

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUG - 6 2010

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5939 3277

J.D. Crane
Chief Executive Officer
Tonawanda Coke Corporation
3875 River Road
Tonawanda, NY 14150

Re: **Administrative Order**
Tonawanda Coke Corp., Tonawanda, New York
Docket Number: CWA-02-2010-3040
SPDES Permit No.: NY0002399
Town of Tonawanda Industrial Sewer Connection Permit No.: 331

Dear Mr. Crane:

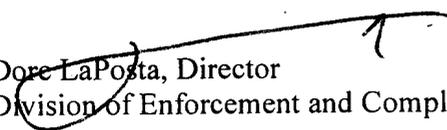
As you are aware, the United States Environmental Protection Agency ("EPA"), Region 2, has found several violations of the Clean Water Act, 33 U.S.C. §1251 et seq. (the Act or CWA) at the Tonawanda Coke Corporation's coke manufacturing facility in Tonawanda, New York. In response, on December 17, 2009, EPA issued Administrative Compliance Order ("Order") CWA-02-2010-3012 to the Tonawanda Coke Corporation ("Respondent" or "TCC"), pursuant to Sections 308(a) and 309(a) of the Act, describing the violations, requesting certain information, and ordering Respondent to cease its violations and to come into compliance with the Act.

TCC has failed to comply with all of the ordered requirements, and has failed to provide all of the required information.

Please acknowledge receipt of this Order on one of the originals and return it by mail in the enclosed envelope. Failure to comply with the enclosed Order may subject the facility to civil and/or criminal penalties pursuant to Section 309 of the Act. Failure to comply with this Order shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

If you have any questions regarding this Order, please contact Mr. Murray Lantner, P.E., Environmental Engineer at (212) 637-3976.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

cc: Joseph DiMura, P.E., Director, BWCP, NYSDEC, w/enclosure
Daniel O'Leary, Pretreatment Administrator, Town of Tonawanda WWTF

Enclosure

cc: Joseph DiMura, P.E., Director, BWCP, NYSDEC, w/enclosure
Daniel O'Leary, Pretreatment Administrator, Town of Tonawanda WWTF

bcc: Pat Harvey, DECA/CAPS w/enclosure
Henry Mazzucca, P.E., DECA-WCB File w/enclosure
Koon Tang, Bob Smythe, Holly Shear via Email
C. Saporita, ORC

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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Tonawanda Coke Corp.
3875 River Road
Tonawanda, NY 14150

SPDES Permit No. NY0002399
Town of Tonawanda IU Permit No. 331

Proceeding pursuant to Sections 308(a) and
309(a) of the Clean Water Act, 33 U.S.C.
§§ 1318(a) and 1319(a)

RESPONDENT

**ADMINISTRATIVE COMPLIANCE
ORDER**

CWA-02-2010-3040

A. AUTHORITY

The following Order is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1251 et seq., which authority has been duly delegated to the Regional Administrator of Region 2, EPA, and since further redelegated to the Director of the Division of Enforcement and Compliance Assistance, Region 2, EPA.

B. DEFINITIONS AND STATUTORY PROVISIONS

1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits any person from discharging any pollutant from any point source into navigable waters, "[e]xcept as in compliance with [that] section and section . . . [402]" of the CWA.
2. The term "person" includes an individual, corporation, partnership, association or municipality, pursuant to Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
3. The term "discharge of a pollutant" means any addition of any pollutant to navigable waters from any point source, pursuant to Section 502(12) of the CWA, 33 U.S.C. § 1362(12).
4. The term "pollutant" includes, among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water, pursuant to Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

5. The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel [or] conduit . . .", pursuant to Section 502(14) of the CWA, 33 U.S.C. § 1362(14).
6. The term "navigable waters" means "the waters of the United States, including the territorial seas," pursuant to Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and "waters of the United States" are defined in 40 C.F.R. § 122.2 to include intrastate rivers and streams, and tributaries thereto.
7. Section 402(a)(1) of the CWA, 33 U.S.C. § 1342(a)(1), provides that "... the Administrator [of EPA] may, after opportunity for public hearing, issue a permit for the discharge of any pollutant ..." subject to appropriate conditions. Accordingly, any person who proposes to discharge pollutants to waters of the United States must first obtain a National Pollutant Discharge Elimination System ("NPDES") permit.
8. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), the Administrator of EPA has authorized the State of New York to administer the program for permitting discharges of pollutants to navigable waters, and the New York State Department of Environmental Conservation ("NYSDEC") is the state agency with the authority to administer the State's permitting program. Accordingly, any person who proposes to discharge pollutants to waters of the United States must first obtain a State Pollutant Discharge Elimination System ("SPDES") permit from the NYSDEC, and must comply with all of its terms. In addition, pursuant to Section 307 of the CWA, 33 U.S.C. § 1317, and 40 C.F.R. Part 403, certain pollutants discharged to treatment works are subject to additional pretreatment effluent limitations.
9. The term "SPDES Permit" means the NYSDEC's SPDES Individual Discharge Permit, No. NY0002399, and the term "Industrial User Permit" or "IU Permit" means the Town of Tonawanda's Industrial User Sewer Connection Permit, No. 331.

C. FINDINGS

1. Tonawanda Coke Corporation ("Respondent") is a person within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
2. Respondent owns and operates the Tonawanda Coke facility ("Facility" or "Site") at 3875 River Road, Tonawanda, New York, 14150.
3. NYSDEC issued a SPDES Renewal Permit to Respondent that became effective on November 23, 2005 and expires on July 31, 2010.
4. The Facility's SPDES Permit No. NY0002399 authorizes discharges of non-contact cooling water, boiler blowdown, non-process stormwater and coal storage runoff to the Niagara River via Outfall 004. Other outfalls that are tributary to Outfall 004 include Outfall 001 (non-contact cooling water, boiler blowdown, and non-process stormwater runoff), Outfall 002 (coal storage runoff) and Outfall 003 (non-contact cooling water

(cooling the steam on the discharge side of the turbine to increase efficiency). Based on Respondent's February 18, 2010 letter, as of November 16, 2009, the TCC cogeneration plant has been shut down and there is currently no discharge from Outfall 003.

5. The facility discharges process and sanitary wastewaters indirectly to the Town of Tonawanda Wastewater Treatment Facility (hereinafter "POTW"). The current IU Permit, #331, Permit became effective on September 1, 2009 and expires on August 31, 2012. The previous IU Permit became effective on September 1, 2006 and expired on August 31, 2009.
6. The Facility's direct and indirect discharges contain pollutants within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6).
7. The Niagara River is a water of the United States pursuant to Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
8. The Facility's SPDES Permit requires Respondent to use Best Management Practices ("BMP") (SPDES Permit Special Conditions 1-6), and to operate the Facility in compliance with the Operations and Maintenance ("O&M") provisions in 6 NYCRR Part 750-2.8(a)(2) and other applicable requirements in 6 NYCRR Part 750. In addition, the Facility's SPDES and IU permits require Respondent to properly treat and monitor its discharges. The IU Permit authorizes the discharge of process and sanitary wastewaters to the POTW only and requires that all process wastewater first be monitored at the post equalization tank monitoring point prior to mixing with sanitary wastewaters. The SPDES Permit authorizes the discharge of non-contact cooling water, boiler blowdown, coal storage runoff and non-process stormwater only.
9. On May 20-21, 2009, EPA and NYSDEC conducted a Compliance Evaluation Inspection ("CEI") of the Facility, and identified violations of the Respondent's SPDES Permit and IU Permit.
10. On November 4 and 5, 2009, a representative(s) of NYSDEC conducted a Compliance Sampling Inspection ("CSI"). The CSI identified that the Total Suspended Solids ("TSS") concentration in the discharge from the coal pile runoff (Outfall 002) on November 5, 2009 exceeded the 50 mg/l effluent limit in the permit with a concentration of 169 mg/l. Respondent, in its April 2010 and June 2010 Discharge Monitoring Reports ("DMRs"), reported that the TSS concentrations at Outfall 002 were 96.4mg/l and 88.4 mg/l, respectively, which exceeded the 50 mg/l effluent limitation in the Permit.
11. On December 3, 2009, EPA sent Respondent Request for Information ("RFI") CWA-IR-10-002. The requested information was due on January 6, 2010.
12. On December 17, 2009 EPA sent Respondent Administrative Order and Request for Information CWA-02-2010-3012 ("Order"), as well as a copy of EPA's May 20-21, 2009 Compliance Evaluation Inspection Report ("CEI Report"). The Respondent has provided responses to EPA dated December 29, 2009, January 6, January 15, January 21, February 18, April 12, April 19, April 23, April 27, May 24, and June 14, 2010.

13. Tonawanda Coke Corporation's April 12, 2010, April 19, 2010, and April 23, 2010 responses to the Order did not contain the written certification statement required by paragraph 8 of the Order.
14. Visual monitoring reports, provided by Respondent from March 1, 2010, March 12, 2010, March 19, 2010, and March 23, 2010, submitted to EPA, state that, during a snow melt event, the discharge from Outfall 002 was opaque, had a gray color, with coal/coke fines in the discharge. On Page 14 of the SPDES Permit, paragraph (a) requires adherence to 6 NYCRR Part 750-2, and 6 NYCRR Part 750-2.8 which requires that no floating solids or visible foams be discharged.
15. In a letter, to the Town of Tonawanda Wastewater Treatment Facility, dated April 23, 2010, Respondent identified numerous instances in which effluent to the industrial sewer violated the compliance limits in TCC's IU Permit. Additionally, wastewater reports, submitted to the Town of Tonawanda, identified permit limit violations from July 2008 to June 2010. These violations are summarized in Appendix A.
16. Paragraph 4(a) of the Order (CWA-02-2010-3012) required submittal of an amended BMP Plan. Respondent submitted a draft BMP Plan dated April 2010, by letter dated April 23, 2010. EPA and NYSDEC have reviewed the draft BMP Plan and provided comments to Respondent via email on June 29, 2010 and July 8, 2010. The BMP Plan must fulfill all of the requirements contained in the Special Conditions 1-6 of the SPDES Permit.
17. 40 C.F.R. § 122.41(a) requires NPDES/SPDES permittees to comply with all conditions of their permit(s), and provides that any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action.
18. The Pretreatment Regulations at 40 CFR 403.8 require affected POTWs to submit a POTW Pretreatment Program for approval by EPA. The Pretreatment Regulations, at 40 CFR 403.5(c), require a POTW with an approved pretreatment program to develop and enforce specific local limits which implement the national Pretreatment Standards contained in 40 CFR 403.5(a) (general prohibition on pass through and interference) and 403.5(b) (specific prohibitions). The Town of Tonawanda has an approved pretreatment program. The local limits so developed are deemed to be Pretreatment Standards in accordance with 40 CFR 403.5(d), for the purposes of CWA Section 307(d), 33 U.S.C. §1317(d), and are Federally enforceable against Industrial Users of the POTW.
19. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), authorizes the Administrator of EPA to commence an administrative action for violations of Sections 301, 307, 308, or 402 of the CWA, or any permit condition or limitation implementing, inter alia, Section 301 or 307, and contained in a permit issued under Section 402 of the CWA, and Section 402(i) of the CWA, 33 U.S.C. § 1342(i), provides that nothing in Section 402 of the CWA shall limit the authority of EPA to take enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

20. Therefore, on the basis of the findings cited in the paragraphs above, Tonawanda Coke Corp. is in violation of Sections 301, 307, 308, and 402 of the CWA.

D. ORDERED PROVISIONS

In consideration of the above FINDINGS, and pursuant to Sections 308(a) and 309(a) of the CWA, 33 U.S.C. § 1318(a) and § 1319(a),

IT IS HEREBY ORDERED

1. **Immediately upon receipt of this Administrative Order**, a responsible official of TCC shall complete and sign one of the original Orders on the acknowledgment page and return the acknowledgment page along with one of the originals of the Order to the Chief, Water Compliance Branch, Division of Enforcement and Compliance Assistance, at the address listed below by certified mail or its equivalent.

Process/Sanitary Wastewater Audit

2. **Within forty five (45) calendar days of receipt of this Order**, Respondent shall implement all of the recommendations contained in the Process Wastewater and Sanitary System Audits submitted to EPA, by letter dated April 12, 2010, and implement all other necessary measures to ensure that all process wastewater is properly treated and flows through the permitted categorical monitoring point (Post Equalization Tank). The recommendations in the April 12, 2010 audit report include, but are not limited to:
- a. Seal all pipes connected to Manhole No. 27 and utilize the manhole as a containment sump. Contents of Manhole No. 27 shall be pumped to the weak liquor tanks as part of the process wastewater system;
 - b. Close Manhole No. 26 by filling it with concrete;
 - c. Flare Condensate - Manhole No. 21: Convey all flare condensate wastewater to the process wastewater system. Permanently seal the connection between Manhole No. 21 and the sanitary system, and submit a flow rate estimate for the flare condensate wastewater that flows to Manhole No. 21.
 - d. Manhole 10A: Respondent shall verify the integrity of the ammonia still wet well by conducting dye testing and chemical sampling to test for process wastewater entering the sanitary system or cooling water/stormwater system from the ammonia still wet well. Respondent must permanently eliminate and/or seal all connections from the ammonia still wet well to the sanitary system and cooling water/storm sewer system.
 - e. Clean the obstruction in the line flowing from the north entering into Manhole No. 9.
3. **No later than forty five (45) calendar days after receipt of this Order**, Respondent

shall submit written certification that all of the measures in paragraph 2, above, have been implemented and that all process wastewater from the facility is flowing through the categorical process wastewater monitoring point (post equalization tank) as required by the IU Permit. Respondent shall also submit a summary and certification of completion of each of the recommendations specified in paragraph 2 above and the April 12, 2010 audit report.

IU Permit Outfall Plan of Action for Effluent Limit Compliance

4. **Within thirty (30) calendar days of receipt of this Order**, Respondent shall submit a Plan of Action ("POA") to EPA for achieving compliance with all IU Permit limits as soon as possible, but no later than, one hundred twenty (120) calendar days of receipt of this Order.
5. **Within one hundred twenty (120) calendar days of receipt of this Order**, Respondent shall submit written certification that the Facility has achieved full and consistent compliance with its IU Permit.

Post Equalization Tank Flow Monitoring

6. **Within forty-five (45) calendar days of receipt of this Order**, Respondent shall install a continuous flow meter for monitoring post equalization tank flow, as required by Ordered Provision 4a of Administrative Order CWA-02-2010-3012 and the IU Permit. The flow meter shall be sized to measure the expected range of flows through the outfalls and installed in accordance with the manufacturer's specifications and with the approval of the Town of Tonawanda. The June 25, 2010 letter from the Town of Tonawanda to TCC (Appendix B) contains additional guidance and conditions for this flow meter and recorder. **Within forty-five (45) calendar days of receipt of this Order**, Respondent shall also submit written certification that the approved continuous flow meter has been installed.

Outfall 002 Plan of Action

7. On April 23, 2010, Respondent submitted its Outfall 002 POA for achieving compliance with effluent limits at its coal pile runoff discharge point Outfall 002. By letter dated June 14, 2010, Respondent submitted to EPA and NYSDEC an engineering report that includes Respondent's technical plans and specifications for the treatment of coal pile runoff. The POA and plan specifications will be reviewed by NYSDEC, and, **within thirty (30) days of receiving NYSDEC's comments on the POA**, Respondent shall revise the POA and plan specifications as necessary in response to NYSDEC comments and resubmit for NYSDEC approval. **On or before December 31, 2010**, Respondent shall fully implement the approved Outfall 002 POA.
8. **On or before April 30, 2011**, Respondent shall submit written certification that the approved Outfall 002 POA and plan specifications have been fully implemented and that compliance has been achieved.

Best Management Practices Plan Revisions

9. EPA and NYSDEC have reviewed Respondent's draft April 2010 Best Management Practices Plan and have provided comments via email on June 29, 2010 and July 8, 2010. **Within thirty (30) calendar days of receipt of this Order**, Respondent shall submit a revised BMP Plan that fully addresses the EPA and NYSDEC comments and is in full compliance with the SPDES Permit.

Weak Liquor Tank Replacement

10. **Within fifteen (15) calendar days of receipt of this Order**, Respondent shall submit written certification that the new 170,000 gallon weak liquor tank (Tank No. 3) is in operation, that the rebuilt Tank No. 2 is in operation and is structurally sound, and that Tank No. 1 is no longer in operation and has been demolished.

Cost Information

11. **On or before December 31, 2010**, Respondent shall submit a report containing the amount of time and associated costs (including but not limited to capital costs, supplies, labor, operations and maintenance, installation, etc.) which were required to comply with this Order and the previous Order (CWA-02-2010-3012).

CERTIFICATION

12. Any documents to be submitted by Respondent as part of this Order shall be sent by certified mail or its equivalent and shall be signed by an authorized representative of the Respondent (see 40 C.F.R. § 122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of imprisonment for knowingly doing so."

All information required to be submitted by this Order shall be sent by certified mail or its equivalent to the following addresses:

Mr. Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
290 Broadway, 20th Floor
New York, NY 10007-1866

Mr. Joseph DiMura, P.E., Director
Bureau of Water Compliance Programs
Division of Water, NYSDEC
625 Broadway
Albany, NY 12233-3506

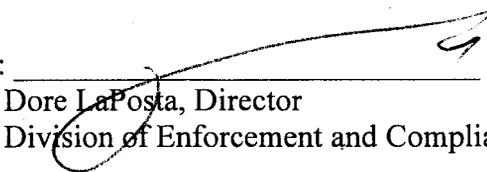
Bill Mucci, Pretreatment Administrator
Town of Tonawanda Wastewater Treatment Facility
779 Two Mile Creek Road
Tonawanda, New York 14150

This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or the applicable permits, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of an Administrative Order shall not be deemed an election by EPA to forego any civil or criminal actions which could seek penalties, fines, or other appropriate relief under the CWA.

This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

Dated: AUGUST 1, 2016

Signed: _____


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Appendix A – Tonawanda Coke Corporation’s Industrial Sewer Connection Permit Violations

Appendix B – June 25, 2010 Letter from the Town of Tonawanda to TCC

Appendix A to CWA-02-2010-3040:

Tonawanda Coke Corporation's Industrial Sewer Connection Permit Violations

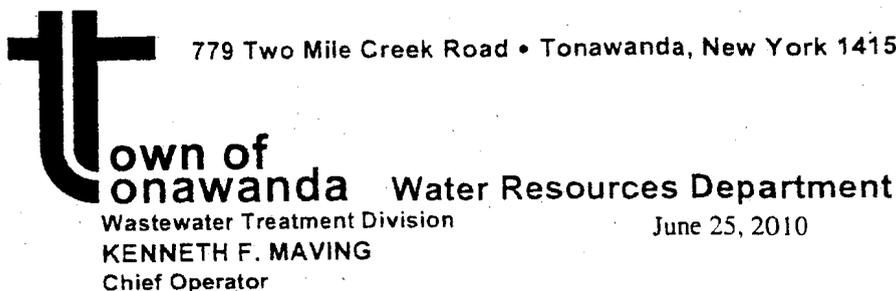
Date (From)	Outfall	Parameter	Units	Days of Violation ¹	Permitted Level	Reported Level	Source of Data
7/21/2008	Guard Gate Manhole	pH	SU	1	9.5	Exceeded 9.5	8/18/08 letter from TCC to the Town of Tonawanda
8/7/2008	Guard Gate Manhole	pH	SU	1	9.5	Exceeded 9.5	8/18/08 letter from TCC to the Town of Tonawanda
10/22/2008	Guard Gate Manhole	pH	SU	1	9.5	Exceeded 9.5	10/24/08 letter from TCC to the Town of Tonawanda
11/4/2009	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	1.89	3/22/10 Notice of Violation issued by the Town of Tonawanda
12/17/2009	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	1.53	3/22/10 Notice of Violation issued by the Town of Tonawanda
1/19/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	1.52	3/22/10 Notice of Violation issued by the Town of Tonawanda
1/20/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	2.92	3/22/10 Notice of Violation issued by the Town of Tonawanda
1/21/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	3.26	3/22/10 Notice of Violation issued by the Town of Tonawanda
1/27/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	2.43	3/22/10 Notice of Violation issued by the Town of Tonawanda
1/28/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	1.85	3/22/10 Notice of Violation issued by the Town of Tonawanda

¹ The days of violations denotes whether a daily maximum (1) or monthly average (30) limit has been violated.

Date (From)	Outfall	Parameter	Units	Days of Violation ¹	Permitted Level	Reported Level	Source of Data
2/3/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	3.29	2/10 Wastewater Report from TCC to the Town of Tonawanda, and 4/1/10 Notice of Violation issued by the Town of Tonawanda
3/22/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	3.77	4/23/10 letter from TCC to the Town of Tonawanda - Table 1
3/23/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	3.75	4/23/10 letter from TCC to the Town of Tonawanda - Table 1
3/26/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	5.25	2/10 Wastewater Report from TCC to the Town of Tonawanda
3/26/2010	Post EQ Tank	Ammonia	lb/day	30	30.0	77.24	2/10 Wastewater Report from TCC to the Town of Tonawanda
3/26/2010	Post EQ Tank	Ammonia	lb/day	1	49.6	77.24	2/10 Wastewater Report from TCC to the Town of Tonawanda
3/31/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	2.75	4/23/10 letter from TCC to the Town of Tonawanda - Table 1
4/7/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	1.84	4/23/10 letter from TCC to the Town of Tonawanda - Table 1
4/8/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	1.76	4/23/10 letter from TCC to the Town of Tonawanda - Table 1
4/9/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	2.5	4/23/10 letter from TCC to the Town of Tonawanda - Table 1
4/13/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	1.84	4/23/10 letter from TCC to the Town of Tonawanda - Table 1

Date (From)	Outfall	Parameter	Units	Days of Violation ¹	Permitted Level	Reported Level	Source of Data
4/14/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	1.45	4/23/10 letter from TCC to the Town of Tonawanda - Table 1
5/5/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	1.56	May 2010 Wastewater Report to the Town of Tonawanda
5/12/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	2.66	May 2010 Wastewater Report to the Town of Tonawanda
5/19/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	1.55	May 2010 Wastewater Report to the Town of Tonawanda
5/26/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	2.00	May 2010 Wastewater Report to the Town of Tonawanda
6/3/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	2.50	June 2010 Wastewater Report to the Town of Tonawanda
6/9/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	2.85	June 2010 Wastewater Report to the Town of Tonawanda
6/16/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	1.55	June 2010 Wastewater Report to the Town of Tonawanda
6/23/2010	Guard Gate Manhole	Cyanide-Total	mg/l	1	1.1	1.34	June 2010 Wastewater Report to the Town of Tonawanda

779 Two Mile Creek Road • Tonawanda, New York 14150 • (716) 693-4900 • Fax (716) 693-0601



June 25, 2010

DECAWATER COLLEGE BRANCH

2010 JUN 29 AM 11:55

U.S. ENVIRONMENTAL PROTECTION
AGENCY
REGIONAL OFFICE

Mr. Rick W. Kennedy
HodgsonRuss, LLP
The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, New York 14202-4040

Re: Tonawanda Coke Corporation
Proposed Flow Monitoring System

Dear Mr. Kennedy:

We are responding to your letter dated June 10, 2019 to Mr. William Mucci of the Town of Tonawanda and Mr. Timothy Seeler our technical consultant. Your letter contained Tonawanda Coke Corporation's proposed plan for the installation of a post EQ tank flow meter. We have several comments we would like addressed before we can approve the proposed plan. Our comments reflect the combined review of Town staff and Mr. Seeler.

1. We believe the meter to be too large for the application. A preliminary review of manufacturer's data for the meter indicates that the minimum flow rate measurable is 19 gallons per minute (27,360 gallons per day). The Town issued a permit to Tonawanda Coke Corporation for the categorical discharge that contained a maximum flow rate of 100,000 gallons per day. Flows reported by Tonawanda Coke Corporation in periodic self monitoring reports varied but ranged from 100,000 gallons per day to as low as 30,000 gallons per day. While we do not have sufficient information to gain a full understanding of the pipe flows under all operating conditions it appears that the potential exists for under reporting of total daily flow, and by calculation mass discharge, by as much as 27,360 gallons per day, a significant fraction of the total flow anticipated for the categorical discharge by permit. Given the information provided we believe, therefore, that a two (2) inch meter would be more suitable for the application. Please provide further substantiation of the design as proposed that would assist us in eliminating our concern or provide an alternate design.
2. The design calls for a new meter and chart recorder to be located along the access road adjacent to the site. Please provide additional information on the unit to be purchased and the details of the enclosure for the unit. It is not clear from the design drawing if the secure NEMA 4 X enclosures provided for the signal converter was to include space for the chart recorder.
3. The design drawing should be stamped and signed by a Licensed Professional Engineer. We will also require that, upon completion of the installation, the Engineer provide a certification that the system was installed in accordance with the design.

If you have any questions please do not hesitate to contact me at (716) 693-4900.

Very truly yours,

Kenneth F. Maving
Chief Operator - Water Resources Department

cc: Murray Lantner, P.E., USEPA ✓
Robert G. Adams, P.E. CRA
Timothy Seeler, P.E.
Daniel O'Leary
William Mucci