

**RESPONSE TO COMMENTS  
REGARDING THE RESISSUANCE OF THE FOLLOWING  
NPDES PERMIT MODIFICATION  
GULF OIL LIMITED PARTNERSHIP MA0001091**

**Introduction:**

The U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) solicited public comments from August 25, 2006 through September 23, 2006 on the draft National Pollution Discharge Elimination System (NPDES) permit to be issued to Gulf Oil Limited Partnership (Gulf Oil).

The current NPDES Permit is for the discharge of storm water and hydrostatic test water. The facility discharges to the Chelsea River. The purpose of the permit modification was to change the effluent monitoring requirements to include quarterly monitoring for ethanol.

During the public-notice (comment) period EPA-New England received comments from the City of Chelsea Department of Public Works (Chelsea DPW) and from the Conservation Law Foundation (CLF).

In accordance with the provisions of 40 C.F.R. §124.17, this document presents EPA's responses to comments received on the draft NPDES permit and any appropriate changes made to the public-noticed draft permit as a result of the comments. Although EPA's decision making has benefited from the comments submitted, the information and arguments submitted did not result in any new changes to the permit modification. The final permit modification is identical to the draft permit modification that was available for public comment.

**Comments from Anthony DeSantis, Assistant Director, Chelsea DPW**

**COMMENT NO. 1**

**Mr. DeSantis expressed concern over not being informed by Gulf Oil of their plan to store ethanol on site and not providing the City of Chelsea with an updated copy of the facility's Storm Water Pollution Prevention Plan (SWPPP).**

**RESPONSE NO. 1**

EPA has recommended that Mr. DeSantis contact Gulf Oil again. Gulf Oil revised and updated their SWPPP in October 2006. As Mr. DeSantis correctly pointed out in his letter, the current NPDES permit requires that the City of Chelsea be provided with a copy of Gulf Oil's SWPPP upon request.

**COMMENT NO. 2**

**Since ethanol mixes readily with water it will not be readily apparent that a spill has occurred. It may never be known that a spill has occurred.**

**RESPONSE NO. 2**

EPA acknowledges that ethanol mixes readily with water and it may be difficult to visually distinguish if a small spill has occurred. The purpose of the permit modification is to collect empirical data to determine if ethanol is present (as determined by current analytical methods) in on-site storm water discharges from small drips or spills that may occur during product transfer.

### **COMMENT NO. 3**

**Has any consideration been given to what actions would be necessary to be undertaken to prevent the possible increased pollution of groundwater and Chelsea Creek should a large ethanol spill occur.**

### **RESPONSE NO. 3**

Gulf Oil has amended their SWPPP to reflect the change to ethanol and the new storage of large amounts of ethanol on-site. In addition, Gulf Oil's existing Spill Prevention and Countermeasure Plan is intended to prevent large releases due to human error or equipment failure.

While the NPDES permit does not specifically address emergency responses to ethanol spills, ethanol is included in the definition of hazardous material as defined by Massachusetts General Laws (M.G.L.) - Chapter 21E the Massachusetts Oil and Hazardous Material Release Prevention and Response Act. The Massachusetts Contingency Plan (MCP), the regulatory requirements associated with Chapter 21E, stipulates that ethanol releases to the environment greater than 10 pounds must be reported to the MassDEP (310 CMR 40.16 Subpart P) and remediated in accordance with MCP requirements.

### **Comment from Eloise Lawrence, Staff Attorney, CLF**

### **COMMENT NO. 4**

**Ms. Lawrence requested that EPA publicly disseminate Gulf Oil's SWPPP which delineate the new procedures that will be implemented in the event of a spill as well as its new monitoring procedures.**

### **RESPONSE NO. 4**

The current NPDES permit requires in Part I.B.6 that a copy of the SWPPP be provided to the City of Chelsea (referred to as "the municipality" in the current permit) upon written request. Although the current permit requires that Gulf Oil certify annually that their SWPPP has been reviewed and updated, EPA does not review and approve SWPPPs and does not typically maintain complete copies. EPA recommends that any member of the public who wishes to review Gulf Oil's SWPPP contact the City of Chelsea.

### **COMMENT NO. 5**

**CLF requested that EPA demonstrate that the limitations in the permit modification ensure compliance with water quality standards.**

### **RESPONSE NO. 5**

The permit modification only addresses the change in operation at the facility that may affect discharges at a permitted outfall. In the case of this permit modification, the only change has been the conversion of a storage tank to store ethanol, a substance that was not previously stored on-site. There are no water quality criteria for ethanol. Ethanol does not fit into any of the pollutants (priority organics, unionized ammonia, organic enrichments/low dissolved oxygen, pathogens, oil and grease, taste, odor and color, and turbidity) for which Chelsea Creek has been identified as an impaired water under Section 303(d) of the Clean Water Act. Therefore, no water quality standards can be assumed to be violated as a result of this modification.

As stated earlier, the purpose of the permit modification is to collect empirical data to determine if ethanol can be analytically detected in on-site storm water discharges from small drips or spills that may occur during product transfer. In the next permit cycle, EPA will scrutinize the results

of all the analytical monitoring from Outfall 003 over time to identify patterns, if any, that indicate that the storage of ethanol on site has impacted the quality of storm water discharges.

**From Mr. DeSantis and Ms. Lawrence**

**COMMENT NO. 6**

**Mr. DeSantis and Ms. Lawrence requested a public hearing on this draft permit modification.**

**RESPONSE NO. 6**

40 CFR 124.12(1) requires that a public hearing be held when a significant degree of public interest is found. However, in this case, only two parties submitted comments. Therefore, EPA finds that there is not sufficient public interest in the permit modification to warrant a public hearing.