CONOCO

RB

# Interoffice Communication

Jim P
Paul has some comments to make defending this position. Will jot these down
RB

To M. L. Ashby

From P. D. Despres

Date July 22, 1982

Subject Containment of Stormwater in the Tank Farm Area

The stormwater runoff from the tank farm area currently drains immediately to the secondary wastewater treatment facility. Routine containment of this water within the dikes and periodic draining to the secondary would help alleviate the load on the secondary basins during periods of heavy rainfall. The runoff from the tank farm area comprises approximately 12% of the total surface runoff from the VCM Plant. Routine isolation of the tank dike areas will also help contain any toxic material from the EDC or by-product tanks in case of a tank rupture.

There are a total of eight tank dike drains that should be closed: three interconnecting lines and five effluent drains (see Figure 1). These valves should be kept closed at all times. Draining should be done on the weekends if necessary and secondary basin levels permitting.

Routine containment of the runoff water will cause a few changes in operations and maintenance policies and practices. Materials and equipment left inside the dike area should be removed either from the tank farm area or to a high accessible location. Care should be taken not to clutter the walkways with this material overnight.

If there are any questions or comments, please contact me at Extension 5049.

Paul D. Despres

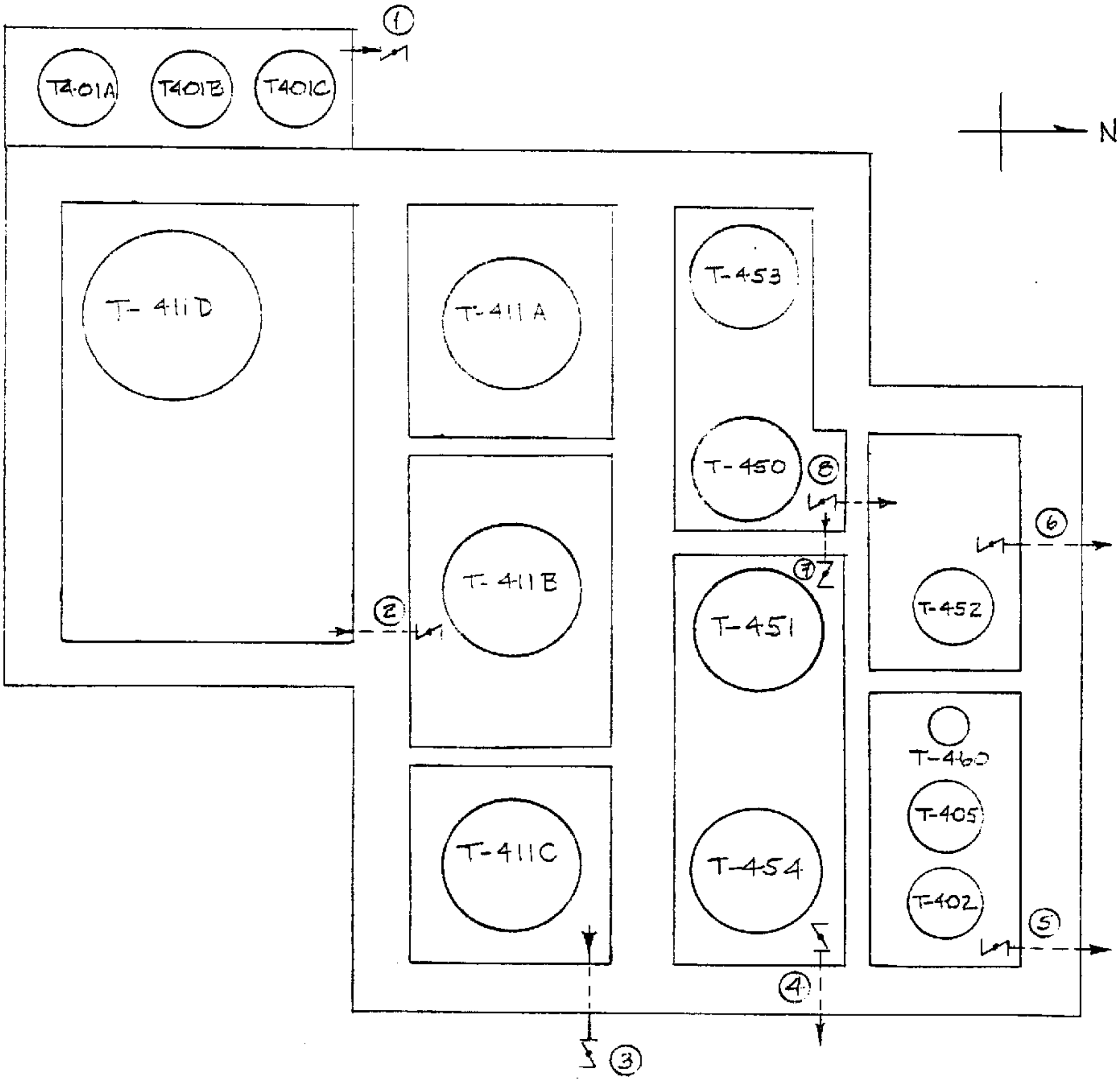
Paul D.Despres
Process Engineer

kf
CC: JAD-JWW-JRH(4)-RB-MLA(4)-SRA-DLD-PE

CCR 000017519

FIGURE 1. PLOT PLAN VCM PLANT TANK FARM

DIKE DRAIN VALVES




PDD

7/22/82

CCR 000017520

6/23/82

Results of EPA/CONOCO
Meeting - Dallas 6/22/82

① The biggest immediate concern was a mistaken notion by EPA that we bypassed the steam stripper whenever we reported a wastewater bypass. This was cleared up.

②. M.S. Ramesh (Compliance Officer) was more concerned with chlorinated hydrocarbons than he was with TSS. His written data (their computer records) shows 974 lb/day chlor. HC in our 201 outfall (average). This is obviously high & wrong; no one knew how numbers were obtained. We will resubmit correct data to him for JAN - March 1982

This is no. shown for March.

③. We explained the system to him; he apparently ~~fel~~ felt more comfortable that we weren't discharging via an unpermitted outfall.

④. He mentioned that our system should handle a 10 yr, 24 hr rain. We countered that this was ambiguous. He then said that we should handle a 10 yr event. We mentioned that the law or regulations don't require us to meet such a criteria; Ramesh

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indicated that EPA, Region VI, is "insisting" upon it. He mentioned that compliance with that was a "longer term objective."

⑤ Future steps are:

(1) We will repair our rain guage so that we can demonstrate heavy ~~and~~ rains in short periods

Not required by law. If sample 201 must report it since it is NPDES sample.

(2) Ramesh requested that we catch a sample at 201 during a bypass so that we could show our total discharge parameter

Sounds like problem. Shouldn't report anything not required by law.

(3) Ramesh requested written verification that our system was designed to handle a 10 yr rain. While we have such documentation, Legal will be consulted to ascertain whether we should submit it & see if problem is resolved, or oppose it at this point.

(4) On 5/6/82, our chlo. HC level was higher than "normal" in the bypass (typically <1 lb; on 5/6 it was 458 lb). Ramesh wanted to know why.

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May not be wrong but method is faulty.

(5) Clear up wrong numbers in their records about chlor HC levels

⑥ Overall feeling:

(1) Ramesh will be calling us back in a week & let us know what "future steps" will be taken. If all he requests is that we monitor 201 outfall & install rain guage, then we should do this & hope problem is resolved.

(2) If he tries to insist upon making our system handle a 10 yr rain, then we should probably get lawyers involved & oppose it on grounds that no law applies. Overall, the mood was friendly, though somewhat strained.

CCR 000017525

* notice



condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

(b) In addition to § 122.7(c) (duty to halt or reduce activity), upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost.

(c) In addition to § 122.7(j) (monitoring):

(1) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

(2) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(d) In addition to § 122.7(k) (signatories): the Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(e) In addition to § 122.7(l)(3) (monitoring reports):

(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).

(2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

(f)(1) The following shall be included as information which must be reported within 24 hours under § 122.7(l)(5) (24-hour reporting):

(i) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See § 122.60(g) below.)

(ii) Any upset which exceeds any effluent limitation in the permit.

(iii) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See § 122.62(g).)

(2) The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(g) *Bypass*—(1) *Definitions.* (i) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes 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.

(2) *Bypass not exceeding limitations.* The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (g)(3) and (g)(4) of this section.

(3) *Notice.*—(i) *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in paragraph (f) of this section (24-hour notice).

(4) *Prohibition of bypass.* (i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (g)(3) of this section.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (g)(4)(i) of this section.

(h) *Upset.*—(1) *Definition.* "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit 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.

(2) *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (h)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(3) *Conditions necessary for a demonstration of upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

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

(ii) The permitted facility was at the time being properly operated; and

(iii) The permittee submitted notice of the upset as required in paragraph (f) of this section (24-hour notice).

(iv) The permittee complied with any remedial measures required under § 122.7(d).

(4) *Burden of proof.* In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

**§ 122.61 Additional conditions applicable to specified categories of NPDES permits.**

[Applicable to state NPDES programs, see § 123.7.]

The following conditions, in addition to those set forth in § 122.7 and § 122.60, apply to all NPDES permits within the categories specified below:

adequate backup equipment should have been installed

CCR 000017531