pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southcentral Regional Office
CLEAN WATER PROGRAM

Application Type	**Renewal**	Application No.	**PAS213504**
Facility Type	**Storm Water**	APS ID	**355737**
Major / Minor	**Minor**	Authorization ID	**1180947**

NPDES PERMIT FACT SHEET INDIVIDUAL INDUSTRIAL WASTE (IW) AND IW STORMWATER

Applicant and Facility Information

Applicant Name	**New Enterprise Stone & Lime Co. Inc.**	Facility Name	**New Enterprise Stone & Lime (NESL) Co. Inc. - Ashcom Plant**
Applicant Address	PO Box 77 New Enterprise, PA 16664-0077	Facility Address	526 Ashcom Road Everett, PA 15537-6842
Applicant Contact	Carolyn Speicher	Facility Contact	Jerry Chaplin
Applicant Phone	(814) 766-2211	Facility Phone	(814) 766-2211
Client ID	62856	Site ID	258340
SIC Code	1422,2951,3273	Municipality	Snake Spring Township
SIC Description	Manufacturing - Asphalt Paving Mixtures And Blocks,Manufacturing - Ready-Mixed Concrete,Mining - Crushed And Broken Limestone	County	Bedford
Date Application Received	March 31, 2017	EPA Waived?	Yes
Date Application Accepted	October 4, 2017	If No, Reason	
Purpose of Application	Renewal for NPDES discharge of stormwater associated with industrial activity.		

Summary of Review

This is a renewal for a NPDES individual permit to discharge stormwater associated with industrial activity for New Enterprise Stone and Lime Co Inc. (NESL) Ashcom Plant located in Snake Spring Township, Bedford Co.

The facility is covered under NPDES Permit No. PAS213504, which expired September 30, 2017. The NPDES Application for Individual Permit to Discharge Industrial Wastewater for renewal was received on time on March 31, 2017.
The Industrial Wastewater Permit indicated Outfall 001 received both process water and stormwater.
After multiple site visits, discussions, and correspondences and upgrades to the facility, DEP received a NPDES Application for Individual Permit to Discharges Industrial Stormwater on October 15, 2018 which included stormwater only being discharged to Outfall 001. See Timeline below for more details.

Facility Description: Ready mixed concrete plant, blacktop plant, and washing plant.
The site consists of 3 areas: Area 1 includes the concrete plant and concrete truck washing area; Area 2 includes the blacktop plant and office; and Area 3 includes the wash plant and stockpile area. There is one outfall, Outfall 001 that discharges to Cove Creek (EV).

The facility's SIC codes are as follows:

SIC Code	Description	NAICS Code	Description
2951	Asphalt Paving Mixtures & Blocks	324121	Asphalt Paving Mixture & Block Manufacturing
3273	Ready-Mixed Concrete	327320	Ready Mixed Concrete Manufacturing
1422	Crushed & Broken Limestone	212312	Crushed & Broken Limestone Manufacturing

Approve	Deny	Signatures	Date
x		*Brenda J Fruchtl* Brenda J. Fruchtl, P.G. / Licensed Professional Geologist	January 31, 2022
x		*Scott M Arwood* Scott M. Arwood, P.E. / Environmental Engineer Manager	01/31/2022

Summary of Review

SIC Codes 3273 and 2951 require an NPDES coverage for discharges of stormwater associated with industrial activity.

Note: The facility does not qualify for a NPDES PAG-03 General Permit for discharges of stormwater associated with industrial activity (PAG-03) since the receiving stream has a Chapter 93 designated use of Exceptional Value (EV). If they qualified for a PAG-03, they would fall under Appendix N based on their SIC Code.

See Site Plan (*Figure 1*) and Site Descriptions (*Figure 2*) received as part of the October 15, 2018 revised application package.

The SPCC/PPC plan was last updated in October 2017.

TIMELINE

3/31/2017 – DEP received NPDES Application for Individual Permit to Discharge Industrial Wastewater (Industrial Wastewater).

9/13/2017 – Application incomplete and Technical Deficiency (TD) email sent. *See Attachment A*.
A GIF was not included with the application and DEP requested they submit a completed GIF.
DEP explained that the current permit is for stormwater only; however, the Industrial Wastewater application indicates that Outfall 001 receives both stormwater and process water. Since the receiving stream is designated as Exceptional Value (EV), adding any amount of process water to the stormwater prior to discharge is problematic. The previous renewal Fact Sheet states that there's been no discharge from Holding Pond to Outfall 001 since approximately 2007. Additional information is needed in order for DEP to begin the technical review portion of the renewal application including the following: 1) Did something change in the process of the since the last renewal?; 2) a more detailed description as to the source of the Process water; 3) a more detailed explanation of the wastewater process and use of the water that is coming from Settling Basin 2 to the Holding Pond; and 4) a more detailed site plan (schematic is acceptable) showing the sources of process water and flow of stormwater on the site to the Holding Pond prior to discharging to Outfall 001.

9/15/2017 – NESL Response to 9/13/2017 TD email
DEP received an email response to the 9/13/2017 TD email. The responses to the items requested included: 1) the process has not changed; 2) a more detailed description of the process water is Concrete plant washout basins, blacktop plant and concrete plant stocking areas, wash plant stockpiles and wash water system; 3) the overflow water from Settling Basin 2 goes into the holding pond and is recycled into the wash plant system. The settling basin have recently started to be treated with a sulfuric acid drip; and 4) a site plan is attached (*see Figure 3*). And the GIF will be mailed.

10/4/2017 – **DEP received GIF – Industrial Wastewater application deemed administratively complete.**

11/8/2017 - Site visit

12/28/2017 – TD Letter mailed. *See Attachment B.*
The Industrial Wastewater application indicates there is both process water and stormwater; and only stormwater is addressed. The discharge of process water is in violation of the Clean Streams Law. If process water is being collected in the pond along with stormwater (*then all the water is considered process water*), it is a violation to discharge process water without treatment. The letter goes onto list the following options to manage the process water: A) recycle the process water; B) discharge the process water to a municipal treatment facility; C) containerize the process water with periodic pump outs to a treatment facility; D) treat the process water prior to discharge; E) separate the stormwater from the process water and only discharge stormwater to Outfall 001. Options D and E will require a NPDES Permit. The applicable application is dependent on the chosen option for handling the process water. DEP requested additional information to gain a better understanding of the management of both stormwater and process water at the site.

2/2/2018 – NESL responded to 12/28/17 TD Letter (recd 2/5/18) *See Attachment C.*
DEP received a response to the 12/28/2017 TD letter. They are not able to separate out process water from stormwater due to site constraints and layout. They included a conceptual site plan for how they will handle storm water, process water, and restructure the pond; and a flow drawing for the stormwater and wastewater that includes the upper recycling ponds (*see Figure 4*).

Summary of Review

3/23/2018 – 2nd TD letter mailed. *See Attachment D.*

The 2/2/2018 response letter from NESL was deficient and did not provide sufficient details to accurately describe the process water management and stormwater management for DEP to process the application. DEP included a map labeling 3 areas where it is believed process water is generated (*see Figure 5*). DEP requested more details on the process water management and stormwater management. DEP again listed out Options A through E for managing the process water. DEP requested they resubmit the Industrial Wastewater application to include information on the treatment facility, chemical additives, production data, and sampling information for the applicable Pollutant Groups to account for the process water generated at the facility.

4/20/2018 – NESL responded to 3/23/18 TD Letter (recd 4/23/18). *See Attachment E*

DEP received a response to the 3/23/2018 TD Letter. NESL has reevaluated their water management system and are proposing to manage the water on-site by recycling the process water and discharging only the industrial storm water. They explained how they are going to manage the process water including closing off the concrete area into its own closed loop recycling system and dividing current pond A *(see location of pond A on Figure 5 included with March 23, 2018 TD letter*) into a concrete recycling system and a stormwater system by using a clay berm, and how they are going to manage the storm water. They are going to close off the grate discharge at the wash plant and create a sump for when the wash plant is in use. The sump area will be collecting any storm water and miscellaneous process water from the wash plant operation and pump it into the pond B area (*see location of pond B on Figure 5 included with March 23, 2018 TD letter*). When the plant is not operational the sites storm water will be allowed to pass through to pond A. This would allow the non-concrete side of pond A to be a storm water pond. They would maintain the recycling system that currently pumps out of pond A to generate make-up water into the pond B system, allowing them to pump out the pond if needed. Stormwater and storage calculations were included.

5/24/2018 – 2nd Site visit

Purpose: to better determine flow of water at site. Also, let them know in person that they will not be able to discharge process water to EV stream. Therefore, they will need to separate process water from industrial stormwater to ensure only industrial stormwater is being discharged to the stream.

6/7/2018 – 3rd TD letter mailed. *See Attachment F*

While DEP is encouraged by the improvements at the pond in Areas A1 and A2, DEP recommends that further construction/upgrades to the stormwater management system at the facility be suspended until DEP and NESL concur on the necessary regulatory requirements for the facility, since these requirements may impact the current and future construction at the facility. DEPs main focus is that all discharges from Outfall 001 must be strictly stormwater and does not include any process water. After the site visits and ongoing communications, it appears there are three distinct sections of the site need that need to be addressed both separately and together including: 1) the proposed closed loop recycling system for the concrete plant and concrete wash water; 2) the wash plant both when in operation and not in operation; and 3) the rest of the site including the blacktop plant that discharges to Outfall 001. DEP requested the following items: 1) description of how process water and stormwater will be managed; 2) a detailed site plan; 3) a water balance diagram and calculations for the entire site; 4) details on stormwater flow and materials exposed to precipitation; 5) discussion on waste water control procedures and pond maintenance; and 6) notification that section A1 of the pond may require a WQM permit for storage of residual waste. An attached figure shows the referenced locations in the different areas.

7/25/2018 – conference call with NESL. Discussed 6/7/2018 TD letter and updates to the plant since DEP's May 24, 2018 site visit.

7/26/2018 – Follow up email to 7/25/2018 conference call.

Provided outline of the information DEP is requiring for the technical review of the renewal application. Requested the submission of an Individual NPDES Application for Individual Permit to discharge Industrial Stormwater (Industrial Stormwater) due to multiple changes to original Industrial Wastewater application received on March 31, 2017. In addition, the following items need addressed to complete the technical review:

1) **A narrative describing how the process water and stormwater will be managed throughout the year** in the three sections (Item 1 from June 7, 2018 letter);
2) **A site plan** that identifies structures, facilities, outdoor raw material, product and waste storage areas, drainage areas, ponds, discharge points (outfalls) associated with industrial activity, property boundaries and waters of the Commonwealth. The site plan should also delineate the three sections of the site described above and illustrate any overlaps of these three sections (e.g. during operation of the wash plant versus

Summary of Review

when the wash plant is not in operation) (Item 2 from June 7, 2018 letter). ***Note: It is important to provide a site plan that is sufficiently detailed and clearly labeled to avoid any confusion.*

3) **A water balance diagram and calculations for the entire site**, as well as for each of the three sections of the site, which shows the flow of water entering the site, processed at the site, stored in ponds A1, A2, and B, and exiting the site. The calculations should include details of the storage capacity of both sides of the holding pond (Pond A), focusing on section A1 as labeled on the figure below, and the set of multiple ponds in Area B. The source(s) of water intake, stormwater runoff, and wastewater generation should also be accounted for throughout the entire site, as well as for the three sections separately (Item 3 from June 7, 2018 letter). ***Note: The water balance diagram should clearly demonstrate that there is no connection between the process water side and stormwater side of Pond A at any time throughout the year or during large storm events.*

4) **Include a discussion on (a) piping arrangements, location of pumps and other flow controlling devices, (b) a discussion on the procedures which will be used by the facility to control the wastewater in the event that the treatment facility is inoperative either because of routine maintenance or equipment failure, (c) a plan which details a maintenance schedule for dredging** of the two compartments (A1 and A2) of the holding pond and the ponds in Area B (Item 5 from June 7, 2018 letter).

5) **Provide a written summary of all the improvements that have been made at the facility since the renewal application was submitted March 31, 2017** including the items that were discussed during the conference call yesterday.

We are researching Item 6 further, regarding the classification of the A1 side of Pond A that is utilized to store process water for reuse as truck wash water and determining if it needs to be covered by a Water Quality Management Permit as a Residual Waste Storage impoundment. However, Item 6 does not affect my review / processing of the NPDES Industrial Stormwater renewal application for NPDES Permit No PAS213504.

10/15/2018 – DEP received a hard copy package from NESL in response to the July 26, 2018 email.

Note: Electronic copies of the package were received on March 28, 2019 via email.

The package included the NPDES Application for Individual Permit to discharge Industrial Stormwater (Industrial Storwmater), Module 1, revised Site Plan (*see Figure 1*), and expanded site description and maintenance plan (*see Figure 2*) as requested via email on July 26, 2018 as a follow up to the July 25, 2018 conference call discussing the June 7, 2018 Technical Deficiencies letter from the Department.

10/17/2018 – DEP sent an acknowledgement email and update on the June 7, 2018 TD letter

The package sufficiently addressed the remaining technical deficiencies for the renewal package for NPDES Permit No PAS213504.

In regard to the June 7, 2018 Technical Deficiency letter from the Department for NESL – Ashcom Plant, Item 6 regarding Pond A1, which is located in Area 1 (concrete plant closed loop system), still needs resolved. Per discussions with PADEP's Waste Management Program and legal staff, the Department has concluded that the process water stored in Pond A1 meets the definition of a residual waste; therefore, Pond A1 must meet the applicable residual waste regulations described in PA Code 25 Chapter 299. The type of liner material dictates the necessity of a leak detection system and possible monitoring wells as well as a Water Quality Management Part II (WQM) permit issued by the Clean Water Program. Depending upon the type of material the liner is constructed (i.e. such as concrete), a leachate control plan and necessity for a WQM Permit may be waived at the discretion of DEP. NESL should evaluate the feasibility of lining Pond A1 with concrete. Lining Pond A1 with concrete will eliminate the need for groundwater monitoring wells and WQM permit. The resolution of Item 6 in the June 7, 2018 technical deficiency letter from the Department is independent of the technical review of the renewal application for NPDES Permit No PAS213504 since Area 1 is not included in the permitted area for NPDES Permit No PAS213504.

Public Participation

DEP will publish notice of the receipt of the NPDES permit application and a tentative decision to issue the individual NPDES permit in the *Pennsylvania Bulletin* in accordance with 25 Pa. Code § 92a.82. Upon publication in the *Pennsylvania Bulletin*, DEP will accept written comments from interested persons for a 30-day period (which may be extended for one additional 15-day period at DEP's discretion), which will be considered in making a final decision on the application. Any person may request or petition for a public hearing with respect to the application. A public hearing may be held if DEP determines that there is significant public interest in holding a hearing. If a hearing is held, notice of the hearing will be published in the *Pennsylvania Bulletin* at least 30 days prior to the hearing and in at least one newspaper of general circulation within the geographical area of the discharge.

Discharge, Receiving Waters and Water Supply Information

Outfall No.	001	Design Flow (MGD)	n/a (stormwater)
Latitude	40º 0' 16"	Longitude	-78º 25' 22"
Wastewater Description:	Stormwater		
Receiving Waters	Cove Creek (EV, MF)	Stream Code	14462
NHD Com ID	65848089	RMI	0.4400
Drainage Area	41.5 sq miles*	Yield (cfs/mi^2)	
Q_{7-10} Flow (cfs)	4.17*	Q_{7-10} Basis	
Elevation (ft)		Slope (ft/ft)	
Watershed No.	11-C	Chapter 93 Class.	EV, MF
Existing Use		Existing Use Qualifier	
Exceptions to Use		Exceptions to Criteria	
Assessment Status	Attaining Use(s)		
Nearest Downstream Public Water Supply Intake	Saxton Municipal Water Authority		
PWS Waters	Raystown Branch Juniata River	Flow at Intake (cfs)	
PWS RMI	43.2	Distance from Outfall (mi)	>42 miles

*USGS StreamStats: Pennsylvania (January 30, 2022)

Outfall 001 is discharged directly to Cove Creek.
Outfall 001 discharges from Pond A2

Changes Since Last Permit Issuance: Outfall 001 no longer receives stormwater (comingled with process water) from Area 1 which is the concrete plant

Drainage Area: 636,210 sq. feet

% Impervious: 100

Description of Materials / Activities in Drainage Area Exposed to Precipitation: Wash plant, Blacktop plant, various sized washed stone stockpiles

Description of Treatment or BMPs in Drainage Area to Control Pollutants in Stormwater: Sedimentation Basin

Facility Description and BMPs
New Enterprise Stone and Lime Co. Inc. - Ashcom Plant
Describe the nature of the industrial activity that may come into contact with stormwater: Blacktop plant activities and product storage yard will come into contact with the storm water. There is a concrete plant on-site that has a re-circulating closed loop system, none of the water from this process will mix with the storm water. There is also a wash plant on-site that during operation will be closed off from the storm water outfall and none of the wash plant water will discharge into the storm water pond it will all be pumped directly up to the settling ponds associated with the wash plant. See attached sheet for more detailed process flows. **Describe how often stormwater outfalls are inspected and routine maintenance performed.** The outfall is inspected at least monthly. The ponds A1 and A2 will be cleaned out a minimum of once per quarter or more as needed based on production and storm events. The storm water grate at the wash plant will be cleaned after the plant has been shut down before allowing the storm water to flow through to the storm water pond. Pond B will be cleaned out once a year or more as needed. (from revised app p3) **Description of Treatment or BMPs in Drainage Area to Control Pollutants in Stormwater:** Sedimentation Basins.

Changes Since Last Permit Issuance:
The facility made major changes since the submission of the renewal application in order to separate the stormwater from process water to ensure only stormwater is being discharged at Outfall 001. The following summarizes some of the major changes:

1. Pond A was divided and separated into a concrete recycling system (Pond A1) and a stormwater system (Pond A2)

2. A paved berm was added to separate the concrete plant (Area 1) from Blacktop portion of the site (Area 2) to keep the process water separate from the stormwater.

3. In Area 3, wash plant area, during operation of the wash plant the area on the upper levels of the site will be separated from the lower storm water only level by closing the pipe that connects the two levels under storm water only conditions. When the pipe is closed the water will be pumped from the storm water grate directly up to the process ponds, pond B. During operation of the wash plant none of the water will flow down into pond A2. Once operation of the wash plant is finished the water will be pumped out of the grate into pond B and the grate will be cleaned before the pipe is opened to allow storm water to flow back down to pond A2.

Compliance History	
Summary of DMRs:	Sample results were submitted via eDMR both monthly and annually from 2014 to present as required by the 2012 permit. No exceedances of limits were reported. **Annual Reporting Results**: No Discharge reported for 2013 • COD ranged from <15 to 45.5 mg/L • Total Iron ranged from <2.0 to 1.25 mg/L • TKN ranged from <1 to 4.36 mg/L • Total Phosphorus ranged from <0.01 to 0.77 mg/L **Monthly Reporting Results:** No discharge reported for November 2012 through April 2014; June 2014 through September 2014; January 2015; July 2015 through October 2015; January 2016 through April 2016; June 2016; October 2016 through January 2017; April 2017; August 2017 through August 2018; November 2018; February 2019; April 2019; February 2021; August 2021; November 2021; and December 2021. • Oil and Grease ranged from <4.95 to 6.3 mg/L (*2012 Permit Limits: 15 mg/L Ave Mo; 30 mg/L IMAX*) • pH ranged from 7.1 to 9.0 SU (*2012 Permit Limits: 6.0 SU minimum; 9.0 SU IMAX*) • TSS ranged from <0.8 to 231 mg/L *NOTE: TSS exceeded 100 mg/L 5 times from 2014 to 2021*
Summary of Inspections:	Facility was inspected on 9/30/2020 and 7/29/2021. No Violations Noted.
Annual Inspections:	Per the 2012 permit, Compliance evaluations were to be conducted at least once a year and summarized using DEP's Annual Inspection Form, which was to be made available upon request and retained as part of the PPC Plan. Therefore, DEP does not have record of the Annual Reports.
Violations:	No violations reported There are no open violations.

Sample results provided on the Industrial Stormwater application (received October 15, 2018) were taken from 3 storm events including 3/1/2017 storm event. TSS was the only parameter that exceeded a Benchmark found in the September 24, 2016 reissued PAG-03 NPDES General Permit for discharges or stormwater associated with industrial activity (PAG-03). The sample results had a maximum concentration of 186 mg/L for TSS which is above the 100 mg/L benchmark for TSS; however, the average concentration of TSS for the 3 storm events is 79.2 mg/L; and TSS only exceeded 100 mg/L 5 times from 2014 to 2021.

Development of Effluent Limitations

Outfall No. 001 **Design Flow (MGD)** n/a (stormwater)
Latitude 40º 0' 16.00" **Longitude** -78º 25' 22.00"
Wastewater Description: Stormwater

BEST PROFESSIONAL JUDGMENT (BPJ) LIMITATIONS

Summary of 2012 Permit Parameters, Effluent Limits, monitoring frequencies, and Part C Special Conditions

Parameters and monitoring requirements for Outfall 001 from prior Permit (effective October 1, 2012 through September 30, 2017):

Parameter	Effluent Limitations				Monitoring Requirements	
	Concentrations (mg/L)				Minimum Measurement Frequency*	Required Sample Type
	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
pH (SU)	6.0	XXX	XXX	9.0	Monthly	Grab
Oil and Grease	XXX	15	XXX	30	Monthly	Grab
Total Suspended Solids	XXX	Report	Report	XXX	Monthly	Grab
COD	XXX	XXX	Report	XXX	1/year	Grab
Total Kjeldahl Nitrogen	XXX	XXX	Report	XXX	1/year	Grab
Total Phosphorus	XXX	XXX	Report	XXX	1/year	Grab
Total Iron	XXX	XXX	Report	XXX	1/year	Grab

*when discharging

2012 Permit Part C permit conditions included the standard requirements applicable to stormwater outfalls such as prohibition of non-stormwater discharges; PPC Plan requirements including compliance evaluations at least once a year to be summarized on DEPs Annual Inspection form made available upon request and retained as part of the PPC Plan; Stormwater Sampling and reporting including Stormwater monitoring results shall be summarized on a DMR form and the Department's "Additional Information for the Reporting of Stormwater Monitoring" form which shall be submitted with the DMR; and Stormwater Management BMPs.

Proposed Parameters, Effluent Limits, monitoring frequencies, and Part C Special Conditions:

Based on the facility's SIC Code of 3273, the applicable PAG-03 NPDES General Permit for Discharges of Stormwater Associated with Industrial Activity (effective 9/24/16) appendix is Appendix N, which includes once per six months sampling of pH, Total Suspended Solids (TSS), Total Aluminum, and Total Iron. Therefore, Total Aluminum will be added to the list of parameters from the 2012 permit.

Based on the facility's SIC Code of 2951, the applicable PAG-03 NPDES General Permit for Discharges of Stormwater Associated with Industrial Activity (effective 9/24/16) appendix is Appendix M, which includes once per six months sampling of pH, Oil and Grease, and Total Suspended Solids (TSS). These parameters were already included in the 2012 permit.

The parameters previously sampled annually in the 2012 permit, COD, TKN, Total Phosphorus, and Total Iron, will be changed to 1/6 month sampling frequency to be consistent with the General Permit minimum sampling frequency. In addition to Total Aluminum from Appendix N.

The parameters previously sampled monthly in the 2012 permit, pH, Oil and Grease, and TSS, will continue to be sampled monthly and the limits for pH and Oil and Grease from the 2012 permit will be maintained.

Benchmark Value of 100 mg/L for Total Suspended Solids(taken from Appendix M and N of the PAG-03 NPDES General Permit (*effective 9/24/16*)). *Note: Benchmark values for pH and Oil and Grease not included since there are limits for those parameters.*

Part C Special Conditions from the PAG-03 NPDES General Permit *(effective 9/24/16*) including:

- General Requirements
- BMPs applicable to all permittees;
- Routine Inspections including the submission of an Annual Report; *Note: The annual inspection report has been replaced with the Annual Report.*
- PPC Plan;
- Stormwater Monitoring Requirements including the Benchmark for TSS

BMPs from Appendix M and N of the PAG-03 NPDES General Permit *(effective 9/24/16)*.

Antidegradation (93.4):

Module 4 was not submitted since this is a renewal and not a new or increased discharge to exceptional value waters.

The effluent limits for this discharge have been developed to ensure that existing instream water uses and the level of water quality necessary to protect the existing uses are maintained and protected. This discharge is to an Exceptional Value Stream. Best Management Practices will ensure that the existing instream uses are protected.

Given the BMPs in place, the discharge is not expected to have any measurable effect on the water quality of the exceptional value receiving stream.

Proposed Effluent Limitations and Monitoring Requirements

The limitations and monitoring requirements specified below are proposed for the draft permit, and reflect the most stringent limitations amongst technology, water quality and BPJ. Instantaneous Maximum (IMAX) limits are determined using multipliers of 2 (conventional pollutants) or 2.5 (toxic pollutants). Sample frequencies and types are derived from the "NPDES Permit Writer's Manual" (362-0400-001), SOPs and/or BPJ.

Outfall 001, Effective Period: Permit Effective Date through Permit Expiration Date.

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0	1/month	Grab
COD	XXX	XXX	XXX	XXX	Report	XXX	1/6 months	Grab
TSS	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Oil and Grease	XXX	XXX	XXX	15	XXX	30	1/month	Grab
TKN	XXX	XXX	XXX	XXX	Report	XXX	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX	1/6 months	Grab
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX	1/6 months	Grab
Total Iron	XXX	XXX	XXX	XXX	Report	XXX	1/6 months	Grab

Compliance Sampling Location: Outfall 001

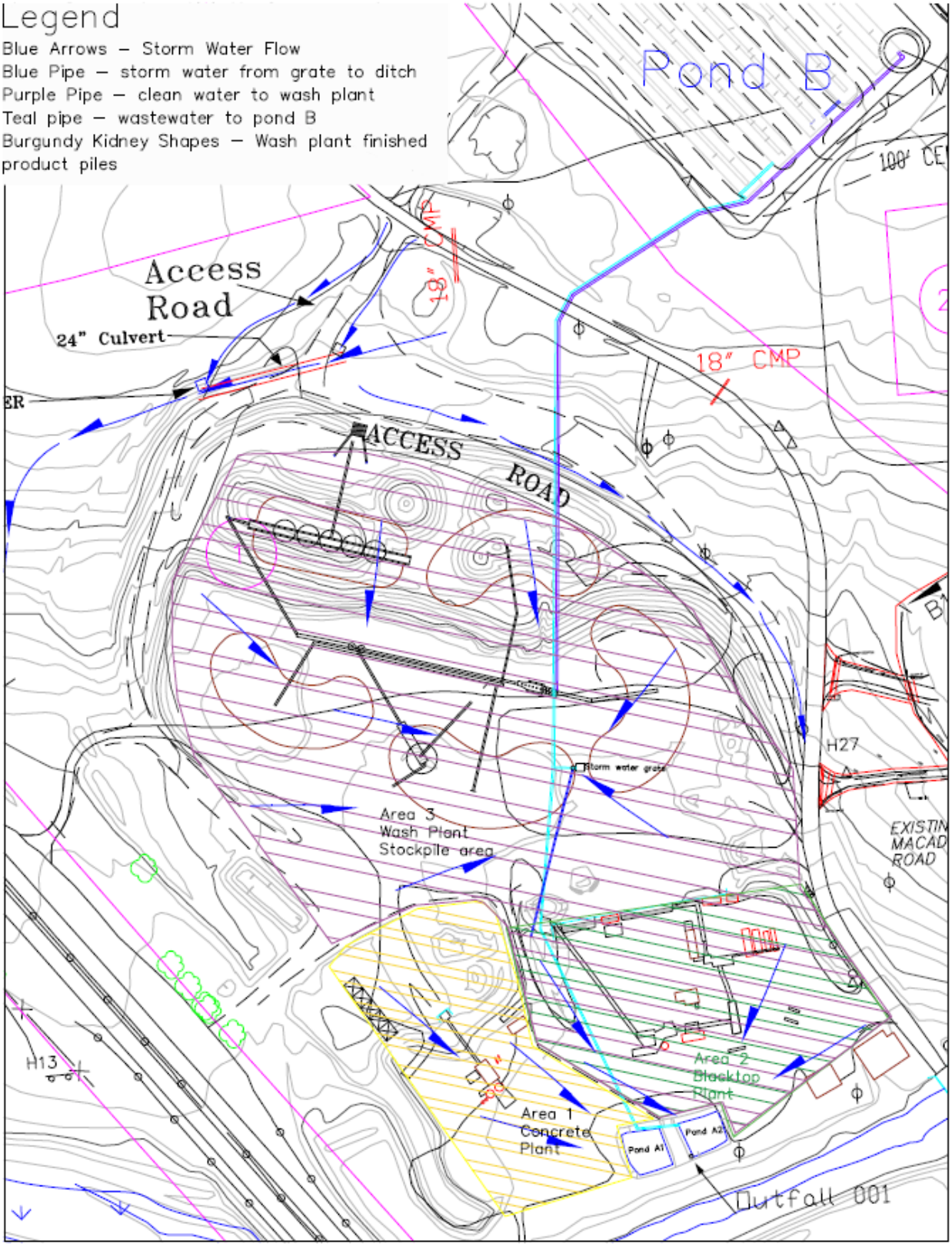

Figure 1. Final Site Plan (see accompanying Site Descriptions in Figure 2). Received from NESL October 15, 2018

Site Description

Blacktop plant activities and product storage yard will come into contact with the storm water. There is a concrete plant on-site that has a re-circulating closed loop system, none of the water from this process will mix with the storm water. There is also a wash plant on-site that during operation will be closed off from the storm water outfall and none of the wash plant water will discharge into the storm water pond it will all be pumped directly up to the settling ponds associated with the wash plant. See attached sheet for detailed process flows.

Area 1 is the concrete plant. It is separated from the general site by a berm paved into the driveway to keep storm water separated and by a berm separating the main pond into section A1, concrete side, and A2, storm water side. The water in pond A1 gets recycled and reused by the concrete trucks for washing of their bowls. The system is a continual closed loop pumping system. The trucks use the water to wash out and then it flows through the multiple sections of the system allowing time for settling to occur before it reaches the final section and is pumped back to the beginning of the system. This system is completely separate and does not connect to the storm water side of the pond.

Area 2 is the storm water only portion of the site. This area includes the blacktop plant and the quality control/drivers room building. The only water runoff in this section of the site is storm water associated with industrial activity. It is separated from the concrete side by berms and by a closed pipe from the wash plant area, when the plant is operating.

Area 3 is the total storm water area. It includes the part that is separated out when the wash plant is operating. During operation of the wash plant the area on the upper levels of the site will be separated from the lower storm water only level by closing the pipe that connects the two levels under storm water only conditions. When the pipe is closed the water will be pumped from the storm water grate directly up to the process ponds, pond B. During operation of the wash plant none of the water will flow down into pond A2. Once operation of the wash plant is finished the water will be pumped out of the grate into pond B and the grate will be cleaned before the pipe is opened to allow storm water to flow back down to pond A2.

The outfall is inspected at least monthly. The ponds A1 and A2 will be cleaned out a minimum of once per quarter or more as needed based on production and storm events. The storm water grate at the wash plant will be cleaned after the plant has been shut down before allowing the storm water to flow through to the storm water pond. Pond B will be cleaned out once a year or more as needed.

The attached site plan (Figure 1) overviews the various storm water and piping arrangements located on the site. The blue arrows are the direction of storm water flow on the site and the blue pipe is the storm water flow from the grate to the open ditch leading to the storm water pond (A2).

The teal line is the line from the pump in Pond A2 to the settling ponds Pond B. The pipe is not connecting ponds A1 and A2, the pipe is buried under the pavement on the A1 side of the pond from before we split the pond and we have run piping from where it daylights directly over to Pond A2 and removing A1 from the wash plant recycle loop.

The purple line is the clean water from Pond B suppling the wash plant during production.

Figure 2. Site Description to accompany Site Map (Figure 1). Received from NESL October 15, 2018.

Attachment A. September 13, 2017 Incomplete and Technical Deficiency (TD) email.

From: Fruchtl, Brenda [mailto:bfruchtl@pa.gov]
Sent: Wednesday, September 13, 2017 9:43 AM
To: Carolyn Speicher <CSpeicher@nesl.com>
Subject: NPDES Permit No. PAS213504. NESL. Permit Renewal. ADDITIONAL INFORMATION REQUEST.

Importance: High

Good Morning,

On March 31, 2017, the Department received the renewal application for NPDES Permit No. PAS213504, New Enterprise Stone & Lime – Ashcom Batch Plant. I am currently working on the completeness review.

DEP has reviewed the renewal application and has determined that the following item(s) are incomplete: (see Application instructions: http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-115722/3800-PM-BCW0008a%20Application%20Instructions.pdf)

1. **GIF – Missing.**
   Per Application instructions, a GIF is needed for a complete application.
   "A complete application package includes the application form, the General Information Form (GIF), and all other attachments identified on the checklist for this application" (page 1 of Instructions).
   Please submit a hard copy of the completed GIF for the renewal.

The reason it has taken me so long to conduct the completeness review for the renewal application is that NPDES Permit No. PAS213504 previously was for discharges of stormwater from industrial activities only
According to the Application, Outfall 001 receives both process water and stormwater. So I needed to discuss internally before responding.
Since the receiving stream is designated as Exceptional Value (EV), adding any amount of process water to the stormwater prior to discharge is problematic.
The previous renewal Fact Sheet states that there's been no discharge from Holding Pond to Outfall 001 since approximately 2007.

Additional Information needed in order for DEP to begin the technical review portion of the renewal application – we can discuss these items over the phone if that would be easier.

1. Did something change in the process of the since the last renewal?
2. The wastewater or Stormwater Description in question 5 (page 4) only lists concrete & blacktop plants & stocking areas. A more detailed description as to the source of the Process water is needed.
3. The application does not include a Narrative description of the wastewater treatment process under the Treatment Facility Information Section (page 6). Please provide a more detailed explanation of the wastewater process and use of the water that is coming from Settling Basin 2 to the Holding Pond.
4. A more detailed site plan (schematic is acceptable) showing the sources of process water and flow of stormwater on the site to the Holding Pond prior to discharging to Outfall 001.

(FYI…For future use -assuming it is stormwater only, a NPDES Application for Individual Permit to Discharge Industrial Stormwater was developed in February 2017 and is available on our website for your use. http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-13364)

Please respond to this email in the next 10 business days and provide an estimated timeframe for submitting the additional information requested above.

If you have any questions, please contact me.

Brenda Fruchtl, P.G. | Licensed Professional Geologist
Department of Environmental Protection
Southcentral Regional Office Building
909 Elmerton Avenue | Harrisburg, PA 17110
Phone: 717.705.4812 | Fax: 717.705.4760
www.depweb.state.pa.us

Figure 3. Site plan received from NESL via email 9/15/2017 in response to 9/13/2017 TD email.

Attachment B. December 28, 2017 Technical Deficiency (TD) Letter.

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

December 28, 2017

Carolyn Speicher
New Enterprise Stone & Lime Co. Inc.
Po Box 77
New Enterprise, PA 16664-0077

Re: Technical Deficiencies
New Enterprise Stone & Lime Co. Inc. - Ashcom Plant
Application No. PAS213504
Authorization ID No. 1180947
Snake Spring Township, Bedford County

Dear Ms. Speicher:

The Department of Environmental Protection (DEP) received your NPDES Industrial Wastewater renewal application for the Ashcom plant on March 31, 2017. Upon review of the permit application and upon discussion with New Enterprise personnel on November 8, 2017, DEP finds the application contains technical deficiencies that must be addressed before DEP may resume its technical review.

Per the application, the facility generates both process water and storm water. The submitted application is incomplete since it only addresses storm water generated at the subject facility. The facility may be in violation of Sections 301 and 307 of the Clean Stream Law.

The Clean Stream Law states that "No person or municipality shall discharge or permit the discharge of industrial wastes in any manner, directly or indirectly, into any of the waters of the Commonwealth unless such discharge is authorized by the rules and regulations of the department or such person or municipality has first obtained a permit from the department. A discharge of industrial wastes into the waters of the Commonwealth shall include a discharge of industrial wastes by a person or municipality into a sewer system or other facility owned, operated or maintained by another person or municipality and which then flows into the waters of the Commonwealth."

The subject facility reported that the holding pond collects storm water and process water. Subsequently, the holding pond then discharges to Cove Creek when the liquid level rises to the level of the discharge pipe. The facility's violation occurs when the facility discharges process water into waters of the Commonwealth without prior treatment.

In general, the facility may manage process water at the facility utilizing the one of the following options or a combination of the following options: (A) recycle the process water, (B) discharge the process water to a municipal treatment facility through the sanitary sewer, (C) containerize the process water with periodic pump-outs to a treatment facility, (D) treat the process water prior discharge to a creek, swale, ditch or storm sewer, (E) separate the industrial stormwater from the

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process water and only discharge industrial stormwater to Cove Creek. Option D and E will require a NPDES permit.

The NPDES application appropriate for this facility will be dependent upon how the facility plans to manage the process water through the options itemized in this letter. DEP requests the following information:

- A conceptual plan on how both the storm water and process water will be managed;
- A description of how the holding pond will be restructured;
- A remedy for the recycling on storm water/process water that is currently inoperable;
- Provide a process flow drawing illustrating the flow of stormwater and wastewater through the facility, including the impoundments for the recycled water that are not part of the site plan.

The facility may consult with an engineering firm to develop a feasibility study on available options. A NPDES Industrial application will be necessary for any process water that is being discharged.

DEP appreciates New Enterprise's cooperation in resolving this matter. A response to this letter should be submitted to DEP within 60 days of the date of this letter.

If you will require more time to respond to these deficiencies, or to discuss the deficiencies, please contact Nicholas Hong at 717.705.4824. If your application is part of DEP's "Permit Decision Guarantee" Policy, the guarantee is considered void.

Sincerely,

Daniel W. Martin, P.E.
Environmental Engineer Manager
Clean Water Program

cc: Nicholas Hong, Environmental Engineering Specialist, DEP Southcentral Regional Office

Attachment C. NESL response to December 28, 2017 TD (received February 5, 2018).

New Enterprise Stone & Lime Co., Inc.
P.O. Box 77 • New Enterprise, Pennsylvania 16664 • Corporate Office: 814-766-2211
Fax: 814-766-4400

February 2, 2018

Mr. Daniel Martin
PA DEP, Bureau of Water Quality
909 Elmerton Ave
Harrisburg PA 17110-8200

RE: NPDES Permit PAS 213504
Snake Spring Township, Bedford County

Mr. Martin:

In response to the Technical Deficiencies letter dated Dec 28, 2017 please see our responses below. We are not able to separate out the process water from the storm water due to site constraints and layout.

Attached is a conceptual site plan for how we will handle storm water, process water, and restructure the pond. The concrete wash water will be treated for pH adjustment before entering the final settling pond. All storm water and run off from the piles will only need to have adequate time for solids to settle. This will be achieved by the restructuring of the final pond. By adding in the proposed "bridge" area we will be able to more effectively clean the pond out as often as it may need. It will also give the water more time to settle by acting as a curtain, thereby lengthening the time before it would reach either the recirculating pump or the discharge pipe.

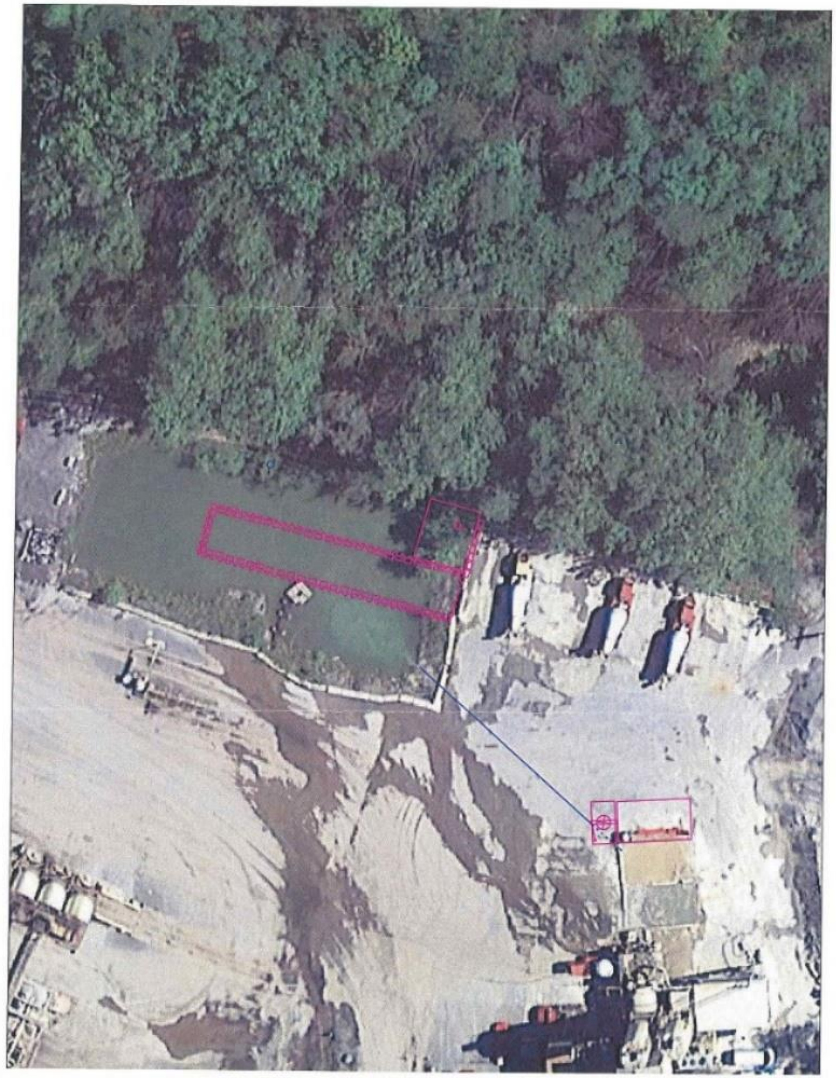
The recycling pump will be moved to a concrete basin with a top entry point to allow the settled water to be pumped up to the recycling pond system. This separation will allow for the pump to be used more effectively and cleaning the pond will not interfere with its operation. The entry to this basin will be lower than the discharge pipe to ensure as much water as possible is recycled instead of discharged.

Attached is also a flow drawing for the storm water and wastewater that includes the upper recycling ponds.

It is hoped this information is sufficient for your use. Should there be any questions, please contact me at your convenience.

Sincerely,

Carolyn Speicher
Geo-Environmental Manager



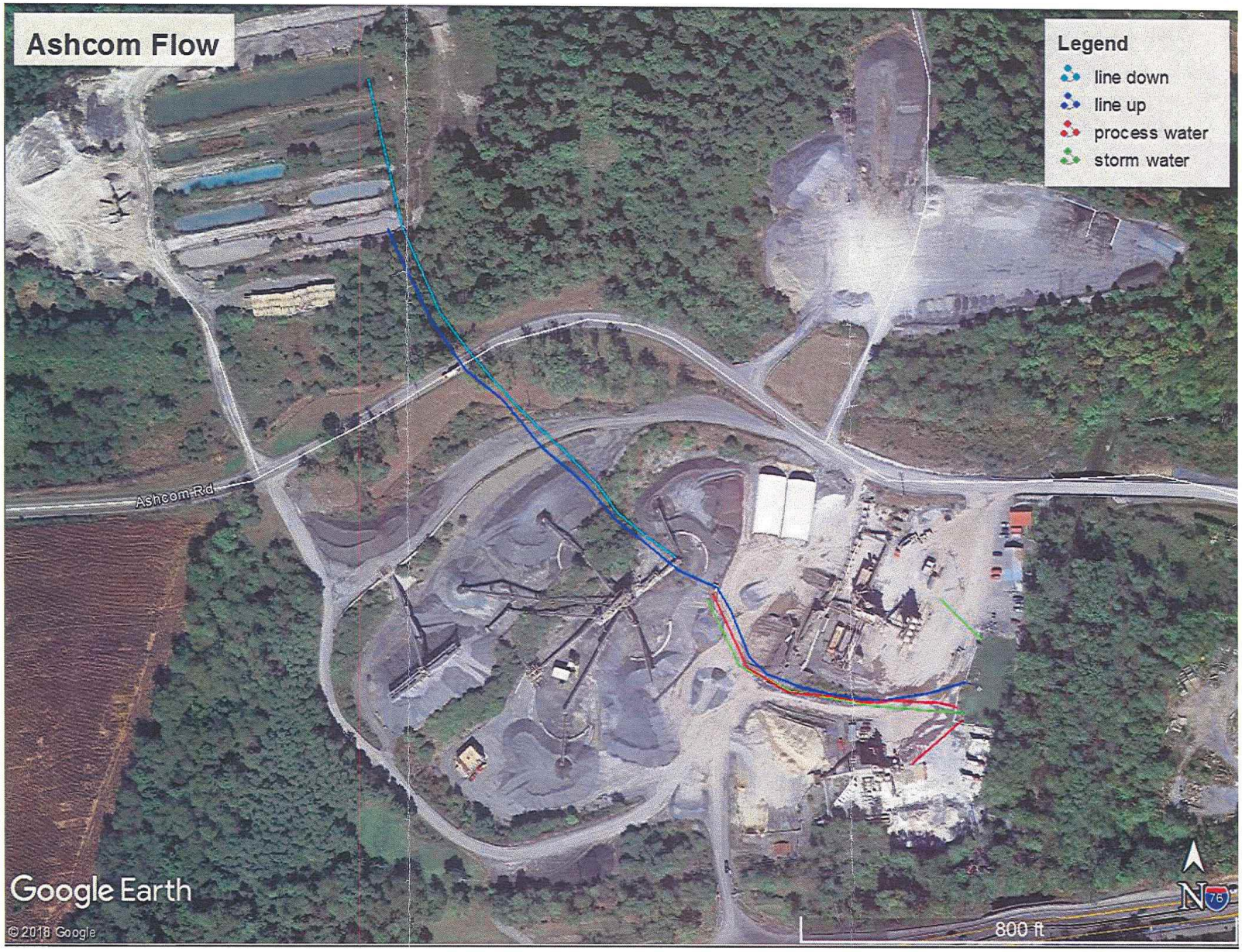


Figure 4. Flow drawing for the stormwater and wastewater that includes upper recycling ponds. Received February 5, 2018

Attachment D. March 23, 2018 Technical Deficiency (TD) Letter.

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

March 23, 2018

Carolyn Speicher
New Enterprise Stone & Lime Co. Inc.
PO Box 77
New Enterprise, PA 16664-0077

Re: Technical Deficiencies
New Enterprise Stone & Lime Co. Inc. - Ashcom Plant
Snake Spring Township, Bedford County

Dear Ms. Speicher:

The Department of Environmental Protection (DEP) has initiated its technical review of your application for an individual NPDES permit. We have determined that your application contains technical deficiencies that must be addressed before DEP may resume its technical review.

This letter acknowledges that DEP has received your response letter dated for February 2, 2018. The DEP finds the response letter deficient in that insufficient details have been made available to accurately describe the process water management and stormwater management for DEP to process the application.

The map submitted by the facility has three areas where process water is generated. Area 1 is believed to generate process water from rainwater and washwater percolating from the piles of aggregate. Area 2 is believed to generate process water from the concrete plant (i.e. aggregate dewatering and truck cleanout). Area 3 is the area believed to generate process water from truck washing. The process water is mixed with stormwater as the process water is conveyed to the pond. Discharge of the industrial stormwater and wastewater potentially discharges to Cove Creek.

We would like you to provide further details on the following. The itemization are suggestions and is not a comprehensive list of items needed for our consideration.

Process Water Management: (a) Provide more detailed information on how the pH adjustment will sufficiently mix with the process water to produce acceptable effluent within permit limits. Permit limits for pH range from 6 to 9. (b) Provide more detailed information on how suspended solids originating from Areas 1, 2 and 3 can be controlled by recycling or treatment prior discharge into Cove Creek.(c) Provide a water balance process diagram for the process water generated, recycled, and discharged from the facility. This diagram can be combined with a water balance diagram for stormwater management if process water and stormwater are intended to be commingled in the collection pond (Area A).

Stormwater Management: (a) Provide water balance volume calculations detailing the hydraulic capacity of the collection pond (Area A) to manage the stormwater runoff/process water from the facility. The water balance should include the frequency-duration of the rainfall events (i.e. 10

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year-24 hr, etc.) that would be contained or discharged, the volume capacity of the collection pond, the volume capacity of the holding ponds (Area B), the amount of water recycled, and the amount of water discharged to Cove Creek. (b) Include any operations management anticipated on the collection pond (Area A) and the holding ponds (Area B). This could include maintenance schedule for Area A, frequency of dredging of Area A, seasonal management of Areas A and B, and a back-up plan in the event the sump pump is disabled.

In general, the facility may manage process water at the facility utilizing one of the following options or a combination of the following options: (A) recycle the process water, (B) discharge the process water to a municipal treatment facility through the sanitary sewer, (C) containerize the process water with periodic pump-outs to a treatment facility, (D) treat the process water prior discharge to a creek, swale, ditch or storm sewer, (E) separate the industrial stormwater from the process water and only discharge industrial stormwater to Cove Creek. Option D and E will require a NPDES permit.

In accordance with Section 92a.28 and 40 CFR 122.21(a), *any person who discharges or proposes to discharge pollutants … must submit a complete application* for a permit. The NPDES Industrial Wastewater application should be resubmitted to include information on the treatment facility, chemical additives, production data, and sampling information for the applicable Pollutant Groups to account for the process water generated at the facility. The facility may consult with an engineering firm to develop a feasibility study on available options.

Please address the following deficiencies within 30 business days from the date of this letter. If you will require more time to respond to these deficiencies, or to discuss the deficiencies, please contact Nicholas Hong at 717.705.4824 or via email at nhong@pa.gov.

Sincerely,

Daniel W. Martin, P.E.
Environmental Engineer Manager
Clean Water Program

cc: Nicholas Hong, P.E., Environmental Engineering Specialist, DEP Southcentral Regional Office

Figure 5. Process Water Areas (from 3/23/2018 TD Letter)

Attachment E. NESL response to March 23, 2018 TD (received April 23, 2018).

New Enterprise Stone & Lime Co., Inc.
P.O. Box 77 • New Enterprise, Pennsylvania 16664 • Corporate Office: 814-766-2211
Fax: 814-766-4400

April 20, 2018

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APR 23 2018
DEP SOUTHCENTRAL OFFICE
CLEAN WATER PROGRAM

Mr. Daniel Martin
PA DEP, Bureau of Water Quality
909 Elmerton Ave
Harrisburg PA 17110-8200

RE: NPDES Permit PAS 213504
Snake Spring Township, Bedford County

Mr. Martin:

In response to the Technical Deficiencies letter dated March 23, 2018 please see our responses below. We have reevaluated our water management system and we are proposing to manage the water on-site by recycling the process water and discharging only the industrial storm water to Cove Creek.

Process Water Management:

We are going to close off the concrete area into its own closed loop recycling system. The current pond (A) is going to be divided and separated into a concrete recycling system and a storm water system. They will be separated by a clay berm that will be used to allow the ponds to be cleaned regularly. We will divert any storm water runoff from the concrete ponds into the closed loop system by paving a berm into the driveway area to separate it off. We will not need to have any pH adjustment in place for this system as it will be completely self-contained.

We are going to close off the grate discharge at the wash plant and create a sump for when we are using the wash plant. The sump area will be collecting any storm water and miscellaneous process water from the wash plant operation and pump it into the pond B area. When the plant is not operational the sites storm water will be allowed to pass through to pond A. This would allow the non-concrete side of pond A to be a storm water pond. We would maintain the recycling system that currently pumps out of pond A to generate make-up water into the pond B system, allowing us to pump out the pond if needed.

Suspended solids for the concrete side will no longer be an issue as it's a closed system. Suspended solids for the storm water side will have settling time in the remaining side of pond A.

Storm water and storage calculations are attached.

Storm Water Management:

We are going to be cleaning out pond A and building the dividing land bridge to allow for the ponds to be cleaned out as needed throughout the year. The amount of sediment that would be entering the pond will be greatly reduced from current levels so a timeframe for needing to clean the pond out will need to be determined through the first year or two of use.

It is hoped this information is sufficient for your use. Should there be any questions, please contact me at your convenience.

Sincerely,

Carolyn Speicher
Geo-Environmental Manager

	Pre-Development	Post- Development
Drainage area (ac)	15	15
Drainage area (mi^2)	0.02	0.02
Time of Concentration (hr)	0.27	0.14
CN	60	90
Rainfall (in)	1.63	1.63
I_a/P	0.818	0.136
Q (in)	0.013	0.787
q_u	450	950
q_p	0.113752992	14.95

used a whole site average slope, velocity and cover to find the time of concentration

10 yr, 1 hr storm

	Design
R_a	0.008
R_v	0.671
d_s (in)	1.094
V_s (ac-ft)	1.37
V (cuft)	59573

	Stormwater		Process water (MGD)
Vol (gal)	445602	Well/Creek	0
Vol MGD	0.45	Settling Basin	0

S	6.667	1.111
C0	0.682	
C1	-1.43	
C2	1.64	
C3	-0.804	

Combined water into pond A

MGD	0.45
Gal	445602
cuft	59573

Existing amount of water that can be pumped to the upper basins

GPM	175
GPD	252000
MGD	0.252

	Pond A Total	Pond A Stormwater	Total Pond B
Pond vol (cuft)	108750	59250	6337500
L	145	79	1690
W	50	50	250
D	15	15	15

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	Pre-Development	Post- Development
Drainage area (ac)	2	2
Drainage area (mi^2)	0.003	0.003
Time of Concentration (hr)	0.27	0.14
CN	60	90
Rainfall (in)	1.63	1.63
I_a/P	0.818	0.136
Q (in)	0.013	0.787
q_u	450	950
q_p	0.017062949	2.24

used a whole site average slope, velocity and cover to find the time of concentration

10 yr, 1 hr storm

	Design
R_a	0.008
R_v	0.671
d_s (in)	1.094
V_s (ac-ft)	0.18
V (cuft)	7943

	Stormwater
Vol (gal)	59414
Vol MGD	0.06

	Process water (MGD)
Plant	0.0041

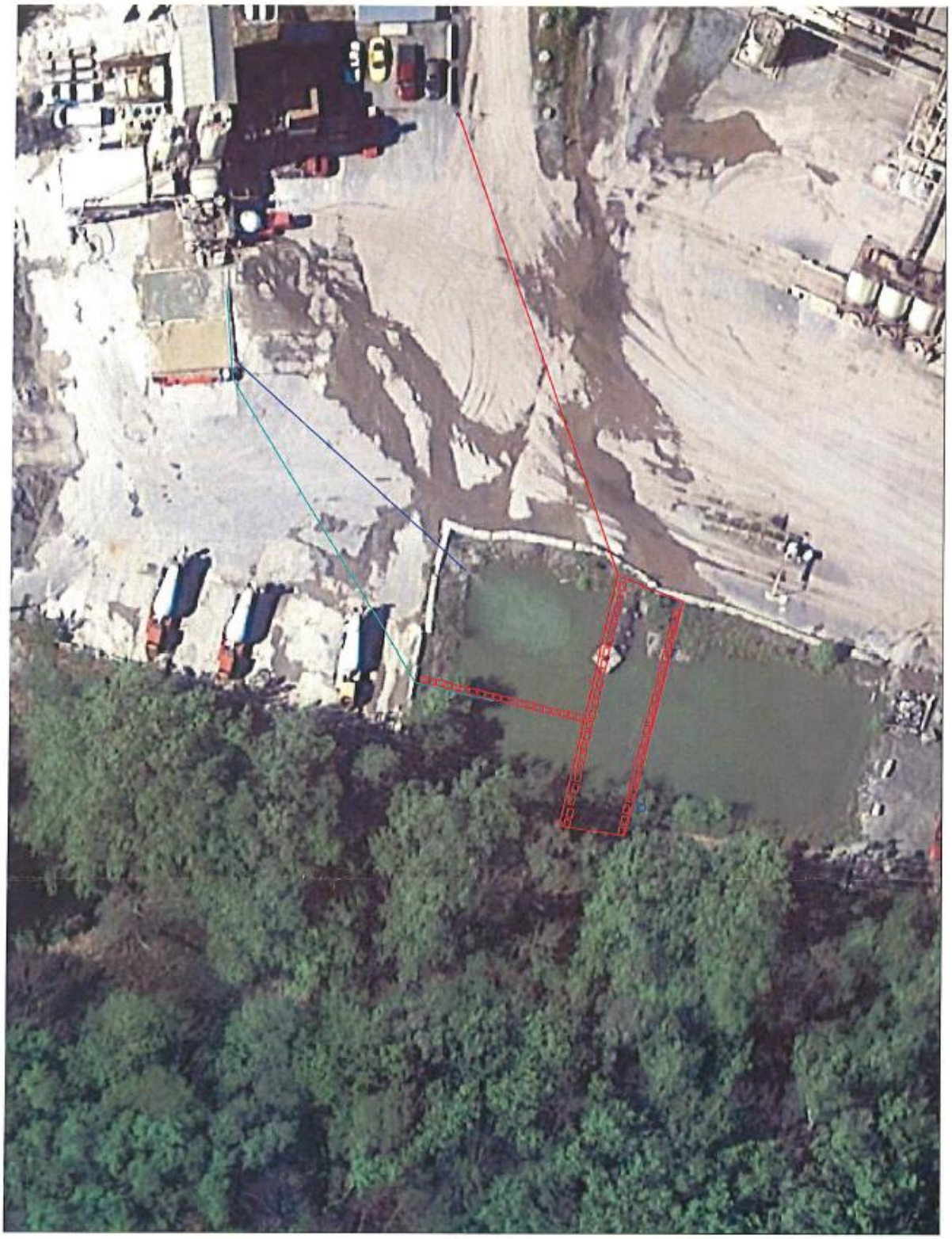
Combined water into pond A

MGD	0.06
Gal	63514
cuft	8491

S	6.667	1.111	
C0	0.682		
C1	-1.43		
C2	1.64		
C3	-0.804		

	Pond A Total	Pond A concrete	Total Pond B
Pond vol (cuft)	108750	26250	6337500
L	145	35	1690
W	50	50	250
D	15	15	15

Attachment E continued. NESL response received 4/23/2018



Attachment E continued. NESL response received 4/23/2018

Attachment F. June 17, 2018 Technical Deficiency (TD) Letter.

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

June 7, 2018

Carolyn Speicher
New Enterprise Stone & Lime Co. Inc.
PO Box 77
New Enterprise, PA 16664-0077

Re: **Transmitted via email**
Technical Deficiencies
New Enterprise Stone & Lime Co. Inc. - Ashcom Plant
Snake Spring Township, Bedford County

Dear Ms. Speicher:

The Department of Environmental Protection (DEP) has initiated its technical review of your application for an industrial stormwater NPDES permit. We have determined that your application contains technical deficiencies that must be addressed before DEP may resume its technical review.

As previously communicated, DEP is committed to working with New Enterprise Stone and Lime Company Inc. (NESL) to resolve the stormwater permitting at the Ashcom plant. While we were encouraged with the progress of the improvements at the pond in Areas A1 and A2, DEP recommends that further construction/upgrades to the stormwater management system at the facility be suspended until DEP and NESL concur on the necessary regulatory requirements for the subject facility. The stormwater management system upgrades at the facility may be subject to additional permitting requirements from other DEP Programs. These requirements may have an impact on your current and future construction activities.

DEP's main focus is for NESL to demonstrate that there will be no discharge from the closed loop recycling system to Outfall 001. Discharges to Outfall 001 must be strictly stormwater associated with industrial activity and does not include any process water.

After our site visits and ongoing communications, it appears there are three distinct sections of the site that need to be addressed both separately and together. The three sections of the site include the following areas:

1. the proposed closed loop recycling system for the concrete plant and concrete wash water,
2. the wash plant both when in operation and not in operation, and
3. the rest of the site including the blacktop plant that discharges industrial stormwater to Outfall 001.

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Ms. Carolyn Speicher - 2 -

In order for DEP to continue our review of the NPDES industrial stormwater permit application submitted by NESL, DEP is requesting the following:

1. A narrative describing how the process water and stormwater will be managed throughout the year in the three sections listed above.
2. A site plan that identifies structures, facilities, outdoor raw material, product and waste storage areas, drainage areas, ponds, discharge points (outfalls) associated with industrial activity, property boundaries and waters of the Commonwealth. The site plan should also delineate the three sections of the site described above and illustrate any overlaps of these three sections (e.g. during operation of the wash plant versus when the wash plant is not in operation).
3. A water balance diagram and calculations for the entire site, as well as for each of the three sections of the site, which shows the flow of water entering the site, processed at the site, stored in ponds A1, A2, and B, and exiting the site. The calculations should include details of the storage capacity of the holding pond (Pond A), focusing on section A1 as labeled on the figure below, and the set of multiple ponds in Area B. The source(s) of water intake, stormwater runoff, and wastewater generation should also be accounted for throughout the entire site, as well as for the three sections separately. The water balance diagram should clearly demonstrate how or if either process water or stormwater are interconnected amongst the three sections of the site during any time throughout the year and during large storm events.
4. Report the area in square feet (sf), the percent pervious and impervious surfaces, and the total drainage area in which stormwater runoff may flow for each of the three sections as well as the entire site. On the diagram, (a) indicate the direction of stormwater flow for both pervious and impervious surfaces, (b) identify all materials in the drainage area that may be exposed to precipitation. This may include materials used for production, tanks, or containers and their contents, vehicular maintenance activities, product storage, etc., (c) the location of the outfall and any internal monitoring points on the site plan.
5. Include a discussion on (a) piping arrangements, location of pumps and other flow controlling devices, (b) a discussion on the procedures which will be used by the facility to control the wastewater in the event that the treatment facility is inoperative either because of routine maintenance or equipment failure, (c) a plan which details a maintenance schedule for dredging of the two compartments (A1 and A2) of the holding pond and the ponds in Area B.
6. Be advised, the process wastewater stored in the section A1 of the holding pond is classified as residual waste. The treatment and storage or disposal of process wastewater in a residual waste impoundment may require a Water Quality Management Permit from DEP. The applicable regulations on impoundments are described in Chapter 299. Chapter 299 contains the regulations regarding the liner system requirement for impoundments storing process wastewater. The type of liner material dictates the necessity of a leak detection system and possible monitoring wells. Depending upon the type of material the liner is constructed (i.e. such as concrete), a leachate control plan may be waived at the discretion of DEP. New Enterprise should evaluate the feasibility of lining the process wastewater

Ms. Carolyn Speicher - 3 -

side of the impoundment with concrete. Lining the basin with concrete will eliminate the need for groundwater monitoring wells. Cove Creek is classified as an exceptional value (EV) stream, immediately adjacent to Areas A1 and A2. The EV classification of the stream creates an essential need to protect the surface water and groundwater from contamination. The regulations and any other applicable regulations are available online at www.pacode.com, Select Title 25 Environmental Protection, and then the appropriate Chapter.

The figure shows the referenced locations of the different areas.

- 4 -

- 5 -

Once you review the above information, we would recommend a conference call to discuss DEP's expectations. The call will aid in expediting the process for the review.

We would like to thank you for the plant tour on May 24, 2018. DEP is appreciative of NESL cooperation.

Sincerely,

Daniel W. Martin, P.E.
Environmental Engineer Manager
Clean Water Program

cc: Nicholas Hong, P.E., Environmental Engineering Specialist, DEP Southcentral Regional Office

Attachment F continued. June 17, 2018 Technical Deficiency (TD) Letter