NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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Responsiveness Summary

Department Response to Comments for the Modification and Renewal of
SPDES Permit No. NY0004880, 2017
Norlite, LLC

Comments Received from:

1. Mrs. Elva E. Shulga
2. Mr. Michael Izzo
3. Ms. Linda Robinson
4. Norlite, LLC
5. Mr. Kevin Donovan
6. US Environmental Protection Agency
7. Mohawk Fine Papers, Inc

A draft permit was first published in the Environmental Notice Bulletin on January 20, 2016. Subsequently, the draft permit was revised and republished on November 9, 2016. This Responsiveness Summary addresses comments received during both publication periods.

1. Mrs. Elva E. Shulga

These comments contain information that has been redacted for personal privacy. The unaltered comments are available upon receipt of a Freedom of Information Act ("FOIA") request.

"Dear Ms. Diehsner, In regard to the item in the Times Union on the 22nd, I live near this monstrosity. Around 1986-thru 2011 [redacted] resided on Central Ave in Cohoes. She, along with multiple area residents came down with various cancers, many more than just a coincidence. She suffered many years of pain and misery, [redacted] now has cancer. He lives in Florida. Over the years Norlite has scoffed at the law, ignoring the cost of life and health of its neighbors. They just pay a fine and continue on. This has to stop. Mohawk Fine Papers has obeyed the law and is a good citizen. If you doubt my word check back through the years and you will see what I am talking about. Incidentally, the residents of Central Ave had a lawsuit regarding peeling paint from their homes. [redacted] also had a child born with severe autism, her other 3 children were normal. [redacted] was born 15 years after her last child. In my opinion, this company must be relocated somewhere so it doesn't pollute its neighborhood. I will sign any petition to relocate them or shut them down. The City is also at fault for allowing this to happen.

Their taxes are the key reason. P.S. I live next to the junk yard “Kelmans”. They also burn bad things. The air that settles on cars is white and sometimes black. They burn mostly at night. Can this be good? I never had breathing problems until I moved here. Had I known I would never have rented my apartment. [sic]”

Department Response: The State Pollutant Discharge Elimination System (“SPDES”) permit was developed in accordance with State and Federal regulation. This permit regulates wastewater and stormwater discharges to New York State waterbodies. Please note that this SPDES permit is significantly more stringent than the previous permit.
The facility has other valid permits which regulate air emissions and other environmental issues, however, these other permits are not part of this SPDES permit renewal. Questions on air-related matters should be directed to Mr. Gary McPherson, who can be reached at (518) 357-2045 and gary.mcpherson@dec.ny.gov.

2. Mr. Michael Izzo

“Times Union January 22, Sections A-1 and A-7, Mercury levels too high. I understand that employees of DEC are restricted by the current laws. But, is there a point where Norlite can be forced to shut down? The article is very damning. REPEAT, REPEAT, REPEAT, etc. offender. Also, the FINES are way too LOW!!!! Is the net tax revenue generated from this plant really worth the health and well being of the citizens living in the area? Tragically, when you look at Flint, Michigan the answer is a resounding no. This company is bringing in waste from other states to burn here in NYS. Is there some law or regulation that prohibits this action? Quoting from the Times Union article, section A-7: *Norlite is paid by industrial customers from as far as Ohio, Maine, Maryland, and Delaware that truck in waste, which is pumped into storage tanks. The waste is then blended before being piped to burners in two kilns, which date to the mid-1950s.* It is time to shut down this place for the greater good of the citizens that live in this area. I truly believe it is justified and it is the right thing to do. Ps. It is time that the localities, county and NYS take bold leadership and begin to retool this place to have clean garbage burning that produces electricity for the surrounding localities and reduces the burden on the Albany County landfill. This type of dual functioning burn is being down cleanly in Europe and parts of the southern states. If you think there is any possibility of air pollution concerns, please see how this is being done. Here are some links: [Links not included in RS]. IT IS TIME TO BE BOLD AND DO THE RIGHT THING! [sic]”

Department Response: Please refer to the Department’s response to the first comment.

3. Ms. Linda Robinson

“I understand that the DEC is considering a new water pollution permit for Norlite. This I find disturbing, since, they did not comply with the previous permit. This plant needs to be shut down permanently! The Mohawk and Hudson rivers are polluted enough. The air pollution is bad enough, Norlite has violated environmental laws regarding the air pollution

as well. Please protect the health and safety of the residents and wildlife in this area and close this plant down and impose stiff fines for the their violations [sic]."

Department Response: Please refer to the Department's response to the first comment.

4. Norlite, LLC

Norlite submitted comments on the following dates: 02-19-16, 08-17-16, 09-21-16, 12-09-16, 01-18-17, 02-01-17, 02-19-17, 04-04-17, 06-14-17, 08-08-17, and 08-22-17. As most of these comments are similar, they have been grouped by outfall number and summarized for ease of response. Unaltered comments are available following a Freedom of Information Act (FOIA) request.

Outfall 003:

Mercury- No grounds for establishing limit at this outfall. Submitted additional supporting data.

Department Response: Norlite submitted ten (10) additional samples for mercury analysis by EPA Method 1631E as part of the Department's Request for Information. It should be noted that the samples were collected on separate days for comparison purposes. The data indicated mercury concentrations below the water quality standard of 0.7 nanograms per liter or ng/L. Therefore, this requirement in the SPDES permit has been removed.

Total Residual Chlorine- No grounds for establishing limit at this outfall. Submitted additional supporting data.

Department Response: Norlite submitted 20 additional total residual chlorine samples (collected on different days). All samples, except for one, were below the method detection limit of 50 µg/l. The exception was detected at a concentration of 200 µg/l. The water quality standard for total residual chlorine is 19 µg/l. The practical quantitation level (e.g. minimum concentration of a pollutant that can be measured with a high degree of confidence) for total residual chlorine is 20 micrograms per liter or µg/L and as such, the permit limit has been set at this value. As the analytical method detection limit of 50 µg/l was above the normally accepted detection limit and above the permit limit of 20 µg/l, there was insufficient justification to remove this requirement.

Outfall 004:

Mercury- Discharge from outfall is mainly comprised of stormwater. Submitted additional supporting data.

Department Response: Norlite submitted an additional sample, which was analyzed using Method 1631E. This sample was below the water quality standard of 0.7 ng/l. This requirement has been removed.

Total Dissolved Solids and Chlorides- No justification has been provided for the proposed monitoring requirements. The requirements should be removed.

Department Response: Outfall 004 discharges to a Class D stream. Accordingly, there are no water quality standards for total dissolved solids or chlorides. This requirement has been removed.

Sampling Language- Modify sampling frequency from “Daily” to reflect actual sampling frequency at this outfall (e.g. intermittent discharge).

Department Response: The reference to “Daily” sampling is in the previous permits and has not caused confusion thus far.

pH- The pH limit has been changed from 6.0-9.0 SU to 6.5-8.5 SU without supporting justification. The regulation in 6 NYCRR 703.3 states that for class D waters, the pH limits should be 6.0-9.5 SU. The limits for pH should continue to be 6.0-9.0 SU.

Department Response: The pH limit has been changed back to 6.0-9.0 SU.

Metals- Most of the water discharged from this outfall consists of uncontaminated stormwater. Sampling over the past few years have shown that the metals are either not detected or are at the detection level. Sampling requirements for metals should be removed. As set forth above, Norlite would also like to explore the possibility of eliminating this outfall.

Department Response: Norlite has either not detected, or has detected at the detection level, the following metals: cadmium, hexavalent chromium, total chromium, lead, and nickel. This is well below the technology and water quality based effluent limits. The sampling requirements for these metals have been removed. Sampling and analysis continues to document copper, zinc, and total residual chlorine in concentrations at or above the respective detection limit and as such, the outfall cannot be eliminated.

<u>Outfall 06A:</u>

Mercury- Interim limits were established at 89 ng/l monthly average and 160 ng/l daily maximum based on sampling conducted by Norlite in March 2016. Norlite conducted additional sampling, performed a statistical analysis, and calculated revised interim limits of 391 ng/l and 703 ng/l. These limits should be established as interim limits. Additionally, these limits should stay in effect for four years rather than two years from the effective date of the permit.

Department Response: Norlite provided additional sampling data and new initial limits were established at 43 ng/l monthly average and 160 ng/l daily maximum. These values are different from Norlite's calculations because the Department used a delta-lognormal statistical analysis to account for mercury concentrations below the detection level. This analytical evaluation is consistent with EPA's *Technical Support Document for Water Quality-based Toxics Control* and DEC's *TOGS 1.2.1., Attachment D*. Since the interim effluent limit is 50 ng/l daily maximum, and the calculated interim monthly average limit is less than this value, only the daily maximum interim limit of 160 ng/l will be applied. The Schedule of Compliance has been modified to include interim milestones that will allow for sufficient time to come into compliance with all applicable permit limits.

40 CFR Part 444- Internal Outfall 06A was established as a compliance point for technology-based limits and should only contain limits necessary to demonstrate compliance with 40 CFR Part 444.

- Part 444 metals- These should only include concentration based limits, not mass based limits, because the regulation is written for concentration only.
- TDS/chlorides- These constituents are not included in Part 444 and as such should be removed.
- Ammonia- This constituent is not included in Part 444 and as such should be removed. Furthermore, the Fact Sheet indicates the limit basis is activated sludge treatment, but this technology is not appropriate for Norlite. The Fact Sheet also states that "There is reasonable potential for the effluent to cause a water quality problem. TBELs are appropriate." Since this is an internal outfall, water quality-based standards should not be applied.
- BOD5- This constituent is not included in Part 444 and as such should be removed. Furthermore, the Fact Sheet indicates the limit basis is activated sludge treatment, but this technology is not appropriate for Norlite. The Fact Sheet also states that "There is reasonable potential for the effluent to cause a water quality problem. TBELs are appropriate." Since this is an internal outfall, water quality-based standards should not be applied.

Department Response: The permit has been revised to include concentration limits for only Part 444 metals. However, a mercury limit of 50 ng/l supersedes the Part 444 mercury limit and is consistent with TOGS 1.3.10. In addition, and in consultation with Norlite, Outfall 06A now has a daily maximum flow limit of 65,000 gallons per day. Sampling frequencies for TDS/chlorides, ammonia, and BOD5 have been increased at the downstream outfall (Outfall 006). Limits for certain pollutants at this outfall became unnecessary due to sufficiently low permit limits at Outfall 006 (e.g. ammonia, BOD_5).

<u>Outfall 006:</u>

Dissolved Oxygen- A minimum effluent limit of 7.0 mg/l has been added to the permit. Norlite objects on the grounds that the limit is based on the discharge of treated domestic waste from wastewater treatment plants into intermittent streams and so is inapplicable to Norlite.

Department Response: Limits for dissolved oxygen are found in 6 NYCRR Part 703.3, where it states that at no time shall the dissolved oxygen concentration fall below 4.0 mg/l. Water quality modeling indicated a minimum dissolved oxygen concentration of 7.0 mg/l was necessary to meet the instream water quality standard of 4.0 mg/l. Furthermore, Department guidance for intermittent streams in TOGS 1.3.1. is not specific to domestic wastewater dischargers. The current outfall mixing is unfavorable and, thus, has been characterized as an intermittent stream.

Sulfates- The permit requires weekly monitoring of sulfates at Outfall 006 and daily maximum limits for total sulfides at Outfall 06C. These monitoring requirements are redundant and any concerns regarding possible hydrogen sulfide emissions can best be addressed by requiring weekly monitoring of total sulfides at Outfall 006.

Department Response: Hydrogen sulfide appears to develop downstream of Outfall 006. It is necessary to monitor total sulfates at Outfall 006 as its presence or absence is likely related to the probability of hydrogen sulfide formation. This information will help assess this issue.

Oxidation-Reduction Potential (ORP)- The permit requires installation of an ORP monitor within 6 months of the effective date of the permit. Norlite asks that the Company have one year for installation.

Department Response: The Schedule of Compliance has been modified to allow for up to one (1) year for installation and testing. Norlite must maintain the existing ORP monitor until the new one is installed.

Ammonia (as NH_3)- The monthly average summer and winter limits were calculated incorrectly. The limits should be 1.46 mg/l (1.46 lb/day) and 1.91 mg/l (1.91 lb/day).

Department Response: The limit for ammonia is expressed as N, not as NH_3. The values Norlite developed need to be multiplied by the conversion factor of 0.8224. The resulting values of 1.2 mg/l (1.2 lb/day) and 1.6 mg/l (1.6 lb/day) are the same as those expressed in the permit.

BOD_5- The daily maximum limit of 5.0 mg/l (5.0 lb/day) is below the detection limit of 6.0 mg/l, making the limit impossible to enforce.

Department Response: The limit is consistent with Department guidance and has been applied in other SPDES permits. Permittees across NYS are able to detect below 5.0 mg/l.

Total Suspended Solids (TSS)- The daily maximum limit has been lowered from 66 mg/l (66 lb/day) to a monthly average limit of 25 mg/l (25 lb/day) and a daily maximum limit of 45 mg/l (45 lb/day). The justification was that it was consistent with NYSDEC's Stone, Sand & Gravel Category SIC 142 and 144. The Norlite facility is not in SIC codes 142 or

144, and quarry discharges are directed to Outfall 003. Additionally, TSS is limited at Outfall 06A through 40 CFR Part 144. TSS limits should not be applied at this outfall.

Department Response: The limit for TSS has been revised to reflect the limits established in the previous permit of 66 mg/l (66 lb/day).

Total Residual Chlorine (TRC)- The permit includes a daily maximum TRC limit of 0.02 mg/l (0.02 lb/day), but the fact sheet includes a limit of 1.0 mg/l (1.0 lb/day). TOGS 1.3.1E states that discharges with a dilution ratio of less than 30:1 should have a limit no higher than 0.50 mg/l. Norlite requests a limit of 0.50 mg/l.

Department Response: The permit and fact sheet have been corrected to reflect a daily maximum TRC compliance level of 20 µg/l. The compliance level is required because the calculated permit limit of 5 µg/l (0.005 lb/day) is below the PQL. The limit was developed in accordance with Department guidance.

Mercury- The MMP language is generic and does not consider Norlite's unique operation. It should be modified.

Department Response: The MMP language is standard and will not be changed. However, when Norlite develops the facility's MMP, the company will be able to develop a MMP that reflects their specific operations. This approach is consistent with TOGS 1.3.10. and with other individual SPDES facilities across NYS.

Mercury- Interim limits were established at 89 ng/l monthly average and 160 ng/l daily maximum based on sampling conducted by Norlite in March 2016. Norlite conducted additional sampling, performed a statistical analysis, and calculated revised interim limits of 391 ng/l and 703 ng/l. These limits should be established as interim limits. Additionally, these limits should stay in effect for four years rather than two years from the effective date of the permit.

Department Response: Norlite provided additional sampling data and new interim limits were established at 43 ng/l monthly average and 160 ng/l daily maximum. These values are different from Norlite's calculations because the Department used a delta-lognormal statistical analysis to account for mercury concentrations below the detection level. This analytical evaluation is consistent with EPA's *Technical Support Document for Water Quality-based Toxics Control* and DEC's *TOGS 1.2.1., Attachment D*. Since the initial effluent limit is 50 ng/l daily maximum, and the calculated interim monthly average limit is less than this value, only the daily maximum interim limit of 160 ng/l will be applied. The Schedule of Compliance has been modified to include interim milestones that will allow for sufficient time to come into compliance with all applicable permit limits.

Total sulfides- This monitoring requirement is redundant. There is a monitoring requirement for sulfates at this outfall and a permit limit at Outfall 06C for total sulfides.

Department Response: The monitoring requirement for total sulfides has been removed.

Outfall 06C:

Outfall Naming- Norlite has used Outfall 06B to refer to another part of the process. This outfall should be called Outfall 06C to prevent confusion.

Department Response: The outfall has been renamed to Outfall 06C.

Color (Apparent)- The permit has required monitoring of this pollutant. If DEC proposes to establish a permit limit, Norlite requests an opportunity to review the results with DEC before a final limit is proposed.

Department Response: If it is determined that a permit limit is necessary, the permit will need to undergo a permit modification. At that time, Norlite would have the opportunity to comment on the proposed permit limit.

Total Sulfides- Norlite requests an opportunity to review sample results with DEC staff before final limits are set. Additionally, based on sample results, Norlite believes it will have difficultly accommodating a compliance level of 5.0 µg/l and requests an opportunity to perform a method detection limit study as set forth in 40 CFR Part 136.

Department Response: The permit includes a limit for total sulfides of 2.7 µg/l (0.0030 lb/day), which is superseded by the compliance level of 5.0 µg/l. Norlite may perform a method detection limit study at any time as outlined in 40 CFR Part 136.

Temperature- Monitoring has been changed from quarterly to monthly with no explanation. Additionally, sampling at this outfall is challenging and dangerous for staff. This limit should be changed back to quarterly.

Department Response: The frequency has been increased due to concerns regarding hydrogen sulfide formation downstream of Outfall 006. Hydrogen sulfide forms in warm temperatures, which regularly occurs at Outfall 006, so more frequent monitoring is warranted. Since this is a designated sampling point, some consideration will need to be made by Norlite to accommodate safe access for staff.

WET Testing- Norlite objects to testing requirements at Outfall 004. Metals have been mostly non-detect for several years, so synergistic effects are unlikely. Furthermore, the testing frequency does not consider the intermittent nature of the discharge. Norlite also objects to WET testing at Outfall 006, since the discharge is to the Mohawk not an intermittent stream.

Department Response: Whole Effluent Toxicity (WET) testing is required for all EPA major permits at least once a permit cycle and is not exclusive to intermittent streams. Outfall 004 is a mixture of stormwater and landfill leachate. Since the discharge is not only made up of stormwater, WET testing is necessary to verify a non-toxic effluent. WET testing may be performed for four consecutive quarters at Outfall 004 to accommodate the intermittent nature of the discharge.

Schedule of Submittals- Norlite can only commit to improving the portions of the pipe the company owns.

Department Response: The effluent piping for Norlite's Outfall 006 connects to an existing storm sewer line located on Saratoga Street that is owned/operated by the City of Cohoes. The piping continues beneath buildings owned/occupied by Mohawk Fine Papers, who have registered numerous odor complaints. This portion of the piping was assessed and repaired by Norlite in January 2017. Therefore, the Schedule of Compliance has been modified to include only portions of the pipe owned by Norlite.

Schedule of Compliance- Norlite proposes modifications to the wording of the Schedule of Compliance.

Department Response: Norlite and the Department have come to an agreement regarding the Schedule of Compliance language.

Dilution- The assumed dilution in the previous permit has been changed, which affects the water quality based effluent limits for many parameters at Outfall 006. The new dilution ratio (0:1) is inaccurate and is based on the location of the outfall. DEC was involved in the selection of the outfall location and the characteristics of the outfall have remained unchanged. The dilution should continue to be 100:1.

Department Response: Norlite's discharge pipe ties into the City of Cohoes' storm sewer. The outfall is a shoreline discharge. Upon exiting the outfall, the treated effluent has very little velocity, so rapid and complete mixing does not occur. Furthermore, as the water level in the Mohawk River changes, ambient intrusion occurs. Altogether, the characteristics of the outfall produce little to no mixing. In response to Norlite's concerns, the Department has developed a Schedule of Compliance to investigate and improve the outfall.

Additional Comments- The following changes should be made to improve clarification and consistency throughout the permit: remove all references to "Trunnion" and replace the word, as appropriate, with "Non-Contact"; remove the fact sheet table for Outfall 007 as it is no longer an active outfall.

Department Response: All references to "Trunnion" now also include the words "Non-Contact." Since the process water consists of cooling water that comes in contact with the exterior of the trunnion, it is necessary to include this descriptive language for future permit writers and DEC inspectors. While Outfall 007 has been removed from the permit, the last round of sampling included analytical data from Outfall 007. The fact sheet table indicates that the outfall has been removed, but it is Department procedure to show all sampling results.

5. Mr. Kevin Donovan

“Dear Ms. Dieshner, I am writing to oppose a water permit for Norlite that will allow them discharge mercury by up to 88 times the EPA acceptable levels. Norlite is a commercial entity, and while it may cost more for them to achieve a lower level, they will be able to pass those costs on to their users. We need less mercury going into the environment, not more. Thank you. [sic]”

Department Response: The SPDES permit was developed in accordance with the Technical and Operational Guidance Series (“TOGS”) 1.3.10. Mercury- SPDES Permitting & Multiple Discharge Variance (available at Department’s website). As Norlite provided additional mercury sampling data, the Schedule of Compliance has been modified to include a lower initial mercury limit. The interim total mercury limit of 50 ng/l and the Mercury Minimization Program (“MMP”) is consistent with TOGS 1.3.10., and will result in an overall decrease in total mercury from all wastewater sources at the facility.

6. United States Environmental Protection Agency (“USEPA”)

The comments submitted by USEPA have been summarized for brevity. The unaltered comments are available upon receipt of a Freedom of Information Act (“FOIA”) request.

- NYSDEC calculated both the technology based effluent limit and water quality based effluent limit for mercury. Additionally, NYSDEC calculated the existing effluent quality according to the procedure outlined in *Technical Operational Guidance Series 1.3.19 Mercury—SPDES Permitting (October 2015)* at the internal Outfall 06A. The application of the daily maximum 50 ng/l interim total mercury limit at Outfall 06A is significantly more stringent than the technology based effluent limits of 2300 ng/l daily maximum and 1300 ng/l monthly average.

- USEPA suggests that NYSDEC include in the Administrative Record a calculation demonstrating that both the initial and interim daily maximum concentration based limits are also more stringent than the calculated mass based limit of 0.04 lb/day, based on the average flow of 0.12 mgd.

- NYSDEC developed a compliance schedule to allow two years to comply with the variance limit of 50 ng/l, with interim limitations set at the existing effluent quality of 160 ng/l daily maximum and 89 ng/l monthly average for both Outfalls 06A and 006. It was also noted that the variance limit of 50 ng/l was applied at Outfall 004. USEPA reviewed the process and calculations for mercury and determined that these limitations and schedule are consistent with both the effluent limitation guideline at 40 CFR Part 444 and the statewide mercury variance requirements. USEPA believes these limitations must remain in the final permit and encourages NYSDEC to move forward with permit finalization.

Department Response: As suggested, below is a calculation comparing the technology limit of 0.04 lb/day at a flow of 0.12 mgd to the initial limit and interim limit.

Technology Limit (existing)	Initial Limit (new)	Interim Limit (new)
39,968 ng/l	160 ng/l	50 ng/l
0.04 lb/day	0.00000016 lb/day	0.00000005 lb/day

The equation applied is: [concentration] (mg/l) X 8.34 (lb/day / mgd-mg/l) X 0.12 (mgd)

The Schedule of Compliance has been modified upon request by Norlite. The revisions continue to require significant progress in attaining the interim total mercury limit of 50 ng/l. The Schedule is now broken down into two distinct phases: outfall evaluation/reconfiguration and wastewater treatment plant improvements. The Department believes the revisions are an improvement and continue to adhere to guidance in TOGS 1.3.10.

Furthermore, upon receipt of additional sampling data, the Department revised the initial mercury limits for Outfalls 06A and 006 to include only a daily maximum limit of 160 ng/l. The revised calculated monthly average initial limit of 43 ng/l is below the interim limit of 50 ng/l. These limits continue to be protective of the receiving water quality.

Norlite submitted additional sampling data for mercury at Outfall 004. The result showed mercury below the detection level. The interim limit of 50 ng/l has been removed from the final permit.

7. Mohawk Fine Papers Inc.

The comments submitted by Mohawk Fine Papers, Inc. have been summarized for brevity. Full comments are available upon receipt of a Freedom of Information Act ("FOIA") request.

Compliance with Groundwater Effluent Limitations— Effluent limitations for Outfalls 006 and 06A do not comply with the water quality standards for discharges to groundwater.

Department Response: Norlite reported to the Department that the piping beneath the Mohawk Fine Papers property/building was repaired during January 2017. The repairs were made to reduce any potential for discharge to groundwater and ensure all flow from Outfall No. 006 is conveyed to the Mohawk River.

Compliance with State Environmental Quality Review Act—The negative SEQR declaration should be rescinded. Norlite's industrial wastewater is being discharged into the ground and groundwater under Mohawk's facility as well as causing foul and potentially harmful chemical odors on Mohawk's property. As the pipeline breach was only recently discovered by Mohawk, this information was not available at the time the SEQR declaration was made.

Department Response: The Department complied with SEQRA by issuing a Negative Declaration after evaluating all the available information at the time the application was deemed complete. It should be noted that decisions regarding SEQRA determinations are not revisited for a Department-Initiated Modification of a SPDES permit.

Ground/Groundwater Contamination and Chemical Odors—Mohawk has recently determined that Norlite's discharge has been causing damage to Mohawk's property via ground and groundwater. Additionally, air contaminants such as chlorine and hydrogen sulfide continue to emanate from the front of Mohawk's building near the storm sewer tie in and in Mohawk's basement. The presence of these chemical contaminants and associated odors on Mohawk's property pose a threat to the health and safety of their employees. It is furthermore an environmental risk and is continuing to cause damage to Mohawk's property. Norlite does not have permission to discharge wastewater onto Mohawk's property. Despite knowledge of the presence of the harmful soil, groundwater, and air contamination, Norlite has failed to take steps necessary to prevent or remedy these issues. Resolution of these issues requires denial of the permit renewal and modification or imposition of additional modifications to the permit to ensure that these issues do not continue.

Department Response: The Schedule of Submittals requires Norlite to perform additional survey and repair of damaged portions of the discharge conveyance. Furthermore, a limit for total sulfides has been included at a downstream monitoring point (Outfall 06C) to ensure hydrogen sulfide odors are controlled. The permit also includes a Schedule of Compliance to evaluate the efficacy of the existing outfall and wastewater treatment plant. The Department believes the inclusion of these conditions will address Mohawk's concerns.

Relocation of Effluent Pipeline—Mohawk supports the imposition of a permit condition requiring the redesign and relocation of the discharge pipeline configuration in a manner which eliminates all potential impacts to Mohawk.

Department Response: The Schedule of Compliance associated with this permit condition has been further refined, but continues to require the evaluation and reconfiguration of the outfall and/or the wastewater treatment plant.

Effluent Pipe Inspection and Condition Assessment—Mohawk supports the imposition of the permit condition requiring inspection and condition assessment of all sections of the effluent pipeline, as well as reporting of conditions found, identification of necessary repairs and preparation of an improvements schedule. Mohawk requests an expedited schedule to ensure expedited repair and long-term integrity of the conveyances.

Department Response: The Schedule of Submittals associated with this permit condition has been modified to reflect only the portions of the conveyance owned by Norlite. The condition assessment will be completed nine (9) months from the effective date of permit.

Outfall 06C— Mohawk supports the designation of a new sampling point because the effluent composition and quality changes downstream of the facility. Mohawk also supports the imposition of a total sulfide limit as it is indicative of hydrogen sulfide formation. Also, Mohawk supports the imposition of permit conditions to limit pH and temperature as both parameters are associated with hydrogen sulfide formation. Mohawk requests that direct monitoring of hydrogen sulfide at Outfall 06C be added as a permit condition. Mohawk also supports the inclusion of a monitoring requirement of oxidation/reduction potential and the addition of sodium hypochlorite to effluent in response to ORP measurements, as well as related water-quality limits for total residual chlorine at Outfall 006. Mohawk requests that ORP and TRC monitoring also be added as permit conditions at Outfall 06C and that the frequency is continuous.

Department Response: Many of these items are included in the final SPDES permit. Monitoring of hydrogen sulfide is indirectly addressed by the permit specifying a total sulfides limit (at the detection limit) at Outfall 06C. Note that there is no approved analytical method for direct hydrogen sulfide monitoring. Continuous ORP and TRC monitoring have not been added at Outfall 06C due to space constraints and maintenance issues associated with this manhole along the railroad easement.

Party Status— If the Department holds an adjudicatory hearing, Mohawk Fine Papers will petition for party status.

Department Response: In correspondence to the Department dated August 22, 2017, Norlite has withdrawn their request for a hearing.