VPDES PERMIT PROGRAM FACT SHEET
FILE NO: 451

This document gives pertinent information concerning the VPDES Permit listed below. This permit is being processed as a **MINOR INDUSTRIAL** permit.

1. **PERMIT NO.**: VA0057142 **EXPIRATION DATE**: July 20, 2006

2. **FACILITY NAME AND LOCAL MAILING ADDRESS**

Kinder Morgan Bulk Terminals - Pier IX Terminal
P.O. Box 38
Newport News, VA 23607

FACILITY LOCATION ADDRESS (IF DIFFERENT)

21st and Terminal Avenue
Newport News, VA 23607

CONTACT AT FACILITY:
NAME: Mr.Robert Coffey
TITLE: Senior Facility Manager
PHONE: (757) 928-1520

CONTACT AT LOCATION ADDRESS
NAME: Mr. Robert Coffey
TITLE: Senior Facility Manager
PHONE: (757) 928-1520

3. **OWNER CONTACT**: (TO RECEIVE PERMIT)
NAME: Ms. Marie E. Krien-Schmidt
TITLE: Director, Environmental Affairs
COMPANY NAME: Kinder Morgan Operating L.P. "C"
ADDRESS: P.O. Box 625
Sorrento, LA 70778-0625
PHONE: (800) 535-8170

CONSULTANT CONTACT: NA

4. **PERMIT DRAFTED BY**: DEQ, Water Permits, Tidewater Regional Office

Permit Writer(s): Sauer Date(s): 10/29/01
Reviewed By: Date(s):

5. **PERMIT CHARACTERIZATION**: (Check as many as appropriate)

( ) Issuance
( ) Reissuance
( ) Revoke & Reissue
( ) Owner Modification
(x) Board Modification
( ) Change of Ownership/Name
(Effective Date:_____

( ) Municipal
SIC Code(s)

(x) Industrial
SIC Code(s): 4491

( ) POTW
( ) PVOTW
(x) Private
( ) Federal
( ) State
( ) Publicly-Owned Industrial

(x) Existing Discharge
( ) Proposed Discharge

(x) Effluent Limited
( ) Water Quality Limited
( ) WET Limit
( ) Interim Limits in Permit
( ) Interim Limits in Other Document

( ) Compliance Schedule Required
( ) Site Specific WQ Criteria
( ) Variance to WQ Standards
( ) Water Effects Ratio
(x) Discharge to 303(d) Listed Segment
(x) Toxics Management Program Required
( ) Toxics Reduction Evaluation
(x) Storm Water Management Plan
( ) Pretreatment Program Required
( ) Possible Interstate Effect

11/01/00

APPLICATION COMPLETE: NA, Board Modification

6. **RECEIVING WATERS CLASSIFICATION:** River basin information.

Outfall No(s):001, 002 and 003

Receiving Stream:	James River
River Mile:	2-JMS001.23
Basin:	James River (Lower)
Subbasin:	N/A
Section:	1
Class:	II
Special Standard(s):	a, NEW-19
Tidal:	YES
7-Day/10-Year Low Flow:	N/A MGD
1-Day/10-Year Low Flow:	N/A MGD
30-Day/5-Year Low Flow:	N/A MGD
Harmonic Mean Flow:	N/A MGD

7. **FACILITY DESCRIPTION:** Describe the type facility from which the discharges originate.

EXISTING industrial discharge resulting from the storm water runoff from site whose actives include storage and transshipment of coal and Portland cement.

THIS MODIFICATION CONSISTS OF: Incorporating a portion of the Storm Water Screening Criteria wording into the permit that was inadvertently omitted from the final permit transmitted to the permittee. This is considered a typographical error, and will be handled as a minor modification.

8. **LICENSED OPERATOR REQUIREMENTS:** (x) No ( ) Yes Class:

9. **RELIABILITY CLASS:** Industrial Facility - NA

10. **SITE INSPECTION DATE:** 01/18/01 **REPORT DATE:** 01/25/01

Performed By: REF

SEE ATTACHMENT NA

11. **DISCHARGE(S) LOCATION DESCRIPTION:** Provide USGS Topo which indicates the discharge location, significant (large) discharger(s) to the receiving stream, water intakes, and other items of interest.

Name of Topo: Newport News South Quadrant No.: 35B **SEE ATTACHMENT NA**

12. **ATTACH A SCHEMATIC OF THE WASTEWATER TREATMENT SYSTEM(S) [IND. & MUN.]. FOR INDUSTRIAL FACILITIES, PROVIDE A GENERAL DESCRIPTION OF THE PRODUCTION CYCLE(S) AND ACTIVITIES. FOR MUNICIPAL FACILITIES, PROVIDE A GENERAL DESCRIPTION OF THE TREATMENT PROVIDED.**

Narrative:

Wastewater treatment facilities consist of a lined-batch discharge retention pond with pH adjustments.

SEE ATTACHMENT NA

13. **DISCHARGE DESCRIPTION:** Describe each discharge originating from this facility.

SEE **TABLE I** (OR CAN SUBSTITUTE PAGE 2C) - **SEE ATTACHMENT NA**

14. **COMBINED TOTAL FLOW:**

TOTAL: 1.6614 MGD

PROCESS FLOW: 0.0001 MGD (IND.)

NONPROCESS/RAINFALL DEPENDENT FLOW: 1.6613 (Est.)

15. **STATUTORY OR REGULATORY BASIS FOR EFFLUENT LIMITATIONS AND SPECIAL CONDITIONS:**
(Check all which are appropriate)

- X State Water Control Law
- X Clean Water Act
- X VPDES Permit Regulation (9 VAC 25-31-10 et seq.)
- X EPA NPDES Regulation (Federal Register)
- ___ EPA Effluent Guidelines (40 CFR 133 or 400 - 471)
- X Water Quality Standards (9 VAC 25-260-5 et seq.)
- ___ Wasteload Allocation from a TMDL or River Basin Plan

16. **EFFLUENT LIMITATIONS/MONITORING:** Provide all limitations and monitoring requirements being placed on each outfall.

SEE TABLE II - ATTACHMENT NA

17. **SPECIAL CONDITIONS:** Provide all actual permit special conditions.

SEE ATTACHMENT 1, updated special conditions showing new wording; no other portions of the permit are affected.

18. **EFFLUENT LIMITATIONS/MONITORING RATIONALE:** Attach any analyses of an outfall by individual toxic parameter. As a minimum, it will include: statistics summary (number of data values, quantification level, expected value, variance, covariance, 97th percentile, and statistical method); wasteload allocation (acute, chronic and human health); effluent limitations determination; input data listing. Include all calculations used for each outfall and set of effluent limits and those used in any model(s). Include all calculations/documentation of any antidegradation or anti-backsliding issues in the development of any limitations; complete the review statements below. Provide a rationale for limiting internal waste streams and indicator pollutants. Attach chlorine mass balance calculations, if performed. Attach any additional information used to develop the limitations, including any applicable water quality standards calculations (acute, chronic and human health).

OTHER CONSIDERATIONS IN LIMITATIONS DEVELOPMENT:

VARIANCES/ALTERNATE LIMITATIONS: Provide justification or refutation rationale for requested variances or alternatives to required permit conditions/limitations. This includes, but is not limited to: waivers from testing requirements; variances from technology guidelines or water quality standards; WER/translator study consideration; variances from standard permit limits/conditions.

N/A

SUITABLE DATA: In what, if any, effluent data were considered in the establishment of effluent limitations and provide all appropriate information/calculations.

All suitable effluent data were reviewed.

ANTIDEGRADATION REVIEW: Provide all appropriate information/calculations for the antidegradation review.

The receiving stream has been classified as tier 2; therefore, no significant degradation of the existing water quality will be allowed. See antidegradation calculations/determinations.

ANTIBACKSLIDING REVIEW: Indicate if antibacksliding applies to this permit and, if so, provide all appropriate information.

Backsliding applies to this permit but conforms to the anti-backsliding provisions of section 402(o) of the Clean Water Act, 9 VAC 25-31-220 L. of the VPDES Permit regulation and 40 CFR 122.4 (l).

SEE ATTACHMENT NA

19. **SPECIAL CONDITIONS RATIONALE:** Provide a rationale for each of the permit's special conditions.

SEE ATTACHMENT 2

20. **TOXICS MONITORING/TOXICS REDUCTION AND WET LIMIT SPECIAL CONDITIONS RATIONALE:** Provide the justification for any toxics monitoring program and/or toxics reduction program and WET limit; the actual conditions for the permit are to be included under Attachment 6.

SEE ATTACHMENT 3

21. **SLUDGE DISPOSAL PLAN:** Provide a description of the sludge disposal plan (e.g., type sludge, treatment provided and disposal method). Indicate if any of the plan elements are included within the permit.

N/A

22. **MATERIAL STORED:** List the type and quantity of wastes, fluids, or pollutants being stored at this facility. Briefly describe the storage facilities and list, if any, measures taken to prevent the stored material from reaching State waters.

SEE ATTACHMENT NA

23. **RECEIVING WATERS INFORMATION:** Refer to the State Water Control Board's Water Quality Standards [e.g., River Basin Section Tables (9 VAC 25-260-5 et seq.). **Use 9 VAC 25-260-140 C (introduction and numbered paragraph) to address tidal waters where fresh water standards would be applied or transitional waters where the most stringent of fresh or salt water standards would be applied.** Attach any memoranda or other information which helped to develop permit conditions (i.e. tier determinations, PReP complaints, special water quality studies, STORET data and other biological and/or chemical data, etc.

SEE ATTACHMENT NA

24. **303(d) Listed Segments:** Indicate if the facility discharges to a segment that is listed on the current 303(d) list and, if so, provide all appropriate information/calculations.

This facility discharges directly to James River. This receiving stream segment has been listed on Part 1 of the 303(d) list for non-attainment of shellfish restriction. A TMDL has not been prepared or approved for this stream segment. The permit contains a TMDL reopener clause which will allow the it to be modified, in compliance with section 303(d)(4) of the Act once a TMDL is approved.

SEE ATTACHMENT NA

25. **CHANGES TO PERMIT:** Use **TABLE III(a)** to record any changes from the previous permit and the rationale for those changes. Use **TABLE III(b)** to record any changes made to the permit during the permit processing period and the rationale for those changes [i.e., use for comments from the applicant, VDH, EPA, other agencies and/or the public where comments resulted in changes to the permit limitations or any other changes associated with the special conditions or reporting requirements].

SEE ATTACHMENT 4

26. **NPDES INDUSTRIAL PERMIT RATING WORKSHEET:**

TOTAL SCORE: 49 **SEE ATTACHMENT NA**

27. **DEQ PLANNING COMMENTS RECEIVED ON DRAFT PERMIT:** Document any comments received from DEQ planning.

The discharge is not addressed in any planning document but will be included when the plan is updated.

28. **PUBLIC PARTICIPATION:** Document comments/responses received during the public participation process. If comments/responses provided, especially if they result in changes to the permit, place in the attachment.

VDH/DSS COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from the Virginia Dept. of Health and noted how resolved.

NA - minor modification

EPA COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from the U.S. Environmental Protection Agency and noted how resolved.

NA - minor modification

ADJACENT STATE COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from an adjacent state and noted how resolved.

Not Applicable.

OTHER AGENCY COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from any other agencies (e.g., VIMS, VMRC, DGIF, etc.) and noted how resolved.

Not Applicable.

OTHER COMMENTS RECEIVED FROM RIPARIAN OWNERS/CITIZENS ON DRAFT PERMIT: Document any comments received from other sources and note how resolved.

NA - minor modification; no public notice

PUBLIC NOTICE INFORMATION: Comment Period: Start Date NA
End Date NA

29. **ADDITIONAL FACT SHEET COMMENTS/PERTINENT INFORMATION:**

None.

30. **SUMMARY OF SPECIFIC ATTACHMENTS LABELED AS:**

Attachment___	Site Inspection Report/Memorandum
Attachment___	Discharge Location/Topographic Map
Attachment___	Schematic/Plans & Specs/Site Map/Water Balance
Attachment___	TABLE I - Discharge/Outfall Description
Attachment___	TABLE II - Effluent Monitoring/Limitations
Attachment 1	Special Conditions
Attachment___	Effluent Limitations/Monitoring Rationale/Suitable Data/Antidegradation/Antibacksliding
Attachment 2	Special Conditions Rationale
Attachment 3	Toxics Monitoring/Toxics Reduction/WET Limit Rationale
Attachment__	Material Stored
Attachment__	Receiving Waters Info./Tier Determination/STORET Data/Stream Modeling
Attachment__	303(d) Listed Segments
Attachment 4	TABLE III(a) and TABLE III(b) - Change Sheets
Attachment__	NPDES Industrial Permit Rating Worksheet
Attachment 5	Chronology Sheet
Attachment 6	General Correspondence
Attachment____	Public Participation

ATTACHMENT 1

SPECIAL CONDITIONS

VPDES PERMIT PROGRAM
LIST OF SPECIAL CONDITIONS

B. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. Permit Reopeners

a. Water Quality Standards Reopener

Should effluent monitoring indicate the need for any water quality based limitation, this permit may be modified or, alternatively, revoked and reissued to incorporate appropriate limitations.

b. Nutrient Enriched Waters Reopener

This permit shall be modified or, alternatively, revoked and reissued to include new or alternative nutrient limitations should the State Water Control Board adopt nutrient standards for the Chesapeake Bay and tributary river basins, or if a future water quality regulation, statute, or water quality management plan requires new or alternative nutrient control.

c. Total Maximum Daily Load (TMDL) Reopener

The Board may modify or, alternatively, revoke and reissue this permit if any applicable standard(s) promulgated under section 303(d) of the Clean Water Act or as a result of the development of a TMDL would result in more stringent limits or other requirements in this permit.

2. Operations and Maintenance (O & M) Manual

The permittee **shall review the existing O & M Manual and notify the DEQ Tidewater Regional Office (TRO), in writing, within 90 days from the effective date** of the permit that it is still current. If the O & M Manual is no longer current, a revised O & M Manual shall be submitted for approval to TRO within 90 days from the effective date of the permit. Once approved, this revised manual shall become an enforceable condition of this permit. Future changes to the facility must be addressed by the submittal of a revised O & M Manual.

3. Notification Levels

The permittee shall notify the Department as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 ug/l);
(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the Board.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(1) Five hundred micrograms per liter (500 ug/l);
(2) One milligram per liter (1 mg/l) for antimony;
(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.
(4) The level established by the Board.

4. Quantification Levels Under Part I.A.

a. The maximum quantification levels (QL) shall be as follows:

Effluent Characteristic	Quantification Level
Copper	7.2 µg/l
Zinc	52 µg/l

b. The permittee may use any approved method which has a QL equal to or lower than the QL listed in 4.a. above. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method.

c. It is the responsibility of the permittee to ensure that proper QA/QC protocols are followed during the sampling and analytical procedures. QA/QC information shall be documented to confirm that appropriate analytical procedures have been used and the required QLs have been attained.

d. An appropriate analytic method for metals shall be selected from the following list of EPA methods, or any approved method in 40 CFR Part 136, which will achieve a QL that is less than or equal to the QL specified in 4.a. above.

Metal	Analytical Methods
Copper	220.1; 200.7; 220.2; 200.9; 1638; 1640; 200.8
Zinc	289.1; 200.7; 1638; 1639; 200.8; 289.2

5. Compliance Reporting Under Part I.A.

a. **Daily maximum** -- Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in Part I.B.4.a. above shall be determined as follows: All data below the test method QL listed in Part I.B.4.a. above shall be treated as zero. All data equal to or above the yest method QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR. If all data for each daily maximum are less than the test method QL, a "<[XX]" shall be reported on the DMR, where the actual test method QL shall be substituted for "[XX]".

6. Materials Handling and Storage

Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of and/or stored in such a manner so as not to permit a discharge of such product, materials, industrial wastes and/or other wastes to State waters, except as expressly authorized.

C. STORM WATER MANAGEMENT CONDITIONS

1. Sampling Methodology for Specific Outfalls 001, 002 and 003

Due to the nature of the effluent discharged at these outfalls, the following shall be required when obtaining samples required by Part I.A. of this permit:

a. At the time of sampling, the permittee shall ensure that the effects of tidal influences are kept to an absolute minimum. This can be achieved by:

(1) Sampling at low tide and/or

(2) Sampling at a representative point which has been demonstrated to be free of tidal influences

b. In the event that sampling of an outfall is not possible due to the absence of effluent flow during a particular testing period, the permittee shall provide written notification to DEQ with the DMR for the month following the period in which samples were to be collected.

2. Storm Water Management Evaluation

The Storm Water Pollution Prevention Plan, which is to be developed and maintained in accordance with Part I.C.4 of this permit, shall have a goal of reducing pollutants discharged at all the regulated storm water outfalls.

a. Pollutant Specific Screening

The goal shall place emphasis on reducing, to the maximum extent practicable, the following screening criteria parameters in the outfalls noted below.

OUTFALL NO.	POLLUTANTS
001	copper and zinc
002	copper
003	copper

b. Toxicity Screening

The permittee shall conduct **annual acute toxicity tests** at outfall 001 using grab samples of final effluent. These acute screening tests shall be 48-hour static tests using **Mysidopsis bahia and Cyprinodon variegatus**, conducted in such a manner and at sufficient dilutions for calculation of a valid LC_{50}. The tests shall be conducted on a calendar year basis with one copy of all **results and all supporting information submitted with the annual report due by February 10th of each year.**

Technical assistance in developing the procedures for these tests shall be provided by the Department of Environmental Quality (DEQ), if requested by the permittee. Laboratory test protocols and the use of alternative species shall be approved by the DEQ

staff prior to the initiation of testing. As long as the permittee utilizes the currently approved laboratory and their approved protocols, no protocol approval action is necessary. However, if the permittee changes laboratories, or sampling or testing procedures, test protocols must be submitted for approval at least two months prior to that change. **If necessary, submit test protocols for approval by December 10, 2001.**

If any of the biological screening tests are invalidated, an additional test shall be conducted within thirty (30) days of notification. If there is no discharge during this 30-day period, a sample must be taken during the first qualifying discharge.

c. The effectiveness of the Plan will be evaluated via the required monitoring for all parameters listed in Part I.A. of this permit for the regulated storm water outfalls, including the screening criteria parameters. Monitoring results which are above the screening criteria values will not indicate unacceptable values. However, those results will justify the need to reexamine the effectiveness of the Plan and any best management practices (BMPs) being utilized for the affected outfalls. In addition, the permittee shall amend the Plan whenever there is a change in the facility or its operation which materially increases the potential for activities to result in a discharge of significant amounts of pollutants.

By February 10th of each year, the permittee shall submit to the DEQ Tidewater Regional Office an annual report which includes the pollutant-specific data from the outfalls included in this condition along with a summary of any steps taken to modify either the Plan or any BMPs based on the monitoring data. The first report is due on February 10, 2002.

3. General Storm Water Conditions

a. Sample Type - Outfalls 002 and 003

For all storm water monitoring required in Part I.A. or other applicable sections of this permit, a minimum of one grab sample shall be taken. Unless otherwise specified, all such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with

industrial activity commingle with process or nonprocess water, then where practicable permittees must attempt to sample the storm water discharge before it mixes with the nonstorm water discharge.

b. Recording of Results

For each measurement or sample taken pursuant to the storm event monitoring requirements of this permit, the permittee shall record and report with the Discharge Monitoring Reports (DMRs) the following information:

(1) The date and duration (in hours) of the storm event(s) sampled;

(2) The rainfall measurements or estimates (in inches) of the storm event which generated the sampled discharge; and

(3) The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

In addition, the permittee shall maintain a monthly log documenting the amount of rainfall received at this facility on a daily basis. A summarization of this information shall also be submitted with the DMRs.

c. Sampling Waiver

When a permittee is unable to collect storm water samples required in Part I.A. or other applicable sections of this permit within a specified sampling period due to adverse climatic conditions, the permittee shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

d. Representative Discharge

When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes substantially identical effluents are discharged, the permittee may test the effluent of one of such outfalls and report that the quantitative data also apply to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [(i.e., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan. Permittees required to submit monitoring information under this permit shall include the

description of the location of the outfalls, an explanation of why outfalls are expected to be substantially identical effluents, and an estimate of the size of the drainage area and runoff coefficient with the discharge monitoring report. The representative discharge provision is not applicable to compliance monitoring requirements under Part I.A. of this permit.

e. Quarterly Visual Examination of Storm Water Quality

Unless another more frequent schedule is established elsewhere within this permit, the permittee shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall. The examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December.

(1) Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previous measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term.

(2) Visual examination reports must be maintained onsite with the pollution prevention plan. The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

(3) When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and

explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (i.e., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)) shall be provided in the plan.

(4) When the permittee is unable to conduct the visual examination due to adverse climatic conditions, the permittee must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examinations. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

f. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110 (1998), 40 CFR 117 (1998) or 40 CFR 302 (1998) occurs during a 24-hour period, the permittee is required to notify the Department in accordance with the requirements of Part II.G. of this permit as soon as he or she has knowledge of the discharge. In addition, the storm water pollution prevention plan required by this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110 (1998), 40 CFR 117 (1998) and 40 CFR 302 (1998) or □ 62.1-44.34:19 of the Code of Virginia.

4. Storm Water Pollution Prevention Plan

A storm water pollution prevention plan shall be developed for the facility. The plan shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The permittee must implement the provisions of the storm water pollution prevention plan as a condition of this permit.

The storm water pollution prevention plan requirements of this permit may be fulfilled by incorporating by reference other plans or

documents such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plan developed for the facility under Section 311 of the Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of this section. If an erosion and sediment control plan is being incorporated by reference, it shall have been approved by the locality in which the activity is to occur or by another appropriate plan approving authority authorized under the Virginia Erosion and Sediment Control Regulation 4 VAC 50-30-10 et seq. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit.

a. Deadlines for Plan Preparation and Compliance

Existing Facilities

The storm water pollution prevention plan which was previously prepared and implemented shall be complied with, and continually updated as needed in accordance with sections b., c., d. and e. below.

(1) Measures That Require Construction

In cases where construction is necessary to implement measures required by the plan, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than 3 years after the effective date of the permit. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate nonstructural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.

b. Signature and Plan Review

(1) Signature/Location

The plan shall be signed in accordance with Part II.K. of this permit and be retained onsite at the facility which generates the storm water discharge in accordance with Part II.B. of this permit. For inactive facilities, the plan may be kept at the nearest office of the permittee.

(2) Availability

The permittee shall make the storm water pollution prevention plan, annual site compliance inspection report, or other information available to the Department upon request.

(3) Required Modifications

The Regional Office may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of the permit. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this permit. Within 60 days of such

notification, the permittee shall make the required changes to the plan and shall submit to the Regional Office a written certification that the requested changes have been made.

c. Keeping Plans Current

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to surface waters of the State or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under section d. below, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. New owners shall review the existing plan and make appropriate changes. Amendments to the plan may be reviewed by the Department in the same manner as noted in section b. above.

d. Contents of Plan

The contents of the pollution prevention plan shall comply with the requirements listed below. These requirements are cumulative. The following requirements are applicable to all storm water pollution prevention plans developed under this permit. The plan shall include, at a minimum, the following items.

(1) Pollution Prevention Team

The plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

(2) Description of Potential Pollutant Sources

The plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or that may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The plan shall identify all activities and significant materials which may potentially be significant pollutant sources. The plan shall include, at a minimum:

(a) Drainage

i. A site map indicating an outline of the portions of the drainage area of each storm water outfall within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed

to precipitation, locations where major spills or leaks identified under section (2)(c) below have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage or disposal of wastes and wastewaters; locations used for the treatment, filtration or storage of water supplies; liquid storage tanks; processing areas; and, storage areas. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of these outfalls.

ii. For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in the storm water discharges. Factors to consider include: the toxicity of chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and, history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

(b) Inventory of Exposed Materials

An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the effective date of this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the effective date of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

(c) Spills and Leaks

A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the effective date of this permit. Such list shall be updated as appropriate during the term of the permit.

(d) Sampling Data

A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

(e) Risk Identification and Summary of Potential Pollutant Sources

A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and, on-site waste disposal practices and wastewater treatment activities to include sludge drying, storage, application or disposal activities. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, total suspended solids, etc.) of concern shall be identified.

(3) Measures and Controls

The permittee shall develop a description of storm water management controls appropriate for the facility and implement these controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.

(a) Good Housekeeping

Good housekeeping requires the clean and orderly maintenance of areas which may contribute pollutants to storm water discharges. The plan shall describe procedures performed to minimize contact of materials with storm water runoff. Particular attention should be paid to areas where raw materials are stockpiled, material handling areas, storage areas, liquid storage tanks, material handling areas, and loading/unloading areas.

(b) Preventive Maintenance

A preventive maintenance program shall involve: timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins); inspection and testing of facility equipment and systems to uncover conditions that could cause breakdowns or failures which could result in discharges of pollutants to surface waters; and, appropriate maintenance of such equipment and systems.

(c) Spill Prevention and Response Procedures

Areas where potential spills may occur which can contribute pollutants to storm water discharges, and

their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to the appropriate personnel.

(d) Inspections

In addition to or as part of the comprehensive site compliance evaluation required under section d.(4) below, qualified facility personnel who are familiar with the industrial activity, the BMPs and the storm water pollution prevention plan shall be identified to inspect designated equipment and areas of the facility at appropriate intervals. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained with the pollution prevention plan.

(e) Employee Training

Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify periodic dates for such training.

(f) Recordkeeping and Internal Reporting Procedures

A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the pollution prevention plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

(g) Sediment and Erosion Control

The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

(h) Management of Runoff

The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices [practices other than those which control the generation or source(s) of pollutants] used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide for the implementation and maintenance of measures that the permittee determines to be reasonable and appropriate. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices; reuse of collected storm water (such as for a process or as an irrigation source); inlet controls (such as oil/water separators); snow management activities; infiltration devices; wet detention/retention devices; or, other equivalent measures.

(4) Comprehensive Site Compliance Evaluation

Qualified facility personnel who are familiar with the industrial activity, the BMPs and the storm water pollution prevention plan shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, in no case less than once a year during the permit term. Such evaluations shall include the following.

(a) Areas contributing to a storm water discharge associated with industrial activity, such as material storage, handling and disposal activities, shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

(b) Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with section d.(2) above and pollution prevention measures and controls identified in the plan in accordance with section d.(3) above shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the evaluation.

(c) A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the

evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with section (4)(b) above shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date of the evaluation. The report shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part II.K. of this permit.

(d) Where compliance evaluation schedules overlap with inspections required under section d.(3)(d), the compliance evaluation may be conducted in place of one such inspection.

e. Special Pollution Prevention Plan Requirements

In addition to the minimum standards listed in section d. above, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines.

(1) Additional Requirements for Storm Water Discharges Associated with Industrial Activity from Facilities Subject to Emergency Planning and Community Right-to Know Act (EPCRA) Section 313 Requirements

In addition to the requirements of other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under EPCRA Section 313 prior to May 1, 1997, for chemicals which are classified as Section 313 water priority chemicals in accordance with the definition at the end of this section, except as provided in section e.(1)(b)ii. below, and where there is the potential for these chemicals to mix with storm water discharges, shall describe and ensure the implementation of practices which are necessary to provide for conformance with the following guidelines.

(a) In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided unless otherwise exempted under section e.(1)(c) below. At a minimum, one of the following preventive systems or its equivalent shall be used:

i. Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water runon to come into contact with significant sources of pollutants; or

ii. Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.

(b) In addition to the minimum standards listed under section e.(1) above and except as otherwise exempted under section e.(1)(c) below, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with other effective storm water pollution prevention procedures, and applicable state rules, regulations, and guidelines.

i. Liquid Storage Areas Where Storm Water Comes Into Contact with Any Equipment, Tank, Container, or Other Vessel Used for Section 313 Water Priority Chemicals

- No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure, temperature, etc.

- Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of these chemicals. Appropriate measures to minimize discharges of Section 313 water priority chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.

ii. Material Storage Areas for Section 313 Water Priority Chemicals Other Than Liquids

Material storage areas for Section 313 water priority chemicals other than liquids which are subject to storm water runoff, leaching, or wind effects shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with those chemicals.

iii. Truck and Rail Car Loading and Unloading Areas for Liquid Section 313 Water Priority Chemicals

Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of those chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) when making and breaking hose

connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.

iv. Areas Where Section 313 Water Priority Chemicals are Transferred, Processed or Otherwise Handled

Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with Section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind effects, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.

v. Discharges from Areas Covered by Paragraphs i., ii., iii. or iv.

- Drainage from areas covered by paragraphs i., ii., iii. or iv. of this section should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.

- Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.

- If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.

  - Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.

vi. Facility Site Runoff Other Than From Areas Covered by i., ii., iii. or iv.

Other areas of the facility [those not addressed

in paragraphs i., ii., iii. or iv.], from which runoff which may contain Section 313 water priority chemicals or where spills of Section 313 water priority chemicals could cause a discharge, shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in storm water runoff or leachate.

vii. Preventive Maintenance and Housekeeping

All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or for direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, corrosion, support or foundation failure, effects of wind blowing, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to waters of the State, action to stop the leak or otherwise prevent the significant release of Section 313 water priority chemicals to waters of the State shall be immediately taken or the unit or process shut down until such action can be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the plan.

viii. Facility Security

Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

ix. Training

Facility employees and contractor personnel that work in areas where Section 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted

at intervals specified in the plan, but not less than once per year. Training shall address pollution control laws and regulations, the storm water pollution prevention plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of those chemicals can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

(c) Facilities subject to reporting requirements under EPCRA Section 313 for chemicals that are classified as Section 313 water priority chemicals, in accordance with the definition at the end of this section, that are handled and stored onsite only in gaseous or nonsoluble liquid or solid (at atmospheric pressure and temperature) forms may provide a certification as such in the pollution prevention plan in lieu of the additional requirements in section e.(1) above. Such certification shall include a narrative description of all water priority chemicals and the form in which they are handled and stored, and shall be signed in accordance with Part II.K. of this permit.

(d) The storm water pollution prevention plan shall be certified in accordance with Part II.K. of this permit.

(2) Requirements for Salt Storage

Storage piles of salt used for deicing or other commercial or industrial purposes and which generate a storm water discharge associated with industrial activity which is discharged to surface waters of the State shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to surface waters of the State.

"Section 313 Water Priority Chemicals" means a chemical or chemical categories which: 1) are listed at 40 CFR Part 372.65 (1998) pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986) (42 USC 11001 et seq.); 2) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) are listed in Appendix D of 40 CFR Part 122 (1998) on either Table II (organic priority pollutants), Table III (certain metals, cyanides and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous

substance pursuant to section 311(b)(2)(A) of the Clean Water Act at 40 CFR Part 116.4 (1998); or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

5. Facility-Specific Storm Water Conditions

The requirements listed under this category shall apply to storm water discharges from water transportation facilities that have vehicle maintenance shops and/or equipment cleaning operations. The water transportation industry includes facilities engaged in foreign or domestic transport of freight or passengers in deep sea or inland waters; marine cargo handling operations; ferry operations; towing and tugboat services; and marinas (facilities commonly identified by Standard Industrial Classification (SIC) code Major Group 44).

In addition to the requirements of Part I.C.4., the storm water pollution prevention plan shall include, at a minimum, the following items.

a. Description of Potential Pollutant Sources

(1) Drainage

A site map indicating the locations of the following activities where such activities are exposed to precipitation: fueling, engine maintenance and repair, painting, sanding, blasting, welding, metal fabrication, loading/unloading areas, locations used for the treatment, storage or disposal of wastes; liquid storage tanks, liquid storage areas (e.g., paint, solvents, resins), and material storage areas (e.g., blasting media, aluminum, steel, scrap iron) processing areas and buildings; treatment ponds; location of short and long term storage of general materials (including but not limited to: supplies, construction materials, plant equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizers, and pesticides) and locations of stock pile areas (such as coal piles and limestone piles).

b. Measures and Controls

(1) Good Housekeeping

The following areas must be specifically addressed, when applicable at a facility.

(a) Blasting and Painting Areas

The permittee must consider containing all blasting and painting activities to prevent abrasives, paint chips, and overspray from reaching the receiving water or the storm sewer system. The plan must describe measures taken at the facility to prevent or minimize the discharge of spent abrasive, paint chips, and paint into the receiving waterbody and storm sewer system. The permittee may consider hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris. Where required, a schedule for cleaning storm water conveyances to remove deposits of abrasive blasting debris and paint chips should be addressed within the plan. The plan should

include any standard operating practices with regard to blasting and painting activities. Such included items may be the prohibition of performing uncontained blasting and painting over open water or blasting and painting during windy conditions which can render containment ineffective.

(b) Material Storage Areas

All stored and containerized materials (fuels, paints, solvents, waste oil, antifreeze, batteries) must be stored in a protected, secure location away from drains and plainly labeled. The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The plan must specify which materials are stored indoors and consider containment or enclosure for materials that are stored outdoors. Above ground storage tanks, drums, and barrels permanently stored outside must be delineated on the site map with a description of the containment measures in place to prevent leaks and spills. The permittee must consider implementing an inventory control plan to prevent excessive purchasing, storage, and handling of potentially hazardous materials. Where abrasive blasting is performed, the plan must specifically include a discussion on the storage and disposal of spent abrasive materials generated at the facility.

(c) Engine Maintenance and Repair Areas

The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for engine maintenance and repair. The permittee may consider performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and/or collecting the storm water runoff from the maintenance area and providing treatment or recycling.

(d) Material Handling Areas

The plan must describe measures that prevent or minimize contamination of the storm water runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). The permittee may consider covering fueling areas; using spill and overflow protection; mixing paints and solvents in a designated area, preferably indoors or under a shed; and minimizing runon of storm water to material handling areas or other equivalent measures.

(e) Fugitive Dust Emissions

The plan must describe measures that prevent or minimize fugitive dust emissions from coal handling areas. The permittee shall consider establishing procedures to minimize offsite tracking of coal dust. To prevent offsite tracking the facility may consider specially designed tires, or washing vehicles in a designated area before they leave the site, and controlling the wash water.

(f) Delivery Vehicles

The plan must describe measures that prevent or minimize contamination of storm water runoff from delivery vehicles arriving on the plant site. At a minimum the permittee should consider the following: (1) Develop procedures for the inspection of delivery vehicles arriving on the plant site, and ensure overall integrity of the body or container; and, (2) Develop procedures to deal with leakage or spillage from vehicles or containers, and ensure that proper protective measures are available for personnel and environment.

(g) Chemical Loading/Unloading Areas

The plan must describe measures that prevent or minimize the contamination of storm water runoff from chemical loading/unloading areas. Where practicable, chemical loading/unloading areas should be covered, and chemicals should be stored indoors. At a minimum the permittee must consider using the following measures or an equivalent: (1) Use containment curbs at chemical loading/unloading areas to contain spills; and, (2) During deliveries station personnel familiar with spill prevention and response procedures must be present to ensure that any leaks or spills are immediately contained and cleaned up.

(h) Miscellaneous Loading/Unloading Areas

The plan must describe measures that prevent or minimizes the contamination of storm water runoff from loading and unloading areas. The plan may consider covering the loading area, minimizing storm water runon to the loading area by grading, berming, or curbing the area around the loading area to direct storm water away from the area, or locate the loading/unloading equipment and vehicles so that leaks can be contained in existing containment and flow diversion systems.

(i) Oil Bearing Equipment in Switchyards

The plan must describe measures to reduce the potential for storm water contamination from oil bearing equipment in switchyard areas.

(j) Administrative Parking Lots and Harbor Point Road

The plan must address measures to minimize coal fines in the administrative parking lot(s) and on Harbor Point Road, and shall include procedures for regular cleaning and inspection of these areas specifically to minimize total suspended solids in the discharges from outfalls 002 and 003. Structural and non-structural BMP's may be considered in order to achieve the intent of minimizing coal fines and associated solids in the discharges from outfalls 002 and 003.

(2) Inspections

The following areas shall be included in all inspections: blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; general yard area, switchyard areas, administrative parking lots and Harbor Point Road.

(3) Employee Training

Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify how often training will take place, but in all cases training must be held at least annually (once per calendar year). Employee training must, at a minimum, address the following areas when applicable to a facility: used oil management; spent solvent management; proper disposal of spent abrasives; spill prevention and control; fueling procedures; general good housekeeping practices; proper painting and blasting procedures; and used battery management. Employees, independent contractors, and customers must be informed about BMPs and be required to perform in accordance with these practices. The plan must consider posting instructions, easy to read descriptions or graphic depictions of BMPs, spill control/clean-up equipment and emergency phone numbers in the work areas.

ATTACHMENT 2

SPECIAL CONDITIONS RATIONALE

VPDES PERMIT PROGRAM
LIST OF SPECIAL CONDITIONS RATIONALE

Name of Condition:

B. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1.a. Water Quality Standards Reopener

Rationale: The VPDES Permit Regulation, 9 VAC 25-31-220 D., Water Quality Standards and State Requirements, dictates that the permit shall include limits to prevent violations of water quality standards. 40 CFR Part 131, Water Quality Standards, requires the state to adopt water quality criteria to protect designated water uses (subpart 131.11), and review, modify and adopt water quality standards periodically (subpart 131.20). Section 302 of the Clean Water Act authorizes effluent limitations to be established which will contribute to the attainment or maintenance of the water quality.

1.b. Nutrient Enriched Waters Reopener

Rationale: The Policy for Nutrient Enriched Waters, 9 VAC 25-40 et. seq., allows reopening of permits if total phosphorus and total nitrogen in a discharge potentially exceed specified concentrations. The policy also anticipates that further nutrient limitations may be needed in the future to control aquatic plant growth.

1.c. Total Maximum Daily Load (TMDL) Reopener

Rationale: For specified waters, section 303(d) of the Clean Water Act requires the development of total maximum daily loads necessary to achieve the applicable water quality standards. The TMDL must take into account seasonal variations and a margin of safety. In addition, section 62.1-44.19:7 of the State Water Control Law requires the development and implementation of plans to address impaired waters, including TMDLs. This condition allows for the permit to be either modified or, alternatively, revoked and reissued to incorporate the requirements of a TMDL once it is developed. In addition, the reopener recognizes that, in according to section 402(o)(1) of the Clean Water Act, limits and/or conditions may be either more or less stringent than those contained in this permit. Specifically, they can be relaxed if they are the result of a TMDL, basin plan or other wasteload allocation prepared under section 303 of the Act.

2. Operations & Maintenance (O & M) Manual

Rationale: The State Water Control Law, Section 62.1-44.21 allows requests for any information necessary to determine the effect of the discharge on state waters. Section 401 of the Clean Water Act requires the permittee to provide opportunity for the state to review the proposed operations of the facility. In addition, 40 CFR 122.41 (e) requires the permittee, at all times, to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) in order to achieve compliance with the permit (includes laboratory controls and QA/QC).

3. Notification Levels

Rationale: The VPDES Permit Regulation, 9 VAC 25-31-200 and 40 CFR 122.42 (a) require notification of the discharge of certain parameters at or above specific concentrations for existing manufacturing, commercial mining and silvicultural discharges.

4. Quantification Levels Under Part I.A.

Rationale: States are authorized to establish monitoring methods and procedures to compile and analyze data on water quality, as per 40 CFR part 130, Water Quality Planning and Management, subpart 130.4.

5. Compliance Reporting Under Part I.A.

Rationale: Defines reporting requirements for toxic parameters with quantification levels to ensure consistent, accurate reporting on submitted reports.

6. Materials Handling and Storage

Rationale: The VPDES Permit Regulation, 9 VAC 25-31-50 A., prohibits the discharge of any wastes into State waters unless authorized by permit. The State Water Control Law, Sec. 62.1-44.18:2, authorizes the Board to prohibit any waste discharge which would threaten public health or safety, interfere with or be incompatible with treatment works or water use. Section 301 of the Clean Water Act prohibits the discharge of any pollutant unless it complies with specific sections of the Act.

C. STORM WATER MANAGEMENT CONDITIONS

1. Sampling Methodology for Specific Outfalls 001, 002, 003

Rationale: Defines methodology for collecting representative effluent samples in conformance with applicable regulations.

2. Storm Water Management Evaluation

Rationale: The Clean Water Act 402(p) (2) (B) requires permits for storm water discharges associated with industrial activity. VPDES permits for storm water discharges must establish BAT/BCT requirements in accordance with 402(p)(3) of the Act. The Storm Water Pollution Prevention Plan is the vehicle proposed by EPA in the final NPDES General Permits for Storm Water Discharges Associated with Industrial Activity (Federal Register Sept 9, 1992) to meet the requirements of the Act. Additionally, the VPDES Permit Regulation, 9 VAC 25-31-220 K., and 40 CFR 122.44 (k) allow BMPs for the control of toxic pollutants listed in Section 307 (a)(1), and hazardous substances listed in Section 311 of the Clean Water Act where numeric limits are infeasible or BMPs are needed to accomplish the purpose/intent of the law.

Finally, the EPA produced a document dated August 1, 1996, entitled "Interim Permitting Approach for Water Quality- Effluent Limitations in Storm Water Permits". This document indicated that an interim approach to limiting storm water could be through the use of best management practices rather than numerical limits. EPA pointed out that section 502 of the Clean Water Act (CWA) defined "effluent limitation" to mean "any restriction on quantities, rates, and concentrations of constituents discharged from point sources. The CWA does not say that effluent limitations need be numeric." The use of BMPs falls in line with the Clean Water Act which notes the need to control these discharges to the maximum extent necessary to mitigate impacts on water quality.

3. General Storm Water Conditions

a. Sample Type

Rationale: This stipulates the proper sampling methodology for qualifying rain events from regulated storm water outfalls. Use of this condition is a BPJ determination based on the EPA storm water multi-sector general permit for industrial activities and is consistent with that permit.

b. Recording of Results

Rationale: This sets forth the information which must be recorded and reported for each storm event sampling (ie. date and duration event, rainfall measurement, and duration between qualifying events). It also requires the maintenance of daily rainfall logs which are to be reported. This condition is carried over from the previous storm water pollution prevention plan requirements contained in the EPA storm water baseline industrial general permit.

c. Sampling Waiver

Rationale: This condition allows the permittee to collect substitute samples of qualifying storm events in the event of adverse climatic conditions. Use of this condition is a BPJ determination based on the EPA storm water multi-sector general permit for industrial activities and is consistent with that permit.

d. Representative Discharge

Rationale: This condition allows the permittee to submit the results of sampling from one outfall as representative of other similar outfalls, provided the permittee can demonstrate that the outfalls are substantially identical. Use of this condition is a BPJ determination based on the EPA storm water multi-sector general permit for industrial activities and is consistent with that permit.

e. Quarterly Visual Examination of Storm Water Quality

Rationale: This condition requires that visual examinations of storm water outfalls take place at a specified frequency and sets forth what information needs to be checked and documented. These examinations assist with the evaluation of the pollution prevention plan by providing a simple, low cost means of assessing the quality of storm water discharge with immediate feedback. Use of this condition is a BPJ determination based on the EPA storm water multi-sector general permit for industrial activities and is consistent with that permit.

f. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities

Rationale: This condition requires that the discharge of hazardous substances or oil from a facility be eliminated or minimized in accordance with the facility's storm water pollution prevention plan. If there is a discharge of a material in excess of a reportable quantity, it establishes the reporting requirements in accordance with state laws and federal regulations. In addition, the pollution prevention plan for the facility must be reviewed and revised as necessary to prevent a reoccurrence of the spill. Use of this condition is a BPJ determination based on the EPA storm water multi-sector general permit for industrial activities and is consistent with that permit.

4. Storm Water Pollution Prevention Plan

Rationale: The Clean Water Act 402(p) (2) (B) requires permits for storm water discharges associated with industrial activity. VPDES permits for storm water discharges must establish BAT/BCT requirements in accordance with 402(p)(3) of the Act. The Storm Water Pollution Prevention Plan is the vehicle proposed by EPA in the final NPDES General Permits for Storm Water Discharges Associated with Industrial Activity (Federal Register Sept 9, 1992) to meet the requirements of the Act. Additionally, the VPDES Permit Regulation, 9 VAC 25-31-220 K., and 40 CFR 122.44 (k) allow BMPs for the control of toxic pollutants listed in Section 307 (a)(1), and hazardous substances listed in Section 311 of the Clean Water Act where numeric limits are infeasible or BMPs are needed to accomplish the purpose/intent of the law.

5. Facility-specific Storm Water Conditons

Rationale: These conditions set forth additional site-specific storm water pollution prevention plan requirements. Use of these conditions is a BPJ determination based on the EPA storm water multi-sector general permit for industrial activities and DEQ's general permit for storm water associted with industrial activities and is consistent with those permits.

ATTACHMENT 3

TOXICS MONITORING/TOXICS REDUCTION/ WET LIMIT RATIONALE

b. Toxicity Screening

The permittee shall conduct **annual acute toxicity tests** at outfall 001 using grab samples of final effluent. These acute screening tests shall be 48-hour static tests using **Mysidopsis bahia and Cyprinodon variegatus**, conducted in such a manner and at sufficient dilutions for calculation of a valid LC_{50}. The tests shall be conducted on a calendar year basis with one copy of all **results and all supporting information submitted with the annual report due by February 10th of each year.**

Technical assistance in developing the procedures for these tests shall be provided by the Department of Environmental Quality (DEQ), if requested by the permittee. Laboratory test protocols and the use of alternative species shall be approved by the DEQ staff prior to the initiation of testing. As long as the permittee utilizes the currently approved laboratory and their approved protocols, no protocol approval action is necessary. However, if the permittee changes laboratories, or sampling or testing procedures, test protocols must be submitted for approval at least two months prior to that change. **If necessary, submit test protocols for approval by January 10, 2002.**

If any of the biological screening tests are invalidated, an additional test shall be conducted within thirty (30) days of notification. If there is no discharge during this 30-day period, a sample must be taken during the first qualifying discharge.

ATTACHMENT 4

TABLE III(a) AND TABLE III(b) - CHANGE SHEETS

TABLE III(a)

VPDES PERMIT PROGRAM
Permit Processing Change Sheet

1. Effluent Limits and Monitoring Schedule: (List any changes FROM PREVIOUS PERMIT and give a brief rationale for the changes).

OUTFALL NUMBER	PARAMETER CHANGED	MONITORING LIMITS CHANGED FROM / TO	EFFLUENT LIMITS CHANGED FROM / TO	RATIONALE	DATE & INITIAL

OTHER CHANGES FROM:	CHANGED TO:	DATE & INITIAL
Storm Water Screening Criteria	Updated to include toxicity screening, as was listed in the draft permit and fact sheet, but was inadvertently omitted from the final permit.	

ATTACHMENT 5

CHRONOLOGY SHEET

VPDES PERMIT PROGRAM

CHRONOLOGY OF EVENTS

APPLICATION RECEIVED	APPLICATION RETURNED	ADDITIONAL INFO REQUESTED	APPLICATION/ADD INFO DUE BACK IN RO	APPLICATION/ADD. INFO RECEIVED
NA		NA	NA	NA

APPLICATION TO VDH: NA VDH COMMENTS RECEIVED: NA

APPLICATION TO OWPS: OWPS COMMENTS RECEIVED:

APPLICATION ADMIN. COMPLETE: NA APPLICATION TECH. COMPLETE: NA

DATE FORWARDED TO ADMIN:

Date	DESCRIPTIVE STATEMENT (CHRONOLOGY OF EVENTS) (Meetings, telephone calls, letters, memos, hearings, etc. affecting permit from application to issuance)
9/01	During a review of the permit, it was noticed that the toxicity portion of the storm water screening criteria was omitted from the final permit.
9/20/01	Letter sent to owner, informing them of the intention to modify the permit to include the omitted portion of the screening criteria. Gave the permittee until October 9, 2001 to comment.
10/9/01	No comments received
10/20/01	Minor permit modification initiated.
10/29/01	Revised DP drafted, sent to MFB and WMC for review prior to sending to owner. As this is a minor modification, no other portion of the permit is affected, and no other portion of the permit is to be changed. No changes to limitations or to DMR's.

ATTACHMENT 6

GENERAL CORRESPONDENCE

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

5636 Southern Boulevard
Virginia Beach, VA 23462
Tel# (757) 518-2000
http://www.deq.state.va.us

Dennis H. Treacy
Director

Francis L. Daniel
Tidewater Regional Director

September 20, 2001

Ms. Marie E. Krien-Schmidt
Director, Environmental Affairs
Kinder Morgan Bulk Terminals, Inc.
P.O. Box 625
Sorrento, LA 70778-0625

Re: VPDES Permit Number VA0057142; Pier IX Terminal
Newport News, VA
Permit Modification

Dear Ms. Krien-Schmidt;

During a review of the recently reissued VPDES permit for the Kinder Morgan Pier IX facility in Newport News, Virginia, it was noted that the toxicity testing requirement for outfall 001 was inadvertently omitted from the final permit that was sent to you. This letter is to notify you that the DEQ intends to modify the VPDES permit to insert the toxicity testing requirements back into the VPDES permit for outfall 001.

The original draft permit sent to Kinder Morgan on March 22, 2001 included toxicity testing on outfalls 001, 002 and 003. During the owner review process, we agreed to remove toxicity testing from outfalls 002 ands 003. It was never the intent of this office to remove toxicity testing from outfall 001. For reference, I ask you to refer to your letter of April 4, 2001 and my response letter of April 12, 2001. I have enclosed copies of both of these letters.

The DEQ intends to begin this modification process within the next 30 days. The modification will be considered a minor modification and will not require public notice or any action or cost on the part of Kinder Morgan. I have enclosed a copy of the wording we intend to insert in the VPDES permit with this modification. The monitoring will be annual monitoring and will begin in January, 2002 with the first results due February 10, 2003.

Please consider this your opportunity to comment on the modification, as minor modifications do not require additional owner review prior to becoming final actions. Please respond with any comments on or before October 9, 2001. Thank you for your cooperation and we apologize for any inconvenience this may have caused Kinder Morgan.

If you have any other questions or need additional information, please contact me at the above address or by telephone at (757) 518-2105.

Sincerely,

Mark H. Sauer
Permit Engineer

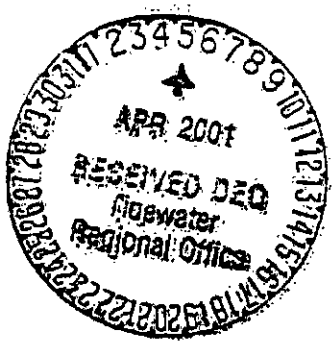
Enclosures

Cc: Mr. Robert Coffey, Kinder Morgan Pier IX
TRO file

KINDER MORGAN
ENERGY PARTNERS, L.P

Kinder Morgan Bulk Terminals, Inc.

UPS OVERNIGHT



April 4, 2001

Mr. Mark H. Sauer
Water Permits Section
Virginia Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia 23462

RE: PIER IX TERMINAL
KINDER MORGAN BULK TERMINALS (KMBT)
RESPONSE TO DRAFT PERMIT NO. VA0057142

Dear Mr. Sauer:

We are submitting this letter in response to the draft VPDES permit issued on March 22, 2001 for our Pier IX Terminal facility located in Newport News. We would like to comment on the effluent monitoring and toxicity screening requirements for Outfalls 002 and 003 and propose an alternative approach.

As described in our application for renewal of this permit, Kinder Morgan made modifications to the storm water conveyance system at Pier IX Terminal to prevent storm water runoff from the coal storage and handling areas from entering these outfalls. With these modifications in place, the drainage area for Outfall 002 consists only of a portion of South Harbor Road between the Administration Building parking lot and Dominion Terminals. This access road is located entirely outside of the coal storage and handling area. The drainage area for Outfall 003 now consists of the Administration Building parking lot which is also entirely outside of the coal storage and handling area. As a result of these modifications, the drainage areas that contribute to Outfalls 002 and 003 are not "associated with industrial activity" as that term is defined in applicable regulations.

Based on information provided to us by our consultant, it is our understanding that effluent monitoring and toxicity screening requirements were included in the draft permit *to confirm that the storm water contributing to Outfalls 002 and 003 is not associated with industrial activity*. Based on our review of the applicable regulations, it is also our understanding that the status of being "associated with industrial activity" is to be determined not by monitoring and screening but rather by identification of the applicable SIC code and activities that take place at a facility and contribute to the storm water discharge. In this case, the facility is a 4491 Transportation Facility at which the storm water drainage system has been specifically modified to isolated potentially contaminated storm water from a.) material handling activities, b.) vehicle maintenance shops, and c.) equipment cleaning operations. Storm water from these areas is clearly "associated with industrial activity" and has been diverted to prevent it from entering Outfalls 002 and 003.

The modifications made to the two outfall drainage areas have physically eliminated the drainage of "storm water associated with industrial activity" to Outfalls 002 and 003. Accordingly, we believe that the monitoring requirements in the draft permit a.) are not necessary to confirm that these outfalls are free of industrial contaminants; and b.) represent a cost burden to the facility without comparable benefit. Nonetheless, to assure that Outfalls 002 and 003 are consistently free of industrial contaminants, we propose to implement thorough Best Management Practices (BMPs) in lieu of effluent monitoring and toxicity screening. Such BMPs would consist of regular visual inspection and thorough, routine cleaning

7116 Hwy. 22 P.O. Box 625 Sorrento, LA 70778-0625 800/535-8170 Fax 225/675-5923

(e.g., sweeping, vacuuming, etc. as appropriate) of the drainage areas. These BMPs would be integrated into our Storm Water Pollution Prevention Plan (SWPPP) and Standard Operating Procedures. We believe this approach, in combination with the physical segregation of storm water associated with industrial activity that has been implemented at the facility, will assure that the storm water discharges at Outfalls 002 and 003 are not affected by industrial activity.

We appreciate DEQ's consideration of these comments and our proposal. We would be pleased to meet with DEQ personnel to discuss this issue in person if that would be helpful.

If there are questions, or if further information is required, please do not hesitate to contact either Mr. Robert C. Coffey, Environmental Coordinator at Pier IX Terminal, at 757-928-1548, or me at 1-800-535-8170.

Sincerely yours,

KINDER MORGAN BULK TERMINALS, INC.

Marie E. Krien-Schmidt
Director, Environmental Affairs

cc: J.M. Brown
D. Starrett
R. Coffey
R. Polino, Malcom Pirnie

COMMONWEALTH of VIRGINIA

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Dennis H. Treacy
Director

Francis L. Daniel
Tidewater Regional Director

April 12, 2001

Ms. Marie E. Krien-Schmidt
Director, Environmental Affairs
Kinder Morgan Bulk Terminals, Inc.
P.O. Box 625
Sorrento, LA 70778-0625

Re: VPDES Permit Number VA0057142; Pier IX Terminal
Newport News, VA
Draft Permit Comments

Dear Ms. Krien-Schmidt;

We have received your March 30 and April 4, 2001 letters, and have reviewed your comments on the draft VPDES permit for the Kinder Morgan Pier IX facility in Newport News, VA.

In response to your comments on facility and owner contact, we will change the facility contact to Mr. Robert Coffey. In accordance with Virginia Regulation 9 VAC 25-31-110, the owner contact must be a responsible corporate officer, meaning president, vice-president, secretary or treasurer, or other person who performs policy-making decisions, or a person who is authorized by one of the corporate officers. Since Mr. Brown signed the application, we designated him as the owner representative. If Kinder Morgan would like to authorize you to be the owner representative, we would need a letter signed by a corporate officer saying such, and we would then change the owner contact to your name.

In response to your comments concerning effluent monitoring and toxicity testing at outfalls 002 and 003, we will remove the toxicity testing requirements for these outfalls, but will leave parameter-specific monitoring in the permit as it currently exists. The effluent monitoring requirements were discussed at our meeting on October 12, 2000, and at the site visit on January 18, 2001. As discussed at our meeting, we have removed the TSS limitation for outfalls 002 and 003; but we have kept monitoring for this parameter, copper and TPH as indicators of the effectiveness of the BMP's at these drainage areas. At the site visit on January 18, 2001, we discussed the possibility of removing monitoring from outfall 002 or 003, but decided that monitoring was to remain on these outfalls due to the heavy volume of truck traffic on Harbor Road and the large amount of coal fines near the drop inlets in the 002 and 003 drainage areas.

We feel that with the removal of toxicity testing at outfalls 002 and 003, we have addressed your comments to the greatest extent possible, and intend to send the public notice to the newspaper by April 16, 2001. I have enclosed the revised draft permit and fact sheet pages with this letter. Once we receive written authorization from a corporate officer designating either you specifically, or your position as the owner contact for the Kinder Morgan Pier IX facility, we will revise the fact sheet accordingly. If you would like to further discuss the draft permit during the public comment period, or would like to have a meeting to discuss the draft permit, please feel free to contact me in writing or by telephone.

If you have any other questions or need additional information, please contact me at the above address, or by telephone at (757) 518-2105.

Sincerely,

Mark H. Sauer
Permit Engineer

Cc: TRO file

b. Toxicity Screening

The permittee shall conduct **annual acute toxicity tests** at outfall 001 using grab samples of final effluent. These acute screening tests shall be 48-hour static tests using **Mysidopsis bahia and Cyprinodon variegatus**, conducted in such a manner and at sufficient dilutions for calculation of a valid LC_{50}. The tests shall be conducted on a calendar year basis with one copy of all **results and all supporting information submitted with the annual report due by February 10th of each year.**

Technical assistance in developing the procedures for these tests shall be provided by the Department of Environmental Quality (DEQ), if requested by the permittee. Laboratory test protocols and the use of alternative species shall be approved by the DEQ staff prior to the initiation of testing. As long as the permittee utilizes the currently approved laboratory and their approved protocols, no protocol approval action is necessary. However, if the permittee changes laboratories, or sampling or testing procedures, test protocols must be submitted for approval at least two months prior to that change. **If necessary, submit test protocols for approval by January 10, 2002.**

If any of the biological screening tests are invalidated, an additional test shall be conducted within thirty (30) days of notification. If there is no discharge during this 30-day period, a sample must be taken during the first qualifying discharge.