UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - NEW ENGLAND
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023
STATEMENT OF BASIS

DRAFT MODIFICATION OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

NPDES PERMIT NO.: **MA0000833**

PUBLIC NOTICE DATES:

NAME AND ADDRESS OF APPLICANT:

ExxonMobil Oil Corporation
3225 Gallows Road
Fairfax, VA 22037

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

ExxonMobil Everett Terminal
52 Beacham Street
Everett, MA 02149

RECEIVING WATERS: **Island End River/Mystic River Watershed (MA71)**

CLASSIFICATION: **SB**

TABLE OF CONTENTS

1.0 PROPOSED ACTION, TYPE OF FACILITY AND DISCHARGE LOCATION

1.1 Background

The Region re-issued National Pollutant Discharge Elimination System Permit ("NPDES") No. MA0000833 ("Final Permit") on September 29, 2008, to the ExxonMobil Oil Corporation ("ExxonMobil") to authorize point source discharges during dry weather and wet weather from a bulk petroleum storage facility in Everett, Massachusetts ("Terminal") to the culvert which leads to the Island End River. The Final Permit authorized discharges consisting of storm water, groundwater, hydrostatic test water, boiler condensate, fire testing water and effluent pond water, subject to effluent limitations and monitoring conditions. Following issuance of the Final Permit, ExxonMobil timely petitioned the U.S. Environmental Protection Agency Environmental Appeals Board ("Board") for review of the Final Permit under 40 C.F.R § 124.19(a). ExxonMobil's petition challenged various aspects of the Final Permit on substantive as well as procedural grounds. *See* Petition for Review of a NPDES Permit Issued by EPA Region 1, dated October 28, 2008 ("Petition").

Under NPDES permitting regulations, the filing of a petition for review stays the entire permit for the duration of proceedings before the Board except to the extent that the Regional Administrator identifies uncontested and severable conditions and issues notice thereof to the Board, the permittee and other interested parties. *See* 40 C.F.R. §§ 124.16(a) and 124.60(b). Uncontested and severable conditions become effective upon thirty (30) days notice. By letter dated November 20, 2008, the Region issued a notice identifying the Final Permit's uncontested and severable conditions and placing them into effect as of January 1, 2009. *See* Attachment A (Notice of Uncontested and Severable Conditions, dated November 20, 2008). As to each of the otherwise stayed contested or inseverable conditions ("Contested Conditions"), the Region explained in the notice that the corresponding term, if any, in ExxonMobil's individual prior permit issued by EPA on March 6, 2000 remained in effect. Thus, notwithstanding the appeal, a portion of the Final Permit is already in effect, along with applicable portions of the prior permit.

Following receipt of ExxonMobil's Petition, the Board directed the Region to prepare a response that addresses ExxonMobil's contentions and whether ExxonMobil has satisfied the requirements for obtaining review. Subsequently, the parties jointly moved the Board to extend the deadline for the Region to file its response to ExxonMobil's Petition, to allow the parties to explore the viability of settlement. The parties successfully settled their dispute, as described in more detail below.

Under the settlement, ExxonMobil agreed to voluntarily withdraw its Petition, and the Region agreed to withdraw the contested conditions and to propose modified conditions for public review and comment.[1] The proposed permit modification establishes separate effluent limitations and monitoring requirements to address wet weather discharges (dominated by storm water) and dry weather discharges (comprised of infiltrated groundwater, some of which exhibits contamination from historic refinery and bulk

[1] The Board dismissed the Petition with prejudice on August 11, 2009.

petroleum operations). To implement this tiered permitting structure, Exxon Mobil has agreed to extensively redesign its effluent treatment system in order to improve effluent quality under all flow conditions, including through the use of a continuously operated advanced treatment system, and a flow equalization tank to store storm water volume during periods of peak storm water flow. The continuously operated treatment system will be capable of treating the dry weather flow from the site, as well as storm water flow.

ExxonMobil has agreed to move forward with the effluent treatment system upgrade in the absence of a final permit so that it will be in a position to comply with all aspects of the permit modification upon the date of final permit modification issuance. The Region, for its part, has agreed to time the issuance of the final permit modification to allow ExxonMobil to complete its upgrade so long as certain interim milestones are achieved. *See* Attachment B (Memorandum of Understanding, dated August 5, 2009, between ExxonMobil and the Region). The work on the effluent treatment system upgrade has been triggered by execution of the MOU, not the issuance of the draft and final permit modification, and is scheduled to be complete in less than two years, with significant components of the system becoming operational prior to that time.

1.1.1 Factual Setting

The Terminal is engaged in the receipt, storage and distribution of petroleum products. The spectrum of products handled by this facility consists of gasoline, ethanol, light distillate fuel oils, heavy distillate fuel oils, and fuel additives. Petroleum products are received in bulk quantities at the Terminal's marine vessel dock. Product is then transferred via piping to aboveground storage tanks located within the Terminal's tank farm areas. Final distribution of product is conducted at the Terminal's truck loading racks. The Terminal's operations also include the collection and discharge of storm water from Sprague Energy, an asphalt storage and distribution facility located on property formerly owned by ExxonMobil. The total storm water collection drainage area for ExxonMobil and Sprague Energy is 110 acres.

All of the water discharged is collected by the Terminal's storm water collection system, which drains to the treatment works near the eastern end of the North Tank Farm. The treatment works are used to remove floating oil and settleable solids from all discharge to the Island End River. The existing treatment system consists of an older, conventional oil water separator, a corrugated plate oil water separator (CPS), a two-chamber wet well with a total of 5 submersible pumps, and a 2.2 million gallon above-ground storage tank, known as Tank 140. Discharge to the Island End River is by means of a 6-foot diameter, 1500 foot long culvert that carries water from the Terminal to the river. More detailed descriptions of the physical configuration of the facility, including its point source discharges, have been set forth by the Region in the Fact Sheet accompanying the Draft Permit, issued May 31, 2007, the Response to Comments, dated September 29, 2008, and, to the extent applicable, herein.

2.0 LIMITS AND CONDITIONS

The Clean Water Act requires that discharges satisfy both technology-based and water quality-based requirements. Technology-based treatment requirements represent the minimum level of control that must be imposed under sections 301(b) and 402 of the CWA 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 and nonconventional pollutants. Subpart A of 40 C.F.R. part 125 establishes criteria and standards for the imposition of technology-based treatment requirements in permits under Section 301(b) of the CWA, including the application of EPA promulgated effluent limitations and case-by-case determinations of effluent limitations under Section 402(a)(1) of the CWA. In general, technology-based effluent guidelines for non-POTW facilities must be complied with as expeditiously as practicable but in no case later than three years after the date such limitations are established and in no case later than March 31, 1989. *See* 40 CFR § 125.3(a)(2). EPA has not promulgated technology-based National Effluent Guidelines for storm water or other non-sanitary discharges from petroleum bulk stations and terminals (Standard Industrial Code 5171). In the absence of technology-based effluent guidelines, the permit writer is authorized under Section 402(a)(1)(B) of the CWA to establish effluent limitations on a case-by-case basis using Best Professional Judgment (BPJ).

Water quality-based effluent limits, on the other hand, are designed to ensure that state water quality standards are met regardless of the decision made in establishing technology-based limitations. In particular, section 301 requires achievement of "any more stringent limitation, including those necessary to meet water quality standards…established pursuant to any State law or regulation…." CWA § 301(b)(1)(C); *see also* 40 C.F.R. § 122.4(d)(prohibiting issuance of a permit "when the imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected states"); 40 C.F.R. § 122.44(d)(1)(providing that a permit must contain effluent limits as necessary to protect state water quality standards).

3.0 PERMIT MODIFICATION BASIS

Federal regulations governing the NPDES permitting program give EPA regional offices an absolute right to withdraw portions or all of a permit at any time prior to the Board's rendering of a decision on a permit appeal. *See* 40 C.F.R. § 124.19(d); ***In re Wash. Aqueduct Water Treatment Plant***, NPDES Appeal No. 03-07, slip op. at 2 (EAB, Dec. 15, 2003). Section 124.19(d) specifies further that, once the permit or portions thereof are withdrawn, the Regional Administrator must "prepare a new draft permit under § 124.6 addressing the portions so withdrawn. The new draft permit shall proceed through the same process of public comment and opportunity for a public hearing as would apply to any other draft permit subject to this part."

The Final Permit established effluent limitations and conditions on discharges from the facility, including, *inter alia*:

- A requirement that the treatment system be sized and operated in a manner to ensure that storm water and groundwater flow generated by a 10-year, 24-hour storm event be treated through the Terminal's oil water separator at or below its design flow in lieu of discharges through outfall 001B.
- Technology-based effluent limits for oil and grease and volatile organic compounds. These limits were based on available treatment technology for contaminated groundwater and were applicable to dry and wet weather discharges. Contaminated groundwater is the largest component of dry weather flows and the second largest component of wet weather flows. However, in the Fact Sheet and Response to

Comments, the Region indicated that if ExxonMobil were to develop and implement a plan to remove contaminated groundwater from the discharge (for instance, by inspecting and repairing storm drains with the goal of eliminating the discharges of contaminated groundwater to the treatment works), the Region would reassess its position on this issue.

The Region concluded that these requirements were sufficient to ensure compliance with the Clean Water Act, including section 301, which obligates NPDES permit issuers to include limitations necessary to meet both technology-based standards and water quality-based standards established pursuant to any State law or regulation.

In its Petition, ExxonMobil requested that the Permit be modified to reflect a tiered approach, in which separate effluent limitations and monitoring requirements would be established for dry weather flows and wet weather flows. The Region agreed to consider such an approach, pending the outcome of engineering studies initiated by ExxonMobil. ExxonMobil submitted a general outline of the treatment plans anticipated by ExxonMobil on December 18, 2008. ExxonMobil provided a more detailed conceptual plan on March 20, 2009 and a final design basis on September 10, 2009. *See* Attachment C (Treatment Works Conceptual Flow Schematic). Based on the meetings with and plans submitted by ExxonMobil, the Terminal plans include the following: (1) identify and mitigate contaminated groundwater infiltration into the Terminal's storm water collection system, (2) reconfigure flow through the treatment works to provide advanced treatment for dry weather flow, and (3) reconfigure and upgrade existing treatment system components to ensure that the groundwater and storm water volume equivalent to that generated by a 10-year, 24-hour storm event would be treated through the corrugated plate separator at or below that unit's design flow rate.

The Region has concluded that the plan proposed to be undertaken by ExxonMobil possesses significant environmental merit relative to the appealed permit. The proposed modification retains, but recasts, the essential protective elements of the appealed permit—*i.e.*, stringent technology based effluent limits for dry weather discharges (which consist primarily of groundwater infiltration), continuation of stringent water quality-based PAH limitations that are protective of aquatic life in the Island End River, and the requirement to treat wet weather flows at the treatment system design capacity for a volume equivalent to that generated by a 10-year, 24-hour storm event or less. The resulting modification, in the Region's judgment, enhances the permit's overall environmental benefit. Accordingly, the Region determined to proceed with a withdrawal of the contested portions of the permit and to move forward with this permit modification.

4.0 MODIFIED EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4.1 Facility Changes

Storm Water Collection System Remediation

ExxonMobil has recently conducted remedial response activities at the Terminal to significantly reduce the loading of groundwater contaminants in its discharge by investigating and repairing potential areas of contaminated groundwater infiltration into the storm water system. This work was conducted under the oversight of a Licensed Site

Professional and the Massachusetts Bureau of Waste Site Cleanup in accordance with the requirements of the Massachusetts Contingency Plan, 310 C.M.R. 40.0000. Response actions were completed in October 2009. ExxonMobil has informed EPA that remediation activities included the removal of accumulated solids from 156 vertical structures and repairs to 55 structures throughout the storm water collection system. EPA expects that this remediation in combination with continuing maintenance of the storm water collection system will significantly improve the quality of water entering the treatment works.

Treatment Works Modification

The proposed modification is designed to reflect changes to the operation of the Terminal's storm water collection and treatment system that are being implemented in accordance with the MOU. Specifically:

- Tank 140 will be used as a flow equalization tank to store storm water volume during periods of peak storm water flow. Currently treatment works effluent passes through Tank 140 downstream of the corrugated plate separator (CPS). The new use of Tank 140 will help maintain flow through the treatment works at or below the system's design flow rate.
- The existing CPS coalescing media was replaced in January 2009 and will be used as the primary oil water separator. Already a primary component of the treatment works, the replacement of the corrugated plate coalescing media has and will continue to improve the operational efficiency of the CPS.
- Flow through the CPS will be controlled to no greater than 4,000 gallons per minute (gpm). Storm water flows in excess of 4,000 gpm will pass through the existing older, conventional oil water separator and be diverted to Tank 140 for storage and will be released at a controlled rate back to the CPS as capacity becomes available. Currently, there is no storage capacity in ExxonMobil's storm water collection and treatment system upstream of the CPS resulting in discharges through outfall 001B during heavy precipitation events.
- At least 280 gpm (403,200 gallons per day) of CPS effluent will be treated using continuous flow granular activated carbon (GAC) advanced treatment during dry and wet weather to remove volatile and semi-volatile hydrocarbons. These include PAHs, benzene, toluene, ethylbenzene, xylenes (BTEX), methyl tertiary butyl ether (MTBE), and oil and grease. Discharge of advanced treatment effluent will be through a new outfall 01C to Island End River via the 1,500 long culvert. Currently the treatment works does not include processes capable of removing dissolved pollutants. The continuous flow GAC system will greatly reduce the discharge of dissolved pollutants.
- Discharge of the CPS effluent greater than the 280 gpm capacity of the continuous flow GAC treatment system will flow through outfall 01A to Island End River via the 1,500 long culvert. Currently all CPS effluent flows through outfall 001A via Tank 140 to the Island End River. The new system will ensure that the first 280 gpm of collected dry and wet weather discharges will be treated to reduce dissolved pollutant discharges to the Island End River.
- During extremely wet weather, flows in excess of 4,000 gpm will pass through the conventional oil water separator and discharge through outfall 01B to Island End River

if the volume equivalent of a 10 year, 24 hour storm event occurs and there is insufficient capacity to divert flows to Tank 140. As storm water flows diminish and Tank 140 begins to empty, discharges to outfall 01B will cease. Currently there is no storage capacity within the treatment works. The new use of Tank 140 and control of flows through the CPS will reduce the frequency of discharges through outfall 001B.

4.2 Effluent Limit Modifications

Effluent limitations for the outfalls developed for the draft permit modification are generally based on considerations of available technologies for the treatment of storm water and groundwater and water quality concerns discussed in the Fact Sheet and Response to Comments which accompanied the Final Permit. The Region derived the effluent limits for volatile organic compounds in the Final Permit by considering available technology for groundwater, technology available for storm water, water quality considerations and antibacksliding requirements. The Region compared the respective limits and applied the most stringent of the four—those derived for contaminated groundwater treatment—to the combined storm water and groundwater discharge from the facility. However, in light of ExxonMobil's decision to investigate and make repairs to the storm water collection system to reduce groundwater infiltration, reconfigure the treatment works and install an advanced dry weather flow treatment system, the Region proposes (1) to revise the permit to introduce an internal dry weather flow outfall (01C), (2) apply different effluent limits at internal outfall 01A specifically applicable to wet weather flows, and (3) reauthorize outfall 01B (previously designated outfall 001B) for flows that would result from a 10-year, 24-hour precipitation event.

Briefly, the draft permit modification applies without change the previously derived effluent limitations to internal outfall 01C, which is comprised primarily of groundwater and discharges continuously, while subjecting internal outfall 01A, which will be comprised primarily of storm water, to a combination of numeric and BMP-based effluent limitations specifically tailored to wet weather discharges. The reconfigured treatments works will be designed, constructed, maintained and operated to treat the total volume equivalent of storm water and groundwater that would result from a 10-year 24-hour precipitation event. All discharges which exceed this capacity will flow through outfall 01B to the Island End River, which will be subject to monitoring and reporting for flow, total suspended solids, oil and grease, pH and available cyanide. This approach is consistent with the approach of the September 28, 2009, Final Permit, part I.A.14.

A table summarizing the effluent limitation changes from the Final Permit to the draft permit modification is presented in Attachment D. A figure identifying the sampling locations for outfalls 01A, 01B and 01C is presented in Attachment E. Effluent limitations and monitoring requirements which have either changed or been applied only to outfall 01A or 01C, are discussed in the following sections.

4.2.2 Flow

Based on conceptual design information provided by ExxonMobil, the permit requires that flow through the corrugated plate separator be controlled so as to be less than or equal to 4,000 gpm, the maximum capacity for that separator, as reflected in part I.A.26 of the permit modification. In addition, the permit has been revised to require that the storm

water collection, storage and treatment systems be designed so that the total volume of storm water and groundwater generated by a 10-year, 24-hour storm event is treated and discharged through outfalls 01A and 01C. In addition, flow through the continuous flow GAC advanced treatment system, which will discharge to outfall 01C is limited to its maximum design capacity of 280 gpm.

4.2.3 Oil and Grease

In the Final Permit, the derivation of the oil and grease limit for outfall 001 considered technology-based limits for groundwater treatment and storm water treatment. In the draft permit modification, the technology-based effluent limit for treated groundwater, 5 mg/L, has been applied at outfall 01C. The technology-based effluent limit for storm water of 15 mg/L, which had been used in the March 6, 2000 NPDES permit for the Terminal, has been applied to outfall 01A.

Consistent with the outfall 001 sampling requirements in the Final Permit, monthly oil and grease sampling is required for outfalls 01A and 01C.

4.2.4 Metals and Cyanide

The monitoring requirements for mercury and cyanide from the Final Permit are continued at both outfalls 01A and 01C. Because mercury and cyanide are not currently used or produced at the facility, it is likely that both were present in a 2007 dry weather sample result due to residual groundwater contamination. Due to a lack of previous sampling data, it is unclear as to whether these pollutants are consistently present in the discharge. The draft permit modification allows the mercury and/or cyanide monitoring to end following ten consecutive quarterly results below the method detection limit and review and approval by EPA.

Monitoring for other metals, indicated for outfall 001 in the Final Permit, has been applied to outfall 01C.

4.2.5 Whole Effluent Toxicity (WET)

During the last five years, WET testing of storm water discharges have been above the permitted LC50 threshold of 50%. Given the potential for dry weather flows to contain residual toxic pollutant groundwater contamination, EPA has applied the WET test requirement to the dry weather flow discharge outfall 01C.

In addition, to correct an error in the Final Permit, EPA has revised the reporting list of wet chemistry parameters to those required in the WET test protocol. This removes the requirement to report hardness, calcium and magnesium analysis conducted during the WET test. The WET test protocol (Marine Acute Toxicity Test Procedure and Protocol) itself is unchanged from the Final Permit to the draft permit modification. It is attached to the latter for the convenience of the reader.

4.2.6 Volatile Organic Compounds (VOCs)

Benzene, Toluene, Ethylbenzene, Xylenes (BTEX)

Technology-based BTEX effluent limits for treated groundwater, derived for the combined groundwater and storm water discharges at outfall 001 in the Final Permit have been

applied at outfall 01C. The basis for these effluent limits was discussed in the Fact Sheet and Response to Comments for the Final Permit.

In 1990, EPA derived a water quality-based effluent limit of 40 µg/L benzene for discharges from the Terminal consisting primarily of storm water and uncontaminated groundwater. The 1990 Permit also required monitoring of toluene, ethyl benzene, and xylenes. These BTEX effluent limits were reissued in the March 6, 2000 permit for the Everett Terminal.

Based on EPA's review of the data from this facility, as well as other petroleum bulk storage facilities, and ExxonMobil's commitment to install the continuous flow GAC treatment system to treat flows consisting primarily of groundwater, EPA has concluded that the 1990 benzene effluent limits are appropriate for wet weather flows consisting primarily of storm water. Therefore, the maximum daily effluent limit of 40 µg/L for benzene and monitoring requirements for other BTEX compounds has been applied to outfall 01A.

Ethanol Monitoring

The requirement for ethanol monitoring was applied at outfall 01A since large quantities of ethanol are currently being stored and managed on site. Since ethanol has not been detected in groundwater samples and there is no history of large scale ethanol use or storage on site, there is no ethanol sampling required at outfall 01C.

Methy Tertiary-Butyl Ether

Although MTBE is no longer used on site, MTBE is present in on-site groundwater samples and was indentified in a 2007 dry weather flow sample. The draft permit modification applies the 70 µg/L effluent limit to outfall 01C and maintains a monitoring requirement at outfall 01A.

4.2.7 Polycyclic Aromatic Hydrocarbons (PAHs)

In 1990, EPA derived a water quality-based PAH effluent limits of 0.031 µg/L for individual PAHs and 50 µg/L total PAHs for discharges from the Terminal consisting primarily of storm water and uncontaminated groundwater. A compliance/non-compliance level of 10 µg/L was established for individual PAHs since 0.031 µg/L was below the minimum analytical detection level available at the time. These PAH effluent limits and compliance levels were carried forward in the 2000 permit.

Based on EPA's review of the data from this facility as well as other petroleum bulk storage facilities, EPA has concluded that more stringent permit limits for PAH compounds at Outfall 01A are not required at this time. However, given the potential concerns related to PAH toxicity, the historic levels of PAHs which have been documented in the sediment of the Island End River, and the fact that priority organics were one of the "pollutants" identified by MassDEP contributing to the impairment of the Island End River, EPA has retained the numeric limits from the 2000 permit (with their associated compliance limits) for outfall 01A.

Effluent limits derived for the Final Permit have been applied to outfall 01C.

5.0 STATE PERMIT CONDITIONS

The NPDES Permit is issued jointly by the U. S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection under federal and state law, respectively. As such, all the terms and conditions of the permit modification are, therefore, incorporated into and constitute a discharge permit issued by the Commissioner of the Massachusetts Department of Environmental Protection pursuant to M.G.L. Chap.21, § 43.

6.0 STATE WATER QUALITY CERTIFICATION REQUIREMENT

EPA may not issue a permit modification unless the State Water Pollution Control Agency with jurisdiction over the receiving waters certifies that the effluent limitations contained in the permit modification are stringent enough to assure that the discharge will not cause or contribute to a violation of state water quality standards in the receiving water or unless certification is waived. EPA has requested certification by the state pursuant to 40 C.F.R. § 124.53.

7.0 PUBLIC COMMENT PERIOD AND PROCEDURES FOR FINAL DECISION

As part of the modification procedure, EPA will accept comments from the public on the proposed modification. The beginning and end dates for the public comment period are shown on page 1 of this statement of basis. Only the conditions specifically revised from the Final Permit in the draft permit modification are within the scope of this permit modification proceeding and subject to public comment. Comments on any other condition(s) of the permit will not be considered. The revised conditions in the draft modification include those summarized below:

- The draft permit modification authorizes discharges from three internal outfalls (01A, 01B and 01C) instead of the single outfall (001) authorized in the Final Permit. Effluent limits, compliance levels and reporting requirements contained in part I.A.1 of the Final Permit are now in parts I.A.2, I.A.3, and I.A.4 in the draft permit modification, as follows:
    - Effluent limits, compliance levels and reporting requirements for outfall 001 in the Final Permit have been applied to outfall 01C in the draft permit modification, with the exception of the monitoring requirement for ethanol.
    - The requirement to analyze and report whole effluent toxicity (WET) test samples for hardness, calcium and magnesium was removed since it is not required in the Marine Acute Toxicity Test Procedure and Protocol.
    - Numeric effluent limits, compliance levels and reporting requirements derived for stormwater and uncontaminated groundwater in the 2000 permit have been carried forward and applied to outfall 01A in the draft permit modification. Numeric limits on these outfall 01A discharges have, in addition, been supplemented by expanded Best Management Practices.

    - Monitoring requirements for mercury, cyanide, ethanol and MTBE have been applied to outfall 01A.
    - Monitoring requirements for flow, TSS, oil and grease and pH have been applied to outfall 01B.
- The requirement for proper operation of treatment system components in part I.A.11 in the Final Permit has been revised to reflect the treatment system modifications. This part is part I.A.14 in the draft permit modification.
- The design flow requirements in part I.A.14 of the Final Permit have been revised and incorporated into part I.A.23 of the draft permit modification.
- Part I.A.15 in the Final Permit has been revised to reflect the treatment system modifications and is part I.A.17 in the draft permit modification.
- The reference in part I.A.17 to "the appropriate U.S. Coast Guard Officer" in the Final Permit has been changed to "the National Response Center" to reflect current emergency reporting protocol. This paragraph is part I.A.19 in the draft permit modification.
- The identification of compliance/non-compliance levels for PAHs in part I.A.18 of the Final Permit has been moved to footnotes 7 and 9 in parts I.A.2 and I.A.4, respectively, in the draft permit modification. The Minimum Levels of analysis (MLs) for PAHs remain in this paragraph, which is part I.A.20 in the draft permit modification.
- The "Wastewater Treatment System Control" requirements in part I.A.21 of the Final Permit has been revised and expanded to reflect the treatment system modifications. The modified requirements are under "Wastewater Treatment System Flow" in part I.A.23 of the draft permit modification.
- The reference to the Multi-Sector General Permit (MSGP) in part I.B.3 of the Final Permit has been updated to refer to the current MSGP which was issued Sepetember 29, 2008.

In addition:

- For the purposes of ensuring clarity in this relatively complex permit, a "definitions" section (paragraph I.A.1) was added to the draft permit modification.
- Unmodified paragraphs in part I.A of the Final Permit are renumbered in the draft permit modification due to the addition of the "definitions section" and two additional outfalls.
- The address for submittals to EPA has been updated.

All persons, including applicants, who believe any revised condition in the draft permit modification 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: Ms. Ellen Weitzler, NPDES Industrial Permit Branch, U.S. Environmental Protection Agency, 5 Post Office Square, Suite 100 (Mail Code: OEP06-2), Boston,

Massachusetts 02109-3912. Any person, prior to such date, may submit a request in writing for a public hearing to consider the draft permit modification to EPA. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty (30) days public notice whenever the Regional Administrator finds that response to this notice indicates significant public interest.

In reaching a final decision on the draft permit modification the Regional Administrator will respond to all significant comments addressing the conditions specifically proposed in the draft permit modification and make these responses available to the public at EPA's Boston office. Following the close of the comment period, and after a public hearing, if such hearing is held, the Regional Administrator will issue a final permit modification decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice.

8.0 EPA & MASSDEP CONTACTS

Additional information concerning the draft permit modification may be obtained between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays, from the EPA and MassDEP contacts below:

Ellen Weitzler, EPA New England - Region 1
5 Post Office Square, Suite 100 (OEP06-2)
Boston, MA 02109-3912
Telephone: (617) 918-1582
FAX: (617) 918-0582
email: weitzler.ellen@epa.gov

or

Kathleen Keohane
Massachusetts Department of Environmental Protection
Division of Watershed Management,
Surface Water Discharge Permit Program
627 Main Street, 2nd Floor
Worcester, Massachusetts 01608
Telephone: (508) 767-2796 FAX: (508) 791-4131
email: keohane.kathleen@state.ma.us

_____ _____

Date

Stephen S. Perkins, Director
Office of Ecosystem Protection
U.S. Environmental Protection Agency

ATTACHMENT A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

VIA FIRST CLASS MAIL AND ELECTRONIC SUBMISSION

Ms. Eurika Durr
Clerk of the Board
U.S. EPA Environmental Appeals Board
(MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Mr. Arthur Powers
Terminal Supervisor
ExxonMobil Pipeline Company
52 Beacham Street
Everett, Massachusetts 02149

Re: ExxonMobil Oil Corporation
Notice of Withdrawal of Contested Conditions
NPDES Appeal No. 08-23
NPDES Permit No. MA0000833

Dear Ms. Durr and Mr. Powers:

The ExxonMobil Oil Corporation ("ExxonMobil") timely petitioned the U.S. Environmental Protection Agency Environmental Appeals Board ("Board") for review of NPDES Permit No. MA0000833 ("Permit"), on October 29, 2008. The Permit had been issued by the New England Regional Office of the U.S. EPA ("Region") on September 29, 2008. The Region placed the uncontested and severable portions of the Permit into effect on January 1, 2009. *See* Attachment 1 (Notice of Uncontested and Severable Conditions, dated November 20, 2008) ("Notice"). In accordance with NPDES regulations, all other conditions of the Permit were stayed for the pendency of the appeal.

Federal regulations governing the NPDES permitting program give EPA regional offices an absolute right to withdraw portions or all of a permit at any time prior to the Board's rendering of a decision on a permit appeal. *See* 40 C.F.R. § 124.19(d); *In re Wash. Aqueduct Water Treatment Plant*, NPDES Appeal No. 03-07, slip op. at 2 (EAB, Dec. 15, 2003). This authority includes the discretion to withdraw portions of a permit without withdrawing the permit in its entirety. *See* 40 C.F.R. § 124.19(d) (Region may, after issuing a withdrawal notification, prepare a new draft permit "addressing the portions so withdrawn"); Amendments to Streamline the National Pollutant Discharge Elimination System Program Regulations: Round Two, 61 Fed. Reg. 65,268, 65,281 (Dec. 11, 1996) ("EPA therefore proposes to clarify that the Regional Administrator may withdraw and

reissue any NPDES...permit (or a contested condition thereof) prior to a decision of the EAB to grant or deny review under § 124.19(c)."). Section 124.19(d) specifies further that, once the permit or portions thereof are withdrawn, the Regional Administrator must "prepare a new draft permit under § 124.6 addressing the portions so withdrawn. The new draft permit shall proceed through the same process of public comment and opportunity for a public hearing as would apply to any other draft permit subject to this part."

Following receipt of ExxonMobil's petition, the parties jointly moved the Board to stay the proceedings in order to allow the parties to explore the viability of settlement. The parties have successfully settled their dispute. As the Board has not rendered a decision to grant or deny review of the Permit, the Region is authorized to act under 40 C.F.R. § 124.19(d) and is hereby withdrawing the "Contested Conditions," as such term is defined in the Notice. In addition, ExxonMobil has agreed to promptly withdraw its petition for review. To implement the settlement, the Region will propose modified conditions for public review and comment in accordance with applicable NPDES procedural regulations. With respect to each of the Contested Conditions, the corresponding term, if any, in ExxonMobil's prior permit issued by EPA on March 6, 2000, shall remain in effect until superseded by final and effective modified permit conditions.

If you have any questions regarding this notice, please feel free to contact Samir Bukhari, the Region's legal counsel in this matter, at 617-918-1095, or Ellen Weitzler, in our Office of Ecosystem Protection, at 617-918-1582.

Sincerely,

Ira W. Leighton
Acting Regional Administrator

cc:

Dianne R. Phillips, Esq., Holland and Knight LLP
David Webster, EPA
Ellen Weitzler, EPA
Denny Dart, EPA
Paul Hogan, MassDEP

Attachment 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

VIA FEDERAL EXPRESS AND ELECTRONIC SUBMISSION

November 20, 2008

Ms. Eurika Durr
U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
1341 G Street, N.W. Suite 600
Washington, D.C. 20005

Mr. Arthur Powers
Terminal Supervisor
ExxonMobil Pipeline Company
52 Beacham Street
Everett, Massachusetts 02149

Re: ExxonMobil Oil Corporation
Notice of Uncontested and Severable Conditions
NPDES Appeal No. 08-23
NPDES Permit No. MA0000833

Dear Ms. Durr and Mr. Powers:

The ExxonMobil Oil Corporation ("ExxonMobil") timely petitioned the U.S. Environmental Protection Agency Environmental Appeals Board ("Board") for review of NPDES Permit No. MA0000833 ("Permit"), on October 29, 2008. The Permit was issued by the New England Regional Office of the U.S. EPA ("Region") on September 29, 2008.

Pursuant to 40 C.F.R. § 124.19, ExxonMobil seeks review of the following permit requirements:

Part	Permit Term
Part I.A.1	Outfall 001B elimination
Part I.A.14	Peak flow
Part I.A.21	Certification and flow control
Part I.A.14 and 21	Flow and operational restrictions
Part I.A.14 and 21	10 year, 24-hour storm
Part I.A.1, Oil and Grease	5 mg/l
Part I.A.1, Benzene	5 µg/l

Part I.A.1, BTEX	100 µg/l
Part I.A.1, Methyl Tertiary-Butyl Ether	70 µg/l
Part I.A.18	Compliance/noncompliance for Polycyclic Aromatic Hydrocarbons (PAHs)
Part I.A.1, footnote 9	Monthly metals and hardness monitoring
Part I.A.1	Hardness, total solids, calcium, and magnesium sampling
Part I.A.1, footnote 1	Heated purge requirement
Part I.A.1, footnote 1	Ethanol analytical method
Part I.A.1, footnote 8	WET testing
Part I.A.17	Notification
Part I.A.23.f	Notification
Part I.B.4.e	Manage salt

The foregoing requirements are referred to as the "Contested Conditions," and all other conditions of the Permit are referred to as "Uncontested Conditions."

Pursuant to 40 C.F.R. §§ 124.16(a) and 124.60(b), I hereby notify you of my determination that the Contested Conditions are stayed during the pendency of this appeal and until final agency action under 40 C.F.R. § 124.19(f). With respect to each of the Contested Conditions, the corresponding term in ExxonMobil's prior permit issued March 6, 2000, including paragraph I.A.2 of that permit, shall remain in effect.

I further notify you of my determination that the Uncontested Conditions of the Permit are severable from the Contested Conditions, with the exception of the ethanol reporting requirement set forth in Part I.A.1 of the Permit and the inspection, operation and maintenance requirements set forth in Part I.A.11 of the Permit. The uncontested and severable conditions of the Permit shall become fully effective enforceable obligations on January 1, 2009.

If you have any questions regarding this notice, please feel free to contact Samir Bukhari, the Region's legal counsel in this matter, at 617-918-1095, or Ellen Weitzler, in our Office of Ecosystem Protection, at 617-918-1582.

Sincerely,

Robert W. Varney
Regional Administrator

cc: Dianne R. Philips, Esq. (Holland & Knight)
Cynthia Liebman, Esq. (Conservation Law Foundation)
Minka Van Beuzekom (Mystic River Watershed Association)

ATTACHMENT B

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In the Matter of:	)	
ExxonMobil Oil Corporation	)	NPDES Appeal No. 08-23
NPDES Permit No. MA0000833	)	

MEMORANDUM OF UNDERSTANDING

Now comes Region 1 of the United States Environmental Protection Agency ("Region") and the ExxonMobil Oil Corporation ("ExxonMobil"), by and through the undersigned counsel, and hereby agree as follows:

WHEREAS, the Region reissued NPDES Permit No. MA0000833 to ExxonMobil on September 29, 2008;

WHEREAS, ExxonMobil timely filed a petition for review by the Environmental Appeals Board contesting certain conditions of the permit on October 28, 2008;

WHEREAS, the parties have engaged in settlement negotiations since that time to resolve the disputed permit conditions, which proposal contemplates a new and different permitting scheme to separately address dry weather and wet weather flows involving the redesign of the effluent treatment system and construction of a continuous flow treatment system, as well as other substantial infrastructure changes;

WHEREAS, the parties have reached agreement in connection with a proposed Permit Modification which will resolve the pending permit dispute and achieve improved overall surface water discharge quality;

WHEREAS, the parties agree that these effluent treatment system improvements require a reasonable time to design, procure, construct, and commission;

NOW, THEREFORE, the parties hereby agree as follows:

1. The Region will promptly withdraw the Contested Permit Conditions identified in the Notice of Uncontested and Severable Conditions dated November 20, 2008, and ExxonMobil will concurrently withdraw its petition for review, thereby rendering ExxonMobil's appeal moot, which appeal shall subsequently be dismissed.

2. The Region will provide a draft Statement of Basis or Fact Sheet to support the anticipated Draft Permit Modification pursuant to its authority under 40 CFR § 124.19(d) for review and comment by ExxonMobil prior to issuance of the Draft Permit Modification. The parties agree to work in good faith to address ExxonMobil's comments on the Statement of Basis or Fact Sheet.

3. The Region will issue the Draft Permit Modification attached hereto as Exhibit A, which is the result of this negotiated settlement of the disputed permit proceeding.

4. On or before September 15, 2009, ExxonMobil shall provide the Region with a copy of its conceptual design basis for the proposed facility modifications for Outfalls 01A, 01B and 01C certified in accordance with 40 CFR § 122.22.

5. On or before October 31, 2009, ExxonMobil shall provide the Region with a written summary status report regarding ExxonMobil's efforts to eliminate, control or mitigate the source(s) of LNAPL (Light Non-aqueous Phase Liquid) entering the storm sewer system from site contamination in accordance with its February 19, 2009 Release Abatement Measure Plan filed with the Massachusetts Department of Environmental Protection.

6. On or before November 1, 2009, ExxonMobil shall provide the Region with a copy of its detailed design documentation in connection with modifications associated with Outfalls 01A and 01B certified in accordance with 40 CFR § 122.22.

7. On or before March 15, 2010, ExxonMobil shall provide the Region with a copy of its detailed design documentation in connection with modifications associated with Outfall 01C certified in accordance with 40 CFR § 122.22.

8. On or before June 15, 2010, ExxonMobil shall design, procure, construct, and place in service modifications associated with Outfalls 01A and 01B as described in the detailed design information previously submitted to the Region pursuant to paragraph 6 above.

9. On or before January 15, 2010 and June 15, 2010, respectively, ExxonMobil shall provide the Region with a concise written status report regarding achievement of the requirements set forth in paragraph 8 above.

10. On or before June 15, 2011, ExxonMobil shall design, procure, construct and place in service modifications associated with the new continuous flow treatment system associated with Outfall 01C as described in the detailed design information previously submitted to the Region pursuant to paragraph 7 above.

11. On or before January 15, 2011 and June 15, 2011, respectively, ExxonMobil shall provide the Region with a concise written status report regarding achievement of the requirements set forth in paragraph 10 above.

12. Upon consideration of the actions and implementation milestones set forth in paragraphs 4 through 11 above, and the circumstances of this case, the Region has concluded that issuance of the final Permit Modification after June 15, 2011, is reasonable and intends to issue such modification after such date.

13. The parties agree that the (A) (1) continuous treatment system, (2) corrugated plate separator, and (3) conventional oil water separator, when operated in accordance with Part I.A.23 of the Draft Permit Modification (Wastewater Treatment System Flow), and the (B) remedial actions to eliminate infiltration of light non-aqueous phase liquid (LNAPL) into the storm sewer system completed under the Massachusetts Contingency Plan, 310 C.M.R. 40.000 *et seq*, as specifically set forth in the ExxonMobil's February 19, 2009 Release Abatement Measure Plan, 310 C.M.R. 40.0444 *et seq*, will, in combination, constitute "material and substantial alterations or additions to the permitted facility" within the meaning of 33 U.S.C. § 1342(o)(2)(A). Polycyclic Aromatic Hydrocarbons (PAHs) sampling results collected in accordance with Part I.A.2 of the Permit Modification after implementation of such material and substantial alterations or additions to the permitted facility and that are below the Minimum Level (as defined in Part I.A.1 of the Draft Permit Modification) for PAHs will constitute "information...not available at the time of permit issuance" within the meaning of 33 U.S.C. § 1342(o)(2)(B)(ii). When the Permit is re-issued on or after January 1, 2014, ExxonMobil may use (a) quarterly sampling results, and (b) a contemporaneous Storm Water Pollution Prevention Plan (SWPPP) that assures such discharge will continue to meet applicable water quality requirements consistent 33 U.S.C. § 1342(o)(3) through the application of Best Management Practices, as a basis under applicable anti-backsliding requirements for eliminating the numeric PAH effluent limits on discharges from outfall 01A to the culvert to Island End River.

14. This Memorandum of Understanding will be come effective on the date fully-executed as noted below. This Memorandum of Understanding may be modified at any time by

the mutual written consent of the parties, which consent shall not be unreasonably withheld.

U.S. Environmental Protection Agency, Region 1

By its counsel,

Samir Bukhari
Office of Regional Counsel
U.S. EPA-Region 1 (RAA)
One Congress Street, Suite 1100
Boston, MA 02114
Phone: (617) 918-1095
Fax: (617) 918-0095

August 5, 2009

ExxonMobil Oil Corporation

By its counsel,

Dianne R. Phillips
Holland & Knight LLP
10 St. James Avenue
Boston, MA 02116
Phone: (617) 573-5818
Fax: (617) 523-6850

August 5, 2009

8737024_v2

Exhibit A

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq. (the "CWA"), and the Massachusetts Clean Waters Act, as amended, M.G.L. Chap. 21, §§ 26-53,

ExxonMobil Oil Corporation

is authorized to discharge from a facility located at

ExxonMobil Everett Terminal
52 Beacham Street
Everett, MA 02149

to receiving water named

Island End River/Mystic River Watershed (MA71)

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

This permit was signed on September 29, 2008 and became effective on January 1, 2009 ("2009 Permit"), to the extent described in the Notice of Uncontested and Severable Conditions, dated November 20, 2008, issued by the Regional Administrator of Region 1 of the United States Environmental Protection Agency ("Notice"). The 2009 Permit superseded the prior permit issued on March 6, 2000, to the extent described in the Notice.

This draft permit modification shall become effective on the first day of the calendar month immediately following 60 days after signature.

This permit and the authorization to discharge shall expire at midnight on **January 1, 2014**.

This permit consists of 15 pages in Part I, including effluent limitations and monitoring requirements, 25 pages in Part II, including General Conditions and Definitions, and 10 pages in Attachment A, Marine Acute Toxicity Test Procedure and Protocol.

Signed this __ day of _____, 2009.

Stephen S. Perkins, Director
Office of Ecosystem Protection
Environmental Protection Agency
Boston, MA

Glenn Haas, Director
Division of Watershed Management
Department of Environmental Protection
Commonwealth of Massachusetts
Boston, MA

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Definitions

   a. *Conventional oil water separator* refers to the secondary gravity-type separator in the ExxonMobil Everett Terminal treatment works, at the approximate location identified on Attachment __.

   b. *Continuous treatment system* refers to the treatment system that is designed to remove pollutants from dry weather and stormwater flows up to its design capacity of 280 gpm in the ExxonMobil Everett Terminal treatment works, at the approximate location identified on Attachment __.

   c. *Corrugated plate separator* refers to the main separator with a design capacity of 4,000 gpm in the ExxonMobil Everett Terminal treatment works, at the approximate location identified on Attachment __.

   d. *Minimum Level (ML)* shall mean the level at which the entire analytical system gives recognizable mass spectra and/or acceptable calibration points. This level corresponds to the lowest point at which the calibration curve is determined based on analyses for the pollutant of concern in reagent water. The ML for a gas chromatographic-mass spectrometry method or inductively coupled plasma-mass spectrometry method is based on both mass spectra and acceptable calibration points. The ML for methods that do not use mass spectrometry for pollutant confirmation and/or have no published ML in the method documentation is based on the method detection limit (MDL) and minimum level (ML) determinations as described in Section 9.3.1.1 of "Protocol for EPA Approval of New Methods for Organic and Inorganic Analysis in Wastewater and Drinking Water" (EPA 821-B-98-003, March 1999).

   e. *"10-year 24-hour precipitation event"* shall mean a rainfall event with a probable recurrence interval of once in ten years. This information is available from National Oceanic & Atmospheric Administration, U.S. Department of Commerce. The 10-year 24-hour rainfall in Boston is estimated at 4.6 inches [Figure 2, Natural Resources Conservation Service Technical Release 55 (TR-55) - Urban Hydrology for Small Watersheds (1986)].

2. During the period beginning from the effective date and lasting through expiration, the permittee is authorized to discharge corrugated plate separator effluent from **Serial Number Outfall 01A** to the culvert at Island End River. The discharge is comprised of storm water, groundwater, hydrostatic test water, boiler condensate, fire testing water, truck wash water, effluent pond water and continuous treatment system filter backwash water. Such discharge shall: 1) be limited and monitored by the permittee as specified below; and 2) not cause a violation of the State Water Quality Standards of the receiving water.

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements [1]	
		Average Monthly	Maximum Daily	Measurement Frequency[2]	Sample Type
Flow Rate [3]	MGD	Report	Report	Continuous	Meter
Total Suspended Solids (TSS)	mg/l	30	100	1/Month	Grab
Oil and Grease (O&G)	mg/l	----	15	1/Month	Grab
pH [4]	S.U.	----	6.5 to 8.5	1/Month	Grab
Available Cyanide[5]	µg/L	----	Report	Quarterly	Grab
Total Mercury[6]	µg/L	----	Report	Quarterly	Grab
Polycyclic Aromatic Hydrocarbons (PAHs)[7][8]					
Group I:					
Benzo(a)anthracene	µg/L	----	0.031	Quarterly	Grab
Benzo(a)pyrene	µg/L	----	0.031	Quarterly	Grab
Benzo(b)flouranthene	µg/L	----	0.031	Quarterly	Grab
Benzo(k)fluoranthene	µg/L	----	0.031	Quarterly	Grab
Chrysene	µg/L	----	0.031	Quarterly	Grab
Dibenzo(a,h)anthracene	µg/L	----	0.031	Quarterly	Grab
Indeno(1,2,3-cd)pyrene	µg/L	----	0.031	Quarterly	Grab
Group II:					
Acenaphthene	µg/L	----	0.031	Quarterly	Grab
Acenaphthylene	µg/L	----	0.031	Quarterly	Grab
Anthracene	µg/L	----	0.031	Quarterly	Grab
Benzo(ghi)perylene	µg/L	----	0.031	Quarterly	Grab
Fluoranthene	µg/L	----	0.031	Quarterly	Grab
Fluorene	µg/L	----	0.031	Quarterly	Grab
Naphthalene	µg/L	----	0.031	Quarterly	Grab
Phenanthrene	µg/L	----	0.031	Quarterly	Grab
Pyrene	µg/L	----	0.031	Quarterly	Grab
Total PAHs	µg/L	----	50	Quarterly	Grab
Volatile Organic Compounds (VOCs)					
Benzene	µg/L	----	40	Quarterly	Grab
Toluene	µg/L	----	Report	Quarterly	Grab
Ethylbenzene	µg/L	----	Report	Quarterly	Grab
Total Xylenes	µg/L	----	Report	Quarterly	Grab
Ethanol	µg/L	----	Report	Quarterly	Grab
Methyl Tertiary-Butyl Ether (MTBE)[9]	µg/L	----	Report	Quarterly	Grab

Footnotes:

1. All sampling shall be representative of the effluent that is discharged through outfall 01A to the culvert at Island End River. All samples shall be analyzed using the analytical methods found in 40 CFR Part 136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR Part 136. Total Xylenes and MTBE can be analyzed using EPA Method 602. Ethanol can be analyzed using EPA Method 1671.
2. Sampling frequency of 1/month is defined as the sampling of one (1) significant rain event in each calendar month. Monthly sampling is only required if there is discharge from outfall 01A during a calendar month. Sampling frequency of quarterly is defined as the sampling of one (1) event in each quarter. Quarters are defined as the interval of time between the months of: January through March, inclusive; April through June, inclusive; July through September, inclusive; and October through December, inclusive. **Quarterly sampling shall be performed concurrently with the monthly monitoring event.** The permittee shall submit to EPA and MassDEP the results of any additional testing of the parameters established for outfall 01A if conducted in accordance with EPA approved methods consistent with the provisions of 40 CFR § 122.41(l)(4)(ii).
3. For Flow Rate, the permittee shall report the maximum daily flow rate of water discharged by the facility during the reporting period. The maximum daily flow rate, which is to be measured in the units of millions of gallons per day (MGD), shall be based upon the totalizer flow results or an approved equivalent flow measuring device.
4. See Part I.A.6., Page 9.
5. Available cyanide shall be analyzed using a detection limit less than or equal to 2.0 µg/l. After submitting ten (10) consecutive quarterly sampling results that are each below the available cyanide detection limit, the permittee may submit a written request to EPA for approval to eliminate required testing for available cyanide. The permittee is required to continue testing for this pollutant at the frequency specified in the permit until notice is received by certified mail from EPA that the permittee's request has been approved and the available cyanide testing requirement eliminated.
6. Total mercury shall be analyzed using a detection limit less than or equal to 2.0 µg/l. After submitting ten (10) consecutive quarterly sampling results that are each below the total mercury detection limit, the permittee may submit a written request to EPA for approval to eliminate required testing for total mercury. The permittee is required to continue testing for this pollutant at the frequency specified in the permit until notice is received by certified mail from EPA that the permittee's request has been approved and the total mercury testing requirement eliminated.
7. Compliance/non-compliance for Polycyclic Aromatic Hydrocarbons (PAHs) for discharges at outfall 01A shall be 10 µg/l for individual PAHs.
8. Analytical methods used to measure PAHs shall use minimum levels no greater than the minimum levels identified in Part I.A.20 on page 10.
9. MTBE shall be analyzed using a minimum level less than or equal to 5 µg/l. After submitting ten (10) consecutive quarterly sampling results that are each below the MTBE minimum level, the permittee may submit a written request to EPA for approval to eliminate required testing for MTBE. The permittee is required to continue testing for this pollutant at the frequency specified in the permit until notice is received by certified mail from EPA that the permittee's request has been approved and the MTBE testing requirement eliminated.

3. During the period beginning from the effective date and lasting through expiration, the permittee is authorized to discharge conventional oil water separator effluent from **Serial Number Outfall 01B** to the culvert at Island End River. The discharge is comprised of storm water, groundwater, hydrostatic test water, boiler condensate, fire testing water, truck wash water and effluent pond water. Such discharge shall: 1) be limited and monitored by the permittee as specified below; and 2) not cause a violation of the State Water Quality Standards of the receiving water.

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements [1]	
		Average Monthly	Maximum Daily	Measurement Frequency[2]	Sample Type
Flow Rate [3]	MGD	Report	Report	Continuous	Meter
Total Suspended Solids (TSS)	mg/l	Report	Report	Each Discharge	Grab
Oil and Grease (O&G)	mg/l	----	Report	Each Discharge	Grab
pH [4]	S.U.	----	Report	Each Discharge	Grab

Footnotes:

1. All sampling shall be representative of the effluent that is discharged through outfall 01B to the culvert at Island End River. All samples shall be analyzed using the analytical methods found in 40 CFR Part 136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR Part 136.
2. A "Discharge Event" is defined as single or multiple discharges associated with a precipitation event. A discharge event will end after 72-hours have elapsed since the previous storm event. The permittee shall record the date and duration (in hours) of the discharge event(s) sampled, daily rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff, and the end of the previous measurable (greater than 0.1 inch rainfall) storm event. The permittee shall submit to EPA and MassDEP the results of any additional testing of the parameters established for outfall 01B if conducted in accordance with EPA approved methods consistent with the provisions of 40 CFR § 122.41(l)(4)(ii).
3. For Flow Rate, the permittee shall report the maximum daily flow rate of water discharged by the facility during the reporting period. The maximum daily flow rate, which is to be measured in the units of millions of gallons per day (MGD), shall be based upon the totalizer flow results or an approved equivalent flow measuring device.
4. See Part I.A.6., Page 9.

4. During the period beginning from the effective date and lasting through expiration, the permittee is authorized to discharge continuous treatment system effluent from **Serial Number Outfall 01C** to the culvert at Island End River. The discharge is comprised of storm water, groundwater, hydrostatic test water, boiler condensate, fire testing water, truck wash water, effluent pond water, and continuous treatment system filter backwash water. Such discharge shall: 1) be limited and monitored by the permittee as specified below; and 2) not cause a violation of the State Water Quality Standards of the receiving water.

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements [1]	
		Average Monthly	Maximum Daily	Measurement Frequency[2]	Sample Type
Flow Rate [3]	MGD	Report	Report	Continuous	Meter
Total Suspended Solids (TSS)	mg/l	30	100	1/Month	Grab
Oil and Grease (O&G)	mg/l	----	5	1/Month	Grab
pH [4]	S.U.	----	6.5 to 8.5	1/Month	Grab
Available Cyanide[5]	µg/L	----	Report	Quarterly	Grab
Metals					
Total Aluminum	mg/L	----	Report	Quarterly	Grab
Total Cadmium	mg/L	----	Report	Quarterly	Grab
Total Chromium	mg/L	----	Report	Quarterly	Grab
Total Copper	mg/L	----	Report	Quarterly	Grab
Total Lead	mg/L	----	Report	Quarterly	Grab
Total Mercury[6]	mg/L	----	Report	Quarterly	Grab
Total Nickel	mg/L	----	Report	Quarterly	Grab
Total Zinc	mg/L	----	Report	Quarterly	Grab
Whole Effluent Toxicity (WET)[7,8]					
LC_{50}	%	----	>50	2/year	Grab
Total Solids	mg/L	----	Report	2/year	Grab
Ammonia	mg/L	----	Report	2/year	Grab
Total Organic Carbon	mg/L	----	Report	2/year	Grab

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements [1]	
		Average Monthly	Maximum Daily	Measurement Frequency[2]	Sample Type
Polycyclic Aromatic Hydrocarbons (PAHs)[9]					
Group I:					
Benzo(a)anthracene	µg/L	----	0.018	1/Month	Grab
Benzo(a)pyrene	µg/L	----	0.018	1/Month	Grab
Benzo(b)flouranthene	µg/L	----	0.018	1/Month	Grab
Benzo(k)fluoranthene	µg/L	----	0.018	1/Month	Grab
Chrysene	µg/L	----	0.018	1/Month	Grab
Dibenzo(a,h)anthracene	µg/L	----	0.018	1/Month	Grab
Indeno(1,2,3-cd)pyrene	µg/L	----	0.018	1/Month	Grab
Group II:					
Acenaphthene	µg/L	----	0.031	1/Month	Grab
Acenaphthylene	µg/L	----	0.031	1/Month	Grab
Anthracene	µg/L	----	0.031	1/Month	Grab
Benzo(ghi)perylene	µg/L	----	0.031	1/Month	Grab
Fluoranthene	µg/L	----	0.031	1/Month	Grab
Fluorene	µg/L	----	0.031	1/Month	Grab
Naphthalene	µg/L	----	0.031	1/Month	Grab
Phenanthrene	µg/L	----	0.031	1/Month	Grab
Pyrene	µg/L	----	0.031	1/Month	Grab
Volatile Organic Compounds (VOCs)					
Benzene	µg/l	----	5	1/Month	Grab
Toluene	µg/l	----	Report	1/Month	Grab
Ethylbenzene	µg/l	----	Report	1/Month	Grab
Total Xylenes	µg/l	----	Report	1/Month	Grab
BTEX[10]	µg/l	----	100	1/Month	Grab
Methyl Tertiary-Butyl Ether (MTBE) [11]	µg/l	----	70	1/Month	Grab

Footnotes:

1. All sampling shall be representative of the effluent that is discharged through outfall 01C to the culvert at Island End River. All samples shall be analyzed using the analytical methods found in 40 CFR Part 136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR Part 136. Total Xylenes and MTBE can be analyzed using EPA Method 602.

2. Sampling frequency of 1/month is defined as the sampling of once each calendar month. Sampling frequency of quarterly is defined as the sampling of one (1) event in each quarter. Quarters are defined as the interval of time between the months of: January through March, inclusive; April through June, inclusive; July through September, inclusive; and October through December, inclusive. **Quarterly sampling shall be performed concurrently with the monthly monitoring event.** The permittee shall submit to EPA and MassDEP the results of any additional testing of the parameters established for outfall 01C if conducted in accordance with EPA approved methods

consistent with the provisions of 40 CFR §122.41(l)(4)(ii).

3. For Flow Rate, the permittee shall report the maximum daily flow rate of water discharged by the facility during the reporting period. The maximum daily flow rate, which is to be measured in the units of millions of gallons per day (MGD), shall be based upon the totalizer flow results or an approved equivalent flow measuring device.
4. See Part I.A.6, Page 9.
5. Available cyanide shall be analyzed using a detection limit less than or equal to 2.0 µg/l. After submitting ten (10) consecutive quarterly sampling results that are each below the available cyanide detection limit, the permittee may submit a written request to EPA for approval to eliminate required testing for available cyanide. The permittee is required to continue testing for this pollutant at the frequency specified in the permit until notice is received by certified mail from EPA that the permittee's request has been approved and the available cyanide testing requirement eliminated.
6. Total mercury shall be analyzed using a detection limit less than or equal to 2.0 µg/l. After submitting ten (10) consecutive quarterly sampling results that are each below the total mercury detection limit, the permittee may submit a written request to EPA for approval to eliminate required testing for total mercury. The permittee is required to continue testing for this pollutant at the frequency specified in the permit until notice is received by certified mail from EPA that the permittee's request has been approved and the total mercury testing requirement eliminated.
7. LC50 (Lethal Concentration 50 Percent) is the concentration of wastewater (effluent) causing mortality to 50 percent (%) of the test organisms. Therefore, a 50% limit means that a sample of 50% effluent shall cause no more than a 50% mortality rate. The limit is considered to be a maximum daily limit.
8. The permittee shall conduct 48-Hour Static Acute Whole Effluent Toxicity (WET) test on effluent samples from Outfall 01C two times a year, in March and September, using one specie, Mysid Shrimp (*Americamysis Bahia*, formerly known as *Mysidopsis Bahia*) and following the protocol in Attachment A (Marine Acute Toxicity Test Procedure and Protocol dated September 1996), provided, however, that in lieu of the method referenced in Part II of Attachment A, the permittee shall use EPA Method 2007.0 as identified in 40 CFR Part 136. Toxicity test results are to be submitted within 30 days after the sampling date with the routine Discharge Monitoring Reports (DMRs). Results of wet chemistry analyses conducted on WET test samples may be submitted to meet quarterly metals monitoring requirements. In that case, metals data would be submitted in the discharge monitoring report and in the WET test written report.
9. Compliance/non-compliance for Polycyclic Aromatic Hydrocarbons (PAHs) for discharges at outfall 01C will be based on the minimum level (ML) of analysis, as defined in Part 1.A.1. See Part I.A.20, Page 10 for the required MLs.
10. BTEX shall be reported as the sum of the detectable concentrations of benzene, toluene, ethylbenzene and xylenes.
11. MTBE shall be analyzed using a minimum level less than or equal to 5 µg/l. After submitting ten (10) consecutive quarterly sampling results that are each below the MTBE minimum level, the permittee may submit a written request to EPA for approval to eliminate required testing for MTBE. The permittee is required to continue testing for this pollutant at the frequency specified in the permit until notice is received by certified mail from EPA that the permittee's request has been

approved and the MTBE testing requirement eliminated.

Part 1.A. (Continued)

5. The discharges either individually or in combination shall not cause or contribute to a violation of State Water Quality Standards of the receiving waters.
6. The pH of the effluent shall not be less than 6.5 nor greater than 8.5 at any time unless these values are exceeded as a result of natural causes.
7. The discharge shall not cause objectionable discoloration of the receiving waters.
8. The discharge shall not contain a visible oil sheen, foam, or floating solids at any time.
9. The discharge shall not contain materials in concentrations or combinations which are hazardous or toxic to human health, aquatic life of the receiving surface waters or which would impair the uses designated by its classification.
10. There shall be no discharge of tank bottom water and/or bilge water alone or in combination with storm water discharge or other wastewater.
11. There shall be no discharge of floor wash water from the interior of the facility maintenance garage.
12. The discharge shall not impart color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their use.
13. 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.
14. The permittee shall inspect, operate, and maintain the continuous treatment system, conventional oil water separator and the corrugated plate separator at the facility to ensure that the Effluent Limitations and Monitoring Requirements and other conditions contained in this permit are met. The permittee shall ensure that all components of the facility's Storm Water Pollution Prevention Plan, including those that specifically address the operation and maintenance of the separator(s) and other components of the storm water conveyance system, are complied with.
15. Chemicals (e.g., disinfecting agents, detergents, emulsifiers, etc.) and bioremedial agents including microbes shall not be added to the collection and treatment systems without prior approval by the U. S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP).
16. There shall be no discharge of any sludge and/or bottom deposits that has been physically removed from any storage tank(s), basin(s), and/or diked area(s) to the receiving waters. Examples of storage tanks and/or basins include, but are not limited to: primary catch basins, stilling basins, oil water separators, petroleum product storage tanks, baffled storage tanks collecting spills, and tank truck loading rack sumps.
17. No truck washing or hydrostatic testing shall occur during a storm event or following an overflow event or following a discharge event through outfall 01B until the potential for discharge through outfall 01B has ceased.
18. EPA may modify this permit in accordance with EPA regulations in 40 Code of Federal Regulations (CFR) § 122.62 and § 122.63 to incorporate more stringent effluent limitations, increase the frequency of analyses, or impose additional sampling and analytical requirements.
19. The appearance of any size sheen attributable to the discharge from this facility shall be reported

immediately by the permittee to the National Response Center in accordance with Section 311 of the Clean Water Act (CWA). This requirement is in addition to any reporting requirements related to EPA or MassDEP contained in this National Pollutant Discharge Elimination System (NPDES) permit.

20. PAH analysis shall include the following compounds and their respective minimum levels (as defined in part I.A.1) as identified in parenthesis for each compound. benzo(a)anthracene (<0.05 µg/L), benzo(a)pyrene (<0.05 µg/L), benzo(b)fluoranthene (<0.05 µg/L), benzo(k)fluoranthene (<0.05 µg/L), chrysene (<0.5 µg/L), dibenzo(a,h)anthracene (<0.10 µg/L), indeno(1,2,3-cd)pyrene (<0.10 µg/L), and naphthalene (5.00 µg/L), acenaphthene (<5.00 µg/L), acenaphthylene (<5.00 µg/L), anthracene (<2.0 µg/L), benzo(ghi)perylene (<0.2 µg/L), fluoranthene (<0.50 µg/L), fluorene (<0.5 µg/L), naphthalene (<5.00 µg/L), phenanthrene (<2.00 µg/L), and pyrene (<1.00 µg/L).

21. The permittee shall attach a copy of the laboratory case narrative to the respective Discharge Monitoring Report Form submitted to EPA and MassDEP for each sampling event reported. The laboratory case narrative shall include a copy of the laboratory data sheets for each analysis (identifying the test method, the analytical results, and the detection limits for each analyte) and provide a brief discussion of whether all appropriate QA/QC procedures were met and were within acceptable limits.

22. 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 basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
        i One hundred micrograms per liter (100 µg/l);
        ii Two hundred micrograms per liter (200 µg/l)for acrolein and acrylonitrite; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
        iii Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. §122.21(g)(7); or
        iv Any other notification level established by the Director in accordance with 40C.F.R. § 122.44(f)

    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":
        i Five hundred micrograms per liter (500 µg/L);
        ii One milligram per liter (1 mg/L) for antimony;
        iii Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. § 122.21(g)(7).
        iv Any other notification level established by the Director in accordance with 40C.F.R. § 122.44(f).

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

23. Wastewater Treatment System Flow

    a. The continuous treatment system shall be designed, constructed, maintained and operated to treat the volume of storm water, groundwater and other associated wastewaters up to and including 280

gpm through outfall 01C.

b. The collection, storage and treatment systems shall be designed, constructed, maintained and operated to treat the total equivalent volume of storm water, groundwater, hydrostatic test water, boiler condensate, fire testing water, truck wash water, effluent pond water and continuous treatment system filter backwash water which would result from a 10-year 24-hour precipitation event, which volume shall be discharged through outfall 01C and outfall 01A. All wet weather and dry weather discharges less than or equal to the design capacity of the continuous treatment system [280 gpm] shall be treated through the continuous treatment system and discharged at outfall 01C. The flow through the corrugated plate separator shall not exceed 4,000 gpm.

c. Discharge from outfall 01B shall be limited to situations when the combined capacity of the facility to collect, store, treat and discharge wastewater through outfalls 01A and 01C is exceeded. As a result, it is expected that discharges through outfall 01B will occur only in extreme weather events.

d. The permittee shall certify that the facility's collection storage and treatment systems have been designed, constructed, maintained and operated to meet the requirements of this permit. The certification shall be signed in accordance with the requirements identified in 40 CFR § 122.22. A copy of this certification shall be sent to EPA and MassDEP within sixty (60) days of the effective date of the Permit.

e. Written notification and approval by EPA and the MassDEP shall be required, should the permittee propose changes to the storm water conveyance, storage or treatment systems which have the potential to cause the maximum design flow rate through any portion of the collection, storage and treatment systems to be increased.

24. Toxics Control

a. The permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.

b. Any toxic components of the effluent shall not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.

25. Hydrostatic Test Water Discharges

a. The hydrostatic test water shall be monitored as described below and discharged through outfalls 01A and 01C to the culvert at Island End River.

b. At a minimum, four (4) representative samples shall be taken of the hydrostatic test water: one (1) grab sample of the influent test water; and three (3) serial-grab samples of the hydrostatic test water effluent. 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 effluent serial-grab sample shall be taken during the initial phase of discharge; the second around the midpoint; and the third near the end of the discharge. The effluent serial-grab samples shall be obtained before discharge into the treatment works and/or mixing with any storm water or other non-storm water flow.

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

Effluent Characteristic	Units	Sample Type
Total Suspended Solids (TSS)	mg/l	Grab
Oil and Grease (O&G)	mg/l	Grab
pH	S.U.	Grab
Dissolved Oxygen (DO)	mg/l	Grab
Total Residual Chlorine	mg/l	Grab
Benzene	µg/l	Grab
Toluene	µg/l	Grab
Ethylbenzene	µg/l	Grab
Total Xylenes	µg/l	Grab
Methyl Tertiary-Butyl Ether	µg/l	Grab
PAHs		
Benzo(a)anthracene	µg/l	Grab
Benzo(a)pyrene	µg/l	Grab
Benzo(b)flouranthene	µg/l	Grab
Benzo(k)fluoranthene	µg/l	Grab
Chrysene	µg/l	Grab
Dibenzo(a,h)anthracene	µg/l	Grab
Indeno(1,2,3-cd)pyrene	µg/l	Grab
Acenaphthene	µg/l	Grab
Acenaphthylene	µg/l	Grab
Anthracene	µg/l	Grab
Benzo(ghi)perylene	µg/l	Grab
Fluoranthene	µg/l	Grab
Fluorene	µg/l	Grab
Naphthalene	µg/l	Grab
Phenanthrene	µg/l	Grab
Pyrene	µg/l	Grab

c. Testing for total residual chlorine is only required when potable water or a similar source of water which is likely to contain a residual chlorine concentration is used for hydrostatic testing. Testing for MTBE is only required if the tank undergoing testing was recently (i.e., within three years of the proposed testing date) used to store gasoline containing MTBE.

d. During discharge (i.e., approximately at the same time the three effluent grab samples are taken), the flow exiting the treatment system should be observed in order to prevent the inadvertent release of hydrocarbons to the receiving water(s). In the event that there is evidence of such a release (e.g., visible oil sheen and/or noticeable increase in turbidity of discharge water), the permittee shall immediately halt the discharge of hydrostatic test water and take steps to correct the problem.

e. Any changes to these procedures must be approved by EPA and the MassDEP prior to their implementation.

f. The permittee shall submit a letter/report to EPA and MassDEP, summarizing the results of the hydrostatic test within forty-five (45) days of completion of the test. This report shall contain: the

date(s) during which the hydrostatic testing occurred; the estimated volume of hydrostatic test water discharged; a copy of the laboratory data sheets for each analyses, providing the test method, the detection limits for each analyte, and a brief discussion of whether all appropriate QA/QC procedures were met and were within acceptable limits; and a comparison of the overall test results with the effluent limitations for outfall 01C in this permit.

g. The U.S. Environmental Protection Agency shall reserve the right to re-open the permit, in accordance with 40 CFR § 122.62(a)(2), to limit hydrostatic test water discharges in the event that sampling results indicate that such discharge has a reasonable potential to cause or contribute to a violation of Massachusetts Water Quality Standards in the Island End River.

B. STORM WATER POLLUTION PREVENTION PLAN

1. The permittee shall develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce, or prevent, the discharge of pollutants in storm water to the receiving waters identified in this permit. The SWPPP shall be a written document and consistent with the terms of this permit. The permittee shall comply with the terms of its SWPPP.
2. The SWPPP shall be completed or updated and signed by the Permittee within 90 days after the effective date of this Permit. The Permittee shall certify that the SWPPP has been completed or updated and that it meets the requirements of the permit. The certification shall be signed in accordance with the requirements identified in 40 CFR § 122.22. A copy of this initial certification shall be sent to EPA and MassDEP within one hundred and twenty (120) days of the effective date of the Permit.
3. The SWPPP shall be consistent with the provisions for SWPPPs included in the most current version of the Multi-Sector General Permits for Storm Water Discharges Associated with Industrial Activities. (The current MSGP was issued September 29, 2008 – see 73 FR 56572). The SWPPP shall include best management practices (BMPs) for on-site activities that will minimize the discharge of pollutants in storm water to waters of the United States.
4. The SWPPP shall be prepared in accordance with good engineering practices, identify potential sources of pollution that may reasonably be expected to affect the quality of the storm water discharges, and describe and ensure implementation of practices which will be used to reduce the pollutants and assure compliance with this permit. Specifically, the SWPPP shall contain the elements listed below:
   a. A pollution prevention team responsible for developing, implementing, maintaining, revising and ensuring compliance with the SWPPP.
   b. A site description which includes a list of activities at the facility; a site map showing drainage areas and direction of storm water flows; receiving waters and outfall location; areas of the facility where industrial materials or activities are exposed to storm water including the location of industrial activities, storage, disposal, material handling; and all structural controls.
   c. A summary of all pollutant sources which includes all areas where spills have occurred or could occur. For each source, identify the expected drainage and the corresponding pollutant.
   d. A summary of any existing storm water discharge sampling data.
   e. A description of all storm water controls, both structural and non-structural. BMPs must include good housekeeping measures, preventative maintenance programs, spill prevention and response

procedures, runoff management practices, and proper handling of deicing materials. The SWPPP shall describe how the BMPs are appropriate for the facility. All BMPs shall be properly maintained and be in effective operating conditions.

5. All areas of the facility where industrial materials or activities are exposed to storm water shall be inspected, at least on a quarterly basis. Inspections shall occur beginning the 1st quarter after the effective date of the permit. EPA considers quarters as follows: January to March; April to June; July to September; and October to December.

6. The permittee shall amend and update the SWPPP within 30 days for any changes at the facility affecting the SWPPP. Changes which may affect the SWPPP include, but are not limited to, the following activities: a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States; a release of a reportable quantity of pollutants as described in 40 CFR Part 302; or a determination by the permittee or EPA that the SWPPP appears to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Any amended or new versions of the SWPPP shall be re-certified by the Permittee. Such re-certifications also shall be signed in accordance with the requirements identified in 40 CFR § 122.22

7. The permittee shall certify at least annually that the previous year's inspections and maintenance activities were conducted, results were recorded, records were maintained, and that the facility is in compliance with the SWPPP. If the facility is not in compliance with any aspect of the SWPPP, the annual certification shall state the non-compliance and the remedies which are being undertaken. Such annual certifications also shall be signed in accordance with the requirements identified in 40 CFR § 122.22. A copy of this annual certification shall be sent to EPA and MassDEP on, or before, every anniversary of the effective date of the permit. The permittee shall keep a copy of the current SWPPP and all SWPPP certifications (the initial certification, re-certifications, and annual certifications) signed during the effective period of this permit at the facility and shall make them available for inspection by EPA and MassDEP.

C. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report Form(s) postmarked no later than the 15th day of the month following the effective date of the permit.

Signed and dated originals of these, and all other reports and evaluations required herein, shall be submitted to EPA at the following address:

EPA New England - Region 1
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114

Signed and dated Discharge Monitoring Report Form(s) and all other reports required by this permit shall also be submitted to the State at the following addresses:

Massachusetts Department of Environmental Protection
Northeast Regional Office
Bureau of Waste Prevention
205 B Lowell Street

Wilmington, MA 01887

and

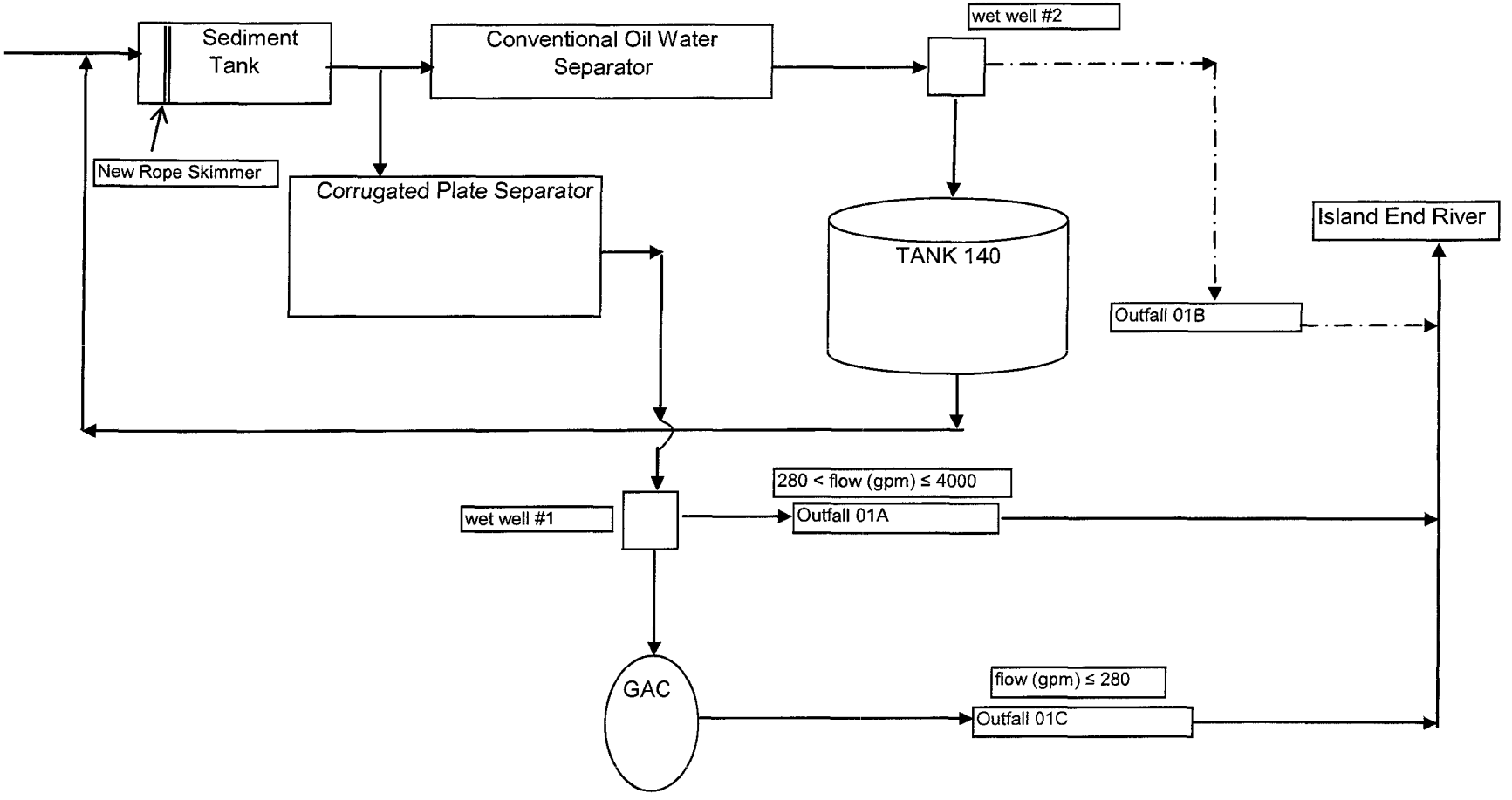
Massachusetts Department of Environmental Protection
Division of Watershed Management
Surface Water Discharge Permit Program
627 Main Street, 2nd Floor
Worcester, Massachusetts 01608

D. STATE PERMIT CONDITIONS

1. This Discharge Permit is issued jointly by the EPA and the MassDEP under Federal and State law, respectively. As such, all the terms and conditions of this permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the MassDEP pursuant to M.G.L. Chap.21, §43.
2. Each Agency shall have the independent right to enforce the terms and conditions of this Permit. Any modification, suspension or revocation of this Permit shall be effective only with respect to the Agency taking such action, and shall not affect the validity or status of this Permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this Permit is declared, invalid, illegal or otherwise issued in violation of State law such permit shall remain in full force and effect under Federal law as a NPDES Permit issued by the U.S. Environmental Protection Agency. In the event this Permit is declared invalid, illegal or otherwise issued in violation of Federal law, this Permit shall remain in full force and effect under State law as a Permit issued by the Commonwealth of Massachusetts.

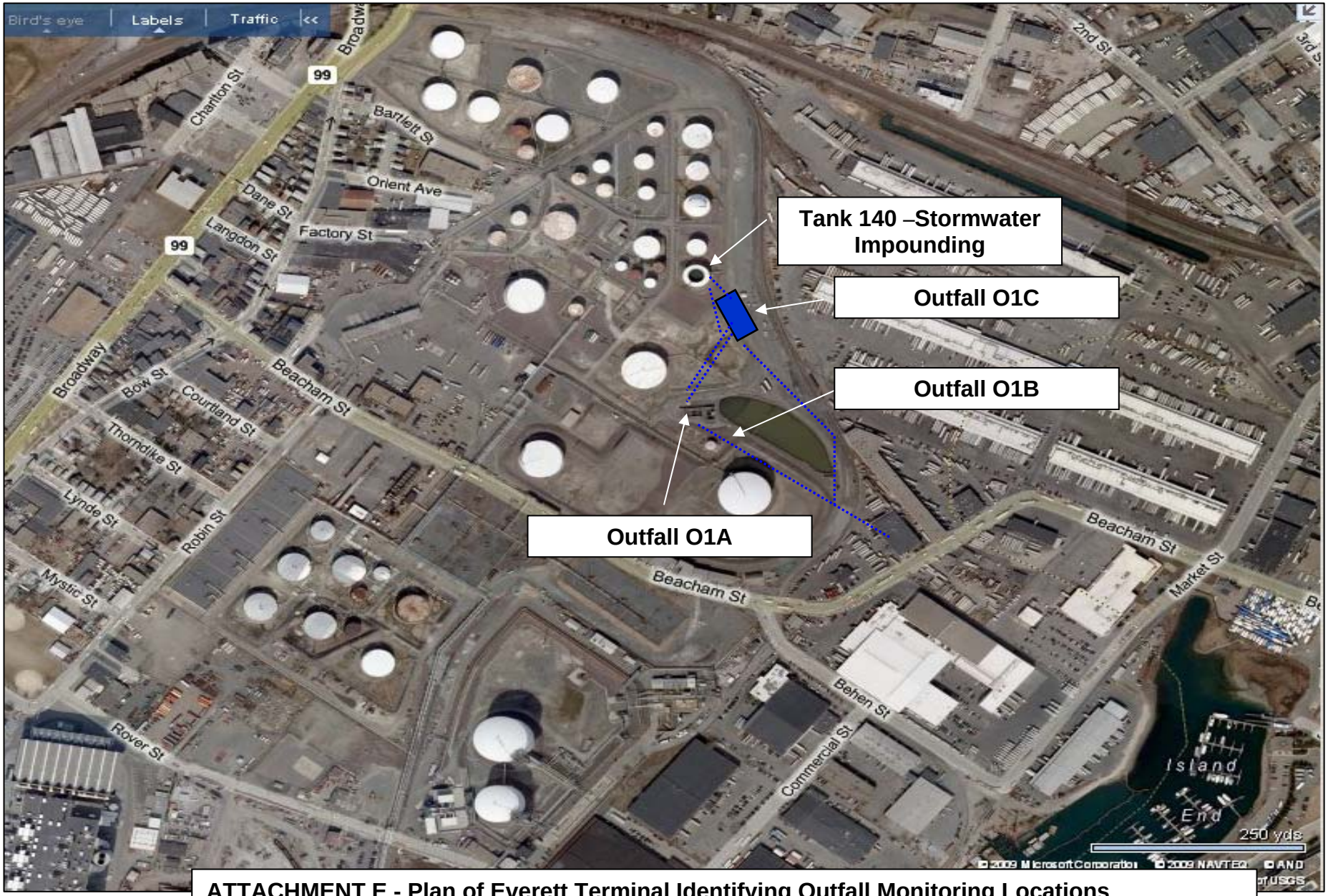
ATTACHMENT C

Everett Terminal Conceptual Simplified Process Flow Diagram



ATTACHMENT D Effluent Limit Changes from the Final Permit to the Draft Permit Modification

Effluent Characteristic	Units	Final Permit 9/29/2008	Draft Permit Modification November 2009		
		Ave Monthly /Max Daily	Outfall 01A Ave Monthly /Max Daily	Outfall 01B Ave Monthly /Max Daily	Outfall 01C Ave Monthly /Max Daily
Flow Rate	MGD	Rept/Rept	Rept/Rept	Rept/Rept	Rept/Rept
Total Suspended Solids (TSS)	30/100	30/100	30/100	Rept/Rept	30/100
Oil and Grease (O&G)	mg/L	--/5	--/15	--/Rept	--/5
pH	S.U.	--/6.5 to 8.5	--/6.5 to 8.5	--/Rept	6.5 to 8.5
Available Cyanide	µg/L	--/Rept	--/Rept	--/Rept	--/Rept
Metals					
Total Aluminum	mg/L	--/Rept	----	----	--/Rept
Total Cadmium	mg/L	--/Rept	----	----	--/Rept
Total Chromium	mg/L	--/Rept	----	----	--/Rept
Total Copper	mg/L	--/Rept	----	----	--/Rept
Total Lead	mg/L	--/Rept	----	----	--/Rept
Total Mercury	mg/L	--/Rept	--/Rept	----	--/Rept
Total Nickel	mg/L	--/Rept	----	----	--/Rept
Total Zinc	mg/L	--/Rept	----	----	--/Rept
Whole Effluent Toxicity (WET)					
LC_{50}	%	--/>50	----	----	--/>50
Hardness	mg/L	--/Rept	----	----	--/Rept
Total Solids	mg/L	--/Rept	----	----	--/Rept
Ammonia	mg/L	--/Rept	----	----	--/Rept
Calcium	mg/L	--/Rept	----	----	--/Rept
Magnesium	mg/L	--/Rept	----	----	--/Rept
Total Organic Carbon	mg/L	--/Rept	----	----	--/Rept
Polycyclic Aromatic Hydrocarbons (PAHs)					
Group I:					
Benzo(a)anthracene	µg/L	--/0.018	--/0.031	----	--/0.018
Benzo(a)pyrene	µg/L	--/0.018	--/0.031	----	--/0.018
Benzo(b)flouranthene	µg/L	--/0.018	--/0.031	----	--/0.018
Benzo(k)fluoranthene	µg/L	--/0.018	--/0.031	----	--/0.018
Chrysene	µg/L	--/0.018	--/0.031	----	--/0.018
Dibenzo(a,h)anthracene	µg/L	--/0.018	--/0.031	----	--/0.018
Indeno(1,2,3-cd)pyrene	µg/L	--/0.018	--/0.031	----	--/0.018
Group II:					
Acenaphthene	µg/L	--/0.031	--/0.031	----	--/0.031
Acenaphthylene	µg/L	--/0.031	--/0.031	----	--/0.031
Anthracene	µg/L	--/0.031	--/0.031	----	--/0.031
Benzo(ghi)perylene	µg/L	--/0.031	--/0.031	----	--/0.031
Fluoranthene	µg/L	--/0.031	--/0.031	----	--/0.031
Fluorene	µg/L	--/0.031	--/0.031	----	--/0.031
Naphthalene	µg/L	--/0.031	--/0.031	----	--/0.031
Phenanthrene	µg/L	--/0.031	--/0.031	----	--/0.031
Pyrene	µg/L	--/0.031	--/0.031	----	--/0.031
Total PAHs		----	--/50	----	
Volatile Organic Compounds					
Benzene	µg/L	--/5	40	----	--/5
Toluene	µg/L	--/Rept	--/Rept	----	--/Rept
Ethylbenzene	µg/L	--/Rept	--/Rept	----	--/Rept
Xylenes	µg/L	--/Rept	--/Rept	----	--/Rept
Total BTEX	µg/L	--/100	----	----	--/100
Ethanol	µg/L	--/Rept	--/Rept	----	----
Methyl Tertiary-Butyl Ether (MTBE)	µg/L	--/70	--/Rept	----	--/70



ATTACHMENT E - Plan of Everett Terminal Identifying Outfall Monitoring Locations