Environmental Action Center

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VIA ELECTRONIC MAIL

June 26, 2019

Michael Richardson, Chief
Industrial and General Permits Division
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

Re: C.P. Crane, LLC Application for State Discharge Permit 15DP0188, NPDES Permit MD0001511

On behalf of the Gunpowder Riverkeeper, Bluewater Baltimore, and the Essex Middle River Civic Council (the "Parties") I hereby submit this public comment letter to the Maryland Department of the Environment ("MDE") regarding C.P. Crane, LLC Application for State Discharge Permit 15DP0188, NPDES Permit MD0001511.

Blue Water Baltimore is non-profit organization dedicated to limiting water pollution and restoring the quality of Baltimore's rivers, streams, and the Baltimore Harbor, and represents over 800 members, many of whom live, work, and recreate in the Patapsco River watershed. The Gunpowder RIVERKEEPER® is an advocacy-based membership 501(c)(3) nonprofit organization that works with local communities for the purpose of protecting, conserving, and restoring the Gunpowder River and its watersheds. Gunpowder Riverkeeper has commented on water discharge permits at the Crane Station since 2011. The Essex-Middle River Civic Council is an umbrella organization of some 20 community associations and civic organizations that has been in existence since 1960. The Council works for the betterment of the Essex and Middle River areas and focuses on issues of area-wide and multi-community significance.

PROCEDURAL CONCERNS

1. Publicly Available Information Is Not Updated:

The Parties appreciate the updated information provided by MDE in the public hearing agenda at the 6/19/2019 Public Hearing. The agenda from the public hearing contained a summary of the proposed action with updates on various aspects of the project. These updates were in bracketed and bold/italic font and while they were informative, the updates are not accompanied by supporting documentation nor were these updates contained in the Permit or Fact Sheet.[1] Additionally, the permit documents available in the MDE permit portal have not been updated to reflect the updated information in the public hearing agenda, nor is there a copy of the agenda in the permit portal. As such, the majority of the public is not aware of the changes and updates

[1] See 6/29/2019 Agenda For Public Hearing on the Tentative Determination to Re-Issue a Permit to Discharge to Surface Waters for C.P. Crane LLC Application # 15-DP-0188 pg 2-3.

provided at the public hearing and unable to provide MDE with comments responsive to those changes and updates. This substantive information in the agenda should have been part of the publicly available draft permit and fact sheet.

The Permit Documents Are Missing Relevant Information, are Incomplete, and Contradictory:

It is unclear how many outfalls discharge off site and should be monitored:

The tentative permit lists outfall 002 as the only off-site discharge from the CP Crane site.[2] Special Condition R states that the Applicant can discharge from Outfalls 106 and 107 without monitoring but it is not clear if these outfalls are internal or external.[3]

The tentative fact sheet states that the Applicant will discharge from outfall 002 and 010[4] and stormwater from outfall 005.[5] It is not clear if these outfalls are internal or retired.

Furthermore, the tentative fact sheet lists more outfalls than the tentative permit. This is confusing to the public reviewing these permits and hinders public participation.

An undated letter on the MDE permit portal for this NPDES tentative determination (TD) states that discharges will be from outfalls 010, 003, 005, and 013.

All three of the above documents have different information regarding outfalls discharging offsite.

MDE must clarify this information and provide representative monitoring or a rational for not undergoing monitoring of these discharges.

The Permit documents contain no information regarding pending future plans for the facility:

The Parties understand that this TD is for discharges from a former coal electricity generating facility. MDE missed an opportunity to provide further information in the publicly available permit documents regarding the pending plans to "repower" the facility as a natural gas electricity generating facility. MDE should provide the public this information in the record and an explanation about how the pending update impacts this NPDES TD and any future NPDES permits to cover the updated natural gas operation.

The Permit documents do not mention or discuss how ongoing hydrocarbon remediation at the site may impact the NPDES permit and discharges to waters of the state:

MDE failed to include the hydrocarbon remediation information in the fact sheet and TD. The permit documents also do not contain any discussion or analysis of the possible impacts this

[2] Tentative Permit 15-DP-0188 Pg 1 and 3.
[3] *Id.* at 10.
[4] Tentative Fact Sheet 15-DP-0188 Pg 1.
[5] *Id.* at 2.

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remediation may have on the operation of the NPDES permit. The Parties and the public cannot provide sufficient public comments without this information/discussion made available.

Representative Monitoring:

The Draft Permit only contains monitoring and reporting requirements for only one outfall.[6] As stated above, the permit documents contain misleading and contradictory information regarding how many outfalls discharge at the facility. This must be clarified, and the permit must contain monitoring and reporting requirements for each outfall that is determined to be discharging offsite. The permit documents also lack and adequate description of the estimated flows and effluent characteristics of the facility's current operation.

The tentative permit does not adequately address PCBs and legacy pollution:

Section P of the tentative permit merely states that CP Crane may not discharge PCBs.[7] However, the permit does not state the current amount of PCBs in the closed-loop system or how they will be monitored. The Fact Sheet says that "the permittee has indicated that there are no PCB's present on the site."[8] However, the tentative permit does not say whether CP Crane's sumps have been tested for PCBs. There is no independent conclusion that PCBs are absent from the facility. Furthermore, the tentative permit states that the requirements of the Chesapeake Bay TMDL are met.[9] The TD fails to include Waste Load Allocations (WLA) from the approved Gunpowder River TMDL. However, this conclusion amounts to nothing considering that there lacks any onsite monitoring of PCBs. Similarly, the tentative permit is unclear on how legacy bottom ash transport water in the closed-loop system is being monitored.

The tentative permit does not adequately address biomonitoring:

WET testing needs to be done as the plant has been operating for decades and needs to be immediately implemented instead of waiting for 3 years Additionally, biomonitoring needs to test freshwater species as in the last permit to avoid backsliding, as chronic and acute criteria are lower for freshwater species and to properly characterize the presence and effect of bio accumulative metals and other pollutants of concern in the discharges from the facility.

The tentative permit does not adequately discuss stormwater discharges:

The TD does not have a basis for adjusting limits on the permit for unregulated waste streams such as stormwater. The Mid Atlantic as a whole has been seeing increased storm events and increased sea level rise in the Bay.[10] The permit documents lacks any information/discussion of how these changing weather patterns in Maryland may impact stormwater discharges and runoff at the site. This analysis must be done so that proper planning and effluent limits are implemented to control stormwater discharges. The SWPPP applicable to this site was not available to the public to review during the public notice and comment period, the Parties and the public cannot provide well

[6] Tentative Permit Special Condition A.2.
[7] Tentative Permit 15-DP-0188 Pg 10.
[8] Fact Sheet Amendment 15-DP-0188 Pg 9
[9] Tentative Permit 15-DP-0188 Pg 10.
[10] *See* https://www.sciencedaily.com/releases/2019/06/190612141423.htm.

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informed comments if this information is not available and the permit cannot be approved until this information and any updates have been made available.

a. Other comments:

- The tentative permit is unclear on the actual water intake allowed -- between 0 and 2 MDG. The tentative permits state that "The facility is prohibited from withdrawing from waters of the State utilizing a cooling water intake structure if the design intake flow is 2 MGD or greater." The permit does not state how much water and from where the applicant is allowed to intake.
- Condition X of the tentative permit gives the applicant three months after the issuance of the permit to submit a list of wastewater treatment chemicals that may be discharged to surface water. This information should be submitted immediately and not after three months.
- The tentative permit's internal monitoring for toxic metals is deficient. Each Outfall needs monitoring for these contaminants.
- Special condition B. 11 - flow monitoring should be measured and not estimated.

Conclusion

Based on the above comments the Parties oppose the permit in its current form as it is incomplete. MDE must supplement the permit documents with the missing and updated information stated above and re-notice the permit for public comments so that the Parties and other concerned individuals and groups have accurate and update to date information to review and comment on.

The Parties thank MDE for the opportunity to submit this written comment.

Sincerely,

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Representing the Gunpowder Riverkeeper, Blue Water Baltimore, and the Essex Middle River Civic Council