



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

September 13, 2010

**CERTIFIED MAIL**

Mr. Paul Stendardi, Terminal Director  
Getty Terminals Corporation  
1500 Hempstead Turnpike  
East Meadow, NY 11554

**RE: Getty Terminals Corporation Final Permit  
RIPDES Application No. RI0001651**

Dear Mr. Stendardi:

Enclosed is your final Rhode Island Pollutant Discharge Elimination System (RIPDES) Permit issued pursuant to the referenced application. State regulations, promulgated under Chapter 46-12 of the Rhode Island General Laws of 1956, as amended, require this permit to become effective on the date specified in the permit.

Also enclosed is information relative to hearing requests and stays of RIPDES Permits.

We appreciate your cooperation throughout the development of this permit. Should you have any questions concerning this permit, feel free to contact Aaron Mello of the State Permits Staff at (401) 222-4700, extension 7405.

Sincerely,

Eric A. Beck, P.E.  
Supervising Sanitary Engineer

EAB:am

Enclosures

cc: David Turin, EPA Region 1 (Electronic Copy)  
Jorge Figueroa, Getty Terminals Corporation (Electronic Copy)  
Annie McFarland, DEM/OWR (Electronic Copy)  
Keith Sullivan, ATC Lincoln Associates (Electronic Copy)

#### RESPONSE TO COMMENTS

NO SIGNIFICANT COMMENTS WERE RECEIVED ON THE DRAFT PERMIT FOR THIS FACILITY; THEREFORE, NO RESPONSE WAS PREPARED.

#### HEARING REQUESTS

If you wish to contest any of the provisions of this permit, you may request a formal hearing within thirty (30) days of receipt of this letter. The request should be submitted to the Administrative Adjudication Division at the following address:

Bonnie Stewart, Clerk  
Department of Environmental Management  
Office of Administrative Adjudication  
235 Promenade Street, 3rd Floor  
Providence, Rhode Island 02908

Any request for a formal hearing must conform to the requirements of Rule 49 of the State Regulations.

#### STAYS OF RIPDES PERMITS

Should the Department receive and grant a request for a formal hearing, the contested conditions of the permit will not automatically be stayed. However, the permittee, in accordance with Rule 50, may request a temporary stay for the duration of adjudicatory hearing proceedings. Requests for stays of permit conditions should be submitted to the Office of Water Resources at the following address:

Angelo S. Liberti, P.E.  
Chief of Surface Water Protection  
Office of Water Resources  
235 Promenade Street  
Providence, Rhode Island 02908

All uncontested conditions of the permit will be effective and enforceable in accordance with the provisions of Rule 49.

AUTHORIZATION TO DISCHARGE UNDER THE  
RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of Chapter 46-12 of the Rhode Island General Laws, as amended,

**Getty Terminals Corporation**  
1500 Hempstead Turnpike  
East Meadow, NY 11554

is authorized to discharge from a facility located at

**Getty Terminals Corporation**  
Dexter Road and Massasoit Avenue  
East Providence, RI

to receiving waters named

Ten Mile River

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

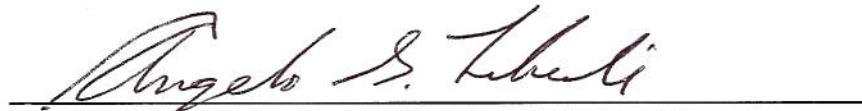
This permit shall become effective on November 1, 2010.

This permit and the authorization to discharge expire at midnight, five (5) years from the effective date.

This permit supersedes the permit issued on July 22, 2005.

This permit consists of 16 pages in Part I including effluent limitations, monitoring requirements, etc. and 10 pages in Part II including General Conditions.

Signed this 13<sup>th</sup> day of September 2010.



Angelo S. Liberti, P.E., Chief of Surface Water Protection  
Office of Water Resources  
Rhode Island Department of Environmental Management  
Providence, Rhode Island

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Concentration - specify units</u>		<u>Monitoring Requirement</u>	
	<u>Quantity - lbs./day</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	---	---	---	---	Monthly	Estimate
Oil & Grease				15 mg/l	2/Month	Grab <sup>1</sup>
TSS				20 mg/l	2/Month	Grab <sup>1</sup>
Benzene				--- ug/l	Quarterly	Grab <sup>2</sup>
Toluene				--- ug/l	Quarterly	Grab <sup>2</sup>
Ethylbenzene				--- ug/l	Quarterly	Grab <sup>2</sup>
Total Xylenes				--- ug/l	Quarterly	Grab <sup>2</sup>
Methyl Tertiary Butyl Ether (MTBE)				--- ug/l	Quarterly	Grab <sup>2,3</sup>
Ethanol				--- µg/l	Quarterly	Grab <sup>2,4</sup>
Polynuclear Aromatic Hydrocarbons (PAHs)						
Acenaphthene				--- ug/l	Annually	Grab <sup>2</sup>
Acenaphthylene				--- ug/l	Annually	Grab <sup>2</sup>
Anthracene				--- ug/l	Annually	Grab <sup>2</sup>
Benzo (a) anthracene				--- ug/l	Annually	Grab <sup>2</sup>
Benzo (a) pyrene				--- ug/l	Annually	Grab <sup>2</sup>

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<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Concentration - specify units</u>		<u>Monitoring Requirement</u>		
	<u>Quantity - lbs./day</u> Average <u>Monthly</u>	<u>Maximum</u> <u>Daily</u>	<u>Average</u> <u>Monthly</u>	<u>Average</u> <u>Weekly</u>	<u>Maximum</u> <u>Daily</u>	<u>Measurement</u> <u>Frequency</u>	<u>Sample</u> <u>Type</u>
Benzo (b) fluoranthene					--- ug/l	Annually	Grab <sup>2</sup>
Benzo (ghi) perylene					--- ug/l	Annually	Grab <sup>2</sup>
Benzo (k) fluoranthene					--- ug/l	Annually	Grab <sup>2</sup>
Chrysene					--- ug/l	Annually	Grab <sup>2</sup>
Dibenzo (a,h) anthracene					--- ug/l	Annually	Grab <sup>2</sup>
Fluoranthene					--- ug/l	Annually	Grab <sup>2</sup>
Fluorene					--- ug/l	Annually	Grab <sup>2</sup>
Indeno (1,2,3-cd) pyrene					--- ug/l	Annually	Grab <sup>2</sup>
Naphthalene					--- ug/l	Annually	Grab <sup>2</sup>
Phenanthrene					--- ug/l	Annually	Grab <sup>2</sup>
Pyrene					--- ug/l	Annually	Grab <sup>2</sup>
Sum of All PAHs					--- ug/l	Annually	Grab <sup>2</sup>

--- Signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

\*Values in parentheses ( ) are to be reported as Minimum/Average/Maximum for the reporting period rather than Average Monthly/Average Weekly/Maximum Daily.

<sup>1</sup>One (1) sample shall be taken during wet weather and one (1) during dry weather. Wet weather samples must be collected during the first 30 minutes from discharges resulting from a storm event that is greater than 0.1 inch of rainfall in a 24-hour period and at least 72 hours from the previously measurable (greater than 0.1 inch of rainfall in a 24-hour period) storm event. If this is not feasible, wet weather samples may be taken within the first hour of discharge and noted on the Discharge Monitoring Report.

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A. Such discharges shall be limited and monitored by the permittee as specified below:

<sup>2</sup>One sample shall be taken during first 30 minutes of discharge from a storm event that is greater than 0.1 inch of rainfall in a 24-hour period and at least 72 hours from the previously measurable (greater than 0.1 inch of rainfall in a 24-hour period) storm event; if this is not feasible, it may be taken within the first hour of discharge and noted on the Discharge Monitoring Report.

<sup>3</sup>Beginning on the effective date of the permit, the permittee shall perform quarterly testing for MTBE on samples collected from discharge outfall 001A. If the results of four (4) consecutive quarters of MTBE sampling for this outfall demonstrate values below the method detection limit for MTBE (as defined in Part I.D.), then the permittee may submit a request to cease the required monitoring at outfall 001A. The permittee shall continue quarterly sampling until RI DEM approval of any requests to cease sampling.

<sup>4</sup>Ethanol shall be analyzed using EPA method 1671.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 001A (effluent from the oil/water separator treating storm water and hydrostatic test water).

2.
  - a. The pH of the effluent shall not be less than 6.5 nor greater than 9.0 standard units at any time, unless these values are exceeded due to natural causes or as a result of the approved treatment processes.
  - b. The discharge shall not cause visible discoloration of the receiving waters.
  - c. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
3. In addition to the required sampling results submitted in accordance with Part I.A.1. of this permit, the permittee must provide the date and duration (hours) of the storm event sampled, the total depth of rainfall (inches), and the total volume of runoff (Ft<sup>3</sup>). This information must be submitted with the Discharge Monitoring Report forms at the frequency specified in Part I.E.2. of this permit.
4. If the permittee is unable to collect samples due to adverse climatic conditions which make the collection of samples dangerous or impractical, the permittee must submit, in lieu of sampling data, a description of why samples could not be collected, including available precipitation data for the monitoring period. The permittee can only exercise this waiver once in a two (2) year period. A waiver is not required if there was no flow from the outfall for the reporting period. This information must be submitted with the Discharge Monitoring Report forms for the applicable reporting period.
5. The permittee shall not add chemicals (i.e., disinfecting agents, detergents, emulsifiers, etc.) or "bioremedial agents including microbes" to the collection and treatment system without prior approval from DEM.
6. The permittee shall not discharge any sludge and/or bottom deposits from any storage tank, basin and/or diked area to the receiving water. Examples of storage tanks and/or basins include, but are not limited to: primary catch basins, stilling basins, the oil/water separator, observation basins with baffles, petroleum product storage tanks, baffled storage tanks collecting spills, and tank truck loading rack sumps.
7. There shall be no direct discharge to the oil/water separator of untreated marine transportation water (water which separates and/or accumulates during marine transportation), tank truck wash water or wash water from the truck loading rack, vehicle or equipment washing activities, and ship barge/bilge water.
8. This permit does not authorize discharges to the separate storm sewer system or to waters of the State from floor drains and trench drains located inside of buildings and/or hangars.
9. The discharge of contaminated groundwater, including contaminated groundwater from infiltration/inflow, into the storm water collection system or into any oil/water separator is prohibited and shall be addressed by the permittee pursuant to Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases ("Remediation Regulations") under the direction of the Office of Waste Management, in association with the Office of Water Resources. Nothing in this paragraph shall be construed to relieve the permittee's obligation to investigate and/or remediate contaminated groundwater in compliance with the Remediation Regulations or the regulations of the Office of Water Resources.
10. Unless identified by the permittee or the DEM as significant sources of pollutants to waters of the United States, the following non-storm water discharges are authorized under this permit to enter the storm water drainage system: discharges from fire fighting activities; fire hydrant flushings; external building washdown that do not use detergents; lawn watering; uncontaminated groundwater; springs; air conditioning condensate;

potable waterline flushings; and foundation or footing drains where flows are not contaminated with process materials, such as solvents, or contaminated by contact with soils, where spills or leaks of toxic or hazardous materials has occurred. If any of these discharges may reasonably be expected to be present and to be mixed with storm water discharges, they must be specifically identified and addressed in the facility's Storm Water Pollution Prevention Plan (SWPPP) required in Part I.C.

11. There shall be no discharge of tank bottom draw-off water (water which separates from product during storage and settles to the tank bottom) to waters of the State.
12. The permittee shall notify the Office of Water Resources at least twenty-four (24) hours prior to the commencement of any proposed hydrostatic-test water discharges. Prior to testing, the interior of the tank(s) and/or piping being tested shall be cleaned and certified to be free of petroleum product. There shall be no discharge of tank and/or pipe cleaning residual/debris to the oil/water separator. At a minimum, four (4) representative samples shall be taken of the hydrostatic-test water: one (1) grab sample of the influent and three (3) serial-grab samples of the effluent, which after treatment through the oil water separator is discharged to the receiving waters. The influent grab sample shall be taken approximately midway through the fill segment of the hydrostatic-test procedure. The three (3) effluent serial-grab samples shall be taken over the duration of the entire discharge segment of the hydrostatic-test procedure. The first serial-grab sample shall be taken during the initial phase of the discharge; the second serial grab sample is to be taken midway through the discharge; and the final sample shall be taken at the end of the discharge. All effluent samples should be taken directly from the effluent of the tank prior to discharge into the oil/water separator and/or mixing with any other authorized waste streams. These samples should provide adequate characterization of the influent and effluent hydrostatic-test water.

These influent and effluent samples shall be analyzed for the following parameters:

- |                                 |   |
|---------------------------------|---|
| a. Total Suspended Solids (TSS) | e. Dissolved Oxygen (DO)                                |
| b. Oil & Grease (O/G)           | f. pH   |
| c. Total Iron                   | g. Polynuclear Aromatic Hydrocarbons                    |
| d. Chemical Oxygen Demand       | h. Benzene, Toluene, Ethylbenzene, Total Xylenes (BTEX) |

The hydrostatic test water released from the tank(s), after treatment through the oil/water separator, must satisfy all the effluent limitations and conditions of this permit. The surface of the oil/water separator should be routinely observed to determine if there is any detectable increase in the separated oil layer to prevent inadvertent hydrocarbon release to the receiving water(s). A logbook shall be kept to document the start and end of each hydrostatic test, the total flow discharged and all monitoring data.

Should any visual inspection or suspicious odor indicate the presence of petroleum while inspecting the oil/water separator as required above or if laboratory results from the representative samples of the discharge become available that may indicate an exceedance of the permit effluent limits, the transfer shall be halted immediately followed by notification to the RI DEM of the suspended discharge. After the discharge of the hydrostatic test water has been completed, the permittee shall submit a letter/report to the RI DEM within thirty (30) days, summarizing the results of the transfer. This report shall contain: the date(s) of hydrostatic test water transfer; the volume of hydrostatic test water transferred; and the analytically determined values of the discharge parameters.

13. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
  - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the



permit, if that discharge will exceed the highest of the following "notification levels":

- (1) One hundred micrograms per liter (100 ug/l);
- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitro-phenol; and one milligram per liter (1 mg/l) for antimony;
- (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. s122.21(g)(7); or
- (4) Any other notification level established by the Director in accordance with 40 C.F.R. s122.44(f) and Rhode Island Regulations.

b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (1) Five hundred micrograms per liter (500 ug/l);
- (2) One milligram per liter (1 mg/l) for antimony;
- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. s122.21(g)(7); or
- (4) Any other notification level established by the Director in accordance with 40 C.F.R. s122.44(f) and Rhode Island Regulations.

c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product any toxic pollutant which was not reported in the permit application.

14. This permit serves as the State's Water Quality Certificate for the discharges described herein.

## B. OPERATION AND MAINTENANCE

1. All surface runoff from process or work areas at the facility shall be contained and diverted to the oil/water separator. Process or work areas are defined for the purpose of this permit as all those areas subject to spills and leaks of raw materials or products containing toxic or hazardous substances, (i.e., diked areas, docks, loading or unloading areas, yard areas, etc.).
2. The release of runoff from any diked area or holding basin shall be controlled so that this discharge alone or in combination with all other wastewater's does not exceed the optimum design flow rate for the oil water separator or cause violations of the effluent limitations specified in this permit.
3. The wastewater collection and treatment system shall be operated and maintained in order to provide optimal treatment of the wastewaters prior to discharge to the receiving water.
4. The SWPPP in Part I.C. shall specifically address the adequacy of containment of leaks

and spills in storage areas (from Drums, Additive Tanks, Petroleum Product Tanks, etc.) and truck loading area(s). Adequate containment must exist at these locations so as to prevent untreated discharges from reaching any surface water.

5. A schedule for routinely monitoring and cleaning the oil/water separator for both sludge layer and oil layer shall be specified in the SWPPP. In addition, the SWPPP shall identify procedures for insuring compliance with the permit during such cleaning or maintenance periods.
6. The permittee shall assure the proper management of solid and hazardous waste in accordance with regulations promulgated under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1978 (40 U.S.C. 6901 et seq.), or amendments thereto.

### C. **STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS**

1. A Storm Water Pollution Prevention Plan (SWPPP) shall be maintained and implemented by the permittee. The SWPPP shall be prepared in accordance with good engineering practices and identify potential sources of pollutants, which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the Plan shall describe and ensure the implementation of Best Management Practices (BMPs) which are to be used to reduce or eliminate the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. This plan shall be consistent with the EPA guidance entitled "Storm Water Management for Industrial Activities – Developing Pollution Prevention Plans and Best Management Practices", 1992 (EPA 832-R-92-006).
2. The plan shall be signed by the permittee in accordance with RIPDES Rule 12 and retained on-site. The Plan shall be made available upon request by the DEM.
3. If the Plan is reviewed by the DEM the permittee may be notified at any time that the Plan does not meet one or more of the minimum requirements of this part. After such notification from the DEM, the permittee shall make changes to the Plan and shall submit a written certification that the requested changes have been made. Unless otherwise provided by the DEM, the permittee shall have thirty (30) days after such notification to make the necessary changes.
4. The permittee shall immediately amend the Plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect of the potential for the discharge of pollutants to the waters of the State; a release of reportable quantities of hazardous substances and oil; or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Changes must be noted and then submitted to DEM. Amendments to the Plan may be reviewed by DEM in the same manner as Part I.C.3. of this permit.
5. The SWPPP shall include, at a minimum, the following items:
  - a. Description of Potential Pollutant Sources. The Plan must provide a description of potential sources which may be reasonably expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. It must identify all activities and significant materials, which may potentially be significant pollutant sources. Each plan shall include:
    - (1) A site map indicating: a delineation of the drainage area of each storm water outfall, each existing structural control measure to reduce pollutants in storm water runoff, locations where significant materials are exposed to

storm water, locations where significant leaks or spills have occurred, a delineation of all impervious surfaces, all surface water bodies, all separate storm sewers, and the locations of the following activities where such areas are exposed to storm water: fueling stations, vehicle and equipment maintenance and/or cleaning areas, material handling areas, material storage areas, process areas, and waste disposal areas;

- (2) A topographic map extending one-quarter of a mile beyond the property boundaries of the facility;
- (3) An estimate of the overall runoff coefficient for the site, determined by an acceptable method, such as, but not limited to, area weighting;
- (4) A narrative description of significant materials that have been treated, stored, or disposed of in a manner to allow exposure to storm water between the time of three (3) years prior to the issuance of this permit to the present; method of on-site storage or disposal; materials management practices employed to minimize contact of these materials with storm water runoff between the time of three (3) years prior to the issuance of this permit and the present; materials loading and access areas; the location and description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and description of any treatment the storm water receives;
- (5) A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at the facility three (3) years prior to the effective date of this permit to the present;
- (6) A list of any pollutants limited in effluent guidelines to which a facility is subject under 40 CFR Subchapter N, any pollutants listed on a RIPDES permit to discharge process water, and any information required under RIPDES Rule 11.02(a)(14)(iii)-(v) or 40 CFR 122.21(g)(iii)-(v);
- (7) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow and an estimate of the types of pollutants, which are likely to be present in storm water associated with industrial activity;
- (8) A summary of existing sampling data describing pollutants in storm water discharges from the facility; and

b. Storm Water Management Controls. The permittee must develop a description of storm water management controls appropriate for the facility and implement such controls. The appropriateness for implementing controls listed in the Plan must reflect identified potential sources of pollutants at the facility. The description of storm water management controls must address the following minimum components, including a schedule for implementing such controls:

- (1) *Pollution Prevention Team.* The Plan must identify a specific individual(s) within the facility organization as members of a team that are responsible for developing the Plan and assisting the plant manager in its implementation, maintenance, and revision. The Plan must clearly identify the responsibilities of each team member. The activities and responsibilities of the team must address all aspects of facility's Plan.

- (2) *Risk Identification and Assessment/Material Inventory.* The Plan must assess the potential of various sources which contribute pollutants to storm water discharge associated with the industrial activity. The Plan must include an inventory of the types of materials handled. Each of the following must be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations, outdoor manufacturing or processing activities, significant dust or particulate generating processes, and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water, and the history of significant leaks or spills of toxic or hazardous pollutants.
- (3) *Preventative Maintenance.* A preventative maintenance program must involve inspection and maintenance of storm water management devices (i.e., oil/water separators, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdown or failures resulting in discharges of pollutants to surface waters.
- (4) *Good Housekeeping.* Good housekeeping requires the maintenance of a clean, orderly facility. If applicable, the following areas must be specifically addressed:
- i. Vehicle and Equipment Storage Areas: The storage of vehicles and equipment with actual or potential fluid leaks must be confined to designated areas (delineated on the site map). The plan must describe measures that prevent or minimize contamination of the storm water runoff from these areas. The facility shall consider the use of drip pans under vehicles and equipment, indoor storage of the vehicles and equipment, installation of berming and diking of this area, use of absorbents, roofing or covering storage areas, cleaning pavement surface to remove oil and grease, or other equivalent methods.
  - ii. Truck Loading Racks: The plan must describe measures that prevent or minimize contamination of the storm water runoff from fuel loading areas. The facility shall consider berming the loading rack area(s), using spill and overflow protection and cleanup equipment, minimizing run-on/runoff of storm water to the loading rack area(s) by way of storm water drains, using dry cleanup methods, collecting the storm water runoff and providing treatment or recycling, or other equivalent measures.
  - iii. Material Storage Areas: Storage units of all materials (e.g., used oil, used oil filters, spent solvents, paint wastes, radiator fluids, transmission fluids, hydraulic fluids) must be maintained in good condition, so as to prevent contamination of storm water, and plainly labeled (e.g., "used oil", "spent solvents", etc.). The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The facility shall consider indoor storage of the materials, installation of berming and diking of the area, minimizing run-on/runoff of storm water to the areas, using dry cleanup methods, collecting the storm water runoff and providing treatment, or other equivalent methods.

- iv. Vehicle and Equipment Cleaning Areas: The plan must describe measures that prevent the discharge of vehicle and equipment wash waters, including tank cleaning operations. The facility shall consider performing all cleaning operations indoors, covering the cleaning operation, ensuring that all washwaters drain to the intended collection system, collecting the storm water runoff from the cleaning area and providing treatment or recycling, or other equivalent measures. These discharges are not authorized by this permit.
- v. Vehicle and Equipment Maintenance Areas: The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for vehicle and equipment maintenance. The facility shall consider performing all maintenance activities indoors, using drip pans, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting wet cleanup practices where the practices would result in the discharge of pollutants to storm water drainage systems, using dry cleanup methods, collecting the storm water runoff from the maintenance area and providing treatment or recycling, minimizing run-on/runoff of storm water areas or other equivalent measures.
- (5) *Spill Prevention and Response Procedure*. Areas where potential spills can occur, and their accompanying drainage points, must be identified clearly in the SWPPP. The potential for spills to enter the storm water drainage system must be eliminated wherever feasible. Where appropriate, specific material handling procedures, storage requirements, and procedures for cleaning up spills must be identified in the Plan and made available to the appropriate personnel. The necessary equipment to implement a clean up must also be made available to personnel. The permittee shall immediately notify the office of releases in excess of reportable quantities.
- (6) *Storm Water Management*. The Plan must contain a narrative consideration of the appropriateness of traditional storm water management practices. Based on an assessment of the potential of various sources at the plant to contribute pollutants to storm water discharges associated with industrial activity (see Part I.C.5.b.2 of this Permit), the Plan must provide that measures, determined to be reasonable and appropriate, must be implemented and maintained.
- (7) *Sediment and Erosion Prevention*. The Plan must identify areas which; due to topography, activities, or other factors; have a high potential for significant soil erosion and identify measures to limit erosion.
- (8) *Employee Training*. Employee training programs must inform personnel responsible for implementing activities identified in the Plan, or otherwise responsible for storm water management at all levels, of the components and goals of the Plan. Training should address topics such as spill response, good housekeeping, and material management practices. The Plan must identify periodic dates for such training.
- (9) *Disposal Procedures*. The disposal procedures for tank bottom waters, tank bottom sludge, oil/water separator sediments, oil/water separator oils, oil absorbent cleaning material(s) and any washdown waters containing detergents, dispersants, emulsifiers, etc. must be

documented in the plan.

(10) *Visual Inspections.* Qualified plant personnel must be identified to inspect designated equipment and plant areas. Material handling areas must be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or follow up procedure must be used to ensure that the appropriate action has been taken in response to the inspection. Records of inspections must be maintained on site for at least five (5) years.

(11) *Recordkeeping and Internal Reporting Procedures.* Incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges must be included in the records. All inspections and maintenance activities must be documented and maintained on site for at least five (5) years.

c. Site Inspection. An annual site inspection must be conducted by appropriate personnel named in the SWPPP to verify that the description of potential pollutant sources required under Part I.C.5.a is accurate, that the drainage map has been updated or otherwise modified to reflect current conditions, and controls to reduce pollutants in storm water discharges associated with industrial activity identified in the Plan are being implemented and are adequate. The following areas shall be included in all inspections: storage areas for vehicles and equipment awaiting maintenance, truck loading rack area(s), vehicle and equipment maintenance areas (both indoors and outdoors), material storage areas, vehicle and equipment cleaning areas, and loading and unloading areas. A tracking or follow up procedure must be used to ensure that the appropriate action has been taken in response to the inspection. A copy of the annual site inspection report and records documenting significant observations made during the site inspection must be retained as part of the SWPPP for a minimum of five (5) years.

d. Consistency with Other Plans. Storm water management controls may reflect requirements for Spill Prevention Control and Counter-measure (SPCC) plans under Section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by a RIPDES permit and may incorporate any part of such plans into the SWPPP by reference.

**D. DETECTION LIMITS**

The permittee shall assure that all wastewater testing required by this permit, is performed in conformance with the method detection limits listed below (the EPA method is noted for reference, other EPA approved methods found in 40 CFR Part 136 may be utilized). All sludge testing required by this permit shall be in conformance with the method detection limits found in 40 CFR 503.8. In accordance with 40 CFR Part 136, EPA approved analysis techniques, quality assurance procedures and quality control procedures shall be followed for all reports required to be submitted under the RIPDES program. These procedures are described in "Methods for the Determination of Metals in Environmental Samples" (EPA/600/4-91/010) and "Methods for Chemical Analysis of Water and Wastes" (EPA/600/4-79/020).

The report entitled "Methods for the Determination of Metals in Environmental Samples" includes a test which must be performed in order to determine if matrix interferences are present, and a series of tests to enable reporting of sample results when interferences are identified. Each step of the series of tests becomes increasingly complex, concluding with the complete Method of Standard Additions analysis. The analysis need not continue once a result which meets the applicable quality control requirements has been obtained. Documentation of all steps conducted to identify and account for matrix interferences shall be submitted along with the monitoring reports.

If, after conducting the complete Method of Standard Additions analysis, the laboratory is unable to determine a valid result, the laboratory shall report "could not be analyzed". Documentation supporting this claim shall be submitted along with the monitoring report. If valid analytical results are repeatedly unobtainable, DEM may require that the permittee determine a method detection limit (MDL) for their effluent or sludge as outlined in 40 CFR Part 136, Appendix B.

Therefore, all sample results shall be reported as: an actual value, "could not be analyzed", less than the reagent water MDL, or less than an effluent or sludge specific MDL. The effluent or sludge specific MDL must be calculated using the methods outlined in 40 CFR Part 136, Appendix B. Samples which have been diluted to ensure that the sample concentration will be within the linear dynamic range shall not be diluted to the extent that the analyte is not detected. If this should occur the analysis shall be repeated using a lower degree of dilution.

When calculating sample averages for reporting on discharge monitoring reports (DMRs):

1. "could not be analyzed" data shall be excluded, and shall not be considered as failure to comply with the permit sampling requirements;
2. results reported as less than the MDL shall be included as values equal to the MDL, and the average shall be reported as "less than" the calculated value.

For compliance purposes, DEM will replace all data reported as less than the MDL with zeroes, provided that DEM determines that all appropriate EPA approved methods were followed. If the re-calculated average exceeds the permit limitation it will be considered a violation.

### LIST OF TOXIC POLLUTANTS

The following list of toxic pollutants has been designated pursuant to Section 307(a)(1) of the Clean Water Act. The Method Detection Limits (MDLs) represent the required Rhode Island MDLs.

<b>Volatiles - EPA Method 624</b>		<b>MDL ug/l (ppb)</b>	<b>Pesticides - EPA Method 608</b>		<b>MDL ug/l (ppb)</b>
1V	acrolein	10.0	18P	PCB-1242	0.289
2V	acrylonitrile	5.0	19P	PCB-1254	0.298
3V	benzene	1.0	20P	PCB-1221	0.723
5V	bromoform	1.0	21P	PCB-1232	0.387
6V	carbon tetrachloride	1.0	22P	PCB-1248	0.283
7V	chlorobenzene	1.0	23P	PCB-1260	0.222
8V	chlorodibromomethane	1.0	24P	PCB-1016	0.494
9V	chloroethane	1.0	25P	toxaphene	1.670
10V	2-chloroethylvinyl ether	5.0	<b>Base/Neutral - EPA Method 625</b>		<b>MDL ug/l (ppb)</b>
11V	chloroform	1.0	1B	acenaphthene *	1.0
12V	dichlorobromomethane	1.0	2B	acenaphthylene *	1.0
14V	1,1-dichloroethane	1.0	3B	anthracene *	1.0
15V	1,2-dichloroethane	1.0	4B	benzidine	4.0
16V	1,1-dichloroethylene	1.0	5B	benzo(a)anthracene *	0.013
17V	1,2-dichloropropane	1.0	6B	benzo(a)pyrene *	0.023
18V	1,3-dichloropropylene	1.0	7B	3,4-benzofluoranthene *	0.018
19V	ethylbenzene	1.0	8B	benzo(ghi)perylene *	2.0
20V	methyl bromide	1.0	9B	benzo(k)fluoranthene *	0.017
21V	methyl chloride	1.0	10B	bis(2-chloroethoxy)methane	2.0
22V	methylene chloride	1.0	11B	bis(2-chloroethyl)ether	1.0
23V	1,1,2,2-tetrachloroethane	1.0	12B	bis(2-chloroisopropyl)ether	1.0
24V	tetrachloroethylene	1.0	13B	bis(2-ethylhexyl)phthalate	1.0
25V	toluene	1.0	14B	4-bromophenyl phenyl ether	1.0
26V	1,2-trans-dichloroethylene	1.0	15B	butylbenzyl phthalate	1.0
27V	1,1,1-trichloroethane	1.0	16B	2-chloronaphthalene	1.0
28V	1,1,2-trichloroethane	1.0	17B	4-chlorophenyl phenyl ether	1.0
29V	trichloroethylene	1.0	18B	chrysene *	0.15
31V	vinyl chloride	1.0	19B	dibenzo (a,h)anthracene *	0.03
<b>Acid Compounds - EPA Method 625</b>		<b>MDL ug/l (ppb)</b>	20B	1,2-dichlorobenzene	1.0
1A	2-chlorophenol	1.0	21B	1,3-dichlorobenzene	1.0
2A	2,4-dichlorophenol	1.0	22B	1,4-dichlorobenzene	1.0
3A	2,4-dimethylphenol	1.0	23B	3,3' -dichlorobenzidine	2.0
4A	4,6-dinitro-o-cresol	1.0	24B	diethyl phthalate	1.0
5A	2,4-dinitrophenol	2.0	25B	dimethyl phthalate	1.0
6A	2-nitrophenol	1.0	26B	di-n-butyl phthalate	1.0
7A	4-nitrophenol	1.0	27B	2,4-dinitrotoluene	2.0
8A	p-chloro-m-cresol	2.0	28B	2,6-dinitrotoluene	2.0
9A	pentachlorophenol	1.0	29B	di-n-octyl phthalate	1.0
10A	phenol	1.0	30B	1,2-diphenylhydrazine (as azobenzene)	1.0
11A	2,4,6-trichlorophenol	1.0	31B	fluoranthene *	1.0
<b>Pesticides - EPA Method 608</b>		<b>MDL ug/l (ppb)</b>	32B	fluorene *	1.0
1P	aldrin	0.059	33B	hexachlorobenzene	1.0
2P	alpha-BHC	0.058	34B	hexachlorobutadiene	1.0
3P	beta-BHC	0.043	35B	hexachlorocyclopentadiene	2.0
4P	gamma-BHC	0.048	36B	hexachloroethane	1.0
5P	delta-BHC	0.034	37B	indeno(1,2,3-cd)pyrene *	0.043
6P	chlordan	0.211	38B	isophorone	1.0
7P	4,4' -DDT	0.251	39B	naphthalene *	1.0
8P	4,4' -DDE	0.049	40B	nitrobenzene	1.0
9P	4,4' -DDD	0.139	41B	N-nitrosodimethylamine	1.0
10P	dieldrin	0.082	42B	N-nitrosodi-n-propylamine	1.0
11P	alpha-endosulfan	0.031	43B	N-nitrosodiphenylamine	1.0
12P	beta-endosulfan	0.036	44B	phenanthrene *	1.0
13P	endosulfan sulfate	0.109	45B	pyrene *	1.0
14P	endrin	0.050	46B	1,2,4-trichlorobenzene	1.0
15P	endrin aldehyde	0.062			
16P	heptachlor	0.029			
17P	heptachlor epoxide	0.040			



**OTHER TOXIC POLLUTANTS**

	<b>MDL ug/l (ppb)</b>
Antimony, Total	3.0
Arsenic, Total	1.0
Beryllium, Total	0.2
Cadmium, Total	0.1
Chromium, Total	1.0
Chromium, Hexavalent***	20.0
Copper, Total	1.0
Lead, Total	1.0
Mercury, Total	0.2
Nickel, Total	1.0
Selenium, Total	2.0
Silver, Total	0.5
Thallium, Total	1.0
Zinc, Total	5.0
Asbestos	**
Cyanide, Total	10.0
Phenols, Total***	50.0
TCDD	**
MTBE (Methyl Tert Butyl Ether)	1.0
Total Xylenes	0.5
Ethanol	2.0 mg/l

\* Polynuclear Aromatic Hydrocarbons

\*\* No Rhode Island Department of Environmental Management (RIDEM) MDL

\*\*\* Not a priority pollutant as designated in the 1997 Water Quality Regulations (Table 5)

**NOTE:**

The MDL for a given analyte may vary with the type of sample. MDLs which are determined in reagent water may be lower than those determined in wastewater due to fewer matrix interferences. Wastewater is variable in composition and may therefore contain substances (interferents) that could affect MDLs for some analytes of interest. Variability in instrument performance can also lead to inconsistencies in determinations of MDLs.

**E. MONITORING AND REPORTING**

1. Monitoring

All monitoring required by this permit shall be done in accordance with sampling and analytical testing procedures specified in Federal Regulations (40 CFR Part 136).

2. Reporting

Monitoring results obtained during the previous month shall be summarized and reported on Discharge Monitoring Report (DMR) Forms, postmarked no later than the 15th day of the month following the completed reporting period. A copy of the analytical laboratory report, specifying analytical methods used, shall be included with each report submission. The first report is due on December 15, 2010. Signed copies of these, and all other reports required herein, shall be submitted to:

Office of Water Resources  
RIPDES Program  
Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence, Rhode Island 02908

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF WATER RESOURCES  
235 PROMENADE STREET  
PROVIDENCE, RHODE ISLAND 02908-5767

STATEMENT OF BASIS

RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (RIPDES) PERMIT TO DISCHARGE TO WATERS OF THE STATE

RIPDES PERMIT NO.

**RI0001651**

NAME AND ADDRESS OF APPLICANT:

**Getty Terminals Corporation**  
1500 Hempstead Turnpike  
East Meadow, NY 11554

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

**Getty Terminals Corporation**  
Dexter Road and Massasoit Avenue  
East Providence, RI

RECEIVING WATER:

**Ten Mile River**

CLASSIFICATION:

**B**

**I. Proposed Action, Type of Facility, and Discharge Location**

The above named applicant has applied to the Rhode Island Department of Environmental Management (DEM) for reissuance of a RIPDES Permit to discharge into the designated receiving water. The applicant's discharges consist of storm water runoff and hydrostatic/hydraulic test water. The previous permit authorized the discharge of tank bottom draw-off water. However, the 2010 reapplication did not include tank bottom draw-off water. Therefore, this permit does not authorize the discharge of tank bottom draw-off water. The discharge is to the Ten Mile River.

**II. Limitations and Conditions**

The effluent limitations of the permit, the monitoring requirements and any implementation schedule (if required) may be found in the draft permit.

**III. Description of Discharge**

The Getty Terminals Corporation, which operates the facility, is classified under the Petroleum and Petroleum Products industry group as a Standard Industrial Classification (SIC) 5171 for Petroleum Bulk Stations and Terminals. These facilities are establishments primarily engaged in the wholesale

distribution of crude petroleum and petroleum products from bulk liquid storage facilities. The discharge is composed of storm water from the terminal site, parking lots, containment or diked area surrounding the storage tanks. A non-storm water discharge includes hydrostatic test water.

All storm water and hydrostatic test water is to be treated by an oil/water separator. A quantitative description of the discharge from Outfall 001 in terms of significant effluent parameters based on Discharge Monitoring Report Data for the past five (5) years is shown in Attachment A-1.

#### IV. **Permit Basis and Explanation of Effluent Limitation Derivation**

##### General Requirements

The requirements set forth in this permit are from the State's Water Quality Regulations and the State's Regulations for the Rhode Island Pollutant Discharge Elimination System, both filed pursuant to RIGL Chapter 46-12, as amended. DEM's primary authority over the permit comes from EPA's delegation of the program in September 1984 under the Federal Clean Water Act (CWA).

When developing effluent limits for RIPDES Permits DEM is required to consider treatment technology and water quality requirements. Technology based treatment requirements represent the minimum level of control that must be imposed under Section 402 and 301(b) of the CWA (see 40 CFR 125 Subpart A) to meet Best Practicable Control Technology Currently Available (BPT), Best Conventional Control Technology (BCT) for conventional pollutants, and Best Available Technology Economically Achievable (BAT) for toxic pollutants. EPA has not promulgated National Effluent Guidelines for storm water discharges from bulk storage petroleum facilities. In the absence of technology-based guidelines, DEM is authorized to use Best Professional Judgement (BPJ) to establish effluent limitations, in accordance with Section 402(a)(1) of the CWA.

Under Section 301 (b)(1)(C) of the CWA, discharges are subject to effluent limitations based on water quality standards. The Rhode Island Water Quality Standards include a narrative statement that prohibits the discharge of any pollutant or combination of pollutants in quantities that would be toxic or injurious to aquatic life. In addition, the State has adopted EPA's numerical criteria for specific toxic pollutants and toxicity criteria as published in the EPA Quality Criteria for Water, 1986, (EPA 440/5-86-001) as amended.

The effluent monitoring requirements have been specified in accordance with RIPDES regulations as well as 40 CFR 122.41 (j), 122.44 (i), and 122.48 to yield data representative of the discharge.

The remaining general and specific conditions of the permit are based on the RIPDES regulations as well as 40 CFR Parts 122 through 125 and consist primarily of management requirements common to all permits.

##### Description of the Facility and Discharge(s)

The Getty Terminals facility in East Providence located at Dexter Road and Massasoit Avenue is an inactive terminal. None of the bulk storage tanks at the terminal presently contain petroleum. The facility was previously operated as a petroleum bulk oil storage terminal since at least 1949, but was decommissioned in April 2003. The facility is ~7.15 acres in size and consists of: a tank farm surrounded by a common clay-lined dike; an office building with a basement located on the western portion of the property; a former truck repair garage located on the western portion of the property; a warehouse building located on the western portion of the property; a dispatch office with an attached shed; a foam house located on the southern portion of the property; inactive truck loading racks located on the southern portion of the property; railroad tracks with a former tank car loading rack located on the northern portion of the property; and a parking lot used for

vehicle parking. The property is presently used by Getty as an office. Another tenant at the property (Santa Fuel) maintains a small office and completes limited repairs on oil tanker trucks. Repair activities are generally limited to the repair of oil delivery hoses and general upkeep of vehicle fluids (e.g. antifreeze and washer fluids). Heavy truck maintenance is not performed. The tenant also periodically hires a truck washing firm who blocks the central storm drain and captures and disposes of all wastewater off-site. Discharges from these truck washing activities are not authorized by this permit. Inactive aboveground storage tanks (ASTs) include (5) 43,000 barrel (BBL) ASTs, (3) 30,000 BBL ASTs, (1) 20,000 BBL AST, (2) 24,000 BBL ASTs, and (1) 14,000 BBL AST. Prior to being decommissioned in 2003 the large volume tanks listed above contained gasoline, ethanol, diesel fuel, and heating oil. The facility currently stores small quantities of No. 2 Fuel Oil, motor oil, paint, rock salt, antifreeze, and windshield washer fluid, all of which are stored within the facility buildings. Other tanks present at the site include (1) 20,000 gallon ethanol/gasoline additive AST; (1) 2,000 gallon vapor recovery knock out tank (UST); (1) 3,000 gallon oil/water separator (UST); (1) 1,000 gallon truck drop tank (UST); and (3) 275 gallon heating oil ASTs. Of the other tanks only the 275 gallon ASTs are in use for storage of No. 2 Fuel Oil for use in heating the buildings.

Outfall 001 discharges storm water runoff from the tank farm's secondary containment area, which includes a gas additive tank; from the terminal yard area; and from the tank truck loading racks. An oil/water separator treats storm water drainage collected from the aforementioned areas. The tank farm is surrounded by a common dike wall/bermed area that has a clay lining to stop infiltration of collected site drainage. The tank farm area then drains through interconnected piping that leads to the separator. After being treated by the separator the collected water needs to be pumped out manually from a collection chamber/sump prior to discharge to the storm sewer system on Tallman Avenue, which ultimately discharges to the Ten Mile River. Infiltration/Inflow of contaminated groundwater into the storm water collection and treatment system is not authorized by this permit and must be addressed by the permittee pursuant to Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases. Discharges of storm water are regulated by the conditions in the permit for Outfall 001A. Outfall 001 is also permitted to discharge tank and pipe hydrostatic test water. Discharges from the tank farm and hydrostatic test water through Outfall 001 are regulated by the conditions in the permit for Outfall 001A. Attachment A-2 includes a site location map, a line flow diagram for Outfall 001A for estimated flow, and a site drainage plan identifying the location of ASTs, the oil/water separator, the truck loading rack, other structures, and storm water flow patterns.

#### Explanation of Effluent Limitation Derivation and Conditions

The draft RIDES permit for Getty Terminals Corporation, authorizing the discharge of treated storm water, includes numeric effluent limitations and requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for additional protection of the environment. The effluent parameters in the draft permit are discussed in more detail below following the effluent limitation derivation for the one Outfall being regulated by this permit.

Outfall 001A: Effluent limitations for Outfall 001A have been established for total suspended solids (TSS) and oil and grease. The effluent limitation for TSS is 20 mg/l for maximum daily. TSS has been limited to account for the potential for petroleum hydrocarbons to adsorb or absorb to particulates and be transported with the suspended material. The daily maximum effluent limitation of 15 mg/l for oil and grease is a BPJ based limit based on American Petroleum Institute (API) oil/water separator guidelines. The draft permit limit for O&G remains unchanged from the previous permit at 15 mg/l, daily maximum. Performance data from this terminal, from September 2005 through March 2010, indicate that these effluent limits can be achieved through the proper operation of a correctly sized oil/water separator, appropriate source controls, routine inspections, preventative maintenance, good housekeeping programs, and good best management practices (BMPs). The effluent limitations for pH are based on criteria established in the State's Water Quality Regulations for Freshwater Receiving Waters.

Outfall 001A must also be monitored for the following: benzene, toluene, ethylbenzene, total xylenes, MTBE, ethanol, and sixteen (16) polynuclear aromatic hydrocarbons (PAHs). These pollutants were chosen because they are indicators used to characterize contamination from petroleum hydrocarbons.

Based on above listed past performance data summarized in Attachment A-1, and the fact that the terminal has been inactive since April 2003 the monitoring frequencies have been changed to the following for the listed parameters: TSS, oil and grease, and pH has been changed to twice per month (one wet weather and one dry weather event); BTEX and ethanol has been changed to quarterly for a wet weather event; and PAHs has been changed to annually for a wet weather event. If the terminal becomes active in the future the DEM can increase the monitoring frequencies of these parameters in the form of a minor modification to the permit.

Ethanol is a fuel additive increasingly blended with gasoline as a gasoline oxygenate. Ethanol has replaced MTBE as an additive in Rhode Island. Ethanol is a clear, colorless liquid, miscible with water and many organic solvents. When the facility becomes active the storage/handling and use of ethanol as a fuel additive could lead to exposures from water that has been contaminated with ethanol from leaking storage facilities or accidental spills. Also, since a tenant at the site routinely maintains fuel tanker trucks there, drips and/or leaks of gasoline from the trucks onto paved areas may result in the potential of small quantities of ethanol entering the storm water drainage system and oil/water separator. Therefore, ethanol monitoring for Outfall 001A has been included in the permit. The requirement to monitor MTBE at Outfall 001A was added to the permit as a minimal amount of MTBE is expected to remain in the distribution system due to presence as a natural contaminant in some gasoline and use of non-dedicated transportation equipment that could have been used to transport product containing MTBE. On average, MTBE concentrations in gasoline are expected to be less than 0.5% MTBE by volume. Quarterly sampling for MTBE at Outfall 001A will be required. If the results of four (4) consecutive quarters of MTBE sampling demonstrate values below the method detection limits for MTBE (as defined in Part I.D.), then the permittee may request that monitoring may be ceased at Outfall 001A. However, until this request is approved by RI DEM, the permittee must continue monitoring for MTBE. As there are no water quality criteria or technology based limits for methyl tertiary butyl ether (MTBE) or ethanol they will be monitored only.

Flow: The treatment technology for storm water runoff employed by this bulk storage petroleum terminal is an oil/water separator. These devices use 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 oil/water separator. It follows that the sizing of oil/water 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. To ensure proper operation of the installed oil/water separators such that the oil and/or particulate phases are not entrained to the waterway, DEM is requiring that the release of runoff from any diked area or holding basin shall be controlled so that this discharge alone or in combination with all other wastewaters does not exceed the optimum design flow rate for the oil/water separator or cause violations of the effluent limitations specified in the permit.

Tank Bottom and Bilge Water: The bottom of many petroleum product storage tanks may contain a layer of water that has separated from the stored petroleum product due to the density difference between the product and water. As this water coalesces and then settles to the bottom of the tank, it partitions (dissolves) BTEXs and PAHs from the petroleum product. Through this process, the water selectively extracts some of these hazardous substances and may become toxic. To avoid product contamination, terminal operators drain this water layer to prevent transfer with the product. The previous permit authorized the discharge of treated tank bottom draw-off water. However, when reapplying for this permit, the permittee did not include this wastewater as one of the discharges. Therefore, this permit does not authorize the discharge of tank bottom draw-off water.

To protect the Ten Mile River from pollutants dissolved in tank bottom and bilge water, the DEM is prohibiting the permittee from discharging any tank bottom or bilge water alone or in combination with storm water or other wastewater from the facility. The facility is required by the permit to dispose of tank bottom water off-site by a licensed hazardous waste contractor.

Hydrostatic Test Water: To ensure safe working conditions during maintenance work periods; storage vessels (welding, new tank floors, e.g.) and/or pipe networks are rigorously cleaned (e.g. "poly brushed", "squeegee pigged") and certified as being "gas free". The vessels and/or pipe networks are then hydrostatically tested after the maintenance work is completed. Thus, hydrostatic test water discharge should contain only minimal amounts of foreign matter and/or trace amounts of hydrocarbons. As a precaution, however, the hydrostatic test water shall go through the oil/water separator (effluent) in a controlled manner to prevent exceedance of the maximum design flow rate of the separator thereby reducing any potential carryover of oil into the receiving waters.

The permittee shall notify the Office of Water Resources at least twenty-four (24) hours prior to the commencement of any proposed hydrostatic-test water discharges. Prior to testing, the interior of the tank(s) and/or piping being tested shall be cleaned and certified to be free of petroleum product. There shall be no discharge of tank and/or pipe cleaning residual/debris to either of the oil/water separators or holding ponds.

The hydrostatic test water released from the tank(s), after treatment through the oil/water separator, must satisfy all the effluent limitations and conditions of this permit. The surface of the oil/water separator should be routinely observed to determine if there is any detectable increase in the separated oil layer to prevent inadvertent hydrocarbon release to the receiving water(s). A logbook shall be kept to document the start and end of each hydrostatic test, the total flow discharged and all monitoring data.

Should any RIPDES permit discharge parameter be exceeded, the hydrostatic test water transfer shall be halted immediately followed by notification to the DEM of the exceedance.

SWPPP: Pursuant to Section 304(e) of the CWA and 40 CFR§125.103(b), best management practices (BMPs) may be expressly incorporated into a permit on a case-by-case basis where necessary to carry out Section 402(a)(1) of the CWA. The facility stores and handles pollutants listed as toxic under Section 307(a)(1) of the CWA or pollutants listed as hazardous under Section 311 of the CWA and has ancillary operations which could result in significant amounts of these pollutants reaching the Ten Mile River. These operations include one or more of the following items from which there is or could be site runoff: materials storage, materials processing and handling, blending operations, intra-facility transfers, and loading/unloading of product. To control these activities/operations, which could contribute pollutants to waters of the United States via storm water discharges, at this facility; the permit requires this facility to develop a Storm Water Pollution Prevention Plan (SWPPP) containing BMPs appropriate for this specific facility. The BMPs should include processes, procedures, schedule of activities, prohibitions on practices, and other management practices that prevent or reduce the discharge of pollutants in storm water runoff.

Prohibition of Non-storm Water Discharges: This permit authorizes some non-storm water discharges. These discharges include treated effluent from firefighting activities; fire hydrant flushings; hydrostatic test water; lawn watering; uncontaminated groundwater; springs; air conditioning condensate; potable waterline flushings; foundation or footing drains where flows are not contaminated with process materials, such as solvents, or contaminated by contact with soils, where spills or leaks of toxic or hazardous materials have occurred; and potable water sources which include vehicle, equipment, and surface washdown waters which do not have chemicals (such as solvents, soaps, emulsifiers, and/or detergents) added. To prevent hydrocarbon and/or particulate entrainment (carry-over) from the treatment system, the permittee shall not add

chemicals, soaps, detergents, solvents, emulsifiers, etc. to any fresh water wash down collection and treatment system without prior approval by the DEM.

All other non-storm water discharges including fire protection foam, either in concentrate form or as a foam diluted with water, are excluded from coverage under this permit. The DEM believes there is a significant potential for these types of discharges to be contaminated. Thus, the permittee is required to obtain a separate RIPDES permit for these non-storm water discharges or seek the necessary approval(s) from the appropriate local pretreatment authority to discharge to the sanitary sewer system.

Antibacksliding: EPA's antibacksliding provision at 40 CFR §122.44(l) prohibit the relaxation of permit limits, standards, and conditions unless the circumstances on which previous permit was based have materially and substantially changed since the time the permit was issued. Therefore, technology based effluent limitations in the draft permit must be as stringent as those in the current permit. Relaxation of these limits is only allowed when cause for permit modification is met, see 40 CFR §122.62. Effluent limits based on BPJ, water quality, and State Certification requirements must also meet the antibacksliding provisions found in Section 402(o) and 303(d)(4) of the CWA.

The circumstances at the facility have not substantially changed since the issuance of the last RIPDES permit, and therefore the limits in the draft permit are no less stringent than what are in the previous permit. Therefore, since all of the permit limits are at least as stringent as those from the previous permit, this permit satisfies the antibacksliding provisions at 40 CFR §122.44(l).

The RI DEM has determined that all permit limitations are consistent with the Rhode Island Antidegradation policy.

#### V. **Comment Period, Hearing Requests, and Procedures for Final Decisions**

All persons, including applicants, who believe any condition of the draft permit is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period, to the Rhode Island Department of Environmental Management, Office of Water Resources, 235 Promenade Street, Providence, Rhode Island, 02908-5767. Any person, prior to such date, may submit a request in writing for a public hearing to consider the draft permit to the Rhode Island Department of Environmental Management. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty (30) days public notice whenever the Director finds that response to this notice indicates significant public interest. In reaching a final decision on the draft permit the Director will respond to all significant comments and make these responses available to the public at DEM's Providence Office.

Following the close of the comment period, and after a public hearing, if such hearing is held, the Director will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice. Within thirty (30) days following the notice of the final permit decision any interested person may submit a request for a formal hearing to reconsider or contest the final decision. Requests for formal hearings must satisfy the requirements of Rule 49 of the Regulations for the Rhode Island Pollutant Discharge Elimination System.

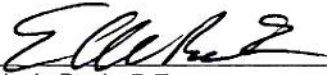


VI. **DEM Contact**

Additional information concerning the permit may be obtained between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, excluding holidays from:

Aaron Mello  
RIPDES Program  
Office of Water Resources  
Department of Environmental Management  
235 Promenade Street  
Providence, Rhode Island 02908  
Telephone: (401) 222-6820 Ext.7405

7/21/10  
Date

  
Eric A. Beck, P.E.  
Supervising Sanitary Engineer  
RIPDES Permitting Section  
Office of Water Resources  
Department of Environmental Management

## ATTACHMENT A-1

**DESCRIPTION OF DISCHARGES:** 001A – Effluent from Oil/Water Separator: Storm Water, Hydrostatic Test Water, Treated Tank Bottom Draw-off Water  
100A – Effluent from Tank Bottom Draw-off Water Treatment System<sup>3</sup>

AVERAGE EFFLUENT CHARACTERISTICS AT POINT OF DISCHARGE:

PARAMETER	AVERAGE <sup>1</sup>	MAXIMUM <sup>2</sup>
FLOW (MGD)		<u>0.0476</u> MGD
Oil and Grease		<u>&lt;9.63</u> mg/l
TSS		<u>&lt;12.66</u> mg/l
pH	<u>6.94</u> S.U. (Minimum)	<u>7.45</u> S.U. (Maximum)
Benzene		<u>&lt;2.03</u> µg/l
Toluene		<u>&lt;3.57</u> µg/l
Ethylbenzene		<u>&lt;3.47</u> µg/l
Total Xylenes		<u>&lt;4.69</u> µg/l
MTBE		<u>&lt;3.57</u> µg/l
Acenaphthene		<u>BDL</u> µg/l
Acenaphthylene		<u>BDL</u> µg/l
Anthracene		<u>BDL</u> µg/l
Benzo (a) Anthracene		<u>BDL</u> µg/l
Benzo (a) Pyrene		<u>BDL</u> µg/l
Benzo (b) Fluoranthene		<u>BDL</u> µg/l
Benzo (ghi) Perylene		<u>BDL</u> µg/l
Benzo (k) Fluoranthene		<u>BDL</u> µg/l
Chrysene		<u>BDL</u> µg/l
Dibenzo (a,h) Anthracene		<u>BDL</u> µg/l
Fluoranthene		<u>BDL</u> µg/l
Fluorene		<u>BDL</u> µg/l
Indeno (1,2,3-cd) Pyrene		<u>BDL</u> µg/l
Naphthalene		<u>BDL</u> µg/l

**ATTACHMENT A-1 (Cont.)**

Phenanthrene	<u>BDL</u> µg/l
Pyrene	<u>BDL</u> µg/l
Sum of All (PAHs)	<u>BDL</u> µg/l

<sup>1</sup>Data represents the mean of the monthly average data from September 2005 through March 2010.

<sup>2</sup>Data represents the mean of the daily maximum data from September 2005 through March 2010.

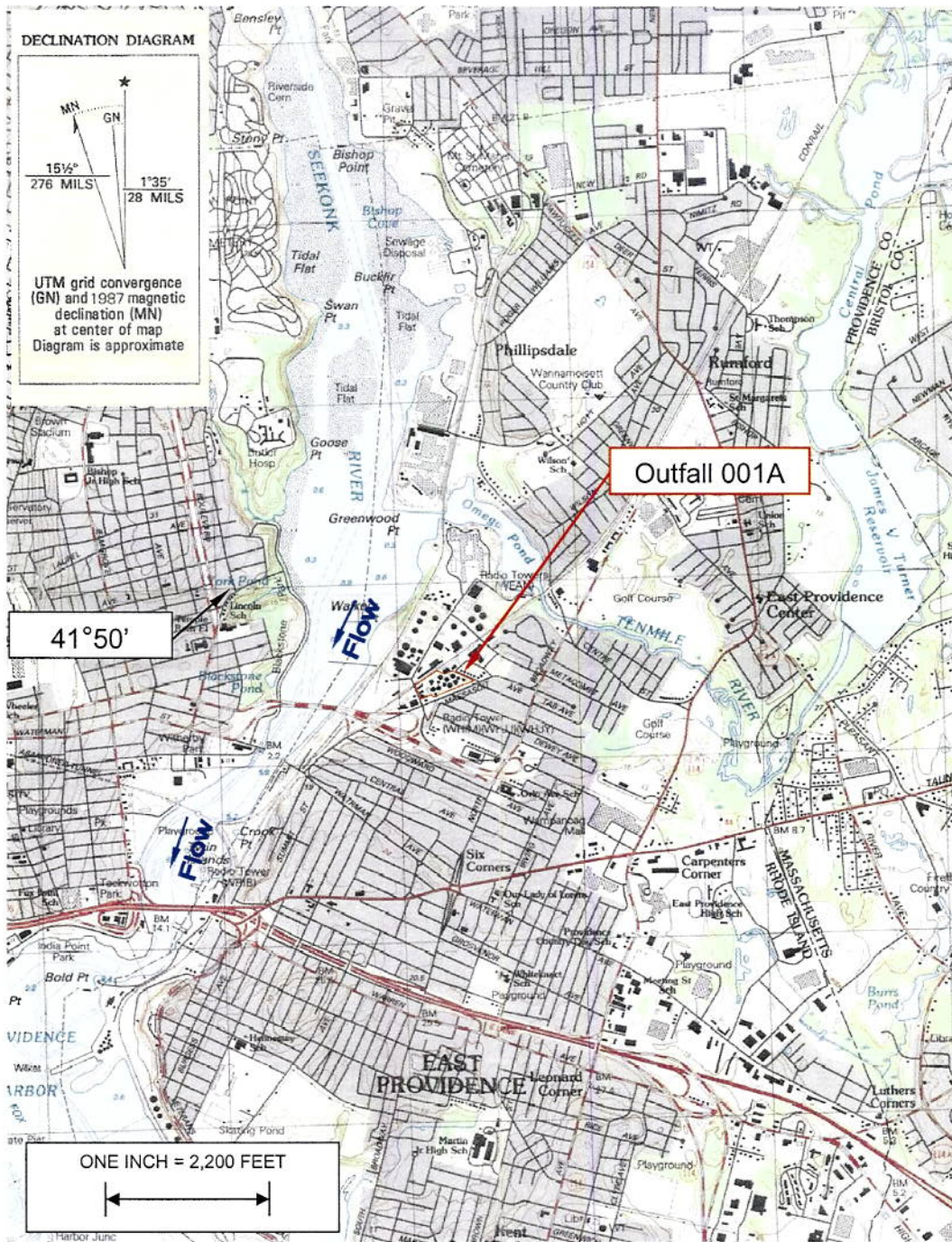
<sup>3</sup>There were no discharges from the tank bottom draw-off water treatment system (Outfall 100A) during the above timeframe.

BDL = Below Detection Limit

**ATTACHMENT A-2**

**Getty Terminals Corporation – East Providence Terminal**

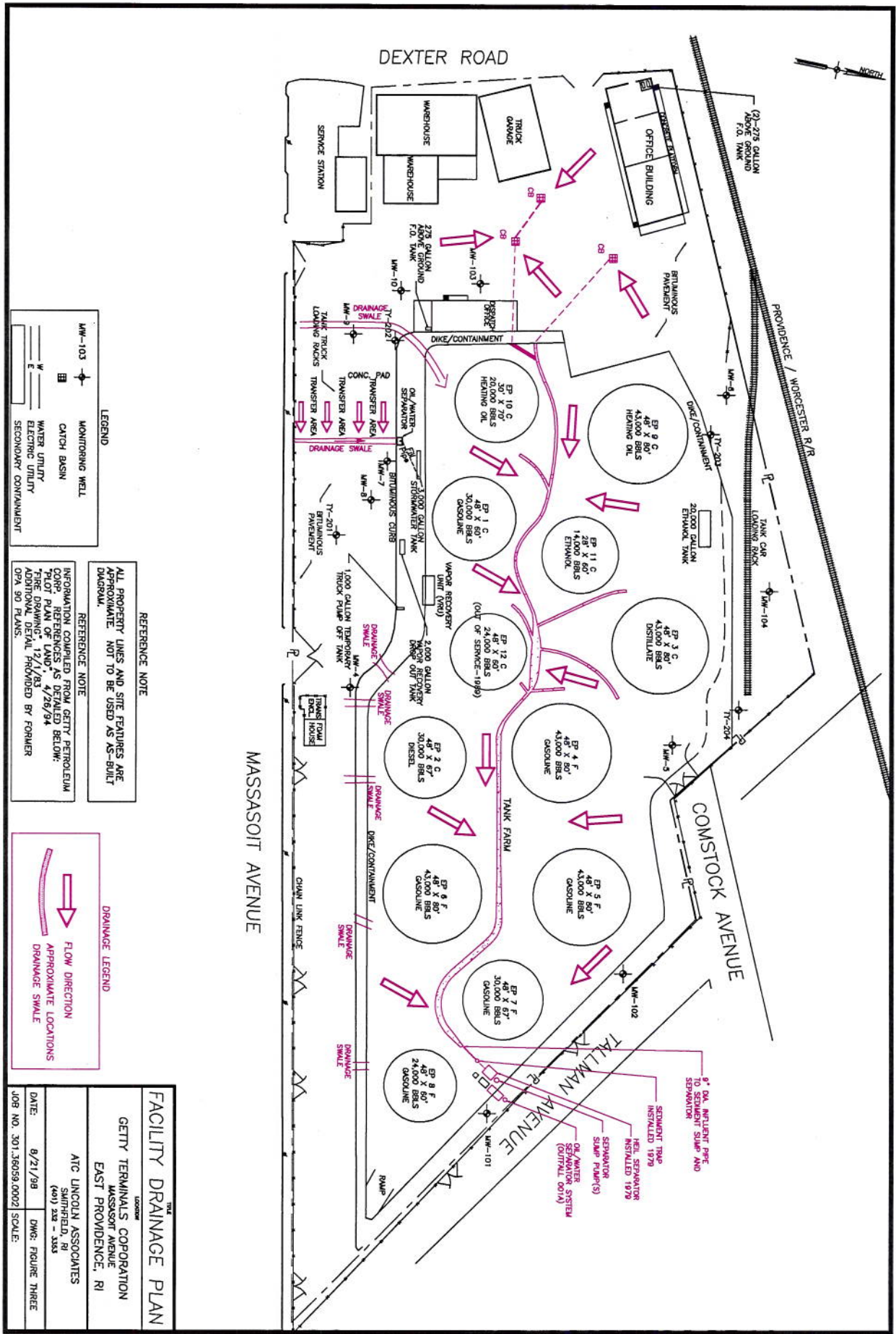
**SITE LOCATION MAP, SITE DRAINAGE PLAN & LINE FLOW DIAGRAM**



**Site Map**  
 Getty Terminal Corporation  
 Dexter Road and Massasoit Avenue  
 East Providence, Rhode Island



**Source**  
 1987 USGS 7.5 x 15 Minute  
 Providence, RI Quadrangle Map



**LEGEND**

	MONITORING WELL
	CATCH BASIN
	WATER UTILITY
	ELECTRIC UTILITY
	SECONDARY CONTAINMENT

**REFERENCE NOTE**

ALL PROPERTY LINES AND SITE FEATURES ARE APPROXIMATE. NOT TO BE USED AS AS-BUILT DRAWING.

**REFERENCE NOTE**

INFORMATION COLLECTED FROM GETTY PETROLEUM CORP. RECORDS AS LISTED BELOW:  
 "SITE PLAN OF LAND" 4/28/94  
 "FIRE DRAWING" 12/1/83  
 ADDITIONAL DETAIL PROVIDED BY FORMER OPA 90 PLANS.



**FACILITY DRAINAGE PLAN**

GETTY TERMINALS CORPORATION MASSASOIT AVENUE EAST PROVIDENCE, RI	ATC LINCOLN ASSOCIATES SMITHFIELD, RI (401) 232-3383
DATE: 8/21/98	DWG. FIGURE THREE
JOB NO. 301.36059.0002 SCALE:	

Figure 2 – Schematic line drawing showing estimated facility water flow

