



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street, Providence, Rhode Island 02908

September 14, 2020

CERTIFIED MAIL

Mr. Dennis J. Leamy, V.P. of Terminal Operations
Hudson Terminal Corporation
29 Terminal Road
Providence, RI 02905

RE: New England Petroleum Terminal, LLC; Final Permit Nos. RI0023817/RI0023809

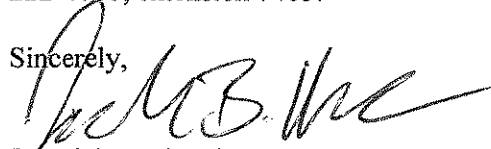
Dear Mr. Leamy:

Enclosed are the final Rhode Island Pollutant Discharge Elimination System (RIPDES) Permits issued for the New England Petroleum Terminal, LLC (NEPT) Northern/Southern Terminal sites located at 35 Terminal Road and 130 Terminal Road, Providence, RI (respectively). State regulations, promulgated under Chapter 46-12 of the Rhode Island General Laws of 1956, as amended, require the permits to become effective on the date specified in the permits.

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

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

Sincerely,


Joseph B. Haberek, P.E.
Environmental Engineer IV
Office of Water Resources

JBH:am

Enclosures

cc: David Turin, EPA Region 1 (Electronic Copy)
Jeffrey Willis, CRMC (Electronic Copy)
Thomas Hudson, The Hudson Companies (Electronic Copy)
Crystal Charbonneau, DEM/OWR (Electronic Copy)
Traci Pena, DEM/OWR (Electronic Copy)

RESPONSE TO COMMENTS

NO SIGNIFICANT COMMENTS WERE RECEIVED ON THE DRAFT PERMITS FOR THESE FACILITIES; THEREFORE, NO RESPONSE WAS PREPARED.

HEARING REQUESTS

If you wish to contest any of the provisions of these permits, you must 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:

Mary Dalton, Clerk
Department of Environmental Management
Office of Administrative Adjudication
235 Promenade Street
3rd Floor, Rm 350
Providence, RI 02908

Any request for a formal hearing must conform to the requirements of §1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.50).

STAYS OF RIPDES PERMITS

Should the Department receive and grant a request for a formal hearing, the contested conditions of the permits will not automatically be stayed. However, the permittee, in accordance with §1.51 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.51), 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 permits will be effective and enforceable in accordance with the provisions of §1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.50).

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,

New England Petroleum Terminal, LLC
2000 Chapel View Blvd, Suite 380
Cranston, RI 02920

is authorized to discharge from a facility located at

New England Petroleum Terminal, LLC
Southern Terminal
130 Terminal Road
Providence, RI 02905

to receiving waters named

Providence River

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

This permit shall become effective on January 1, 2021.

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

This permit supersedes the permit issued on February 24, 2014.

This permit consists of 17 pages in Part I including effluent limitations, monitoring requirements, etc. and 10 pages in Part II including General Conditions.

Signed this *14th* day of *September*, 2020.

ASL
for Angelo S. Liberti, P.E., Administrator 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 001. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	<u>Quantity - lbs./day</u>		<u>Concentration - specify units</u>			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u> *(Minimum)	<u>Average Weekly</u> *(Average)	<u>Maximum Daily</u> *(Maximum)		
Flow	--- MGD ¹	0.864 MGD ²				Continuous	Recorder
Oil & Grease			--- mg/l		15 mg/l	2/Month	Grab ³
TSS			--- mg/l		20 mg/l	2/Month	Grab ³
Polynuclear Aromatic Hydrocarbons (PAHs)							
Acenaphthene					--- ug/l	Annually	Grab ³
Acenaphthylene					--- ug/l	Annually	Grab ³
Anthracene					--- ug/l	Annually	Grab ³
Benzo (a) anthracene					--- ug/l	Annually	Grab ³
Benzo (a) pyrene					--- ug/l	Annually	Grab ³
Benzo (b) fluoranthene					--- ug/l	Annually	Grab ³
Benzo (ghi) perylene					--- ug/l	Annually	Grab ³
Benzo (k) fluoranthene					--- ug/l	Annually	Grab ³
Chrysene					--- ug/l	Annually	Grab ³
Dibenzo (a,h) anthracene					--- ug/l	Annually	Grab ³

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	<u>Quantity - lbs./day</u>		<u>Concentration - specify units</u>			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>		
Fluoranthene					--- ug/l	Annually	Grab ³
Fluorene					--- ug/l	Annually	Grab ³
Indeno (1,2,3-cd) pyrene					--- ug/l	Annually	Grab ³
Naphthalene					--- ug/l	Annually	Grab ³
Phenanthrene					--- ug/l	Annually	Grab ³
Pyrene					--- ug/l	Annually	Grab ³
Sum of All PAHs					--- ug/l	Annually	Grab ³

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

¹ The monthly average flow is to be calculated by dividing the total flow discharged for a given month by the number of days in which there was a discharge during the month.

² The daily maximum flow is the highest daily flow observed during the reporting period.

³ 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.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 001 (the sampling port located immediately downstream from the above ground oil/water separator located in the western containment area).

2.
 - a. The pH of the effluent shall not be less than 6.5 nor greater than 8.5 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 events sampled, the total depth of rainfall (inches), and the total volume of runoff (Ft³). 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 for the outfall designated as 001. A waiver is not required if there was no flow from the outfall for the reporting period. The permittee cannot use a waiver for the annual PAH sampling requirements. This information must be submitted with the Discharge Monitoring Report forms at the frequency specified in Part I.E.2 of this permit.
5. The permittee shall not add chemicals (including but not limited to disinfecting agents, detergents, emulsifiers, and "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.
9. This permit does not authorize the discharge of sanitary wastewater to waters of the State.
10. 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.
11. 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 firefighting activities; fire hydrant flushings; routine external building washdown / power wash water that does not

use detergents or hazardous cleaning products (such as those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols); lawn watering; uncontaminated groundwater; springs; air conditioning condensate; potable waterline flushings; irrigation drainage; 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; water sprayed for dust control or at a truck load wet-down station; incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains); uncontaminated utility vault dewatering; dechlorinated water line testing water; hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals; discharges from washing of vehicles provided: chemicals, soaps, detergents, hazardous cleaning products (such as those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), steam, or heated water are not used; cleaning is restricted to the outside of the vehicle (e.g., no engines, transmissions, undercarriages, or truck beds); or washing is not used to remove accumulated industrial materials, paint residues, heavy metals or any other potentially hazardous materials from surfaces; and discharges from washing of marine vessels provided chemicals, soaps, detergents, hazardous cleaning products (such as those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), steam, or heated water are not used and the washing is not used to remove topside or bottom paint; marine growth, or other potentially hazardous materials from vessels. 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.

12. 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.
13. 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 prior to entering the tank and three (3) serial-grab samples of the effluent from the tank. 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 wastestreams. 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) | d. | Chemical Oxygen Demand (COD) |
| b. | Oil & Grease (O/G) | e. | Dissolved Oxygen (DO) |
| c. | Total Iron | f. | pH |
| | | g. | Polynuclear Aromatic Hydrocarbons (PAHs) |

Please be advised that 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 as required in Part I.A.1 of the permit. The surface of the oil/water separator should be routinely observed during hydrostatic test water discharges 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 on site at all times 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.

14. 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.
15. This permit does not authorize the storage of gasoline products.
16. 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 any other sources of wastewater does not exceed the optimum design flow rate for the oil water separator or cause violations of the effluent limitations specified in this permit. The design flow rate for the oil/water separator servicing Outfall 001 is 0.864 MGD.
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 and oil layers shall be specified in the SWPPP. In addition, the SWPPP shall identify procedures for insuring compliance with the permit during any 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 SWPPP 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 SWPPP shall be consistent with the EPA guidance entitled "Industrial Stormwater Fact Sheet Series - Sector P: Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities", December 2006 (EPA-833-F-06-031).
2. The SWPPP shall be signed by the permittee in accordance with §1.12 of the RIPDES regulations (See 250-RICR-150-10-1.12) and retained on-site. The SWPPP shall be made available upon request by the DEM.
3. If the SWPPP is reviewed by the DEM the permittee may be notified at any time that the SWPPP 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 SWPPP 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 SWPPP 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 SWPPP 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 SWPPP 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 legible site map with a suitable scale such as 1"=40', 1"=50', or 1"=100' that supports easy identification of the following items (If the drainage area(s) is/are very large, the on-site map scale must be no smaller than 1"=100'). At a minimum the site map must include but not be limited to the following:
 - i. boundaries of the property and the size of the property in acres;
 - ii. directions of storm water flow (e.g., use arrows to show which ways storm water will flow);
 - iii. locations of all surface water bodies, including wetlands, in the immediate vicinity of the facility indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established on them or other water quality determination;
 - iv. the location and extent of significant structures and delineation of impervious surfaces;
 - v. locations of all stormwater control measures;
 - vi. location of stormwater conveyances including ditches, pipes, and swales;
 - vii. locations of storm water inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall 001, 002), identify if the outfall will be used as a stormwater monitoring point; and an approximate outline of the area draining to each outfall;
 - viii. if applicable, locations of all municipal separate storm sewers (MS4s), where stormwater from the facility discharges to the MS4;
 - ix. locations of potential pollutant sources and locations where significant materials are exposed to precipitation;
 - x. locations where major spills or leaks have occurred;
 - xi. location and description of non-storm water discharges;
 - xii. locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and or cleaning areas; loading/unloading areas; locations used for the treatment, storage, or disposal of wastes;

liquid storage tanks; processing and storage areas; access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; the location of transfer of substance in bulk; and machinery; and

- xiii. location and source of runoff from adjacent property containing significant quantities of pollutants of concern to the facility (an evaluation of how the quality of the storm water running onto the facility impacts the storm water discharges may be included).;
- (2) General Location Map. Provide a topographic map showing the general location of the facility with enough detail to identify the location of the facility and the receiving waters within one mile 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) Receiving Waters and Wetlands. The name of the nearest receiving water(s), including intermittent streams, the areal extent and description of wetland that may receive discharges from the facility, impairments and a list of pollutants causing impairments if applicable.
 - (5) Summary of Potential Pollutant Sources. The permittee must identify each separate area at the facility where industrial materials or activities are exposed to storm water and from which allowable non-stormwater discharges are released. Industrial materials or activities include, but are not limited to, material handling equipment or activities; industrial machinery; storage, cleaning, fueling and maintenance of vehicles and equipment storage; and raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. For each, separate area identified, the description must include:
 - i. A list of the activities (e.g., material storage, loading, access areas equipment fueling and cleaning, cutting steel beams);
 - ii. A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil, iron, biochemical oxygen demand, pH, etc.) associated with each activity. The pollutant list must include all significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of five (5) years before this permit and the present;
 - iii. Method of on-site storage or disposal;
 - iv. 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 the storm water discharge.
 - v. The permittee must clearly identify areas where potential spills and leaks, which can contribute pollutants to storm water discharges, can occur, and their accompanying drainage points. For areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility to be covered under this permit, the permittee must provide a list of significant spills and leaks of toxic

or hazardous pollutants that occurred during the five (5) year period prior to this permit. The list must be updated if significant spills or leaks occur in exposed areas of the facility during the time the permittee are covered by the permit. Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA §311 (see 40 CFR 110.10 and 40 CFR 117.21) or section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements.;

- (6) Documentation of Unauthorized Non-Stormwater Discharges. The permittee must document that the facility has been evaluated for the presence of non-stormwater discharges and that all unauthorized discharges have been eliminated. Documentation of the evaluation must include:
 - i. The date of any testing and/or evaluation;
 - ii. Identification of potential significant sources of non-storm water at the site;
 - iii. A description of the results of any test and/or evaluation for the presence of non-storm water discharges;
 - iv. A description of the evaluation criteria or testing method used;
 - v. A list of the outfalls or onsite drainage points that were directly observed during the test; and
 - vi. The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s). For example, a floor drain was sealed, a sink drain was re-routed to the sanitary sewer.
- (7) Allowable Non-Storm Water Discharges. Certain sources of non-storm water are allowable under this permit. In order for these discharges to be allowed, the SWPPP must include: identification of each allowable non-storm water source; the location where it is likely to be discharged; and descriptions of appropriate BMPs for each source. Except for flows from firefighting activities, the permittee must identify in the SWPPP all sources of allowable non-storm water that are discharged under the authority of this permit. If the permittee includes mist blown from cooling towers amongst the allowable non-storm water discharges, the permittee must specifically evaluate the potential for the discharges to be contaminated by chemicals used in the cooling tower and determine that the levels of such chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard after implementation of the BMPs the permittee has selected to control such discharges.
- (8) Salt Storage. The permittee must document the location of any storage piles containing salt and used for deicing or other commercial or industrial purposes.
- (9) 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 SWPPP 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 SWPPP must identify a specific individual(s) within the facility organization as members of a team that are responsible for developing the SWPPP and assisting the plant manager in its implementation, maintenance, and revision. The SWPPP must clearly identify the responsibilities of each team member. The activities and responsibilities of the team must address all aspects of facility's SWPPP.
 - (2) *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.
 - (3) *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 SWPPP 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 SWPPP 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 SWPPP 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 SWPPP 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 wash waters 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 SWPPP 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.
- (4) *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 SWPPP and made available to the appropriate personnel. The necessary equipment to implement a cleanup must also be made available to personnel. The permittee shall immediately notify the office of releases in excess of reportable quantities.
- (5) *Storm Water Management*. The SWPPP 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 C.5.a(5) of this permit), the SWPPP must provide that measures, determined to be reasonable and appropriate, must be implemented and maintained.
- (6) *Sediment and Erosion Prevention*. The SWPPP 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.
- (7) *Employee Training*. Employee training programs must inform personnel responsible for implementing activities identified in the SWPPP, or otherwise responsible for storm water management at all levels, of the components and goals of the SWPPP. Training should address topics such as spill response, good housekeeping, and material management practices. The SWPPP must identify periodic dates for such training.
- (8) *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 SWPPP.
- (9) *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.

- (10) *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 SWPPP 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 Countermeasure (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

All analyses of parameters under this permit must comply with the National Pollutant Discharge Elimination System (NPDES): Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting rule. Only sufficiently sensitive test methods may be used for analyses of parameters under this permit. The permittee shall assure that all testing required by this permit, is performed in conformance with methods listed in 40 CFR 136. In accordance with 40 CFR 136, EPA approved analysis techniques, quality assurance procedures and quality control procedures shall be followed for all reports required to be submitted under the Rhode Island Pollutant Discharge Elimination System (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).

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 136, Appendix B.

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 zeros in accordance with the DEM's DMR Instructions, provided that all appropriate EPA approved methods were followed.

Therefore, all sample results shall be reported as: an actual value, "could not be analyzed", or zero. The effluent or sludge specific MDL must be calculated using the methods outlined in 40 CFR 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.

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

OTHER TOXIC POLLUTANTS

	MDL ug/l (ppb)
BOD ₅	4.0 mg/l
TSS	2.0 mg/l
Fecal Coliform	2.0 MPN/100 ml
TRC	5.0 mg/l
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. Submittal of DMRs Using NetDMR

The permittee shall continue to submit its monthly monitoring data in discharge monitoring reports (DMRs) to DEM no later than the 15th day of the month electronically using NetDMR. When the permittee submits DMRs using NetDMR, it is not required to submit hard copies of DMRs to DEM.

3. Submittal of Reports as NetDMR Attachments

Unless otherwise specified in this permit, the permittee must submit electronic copies of documents in NetDMR that are directly related to the DMR. These include the following:

- DMR Cover Letters
- Below Detection Limit summary tables
- Storm event information per Part I.A.3 of the permit
- Storm water sampling waiver per Part I.A.4 of the permit

All other reports should be submitted to DEM as a hard copy via regular US mail (see Part I.E.4 below).

4. Submittal of Requests and Reports to DEM

The following requests, reports, and information described in this permit shall be submitted as hard copy to the DEM.

- A. Transfer of Permit notice
- B. Request for changes in sampling location
- C. Request for reduction in testing frequency
- D. Request to add chemicals or "bioremedial agents including microbes" to the collection and treatment system per Part I.A.5 of the permit
- E. Notice of proposed hydrostatic test water discharges per Part I.A.13 of the permit
- F. Written notifications required under Part II
- G. Notice of unauthorized discharges
- H. Hydrostatic test water results per Part I.A.13 of the permit
- I. Amendments to the SWPPP per Parts I.C.3 and I.C.4 of the permit

These reports, information, and requests shall be submitted to DEM by hard copy mail to the following address:

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

5. Verbal Reports and Verbal Notifications

Any verbal reports or verbal notifications, if required in Parts I and/or II of this permit, shall be made to the DEM. This includes verbal reports and notifications required under Part II.(I)(5) General Requirements. Verbal reports and verbal notifications shall be made to DEM at (401) 222-4700 or (401) 222-3070 at night.

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.

RI0023809

NAME AND ADDRESS OF APPLICANT:

New England Petroleum Terminal, LLC
89 Ship Street
Providence, RI 02903

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

New England Petroleum Terminal, LLC
Southern Terminal
130 Terminal Road
Providence, RI 02905

RECEIVING WATER:

Providence River
(Water body ID#: RI0007020E-01B)

CLASSIFICATION:

SB1{a}

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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 facility is engaged in storing, handling, and distributing biodiesel, ultra-low sulfur diesel, and No. 2 Fuel Oil products to wholesale customers. The applicant's discharges consist of storm water runoff and hydrostatic test water. The discharge is to the Providence River. Attachment A-2 includes a site location map; Attachment A-3 includes a site drainage plan that identifies the location of ASTs and other structures, the oil/water separator, and Outfall 001; and Attachment A-4 includes a line flow diagram for hydrostatic test water discharges.

II. Description of Discharge

New England Petroleum Terminal, LLC, a subsidiary of The Hudson Companies operates the facility located at 130 Terminal Road in Providence, RI. The New England Petroleum Terminal LLC., Southern Terminal is classified under the Petroleum and Petroleum Products industry group as a Standard Industrial Classification (SIC) 5171 for Petroleum Bulk Stations and Terminals. Facilities classified under SIC 5171 are primarily engaged in the wholesale distribution of crude petroleum and petroleum products from bulk liquid storage facilities. The facility is located in the Port of Providence on a site owned by Prov Port formerly leased by Citgo and later by Providence Terminal Associates. The New England Petroleum Terminal, LLC, Southern Terminal stores, handles, and distributes biodiesel, ultra-low sulfur diesel, and No. 2 Fuel Oil products to wholesale customers. Product is brought in by tanker, barge or truck and is shipped out primarily by tanker truck. The biodiesel and petroleum products are transferred from the storage tanks to tanker trucks at the loading racks. This permit does not authorize the storage of gasoline at this facility.

The discharge to the Providence River is composed of storm water from the terminal yard area, the truck loading rack area, and the secondary containment areas. This permit also authorizes the discharge of tank and/or pipe hydrostatic test water. All storm water and hydrostatic test water will be treated by an oil/water separator prior to discharge from Outfall 001.

A quantitative description of the discharge from Outfall 001 in terms of significant effluent parameters based on Discharge Monitoring Report data for the past six (6) years is shown in Attachment A-1.

III. Permit Limitations and Conditions

The final effluent limitations and monitoring requirements may be found in the permit.

IV. Permit Basis and Explanation of Effluent Limitation Derivation

Variances, Alternatives, and Justifications for Waivers of Application Requirements

No variances or alternatives to required standards were requested or granted.

No waivers were requested or granted for any application requirements per 40 CFR §122.21(j) or (q).

Facility Description

New England Petroleum Terminal, LLC's most recent RIPDES permit, authorizing discharges from the above-mentioned facility, was issued on February 24, 2014. This permit became effective on April 1, 2014 and expired on March 31, 2019. The facility submitted an application for permit reissuance to the DEM on July 2, 2018 (revised October 26, 2018 and July 31, 2019). On November 26, 2018, the DEM issued an application complete letter to the facility. In accordance with 250-RICR-150-10-1 §13 of the Regulations for the Rhode Island Pollutant Discharge Elimination System, the facility's February 24, 2014 permit remains in effect since the DEM has determined that a timely and complete permit application was submitted. Once this permit is reissued, it will supersede the February 24, 2014

permit.

New England Petroleum Terminal, LLC, a subsidiary of The Hudson Companies, is the operator of the New England Petroleum Terminal, LLC. – Southern Terminal located at 130 Terminal Road, Providence, Rhode Island. The New England Petroleum Terminal facility is located on an approximately eight-acre site. The wholesale biodiesel, ultra-low sulfur diesel, and No. 2 Fuel Oil storage and distribution facility consists of five bulk storage tanks in diked areas, an office, a garage, pump house, foam house, loading racks, a paved driving and parking area, and remediation sheds and utilities. The New England Petroleum Terminal – Southern Terminal facility is a wholesale biodiesel and petroleum (ultra-low sulfur diesel (ULSD) and No. 2 heating oil) storage and distribution facility. A previously existing vapor recovery unit (VRU), including its tanks, has been dismantled and removed from the site since none of the bulk storage tanks will be used to hold gasoline. The site is not authorized to store gasoline under this permit.

Above-Ground Storage Tanks (ASTs): There are five existing bulk storage tanks located at the site. Tanks 1 and 11 store #2 heating oil, Tank 8 stores biodiesel, and Tanks 6 and 13 store ULSD. The biodiesel and petroleum products are transferred from the storage tanks to tanker trucks at the loading racks.

Each tank is located within earthen dike walls which forms the secondary containment. Tanks 1 and 6 are located in the eastern containment area, and Tanks 11, 8, and 13 are located within the western containment area. The bases of the containment dikes are lined with an impervious liner and in some parts with crushed stone over the liner. All overfill vents/lines are directed inside the secondary containment. As per EPA regulations, the containment areas hold either the volume of the largest tank plus freeboard for a 25-yr storm, or 110% of the largest tank volume, whichever is greater.

In addition to the five bulk storage tanks, there are an additional four smaller above ground storage tanks (ASTs) located at the site. There is one 275-gallon heating oil AST at the foam house and in the office building. There is a 126-gallon internal fuel tank in a skid-mounted diesel emergency generator, and a 550-gallon heating oil tank adjacent to the garage. Only the 550-gallon heating oil tank adjacent to the garage does not have secondary containment, however this tank is no longer in use.

In the containment area of Tank 8, there are also three additive tanks: a 500-gallon single wall tank containing heating oil additive, a 2,000-gallon single wall tank containing diesel ULSD additive, and a 1,000-gallon dye tank for heating oil. A fourth additive tank, a 300-gallon double-wall dye tank, is located in the rack area.

Tanker Truck Loading Area: Tanker trucks receive product from the facility through the loading racks located in the central portion of the site adjacent to the office. The loading rack is paved with concrete and drains to two trench drains. The loading area is equipped with a canopy to minimize storm water flow to the OWS. The concrete pads of the truck racks are pitched towards the trench drains, which collect the flow of any leaks or spills of product and any storm water, and directs these flows into the existing oil water separator located in the western containment area.

Remediation System: The eastern portion of the site has been impacted by various petroleum products. The remediation program began in January 2005 and is still ongoing. Following remediation, monitoring will continue at the site for several more years. The pump and treat groundwater remediation system employs various tanks, filters, wells and sheds. As shown in Attachment A-3, Remediation Tank 1 is a 1,000-gallon AST and Remediation Tank 2 is a 240-gallon AST. Both tanks have internal annular secondary containment. There are also two vapor phase carbon tanks, filters, a trailer and a shed located in the same area south of the office. Discharges from the remediation system are not authorized by this permit and are prohibited in Part I.A.10 of the permit.

Site Drainage

A closed storm water drainage system has been installed at the site to address the four major drainage areas at the facility. The drainage system has been constructed such that potentially contaminated storm water will not be released in subsurface soil material. Secondary containment areas are constructed with an impervious liner installed on the ground surface.

Because the system is closed given that the liner is impervious, any storm water collected in secondary containment areas will be conveyed through a controlled release to an oil/water separator (OWS) for treatment before it exits the site. Sampling will be conducted at a sampling port located immediately after the OWS.

The site is divided up into four major drainage areas described below:

Loading Rack Area

Drainage from the loading rack areas flow through two trench drains to an existing underground OWS and then into a second above ground OWS. Storm water captured in the loading rack area is controlled by a valve. This valve is normally closed. Following any rain events, the valve will be opened and the storm water will be conveyed from the rack area and trench drains through the underground OWS into the aboveground OWS by a pump located in a manhole immediately upstream of the above ground OWS.

Paved North Central Area

The paved north central portion of the site drains via sheet flow to catch basins on Terminal Road, which is part of the City of Providence storm drain system. Flow from this area of the site also includes roof drainage from the loading rack, foam house, and office. This drainage area does not include any industrial activities.

Western Containment Area

Storm water within the western containment area, which includes Tanks 11 and 13 and tank roof runoff, is retained in the secondary containment by the berm and the impervious liner. This storm water is collected by a series of catch basins and conveyed to the above ground OWS by underground HDPE pipes. Storm water from the garage and adjacent paved area is collected by two catch basins and conveyed into the western containment area. The OWS is located within the western containment area. A valve just upstream of the pump manhole controls the flow from the western containment area into the above ground OWS. The valve allows for the controlled release of storm water from the containment area so that the flow rate is consistent with the treatment flow rate of the OWS. This valve is normally closed.

Eastern Containment Area

Storm water within the eastern containment areas, which includes Tanks 1, 6 and 8 and tank roof runoff, is retained in the secondary containment by the berm and the impervious liner. This storm water is collected by a series of catch basins and conveyed to the above ground OWS by underground fusion-welded HDPE pipes. A valve located just outside of the eastern containment area berm controls the flow from the eastern secondary containment area and is normally in a closed position. The valve allows for the controlled release of the storm water from the eastern containment area so the flow rate is consistent with the treatment flow rate of the OWS.

Storm Water Collection and Treatment System

Outfall 001 is defined as the sampling port immediately downstream from the above ground OWS. All storm water collected at the site originates from the dike wall/bermed areas surrounding the five (5) on site ASTs and the tank truck loading racks. All storm water is collected at the site and will be directed to the above ground OWS prior to discharging to the City of Providence storm water drainage system on Terminal Road which ultimately discharges to the Providence River approximately 1,600 feet to the east of the site. The OWS selected for the site is a watertight tank manufactured by Highland Tank. The above ground OWS is a 6,000-gallon storage tank with a

design flow rate of 600 gpm. The 600 gpm is based on allowing the volume of storm water that would accumulate within each of the containment areas from a 25-year storm event to be treated and discharged within 24 hours.

Receiving Water Description

Outfall 001 discharges to the Providence River in the segment defined as water body ID number RI0007020E-01B. This segment is described as the Providence River from its confluence with the Moshassuck and Woonasquatucket Rivers in Providence south and south of a line from India Point to Bold Point (across the mouth of the Seekonk River), to a line extending from a point on shore due east of Naushon Avenue in Warwick to the western terminus of Beach Road in East Providence, including Watchemoket Cove in the cities of East Providence, Providence, Cranston and Warwick. This segment is classified as a Class SB1{a} water body according to the RI Water Quality Regulations. Class SB1 waters are designated for primary and secondary contact recreational activities and fish and wildlife habitat. They shall be suitable for aquacultural uses, navigation, and industrial cooling. These waters shall have good aesthetic value. Primary contact recreational activities may be impacted due to pathogens from approved wastewater discharges, however all Class SB criteria must be met. The Providence River in this segment has been assigned a partial use designation of {a}, where these waters will likely be impacted by combined sewer overflows in accordance with approved CSO Facilities Plans. Therefore, primary contact recreational activities; shell fishing uses; and fish and wildlife habitat will likely be restricted. Currently, this segment was listed as a Category 5/303(d) Listed Water during the 2016 assessment cycle for not supporting fish and wildlife habitat due to Total Nitrogen and Dissolved Oxygen impairments with a target date of 2022 for a TMDL dependent on upgrades to nearby wastewater treatment facilities. In addition, this segment was listed as not supporting primary and secondary contact recreation due to Fecal Coliform impairments with a target date of 2022 for a TMDL. It was noted for the latter that compliance with an existing Consent Agreement for CSO abatement expected to negate the need for a TMDL analysis by the DEM.

Permit Limit Development

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. 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).

Development of RIPDES permit limitations is a multi-step process consisting of: determining if Federal effluent guidelines apply; calculation of allowable water quality-based discharge levels based on background data and available dilution; assigning appropriate Best Professional Judgement (BPJ) based limits; comparing existing and proposed limits; comparing discharge data to proposed limits; performing an antidegradation/antibacksliding analysis to determine the final permit limits; and developing interim limits as appropriate.

Water quality criteria are comprised of numeric and narrative criteria. Numeric criteria are scientifically derived ambient concentrations developed by EPA or the State for various pollutants of concern to protect human health and aquatic life. Narrative criteria are statements that describe the desired water quality goal. A technology-based limit is a numeric limit, which is determined by examining the capability of a treatment process to reduce or eliminate pollutants.

The draft RIDES permit for New England Petroleum Terminal, LLC. – Southern Terminal, 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:

Technology-based Limits

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.

BPJ-based Limits

Outfall 001: Effluent limitations for Outfall 001 have been established for total suspended solids (TSS) and oil and grease. The daily maximum effluent limitation of 20 mg/l for TSS is a BPJ based limit based on the ability of bulk petroleum storage terminals to comply with this numeric limit utilizing proper BMPs and using oil/water separators and/or holding/equalization basins as the storm water treatment technology. 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 oil and grease remains unchanged from the previous permit at 15 mg/l, daily maximum. Performance data from terminals similar to this facility, 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 effective best management practices (BMPs).

Outfall 001 must also be monitored for sixteen (16) polynuclear aromatic hydrocarbons (PAHs). These pollutants were chosen because they are indicators used to characterize contamination from the petroleum hydrocarbons stored at the site.

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. The oil/water separator installed at this facility has a design flow rate of 600 gpm or 0.864 MGD. 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 design flow rate for the oil/water separator or cause violations of the effluent limitations specified in the permit. Separate control valves for the rack area and the western and eastern secondary containment areas allow for the separate release of storm water from these areas. Also, since the 2008 permit issuance a continuous flow monitoring/recording device has been installed in order to comply with the flow sampling requirements of this permit. The flow limit in the permit has been set equal to the design flow rate for the oil/water separator servicing Outfall 001 of 0.864 MGD.

Water Quality-based Limits

The narrative effluent limitations for pH are based on water quality criteria established in the State's Water Quality Regulations for Saltwater Receiving Waters. In accordance with 40 CFR Part 122.4(d)(1)(iii), it is only necessary to establish limits for those pollutants in the discharge which have the reasonable potential to cause or contribute to the exceedance of the instream criteria. With the exception of pH, all other pollutants that have water quality criterion were listed as not being present in the discharge (i.e., non-detect) on the permit application. Therefore, the only pollutant that requires a water quality-based limit is pH.

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 the oil/water separator.

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 as specified for outfall 001. 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 Providence 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 maintain 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. The specific SWPPP requirements have been modified in this permit to be consistent with the Storm Water Management Plan (SWMP) requirements from Rhode Island's Multi-Sector General Permit for Storm Water Discharge Associated with Industrial Activity (MSGP) which became effective May 3, 2019.

Prohibited Discharges

Non-storm Water Discharges: This permit authorizes certain non-storm water discharges consistent with DEM's 2019 Multi-Sector General Permit. Allowable non-storm water discharges are limited to discharges from firefighting activities; fire hydrant flushings; routine external building washdown / power wash water that does not use detergents or hazardous cleaning products (such

as those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols); lawn watering; uncontaminated groundwater; springs; air conditioning condensate; potable waterline flushings; irrigation drainage; 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; water sprayed for dust control or at a truck load wet-down station; incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains); uncontaminated utility vault dewatering; dechlorinated water line testing water; hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals; discharges from washing of vehicles provided: chemicals, soaps, detergents, hazardous cleaning products (such as those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), steam, or heated water are not used; cleaning is restricted to the outside of the vehicle (e.g., no engines, transmissions, undercarriages, or truck beds); or washing is not used to remove accumulated industrial materials, paint residues, heavy metals or any other potentially hazardous materials from surfaces; and discharges from washing of marine vessels provided chemicals, soaps, detergents, hazardous cleaning products (such as those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), steam, or heated water are not used and the washing is not used to remove topside or bottom paint; marine growth, or other potentially hazardous materials from vessels. 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 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.

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) 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.

Whereas storm water contacts only those hydrocarbons spilled on the ground and then only for short periods of time; tank bottom water remains in intimate proximity with petroleum derivatives for prolonged periods of time, allowing the pollutants the necessary contact time to dissolve into the aqueous phase. Storm water also is discharged from the terminal in a timely fashion to maintain maximum storage capacity within the diked areas at all times. This procedure also minimizes the contact time between petroleum product and storm water.

The DEM considers tank bottom water a "process wastewater", since it can partition soluble toxic materials from petroleum product with time. To protect the Providence 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 directly from the facility. The facility is required by the permit to dispose of tank bottom water off-site by a licensed hazardous waste contractor.

Contaminated Groundwater: 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 the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases.

Antibacksliding

Provided below is a brief introduction to Antibacksliding and Antidegradation; as well as a discussion on how the two policies were used to calculate water quality-based limits.

Antibacksliding restricts the level of relaxation of water quality-based limits from the previous permit. Section 303(d)(4) of the Clean Water Act addresses antibacksliding as the following:

Section 303(d)(4)

1. Standards not attained – For receiving waters that have not attained the applicable water quality standards, limits based on a TMDL or WLA can only be revised if the water quality standards will be met. This may be done by (i) determining that the cumulative effect of all such revised limits would assure the attainment of such water quality standards; or (ii) removing the designated use which is not being attained in accordance with regulations under Section 303.
2. Standards attained – For receiving waters achieving or exceeding applicable water quality standards, limits can be relaxed if the revision is consistent with the State's Antidegradation Policy.

Therefore, in order to determine whether backsliding is permissible, the first question that must be asked is whether or not the receiving water is attaining the water quality standard. The Office has determined the most appropriate evaluation of existing water quality is by calculating pollutant levels, which would result after the consideration of all currently valid RIPDES permit limits or historic discharge data (whichever is greater), background data (when available), and any new information (i.e., dilution factors).

Antidegradation

The DEM's "*Policy on the Implementation of the Antidegradation Provisions of the Rhode Island Water Quality Regulations July 2006*" (the Policy) established four tiers of water quality protection:

Tier 1. In all surface waters, existing uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

Tier 2. In waters where the existing water quality criteria exceeds the levels necessary to support the propagation of fish and wildlife and recreation in and on the water, that quality shall be maintained and protected except for insignificant changes in water quality as determined by the Director and in accordance with the Antidegradation Implementation Policy, as amended. In addition, the Director may allow significant degradation, which is determined to be necessary to achieve important economic or social benefits to the State in accordance with the Antidegradation Policy.

Tier 2½. Where high quality waters constitute Special Resource Protection Waters SRPWs¹, there shall be no measurable degradation of the existing water quality necessary to protect the characteristics which cause the waterbody to be designated a SRPW. Notwithstanding that all public drinking water supplies are SRPWs, public drinking water suppliers may undertake temporary and short-term activities within the boundary perimeter of a public drinking water supply impoundment for essential maintenance or to address emergency conditions in order to prevent adverse effect on public health or safety. These activities must comply with the requirements set forth in Tier 1 and Tier 2.

Tier 3. Where high quality waters constitute an Outstanding Natural Resource ONRWs², that water quality shall be maintained and protected. The State may allow some limited activities that result in temporary or short-term changes in the water quality of an ONRW. Such activities must not permanently degrade water quality or result in water quality lower than necessary to protect the

¹ SRPWs are surface waters identified by the Director as having significant recreational or ecological uses.

² ONRWs are a special subset of high-quality water bodies, identified by the State as having significant recreational or ecological water uses.

existing uses in the ONRW.

The formulas previously presented ensure that permit limitations are based upon water quality criteria and methodologies established to ensure that all designated uses will be met.

In terms of the applicability of Tier 2 of the Policy, a water body is assessed as being high quality on a parameter-by-parameter basis. In accordance with Part II of the Policy, "Antidegradation applies to all new or increased projects or activities which may lower water quality or affect existing water uses, including but not limited to all 401 Water Quality Certification reviews and any new, reissued, or modified RIPDES permits." Part VI.A of the Policy indicates that it is not applicable to activities which result in insignificant (i.e., short-term minor) changes in water quality and that significant changes in water quality will only be allowed if it is necessary to accommodate important economic and social development in the area in which the receiving waters are located (important benefits demonstration). Part VI.B.4 of the Policy states that: "Theoretically, any new or increased discharge or activity could lower existing water quality and thus require the important benefits demonstration. However, DEM will: 1) evaluate applications on a case-by-case basis, using BPJ and all pertinent and available facts, including scientific and technical data and calculations as provided by the applicant; and 2) determine whether the incremental loss is significant enough to require the important benefits demonstration described below. [If not then as a general rule DEM will allocate no more than 20%.] Some of the considerations which will be made to determine if an impact is significant in each site specific decision are: 1) percent change in water quality parameter value and their temporal distribution; 2) quality and value of the resource; 3) cumulative impact of discharges and activities on water quality to date; 4) measurability of the change; 5) visibility of the change; 6) impact on fish and wildlife habitat; and 7) impact on potential and existing uses. As a general guide, any discharge or activity which consumes greater than 20% of the remaining assimilative capacity may be deemed significant and invoke full requirements to demonstrate important economic or social benefits."

In terms of a RIPDES permit, an increased discharge is defined as an increase in any limitation, which would result in an increased mass loading to a receiving water. The baseline for this comparison would be the monthly average mass loading established in the previous permit. It would be inappropriate to use the daily maximum mass loading since the Policy is not applicable to short-term changes in water quality.

For the purposes of ensuring that the revised limit is consistent with the requirements of antidegradation, existing water quality must be defined. As explained earlier, DEM evaluates existing water quality by determining the pollutant levels which would result under the design conditions appropriate for the particular criteria (i.e., background water quality, when available and/or appropriate, non-point source inputs; and existing RIPDES permit limitations or recent historical discharge data, whichever is higher). In general, available data would be used to make this determination.

Use the above-mentioned criteria, the present instream water quality C_p is defined as:

$$C_p = \frac{(DF - 1) \cdot C_b + (1 \cdot C_d)}{DF}$$

where: C_b = background concentration³

C_d = discharge data⁴

DF = dilution factor

In this permit, all monthly average limitations are either the same as or more stringent than the limits in the February 24, 2014 permit. Therefore, the limits contained in this permit are consistent with the Department's anti-degradation policy.

³ Data collected at a location that is unimpacted by significant point source discharges.

⁴ Discharge data refers to the maximum of the permit limit or the historic discharge level. The historic discharge level is determined by calculating the upper 95th confidence interval for the monthly average reported data for the past five (5) years. For specific cases, changes in treatment efficiency or pretreatment limitations may support the use of an alternative period of time.

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.

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. In accordance with Chapter 46-17.4 of Rhode Island General Laws, a public hearing will be held prior to the close of the public comment period. 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, 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, provided oral testimony, 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 250-RICR-150-10-1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System.

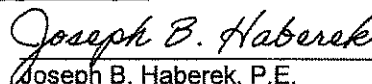
VI. DEM Contact

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, Environmental Engineer II
Department of Environmental Management/ Office of Water Resources
235 Promenade Street
Providence, Rhode Island 02908
Telephone: (401) 222-4700, ext: 7405
Email: aaron.mello@dem.ri.gov

July 22, 2020

Date



Joseph B. Haberek, P.E.
Environmental Engineer IV
RIPDES Program
Office of Water Resources
Department of Environmental Management

ATTACHMENT A-1

DESCRIPTION OF DISCHARGES: Storm Water

DISCHARGE: 001 – Effluent from Oil/Water Separator

AVERAGE EFFLUENT CHARACTERISTICS AT POINT OF DISCHARGE:

PARAMETER	AVERAGE ¹	MAXIMUM ²
FLOW (MGD)	<u>0.0888</u> MGD	<u>0.187</u> MGD
Oil and Grease	<u>BDL</u> mg/l	<u>BDL</u> mg/l
TSS	<u>4.06</u> mg/l	<u>6.75</u> mg/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
Phenanthrene		<u>BDL</u> µg/l
Pyrene		<u>BDL</u> µg/l
Sum of All (PAHs)		<u>BDL</u> µg/l

¹Data represents the mean of the monthly average data from April 2014 through January 2020.

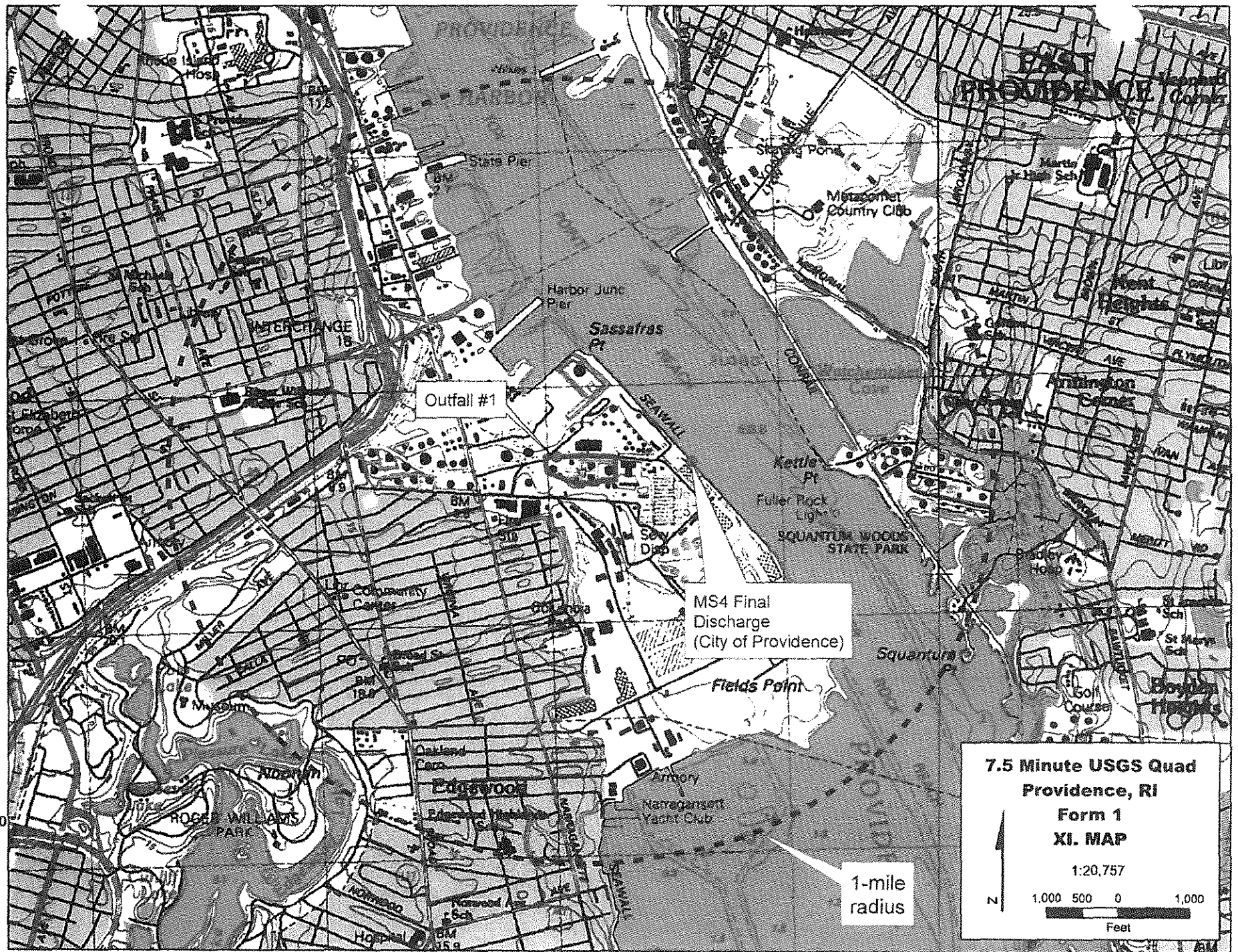
²Data represents the mean of the daily maximum data from April 2014 through January 2020.

BDL=Below Detection Limit

ATTACHMENT A-2

**New England Petroleum Terminal, LLC – Southern Terminal
SITE LOCATION MAP**

40°46'50"



Outfall #1

MS4 Final Discharge (City of Providence)

1-mile radius

7.5 Minute USGS Quad
Providence, RI
Form 1
XI. MAP
 1:20,757

N

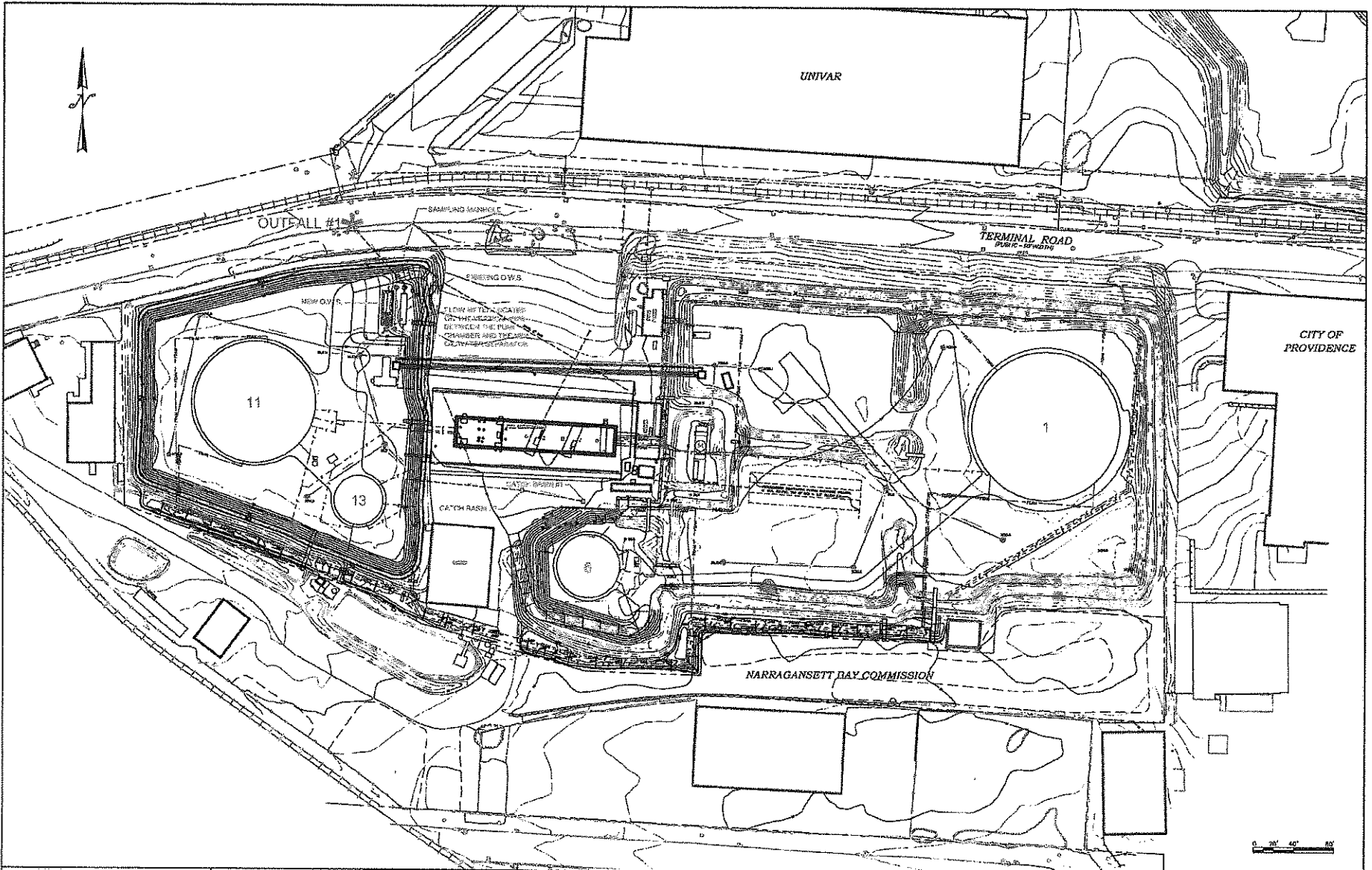
1,000 500 0 1,000


Feet

71°25'14"

ATTACHMENT A-3

**New England Petroleum Terminal, LLC – Southern Terminal
DRAINAGE SITE PLAN**




Maguire Group Inc.
 Architects/Engineers/Planners
 285 Chapman Street
 Providence, Rhode Island 02905

**NEW ENGLAND
 PETROLEUM TERMINAL LLC**

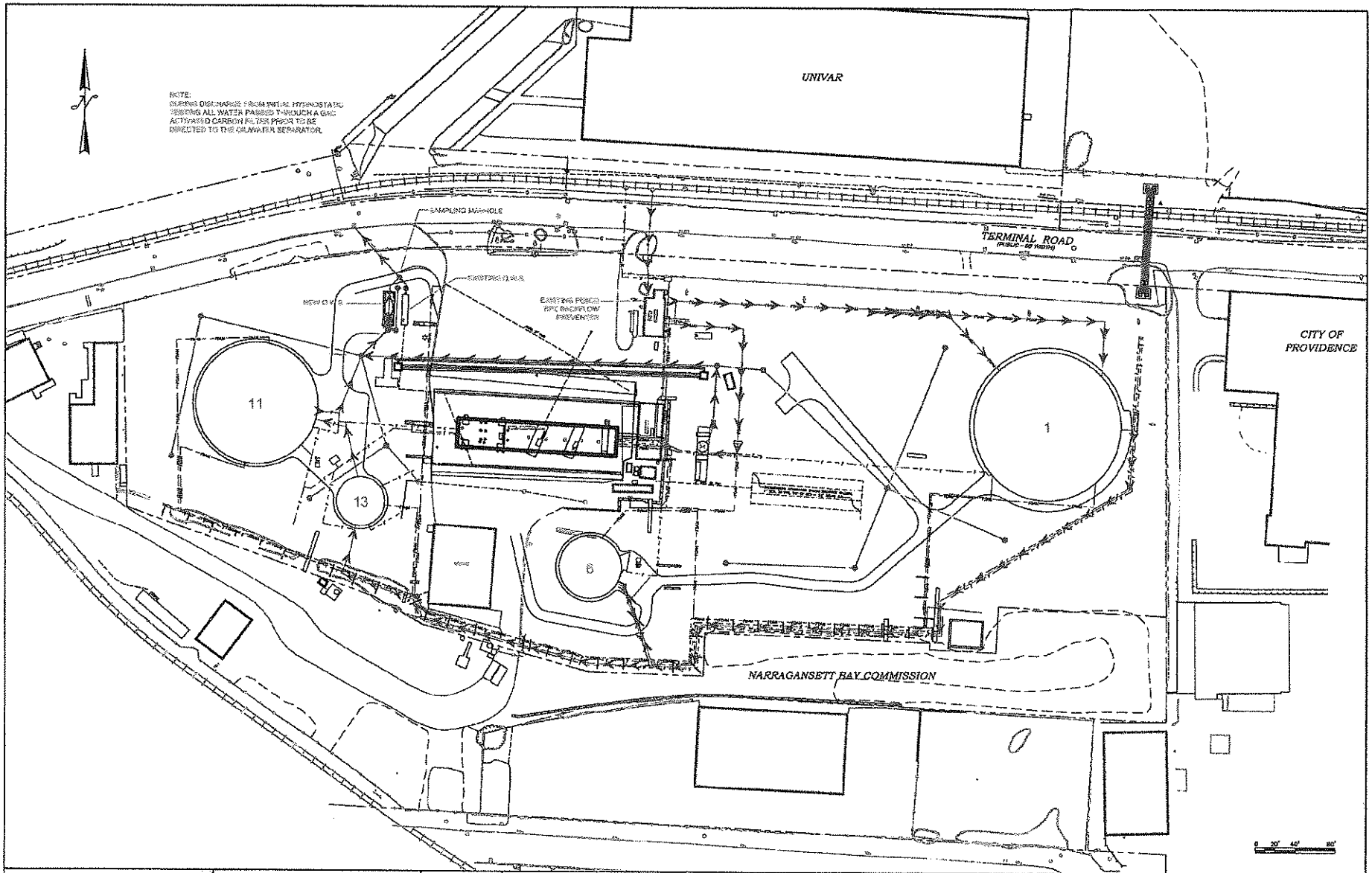
REVISIONS			SCALE: AS SHOWN	
NO.	DATE	BY	DESCRIPTION	DATE
1	4/15/08	REN		

DESIGNED BY: DATE: May 15, 2008
 CHECKED BY: SHEET: 1 of 1

**NEPT SOUTH
 DRAINAGE SITE PLAN**

ATTACHMENT A-4

**New England Petroleum Terminal, LLC – Southern Terminal
HYDROSTATIC TEST WATER LINE FLOW DIAGRAM**



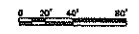
NOTE:
 SURFER'S DISCHARGE FROM FUTURE HYDROSTATIC
 TESTING ALL WATER PASSES THROUGH A GRAVE
 ACTIVATED CARBON FILTER PRIOR TO BE
 DIRECTED TO THE GROUND WATER SEPARATOR.

UNIVAR

TERMINAL ROAD
 (PUBLIC ROAD)

CITY OF
 PROVIDENCE

NARRAGANSETT BAY COMMISSION



Meguire Group Inc.
 Architects/Engineers/Planners
 226 Chapman Street
 Providence, Rhode Island 02905

NEW ENGLAND PETROLEUM TERMINAL LLC

REVISIONS		SCALE: AS SHOWN
NO.	DATE	BY
1	8/24/08	MB
DRAWN BY:		DATE: May 18, 2010
CHECKED:		SHEET 1 OF 1

NEPT SOUTH HYDROSTATIC TESTING FLOW DIRECTION PLAN

PART II
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- (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
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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 250-RICR-150-10-1.12 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) 222-4700 or (401) 222-3070 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 250-RICR-150-10-1.14(R) 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 250-RICR-150-10-1.14(R) of the RIPDES Regulations; and
 - (d) The permittee complied with any remedial measures required under 250-RICR-150-10-1.14(E) 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, 235 Promenade Street, Providence, Rhode Island 02908. 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 250-RICR-150-10-1.16 and 250-RICR-150-10-1.24 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 250-RICR-150-10-1.50 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