

Robbins, Susanne

From: Johnson, Kelly
Sent: Thursday, August 28, 2014 11:11 AM
To: Gregson, Jim; Scott, Georgette; Robbins, Susanne; barry.kelley@fhr.com; Price, Liz; steveweber@parkerpoe.com; Elizabeth.meyer@invista.com; rbayless@invista.com; mike.law@chemserveterminal.com; matt.law@chemserveterminal.com; bruce.kirk@chemserveterminal.com
Subject: SW8 080918 State Stormwater Permit Transfer - Invista to Chemserve
Attachments: Sign In Sheet.pdf; 2014 08 picture 080910.pdf

All,

Thank you for attending the meeting on Tuesday. We understand that Chemserve wants to accept the transfer of State Stormwater Permit SW8 080928, and so we will process the transfer from Invista to Chemserve. This will be done based on a nine month agreement between Chemserve and Flint Hills Resources (FHR) where FHR will continue to accept stormwater from Chemserve per the existing State Stormwater Permit. During this time, Chemserve will work with FHR to determine whether or not the water that collects in the sump at the end of the concrete swale on Chemserve's property is purely uncontaminated stormwater. Based on that information, Chemserve will develop a plan of operation to be implemented at the end of the nine month period. This plan can either be to continue to pump to FHR, or it can be an alternative plan that has not yet been determined. If the water in the sump is found to be purely stormwater, then one option is to treat it onsite. If the water in the sump is found to be comingled with contaminated groundwater, then it cannot be treated as stormwater. I have attached a picture showing that after today's meeting a continuous stream of water was draining into the swale, but it was not raining and had not recently rained.

Action Items:

- 1.) Mr. Kelley will email a copy of the nine-month agreement to me. As we discussed, the document can be redacted as necessary if there are confidentiality concerns. It just needs to show that both Chemserve and FHR have agreed that FHR will continue to treat stormwater until a specific date.
- 2.) Mr. Mike Law will email me a statement that Chemserve understands that Chemserve is responsible for developing a plan of operation to be implemented at the end of the nine month agreement with FHR. As permittee, Chemserve will be responsible for permit compliance.
- 3.) I agreed to email the sign in sheet to everyone. It is attached.
- 4.) Additionally, I meant to ask Chemserve for one additional document at the meeting. Can you all please email me documentation of the managers of Chemserve Terminal of Wilmington, LLC? Its Articles of Incorporation are on the NC Secretary of State's website, <http://www.secretary.state.nc.us/corporations/>, but that document does not list the managers. And, since it is a fairly new corporation its annual report is not there. Mr. Kirk signed the transfer form as a manager, and per regulatory requirements we need to have documentation that he is a manager of the LLC.

Changes to Permit Text:

1. Section I(8) will be added to the permit as follows: "Chemserve Terminal of Wilmington, LLC and Flint Hills Resources have an agreement dated [date of agreement] that Flint Hills Resources will treat stormwater per SW8 080919 until [nine month agreement expiration date]. Chemserve will work with Flint Hills Resources to determine whether or not the water that collects in the sump at the end of the concrete swale on Chemserve's property is purely uncontaminated stormwater. Based on that information, Chemserve will develop a plan of operation to be implemented on [nine month agreement expiration date]. This plan can either be to continue to pump to Flint Hills Resources, or it can be an alternative plan that has not yet been determined. If the water in the sump is found to be purely stormwater, then one option is to treat it onsite. If the water in the sump is found to be comingled with contaminated groundwater, then it cannot be treated as stormwater."
2. Section II(6): The current permit requires the permittee to certify that the system was installed properly. It is unclear whether or not this was completed because the certification is not on file. Rather than require the certification to be completed now when there may be changes in less than a year, the permit text will be revised as follows:
 - a. Current Text: "*Upon completion of construction, prior to issuance of a Certificate of Occupancy, and prior to operation of this permitted facility, a certification must be received from an appropriate designer for the system installed certifying that the permitted facility has been installed in accordance with this permit, the approved plans and specifications, and other supporting documentation. Any deviations from the approved plans and specifications must be noted on the Certification. A modification may be required for those deviations.*"

- b. Revised Text: "*On [Date 30 days past the nine month agreement expiration date],* a certification must be received from an appropriate designer for the system installed certifying that the permitted facility has been installed in accordance with this permit, the approved plans and specifications, and other supporting documentation. Any deviations from the approved plans and specifications must be noted on the Certification. A modification may be required for those deviations."

I have drafted the permit transfer, and we will issue it as soon as possible after receiving the items listed above.

Thanks,
Kelly

Kelly Johnson

Kelly Johnson
Environmental Engineer

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**SW8 080918 - Invista S.A.R.L. North Terminal / Chemsolve Terminal of Wilmington
8/26/14**