



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

December 13, 2006

Mr. Duane Seekins
Terminal Manager
Sprague Energy Corporation
P.O. Box 435
Searsport, ME. 04974

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0002208
Maine Waste Discharge License (WDL) #W002564-5S-D-M
Final Permit/License Modification

Dear Mr. Seekins:

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

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

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

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: Tanya Hovell, DEP/EMRO
Sandy Lao, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

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

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143



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

DEPARTMENT ORDER

IN THE MATTER OF

| | | |
|--------------------------------|---|---------------------------|
| SPRAGUE ENERGY CORPORATION |) | MAINE POLLUTANT DISCHARGE |
| SEARSPORT, WALDO COUNTY, MAINE |) | ELIMINATION SYSTEM PERMIT |
| BULK FUEL STORAGE FACILITY |) | AND |
| W002564-5S-D-M |) | WASTE DISCHARGE LICENSE |
| ME0002208 APPROVAL |) | MODIFICATION |

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

APPLICATION SUMMARY

The permittee has submitted an application to the Department to modify combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0002208/Maine Waste Discharge License (WDL) #W002564-5S-C-R (permit hereinafter), which was issued by the Department on April 14, 2004 for a five-year term. The permit authorized the permittee to discharge treated storm water runoff, boiler blowdown and hydrostatic test waters at a daily maximum flow rate of 350 gpm from one outfall (designated as Outfall #001 and administrative Outfall #002) to the tidewaters of Searsport, Class SC, in Searsport, Maine.

The permittee has recently purchased an adjacent tank farm consisting of nine tanks. The tank farm was formerly owned and operated by the federal government's Defense Fuel Supply Center (DFSC). See Attachment A of the Fact Sheet of this permit for an aerial photograph depicting Sprague's existing facility and the newly acquired tank farm. This tank farm was operated by the DFSC until 1995 when it was closed. During its years in operation, the facility was permitted by the Department to discharge treated storm water runoff and hydrostatic test waters to the tidewaters of Searsport. The permit was retired in 1995 shortly after the facility was closed. The outfall from the newly acquired facility discharges to a Class SB waterbody.

MODIFICATIONS REQUESTED

The permittee has requested the Department grant authorization to discharge treated storm water runoff and hydrostatic test waters from one outfall structure (designated as Outfall #003 and administrative Outfall #004) and incorporate the terms and conditions for said discharges into the existing permit for Sprague's facility in Searsport.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the previous permitting action for Outfalls #001 and #002 and incorporating limitations and monitoring requirements for discharges of treated storm water runoff and hydrostatic test waters from Outfall #003 and #004 from the former DFSC facility. The limitations and monitoring requirements for the discharges from the former DFSC are consistent with the limitations and monitoring requirements for Sprague's existing facility.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated November 7, 2006, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:
 - a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - c. The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - e. Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the application of the SPRAGUE ENERGY CORPORATION to discharge treated storm water runoff up to a rate of 350 gallons per minute (gpm) Outfall #001 and 1,500 gpm (Outfall #003) and up to a daily maximum of 6.1 million gallons of hydrostatic test waters via Outfall #002 and up to 5.0 million gallons of hydrostatic test waters via Outfall #004 from a bulk fuel storage and transfer facility to the tidewaters of Searsport, Class SB and SC, subject to the attached conditions and all applicable standards and regulations:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit modification supersedes combination MEPDES permit #ME0002208/WDL W002564-5S-C-R issued by the Department on April 14, 2004.
4. **This permit expires on April 14, 2009.**

DONE AND DATED AT AUGUSTA, MAINE, THIS 15TH DAY OF December, 2006.

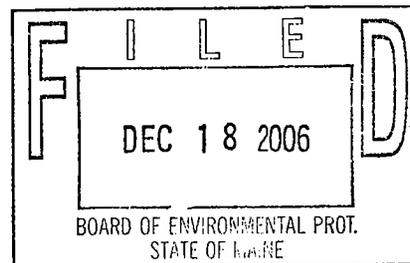
COMMISSIONER OF ENVIRONMENTAL PROTECTION

BY: 
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application October 12, 2006

Date of application acceptance October 26, 2006



Date filed with Board of Environmental Protection _____

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

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge treated storm water runoff and boiler blowdown to the tidewaters of Searsport. Such treated waste water discharges shall be limited and monitored by the permittee as specified below.

OUTFALL #001 - Storm water runoff and boiler blowdown

Effluent Characteristic

Discharge Limitations

Minimum Monitoring Requirements

| | Monthly Average as specified | Daily Maximum as specified | Monthly Average as specified | Daily Maximum as specified | Measurement Frequency as specified | Sample Type As specified |
|----------------------------------|------------------------------|----------------------------|------------------------------|---------------------------------|------------------------------------|--------------------------|
| Flow [50050] | --- | --- | --- | 350 gpm ⁽¹⁾ [78] | 1/ Quarter [01/90] | Measure [MS] |
| Total Suspended Solids [00530] | --- | --- | 50 mg/L ⁽²⁾ [19] | 100 mg/L [19] | 1/ Quarter [01/90] | Grab ⁽³⁾ [GR] |
| Oil & Grease [00552] | --- | --- | --- | 15 mg/L [19] | 1/Quarter [01/90] | Grab ⁽³⁾ [GR] |
| Benzene [34030] | --- | --- | --- | Report mg/L ⁽⁵⁾ [19] | 1/Quarter [01/90] | Grab ⁽³⁾ [GR] |
| pH [00400] (April – November) | --- | --- | --- | 6.0 – 9.0 SU ⁽⁶⁾ | 1/Month ⁽⁶⁾ [01/30] | Grab [GR] |

SPECIAL CONDITIONS

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

OUTFALL #002 - Hydrostatic test waters

| Effluent Characteristic | Discharge Limitations | | | | Minimum Monitoring Requirements | | |
|----------------------------------|------------------------------|----------------------------|------------------------------|---------------------------------|------------------------------------|--------------------------|--|
| | Monthly Average as specified | Daily Maximum as specified | Monthly Average as specified | Daily Maximum as specified | Measurement Frequency as specified | Sample Type as specified | |
| Flow (Total Gallons) [82220] | --- | --- | --- | 6.1 EE6 gal ⁽⁷⁾ [57] | 1/Discharge [01/DS] | Measure [MS] | |
| Total Suspended Solids [00530] | --- | --- | --- | 50 mg/L [19] | 1/Discharge [01/DS] | Grab ⁽³⁾ [GR] | |
| Oil & Grease [00552] | --- | --- | --- | 15 mg/L [19] | 1/Discharge [01/DS] | Grab ⁽³⁾ [GR] | |
| Total Residual Chlorine [50060] | --- | --- | --- | 13 ug/L ⁽⁴⁾ [28] | 1/Discharge [01/DS] | Grab ⁽³⁾ [GR] | |
| pH [00400] (April – November) | --- | --- | --- | 6.0 – 9.0 SU ⁽⁶⁾ | 1/Discharge ⁽⁶⁾ [01/30] | Grab [GR] | |

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL #003 - Storm water runoff from the former DFSC facility

Effluent Characteristic

Discharge Limitations

Minimum Monitoring Requirements

| | Monthly Average as specified | Daily Maximum as specified | Monthly Average as specified | Daily Maximum as specified | Monthly Average as specified | Daily Maximum as specified | Measurement Frequency as specified | Sample Type As specified |
|----------------------------------|------------------------------|----------------------------|------------------------------|----------------------------|-------------------------------|----------------------------|------------------------------------|--------------------------|
| Flow [50050] | --- | --- | --- | --- | 1,500 gpm ⁽¹⁾ [78] | --- | 1/Year [01/YR] | Measure [MS] |
| Total Suspended Solids [00530] | --- | --- | 50 mg/L ⁽²⁾ [19] | --- | 100 mg/L [19] | --- | 1/Quarter [01/QTR] | Grab ⁽³⁾ [GR] |
| Oil & Grease [00552] | --- | --- | --- | --- | 15 mg/L [19] | --- | 1/Quarter [01/QTR] | Grab ⁽³⁾ [GR] |
| pH [00400] (April – November) | --- | --- | --- | --- | 6.0 – 9.0 SU ⁽⁶⁾ | --- | 1/Month ⁽⁶⁾ [01/MO] | Grab [GR] |

SPECIAL CONDITIONS

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

OUTFALL #004 - Hydrostatic test waters from the former DFSC facility

| Effluent Characteristic | Discharge Limitations | | | | Minimum Monitoring Requirements | | |
|----------------------------------|------------------------------|----------------------------|------------------------------|---------------------------------|------------------------------------|--------------------------|--|
| | Monthly Average as specified | Daily Maximum as specified | Monthly Average as specified | Daily Maximum as specified | Measurement Frequency as specified | Sample Type as specified | |
| Flow (Total Gallons) [82220] | --- | --- | --- | 5.1 EE6 gal ⁽⁷⁾ [57] | 1/Discharge [01/DS] | Measure [MS] | |
| Total Suspended Solids [00530] | --- | --- | --- | 50 mg/L [19] | 1/Discharge [01/DS] | Grab ⁽³⁾ [GR] | |
| Oil & Grease [00552] | --- | --- | --- | 15 mg/L [19] | 1/Discharge [01/DS] | Grab ⁽³⁾ [GR] | |
| Total Residual Chlorine [50060] | --- | --- | --- | 13 ug/L ⁽⁴⁾ [28] | 1/Discharge [01/DS] | Grab ⁽³⁾ [GR] | |
| pH [00400] (April - November) | --- | --- | --- | 6.0 - 9.0 SU ⁽⁶⁾ | 1/Discharge ⁽⁶⁾ [01/30] | Grab [GR] | |

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Footnotes:

Sampling Locations: Samples for all parameters shall be collected after the oil/water separators during the first hour of discharge. Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services.

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

At no time shall the flow through the oil/water separator exceed the design flow of 350 gpm for the separator for Outfall #001 or 1,500 gpm for the separator for Outfall #003. Flow measurement devices or calculated flow estimates via pump curves or tank volumes or other methods must be approved by the Department. Measurement of flow may be suspended upon approval from the Department in the event the permittee limits flow to the separator by installing a permanent constriction to prevent flows from exceeding the design capacity of the separator. The installation, replacement or modification of any flow measurement or constriction device requires prior approval by the Department. It is noted the separator for Outfall #003 has a flow restrictor currently in place to restrict flow to the design capacity of 1,500 gpm. Therefore, regular flow measurement requirements are not be established in this permit modification but an annual verification of the effectiveness of the restrictor is being required.

- (2) **Total Suspended Solids (TSS)**– The monthly average concentration limitation of 50 mg/L for TSS is based on an average over the previous twelve-month period. For the purposes of this permitting action, the twelve-month rolling average calculation is based on the test results for the most recent twelve-month period. Months when there is no discharge (no sampling, i.e. TSS = 0 mg/L) are not to be included in the calculations. See page 7 of the Fact Sheet of this permit for an example calculation. For Outfall #003, the first three calendar quarters (1/07–3/07, 4/07 – 6/07 and 7/07 – 9/07) of the term of this permit, the permittee shall report "NODI-9" in the applicable space on the Discharge Monitoring Report (DMR). In the "Comments" box at the bottom of the DMR, the permittee shall indicate this is the first of four quarters, second of four quarters etc. In the fourth calendar quarter and each quarter thereafter, the permittee shall calculate and report on the DMR, the 12-month rolling average TSS concentration.

SPECIAL CONDITIONS

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

Footnotes:

(3) **Grab sample** - Storm water runoff from one significant storm event per calendar quarter shall be sampled for TSS, oil & grease and benzene for Outfall #001 and TSS and oil & grease for Outfall #003. Significant storm event is defined as any event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable storm event. Suitable size and type of samples shall be collected in accordance with 40 CFR Part 136. Grab samples will be collected within the first hour (first flush) after the diked area(s) drainage area and/or pumpout has started. Separate aliquot samples shall be taken for the analysis for each parameter.

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

Detectable results: All detectable analytical test results shall be reported to the Department including results which are detected below the ML of 0.05 mg/L. If the concentration result is at or above 0.05 mg/L, the concentration shall be reported at that level.

Non-detectable results: If the analytical test result is below 0.05 mg/L, the concentration result shall be reported as <X where X is the detection level achieved by the laboratory for that test.

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

Detectable results: All detectable analytical test results shall be reported to the Department including results which are detected below the ML of 0.005 mg/L. If the concentration result is at or above 0.005 mg/L, the concentration shall be reported at that level.

Non-detectable results: If the analytical test result is below 0.005 mg/L, the concentration result shall be reported as <X where X is the detection level achieved by the laboratory for that test.

(6) **pH:** Limitations and monitoring requirements are only applicable April – November (inclusive) of each year.

(7) **Nomenclature** – EE6 means million gallons.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time that would impair the usages designated by the classification of the receiving waters.
2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.
3. The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.
4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. OIL/WATER SEPARATOR MAINTENANCE

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

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

D. HYDROSTATIC TEST WATER

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

SPECIAL CONDITIONS

E. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

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

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

F. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the outfalls listed in this permit. Discharges of waste water from any other point source are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5)(*Bypass*) of this permit.

G. MONITORING AND REPORTING

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

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

SPECIAL CONDITIONS

H. REOPENING OF PERMIT FOR MODIFICATIONS

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

I. SEVERABILITY

In the event that any provision, or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: November 7, 2006

PERMIT NUMBER: ME0002208
LICENSE NUMBER: W002564-5S-D-M

NAME AND ADDRESS OF APPLICANT:

**Sprague Energy Corporation
Two International Drive, Suite 200
Portsmouth N.H. 03801-6809**

COUNTY: Waldo

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**Trundy Road
Mack Point
Searsport, Maine**

RECEIVING WATER AND CLASSIFICATION: Tidewater of Searsport, Class SB & SC

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

**Mr. Duane Seekins, Terminal Mgr.
dseekins@spragueenergy.com
(207) 548-2531**

1. APPLICATION SUMMARY

The permittee has submitted an application to the Department to modify combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0002208/Maine Waste Discharge License (WDL) #W002564-5S-C-R (permit hereinafter), which was issued by the Department on April 14, 2004 for a five-year term. The permit authorized the permittee to discharge treated storm water runoff, boiler blowdown and hydrostatic test waters at a daily maximum flow rate of 350 gpm from one outfall (designated as Outfall #001 and administrative Outfall #002) to the tidewaters of Searsport, Class SC, in Searsport, Maine.

1. APPLICATION SUMMARY (cont'd)

The permittee has recently purchased an adjacent tank farm consisting of nine tanks. The tank farm was formerly owned and operated by the federal government's Defense Fuel Supply Center (DFSC). See Attachment A of the Fact Sheet of this permit for an aerial photograph depicting Sprague's existing facility and the newly acquired tank farm. This tank farm was operated by the DFSC until 1995 when it was closed. During its years in operation, the facility was permitted by the Department to discharge treated storm water runoff and hydrostatic test waters to the tidewaters of Searsport. The permit was retired in 1995 shortly after the facility was closed. The outfall from the newly acquired facility discharges to a Class SB waterbody.

2. MODIFICATIONS REQUESTED

The permittee has requested the Department grant authorization to discharge treated storm water runoff and hydrostatic test waters from one outfall structure (designated as Outfall #003 and administrative Outfall #004) and incorporate the terms and conditions for said discharges into the existing permit for Sprague's facility in Searsport.

3. PERMIT SUMMARY

a. Terms and conditions - This permitting action is carrying forward all the terms and conditions of the previous permitting action for Outfalls #001 and #002 and incorporating limitations and monitoring requirements for discharges of treated storm water runoff and hydrostatic test waters from Outfall #003 and #004 from the former DFSC facility. The limitations and monitoring requirements for the discharges from the former DFSC are consistent with the limitations and monitoring requirements for Sprague's existing facility.

b. History - The most current relevant regulatory actions include the following:

February 22, 2000 - The Department issued WDL #W002564-5S-B-R renewal for a five-year term.

October 30, 2003 - Sprague submitted an application to the Department to modify and renew the WDL for the Searsport facility. The primary purpose of the modification was to issue a combination MEPDES permit/WDL for the discharge(s) from the facility and retire the NPDES permit issued by the EPA.

April 14, 2004 - The Department issued combination MEPDES permit #ME0002208/WDL W002564-5S-C-R for a five-year term.

October 12, 2006 - Sprague submitted an application to the Department to modify the 4/14/04 MEPDES permit.

3. PERMIT SUMMARY (cont'd)

- c. Source Description: The permittee's facility is engaged in the transfer (ship to shore), storage and distribution of refined petroleum products such as gasoline and distillate oils as well as numerous bulk materials such as coal, petroleum coke, road salt, aluminum hydrate and gypsum rock. Sprague's existing site has a number of above-ground storage tanks having a gross capacity of approximately 330,500 barrels (13,881,000 gallons) for gasoline and distillate oils. The newly acquired site has nine additional tanks that will be used to store and distribute #2 fuel oil. The largest tank on the new site is 5,100,000 gallons (5.1 EE6). In addition to tankage, there is an extensive above-ground and below-ground network of piping. There is a marine docking facility to transfer product from ships and or barges to the shore and a loading rack area where product from the storage tanks is transferred to tanker truckers to be distributed to local fuel oil dealers and gasoline stations for distribution to the general public.

Each of the storage tanks on both the existing and new sites are enclosed in an unlined area of earthen dikes or concrete walls. The diked areas are designed to contain the contents of the enclosed tanks plus an additional volume to contain any extinguishment chemicals or water and precipitation. The dikes are required by the Town of Searsport for safety to prevent product from spilling from one tank area to another or directly into a receiving waterbody, provide temporary containment in the event of a tank failure and isolate tanks in the event of a major fire in a tank. The remainder of the site consists of an office building, a warehouse complex and a truck loading rack area. Stormwater from the bulk material storage areas are managed through wet detention ponds to address TSS in those areas.

If necessary, hydrostatic test water is used to test the tank integrity. The test water is from tanks which have been washed and cleaned in preparation for repair and then cleaned before testing. The permittee has indicated that hydrostatic testing of it's largest tank would discharge approximately 6.1 million gallons.

In a letter dated July 30, 2001 to the Department, Sprague indicated that approximately 2,100 gallons per day of boiler blowdown is also being discharged via Outfall #001.

Sanitary waste waters generated by employees at the facility are disposed of in an on-site sub-surface waste water disposal system designed and constructed in accordance with the Maine State Plumbing Code.

- d. Waste water treatment: Most of the storm water is captured and detained in the diked areas around the various tanks. These individual diked areas are either manually drained by gravity or pumped out and conveyed to an oil/water separator where it receives best practicable treatment prior to discharge. The valving of the drain lines are always kept closed for safety and must be opened each time a diked area is drained. The 4/14/04 permit renewal indicates that the oil/water separator at the existing site is rated for 350 gallons per minute (gpm) and the application for permit modification indicates the separator at the new site is rated for 1,500 gpm.

3. PERMIT SUMMARY (cont'd)

This permit does not require further treatment of the hydrostatic testing water unless dechlorination is required to protect water quality.

All waste streams for the existing site are discharged through a common outfall pipe designated as Outfall #001. After passing through the oil/water separator the treated runoff is piped to an open drainage channel on the north side of the Bangor & Aroostook railroad. The runoff is conveyed westerly along the railroad bed to a culvert under the railroad bed and discharged to the receiving waters. The culvert under the railroad bed is a corrugated metal pipe measuring 24 inches in diameter and outlets above the level of the water at mean low water.

As with the existing site, all waste streams from the new site are discharged through a common outfall pipe designated as Outfall #003. The outfall is an 18-inch diameter pipe that is exposed at mean low water.

See Attachment A of this Fact Sheet for an aerial photograph showing the location of the outfall pipes.

4. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

5. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Article 4-A §469(6)(C) classifies the tidewaters of Searsport at the point of discharge from Outfall #001 and #002 as a Class SC waterway. Maine law, 38 M.R.S.A., Article 4-A, §465-A(3) describes the classification standards for Class SC waters. For Outfall #003 and #004, Maine law, 38 M.R.S.A., Article 4-A §469(6)(C) classifies the tidewaters of Searsport at the point of discharge from Outfall #003 and #004 as a Class SB waterway. Maine law, 38 M.R.S.A., Article 4-A, §465-B(2) describes the classification standards for Class SB waters. See Attachment A of this Fact Sheet for the delineation of the Class SB and Class SC waterways.

6. RECEIVING WATER CONDITIONS

A document entitled *The State of Maine, Department of Environmental Protection, 2004 Integrated Water Quality Monitoring and Assessment Report*, published by the Department indicates the tidewaters of Searsport where the Sprague facility discharges are attaining the standards of their assigned classifications.

7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

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

This permit authorizes the discharge of treated storm water, hydrostatic test waters, and boiler blowdown waters with numeric effluent limitations which are within applicable water quality standards and requires the development and implementation of a storm water pollution prevention plan for additional protection of the environment. The effluent parameters for each waste stream are discussed in more detail below. The sections are arranged according to the effluent characteristic(s) being regulated.

a. Storm Water Runoff Only – Outfall #001, #003

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

The previous permitting action established a daily maximum flow limit of 350 gpm for Outfall #001 that is being carried forward in this permitting modification. This permitting action establishes a daily maximum flow limit of 1,500 gpm for Outfall #003. Both limits are based on information supplied by the permittee as to the design capacity of the O/W separators.

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

a. Storm Water Runoff Only – Outfall #001, #003

2. Total Suspended Solids (TSS) – The previous permitting action established a daily maximum concentration limit of 100 mg/L and a twelve-month rolling averaging period for compliance with the monthly average concentration limit of 50 mg/L. An example for calculating a 12-month rolling average is as follows:

Calendar year 2007

Quarter #2

| <u>Month</u> | <u>Test Result</u> |
|--------------|-------------------------------|
| Apr | 15 mg/L 53 mg/L |
| May | 31 mg/L |
| June | 71 mg/L 24 mg/L 37 mg/L |

Quarter #3

| <u>Month</u> | <u>Test Result</u> |
|--------------|-------------------------------|
| July | 50 mg/L |
| Aug | 34 mg/L 47 mg/L 39 mg/L |
| Sept | No Discharge |

Calendar year 2008

Quarter #4

| <u>Month</u> | <u>Test Result</u> |
|--------------|-------------------------------|
| Oct | 25 mg/L 72 mg/L |
| Nov | No Discharge |
| Dec | 71 mg/L 22 mg/L 26 mg/L |

Quarter #1

| <u>Month</u> | <u>Test Result</u> |
|--------------|-------------------------------|
| Jan | 50 mg/L |
| Feb | 34 mg/L 47 mg/L 59 mg/L |
| Mar | 89 mg/L |

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

As stated in footnote #3 of Special Condition A, *Effluent Limitations and Monitoring Requirements*, of the permit, the 12-month averaging period is based on the most recent twelve month period of time. Months where no discharge took place are excluded from the calculation.

3. Oil and Grease (O&G) – The previous permitting action contained a daily maximum concentration limit of 15 mg/L based on Department best professional of BPT for the discharge from a properly operated and maintained oil/water separator.

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

a. Storm Water Runoff Only – Outfall #001, #003

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

A traditional approach to limiting effluents contaminated with gasoline or other light distillates has been to limit the aggregate parameter of: benzene, ethylbenzene, toluene, and total xylenes (or BETXs). This approach stems from the petroleum-industry practice of determining the quality of fuels by measuring BETXs, which can be highly variable amongst gasoline products. Another reason for limiting BETXs is that EPA and the State have promulgated ambient water quality criteria (AWQC) for benzene, ethylbenzene, toluene, and the xylene(s). Of the four aromatics, benzene is by far the most soluble in water. In addition, benzene has the most stringent water quality criteria for human health. Because of its relatively high solubility in water, benzene can be considered as the "limiting pollutant parameter." Therefore, a monitoring requirement of the daily maximum concentration of benzene for Outfall #001 is being carried forward as a screening parameter for BETX compounds. No such monitoring requirement is being established for Outfall #003 as the only product being stored and transferred in the new tank farm area is #2 fuel oil.

5. pH – During the 4/14/04 permitting action, the National Marine Fisheries Services (NMFS) ha recommended that the Department establish a pH range limitation due to migratory habits (April-November) of the Atlantic salmon in the Penobscot River. The NMFS contends that under adverse pH conditions, Atlantic salmon experience reduced feeding and growth, altered behavior, gill damage and endocrine and osmoregulatory disruption. The Department established a seasonal (April – November) pH range limitation of 6.0 –9.0 for Outfall #001 for the protecting of the Atlantic salmon during the migratory season. The limitation is being carried forward in this permitting action and the same limitation and monitoring requirements are being established for Outfall #003.

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

b. Hydrostatic Test Water (Outfall #002, #004)

The permittee has indicated that hydrostatic testing of pipelines and tanks with water is no longer the normal practice at the Searsport facility. Pipelines are tested utilizing fuel product and tanks are tested via X-rays, eliminating the need for discharging hydrostatic test waters. However, the permittee would like to retain the option to do so. The previous permitting action and this permitting action established limitations and monitoring requirements as follows:

1. Flow – The previous permitting action established a flow limitation of 6,100,000 gallons for Outfall #002 as this was the volume of the largest tank on the existing site. This limitation is being carried forward in this permitting action. This permit modification is establishing a daily maximum flow limitation of 5,100,000 gallons for the new tank farm which is the volume of the largest tank on the newly acquired facility.
2. Total Suspended Solids – The previous permitting action established a daily maximum limit of 50 mg/L for Outfall #002 based on a Department BPJ of limits that are achievable given the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing. The limitation is being carried forward in this permitting action and same limitation is being established for Outfall #004.
3. Oil & Grease: The previous permitting action establish a daily maximum concentration limit of 15 mg/L for Outfall #002 based on a Department BPJ of limits that are achievable given the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing. The limitation is being carried forward in this permitting action and same limitation is being established for Outfall #004.
4. Total residual chlorine (TRC): The previous permitting action established a daily maximum TRC limit of 13 ug/L. The limitation is based on EPA's acute criteria maximum concentration (CMC) of 13 ug/L for marine waters. The limitation does not take into consideration dilution in the receiving water due to the fact that the outfall pipe for Outfall #002 does not have a diffuser and is above the high and low water marks. A chronic limit is not specified because the discharge is not a continuous discharge. The same situation holds true for Outfall #004. The permittee has indicated in their application for modification that the outfall pipe for Outfall #004 is above the mean low water mark. Therefore, a daily maximum limitation of 13 ug/L is being established for discharges associated with Outfall #004 activities.

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

b. Hydrostatic Test Water (Outfall #002, #004)

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

Detectable results: All detectable analytical test results shall be reported to the Department including results which are detected below the ML of 0.05 mg/L. If the concentration result is at or above 0.05 mg/L, the concentration shall be reported at that level.

Non-detectable results: If the analytical test result is below 0.05 mg/L, the concentration result shall be reported as <X where X is the detection level achieved by the laboratory for that test.

5. pH – For the same reason cited in Section 7(a)(5) of this Fact Sheet, the Department established a limitation of 6.0 –9.0 standard units for the discharge of hydrostatic test waters for Outfall #002. The limitation is being carried forward in this permitting action and being established for discharges associated with Outfall #004.

8. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

9. PUBLIC COMMENTS

Public notice of this application was made in the Bangor Daily News newspaper on or about October 6, 2006. The Department receives public comment on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

10. DEPARTMENT CONTACTS

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

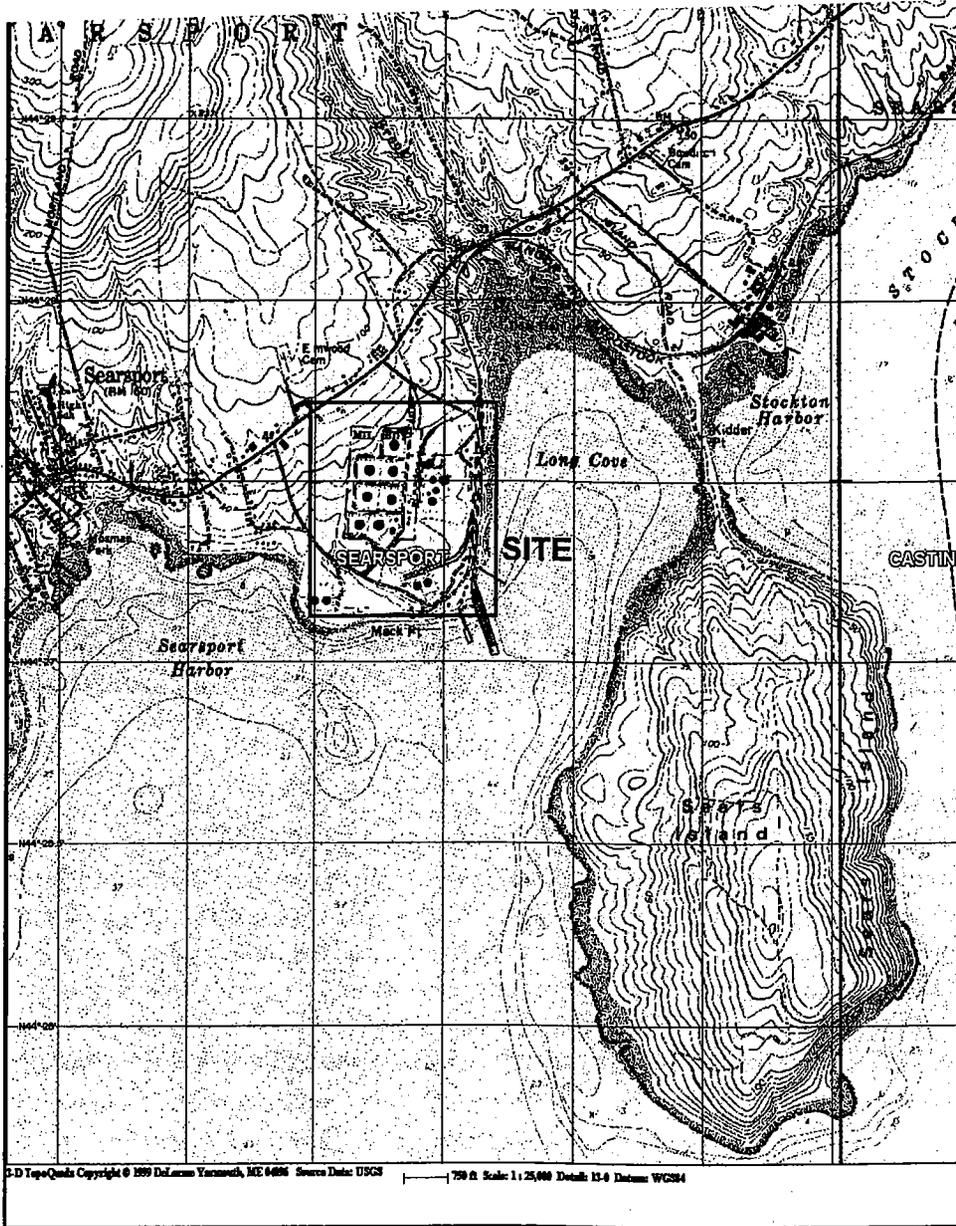
Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
Electronic mail: gregg.wood@maine.gov

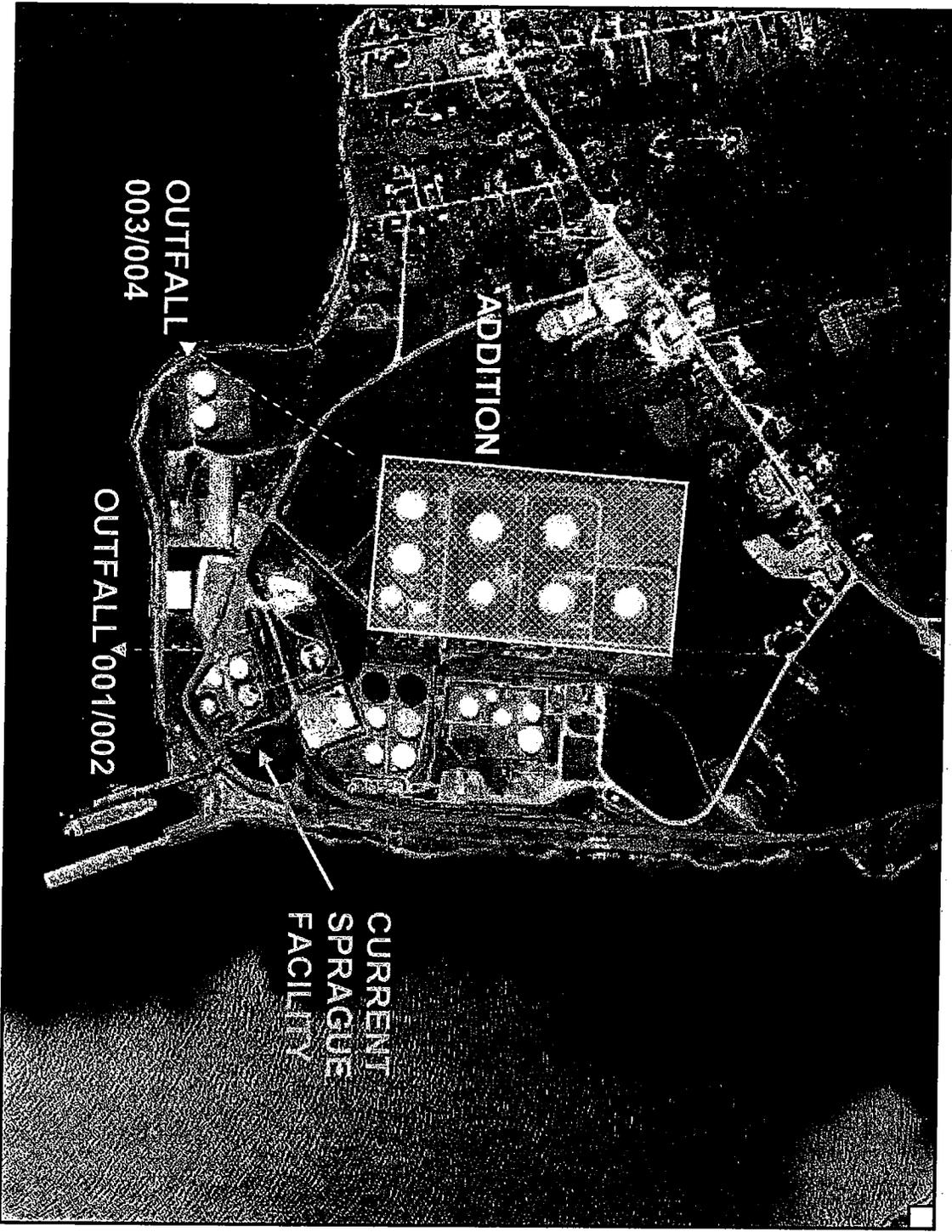
Telephone (207) 287-7693

11. RESPONSE TO COMMENTS

During the period of November 7, 2006 through the date of issuance of this permit, the Department solicited comments on the proposed draft permit for the discharge from the permittee's facility. The Department did not receive comments from the permittee, state or federal agencies, or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A





ADDITION

OUTFALL
003/004

OUTFALL 001/002

CURRENT
SPRAGUE
FACILITY

