

New York State Department of Environmental Conservation
Division of Environmental Permits
NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233
(518) 402-9167



SPDES PERMIT RENEWAL

12/11/2020

NATHAN PRATT
Buckeye Partners, LP
3186 Gates Rd
Auburn NY 13021

Permittee Name: **BUCKEYE TERMINALS LLC**
Facility Name: **BUFFALO TERMINAL**
Ind. Code: 5171 County: **ERIE**
DEC ID: 9-1402-00600/00004 SPDES No.: **NY0204480**
Permit Effective Date: **12/11/2020**
Permit Expiration Date: **11/30/2025**

Dear Permittee,

The State Pollutant Elimination System (SPDES) permit renewal for the facility referenced above is approved with the new effective and expiration dates. This letter together with the previous valid permit for this facility effective on 10/01/2015 and any subsequent modifications constitute authorization to discharge wastewater in accordance with all terms, conditions and limitations specified in the previously issued permit(s).

As a reminder, SPDES permits are renewed at a central location in Albany in order to make the process more efficient. All other concerns with your permit, including applications for permit modification or transfer to a new owner, a name change, and other questions, should be directed to:

Regional Permit Administrator
NYSDEC Region 9 Headquarters
270 Michigan Ave
Buffalo, NY 14203-2915
(716) 851-7165

If you have already filed an application for modification of your permit, it will be processed separately by that office.

If you have questions concerning this permit renewal, please contact Michael R Schaefer at (518) 402-9167.

Sincerely,

Karyn Hanson
Karyn Hanson
Deputy Permit Administrator

cc:
RPA
BWC

RWE
File

BWP
EPA

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits & Pollution Prevention
625 Broadway, 4th Floor, Albany, New York 12233-1750
P: (518) 402-9167 | F: (518) 402-9168 | deppermitting@dec.ny.gov
www.dec.ny.gov

August 18, 2015

Buckeye Terminals LLC
Attn: Mr. Tom Beatty, Lead Terminal Operator
625 Elk Street
Buffalo, NY 14210

Re: Buckeye Terminal
DEC#9-1402-0600/00004 SPDES#: NY0204480

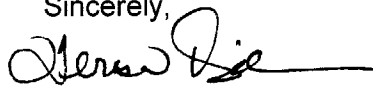
Dear Mr. Beatty:

Enclosed is a final modified and renewed State Pollutant Discharge Elimination System (SPDES) permit for the above referenced facility. This permit has been modified and renewed under the Environmental Benefit Permit Strategy. Comments were received on this modification from Mr. Andrew Janik, Groundwater and Environmental Services, Inc., on behalf of the permittee, and are addressed on the enclosed Responsiveness Summary.

Be advised, the Uniform Procedures Regulations (6 NYCRR Part 621) provide that an applicant may request a public hearing if a permit contains conditions which are unacceptable to them. Any such request must be made in writing within 30 calendar days of the date of permit issuance and must be addressed to the Chief Permit Administrator at the letterhead address. A copy should also be sent to the Chief Administrative Law Judge at NYSDEC, 625 Broadway, 1st Floor, Albany, NY 12233-1550.

Should you have questions on the administration of this modification, please feel free to contact me at the address or phone number listed above. Should you have technical questions on permit content, please contact Percival Miller, Permit Engineer, at (518) 402-8120, or the Regional Water Engineer, Jeff Konsella, at (716) 851-7070.

Sincerely,



Teresa Diehsner
Division of Environmental Permits

Enclosures

c: D. Denk, RPA
J. Konsella, RWE
P. Miller, Permit Engineer
C. Jamison, CO-BWP Permit Coordinator
USEPA Reg 2
NYSEFC
IJC
NYSDOH District Office



Department of
Environmental
Conservation

RESPONSIVENESS SUMMARY

Buckeye Terminals – Buffalo

SPDES Permit No. 0204480, DEC ID: 9-1402-0600/00004

Prepared: Percival Miller, Permit Engineer

Background: The above referenced draft SPDES permit was developed as a Department initiated modification and renewal pursuant to 6NYCRR Part 750-1.18, New York State's Environmental Benefit Permit Strategy (EBPS). The draft permit was public noticed on 6/18/2014 in the Environmental Notice Bulletin and on 7/3/2014 in The Buffalo News. Comments were received from Mr. Andrew Janik, Project Manager, Groundwater and Environmental Services, Inc., on behalf of the permittee, and are addressed below.

COMMENT:

Cover Page: The County needs to be changed from Niagara to Erie County.

RESPONSE:

The County Name has been changed to "Erie County".

COMMENT:

Page 3 of 13: Permit limits, levels and monitoring for Outfall 001, Stormwater:

Our current permit requires a sampling frequency of Monthly for pH, Oil & Grease, and Flow; and Quarterly (sampling) for BTEX Compounds, Phenols, and PAHs. We have not had any exceedances or issues with our current sampling program and would prefer to maintain the current frequency of Monthly and Quarterly, for consistency. We do not have any issues or concerns with adding TPH to the sampling program.

RESPONSE:

The sampling frequencies have been revised as follows, for consistency with the current monitoring schedule:

Monthly: Flow, pH, Oil & Grease.

Quarterly: BTEX Compounds (Benzene, Ethylbenzene, Toluene, Total Xylenes), Total Phenol, and PAHs.

COMMENT:

Page 4 of 14: Permit limits, levels and monitoring for Outfall 001, Tanks – Hydrostatic Testing Water:

To avoid confusion with the storm water requirements thought should be given to renaming the outfall number to uniquely identify the discharge. The sampling frequency for pH is listed as Monthly and should be changed to Each Discharge to be consistent with the current permit.

RESPONSE:

The 'Outfall 001' label for the sampling location for Hydrostatic Testing Water has been changed to 'Outfall 01A' to identify the wastewater type as 'Tanks – Hydrostatic Testing Water'. 'Each Discharge' has replaced 'Monthly' as the sampling frequency for pH.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT



Industrial Code:	5171	SPDES Number:	NY0204480
Discharge Class (CL):	01	DEC Number:	9-1402-0600/00004
Toxic Class (TX):	N	Effective Date (EDP):	10/01/2015
Major Drainage Basin:	01	Expiration Date (ExDP):	09/30/2020
Sub Drainage Basin:	03	Modification Dates: (EDPM)	
Water Index Number:	E-1		
Compact Area:	IJC		

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.)(hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Name:	Buckeye Terminals LLC	Attention:	Tom Beatty, Lead Terminal Operator		
Street:	625 Elk Street	State:	NY	Zip Code:	14210
City:	Buffalo				

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name:	Buckeye Terminals				
Location (C,T,V):	Buffalo (C)	County:	Erie		
Facility Address:	625 Elk Street				
City:	Buffalo	State:	NY	Zip Code:	14210
From Outfall No.:	001	at Latitude:	42 ° 51 ' 17 "	& Longitude:	78 ° 50 ' 00 "
into receiving waters known as:	Buffalo River			Class:	C

and (list other Outfalls, Receiving Waters & Water Classifications)

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name:	Buckeye Terminals, LLC				
Street:	625 Elk Street				
City:	Buffalo	State:	NY	Zip Code:	14210
Responsible Official or Agent:	Tom Beatty, Lead Terminal Operator			Phone:	(716) 822-3982

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

CO BWP - Permit Coordinator
RWE
RPA
USEPA Region 2
NYSEFC
IJC
NYSDOH District Office

Deputy Chief Permit Administrator: Stuart M. Fox	
Address: Division of Environmental Permits 625 Broadway Albany, NY 12233-1750	
Signature: <i>Stuart M. Fox</i>	Date: 8/18/15

PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or EDPM)	The date this page is no longer in effect. (e.g. ExDP)

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.	See below	See below

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL	COMPLIANCE LEVEL/ ML	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based limits, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the permittee shall use the approved EPA analytical method with the lowest possible detection limit as promulgated under 40CFR Part 136 for the determination of the concentrations of parameters present in the sample unless otherwise specified. If a sample result is below the detection limit of the most sensitive method, compliance with the permit limit for that parameter was achieved. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This PQL can be neither lowered nor raised without a modification of this permit.	Action Levels are monitoring requirements, as defined below in Note 2, which trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, temperature, or concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly. All monitoring periods (quarterly, semiannual, annual, etc) are based upon the calendar year unless otherwise specified in this Permit.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Notes:

1. EFFLUENT LIMIT TYPES:

- a. **DAILY DISCHARGE:** The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.
- b. **DAILY MAX.:** The highest allowable daily discharge. **DAILY MIN.:** The lowest allowable daily discharge.
- c. **MONTHLY AVG:** The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- d. **7 DAY ARITHMETIC MEAN (7 day average):** The highest allowable average of daily discharges over a calendar week.
- e. **30 DAY GEOMETRIC MEAN:** The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- f. **7 DAY GEOMETRIC MEAN:** The highest allowable geometric mean of daily discharges over a calendar week.
- g. **RANGE:** The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.

2. ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL NUMBER	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Stormwater	Buffalo River	10/01/2015	09/30/2020

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.5	8.5	SU	1/month	Grab	

PARAMETER	EFFLUENT LIMIT		ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Average	Daily Maximum					
Flow	Monitor	Monitor		GPD	1/month	Instantaneous	1
Oil & Grease		15		mg/l	1/month	Grab	1
Solids, Total Suspended			50	mg/l	1/month	Grab	1,2
Lead, Total		Monitor		mg/l	Quarterly	Grab	1
Benzene		0.01		mg/l	Quarterly	Grab	1
Ethylbenzene			0.01	mg/l	Quarterly	Grab	1,2
Toluene			0.01	mg/l	Quarterly	Grab	1,2
Xylenes, Total			0.01	mg/l	Quarterly	Grab	1,2
Naphthalene		0.13		mg/l	Quarterly	Grab	1,2
Phenols, Total			0.01	mg/l	Quarterly	Grab	1,2
Methyl tert-Butyl Ether			0.05	mg/l	Quarterly	Grab	1,2
Total Petroleum Hydrocarbons (TPH)		Monitor		mg/l	Quarterly	Grab	1

Footnotes:

1. DISCHARGE FROM THE DETENTION BASIN: Each stormwater discharge from the detention basin shall be visually inspected prior to discharge. If contamination is observed (petroleum sheen, free product, etc.) the Department shall be immediately notified, and the stormwater shall be sampled for all monitoring parameters shown above. The discharge shall be appropriately treated or mitigated prior to discharge.
2. Action Levels shall be monitored in accordance with the direction listed on Page 2 of this Permit.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL NUMBER	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
01A	Tanks-Hydrostatic Testing Water	Buffalo River	10/01/2015	09/30/2020

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.5	8.5	SU	Each Discharge	Grab	

PARAMETER	EFFLUENT LIMIT		ACTION LEVEL	UNITS	SAMPLE FREQUENCY ⁽¹⁾	SAMPLE TYPE	FN
	Monthly Average	Daily Maximum					
Flow		Monitor		GPD	Each Discharge	Instantaneous	1,2
Oil & Grease			15	mg/l	Each Discharge	Grab	2
Benzene			0.02	mg/l	Each Discharge	Grab	2
Ethylbenzene			0.02	mg/l	Each Discharge	Grab	2
Toluene			0.02	mg/l	Each Discharge	Grab	2
Xylenes, Total			0.02	mg/l	Each Discharge	Grab	2
Naphthalene			0.026	mg/l	Each Discharge	Grab	2
Chlorine, Total Residual			0.03	mg/l	Each Discharge	Grab	2,3
Methyl <i>tert</i> -Butyl Ether			Monitor	mg/l	Each Discharge	Grab	2

FOOTNOTES:

1. The Regional Water Engineer shall be notified, at least two days prior to a discharge of tank test water.
2. Tanks undergoing hydrostatic testing must be clean and free of all product. Samples must be taken at various levels (top, middle and bottom) before initiating any tank discharge. If this sampling shows compliance with all action levels, discharge may be initiated. If the sampling shows that action levels have not been attained, additional measures including treatment must be implemented such that compliance can be attained prior to discharge. A written summary of each such event must be submitted to the Regional Water Engineer. Action Levels shall be monitored in accordance with the direction listed on Page 2 of this Permit.
3. Sampling for Total Chlorine Residual is only required when chlorinated water is used in hydrostatic tank testing.

PROHIBITIONS

Discharges of industrial or manufacturing process wastewaters are not permitted, including wastewaters from vehicle maintenance or washing operations. In addition, wastewaters generated at locations other than at this facility cannot be treated at, or discharged from, this facility.

SCHEDULE OF SUBMITTALS

Short-Term High-Intensity Sampling

a) The permittee shall submit the following information to the Regional Water Engineer at the address listed on the Recording, Reporting and Monitoring page of this Permit, and to the Bureau of Water Permits, 625 Broadway, Albany NY 12233-3500

Outfall Number(s)	Compliance Action	Due Date						
001	The permittee shall conduct sampling for the following parameters detected in the WWTP effluent and listed in the permit application. Sampling shall be once per week for a period of 3 months:	12/01/2015						
	<table border="1"> <thead> <tr> <th data-bbox="266 617 756 646">Parameter</th> <th data-bbox="756 617 1062 646">Detection Level (µg/l)</th> <th data-bbox="1062 617 1247 646">Sample Type</th> </tr> </thead> <tbody> <tr> <td data-bbox="266 646 756 680">Polycyclic Aromatic Hydrocarbons (PAHs)</td> <td data-bbox="756 646 1062 680">1</td> <td data-bbox="1062 646 1247 680">Grab</td> </tr> </tbody> </table>	Parameter	Detection Level (µg/l)	Sample Type	Polycyclic Aromatic Hydrocarbons (PAHs)	1	Grab	
	Parameter	Detection Level (µg/l)	Sample Type					
Polycyclic Aromatic Hydrocarbons (PAHs)	1	Grab						
The permittee shall submit the results of the analyses along with the daily flow to the Regional Water Engineer at the address listed on Page 16 of this Permit. After review of the results, the Department may reopen the permit to add additional limits or action levels for these parameters.	02/01/2016							

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT", the permittee is not required to repeat the submission. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice in accordance with 6NYCRR Part 750-2.7. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information.

SPECIAL CONDITIONS - INDUSTRY BEST MANAGEMENT PRACTICES

1. **General** - The permittee shall develop, maintain, and implement a Best Management Practices (BMP) plan to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and stormwater discharges including, but not limited to, drainage from raw material storage.

The BMP plan shall be documented in narrative form and shall include the 13 minimum BMPs and any necessary plot plans, drawings, or maps. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the plan and may be incorporated by reference. A copy of the current BMP plan shall be submitted to the Department as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized Department representatives upon request.

2. **Compliance Deadlines** - The initial completed BMP plan shall be submitted **BY 04/01/2016**, to the Regional Water Engineer. The BMP plan shall be implemented within 6 months of submission, unless a different time frame is approved by the Department. The BMP plan shall be reviewed annually and shall be modified whenever (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the plan is inadequate, or (c) a letter from the Department identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. All BMP plan revisions (with the exception of SWPPPs - see Item 4 (b) below) must be submitted to the Regional Water Engineer within 30 days. Note that the permittee is not required to obtain Department approval of the BMP plan (or of any SWPPPs) unless notified otherwise. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines, unless a new deadline is explicitly set by such modification or renewal.

3. **Facility Review** - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The relative toxicity of the pollutant shall be considered in determining the significance of potential releases.

The review shall address all substances present at the facility that are identified in Tables 6-10 of SPDES application Form NY-2C (available at http://www.dec.ny.gov/docs/permits_ej_operations_pdf/form2c.pdf) or that are required to be monitored for by the SPDES permit.

4. **A. 13 Minimum BMPs** - Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify BMPs that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of stormwater elements of the BMP is available in the September 1992 manual *Storm Water Management for Industrial Activities*, EPA 832-R-92-006 (available from NTIS, 703-487-4650, order # PB 92235969). As a minimum, the plan shall include the following BMPs:

- | | | |
|-------------------------------------|---|---------------------------------|
| 1. BMP Pollution Prevention Team | 6. Security | 10. Spill Prevention & Response |
| 2. Reporting of BMP Incidents | 7. Preventive Maintenance | 11. Erosion & Sediment Control |
| 3. Risk Identification & Assessment | 8. Good Housekeeping | 12. Management of Runoff |
| 4. Employee Training | 9. Materials/Waste Handling, Storage, & Compatibility | 13. Street Sweeping |
| 5. Inspections and Records | | |

Note that for some facilities, especially those with few employees, some of the above BMPs may not be applicable. It is acceptable in these cases to indicate "Not Applicable" for the portion(s) of the BMP Plan that do not apply to your facility, along with an explanation.

B. Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater From Construction Activity to Surface Waters - As part of BMP #11, a SWPPP shall be developed prior to the initiation of any site disturbance of one acre or more of uncontaminated area. Uncontaminated area means soils or groundwater which are free of contamination by any toxic or non-conventional pollutants identified in Tables 6-10 of SPDES application Form NY-2C. Disturbance of any size

SPECIAL CONDITIONS - INDUSTRY BEST MANAGEMENT PRACTICES-Continued

contaminated area(s) and the resulting discharge of contaminated stormwater is not authorized by this permit unless the discharge is under State or Federal oversight as part of a remedial program or after review by the Regional Water Engineer; nor is such discharge authorized by any SPDES general permit for stormwater discharges. SWPPPs are not required for discharges of stormwater from construction activity to groundwaters.

The SWPPP shall conform to the *New York Standards and Specifications for Erosion and Sediment Control* and *New York State Stormwater Management Design Manual*, unless a variance has been obtained from the Regional Water Engineer, and to any local requirements. The permittee shall submit a copy of the SWPPP and any amendments thereto to the local governing body and any other authorized agency having jurisdiction or regulatory control over the construction activity **at least 30 days prior to soil disturbance**. The SWPPP shall also be submitted to the Regional Water Engineer if contamination, as defined above, is involved and the permittee must obtain a determination of any SPDES permit modifications and/or additional treatment which may be required prior to soil disturbance. Otherwise, the SWPPP shall be submitted to the Department only upon request. When a SWPPP is required, a properly completed *Notice of Intent* (NOI) form shall be submitted (available at www.dec.ny.gov/chemical/43133.html) prior to soil disturbance. Note that submission of a NOI is required for informational purposes; the permittee is not eligible for and will not obtain coverage under any SPDES general permit for stormwater discharges, nor are any additional permit fees incurred. SWPPPs must be developed and submitted for subsequent site disturbances in accordance with the above requirements. The permittee is responsible for ensuring that the provisions of each SWPPP are properly implemented.

5. **Required Sampling For "Hot Spot" Identification** - Development of the BMP plan shall include sampling of waste stream segments for the purpose of pollutant "hot spot" identification. The economic achievability of effluent limits will not be considered until plant site "hot spot" sources have been identified, contained, removed or minimized through the imposition of site specific BMPs or application of internal facility treatment technology. For the purposes of this permit condition a "hot spot" is a segment of an industrial facility (including but not limited to soil, equipment, material storage areas, sewer lines etc.) which contributes elevated levels of problem pollutants to the wastewater and/or stormwater collection system of that facility. For the purposes of this definition, problem pollutants are substances for which treatment to meet a water quality or technology requirement may, considering the results of waste stream segment sampling, be deemed unreasonable. For the purposes of this definition, an elevated level is a concentration or mass loading of the pollutant in question which is sufficiently higher than the concentration of that same pollutant at the compliance monitoring location so as to allow for an economically justifiable removal and/or isolation of the segment and/or B.A.T. treatment of wastewaters emanating from the segment.
6. **Facilities with Petroleum and/or Chemical Bulk Storage (PBS and CBS) Areas** - Compliance must be maintained with all applicable regulations including those involving releases, registration, handling and storage (6NYCRR 595-599 and 612-614). Stormwater discharges from handling and storage areas should be eliminated where practical.
 - A. **Spill Cleanup** - All spilled or leaked substances must be removed from secondary containment systems as soon as practical and for CBS storage areas within 24 hours, unless written authorization is received from the Department. The containment system must be thoroughly cleaned to remove any residual contamination that could contaminate stormwater, and the resulting discharge of pollutants to waters of the State. Following spill cleanup the affected area must be completely flushed with clean water three times, and the water removed after each flushing, for proper disposal in an on-site or off-site wastewater treatment plant designed to treat and discharge such wastewater. Alternately, the permittee may test the first batch of stormwater following the spill cleanup to determine discharge acceptability. If the water contains no pollutants it may be discharged; otherwise it must be disposed of as noted above. See *Discharge Monitoring* below for the list of parameters to be sampled.
 - B. **Discharge Operation** - Stormwater must be removed before it compromises the required containment system capacity. Each discharge may only proceed with the prior approval of the permittee staff person responsible for ensuring SPDES permit compliance. Bulk storage secondary containment drainage systems must be locked in a closed position except when the operator is in the process of draining accumulated stormwater. Transfer area secondary containment drainage systems must be locked in a closed position during all transfers and must not be reopened unless the transfer area is clean of contaminants. Stormwater discharges from secondary containment systems should be avoided during periods of precipitation. A logbook shall be maintained on site noting the date, time and personnel supervising each discharge.
 - C. **Discharge Screening** - Prior to each discharge from a secondary containment system the stormwater must be screened for contamination*. All stormwater must be inspected for visible evidence of contamination. Additional screening methods shall be developed by the permittee as part of the overall BMP Plan, e.g. the use of volatile gas meters to detect the presence of gross levels of gasoline or volatile organic compounds. If the screening indicates contamination, the permittee must collect and analyze a representative sample** of the stormwater. If the water contains no pollutants it may be discharged. Otherwise it must either be disposed of in an on site or off site wastewater treatment plant designed to treat and permitted to discharge such wastewater or the Regional Water Engineer can be contacted to determine if it may be discharged without treatment.

SPECIAL CONDITIONS - INDUSTRY BEST MANAGEMENT PRACTICES-Continued

D. Discharge Monitoring - Unless the discharge from any bulk storage containment system outlet is identified in the SPDES permit as an outfall with explicit effluent and monitoring requirements, the permittee shall monitor the outlet as follows:

(i) *Bulk Storage Secondary Containment Systems:*

(a) The volume of each discharge from each outlet must be monitored. Discharge volume may be calculated by measuring the depth of water within the containment area times the wetted area converted to gallons or by other suitable methods. A representative sample shall be collected of the first discharge* following any cleaned up spill or leak. The sample must be analyzed for pH, the substance(s) stored within the containment area and any other pollutants the permittee knows or has reason to believe are present**.

(b) Every fourth discharge* from each outlet must be sampled for pH, the substance(s) stored within the containment area and any other pollutants the permittee knows or has reason to believe are present**.

(ii) *Transfer Area Secondary Containment Systems:*

The first discharge* following any spill or leak must be sampled for flow, pH, the substance(s) transferred in that area and any other pollutants the permittee knows or has reason to believe are present**.

E. Discharge Reporting - Any results of monitoring required above, excluding screening data, must be submitted to the Department by appending them to the corresponding DMR. Failure to perform the required discharge monitoring and reporting shall constitute a violation of the terms of the SPDES permit.

F. Prohibited Discharges - **In all cases, any discharge which contains a visible sheen, foam, or odor, or may cause or contribute to a violation of water quality is prohibited.** The following discharges are prohibited unless specifically authorized elsewhere in this SPDES permit: spills or leaks, tank bottoms, maintenance wastewaters, wash waters where detergents or other chemicals have been used, tank hydrotest and ballast waters, contained firefighting runoff, fire training water contaminated by contact with pollutants or containing foam or fire retardant additives, and unnecessary discharges of water or wastewater into secondary containment systems.

* Discharge includes stormwater discharges and snow and ice removal. If applicable, a representative sample of snow and/or ice should be collected and allowed to melt prior to assessment.

** If the stored substance is gasoline or aviation fuel then sample for oil & grease, benzene, ethylbenzene, naphthalene, toluene and total xylenes (EPA method 602). If the stored substance is kerosene, diesel fuel, fuel oil, or lubricating oil then sample for oil & grease and polynuclear aromatic hydrocarbons (EPA method 610). If the substance(s) are listed in Tables 6-8 of SPDES application form NY-2C then sampling is required. If the substance(s) are listed in NY-2C Tables 9-10 sampling for appropriate indicator parameters may be required, e.g. BOD₅ or toxicity testing. Contact the facility inspector for further guidance. In all cases, flow and pH monitoring is required.

DISCHARGE NOTIFICATION REQUIREMENTS

- (a) Except as provided in (c) and (g) of these Discharge Notification Act requirements, the permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit. Such signs shall be installed before initiation of any discharge.
- (b) Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (a) above, unless a new deadline is set explicitly by such permit modification or renewal.
- (c) The Discharge Notification Requirements described herein do not apply to outfalls from which the discharge is composed exclusively of storm water, or discharges to ground water.
- (d) The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

The signs shall have **minimum** dimensions of eighteen inches by twenty four inches (18" x 24") and shall have white letters on a green background and contain the following information:

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY _____

OUTFALL No. : _____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

Permittee Phone: () - ### - #####

OR:

NYSDEC Division of Water Regional Office Address: _____

NYSDEC Division of Water Regional Phone: () - ### - #####

- (e) For each discharge required to have a sign in accordance with a), the permittee shall, concurrent with the installation of the sign, provide a repository of copies of the Discharge Monitoring Reports (DMRs), as required by the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of this permit. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be at the business office repository of the permittee or at an off-premises location of its choice (such location shall be the village, town, city or county clerk's office, the local library or other location as approved by the Department). In accordance with the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of your permit, each DMR shall be maintained on record for a period of five years
- (f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

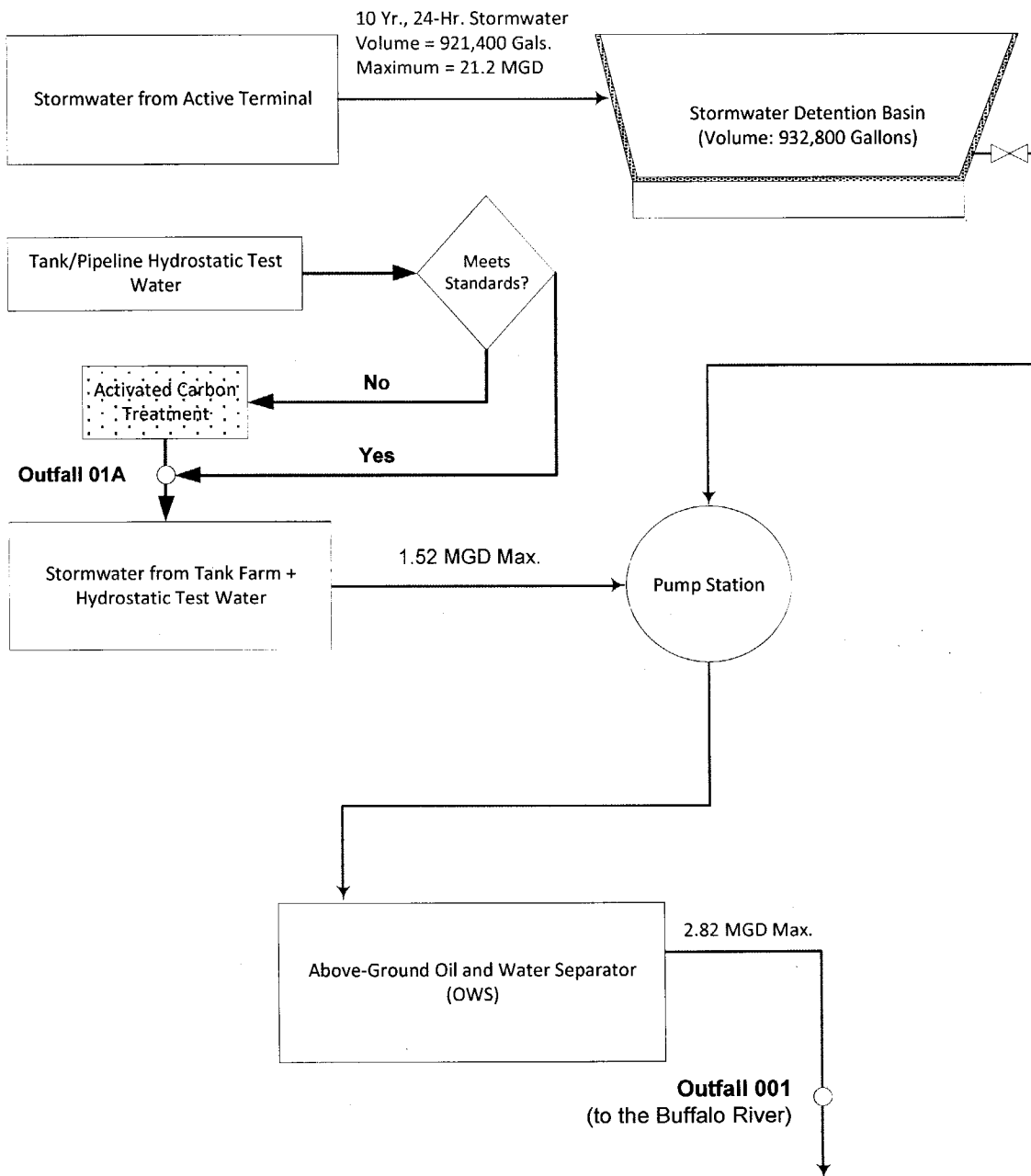
DISCHARGE NOTIFICATION REQUIREMENTS (Continued)

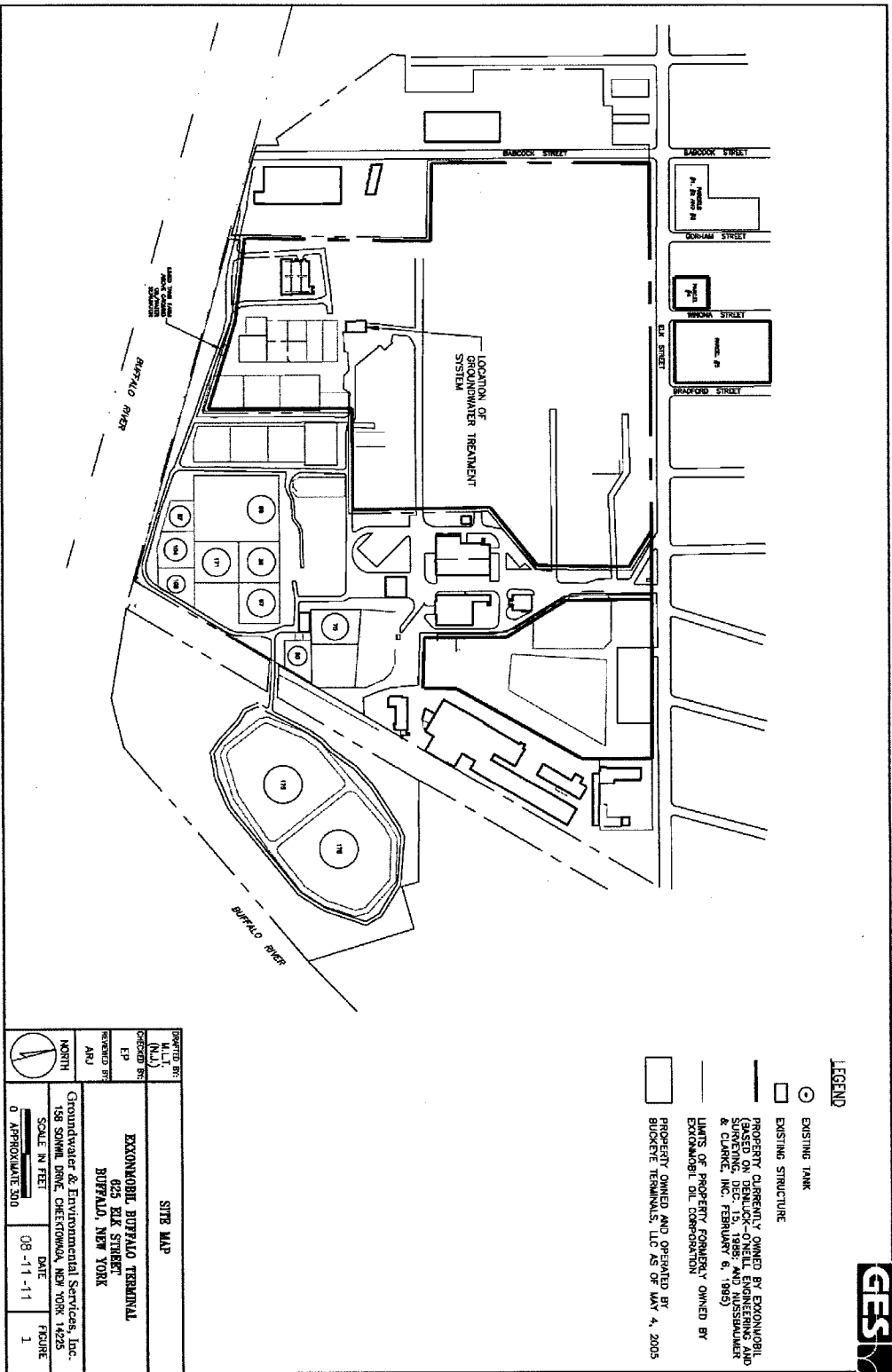
- (g) All requirements of the Discharge Notification Act, including public repository requirements, are waived for any outfall meeting any of the following circumstances, provided Department notification is made in accordance with (h) below:
- (i) such sign would be inconsistent with any other state or federal statute;
 - (ii) the Discharge Notification Requirements contained herein would require that such sign could only be located in an area that is damaged by ice or flooding due to a one-year storm or storms of less severity;
 - (iii) instances for which the outfall to the receiving water is located on private or government property; to which access to the public is restricted through fencing, patrolling, or other control mechanisms. Property which is posted only, without additional control mechanisms, does not qualify for this provision;
 - (iv) instances where the outfall pipe or channel discharges to another outfall pipe or channel, before discharge to a receiving water, or;
 - (v) instances for which the discharge from the outfall is located in the receiving water, two-hundred or more feet from the shoreline of the receiving water.
- (h) If the permittee believes that any outfall which discharges wastewater from the permitted facility meets any of the waiver criteria listed in (g) above, notification (form enclosed) must be made to the Department's Bureau of Water Permits, Central Office, of such fact, and, provided there is no objection by the Department, a sign and DMR repository for the involved outfall(s) are not required. This notification must include the facility's name, address, telephone number, contact, permit number, outfall number(s), and reason why such outfall(s) is waived from the requirements of discharge notification. The Department may evaluate the applicability of a waiver at any time, and take appropriate measures to assure that the ECL and associated regulations are complied with.

MONITORING LOCATIONS

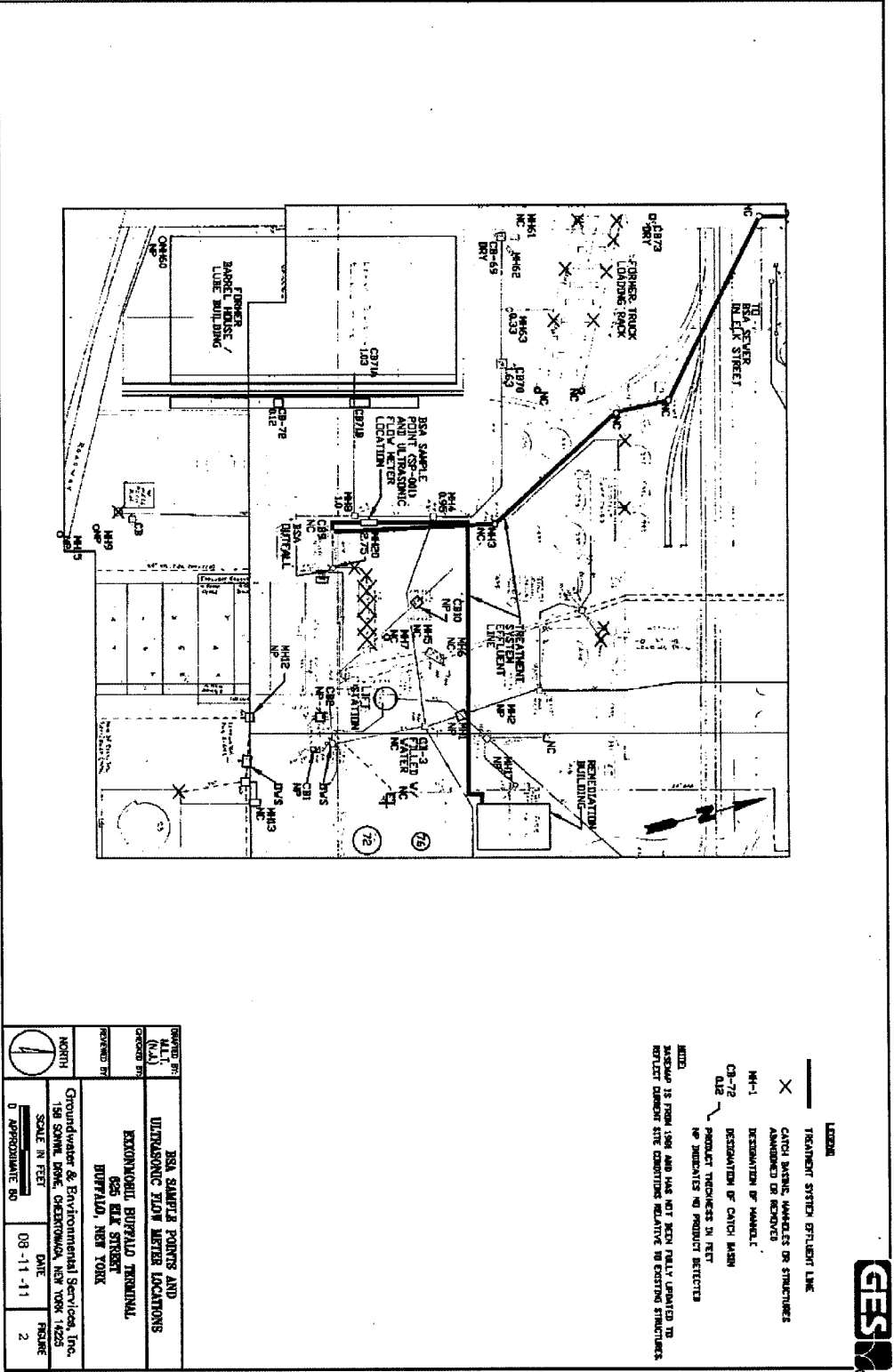
The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below

PLANT FLOW SCHEMATIC Buckeye Terminals, LLC - Buffalo





SITE PLAN - BUCKEYE TERMINALS - BUFFALO



DRAINAGE PLAN - BUCKEYE TERMINALS - BUFFALO

GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through I as follows:.
- B. General Conditions
- | | |
|--|--|
| 1. Duty to comply | 6 NYCRR Part 750-2.1(e) & 2.4 |
| 2. Duty to reapply | 6 NYCRR Part 750-1.16(a) |
| 3. Need to halt or reduce activity not a defense | 6 NYCRR Part 750-2.1(g) |
| 4. Duty to mitigate | 6 NYCRR Part 750-2.7(f) |
| 5. Permit actions | 6 NYCRR Part 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. Property rights | 6 NYCRR Part 750-2.2(b) |
| 7. Duty to provide information | 6 NYCRR Part 750-2.1(i) |
| 8. Inspection and entry | 6 NYCRR Part 750-2.1(a) & 2.3 |
- C. Operation and Maintenance
- | | |
|-----------------------------------|---|
| 1. Proper Operation & Maintenance | 6 NYCRR Part 750-2.8 |
| 2. Bypass | 6 NYCRR Part 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. Upset | 6 NYCRR Part 750-1.2(a)(94) & 2.8(c) |
- D. Monitoring and Records
- | | |
|---------------------------|--|
| 1. Monitoring and records | 6 NYCRR Part 750-2.5(a)(2), 2.5(c)(1), 2.5(c)(2), 2.5(d) & 2.5(a)(6) |
| 2. Signatory requirements | 6 NYCRR Part 750-1.8 & 2.5(b) |
- E. Reporting Requirements
- | | |
|--|---------------------------------------|
| 1. Reporting requirements | 6 NYCRR Part 750-2.5, 2.6, 2.7 & 1.17 |
| 2. Anticipated noncompliance | 6 NYCRR Part 750-2.7(a) |
| 3. Transfers | 6 NYCRR Part 750-1.17 |
| 4. Monitoring reports | 6 NYCRR Part 750-2.5(e) |
| 5. Compliance schedules | 6 NYCRR Part 750-1.14(d) |
| 6. 24-hour reporting | 6 NYCRR Part 750-2.7(c) & (d) |
| 7. Other noncompliance | 6 NYCRR Part 750-2.7(e) |
| 8. Other information | 6 NYCRR Part 750-2.1(f) |
| 9. Additional conditions applicable to a POTW | 6 NYCRR Part 750-2.9 |
| 10. Special reporting requirements for discharges that are not POTWs | 6 NYCRR Part 750-2.6 |
- F. Planned Changes
1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The alteration or addition to the permitted facility may meet of the criteria for determining whether facility is a new source in 40 CFR §122.29(b); or
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, or to notification requirements under 40 CFR §122.42(a)(1); or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

In addition to the Department, the permittee shall submit a copy of this notice to the United States Environmental Protection Agency at the following address: U.S. EPA Region 2, Clean Water Regulatory Branch, 290 Broadway, 24th Floor, New York, NY 10007-1866.

GENERAL REQUIREMENTS (Continued)**G. Notification Requirement for POTWs**

1. All POTWs shall provide adequate notice to the Department and the USEPA of the following:
 - a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; or
 - b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - c. For the purposes of this paragraph, adequate notice shall include information on:
 - i. the quality and quantity of effluent introduced into the POTW, and
 - ii. any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

POTWs shall submit a copy of this notice to the United States Environmental Protection Agency, at the following address:
U.S. EPA Region 2, Clean Water Regulatory Branch, 290 Broadway, 24th Floor, New York, NY 10007-1866.

H. Sludge Management

The permittee shall comply with all applicable requirements of 6 NYCRR Part 360.

I. SPDES Permit Program Fee

The permittee shall pay to the Department an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the Department, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.

J. Water Treatment Chemicals (WTCs)

New or increased use and discharge of a WTC requires prior Department review and authorization. At a minimum, the permittee must notify the Department in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The Department will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. The majority of WTC authorizations do not require SPDES permit modification. In any event, use and discharge of a WTC shall not proceed without prior authorization from the Department. Examples of WTCs include biocides, coagulants, conditioners, corrosion inhibitors, defoamers, deposit control agents, flocculants, scale inhibitors, sequestrants, and settling aids.

1. WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized in writing by the Department.
2. The permittee shall **maintain a logbook** of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure that excessive levels of WTCs are not used.
3. The permittee shall **submit a completed *WTC Annual Report Form*** each year that they use and discharge WTCs. This form shall be attached to either the December DMR or the annual monitoring report required below.

The *WTC Notification Form* and *WTC Annual Report Form* are available from the Department's website at <http://www.dec.ny.gov/permits/93245.html>.

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- A. The monitoring information required by this permit shall be summarized, signed and retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent. **Also, monitoring information required by this permit shall be summarized and reported by submitting;**

(if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each 1 month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

(if box is checked) an annual report to the Regional Water Engineer at the address specified below. The annual report is due by February 1 each year and must summarize information for January to December of the previous year in a format acceptable to the Department.

(if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) to the:

Regional Water Engineer and/or County Health Department or Environmental Control Agency specified below

Send the **original** (top sheet) of each DMR page to:
 Department of Environmental Conservation
 Division of Water, Bureau of Water Compliance
 625 Broadway, Albany, New York 12233-3506
 Phone: (518) 402-8177

Send the **first copy** (second sheet) of each DMR page to:
 Department of Environmental Conservation
 Regional Water Engineer, Region 9
 270 Michigan Avenue
 Buffalo, NY 14203-2999
 Phone: (716) 851-7000

Send an **additional copy** of each DMR page to:

- B. Monitoring and analysis shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- C. More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.
- D. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- E. Unless otherwise specified, all information recorded on the DMRs shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- F. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to Section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.