STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

January 28, 2014

Mr. Wallace Bell
Clean Harbors Environmental Services Inc.
221 Sutton Street
North Andover, MA 01845
bellm@cleanharbors.com

Transmitted via electronic mail
Delivery confirmation requested

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0021571
Maine Waste Discharge License (WDL) Application #W000647-5S-H-R
Proposed Draft Permit

Dear Mr.Wallace:

Enclosed is a **proposed draft** MEPDES permit and Maine WDL (permit hereinafter) which the Department proposes to issue as a final document after opportunity for your review and comment. By transmittal of this letter you are provided with an opportunity to comment on the proposed draft permit and its conditions (special conditions specific to this permit are enclosed; standard conditions applicable to all permits are available upon request). If it contains errors or does not accurately reflect present or proposed conditions, please respond to this Department so that changes can be considered.

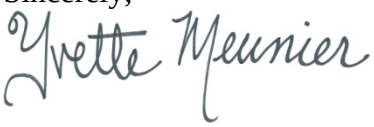
By copy of this letter, the Department is requesting comments on the proposed draft permit from various state and federal agencies, as required by our new regulations, and from any other parties who have notified the Department of their interest in this matter.

All comments must be received in the Department of Environmental Protection office on or before the close of business **Friday, February 28, 2014**. Failure to submit comments in a timely fashion will result in the final document being issued as drafted. Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection
Bureau of Land & Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME. 04333

If you have any questions regarding the matter, please feel free to call me at 215-1579.

Sincerely,



Yvette M. Meunier
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: Fred Gallant, DEP/SMRO
Pam Parker, DEP/CMRO
Lori Mitchell, DEP/CMRO
Angela Brewer, DEP/CMRO
Barry Mower, DEP/CMRO
Susanne Meidel, DEP/CMRO
Michelle Mason, MeDMR
Gail Wipplehauser, MeDMR
Oliver Cox, MeDMR
Environmental Reviewer, MeDIFW
Ivy Frignoca, CLF
Kathleen Leyden, SPO
Olga Vergara, EPA
David Webster, EPA
Alex Rosenberg, EPA
David Pincumbe, EPA

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.	)	MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
S. PORTLAND, CUMBERLAND COUNTY, ME	)	AND
BULK FUEL STORAGE FACILITY	)	
#ME0021571	)	WASTE DISCHARGE LICENSE
#W000647-5S-H-R **APPROVAL**	)	**RENEWAL**

In compliance with the *Federal Water Pollution Control Act*, Title 33 USC, § 1251, *Conditions of licenses,* 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. (CHESI) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On October 16, 2013, the Department accepted as complete for processing, a renewal application for Waste Discharge License (WDL) #W000647-5S-H-R/ Maine Pollutant Discharge Elimination System (MEPDES) #ME0021571 which was issued on April 15, 2009 for a five-year term. The April 15, 2009 permit authorized CHESI to discharge treated stormwater runoff at a daily maximum flow rate of 260 gallons per minute (gpm) and hydrostatic test wastewater at a daily maximum flow rate of 2.3 million gallons per day (MGD) to Rolling Mill Pond Outlet, Class C, in South Portland, Maine. See **Attachment A** of this permit for a facility site map.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the previous permitting actions except it is:

1. Incorportating stormwater discharges assocated with an additional dirt lot and adjacent alley owned by Clean Harbors which is specified as Area VI in **Attachment A** of this permit;

2. Correcting the receiving water for Outfalls #001 and #002 from Lower Rolling Mill Pond Outlet, Class C (freshwater), to the Fore River, Class SC (estuarine/marine);

3. Revising the water quality-based concentration limit for total residual chlorine based on the correctly identified receiving water (*i.e.*, change from freshwater to estuarine/marine);

4. Removing the word “Administrative” from the Outfall #002 designator to Outfall #002 to eliminate ambiguity regarding whether this outfall is an internal waste stream or a point source, which it is.

CONCLUSIONS

BASED on the findings summarized in the attached PROPOSED DRAFT Fact Sheet dated January 28, 2014 and subject to the special conditions that follow, 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. § 464(4)(F), will be met, in that:

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

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

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

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

   (e) Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharge will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

Based on the findings and conclusions as stated above, the Department APPROVES the above noted application of CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. to discharge a daily maximum of 260 gallons per minute of treated storm water runoff from Outfall #001 and a daily maximum of 2.3 million gallons per day of hydrostatic test wastewater from Outfall #002, either individually or combined, from a bulk fuel storage and transfer facility to the Fore River, Class SC, in South Portland, Maine, SUBJECT TO THE ATTACHED 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 and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended August 25, 2013)]

DONE AND DATED AT AUGUSTA, MAINE, THIS _____ DAY OF _____, 2014.

COMMISSIONER OF ENVIRONMENTAL PROTECTION

BY: _____
For PATRICIA W. AHO, Commissioner

Date filed with Board of Environmental Protection: _____

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application October 16, 2013.

Date of application acceptance October 16, 2013.

This Order prepared by Yvette M. Meunier, Bureau of Land and Water Quality

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **treated stormwater runoff from Outfall #001** to the Fore River at South Portland. Such discharges are limited and must be monitored by the permittee as specified below. The permittee must report results as Outfall #001 when hydrostatic test wastewater is not being discharged.

OUTFALL #001 - Storm water runoff after oil/water separator during first hour of discharge.(1)

Effluent Characteristic		Discharge Limitations			Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	---	---	---	260 gpm(2) *[78]*	---	---
Total Suspended Solids *[00530]*	---	---	50 mg/L(3) *[19]*	100 mg/L *[19]*	1/ Quarter *[01/90]*	Grab(4) *[GR]*
Oil & Grease *[00552]*	---	---	---	15 mg/L *[19]*	1/Quarter *[01/90]*	Grab(4) *[GR]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

FOOTNOTES: See Pages 6 through 7 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. The permittee is authorized to discharge **hydrostatic test wastewater from Outfall #002** to the Fore River at South Portland. Such discharges are limited and must be monitored by the permittee as specified below. The permittee must report results as Outfall #002 when hydrostatic test wastewater is being discharged either with or without storm water.

OUTFALL #002 – Hydrostatic test wastewater –[(1,2)]

Effluent Characteristic		Discharge Limitations			Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	---	---	---	2.3 MGD *[78]*	1/Discharge *[01/DS]*	Measure *[MS]*
Total Suspended Solids *[00530]*	---	---	---	50 mg/L *[19]*	1/Discharge *[01/DS]*	Grab *[GR]*
Oil & Grease *[00552]*	---	---	---	15 mg/L *[19]*	1/Discharge *[01/DS]*	Grab *[GR]*
Total Chlorine[(5)]Residual *[00552]*	---	---	---	13 ug/L *[28]*	1/Discharge *[01/DS]*	Grab *[GR]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

FOOTNOTES: See Pages 6 through 7 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES

1. Sampling – All effluent monitoring must be conducted at a location following the last treatment unit in the treatment process, including dechlorination, as to be representative of end-of-pipe effluent characteristics. Any change in sampling location must be approved by the Department in writing. The permittee must conduct sampling and analysis 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 must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (effective April 1, 2010). If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.

   All analytical test results must be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result must be reported as <Y where Y is the RL achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL or reporting an estimated value ("J" flagged) is not acceptable and will be rejected by the Department. Reporting analytical data and its use in calculations must follow established Department guidelines specified in this permit or in available Department guidance documents.

2. Flow – CHESI has indicated that the O/W separator is flow-rated for 260 gallons per minute (gpm) continuous; 530 gpm maximum. The valve through which stormwater and hydrostatic test wastewater must pass in order to reach the O/W separator is locked in position so that the maximum throughput is 260 gpm.

   The replacement or modification of the existing flow constriction device (control valve) requires notification to the Department in accordance with Special Condition H of this permit.

3. Total Suspended Solids (TSS) – Twelve-month rolling average. 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 are not to be included in the calculations. See page 6 of the Fact Sheet of this permit for an example calculation.

SPECIAL CONDITIONS

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

FOOTNOTES

4. First-hour ("first flush") grab samples discharged from Outfall #001 from one significant storm event per calendar quarter must be tested for TSS and oil & grease. "Significant storm event" is defined as any rain event that produces greater than 0.1 inches and that occurs at least 72 hours from the previously measurable storm event.

5. Total residual chlorine (TRC) – Compliance with the daily maximum limitation is based on the U.S. Environmental Protection Agency's (USEPA) current RL of 50 ug/L (0.05 mg/L). All analytical test results must be reported to the Department, including results which are detected below the RL. Results reported at or below the RL will be considered to be in compliance with the permit. If the analytical test result is below the RL, the result must be reported as <X where X is the detection level achieved by the laboratory for that test. The Discharge Monitoring Reports will be coded with the RL of 50 ug/L such that detectable results reported at or below 50 ug/L but greater than the daily maximum water quality based limit established in this permit will not be recorded as violations of the permit.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the usages designated for the classification of the receiving waters.

2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.

3. The permittee must not discharge wastewater that causes visible discoloration or turbidity in the receiving waters that causes those waters to be unsuitable for the designated uses and characteristics ascribed to their class.

4. The permittee must not discharge effluent that lowers the quality of any classified body of water below such classification, or lowers 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 must maintain an up-to-date operation and maintenance plan for the oil/water separator. The plan must include, but not be limited to, measures to ensure the separator performs within the designed performance standards of the system, maintenance on a routine basis to maximize the design capacity and efficiency of the system, and the provision of adequate staffing and training of personnel is provided to ensure compliance with discharge limitations.

The operation and maintenance plan must remain on site at all times and shall be made available to Department and USEPA personnel upon request.

For the purposes of minimizing suspended solids in the stormwater directed to the oil/water separator, the permittee must implement best management practices (BMPs) for erosion and sedimentation control. See Department publication entitled, Maine Erosion And Sedimentation Control BMPs for guidance online at http://www.maine.gov/dep/land/erosion/escbmps (visited December 5, 2013). The permittee must periodically inspect, maintain and repair erosion and sedimentation control structures as necessary.

D. HYDROSTATIC TEST WASTEWATER

Tanks and pipes being hydrostatically tested must be clean of product and all construction debris, including sandblasting grit, prior to testing and discharge through Outfall #002. The discharge must be dechlorinated if test results indicate that discharged waters will violate permit limits. **The permittee must notify the Department of an intended discharge of hydrostatic test wastewater at least three business days prior to the discharge**.

E. STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY – PLANS AND MONITORING REQUIREMENTS

1. Stormwater Pollution Prevention Plan (SWPPP)

   a. With respect to the facility contributing stormwater flow subject to this permit, the permittee must develop, implement, maintain and annually update a Stormwater Pollution Prevention Plan (SWPPP) *[ICIS code 09299]* for the facility that is consistent with the SWPPP requirements established in Part V of the Department's *Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity*, dated April 26, 2011, and Sector specific requirements included in Sector P of the Multi-Sector General Permit (MSGP). The permittee must maintain a copy of the SWPPP and associated records on-site for Department or USEPA personenel inspection.

SPECIAL CONDITIONS

E. STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY – PLANS AND MONITORING REQUIREMENTS (cont'd)

b. **Within 30 days of any change** in design, construction, operation, maintenance, or any chemical spill at the facility which has or may have a significant effect on the amount of pollutants present in stormwater, the permittee must amend the SWPPP and note all changes.

2. Monitoring Requirements: MSGP visual monitoring requirements are waived due to the more in-depth quarterly analytical monitoring required under this license for TSS and Oil & Grease. If at any time analytical monitoring ceases, visual monitoring will be required.

3. Authorized stormwater discharge points.

Outfall No.	Description	Receiving Water and Location
#001 & #002	Discharge from Tank Farm is conveyed to the skimmer pond at the outlet of Lower Rolling Mill Pond and is then discharged through a pipe to the Fore River	Fore River/Class SC, in South Portland

F. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on October 16, 2013; 2) the terms and conditions of this permit; and 3) only from Outfall #001 and Outfall #002 (a single point source outfall). Discharges of wastewater from any other point source(s) are not authorized under this permit, and must be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

G. MONITORING AND REPORTING

Monitoring results obtained during the previous month must be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that the DMRs 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 DMR and all other reports required herein must be submitted to the Department assigned inspector (unless otherwise specified by the Department) at the following address:

SPECIAL CONDITIONS

G. MONITORING AND REPORTING

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

Alternatively, if the permittee submits an electronic DMR (eDMR), the completed eDMR must be electronically submitted to the Department by a facility authorized DMR Signatory not later than close of business on the **15th day of the month** following the completed reporting period. Hard copy documentation submitted in support of the eDMR must be postmarked on or before the **thirteenth (13th) day of the month or hand-delivered** to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period. Electronic documentation in support of the eDMR must be submitted not later than close of business on the 15th day of the month following the completed reporting period.

H. NOTIFICATION REQUIREMENT

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

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater; and

2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change must include information on:

   (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and

   (b) any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

SPECIAL CONDITIONS

I. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with 38 M.R.S.A. § 414-A(5) and upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time 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(s), or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit will remain in full force and effect, and will be construed and enforced in all respects 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

PROPOSED DRAFT
FACT SHEET

DATE: **JANUARY 28, 2014**

PERMIT NUMBER: #**ME0021571**

WASTE DISCHARGE LICENSE: #**W000647-5S-H-R**

NAME AND ADDRESS OF APPLICANT:
CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.
221 SUTTON STREET
NORTH ANDOVER, MA 01845

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):
CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.
17 MAIN STREET
SOUTH PORTLAND, MAINE 04106

COUNTY: **CUMBERLAND**

RECEIVING WATER CLASSIFICATION: **FORE RIVER, CLASS SC**

COGNIZANT OFFICIAL CONTACT INFORMATION:
WALLACE M. BELL
(978) 687-5042
EMAIL: bellm@cleanharbors.com

1. APPLICATION SUMMARY

Application: On October 16, 2013, the Department accepted as complete for processing, a renewal application for Waste Discharge License (WDL) #W000647-5S-H-R/ Maine Pollutant Discharge Elimination System (MEPDES) #ME0021571 which was issued on April 15, 2009 for a five-year term. The April 15, 2009 permit authorized CHESI to discharge treated stormwater runoff at a daily maximum flow rate of 260 gallons per minute (gpm) and hydrostatic test wastewater at a daily maximum flow rate of 2.3 million gallons per day (MGD) to Rolling Mill Pond Outlet, Class C, in South Portland, Maine.

2. PERMIT SUMMARY

a. Terms and Conditions: This permitting action is carrying forward all the terms and conditions of the previous permitting actions except it is:

1. Incorportating stormwater discharges assocated with an additional dirt lot and adjacent alley owned by Clean Harbors which is specified as Area VI in Attachment A of this permit;

2. Correcting the receiving water for Outfalls #001 and #002 from Lower Rolling Mill Pond Outlet, Class C (freshwater), to the Fore River, Class SC (estuarine/marine);

3. Revising the water quality-based concentration limit for total residual chlorine based on the correctly identified receiving water (*i.e.*, change from freshwater to estuarine/marine);

4. Removing the word "Administrative" from the Outfall #002 designator to Outfall #002 to eliminate ambiguity regarding whether this outfall is an internal waste stream or a point source, which it is.

b. History: The most current relevant regulatory actions and or significant events include the following:

August 30, 1999 - The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit renewal #ME0021571 for a five-year term.

October 27, 1999 – The Department issued WDL #W000647-5S-D-R renewal for a five-year term.

January 12, 2001 – The State of Maine received authorization from the USEPA to administer the NPDES permitting program in Maine. From this date forward, the program has been referred to as the MEPDES permit program, and MEPDES permit #ME0001198 has been utilized for this facility. On March 26, 2011, the USEPA authorized the Department to administer the MEPDES program in Indian territories of the Penobscot Nation and Passamaquoddy Tribe.

July 29, 2004 – The Department issued MEPDES permit/WDL #ME0021571/W000647-5S-E-R for a five-year term.

April 15, 2009 – The Department issued MEPDES permit/WDL ME0021571/W000647-5S-F-R for a five-year term.

October 16, 2013 – CHESI submitted a timely and complete application to renew the MEPDES permit for CHESI's South Portland facility, in South Portland, Maine. The application was accepted for processing on October 16, 2013 and was assigned WDL #W000647-5S-H-R / MEPDES #ME00021571.

2. PERMIT SUMMARY (cont'd)

c. Source Description: The CHESI facility is engaged in the storage and distribution of refined petroleum products such as distillate oils. The facility, which also serves as a field services office, handles gasoline products which are transported via tractor-trailer trucks. The facility is also authorized by the Department to conduct truck-to-truck storage and transfer of containerized hazardous wastes. CHESI also contracts out for the application of herbicide to the tank floor up to once a year. CHESI will coordinate with the contractor and utilize best professional judgment (BPJ) to ensure the herbicide does not end up in stormwater.

The CHESI site encompasses approximately 6.2 acres with 11 above-ground bulk fuel storage tanks having a gross capacity of approximately 191,000 barrels (8,022,000 gallons). In addition to tankage, there is an extensive above-ground and below-ground network of piping. A marine docking facility for transferring product from ship-to-shore is no longer in use.

Stormwater from the facility's hazardous waste truck-to-truck transfer area/truck rack is inspected prior to being discharged through plugged holes in the bermed area to the parking lot catch basin and sump, from where it is then pumped to the tank farm. If the stormwater has been contaminated by containers in the truck-to-truck area it is deemed unsuitable for discharge from the berm and is pumped into a tanker truck and sent off-site to a licensed treatment/disposal facility. Stormwater from the parking lot, which is used for employee and company vehicles, fueling of company vehicles from a 10,000 gallon double-walled above-ground diesel fuel storage tank and the filling of the diesel tank, is conveyed to a yard drain, catch basin and sump, from where it is pumped to the tank farm. Stormwater from the dirt lot where empty and cleaned tanks are cut up and crushed and the adjacent alley, is also conveyed to the catch basin and sump in the parking lot. Stormwater runoff from the dock area of the service center garage enters a catch basin and sump, which pumps the stormwater to the tank farm. Stormwater that falls onto an epoxy-lined containment basin where intermittent transfers of non-hazardous wastewater from trucks to rail cars take place, and where transfers of oil from rail cars to trucks on the truck pad take place, are collected in catch basins, pumped into tanker trucks and sent off-site to a licensed wastewater treatment facility. Portable containment is used beneath the rail cars, and any stormwater that collects in these containment pans is also pumped into tanker trucks destined for an off-site treatment facility. Stormwater that comes into contact with the ground is not impacted by any pollutants related to the transfer operation.

Hydrostatic testing is performed on tanks and pipes that have been washed and cleaned following repair. Hydrostatic testing consists of filling the tanks with clean water in order to test tank integrity. The permittee has indicated that hydrostatic testing of its largest tank would create a discharge of approximately 2.3 million gallons and hydrostatic testing of its two pipes would create a discharge of approximately 2,600 gallons. Over the past few years, the hydrostatic test wastewater has been trucked to CHESI's treatment facility in South Portland. In 2004 the permittee indicated that hydrostatic testing of pipelines and tanks with water is no longer the practice at the South Portland facility.

2. PERMIT SUMMARY (cont'd)

Pipelines are tested utilizing X-rays, eliminating the need for discharging hydrostatic test wastewaters. However, the permittee would like to retain the option to perform the testing at the facility which the Department has agreed to. Since 2005 no hydrostatic test wastewater has been discharged to the Fore River.

Sanitary wastewater is conveyed to the City of South Portland's wastewater treatment facility and is regulated through the Department's Industrial Pretreatment Program.

b. Wastewater Treatment: Stormwater collected within the bermed tank farm, along with stormwater pumped up to the tank farm from the parking lot and transfer facility area, is manually discharged through a valve to the oil/water (O/W) separator. Hydrostatic test wastewater discharges to the same O/W separator that is used to treat stormwater. This permit requires dechlorination of hydrostatic test wastewater if necessary to comply with water quality-based limits established for total residual chlorine.

CHESI has indicated that the O/W separator is flow-rated for 260 gallons per minute (gpm) continuous; 530 gpm maximum. The valve through which stormwater and hydrostatic test wastewater must pass in order to reach the O/W separator is locked in position so that the maximum throughput is 260 gpm. During discharge of stormwater from the O/W separator, the regulated outfall pipe is designated as Outfall #001; during discharge of the hydrostatic test wastewater, the outfall pipe is designated as Outfall #002 in order for the Department to separately regulate the levels of pollutants and flows from each event.

The treated flows from the Tank Farm are conveyed to a skimmer pond at the outlet of Lower Rolling Mill Pond which are then discharged through a 42-inch pipe to the Fore River above the mean low water depth. See **Attachment A** of this Fact Sheet for a map showing the outfall location. Previous permitting actions have referred to the point of discharge as Lower Rolling Mill Pond, a Class C freshwater. The Department has determined that the discharge occurs directly to the Fore River, a Class SC estuarine/marine water and has incorporated this correction into this permitting action.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S.A. § 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., § 420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective July 29, 2012), 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

Classification of estuarine and marine waters, 38 M.R.S.A. § 469(F) classifies the Fore River as a Class SC waterway. *Standards for classification of estuarine and marine waters*, 38 M.R.S.A. § 465-B(3) describes the classification standards for Class SC waters.

5. RECEIVING WATER CONDITIONS

The State of Maine 2010 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the Fore River Estuary in South Portland as, "Category 4-A: Estuarine and Marine Waters with Impaired Use, TMDL Completed." Sampling conducted in calendar year 2001 indicates the 1.20 square miles of the Fore River Estuary in South Portland (waterbody ID #804-7) is impaired by bacteria. The Department completed the TMDL in 2009 and it was approved by USEPA on September 28, 2009.

The report lists the Fore River Estuary as "Category 5-A: Estuarine and Marine Waters Impaired by Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required)." The Report states that aquatic life and toxics may impair "marine life use support." The report indicates the causes of the impairment are municipal point sources, combined sewer overflows, stormwater, hazardous waste sites and nonpoint spills of all sizes. The Department had scheduled calendar year 2012 to prepare a total maximum daily load (TMDL) report to address the impairment. When referencing the status of this TMDL in the *The Draft State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report*, the report indicates that the TMDL has not been scheduled at this time and that the TMDL report is listed as a medium priority.

The report also classifies the estuarine and marine waters in South Portland as "Category 5-D, "Estuarine and Marine Waters Impaired by Legacy Pollutants." The Category 5-D waters partially support fishing ("shellfish" consumption) due to elevated levels of PCB's and other persistent, bioaccumulating substances in lobster tomalley.

6. EFFLUENT LIMITATIONS AND 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.

This permit authorizes the discharge of treated stormwater and hydrostatic test wastewater with numeric effluent limitations which are within applicable water quality standards, and requires the continued implementation of a stormwater 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 AND MONITORING REQUIREMENTS (cont'd)

a. Storm Water Runoff Only – Outfall #001

1. Flow –This permitting action is carrying forward the daily maximum flow limit of 260 gpm. Flow measurements are not required at this outfall as the valve through which stormwater and hydrostatic test wastewater must pass in order to reach the O/W separator is locked in position so that the maximum throughput is 260 gpm, which would not allow the discharge exceed the permit limit.

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.

   This permitting action is carrying forward the daily maximum TSS concentration limit of 100 mg/L based on an 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 wastewater were appropriate to control the discharge of sediment particles and oils from bulk storage petroleum terminals in the region.

   This permitting action is carrying forward the twelve-month rolling averaging period requirement for compliance with the monthly average TSS concentration limit of 50 mg/L based on the Department's BPJ.

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

   An example for calculating the 12-month rolling average is as follows:
   Calendar year 2007

Quarter #3		**Quarter #4**	
Month	Test Result	Month	Test Result
July	15 mg/L	Oct	50 mg/L
	53 mg/L	Nov	34 mg/L
Aug	31 mg/L		47 mg/L
Sept	71 mg/L		39 mg/L
	24 mg/L	Dec	No Discharge
	37 mg/L		

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

a. Storm Water Runoff Only– Outfall #001(cont'd)

Calendar year 2008

Quarter #1		**Quarter #2**	
Month	Test Result	Month	Test Result
Jan	25 mg/L	April	50 mg/L
	72 mg/L	May	34 mg/L
Feb	No Discharge		47 mg/L
Mar	71 mg/L		59 mg/L
	22 mg/L	June	89 mg/L
	26 mg/L		

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

A review of the quarterly TSS data as reported on the DMRs submitted to the Department for the period June 2009 – September 2013 indicate the following:

TSS

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum (n=16)	100	3 – 48	22.7
12-month Rolling Average (n=4)	50	3 – 25	17.25

3. Oil and Grease (O&G) – This permitting action is carrying forward the daily maximum oil and grease concentration limit of 15 mg/L based on Department BPJ as facilities equipped with properly designed, operated and maintained oil/water separator systems are capable of reducing oil content to 15 mg/L or less.

   A review of the quarterly O&G data as reported on the DMR's submitted to the Department for the period June 2009 – September 2013 (n=16) indicate the following:

Oil and Grease

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	15	<5 – 5.2	5.0

Results reported as "less than" were considered to be present at the minimum detection limit for calculation purposes.

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

b. Hydrostatic test wastewater (Outfall #002) – A review of the DMRs submitted to the Department for the period June 2009 – September 2013 indicate there was no hydrostatic test wastewater discharged during this period.

1. Flow – This permitting action is carrying forward the daily maximum limitation of 2.3 MGD from the previous permitting action based on the maximum flow rate the permittee anticipates from this process.

2. Total Suspended Solids (TSS) – This permitting action is carrying forward the TSS daily maximum limit of 50 mg/L that is based on a Department BPJ of limits that were achievable given the tanks and pipes that are hydrostatically tested have been washed and cleaned in preparation for repair and testing.

3. Oil & Grease – This permitting action is carrying forward a daily maximum oil and grease concentration limit of 15 mg/L that is a Department BPJ of limits that are achievable given the fact that the piping is new and the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing.

4. Total residual chlorine (TRC) – This permitting action is establishing a daily maximum TRC limit of 13 ug/L. This limitation is based on EPA's acute criteria maximum concentration (CMC) of 13 ug/L for marine waters. A chronic limit is not specified because the discharge is not continuous.

   Compliance with the daily maximum TRC limitation is based on EPA's current minimum level (ML) of detection of 50 ug/L (0.05 mg/L).

   It is noted the quarterly Discharge Monitoring Reports (DMRs) are coded with the numeric value of 0.05 mg/L such that detectable results reported at or below the ML will not be considered a violation of the permit.

7. PUBLIC COMMENTS

Public notice of this application was made in the Portland Press Herald on or about October 10, 2013. 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 must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

8. DEPARTMENT CONTACTS

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

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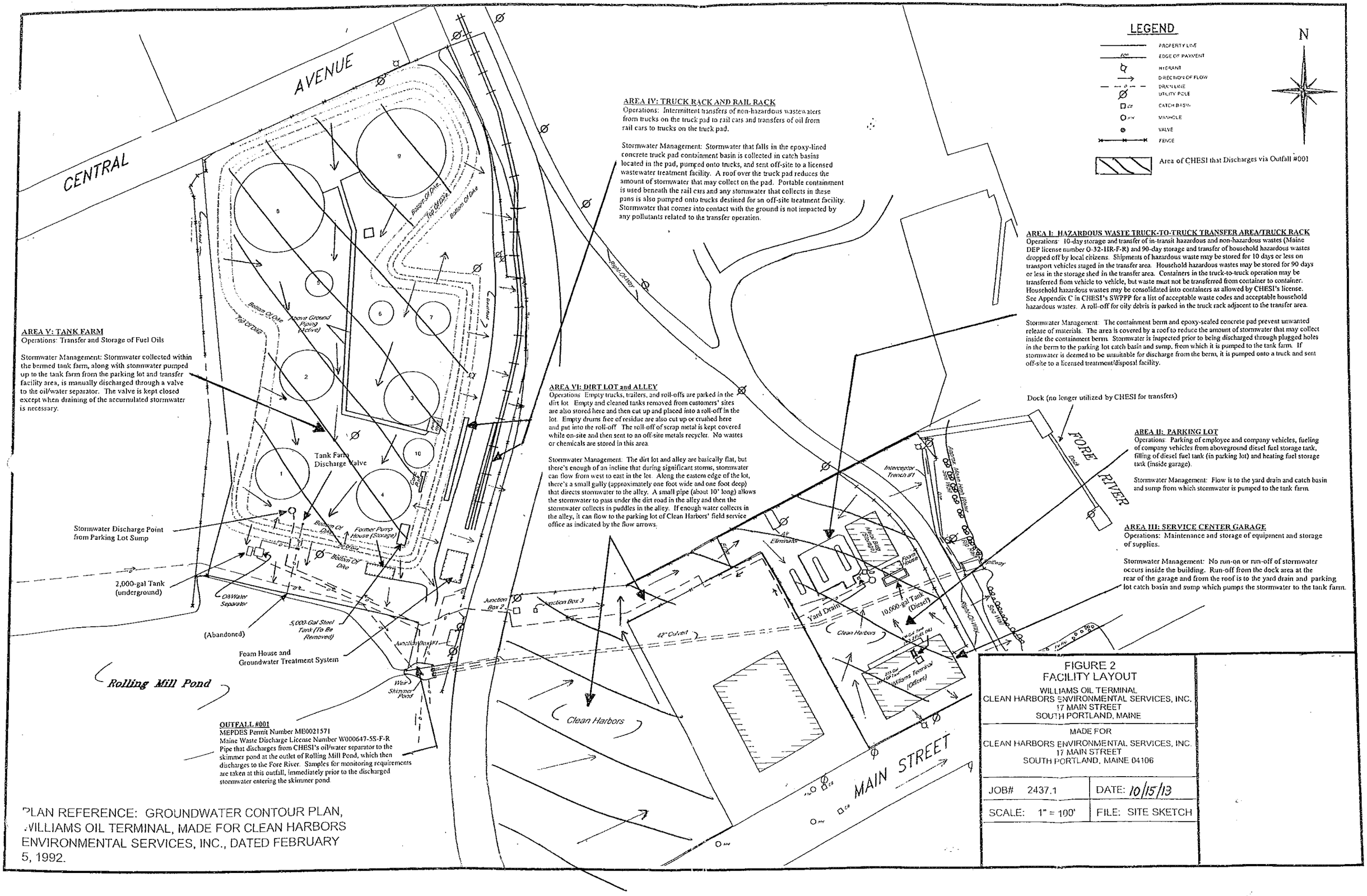
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 215-1579 Fax: (207) 287-3435
e-mail: yvette.meunier@maine.gov

9. RESPONSE TO COMMENTS

Reserved until the end of the public comment period.

ATTACHMENT A



PLAN REFERENCE: GROUNDWATER CONTOUR PLAN, WILLIAMS OIL TERMINAL, MADE FOR CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., DATED FEBRUARY 5, 1992.

FIGURE 2
FACILITY LAYOUT
WILLIAMS OIL TERMINAL
CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.
17 MAIN STREET
SOUTH PORTLAND, MAINE

MADE FOR
CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.
17 MAIN STREET
SOUTH PORTLAND, MAINE 04106

JOB# 2437.1	DATE: 10/15/13
SCALE: 1" = 100'	FILE: SITE SKETCH