

I. National Database Information			
Inspection Date:	3/28/2022 – 4/14/2022	NPDES ID Number:	CO0040053
Entry/Exit Time:	9:00 AM / 2:20 PM	Inspection ID:	202204 CO0040053
Inspection Type:	Pretreatment Compliance Inspection		

II. Facility Location Information	
Name:	City of Grand Junction and Mesa County
Location:	Persigo Wastewater Treatment Facility 2145 River Road, Grand Junction, CO 81505
Mailing Address:	Same as above

III. Contact Information				
	Name, Title	Affiliation	Present at Opening	Present at Closing
Facility Representatives	Randi Kim, Utilities Director	City	No	Yes
	Kurt Carson, Wastewater Services Manager	City	Yes	Yes
	Stephen Stortz, Industrial Pretreatment Supervisor	City	Yes	Yes
	Steve Moralez, Industrial Pretreatment Inspector	City	Yes	Yes
	Jack Beach, Industrial Pretreatment Specialist	City	Yes	Yes
Regulatory Inspectors	Kristin Ratajczak, Lead Inspector	EPA Region 8	Yes	Yes
	Emilio Llamozas, Inspector	EPA Region 8	Yes	Yes
	Edward Simas, Inspector	EPA Region 3	Yes	Yes
	Monica Crosby, Inspector	EPA Region 3	Yes	Yes
	Stacie Pratt, Inspector	EPA Region 3	Yes	No

IV. Industrial User (IU) Characterization		
IUs currently identified by the Control Authority (CA)	IU Type	
6	Significant Industrial Users (SIUs = CIUs + non-categorical)	
	4	Discharging Non-Categorical SIUs (as defined by the CA)
	2	Categorical Industrial Users (CIUs) (discharging)
	0	Middle Tier CIUs
0	Non-significant CIU (NSCIU)	
9	Zero-Discharging with Categorical Process	
1	Other Regulated IUs (e.g., permitted IUs) Describe: Radiator shop	
14	Waste Haulers	

V. IU Files Reviewed			
#	IU Name	Permit Type	IU inspected during PCI?
1	Capco, LLC, 1328 Winters Avenue	Categorical Industrial User	No
2	Capco, LLC, 640 S 12 th Street	Categorical Industrial User	Yes
3	Western Filament	Significant Industrial User	Yes
4	ALSCO	Significant Industrial User	No
5	West Star Aviation	Zero Discharge Industrial User with Categorical Process	No
6	Precision Metal Finishing	Zero Discharge Industrial User with Categorical Process	No

VI. Inspection Summary
Due to the COVID-19 pandemic, portions of this Pretreatment Compliance Inspection (PCI), including the opening conference, records review, and closing conference, were conducted remotely, via the Microsoft Teams platform with the City of Grand Junction (City), with the City uploading program and industrial user records to a OneDrive folder created by representatives of the U.S. Environmental Protection Agency (EPA). Industrial User (IU) inspections conducted as a component of the PCI were completed onsite. Region 8 EPA inspectors, Kristin Ratajczak and Emilio Llamozas (jointly referred to as inspectors) were joined by Region 3 EPA inspectors, listed in Part III of this report, for training purposes; Region 3 EPA inspectors were not active participants in the inspection but did observe inspection activities. Inspectors met with the City's representatives, listed in Part III of this report on March 28, 2022, for an opening conference. The inspectors discussed the purpose and format of the inspection and interviewed the City's representatives about their approved pretreatment program. The City owns and operates a wastewater treatment facility (WWTF or Publicly Owned Treatment Works (POTW)) that is subject to pretreatment regulations; the Persigo Wastewater Treatment Facility (CO0040053). Throughout the inspection, the inspectors evaluated the City's pretreatment program by referring to and completing a bound and/or electronic checklists with questions reflecting the federal regulatory requirements at 40 C.F.R. §403. The inspectors proceeded to review IU files from January 2020 to December 2021 referenced in Part V of this

report. On April 14, 2022, a summary of preliminary findings was discussed with City representatives at the conclusion of the PCI. On April 28, 2022, the EPA sent an email to the City with the preliminary findings from the inspection.

Report Review and Signature		
Drafter Name	Address/Phone Number	Date
Kristin Ratajczak	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	6/9/2022
	303-312-6310	
Reviewer Name	Address/Phone Number	Date
Emilio Llamozas	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	6/10/2022
	303-312-6407	
Supervisor Signature/Name	Address/Phone Number	Date
Boeglin, Michael  Digitally signed by Boeglin, Michael Date: 2022.06.15 07:05:26 -06'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	6/15/2022
	Michael Boeglin 303-312-6250	

VII. Findings Summary Table		
Finding Number – Title from Evaluation	Corrective Action(s)	Recommendation(s)
Control Mechanism Evaluation		
Finding 1 – The transferability requirements included in permits did not align with the City’s ordinance.	X	
Finding 2 - Site-specific limits were applied in the ALSCO and Western Filament permits without public notice, documented rationale, or submittal to EPA as a program modification.	X	
Finding 3 – The sample collection methods at Capco LLC and ALSCO did not align with regulatory requirements and the decision to deviate was not documented.	X	X
Finding 4 – The permit issued to Capco LLC included conflicting sample collection methods for cyanide.	X	
Finding 5 – The West Star Aviation locations operating with permit coverage was unclear.	X	
Finding 6 – The criminal penalties in the Precision Metal Finishing permit did not align with the ordinance.	X	
Application of Pretreatment Standards and Requirements		
Finding 7 - The SDCPs for Capco 1 and Precision Metal Finishing did not include all elements required by federal regulations.	X	
Finding 8 - The SDCP for Capco 2 did not reflect current conditions and did not align with permit requirements.	X	
Finding 9 - West Star Aviation did not have an SDCP, though available records indicated an SDCP may be required.	X	
Compliance Monitoring, Self-Monitoring, and Enforcement		
Finding 10 - Compliance monitoring records were incomplete.	X	
Finding 11 - Compliance monitoring samples collected at ALSCO were not properly preserved.	X	
Finding 12 - Reports for inspections occurring at Capco 1 in 2020 and 2021 did not include accurate flow data.	X	
Finding 13 – The pH calibration records for compliance monitoring at Western Filament was mis-dated.	X	
Finding 14 - Complete laboratory reports were not being submitted with SMRs.	X	
Finding 15 - Records indicated that compliance samples collected by ALSCO, Western Filament, Capco 1 and Capco 2 were not always properly preserved.	X	
Finding 16 - Analyte concentrations below the MDL were reported as zero on SMRs by Capco 1, Capco 2, and Western Filament.	X	
Finding 17 - Required documentation for pH analysis was not being recorded at Western Filament, Capco 1, and Capco 2.	X	
Finding 18 - There was a discrepancy in the times of sample collection and pH analysis at ALSCO.	X	
Finding 19 – Chains of custody and SMRs submitted by Capco 2 in 2020 and 2021 contained inaccurate information.	X	
Finding 20 – There was a discrepancy between the City’s approved pretreatment program and its SNC Determination Procedure.	X	

VII. Findings Summary Table		
Finding Number – Title from Evaluation	Corrective Action(s)	Recommendation(s)
Additional Evaluations		
Finding 21 – There were dyes and coating containers stored without secondary containment near the wastewater pit in the dye room at Western Filament.	X	
Finding 22 – One of the dye pots overflowed into the Wastewater Pit during the inspection at Western Filament.	X	
Finding 23 – Western Filament was not calibrating their pH meter as specified in the manufacturer’s manual.	X	
Finding 24 –The pH buffers used to perform pH meter checks at Western Filament did not bracket the expected pH results for the wastewater discharged from the facility.	X	
Finding 25 – pH calibration records were not maintained at Capco 2.	X	

VIII. Evaluation

A. Control Authority (CA) Pretreatment Program Modification

1. When was the last program modification? Did the CA notify the EPA of program modifications? (40 C.F.R. §403.18)

The City's pretreatment program was approved on October 11, 1984 and has subsequently incorporated substantial modifications as approved by the EPA. The EPA approved the last modifications to the City's pretreatment program on December 3, 2019, which included an update to the City's local limits. During the PCI, the City indicated that aside from a technical evaluation of local limits that it will complete following reissuance of the City's NPDES permit, it did not have plans to make changes to its approved pretreatment program. 40 C.F.R. §403.18 requires the District to submit program modifications to the EPA if it wants to change its approved pretreatment program.

B. IU Characterization

1. Describe the procedure for identifying and locating IUs that might be subject to the pretreatment program. Has the CA identified and located all applicable IUs (non-categorical SIUs, CIUs, NSCIUs, etc.)? (40 C.F.R. §403.8(f)(2)(i))

The City has procedures in place to identify new IUs in the service area, including field presence, review of tax IDs, community planning and development processes, and the Mesa County planning department. The community development process is a live process, through which business owners apply online for licensure. The application process is automated, and the industrial pretreatment program (IPP) staff are notified of non-residential applicants. For non-residential applicants, an industrial waste survey (IWS) is required for completion before the process may proceed. For businesses outside city limits but within the POTW's service area, business owners apply for licensure through the Mesa County planning department. This process is also automated, and IPP staff are notified via email regarding non-residential applicants. IPP staff review facility information for non-residential applicants and evaluate whether an IWS is needed. Additionally, tax lists are received monthly, and IPP staff follow up with entities to ensure an IWS is completed if necessary. After gathering information through these processes, IWSs are reviewed by IPP staff to determine whether an industrial pretreatment permit application is required for a business.

The industrial user inventory that has been created through these procedures is continually updated, and the City aims to update the complete inventory every five years.

2. Has the CA identified the character and volume of pollutants contributed to the publicly owned treatment works (POTW) by IUs subject to the pretreatment program? (40 C.F.R. §403.8(f)(2)(ii))

The City has a process for identifying the character and volume of pollutants discharged by IUs, as described in B.1, above. The City also conducts inspections, compliance sampling, and receives self-monitoring reports from IUs in the service area to identify the character and volume of pollutants contributed to the POTW.

3. Has the CA prepared and maintained a list of SIUs, defined in §403.3(v)(1), along with the applicable SIU criteria? Does the list indicate whether the CA has made a determination that an SIU is a Non-Significant Categorical Industrial User, as defined in §403.3(v)(2), rather than an SIU? Have modifications to the list been submitted with annual reports? (40 C.F.R. §403.8(f)(6))

The City maintains a list of SIUs, which is updated with new SIUs once they are identified through the procedures in B.1. The City submitted the SIU list to the EPA during the 2021 Pretreatment Annual Report. Inspectors reviewed the list, which included the name of the SIUs, applicable categorical classification, SIC codes and total average process flow, in addition to other information. Currently, the City has six discharging SIUs and nine zero discharge industrial users with categorical processes. The City also permits one non-categorical zero discharge industrial user of concern; a radiator shop. Additionally, the City permits 14 waste haulers. The EPA did not identify any additional SIUs during the inspection beyond those identified by the City.

C. Control Mechanism Evaluation

**1. Has the CA issued individual or general control mechanisms to all SIUs?
(40 C.F.R. §403.8(f)(1)(iii))**

Yes. The SIU files reviewed had applicable individual permits. The City did not issue general control mechanisms at the time of the inspection.

**2. Do the applications for general control mechanism contain all of the following?
(40 C.F.R. §403.8(f)(1)(iii)(A)(2))**

- a. Contact info**
- b. Production processes**
- c. Types of wastes generated**
- d. Location for monitoring**
- e. Any request for waiver for pollutants not present per §403.12(e)(2)**

The City did not issue general control mechanisms at the time of the inspection.

**3. Are general control mechanisms only issued for IUs where all of the following is true?
(40 C.F.R. §403.8(f)(1)(iii)(A)(1))**

- a. Involve same/substantially similar types of operations**
- b. Discharge the same type of waste**
- c. Same effluent limitations**
- d. Same or similar monitoring**
- e. There are no CIU production-based standards, CIU mass limits, combined wastestream formula, or net/gross calculations**

The City did not issue general control mechanisms at the time of the inspection.

4. Do both individual and general control mechanisms include the following, where applicable? (40 C.F.R. §403.8(f)(1)(iii)(B))

- a. Statement of duration (5 years max)**
- b. Statement of non-transferability**
- c. Applicable effluent limits (local limits, categorical standards, BMPs)**
- d. Self-monitoring requirements**
 - Identification of pollutants to be monitored**
 - Sampling frequency**
 - Sampling locations/discharge points**
 - Appropriate sample types**
 - Reporting requirements**

- Record-keeping requirements
- e. Statement of applicable civil and criminal penalties
- f. Compliance schedules
- g. Notice of slug loading or potential problems at POTW
- h. Notification of spills, bypasses, upsets, etc.
- i. Notification of significant change in discharge
- j. 24-hour notification of effluent violation
- k. Submit resampling results within 30-days
- l. Slug discharge control plan requirement, if required by POTW
- m. Certification statements
- n. Sampling/analysis requirements (Part 136 or alternative)
- o. Reporting of additional sampling
- p. 90-day compliance report

The EPA reviewed the permit files listed in Part V of this report. Most of the elements above were included appropriately in the permits reviewed. Findings related to permit conditions are below.

Finding 1 – The transferability requirements included in permits did not align with the City’s ordinance.

The transferability requirements in the permits reviewed stated, “Wastewater discharge Permits, issued under this rule, may not be transferred, sold, traded, assigned, or sublet by the Permittee unless the Permittee notifies the City of Grand Junction (City) in writing, at least thirty (30) calendar days prior to the requested change, and the City approves such change in writing.” Section 13.04.390(i) of the City’s ordinance indicates permittees shall notify the City at least 10 working days prior to any change in ownership. The permits should align with the ordinance.

Pretreatment Requirements

40 C.F.R. §403.8(f)(1) states, “The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections.”

40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

40 C.F.R. §403.8(f)(1)(iii)(B)(2) requires both individual and general control mechanisms to contain a statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;”

Section 13.04.390(i) of the City’s ordinance states, “Industrial discharge permits are issued to a specific industrial user for a specific operation. An industrial discharge permit shall not be reassigned or transferred or sold to a new owner, new industrial user, different premises, or a new or changed operation without the prior written approval of the City. Any succeeding owner shall comply with the terms and conditions of the existing permit until a new permit is issued. The permittee shall notify the City at least 10 working days prior to any change of ownership.”

Corrective Action 1

Modify industrial user permits to align the transferability requirements with the ordinance. In response to the EPA, indicate how the City will address this finding.

Finding 2 - Site-specific limits were applied in the ALSCO and Western Filament permits without public notice, documented rationale, or submittal to EPA as a program modification.

The discharge limits applied in the ALSCO permit for copper, nickel, and zinc did not align with the City's local limits, as detailed in the table below.

Pollutant	Discharge Limits in ALSCO Permit (Issued July 7, 2016) (mg/L)	Discharge Limits in ALSCO Permit (Issued July 7, 2019) (mg/L)	Local Limits (Approved December 3, 2019) (mg/L)
Copper	Report only	2.05	4.10
Nickel	Report only	2.20	4.39
Zinc	1.586	2.03	4.05

The limits above were not public noticed and the fact sheet did not provide adequate justification for the development of the site-specific limits. Local municipalities implementing the pretreatment program have the ability to establish site or permit-specific limits as deemed necessary to be protective of the POTW, if allowed by their ordinance.

The discharge limits applied in Western Filament permit for arsenic, cadmium, chromium, copper, lead, mercury, nickel, and zinc did not align with the City's local limits, as tabulated below.

Pollutant	Discharge Limits in Western Filament Permit (mg/L) (Issued Dec 7, 2019)	Local Limits (mg/L) (Approved December 3, 2019)
Arsenic	0.122	0.244
Cadmium	0.0725	0.145
Chromium	2.06	4.12
Copper	2.05	4.10
Lead	0.445	0.89
Mercury	0.00375	0.0075
Nickel	2.195	4.39
Zinc	2.025	4.05

Additionally, there is no local limit for phenol in the City's ordinance. The Western Filament permit had a site-specific discharge limit for phenol of 10.0 mg/L. The metals in the table above and phenol permit-specific limits were not public noticed and the fact sheet did not provide an adequate justification for the development of the site-specific limits. Local municipalities implementing the pretreatment program have the ability to establish site or permit-specific limits as deemed necessary to be protective of the POTW, if allowed by their ordinance.

The EPA considers the development of any local limit, whether codified in the municipal ordinance or developed on a site-specific situation (i.e., permits-specific limit) to be a program modification (53 FR 40579, Final Rule, General Pretreatment Regulations for Existing and New Sources, October 17, 1988). Therefore, the development of any site-specific limits are required to follow the approval and public notice provisions, both at the local level and by submitting the program modification to the EPA for review per 40 C.F.R. §403.18 (c) and (d). The City has not provided notice of these permit-specific limits to the EPA.

The City has not provided notice of these permit-specific limits to the EPA. The permit-specific limits discussed above were not public noticed by the City.

Pretreatment Requirements

40 C.F.R. §403.8(f)(1) states, “The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections.”

40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

40 C.F.R. §403.8(f)(1)(iii)(B)(3) requires that permits include effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law.

The EPA considers development of any local limit, whether codified in the rules and regulations or developed on a site-specific basis in a permit, to be a program modification that is required to be submitted to the EPA for review per 40 C.F.R. §403.18 (c) and (d).

40 C.F.R. §403.5(c)(3) states, “Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.”

Corrective Action 2

Modify the discharge limits applied in the ALSCO and Western Filament permits to align with approved local limits. Alternatively, submit the ALSCO and Western Filament permit-specific limits to the EPA for evaluation as a program modification and publish the ALSCO and Western Filament permits for public notice. Ensure In response to the EPA, indicate how the City will address this finding.

Finding 3 – The sample collection methods at Capco LLC and ALSCO did not align with regulatory requirements and the decision to deviate was not documented.

The permit issued to Capco, LLC, located at 1328 Winters Avenue (Capco 1) indicated the facility is able to collect time-proportioned composite samples for compliance monitoring. The decision to deviate from the 24-hour flow-proportioned composite sample should be documented for the record per 40 C.F.R. 403.12(g)(3).

ALSCO was collecting composite samples during certain operating hours of the day. The justification the City provided was sufficient; however, the decision to deviate from the 24-hour flow-proportioned composite sample should be documented for the record per 40 C.F.R. 403.12(g)(3).

Pretreatment Requirements

40 C.F.R. §403.8(f)(1) states, “The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections.”

40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

40 C.F.R. §403.8(f)(1)(iii)(B)(4) requires SIU permits to contain monitoring and sample collection type requirements.

40 C.F.R. §403.12(g)(3) states, “...Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab

sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities...”

Corrective Action 3

Ensure the decisions to deviate from 24-hour flow-proportioned sampling techniques for pollutants other than pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds are documented in the industrial user file. In response to the EPA, indicate how the City will address this finding.

Recommendation 3

Section 11.1 of the Industrial User Permitting Guidance Manual 833-R-12-001A September 2012 states, “The basis for decisions made during the permitting process are generally summarized in a document commonly referred to as the permit fact sheet. The fact sheet briefly sets forth the significant factual, legal, procedural, and policy questions considered in preparing the permit. In addition, the fact sheet should summarize the findings of review of the application, inspections, and other materials necessary to describe the rationale for the conditions imposed in the control mechanism. The fact sheet should be kept attached to a copy of the permit in the Control Authority’s files.”

https://www.epa.gov/sites/production/files/2015-10/documents/industrial_user_permitting_manual_full.pdf

It is recommended that the justification for alternative sampling to the 24-hour flow-proportioned composite sampling be documented in the permit fact sheet.

Finding 4 – The permit issued to Capco LLC included conflicting sample collection methods for cyanide.

Table 1 in Section I.B.4. of the permit issued to Capco, LLC, located at 640 S 12th Street (Capco 2) indicated cyanide samples to be collected as composites. In contrast, Section II.A.1.e.2 of the permit required a grab sample for cyanide. 40 C.F.R. 403.12(g)(3) requires samples collected for cyanide analysis be a grab.

Pretreatment Requirements

40 C.F.R. §403.8(f)(1) states, “The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections.”

40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

40 C.F.R. §403.8(f)(1)(iii)(B)(4) requires SIU permits to contain monitoring and sample collection type requirements.

40 C.F.R. §403.12(g)(3) states, “...Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds... Using protocols (including appropriate preservation) specified in 40 C.F.R. part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.”

Corrective Action 4

Modify the Capco 2 permit to clarify the sample collection method for cyanide as a grab sample or alternatively as multiple grab samples collected during a 24-hour period composited prior to analysis. In response to the EPA, indicate how the City will address this finding.

Finding 5 – The West Star Aviation locations operating with permit coverage was unclear.

The fact sheet associated with the permit for West Star Aviation indicated coverage at 790 Heritage Way, 796 Heritage Way, and 2870 Aviators Way. However, the inspection reports indicated the facility operates out of additional locations, including the following: 800 Heritage Way; 802 Heritage Way; 804 Heritage Way; 2810 Aviators Way; 2856 Aviators Way; and 2858 Aviators Way. Ensure all locations where categorical industrial processes may occur are operating with permit coverage.

Pretreatment Requirements

40 C.F.R. §403.8(f)(1) states, “The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections.”

40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

Corrective Action 5

Ensure all West Star Aviation locations where categorical industrial processes may occur are operating with permit coverage. In response to the EPA, indicate how the City will address this finding.

Finding 6 – The criminal penalties in the Precision Metal Finishing permit did not align with the ordinance.

Section IV.A of the permit issued to Precision Metal Finishing indicated that the City has the authority to seek and assess civil and criminal penalties up to \$10,000. This penalty amount is consistent with the maximum penalty for civil penalties. However, Section 13.04.480(d)(4) of the ordinance indicates that the maximum criminal penalty is a fine not to exceed \$25,000.

Pretreatment Requirements

40 C.F.R. §403.8(f)(1) states, “The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections.”

40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

40 C.F.R. §403.8(f)(1)(iii)(B)(5) requires SIU permits to contain statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

Section 13.04.480(d)(4) of the ordinance states, “Any industrial user that willfully or negligently violates any provision of this code, any orders or an industrial discharge permit issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$25,000 and be subject to imprisonment for not more than one year or both. Each day in which any such violation occurs or persists shall be deemed a separate and distinct offense.”

Corrective Action 6

Modify the Precision Metal Finishing permit to align the statement of applicable criminal penalties with the ordinance. In response to the EPA, indicate how the City will address this finding.

D. Application of Pretreatment Standards and Requirements

1. Does the CA apply all applicable pretreatment standards? (40 C.F.R. §403.8(f)(1)(ii) and §403.8(5))

With the exception of Finding 2 above, the City applied all the applicable pretreatment standards.

2. Has the CA evaluated the need for SIUs to develop slug discharge control plans? (40 C.F.R. §403.8(f)(2)(vi))

Yes, the City required all discharging SIUs to develop slug discharge control plans (SDCPs). However, SDCPs did not always meet regulatory requirements, as detailed in the findings below.

Finding 7 - The SDCPs for Capco 1 and Precision Metal Finishing did not include all elements required by federal regulations.

Inspectors evaluated a document titled, *Hazardous Waste Contingency Plan* as Capco 1's SDCP. While the SDCP contained a brief description of stored chemicals, procedures for notifying the POTW of slug discharges, and discussion of spill kit maintenance, it did not appear to contain a description of discharge practices including non-routine batch discharges.

The Precision Metal Finishing SDCP did not have the procedure for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 403.5(b) with procedures for follow-up written notification within five days.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(vi) requires SDCPs to include the following elements:

- “(A) Description of discharge practices, including non-routine batch Discharges;
- (B) Description of stored chemicals;
- (C) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under § 403.5(b) with procedures for follow-up written notification within five days;
- (D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.”

Corrective Action 7

Ensure the SDCPs for Capco 1 and Precision Metal Finishing meet regulatory requirements. In response to the EPA, indicate how the City will address this finding.

Finding 8 - The SDCP for Capco 2 did not reflect current conditions at the facility and did not align with permit requirements.

Inspectors evaluated a pdf titled, *Capco Spec 12-ZX-48 Rev- Bldg 3 Wastewater and chem spill response Draft 1-7-19*, as Capco 2's SDCP. On page 2 of the pdf, the facility indicates that, “manufacturing processes that produce wastewater shall not discharge to the City of Grand Junction municipal sewer system until approval from the Industrial Pretreatment Supervisor has been obtained.” This statement does not reflect the requirements applied in the Capco 2 permit.

Document number 12-ZX-48 was provided; however, 12-ZX-49 was referenced in the second quarter (Q2) 2020 self-monitoring report (SMR). The City did not have document number 12-ZX-49 in its records. The current version of the facility's SDCP should be submitted to the City.

Section 4.8.5.1 of the SDCP (Document number 12-ZX-48) states, "If a spill or slug discharge of any chemical or process water enters (or is anticipated to enter) the sanitary sewer, the Emergency Coordinator will notify the Persigo POTW immediately...". Section III.C.3 of the industrial discharge permit states, "the Permittee shall immediately report all spills to the City that occur within the boundaries of the Permittee's facility and property whether or not the spill results in a discharge to the POTW." The notification requirements in the facility's plan should align with the industrial discharge permit.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(vi) requires SDCPs to include the following elements:

- "(A) Description of discharge practices, including non-routine batch Discharges;
- (B) Description of stored chemicals;
- (C) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under § 403.5(b) with procedures for follow-up written notification within five days;
- (D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response."

Section III.C.3 of the industrial discharge permit issued to Capco 2 states, "the Permittee shall immediately report all spills to the City that occur within the boundaries of the Permittee's facility and property whether or not the spill results in a discharge to the POTW."

Corrective Action 8

Ensure the SDCP for Capco 2 is current and reflects requirements in its discharge permit. In response to the EPA, indicate how the City will address this finding.

Finding 9 - West Star Aviation did not have an SDCP, though available records indicated an SDCP may be required.

A letter sent from the City to West Star Aviation, dated March 2012 indicated that all permittees were required to have an SDCP in place. However, these requirements were not found in the permit issued to the facility. Inspectors reviewed facility plans, including the SPCC and the Hazardous Materials Contingency Plan, but those plans did not contain the elements required for an SDCP, as specified in 40 C.F.R. 403.8(f)(2)(vi).

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(vi) requires SDCPs to include the following elements:

- "(A) Description of discharge practices, including non-routine batch Discharges;
- (B) Description of stored chemicals;
- (C) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under § 403.5(b) with procedures for follow-up written notification within five days;
- (D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures

for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.”

Corrective Action 9

Evaluate whether West Star Aviation needs an SDCP. If an SDCP is required, ensure that it meets regulatory requirements. In response to the EPA, indicate how the City will address this finding.

E. Compliance Monitoring and Self-Monitoring

- 1. Has the CA inspected and independently sampled each SIU at least once a year? Middle tier CIUs at least once every two years? Sample once during term of CIU control mechanism if CIU sampling waived for pollutants not present?
(40 C.F.R. §§403.8(f)(2)(v), 403.12(e)(2), 403.12(e)(2))**

Yes, inspectors reviewed 2020 and 2021 inspection reports and sampling data for the SIU files listed in Part V of this report. Based on the SIU files reviewed, the City has been conducting inspections and sampling at least once per year.

- 2. Has the CA used proper sampling and analysis procedures (40 C.F.R. §136) and inspection procedures? Were the procedures done with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions?
(40 C.F.R. §403.8(f)(2)(v) and (vii), 40 C.F.R. §403.12(g)(5))**

Generally, the City appeared to be using proper sampling and analysis procedures at the time of the inspection, with the exceptions of the findings identified below.

Finding 10 - Compliance monitoring records were incomplete.

For all compliance monitoring records reviewed, the pH analytical method was not recorded. Additionally, a complete laboratory report, to include the analysts’ name, the analysis time, method detection limits (MDLs), and quality assurance and quality control (QA/QC) was not available for inspection.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(v) requires the POTW to “randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year...”

40 C.F.R. §403.12 (o)(1) requires that, “Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (ii) The dates analyses were performed;
- (iii) Who performed the analyses;
- (iv) The analytical techniques/methods use; and
- (v) The results of such analyses.”

Corrective Action 10

Ensure documentation required by 40 C.F.R. §403.12(o)(1) is maintained and available for inspection. In

response to the EPA, indicate how the City will address this finding.

Finding 11 - Compliance monitoring samples collected at ALSCO were not properly preserved.

Compliance monitoring samples collected on September 2, 2020, for oil and grease and total petroleum hydrocarbons (TPH) were received by Energy Labs on September 4, 2020, with melted ice at a temperature of 17.2 °C. Additionally, the compliance monitoring samples collected on September 15, 2021, for oil and grease and TPH were received by Energy Labs on September 17, 2021, with melted ice at a temperature of 18.0 °C.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(v) requires the POTW to “randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year...”

40 C.F.R. §403.12(g)(5) requires all analyses to be performed in accordance with procedures contained in 40 C.F.R. part 136 and amendments thereto or with any other test procedures approved by the Administrator.

40 C.F.R. §136.3 requires samples collected for oil and grease to be refrigerated to ≤6°C. While there is no method for TPH in 40 C.F.R. §136, the EPA recommends method 1664A be used to for TPH; therefore, samples collected for TPH analysis should be preserved by cooling samples to ≤6 °C and acidifying with HCl or H₂SO₄ to pH <2.

Corrective Action 11

Ensure samples are preserved in accordance with procedures contained in 40 C.F.R. §136.3. In response to the EPA, indicate how the City will address this finding.

Finding 12 - Reports for inspections occurring at Capco 1 in 2020 and 2021 did not include accurate flow data.

The 2020 and 2021 inspection reports for Capco 1 accounted for approximately 1,200 gallons of process wastewater discharged from the facility; however, the facility reported their daily average flow ranged from 3,343-6,709 gpd in its SMRs. Current facility information and data should be collected during each inspection.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(v) requires the POTW to “randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year...”

Corrective Action 12

Ensure current facility information and data are gathered during each inspection. In response to the EPA, indicate how the City will address this finding.

Finding 13 – The pH calibration record for compliance monitoring at Western Filament was mis-dated.

The City conducted compliance monitoring at Western Filament on June 23, 2021. The pH calibration record was mis-dated, indicating the compliance monitoring occurred on February 23, 2021. On April 8, 2022, City updated their field sampling sheets.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(v) requires the POTW to “randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent

from each Significant Industrial User at least once a year...”

40 C.F.R. §403.12 (o)(1) requires that, “Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (ii) The dates analyses were performed;
- (iii) Who performed the analyses;
- (iv) The analytical techniques/methods use; and
- (v) The results of such analyses.”

Corrective Action

On April 8, 2022, City updated its field sampling sheets. No further corrective action is needed at this time.

3. Has the CA kept records for three years including the following?

- a. Period compliance reports and other reports/notices
 - b. All monitoring records including: sample date, place, method, time, personnel; analysis date, personnel, method; results
 - c. BMP compliance documentation
 - d. Other monitoring records
- (40 C.F.R. §403.12(o))

It appeared that records were generally kept for at least three years.

4. Has the CA evaluated, at least once per year, whether NSCIUs continue to meet the criteria of an NSCIU?

(40 C.F.R. §§403.8(f)(2)(v)(b), 403.3(v)(2))

N/A. The City did not have any non-significant categorical industrial users (NSCIUs) at the time of the inspection.

- 1. Has the CA required, received, and analyzed reports and other notices from SIUs?
 - 2. Self-monitoring reports
 - 3. Baseline Monitoring Reports (BMRs) and 90-day compliance reports
 - 4. Compliance schedules reports
 - 5. Notice of slug loading or potential problems at POTW
 - 6. Notification of spills, bypasses, upsets, etc.
 - 7. Notification of significant change in discharge
 - 8. 24-hour notification of effluent violation
 - 9. Resampling results within 30-days
 - 10. Other reports/notifications required by the CA
- (40 C.F.R. §403.8(f)(2)(iv))

With the exceptions identified in findings below, files reviewed indicated the City has been receiving and analyzing required reports.

Finding 14 - Complete laboratory reports were not being submitted with SMRs.

For all SMRs evaluated, a complete laboratory report, to include the analysts’ name, the analysis time, MDLs, and QA/QC was not provided. The IU permits issued by the City state, “The laboratory shall include with the results of each analysis: the date of sampling; the date and time each analysis was performed; the identifier of

the person performing the analyses; the USEPA approved method of each analysis, including method detection limits and quality assurance/quality control (QA/QC) sample results; and the date of the laboratory report.”

These violations were not identified by the City in its review of SMRs. The City’s Enforcement Response Plan (ERP) indicates the enforcement response for any incomplete report is a notice of violation (NOV).

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(iv) requires the City to develop and implement procedures to, “Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in §403.12.”

40 C.F.R. §403.8(f)(5) requires the City to implement its ERP.

Corrective Action 14

Ensure complete laboratory reports are submitted with SMRs. For identified violations, issue an enforcement response per the ERP. In response to the EPA, indicate how the City will address this finding.

Finding 15 - Records indicated that compliance samples collected by ALSCO, Western Filament, Capco 1 and Capco 2 were not always properly preserved.

SMRs and corresponding COCs for compliance samples collected by ALSCO, Western Filament, Capco 1, and Capco 2 indicated the samples were not always preserved in accordance with requirements in 40 C.F.R. §136.3, as detailed below.

1. The COC for oil and grease (O&G) and TPH samples collected at ALSCO in 2020 and 2021 did not indicate whether the samples were preserved with HCl or H₂SO₄ to a pH<2. The City indicated that bottles provided by Energy Labs contain the acid preservative for O&G and TPH; however, ALSCO should document the sample preservations for the record.
2. The O&G and TPH samples collected at ALSCO on June 16, 2021 were received by Energy Labs on June 18, 2021 without ice and the temperature measured at the time of receipt was 14.8 °C. 40 C.F.R. §136.3 requires samples to be refrigerated to ≤6°C.
3. The O&G and TPH samples collected at ALSCO on August 19, 2021 were received by Energy Labs on August 23, 2021 with melted ice and the temperature measured at the time of receipt was 19.2 °C. 40 C.F.R. §136.3 requires samples to be refrigerated to ≤6°C.
4. The COC for samples collected at Western Filament on June 25, 2020 indicated that the BOD, TDS, and TSS samples were collected at 10:30 am and the phenol sample was collected at 11:00 am. The samples were not refrigerated until they were provided to the lab on June 25, 2020 at 2:58 pm. 40 C.F.R. §136.3 requires that BOD, TDS, TSS, and phenol samples be refrigerated to ≤6°C.
5. For all SMRs evaluated for Capco 1, the COCs did not indicate whether cyanide samples were placed on ice between the time of collection and relinquishment to the lab. 40 C.F.R. §136.3 requires samples collected for cyanide analysis to be preserved with NaOH and refrigerated to ≤6°C.
6. For all SMRs evaluated for Capco 2, the COCs did not indicate whether cyanide, BOD, TSS or TDS samples were placed on ice between the time of collection and relinquishment to the lab. 40 C.F.R. §136.3 requires samples collected for cyanide analysis to be preserved with NaOH and refrigerated to ≤6°C. Additionally, 40 C.F.R. §136.3 requires samples collected for BOD, TSS and TDS to be refrigerated to ≤6°C.

These violations were not identified by the City in its review of SMRs. The City’s ERP indicates the enforcement response for improper sampling or analytical procedures used, without intent, is an NOV.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(iv) requires the City to develop and implement procedures to, “Receive and analyze self-

monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in §403.12.”

40 C.F.R. §136.3 defines the following preservation requirements: cool to $\leq 6^{\circ}\text{C}$, HCl or H_2SO_4 to $\text{pH} < 2$ for O&G samples; cool to $\leq 6^{\circ}\text{C}$ for BOD samples; cool to $\leq 6^{\circ}\text{C}$ for TSS samples; cool to $\leq 6^{\circ}\text{C}$ for TDS samples; and cool to $\leq 6^{\circ}\text{C}$, NaOH to $\text{pH} > 10$ for cyanide samples. While there is no method for TPH in 40 C.F.R. §136, the EPA recommends method 1664A be used to for TPH; therefore, samples collected for TPH analysis should be preserved by cooling samples to $\leq 6^{\circ}\text{C}$, and acidifying with HCl or H_2SO_4 to $\text{pH} < 2$.

40 C.F.R. §136.3 requires samples collected for BOD, TSS and TDS to be refrigerated to $\leq 6^{\circ}\text{C}$

40 C.F.R. §403.8(f)(5) requires the City to implement its ERP.

Corrective Action 15

Ensure COCs submitted with SMRs are reviewed upon receipt and that samples are properly preserved. For identified violations, issue an enforcement response per the ERP. In response to the EPA, indicate how the City will address this finding.

Finding 16 - Analyte concentrations below the MDL were reported as zero on SMRs by Capco 1, Capco 2, and Western Filament.

1. On all laboratory reports submitted by Capco 1, analyte concentrations that were measured less than the MDL were reported as zero; however, the result should be reported as less than the MDL. At times, the facility interpreted the data provided by the laboratory correctly and reported $< \text{MDL}$ on the SMR. However, there appeared to be confusion at times, as illustrated on the Quarter 4 2020 (Q4 2020) SMR, when the laboratory reported a silver concentration of 0.0002 mg/l, but the facility reported < 0.0002 mg/l.
2. The laboratory report submitted with Western Filament’s Q1 2020 SMR did not include an MDL for arsenic, lead, and total suspended solids. The results were reported by the laboratory as zero. The laboratory report submitted with Western Filament’s Q2 2020 SMR did not include the MDL for arsenic. The result was reported as zero. The laboratory report submitted with Western Filament’s Q4 2020 SMR did not include the MDL for chromium. The result was reported as zero. The laboratory report submitted with Western Filament’s Q1 2021 SMR did not include the MDL for cadmium. The result was reported as zero.
3. On the Q4 2021 Western Filament SMR, the facility reported zero for arsenic, lead, nickel and phenol instead of the MDL for those parameters. The MDL for arsenic, lead, and nickel reported by the laboratory was < 0.001 mg/L. The MDL for phenol reported by the lab was < 0.01 mg/L.
4. On all SMRs reviewed for Capco 2, analyte concentrations that were measured as less than the MDL were incorrectly reported either as zero or as equal to the MDL. Results that are below the MDL should be reported as $< \text{MDL}$.

These violations were not identified by the City in its review of SMRs. The City’s ERP indicates the enforcement response for any incomplete or inaccurate report is an NOV.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(iv) requires the City to develop and implement procedures to, “Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in §403.12.”

40 C.F.R. §403.8(f)(5) requires the City to implement its ERP.

Section II.A.1.g of permits issued to SIUs indicates that, The laboratory shall include, among other details, the method detection limits for its analyses. Additionally, the approved laboratory method shall have a method detection limit that is low enough to allow the Permittee to make a direct determination of compliance with the effluent limits.

Corrective Action 16

Ensure SIUs are aware MDLs are required to be documented in laboratory reports and how to manage and report data less than the MDL on SMRs. Ensure that analyte concentrations measured below the MDL are reported correctly on SMRs. For identified violations, issue an enforcement response per the ERP. In response to the EPA, indicate how the City will address this finding.

Finding 17 - Required documentation for pH analysis was not being recorded at Western Filament, Capco 1, and Capco 2.

1. Western Filament did not document the person performing the pH analysis and the pH method for each batch discharged from the facility on their 2020 and 2021 SMRs.
2. Capco 1 and Capco 2 did not document the pH method for discharges from the facility on their 2020 and 2021 SMRs.

These violations were not identified by the City in its review of SMRs. The City's ERP indicates the enforcement response for any incomplete or inaccurate report is an NOV.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(iv) requires the City to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in §403.12."

40 C.F.R. §403.12(o) requires that, "any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (ii) The dates analyses were performed;
- (iii) Who performed the analyses;
- (iv) The analytical techniques/methods use; and
- (v) The results of such analyses."

40 C.F.R. §403.8(f)(5) requires the City to implement its ERP.

Corrective Action 17

Ensure required documentation is included in SMRs, including the person performing the analyses and the analytical methods used. For identified violations, issue an enforcement response per the ERP. In response to the EPA, indicate how the City will address this finding.

Finding 18 - There was a discrepancy in the times of sample collection and pH analysis at ALSCO.

The ALSCO SMR submitted January 26, 2022 indicated the sample collected for pH analysis was taken on December 9, 2021 at 2:57 pm and analyzed by the lab on December 9, 2021 at 2:59 pm. The lab is approximately 1.7 miles from the facility. The COC also indicated that the BOD, TSS, TDS and metal composite samples were collected from 7:00 am to 3:00 pm. There seems to be a discrepancy in the times of sample collection and pH analysis. The City indicated the laboratory clock can be a couple minutes behind the

normal time, which could account for the discrepancy. Inspectors were unable to confirm sample collection times and adherence to analytical requirements in 40 C.F.R. §136.3.

This violation was not identified by the City in its review of SMRs. The City's ERP indicates the enforcement response for any incomplete or inaccurate report is an NOV.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(iv) requires the City to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in §403.12."

40 C.F.R. §136.3 requires pH to be analyzed within 15 minutes of sample collection.

40 C.F.R. §403.8(f)(5) requires the City to implement its ERP.

Corrective Action 18

Ensure required documentation is included in SMRs, including accurate collection and sampling times. For identified violations, issue an enforcement response per the ERP. In response to the EPA, indicate how the City will address this finding.

Finding 19 – Chains-of-custody and SMRs submitted by Capco 2 in 2020 and 2021 contained inaccurate information.

The deficiencies below were identified by EPA.

1. Across all SMRs reviewed:
 - A. The end date on the COCs was not the same as the start date for composite samples, however the sampling worksheet indicated that the composites were collected in one day.
2. Q1 2020 SMR
 - A. Craig Freeborn reported to relinquishing the samples to Jeff Purdy at 0650 on 2/12/2020, prior to the time the composite sample was collected.
 - B. In contrast with the sampler's name reported on the COC (Craig Freeborn), Jeff Purdy was reported as the sampler on the sampling worksheet.
3. Q1 2021 SMR
 - A. The facility address provided at the top of the SMR was for Capco 1, which is a different facility.
 - B. The composite sample time on the sampling worksheet was 0800-1355, considering the 10-hour delay reported. However, the time on the COC was 0800-1455.
4. Q3 2021 SMR
 - A. The COC for the composite samples did not indicate a sample start time. Further, the sample start/stop dates were 7/13/2021-7/14/2021. The sampling worksheet indicated the composite sample start time was 1615 on 7/13/2021; however, the sampler was set to have a 12-hour delay. Therefore, the composite sample start time was actually 0415 on 7/14/2021.
5. Q4 2021 SMR
 - A. The COC for the composite samples indicated conflicting start times. In the Collection Info section, the facility reported to collecting the composite sample between 0600 and 1600 on 10/21/2021. In the composite detail section, the facility indicated the sample was collected between 1600 on 10/20/2021 and 1600 on 10/21/2021. The sampling worksheet for this composite indicated the sample start time was 10/20/2021 1600, but the sampler was programmed to start after a 12-hour delay. Therefore, the actual start time was 0400 on 10/21/2021. The composite sample end time on all forms was 1600 on 10/21/2021.

These violations were not identified by the City in its review of SMRs. The City's ERP indicates the enforcement response for any incomplete or inaccurate report is an NOV.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(iv) requires the City to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in §403.12."

Section II.A.1.f of the permit issued to Capco 2 requires, "A completed Chain of Custody (COC) form shall accompany all samples submitted to a lab for analysis. The COC shall include: the date; exact place, method and time of sampling; the name of the person collecting the sample; the number, size and bottle type (plastic or glass) for each analyses; the sample type (composite or grab); the date and time the sample was relinquished to and received by the testing laboratory; and the USEPA-approved analytical method required to be used."

Section II.D.4 of the permit issued to Capco 2 includes the following certification statement that is required to be submitted with SMRs, ensuring that data reported are accurate. "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 gather and evaluate 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."

40 C.F.R. §403.8(f)(5) requires the City to implement its ERP.

Corrective Action 19

Ensure accurate COC information and SMR data are reported to the City. For identified violations, issue an enforcement response per the ERP. In response to the EPA, indicate how the City will address this finding.

5. Have SIUs monitored to demonstrate continued compliance and re-sampling after violation(s)? (40 C.F.R. §403.12(g)(1) & (2))

Yes, the City required SIUs to resample after violations.

6. Has the CA ensured CIUs report on all regulated pollutants at least once every 6 months? (40 C.F.R. §403.12(e)(1) & (g)(1))

CIUs reported at least once every six months for the files reviewed by the EPA.

7. Has the CA ensured non-categorical SIUs self-monitor and report at least once every 6 months with a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority? (40 C.F.R. §403.12(h) & (g)(1))

Non-categorical SIUs reported at least once every six months for the files reviewed by the EPA.

8. Has the CA required self-monitoring reports from CIUs to be signed and certified? (40 C.F.R. §403.12(b)(6), 403.12(l))

Yes, the SMRs reviewed were signed and certified.

**9. Has the CA received notification of hazardous waste discharges?
(40 C.F.R. §403.12(j) & (p))**

No notifications were received according to the files reviewed, nor was there any indication that a notification should have been received.

F. Enforcement

**1. Has the CA implemented its enforcement response plan (ERP)?
(40 C.F.R. §403.8(f)(5))**

Inspectors were provided with a copy of the City's ERP for review. The City was generally implementing its ERP, except for the instances identified in Findings 14-19 listed, above.

**2. Does the CA evaluate both numeric and narrative criteria for significant non-compliance (SNC) annually and publish a list of IUs in SNC?
(40 C.F.R. §403.8(f)(2)(viii))**

The City evaluates numeric and narrative criteria SNC on a quarterly basis. The City has published a list of SIUs in SNC annually. However, there was a discrepancy regarding one SNC criterion at the time of the inspection.

Finding 20 - There was a discrepancy between the City's approved pretreatment program and its SNC Determination Procedure.

Section 13.04.480(b) of the City's ordinance defines SNC criteria and criterion six is defined as, "Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules". The definition for this criterion is identical in the City's ERP. However, the City's SNC Determination Procedure defines the same criterion as, "Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules". The SNC Determination Procedure must align with the definitions in the City's legal authority and ERP.

On April 15, 2022, the City updated their SNC Determination Procedure to align with the ordinance and ERP. Therefore, this finding has been addressed.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(viii) defines SNC criteria. The criterion in question is defined as, "(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules."

The City elected to be more stringent than federal regulations and section 13.04.480(b) of the City's ordinance defines criterion six as, "Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules."

Corrective Action 20

On April 15, 2022, the City updated their SNC Determination Procedure to align with the ordinance and ERP. Therefore, this finding has been addressed. No additional corrective action is needed at this time.

**3. Has the CA developed IU compliance schedules?
(40 C.F.R. §403.8(f)(1)(iv)(A))**

N/A. Compliance schedules have not been developed for any SIUs.

**4. Has the CA ensured CIU compliance within 3 years of standards effective date (or less than 3 years where required by standard)?
(40 C.F.R. §403.6(b))**

N/A. The standards have been effective for more than three years.

**5. Has the CA ensured CIUs submit complete baseline monitoring reports and 90-day compliance reports within the required time frames?
(40 C.F.R. §403.12(b) & (d))**

N/A. Inspectors did not review files related to baseline monitoring reports or 90-day compliance reports.

G. Additional Evaluations

The EPA conducted industrial user inspections at Capco 2 and Western Filament on April 12, 2022. Findings related to records were included in the sections above. Findings related to onsite activities are detailed below. Full inspection reports for the EPA's activities at Capco 2 and Western Filament were shared with the facilities and the City on June 3, 2022, and May 27, 2022, respectively.

Finding 21 – There were dyes and coating containers stored without secondary containment near the wastewater pit in the dye room at Western Filament.

There were several dyes and coating containers stored in the dye room. Some of the containers had secondary containment; however, secondary containment was not provided for some dyes and coatings containers stored near the wastewater pit in the dye room. Slug discharge potential exists in this area of the facility.

On May 10, 2022, Western Filament indicated that they are currently researching adding secondary containments for the dyes/coatings.

Pretreatment Requirements

Section III.C.4 of the Western Filament permit states, "The Permittee shall develop, submit for approval, and implement a slug/spill discharge control plan or take such other action that may be necessary to control spills and slug discharges."

Section III.C.5 of the Western Filament permit states, "A slug/spill discharge control plan shall provide, at a minimum, the following:

- a. Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures;
- b. Description of contents and volumes of any process tanks;
- c. Description of discharge practices, including nonroutine batch discharges;
- d. Listing of stored chemicals, including location and volumes;
- e. Procedures for immediately notifying the City of any spill or slug discharge;
- f. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response; and
- g. Any other information as required by the City."

According to the requirements at 40 C.F.R. §403.8(f)(2)(vi), “if the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (A) Description of discharge practices, including non-routine batch Discharges;
- (B) Description of stored chemicals;
- (C) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under §403.5(b) with procedures for follow-up written notification within five days;
- (D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.”

Corrective Action 21

Ensure Western Filament adds secondary containment to the dye and coating containers stored in the dye room or places them in an area of the facility that does not pose a slug discharge potential. In response to the EPA, indicate how the City will address this finding.

Finding 22 – One of the dye pots overflowed into the Wastewater Pit during the inspection at Western Filament.

One of the dye pots boiled over, overflowing into the wastewater pit during the inspection. The system currently requires manual control of this system to prevent overflow, though the facility is considering automation.

On May 10, 2022, Western Filament indicated that they are currently working on implementing a temperature controller to prevent accidental boil-over.

Pretreatment Requirements

Section III.C.4 of the Western Filament permit states, “The Permittee shall develop, submit for approval, and implement a slug/spill discharge control plan or take such other action that may be necessary to control spills and slug discharges.”

Section III.C.5 of the Western Filament permit states, “A slug/spill discharge control plan shall provide, at a minimum, the following:

- a. Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures;
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- d. Listing of stored chemicals, including location and volumes;
- e. Procedures for immediately notifying the City of any spill or slug discharge;
- f. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response; and
- g. Any other information as required by the City.”

According to the requirements at 40 C.F.R. §403.8(f)(2)(vi), “if the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (A) Description of discharge practices, including non-routine batch Discharges;
- (B) Description of stored chemicals;

- (C) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under §403.5(b) with procedures for follow-up written notification within five days;
- (D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.”

Corrective Action 22

Ensure that Western Filament does not allow boil-over from the mixing pots to get discharged to the City without adequate treatment. In response to the EPA, indicate how the City will address this finding.

Finding 23 – Western Filament was not calibrating their pH meter as specified in the manufacturer’s manual.

Western Filament was not calibrating their pH meter; rather the facility was doing monthly pH checks. If the pH meter was reading below 4.41 for the 4.0 buffer and below 7.71 for the 7.0 buffer, they interpreted the result as acceptable. The facility should calibrate the pH meter based on the frequency specified in the manufacturer’s manual for the pH meter.

On May 10, 2022, Western Filament indicated that, “the manufacturer does not specify timeframe between recalibrations. We did find what the manufacturer’s tolerance is before needing recalibration. Work instructions and tolerances have been added to the operator work instructions.”

Pretreatment Requirements

Section II.A.1.b of the Western Filament permit states, “All pollutant analysis, including sampling techniques, to be submitted as part of a permit application, Permit, Self-Monitoring Report or other analyses required under this Section shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard.”

Corrective Action 23

No further action is required at this time based on Western Filament’s May 10, 2022 response.

Finding 24 –The pH buffers used to perform pH meter checks at Western Filament did not bracket the expected pH results for the wastewater discharged from the facility.

The pH buffers used by Western Filament to check the pH meter were 4 and 7. Some of the pH readings of the batch discharges were higher than 7. The highest reading that EPA identified was on December 28, 2021 at 1500 with a pH reading of 9.4. Approved pH methods identified in 40 C.F.R. §136 require that pH buffers used for calibrations bracket the expected pH results.

On May 10, 2022, Western Filament indicated that pH buffer 10.01 has been ordered and will be included in recalibration work instructions.

Pretreatment Requirements

Section II.A.1.b of the Western Filament permit states, “All pollutant analysis, including sampling techniques, to be submitted as part of a permit application, Permit, Self-Monitoring Report or other analyses required under this Section shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard.”

Corrective Action 24

No further action is required based on the May 10, 2022, response from Western Filament indicating that a pH buffer 10.01 has been ordered and will be included in the recalibration work instructions.

Finding 25 – pH calibration records were not maintained at Capco 2.

During the inspection of Capco 2, facility representatives indicated the pH meter was calibrated daily with 4, 7, and 10 buffers, but calibration records were not maintained.

Pretreatment Requirements

Section II.A.1.d of the permit requires that, among other things, “equipment maintenance and calibration records shall be kept on site and readily available for inspection.”

Section II.D.6 of the permit requires, all documentation required by the permit be kept for at least three (3) years.

Corrective Action 25

Ensure Capco 2’s pH calibration records are documented and maintained onsite. In response to the EPA, indicate how the City will address this finding.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
RESOURCE CONSERVATION AND RECOVERY ACT**

BASIC INFORMATION

Facility Name: Grasslands COWDF

Facility Location: 43.253619, -105.274303

RCRA ID: WYR000215053

Facility Contact: John Sawyer, 346-363-7958,
jsawyer@republicservices.com

Notification Status: Non-notifier

Date of Inspection: May 21, 2025

Arrival Time: 12:53 p.m.

Departure Time: 1:45 p.m.

Lead Inspector: Annette Maxwell, U.S. EPA

Other Attendees:

1. Andy Woodward, U.S. EPA
2. Christy Hutchinson, Wyoming Department of Environmental Quality (WDEQ)
3. Steven Loose, WDEQ
4. Jack Leitner, WDEQ
5. Aaron Birkemeier, WDEQ
6. Justin Peregoy, Grasslands COWDF

Type and Purpose of Inspection: Compliance Evaluation Inspection

Facility Type: Oilfield Waste Disposal Facility

Applicable Statute to Inspection: RCRA Section 7003

Inspection Type: Unannounced Inspection

Joint: U.S. EPA, Wyoming DEQ

FACILITY INFORMATION

Company Ownership: Republic EES, LLC

General Facility and Process Description: The Grasslands facility is a commercial oilfield waste disposal facility (COWDF) that receives non-hazardous, RCRA Subtitle C-exempt E&P oilfield waste for storage, handling, and disposal. The facility has been issued a permit to operate a COWDF by WDEQ. The facility includes six evaporation ponds, a netted settling pond and storage tanks. The settling pond is routed to a below-grade vault, which can then be routed to any of the evaporation ponds. According to the facility representative, at the time of this inspection Pond 3 was the most frequently used for routing of water from the vault.

Facility Name: Grasslands COWDF
Facility Location: 43.253619, -105.274303
Date of Inspection: May 21, 2025

TOUR INFORMATION

Upon arrival at the facility, an opening conference was conducted with Mr. Peregoy, followed by a walk-through of the facility.

Areas of the facility toured:

- Offload area
- Settling (slop/skim) pit
- Evaporation ponds
- Tank storage

A site map is included in Attachment 1 – Site Map. Photos collected as part of this inspection are included in Attachment 2 – Photo Log.

Observations:

During the inspection, I observed that the netting over the slop/skim pond was in good condition overall, but that small holes in the netting were present, particularly at the riser poles where the stress on the netting is greater. I also observed ground-level gapping of the netting. See Attachment 2, photo 1.

At the evaporation ponds, I observed that a small amount of oil was present on Pond 1 near the southeast corner. See Attachment 2, photo 1.

At Pond 3, I observed an oily sheen on the east corner. See Attachment 2, photos 3-4. On the southeast side of Pond 3, I observed a deceased bird that was covered in oil. See Attachment 2, photo 5. At the south corner of Pond 3, I observed oil floating on the surface of the pond, covering approximately 5% of the pond surface. See Attachment 2, photos 6, 8, and 9. I observed an object floating in the oil but could not determine whether it was a bird carcass or debris, see photo 9.

No spills were observed in the tank battery area. No other bird or wildlife mortalities were observed in any other areas of the facility that were inspected.

CLOSING CONFERENCE

A closing conference was conducted with Mr. Peregoy in which I requested that they continue to attempt removal of oil on the evaporation ponds and repair the holes and ground-level gapping of the netting over the netted settling pond.

Facility Name: Grasslands COWDF
Facility Location: 43.253619, -105.274303
Date of Inspection: May 21, 2025

ADDITIONAL INFORMATION

Oily waste that is not restricted from access by wildlife is a concern under RCRA §7003 because of the potential for harm to birds and other wildlife including potential for mortality.

SIGNATURE **ANNETTE
MAXWELL**  Digitally signed by ANNETTE
MAXWELL
Date: 2025.06.26 12:41:28 -06'00'

Inspector: _____
Annette Maxwell, RCRA Inspector

KRISTIN MCNEILL  Digitally signed by KRISTIN MCNEILL
Date: 2025.06.25 14:45:54 -06'00'

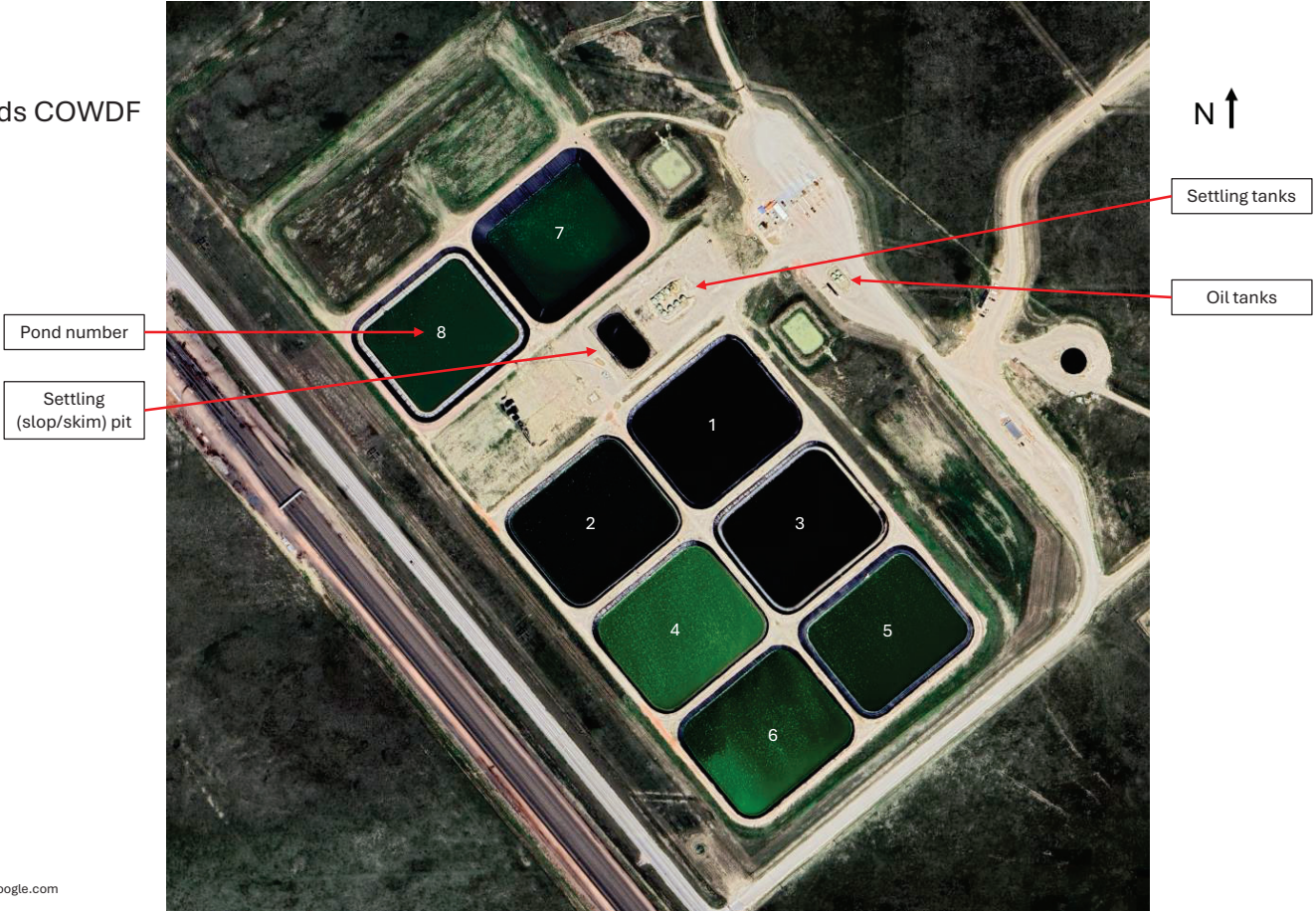
Supervisor: _____
Kristin McNeill, Supervisor
RCRA Enforcement Section

ATTACHMENTS

Attachment 1 – Site Map
Attachment 2 – Photo Log

Attachment 1 – Site Map

Grasslands COWDF



Pond number

Settling
(slop/skim) pit

N ↑

Settling tanks

Oil tanks

Attachment 2 – Photo Log

Facility Name: Grasslands COWDF
Facility Location: 43.253619, -105.274303
Date of Inspection: May 21, 2025

ATTACHMENT 2 – PHOTO LOG

Photographer: Annette Maxwell
Camera Model and ID: iPhone SR6903

Photo 1: IMG_0171.jpg, 5/21/2025, 1:12 p.m. – photo of ground-level gapping in the netting over the settling pond.



Facility Name: Grasslands COWDF

Facility Location: 43.253619, -105.274303

Date of Inspection: May 21, 2025

Photo 2: IMG_0172.jpg, 5/21/2025, 1:18 p.m. – photo of Pond 1, with a small amount of oil present in the north corner, taken facing south.



Facility Name: Grasslands COWDF

Facility Location: 43.253619, -105.274303

Date of Inspection: May 21, 2025

Photo 3: IMG_0173.jpg, 5/21/2025, 1:23 p.m. – photo of the east corner of Pond 3, taken facing south. This area of the pond appeared to have an oil sheen present.



Facility Name: Grasslands COWDF
Facility Location: 43.253619, -105.274303
Date of Inspection: May 21, 2025

Photo 4: IMG_0174.jpg, 5/21/2025, 1:25 p.m. – photo of Pond 3, taken in the same area as photo 3.



Facility Name: Grasslands COWDF

Facility Location: 43.253619, -105.274303

Date of Inspection: May 21, 2025

Photo 5: IMG_0175.jpg, 5/21/2025, 1:27 p.m. – photo of a deceased bird covered in oil, located at the southeast side of the pond approaching the south corner.



Facility Name: Grasslands COWDF

Facility Location: 43.253619, -105.274303

Date of Inspection: May 21, 2025

Photo 6: IMG_0176.jpg, 5/21/2025, 1:28 p.m. – photo of oil floating on the south corner of Pond 3, taken facing west/southwest.



Facility Name: Grasslands COWDF

Facility Location: 43.253619, -105.274303

Date of Inspection: May 21, 2025

Photo 7: IMG_0177.mov, 5/21/2025, 1:31 p.m. – inadvertently collected approximately one-second video recording, collected at the same location and angle as IMG_0178.jpg.

Photo 8: IMG_0178.jpg, 5/21/2025, 1:31 p.m. – photo of the south corner of Pond 3, taken facing east/northeast, showing oil floating on the surface of the pond.



Facility Name: Grasslands COWDF

Facility Location: 43.253619, -105.274303

Date of Inspection: May 21, 2025

Photo 9: IMG_0179.jpg, 5/21/2025, 1:31 p.m. – close-up of the same area shown in photo 8. At center is an unidentified object that it could not be determined as to whether it was a bird carcass or debris in the oil floating on the pond surface.

