



REGION 3

PHILADELPHIA, PA 19103

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): September 12-13 and 28, 2023
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Pretreatment Compliance Inspection
Facility Name: City of Erie
Facility Address: 68 Port Access Road, Erie, PA 16507
Facility Latitude: 42.140806
Facility Longitude: -80.074889
County/Parish: Erie County
Permit No: PA0026301
NAICS Code: 221320
SIC: 4952
Unique Project #: 3E23WN123

Facility Representative:

Point of Contact

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Date

Unique Project Identifier: 3E23WN123

Inspection Dates: September 12-13, and 28, 2023

Attachments

- Attachment A Industrial User Site Visit Data Sheets
- Attachment B Industrial User Site Visit Photograph Log
- Attachment C Erie City Sewer Authority and the City of Erie NPDES Permit
- Attachment D PHB Incorporated Discharge Permit
- Attachment E Erie City Water Authority-Richard S. Wasielewski Plant Discharge Permit

I. Inspection Summary

Upon arrival at the City of Erie (City or Facility) wastewater treatment plant (WWTP), EPA contractors Chuck Durham and Sirese Jacobson, United States Environmental Protection Agency (EPA) Region 3 representatives Allison Gieda and Aaron Thomson (jointly referred to as the Inspection Team), met with the Facility contacts Tim Huemrich, Paul Totleben, and Paula Trupp (Facility representatives). The City owns and operates the Erie WWTP. The EPA contractors presented their credentials, discussed the purpose and format of the pretreatment compliance inspection (PCI or inspection) and interviewed the Facility representatives about the Facility's pretreatment program.

As part of the PCI, the Inspection Team reviewed the following nondomestic discharger files:

- PHB Incorporated (categorical industrial user [CIU] subject to *Title 40 of the Code of Federal Regulations* [40 CFR] Part 464 Metal Molding and Casting Point Source Category)
- City of Erie Water Authority – Richard S Wasielewski Plant (non-categorical significant industrial user [SIU])

As part of the inspection, the Inspection Team also conducted site visits at PHB Incorporated, JTM Foods, LLC (noncategorical SIU), and American Tinning & Galvanizing Company (a CIU subject to 40 CFR Part 413).

A formal Exit Conference was held via Teams on September 28, 2023. Everyone in attendance for the field component, apart from Ms. Jacobson and Mr. Thomson, participated in the Exit Conference.

The last EPA review of the Facility's pretreatment program was a Pretreatment Compliance Audit performed in 2009.

II. Program Description

The Erie Wastewater Treatment Plant is a secondary activated sludge treatment plant with a design capacity of 68.6 million gallons per day (MGD). It serves approximately 200,000 residents, with an average discharge between 30 and 40 MGD. The areas served include the City of Erie, Millcreek, Summit, Haborcreek, Lawrence Park, Fairview, and Green Townships (Green Township added in 2019 but does not have any SIUs), and Wesleyville Borough.

III. Industrial User (IU) Characterization

IUs currently identified by the Control Authority (CA)	IU Type	
37	Discharging Significant Industrial Users	
	10	Discharging Non-Categorical SIUs (as defined by the CA)
	27	Categorical Industrial Users (CIUs)
	0	Middle Tier CIUs

1	Zero-Discharging CIUs: Jamarco Industries (metal finishing)
0	Non-significant CIU (NSCIU)
>100	Other Regulated IUs (e.g., permitted IUs) Describe: The Facility issues discharge permits to more than 100 food service establishments (FSEs). The Facility also issues permits to groundwater remediation projects but none were active at the time of the PCI. In addition, the Facility has issued permits to several carpet cleaners authorizing discharge to two open manholes.
Not Determined. This number is captured in "Other Regulated IUs." The City did not provide a breakdown.	Waste Haulers Describe: The Facility accepts septage and grease waste and issues permits to the haulers and generators. JTM Foods, LLC and Better Baked Foods, LLC haul their grease trap waste directly to the grease discharge location at the WWTP. See Section G.1 for additional information on hauled waste.

IV. Findings Summary Table	
Finding A.1 – The SUO and ERP contain conflicting language regarding the definition of significant noncompliance (SNC).	
Finding C.4.a – PHB Incorporated’s discharge permit does not clearly identify sampling points.	
Finding C.4.b – PHB Incorporated’s discharge permit is unclear with respect to BOD and TSS effluent limits.	
Finding C.4.c – PHB Incorporated’s discharge permit does not adequately specify the applicable subpart.	
Finding C.4.d – The permits reviewed do not mirror federal regulations with respect to notifying the POTW of permit violations.	
Finding C.4.e – The transferability statement in the permits reviewed does not require provision of the permit to new owner.	
Finding C.4.f – The permits reviewed did not specify that the records retention period may be extended at the request of the State or EPA.	
Finding C.4.g – The permits reviewed contained obligations for the Control Authority.	
Finding D.2 – The City is not properly documenting evaluations of the need for slug discharge control plans (SDCPs).	
Finding E.2 – The City is not collecting flow-proportional samples at SIUs.	
Finding E.9 – Jamarco Industries is not submitting an annual zero-discharge certification statement.	
JTM Foods, LLC Site Visit Data Sheet – The inspection team observed improper chemical storage.	
JTM Foods, LLC Site Visit Data Sheet– The IU was not maintaining signed self-monitoring reports on-site.	
JTM Foods, LLC Site Visit Data Sheet – City Inspector should avoid asking leading questions.	
PHB Site Visit Data Sheet – The Inspection Team observed multiple areas with potential for unpermitted discharge or slug loading.	

IV. Findings Summary Table
PHB Site Visit Data Sheet – The Inspection Team observed a potential dilution source at Outfall 002.
American Tinning Site Visit Data Sheet – The inspection team observed the potential for dilution of the regulated wastestream.
American Tinning Site Visit Data Sheet – The City is using incorrect sample type and is not collecting independent samples

V. Evaluation

The Inspection Team discussed the topics in Subsections A-G below regarding the pretreatment program with the Facility representatives. The Inspection Team also reviewed SIU files to assess the retention of required program documents and to generally evaluate overall program implementation. The following sections describe program areas of concern identified during the inspection process along with compliance assistance items, and associated references to 40 CFR Part 403. All compliance assistance items are included strictly for informational purposes and should not be construed as a formal order or instruction from EPA.

A. Control Authority (CA) Pretreatment Program Modification

1. When was the last program modification? Did the CA notify the EPA of program modifications? (40 CFR 403.18)

According to the Facility representatives, the Facility last evaluated its local limits in 2016 and no changes were made. The Facility is waiting for its NPDES renewal to conduct the next local limits evaluation. (Note: The NPDES permit expired in 2018; the City submitted the renewal application prior to the due date and is currently operating under the administratively extended permit.) Mr. Huemrich noted he anticipates changes to the local limits, perhaps the relaxation of limits due to two large industries (Erie Coke and GASF) leaving the area. The Facility is implementing a sampling plan to prepare for the local limits evaluation, including for new pollutants of concern. The Facility most recently updated its Sewer Use Ordinance (SUO) in 2019. The Facility representatives were unsure whether any streamlining rule optional provisions were adopted. The Facility representatives also stated that the enforcement response plan (ERP) was last revised in 2019 and was submitted to Region 3 with the 2019 Annual Report. The Facility representatives stated that the City did not receive a response from Region 3 denoting receipt or approval of the revised ERP and therefore it has not been adopted by the City.

Finding A.1 – The SUO and ERP contain conflicting language regarding the definition of SNC.

A cursory review of the SUO by the Inspection Team revealed that the one optional provision adopted was the increase from 30-days to 45-days late for reporting as part of the definition for significant non-compliance (SNC).

Section 934.11(f) of the City's SUO defines SNC, in part, as "Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules." The ERP defines SNC for late reporting as 30 days late.

2. Are there any contributing jurisdictions discharging wastewater to the POTW? Does the CA have an agreement in place that addresses pretreatment program responsibilities?

The City has interjurisdictional agreements with each contributing agency including Millcreek, Summit, Haborcreek, Wesleyville, Lawrence Park, and Fairview. Facility representatives said that

Green Township was added as a contributing jurisdiction in 2019, and the City notified Region 3 of this change in the 2019 Annual Report. Green Township does not have any SIUs. It does have an industrial park; however, no users are connected to the City's sewer system currently.

B. IU Characterization

- 1. Describe the CA's 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 CFR 403.8(f)(2)(i))**

The Facility representatives said new industrial users are identified in various ways including notification from the Engineering Department when connection requests are received or new construction plans are submitted, as well as via drive-by inspections by pretreatment staff. The City currently has identified 6-8 industries to be re-evaluated for consideration as SIUs. This evaluation will include inspections, sampling, and application submittal.

- 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 CFR 403.8(f)(2)(ii))**

Yes, the Facility conducts inspections and compliance monitoring at each SIU twice per year.

- 3. Has the CA prepared and maintained a list of SIUs, as 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 NSCIU, as defined in 403.3(v)(2), rather than an SIU? Have modifications to the list been submitted with annual reports? (40 CFR 403.8(f)(6))**

Yes, the Facility maintains a current list of SIUs, which it submits in the annual reports to EPA Region 3. The facility has not adopted the NSCIU classification at the time of the inspection.

C. Control Mechanism Evaluation

- 1. Has the CA issued individual or general control mechanisms to all SIUs? (40 CFR 403.8(f)(1)(iii))**

All SIUs whose files were reviewed during the inspection had been issued an individual permit. SIU permits are issued for five years. The Facility was not implementing any general permit options at the time of the inspection.

- 2. Do the applications for general control mechanism contain all of the following? (40 CFR 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 40 CFR 403.12(e)(2)**

Not applicable (N/A). The Facility had not issued 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 CFR 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**

N/A. The Facility had not issued general control mechanisms at the time of the inspection.

4. Do both individual and general control mechanisms include the following, where applicable? (40 CFR 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 individual SIU permits reviewed as a component of the inspection included most, but not all of the aforementioned provisions. Findings regarding the content of individual control mechanisms are provided below. The Facility had not issued general control mechanisms at the time of the inspection.

Finding C.4.a – PHB Incorporated’s discharge permit does not clearly identify sampling points.

Part 1.C of the PHB Incorporated permit describes the sample location as “end of pipe which is where the permittee’s sanitary sewer lateral discharges to the Fairview Township sanitary sewer.” This sample location description is unclear and does not clearly define the sampling point.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require permits to include “[s]elf-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, *sampling location*, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law.”

Finding C.4.b – PHB Incorporated’s discharge permit is unclear with respect to BOD and TSS effluent limits.

Part 1.C of the PHB Incorporated permit has BOD and TSS limits in the local limits table (250 mg/L and 300 mg/L, respectively), but below the table a footnote states: “In the event the permittee discharges industrial wastes to the POTW in excess of 300 mg/L of TSS, and/or an average five-day BOD in excess of 250 mg/L, the permittee shall pay a surcharge based upon the excess strength of their wastes. The amount of the surcharge shall be determined using the formulas outlined at the section 11.2 of the Sewer Use Ordinance. The cost per pound for treatment will be determined by the Superintendent of the POTW, and will be based on actual cost of treatment.” Furthermore, the Local Limits table in Section of Section 934.04(d) of the SUO does not include BOD or TSS.

The Facility representatives explained to the Inspection Team that the limits for BOD and TSS in the permit are intended to be threshold levels. The Inspection Team stated that surcharge thresholds are not limits and should not be presented as such.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3) require permits to contain “[e]ffluent 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.”

Finding C.4.c – PHB Incorporated’s discharge permit does not adequately specify the applicable subpart.

The PHB Incorporated permit does not identify the applicable category or include the federal categorical limits. Part 1.B.1 of the permit states that the pretreatment standards at 40 CFR Part 464 apply but the permit does not specify what subpart is applicable or whether the CIU is a new or existing source.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(2)(iii) require POTWs to notify industrial users of applicable pretreatment standards and requirements.

Finding C.4.d – The permits reviewed do not mirror federal regulations with respect to notifying the POTW of permit violations.

Part 3.B.2 of the permits reviewed contains repeat sampling requirements that require notification within thirty (30) days of the first violation. This is more stringent than the federal regulations.

Regulatory Requirement

The federal regulations at 40 CFR 403.12(g)(2) state “If sampling performed by an Industrial User indicates a violation, the user shall notify the Control Authority within 24 hours *of becoming aware of the violation*” (emphasis added).

Finding C.4.e – The transferability statement in the permits reviewed does not require provision of the permit to new owner.

The permits do not include the statement that requires a permittee to provide the new owner/operator with a copy of the permit.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(2) require permits to contain a statement of non-transferability that states “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.”

Finding C.4.f – The permits reviewed did not specify that the records retention period may be extended at the request of the State or EPA.

The permits reviewed do not specify that the records retention period may be extended at the request of EPA. Part V.10(b) of the Standard Conditions for the IU discharge permits reviewed addresses record retention being extended beyond 3 years but is missing the language from 40 CFR 403.12(o)(3) that includes “...or when requested by the Director or the Regional Administrator.” Part V.10(b) of the Standard Conditions specifically states, “All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City of Erie shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.”

Regulatory Requirement

Record keeping requirements at 40 CFR 403.12(o)(2) require any Industrial User or POTW subject to the reporting requirements established in this section (including documentation associated with

Best Management Practices) shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director and the Regional Administrator (and POTW in the case of an Industrial User). *This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Director or the Regional Administrator.*

Finding C.4.g – The permits reviewed contained obligations for the Control Authority.

Part 2.D of the permits reviewed included obligations for the City. It states that the City will make periodic visits and will conduct at least one facility inspection each year. This language obligates the City and gives the appearance of a contract rather than a control mechanism. SIU permits should not include any actions required of the permitting authority.

D. Application of Pretreatment Standards and Requirements

1. Does the CA apply all applicable pretreatment standards? (40 CFR 403.8(f)(1)(ii) and 403.8(5))

Yes, except as noted in C.4.c which denotes the PHB permit does not specify the applicable categorical subpart, or whether the CIU is a new or existing source.

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

Yes, the Facility representatives stated that all SIUs were evaluated for the need for slug discharge control plans (SDCPs).

Finding D.2 – The City is not properly documenting evaluations of the need for SDCPs.

The Facility requires JTM Foods, LLC and the City of Erie Water Authority to have SDCPs and the SIUs updated the plans based on the City's last inspections. However, these evaluations were not documented or available for review.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(2)(vi) requires POTWs to "[e]valuate whether each such Significant Industrial User needs a plan or other action to control slug discharges."

E. Compliance 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 CFR 403.8(f)(2)(v), 403.12(e)(2), 403.12(e)(2))**

Yes, based on the SIU files reviewed and responses from the Facility representatives, the Facility has been conducting inspections and sampling at least once per year. The Facility did not adopt the middle tier classification or the pollutants not present optional provisions.

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

In general, according to the information reviewed during the inspection, the Facility uses proper sampling, analysis, and inspection procedures, except where noted below.

Finding E.2 – The City is not collecting flow-proportional composite samples at SIUs.

According to the Facility representatives, the City is collecting time-proportional composite samples at all SIUs.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require permits to include “[s]elf-monitoring, sampling, reporting, notification, and record keeping requirements.”

The federal requirements in 40 CFR Part 403.12(g)(3) require 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.”

- 3. Has the CA kept records for three years including the following? (40 CFR 403.12(o))**

- 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**

Based on the files reviewed, the Facility maintains records 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 CFR 403.8(f)(2)(v)(b), 403.3(v)(2))

N/A. The Facility had not adopted the NSCIU classification at the time of the inspection.

5. Has the CA required, received, and analyzed reports and other notices from SIUs? (40 CFR 403.8(f)(2)(iv))

- a. Self-monitoring reports
- b. BMRs and 90-day compliance reports
- c. Compliance schedules reports
- d. Notice of slug loading or potential problems at POTW
- e. Notification of spills, bypasses, upsets, etc.
- f. Notification of significant change in discharge
- g. 24-hour notification of effluent violation
- h. Resampling results within 30-days
- i. Other reports/notifications required by the CA

Yes. Based on the files reviewed during the inspection, the Facility has been adequately requiring, receiving, and analyzing required reports.

6. Have SIUs monitored to demonstrate continued compliance and re-sampled after violation(s)? (40 CFR 403.12(g)(1) & (2))

Yes, based on the files reviewed, SIUs have re-sampled after violations.

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

Yes. Based on the CIU file reviewed during the inspection, the Facility has ensured that CIUs have reported on regulated pollutants at least once every six months.

8. 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 CFR 4.312(h) & (g)(1))

Yes. Based on the files reviewed, the Facility has ensured that non-categorical SIUs self-monitor and report at least once every six months.

9. Has the CA required self-monitoring reports from CIUs to be signed and certified? (40 CFR 403.12(b)(6), 403.12(l))

Yes. The CIU file reviewed included signed and certified self-monitoring reports.

Finding E.9 – Jamarco Industries is not submitting an annual zero-discharge certification statement.

During the interview, the Inspection Team asked about the existence of zero-discharge CIUs and whether they are submitting the required annual certification statement to verify zero-discharge. The City representative noted that Jamarco Industries is a zero-discharge CIU but they have not been required to submit a certification statement at any determined frequency. EPA established protocols in EPA Bulletin #13 (<https://www.epa.gov/system/files/documents/2021-07/bull13.pdf>) that recommend requiring zero-discharge CIUs submit certification statements semiannually to confirm there has been no change in discharge practices (*see top of page 4 of the linked document*).

10. Has the CA received notification of hazardous waste discharges? (40 CFR 403.12 (j) & (p))

No, the Facility representative stated that the Facility has not received notification of hazardous waste discharges from any of the SIUs.

F. Enforcement

1. Has the CA implemented its enforcement response plan (ERP)? (40 CFR 403.8(f)(5))

Yes. Based on discussions about enforcement actions taken by the Facility in response to SIU permit violations, the Facility has appropriately implemented its ERP (dated October 1993). This was confirmed during the file review, or the limited numbers of files reviewed as part of this PCI.

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

Yes, the Facility evaluates SNC according to the definition in its SUO. The Facility publishes a list of SIUs in SNC in the *Erie Times*.

2.a Were any SIUs in SNC in the past year? Include name of industry, type of SNC, and current compliance status.

Yes. PHB Incorporated, American Tinning & Galvanizing, and JTM Foods LLC were in SNC in 2022. JTM was in SNC for late reporting; PHB and American Tinning & Galvanizing were in SNC for permit exceedances. All three SIUs were published in the *Erie Times* on February 10, 2023, for SNC status. JTM returned to compliance but did have a pH excursion just two weeks prior to this inspection. The City issued a warning letter in accordance with its ERP. American Tinning had a copper exceedance in 2023 resulting in SNC. The city issued an NOV and the SIU returned to compliance based on its resample result. PHB continued to have zinc violations in 2023. A show-cause meeting was conducted, and an Administrative Consent Order (ACO) has been drafted, which requires PHB to monitor and report at an increased frequency (monthly). At the time of the inspection, the ACO was still awaiting signatures and had not been issued; however, PHB had returned to compliance and was already monitoring monthly.

3. Has the CA developed IU compliance schedules? (40 CFR 403.8(f)(1)(iv)(A))

The Facility representatives said only informal compliance schedules have been issued in the past and currently there are no SIUs under a compliance schedule.

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

N/A. The Facility has not identified any new CIUs or CIUs subject to a new categorical standard.

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

Not determined. The Inspection Team only reviewed one CIU file, and did not review the PHB Incorporated or 90-day monitoring report as part of the review. Records for the last 3 years were reviewed as part of the PCI. The BMR and 90-day compliance reports were in archived files located off-site.

G. Additional Evaluations

1. Hauled Waste

The Facility accepts hauled septage and grease from approximately 120 sources. The Facility does not accept hauled industrial waste. The Facility issues hauled waste permits to waste haulers and waste sources. Septage waste is discharged at the treatment plant septic station. Grease loads are discharged at the East Bay Drive interceptor and grease haulers are issued lock and key and can only access the interceptor on Tuesdays and Thursdays. Each septage hauler must present a waste manifest and take a sample and submit it for testing for pollutants of concern for each particular load. Waste loads are accepted during daylight hours only and the station has to be opened by the guard. The City has plans to install a grease receiving station at the WWTP. Hauled waste discharges are monitored and videotaped.

2. Dental Mercury Program

According to the Facility representatives, there are 117 dental facilities in the service area and the Facility has received the one-time certification statements from all dental facilities. The City does not permit or inspect dental facilities. The City checks databases and the PADEP's dental x-ray list approximately every two years to see if there are new dental facilities. The City has a low-level mercury program and samples at 18 monitoring points throughout the collection system annually. This monitoring was added in response to their NPDES Permit condition for a Mercury Minimization Program.

3. Fats, Oils, and Grease (FOG) Program

The City has approximately 100 FSEs. The City conducts restaurant inspections and requires restaurants to maintain oil and grease trap maintenance logs.

Attachment A

Industrial User Site Visit Data Sheets

IU SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.					
Name of industry: JTM Foods, LLC					
Address of industry: 2126 E 33rd St, Erie, PA 16510					
Date of visit: 9/12/2023			Time of visit: 1:30 PM – 4:20 PM		
Name of inspectors: Tim Huemrich and Paul Totleben (City) Allison Gieda and Aaron Thomson (Region 3) Chuck Durham and Sirese Jacobson (PG Environmental)					
Provide the name(s) and title(s) of industry representative(s)					
Name		Title			
Dave Furst		Maintenance Purchasing Manager			
Rick Hubbell		Maintenance			
Corrine Giles		Consultant, Urban Engineers			
IU Permit Number: Not evaluated.		Exp. Date: Not determined		IU Classification: Non-categorical SIU	
Please provide the following documentation:					
1. Nature of operation: The facility is a snack food bakery and makes rice crispy treats and snack pies.					
2. Number of employees:	270	Number shifts:	of 3	Hours of operation:	24 hours/day, 5.5-6.5 days/week
3. Wastestream flow(s) discharged to the POTW: Wastestreams discharged to the POTW include process contact and non-contact water, and sanitary wastewater. Process contact wastewater includes process line cleaning and cleaning of kettles after each batch.					
Sanitary:	Not provided	Process:	42,000 gpd	Combined:	52,871 gpd (based on water influent)
4. Describe any significant changes in process or flow: The SIU representatives stated that there was a slight increase in the discharge. Condensate coolers were installed/completed in early May 2023. The coolers reduce the temperature of the water going into the interceptor.					
5. Type of pretreatment system (Describe): Pretreatment consists of a grease interceptor (new interceptor installed in 2019) (see Photograph # 7). Don Green Sanitation pumps it out weekly.					

X	Continuous flow		Batch		Combined
6. Process area description (identify raw materials and processes used) The processes include mixing, frying, and packaging of rice crispy treats and snack pies. Raw materials used include flour, sugar, milk, crisp rice, various fruit fillings, and flavorings. The cupcake operation shut down in 2009, therefore the facility is no longer baking. The facility produces one million pies per day. The process line consists of kettles for mixing, four fruit filling cookers, five fry lines, and four cooling racks. The rice crispy line consists of mixing of rice puffs, butter, and marshmallows that are then fed through a roller for forming. The sheet air cools as it moves on the conveyor to the cutting and packaging area. Fruit filling cookers are cleaned out between batches. Fry lines are shut down quarterly for a complete cleanout. Weekly, any solids build up is cleaned out. Used grease is filtered then put into a holding tank. Discarded foodstuff goes to animal feed bins. Every six weeks process equipment is boiled, scraped down, then scrubbed down and rinsed out. This is followed by a citric acid wash to neutralize any heavy alkali used in the cleaning stage to remove char. There are two boilers; only one runs at a time.					
7. Chemical storage area (identify the chemicals that are maintained on site and how they are stored): Cleaning chemicals were stored in a small room in the plant and contained the following: Quorum Green (bleach), Quorum Yellow (chlorinated alkaline detergent for cleaning stainless steel food processing equipment and surfaces), an acid cleaner for polishing equipment, and Quorum Brown (alkaline detergent) for boiling/cleaning the fryers. The inspection team did not observe floor drains but did observe that there was not proper segregation of acid and caustic materials in the chemical storage room (i.e., acid and caustic chemicals drums were stored directly adjacent to one another without proper secondary containment to isolate spills from each drum and prevent the commingling of these incompatible chemicals).					
Any floor drains?		Yes	Any spill control measures?		Spill kits and absorbent pads
8. Are hazardous wastes drummed and labeled? Not applicable; there is no hazardous waste on-site.					
9. Does the IU have hazardous waste manifests? Not applicable.					
10. Solid waste production and disposal: Off-specification products are compacted and sent off-site for animal feed. Sometimes extra product is donated to the local area food bank. Employees dry sweep after every shift. Pumped grease is hauled to the City WWTP. Waste oil is picked up by Safety Kleen and shipped to their treatment facility in Linden, New Jersey. The industrial user representative noted they have typically generated about 30 gallons per year of waste oil, and Safety Kleen picks it up every two years.					
11. Description of sample location and methods: The sampling location is at a manhole next to the grease interceptor located outside in the front of the facility (see Photograph # 6). Microbac collects and analyzes samples on behalf of the facility. The industrial user's on-site lab does product testing and quality control only. The industrial user was in non-compliance for a pH violation at the time of the inspection, and Mr. Totleben reminded the facility representatives of the 30-day deadline to re-sample and submit results to the City.					

Notes:

1. **Finding – The inspection team observed improper chemical storage.**

The Inspection Team pointed out a concern in the cleaning chemical storage room with incompatible chemicals being stored adjacent to one another. The Quorum Brown (alkali) and citric acid containers were stored adjacent to each other and were not properly segregated.

2. **Finding – The IU was not maintaining signed self-monitoring reports on-site.**

The Inspection Team noted that the industrial user's on-site self-monitoring report for February 2023, provided upon request during the records review, was not signed or dated. Mr. Huemmrich pointed out to the industrial user representative that a copy of the signed self-monitoring reports should be maintained on-site.

3. **Finding – The City inspector should avoid asking leading questions.**

During the interview portion of the site visit the City inspector reviewed the previous year's inspection report, including reading off the response to each question while asking for verification of its accuracy. After returning to the City WWTP offices, the EPA Inspection Team members provided insight on the need to avoid using leading questions.

IU SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.					
Name of industry: PHB Incorporated					
Address of industry: 7900 West Ridge Road, Fairview, PA 16415					
Date of visit: 9/13/2023			Time of visit: 8:15 AM – 12:00 PM		
Name of inspectors: Tim Huemrich (City) Allison Gieda and Aaron Thomson (Region 3) Chuck Durham and Sirese Jacobson (PG Environmental)					
Provide the name(s) and title(s) of industry representative(s)					
Name		Title			
Trevor Donnell		Maintenance Manager			
IU Permit Number: MMC-001		Exp. Date: December 31, 2023		IU Classification: 40 CFR 464.14, Existing Source	
Please provide the following documentation:					
1. Nature of operation: The facility performs zinc and aluminum die casting for small appliances, and radio communication and automotive products. Example products include zinc casting of all outer parts for Kitchenaid mixers (75% of business); aluminum casting of engine parts for Cummins Engines; aluminum parts for Alliance Laundry System's front loading washer; and a few parts for Whirlpool. The facility began operations in 1968.					
2. Number of employees:	330	Number of shifts:	3	Hours of operation:	24 hours/day, 5 days/week
3. Wastestream flow(s) discharged to the POTW: The process wastestream consists of aluminum and zinc die casting wash waters, die lube spray and casting quench water, casting impregnation, vibratory finishing and washwater, and ultrafiltration concentrate. Ninety percent of process wastewater generation is from the automotive parts line. Wastewater is generated in the automotive parts line from the belt spray following drilling and tapping. The remaining 10% is from the aluminum casting process. The facility batch discharges once or twice a day with an average of 5,000 gpd per batch. The zinc casting process does not use any water. Non-process wastewater consists of non-contact cooling water used to cool the dies. Non-contact cooling water goes through pretreatment and is a dilute stream.					
Sanitary:	8,065 gpd	Process:	Process: 8,835 gpd; Noncontact cooling water: 21,138 gpd	Combined:	38,038 approx. gpd
4. Describe any significant changes in process or flow: None. There are no planned changes.					
5. Type of pretreatment system (Describe): Treatment consists of an oil/water separator (waste oil is disposed of off-site) followed by polymer addition and equalization in a 10,000-gallon tank. From the equalization tank, water flows into two 5,000-gallon batch tanks for pH adjustment using sodium hydroxide and then to the 350-gallon holding tank prior to discharge to the City. The solids in the holding tank is sent to the filter press for dewatering, and then into the final holding tank.					

	Continuous flow	X	Batch		Combined
6. Process area description (identify raw materials and processes used) The processes include forming of zinc and aluminum metal products by melting the metals and molding molten metal by die casting. The facility has four aluminum furnaces and six zinc furnaces. Products go through various secondary operations such as vibratory finishing (deburring), drilling, tapping, machining, cleaning, and sealing. Molded rubber and plastic items are also produced by injection molding of purchased resins and rubber. Raw materials used in the processes include zinc, aluminum, and water-soluble release agents.					
7. Chemical storage area (identify the chemicals that are maintained on site and how they are stored): Chemicals are stored throughout the facility (see Photograph #s 3-5) without secondary containment. See Note 1 below for additional detail on chemical storage practices. Process chemicals consist of die lube compound, vibratory finishing compound, parts washing detergent, cooling tower additive, electrolytic bromine precursor, and de-chlorination reagent. Pretreatment system chemicals include coagulant, caustic soda, and polymer.					
Any floor drains?	Yes	Any spill control measures?	The CIU has a SPCC; floor drains flow to the pretreatment system.		
8. Are hazardous wastes drummed and labeled? Approximately 50 gallons per year of quench bath wastewater is hauled off-site due to contamination and leaching from parts. Additional hazardous wastes generated onsite include spent solvents, filter cakes created by the pretreatment process, and waste oil. Facility representatives noted there are no toxic organics on site.					
9. Does the IU have hazardous waste manifests? Yes. Mr. Huemmrich requested and reviewed manifests for the filter cake disposal as part of the records review.					
10. Solid waste production and disposal: Filter press cake is hauled off-site by ProWaste and taken to a hazardous waste landfill in New York. Up until three months prior to the inspection, solvents were picked up by Safety Kleen (approximately 100 gallons per month). The facility representatives stated that they recently switched to a new waste hauler for solvents but did not recall the name of the new vendor. Waste oil is hauled off-site by Everclear (approximately 1,600 gallons monthly, on average).					
11. Description of sample location and methods: The facility has two sampling locations. Outfall 001 (see Photograph #1 in Attachment B) is the effluent from the pretreatment system that treats aluminum and zinc die-casting process water. The sampling location for 001 is at end-of-pipe but prior to mixing with sanitary waste. Outfall 002 is the end-of-pipe location at the lift station at the intersection of Route 20 and West Ridge Road (see Photograph #2 in Attachment B). Microbac, the contract laboratory, collects and analyzes samples.					
Notes:					
1. <u>Finding – The Inspection Team observed multiple areas with potential for unpermitted discharge or slug loading.</u> During the walkthrough, the Inspection Team noted multiple areas with potential for unpermitted discharge or slug loading due to poor chemical storage and containment practices (see Photograph #s 3-5 in Attachment B). During the exit interview, the City inspector requested chemical storage and handling practices be addressed and that the Facility update its SDCP to ensure it contains all of the required components, per 40 CFR Part 403.8(f)(2)(vi).					
2. <u>Finding – The Inspection Team observed a potential dilution source at Outfall 002.</u> A water hose observed connected to a spigot at Outfall 002 created potential for dilution during monitoring events. Facility representatives noted it was there for periodic use to clean the bar screens.					

IU SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.					
Name of industry: American Tinning & Galvanizing					
Address of industry: 552 West 12 th Street, Erie, PA 16501					
Date of visit: 9/13/2023			Time of visit: 1:30 PM – 3:00 PM		
Name of inspectors: Tim Huemrich (City) Allison Gieda and Aaron Thomson (Region 3) Chuck Durham and Sirese Jacobson (PG Environmental)					
Provide the name(s) and title(s) of industry representative(s)					
Name		Title			
David Bertges		Vice President, Financial and Human Resources Manager			
Ronnie Chiarelli		Vice President			
Billy Wagner		Laborer			
IU Permit Number: Not Determined. This file was not reviewed as part of the PCI		Exp. Date: Not Determined		IU Classification: 40 CFR 413.14 (Subpart A) and 413.44 (Subpart D)	
Please provide the following documentation:					
1. Nature of operation: The facility is a metal finishing job shop with about 500 customers. The facility began operations in 1931. The anodizing line was added in June 1982. [Note: During the walk-through of the facility, facility representatives noted that the anodizing line was added 1983. During the exit meeting, the facility representatives corrected themselves stating that the anodizing line started in early 1982. Post-inspection, American Tinning staff provided the City documentation to confirm the anodize addition to the facility occurred in June 1982. The Inspection Team noted that the new source date for metal finishing is August 31, 1982] Processes performed on-site include aluminum anodizing; electroplating (zinc and cadmium); a small amount of phosphating; black oxide; electroless nickel plating; and galvanizing. The facility performs chromate conversion coating after zinc plating using mostly trivalent chromates, and a small amount of hexavalent chromate. Hexavalent chromate is used in the olive-drab line and gold chromate conversion line. The facility does some fabrication of electroplating tanks as needed, and some machining on parts after galvanizing. The facility does not do chrome plating.					
2. Number of employees:	75	Number of shifts:	3	Hours of operation:	24 hours per day, 5 days per week
3. Wastestream flow(s) discharged to the POTW: The process wastestream consists of rinsewaters from the anodizing process. The rinse tanks from the electroplating line are not discharged to the sewer, they are recycled. The chrome rinse water is recirculated through cation exchange units and pumps back to the process line (see Photograph 8).					
Sanitary:	Not determined	Process:	Not determined	Combined:	Not determined
4. Describe any significant changes in process or flow: None. The facility replaced the hexavalent chromium chemical used in processing, but did not change the tank. Have never added or removed a line. The anodizing line was added in 1983, and a new building was built for the line.					

5. Type of pretreatment system (Describe): Anodizing rinse waters drain to a collection sump before being discharged to the sewer. Grab samples are tested for pH and adjusted as necessary prior to discharge. Rinse tanks from the electroplating line are not discharged to the sewer and instead go through a cation exchange filtration process before being recycled into the rinse tanks (see Photograph # 8). The facility representatives also stated that spent processing solutions are taken out in totes or drums by US Ecology every 60 to 75 days.			
X	Continuous flow		Batch
			Combined
6. Process area description (identify raw materials and processes used) The anodizing line consists of: racks; flight bar into alkaline cleaner to remove oils and dirt; two rinse tanks; caustic etch; two rinse tanks; deoxidizer (all acid based); 2 rinse tanks; processing tank; 2 cold water tanks; to seal (nickel seal hot water seal, dichromate seal). The cleaning line consists of alkaline soap cleaner; 2 cold water rinses; electrocleaner (strong alkaline); 2 rinses; sulfuric acid pickle; electrocleaner; 2 rinses; neutralizer (25% muriatic acid); 2 rinses. The contents of the four rinse tanks in the cleaning process are all recycled. After cleaning, the product goes into the zinc tank or cadmium tank; drag out tanks; 2 rinses; tank #35 bright dip; 2 rinses trivalent or olive drab or black trivalent; 2 rinses; zinc or cadmium drag-out; rinse; bright dip; rinse; trivalent or hexavalent gold; rinse; warm water; blow off. The black oxide process is run 3 times a year for 3-4 days and consists of: alkaline cleaner; 2 running rinses; e-prep (acidic); rinse; black oxide; rinse; oil seal.			
7. Chemical storage area (identify the chemicals that are maintained on site and how they are stored): Chemicals stored include acids and plating chemicals. Stored chemicals observed consist of one tote of fluoroboric acid, 4 totes of muriatic acid, 2 totes of chromic acid and Finigard (200A).			
Any floor drains?	Yes	Any spill control measures?	Spill kits and absorbent pads.
8. Are hazardous wastes drummed and labeled? Yes. Spent process solutions are stored in totes and drums and hauled off-site by US Ecology about every 60-75 days.			
9. Does the IU have hazardous waste manifests? Yes. Inspectors reviewed the August 29, 2023 manifest for sulfuric acid waste (3,769 gallons) hauled off-site by US Ecology destined for Enviroline of Ohio, Inc.			
10. Solid waste production and disposal: The only solid wastes generated at this facility are sludge buildup collected on the rare occasion that plating tanks are purged. Those sludges are shipped off-site as hazardous wastes.			
11. Description of sample location and methods: The facility has one sampling location, which is a collection pit next to the wall in the plating room (see Photograph 9). Environmental Service Lab collects and analyzes samples. The lab only collects grab samples.			

Notes:

1. **Finding – The inspection team observed the potential for dilution of the regulated wastestream.**

The Inspection Team observed a rubber hose leading into the sample pit. The facility representative noted the hose is the steam condensate line. (See Photograph 9).

2. **Finding – The City is using incorrect sample type and is not collecting independent samples.**

While observing the sample point, Mr. Wagner demonstrated how he collects the grab samples from this location, and also noted that he pulls the samples out for the City monitoring events and hands them off to the City inspector.

The federal regulations at 40 CFR 403.8(f)(2)(v) require the City to develop and implement procedures to evaluate occasional and continuing noncompliance with pretreatment standards, including inspecting each SIU at least once a year. The regulations at 40 CFR 403.12(g)(5) state that grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfides, 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 POTW. Where time-proportional composite sampling or grab sampling is authorized by the POTW, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the file for that facility or in any control mechanism.

Attachment B

Industrial User Site Visit Photo Log



Photograph 1: PHB Outfall 001



Photograph 2: PHB Outfall 002.



Photograph 3: Chemical tote stored directly over trench drain at PHB.



Photograph 4: Blue 55-gallon containers lacking secondary containment identified during walk-through of PHB.



Photograph 5: Chemical storage concern at PHB: Left tote is missing catch bucket.



Photograph 6: Sampling manhole in front of the building at JTM.



Photograph 7: Three-stage interceptor in front of the main building at JTM.



Photograph 8: Recirculation tanks (cation exchange) for chrome rinse water at American Tinning.



Photograph 9: Sample point at American Tinning, showing steam condensate hose (indicated by arrow) combining with regulated wastewater.