



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

May 12, 2010

CERTIFIED MAIL

Ms. Michele Alabiso
Manager of Environmental Site Assessment and Remediation
Drake Petroleum Company, Inc.
P.O. Box 866
221 Quinebaug Road
North Grosvenordale, CT 06255

**RE: Chopmist Hill Xtramart, 1045 Danielson Turnpike, Scituate, RI 02857
RIPDES Permit No. RI0023191**

Dear Ms. Alabiso,

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 Brian Lafaille, P.E. of the State Permits Staff at (401) 222-4700, extension 7731.

Sincerely,

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

EAB:

Enclosures

cc: Christopher E. Gill, CEI, Inc. (Electronic Copy via email)
June Swallow, RIDOH (Electronic Copy via email)
Mike Cote, RIDEM/OWM (Electronic Copy via email)
Annie McFarland, RIDEM/OWR (Electronic Copy via email)
Deb Merrill, RIDEM/OWR (Electronic Copy via email)
Traci Pena, RIDEM/OWR (Electronic Copy via email)



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,

Drake Petroleum Company, Inc.
221 Quinebaug Road
PO Box 866
North Grosvenordale, CT 06255

is authorized to discharge from a facility located at

Chopmist Hill Xtramart
1045 Danielson Turnpike
Scituate, RI 02857

to receiving waters named

Cork Brook

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

This permit shall become effective on July 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 April 22, 2005.

This permit consists of eight (8) pages in Part I including effluent limitations, monitoring requirements, etc. and ten (10) pages in Part II including General Conditions.

Signed this *11th* day of *May*, 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 of this permit 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>Maximum Daily</u>	<u>Average Monthly</u> *(Minimum)	<u>Average Weekly</u> *(Average)	<u>Maximum Daily</u> *(Maximum)	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	5.0 gpm					Continuous ¹	Recorder
Benzene		1.0 ug/l			1.0 ug/l	1/Month	Grab
Ethyl-benzene		1.0 ug/l			1.0 ug/l	1/Month	Grab
Toluene		1.0 ug/l			1.0 ug/l	1/Month	Grab
Total Xylenes		2.4 ug/l			3.0 ug/l	1/Month	Grab
MTBE		--- ug/l			40.0 ug/l	1/Month	Grab
Naphthalene		2.08 ug/l			20.0 ug/l	1/Month	Grab
Isopropylbenzene		--- ug/l			--- ug/l	1/Month	Grab
n-propylbenzene		--- ug/l			--- ug/l	1/Month	Grab
1,2,4-Trimethylbenzene		--- ug/l			--- ug/l	1/Month	Grab
1,3,5- Trimethylbenzene		--- ug/l			--- ug/l	1/Month	Grab
n-butylbenzene		--- ug/l			--- ug/l	1/Month	Grab

¹ Monitor flow and submit a flow log with the monitoring results. The flow log shall include the rate and duration of flow including the time(s) of day when flow commences and ceases. At a minimum the flow must be reported each time a sample is collected.

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: Influent (groundwater prior to the shallow tray stripper), Midfluent (treated groundwater between the first and second liquid phase carbon vessels), and Effluent, Outfall 001A (the discharge from the last activated carbon filter).

2.
 - a. The discharge shall not cause visible discoloration of the receiving waters.
 - b. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
3. 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.
4. The permittee shall at all times properly operate and maintain the groundwater recovery/treatment system. Notification of mechanical failure or breakthrough of the treatment system (exceedance of any permit limits) shall be reported to the Office of Water Resources and the Office of Waste Management within one (1) business day of the date the analysis is conducted. Discharge shall cease if any of the contaminants listed are found in the effluent (Outfall 001A) above the limits listed in Part I.A.1. At a minimum, the notification shall include a summary of total flow, operation and maintenance activities, and any laboratory results. Written documentation of the notification required above shall be submitted to the Office of Water Resources and the Office of Waste Management within five (5) days. The discharge may recommence once steps have been taken to ensure that the limits will not be exceeded again, and following approval by the Office of Water

Resources and the Office of Waste Management. At a minimum, these steps shall include the replacement of the activated carbon filters. If any of the pollutants listed are found in the midfluent (between the carbon vessels) above the limits listed in Parts I.A.1 the first activated carbon filter shall be replaced within twenty-four (24) hours of receiving the analytical results indicating the exceedance.

5. The permittee shall treat all groundwater pumped at the site using the treatment system described in the RIPDES application. The permittee may not modify the treatment system without prior written approval from the Office of Waste Management and the Office of Water Resources.
6. The treatment system shall be inspected a minimum of twice per month to assure the system is operating and to look for evidence of iron bacteria build-up. As a result of these or any other inspections, appropriate action shall be taken, as soon as practicable, to resolve any problems discovered during an inspection. Records documenting inspections and any actions taken (i.e. changing carbon) shall be retained and made available upon request to the Office of Water Resources and any other Office, as appropriate.
7. This permit serves as the State's Water Quality Certificate for the discharges described herein.

B. 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). 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.

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

OTHER TOXIC POLLUTANTS

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

* Polynuclear Aromatic Hydrocarbons

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

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.

To help verify the absence of matrix or chemical interference the analyst is required to complete specific quality control procedures. For the metals analyses listed above the analyst must withdraw from the sample two equal aliquots; to one aliquot add a known amount of analyte, and then dilute both to the same volume and analyze. The unspiked aliquot multiplied by the dilution factor should be compared to the original. Agreement of the results within 10% indicates the absence of interference. Comparison of the actual signal from the spiked aliquot to the expected response from the analyte in an aqueous standard should help confirm the finding from the dilution analysis. (Methods for Chemical Analysis of Water and Wastes EPA-600/4-79/020).

For organic pollutants the laboratory must on an ongoing basis, spike at least 5% of the samples from each sample site being monitored. For laboratories analyzing 1 to 20 samples per month, at least one spiked sample per month is required. The spike should be at the discharge permit limit or 1 to 5 times higher than the background concentration determined in Section 8.3.2, whichever concentration would be larger. (40 CFR Part 136 Appendix B Method 624 and 625 subparts 8.3.1 and 8.3.11).

C. **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) or the following alternative methods:

- a. For measuring volatile compounds, Method 8260C (or most recent version) may be used as a substitute for CWA Methods 524.2, 602, 624, or 1624.
- b. For measuring semivolatile compounds, Method 8270D (or the most recent version) may be used as a substitute for Methods 610, 625, and 1625.
- c. Any use of Method 8260C or Method 8270D must be accompanied by documented quality assurance/quality control (QA/QC) test results to prove that the analytical process can achieve the lower detection limits of the alternative methods.

2. Reporting

Monitoring results obtained during the previous quarter shall be summarized and reported on Discharge Monitoring Report (DMR) Forms, postmarked no later than the 15th day of the month following the completed quarter as follows:

<u>Quarter Testing to be Performed</u>	<u>Report Due No Later Than</u>	<u>Results Submitted on DMR for</u>
January 1 – March 31	April 15	January 1 – March 31
April 1- June 30	July 15	April 1 - June 30
July 1 – September 30	October 15	July 1 – September 30
October 1 – December 31	January 15	October 1 – December 31

The first report is due on October 15, 2010.

Signed copies of these, and all other reports required herein, shall be submitted to:

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

PART II
TABLE OF CONTENTS

GENERAL REQUIREMENTS

- (a) Duty to Comply
- (b) Duty to Reapply
- (c) Need to Halt or Reduce Not a Defense
- (d) Duty to Mitigate
- (e) Proper Operation and Maintenance
- (f) Permit Actions
- (g) Property Rights
- (h) Duty to Provide Information
- (i) Inspection and Entry
- (j) Monitoring and Records
- (k) Signatory Requirements
- (l) Reporting Requirements
- (m) Bypass
- (n) Upset
- (o) Change in Discharge
- (p) Removed Substances
- (q) Power Failures
- (r) Availability of Reports
- (s) State Laws
- (t) Other Laws
- (u) Severability
- (v) Reopener Clause
- (w) Confidentiality of Information
- (x) Best Management Practices
- (y) Right of Appeal

DEFINITIONS

GENERAL REQUIREMENTS

(a) Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Chapter 46-12 of the Rhode Island General Laws and the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- (1) The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (2) The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307 or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than 1 year, or both.
- (3) Chapter 46-12 of the Rhode Island General Laws provides that any person who violates a permit condition is subject to a civil penalty of not more than \$5,000 per day of such violation. Any person who willfully or negligently violates a permit condition is subject to a criminal penalty of not more than \$10,000 per day of such violation and imprisonment for not more than 30 days, or both. Any person who knowingly makes any false statement in connection with the permit is subject to a criminal penalty of not more than \$5,000 for each instance of violation or by imprisonment for not more than 30 days, or both.

(b) Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

(c) Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(e) Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures, and, where applicable, compliance with DEM "Rules and Regulations Pertaining to the Operation and Maintenance of Wastewater Treatment Facilities" and "Rules and Regulations Pertaining to the Disposal and Utilization of Wastewater Treatment Facility Sludge." This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

(f) Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause, including but not limited to: (1) Violation of any terms or conditions of this permit; (2) Obtaining this permit by misrepresentation or failure to disclose all relevant facts; or (3) A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(g) Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

(i) Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

- (4) Sample or monitor any substances or parameters at any location, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA or Rhode Island law.

(j) Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the discharge over the sampling and reporting period.
- (2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 and applicable Rhode Island regulations, unless other test procedures have been specified in this permit.
- (5) The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than 6 months per violation or by both. Chapter 46-12 of the Rhode Island General Laws also provides that such acts are subject to a fine of not more than \$5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.
- (6) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (7) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136, applicable State regulations, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(k) Signatory Requirement

All applications, reports, or information submitted to the Director shall be signed and certified in accordance with Rule 12 of the Rhode Island Pollutant Discharge Elimination System (RIPDES) Regulations. Rhode Island General Laws, Chapter 46-12 provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.

(l) Reporting Requirements

- (1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.
- (2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with the permit requirements.
- (3) Transfers. This permit is not transferable to any person except after written notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under State and Federal law.
- (4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (5) Twenty-four hour reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment by calling DEM at (401) 222-3961, (401) 222-6519 or (401) 222-2284 at night.

A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following information must be reported immediately:

- (i) Any unanticipated bypass which causes a violation of any effluent limitation in the permit; or
- (ii) Any upset which causes a violation of any effluent limitation in the permit; or
- (iii) Any violation of a maximum daily discharge limitation for any of the pollutants specifically listed by the Director in the permit.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (6) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (1), (2), and (5), of this section, at the time monitoring reports are submitted. The reports shall contain the information required in paragraph (1)(5) of the section.
- (7) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, they shall promptly submit such facts or information.

(m) Bypass

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

- (1) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (2) and (3) of this section.
- (2) Notice.
 - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
 - (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Rule 14.18 of the RIPDES Regulations.
- (3) Prohibition of bypass.
 - (i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, where "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph (2) of this section.

- (ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (3)(i) of this section.

(n) Upset

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- (1) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (2) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (2) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (b) The permitted facility was at the time being properly operated;
 - (c) The permittee submitted notice of the upset as required in Rule 14.18 of the RIPDES Regulations; and
 - (d) The permittee complied with any remedial measures required under Rule 14.05 of the RIPDES Regulations.
- (3) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(o) Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. Discharges which cause a violation of water quality standards are prohibited. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different or increased discharges of pollutants must be reported by submission of a new NPDES application at least 180 days prior to commencement of such discharges, or if such changes will not violate the effluent limitations specified in this permit, by notice, in writing, to the Director of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.

(p) Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner consistent with applicable Federal and State laws and regulations including, but not limited to the CWA and the Federal Resource Conservation and Recovery Act, 42 U.S.C. §§6901 *et seq.*, Rhode Island General Laws, Chapters 46-12, 23-19.1 and regulations promulgated thereunder.

(q) Power Failures

In order to maintain compliance with the effluent limitation and prohibitions of this permit, the permittee shall either:

In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities;

or if such alternative power source is not in existence, and no date for its implementation appears in Part I,

Halt reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

(r) Availability of Reports

Except for data determined to be confidential under paragraph (w) below, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the DEM, 291 Promenade Street, Providence, Rhode Island. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA and under Section 46-12-14 of the Rhode Island General Laws.

(s) State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

(t) Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, and local laws and regulations.

(u) Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

(v) Reopener Clause

The Director reserves the right to make appropriate revisions to this permit in order to incorporate any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA or State law. In accordance with Rules 15 and 23 of the RIPDES Regulations, if any effluent standard or prohibition, or water quality standard is promulgated under the CWA or under State law which is more stringent than any limitation on the pollutant in the permit, or controls a pollutant not limited in the permit, then the Director may promptly reopen the permit and modify or revoke and reissue the permit to conform to the applicable standard.

(w) Confidentiality of Information

(1) Any information submitted to DEM pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, DEM may make the information available to the public without further notice.

(2) Claims of confidentiality for the following information will be denied:

- (i) The name and address of any permit applicant or permittee;
- (ii) Permit applications, permits and any attachments thereto; and
- (iii) NPDES effluent data.

(x) Best Management Practices

The permittee shall adopt Best Management Practices (BMP) to control or abate the discharge of toxic pollutants and hazardous substances associated with or ancillary to the industrial manufacturing or treatment process and the Director may request the submission of a BMP plan where the Director determines that a permittee's practices may contribute significant amounts of such pollutants to waters of the State.

(y) Right of Appeal

Within thirty (30) days of receipt of notice of a final permit decision, the permittee or any interested person may submit a request to the Director for an adjudicatory hearing to reconsider or contest that decision. The request for a hearing must conform to the requirements of Rule 49 of the RIPDES Regulations.

DEFINITIONS

1. For purposes of this permit, those definitions contained in the RIPDES Regulations and the Rhode Island Pretreatment Regulations shall apply.
2. The following abbreviations, when used, are defined below.

cu. M/day or M ³ /day	cubic meters per day
mg/l	milligrams per liter
ug/l	micrograms per liter
lbs/day	pounds per day
kg/day	kilograms per day
Temp. °C	temperature in degrees Centigrade
Temp. °F	temperature in degrees Fahrenheit
Turb.	turbidity measured by the Nephelometric Method (NTU)
TNFR or TSS	total nonfilterable residue or total suspended solids
DO	dissolved oxygen
BOD	five-day biochemical oxygen demand unless otherwise specified
TKN	total Kjeldahl nitrogen as nitrogen
Total N	total nitrogen
NH ₃ -N	ammonia nitrogen as nitrogen
Total P	total phosphorus
COD	chemical oxygen demand
TOC	total organic carbon
Surfactant	surface-active agent
pH	a measure of the hydrogen ion concentration
PCB	polychlorinated biphenyl
CFS	cubic feet per second
MGD	million gallons per day
Oil & Grease	Freon extractable material
Total Coliform	total coliform bacteria
Fecal Coliform	total fecal coliform bacteria
ml/l	milliliter(s) per liter
NO ₃ -N	nitrate nitrogen as nitrogen
NO ₂ -N	nitrite nitrogen as nitrogen
NO ₃ -NO ₂	combined nitrate and nitrite nitrogen as nitrogen
Cl ₂	total residual chlorine

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

STATEMENT OF BASIS

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

RIPDES PERMIT NO. **RI0023191**

NAME AND ADDRESS OF APPLICANT:

Drake Petroleum Company, Inc.
221 Quinebaug Road
PO Box 866
North Grosvenordale, CT 06255

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Chopmist Hill Xtramart
1045 Danielson Turnpike
Scituate, RI 02857

RECEIVING WATER: **Cork Brook**

CLASSIFICATION: **AA**

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

The above named applicant has applied to the Rhode Island Department of Environmental Management for reissuance of a RIPDES Permit to discharge into the designated receiving water.

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. A summary of historic effluent data may be found in *Attachment 1*.

III. **Permit Basis and Explanation of Effluent Limitation Derivation**

The purpose of this permit is to authorize Drake Petroleum Company, Inc. to discharge effluent from a treatment system to Cork Brook via a separate storm sewer. The treatment system consists of a low profile air stripper and two (2) 250 pound granular activated carbon filters in series.

On July 31, 1992, the Division of Site Remediation, Leaking Underground Storage Tank (LUST) Program issued Notice of Violation (NOV) No. LS-3004 due to elevated monitoring well data indicating the presence of dissolved petroleum product. The NOV required that Kenyon Oil submit a Corrective Action Plan (CAP) to remediate the site. A Finalized CAP was submitted on November 22, 1994 and approved by LUST on January 5, 1995.

In conjunction with the CAP, an economic analysis was required to determine various remedial alternatives in order to prevent the discharge to Cork Brook, a tributary of the Scituate Reservoir. The conclusion of the analysis was that a pump and treat system with a discharge to Cork Brook was the only viable option. The Department of Health, Drinking Water Quality Division and LUST concurred with this assessment and made the determination that the overall benefits to the environment of remediation justified allowing the discharge to Cork Brook.

On March 30, 1995, the Office of Water Resources issued Order of Approval RIO-233 to

authorize the discharge of treated groundwater to the designated receiving water. The Order was issued to allow the permittee to immediately operate the treatment system, thereby controlling the migration of pollutants off-site while the RIPDES permit was being developed. Subsequent to issuing this Order of Approval, the DEM first issued a RIPDES permit for this facility on August 23, 1995. This permit authorized the treatment and discharge of contaminated groundwater to Cork Brook. This permit was modified on August 19, 1998 to include MTBE limits. On April 22, 2005 the DEM reissued the RIPDES permit for this facility. This permit continues to authorize the treatment of contaminated groundwater and its discharge to Cork Brook. *Attachment 2* contains a line drawing which identifies the treatment system components in use at the site.

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

Effluent limitations for benzene, toluene, ethyl-benzene, total xylenes, and MTBE are equivalent to those that were in the permit issued on April 22, 2005, with the exception of the monthly average limit for Total Xylenes which has been reduced from 3 ug/l to 2.4 ug/l in order to comply with water quality standards which became more stringent since the permit was last issued.

Naphthalene monthly average and daily maximum limits of 2.08 and 20 ug/l respectively, have been included in the draft permit based on the information provided by the permittee that this pollutant is present in the treatment system influent. The monthly average limit is a water quality based limit while the daily maximum limit is more stringent than the applicable water quality based daily maximum limit in order to be consistent with the limitations specified in the 2008 RIPDES Remediation General Permit.

During the permit reapplication process the permittee provided the DEM with analytical results from a comprehensive groundwater sampling event which was conducted at the site in October 2008. The following additional parameters were listed as being present in onsite groundwater: isopropylbenzene, n-propylbenzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and n-butylbenzene. Due to the fact that these pollutants are present in onsite groundwater, monitoring requirements have been applied in the draft permit to ensure that the treatment system is working effectively to remove these additional pollutants.

In the previous permit the monthly average flow limit was specified as monitor only while the daily maximum flow limit was set at 5 gallons per minute. Given the fact that the current system as designed is not set up to easily obtain the daily maximum flow rate the DEM has determined that limiting the monthly average flow rate would be more appropriate. As a result, a monthly average flow limit of 5 gallons per minute has been applied in the draft permit.

The previous permit required the permittee to scan the effluent for priority pollutants once over the duration of the permit. A review of the January 21, 2010 priority pollutant scan yielded non-detect results for all priority pollutants in the system effluent. Based on these results and historical discharge monitoring report data provided by the permittee it is clear that the system design is working effectively to remove the pollutants of concern. As a result the requirement to monitor the effluent for priority pollutants has been removed from the draft permit.

The permittee requested a reduction in the effluent monitoring frequency from once per week to once per month in the October 29, 2009 permit reapplication. Based on a positive history of permit limit compliance over the past five years and given the fact that treatment system breakthrough times of greater than six months have been demonstrated for the past several operating years, an effluent monitoring frequency of once per month was deemed appropriate. As a result the draft permit requires the permittee to sample the system effluent at a frequency of once per month. The permit also requires the permittee to sample its influent, groundwater prior to treatment, and midfluent, groundwater between the two carbon vessels, once per month. The reporting frequency has been changed from monthly to quarterly.

The Office has determined that, because all limits are at least as stringent as those from the previous permit, all permit limitations are consistent with the Rhode Island

Antidegradation/Antibacksliding Policy.

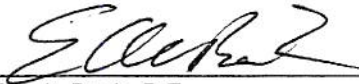
The remaining general and specific conditions of the permit are based on the RIPDES regulations as well as 40 CFR Parts 122 through 125 and consisting primarily of management requirements common to all permits.

IV. **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:

Brian Lafaille, P.E.
RIPDES Program
Office of Water Resources
Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908
Telephone: (401) 222-4700, extension 7715

3/25/10
Date


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

Attachment 1

DESCRIPTION OF DISCHARGE: Treated Groundwater
DISCHARGE: 001A - Treatment Discharge

AVERAGE EFFLUENT CHARACTERISTICS AT POINT OF DISCHARGE OF SELECTED POLLUTANTS:

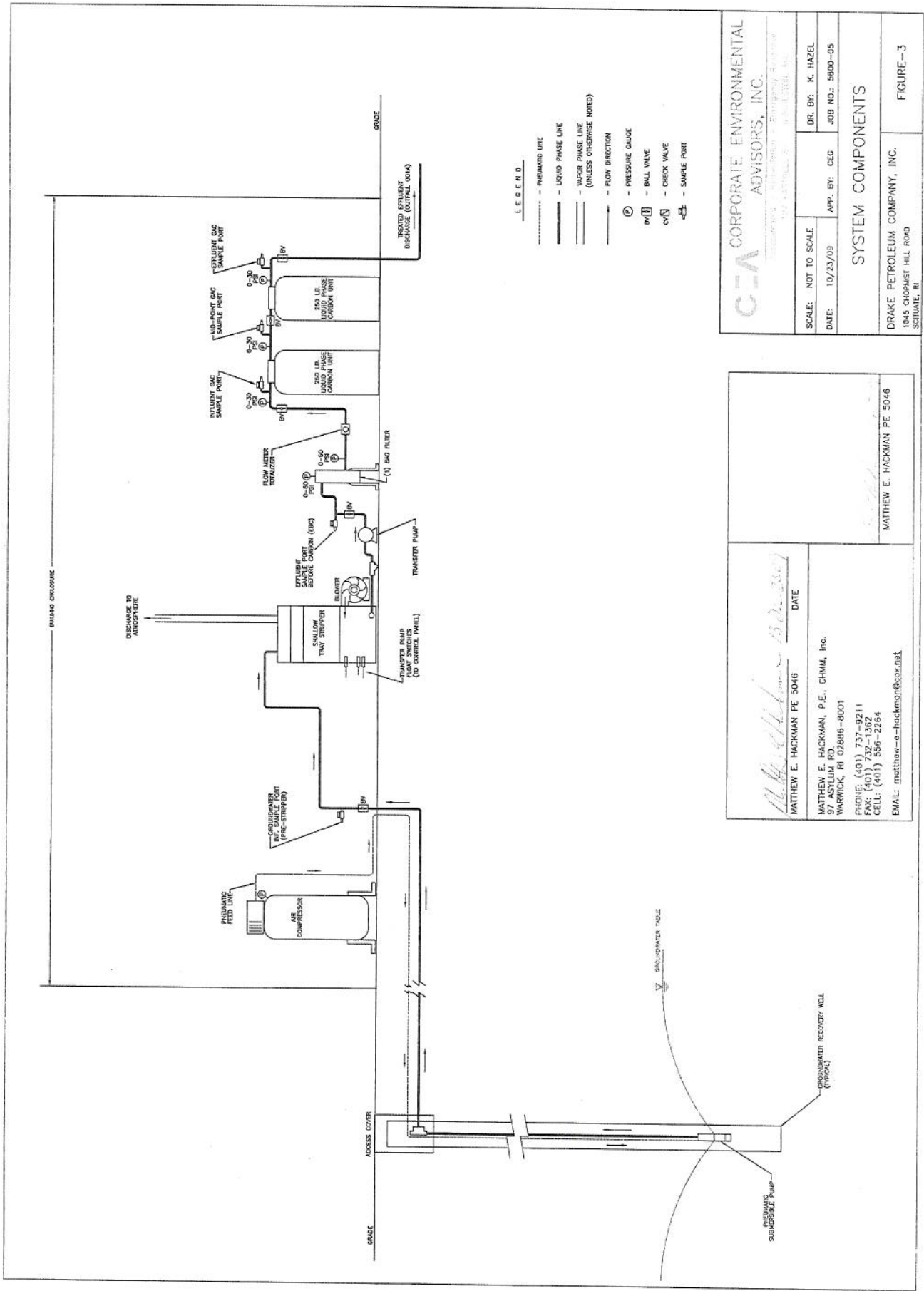
PARAMETER	Maximum¹	Average²
FLOW (MGD)	4.1 gpm	0.29 gpm
Benzene	0.53 ug/l	0.53 ug/l
Ethyl-benzene	1.0 ug/l	1.0 ug/l
Toluene	1.0 ug/l	1.0 ug/l
Total Xylenes	1.11ug/l	1.11 ug/l
MTBE	1 ug/l	1 ug/l

¹Data represents the mean of the daily maximum data from May 2005 – January 2010

²Data represents the mean of the monthly average data from May 2005 – January 2010

Attachment 2

Chopmist Hill Xtramart Treatment System Diagram



LEGEND

- - - - - PNEUMATIC LINE
- LIQUID PHASE LINE
- VAPOR PHASE LINE (UNLESS OTHERWISE NOTED)
- FLOW DIRECTION
- ⊕ — PRESSURE GAUGE
- ⊞ — BALL VALVE
- ⊞ — CHECK VALVE
- ⊞ — SAMPLE PORT

C-E-A CORPORATE ENVIRONMENTAL ADVISORS, INC.
 100 WEST HILL STREET, SUITE 200, WILMINGTON, DE 19801
 302-439-1111

SCALE: NOT TO SCALE	DR. BY: K. HAZEL
DATE: 10/23/09	APP. BY: CEG
JOB NO.: 5800-05	

SYSTEM COMPONENTS

DRAKE PETROLEUM COMPANY, INC. 1045 CHAPMAN HILL ROAD SCLIFATE, RI	FIGURE-3
---	----------

Matthew E. Hackman DATE _____

MATTHEW E. HACKMAN PE 5046

MATTHEW E. HACKMAN, P.E., CHMM, Inc.
 97 ASTLEIGH RD 02885-8001
 WARRICK, RI 02885-8001
 PHONE: (401) 737-9211
 FAX: (401) 732-1362
 CELL: (401) 556-2264
 EMAIL: mattheaw@mehackman.com

MATTHEW E. HACKMAN PE 5046