New York State Department of Environmental Conservation
Division of Environmental Permits, Region 2
47-40 21ST Street, Long Island City, NY 11101-5407
Phone: (718) 482-4997 • **FAX:** (718) 482-4975
Website: www.dec.ny.gov

Joe Martens
Commissioner

September 11, 2012

Eric Sauerman
BP Brooklyn Terminal
125 Apollo Street
Brooklyn, NY 11222

Re: NYSDEC Permit # 2-6101-00055/00001
SPDES # NY 0004596
Facility: BP Products North America – Brooklyn Terminal
NOTICE OF PERMIT MODIFICATION

Dear Mr. Sauerman:

Enclosed is your modified State Pollution Discharge Elimination System (SPDES) permit. It is effective beginning October 1, 2012 and expires on February 28, 2017. Regarding your comment letter dated August 10, 2012, the Department has removed the referenced language on page 11 of 12, it was included in error.

Please read all permit conditions carefully. All permit documents must be available upon request by the Department staff and must be distributed to and understood by personnel responsible for the proper operation of the facility and compliance with the discharge limits. Any violation of these permit conditions constitutes a violation of the Environmental Conservation Law.

Be advised, the Uniform Procedures Regulations (6NYCRR Part 621) provide that an applicant may request a public hearing if a permit is denied or 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 Regional 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.

If you have any other questions regarding this permit, you may contact the Division of Environmental Permits at the above address. Please refer to the above referenced numbers when you are corresponding with this office or when you are applying to renew or modify this permit.

Any questions regarding the annual pollutant discharge elimination fee should be addressed to the Regulatory Fee Determination Unit at 1-800-225-2566.

Sincerely,

Stephen A. Watts III
Environmental Program Specialist II
Division of Environmental Permits

cc: NYSDEC RWE
NYSDEC CO BWP
NYCDEP
Chan Chakrabarti, NYSDEC DOW
NYC Dept. of Health
IEC
EPA
Bob Tworkowski, BP

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT

First3.99

Industrial Code:	**5171**	SPDES Number:	**NY 000 4596**
Discharge Class (CL):	**01**	DEC Number:	**2-6101-00055/00001**
Toxic Class (TX):	**T**	Effective Date (EDP):	**08/01/2012**
Major Drainage Basin:	**17**	Expiration Date (ExDP):	**07/31/2017**
Sub Drainage Basin:	**02**	Modification Dates:(EDPM)	**October 1, 2012**
Water Index Number:	**LI-4**		
Compact Area:	**IEC**		

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: **BP Products North America** Attention: **Eric W. Sauerman**
Street: **125 Apollo Street** **Terminal Manager**
City: **Brooklyn** State: **NY** Zip Code: **11222**
is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: **BP Products North America – Broooklyn Terminal**
Location (C,T,V): **Brooklyn** County: **Kings**
Facility Address: **125 Apollo Street**
City: **Brooklyn** State: **NY** Zip Code: **11222**
NYTM -E: NYTM - N:
From Outfall No.: **001** at Latitude: **40 ° 43 ' 49 "** & Longitude: **73 ° 56 ' 20 "**
into receiving waters known as: **Newtown Creek** Class: **SD**

and; (list other Outfalls, Receiving Waters & Water Classifications)
01A Newtown Creek (via 001) Class SD
002 Newtown Creek Class SD
003 Newtown Creek Class SD

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this perrmit; and 6 NYCRR Part 750-1.2(a) and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: **BP Products North America- Brooklyn Terminal**
Street: **125 Apollo Street** **Eric.Sauerman@BP.com**
City: **Brooklyn** State: **NY** Zip Code: **11222**
Responsible Official or Agent: **Eric W. Sauerman** Phone: **(718) 389-5966 x17**

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
EPA Region II - Michelle Josilo

Permit Administrator: John Cryan

Address: NYS Department of Environmental Conservation
Division of Environmental Permits - Region 2
47-40 21st Street
Long Island City, NY 11101

Signature: John J Cryan Date: 09/11/2012

PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

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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.		

PARA-METER	EFFLUENT LIMIT	PRACTICAL QUANTITATION LIMIT (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 standards, 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 analytical method specified in the permit shall be used to monitor the amount of the pollutant in the outfall to this level, provided that the laboratory analyst has complied with the specified quality assurance/quality control procedures in the relevant method. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This ML can be neither lowered nor raised without a modification of this permit.	Action Levels are monitoring requirements, as defined below in Note 2, that trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, Temperature, concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Note 1: 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. DAILY MAX: The highest allowable daily discharge. DAILY MIN: The lowest allowable daily discharge. MONTHLY AVG (daily 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. RANGE: The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown. 7 DAY ARITHMETIC MEAN (7 day average): The highest allowable average of daily discharges over a calendar week. 12 MRA (twelve month rolling avg): The average of the most recent twelve month's monthly averages. 30 DAY GEOMETRIC MEAN (30 d geo 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. 7 DAY GEOMETRIC MEAN (7 d geo mean): The highest allowable geometric mean of daily discharges over a calendar week.

Note 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. The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results in excess of the stated Action Level.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Secondary Containment/Stormwater/Hydrostatic Test Water	Newtown Creek	EDP	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.0	9.0	SU	Monthly	Grab	

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL		ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg	Daily Max.					
Flow	NA	Monitor		MGD	Monthly	Calculated	
Oil & Grease	NA	15		mg/l	Monthly	Grab	
Benzene	-	10		ug/l	Monthly	Grab	
Ethylbenzene	-	10		ug/l	Monthly	Grab	
Toluene	-	10		ug/l	Monthly	Grab	
Xylenes, Total	-	10		ug/l	Monthly	Grab	
Settleable Solids		0.1		ml/l	Monthly	Grab	

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
01A	Hydrostatic test water	Newtown Creek	EDP	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.0	9.0	SU	Each Discharge	Grab	

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL		ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg	Daily Max.					
Flow	NA	Monitor		GPD	Each Discharge	Calculated	1,3
Oil & Grease	NA	15		mg/l	Each Discharge	Grab	3
Chlorine, Total Residual	NA	100		ug/l	Each Discharge	Grab	2,3
Benzene	NA	10		ug/l	Each Discharge	Grab	3
Ethylbenzene	NA	20		ug/l	Each Discharge	Grab	3
Toluene	NA	20		ug/l	Each Discharge	Grab	3
Xylenes, Total	NA	20		ug/l	Each Discharge	Gra	3

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
002	Stormwater	Newtown Creek	EDPM	ExDP

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL		ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg	Daily Max.					
Flow		Monitor		GPD	Monthly	Galculated	
Oil & Grease		15		mg/l	Monthly	Grab	

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
003	Stormwater	Newtown Creek	EDPM	ExDP

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL		ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg	Daily Max.					
Flow		Monitor		GPD	Monthly	Galculated	
Oil & Grease		15		mg/l	Monthly	Grab	

Footnotes:

1. Flow shall be calculated by determining the volume of water used during hydrostatic testing.

2. Only required when chlorinated water is used in tank testing.

3. The Regional Water Engineer must be informed at least two business days prior to the discharge of tank test water. Any discharge of tank test water must be done under the direct supervision of plant personnel. Samples from the tank must be taken prior to discharge from various levels within the tank (top, middle, bottom). If sampling shows conformance with effluent limitations, discharge may be initiated. If effluent limitations are not attained, additional measures must be implemented to attain compliance prior to initiation of discharge. A visual check of the discharge must be made for the presence of oil and floating substances. Data associated with tank test water shall be kept, along with the log of visual observations, for a period of five years and made available to Department personnel upon request. The discharge of tank test water must be done in a manner that minimizes erosion of soil or sediment and does not cause flooding in the area of discharge. It must be done in a manner that minimizes the impact on fisheries.

NOTE: Groundwater is being routed to Exxon/Mobil on-site Treatment System (S224087 - 2-6101-00107-00026; and/or SPDES 0267724) and is identified as a contributory wastewater in the design of the wastewater treatment system.

Special Condition:

Report Mass Discharge - In addition to reporting discharge concentrations on the DMR, the permittee shall also report discharge loadings in pounds per day (lbs/day) for all parameters which have mg/l or ug/l concentration reporting requirements. Lbs/day shall be calculated as (outfall flow expressed in millions of gallons per day) x (concentration in mg/l) x (8.34 conversion factor).

Example: Oil & grease is measured at 11 mg/l in a 25,000 gpd discharge. The mass loading is (0.025 mgd) x (11 mg/l) x (8.34) = 2.3 lbs/day.

Prohibition:

Consistent with Department policy, dilution is prohibited as a substitute for treatment. Except where expressly authorized to do so by applicable Categorical Standards or the Commissioner or his/her duly authorized representative, no industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance witha permit effluent limitation requirement. No discharge of tank water bottoms and/or any industrial wastewaters are permitted. Included in the effluents categorized as industrial process effluents are wastewaters resulting from vehicle maintenance. Tank water bottoms and vehicle maintenance wastewaters are not likely to effectively treated by gravity separation alone and therefore ane not permitted to be discharged. After review of an Engineering submission for the treatment of tank bottoms and or maintenance and/or washing wastewaters these prohibitions may be altered. Waste or wastewater generated at locations other than this facility are not permitted to be treated at or discharged from this facility

NOTES:

This SPDES permit is not to be construed as altering obligations of the permittee under 6NYCRR Part 613.3(c)(6)(iii). Stormwater which collects within the secondary containment system must be controlled by a manually operated pump or siphon, or a gravity drain pipe which has two manually controlled dike valves operable from outside the dike. All pumps, siphons and valves must be properly maintained and kept in good condition. If gravity drain pipes are used, all dike valves must be locked in a closed position except when the operator is in the process of draining water from the diked area. The only exceptions shall be those expressly authorized by the Commissioner or his/her duly authorized representative.

A visual check for oil or floating substances must be made and logged prior to the initiation of any discharge from an impoundment or a discharge controlled by a normally closed valve. The log of visual observations shall be maintained at the facility for a period of at least five years and must be made available to the Department upon request.

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

   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 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. 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 which could cause contamination of 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 such water and permitted to 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 for.

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.

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 fire fighting 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) The permittee shall maintain the existing identification signs at all outfalls to surface waters, which have not been waived by the Department in accordance with 17-0815-a of the Environmental Conservation Law. 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: ( ) - ### -####

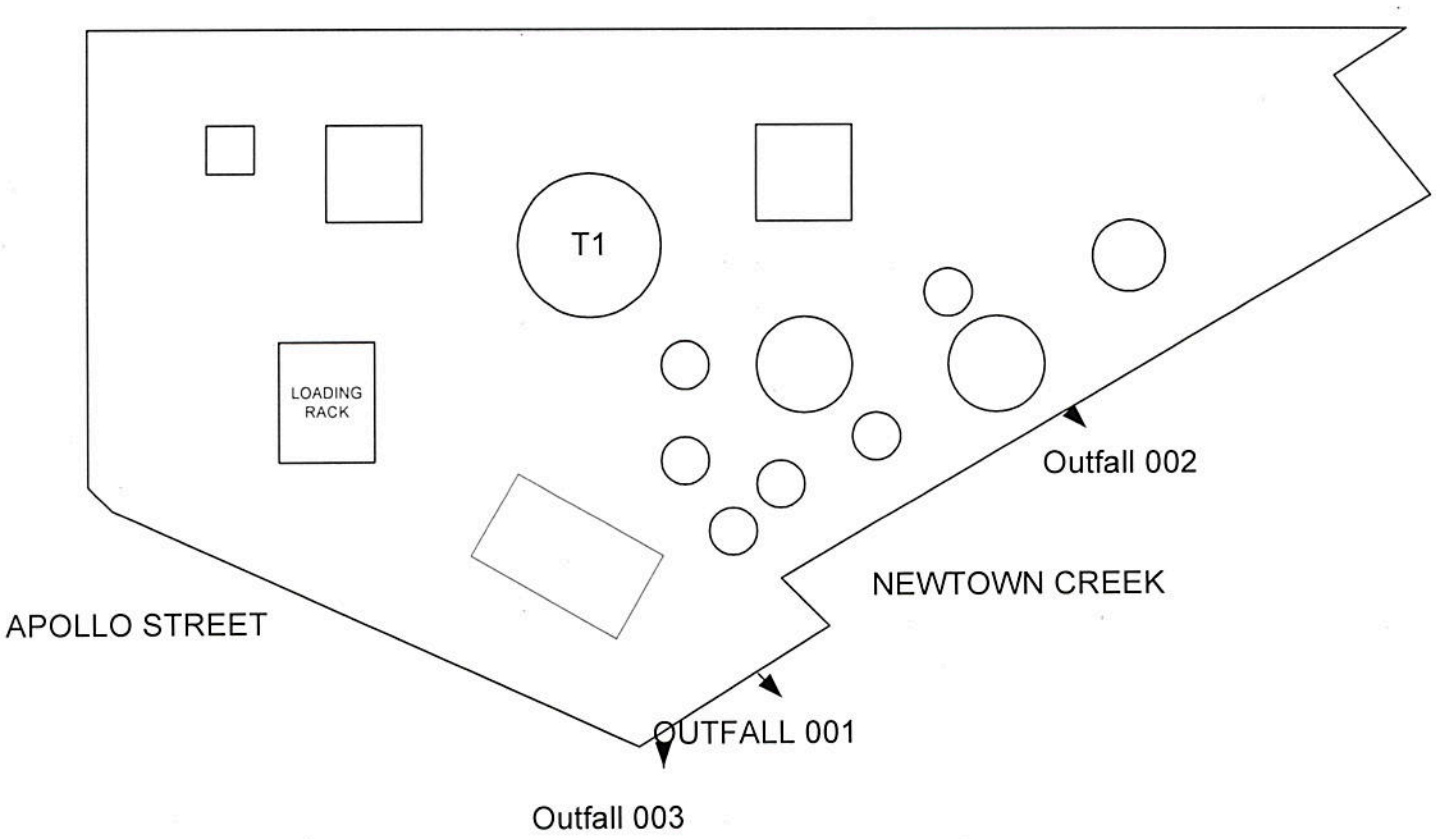
b) For each discharge required to have a sign in accordance with a), the permittee shall provide for public review at a repository accessible to the public, copies of the Discharge Monitoring Reports (DMRs) as required by the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of this 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.

c) The permittee shall periodically inspect the outfall identification signs in order to ensure that they are maintained, are still visible and contain information that is current and factually correct.

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:

001 & 01A (Hydrostatic Test Water) discharged via the same outfall (001) to Newtown Creek. The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the locations(s) below for the effluent prior to discharge to Newtown Creek. Sampling of the hydrostatic test effluent (01A) shall be from the tank, pipe, etc. contents prior to discharge via 001.



RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

a) The permittee shall also refer to 6 NYCRR Part 750-1.2(a) and 750-2 for additional information concerning monitoring and reporting requirements and conditions.

b) The monitoring information required by this permit shall be summarized, signed and retained for a period of 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;**

[x] (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 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 DMRs with **original signatures** to:

Department of Environmental Conservation
Division of Water
Bureau of Water Compliance Programs
625 Broadway
Albany, New York 12233-3506

Phone: (518) 402-8177

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

Send a **copy** of each DMR page to:

Department of Environmental Conservation
Regional Water Engineer, Region 2
One Hunter Point Plaza
47-40 21st Street
Long Island City, NY 11101-5407

Phone: 718-482-4933

c) Noncompliance with the provisions of this permit shall be reported to the Department as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2.

d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

e) 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 shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.

f) Calculation for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.

h) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two 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 sent to the Environmental Laboratory Accreditation Program, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences , The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.