

Cenex Auburn
FS 2487

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by)
CENEX Supply and Marketing, Inc.) AGREED ORDER
(hereinafter, CENEX)) No. DE 94TC-N396
) (First Amendment)

TO: CENEX Supply and Marketing, Inc.
P.O. Box 64089
St. Paul, MN 55165-0089

I.

Jurisdiction

This Amendment to Agreed Order ("Order") No. DE 94 TC-N396 is issued pursuant to the authority of RCW 70.105D.050(1).

II.

Findings of Fact

Ecology makes the following Findings of Fact, without admission of such facts by CENEX.

1. Discharges of treated contaminated groundwater produced during remediation at the CENEX Site are subject to regulation under Chapter 90.48 RCW, and would normally require a National Pollutant Discharge Elimination System Permit and/or a State Waste Discharge (NPDES) Permit for discharge to surface waters of the State of Washington via the City of Auburn Storm Drain system and/or the groundwaters of the State of Washington or a Publicly Owned Treatment Works (POTW) such those operated by METRO. METRO has been delegated authority to regulate discharges to their collection and treatment system and POTW by the Department of Ecology under the authority of Chapter 90.48 RCW.

2. In a letter dated June 15, 1992, the Water Quality Program of the Washington Department of Ecology authorized short-term discharges to waters of the State from Leaking Underground Storage Tank (LUST) Sites subject to certain effluent limitations. That letter is included as Attachment "B" to this amendment to the Agreed Order.

3. The Department of Ecology is authorized by WAC 173-220-130 to establish discharge limits more stringent than those established by regulation or policy where such limits are necessary to protect human health or the environment. The department is also authorized to establish cleanup standards for ground water under Chapter 70.105D.030 to prevent releases or threatened releases of hazardous substances that may pose a threat to human health and the environment, including, *inter alia*, discharges from remedial actions to ground water.

III.

Ecology Determinations

1. The substantive requirements of an NPDES Permit and/or State Waste Discharge Permit are applicable, relevant and appropriate regulations, and CENEX shall comply with the substantive requirements of those applicable laws and regulations, including but not limited to Chapter 90.48 RCW and regulations enacted pursuant to that statute.

2. Discharge conditions set forth in this Amendment to the Order are enforceable conditions of the Order and are hereby incorporated in Attachment "C" of Agreed Order DE 94 TC-N396 as an integral and enforceable part of that Agreed Order.

IV.

Terms and Conditions of Order

1. Definitions

Unless otherwise specified, the definitions set forth in Chapter 70.105D RCW and Chapter 173-340 WAC and Chapter 90.48 RCW and Chapter 173-201, -216, 220 WAC shall control the meanings of the terms used in the Order or this Amendment to the Order.

2. Discharge Limits

A. All discharges to the sanitary sewer system from any and all remedial action activities at the site shall be in compliance with the requirements set forth in the letter of authorization issued by the King County Department of Metropolitan Services (METRO) to Mr. Peter Mutschler of CENEX on December 20, 1994 which is included in Attachment "A" to this Amendment to the Agreed Order and incorporated into Attachment "C" of the Agreed Order.

B. All discharges to waters of the State of Washington, including, but not limited to, discharges to the storm drainage system of the City of Auburn, and all discharges to the ground through any infiltration system shall meet the conditions set forth in attachment B to this Amendment to the Agreed Order pending issuance of Amendment 2 to this Agreed Order establishing by Order the requirements meeting the substantive requirements of a National Pollutant Elimination Discharge System Permit. This Authorization shall be valid for 60 (sixty) days from the date discharge to the storm sewer or infiltration trench and thence to ground water of the State of Washington commences.

C. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under Section 6 of Chapter 70.105D RCW.

Effective date of this Amendment: February 13, 1995

CENEX Supply and
Marketing, Inc.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

By Tom Erikson

By Michael J. Gallagher

Attachment A

METRO Discharge Conditions

Attachment B
Storm Sewer and Infiltration
Discharge Limits

DRAFT

Attachment A.

METRO Discharge Conditions

DRAFT



King County Department of Metropolitan Services

Industrial Waste • 130 Nickerson St., Suite 200 • Seattle, WA 98109-1658 • (206) 689-3000

RECEIVED
DEC 22 1994
DEPT. OF ECOLOGY

December 20, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Peter Mutschler
Compliance Specialist
Cenex Supply and Marketing, Inc.
5500 Cenex Drive
Inver Grove Heights, MN 55077

Authorization to Discharge to the Sanitary Sewer

Dear Mr. Mutschler:

The King County Department of Metropolitan Services (Metro) Industrial Waste Section has reviewed your application requesting authorization to discharge ground water pumped from Cenex Supply and Marketing, Inc. located at 238 Eighth Street SE in Auburn, Washington to the sanitary sewer. Metro grants approval for the discharge of up to 86,400 gallons per day (gpd) of ground water for a maximum period not to exceed ninety (90) days from issuance of this letter provided that Metro and Dwight Holobaugh of the City of Auburn (931-3010) are notified of the initial date and time of discharge.

This authorization permits you to discharge limited amounts of ground water into the Metro sewer system in accordance with the regulations outlined in King County Ordinance No. 11034 (enclosed) and the following discharge conditions:

DISCHARGE CONDITIONS

1. Any facility changes which will result in a change in the character or volume of the pollutants discharged to the municipal sewer system must be reported to Metro. Any facility changes that will cause the violation of the effluent limitations specified herein will not be allowed.
2. The discharge from the Cenex site shall remain compliant with the following discharge criteria:
 - a) There shall be no pronounced odor of solvent or gasoline.
 - b) There shall be no pronounced oil sheen or unusual color.
 - c) There shall be no pronounced hydrogen sulfide (rotten egg) odor.
 - d) There shall be no visibly pronounced turbidity; the discharge must remain translucent.

3. In the event Cenex is unable to comply with any of the conditions of this discharge authorization because of breakdown of equipment or facilities, an accident caused by human error, negligence, or any other cause, such as an act of nature, the company shall:
 - a) take immediate action to stop, contain and clean up the unauthorized discharges and correct the problem;
 - b) immediately notify Metro and the City of Auburn so steps can be taken to prevent damage to the sewerage system; and
 - c) submit a written report describing the breakdown, the actual quantity and quality of resulting waste discharged, corrective action taken, and the steps taken to prevent recurrence.

Compliance with these requirements does not relieve Cenex from responsibility to maintain continuous compliance with the conditions of the discharge authorization or the resulting liability for failure to comply.

4. Cenex shall, at all reasonable times, allow authorized representatives of the King County Department of Metropolitan Services to enter that portion of the premises where an effluent source or disposal system is located, or in which any records are required to be kept under the terms and conditions of this discharge authorization.
5. This discharge authorization does not constitute authority for discharge into waters of the state. Any such discharge is subject to regulation and enforcement action by the Department of Ecology.
6. The discharge from the Cenex site shall not cause hydraulic overloading conditions resulting in sewerage system overflows or upset conditions at the East Division Reclamation Plant at Renton. Metro and the City of Auburn reserve the right to request that discharge from the site be stopped immediately and indefinitely by contacting the Cenex representatives and/or individual contractors and/or the employees on site who are directly in charge of the discharge.
7. Metro will expect operators on site to pay close attention to the discharge limitations and operating criteria specified in this discharge authorization whenever discharge to the sanitary sewer is occurring.

8. This authorization authorizes the discharge from the Cenex ground water remediation operation located at CMW-1 only. Wastes or contaminants from other sites shall not be discharged to the sanitary sewer without prior Metro approval.
9. This authorization is issued with the understanding that the long term discharge from this project will be to re-infiltration galleries and that the subject discharge to the sanitary sewer system will cease on or before March 20, 1995.

MONITORING REQUIREMENTS

1. All sampling and analytical methods used to meet the monitoring requirements specified below shall conform to the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.
2. All analytical data submitted to Metro must be performed by a Washington State Department of Ecology (DOE) accredited analytical laboratory. If you will use a commercial laboratory, you must request that the laboratory submit to you their *Scope of Accreditation* that details the analyses they are accredited to perform.
3. The following monitoring requirements shall be met for this discharge authorization:

Parameter	Limit	Frequency	Sample Type/Method
Flow (gpd)	86,400 gpd	Daily (expressed as gallons/day)	Meter or pump
Explosivity	(1)	First 4 days - 4/day, then daily	Grab/Meter
Nonpolar Fats, Oils & Grease	100 ppm	(2)	Grab/Standard Method 5520F (3)
Benzene	0.13 ppm	(2)	Grab/EPA Method 602
Toluene	1.5 ppm	(2)	Grab/EPA Method 605
Ethylbenzene	1.4 ppm	(2)	Grab/EPA Method 602

Notes

- (1) At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5) nor any single reading be more than ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.
- (2) The following monitoring conditions were agreed upon at the time of a meeting held at the City of Auburn facilities on December 19, 1994; these conditions were set-up to satisfy the requirements specified by the Department of Ecology, the City of Auburn, and Metro:

Initial Discharge (first four days)

First four (4) hours of discharge

Collect one sample per hour for four hours and have them analyzed for the pollutants specified above.

First four (4) days of discharge

Collect grab samples every four hours and have them analyzed for the pollutants specified above

Remainder of Discharge

Collect grab samples on a weekly basis and have them analyzed for the above pollutants

- (3) Nonpolar FOG = FOG of mineral/petroleum origins. The required analytical method for the contaminant indicator of nonpolar FOG is Method 5520F (with a partition-gravimetric extraction procedure) in the 1989 Standard Methods for the Examination of Water and Wastes (17th edition). For petroleum hydrocarbon contaminated sites that are following MTCA cleanup protocols and standards (WAC 173-340) EPA Method 418.1 (TPH by IR) or Washington State Methods WTPH-G, WTPH-D and WTPH-O may be substituted for Method 5520F.

REPORTING REQUIREMENTS

1. First Four Days of Discharge

Analytical results for the BTEX and TPH samples for the first four days of discharge must have a turn-around time of 24-hours and must be made available by fax to Metro (689-3001) and the City of Auburn (931-3053) upon receipt. In addition, results for the monitoring for Explosivity and daily discharge volume must be made available daily by fax.

Remainder of Discharge

Results to the weekly self-monitoring samples must have a 48-hour turn around time and must be made available to Metro and the City of Auburn through the submission of the final report as detailed in Item 2 of the Reporting Requirements Section of this authorization.

2. Discharge logs shall be kept on-site at all times. The logs shall indicate site location, daily discharge to the sewer (gpd), the results of all required self-monitoring. If no discharge takes place during any monitoring period, it shall be noted on the logs. Within fifteen (15) days from completion of the project, Cenex shall submit a report to Metro and to the City of Auburn summarizing the information contained on the daily operating log. This report shall be signed by a Cenex authorized representative and contain the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Cenex may delegate the project consulting firm or the project contractor to act as the duly authorized representative. This delegation of authority must be communicated to Metro in writing.

3. If a violation of any discharge limits or operating criteria are detected in monitoring, Cenex shall notify the Metro Industrial Waste Section (689-3000), the City of Auburn (931-3010), and the East Division Reclamation Plant at Renton (684-2404) immediately upon receipt of analytical data.

The formal requirements and fees of a full wastewater permit will not be required as long as you maintain good compliance and do not change the nature and volume of your discharge.


Changes to, or additions at this facility may cause us to reassess this decision and require that you obtain a full wastewater discharge permit. If you propose to substantially increase the volume of your discharge or change the type and quantities of substances discharged, you must submit a new waste discharge permit application to Metro. State law

Mr. Peter Mutschl
December 20, 1994
Page 6

requires that such application for a permit be made a minimum of sixty (60) days before starting a new discharge. Therefore, to avoid delays, please time your submittal accordingly.

Metro Industrial Waste staff want to help you stay in compliance with our regulations. If at any time you have questions about this authorization, or other questions about your discharge, please do not hesitate to call me at 689-3012.

Sincerely,



Arnaud J. Girard
Industrial Waste Investigator
Environmental Programs

Enclosure

cc: Doug Knutson, Department of Ecology
Norman Peck, Department of Ecology
Dwight Holobaugh, City of Auburn
Timothy McCormack, Summit Envirosolutions
Doug Hilderbrand, Metro
Bill Blakney, King County Prosecutors Office

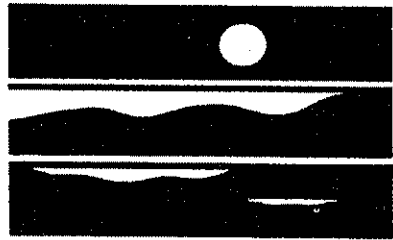
GIRARD\DGWCEN

DRAFT

Attachment B

Storm Sewer and Infiltration
Discharge Limits

DRAFT



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

Guidance for Remediation of Petroleum Contaminated Soils

Washington State Department of Ecology
Toxics Cleanup Program

Revised April 1994
91-30

printed on recycled paper



TPH and Human Health Based Cleanup Levels

The threat to human health and the environment posed by complex chemical mixtures such as total petroleum hydrocarbons is being explored by the scientific community. Uncertainty exists as to correct reference doses (RFDs) and carcinogen potency factors (CPFs) for gasoline, diesel, and other complex chemical mixtures. Ecology has thus decided not to adopt currently available "interim" carcinogenic potency factors and reference dose values because of this uncertainty. In the interim, Ecology will be relying upon soil cleanup values in the Petroleum Contaminated Soils Rating Matrix as opposed to those generated by a risk assessment approach. Ecology will however continue to research this issue.

Hazardous Substance	Cleanup Levels	
	Groundwater	Soil
Benzene	5 ppb	0.5 ppm
Ethylbenzene	30 ppb	20.0 ppm
Toluene	40 ppb	40.0 ppm
Xylenes	20 ppb	20.0 ppm
Total Petroleum Hydrocarbons (TPH):	1,000 ppb	---
Gasoline TPH	---	100.0 ppm
Diesel TPH	---	200.0 ppm
Heavier than Diesel TPH	---	200.0 ppm
Total Lead	5 ppb	250.0 ppm

1.5.3 Method C

Method C was established for certain "industrial sites". Again, there is a specific definition for what would qualify as "industrial". Under certain conditions when Method A or B cleanup standards are not technically possible, an owner or operator could conduct a site-specific risk assessment, establish cleanup standards by Method C, and provide institutional controls (WAC 173-340-440, 173-340-706, 173-340-720(4), and 173-340-740(4)).

1.6 PERMITS

The Model Toxics Control Act Cleanup Regulations do not impose any new permit requirements for site cleanups. However, excavations, soil treatment, and other activities related to LUST cleanups may require permits from local planning, building,



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

May 1992 P.V. 11 • Olympia, Washington • 92 • June 15 P. 1

RECEIVED

June 15, 1992

JUN 30 1992

DEPT. OF ECOLOGY

TO: Water Quality Management Team
Toxics Cleanup Management Team

FROM: Mike Llewelyn, Water Quality Program Manager
Carol Fleskes, Toxics Cleanup Program Manager

SUBJECT: Wastewater Discharges from Independent LUST sites

The purpose of this memorandum is to document our decision regarding wastewater discharge permit requirements from independent leaking underground storage tank cleanup sites.

As you know, a committee was formed with representatives from both program management teams to address this pressing issue. We have numerous sites around the state removing and replacing tanks. The environment facing businesses and others attempting to complete this work is becoming more complex. Local jurisdictions are limiting wastewater effluent discharge pathways through permit approvals and restrictive ordinances. Ecology regional offices are experiencing a growing number of permit applications or consultations as options become more restrictive.

Accordingly, we are endorsing the committee's "May 1992 Recommendations to Joint Management Teams" document. This document recognizes two classes of water discharges from LUST sites and puts a policy decision in place regarding when a discharge permit is required. It includes technical standards for cleanup levels for gasoline, diesel, and mixtures of both. For discharges greater than 60 days or in cases where permits have been requested by an owner/operator, a "model" permit is available to minimize staff time in preparing a permit. A copy of the completed permit and guidance package will be available from Water Quality's Point Source section by July 30, 1992.

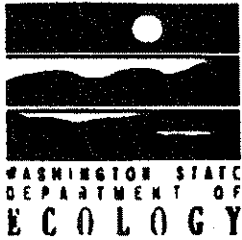
We feel this is a constructive approach to encouraging site cleanups around the state with the limited resources available.

Thank you for your assistance and participation in completing this effort.

MTL:BB:lr

Attachment

cc: Terry Husseman
Narda Pierce



WATER QUALITY/TCP LUST PERMIT COMMITTEE

MAY 1992

RECOMMENDATIONS TO JOINT MANAGEMENT TEAMS

The Committee recognizes two classes of water discharges from independent LUST site actions

1. Short-Term (treated effluent discharge of 60 days or less)
2. Long-Term (treated effluent discharge greater than 60 days; also, any duration discharge where a permit is REQUESTED)

The Committee included the following contaminants in this recommendation

- Gasoline contamination only
- Mixture of gasoline and diesel contamination
- Diesel contamination only

The Committee agreed on the following definitions supporting this recommendation

- Treatment to technical standards:
 - Gasoline: 1.0 ppm WTPH-G (total petroleum hydrocarbons), pH (6-9), Benzene (5 ppb), Total lead (5 ppb), BETX (100 ppb)
 - Diesel: 10.0 ppm WTPH-D, pH (6-9)
 - Mixture: meet standards for both gasoline (WTPH-G, pH, benzene, lead, BETX) and diesel (WTPH-D, pH)
- Discharge to Ground:
 - Land application and infiltration trench or other land disposal systems, however, injection wells or dry wells are prohibited
- Point of Compliance:
 - The point of compliance for technical standards will be at the end of the treatment process
- Total petroleum hydrocarbons analytical methods:
 - April 1992 updates of Table II and Appendix L of the "Guidance for Remediation of Release from USTs"
- Local jurisdiction approval:
 - The approval given by a lawful representative of the publicly-owned treatment works (POTW) prior to effluent discharge into their collection system

STANDARDS THAT APPLY TO EACH CLASS

1. Short-Term Action

An interprogram policy decision will be made which recognizes independent cleanup actions will proceed; due to program resource constraints, Ecology will not require a waste discharge permit provided:

- Discharge to ground within site boundary
Treatment to technical standards (gasoline, diesel, mixture)
- Discharge to POTW
Treatment to technical standards and approval of local jurisdiction
- Discharge to surface waters
Treatment to technical standards and 10:1 dilution in receiving water (gasoline and mixture)
Treatment to technical standards (diesel only)

Advice to staff

- If questions arrive concerning monitoring frequency:
Sample weekly during first 30 days, then once prior to shutdown
- SEPA:
Project proponent is responsible to satisfy local officials and air authority, if required
- Model Toxics Control Act:
Project proponent is responsible for satisfying the reporting requirements under WAC 173-340-450

2. Long-Term Action

- Require waste discharge permit application and SEPA checklist
- Engineering report approval by consultant (P.E.) certification
- Discharge to ground or POTW
To ground: Permit by rule when application indicates treatment to technical standards
To POTW: Permit by rule when application indicates treatment to technical standards and approval of local jurisdiction
- Discharge to surface waters

A state or NPDES permit is required; the LUST "model permit" is designed for application to gasoline, diesel, or a mixture of both through options contained in the permit. The permit writer will have to analyze each application of the LUST permit to ensure the technology-based standards can be protective of receiving water quality within a regulatory "mixing zone," if appropriate.

