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August 17, 2021

Commonwealth of Virginia
Department of Environmental Quality
Tidewater Regional Office
5636 Southern Blvd
Virginia Beach, VA 23462

Attention: Mr. Steven J. E. Long
Re: June 17, 2021, Inspection on VPDES Permit #VA0057576

Dear Mr. Long:

Thank you for your recent visit to our facility and your thorough reporting of areas that drew your attention regarding our VPDES Permit. We take compliance very seriously and regret any slippage in our concentration on the details of the permit.

As to the concerns expressed in your report dated July 19, 2021, I address them individually below with photographs where appropriate.

PROBLEMS IDENTIFIED AT LAST INSPECTION

- The survey started at the south side of the facility from the administrative building to the surge silos, to Ponds 1-3, the south maintenance building and then ended at the north maintenance building. The entire site was not observed with the interior area of coal pile and stacker/reclaimers only viewed from a distance. Travel from the south was along the maintenance road that parallel the drainage ditch on the east site. Several areas were observed with coal fines on the roadway and in the various conveyances to the pond that will need routine cleanup. Cleaning was observed in one area and likely continues as needed at the other areas. The north maintenance area was improved from previous visits though housekeeping can still be implemented for the swales filled with solids

and oil spills and stains observed. See photos 2-4, 14, 17-20 for some examples of areas needing cleanup.

- We cleaned out the coal fines in the swales. (see attached pictures)
- The oil spills were remediated. (see attached pictures)
- The north maintenance area did have spills that should be cleaned up. A railway spill pad had some spillage on the pad that could be cleaned up and prevented from reaching the oil water separator associated with the pad. Cleaning eliminates the entrainment of the oil in the stormwater and will extend the time for cleanout of the separator. See photos 14-16.
- We cleaned the spill pan and surrounding area. (see attached pictures)
- Spillage was also observed near a locomotive near the maintenance building with free product on a spill pad. The liquid can be removed eliminating the exposure and will prevent runoff to the gravel in the areas. See photos 19 and 20.
- The Service Track oil spill was remediated. (see attached pictures)
- Multiple conveyances and buildings were observed at the facility that are not shown on the site map. See photos 1-5, 9, 1117-19, 22 and 23. All conveyances and structures are to be shown on the site map. See below for map requirements and citations.
- We have revised our site map to show these buildings. (see attached map)

Operations and Maintenance (O&M) Manual

- The O&M Manual was provided electronically, has a published date of March 2017 and was signed and certified on 4/5/17 by an employee that retired January 2018. Permit Part I.B.2 states that the O&M manual is to be kept current. Changes in personnel that signed the manual and listed in the emergency contact needed to be updated in the manual.

Permit Part I.B.2 “Operations and Maintenance Manual The permittee shall maintain a current Operations and Maintenance Manual for the treatment works that is in accordance with Virginia Pollution Discharge Elimination System Regulation, 9VAC25-31”.

- We have revised our O&M Manual. (see attached manual)
- The manual does states that the contract laboratory performs all sample collections for the facility. The only preservation requirements noted in the manual is placement of the samples on ice. Acid preservation and specific analysis methods is not included in the manual as required by Permit Part I.B.2.a.

Permit Part I.B.2.a. “Permitted outfall locations and techniques to be employed in the collection, preservation, and analysis of effluent, storm water and sludge samples,”

- We revised our manual – (see attached manual)
- For spill responding and reporting, the manual references a Spill Prevention Control and Countermeasure Plan (SPCC) though that manual was not included with the SWPPP. Any manual reference needs to be included as part of the SWPPP for review.
- The SPCC plan is being updated and will be included in the SWPPP when completed. We are proceeding with this process as expeditiously as possible.

Quarterly Visual Monitoring (QVM):

- The facility does not have a stormwater only discharge. Visual observation for the commingle valve control discharges are documented on the discharge logs. It is suggested that information be included in the SWPPP noting that the facility does not include stormwater only discharges and that the QVM is not performed as stated in the permit. Additional information for the discharge log visual observation can be included.
- “No changes needed”

Effluent Limitation Monitoring

- Quarterly and annual effluent limitation monitoring is required by the permit. Quarterly eDMR submissions with the Chain of Custody and laboratory records were available in the eDMR system. One item was noted for the reporting of the estimated flow. All discharges are logged and include the estimated flow for the discharge. Different estimated flow averages and maximums are reported for each of the quarters indicating that the frequency of monitoring is more than the minimum 1/3M. The correct frequency of monitoring for the flow should be reported. For the 1st quarter of 2021 there were 12 days with discharges reported. The correct frequency should be 12/3M. For all future eDMR submissions, enter the actual frequency of monitoring for the flow for the quarter. Please note that if eDMR prevents entering the actual frequency, report "Other" with the actual frequency reported in the comment section.

- Point well taken. We will make the proper changes going forward.
- A review of the 2020 annual eDMR submission found all of the results reported as NR (not reported) with the comments stating that an annual sample was not taken during the calendar 2020 year. Permit Part I.A.1 requires 1/Year monitoring for TN, TPH, TKN and Nitrite + Nitrate.

Permit Part I.A.1 During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 001.

EFFLUENT CHARACTERISTICS MONITORING REQUIREMENTS

Frequency Sample Type

Total Phosphorus (mg/l) 1/Year Grab

Total Nitrogen (mg/l) 1/Year Calc

Total Petroleum Hydrocarbons (mg/l) 1/Year Grab

Total Kjeldahl Nitrogen (mg/l) 1/Year Grab

Nitrite + Nitrate (mg/l) 1/Year Grab

1/Year = Between January 1st and December 31st.

Instructions to revise the eDMR submission replacing the NR with "X" have been provided with the revision still pending.

- We have revised the eDMR report.

Stormwater Pollution Prevention Plan (SWPPP):

- The SWPPP was provided electronically, has a published date of March 2017 and was signed and certified on 4/5/17 by an employee that retired January 2018. Changes to the SWPPP team eliminating the Superintendent Engineering and adding the Plant Engineer should have occurred that include a revision date and new certification and signature. SWPPP modification is required by Permit Part I.C.4.f.(2) within 30 days of an event that requires SWPPP modification.
Permit Part I.C.4.f.(2) “SWPPP modifications shall be made within 30 calendar days after discovery, observation or event requiring a SWPPP modification.”
- We have revised the SWPPP plan – (see attached SWPPP)

Site Map:

- Three site maps were provided for review, Figure 1 is an aerial of the facility; Figure 2 is the Drainage Plan with a revision date of January 2020; the third map is titled Containment Dikes, dated March 3, 2021 and shows the secondary containment areas and several storage tanks. The SWPPP includes a vicinity map (no date), a site map and a separate drainage plan both with revision time given as March 2017. The SWPPP notes that the facility is 96 acres with 72 acres impervious. Section 4.1 reports that the railway tracks and the open areas on the north portion of the facility are pervious. All of the rail beds and open area on the north are covered with rock or are hard pack dirt and should be considered impervious. The areas should be re-evaluated.
- We re-evaluated our impervious vs pervious areas. Our site map and SWPPP now show all areas except for our ponds being impervious.
- The maps do not include all of the items specified by Permit Part I.C.4.b.(2).(c). Not all of the buildings and covered storage locations are shown; the location of all of the stormwater conveyance, ditches, pipes, swales, and inlets are not shown; the pump station connections and discharge are not shown; the location of structural and source control measure are not shown; the spill area near Reclaimer #3 is not provided; the location of fueling stations, cleaning areas, liquid storage tanks, location of all nonstormwater discharges is not included. The attached photos show several items that are not included on the site map.

Buildings and covered storage areas are not shown on the north side of the site, see photos 13, 15-19 and 24. Conveyances, pipes and ditches not shown: See photos 1-5, 9, 11, 13, 17-19, 22, and 23. Spill pads, oil water separators and rail car dust suppression are not shown, see photos 14-17. Fueling from ST-31 is not

shown, see photos 15 and 16. Two truck washing/rinsing areas were observed at the maintenance buildings, the north facility is shown in photos 21 and 22. The sodium hydroxide storage tanks at the ponds or at various locations for chemical addition is not provided, see photos 8 and 11. The dust suppression systems is not shown on any of the maps.

Permit Part I.C.4.b.(2).(c) “Site Map A site map identifying the following:

(ii) The location and extent of significant structures and impervious surfaces (roofs, paved areas and other impervious areas); (iii) Locations of all stormwater conveyances including ditches, pipes, swales, and inlets, and the directions of stormwater flow (use arrows to show which ways stormwater will flow); (iv) Locations of all existing structural and source control measures, including BMPs; (vi) Locations of potential pollutant sources; (vii) Locations where significant spills or leaks identified under Part I.C.4.b(4) have occurred; (viii) Locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and cleaning areas; loading and unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; processing and storage areas; access roads, rail cars and tracks; transfer areas for substances in bulk; and machinery; (x) Location and description of all non-stormwater discharges;

- We revised our site map. (see attached site map)

Routine Facility Inspections:

- The SWPPP states that routine facility inspections are performed quarterly and are done as PMs. Inspection records for 2020 and 2021 were requested with only records for 2021 provided for review. The inspection records included monthly storage tanks, dikes and potable tanks inspections and quarterly inspections of the coal storage piles, maintenance areas and ponds. The quarterly inspections were performed on 2/5/21 and 6/8/21. It was reported that none of the inspections were performed during a rain event or during a discharge as required by Permit Part I.C.4.b.(6).(v). Discussed during the visit, the intent of the inspection during a discharge event was to observe the facility during a rain event and discharge. With Outfall 001 discharge manually control, the inspection should be performed during rainfall with discharges to the ponds. The routine inspections reviewed do not include all of the information required by Permit Part Permit Part I.C.4.b.(6).(v). The weather information, description of discharges if occurring, previously unidentified discharges of pollutants, control measures needing maintenance or repairs, failed controls measures in need of replacement, incidence(s) of noncompliance, or if additional control measures are needed are not documented.

Permit Part Permit Part I.C.4.b.(6).(v) “At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is occurring. The results of the inspections shall be documented in the SWPPP, and shall include at a minimum:

(A) The inspection date and time;
(B) The name and signature of the inspector(s);
(C) Weather information and a description of any discharges occurring at the time of the inspection;
(D) Any previously unidentified discharges of pollutants from the site;
(E) Any control measures needing maintenance or repairs;
(F) Any failed control measures that need replacement;
(G) Any incidents of noncompliance observed; and
(H) Any additional control measures needed to comply with the permit requirements.”

- We have revised our inspection reports

Comprehensive Site Compliance Evaluation:

- The 2019 comprehensive site compliance evaluation was performed 11/12/19 and signed with appropriate certifications on 11/15/19. The scope and summary report meet the permit requirements. The 2020 comprehensive site compliance evaluation was performed on 1/15/21 and 1/24/21 reviewing the previous year. Permit Part I.C.4.d requires the comprehensive site compliance evaluation at least once each calendar year.

Permit Part I.C.4.d Comprehensive Site Compliance Evaluation

The permittee shall conduct comprehensive site compliance evaluations at least once each calendar year.

The evaluation for 2020 did report that the annual monitoring for 2020 was not performed and was noted as an incident of noncompliance. The document has the two certifications, one for signing in accordance with Permit Part II.K and the other certification for compliance with the SWPPP and the permit both required by Part I.C.4.d.(3) The Part II.K certification was not signed and the certification of compliance with the SWPPP and the permit was signed though there were reports of noncompliance.

Permit Part I.C.4.d.(3) “Compliance Evaluation Report

The report shall identify any incidents of noncompliance that were observed. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part II.K and maintained with the SWPPP.”

- We will make sure to complete the comprehensive site compliance evaluation in December of each year, to have it completed within that year. We will also make certain that it has been signed appropriately.

Again, thank you for bringing the areas of concern to our attention. The following pages include photographs to correspond with the numbered photographs in your report. If you have any questions, please feel free to call or email.

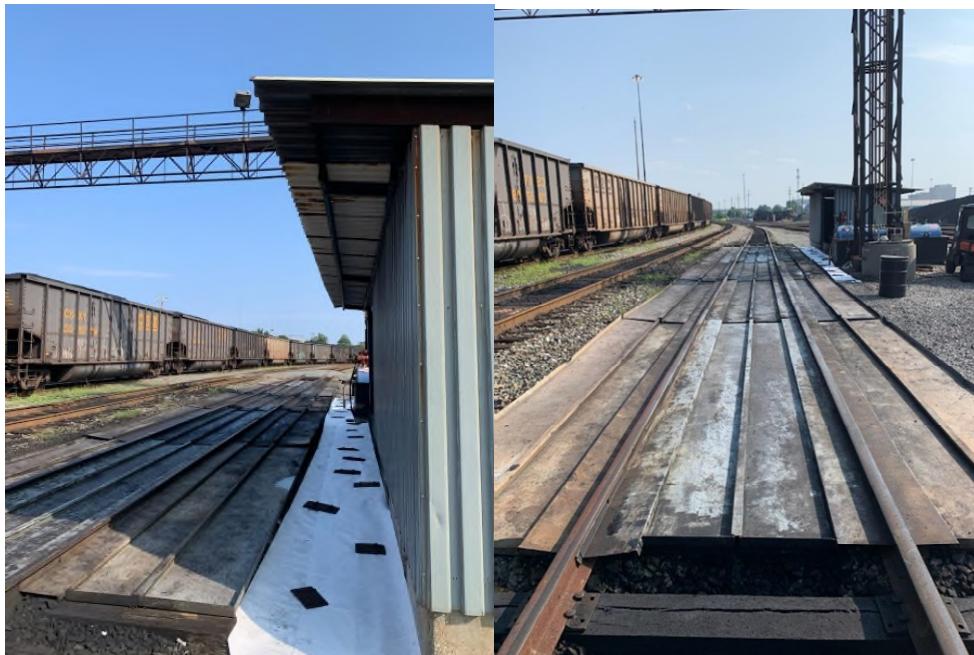
Regards,

Robert Deininger
Director of Reliability & Strategic Planning





The above pictures reference (Swales needing cleaning), your pictures #2, 3 & 4 correspond with our pictures showing the issues remediated.

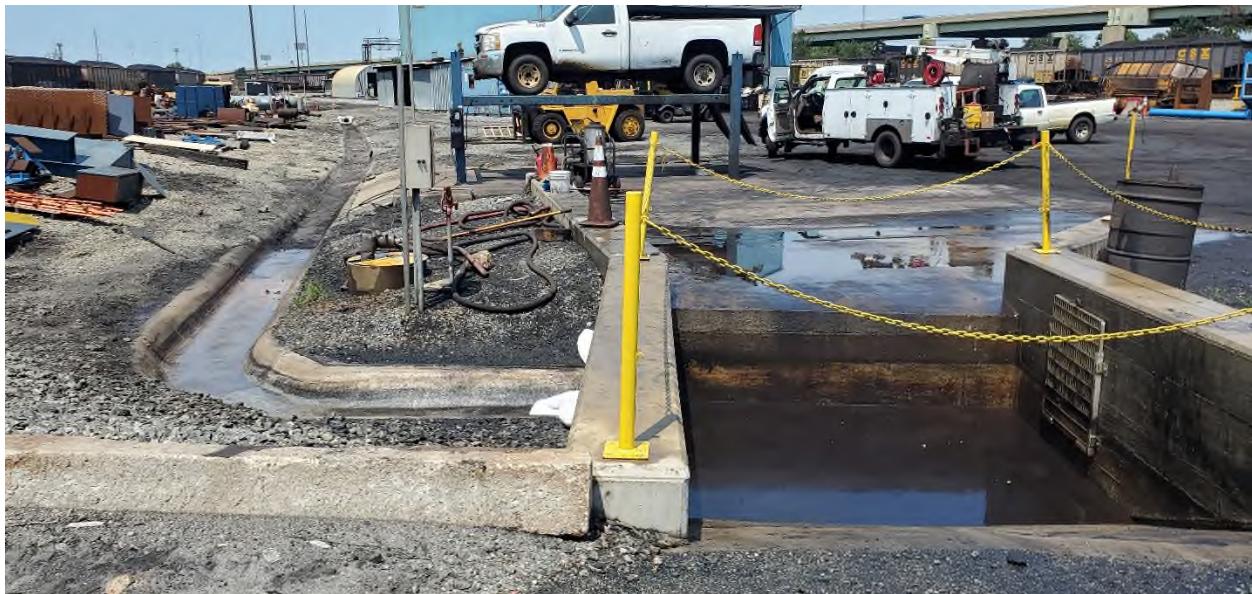


The above pictures reference (Railway spill pad system), your picture #14 corresponds with our pictures showing the issue remediated.



The above pictures reference (Locomotive Service Track), your pictures #19 & #20 correspond with our pictures showing the issue remediated.





The above pictures reference (Swales needing cleaning), your pictures #17, 22 & 23 correspond with our pictures showing the issues remediated.

Steven Long

From: Steve Long
Sent: Monday, August 30, 2021 8:53 AM
To: 'Robert Deininger'
Cc: 'Rick Cole'; 'Buzz Kleemann'
Subject: RE: DEQ Response from DTA

Bob, all:

Just a follow up to the report, response and resolution. With the revision to the 2020 annual eDMR submission on 8/25/21, all of the items for the report are considered resolved with the map pending updates as already discussed.

Thank you.

Steve Long
757 518-2027 Office
steven.long@deq.virginia.gov

From: Robert Deininger <RDeininger@dominionterminal.com>
Sent: Friday, August 20, 2021 1:29 PM
To: Steve Long <steven.long@deq.virginia.gov>
Cc: Rick Cole <rcole@dominionterminal.com>; Buzz Kleemann <bkleemann@dominionterminal.com>
Subject: RE: DEQ Response from DTA

Steve,
We will get back with you asap with these changes.
Thanks much!
Bob

From: Steve Long <steven.long@deq.virginia.gov>
Sent: Friday, August 20, 2021 1:06 PM
To: Robert Deininger <RDeininger@dominionterminal.com>
Cc: Rick Cole <rcole@dominionterminal.com>; Buzz Kleemann <bkleemann@dominionterminal.com>
Subject: RE: DEQ Response from DTA

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Bob and all:

I have reviewed the response and find most of the items have been resolved. I did not see the 2020 annual eDMR revision and have comments concerning the map provided below.

X¹ – Housekeeping noted for the areas needing cleanup. Thank you. Due to the size and nature of the facility operations, a significant task keep up. This was observed for the last two visits, hopefully future visits will find improvements. Resolved.

X^{2,3} – O&M manual is signed and preservation and analysis methods have been added. Resolved.

X⁴ – 2020 Annual eDMR revisions – Not observed in the agency files. Unresolved. If you have documentation showing the eDMR revision please send that to me and I will try to find out why it is not showing. Otherwise, please revise and let me know when that is completed.

X⁵ – SWPPP plan signed. Resolved.

X⁶- SWPPP map. Note the change of impervious areas. Might suggest including the ponds as impervious too. Since they are concrete lined they are ultimately impervious too. By definition, a pervious surface is one that allows water to percolate into the soil. The ponds do not allow for the percolation to the soils.

See the various building, swales, ditches, pipes, rainbirds added, thank you. All conveyance are supposed to be shown including all of the French drains for the railroad track beds (reported on the map). Please make every effort to start to add those to the map as the locations are determined. Also, the map shows the drop inlet near the northern maintenance area in line with the swale and weir. Believe that is more to the east than in line. See photo 21 showing it to the right of the weir area. Please review that and make appropriate changes. Considered resolved pending updates as noted above.

X⁷⁻⁹ – Changes noted for the inspection and the comprehensive site compliance evaluation – with proper implementation – Resolved.

Please follow up on the 2020 annual eDMR information or the revision. Once completed will review and send that it too is resolved.

Steve Long
757 518-2027 Office
steven.long@deq.virginia.gov

From: Robert Deininger <RDeininger@dominionterminal.com>
Sent: Tuesday, August 17, 2021 2:41 PM
To: steven.long@deq.virginia.gov
Cc: Rick Cole <rcole@dominionterminal.com>; Buzz Kleemann <bkleemann@dominionterminal.com>
Subject: DEQ Response from DTA

Steve,

I've attached our response letter, along with the necessary documents that needed to be revised. Please let me know if you have any questions.
Thanks,

 [Dominion Terminal Associates LLP](#)

Bob Deininger
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**There is no job so important that it can not be performed Safely.
If you can't perform the job safely, rethink it and choose another way!**

Leave work as you arrived by staying focused on what is important. You!