UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET- SUITE 1100 (CIP)
BOSTON, MASSACHUSETTS 02114 - 2023

FACT SHEET

DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES PURSUANT TO THE CLEAN WATER ACT (CWA)

NPDES PERMIT #: **MA0029858**

PUBLIC NOTICE DATES: **August 28, 2009 through September 26, 2009**

NAME AND ADDRESS OF APPLICANT:

Pilot Travel Centers, LLC
5508 Lonas Road
Knoxville, TN 37909

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Pilot Travel Centers
400 Route 15
Sturbridge, MA 01566

RECEIVING WATERS: Hamant Pond and Hamant Brook

CLASSIFICATION: B (cold water)

SIC CODES: 5541 (Gasoline Service Station, including Truck Stops with convenience store attached), 5812 (Restaurant), and 7011 (Hotel).

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I. PROPOSED ACTION

The above named applicant has applied to the U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) for the re-issuance of a National Pollutant Discharge Elimination System (NPDES) permit to discharge stormwater into the designated receiving water. The existing permit was issued to Sturbridge Isle on April 17, 1986 (the current permit), and became effective on the date of signature. EPA received a permit renewal application from Sturbridge Isle on March 25, 1991. Sturbridge Isle transferred ownership to Pilot Travel Centers, LLC on February 22, 2005. Pilot Travel Centers submitted a revised permit renewal application on January 22, 2009. Since the permit renewal application was deemed complete by EPA, the permit has been administratively continued.

II. TYPE OF FACILITY

Pilot travel center is a travel service plaza for both autos and trucks, located in Sturbridge, MA. The center has two fuel islands, two retail stores, a restaurant, and a hotel.

III. SUMMARY OF MONITORING DATA

Review of the permit file shows that no recent discharge monitoring reports (DMRs) have been submitted. The most recent DMR is dated March 19, 1993. However, recent monitoring data submitted with the permit re-application for Outfalls 001, 002, 003, 004, and 005 was reviewed and used in the development of the draft National Pollutant Discharge Elimination System (NPDES) permit (draft permit).[1]

IV. PERMIT BASIS AND EXPLANATION OF EFFLUENT LIMIT DERIVATIONS

The effluent limitations, monitoring requirements, and any implementation schedule, if required, may be found in Part 1 (Effluent Limitations and Monitoring Requirements) of the Draft Permit. The permit re-application is part of the administrative file (Permit No. MA0029858).

A. General Requirements

The Clean Water Act (CWA) prohibits the discharge of pollutants to waters of the United States without a NPDES permit unless such a discharge is otherwise authorized by the CWA. The NPDES permit is the mechanism used to implement technology and water quality-based effluent limitations and other requirements including monitoring and reporting. The draft permit was developed in accordance with various statutory and regulatory requirements established pursuant to the CWA and applicable State regulations. During development, EPA considered the most recent technology-based treatment requirements, water quality-based requirements, and all limitations and requirements in the current/existing permit. The regulations governing the EPA NPDES permit program are generally found at 40 CFR Parts 122, 124, 125, and 136. The general conditions of the draft permit are based on 40 CFR §122.41 and consist primarily of management requirements common to all permits. The effluent monitoring requirements have been established to yield data representative of the discharge under authority of Section 308(a) of the CWA in accordance with 40 CFR §122.41(j), §122.44(i), and §122.48.

1. Technology-Based Requirements

Subpart A of 40 CFR §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.

Technology-based treatment requirements represent the minimum level of control that must be imposed under Sections 301(b) and 402 of the CWA (see 40 CFR §125 Subpart A) to meet best practicable control technology currently available (BPT) for conventional pollutants and some metals, best conventional control technology (BCT) for conventional pollutants, and best available technology economically achievable (BAT) for toxic and non-conventional pollutants.

1 NPDES Form 2C, NPDES Permit No. MA0029858 Permit Renewal Application for Pilot Travel Centers, LLC, January 2009.

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)]. Compliance schedules and deadlines not in accordance with the statutory provisions of the CWA cannot be authorized by a NPDES permit.

EPA has not promulgated technology-based National Effluent Guidelines for SIC codes 5541 (Gasoline Service Station, including Truck Stops with convenience store attached), 5812 (Restaurant), 7011 (Hotel), or 4952 (Sewerage systems, including the treatment plant). 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 Judgement (BPJ). Sector P of EPA's Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activities, Land Transportation and Warehousing, contains Storm Water Pollution Prevention Plan (SWPPP) requirements for fuel storage.

2. Water Quality-Based Requirements

Water quality-based criteria are required in NPDES permits when EPA and the State determine that effluent limits more stringent than technology-based limits are necessary to maintain or achieve state or federal water-quality standards (See Section 301(b) (1)(C) of the CWA). Water quality-based criteria consist of three (3) parts: 1) beneficial designated uses for a water body or a segment of a water body; 2) numeric and/or narrative water quality criteria sufficient to protect the assigned designated use(s) of the water body; and 3) anti-degradation requirements to ensure that once a use is attained it will not be degraded. The Massachusetts State Water Quality Standards, found at 314 CMR 4.00, include these elements. The State Water Quality Regulations limit or prohibit discharges of pollutants to surface waters and thereby assure that the surface water quality standards of the receiving water are protected, maintained, and/or attained. These standards also include requirements for the regulation and control of toxic constituents and require that EPA criteria, established pursuant to Section 304(a) of the CWA, be used unless site-specific criteria are established. EPA regulations pertaining to permit limits based upon water quality standards and state requirements are contained in 40 CFR §122.44(d).

Section 101(a)(3) of the CWA specifically prohibits the discharge of toxic pollutants in toxic amounts. The Commonwealth of Massachusetts (State) has a similar narrative criterion in their water quality regulations that prohibits such discharges [See Massachusetts Title 314 CMR 4.05(5)(e)]. The effluent limits established in the Draft Permit assure that the surface water quality standards of the receiving water are protected, maintained, and/or attained.

Section 303(d) of the Federal Clean Water Act (CWA) requires states to identify those water bodies that are not expected to meet surface water quality standards after the implementation of technology-based controls and, as such require the development of total maximum daily loads (TMDL). Hamant Pond and Hamant Brook are not listed in the Massachusetts Year 2008 Integrated List of Waters (December 2008). The downstream receiving water body, Segment

MA41-02 of the Quinebaug River (Sturbridge WWTP to Cady Brook confluence), is listed under 303(d) List of Impaired Waters as a Category 2 water, as impaired for aquatic life.

3. Anti-Backsliding

EPA's anti-backsliding provision as identified in Section 402(o) of the Clean Water Act and at 40 CFR §122.44(l) prohibits the relaxation of permit limits, standards, and conditions unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued. Anti-backsliding provisions apply to effluent limits based on technology, water quality, BPJ and State Certification requirements. Relief from anti-backsliding provisions can only be granted under one of the defined exceptions [See 40 CFR §122.44(l)(i)]. Since none of these exceptions apply to this facility, the effluent limits in the Draft Permit must be as stringent as those in the Current Permit.

4. Anti-Degradation

The Massachusetts Anti-Degradation Policy is found at Title 314 CMR 4.04. All existing uses of Hamant Pond and Hamant Brook, along with the downstream Quinebaug River must be protected.

The Quinebaug River (Sturbridge WWTP to Cady Brook confluence) is listed as Class B, cold water, under the Massachusetts Surface Water Quality Standards. Title 314 Code of Massachusetts Regulations (CMR) 4.05(3)(b) states that Class B waters "are designated as a habitat for fish, other aquatic life, and wildlife, including for their reproduction, migration, growth and other critical functions, and for primary and secondary contact recreation…Class B waters shall be suitable for irrigation and other agricultural uses and for compatible industrial cooling and process uses. These waters shall have consistently good aesthetic value."

The Massachusetts Surface Water Quality Standards do not specifically list Hamant Pond or Hamant Brook. Under Massachusetts Surface Water Quality Standards 314 CMR 4.06 (4) – Basin Classification and Maps – Other Waters, it states that "Unless otherwise designated in 314 CMR 4.06 or unless otherwise listed in the tables to 314 CMR 4.00, other waters are Class B, and presumed High Quality Waters for inland waters." Therefore, Hamant Pond and Hamant Brook are classified as Class B water bodies and presumed High Quality.

B. Description of the Facility

Pilot travel center is a travel service plaza for both autos and trucks, located in Sturbridge, MA. The center has two fuel islands (the Fuel Building Pump Island and the Country Store Pump Island), two retail stores, a restaurant, and a hotel.

Bulk fuel storage capacity at the site is currently provided by four (4) aboveground storage tanks (ASTs) and four (4) underground storage tanks (USTs). The storage at the Fuel Building Pump Island consists of four 12,000 gallon diesel ASTs. The storage at the Country Store Pump Island

consists of three 10,000 gallon gasoline USTs and one 8,000 gallon diesel UST.

Two 6,000 gallon oil/water (o/w) separators are located onsite to treat the runoff from the two fueling areas. Pilot indicated that the o/w separators are checked weekly by store personnel for grit and product. Pilot indicated that the o/w separators are checked on a monthly basis by regional maintenance personnel. The o/w separators are cleaned with pressure washers semi-annually, or as needed based on product thickness. Water containing product is removed from the site via truck for offsite treatment. No water used for cleaning is discharged through the outfalls. Historically, the maximum product removed from the oil/water separators was about 1250 gallons, or 20 inches in depth. The o/w separator has a capacity to hold up to 60 inches of product (or about 3750 gallons).

There is an onsite sewage treatment facility housed in a small building near the Fuel Building Pump Island, however it discharges to a leaching facility for subsurface disposal, and therefore does not result in surface water discharge. The wastewater treatment facility utilizes a rotating biological contactor (RBC) technology with ancillary treatment equipment to meet the Site's Massachusetts Groundwater Discharge Permit (249-3). The treatment system consists of a pretreatment tank followed by flow equalization prior to the wastewater treatment facility, which houses a rotating biological contactor, secondary clarifier, and a denitrification filter. The filtered wastewater is then disinfected utilizing ultraviolet radiation (UV disinfection) and directed to the leaching facility for subsurface disposal.

C. Description of Discharge

Five outfalls discharge stormwater from the facility. Outfalls 001, 002, and 003 discharge to Hamant Pond and Outfalls 004 and 005 discharge to Hamant Brook. Stormwater runoff from the Fuel Building Pump Island discharges through Outfall 001 after treatment via a sedimentation chamber, an o/w separator, and an additional sedimentation chamber. Stormwater runoff from the Country Store Pump Island discharges through Outfall 002 after treatment via a sedimentation chamber and an o/w separator.

The outlet of Outfall 001 in Hamant Brook contains a floating absorbent boom and an additional boom which extends 6 inches below the surface.

Outfall 003 discharges from a stormwater collection basin at the bank of Hamant Pond, through a right angle downturned pipe, meant to preclude the discharge of any floating product. The collection basin is cleaned after the winter season, to remove any grit accumulated due to the use of salt and sand for snow and ice control on the paved areas.

D. Discharge Location

Outfalls 001, 002, and 003 discharge to Hamant Pond and Outfalls 004 and 005 discharge directly to Hamant Brook. Hamant Pond flows to Hamant Brook, which flows to the Quinebaug River (Segment MA41-02).

E. Proposed Permit Effluent Limitations and Conditions

1. Outfalls 001, 002, 003, 004, and 005

a. Flow

The current permit requires the permittee to estimate the flow on a quarterly basis. The permittee reported on the revised permit renewal application[2] that flow through Outfall 001 averages 0.133 cfs, flow through Outfall 002 averages 0.007 cfs, flow through Outfall 003 averages 0.01 cfs, flow through Outfall 004 averages 0.002 cfs, and flow through Outfall 005 averages 0.6 cfs (estimated).[3] The draft permit shall require reporting of estimated flow at each outfall on a monthly basis.

b. pH

The current permit requires a pH effluent limitation range of 6.5 – 8.0 SU, sampled quarterly, that shall be no more than 0.2 units outside the naturally occurring range. The permittee reported on the revised permit renewal application (January 22, 2009) a pH of 8.2 SU for Outfall 001, 8.3 SU for Outfall 002, 8.2 SU for Outfall 003, 8.0 SU for Outfall 004, and did not report the outfall pH for Outfall 005 since it was unable to be sampled.

The Massachusetts Surface Water Quality Standards, 314 Code of Massachusetts Regulations ("CMR"), Inland Water, Class B at 4.05 (3)(b)3 require that the pH of Class B waters be in the range of 6.5 to 8.3 standard units and no more than 0.5 units outside the background range. There shall no change from background conditions that would impair any use assigned to this Class.

The draft permit shall retain the 6.5 – 8.0 SU pH effluent limitation range, and require that the pH shall be no more than 0.2 units outside the naturally occurring range, based on anti-backsliding requirements found in 40 CFR §122.44(l).

c. Total Suspended Solids (TSS)

The current permit contains reporting requirement for daily maximum and monthly average TSS, monitored quarterly. The permittee reported on the revised permit renewal application (January 22, 2009) a TSS daily maximum of 6.0 mg/L for Outfall 001, 23 mg/L for Outfall 002, 22 mg/L for Outfall 003, 4.0 mg/L for Outfall 004, and did not report the outfall TSS for Outfall 005 since it was unable to be sampled.

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2 NPDES Permit No. MA0029858 Permit Renewal Application for Pilot Travel Centers, LLC, January 22, 2009.
3 Pilot indicated on the revised permit renewal application (January 22, 2009) that Outfall 005 was unable to be sampled due to a subsurface break in the outfall pipe. Therefore, the permittee did not report values for pH, TSS, or Oil and Grease for Outfall 005 on the revised permit renewal application, and the flow was estimated. However, on a site visit on June 22, 2009, Pilot indicated that sampling of the discharge through Outfall 005 is currently possible.

Massachusetts has a narrative water quality standard for solids that states, "[t]hese waters shall be free from floating, suspended and settleable solids in concentrations and combinations that would impair any use assigned to this Class, that would cause aesthetically objectionable conditions, or that would impair the benthic biota or degrade the chemical composition of the bottom."

The draft permit shall require quarterly monitoring of the concentration of TSS in the discharge from each outfall. The TSS concentration is as an indication of the effectiveness of the facility Storm Water Pollution Prevention Plan (SWPPP). If the average concentration of four (4) samples exceeds a TSS concentration of 100 mg/L, the permittee shall review the selection, design, installation, and implementation of all best management practices (BMPs) and control measures in the SWPPP.

d. Oil and Grease (O&G)

The maximum daily effluent limit for oil and grease in the current permit of 15 mg/L is based on Massachusetts Water Quality Standards for a Class B inland water body. According to 314 CMR 4.05(3)(b)(7), these waters shall be free from oil, grease and petrochemicals that produce a visible film on the surface of the water, impart an oily taste to the water or an oily or other undesirable taste to the edible portion of aquatic life, coat the banks or bottom of the water course, or are deleterious or become toxic to aquatic life. A concentration of oil and grease of 15 mg/L is recognized as the level at which many oils produce a visible sheen and/or cause an undesirable taste in fish (USEPA 1976).

The permittee reported on the revised permit renewal application (January 22, 2009) an O&G daily maximum of 1.4 mg/L for Outfall 001, 15 mg/L for Outfall 002, 2.4 mg/L for Outfall 003, 1.4 mg/L for Outfall 004, and did not report the outfall O&G for Outfall 005 since it was unable to be sampled.

The draft permit maintains a maximum daily O&G limit of 15 mg/L, monitored at a frequency of 1/month, based on Massachusetts Water Quality Standards and anti-backsliding requirements found in 40 CFR §122.44(l).

F. Storm Water Pollution Prevention Plan (SWPPP)

This facility engages in activities which could result in the discharge of pollutants to waters of the United States either directly or indirectly through storm water runoff. These operations include at least one of the following in an area potentially exposed to precipitation or storm water: material storage, in-facility transfer, material processing, material handling, or loading and unloading. To control the activities/operations, which could contribute pollutants to waters of the United States, potentially violating the State's Water Quality Standards, the Draft Permit requires the facility to develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) containing best management practices (BMPs) appropriate for this specific facility (See Sections 304(e) and 402(a)(1) of the CWA and 40 CFR §122.44(k)). Specifically, at this facility, fuel storage is an

example of material storage operations and fuel handing is an example of handling operations that shall continue to be included in the SWPPP.

The goal of the SWPPP is to reduce, or prevent, the discharge of pollutants through the storm water system. The SWPPP serves to document the selection, design and installation of control measures, including BMPs. Additionally, the SWPPP requirements in the Draft Permit are intended to provide a systematic approach by which the permittee shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. The SWPPP shall be prepared in accordance with good engineering practices and identify potential sources of pollutants, which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. The SWPPP, upon implementation, becomes a non-numerical effluent limitation that also supports any numerical effluent limitations in the Draft Permit. Consequently, the SWPPP is as equally enforceable as the numerical limits.

This process involves the following four main steps:

1. Forming a team of qualified facility personnel who will be responsible for developing and updating the SWPPP and assisting the plant manager in its implementation;
2. Assessing the potential storm water pollution sources;
3. Selecting and implementing appropriate management practices and controls for these potential pollution sources; and
4. Reevaluating, periodically, the effectiveness of the SWPPP in preventing storm water contamination and in complying with the various terms and conditions of the Draft Permit.

Additionally, the permittee shall develop and implement site specific BMPs to maintain the TSS concentration in the discharges from all outfalls below 100 mg/L. If the average of four (4) monitoring values for TSS in any calendar year exceeds this concentration, the permittee shall review the selection, design, installation, and implementation of all BMPs and control measures in the SWPPP, and make necessary modifications until the running four (4) quarter average for TSS no longer exceeds this concentration. The permittee must make necessary modifications immediately, without waiting for results from a full 4 quarters of monitoring data, if an exceedance of the 4 quarter average in any year is mathematically certain.

V. ENDANGERED SPECIES ACT

Section 7(a) of the Endangered Species Act of 1973, as amended (ESA) grants authority to and imposes requirements upon Federal agencies regarding endangered or threatened species of fish, wildlife, or plants (“listed species”) and habitat of such species that has been designated as critical (a “critical habitat”). The ESA requires every Federal agency, in consultation with and with the assistance of the Secretary of Interior, to insure that any action it authorizes, funds, or carries out, in the United States or upon the high seas, is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. The

United States Fish and Wildlife Service (USFWS) typically administer Section 7 consultations for bird, terrestrial, and freshwater aquatic species.

EPA has reviewed the federal endangered or threatened species of fish and wildlife to see if any such listed species might potentially be impacted by the re-issuance of this NPDES permit. The available ESA information indicates that there are no federally listed endangered species in the vicinity of the facility's discharge. Therefore, consultation under Section 7 of the ESA with NMFS and USFWS is not required. During the public comment period, EPA has provided a copy of the draft permit and fact sheet to NMFS and USFWS.

VI. ESSENTIAL FISH HABITAT

Under the 1996 Amendments (PL 104-267) to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq. (1998)), EPA is required to consult with NMFS if EPA's action or proposed actions that it funds, permits, or undertakes, "may adversely impact any essential fish habitat" (EFH). The Amendments define EFH as "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity," (16 U.S.C. § 1802(10)). "Adverse impact" means any impact which reduces the quality and/or quantity of EFH (50 C.F.R. 600.910 (a)). Adverse effects may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey, reduction in species' fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions. Id.

Essential fish habitat is only designated for species for which federal fisheries management plans exist (16 U.S.C. § 1855(b)(1)(A)). EFH designations for New England were approved by the U.S. Department of Commerce on March 3, 1999.

A review of available EFH information indicates that Hamant Pond and Hamant Brook are not designated EFH for any federally managed species. Therefore, consultation with NMFS is not required. If adverse effects are detected as a result of this permit action, NMFS will be notified and an EFH consultation will promptly be initiated. During the public comment period, EPA has provided a copy of the draft permit and fact sheet to NMFS.

VII. STATE CERTIFICATION REQUIREMENTS

EPA may not issue a permit unless the MassDEP certifies that the effluent limitations contained in the permit are stringent enough to assure that the discharge will not cause the receiving water to violate State Surface Water Quality Standards or unless state certification is waived. The staff of the MassDEP has reviewed the draft permit and advised EPA that the limitations are adequate to protect water quality. EPA has requested permit certification by the State pursuant to 40 CFR §124.53 and expects that the draft permit will be certified.

VIII. ADMINISTRATIVE RECORD, PUBLIC COMMENT PERIOD, HEARING REQUESTS, AND PROCEDURES FOR FINAL DECISION

All persons, including applicants, who believe any condition of the draft permit is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period, to the U.S. EPA, Office of Ecosystem Protection Attn: Nicole Kowalski, 1 Congress Street, Suite 1100 (CIP), Boston, Massachusetts 02114-2023 or via email to kowalski.nicole@epa.gov. The comments should reference the name and permit number of the facility for which they are being provided.

Any person, prior to such date, may submit a request in writing to EPA and the States Agency for a public hearing to consider the draft permit. 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 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, the Regional Administrator will respond to all significant comments 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 decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice. Within thirty (30) days following the notice of final permit decision, permits may be appealed to the Environmental Appeals Board in the manner described at 40 CFR § 124.19.

IX. EPA & MassDEP CONTACTS

Additional information concerning the draft permit 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:

Nicole Kowalski, EPA New England – Region 1
1 Congress Street, Suite 1100 (CIP)
Boston, Massachusetts 02114-2023
Telephone: (617) 918-1746 FAX: (617) 918-0746
email: kowalski.nicole@epa.gov

Paul Hogan, Massachusetts Department of Environmental Protection
Division of Watershed Management, Surface Water Discharge Permit Program
627 Main Street, 2nd Floor
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email: paul.hogan@state.ma.us

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Date

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

X. ATTACHMENTS

A. Site Plan

Attachment A