

January 13, 2009

Mr. William Clarke, Regional Permit Administrator
New York State Department of Environmental Conservation, Region 4
1150 North Westcott Road
Schenectady, NY 12306-2014

Re: Norlite Corporation – Application ID: 4-0103-00016/00019
Draft Modification to SPDES Permit NY-000 4880

Dear Mr. Clarke:

We are writing this letter on behalf of Norlite Corporation (Norlite) to summarize the remaining outstanding issues associated with Norlite's Draft SPDES Permit Modification and to provide you and your Department with additional information as outlined in our letter to Mr. James Malcolm, dated December 5, 2008.

Outfall No. 06A

Establishment of Best Professional Judgment (BPJ) Limit for Mercury:

40 CFR Part 125.3 and Technical and Operational Guidance Series (TOGS) 1.2.1 clearly establish the criteria that should be considered when setting BPJ limits. It is not clear that these criteria were fully considered by the Department when establishing the proposed limit of 30 ng/l for mercury. For the following reasons, Norlite feels that a BPJ limit of 30 ng/l is inappropriate for this discharge and Norlite asks that the Department reconsider the mercury limit that is proposed:

- The relationship of the costs of attaining the proposed effluent reduction and the benefits being derived are unreasonable.

The most stringent Model Technology Limits included in Appendix C of TOGS 1.2.1 show a recommended BPJ limit of 250 to 20,000 ng/l for mercury (based on the use of carbon with appropriate pretreatment).

Based on a review of the Permit Compliance System, only four SPDES Permits with mercury limits (out of 146 identified) have limits more stringent than Norlite's proposed effluent limit of 30 ng/l. None of the discharges with more stringent limits are from an industrial waste treatment facility and it appears, based on the type of facilities, that the limits are not reliant upon treatment, but rather the absence of mercury in the untreated water.

The proposed BPJ limit is related to bioaccumulation in fish and an average daily loading limit using a more reasonable BPJ concentration and the maximum flow rate appears more appropriate.

Although the existing Industrial Wastewater Treatment Plant is BAT Plus, as shown in the results from the sampling program undertaken at Norlite during the period from February 11th to February 22nd (attached), it cannot consistently achieve mercury concentrations less than 30 ng/l, likely due to the complex matrix of the untreated wastewater. The performance is

consistent with the Department's own Model Technology Limits. The establishment of a limit that knowingly cannot be met with BAT Plus technology is unreasonable.

Concentration and Loading Limits for Federally Regulated Pollutants:

Norlite takes exception to the inclusion of both concentration and also daily loading limits for those parameters regulated under Federal Categorical Standards. TOGS 1.2.1 and 40 CFR Part 122.45 indicate that Federal Categorical Effluent Standards and BPJ Limits should be expressed as mass limits.

Frequency of Monitoring:

Given the high level of treatment provided by the Industrial Wastewater Treatment Plant and the relatively low volume of discharge at Outfall 06A, Norlite believes a maximum monitoring frequency of twice per week is appropriate for all regulated parameters at Outfall 06A. This frequency is consistent with the recommended frequency established in Table 5 from TOGS 1.2.1 for facilities with a discharge of 100,000 to 250,000 gallons per day.

Analytical Method for Mercury Monitoring:

A number of EPA approved analytical methods, including EPA Method 245.7, are able to achieve method detection limits sufficiently sensitive to monitor permit compliance with the proposed mercury concentration limit of 30 ng/l. Regardless of the final limit that is established, Norlite requests that the permit be modified to explicitly allow Norlite to use any EPA approved analytical method capable of demonstrating permit compliance.

Total Suspended Solids and pH:

Given the configuration of the discharges at Norlite, it seems redundant to require sampling and analysis of Outfall 06A and Outfall 006 for Total Suspended Solids and pH. Norlite requests that these parameters be eliminated from the requirements for Outfall 06A and the results from Outfall 006 be used to assess permit compliance.

Titanium and Silver:

As written in our letter dated March 4, 2008, Norlite wishes to reiterate that its Industrial Wastewater Treatment Plant was not originally designed to remove titanium and silver.

Outfall No. 003

As written in our letter dated March 4, 2008, Norlite remains apprehensive about the proposed limit of 30 ng/l for Outfall 003, but is confident that the Department has based its BPJ on sound technical knowledge for a stormwater discharge similar to that at Outfall 003 and understands that the Department will consider an exceedance due to natural background conditions to be excused.

Outfall No. 007

Malcolm Pirnie estimates that a three year schedule is necessary for implementation of stormwater practices in the area of Outfall No. 007. Prior to implementation, we believe it will take two

complete years to conduct the necessary field work and data gathering to design an effective stormwater management system. Accordingly, Norlite requests that interim limits be established for a period of three years and that the development of a schedule to come into compliance with the final limits is included as a requirement in Norlite's permit.

Footnotes

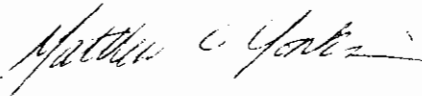
Norlite continues to believe that the Department should not dictate the method of analysis that must be used for permit compliance (Footnotes 11 through 14, 16, and 19). Rather, the Department should allow the permittee to choose any method or technology included in 40 CFR Part 136 for NPDES monitoring that enables the permittee to illustrate permit compliance.

To be consistent with the narrative that accompanied the draft permit, footnote 18 should be added to the limit for mercury at Outfall 06A.

Norlite and Malcolm Pirnie appreciate the opportunity to provide comments on the proposed draft SPDES permit and agree that significant progress has been made. We look forward to meeting with the Department to finalize a SPDES permit that protects water quality without placing an unnecessary regulatory burden on Norlite. If you have any questions or need any additional information, please call me at (518) 782-2120.

Very truly yours,

MALCOLM PIRNIE, INC.



Matthew C. Yonkin, P.E.

Associate

Board Certified Environmental Engineer

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pjb

c: H. Bresner, NYSDEC
T. Lachell / T. VanVranken, Norlite
B. Morris, United Industrial Services
K. Young, Young, Sommer...
D. Loewenstein / R. Ostapczuk / J. Kulowiec, Malcolm Pirnie