



REGION 2

NEW YORK, N.Y. 10007

May 2, 2024

Via E-Mail

dan@curranpellets.com

Dan Measheaw, Plant Manager
Curran Renewable Energy LLC
20 Commerce Dr.
Massena, NY 13662

Re: **Request for Information**

Docket No. CWA-IR-24-010

Curran Renewable Energy LLC

EPA Compliance Evaluation Inspection, March 28th, 2024

NPDES No. NYU065324

Dear Mr. Measheaw:

The purpose of this Request for Information ("RFI") letter is to require you to submit information to the U.S. Environmental Protection Agency ("EPA") regarding Curran Renewable Energy LLC. At 20 Commerce Drive, Massena NY ("Site" or "Facility") Representatives of the United States Environmental Protection Agency ("EPA") Region 2 conducted a Compliance Evaluation Inspection ("CEI" or "Inspection") at Curran Renewable Energy LLC. The purpose of the CEI was to determine the Facility's compliance with Sections 301 and 402 of the Clean Water Act and whether it was required to obtain coverage under the New York State Department of Environmental Conservation ("NYSDEC") State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Industrial Activity ("Permit" or "MSGP"). Curran Renewable Energy makes wood pellets and is classified under the Significant Industrial Category ("SIC") code 2499-98. Facility under this SIC Code, that have a discharge, are regulated under Sector A, Timber Products, of the MSGP.

Section 308(a) of the Clean Water Act ("CWA"), 33 U.S.C. §1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. §1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the Clean Water Act, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances. Failure to respond properly to a Request for Information may subject the Owner/Operator to enforcement subject to Section 309 of the CWA 33 U.S.C. §1319.

REQUEST FOR INFORMATION

Curran Renewable Energy LLC ("Respondent") is hereby required, pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. §1318(a), to submit the following information regarding the subject site.

1. Within forty-five (45) calendar days of receipt of this RFI:

- a. Provide a written response to the CEI Report with the actions (including a schedule) that are being taken, or will be taken, to address each of the Potential Non-Compliance Items and Areas of Concern (items that should be improved or addressed for better operations of the facility)
- b. Provide written documentation and Site plans of stormwater conveyances at the Site, including the points that the Site's stormwater system ties into the railroad's (CSX's) storm drainage system, and where the Site's stormwater leads to
- c. If available, submit documentation of zero-discharge to surface waters for up to and including the 100-year 24-hour storm. Submit written certification, photographs, and site plans from a professional engineer demonstrating that there is zero-discharge of stormwater from the regulated industrial processes through performing the necessary modeling and Site assessments (e.g. soil testing, infiltration test, hydrology, etc.). The following considerations to be included in zero-discharge documentation:
 - i. all areas of industrial activity
 - ii. runoff from the 100-year, 24-hour storm event
 - iii. frozen ground conditions
 - iv. changes in site topography resulting from grading operations (cuts and fills)
- d. Provide an explanation for the Facility not having coverage under the MSGP
- e. Within forty-five (45) calendar days of receipt of the RFI, submit:
 - i. a list of names, addresses of all Curran logging operations, lumber mills, sand, and gravel operations (not including the Seaway Timber Harvesting and the Curran Energy Recovery facilities that EPA has already inspected)
 - ii. include whether these other facilities have MSGP coverage or MSGP No Exposure coverage, and the NYSDEC Permit number for each Facility, if applicable. Also, include whether any facilities that are unpermitted, such as mining facilities, have been designed for No Discharge in accordance with a NYSDEC Mining Plan, or if the Facility has documentation similar to paragraph 1.c, above for these facilities

2. Within one hundred and twenty (120) calendar days of receipt of this RFI submit:

- a. If not provided from 1.c above, submit documentation of no discharge up to and including the 100-year 24-hour storm described in subparagraph 1.c above; or,
- b. A Stormwater Pollution Prevention Plan developed in accordance with Part III of the MSGP GP-0-23-001 (https://extapps.dec.ny.gov/docs/water_pdf/gp023001final03082023.pdf); and,
- c. A Notice of Intent to NYSDEC in accordance with <https://dec.ny.gov/environmental-protection/water/water-quality/stormwater/msgp> and a copy to EPA

CERTIFICATION

Any documents to be submitted as part of this Request for Information shall be signed by an authorized representative of the respective entity (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 fine and imprisonment for knowing violations."

All information required to be submitted pursuant to this Request for Information shall be **sent by email** to the following (if unable to make electronic submittals mailing addresses are listed below):

Justine Modigliani, P.E., Supervisor
CWA Compliance Section - Water Compliance Branch
Enforcement and Compliance Assurance Division
EPA – Region 2
Modigliani.Justine@epa.gov

Christina Palmrose-Krieger
Water Compliance Branch Enforcement and Compliance Assurance Division
EPA - Region 2
Palmrosekrieger.Christina@epa.gov

Murray Lantner, P.E., Environmental Engineer
Water Compliance Branch Enforcement and Compliance Assurance Division
EPA - Region 2
Lantner.Murray@epa.gov

New York State Department of Environmental Conservation

MSGP Coordinator

Division of Water

MSGP Compliance MSGPcompliance@dec.ny.gov

Should you have any questions regarding this request, feel free to contact Justine Modigliani, P.E., Chief, Clean Water Act Compliance Section at (212) 637-4268 or Christina Palmrose-Krieger, Life Scientist, of my staff at (212) 637-4049.

Sincerely,

DOUGHLAS

MCKENNA

Douglas McKenna, Manager
Water Compliance Branch

Digitally signed by DOUGHLAS
MCKENNA
Date: 2024.05.02 08:16:51 -04'00'

Enclosure

EPA Inspection Report, from March 28th, 2024, CEI

cc: Ed Hampston, P.E., Director, Bureau of Water Compliance Programs, NYSDEC,
Edward.Hampston@dec.ny.gov
Brian Boyer, NYSDEC Region 6, brian.boyer@dec.ny.gov
MSGP Compliance, MSGPcompliance@dec.ny.gov