April 18. 2019

VIA HAND DELIVERY
Mr. Adam Adams
OSC
U.S. Environmental Protection Agency
1943 Independence Parkway
La Porte, TX 77571

Re: U.S. Environmental Protection Agency Region 6 Federal On-Scene Coordinator Authorization of Discharge issued to Intercontinental Terminals Company LLC (ITC) dated April 17, 2019 ("Discharge Authorization")

Dear Mr. Adams:

ITC acknowledges receipt of the above-referenced Discharge Authorizations and by this letter is requesting confirmation of the following with respect to condition 3 of the Discharge Authorization:

1. The condition refers to the incident wastewater as it was being placed in the wastewater treatment system storage tanks and ignores the pre-incident wastewater present in the tanks before the incident wastewater was added. It is likely that small volumes of products including toluene and xylene were present in that pre-incident wastewater in tank 80-34. The fact that the incident wastewater in tank 80-34 has mixed with pre-incident wastewater will not be considered a violation of condition 3.

2. The incident wastewater came into contact with product that was in Tank 80-5, which contained xylene, also known as mixed xylenes. The safety data sheet for the product indicates that the product is 81-85% xylene by weight. ITC has managed and intends to continue to manage mixed xylenes, when it is an off-spec commercial chemical product and a waste, as a U239 hazardous waste. The U239 waste listing is for ignitability only, therefore wastewater that is not ignitable will not carry the U239 listing. The fact that the incident wastewater in tank 80-34 may have contacted mixed xylenes will not be considered a violation of condition 3.

Please sign below or by a separate written document to confirm EPA's agreement with the above.

Sincerely,

CONFIRMED April __, 2019:

By: _____
Name/Title: Gary Moore 4/23/19

90016646

U.S. Environmental Protection Agency Region 6
Federal On-Scene Coordinator Authorization of Discharge

At the request of Intercontinental Terminals Company LLC's (ITC), with concurrence from TCEQ, and pursuant to EPA's emergency response authorities, EPA is authorizing the treatment and discharge of the incident-related wastewater from Tank 80-34 through the on-site wastewater treatment system. This action will allow rain water collected in other operational areas outside of the response area to be treated and discharged through the facility's wastewater treatment system and not compound the problems associated with incident related wastewater storage.

Urgent circumstances surrounding the on-going emergency response resulting from the March 17, 2019, incident at the ITC Deer Park, Texas facility exist. These circumstances include but are not limited to the following:

1) The on-going response and significant rainfall in the area has resulted in an ever-growing volume of wastewater contaminated with hazardous substances that may soon exceed current storage capacity at ITC's facility.
2) Additional rains are predicted in the coming days and weeks.
3) ITC's wastewater treatment storage tanks currently contain post incident contaminated wastewater, which is preventing the authorized treatment and discharge of non-incident wastewater.
4) If the current storage volumes are exceeded, response operations may be delayed or halted, and additional rain events may result in the discharge of untreated wastewater into Tucker Bayou and Buffalo Bayou.
5) On April 13, 2019, ITC submitted a Request for One-Time Authorization of Discharge of Incident-Related Wastewater and Continuing Discharge of Non-Incident Related Wastewater.

The circumstances above may present an imminent and substantial endangerment of a release or a threat of a release into the environment of hazardous substances and a substantial threat of an additional discharge of oil or hazardous substances to Tucker Bayou and Buffalo Bayou, and their adjoining shorelines, which are navigable waters of the United States. Pursuant to the Clean Water Act (CWA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), The National Oil and Hazardous Substance Pollution Contingency Plan (NCP), and the March 23, 2019 Clean Water Act Section 311(c) and (e) Order, the following authorization is issued to prevent the further release of untreated wastewater:

Respondent is authorized to perform the following actions, under the following conditions:

1) Discharge the effluent following treatment in the on-site wastewater treatment system, of the current contents of Tank 80-34, through outfall 002. Outfall 002 is the outfall authorized under the facility's wastewater permit for the discharge of process wastewater;

2) the discharge shall be contingent upon the bench scale treatability study provided to TCEQ and EPA on April 7, 2019, being representative of the contents of the wastewater treatment storage tank 80-34, which is the subject of ITC's request;

3) the discharge shall be contingent upon incident wastewater in tank 80-34, having not come into contact with the contents of tank 80-13, which contained toluene, or the contents of any other tank containing a product whose sole active ingredient appears on the RCRA "P" or "U" list;

4) the effluent discharged during this one-time authorization shall be sampled in accordance with the requirements set forth in TPDES permit No. 0001984000, in addition, and shall also be subject to the limitations in the attached table entitled: Effluent Limitations and Monitoring Requirements;

5) ITC shall seek and receive approval from TCEQ after reviewing sampling data of the treated wastewater from tank 80-34 prior to resuming normal operations under permit; and,

6) ITC shall diligently pursue additional options to manage the wastewater that has accumulated as a result of the fire suppression efforts in response to the incident that began at the facility on March 17, 2019.

Date: 4/17/19

Gary Moore
Federal On-Scene Coordinator
U.S. Environmental Protection Agency Region 6

Attachment

Effluent Characteristics	Minimum Self-Monitoring Requirements			
	Daily Average	Daily Maximum	Report Daily Average and Daily Maximum	
	µg/L	µg/L	Measurement Frequency	Sample Type
Flow	Report, MGD	0.300 MGD	1/day	Record
Carbonaceous Biochemical Oxygen Demand (5-day)	N/A	19800		
Chemical Oxygen Demand	N/A	55000	1/day	Composite
Total Organic Carbon	N/A	Report	1/day	Composite
Oil & Grease	N/A	10100	1/day	Grab
Total Dissolved Solids	N/A	Report	1/day	Composite
Chloride	N/A	Report	1/day	Composite
Perfluoro-n-octane Sulfonate	N/A	Report	1/day	Composite
Enterococci	N/A	104	1/day	Grab
Cyanide, Free (*1)	N/A	2.2	1/day	Grab
Arsenic, Total	N/A	62.0	1/day	Composite
Cadmium, Total	N/A	7.00	1/day	Composite
Chromium, Hexavalent	N/A	44.4	1/day	Grab
Chromium, Total	N/A	190	1/day	Composite
Cobalt, Total	N/A	16700	1/day	Composite
Copper, Total	N/A	5.7	1/day	Composite
Lead, Total	N/A	11.0	1/day	Composite
Mercury, Total	N/A	0.015	1/day	Composite
Nickel, Total	N/A	11.0	1/day	Composite
Selenium, Total	N/A	121	1/day	Composite

Effluent Characteristics	Minimum Self-Monitoring Requirements			
	Daily Average	Daily Maximum	Report Daily Average and Daily Maximum	
	µg/L	µg/L	Measurement Frequency	Sample Type
Silver, Total	N/A	2.18	1/day	Composite
Thallium, Total	N/A	0.314	1/day	Composite
Tin, Total	N/A	150	1/day	Composite
Zinc, Total	N/A	70.0	1/day	Composite
1,1,1,2-Tetrachloroethane	N/A	21.0	1/day	Composite
1,1,1-Trichloroethane	N/A	7100	1/day	Composite
1,1,2,2-Tetrachloroethane	N/A	26.35	1/day	Composite
1,1,2-Trichlor-1,2,2-trifluoroethane	N/A	6040000	1/day	Composite
1,1,2-Trichloroethane	N/A	21.0	1/day	Composite
1,1´-Biphenyl	N/A	3520	1/day	Composite
1,1-Dichloroethane	N/A	22.0	1/day	Composite
1,1-Dichloroethylene [1,1-Dichloroethene]	N/A	16.0	1/day	Composite
1,1-Dichloropropene	N/A	62200	1/day	Composite
1,2,3-Trichlorobenzene	N/A	171	1/day	Composite
1,2,3-Trichloropropane	N/A	165	1/day	Composite
1,2,4,5-Tetrachlorobenzene	N/A	0.328	1/day	Composite
1,2,4-Trichlorobenzene	N/A	0.076	1/day	Composite
1,2,4-Trimethylbenzene	N/A	217	1/day	Composite
1,2-Dibromo-3-chloropropane	N/A	11300	1/day	Composite
1,2-Dibromoethane	N/A	4.24	1/day	Composite

Effluent Characteristics	Minimum Self-Monitoring Requirements			
	Daily Average	Daily Maximum	Report Daily Average and Daily Maximum	
	µg/L	µg/L	Measurement Frequency	Sample Type
1,2-Dibromoethane [Ethylene Dibromide]	N/A	5.79	1/day	Composite
1,2-Dichloroethane	N/A	68.0	1/day	Composite
1,2-Dichloropropane	N/A	153	1/day	Composite
1,2-Diphenylhydrazine	N/A	2.00	1/day	Composite
1,2-*trans*-Dichloroethylene	N/A	21.0	1/day	Composite
1,3,5-Trimethylbenzene	N/A	3050	1/day	Composite
1,3-Dichloropropene [1,3-Dichloropropylene]	N/A	29.0	1/day	Composite
2,2-Dichloropropane	N/A	163	1/day	Composite
2,2'-Oxybis(1-chloropropane)	N/A	181	1/day	Composite
2,4,5 Trichlorophenol	N/A	10.7	1/day	Composite
2,4,5-TP [Silvex]	N/A	504	1/day	Composite
2,4,5-Trichlorophenol	N/A	12.0	1/day	Composite
2,4,6-Trichlorophenol	N/A	28.0	1/day	Composite
2,4-Dichlorophenol	N/A	39.0	1/day	Composite
2,4-Dimethylphenol	N/A	18.0	1/day	Composite
2,4-Dinitrophenol	N/A	71.0	1/day	Composite
2,4-Dinitrotoluene	N/A	17.0	1/day	Composite
2,6-Dinitrotoluene	N/A	30.0	1/day	Composite
2-Butanone	N/A	1650	1/day	Composite
2-Chloronaphthalene	N/A	1000	1/day	Composite
2-Chlorophenol	N/A	31.0	1/day	Composite

Effluent Characteristics	Minimum Self-Monitoring Requirements			
	Daily Average	Daily Maximum	Report Daily Average and Daily Maximum	
	µg/L	µg/L	Measurement Frequency	Sample Type
2-Hexanone	N/A	33400	1/day	Composite
2-Methylnaphthalene	N/A	30.0	1/day	Composite
2-Methylphenol	N/A	510	1/day	Composite
2-Nitroaniline	N/A	136	1/day	Composite
2-Nitrophenol	N/A	41.0	1/day	Composite
3&4-Methylphenol	N/A	9301	1/day	Composite
3,3'-Dichlorobenzidine	N/A	2.24	1/day	Composite
3,4-Benzofluoranthene	N/A	23.0	1/day	Composite
3-Nitroaniline	N/A	177	1/day	Composite
4,4'-DDD	N/A	0.00273	1/day	Composite
4,4'-DDE	N/A	0.000177	1/day	Composite
4,4'-DDT	N/A	0.000546	1/day	Composite
4,4'-Isopropylidenediphenol [Bisphenol A]	N/A	21848	1/day	Composite
4,6-Dinitro-2-methylphenol	N/A	1100	1/day	Composite
4,6-Dinitro-*o*-cresol	N/A	78.0	1/day	Composite
4-Chloro-3-methylphenol	N/A	870	1/day	Composite
4-Chloroaniline	N/A	2140	1/day	Composite
4-Methyl-2-pentanone	N/A	61500	1/day	Composite
4-Nitroaniline	N/A	966	1/day	Composite
4-Nitrophenol	N/A	72.0	1/day	Composite
Acenaphthene	N/A	22.0	1/day	Composite

Effluent Characteristics	Minimum Self-Monitoring Requirements			
	Daily Average	Daily Maximum	Report Daily Average and Daily Maximum	
	µg/L	µg/L	Measurement Frequency	Sample Type
Acenaphthylene	N/A	22.0	1/day	Composite
Acetone	N/A	7110	1/day	Composite
Acetophenone	N/A	50.0	1/day	Composite
Acrylonitrile	N/A	96.0	1/day	Composite
Aldrin	N/A	0.0000156	1/day	Composite
Ammonia Nitrogen	N/A	4960	1/day	Composite
Aniline	N/A	4690	1/day	Composite
Anthracene	N/A	0.18	1/day	Composite
Antimony	N/A	1464	1/day	Composite
Atrazine	N/A	55600	1/day	Composite
Benzaldehyde	N/A	42600	1/day	Composite
Benzene	N/A	37.0	1/day	Composite
Benzidine	N/A	0.146	1/day	Composite
Benzo(*a*)anthracene	N/A	0.025	1/day	Composite
Benzo(*a*)pyrene	N/A	0.0025	1/day	Composite
Benzo(b)fluoranthene	N/A	0.013	1/day	Composite
Benzo(*k*)fluoranthene	N/A	0.13	1/day	Composite
Benzoic Acid	N/A	0.29	1/day	Composite
Benzyl alcohol	N/A	0.29	1/day	Composite
Bis(2-chloroethoxy)methane	N/A	12300	1/day	Composite
Bis(2-chloroethyl)ether	N/A	58.5	1/day	Composite
Bis(2-chloroisopropyl)ether	N/A	181	1/day	Composite

Effluent Characteristics	Minimum Self-Monitoring Requirements			
	Daily Average	Daily Maximum	Report Daily Average and Daily Maximum	
	µg/L	µg/L	Measurement Frequency	Sample Type
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	N/A	7.55	1/day	Composite
Bis(chloromethyl)ether	N/A	0.375	1/day	Composite
Bromobenzene	N/A	4200	1/day	Composite
Bromochloromethane	N/A	26800	1/day	Composite
Bromodichloromethane [Dichlorobromomethane]	N/A	275	1/day	Composite
Bromoform [Tribromomethane]	N/A	1060	1/day	Composite
Butyl benzyl phthalate	N/A	80.0	1/day	Composite
Caprolactam	N/A	408000	1/day	Composite
Carbaryl	N/A	288	1/day	Composite
Carbazole	N/A	250	1/day	Composite
Carbon disulfide	N/A	34300	1/day	Composite
Carbon Tetrachloride	N/A	18.0	1/day	Composite
Chlordane	N/A	0.00341	1/day	Composite
Chlorobenzene	N/A	15.0	1/day	Composite
Chlorodibromomethane [Dibromochloromethane]	N/A	80.0	1/day	Composite
Chloroethane	N/A	104	1/day	Composite
Chloroform [Trichloromethane]	N/A	21.0	1/day	Composite
Chloromethane	N/A	13500	1/day	Composite
Chlorpyrifos	N/A	0.00517	1/day	Composite
Chrysene	N/A	2.52	1/day	Composite

Effluent Characteristics	Minimum Self-Monitoring Requirements			
	Daily Average	Daily Maximum	Report Daily Average and Daily Maximum	
	µg/L	µg/L	Measurement Frequency	Sample Type
cis-1,2-Dichloroethene (cis and trans)	N/A	1120	1/day	Composite
cis-1,2-Dichloroethylene	N/A	4180	1/day	Composite
cis-1,3-Dichloropropene	N/A	40.0	1/day	Composite
Cresols [Methylphenols]	N/A	12715	1/day	Composite
Cyclohexane	N/A	295000	1/day	Composite
Danitol [Fenpropathrin]	N/A	646	1/day	Composite
Demeton	N/A	0.0896	1/day	Composite
Diazinon	N/A	0.385	1/day	Composite
Dibenzo(a,h)anthracene	N/A	0.0013	1/day	Composite
Dibenzofuran	N/A	65.0	1/day	Composite
Dichlorodifluoromethane	N/A	37600	1/day	Composite
Dichloromethane [Methylene Chloride]	N/A	40.0	1/day	Composite
Dicofol [Kelthane]	N/A	0.41	1/day	Composite
Dieldrin	N/A	0.0000273	1/day	Composite
Diethyl phthalate	N/A	81.0	1/day	Composite
Dimethyl phthalate	N/A	19.0	1/day	Composite
Di-*n*-butyl phthalate	N/A	5.00	1/day	Composite
Dioxins/Furans [TCDD Equivalents]	N/A	0.000000108	1/day	Composite
Endosulfan I (alpha)	N/A	0.00807	1/day	Composite
Endosulfan II (beta)	N/A	0.00807	1/day	Composite

Effluent Characteristics	Minimum Self-Monitoring Requirements			
	Daily Average	Daily Maximum	Report Daily Average and Daily Maximum	
	µg/L	µg/L	Measurement Frequency	Sample Type
Endosulfan sulfate	N/A	0.00807	1/day	Composite
Endrin	N/A	0.00179	1/day	Composite
Epichlorohydrin	N/A	2751	1/day	Composite
Ethylbenzene	N/A	32.0	1/day	Composite
Ethylene Glycol	N/A	22967280	1/day	Composite
Fluoranthene	N/A	2.96	1/day	Composite
Fluorene	N/A	22.0	1/day	Composite
Guthion [Azinphos Methyl]	N/A	0.00896	1/day	Composite
Heptachlor	N/A	0.000136	1/day	Composite
Heptachlor Epoxide	N/A	0.000396	1/day	Composite
Hexachlorobenzene	N/A	0.00068	1/day	Composite
Hexachlorobutadiene	N/A	0.22	1/day	Composite
Hexachlorocyclohexane (alpha)	N/A	0.0114	1/day	Composite
Hexachlorocyclohexane (beta)	N/A	0.355	1/day	Composite
Hexachlorocyclohexane (gamma) [Lindane]	N/A	0.0752	1/day	Composite
Hexachlorocyclopentadiene	N/A	3.7	1/day	Composite
Hexachloroethane	N/A	2.33	1/day	Composite
Hexachlorophene	N/A	3.96	1/day	Composite
Indeno(1,2,3-cd)pyrene	N/A	0.013	1/day	Composite
Isophorone	N/A	650	1/day	Composite
Isopropylbenzene	N/A	8440	1/day	Composite

Effluent Characteristics	Minimum Self-Monitoring Requirements			
	Daily Average	Daily Maximum	Report Daily Average and Daily Maximum	
	µg/L	µg/L	Measurement Frequency	Sample Type
m,p-Xylene	N/A	24000	1/day	Composite
Malathion	N/A	0.00896	1/day	Composite
m-Dichlorobenzene [1,3-Dichlorobenzene]	N/A	31.0	1/day	Composite
Methoxychlor	N/A	0.0269	1/day	Composite
Methyl acetate	N/A	822000	1/day	Composite
Methyl bromide	N/A	600	1/day	Composite
Methyl Chloride	N/A	86.0	1/day	Composite
Methyl ethyl ketone (2-Butanone)	N/A	992000	1/day	Composite
Methyl tert-butyl ether [MTBE]	N/A	15.0	1/day	Composite
Methylcyclohexane	N/A	157000	1/day	Composite
Methylene bromide	N/A	4300	1/day	Composite
Methylnaphthalene	N/A	0.29	1/day	Composite
Mirex	N/A	0.000896	1/day	Composite
Naphthalene	N/A	22.0	1/day	Composite
n-Butylbenzene	N/A	1200	1/day	Composite
n-Decane	N/A	390	1/day	Composite
Nitrobenzene	N/A	27.0	1/day	Composite
N-Nitrosodiethylamine	N/A	2.87	1/day	Composite
n-Nitrosodimethylamine	N/A	30.0	1/day	Composite
N-Nitroso-di-n-Butylamine	N/A	5.74	1/day	Composite
N-Nitrosodi-n-propylamine	N/A	5.1	1/day	Composite

Effluent Characteristics	Minimum Self-Monitoring Requirements			
	Daily Average	Daily Maximum	Report Daily Average and Daily Maximum	
	µg/L	µg/L	Measurement Frequency	Sample Type
N-Nitrosodiphenylamine	N/A	60.0	1/day	Composite
n-Octadecane	N/A	0.29	1/day	Composite
Nonylphenol	N/A	1.52	1/day	Composite
n-Propylbenzene	N/A	2350	1/day	Composite
o-Chlorotoluene	N/A	2420	1/day	Composite
o-Cresol	N/A	500	1/day	Composite
o-Dichlorobenzene [1,2-Dichlorobenzene]	N/A	77.0	1/day	Composite
Total Petroleum Hydrocarbons	N/A	15000	1/day	Composite
o-Xylene	N/A	24000	1/day	Composite
p-Chlorotoluene	N/A	2120	1/day	Composite
p-Cresol	N/A	180	1/day	Composite
p-Dichlorobenzene [1,4-Dichlorobenzene]	N/A	15.0	1/day	Composite
Pentachlorobenzene	N/A	0.485	1/day	Composite
Pentachlorophenol	N/A	0.29	1/day	Composite
Phenanthrene	N/A	3.62	1/day	Composite
Phenol	N/A	15	1/day	Composite
Phosphate (as PO4)	N/A	15000	1/day	Composite
p-Isopropyltoluene	N/A	3700	1/day	Composite
Polychlorinated Biphenyls [PCBs]	N/A	0.000874	1/day	Composite
Pyrene	N/A	0.24	1/day	Composite

Effluent Characteristics	Minimum Self-Monitoring Requirements			
	Daily Average	Daily Maximum	Report Daily Average and Daily Maximum	
	µg/L	µg/L	Measurement Frequency	Sample Type
Pyridine	N/A	0.29	1/day	Composite
sec-Butylbenzene	N/A	1580	1/day	Composite
Styrene	N/A	455	1/day	Composite
Sulfide (as S)	N/A	200	1/day	Composite
tert-Butylbenzene	N/A	1400	1/day	Composite
Tetrachloroethylene	N/A	0.29	1/day	Composite
Toluene	N/A	26.0	1/day	Composite
Total BTEX (*2)	N/A	140	1/day	Composite
Total Organic Nitrogen	N/A	6580	1/day	Composite
Total Purgeable Halocarbons	N/A	100	1/day	Composite
Total Suspended Solids	N/A	27300	1/day	Composite
Toxaphene	N/A	0.000179	1/day	Composite
trans-1,2-Dichloroethene	N/A	6950	1/day	Composite
trans-1,3-Dichloropropene	N/A	119	1/day	Composite
Tributyltin [TBT]	N/A	0.00663	1/day	Composite
Trichloroethylene [Trichloroethene]	N/A	21.0	1/day	Composite
Trichlorofluoromethane	N/A	43300	1/day	Composite
Vinyl Chloride	N/A	16.5	1/day	Composite
Xylenes, Total	N/A	850	1/day	Composite

1. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day by grab sample.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

3. Effluent monitoring samples shall be taken at the following location: At Outfall 002, at the point of discharge from the weir box into Tucker Bayou and just south of Tidal Road.

4. Unless otherwise specified, the results of effluent monitoring data shall be submitted each day, to David Galindo, Division Director, Water Quality Division, within twelve hours of the permittee having received the results from a National Environmental Laboratory Accreditation Certification (NELAC)-certified lab. Monitoring results must be signed and certified as required by 30 Texas Administrative Code (TAC) Section 305.44. The report must include all results from all required monitoring.

(*1) The approved analytical methods for cyanide include any procedure for total cyanide, weak acid dissociable cyanide, or cyanide amenable to chlorination from the latest edition of Standard Methods or in 40 CFR Part 136. An alternate test method may be used upon approval by the Executive Director.
(*2) Total BTEX shall be measured as the sum of Benzene, Toluene, Ethylbenzene, and total Xylenes.