UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 23 2012

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
Article Number: 7099 3400 0017 2022 9160

Mr. Scott Rudolph, Terminal Manager
Kinder Morgan Bulk Terminals Inc.
188 Calcutta Street
Newark, New Jersey 07144

Re: **Kinder Morgan Bulk Terminals Inc. – 187 Marsh Street, Newark New Jersey**
Administrative Order
Docket No. CWA-02-2012-3015
Request for Information, Pursuant to Section 308 of the Clean Water Act
Docket No. CWA-IR-12-004
Compliance Evaluation Inspection Report
NJPDES Tracking No. NJG0117838

Dear Mr. Rudolph:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that the Kinder Morgan Bulk Terminals Inc. facility located at and across the street from 187 Marsh Street in Newark, New Jersey is in violation of the Clean Water Act (33 U.S.C. § 1251 et seq) ("CWA") for violating provisions of the New Jersey Department of Environmental Protection ("NJDEP") New Jersey Pollutant Discharge Elimination System ("NJPDES") Basic Industrial (5G2) Stormwater General Permit ("Permit"). Enclosed are two (2) originals of ORDER CWA-02-2012-3015 issued pursuant to Section 309 of the CWA, which details the findings.

Please acknowledge receipt of this ORDER on one of the originals, and return by mail in the enclosed envelope. Failure to comply with the enclosed ORDER and RFI may subject the facility to civil/criminal penalties pursuant to Section 309 of the CWA. Failure to comply with this ORDER and RFI shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

Also enclosed are a Request for Information ("RFI") Letter pursuant to Section 308 of the CWA and the Compliance Evaluation Inspection ("CEI") report for the CEI conducted at the above mentioned facility on November 15, 2011. Failure to respond to a Section 308 RFI truthfully and accurately within the time provided may subject you to sanctions authorized by federal law.

For further information on EPA's Industrial Stormwater Program such as Best Management Practices and Stormwater Controls see EPA's web site at http://cfpub2.epa.gov/npdes/stormwater/indust.cfm.

If you have any questions regarding the Administrative Order and Request for Information please contact Ms. Justine Modigliani, Team Leader, NPDES Team, at (212) 637-4268.

Sincerely,

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Marcedius T. Jameson, NJDEP w/enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 16 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Article Number: 7099 3400 0017 2022 9160

Mr. Scott Rudolph, Terminal Manager
Kinder Morgan Bulk Terminals Inc.
188 Calcutta Street
Newark, New Jersey 07144

Re: **Request for Information, Pursuant to Section 308 of the Clean Water Act**
Kinder Morgan Bulk Terminals Inc. – 187 Marsh Street, Newark New Jersey
Docket No. CWA-IR-12-004
NJPDES Tracking No. NJG0117838

Dear Mr. Rudolph:

Section 308(a) of the Clean Water Act ("CWA"), 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, the United States Environmental Protection Agency ("EPA") shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

On November 15, 2011, the EPA conducted a Compliance Evaluation Inspection ("CEI") at the Kinder Morgan Bulk Terminals Inc. facility located at and across the street from 187 Marsh Street in Newark, New Jersey. The facility is regulated under the New Jersey Department of Environmental Protection ("NJDEP") New Jersey Pollutant Discharge Elimination System ("NJPDES") Basic Industrial (5G2) Stormwater General Permit ("Permit"). During the CEI, EPA evaluated stormwater controls at the site; however, because a Kinder Morgan Bulk Terminals Inc. representative was not on site at the time of the CEI, records required by the Permit were not available for review at that time.

REQUEST FOR INFORMATION

You are hereby required, pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), to submit the following documents and/or requested information for the above referenced facility:

1. The date industrial activity began at the facility and the date Kinder Morgan Bulk Terminals Inc. first began leasing the property from the Port Authority;

2. A copy of the leasing and/or rental agreement for the Facility including agreements between Kinder Morgan Bulk Terminals Inc. and the Port Authority, and Kinder Morgan Bulk Terminals Inc. and High Bridge Stone Company.

3. A copy of the Request for Authorization ("RFA") to discharge stormwater for coverage under the Permit and Authorization to Discharge from NJDEP;

4. A complete copy of the most up to date Stormwater Pollution Prevention Plan ("SPPP") for the facility, including attachments and required signatures;

5. All reports for routine stormwater inspections conducted at the facility from the previous five (5) years or from the start of industrial activity (whichever is more recent);

6. Annual certification reports for the facility from the previous five (5) years or from the start of industrial activity (whichever is more recent);

7. All incidents of noncompliance forms submitted to NJDEP from the previous five (5) years or from the start of industrial activity (whichever is more recent); and

8. All records of employee stormwater training from the previous five (5) years or from the start of industrial activity (whichever is more recent).

Please provide the information requested no later than **thirty (30) calendar days** from the date of receipt of this letter. Requests for additional time must be justified, and must be requested within fifteen (15) calendar days of your receipt of this letter.

CERTIFICATION

Any documents to be submitted must be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 CFR § 122.22), and shall include the following certification:

> "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 gathered and evaluated 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."

All information required to be submitted by this request shall be sent by registered mail or its equivalent to the following address:

Chief, Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, NY 10007-1866

Should you have any questions regarding this request, feel free to have your staff contact Ms. Justine Modigliani, Team Leader, NPDES Team at (212) 637-4268.

Sincerely,

Doughlas McKenna, Chief
Water Compliance Branch

cc: Marcedius T. Jameson, NJDEP

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF: Kinder Morgan Bulk Terminals Inc. 188 Calcutta Street Newark, New Jersey 07144 Proceeding pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act, 33 U.S.C. §§ 1318(a) and 1319(a)(3) **RESPONDENT**	**ADMINISTRATIVE ORDER** CWA-02-2012-3015

The following Findings of Violation are made, and Order for Compliance ("Order") issued, pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1318(a) and 1319(a)(3). This authority has been delegated by the Administrator of the United States Environmental Protection Agency ("EPA") to the Regional Administrator, EPA Region 2, and since further redelegated to the Director, Division of Enforcement and Compliance Assistance, Region 2, EPA.

A. Legal Authority

1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants from a point source into waters of the United States, except in compliance with, *inter alia*, Section 402 of the CWA, 33 U.S.C. § 1342.

2. Section 402(a)(1) of the CWA, 33 U.S.C. § 1342(a)(1), provides that pollutants may be discharged only in accordance with the terms of a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to that Section.

3. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New Jersey Department of Environmental Protection ("NJDEP") is the agency with the authority to administer the federal NPDES program in New Jersey pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. EPA maintains concurrent enforcement authority with authorized states for violations of the CWA. Additionally, under the authority granted to the NJDEP by the EPA under Section 402(b) of the CWA, 33 U.S.C. § 1342(b), a New Jersey Pollutant Discharge Elimination System ("NJPDES") permit is required to be issued to facilities by the NJDEP for the discharge of pollutants from said facilities from a point source to a navigable water of the United States.

4. Section 308 of the CWA, 33 U.S.C. § 1318, provides, in relevant part, that the Administrator of EPA may require the owner or operator of any point source to, among other things: maintain such records; make such reports; install, use and monitor such equipment; sample such effluents; and provide such other information as may reasonably be required in order to carry out Section 402 of the CWA, 33 U.S.C. § 1342.

5. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5) to include an individual, corporation, partnership, association or municipality.

6. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6) to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water.

7. "Navigable waters" is defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7) to include the waters of the United States.

8. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14) to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

9. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12) to include any addition of any pollutant to navigable waters from any point source.

10. Section 402(p) of the CWA, 33 U.S.C. § 1342(p) sets forth the requirements for municipal and industrial stormwater discharges.

11. The Administrator of EPA has promulgated regulations, 40 CFR § 122.26(a)(1)(ii) and § 122.26(b)(14), which require operators to obtain a NPDES permit for stormwater discharges associated with industrial activity. The regulations at 40 CFR § 122.26(b)(14) establish requirements for stormwater discharges associated with industrial activity.

12. The terms "Industrial Stormwater General Permit," "5G2" or "Permit" mean the NJPDES Basic Industrial (5G2) Stormwater General Permit, as defined by the present general permit number NJ0088315. The current 5G2 became effective on June 1, 2007 and will expire on May 31, 2012.

13. The term "SPPP" means Stormwater Pollution Prevention Plan, as defined in the Permit.

14. The term "source material" means any material including but not limited to raw materials, intermediate products, final products, waste materials, by-products, industrial machinery, and fuels, lubricants, solvents, and detergents located at the facility that is directly or indirectly related to their industrial activities and which could be a source of pollutants in an industrial stormwater discharge, as defined in the Permit.

15. The term "BMPs" means Best Management Practices and include, but are not limited to, structural and nonstructural controls, and operation and maintenance procedures which can be applied before, during, and after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters, as defined in the Permit.

16. Part I.B.1.a of the Permit states that every facility authorized under this permit must eliminate exposure of source materials and industrial activities to stormwater through the implementation of BMPs, as part of a SPPP, within the time frames specified in the Permit.

17. Part I.B.2 of the Permit requires every facility to prepare a SPPP within six (6) months of the effective date of permit authorization.

18. Part I.B.3.a of the Permit requires facilities to implement the SPPP within eighteen (18) months of the effective date of permit authorization.

19. Part I.C.1.b of the Permit states that once the SPPP is implemented, there must be no exposure of source materials and/or industrial activity to such stormwater.

20. Part I.D.7.a of the Permit states that regular maintenance inspections must be conducted to ensure that all BMPs identified in the SPPP are being properly implemented and/or maintained.

21. Part I.I.2.b of the Permit states that a facility that cannot comply with permit conditions may need to apply for an individual permit or for an industry specific general permit for its stormwater discharge and that authorization under this Permit remains in effect until the date authorization under such other permit becomes effective or the NJDEP revokes the authorization under this Permit.

22. Pursuant to 40 C.F.R. § 122.41(a), permittees must comply with all conditions of their permit, and any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action.

23. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), authorizes EPA to commence an administrative enforcement action for violations of "any condition or limitation which implements [among others, sections 301 or 402]" of the CWA, and to "issue an order requiring [compliance with the applicable] section or requirement . . ."

B. Factual Background

1. Kinder Morgan Bulk Terminals Inc. ("Kinder Morgan" or "Permittee") is a "person" pursuant to Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

2. Kinder Morgan operates the salt processing facility located at and across from 187 Marsh Street, in Newark, New Jersey ("site" or "facility") and conducts industrial activity under Standard Industrial Classification ("SIC") Code 4491 (Marine Cargo Handling).

3. On November 15, 2011, EPA conducted a Compliance Evaluation Inspection ("CEI") at the facility. Based on EPA findings, stormwater from the portion of the facility on the north side of Marsh Street, including location containing the uncovered salt pile, discharges to storm drains located on an unnamed street, where discharges flow north into Port Newark Channel, a navigable water of the United States pursuant to Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

4. Kinder Morgan discharges stormwater associated with industrial activity, a "pollutant" within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6), via the above mentioned storm drains, "point sources" within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to a navigable water of the United States, and as such, discharges pollutants pursuant to Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

5. Based on records available to EPA, Kinder Morgan submitted a Request for Authorization ("RFA") and obtained Permit coverage prior to May 18, 1994 (Permit ID No.: NJG0117838).

6. Kinder Morgan submitted to NJDEP the facility's SPPP preparation certification form for the facility on May 18, 1994 and the SPPP implementation certification form on February 1, 1995.

7. NJDEP issued a Notice of Violation ("NOV") on March 17, 2008 for violations identified during inspections conducted on January 31, 2008 and March 11, 2008 and required the facility to comply with the following corrective actions:

    a. Submit a complete individual permit application: within 30 days of receipt of NOV; and
    b. Comply with the Permit: within 30 days of receipt of NOV.

8. NJDEP received Kinder Morgan's complete individual permit application for the facility on November 17, 2009.

9. At the time of the November 15, 2011 CEI, Kinder Morgan had permit coverage under the Stormwater General Permit for stormwater discharges associated with industrial activity and had not received permit authorization under an individual permit for the facility.

10. During the November 15, 2011 CEI, EPA identified the following source material exposed to stormwater, in violation of Part I.B.3.a of the Permit:

    a. An uncovered salt pile on the north side of Marsh Street, west of Import Street;
    b. Waste materials and industrial machinery on the north side of Marsh Street and west of the salt pile; and
    c. An uncovered salt pile on the south side of Marsh Street.

11. During the November 15, 2011 CEI, EPA identified the following areas where additional BMPs are required to reduce or eliminate the introduction of pollutants into the receiving water, in violation of Part I.B.1.a of the Permit:

    a. Spilled salt adjacent to and on top of a storm drain on an unnamed street west of the salt pile;
    b. Salt tracking on an unnamed street west of the salt pile; and
    c. Unknown yellow foam on the ground at the facility on the north side of Marsh Street and north of the salt pile.

12. Based upon Paragraphs 1-11 above, Kinder Morgan has violated federal NPDES requirements in violation of the CWA and its implementing regulations pursuant to § 301, § 308 and § 402 of the CWA.

C. Ordered Provisions

Based upon the foregoing and pursuant to the authority of Section 309(a)(3) of the CWA, it is hereby ORDERED that:

1. Immediately upon receipt of the original copies of this ORDER, a responsible official of Kinder Morgan Bulk Terminals Inc. shall complete and sign the acknowledgment of receipt of one of the originals of the ORDER and return said original to the Chief, Water Compliance Branch, in the enclosed envelope to the address listed below.

2. On or before **thirty (30) calendar days** of receipt of this ORDER, Kinder Morgan shall submit to EPA written documentation of the actions Kinder Morgan has taken, or will take, to address Items 3 and 4 below, including but not limited to the following:

    a. Accompanying photo documentation;
    b. Implementation schedule; and
    c. Costs associated with each action.

3. On or before **sixty (60) calendar days** of receipt of this ORDER, Kinder Morgan Bulk Terminals Inc. shall implement Best Management Practices ("BMPs") that prevent the discharge of pollutants from the facility.

4. On or before **ninety (90) calendar days** of receipt of this ORDER, Kinder Morgan Bulk Terminals Inc. shall:

    a. Comply with the provisions of the current NJPDES permit that authorizes the Facility to discharge stormwater associated with industrial activity;

    Or,

    b. Eliminate stormwater discharges associated with industrial activity from this Facility, as defined in Section 502 of the CWA.

5. On or before **fifteen (15) calendar days** after the completion of Item 4 above, submit to EPA certification of completion.

6. Any documents to be submitted by Kinder Morgan as part of this ORDER shall be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 CFR § 122.22), and shall include the following certification:

    "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 gathered and evaluated 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."

Any questions concerning this ORDER should be directed to Ms. Justine Modigliani, Team Leader, NPDES Team, Water Compliance Branch at (212) 637-4268.

All information required to be submitted by this ORDER shall be sent by registered mail or its equivalent to the following address:

Chief, Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway - 20th floor
New York, New York 10007-1866

This ORDER does not constitute a waiver from compliance with or a modification of the effective terms and conditions of the CWA, and implementing regulation, and the Permit which remain in full force and effect. This ORDER is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of an Administrative Order shall not be deemed an election by EPA to forego any civil or criminal actions which would seek penalties, fines, or other appropriate relief under the CWA.

This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

Dated: FEBRUARY 23 2012

Signed: _____

Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:	
Kinder Morgan Bulk Terminals Inc. 188 Calcutta Street Newark, New Jersey 07144 Proceeding pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act, 33 U.S.C. §§ 1318(a) and 1319(a)(3) Respondent	**ADMINISTRATIVE ORDER** **CWA-02-2012-3015**

ACKNOWLEDGMENT OF RECEIPT OF ADMINISTRATIVE COMPLIANCE ORDER

I, _____, an authorized representative of Kinder Morgan Bulk Terminals Inc., with the title of, _____, do hereby acknowledge the receipt of copy of the ADMINISTRATIVE ORDER, CWA-02-2012-3015.

DATE: _____ SIGNED: _____

EPA	United States Environmental Protection Agency Washington, D.C. 20460 **Water Compliance Inspection Report**	Form Approved. OMB No. 2040-0057

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 25	3 NJ0117838 11	12 111115 17	18 ~	19 R	20 2

Remarks

21 66

Inspection Work Days	Facility Self-Monitoring Evaluation Rating					
67 1 69	70	71 B1	72 QA	73	74	75

----------Reserved----------

Section B: Facility Data

Name and Location of Facility Inspected *(for industrial users discharging to POTW, also include POTW name and NPDES permit number*	Entry Times/Dates	Permit Effective Date
Kinder Morgan Bulk Terminals Inc. 187 Marsh Street Newark, NJ 07114	11/15/2011 10:00 AM	05/15/2007
	Exit Times/Dates	Permit Expiration Date
	11/15/2011 10:20 AM	06/01/2007

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data
Greg Marshall, Chief Financial Officer High Bridge Stone Co. Ph. (973) 344-5522 Fax. (973) 344-7130	SIC Code: 4491 Lat, Long: 40.6940, -74.1478

Name, Address of Responsible Official/Title/Phone and Fax Number(s)	Contacted	
Scott Rudolph, Terminal Manager Kinder Morgan Bulk Terminals Inc. 188 Calcutta Street, Newark NJ 07144 Ph. (973) 344-3700	X Yes	No

Section C: Areas Evaluated During Inspection ***(Check only those areas evaluated)***

		Permit		Flow Measurement		Operations & Maintenance		CSO/SSO (Sewer Overflow)
		Records/Reports		Self-Monitoring Program		Sludge Handling/Disposal		Pollution Prevention
	X	Facility Site Review		Compliance Schedules		Pretreatment		Multimedia
		Effluent/Receiving Water		Laboratory	X	Storm Water		Other:

Section D: Summary of Findings/Comments ***(Attach additional sheets of narrative and checklists as necessary)***

See Attached Report.

Also present on site on November 15, 2011:

Katherine Mann, Physical Scientist, USEPA, (212) 637-4226

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Kimberly McEathron, Physical Scientist	EPA/DECA-WCB/ (212) 637-4228 FAX:x4211	12/27/11
Signature of Management Q/A Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Justine Modigliani, Team Leader, NPDES Team	EPA/DECA-WCB/ (212) 637-4268 FAX:x4211	2/16/12

EPA Form 3560-3 (Rev 9-94) Previous editions are obsolete

Section D: Summary of Findings/Comments

Introduction:

The United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection (CEI) at Kinder Morgan Bulk Terminals Inc.'s facility, located at and across from 187 Marsh Street, Newark, New Jersey, on November 15, 2011. The weather at the time of the CEI was approximately 60°F and dry. The facility, operating under the Standard Industrial Classification (SIC) Code 4491 (Marine Cargo Handling), is a salt processing facility where salt is unloaded from ocean-going vessels using clam shells and a hopper, stockpiled and loaded onto trucks for delivery to purchasers. The portion of the facility on the north side of Marsh Street, at 187 Marsh Street, is approximately nine (9) acres including a salt stock pile area west of Import Street. The portion of the facility on the south side of Marsh Street, across from 187 Marsh Street, is approximately one (1) acre of paved surface and contains an additional salt stock pile. At the time of the CEI, the facility had coverage under the New Jersey Pollutant Discharge Elimination System (NJPDES) Basic Industrial (5G2) Stormwater General Permit NJ0088315 (NJPDES No. NJG0117838), which became effective on June 1, 2007 and expires on May 31, 2012. Stormwater from the portion of the facility on the north side of Marsh Street discharges to storm drains located on an unnamed street west of the salt pile, where discharges flow north into Port Newark Channel. The portion of the facility on the south side of Marsh Street is bermed and graded to prevent stormwater discharges from the site.

The property owner, Port Authority, leases the facility to the permittee, Kinder Morgan Bulk Terminals Inc. During the CEI, the EPA inspector presented credentials to Greg Marshall, Chief Financial Officer of High Bridge Stone Co. who was on site at the time of the inspection. According to Mr. Marshall, High Bridge Stone Co. is a tenant at the site. Mr. Marshall did not know if the facility currently had coverage under the 5G2 Stormwater General Permit but was aware that Kinder Morgan Bulk Terminals Inc. had applied for individual permit coverage with the New Jersey Department of Environmental Protection (NJDEP). Mr. Marshall provided EPA with the contact information for Scott Rudolph, Terminal Manager for Kinder Morgan Bulk Terminals Inc. Because a Kinder Morgan Bulk Terminals Inc. representative was not on site at the time of the CEI, records required by the Permit were not available for review at that time.

During the CEI, the EPA performed a walk-through of the site and identified spilled salt adjacent to and on top of a storm drain west of the salt pile, an uncovered salt pile west of Import Street, salt tracking, unknown yellow foam on the ground, vehicles, equipment and waste materials at the facility on the north side of Marsh Street exposed to stormwater (see photographs PB150016.JPG, PB150019.JPG, PB150023.JPG, and PB150027.JPG). At the facility on the south side of Marsh Street, EPA identified a perimeter berm and an entranceway graded to prevent stormwater runoff (see photographs PB150012.JPG and PB150013.JPG).

Subsequent to the CEI, EPA contacted Mr. Rudolph of Kinder Morgan Bulk Terminals Inc. and Manuel Nolau of the NJDEP, on November 16, 2011 and confirmed that the facility obtained permit coverage prior to May 18, 1994 under the NJPDES 5G2 Stormwater General Permit. According to NJDEP, Kinder Morgan Bulk Terminals Inc. submitted to NJDEP the Stormwater Pollution Prevention Plan (SPPP) preparation certification form for the facility on May 18, 1994 and the SPPP implementation certification form on February 1, 1995.

NJDEP received Kinder Morgan Bulk Terminals Inc.'s complete individual permit application for the facility on November 17, 2009. The application was a result of the facility determining that an individual permit is required for the facility because the exposure of source material to stormwater is part of the facility's regular operations during the loading and unloading of salt, in violation of the general permit.

Potential Non-Compliance Items:

1. Part I.B.3.a of the Permit requires facilities to implement the SPPP within eighteen (18) months of the effective date of permit authorization and Part I.C.1.b of the Permit states that once the SPPP is implemented, there must be no exposure of source materials and/or industrial activity to such stormwater. EPA identified the following source material exposed to stormwater:

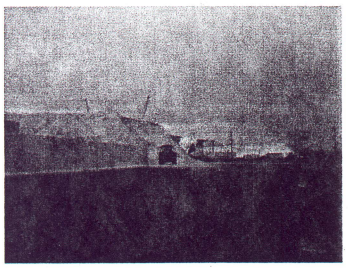
    a. An uncovered salt pile on the north side of Marsh Street, west of Import Street;
    b. Waste materials and industrial machinery on the north side of Marsh Street and west of the salt pile; and
    c. An uncovered salt pile on the south side of Marsh Street.

2. Part I.B.1.a of the Permit states that every facility authorized under this permit must eliminate exposure of source materials and industrial activities to stormwater, regulated under this permit, through the implementation of Best Management Practices (BMPs). BMPs include, but are not limited to, structural and nonstructural controls, and operation and maintenance procedures which can be applied before, during, and after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters, as defined in the Permit. EPA identified the following areas where additional BMPs are required to reduce or eliminate the introduction of pollutants into the receiving water:

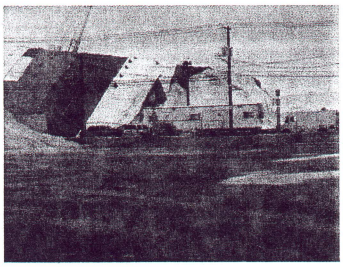
    a. Spilled salt adjacent to and on top of a storm drain on an unnamed street west of the salt pile;
    b. Salt tracking on an unnamed street west of the salt pile; and
    c. Unknown yellow foam on ground at the facility on the north side of Marsh Street and north of the salt pile.

Attachments:
Photo Log
Photographs

Photo Log – Kinder Morgan Terminals, Inc. CEI photos taken November 15, 2011 Unedited Photographs Taken by Kimberly McEathron and Katherine Mann with Olympus Stylus 720 SW	
South Side of Marsh Street	
PB150011.JPG	Salt pile on south side of Marsh Street with bermed entrances and perimeter
PB150012.JPG	Close up of bermed entrance
PB150013.JPG	Bermed perimeter
North Side of Marsh Street	
PB150014.JPG	High Bridge Salt Co. sign on north side of Marsh Street
PB150015.JPG	Spilled salt on outside of concrete barrier
PB150016.JPG	Spilled salt on outside of concrete barrier and over storm drain catch basin
PB150017.JPG	Close up of salt on storm drain catch basin
PB150018.JPG	Salt tracing on road and catch basin
PB150019.JPG	Salt tracking on road
PB150020.JPG	Catch basin in road
PB150021.JPG	Close up of catch basin
PB150022.JPG	Close up of catch basin
PB150023.JPG	Unknown yellow foamy substance at north end of yard
PB150024.JPG	Close up of yellow foamy substance at north end of yard
PB150025.JPG	Vehicles, drums, dumpsters storage area
PB150026.JPG	Close up of storage area
PB150027.JPG	Close up of storage area
PB150028.JPG	Sanitary waste



PB150011.JPG



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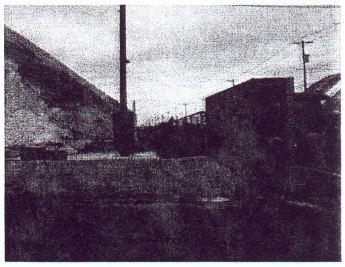

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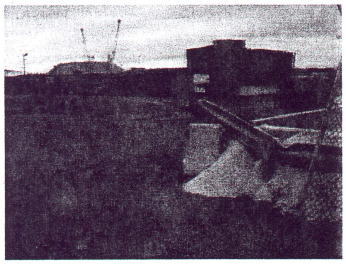

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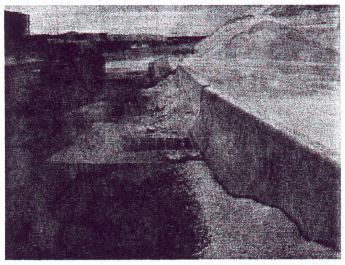

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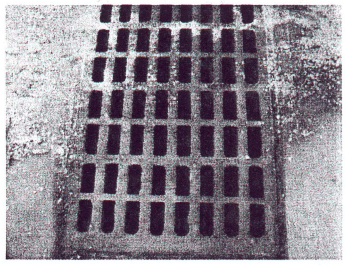

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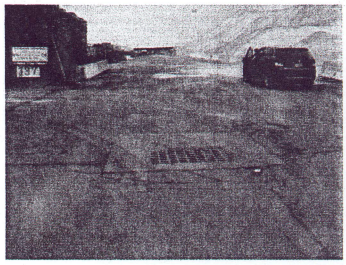

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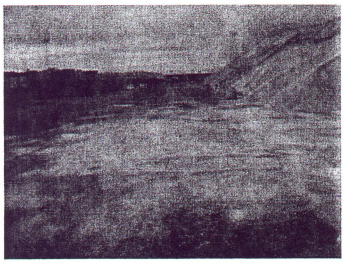

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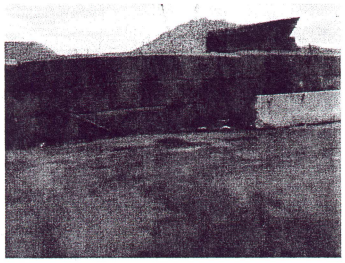

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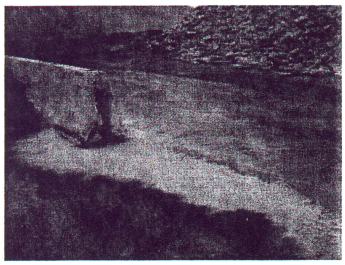

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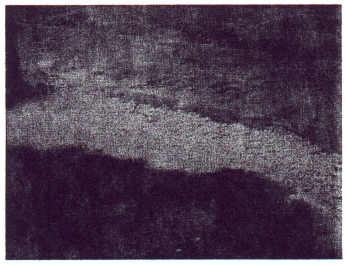

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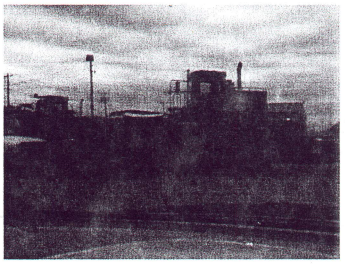

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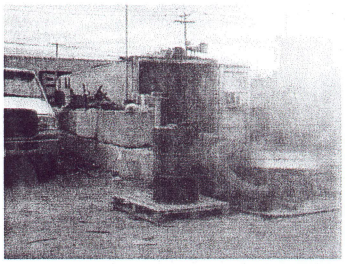

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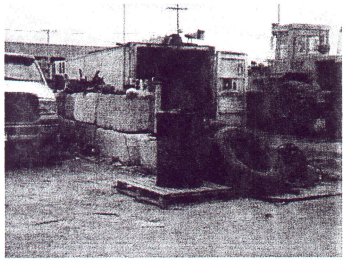

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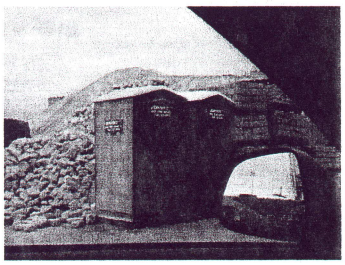

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