for Post Third Round NPDES Permitting" and the "Post Third Round NPDES Permit Implementation Strategy" on October 1, 1992. The Regional policy and strategy are designed to insure that no source will be allowed to discharge any wastewater which (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical State water quality standard resulting in non-conformance with the provisions of 40 CFR Part 122.44(d); (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

5. Whole Effluent Toxicity (WET) Testing

The small volume of discharge is infrequent and the effluent data have demonstrated that the discharge of engine room contact water does not have reasonable potential to cause or contribute to a violation of State water quality standards nor to exceed technology-based effluent limitations. Therefore, the draft permit does not propose WET testing for the discharge.

XIV. VARIANCE REQUESTS

No variance requests have been received.

XV. ENDANGERED SPECIES

According to the county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, http://www.fws.gov/southwest/es/EndangeredSpecies/lists/ListSpecies.cfm, three species are federally listed as either endangered or threatened in Osage County, Oklahoma. All three are birds and are the interior least tern (*Sterna antillarum*), the piping plover (*Charadrius melodus*) and the whooping crane (*Grus americana*).

The previous permit identified the American bald eagle (*Haliaeetus leucocephalus*). However, in the Federal Register, July 9, 2007, (Volume 72, Number 130), the U.S. Fish and Wildlife Service, removed the American bald eagle in the lower 48 States of the United States from the Federal List of Endangered and Threatened Wildlife.

The previous permit addressed the three current species, along with the recently delisted American bald eagle. EPA determined that the issuance of the previous NPDES permit would have no effect on the interior least tern, bald eagle, piping plover, or the whooping crane. Additionally, the previous permit stated that the permit would not cause an adverse impact on nor alter the habitats of these species.

Since that biological determination was made, there has been no change to the biological community in the county. The draft permit does not increase the pollutants from the previous permit. EPA has determined that the reissuance of the NPDES permit would have no effect on the interior least tern, piping plover, or the whooping crane nor will this proposed permitting action cause an adverse impact on or alter the habitats of these species.

XVI. ADMINISTRATIVE RECORD

The following section is a list of the citations to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by 40 CFR Part 124.9.

A. APPLICATION

Permit Application Form 1 and Form 2C signed January 28, 2008.

B. 40 CFR CITATIONS

Sections 122, 124, 125, 133, 136

C. STATE OF OKLAHOMA REFERENCES

Oklahoma's Water Quality Standards, Oklahoma Administrative Code (OAC 785:45) as effective July 1, 2007.

State Water Quality Management Plan.

State of Oklahoma 303(d) List for Assessed Stream and River Reaches, 2006 -2008.

D. MISCELLANEOUS REFERENCES

EPA Region 6 "Policy for Post Third Round NPDES Permitting" and "Post Third Round NPDES Permit Implementation Strategy," October 1, 1992.

National Toxics Rule 57 FR 60848, December 22, 1992.