STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

November 3, 2006

Mr. Larry Laverriere
Sprague Energy Corporation
59 Main Street
South Portland, Maine 04106

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0001821
Maine Waste Discharge License (WDL) Application # W000886-5S-F-R
Final Permit

Dear Mr. Laverriere:

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

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

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

Sincerely,

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

Enc.
cc: Fred Gallant, DEP/SMRO
Sandy Lao, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

SPRAGUE ENERGY CORPORATION	)	MAINE POLLUTANT DISCHARGE
SOUTH PORTLAND, CUMBERLAND COUNTY, ME	)	ELIMINATION SYSTEM PERMIT
BULK FUEL STORAGE/TRANSFER FACILITY	)	AND
ME0001821	)	WASTE DISCHARGE LICENSE
W000886-5S-F-R **APPROVAL**	)	**RENEWAL**

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

APPLICATION SUMMARY

Sprague has filed a timely and complete application with the Department to renew its combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0001821/Maine Waste Discharge License (WDL)#W000886-53-E-R (permit hereinafter), that was issued on by the Department on December 21, 2001 and is due to expire on December 21, 2006. The permit approved the discharge of treated storm water runoff from four outfalls from a bulk fuel storage and/or transfer facility to the Fore River, Class SC, in South Portland, Maine.

PERMIT SUMMARY

This permitting action is similar to the 12/21/01 WDL action in that it is carrying forward all the terms and conditions with the following exceptions:

1. Increasing the daily maximum limit for total suspended solids (TSS) from 50 mg/L to 100 mg/L for the discharges from Outfall #001 to be consistent with the NPDES permits for other similar facilities permitted by the EPA in Region I - New England. In addition, this permit establishes an average limit of 50 mg/L whereby compliance is based on a 12-month rolling averaging period.

2. Reducing the monitoring frequency for all parameters from 1/Month to 1/Quarter.

3. Requiring the permittee to maintain an up-to-date storm water pollution prevention plan (SWPPP) for the facility.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 2, 2006, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State's antidegradation policy, 38 M.R.S.A., Section 464(4)(F), will be met, in that:

   a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;

   b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;

   c. The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

   d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and

   e. The discharge will be subject to effluent limitations that require application of best practicable treatment.

4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted application of SPRAGUE ENERGY CORPORATION, to discharge treated storm water runoff at varying controlled rates from four outfalls and up to a daily maximum of 6.5 million of hydrostatic test waters to the Fore River, Class SC, SUBJECT TO THE ATTACHED SPECIAL CONDITIONS, and all applicable standards and regulations, including:

1. "*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*," revised July 1, 2002, copy attached.

2. The attached Special Conditions, including any effluent limitations and monitoring requirements.

3. This permit expires five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 6TH DAY OF November, 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, Commissioner

Date of initial receipt of application: August 25, 2006.

Date of application acceptance: August 28, 2006.

FILED
NOV - 6 2006
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE

Date filed with Board of Environmental Protection _____

This order prepared by Gregg Wood, BUREAU OF LAND AND WATER QUALITY

W08865SF 11/3/06

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge treated stormwater runoff[(1)] from the following four outfalls to the Fore River. Such discharges shall be limited and monitored by the permittee as specified below:

OUTFALL #001B

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50030]*	---	---	---	200 gpm *[19]*	1/Year[(1)] *[01/YR]*	Measure *[MS]*
Total Suspended Solids (TSS) *[00530]*	---	---	50 mg/L[(2)] *[19]*	100 mg/L *[19]*	1/Quarter *[01/90]*	Grab *[GR]*
Oil & Grease *[00556]*	---	---	---	15 mg/L *[19]*	1/Quarter *[01/90]*	Grab[(3)] *[GR]*

OUTFALL #002B

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50030]*	---	---	---	329 gpm *[19]*	1/Year[(1)] *[01/YR]*	Measure *[MS]*
Total Suspended Solids (TSS) *[00530]*	---	---	50 mg/L[(2)] *[19]*	100 mg/L *[19]*	1/Quarter *[01/90]*	Grab *[GR]*
Oil & Grease *[00556]*	---	---	---	15 mg/L *[19]*	1/Quarter *[01/90]*	Grab[(3)] *[GR]*

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL #003B

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50030]*	---	---	---	520 gpm *[19]*	1/Year (1) *[01/YR]*	Measure *[MS]*
Total Suspended Solids (TSS) *[00530]*	---	---	50 mg/L (2) *[19]*	100 mg/L *[19]*	1/Quarter *[01/90]*	Grab *[GR]*
Oil & Grease *[00556]*	---	---	---	15 mg/L *[19]*	1/Quarter *[01/90]*	Grab (3) *[GR]*

OUTFALL #004B

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum As specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50030]*	---	---	---	500 gpm *[19]*	1/Year (1) *[01/YR]*	Measure *[MS]*
Total Suspended Solids (TSS) *[00530]*	---	---	50 mg/L (2) *[19*	100 mg/L *[19]*	1/Quarter *[01/90]*	Grab *[GR]*
Oil & Grease *[00556]*	---	---	---	15 mg/L *[19]*	1/Quarter *[01/90]*	Grab (3) *[GR]*

SPECIAL CONDITIONS

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

OUTFALL #005 - Hydrostatic test waters

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow (Total Gallons) *[82220]*	---	---	---	6.5 EE6 gal *[57]*	1/Discharge *[01/DS]*	Measure *[MS]*
Total Suspended Solids *[00530]*	---	---	---	50 mg/L *[19]*	1/Discharge *[01/DS]*	Grab(3) *[GR]*
Oil & Grease *[00552]*	---	---	---	15 mg/L *[19]*	1/Discharge *[01/DS]*	Grab(3) *[GR]*
Total Residual Chlorine *[50060]*	---	---	---	0.013 mg/L(4) *[19]*	1/Discharge *[01/DS]*	Grab(3) *[GR]*

SPECIAL CONDITIONS

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

Footnotes:

Sampling Locations: Samples for all parameters shall be collected after the oil/water separator during the first hour of discharge.

Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services.

(1) **Flow** - The flow through the oil/water separators shall consist of storm water runoff only. The direct or indirect discharge of liquids from petroleum product pipelines, transport tanks, vessels or storage tanks through the oil/water separator is not authorized by this permit. No chemical treatment such as dispersants, emulsifiers or surfactants may be added to the oil/water separator or any waste water discharge stream contributing flow to the separator. At least once per year, the permittee shall verify that the flow restriction device in-place is limiting the flow to the daily maximum limitation (design capacity of the separator) for each outfall.

(2) **Total Suspended Solids (TSS)**– The monthly average concentration limitation of 50 mg/L for TSS is based on an average over the previous twelve-month period. For the purposes of this permitting action, the twelve-month rolling average calculation is based on the test results for the most recent twelve-month period. Months when there is no discharge (no sampling) are not to be included in the calculations. See pages 7 and 8 of the Fact Sheet of this permit for an example calculation.

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

(4) **Total Residual Chlorine (TRC)** – TRC shall be tested using Amperometric Titration or the DPD Spectrophotometric Method. The EPA approved methods are found in Standard Methods for the Examination of Water and Waste Water, (Most current approved edition), Method 4500-CL-E and Method 4500-CL-G or U.S.E.P.A. Manual of Methods of Analysis of Water and Wastes. EPA Region I's Quality Assurance Office

SPECIAL CONDITIONS

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

Footnotes:

established a Minimum Level (ML) of detection of 0.05 mg/L for TRC in April of 1992. Compliance/non-compliance determinations will be based on the ML.

Detectable results: All detectable analytical test results shall be reported to the Department including results which are detected below the ML. If the concentration result is at or above the ML, the concentration shall be reported at that level. It is noted the DMR will be coded and printed with a value of 0.05 mg/L such that detectable concentrations reported below the ML but above 0.013 mg/L will not be recorded as violations.

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

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time that would impair the usages designated by the classification of the receiving waters.

2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.

3. The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.

4. Notwithstanding specific conditions of this license 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.

SPECIAL CONDITIONS

C. OIL/WATER SEPARATOR MAINTENANCE

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

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

D. HYDROSTATIC TEST WATER

Tanks being hydrostatically tested must be clean of product, all construction debris, including sandblasting grit, prior to testing and discharge through Outfall #005 (administrative). The discharge must be dechlorinated if test results indicate that discharged waters will violate permit limits. Hydrostatic test water from tanks that have been washed, cleaned and certified for welding need not be discharged through the oil/water separator. The permittee shall notify the Department of an intended discharge of hydrostatic test water at least three days, excluding weekends, prior to the discharge.

E. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

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

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

SPECIAL CONDITIONS

F. UNAUTHORIZED DISCHARGES

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

G. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall notify the Department of the following:

1. Any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system.

2. For the purposes of this section, adequate notice shall include information on:

   a. The quality and quantity of waste water introduced to the waste water collection and treatment system; and

   b. Any anticipated change in the quality and quantity of the waste water to be discharged from the treatment system.

H. MONITORING AND REPORTING

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

Department of Environmental Protection
Southern Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
312 Canco Road
Portland, Maine 04103

SPECIAL CONDITIONS

I. REOPENING OF PERMIT FOR MODIFICATIONS

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

J. SEVERABILITY

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **October 2, 2006**

PERMIT NUMBER: **ME0001821**
LICENSE NUMBER: **W000886-5S-F-R**

NAME AND ADDRESS OF APPLICANT:

SPRAGUE ENERGY CORPORATION
Two International Drive, Suite 200
Portsmouth, NH 03801-6809

COUNTY: **Cumberland County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

Sprague Energy Corporation
59 Maine Street
South Portland, Maine 04106

RECEIVING WATER/CLASSIFICATION: **Fore River/Class SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Larry Laverriere**
Terminal Manager
(207) 799-4899

1. APPLICATION SUMMARY

a. Application - Sprague has filed a timely and complete application with the Department to renew its combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0001821/Maine Waste Discharge License (WDL)#W000886-53-E-R (permit hereinafter), that was issued on by the Department on December 21, 2001 and is due to expire on December 21, 2006. The permit approved the discharge of treated storm water runoff from four outfalls from a bulk fuel storage and/or transfer facility to the Fore River, Class SC, in South Portland, Maine.

1. APPLICATION SUMMARY (cont'd)

b. Source Description: Waste waters discharges via

Outfall 001B includes storm water runoff from the diked area around Tanks 1, 2, 3 and 4, as well as the truck loading rack area totaling approximately 1.3 acres.

Outfall 002B discharges storm water associated with the diked areas from Tanks 5, 112, 113, 114, 117 and 118, totaling approximately 3.2 acres. Outfalls 001B and 002B combine and discharge to an area called the "Catch Basin" adjacent to the lower end of Lower Rolling Mill Pond. The combined discharge is then discharged to the Fore River.

Outfall 003B discharges storm water associated with the diked areas from Tanks KO-3 through KO-14, KO-28, KO-29 a loading rack, and the discharge from a detention wet pond associated with the runoff from a coal pile. The detention wet pond discharge does not flow through the oil/water separator prior to discharge.

Outfall #004B is currently inactive but included in this permitting in the event Sprague reconfigures or re-routes storm water flows. Sprague is required by Special Condition G, *Notification Requirements*, of this to notify the Department in writing of any proposed discharges from this outfall.

c. Waste Water Treatment: Storm water runoff from the facility that is discharged through Outfalls 001B, 002B, 003B (with the exception of the detention wet pond) and 004B receive best practicable treatment via oil/water separators before being discharged to the receiving waters. See Attachment A of this permit for a site location map and water schematic.

2. PERMIT SUMMARY

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

June 12, 1996 – The Department issued WDL #W000886-53-B-R to the B.P Oil Company for the discharge of storm water runoff from two outfalls designated as Outfall #001B and #Outfall #002B.

February 12, 1997 – Sprague Energy Corp. submitted an application to the Department for the transfer of WDL #W000886-53-B-R from BP Oil Company to Sprague Energy Corp.

March 19, 1997 – The Department issued WDL #W000886-53-C-T transferring WDL #W000886-53-B-R from B.P. Oil Company to Sprague Energy Corporation.

2. PERMIT SUMMARY (cont'd)

August 30, 1999 – The U.S. Environmental Protection Agency (EPA) renewed NPDES permit #ME0001821 in the name of Sprague Energy Corporation. The previous NPDES permitting action was issued in the name of B.P. Oil Company.

January 12, 2001 – The Department received authorization from the Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) program in Maine. From that point forward, the program has been referenced as the Maine Pollutant Discharge Elimination System (MEPDES) program.

July 30, 2001 - Sprague Energy Corp. submitted an application to the Department for renewal of WDL #W000886-53-D-R. On the same date, Sprague submitted a letter to the Department requesting the consolidation of several WDL's issued by the Department for their South Portland facility. Sprague indicated the consolidation would greatly simplify the regulatory structure over storm water permitting at the facility. Sprague requested that the following WDL's (with NPDES permit references) be consolidated into one MEPDES permit:

WDL # (date)	NPDES permit #(date)
W002532-5S-D-R (3/21/00)	ME0002372 (8/30/99)
W000886-53-C-T (3/18//97)	ME0001821 (8/30/99)
W002531-53–C-R (2/25/97)	ME0021016 (12/24/91)

It is noted that all three WDL's and two of the NPDES permits (ME0002372 and ME0001821) referenced above were issued in the name of Sprague. NPDES permit ME0021016 was issued to the former Getty Oil Company. Sprague purchased Getty's property in calendar year 1997 and the WDL was transferred to Sprague. On September 17, 1998 the Department issued a letter to Sprague indicating that WDL #2531 (former Getty property) was being retired due to the fact the oil loading rack had been removed from the facility and the above ground storage tanks that held petroleum products were converted to storage for kaolin (china clay) used as a coating by the paper industry. All waste waters (runoff associated with unloading the kaolin from ships) were collected (and still are today) in an on-site storage tank and reloaded onto the transport ship. The letter indicated the Department was also notifying the EPA to retire NPDES permit #ME0021016.

December 21, 2001 – The Department issued combination MEPDES permit #ME0001821/WDL #W000886-53-E-R for a five-year term. Upon issuance of the final MEPDES permit, NPDES permits #ME0001821 and #ME0002372 last issued by the EPA on August 30, 1999, were superseded. Once superseded, all terms and conditions of the NPDES became null and void.

August 25, 2006 - Sprague filed a timely and complete application with the Department to renew the MEPDES permit/WDL.

2. PERMIT SUMMARY (cont'd)

b. Permit Summary - This permitting action is similar to the 12/21/01 WDL action in that it is carrying forward all the terms and conditions with the following exceptions:

1. Increasing the daily maximum limit for total suspended solids (TSS) from 50 mg/L to 100 mg/L for the discharges from Outfall #001 to be consistent with the NPDES permits for other similar facilities permitted by the EPA in Region I - New England. In addition, this permit establishes an average limit of 50 mg/L whereby compliance is based on a 12-month rolling averaging period.

2. Reducing the monitoring frequency for all parameters from 1/Month to 1/Quarter.

3. Requiring the permittee to maintain an up-to-date storm water pollution prevention plan (SWPPP) for the facility.

3. CONDITIONS OF PERMITS

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

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., §469(E)(2) classifies the Fore River at the point of discharges as a Class SC waterway. Maine law, 38 M.R.S.A., §465-B(3) describes the classification standards for Class C waters.

5. RECEIVING WATER CONDITIONS

A document entitled The State of Maine, Department of Environmental Protection, 2004 Integrated Water Quality Monitoring and Assessment Report, published by the Department lists the Fore River estuary as Waterbody #804-7 in a table entitled *Category 5-A; Estuarine And Marine Waters Impaired By Pollutants Other Than Those Listed in 5-B TMDL Required)*. Sampling conducted in calendar year 2001 indicates the designated use of *"...suitable for ... habitat for fish and other estuarine and marine life"* in the Fore River estuary in South Portland is impaired. The report indicates the cause of the impairment is toxics and bacteria from municipal point sources, combined sewer overflows and storm water runoff from hazardous waste sites and non-point sources.

All fresh water bodies in Maine carry a fish advisory for mercury due to atmospheric transport and deposition. Maine law 38 M.R.S.A., §420 and Department Rule, Chapter 519, *Interim Effluent Limitations and Controls For the Discharge of Mercury*, establishes controls of mercury to surface waters of the State and United States through interim effluent limitations and implementation of pollution prevention plans.

The Department has scheduled calendar year 2012 to prepare a total maximum daily load (TMDL) report to address the impairment (excluding mercury). Should the TMDL indicate the discharges from the Sprague facility are causing or contributing to the impairment, this permit may be re-opening pursuant to Special Condition I, *Reopening of Permit For Modifications,* to incorporate new or more stringent limitations necessary to bring the waterbody into compliance with applicable water quality standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

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

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

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Storm Water Runoff Only – Outfalls #001B, #002B, #003B and #004B

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

   The previous permitting established daily maximum flow limits of 200 gpm, 329 gpm, 520 gpm and 500 gpm for Outfalls #001B, #002B, #003B and #004B respectively. The limits were based on information supplied by the permittee as to the design capacity of the O/W separators. The permittee has indicated the capacity of the separators has not changed from the previous permitting action and that permit flow restriction devices are in place at all four separators to limit flow to the design capacity for each separator. As a result, the respective flow limitations are carried forward in this permitting action with a requirement to annual verify the flow restriction devices are adequately restricting the flow to said limits.

2. Total Suspended Solids (TSS) - Total suspended solids have been limited in this permit to minimize the potential carryover of petroleum fractions to the receiving water(s) by adsorption to particulate matter or suspended solids. Both heavy metals and polynuclear aromatic hydrocarbons (PAHs) readily adsorb to particulate matter.

   The previous licensing action established a daily maximum concentration limits of 50 mg/L for TSS for all four outfalls based on a Department best professional judgment (BPJ) of limits that were achievable for bulk fuel storage and transfer facilities located in the State of Maine. The 8/30/99 NPDES permit issued by the EPA establishing a daily maximum concentration limit of 100 mg/L based on a EPA Region I BPJ determination that the technology guidelines promulgated at 40 CFR Part *423—Steam Electric Power Generating Point Source Category*, for point source discharges of low volume waste water were appropriate to control the discharge of sediment particles and oils from bulk storage petroleum terminals in the region.

   The Department issued WDL renewals for all the bulk fuel storage and transfer facilities in calendar years 1997 - 2000 (generally speaking) with a daily maximum concentration limit of 50 mg/L for TSS. Many of the facilities, including the Sprague facility, have not been able to consistently comply with the daily maximum limit of 50 mg/L after implementing the SWPPP and properly operating and maintaining the O/W separators. A number of the facilities have written to the Department requesting the Department revise the limit to be consistent with EPA's Region I BPJ limit of 100 mg/L.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Storm Water Runoff Only – Outfalls #001B, #002B, #003B and #004B

The Department has reviewed the Discharge Monitoring Reports (DMR's) for all of the bulk fuel storage and transfer facilities in the State of Maine and conducted on-site inspections at many of the facilities to verify the SWPPP's are being implemented and the O/W's are being properly operated and maintained. The Department concurs that the daily maximum concentration limit is overly stringent and is not achievable on a year-round basis. The industry believes the root cause for the exceedences is that the soil types used to construct the dikes and spread on the yard areas to enhance traction in the winter (areas subject to foot and vehicular traffic) contain a high level of fine clay-like materials that do not settle out before discharge.

The Department has made the determination that bulk fuel storage and transfer facilities as a whole have satisfied the Department that the Department's BPJ daily maximum concentration limitation of 50 mg/L established in the previous licensing actions is not consistently achievable even after the application best practicable treatment and implementation of the SWPPP's. Therefore, to be consistent with the EPA Region I's issuance of NPDES permits for like facilities in New England, the Department is establishing a daily maximum concentration limit of 100 mg/L and establishing a twelve-month rolling averaging period for compliance with the concentration limit of 50 mg/L. The Department has made a best professional judgment that the increase in the daily maximum limit will not cause or contribute to failure of the receiving water to meet water quality standards given the infrequent nature of the discharge. An example for calculating a 12-month rolling average is as follows:

Calendar year 2006 **Quarter #3**	
Month	Test Result
July	25 mg/L
	72 mg/L
Aug.	No Discharge
Sept.	71 mg/L
	22 mg/L
	26 mg/L

Calendar year 2006 **Quarter #4**	
Month	Test Result
Oct.	50 mg/L
Nov.	34 mg/L
	47 mg/L
	59 mg/L
Dec.	89 mg/L

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Storm Water Runoff Only – Outfalls #001B, #002B, #003B and #004B

Calendar year 2007 **Quarter #1**		Calendar year 2007 **Quarter #2**	
Month	Test Result	Month	Test Result
Jan.	15 mg/L	Apr.	50 mg/L
	53 mg/L	May	34 mg/L
Feb.	31 mg/L		47 mg/L
Mar	71 mg/L		39 mg/L
	24 mg/L	June	No Discharge
	37 mg/L		

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

As stated in footnote #3 of Special Condition A, *Effluent Limitations and Monitoring Requirements*, of the permit, the 12-month averaging period is based on the most recent twelve month period of time. Months where no discharge took place are excluded (i.e. do not figure in a zero) in the calculation.

3. Oil and Grease (O&G) – The previous permitting action contained a daily maximum concentration limit of 15 mg/L for each outfall based on Department best practicable treatment determination. Properly designed, operated and maintained oil/water separator systems are capable of complying with said limit. It is noted 15 mg/L is also a water quality based threshold the Department utilizes to protect against visible oil sheens. A review of the DMR data for period December 2001 to the present indicates the limit has consistently been achieved and is therefore being carried forward in this permitting action.

b. Hydrostatic Test Water (Outfall #005)

The previous licensing action established sampling protocols and reporting requirements for TSS, oil & grease, total iron, chemical oxygen demand (COD), pH and total residual chlorine. The permittee has indicated that hydrostatic testing with water is no longer the most common practice to test the structural integrity of tanks and pipelines. Most tanks and pipelines are tested via X-ray. The permittee would like to retain authorization to discharge hydrostatic test waters. Therefore, the authorization to discharge hydrostatic test waters is being carried forward in this permitting action in accordance with the following conditions:

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

b. Hydrostatic Test Water (Outfall #005)

1. Flow – The previous licensing action did not establish a flow limitation but did establish a reporting requirement. This permitting action is establishing a limitation of 6.5 million gallons (6.5 EE6) which is equal to the volume of the largest tank on site, 154,165 barrels.

2. Total Suspended Solids – The previous licensing action did not establish any limitations for TSS. This permitting action is establishing a daily maximum limit of 50 mg/L based on a Department BPJ of limits that are achievable given the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing.

3. Oil & Grease: The previous licensing action did not establish any limitations for oil & grease. This permitting action is establishing a daily maximum concentration limit of 15 mg/L that is a Department BPJ of limits that are achievable given the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing.

4. Total residual chlorine (TRC): The previous licensing action did not establish any limits for TRC. Municipal water supplies contain residual concentrations of TRC that may be toxic to aquatic life forms. Acute conditions are applicable to the discharge as all the outfall pipes are above the mean low water mark and given the discharge would likely not last for more than 48 – 72 hours. Therefore, a daily maximum end-of-pipe (EOP) water quality based concentration limit of 0.013 mg/L (equivalent to the acute ambient water quality criteria) is being established in this permitting action.

   It is noted EPA Region I's Quality Assurance Office established a Minimum Level (ML) of detection of 0.05 mg/L for TRC in April of 1992. Compliance/non-compliance determinations will be based on the ML. All detectable analytical test results shall be reported to the Department including results which are detected below the ML. The DMR will be coded and printed with a value of 0.05 mg/L such that detectable concentrations reported below the ML but above 0.013 mg/L will not be recorded as violations.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

8. PUBLIC COMMENTS

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

9. DEPARTMENT CONTACTS

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

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-3901
E-mail: gregg.wood@maine.gov

10. RESPONSE TO COMMENTS

During the period of October 2, 2006 through the date of issuance of this permit, the Department solicited comments on the proposed draft permit for the discharge from the permittee's South Portland facility. The Department did not receive comments from the permittee, state or federal agencies, or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A

DIRECTIONS TO TERMINAL

From the Maine Turnpike North or South

Exit 7 Through the toll booth to

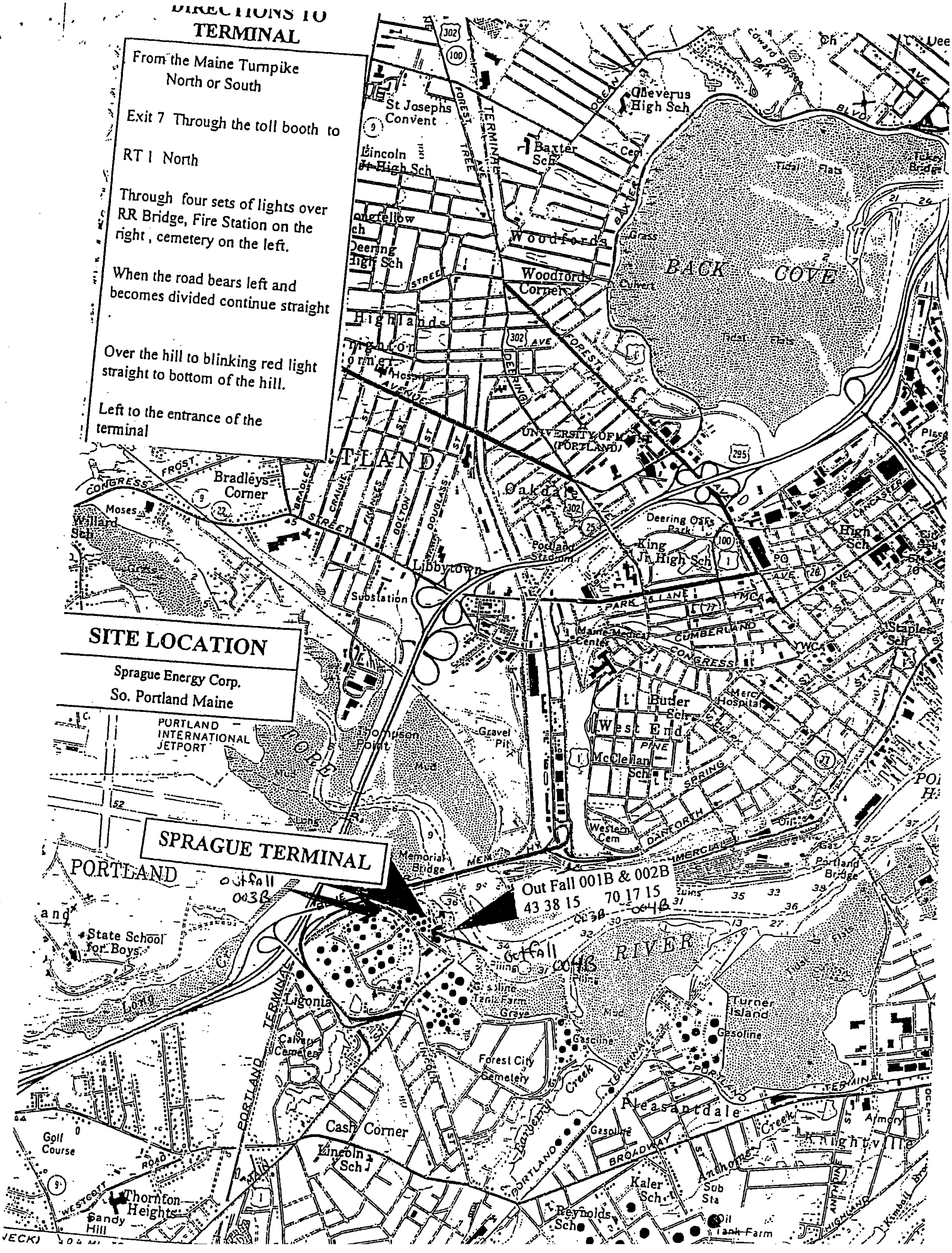
RT 1 North

Through four sets of lights over RR Bridge, Fire Station on the right, cemetery on the left.

When the road bears left and becomes divided continue straight .

Over the hill to blinking red light straight to bottom of the hill.

Left to the entrance of the terminal

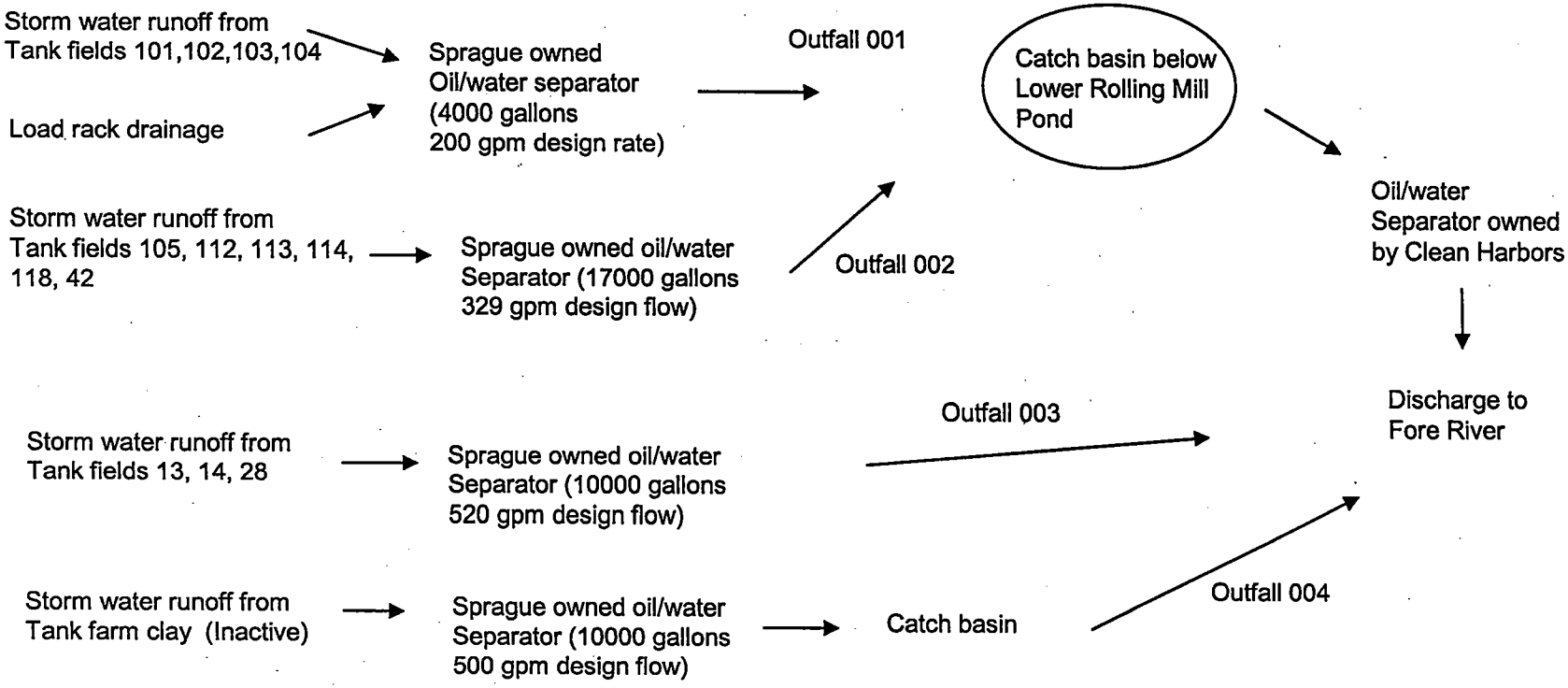


Sprague South Portland
Flow Diagram
Permit ME0001821

Municipal Water

Municipal Water Supply (approx. 650 gpd) → Office Building → Municipal Sewer (Approx. 650 gpd)

Storm water (Intermittent flow; dependent upon rainfall events)



Note: Tank bottoms are hauled offsite for proper disposal. No discharge from tank field 111 as storm water percolates into ground.