

From: Mary Anne Kowalski [<mailto:mkowals1@nycap.rr.com>]
Sent: Saturday, July 29, 2017 6:36 PM
To: Arcaya, Alyssa <arcaya.alyssa@epa.gov>; 'Brian.Baker@dec.ny.gov' <Brian.Baker@dec.ny.gov>; 'Koon Tang DEC Water Permits' <koon.tang@dec.ny.gov>
Cc: 'Czubernat, Lindy Sue (DEC)' <lindysue.czubernat@dec.ny.gov>; 'scott.rodabaugh@dec.ny.us' <scott.rodabaugh@dec.ny.us>; Jackson.wayne@epa.gov; Stuart Fox DEC' <stuart.fox@dec.ny.gov>; 'shayne.mitchell@dec.ny.gov' <shayne.mitchell@dec.ny.gov>; 'depprmt@dec.ny.gov' <depprmt@dec.ny.gov>; Obrien.karen@epa.gov

Subject: LOCKWOOD ASH DISPOSAL LANDFILL NY0107069 TORREY

Dear Mr Tang,

I am writing to request rescoring of the rank for the Lockwood Hills Ash Disposal Landfill (NY0107069). I understand that this is allowed in the procedure:

Any interested party may provide, at any time, substantive comments requesting a change in a permit's rank based on the grounds that newly discovered material information exists; that a material change in environmental conditions has occurred; or that relevant technology or applicable law or regulations have changed since the issuance of the existing permit. All such requests shall be in writing and contain facts or reasons supporting the request.

The current listing <http://www.dec.ny.gov/permits/6054.html> means that Lockwood will not be assessed for about 10 years:

LOCKWOOD ASH DISPOSAL LANDFILL	NY0107069	TORREY	27	576 /
	687	Central (#8)		
Factor: 14	Score: 27	Multiplier: 3	Points: 9	Reason: Longevity

Lockwood was added to the NARL at the direction of the EPA:

From: Arcaya, Alyssa [mailto:arcaya.alyssa@epa.gov]
Sent: Friday, February 12, 2016 11:31 AM
To: Tang, Koon S (DEC); Baker, Brian (DEC)
Cc: dec.sm.DEPPermitting; Jackson, Wayne; Obrien, Karen
Subject: Proposed administrative renewal of NY0107069 (Lockwood Ash Disposal Landfill)

Hello Koon and Brian,

I'm writing with regards to the proposed administrative renewal of NY0107069 (the Lockwood Ash Disposal Landfill), which was public noticed on the ENB on January 13th. The EPA does not support administrative renewal of this permit for a variety of reasons. We were alerted to the proposed rollover of this permit by concerned members of the local community, who also expressed concerns about violations at the site and planned changes at the associated Greenidge power plant, which has disposed of coal ash at the landfill. We are aware of the Consent Decree requiring a schedule of treatment for the landfill leachate.

We believe the Lockwood Ash disposal site may be subject to the new Effluent Limitation Guideline for the Steam Electric Generating Point Source Category, which establishes new effluent limitations for coal ash landfills and surface impoundments, or coal ash pond overflows.

For these reasons, this facility should be placed on the No Administrative Renewal List by the requirements of NY TOGS 1.2.2 (pp. 21-22, Permit Processing Procedures Section IV: No Administrative Renewal List).

Please let me know if you would like to discuss.

Thanks,
Alyssa

Alyssa Arcaya
 Acting Chief, NPDES Section
 Clean Water Division, EPA Region 2
 212-637-3730

The only factor that was considered in assigning the ranking was "Longevity," giving the landfill an inappropriately low ranking.

Simply based on the EPA Letter, the following factors should be added:

Factor Number	Factor Description
12	Public Concern (Demonstrated by the public contacting the EPA on the automatic renewa
7	<p>Non-compliance - Permit is subject to a consent order (Complete Order Attached) 2015-2-19</p> <p><i>"The SPDES and Part 360 Permits as well as an Environmental Monitoring Plan and Site Analytical Plan dated February 2007, required groundwater, surface water and leachate monitoring and reporting.</i></p> <p><i>"Based upon a review of information provided pursuant to the above Permits and Plan, the Department has determined that groundwater at the site contains substances in excess of the duly promulgated water quality standards for, inter alia, total dissolved solids, boron, manganese, magnesium, iron, sodium and sulfate."</i></p>

7	<p>Non-compliance - . DEC stated, in the 2015 Consent Order, that the Leachate Pond was a source of the substances and has contributed and continues to contribute to a contravention of duly promulgated water quality standards in violation of ECL § 17-0501 and 6 NYCRR § 360-1.14(b)(2).</p> <p><i>The specific requirements in the Consent Order are:</i></p> <p><i>(1) segregate stormwater from leachate at the site;</i></p> <p><i>(2) re-route leachate to an on-site holding tank or other suitable holding facility approved by the Department;</i></p> <p><i>(3) treat and dispose of leachate at the site or at an appropriate offsite facility; and</i></p> <p><i>(4) remove and dispose of contaminated sediment in the Leachate Pond.</i></p> <p>To date, only (1) has been partially completed (completion estimated November 2017) . Lockwood has asked for additional time to study leachate flow to design and install a leachate management system in 2019.</p>
7	<p>Non-compliance - Permit is in continuing violation of groundwater requirements based on 2016 groundwater monitoring reports (attached) for: <i>total dissolved solids, boron, magnesium, iron, sodium and sulfate.</i></p>
99	<p>The landfill was inactive from 2011 when the AES Greenidge Plant closed until the Greenidge Generation power plant was opened. The permit needs to be reviewed due to the impacts of the reopened plant and the burning of natural gas and resinated wood (19%)</p>
99	<p>The Lockwood Ash Landfill needs to be reviewed under the new EPA Coal Ash rules and the Effluent Limitation Guidelines for Steam Electric Generating Point Source Categories</p>

For these reasons, the Lockwood Hills Ash Disposal Landfill (NY0107069) should be rescored and the SPDES permit review done as soon as practicable. I look forward to hearing from you, hopefully with a more accurate score for the landfill.

Thank you for your consideration.

Mary Anne Kowalski
315-759-3761