



Division of Surface Water Response to Comments

Project: Ashtabula Energy, LLC, Receipt of Application, National Pollutant Discharge Elimination System (NPDES) Permit

Ohio EPA Permit #: 3IN00387*AD

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Ohio EPA held a public hearing on January 22, 2015 regarding receipt of application for discharge. This document summarizes the comments and questions received at the public hearing and during the associated comment period, which ended on January 29, 2015.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. For example, concerns about zoning issues are addressed at the local level. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format.

Comment 1: Several citizens were concerned with the lack of specific information given of the facility's process, chemical make-up of the discharge and exact location of the discharge. They would like to know what is in the process waste streams, how they will be monitored, and how they will affect the Lake. The content/contaminants of the process wastewater must

be known and evaluated before an NPDES permit can be issued.

Response 1:

The National Pollutant Discharge Elimination System (NPDES) permit application identifies all constituents expected in each waste stream (including the process wastewater) prior to treatment and at the final outfall to the lake, after treatment. The discharge location is also identified in the application. The application can be found at the following web address:

<http://edocpub.epa.ohio.gov/publicportal/ViewDocument.aspx?docid=113858>

Ohio EPA will evaluate the content of each waste stream prior to issuing an NPDES permit based on the following: the information provided in the facility's application; Ohio water quality standards; US EPA federal categorical regulations; treatment technology based standards; biological, chemical and physical conditions in the Lake; and an Agency analysis for constituents that have reasonable potential to be present. An NPDES permit would require monitoring for all expected constituents based on Ohio EPA analysis. The discharge from Ashtabula Energy would be interactive with several other industrial facilities. An interactive wasteload allocation has been calculated for these facilities including the parameter concentrations and flow proposed in this permit application. .

The existing conditions of Lake Erie may change with a new discharge; however this change is still required to be protective of all uses for Lake Erie and at no time allowed to cause exceedances to Ohio water quality standards.

Comment 2:

I could potentially support the cooling water discharge depending on actual temperatures – it would be much better if it was a recirculation process and not just directly into the Lake. However, I strongly oppose allowing them special exemptions for discharging sanitary wastewater and industrial wastewater directly into Lake Erie. They should be meeting all discharge requirements to either treat it

themselves or to discharge to a municipal treatment facility.

Response 2: The non-contact cooling water would be recycled and the discharge would combine with all other wastewater streams and then treated in a final clarifier before discharging to Lake Erie. Based on the application, the average daily water temperature is expected to be less than 85 °F. The statewide temperature criteria for Lake Erie must be met as outlined in the Ohio Administrative Code (OAC) 3745-1-07. Temperature monitoring would be required for at the final outfall in a new discharge permit for Lake Erie.

There are no special exemptions that apply to the proposed discharge of sanitary or process wastewater to Lake Erie. The exclusion applicable to this project pertains to the antidegradation review. Ashtabula Energy meets an exclusion under OAC rule 3745-1-05, which provides that the discharge will be de minimis, meaning there will be no net increase in the discharge of a regulated pollutant that exceeds ten percent of the water body assimilative capacity for a discharge to Lake Erie. Therefore, the antidegradation application does not need to include the technical, social, economic, and environmental justification for degradation alternatives. This does not impact monitoring requirements or limits for an NPDES permit. Water quality standards still apply and a NPDES permit is still required with monitoring and limit requirements for the treated wastewater discharged to Lake Erie. The process and sanitary wastewaters would be treated prior to being discharged.

Comment 3: **Several citizens addressed concerns on the impact of this project to water quality, drinking water, condition of the eco-system, lake organisms, birds, human health, and commercial/recreational fishing.**

Response 3: The treated wastewater that would be discharged is required to meet all applicable water quality criteria. The state has standards to protect human health and aquatic life use as well as to protect the following Lake Erie use designations: superior high quality water, agricultural water supply, industrial water supply and bathing water. Drinking water standards are not applicable because the proposed discharge is greater than 500 yards updrift of a drinking water intake. In addition, the treatment facilities at the site

must be designed to meet Best Available Demonstrated Control Technology (BADCT) standards.

Comment 4: **Several citizens had the following question:**

- **What studies or research have been done on the impact this would have on our drinking water or fishing to assure no effect on human health?**

Response 4: The facility is required to meet all applicable water quality criteria. Therefore, there is no anticipated impact to water quality, drinking water, fishing, or human health. The wastewaters from the facility will be treated to meet BADCT standards prior to being discharge to Lake Erie.

The discharge from Ashtabula Energy would be interactive with several other industrial facilities. An interactive wasteload allocation has been calculated for these facilities including the Ashtabula Energy proposed final discharge using the information provided in the NPDES application. The new discharge, including the existing interactive discharges, will be required to be protective of human health and the use designations of Lake Erie,

Comment 5: **Please provide a more concrete explanation of the wastewater treatment plans for the 1.6 million gallons of wastewater per day that will be flowing into Lake Erie. For example,**

- **Will new treatment facilities be present on-site?**
- **Will this affect township residential water treatment volume, quality, or availability?**

Response 5: Yes, new biological treatment facilities are proposed to treat both the process and sanitary wastewaters before discharged. The details of the treatment facilities have not been presented to the Agency. Prior to construction of the treatment facilities, a Permit-to-Install authorization would be required by Ohio EPA.

The application states that the intake lake water would be from the Ashtabula County Port Authority Plant C. In this case, the facility's water use would be authorized by the

Ashtabula County Port Authority Plant C. There are no anticipated impacts to residential drinking water volume, quantity or availability.

Comment 6: **How many staff members does EPA have to enforce their laws? How much time does it take them to travel to Ashtabula Co. for their inspections? Will the State pay for the overtime EPA will need to do the proper time consuming inspections/monitoring to keep our Lake Erie safe?**

Response 6: They are currently 1,082 Ohio EPA employees that implement and enforce applicable laws. One Northeast District Division of Surface Water engineer will be assigned to inspect and monitor Ashtabula Energy permit compliance. Travel time from the Northeast District office in Twinsburg takes about one hour to Ashtabula County. It is not anticipated that overtime will be required to do the proper inspections and monitoring of Ashtabula Energy. Ohio EPA has a Lake Erie program that helps keep Lake Erie safe, please see the following website for more details:
<http://www.epa.ohio.gov/dsw/lakeerie/index.aspx>.

Comment 7: **How much more pollution can Lake Erie hold? Were EPA standards diluted because of politics by past administrations? If so what were the original standards more strict?**

Response 7: There have been, and continue to be, binational studies on the capacity of Lake Erie for various pollutants. More information on these can be found at <http://www.epa.gov/glnpo/glwqa/1978/annex.html> and <http://www.ec.gc.ca/grandslacs-greatlakes/default.asp?lang=En&n=A1C62826-1&offset=5&toc=show>

Ohio EPA has studied the Ohio shoreline and has documented the water quality data to inform management decisions and actions to restore Lake Erie and its tributary streams. This is documented in the Integrated Water Quality Monitoring and Assessment Report (also called the Integrated Report) which indicates the general condition of Ohio's waters and identifies waters that are not meeting

water quality goals. The Integrated Study can be found at the following web address:

<http://epa.ohio.gov/dsw/tmdl/OhioIntegratedReport.aspx#123143421-2014>

The report contains a new section on Lake Erie monitoring and assessment (see Section 15).

http://epa.ohio.gov/Portals/35/tmdl/2014intreport/Section%201%20-%20Considerations_03212014_Final.pdf

The process for changing rules and standards is proscribed by law in Chapter 119 of the Ohio Revised Code. To change rules or standards, Ohio EPA must follow the law which also requires public participation. Ohio EPA follows several steps to involve the public and to solicit public comments including early stakeholder outreach and interested party review.

Ohio's water quality standards, and the methodologies to develop them, are explained at <http://epa.ohio.gov/dsw/wqs/index.aspx>.

Comment 8:

Several citizens are concerned that the discharge from the facility will pollute Lake Erie, and/or may result in a change from the current water quality conditions of Lake Erie. Several comments referenced that Lake Erie is a valuable resource, and that the addition of any pollution, including this discharge should not be allowed or considered by Ohio EPA. The water discharged back into Lake Erie should be totally free of any chemicals and be purer than the water originally withdrawn and meet pure drinking water standards.

Response 8:

The discharge from Ashtabula Energy is required to meet the water quality standards for the receiving water body (Lake Erie) and cannot exceed the minimum water quality requirements. The decision-making process for a new discharge is empowered to the director of Ohio EPA by the Clean Water Act and Ohio Water Pollution Control Law (ORC 6111). A new discharge is reviewed by Ohio EPA under the Ohio Administrative Code (OAC) rules for Antidegradation.

A new discharge would not be approved unless the requirements in those rules are met. At no time is the proposed discharge from the facility allowed to cause exceedances of Ohio water quality standards, which were developed to protect all uses of a water body- aquatic life use, recreational use, agricultural use, drinking water intakes, biological criteria, and any adverse aesthetic conditions or site specific conditions. The existing conditions may change with a new discharge; however this change is still required to be protective of all uses for Lake Erie.

Comment 9: **I am concerned with the dregs of the water treatment residues to be discharged.**

Response 9: Water treatment residuals would be from a reverse osmosis process and would have no added chemicals. This discharge would be monitored internally and at the combined final outfall to Lake Erie, which must meet Ohio water quality standards per an NPDES permit.

Comment 10: **How can you possibly approve of adding 1.6 million gallons of waste water to this already burdened resource? We need to learn more about their intentions for short-term and long-term growth and how they strategically see their disposal needs changing should their business expand.**

Response 10: The director of Ohio EPA has a legal responsibility to act upon all NPDES applications that are submitted to Ohio EPA; OAC Chapter 3745-33 states:

(1) The director shall issue an Ohio NPDES permit for the discharge if, on the basis of all information available to Ohio EPA, the director determines that:

(a) The authorized discharge levels specified in paragraphs (A), (B), (C), and (D) of rule 3745-33-05 of the Administrative Code are not being exceeded by the applicant; and

- (b) An application form completed in accordance with rule 3745-33-03 of the Administrative Code and any supplemental information requested by the director have been submitted; and*
 - (c) Adequate provisions for monitoring to obtain required pollutant discharge information have been made; and*
 - (d) If required by Ohio EPA, performance tests, conducted at the applicant's expense after the application was filed and in accordance with methods prescribed by Ohio EPA, demonstrate that the discharge is in compliance with the authorized discharge levels.*
- (2) The director shall deny an application for a permit or renewal thereof if:*
- (a) The secretary of the army determines in writing that anchorage or navigation would be substantially impaired thereby;*
 - (b) The director determines that the proposed discharge or source would conflict with an area-wide waste treatment management plan adopted in accordance with section 208 of the act;*
 - (c) The administrator objects in writing to the issuance or renewal of the permit in accordance with section 402 (d) of the act;*
 - (d) The imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected states;*
 - (e) The application is for the discharge of any radiological, chemical, or biological warfare agent, or high-level radioactive waste into the waters of the state.*
- (3) Possession of an Ohio NPDES permit shall not relieve any person of the responsibility to comply with the authorized discharge levels specified in the permit or other provisions of applicable law.*

Per the above rule, the director can issue or deny a permit upon determination that OAC Chapter 3745-33 is adequately addressed. The purpose of issuing an NPDES permit is to ensure compliance with Ohio water quality standards. Ohio EPA focuses Agency resources on environmental issues

and cannot take into consideration short/long term growth of the business when reviewing an application. Expansion of a business may require the facility to modify the NPDES permit, where the Agency would reevaluate the discharge.

Comment 11: How do you define “minimal impact”?

Response 11: The term “minimal impact” is not defined by rule and was used to discuss the exclusion under the OAC Rule 3745-1-05 (D)(1), which excludes the applicant from the submittal and review requirements listed in paragraphs (B)(3)(e) to (B)(3)(h) and (C)(5) of this rule. A project that meets an exclusion under OAC Rule 3745-1-05 (D)(1) is anticipated to have minimal or low risk of any environmental impact associated with a discharge and refers to the level of the requested discharge in relation to what the receiving water can handle safely. The exclusions are based on Ohio water quality standards that were developed to protect all uses of a water body.

Comment 12: It is unreasonable and illogical to apply for a National Pollutant Discharge Elimination System permit before Ashtabula Energy has applied for the sanitary and process wastewater treatment unit permits. The Ohio EPA must investigate the waste stream data from the five comparably sized plants in other countries, including all the possible negative environmental impacts.

Response 12: There is no rule that prevents an NPDES permit to be issued prior to a permit-to-install for a treatment system. The facility’s treatment units for both process and sanitary waste streams must be designed to meet Ohio water quality standards and any NPDES permit limit requirements.

Existing facilities outside the United States have not been studied due to the variability between the manufacturing plants. The application indicates that foreign manufacturing plants that use the same process to convert natural gas to diesel fuel are not exact matches to Ashtabula Energy. In addition, the variability from Ohio’s standards to foreign standards would make a study unproductive to the permitting process. Water quality criteria differ depending on the receiving water body.

Comment 13: Velocys says the plant will “discharge less than 10 percent of what Lake Erie can safely accept”. Is that 10 percent for the first day or the first week, or what? The 1.6 million gallons per day is a cumulative quantity which equates to 584 million gallons per year, every year! So how can it be 10 percent? Does anyone really know what this “treated” water consists of?

Response 13: When discussing 10% of what Lake Erie can safely accept, OAC 3745-1-05 (D)(1) applies, which states the following:

The following situations are excluded from the submittal and review requirements listed in paragraphs (B)(3)(e) to (B)(3)(h) and (C)(5) of this rule. In determining the applicability of any of the following exclusions, the evaluation shall not only consider potential effects or impacts to the receiving waters, but also to any subsequent waters potentially affected by the discharge or activity.

(b)(iii) For Lake Erie any net increase in the discharge of a regulated pollutant that is less than ten per cent of the water body pollutant assimilative capacity.

The water body pollutant assimilative capacity is the allowable load of a substance for a specific water body segment that it can receive and still maintain water quality standards. The assimilative capacity for a lake is calculated as a value equal to the permitted discharge flow times Y, where Y equals eleven times the water quality criteria for a substance minus ten times the background concentration for the substance.

If a pollutant in the effluent demonstrates the reasonable potential to violate water quality standards, appropriate limits are included in the permit to quantify how much of the pollutant can be discharged and still meet water quality standards.

The application identifies all constituents expected in each waste stream prior to treatment and at the final outfall after treatment. The application can be found at the following web address:

<http://edocpub.epa.ohio.gov/publicportal/ViewDocument.aspx?docid=113858>

Comment 14: **Citizens were concerned with diesel fuel spills at the facility and what preventative measures are in place to prevent spills?**

Response 14: During construction, a general construction storm water permit has been issued for the site and prohibits non-storm water discharges. Storm water regulations would still apply once the facility is built. After construction, Ashtabula Energy has proposed to be designed to meet no exposure for storm water, which means all industrial materials or activities are not “exposed” to precipitation. The facility must be designed so all areas that are likely to have an accidental spill are contained to prevent any release to Ohio’s waterways.

At this time, the Agency has only received the application to discharge treated wastewater and will not receive details on the facility’s preventative spill measures until the Permit-to-Install is received.

Comment 15: **What chemicals are used in the conversion process from natural gas to diesel fuel and other products? What are those other products? What chemicals and processes are used to treat the waste water prior to it being released into Lake Erie? What information and documentation are available to support the idea that the lake can safely accept the levels of chemicals that are being proposed for dumping?**

Response 15: The application states that natural gas and oxygen are the raw materials to be converted to diesel fuel using an advanced catalyst system. Ashtabula Energy has stated that cobalt is expected to be used as the catalyst in this process. Alcohols will be recovered along with by-product waxes and lubricants. The application indicates that the process and sanitary wastewaters will be treated biologically before combining with the cooling water waste stream. The combined waste stream is proposed to be treated in a clarifier before being discharged to the lake. The details for the treatment unit have not been submitted to the Agency. Wastewater treatment will be designed to ensure NPDES permit limits will be met. However, prior to construction the

treatment units must be reviewed and approved by Ohio EPA. Chemicals are not proposed to be dumped into Lake Erie. Instead, treated wastewater is proposed to be discharged that will be required to meet water quality standards.

The federal Clean Water Act establishes water quality standards. Ohio EPA water quality criteria for Lake Erie was created to follow the Clean Water Act to ensure the protection of all water body uses - aquatic life use, recreational use, agricultural use, drinking water intakes, biological criteria, and any adverse aesthetic conditions or site specific conditions. The 2014 Integrated Study for Lake Erie can be viewed on Ohio EPA's website as well. The study documents the water quality data to inform management decisions and actions to restore Lake Erie and its tributary streams. See response #7 above.

Comment 16: I understand that you have already commented that the discharge would only have a "minimal" impact on water quality, and that the discharge would not violate Ohio's water quality standards ... your comments do not reassure me. Environmental standards are frequently set at levels that do not completely protect the environment or Ohio's citizens, but as a compromise to appease industry.

Response 16: Ohio's water quality standards were created to follow the Clean Water Act to ensure the receiving water is protective of all water body uses, including human health and aquatic life. See response to comment #11 regarding the term "minimal impact".

Comment 17: Citizens questioned allowing a foreign company to impact our public waters and allowing this plant to be built in an area such as Ashtabula. We are not convinced that the jobs in question are good, sustaining jobs which will support the health and wellbeing of workers. We are concerned that Velocys' proposed system is just that- an experiment and that their data is based on estimates from a pilot plant.

Response 17: Ohio EPA cannot take into consideration the country of origination for a business or business prospects when reviewing an application. Local zoning may apply to certain land uses but this is outside the scope of Ohio EPA's regulatory authority.

The director of Ohio EPA has a legal responsibility to act upon all NPDES applications per OAC Chapter 3745-33. Ohio EPA has the ability to request a priority pollutant scan of the process waste stream and final discharge once the facility is up and running. Upon review of the results of the pollutant scan, the Ohio EPA may propose effluent limitations for specific pollutants, as appropriate.

Ohio EPA also has the ability to revise the permit's water quality based permit limitations based on updated wasteload allocations or use designation rules. All permits may be modified, or revoked and reissued, to include new water quality based effluent limits or other conditions that are necessary to comply with a revised wasteload allocation, or an approved total maximum daily loads (TMDL) report as required under Section 303 (d) of the Clean Water Act.

Comment 18: **Citizens are concerned about the facility being built on the old Elkem Metals property. Comments received include the following:**

- **I would think it prudent to deny your decision for a process water permit until an Environmental Impact Study including soil test bore samples can be obtained to guarantee that the old polluted plant site will not be exposed. Production waste would show up on the 80 acre site as you, the Ohio EPA, would find as you attempted a successful environmentally friendly closure of the 80 acre site after cessation of ELKEM Metals.**
- **If such a study exists, please provide me with a link, or reference. I would also like to see a drawing of the proposed process plant footprint superimposed on the 80 acre site drawings to see just how much the remediation of the old ELKEM site will be disturbed by new construction. At such time, I for one would appreciate some communication from your office**

for public viewing of such details, diagrams, or drawings and additional public dialog.

- **Applicant is proposing to construct a refinery on a former Union Carbide remediation site which contains high concentrations of heavy metals beneath a clay cap ("Director's Final Findings and Orders to Elkem Metals Company - Ashtabula LP and Elkem Metals Inc.", http://epa.ohio.gov/portals/34/document/issued_actions/enf-05-009.pdf). Construction at this site may likely result in exposure of the capped materials, and subsequent contamination of nearby freshwater habitat and drinking water sources.**
- **I am concerned with the area to be disturbed during excavation and construction, specifically the people working on the site being exposed to contaminants.**

Response 18:

An environmental investigation for the Ashtabula Energy property is not a requirement to include in an application for an NPDES discharge permit. The facility design of the treatment units will be submitted in a Permit-to-Install application and is not addressed as part of the NPDES permit application.

In order to view documents pertaining to the site previously known as Elkem Metals, currently EMC Ashtabula L.P., a public document request can be made to Ohio EPA. The Northeast district contact is Nicole Patella and she can be reached at 330-963-1142 or at Nicole.patella@epa.ohio.gov.

The Director's Final Findings and Orders to Elkem Metals Company - Ashtabula LP and Elkem Metals Inc. have been transferred to the new owner EMC Ashtabula L.P. The construction and capped material mentioned in the comment is assumed to relate to the closure pond activities at the EMC property. Ashtabula Energy's property does not incorporate any capped material related to the closure ponds on EMC's property.

The Cessation of Regulated Operations (CRO) program still applies to all property formally known as Elkem Metals. Please contact the Division of Materials and Waste Management at the Northeast District Office for information regarding CRO and the Division of Environmental Response and Revitalization regarding information for remediation work. However, the NPDES permit review process determines issuance and denials per the OAC Rule 3745-33 to ensure compliance with Ohio water quality standards. See response to comment #10 above.

Concerns regarding workers safety would be regulated by Occupational Safety & Health Administration (OSHA). The Cleveland, Ohio office for OSHA can be contacted at (216) 447-4194.

Comment 19: **Several comments were received regarding concerns that the facility is proposed to "self-regulate and report" and oversee/monitor their own water quality and report it to the Ohio EPA. Will the State allow this? No process or facility works exactly as intended all of the time. One cannot ignore the possibility that the company could intentionally take shortcuts and violate any permit you may grant. Regulatory agencies, such as yours, are grossly underfunded and inadequately staffed to fully perform the important public functions the law requires. Please do not grant this permit unless you can provide meaningful monitoring.**

Response 19: Nationally, a key component of the NPDES program is the reliance on monitoring data reported by the permittee (self-monitoring data). Compliance monitoring data collected by Ohio EPA is used to supplement and audit the data reported by the discharger. This monitoring data includes compliance sampling of the effluent, bioassay tests of the discharge, and chemical and biological sampling of the surface waters NPDES permit holders discharge to. In addition, facility inspections and lab audits are performed as additional checks of the self-monitoring program. If violations are suspected or found, enforcement protocols are followed as appropriate.

Comment 20: Several citizens have concerns with the impact this facility's discharge will have in combination with existing pollutants. Have you calculated the synergistic impact between the existing pollutants and what is proposed to be added? So what happens when nine more plants get built elsewhere, on Lake Erie's shores in another state or in Canada? And what about the residents of Michigan, Pennsylvania, New York, Canada, and all the folks downstream when the lake water goes over Niagara Falls? Did the EPA ask them how they feel about 1.6 million gallons of wastewater being dumped in it every day?

Response 20: The discharge from Ashtabula Energy would be interactive with several other industrial facilities. An interactive wasteload allocation has been calculated for this area and will be included in the NPDES permit.

For Lake Erie, Ohio EPA participates in the following areas:

- Areas of Concern, specifically the development and implementation of Remedial Action Plans (RAPs) for the Maumee, Black, Cuyahoga and Ashtabula river areas of concern
- Bi-national lakewide management plan (LaMP) for Lake Erie

Both of these efforts are centered on reducing the loadings of pollutants and restoring all beneficial uses to these waterbodies. Both programs are described in the Great Lakes Water Quality Agreement between Canada and the United States, and are mandated under the Great Lakes Critical Programs Act amendment to the Clean Water Act.

Comment 21: Several comments were received regarding the temperature of the discharge from the facility when it reaches the lake and the temperature impact to fisheries.

Response 21: As presented in the application, average daily water temperatures are expected to be less than 85 °F. The statewide temperature criteria for Lake Erie is outlined in the Ohio Administrative Code must be met. Temperature standards were developed to protect all designated uses of a water body, including aquatic life. Monitoring requirements

for temperature would apply to the facility's discharge permit at the final outfall.

Comment 22: **Citizens raised concerns regarding the air pollution from the processing plant at Ashtabula Energy. We had no notification of the issue of the air quality permit. What sort of pollutants would be discharged into the air as a result of the manufacturing process?**

Response 22: Ashtabula Energy is obligated to comply with state air pollution control requirements, which were developed to ensure compliance with the federal Clean Air Act. In addition, they are obligated to comply with their Ohio EPA air permit issued April 2014. As required by ORC, the air permit was drafted and public noticed for 30 days prior to final issuance. The final permit can be viewed at the following web address:
http://wwwapp.epa.ohio.gov/dapc/permits_issued/1137456.pdf

For more information regarding emissions from the facility, the Northeast District office, Division of Air Pollution and Control, can be contacted at (330) 425-9171.

Comment 23: **I urge the agency to consider impacts from this discharge to other permits, the Port Authority permits, for example, especially with regard to impingement and treatment of 2,000 eggs of fish and duck fishery dealers.**

Response 23: The Clean Water Act has regulations for cooling water intake structures under Section 316(b), Title 40 CFR 122.21(r)(2). Under this regulation, these facilities are required to collect the following information: source water physical data, cooling water intake structure data, cooling waste system data, and rate of impingement and/or entrainment of fish and shellfish at the facility's cooling water intake structure based upon sampling conducted at the facility. The agency is evaluating all intake structures along Lake Erie, including the Ashtabula County Port Authority Plant C, and will ensure the federal regulation is met. If Section 316(b) applies, then Ashtabula County Port Authority Plant C will be required to comply with the 316(b) rules in their next permit (current permit expires 11/1/17).

Comment 24: Several comments were received regarding concerns with carcinogens from the facility's process and the impact to drinking water. How will carcinogens be monitored or reviewed? Where can I measure the discrepancies between the national cancer rate and the cancer rate in Ashtabula?

Response 24: Ohio water quality standards were developed to be protective of human health with respect to carcinogens. Ohio EPA is required to perform a wasteload allocation for all toxic and carcinogenic pollutants per OAC rule 3745-2-05. In addition, the incremental risk of each known or suspected carcinogen present in a discharge shall be considered additive in accordance with OAC rule 3745-2-07. These requirements ensure that permitted discharges do not cause carcinogenic impacts. The proposed discharge is not in the vicinity of a drinking water intake, and no impacts to drinking water are anticipated.

For information on cancer rates please contact the Ashtabula County Health Department at (440) 576-6010 and the Ohio Department of Health at (614) 466-2144.

Comment 25: Citizens were concerned with the discharge to the changing lake levels. Did the lake tolerance change or is it just given a tolerance as far as pollutants? Will acceptable levels of the discharge change if water levels drop in the lake?

Response 25: Water quality standards are concentration based, not flow based, and developed to ensure the receiving water chemistry is protective of all water body uses. The wasteload allocation process is based on conservative assumptions that are protective with the intent to be protective regardless of fluctuating lake levels.

Standards for Lake Erie may change over time based on new information, changed at a federal level, or other factors which result in a rulemaking.

Comment 26: The application estimates 191 pounds of Total Dissolved Solids per day. Yet this 10% joins all the other effluent

that is already being discharged from the same channel by other industries in the area. How can this be monitored? The EPA must consider the total load and add up those percents.

Response 26: The application references Total Suspended Solids, not Total Dissolved Solids. The application estimates less than 191 pounds of Total Suspended Solids (TSS) will be discharged per day which equates to an estimated discharge concentration less than 14.3 mg/L. This concentration is less than the Best Available Demonstrated Control Technology (BADCT) daily limit used for new sources of sanitary wastewater of 18 mg/l TSS. It is also not expected to cause or contribute to a violation of Ohio's narrative criteria as established in OAC 3745-1-04 (A) which states that all waters shall be free from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits or that will adversely affect aquatic life.

Ohio EPA does monitor the water quality in Lake Erie. From May 2010 through September 2014 we have results for 441 Total Suspended Solids samples. Of the results, 330 were below the detection level of 5 mg/L yielding an overall average of 4.5 mg/L, results below detection are valued at ½ of the detection limit per Ohio rule 3745-2-05(A)(3). A load allocation for a lake assigns permit limits using a calculation of 10 times the background water quality. Based on our Lake Erie data this would result in a concentration of 45 mg/L. The application indicates a discharge level of 14.3 mg/L, below 45 mg/L.

Comment 27: **We are concerned that this NPDES permit for wastewater discharge could cause very serious and dangerous ecological repercussions to our lake (an already a stressed ecosystem) and to the health of families who eat out of and play in it.**

Response 27: The NPDES permit would require the discharge from Ashtabula Energy to meet the water quality standards for the receiving water body (Lake Erie) and cannot exceed the minimum water quality requirements. A new discharge would not be approved unless the requirements in the OAC are

met. At no time is the proposed discharge from the facility allowed to cause exceedances of Ohio water quality standards, which were developed to protect all uses of a water body- aquatic life use, recreational use, agricultural use, drinking water intakes, biological criteria, and any adverse aesthetic conditions or site specific conditions.

Ohio EPA has a Lake Erie program that helps keep Lake Erie safe, please see the following website for more details:

<http://www.epa.ohio.gov/dsw/lakeerie/index.aspx>.

The 2014 Integrated Study for Lake Erie can be viewed on Ohio EPA's website as well. The study documents the water quality data to inform management decisions and actions to restore Lake Erie and its tributary streams. See response #7 above.

Comment 28: **What is going to be in the sludge and where is it going? Do they plan on burying it on the 80 acres being purchased? What plans are in place for safety? Containment of water, sludge, etc.? What type of safety plan is in place in the event of an explosion or fire? Are the local authorities equipped and trained for this level of emergency? Will the operator of the plant be required to have an on-site safety force? The fact that this was all announced and meeting held within less than a week, I am sure attendance would have been much higher had more people known.**

Response 28: The application indicates a sludge holding tank will be used for sludge storage and sludge is to be disposed of at a licensed solid waste landfill. Sludge will not be allowed to be buried on the property and only allowed to be disposed of at a licensed solid waste landfill.

Concerns regarding workers safety, rights, and workplace hazards are regulated by the Occupational

Safety & Health Administration (OSHA). The Cleveland, Ohio office for OSHA can be contacted at (216) 447-4194.

Ohio EPA has certification requirements for operators of sanitary wastewater treatment systems in the OAC Chapter 3745-7. Ohio EPA received the application November 24, 2014. The public meeting date of January 22, 2015 was public noticed in the local newspaper December 15, 2014. A second public meeting will be held on March 19, 2015, at 6 p.m. The location is the Kent State University Ashtabula Campus, Blue-Gold Room, 3300 Lake Road West, Ashtabula.

End of Response to Comments