STATE OF TENNESSEE
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**
**DIVISION OF WATER RESOURCES**
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

March 1, 2015

Mr. Chris Shepherd
VP Northern Facility Operations
e-copy: Chris.Shepherd@aclines.com
ACL Transportation Services LLC
1701 E. Market St.
Jeffersonville, IN 47130

Subject: **NPDES Permit No. TN0001171**
**ACL Transportation Services LLC**
**Memphis, Shelby County, Tennessee**

Dear Mr. Shepherd:

In accordance with the provisions of the Tennessee Water Quality Control Act, Tennessee Code Annotated (T.C.A.), Sections 69-3-101 through 69-3-120, the Division of Water Resources hereby issues the enclosed NPDES Permit. The continuance and/or reissuance of this NPDES Permit is contingent upon your meeting the conditions and requirements as stated therein.

Please be advised that a petition for permit appeal may be filed, pursuant to T.C.A. Section 69-3-105, subsection (i), by the permit applicant or by any aggrieved person who participated in the public comment period or gave testimony at a formal public hearing whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application. Additionally, for those permits for which the department gives public notice of a draft permit, any permit applicant or aggrieved person may base a permit appeal on any material change to conditions in the final permit from those in the draft, unless the material change has been subject to additional opportunity for public comment. Any petition for permit appeal under this subsection (i) shall be filed with the Technical Secretary of the Water Quality, Oil and Gas Board within thirty (30) days after public notice of the commissioner's decision to issue or deny the permit. A copy of the filing should also be sent to TDEC's Office of General Counsel.

If you have questions, please contact the Memphis Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Miss Julie Harse at (615) 532-0682 or by E-mail at *Julie.Harse@tn.gov*.

Sincerely,

Vojin Janjić
Manager, Water-Based Systems

Enclosure

cc: Permit File
Memphis Environmental Field Office
Stacey Thomas, Facility Manager, ACL Transportation Services LLC, Stacey.Thomas@aclines.com
Mr. Will Tucker, Environmental Manager - ACL, ACL Transportation Services LLC, William.Tucker@aclines.com

# STATE OF TENNESSEE

# NPDES PERMIT

## No. TN0001171

Authorization to discharge under the
National Pollutant Discharge Elimination System (NPDES)

Issued By

**STATE OF TENNESSEE**
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**
**DIVISION OF WATER RESOURCES**
**William R. Snodgrass - Tennessee Tower**
**312 Rosa L. Parks Avenue, 11th Floor**
**Nashville, Tennessee 37243-1102**

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.)

| | |
|---|---|
| Discharger: | **ACL Transportation Services LLC** |
| is authorized to discharge: | **storm water runoff, hydrostatic test water, tank bottoms and cleaning water through Outfall 001; hydrostatic test water, treated bilge water, tank bottoms and cleaning water through Outfall 002** |
| from a facility located: | **in Memphis, Shelby County, Tennessee** |
| to receiving waters named: | **Mississippi River at mile 734.4** |

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

| | |
|---|---|
| This permit shall become effective on: | **April 1, 2015** |
| This permit shall expire on: | **February 29, 2020** |
| Issuance date: | **March 1, 2015** |

for Tisha Calabrese Benton
Director

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# PART I

## A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

ACL Transportation Services LLC is authorized to discharge storm water runoff, hydrostatic test water, tank bottoms and cleaning water through Outfall 001; hydrostatic test water, treated bilge water, tank bottoms and cleaning water through Outfall 002 to Mississippi River at mile 734.4. These discharges shall be limited and monitored by the permittee as specified below:

**Description : External Outfall, Number : 001 and 002, Monitoring : Effluent Gross, Season : All Year**

| Parameter | Qualifier | Value | Unit | Sample Type | Frequency | Statistical Base |
|---|---|---|---|---|---|---|
| BOD, 5-day, 20 C | Report | - | mg/L | Composite | Quarterly | Daily Maximum |
| Benzene | Report | - | mg/L | Grab | See Permit | Daily Maximum |
| Carbon, Total Organic (TOC) | Report | - | mg/L | Grab | See Permit | Daily Maximum |
| Chlorine, total residual (TRC) | Report | - | mg/L | Grab | See Permit | Daily Maximum |
| Ethylbenzene | Report | - | mg/L | Grab | See Permit | Daily Maximum |
| Floating solids or visible foam-visual | Report | - | Y=1;N=0 | Visual | Monthly | Daily Maximum |
| Flow | Report | - | Mgal/d | Calculated | Monthly | Monthly Average |
| Flow | Report | - | Mgal/d | Calculated | Monthly | Daily Maximum |
| Oil & Grease | <= | 15 | mg/L | Grab | Monthly | Daily Maximum |
| Oil & Grease | <= | 10 | mg/L | Grab | Monthly | Monthly Average |
| Oxygen demand, chem. (high level) (COD) | Report | - | mg/L | Composite | Monthly | Daily Maximum |
| Settleable Solids | <= | .5 | mL/L | Grab | Monthly | Daily Maximum |
| Toluene | Report | - | mg/L | Grab | See Permit | Daily Maximum |
| Total Suspended Solids (TSS) | <= | 40 | mg/L | Composite | Monthly | Daily Maximum |
| Xylene | Report | - | mg/L | Grab | See Permit | Daily Maximum |
| pH | >= | 6.0 | SU | Grab | Monthly | Minimum |
| pH | <= | 9.0 | SU | Grab | Monthly | Maximum |

1 Flow shall be reported in Million Gallons per Day (MGD).
2 pH analyses shall be performed within fifteen (15) minutes of sample collection.
3 Or once per discharge, whichever is less frequent
4 Sampling shall be performed only for effluent from hydrostatic testing in accordance with below instructions

Additional monitoring requirements and conditions applicable to all outfalls include:

**The treatment system for Outfall 002 is currently out of commission due to the flooding in 2011. In order to recommence the discharge from Outfall 002, the facility must design and install a treatment system for the wastewater. Plans and specifications should be turned into the division's water based system work group and approved prior to construction and initiating a discharge from Outfall 002**.

There shall be no distinctly visible floating solids, scum, foam, oily slick, or the formation of slimes, bottom deposits or sludge banks of such size or character that may be detrimental to fish and aquatic life.

The wastewater discharge shall not contain pollutants in quantities that will be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

Sludge or any other material removed by any treatment works must be disposed of in a manner, which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, TCA 68-31-101 et seq. and the Tennessee Hazardous Waste Management Act, TCA 68-46-101 et seq.

Hydrostatic tank test waters may be discharged under this permit, but must meet the conditions of this permit. Such effluents shall only be discharged after the Division of Water Resources, Environmental Field Office - Nashville is notified at 1-888-891-8332 at least 24 hours before the discharge, that such a discharge will be occurring. Any on-site spill or leaks greater than twenty-five (25) gallons in volume that contains substances that could pollute water shall be reported to the Division on or before the next working day after such spill or leak is discovered. These and all other spills shall be promptly contained and cleaned up to prevent contamination of surface waters or groundwater. Spills or leaks that constitute an immediate, significant hazard to health or safety shall be reported immediately through normal emergency procedures. In addition, effluents from all tanks that have been used for gasoline should be tested for benzene, ethylbenzene, toluene, and xylenes. If the source of water for hydrostatic testing is chlorinated, the chlorine residual will also be tested. Total organic carbon shall be analyzed for hydrostatic tank test waters from tanks that have been used for asphalt when such tanks are tested and the waters discharged.

## B. MONITORING PROCEDURES

### 1. Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified herein shall be representative of the volume and nature of the monitored discharge, and shall be taken after treatment and prior to mixing with uncontaminated storm water runoff or the receiving stream.

**2. Sampling Frequency**

If there is a discharge from a permitted outfall on any given day during the monitoring period, the permittee must sample and report the results of analyses accordingly, and the permittee should not mark the 'No Discharge' box on the Discharge Monitoring Report form.

**3. Test Procedures**

a. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act (the "Act"), as amended, under which such procedures may be required.

b. Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in Title 40, CFR Part 136, as amended, promulgated pursuant to Section 304 (h) of the Act.

c. In instances where permit limits established through implementation of applicable water criteria are below analytical capabilities, compliance with those limits will be determined using the detection limits described in the TN Rules, Chapter 0400-40-03-.05(8).

**4. Recording of Results**

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

a. The exact place, date and time of sampling;

b. The exact person(s) collecting samples;

c. The dates and times the analyses were performed;

d. The person(s) or laboratory who performed the analyses;

e. The analytical techniques or methods used, and;

f. The results of all required analyses.

**5. Records Retention**

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three (3) years, or longer, if requested by the Division of Water Resources.

## C. DEFINITIONS

For the purpose of this permit, ***Annually*** is defined as a monitoring frequency of once every twelve (12) months beginning with the date of issuance of this permit so long as the

following set of measurements for a given 12 month period are made approximately 12 months subsequent to that time.

A ***bypass*** is defined as the intentional diversion of waste streams from any portion of a treatment facility.

A ***calendar day*** is defined as the 24-hour period from midnight to midnight or any other 24-hour period that reasonably approximates the midnight to midnight time period.

A **Composite Sample**, for the purposes of this permit, is a sample collected continuously over a period of 24-hours at a rate proportional to the flow. Composite sample should be a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

The ***Daily Maximum Amount***, is a limitation measured in pounds per day (lb/day), on the total amount of any pollutant in the discharge by weight during any calendar day.

The ***Daily Maximum Concentration*** is a limitation on the average concentration, in milligrams per liter (mg/L), of the discharge during any calendar day. When a proportional-to-flow composite sampling device is used, the daily concentration is the concentration of that 24-hour composite; when other sampling means are used, the daily concentration is the arithmetic mean of the concentrations of equal volume samples collected during any calendar day or sampling period.

***"Degradation"*** means the alteration of the properties of waters by the addition of pollutants, withdrawal of water, or removal of habitat, except those alterations of a short duration.

"***De Minimis***" - Degradation of a small magnitude, as provided in this paragraph.

(a) Discharges and withdrawals

1. Subject to the limitation in part 3 of this subparagraph, a single discharge other than those from new domestic wastewater sources will be considered de minimis if it uses less than five percent of the available assimilative capacity for the substance being discharged.
2. Subject to the limitation in part 3 of this subparagraph, a single water withdrawal will be considered de minimis if it removes less than five percent of the 7Q10 flow of the stream.
3. If more than one activity described in part 1 or 2 of this subparagraph has been authorized in a segment and the total of the authorized and proposed impacts uses no more than 10% of the assimilative capacity, or 7Q10 low flow, they are presumed to be de minimis. Where the total of the authorized and proposed impacts uses 10% of the assimilative capacity, or 7Q10 low flow, additional degradation may only be treated as de minimis if the Division finds on a scientific basis that the additional degradation has an insignificant effect on the resource.

(b) Habitat alterations authorized by an Aquatic Resource Alteration Permit (ARAP) are de minimis if the Division finds that the impacts, individually and cumulatively are offset by impact minimization and/or in-system mitigation, provided however, in ONRWs the mitigation must occur within the ONRW.

***Discharge*** or "discharge of a pollutant" refers to the addition of pollutants to waters from a source.

***Dry Weather Flow*** shall be construed to represent discharges consisting of process and/or non-process wastewater only.

An ***ecoregion*** is a relatively homogeneous area defined by similarity of climate, landform, soil, potential natural vegetation, hydrology, or other ecologically relevant variables.

The ***geometric mean*** of any set of values is the $n^{th}$ root of the product of the individual values where "n" is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For the purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).

A ***Grab Sample***, for the purposes of this permit, is defined as a single effluent sample of at least 100 milliliters (sample volumes <100 milliliters are allowed when specified per standard methods, latest edition) collected at a randomly selected time over a period not exceeding 15 minutes. The sample(s) shall be collected at the period(s) most representative of the total discharge.

The ***Instantaneous Concentration*** is a limitation on the concentration, in milligrams per liter (mg/L), of any pollutant contained in the discharge determined from a grab sample taken at any point in time.

The ***monthly average amount***, shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.

The ***monthly average concentration***, other than for *E. coli* bacteria, is the arithmetic mean of all the composite or grab samples collected in a one-calendar month period.

A ***one week period*** (or ***calendar-week***) is defined as the period from Sunday through Saturday. For reporting purposes, a calendar week that contains a change of month shall be considered part of the latter month.

***Pollutant*** means sewage, industrial wastes, or other wastes.

A **Qualifying Storm Event** is one which is greater than 0.1 inches and that occurs after a period of at least 72 hours after any previous storm event with rainfall of 0.1 inches or greater.

For the purpose of this permit, a ***Quarter*** is defined as any one of the following three month periods: January 1 through March 31, April 1 through June 30, July 1 through September 30, or October 1 through December 31.

A ***rainfall event*** is defined as any occurrence of rain, preceded by 10 hours without precipitation that results in an accumulation of 0.01 inches or more. Instances of rainfall occurring within 10 hours of each other will be considered a single rainfall event.

A ***rationale*** (or “fact sheet”) is a document that is prepared when drafting an NPDES permit or permit action. It provides the technical, regulatory and administrative basis for an agency’s permit decision.

A ***reference site*** means least impacted waters within an ecoregion that have been monitored to establish a baseline to which alterations of other waters can be compared.

A ***reference condition*** is a parameter-specific set of data from regional reference sites that establish the statistical range of values for that particular substance at least-impacted streams.

For the purpose of this permit, ***Semi-annually*** means the same as "once every six months." Measurements of the effluent characteristics concentrations may be made anytime during a 6 month period beginning from the issuance date of this permit so long as the second set of measurements for a given 12 month period are made approximately 6 months subsequent to that time, if feasible.

A ***subecoregion*** is a smaller, more homogenous area that has been delineated within an ecoregion.

***Upset*** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

The term, ***washout*** is applicable to activated sludge plants and is defined as loss of mixed liquor suspended solids (MLSS) of 30.00% or more from the aeration basin(s).

***Waters*** means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

The ***weekly average amount***, shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar week when the measurements were made.

The ***weekly average concentration***, is the arithmetic mean of all the composite samples collected in a one-week period. The permittee must report the highest weekly average in the one-month period.

***Wet Weather Flow*** shall be construed to represent storm water runoff which, in combination with all process and/or non-process wastewater discharges, as applicable, is discharged during a qualifying storm event.

## D. ACRONYMS AND ABBREVIATIONS

1Q10 – 1-day minimum, 10-year recurrence interval
30Q5 – 30-day minimum, 5-year recurrence interval
7Q10 – 7-day minimum, 10-year recurrence interval
BAT – best available technology economically achievable
BCT – best conventional pollutant control technology
BDL – below detection level
$BOD_5$ – five day biochemical oxygen demand
BPT – best practicable control technology currently available
$CBOD_5$ – five day carbonaceous biochemical oxygen demand
CEI – compliance evaluation inspection
CFR – code of federal regulations
CFS – cubic feet per second
CFU – colony forming units
CIU – categorical industrial user
CSO – combined sewer overflow
DMR – discharge monitoring report
D.O. – dissolved oxygen
*E. coli* – *Escherichia coli*
EFO – environmental field office
LB(lb) - pound
$IC_{25}$ – inhibition concentration causing 25% reduction in survival, reproduction and growth of the test organisms
IU – industrial user
IWS – industrial waste survey
$LC_{50}$ – acute test causing 50% lethality
MDL – method detection level
MGD – million gallons per day
MG/L(mg/l) – milligrams per liter
ML – minimum level of quantification
ml – milliliter
MLSS – mixed liquor suspended solids
MOR – monthly operating report
NODI – no discharge
NOEC – no observed effect concentration
NPDES – national pollutant discharge elimination system
PL – permit limit
POTW – publicly owned treatment works
RDL – required detection limit
SAR – semi-annual [pretreatment program] report
SIU – significant industrial user
SSO – sanitary sewer overflow
STP – sewage treatment plant
TCA – Tennessee code annotated
TDEC – Tennessee Department of Environment and Conservation

TIE/TRE – toxicity identification evaluation/toxicity reduction evaluation
TMDL – total maximum daily load
TRC – total residual chlorine
TSS – total suspended solids
WQBEL – water quality based effluent limit

## E. REPORTING

### 1. Monitoring Results

Monitoring results shall be recorded monthly and submitted monthly using Discharge Monitoring Report (DMR) forms supplied by the Division of Water Resources. Submittals shall be postmarked no later than 15 days after the completion of the reporting period. A completed DMR with an original signature shall be submitted to the following address:

**STATE OF TENNESSEE**
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**
**DIVISION OF WATER RESOURCES**
**COMPLIANCE & ENFORCEMENT SECTION**
**William R. Snodgrass - Tennessee Tower**
**312 Rosa L. Parks Avenue, 11th Floor**
**Nashville, Tennessee 37243-1102**

A copy of the completed and signed DMR shall be mailed to the Memphis Environmental Field Office (EFO) at the following address:

**STATE OF TENNESSEE**
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**
**DIVISION OF WATER RESOURCES**
**Memphis Environmental Field Office**
**8383 Wolf Lake Drive**
**Bartlett, Tennessee 38133**

A copy should be retained for the permittee's files. In addition, any communication regarding compliance with the conditions of this permit must be sent to the two offices listed above.

The first DMR is due on the 15th of the month following permit effectiveness.

DMRs and any other information or report must be signed and certified by a responsible corporate officer as defined in 40 CFR 122.22, a general partner or proprietor, or a principal municipal executive officer or ranking elected official, or his duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

The electronic submission of DMR data will be accepted only if formally approved beforehand by the division. For purposes of determining compliance with this permit, data approved by the division to be submitted electronically is legally equivalent to data submitted on signed and certified DMR forms.

### 2. Additional Monitoring by Permittee

If the permittee monitors any pollutant specifically limited by this permit more frequently than required at the location(s) designated, using approved analytical methods as specified herein, the results of such monitoring shall be included in the calculation and reporting of the values required in the DMR form. Such increased frequency shall also be indicated on the form.

### 3. Falsifying Results and/or Reports

Knowingly making any false statement on any report required by this permit or falsifying any result may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Water Pollution Control Act, as amended, and in Section 69-3-115 of the Tennessee Water Quality Control Act.

### 4. Outlier Data

Outlier data include analytical results that are probably false. The validity of results is based on operational knowledge and a properly implemented quality assurance program. False results may include laboratory artifacts, potential sample tampering, broken or suspect sample containers, sample contamination or similar demonstrated quality control flaw.

Outlier data are identified through a properly implemented quality assurance program, and according to ASTM standards (e.g. Grubbs Test, ‘h’ and ‘k’ statistics). Furthermore, outliers should be verified, corrected, or removed, based on further inquiries into the matter. If an outlier was verified (through repeated testing and/or analysis), it should remain in the preliminary data set. If an outlier resulted from a transcription or similar clerical error, it should be corrected and subsequently reported.

Therefore, only if an outlier was associated with problems in the collection or analysis of the samples and as such does not conform with the Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR §136), it can be removed from the data set and not reported on the Discharge Monitoring Report forms (DMRs). Otherwise, all results (including monitoring of pollutants more frequently than required at the location(s) designated, using approved analytical methods as specified in the permit) should be included in the calculation and reporting of the values required in the DMR form. You are encouraged to use “comment” section of the DMR form (or attach additional pages), in order to explain any potential outliers or dubious results.

## F. SCHEDULE OF COMPLIANCE

Full compliance and operational levels shall be attained from the effective date of this permit.

# PART II

## A. GENERAL PROVISIONS

### 1. Duty to Reapply

Permittee is not authorized to discharge after the expiration date of this permit. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information and forms as are required to the Director of the Division of Water Resources (the "Director") no later than 180 days prior to the expiration date. Such applications must be properly signed and certified.

### 2. Right of Entry

The permittee shall allow the Director, the Regional Administrator of the U.S. Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials:

a. To enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this permit, and at reasonable times to copy these records;

b. To inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this permit; and

c. To sample at reasonable times any discharge of pollutants.

### 3. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Water Pollution Control Act, as amended, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Resources. As required by the Federal Act, effluent data shall not be considered confidential.

### 4. Proper Operation and Maintenance

a. The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. Backup continuous pH and flow monitoring equipment are not required.

b. Dilution water shall not be added to comply with effluent requirements to achieve BCT, BPT, BAT and/or other technology-based effluent limitations such as those in State of Tennessee Rule 0400-40-05-.09.

**5. Treatment Facility Failure**

The permittee, in order to maintain compliance with this permit, shall control production, all discharges, or both, upon reduction, loss, or failure of the treatment facility, until the facility is restored or an alternative method of treatment is provided. This requirement applies in such situations as the reduction, loss, or failure of the primary source of power.

**6. Property Rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

**7. Severability**

The provisions of this permit are severable. If any provision of this permit due to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

**8. Other Information**

If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, then he shall promptly submit such facts or information.

## B. CHANGES AFFECTING THE PERMIT

**1. Planned Changes**

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

**2. Permit Modification, Revocation, or Termination**

a. This permit may be modified, revoked and reissued, or terminated for cause as described in 40 CFR 122.62 and 122.64, Federal Register, Volume 49, No. 188 (Wednesday, September 26, 1984), as amended.

b. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

c. If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established for any toxic pollutant under Section 307(a) of the Federal Water Pollution Control Act, as amended, the Director shall modify or revoke and reissue the permit to conform to the prohibition or to the effluent standard, providing that the effluent standard is more stringent than the limitation in the permit on the toxic pollutant. The permittee shall comply with these effluent standards or prohibitions within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified or revoked and reissued to incorporate the requirement.

d. The filing of a request by the permittee for a modification, revocation, reissuance, termination, or notification of planned changes or anticipated noncompliance does not halt any permit condition.

**3. Change of Ownership**

This permit may be transferred to another party (provided there are neither modifications to the facility or its operations, nor any other changes which might affect the permit limits and conditions contained in the permit) by the permittee if:

a. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date;

b. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and liability between them; and

c. The Director, within 30 days, does not notify the current permittee and the new permittee of his intent to modify, revoke or reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

Pursuant to the requirements of 40 CFR 122.61, concerning transfer of ownership, the permittee must provide the following information to the division in their formal notice of intent to transfer ownership: 1) the NPDES permit number of the subject permit; 2) the effective date of the proposed transfer; 3) the name and address of the transferor; 4) the name and address of the transferee; 5) the names of the responsible parties for both the transferor and transferee; 6) a statement that the transferee assumes responsibility for the subject NPDES permit; 7) a statement that the transferor relinquishes responsibility for the subject NPDES permit; 8) the

signatures of the responsible parties for both the transferor and transferee pursuant to the requirements of 40 CFR 122.22(a), “Signatories to permit applications”; and, 9) a statement regarding any proposed modifications to the facility, its operations, or any other changes which might affect the permit limits and conditions contained in the permit.

### 4. Change of Mailing Address

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

## C. NONCOMPLIANCE

### 1. Effect of Noncompliance

All discharges shall be consistent with the terms and conditions of this permit. Any permit noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

### 2. Reporting of Noncompliance

a. 24-Hour Reporting

In the case of any noncompliance which could cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the required notice of non-compliance shall be provided to the Division of Water Resources in the appropriate regional Field Office within 24-hours from the time the permittee becomes aware of the circumstances. (The regional Field Office should be contacted for names and phone numbers of environmental response personnel).

A written submission must be provided within five calendar days of the time the permittee becomes aware of the circumstances, unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:

i. A description of the discharge and cause of noncompliance;

ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

iii. The steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

b. Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph 2.a. above, the permittee shall report the noncompliance on the Discharge Monitoring

Report. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

**3. Sanitary Sewer Overflow**

a. "***Sanitary Sewer Overflow***" means the discharge to land or water of wastes from any portion of the collection, transmission, or treatment system other than through permitted outfalls.

b. Sanitary Sewer Overflows are prohibited.

c. The permittee shall operate the collection system so as to avoid sanitary sewer overflows. No new or additional flows shall be added upstream of any point in the collection system, which experiences chronic sanitary sewer overflows (greater than 5 events per year) or would otherwise overload any portion of the system.

d. Unless there is specific enforcement action to the contrary, the permittee is relieved of this requirement after: 1) an authorized representative of the Commissioner of the Department of Environment and Conservation has approved an engineering report and construction plans and specifications prepared in accordance with accepted engineering practices for correction of the problem; 2) the correction work is underway; and 3) the cumulative, peak-design, flows potentially added from new connections and line extensions upstream of any chronic overflow point are less than or proportional to the amount of inflow and infiltration removal documented upstream of that point. The inflow and infiltration reduction must be measured by the permittee using practices that are customary in the environmental engineering field and reported in an attachment to a Monthly Operating Report submitted to the regional TDEC Field Office. The data measurement period shall be sufficient to account for seasonal rainfall patterns and seasonal groundwater table elevations.

e. In the event that more than five (5) sanitary sewer overflows have occurred from a single point in the collection system for reasons that may not warrant the self-imposed moratorium or completion of the actions identified in this paragraph, the permittee may request a meeting with the Division of Water Resources field office staff to petition for a waiver based on mitigating evidence.

**4. Upset**

a. "***Upset***" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An upset occurred and that the permittee can identify the cause(s) of the upset;

ii. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;

iii. The permittee submitted information required under "Reporting of Noncompliance" within 24-hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days); and

iv. The permittee complied with any remedial measures required under "Adverse Impact."

**5. Adverse Impact**

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**6. Bypass**

a. "***Bypass***" is the intentional diversion of wastewater away from any portion of a treatment facility. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypasses are prohibited unless the following 3 conditions are met:

i. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There are not feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down-time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass, which occurred during normal periods of equipment down-time or preventative maintenance;

iii. The permittee submits notice of an unanticipated bypass to the Division of Water Resources in the appropriate environmental assistance center within 24-hours of becoming aware of the bypass (if this information is provided orally, a written submission must be provided within five days). When the need for the bypass is foreseeable, prior notification shall be

submitted to the Director, if possible, at least 10 days before the date of the bypass.

c. Bypasses not exceeding limitations are allowed **only** if the bypass is necessary for essential maintenance to assure efficient operation. All other bypasses are prohibited. Allowable bypasses not exceeding limitations are not subject to the reporting requirements of 6.b.iii, above.

**7. Washout**

a. For domestic wastewater plants only, a "washout" shall be defined as loss of Mixed Liquor Suspended Solids (MLSS) of 30.00% or more. This refers to the MLSS in the aeration basin(s) only. This does not include MLSS decrease due to solids wasting to the sludge disposal system. A washout can be caused by improper operation or from peak flows due to infiltration and inflow.

b. A washout is prohibited. If a washout occurs the permittee must report the incident to the Division of Water Resources in the appropriate regional Field Office within 24-hours by telephone. A written submission must be provided within 5 days. The washout must be noted on the discharge monitoring report. Each day of a washout is a separate violation.

## D. LIABILITIES

### 1. Civil and Criminal Liability

Except as provided in permit conditions for "**Bypass,**" "**Overflow,**" and "**Upset,**" nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

### 2. Liability Under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.

# PART III

## OTHER REQUIREMENTS

### A. TOXIC POLLUTANTS

The permittee shall notify the Division of Water Resources as soon as it knows or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic substance(s) (listed at 40 CFR 122, Appendix D, Table II and III) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

    a. One hundred micrograms per liter (100 ug/l);

    b. 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;

    c. Five (5) times the maximum concentration value reported for that pollutant(s) in the permit application in accordance with 122.21(g)(7); or

    d. The level established by the Director in accordance with 122.44(f).

2. 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 the permit, if that discharge will exceed the highest of the following "notification levels":

    a. Five hundred micrograms per liter (500 ug/l);

    b. One milligram per liter (1 mg/L) for antimony;

    c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 122.21(g)(7); or

    d. The level established by the Director in accordance with 122.44(f).

### B. REOPENER CLAUSE

If an applicable standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(B)(2), and 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked and reissued to conform to that effluent standard or limitation.

## C. PLACEMENT OF SIGNS

Within sixty (60) days of the effective date of this permit, the permittee shall place and maintain a sign(s) at each outfall and any bypass/overflow point in the collection system. For the purposes of this requirement, any bypass/overflow point that has discharged five (5) or more times in the last year must be so posted. The sign(s) should be clearly visible to the public from the bank and the receiving stream or from the nearest public property/right-of-way, if applicable. The minimum sign size should be two feet by two feet (2' x 2') with one inch (1") letters. The sign should be made of durable material and have a white background with black letters.

The sign(s) are to provide notice to the public as to the nature of the discharge and, in the case of the permitted outfalls, that the discharge is regulated by the Tennessee Department of Environment and Conservation, Division of Water Resources. The following is given as an example of the minimal amount of information that must be included on the sign:

**TREATED INDUSTRIAL WASTEWATER AND STORM WATER RUNOFF**
**ACL Transportation Services LLC**
**(Permittee's Phone Number)**
**NPDES Permit NO. TN0001171**
**TENNESSEE DIVISION OF WATER RESOURCES**
**1-888-891-8332 ENVIRONMENTAL FIELD OFFICE - Memphis**

## D. ANTIDEGRADATION

Pursuant to the Rules of the Tennessee Department of Environment and Conservation, Chapter 0400-40-03-.06, titled “Tennessee Antidegradation Statement,” which prohibits the degradation of exceptional Tennessee waters and the increased discharges of substances that cause or contribute to impairment, the permittee shall further be required, pursuant to the terms and conditions of this permit, to comply with the effluent limitations and schedules of compliance required to implement applicable water quality standards, to comply with a State Water Quality Plan or other state or federal laws or regulations, or where practicable, to comply with a standard permitting no discharge of pollutants.

# PART IV

## STORM WATER POLLUTION PREVENTION PLAN

The discharger will develop, document and maintain a storm water pollution prevention plan (SWPPP) pursuant to the requirements set forth in EPA guidance manuals titled "Storm Water Management for Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices", (EPA 832-R-92-006), September, 1992, and the "Summary Guidance", (EPA 833-R-92-002), October, 1992. The plan shall be signed by either a principal executive officer of a corporation, the owner or proprietor of a sole proprietorship, or a partner or general partner of a partnership. The SWPPP developed and implemented shall be site specific to the permitted facility with regard to the general terms and conditions outlined in the guidance manuals cited herein, and, at a minimum, shall contain the following items:

### A. POLLUTANT SOURCES AND PATHWAYS

1. A site map outlining the individual storm water drainage areas, existing structural control measures, surface water bodies, and sinkholes

2. A narrative description of significant materials (40 CFR 122.26) that are currently or in the past have been treated, stored, or disposed outside; materials management practices; existing structural and non-structural control measures to reduce pollutants; and a description of any storm water treatment

3. A list of significant spills and leaks of toxic or hazardous pollutants at the facility that have taken place after the effective date of the permit

4. A prediction of direction of flow and the possible pollutants associated with each area of the plant that generates storm water

5. A record of available sampling data describing pollutants in storm water discharges

### B. STORM WATER MANAGEMENT CONTROLS

1. Formulate a pollution prevention team with named individuals who will develop the storm water pollution prevention plan and assist plant manager in its implementation.

2. Inventory types of materials handled and associated potential of release to storm water. Evaluate the following for potential pollutant contribution: loading and unloading operations, outdoor storage and manufacturing activities, dust or particulate generating processes, and on-site waste disposal practices. Consider toxicity of chemicals, quantity of chemicals, and history of leaks or spills of toxic or hazardous pollutants.

3. Design a preventive maintenance program including inspection and maintenance of storm water management devices and testing plant equipment and systems to uncover conditions, which could cause failures.

4. Maintain a clean, orderly facility.

5. Establish prevention and response procedures. Identify potential spill areas and drainage points. Specify material handling procedures and storage requirements. Identify spill cleanup procedures and provide to responsible personnel. Make available to responsible personnel the necessary equipment to implement cleanup at all times when the facility is in operation.

6. Include in the plan a narrative of traditional storm water management practices, i.e., other than those that control the source of pollutants.

7. Identify areas of potentially high soil erosion and measures to limit erosion.

8. Train employees at all levels of responsibility in the components of the storm water pollution prevention plan.

9. Identify qualified personnel to inspect equipment, plant areas, and material handling areas. Develop a tracking system to ensure corrective action and maintain records of inspections.

10. Designate a person in the plan who will keep records of spills or other discharges, inspections and maintenance activities, and information describing the quality and quantity of storm water discharges.

11. Identify any non-storm water discharges, and their source(s), associated with the storm water outfalls. In the event non-storm water discharges are discovered in combination with the storm water discharges, the permittee must submit the appropriate EPA form(s) for the characterization of these non-storm water discharges as warranted.

## C. FACILITY INSPECTION

Responsible person(s) named in the plan will inspect the facility at least semi-annually for the accuracy of the plan and maps, adequate measures to reduce pollutants in storm water runoff, and the need for additional controls. Records of these inspections will be maintained for a period of three years.

## D. SPILL PREVENTION CONTROL AND COUNTERMEASURES

Storm water management programs may reflect requirements for spill prevention control and countermeasures (SPCC) plans under section 311 of the CWA.

## E. PLAN REVIEW AND UPDATE

The plan will be reviewed and updated, if necessary, by the facility at least annually. The plan and all records will be retained for at least three years after expiration of this permit.

## F. PLAN IMPLEMENTATION

The plan should be developed and available for review within 30 days after permit coverage. Facilities should implement the management practices as soon as possible, but not later than one year after permit coverage. Where new construction is necessary to implement the management plan, a construction schedule should be included. Construction should be completed as soon as possible.

## G. PLAN AVAILABILITY

The plan will be maintained by the discharger, on the site, or at a nearby office. Copies of the plan will be submitted to the Division of Water Resources within ten business days of any request.

## H. PLAN MODIFICATION

The plan will be modified as required by the director of the Division of Water Resources.

## I. MONITORING PLAN

The storm water discharges will be monitored as required in Part I. Section A., Effluent Limits and Monitoring Requirements, applicable to storm water outfalls. For each outfall monitored, the surface area and type of cover, for example, roof, pavement, grassy areas, gravel, will be identified.

## J. SARA TITLE III, SECTION 313 PRIORITY CHEMICALS

The SWPPP shall include the following for those facilities subject to reporting requirements under SARA Title III, Section 313 for chemicals that are classified as Section 313 water priority chemicals:

1. In areas where Section 313 priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures will be provided. At a minimum, one of the following preventive systems or its equivalent will be used:

a. Curbing, culverting, gutters, sewers or other forms of drainage control

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

2. The plan will include a discussion of measures taken to conform with the following applicable guidelines:

a. In liquid storage areas where storm water comes into contact with any equipment, tank container, or other vessel used for Section 313 water priority chemicals,

i. the tank or container must be compatible with Section 313 water priority chemical which it stores and

ii. the liquid storage areas shall be operated to minimize discharge of Section 313 chemicals.

b. Material storage areas for Section 313 water priority chemicals, other than liquids, will incorporate features that will minimize the discharge of Section 313 chemicals by reducing storm water contact.

c. Truck and rail car loading and unloading areas for Section 313 liquid chemicals will be operated to minimize discharges of chemicals. Appropriate measures may include placement and maintenance of drip pans for use when making and breaking hose connections; a spill contingency plan; and/or other equivalent measures.

d. In plant areas where Section 313 chemicals are transferred, processed or handled, piping, processing equipment, and materials handling equipment will be operated so as to minimize discharges of chemicals. Piping and equipment must be compatible with chemicals handled. Additional protection, including covers and guards to prevent exposure to wind, pressure relief vents, and overhangs or door skirts to enclose trailer ends at truck loading docks, will be implemented. Visual inspections or leak tests will be conducted on overhead piping that conveys Section 313 chemicals.

e. For discharges from areas covered by parts 2a, 2b, 2c, or 2d,

i. the drainage should be restrained by manually-operated valves or other positive means to prevent the discharge of a spill or excessive leakage,

ii. a flapper-type drain valves cannot be used for drainage of containment units,

iii. the final discharge of in-facility storm sewers should be equipped with a diversion system that could, in the event of an uncontrolled spill of a Section 313 chemical, return the spilled material to the facility, and

iv. the records of the frequency and estimated volume (in gallons) of discharges from containment areas will be maintained.

f. Facility site runoff other than from areas covered by parts 2a, 2b, 2c, and 2d from which runoff could contain Section 313 chemicals will incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and to ensure the reduction of pollutants in runoff or leachate.

g. All areas of the facility will be inspected at specific intervals for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. Inspection intervals shall be specified in the plan and shall be based on design and operations experience. Corrective action will be taken promptly when a leak or condition, which could cause significant releases of a chemical is discovered. If corrective action can't be taken immediately, the unit or process will be shut down until the situation is corrected. When a leak or spill has occurred, the contaminated material(s) must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the plan.

h. Facilities will have the necessary security systems to prevent accidental or intentionally entry, which could cause a discharge.

i. Facility employees and contract personnel that work in areas where SARA title III, Section 313 water priority chemicals are used or stored will be trained in and informed of preventive measures at the facility. Employee training shall be conducted at least once per year in the pollution control laws and regulations and in the storm water pollution prevention plan. 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.

j. The SWPPP for a facility subject to SARA Title III, Section 313 requirements will be reviewed and certified by a professional engineer. The registered professional engineer will certify the plan every three years thereafter, or as soon as practical, after significant modifications are made to the facility. Certification will in no way relieve the owner or operator of a facility covered by the plan of their duty to prepare and fully implement such plan.

3. "Section 313 water priority chemicals" means the following chemicals or chemical categories:

a. listed at 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;

b. present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and

c. meeting at least one of the following criteria:

i. listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances);

ii. listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or

iii. designated as pollutants for which EPA has published acute or chronic toxicity criteria.

# RATIONALE

## ACL Transportation Services LLC
**NPDES PERMIT NO. TN0001171**
**Memphis, Shelby County, Tennessee**

**Permit Writer: Miss Julie Harse**

## I. DISCHARGER

**ACL Transportation Services LLC**
**427 West Illinois Avenue**
**Memphis, Shelby County, Tennessee**
**Site Longitude: -90.076318 Site Latitude: 35.123292**

**Official Contact Person:**
**Mr. Chris Shepherd**
**VP Northern Facility Operations**
**(812) 288-1656**

**Nature of Business:**
**Transfer (by rail or truck) and storage of bulk petroleum and edible oils with loading and unloading capability between terminal and barge.**

| | |
|---|---|
| **SIC Code(s):** | **4491** |
| **Industrial Classification:** | **Secondary, w/ELG** |
| **Discharger Rating:** | **Minor** |

## II. PERMIT STATUS

**Issued March 31, 2011**
**Last modified July 30, 2004**
**Expired March 31, 2015**
**Application for renewal received June 22, 2010**

**Watershed Scheduling**

**Environmental Field Office: Memphis**
**Hydrocode: 8010100 Watershed Group: 5**
**Watershed Identification: Mississippi**
**Target Reissuance Year: 2020**

## III. FACILITY DISCHARGES AND RECEIVING WATERS

ACL Transportation Services LLC discharges storm water runoff, hydrostatic test water, tank bottoms and cleaning water through Outfall 001; hydrostatic test water, treated bilge water, tank bottoms and cleaning water through Outfall 002 to Mississippi River at mile 734.4. Appendix 1 summarizes facility discharges and the receiving stream information for all outfalls.

## IV. APPLICABLE EFFLUENT LIMITATIONS GUIDELINES

There are no EPA effluent guidelines for the discharges from this facility. Standards of performance are therefore established in accordance with existing state regulations using available treatability information.

Nonetheless, 40 CFR Part 112 titled 'Oil Pollution Prevention' describes the generally applicable requirements with which the permittee must comply while engaged in activities including bulk oil storage and distribution. Furthermore, this section of the federal code requires the permittee to maintain a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with the guidelines presented. The rules also require that areas around storage tanks be diked and be "sufficiently impervious to contain spilled oil." Part 112 also requires that truck and tank car loading areas have an adequate containment system equal to the volume of the tank being loaded unless the loading area drains to a catchment basin or to a treatment system. Thus, leaked or spilled product during loading or unloading operations should be recoverable and not cause pollution. Specific guidelines for the preparation and implementation of an SPCC plan are found in 40 CFR Part 112.7.

## V. PREVIOUS PERMIT LIMITS AND MONITORING REQUIREMENTS

Appendix 2 lists the permit limitations and monitoring requirements as defined in the previous permit.

## VI. HISTORICAL MONITORING AND INSPECTION

During the previous permit term, ACL Transportation Services LLC did have several exceedences for total suspended solids. A summary of the data reported on Discharge Monitoring Report forms during the previous permit term is summarized in Appendix 3. The inspection report for this permit cycle is located in Appendix 4.

## VII. NEW PERMIT LIMITS AND MONITORING REQUIREMENTS

The proposed new permit limits have been selected by determining a technology-based limit and evaluating if that limit protects the water quality of the receiving stream. If the technology-based limit would cause violations of water quality, the water quality-based limit is chosen. The technology-based limit is determined from EPA effluent limitations guidelines if applicable (see Part IV); or from State of Tennessee maximum effluent limits for effluent limited segments per Rule 0400-40-05-.08. Note that in general, the term "anti-backsliding" refers to a statutory provision that prohibits the renewal, reissuance, or modification of an existing NPDES permit that contains effluents limits, permit conditions, or standards that are less stringent than those established in the previous permit.

**Outfalls 001, 002**

**Flow**

Monitoring of flow quantifies the load of pollutants to the stream. Flow shall be reported in Million Gallons per Day (MGD) and monitored at the time of sample collection. The flow rate will be calculated and reported at least once a month.

**pH**

According to the State of Tennessee Water Quality Standards [Chapter 1200-4-3-.03(3) (b)], the pH for the protection of Fish and Aquatic Life shall lie within the range of 6.5 to 9.0 and shall not fluctuate more than 1.0 unit in this range over a period of 24-hours. Considering that the receiving stream will provide some buffering capacity, effluent limitation for pH will be retained in a range 6.0 to 9.0. The sample type will be grab and the monitoring frequency will be monthly.

**Oil and Grease**

According to the State of Tennessee Water Quality Standards for the protection of Fish & Aquatic Life [Chapter 1200-4-3-.03(3) (c)], there shall be no distinctly visible solids, scum, foam, oily slick, or the formation of slimes, bottom deposits or sludge banks of such size or character that may be detrimental to fish and aquatic life in the receiving stream.

The division has determined that an oil and grease limitation is needed for this facility because of the potential of contamination from spills, leaks and other industrial activities present at the site. The technology-based limit for oil and grease is 15 mg/l as a daily maximum concentration. This level can be accomplished where oil/water separators are maintained, kept clean and are not overloaded. There should be less reliance upon the oil/water separator as a solution and a greater reliance upon good management, operation and housekeeping practices to restrict pollution.

The permit writer is selecting technology-based limits for oil and grease of 15 mg/L as a daily maximum concentration and 10 mg/L as a monthly average concentration. In addition, the permit will contain language prohibiting visible floating scum, oil or other matter in the wastewater discharge. Sample type will be grab.

**Total Suspended Solids (TSS) and Settleable Solids**

Total suspended solids and settleable solids are a general indicator of the quality of a wastewater and will be limited in this permit. The State of Tennessee Water Quality Standards for the protection of Fish & Aquatic Life [Chapter 1200-4-3-.03(3) (c)] state there shall be no distinctly visible solids, scum, foam, oily slick, or the formation of slimes, bottom deposits or sludge banks of such size or character that may be detrimental to fish and aquatic life in the receiving stream. The permit writer believes the TSS limit of 40 mg/L daily maximum concentration and 0.5 mg/L daily maximum concentration for settleable solids will provide protection of water quality in the receiving stream. Considering the nature of wastewater collection and discharge system, the sample type will be composite for TSS and grab for settleable solids.

**BOD5 and COD**

BOD5 and COD are general indicators of the dissolved oxygen demand based on the pollutant load of the effluent stream. The new permit will only require the reporting of the daily maximum concentration.

**Benzene, Ethylbenzene, Xylenes, Toluene, Total Residual Chlorine, and Total Organic Carbon**

The new permit will allow wastewater from hydrostatic testing to be discharged to the Mississippi River. Hydrostatic test wastewater from vessels that have been utilized for the storage of gasoline will be sampled for benzene, ethylbenzene, xylenes, and toluene. If the source of test water is chlorinated then the effluent will need to be tested for total residual chlorine. Total organic carbon will be tested for tanks that have been used for asphalt. The testing will be report only at the time of test water discharge.

## IX. ANTIDEGRADATION

Tennessee's Antidegradation Statement is found in the Rules of the Tennessee Department of Environment and Conservation, Chapter 0400-40-03-.06. It is the purpose of Tennessee's standards to fully protect existing uses of all surface waters as established under the Act. Stream determinations for this permit action are associated with the water body segment identified by the division as segment ID#TN08010100001_1000. The Mississippi River is listed as an Exceptional Tennessee Water due to the presence of the federally endangered Pallid Sturgeon and state threatened Blue Sucker. Additionally, this water partially supports designated uses due to chlordane, dioxin, mercury, polychlorinated biphenyls, and physical substrate habitat alterations due to contaminated sediments, sources outside state jurisdiction, atmospheric deposition from toxics, and dredging. The discharge from Outfall 001 does not contain significant amounts of these effluent characteristics. The division considers the potential for degradation to the receiving stream from these discharges to be negligible.

## X. PERMIT DURATION

The proposed limitations meet the requirements of Section 301(b)(2)(A), (C), (D), (E), and (F) of the Clean Water Act as amended. It is the intent of the division to organize the future issuance and expiration of this particular permit such that other permits located in the same watershed and group within the State of Tennessee will be set for issuance and expiration at the same time. In order to meet the target reissuance date for the Mississippi watershed and following the directives for the Watershed Management Program initiated in January, 1996, the permit will be issued to expire in 2020.

# APPENDIX 1

## FACILITY DISCHARGES AND RECEIVING WATERS

### FACILITY DISCHARGES AND RECEIVING WATERS

| OUTFALL 001 | |
|---|---|
| LONGITUDE | LATITUDE |
| 90-04-31 | 35-07-30.5 |

| FLOW (MGD) | DISCHARGE SOURCE |
|---|---|
| 0.0074 | Storm water runoff, tank bottom water, tank |
| | cleaning water and hydrostatic test water |
| | |
| | |
| | |
| | |
| | |
| 0.0074 | TOTAL DISCHARGE |

| RECEIVING STREAM DISCHARGE ROUTE | | | |
|---|---|---|---|
| Lower Mississippi River at mile 734.4 | | | |
| STREAM LOW FLOW (CFS) * | 7Q10 | 1Q10 | 30Q5 |
| | 109000.0 | 104000.0 | 139000.0 |
| (MGD) | 70468.5 | 67236.0 | 89863.5 |

| STREAM USE CLASSIFICATIONS (WATER QUALITY) | | | | |
|---|---|---|---|---|
| AQUATIC LIFE | RECREATION | IRRIGATION | LIVESTOCK & WILDLIFE | DOMESTIC SUPPLY |
| X | X | X | X | |
| INDUSTRIAL | NAVIGATION | | | |
| X | X | | | |

Treatment: Oil/Water separator

* Reference: Flow Duration and Low Flows of Tennessee Streams through 1992 by George S. Law and Jess D. Weaver. Water Resources Investigations Report 95-4293 prepared by the U.S. Geological Survey in Cooperation with the Tennessee Department of Environment and Conservation and the Tennessee Valley Authority. Nashville, Tennessee, 1996, p. 92.

### FACILITY DISCHARGES AND RECEIVING WATERS

| OUTFALL 002 | |
|---|---|
| LONGITUDE | LATITUDE |
| 90-04-31.0 | 35-07-30.5 |

| FLOW (MGD) | DISCHARGE SOURCE |
|---|---|
| 0.0080 | Treated bilge water, tank bottoms water, tank |
| | cleaning water and hydostatic test water |
| | |
| | |
| | |
| | |
| | |
| 0.0080 | TOTAL DISCHARGE |

| RECEIVING STREAM DISCHARGE ROUTE | | | |
|---|---|---|---|
| Lower Mississippi River at mile 734.4 | | | |
| STREAM LOW FLOW (CFS) * | 7Q10 | 1Q10 | 30Q5 |
| | 109000.0 | 104000.0 | 139000.0 |
| (MGD) | 70468.5 | 67236.0 | 89863.5 |

| STREAM USE CLASSIFICATIONS (WATER QUALITY) | | | | |
|---|---|---|---|---|
| FISH & AQUATIC LIFE | RECREATION | IRRIGATION | LIVESTOCK & WILDLIFE | DOMESTIC SUPPLY |
| X | X | X | X | |
| INDUSTRIAL | NAVIGATION | | | |
| X | X | | | |

Treatment: Oil/Water seperator, precipitation, biological treatment, carbon filter and solids are dried with filter press

* Reference: Flow Duration and Low Flows of Tennessee Streams through 1992 by George S. Law and Jess D. Weaver. Water Resources Investigations Report 95-4293 prepared by the U.S. Geological Survey in Cooperation with the Tennessee Department of Environment and Conservation and the Tennessee Valley Authority. Nashville, Tennessee, 1996, p. 92.

# APPENDIX 2

## PREVIOUS PERMIT LIMITS AND MONITORING REQUIREMENTS

**PERMIT LIMITS**

**OUTFALLS 001, 002**
**Process Wastewater, Hydrostatic Test Wastewater and Storm Water Runoff**

| | EFFLUENT LIMITATIONS | | | | MONITORING REQUIREMENTS | |
|---|---|---|---|---|---|---|
| | MONTHLY | | DAILY | | | |
| EFFLUENT CHARACTERISTIC | AVG. CONC. (mg/l) | AVG. AMNT. (lb/day) | MAX. CONC. (mg/l) | MAX. AMNT. (lb/day) | MSRMNT. FRQNCY.[3] | SAMPLE TYPE |
| FLOW | Report (MGD) [1] | | Report (MGD) [1] | | 1/Month | Calculated |
| pH | Range 6.0 - 9.0 [2] | | | | 1/Month | Grab |
| BOD5 | -- | -- | Report | -- | 1/Quarter | Composite |
| TOTAL SUSPENDED SOLIDS (TSS) | -- | -- | 40.0 | -- | 1/Month | Composite |
| SOLIDS, SETTLEABLE | -- | -- | 0.5 ml/l | -- | 1/Month | Grab |
| FLOATING MATERIAL, COLOR, FOAM & OIL SHEEN | Report | | | | 1/Month | Visual |
| OIL & GREASE | 10.0 | -- | 15.0 | -- | 1/Month | Grab |
| COD | -- | -- | Report | -- | 1/Month | Composite |
| BENZENE | -- | -- | Report | -- | Note 4 | Grab |
| ETHYLBENZENE | -- | -- | Report | -- | Note 4 | Grab |
| TOLUENE | -- | -- | Report | -- | Note 4 | Grab |
| XYLENES | -- | -- | Report | -- | Note 4 | Grab |
| TOTAL RESIDUAL CHLORINE | -- | -- | Report | -- | Note 4 | Grab |
| TOTAL ORGANIC CARBON | -- | -- | Report | -- | Note 4 | Grab |

[1] Flow shall be reported in Million Gallons per Day (MGD).
[2] pH analyses shall be performed within fifteen (15) minutes of sample collection.
[3] Or once per discharge, whichever is less frequent
[4] Sampling shall be performed only for effluent from hydrostatic testing in accordance with below instructions

# APPENDIX 3

## HISTORICAL MONITORING AND INSPECTION

| Outfall 001 | Flow | pH | | BOD5 | TSS | Settleable Solids | Floating Material, Sheen, Color | Oil and Grease | | COD |
|---|---|---|---|---|---|---|---|---|---|---|
| Date | Daily Max. | Daily Max. Conc. | Daily Min. Conc. | Daily Max. | Daily Max. Conc. | Daily Max. Conc. | | Monthly Average | Daily Max. | Daily Max. Conc. |
| | MGD | | | mg/L | mg/L | mg/L | | mg/L | mg/L | mg/L |
| 05/31/2011 | No Dis. | No Dis. | No Dis. | | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. |
| 06/30/2011 | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. |
| 07/31/2011 | No Dis. | No Dis. | No Dis. | | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. |
| 08/31/2011 | No Dis. | No Dis. | No Dis. | | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. |
| 09/30/2011 | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. |
| 10/31/2011 | | 7.4 | 7.4 | | 21 | 0.2 | No | 1.4 | 1.4 | 104 |
| 11/30/2011 | | | | | 19 | 0.1 | No | 1.6 | 1.6 | 84 |
| 12/31/2011 | | 7.5 | 7.5 | | 13 | 0.1 | No | 1.5 | 1.5 | 20 |
| 01/31/2012 | | 7.5 | 7.5 | | 38 | 0.1 | | 3.6 | 3.6 | 15 |
| 02/29/2012 | | | | | | | | | | |
| 03/31/2012 | 0.0068 | 7.0 | 7.0 | | 34 | 0.1 | No | 3.2 | 3.2 | 796 |
| 04/30/2012 | 0.0017 | 7.0 | 7.0 | | 47 | 0.1 | No | 4.0 | 4.0 | 365 |
| 05/31/2012 | 0.005 | 7.0 | 7.0 | | 80 | 0.2 | No | 2.1 | 2.1 | 92 |
| 06/30/2012 | 0.0022 | 7.0 | 7.0 | 7 | 19 | 0.1 | No | 1.8 | 1.8 | 99 |
| 07/31/2012 | No Dis. | No Dis. | No Dis. | | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. |
| 08/31/2012 | 0.0041 | 7.4 | 7.4 | | 29 | 0.1 | No | 1.7 | 1.7 | 92 |
| 09/30/2012 | 0.0113 | 7.4 | 7.4 | 5 | 62 | 0.01 | No | 1.6 | 1.6 | 48 |
| 10/31/2012 | 0.0057 | 7.2 | 7.2 | | 8 | 0.1 | No | 1.5 | 1.5 | 5 |
| 11/30/2012 | No Dis. | No Dis. | No Dis. | | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. | No Dis. |
| 12/31/2012 | 0.0058 | 7.0 | 7.0 | 7 | 9 | 0.1 | No | 1.7 | 1.7 | 64 |
| 01/31/2013 | 0.0152 | 7.0 | 7.0 | | 32 | 0.1 | No | 2.0 | 2.0 | 5 |
| 02/28/2013 | 0.0067 | 6.0 | 6.0 | | 89 | 0.1 | No | 1.7 | 1.7 | 71 |
| 03/31/2013 | 0.0053 | 7.0 | 7.0 | 9 | 60 | 0.1 | No | 1.6 | 1.6 | 103 |
| 04/30/2013 | 0.0111 | 7.0 | 7.0 | | 98 | 0.4 | No | 2.5 | 2.5 | 62 |
| 05/31/2013 | 0.0168 | 7.9 | 7.9 | | 148 | 0.3 | No | 2.2 | 2.2 | 64 |
| 06/30/2013 | 0.0088 | 7.5 | 7.5 | | 23 | 0.1 | No | 1.5 | 1.5 | 44 |
| 07/31/2013 | 0.0058 | 7.8 | 7.8 | | 3 | 0.1 | No | 3.0 | 3.0 | 76 |
| 08/31/2013 | 0.0034 | 7.8 | 7.8 | | 10 | BDL | No | BDL | BDL | 29 |
| 09/30/2013 | 0.0043 | 7.9 | 7.9 | | 10 | BDL | No | BDL | BDL | 35 |
| 10/31/2013 | 0.0052 | 7.8 | 7.8 | | 6 | BDL | No | BDL | BDL | BDL |
| 11/30/2013 | 0.0043 | 8.4 | 8.4 | | 28 | BDL | No | BDL | BDL | 35 |
| 12/31/2013 | | 8.4 | 8.4 | | 28 | BDL | No Dis. | BDL | BDL | 35 |
| 01/31/2014 | 0.0049 | 8.2 | 8.2 | | 12 | BDL | No | BDL | BDL | 15 |
| 02/28/2014 | 0.0086 | 8.2 | 8.2 | | 134 | BDL | No | 7.2 | 7.2 | 17 |
| 03/31/2014 | 0.0115 | 8.2 | 8.2 | BDL | 75 | BDL | No | BDL | BDL | 15 |
| 04/30/2014 | 0.0096 | 7.0 | 7.0 | | 56 | BDL | No | BDL | BDL | 22 |
| 05/31/2014 | 0.0068 | 7.1 | 7.1 | | 9 | 0.1 | No | 1.7 | 1.7 | 29 |
| 06/30/2014 | 0.0209 | 7.5 | 7.5 | BDL | 7 | BDL | No | BDL | BDL | 19 |
| 07/31/2014 | 0.004 | 7.3 | 7.3 | | 3 | BDL | No | 3.5 | 3.5 | 18 |
| 08/31/2014 | 0.0028 | 7.2 | 7.2 | | 3 | BDL | No | BDL | BDL | BDL |
| 09/30/2014 | | 7.4 | 7.4 | BDL | 8 | 0.1 | No | BDL | BDL | 15 |
| **Standard Dev.** | **0.0046** | **0.5** | **0.5** | **2** | **38** | **0.08** | | **1.3** | **1.3** | **148** |
| **Minimum** | **0.0017** | **6.0** | | **5** | **3** | **0.01** | **0** | **1.4** | **1.4** | **5** |
| **Maximum** | **0.0209** | | **8.4** | **9** | **148** | **0.40** | **0** | **7.2** | **7.2** | **796** |
| **Average** | **0.0074** | **7.4** | **7.4** | **7** | **37** | **0.13** | | **2.4** | **2.4** | **80** |
| **Permit Limit** | **Report** | **6.0** | **9.0** | **Report** | **40** | **0.50** | **Report** | **10** | **15** | **Report** |
| **Count** | **34** | **40** | **40** | **16** | **40** | **40** | **40** | **40** | **40** | **40** |

# APPENDIX 4

## COMPLIANCE INSPECTION REPORT

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**
**MEMPHIS ENVIRONMENTAL FIELD OFFICE**
**8383 WOLF LAKE DRIVE**
**BARLETT, TN 38133-4119**
**PHONE (901) 371-3000 STATEWIDE 1-888-891-8332 FAX (901) 371-3170**

CERTIFIED MAIL 91 7108 2133 3932 2045 1312
RETURN RECEIPT REQUESTED

June 14, 2012

Ms. Stacey Thomas
ACL Transportation Services, LLC
427 West Illinois Avenue
Memphis, TN 38106

Re: Compliance Evaluation Inspection (CEI)
ACL Transportation Services, LLC
National Pollutant Discharge Elimination System (NPDES) Permit # TN0001171
Memphis, Shelby County, Tennessee

Dear Ms. Thomas:

On May 24, 2012, I conducted a Compliance Evaluation Inspection (CEI) at the above-referenced site. Upon arrival at the facility, I met with you and stated that the purpose of the inspection was to evaluate the facility's compliance with its NPDES permit. This was accomplished by reviewing the facility's self-monitoring records and reports and conducting a walk-through inspection of the site.

Attached you will find a copy of the EPA Water Compliance Inspection Report, which summarizes the findings of the inspection. The overall score is 2, which indicates an unreliable self-monitoring program.

The following observations were noted during the inspection and should be addressed:

1. ACL Transportation Services, LLC, does not have an EPA approved method for obtaining the pH of the samples. According to you, pH strips are used to estimate the pH of the samples upon collection. An EPA approved digital temperature-compensated pH meter is recommended, and the meter must be calibrated according to the meter specifications (see Part B. "Monitoring Procedures," of the NPDES permit).

2. The sample at Outfall 001 was not analyzed for pH during the November 2011 sampling period. All required parameters need to be analyzed as required by the NPDES permit.

3. Total Suspended Solids (TSS) exceeded the permit limit during the February 2012 and April 2012 sampling period. The Division requires that ACL Transportation Services, LLC, continue to implement appropriate best management practices onsite to prevent future exceedances at Outfall 001.

Required Action:

- On or before July 12, 2012, submit a written response detailing what steps ACL Transportation Services, LLC, has taken and/or will take to address the issues noted above.

All correspondence should be mailed to the Division of Water Pollution Control, Memphis Environmental Field Office, at the address shown below. If you cannot meet the deadline, you must submit a written request for an extension of the response due date.

Tennessee Department of Environment and Conservation
Division of Water Pollution Control
Memphis Environmental Field Office
8383 Wolf Lake Drive
Bartlett, TN 38133

Your prompt attention and cooperation in this matter is appreciated. If you have any questions, please contact Ms. Maylynne Pynkala at (901) 371-3024.

Sincerely,

Lew E. Hoffman

for Terry R. Templeton, LPG
Manager
Division of Water Pollution Control

Enclosure: CEI Report

ec: Enforcement and Compliance, TDEC/WPC/NCO
cc: File, TDEC/WPC/MEFO

# APPENDIX 5

## NEW PERMIT LIMITS AND MONITORING REQUIREMENTS

**Description : External Outfall, Number : 001 and 002, Monitoring : Effluent Gross, Season : All Year**

| Parameter | Qualifier | Value | Unit | Sample Type | Frequency | Statistical Base |
|---|---|---|---|---|---|---|
| BOD, 5-day, 20 C | Report | - | mg/L | Composite | Quarterly | Daily Maximum |
| Benzene | Report | - | mg/L | Grab | See Permit | Daily Maximum |
| Carbon, Total Organic (TOC) | Report | - | mg/L | Grab | See Permit | Daily Maximum |
| Chlorine, total residual (TRC) | Report | - | mg/L | Grab | See Permit | Daily Maximum |
| Ethylbenzene | Report | - | mg/L | Grab | See Permit | Daily Maximum |
| Floating solids or visible foam-visual | Report | - | Y=1;N=0 | Visual | Monthly | Daily Maximum |
| Flow | Report | - | Mgal/d | Calculated | Monthly | Monthly Average |
| Flow | Report | - | Mgal/d | Calculated | Monthly | Daily Maximum |
| Oil & Grease | <= | 15 | mg/L | Grab | Monthly | Daily Maximum |
| Oil & Grease | <= | 10 | mg/L | Grab | Monthly | Monthly Average |
| Oxygen demand, chem. (high level) (COD) | Report | - | mg/L | Composite | Monthly | Daily Maximum |
| Settleable Solids | <= | .5 | mL/L | Grab | Monthly | Daily Maximum |
| Toluene | Report | - | mg/L | Grab | See Permit | Daily Maximum |
| Total Suspended Solids (TSS) | <= | 40 | mg/L | Composite | Monthly | Daily Maximum |
| Xylene | Report | - | mg/L | Grab | See Permit | Daily Maximum |
| pH | >= | 6.0 | SU | Grab | Monthly | Minimum |
| pH | <= | 9.0 | SU | Grab | Monthly | Maximum |

1 Flow shall be reported in Million Gallons per Day (MGD).
2 pH analyses shall be performed within fifteen (15) minutes of sample collection.
3 Or once per discharge, whichever is less frequent
4 Sampling shall be performed only for effluent from hydrostatic testing in accordance with below instructions