



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Telephone (304) 926-0495
Fax: (304) 926-0463

Austin Caperton, Cabinet Secretary
dep.wv.gov

March 29, 2019

Re: WV NPDES Permit No. WV0111457
Jefferson County Development Authority
Registration Application No. WVG611874
Response to Public Comments

Dear Citizen,

The Division of Water and Waste Management (DWWM) would like to take this opportunity to thank those who submitted written and verbal comments on the application from Jefferson County Development Authority. This Response to Public Comments highlights the issues and concerns that were identified through the comments received during the public notice period. In many cases, multiple comments were provided on the same issue, therefore we have summarized to the greatest extent possible.

Comments appear first, followed by our response in bold type.

Comment 1: Petition for hearing

Response 1: A public hearing in response to this request was held at the Ranson Civic Center in Ranson, W.V., on January 30, 2019 from 6:00 pm until 8:00 pm. The public comment period was extended for ten days after the hearing and closed on Saturday February 9, 2019 at 8:00 pm.

Comment 2: What chemicals are associated with the industrial activities?

- What plans are prepared to deal with and detect pollutants?
- The facility will affect the quality of the drinking water for Harpers Ferry. Other drinking water systems may also be affected.
- Baseline sampling is required, and regular sampling is needed near the proposed site to ensure that the public water supply remains safe.
- The soil topography is not suited for the runoff created by this facility and will lead to pollution of state waters and so the registration should be denied.
- WV DEP must require all 40 benchmark parameters to be monitored initially.
- The public nor the agency knows what waste will be discharged from the site.

- The facility is located near drinking water sources.

Response 2: Sampling for all chemicals commonly associated with industrial activities is based upon the sites standard industrial classification (SIC) code. All facilities covered under the Multi – Sector Permit are required to have a complete Groundwater Protection Plan and Stormwater Pollution Prevention to prevent the contamination of groundwater and stormwater from permitted activities. These plans may be combined into one combined plan which was done by the facility. This plan was reviewed by DEP officials and was found to be complete and meet all environmental requirements. All materials that have the potential to contaminate stormwater and groundwater are listed in this plan. The eight baseline monitoring parameters are required for all sites covered under a Multi – Sector stormwater general permit registration. Based upon the results of this sampling additional sampling parameters may be required. Based upon the operations conducted at this site and the standard industrial classification (SIC) code, sampling for total recoverable zinc is required.

Comment 3: The permit registration is issued to Jefferson County Development authority but does not list the company operating the site.

Response 3: The operator of the site is listed under #5 of the application and is TeMa North America, LLC.

Comment 4: There is no electronic copy of permitting documents available for the public to review.

- Any correspondence that affects the water supply must be provided to the Town of Harpers Ferry and other utilities that provide drinking water in neighboring areas.
- All sampling needs to be shared with water utilities that could be affected by discharges from the site.
- There needs to be something in the permits that lets the public know exactly where industries are located.

Response 4: The Director has put forth considerable effort regarding transparency by creating the public query portal of the electronic submission system. The link for this system is <https://apps.dep.wv.gov/WebApp/dep/Search/ePermitting/ePermittingApplicationSearchPage.cfm>. All applications both pending and issued can be viewed at this site. Application #WVG611874 was processed using this transparent system.

Comment 5: The facility will impact groundwater since the groundwater protection plan is not acceptable.

- The facility is located in Karst Terrain and is therefore more likely to impact groundwater. A sinkhole mitigation plan should also be included.
- The facility needs a sinkhole mitigation plan.

Response 5: The Groundwater Program reviewed the Pollution Prevention Plan (combined stormwater and groundwater protection plans) for the requirements listed in 47 CSR 58 (The Groundwater Protection Rule). Those requirements were found to be addressed. As the activities associated with on-site maintenance, raw material storage, and processing occur indoors and under cover groundwater should be protected by following best management practices.

Comment 6: There is no monitoring for plastic pellets and there is no Best Management Practices to control plastic pellets.

- The ground surrounding the building will be contaminated by industrial activities.
- The permit registration does not address control of plastic pellets discharging off the site.
- There are no barriers to prevent plastic pellets from leaving the site.
- This permit will allow wastes to be dumped on the ground.
- Plastic pellets are being permitted to be discharged off site and may enter the Harpers Ferry public water supply. There is no plan or physical barrier to prevent these pellets from being discharged.

Response 6: The combined Stormwater and Groundwater Pollution Prevention Plan contain a good housekeeping component. This plan states that all raw materials including plastic pellets will be unloaded directly into the enclosed facility through enclosed loading docks and stored inside the building until used during the manufacturing process.

Comment 7: Stormwater from the facility will contain hazardous materials and will need treatment.

- The facility will threaten groundwater and therefore may lead to contamination of water supplies in the area.
- The facility will threaten streams, wetlands and other water bodies in the area including Hopewell Run.
- The facility does not have proper stormwater management and so will affect the quality of drinking water, ground water and the Chesapeake Bay. There are also no retention or holding ponds on site.

Response 7: Stormwater by definition is natural atmospheric precipitation. As stated in response # 2 the site is required to maintain a groundwater and stormwater protection plan and is required to sample common pollutants associated with this type of industrial activity once every six months.

Comment 8: The facility will damage the habitat of endangered, threatened and rare species and the stormwater permit is required to be reviewed for endangered species.

- Will another public hearing need to be held after the endangered species act requirements are satisfied?

Response 8: All draft permit registrations are forwarded to the U.S. Fish and Wildlife Service and the W.V. Division of Natural Resources either of which may conduct a review.

Comment 9: DAQ permit R-13-3414 must be reviewed before the stormwater permit can be issued. Fifty to sixty tons of plastic particulate matter will be discharged through the stacks and therefore the site will need some type of treatment before any air pollutants are discharged to the atmosphere. Air emissions from the facility include 30 percent formaldehyde.

- Plastic particulates discharged into the air will affect endangered and threatened species.
- There will be a large volume of particulates from the stacks that will be deposited on the ground of the site.

Response 9: Air Quality concerns are outside the purview of the Multi-Sector General Permit.

Comment 10: Water from the water cooled extrusion line is not indicated where it will be discharged and may lead to contamination of the ground and stormwater. The water discharged from this line is a high temperature.

- The facility is located in the Chesapeake Bay Watershed and load based wasteload allocations must be determined for this site.
- The water from the plant that is discharged will be too high in temperature since it is used to cool industrial equipment.

Response 10: This permit registration is for stormwater only.

Comment 11: The facility is in a MS4 community and therefore is subject to additional stormwater management permit requirements.

Response 11: WV DEP has researched the location of this site and has determined that it is not located in a MS4 community.

Comment 12: Elk Branch is listed in the 303D and TMDL list and sampling must be performed to ensure the facility is not violating this listing.

Response 12: The impairment in question is Fecal Coliform. All sewage from the site is to be sent to an offsite wastewater treatment plant for treatment.

Comment 13: The public notice advertised in the local paper is too vague.

Response 13: Specific information regarding this General Permit Registration was provided to the commenter prior to the close of the public comment period.

Comment 14: The permit registration is issued to a public authority that is no longer in existence.

- The applicant for the permit Jefferson County Development Authority is in not compliance to operate and may not be able to act on any applications. It is also not a functioning agency and may not be in existence much longer.

Response 14: The WV DEP has contacted the Jefferson County Development Authority and learned that it is still in existence.

Comment 15: The economic viability of the facility must be addressed in the permitting process. The site is located in one of two growing areas of the state which provides needed taxes to the State. This must be considered when making permitting decisions.

- The facility has not indicated if it is in a floodplain or if it will receive public water or sewer service.
- The facility will be taking in a few thousand gallons of potable water which supposedly will be discharged from the site as "pure" water.

Response 15: This permit registration deals with stormwater only.

Comment 16: Facilities near this site will add additional contaminants and therefore all these sites must be taken into account when addressing this permit registration.

Response 16: Should other industries apply for coverage the applications will be reviewed completely using the transparent electronic submission system.

Comment 17: The facility was built and cost the taxpayers money before they had the proper permit to operate.

Response 17: The facility may not start operations until the general permit registration is approved.

Comment 18: Past accidents are an issue for instance Minden has major pollution problems. Have we not learned anything from this? Other instances are contamination in the coal fields and the 2014 contamination of the Elk River. In addition, there is an auto parts store that is actually a junkyard that is adding pollutants near the TeMa site. Other parts of West Virginia do not have access to clean water, some for years. Finally, all of the Eastern Panhandle is being overdeveloped with housing, businesses, and now industry.

- An article has been published titled Clean Water Laws are Neglected, at a cost in suffering.
- There are many new chemicals being introduced into our country in the last 20 or 25 years. These chemicals are not being looked at for potential harm to peoples health.

Response 18: This application for registration is for the Jefferson County Development Authority's site only.

Comment 19: The permit needs to require people other than the facility itself to check the site more than twice a year to verify pollutants are not an issue.

Response 19: WV DEP has the authority to inspect the site at any time.

Comment 20: The permit registration will need to go back to public comment before approval. In addition, the public comments need to be published for review before the registration is approved

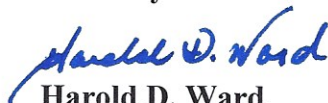
- Public comments must be replied to and the public must have a 30 day period after this to review before the general permit registration is issued.

Response 20: All public comments received during the comment period have been addressed.

This permit registration will be issued on March 29, 2019. Notice is hereby given of your right to appeal the terms and conditions of this permit registration of which you are aggrieved to the Environmental Quality Board by filling a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the Code of West Virginia within thirty (30) days after issuance of this permit registration. Thank you for your interest in this application.

If you have any further questions or concerns, please do not hesitate to contact Connie Anderson of my staff at 304-926-0499 ext. 1073 or by email at Connie.J.Anderson@wv.gov

Sincerely



**Harold D. Ward
Acting Director**

cc: Robin Dolly, Environmental Inspector Supervisor