

FACT SHEET ADDENDUM FOR NPDES PERMIT WA WA0001783

U.S. Oil & Refining

December 2009

PURPOSE of this Fact Sheet

This fact sheet explains and documents the decisions Ecology made in drafting the proposed modification to the National Pollutant Discharge Elimination System (NPDES) permit for U.S. Oil and Refining.

The Environmental Protection Agency (EPA) developed the NPDES permitting program as a tool to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” EPA delegated to Ecology the power and duty to write, issue, and enforce NPDES permits within Washington State. Both state and federal laws require any industrial facility to obtain a permit before discharging waste or chemicals to a water body.

An NPDES permit limits the types and amounts of pollutants the facility may discharge. Those limits are based either on (1) the pollution control or wastewater treatment technology available to the industry, or on (2) the receiving water’s customary beneficial uses. This fact sheet complies with Section 173-220-060 of the Washington Administrative Code (WAC), which requires Ecology to prepare a draft permit *and accompanying fact sheet* for public evaluation before issuing or modifying an NPDES permit.

PUBLIC ROLE in the Permit

Ecology makes the draft permit modification and fact sheet addendum available for public review and comment at least thirty (30) days before issuing the final modified permit to the facility operator (WAC 173-220-050). Copies of the fact sheet addendum and draft permit modification for U.S. Oil and Refining, NPDES permit WA0001783, are available for public review and comment from December 29, 2009 until the close of business January 29, 2010.

Before publishing the draft NPDES permit modification, U.S. Oil and Refining, reviewed it for factual accuracy.

After the public comment period closes, Ecology will summarize substantive comments and our responses to them. Ecology will include our summary and responses to comments to this Fact Sheet as **Appendix A - Response to Comments**, and publish it when issuing the final NPDES permit. Ecology will not revise the rest of the fact sheet, but the full document will become part of the legal history contained in the facility’s permit file.

I. INTRODUCTION

The Federal Clean Water Act (FCWA, 1972, and later amendments in 1977, 1981, and 1987) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the Clean Water Act is the National Pollutant Discharge Elimination System of permits (NPDES permits), administered by the federal Environmental Protection Agency (EPA). The EPA authorized the State of Washington to manage the NPDES permit program in our state. Our state legislature accepted the delegation and assigned the power and duty for conducting NPDES permitting and enforcement to Ecology. The legislature defined Ecology's authority and obligations for the wastewater discharge permit program in 90.48 RCW (Revised Code of Washington).

Ecology adopted rules describing how it exercises its authority:

- Procedures Ecology follows for issuing NPDES permits (chapter 173-220 WAC)
- Water quality criteria for surface waters (chapter 173-201A WAC) and for ground waters (chapter 173-200 WAC)
- Sediment management standards (chapter 173-204 WAC)
- Submission of Plans and Reports for Construction of Wastewater Facilities (chapter 173-240 WAC)

These rules require any industrial facility operator to obtain an NPDES permit before discharging wastewater to state waters. They also help define the basis for limits on each discharge and for performance requirements imposed by the permit.

Under the NPDES permit program when Ecology substantially modifies a permit it must prepare a draft permit modification and accompanying fact sheet addendum, and make them available for public review before final issuance. Ecology must also publish an announcement (public notice) telling people where they can read the draft permit, and where to send their comments, during a period of thirty days (WAC 173-220-050).

II. BACKGROUND INFORMATION

By letter dated August 27, 2009, U.S. Oil & Refining Company requested that Ecology modify several provisions of its NPDES Permit. U.S. Oil requested that Ecology add several outfalls to the NPDES permit in two locations. U.S. Oil requested that Ecology add:

- Outfall 005 and Outfall 006 location information on the first page of the current permit.
- Outfalls 005 and 006 after Outfall 004 on pages 12, 13, 14 and 29 of the current permit.

Recently U.S. Oil began planning to construct new maintenance and operations buildings and relocate contractor trailers on the previously undeveloped eastern portion of the refinery property. During the planning process, U.S. Oil determined that the construction project would require it to create two additional stormwater outfalls to discharge stormwater.

The two additional stormwater outfalls will discharge stormwater of a similar nature to the stormwater discharging from Outfalls 001B, 002, and 004. Based on this information, Ecology applied the same monitoring requirements and benchmarks in place for the existing outfalls to the new outfalls.

The refinery will locate the new Outfall 005 approximately 350 feet east of the existing Outfall 004 on Marshall Avenue. Outfall 005 will drain some of the areas in the southeast part of the refinery property that currently drain to Outfall 004. The engineering study conducted as per the City of Tacoma's 2008 Stormwater Management Manual for the drainage area indicated that the existing downstream conveyance system would not adequately handle one 25 year, 24 hour storm event. Therefore, U.S. Oil plans to construct a two-cell wet/detention pond with a flow control riser to mitigate stormwater flows during storm events. Due to the flat geographic conditions of the site, the refinery will construct two pumps stations to pump runoff generated by events up to the 100-year 24-hour event to the wet pond/detention facility. Ditches upstream of the pump station facility will provide temporary storage for both pump stations.

U.S. Oil will locate the new Outfall 006 on Port of Tacoma Road near a new access road that the refinery will construct to facilitate entrance to the new maintenance building. The outfall will serve a relatively small area in the northeast portion of the property. The facility plans to install a 3-cartridge Stormfilter® catch basin to fulfill the water quality requirements of the 2008 Tacoma Stormwater Management Manual.

The City of Tacoma has reviewed and approved the project requested by U.S. Oil with submittals: Permanent Stormwater Control Plan (Appendix A) and Offsite Analysis Calculations (Appendix B).

During the construction phase of this project, the refinery will implement the stormwater Best Management Practices included in the Construction Stormwater Pollution Prevention Plan (SWPPP) that it developed specifically for this project. U.S. Oil submitted the SWPPP to Ecology on April 22, 2009.

Ecology has published a document entitled **Frequently Asked Questions about Effective Public Commenting** which is available on our website at <http://www.ecy.wa.gov/biblio/0307023.html>.

You may obtain further information from Ecology by telephone, **(360) 407-7393** [Angie Fritz], or by writing to the permit writer at the address listed below.

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