

Pretreatment Compliance Inspection

Final Summary Report

Discharger: Chester Sewer District (CSD)
Rocky Creek Wastewater Treatment Plant
(WWTP, NPDES Permit No. SC0036056)
Sandy River WWTP (NPDES Permit No. SC0036081)
Lando/Manetta WWTP (NPDES Permit No. SC0001741)

Location: 3261 Lancaster Highway, Richburg, South Carolina, 29729

Contacts: Devon Beaty, CSD
Tony Young, CSD
Phillip Thompson-King, CSD

Inspection Date: August 30-31, 2023

Inspected By: Yatasha Moore, PG Environmental
Chuck Durham, PG Environmental

Attachments

Attachment A Industrial User Site Visit Data Sheets
Attachment B 2019 Pretreatment Compliance Audit Report

I. Inspection Summary

Upon arrival on August 30, 2023, the United States Environmental Protection Agency (EPA) Contractors, Yatasha Moore and Chuck Durham and South Carolina Department of Health and Environmental Control (SCDHEC) inspector Kasey Jarman (Inspection Team), met with pretreatment program representatives of the Control Authority (CA), Chester Sewer District (CSD or District). During the opening conference with Devon Beaty and Tony Young (jointly referred to as CSD representatives), the Inspection Team presented credentials and discussed the purpose and format of the Pretreatment Compliance Inspection (PCI), noting that this inspection would focus on significant industrial users (SIUs) contributing to the Lando WWTP per direction from EPA Region 4.

Following the opening conference, the Inspection Team interviewed the CSD representatives about CSD's pretreatment program and procedures. CSD's Executive Director, Phillip Thompson-King, sat in on the closing conference.

The Inspection Team also reviewed the following nondomestic discharger files:

- ATI Specialty Materials (ATI), which CSD has classified as a categorical industrial user (CIU) subject to both 40 CFR § 420.96, Iron and Steel Manufacturing standards, and § 471.35 and § 471.65, Transportation Equipment Cleaning standards.
- Jones-Hamilton Company (Jones-Hamilton), which CSD has classified as a CIU subject to 40 CFR 415 Subpart G, Inorganic Chemicals Manufacturing - Hydrochloric Acid Production standards. *Note: This subpart is reserved and therefore has no categorical pretreatment standards.*

The Inspection Team also observed District staff conducting inspections at ATI and Jones-Hamilton.

The most recent review of CSD's pretreatment program was a pretreatment compliance audit (PCA) conducted by PG Environmental, operating as a contractor to the EPA, on April 2-3, 2019. That report and its findings were not released by EPA due to the pandemic-related operational disruptions that followed, but EPA is now providing it for reference as Attachment B to this report. Findings for this PCI report are referenced in the Part IV table below.

II. WWTP Description

The CSD representatives explained that CSD is a special purpose district that provides sewer services to the surrounding cities, including the Town of Richburg, the City of Chester, and unincorporated areas of Chester County.

CSD owns and operates the following wastewater treatment plants:

- Rocky Creek WWTP, design flow of 1.36 MGD
- Sandy River WWTP, design flow of 2.14 MGD
- Lando/Manetta WWTP, design flow of 1.80 MGD

The CSD representatives explained that two of the three WWTPs (Lando/Manetta WWTP and Rocky Creek WWTP) receive process wastewater from SIUs. The Sandy River WWTP receives wastewater from domestic sources, light commercial sources, and also receives hauled waste from a local landfill. Although CSD owns the WWTPs and the sewer lines in the unincorporated areas of the County, they lease sewer lines from the City of Chester. CSD once owned the Town of Richburg's sewer lines, but Chester County has taken ownership of those lines since the 2019 PCA.

III. Industrial User (IU) Characterization

IUs currently identified by the Control Authority (CA)	IU Type						
13	Discharging Significant Industrial Users						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">3</td><td>Discharging Non-Categorical SIUs (as defined by the CA)</td></tr> <tr> <td style="text-align: center;">10</td><td>Categorical Industrial Users (CIUs)</td></tr> <tr> <td style="text-align: center;">NA</td><td>Middle Tier CIUs</td></tr> </table>	3	Discharging Non-Categorical SIUs (as defined by the CA)	10	Categorical Industrial Users (CIUs)	NA	Middle Tier CIUs
3	Discharging Non-Categorical SIUs (as defined by the CA)						
10	Categorical Industrial Users (CIUs)						
NA	Middle Tier CIUs						
0	Zero-Discharging CIUs						
0	Non-significant CIU (NSCIU)						
0	Other Regulated IUs (e.g. permitted IUs) Describe: N/A						
3	Waste Haulers Describe: CSD does not accept hauled waste of any kind at the Lando WWTP and does not accept hauled grease wastes at any of its WWTPs. The Sandy River WWTP accepts septage only.						

IV. Findings Summary Table		
Part V Section Reference – Finding	Required Action(#)	Recommended Action(#)
A.1 – The ERP in use has questionable authorization and is inconsistent with the language in the SUO.	1	
A.2.A – Language in the SUO pertaining to notification requirements needs correction.	2	
A.2.B – Language in the SUO pertaining to notification requirements needs clarification or correction.	3	
C.1.A – The Jones-Hamilton permit is expired and was administratively extended with no expiration date.	4	
C.4.A – The SIU permits do not define the discharge limit “MR.”	5	
C.4.B – The reviewed permits include incorrect lists of TTO parameters.	6	
C.4.C – The sample location descriptions in the permits are unclear.	7	
C.4.D– CSD permits Jones-Hamilton as a CIU.	8	
C.4.E – The reviewed SIU permits have an incomplete statement of non-transferability.	9	
C.4.F – The SIU permits’ signature requirements could be construed as the formation of a contract.		1
C.4.G – The reviewed permits contain a provision for notification of changes in discharge that is inconsistent with the federal regulations.	10	
C.4.H – The reviewed permits contain obligations for the Control Authority.		2
C.4.I – The limits in the Jones-Hamilton permit are incorrectly calculated.	11	
E.1 – CSD failed to monitor ATI for all required parameters.	12	
E.5 – Chain-of-custody forms in the self-monitoring reports for Jones-Hamilton are missing sample types.	13	
G.1 – CSD does not randomly sample wastewater hauled to the WWTP.		3
G.3 – CSD does not randomly sample discharges from FSE(s).		4
Attachment A Site Visit Data Sheet – Jones-Hamilton is using only a 2-point calibration of its pH meter.		5
Attachment A Site Visit Data Sheet – Jones-Hamilton is collecting time-proportional composite samples.	14	
Attachment A Site Visit Data Sheet – ATI Specialty Metals lacks secondary containment for its degreaser.		6

V. Inspection

The Inspection Team discussed the pretreatment program topics in Subsections A-G, below, with the CSD representatives. The Inspection Team also reviewed SIU files to assess the retention and maintenance of required program documents and to generally evaluate overall program implementation. The following sections describe program deficiencies and areas of concern identified during the inspection process along with the requirements, recommendations, and regulatory bases.

A. Control Authority (CA) Pretreatment Program Modification

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

CSD most recently updated the sewer use ordinance (SUO) in 2014 and conducted a headworks analysis for the Lando WWTP in 2022. As previously noted when conducting the 2019 PCA, CSD had amendments to the SUO drafted, but the changes had not yet been authorized by SCDHEC and locally adopted. At the time of this PCI, the amendments were still under internal review by CSD's legal staff.

During the interview portion of the PCI, CSD staff noted the enforcement response plan (ERP) was last updated in 2001 and provided a copy via email. During the closing conference, Mr. Thompson-King noted that the ERP had been updated since 2001 and that a copy would be provided. On September 5, 2023, the District uploaded a 2010 Enforcement Response Guide to the data cloud link provided by the Inspection Team while on-site. The 2001 ERP is presented as Exhibit 1 within this 2010 Guide.

A.1 – Finding – The ERP in use has questionable authorization and is inconsistent with the language in the SUO.

No evidence was provided to show that the 2010 Guide was submitted to, or approved by, SCDHEC incorporating it into the authorized local program. The District's pretreatment staff indicated that to date they have been implementing the 2001 version of the ERP (Exhibit 1). Item C.4 of Exhibit 1 stipulates that submitting reports 30 days late is considered SNC. This is consistent with the maximum allowance that the federal regulations offered in 2001. In contrast, Section 1.2.37(6) of the SUO, as amended in 2014, identifies SNC for late reporting as 45 days after the due date. Additional concerns with the ERP and its implementation are noted in F.1. below.

A.1 – Applicable Regulations

Authorized programs are required by 40 CFR §§ 403.8(f)(5) and 403.18 to implement an ERP that has been authorized by the Approval Authority (SCDHEC). The federal regulations at 40 CFR § 403.8(f)(2)(viii)(F) presently define SNC for late reporting 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."

A.1 – Required Action 1

CSD is required to ensure that all enforcement-related language, including the definition of significant non-compliance (SNC), employed in its approved ERP mirror the language in its approved SUO. Also, CSD must only use an ERP for which it can demonstrate approval from SCDHEC, confirming it is incorporated into, and supported by, its authorized pretreatment program. Also, as noted in F.1. below,

CSD needs to coordinate a modification of its ERP with SCDHEC, to update its procedural utility and to assure a consistent escalation of all qualifying significant non-compliance.

A.2.A – Finding – Language in the SUO pertaining to notification requirements needs correction.

Section 5.9.2 of the SUO requires written notification of a “spill or *sludge* discharge.” The actual language from the federal pretreatment regulations is “spill or slug discharge.” These terms are not interchangeable. A sludge discharge could be considered a slug discharge, but it does not capture the entirety of what could be considered a slug discharge.

A.2.A – Required Action 2

CSD must review its SUO to ensure notification language meets the intent of the notification requirements in 40 CFR § 403.8(f). Furthermore, when updating the SUO it is recommended CSD evaluate the ERP to ensure there is no conflicting language as a result of the SUO revision.

A.2.B – Finding – Language in the SUO pertaining to notification requirements needs clarification or correction.

Section 5.5 of the SUO lists daily maximum discharge limits for biological oxygen demand (BOD), total suspended solids (TSS), total Kjeldahl nitrogen (TKN), and ammonia. Per Section 5.5 of the SUO, exceeding these numbers would be considered a violation of local limits and the SUO, which requires some level of enforcement action by CSD. Section 7.3.3.1 of the SUO lists the same four parameters with the exact same numeric values but stipulates a surcharge will be assessed for discharges above the concentration limits.

A.2.B – Required Action 3

CSD must be clearer in the SUO that concentrations or mass loadings exceeding local limits will be treated as violations regardless of whether or not a surcharge also applies, and differentiate in the SUO which limits are local limits and which are surcharge levels. A fee for surpassing a surcharge level is not a fine or penalty but might be applied to billing for a user in addition to any enforcement fine or penalty due under the ERP for exceeding a pretreatment standard (local limit). CSD needs to include these distinctions among the pending updates to its SUO.

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))

CSD has several methods for identifying nondomestic dischargers. CSD representatives explained that they have not historically performed industrial waste surveys (IWSs) but would like to do so at least once every five years. Ms. Beaty noted that CSD plans to conduct a formal IWS within the next year. Existing SIUs are required to submit an updated IWS prior to permit expiration (serves as permit application). CSD representatives also stated that when a new industry enters the service area, they must work with the County and city or town utilities to activate water accounts. CSD also works closely with the County’s economic development and planning departments, who notify CSD of potential industries. CSD also reviews water bills for high volume users, conducts drive around inspections, and Google searches.

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. CSD samples the SIUs on a semi-annual basis and inspects these facilities annually.

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 decided that a 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. CSD maintains a current list of SIUs, which CSD submits with the annual and semi-annual pretreatment program reports. The District does not have the legal authority to classify SIUs as NSCIUs.

C. Control Mechanism Evaluation

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

Yes, CSD had issued individual control mechanisms to SIUs. However, the Inspection Team noted that the Jones-Hamilton permit had just expired the week prior to this inspection.

C.1.A – Finding – The Jones-Hamilton permit was expired and was administratively extended with no expiration date.

The Jones-Hamilton permit had been issued for a term of one year and expired on August 25, 2023. CSD staff noted that the permit had been extended via email, but the extension did not specify an end date. The inspection team advised CSD representatives that permits must have an expiration date and the total duration of a permit, however extended, cannot exceed 5 years.

C.1.A – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1)(iii)(B)(1) require that individual and general control mechanism be enforceable and include a statement of duration that is not longer than five years.

C.1.A – Required Action 4

CSD is required to immediately re-issue the Jones-Hamilton permit with a valid term and to ensure that all SIUs are operating under valid permits with expiration dates that do not exceed a five-year term. If extensions are granted to permits that are pending expiration, these should be transmitted formally as a new permit would be issued, with signatures and issuance, effective, and expiration dates. CSD has not been authorized to manage its program solely through electronic communications (40 CFR § 403.12(r)).

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). Although CSD has the authority to issue general control mechanisms, none had been issued 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. Although CSD has the authority to issue general control mechanisms, none had been issued 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, best management practices (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 permits reviewed by the Inspection Team included most, but not all, of the elements that are required by 40 CFR Part 403. Additionally, the Inspection Team has several recommendations for improving the SIU permits.

C.4.A – Finding – The SIU permits do not define the discharge limit “MR.”

Several of the SIU permits include monitoring requirements with a daily maximum and monthly average discharge limit identified as “MR.” CSD representatives explained that this represents “monitor and report.” However, this definition was not included in the SIU permits.

C.4.A – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1)(iii)(B)(4) require that permits include conditions, such as self-monitoring, sampling, reporting, notification, and recordkeeping requirements. Additionally, permits are required to include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type.

C.4.A – Required Action 5

CSD is required to immediately revise and reissue its SIU permits to define the self-monitoring requirements more clearly (sampling frequencies, parameters, recordkeeping, and reporting requirements). Specifically, the permits must define the term “MR” if this acronym is used for identifying the sampling requirements in the permit.

C.4.B – Finding – The reviewed permits include incorrect lists of TTO parameters.

Part II.5.c of the reviewed permits (i.e., self-monitoring language in the ATI and Jones-Hamilton permits) states that the term TTO shall mean “total toxic organics, which is the summation of all quantifiable values greater than 0.01 milligrams per liter for the toxic organics listed in 40 CFR § 433.11(e).”

However, the TTOs listed in 40 CFR § 433.11(e) are specific to the metal finishing category. This technology-based list of parameters is not applicable to other types of industrial discharges. Neither ATI nor Jones-Hamilton is subject to the metal finishing regulations. Furthermore, TTO is not listed as a regulated local limit in Section 1. *Effluent Limitations & Monitoring Requirements* of the permits for either of these facilities.

C.4.B – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1)(iii)(B)(4) require that permits include conditions, such as self-monitoring, sampling, reporting, notification, and recordkeeping requirements. Additionally, permits are required to include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type.

C.4.B – Required Action 6

CSD is required to immediately revise and reissue its SIU permits to ensure that all permits include the correct monitoring conditions, per the federal regulations.

C.4.C – Finding – The sample location descriptions in the permits are unclear.

The sampling location descriptions in the reviewed permits are unclear and very generic. For example, the sample point in the Jones-Hamilton permit is listed as effluent from neutralization basin. Similarly, the ATI permit describes the sampling point as “package treatment plant.” The lack of detail regarding the designated sample locations could result in incorrect sampling and misrepresentation of the actual discharge to CSD. It may also result in different sampling locations being used for self-monitoring by the user and for CSD oversight, and potentially complicate civil enforcement actions if those are taken.

C.4.C – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1)(iii)(B)(4) require that permits include self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type.

C.4.C – Required Action 7

CSD is required to immediately revise and reissue its SIU permits to include a detailed description of the compliance sample location to ensure consistency between monitoring conducted by CSD and by the SIUs. The detailed description of the compliance sample location may be included in the permit as a narrative, a diagram, photograph, or any combination of the above.

C.4.D – Finding – CSD permits Jones-Hamilton as a CIU.

In footnote #2 below the limits table in the Jones-Hamilton permit, CSD has referenced the Inorganic Chemical Manufacturing Point Source Category (40 CFR Part 415, Subpart G). This reference also includes, in parentheses, as noted in the regulation itself, that this Subpart has been “Reserved.”

C.4.D – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(2) require CSD to identify the character and volume of pollutants contributed to the POTW from industrial users, and to notify industrial users of applicable Pretreatment Standards and any applicable requirements.

C.4.D – Required Action 8

Because 40 CFR Part 415, Subpart G, does not yet contain effluent limits for pretreatment sources and instead stipulates that categorical regulation of pretreatment industries fitting the applicability description has been “Reserved,” the EPA does not yet view discharges from such facilities to be CIUs. The EPA is aware that SCDHEC, for its own accounting purposes, has historically asked its authorized programs to account users with either “Reserved” or “must comply with Part 403” standards as CIUs.

However, a permit issued for such a circumstance needs to clearly identify the user as a non-categorical SIU. The classification that might apply if standards existed can also be referenced (such as Part 415, Subpart G, in this case), but it needs to be accompanied with a statement that no federal Pretreatment Standards have yet been promulgated for the cited operations and that the user is presently a non-categorical SIU. CSD should also seek guidance from SCDHEC as to whether or not this SIU should continue to be accounted to them as a CIU given that the operations are not yet viewed so by the EPA.

C.4.E – Finding – The reviewed SIU permits have an incomplete statement of non-transferability.

Part IV.C. of the reviewed permits contains requirements for permit transfers. However, this section does not include a requirement for the new owner or operator of the SIU to receive a copy of the current permit.

C.4.E – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1)(iii)(B)(2) require that permits include a “[s]tatement 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.”

C.4.E – Required Action 9

CSD is required to ensure that the transferability language in its SIU permits includes a provision for the new owner or operator of the SIU to receive a copy of the current permit.

C.4.F – Finding – The SIU permits’ signature requirements could be construed as the formation of a contract.

Both the Jones-Hamilton and ATI permits include a signature block with a statement acknowledging receipt of the permit, but also include a statement that the signee agrees to abide by all conditions in the permit. Requiring a signature of agreement rather than just a signature of receipt could be considered the formation of a contract. The user should already be required by law (through the SUO and/or its analogs in the permit terms) to comply with a user permit when receiving one by CSD; the user does not necessarily have to agree with a permit granted by CSD to be subjected to its terms.

C.4.F – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1)(i) require POTWs to control through permit or similar means the discharge from all SIUs. The EPA Industrial User Permitting Guidance Manual denotes that contracts are not an acceptable form or control mechanism to satisfy 40 CFR § 403.8(f)(1)(i).

C.4.F – Recommended Action 1

The Inspection Team recommends that CSD revise its SIU permits to remove the signature space from the last page of permits or, at a minimum, remove any excess language in the signature block that refers to anything other than simply acknowledging receipt of the permit.

C.4.G – Finding – The reviewed permits contain a provision for notification of changes in discharge that is inconsistent with the federal regulations.

Part IV.A of the general conditions in the reviewed SIU permits states, “Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new Industrial Wastewater Survey Questionnaire/Discharge Permit Application or, if such changes will not violate the effluent limitations specified in this permit, by written notice to CWR prior to implementation of such changes.” This permit language only accounts increases in production or flow. The intent of the regulation is to capture any significant changes whether they be an increase or a decrease.

C.4.G – Applicable Regulations

The federal pretreatment regulations at 40 CFR § 403.12(j) state, “All Industrial Users shall promptly notify the Control Authority in advance of any substantial change in the volume or character of

pollutants in their Discharge, including the listed or characteristic hazardous waste for which the Industrial User has submitted initial notification under paragraph (p) of this section.”

C.4.G – Required Action 10

CSD is required to ensure that the notification of changes in discharge in its permits is consistent with the federal regulations, which includes notification of the reduction of wastewater generated or discharged to the POTW.

C.4.H – Finding – The reviewed permits contain obligations for the Control Authority.

Part IV.I of the general conditions in the SIU permits states, “Upon promulgation of Federal Categorical Pretreatment Standards, the CWR will notify the applicable industries of any additional requirements which may require modifications to or reissuance of this permit.” SIU permits should not include any actions required of the permitting authority because the permit and its requirements are issued to and for the user.

C.4.H – Recommended Action 2

It is recommended CSD remove all language from its SIU permits pertaining to actions to be taken on the part of CSD. If CSD is subject to any implementation requirements, then those should stand alone in the SUO.

C.4.I – Finding – The limits in the Jones-Hamilton permit are incorrectly calculated.

As noted in the site visit write-up in Attachment A, the limits in the Jones-Hamilton permit are incorrectly calculated by using the combined wastestream formula. This formula only applies to discharges from categorically-regulated facilities.

C.4.I – Applicable Regulations

The federal regulations at 40 CFR §§ 403.6 and 403.8(f)(1)(iii)(B)(3) require permits to contain “effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in [40 CFR Part 403], categorical Pretreatment Standards, local limits, and State and local law,” and establish the option to apply the combined wastestream formula to categorical users.

C.4.I – Required Action 11

CSD is required to immediately revise and reissue the Jones-Hamilton permit to include the correctly calculated effluent limits.

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))

CSD has attempted to apply applicable pretreatment standards and requirements to users. However, several deficiencies with this implementation were identified with the reviewed permits. Refer to the Findings found under C.4 above for additional information.

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

The District representatives stated only two SIUs have been required to develop slug discharge control plans (SDCPs) – OMNOVA and Sun Fiber, both of which are subject to 40 CFR Part 414. During the 2019 PCA (Attachment B), the Inspection Team had noted that the Sun Fiber SDCP did not contain all of the required elements identified in 40 CFR § 403.8(f)(2)(vi). CSD should review the findings related to SDCPs in that report and take the necessary steps to ensure all SIUs have been evaluated for the need of an SDCP and also ensure any required SDCP includes each of the required components.

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, CSD has been conducting inspections at least annually and collecting samples at the SIUs twice per year with the exception of the following:

E.1 – Finding – CSD failed to monitor ATI for all required parameters.

Compliance monitoring performed by CSD in January 2023 at ATI did not include sampling results for beryllium, copper, molybdenum, phosphorus and oil and grease (O&G). In addition, results for these parameters were not found in the January 2022 or August 2022 compliance monitoring records.

E.1 – Applicable Regulations

The federal pretreatment regulations at 40 CFR § 403.8(f)(2)(v) state that POTWs are 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....”

E.1 – Required Action 12

CSD is required to monitor for all regulated pollutants at each of its permitted SIUs at least once annually.

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))

Yes. Based on the SIU files reviewed, CSD has used the proper sampling and analysis and inspection procedures.

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**

Yes. Based on the file reviewed, CSD 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. CSD had not permitted SIUs as NSCIUs at the time of the inspection, nor does it have the authority to use this classification.

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**

Generally, CSD has been adequately requesting, receiving, and reviewing reports. However, the following inconsistency was identified during the inspection:

E.5 – Finding – Chain-of-custody forms in the self-monitoring reports for Jones-Hamilton were missing sample types.

The chain-of-custody form associated with the May 2023 self-monitoring report (SMR) did not identify whether samples were to be grab or composite, other than a note that was typed into the form three days after the sample collection date. The note does not include initials of the note author, which would be proper protocol for amendments.

E.5 – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(2)(iv) require that CSD receive and analyze self-monitoring reports and other notices submitted by IUs in accordance with the self-monitoring requirements at 40 CFR § 403.12.

E.5.A – Required Action 13

CSD is required to ensure that it is properly requesting, receiving, and analyzing reports.

6. Have SIUs monitored to demonstrate continued compliance and re-sampled after violation(s)? (40 CFR § 403.12(g)(1) & (2)) Yes.
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.
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 §§ 403.12(h) & (g)(1)) Yes.
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.
10. Has the CA received notification of hazardous waste discharges? (40 CFR §§ 403.12(j) & (p)) During the interview, CSD representatives stated that no hazardous waste discharge notifications were received. During the file reviews, the Inspection Team did not identify any hazardous waste notifications or indications of circumstances that would have required a notification. A requirement for SIUs to notify CSD of hazardous waste discharge, as required by 40 CFR § 403.12(p), is included in Section IV.W. of the SIU permits.
F. Enforcement
1. Has the CA implemented its enforcement response plan (ERP)? (40 CFR § 403.8(f)(5)) CSD has not implemented its compliance program in full accordance with the Enforcement Response Guide (ERG) that is dated September 18, 2001, and revised November 23, 2010. As noted in Finding A.1 above, it is also unclear if this ERG has been legally adopted into the authorized program as the ERP. Improvements to CSD's ERG are necessary to assure its consistent application, to assure escalatory actions for qualifying significant non-compliance, and to have parity with other ERG in the State that have been more recently approved by SCDHEC. The following describes the mixed results of this ERG as used by CSD: In February-March 2022, the Lando WWTP began experiencing toxicity issues that resulted in total dissolved solids (TDS) violations. Investigation by CSD staff determined that Jones-Hamilton, an SIU,

was a contributor to the TDS problems at the WWTP. This scenario is defined in Part 403 as Interference and Pass-through, which are SNC-qualifying violations. In July 2022, CSD issued a Cease & Desist Order to Jones-Hamilton that required it to conduct a study to eliminate or reduce TDS. The pilot study has been completed and the facility is in the engineering phase to install equipment intended to reduce TDS.

The ERG (Section 3.4D) specifies the termination of service in the case of Interference or Pass-through. Under the Cease and Desist Order, the facility was directed to ship all wastewater off-site unless sample results verified the TDS loading is significantly reduced. The only discharges to the District that have occurred in recent months were these hauled loads received over four days in July 2023. The WWTP has not had any NPDES violations since June 2022 but continues to work with Jones-Hamilton to ensure continued compliance and reduced loadings from the SIU. The compliance schedule for Jones-Hamilton was closed out on August 20, 2023.

In 2022, Jones-Hamilton was not identified, published, or reported to SCDHEC by CSD as being in SNC for its contribution to the Interference and Pass-through, as required by 40 CFR §§ 403.8(f)(2)(viii) and 403.12(i). CSD also did not seek to recover from Jones-Hamilton the penalty that it was assessed by SCDHEC for the Pass-through or its costs of investigating and managing the Interference. The ERG itself does not fully enumerate all of the qualifying criteria for SNC to facilitate consistent SNC determinations by CSD, but it does recognize the requirements for CSD to identify SNC and to publish qualifying users at least annually (Section 2.J).

In 2023 to date, CSD has identified three users in SNC (see 2.a, below), including two users in SNC for two consecutive quarters, to whom it has only issued notices of violation (NOV). The District determined that escalation of enforcement was not warranted for SNC-qualifying consecutive exceedances of oil & grease in 2023 because those did not result in any identified increase at the WWTP headworks (influent). Specific prohibitions in 40 CFR § 403.5(b) such as endangerment of sewer workers or acute or chronic impacts to the sewer system portion of the POTW did not appear to have been investigated. Escalation was also not taken for SNC-qualifying consecutive late reporting by the other SIU, known as Footprints.

In contrast, the ERG (Section 3) specifies “in case of significant non-compliance, an NOV may also be issued prior to issuing an Administrative Order (AO) or pursuing judicial remedies....Administrative orders are recommended as the first formal response to significant non-compliance.... Administrative civil charges...are to recapture the full or partial economic benefit of non-compliance, and to deter future violations. Administrative civil charges are recommended as an escalated enforcement response, particularly when NOV's or administrative orders have not prompted a return to compliance.”

Jones-Hamilton submitted its 2nd quarter 2023 self-monitoring report with a certification dated June 19, 2023. The permit requires reports to be submitted by the 15th of the following month. CSD issued a NOV for this late report on July 17, 2023.

**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. CSD adequately evaluates whether SIUs are in SNC. If SIUs are identified to be in SNC, CSD

publishes this information in the *Rock Hill Herald*.

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

CSD did not publish any SIUs in SNC for 2022. So far in 2023, there have been three SIUs identified as being in SNC. In the 1st quarter of 2023, Footprints and Giti Tire were both in SNC for late reporting, and Roseburg Forest Products was in SNC for an oil & grease (O&G) exceedance.

In the 2nd quarter of 2023, Footprints and Roseburg were in SNC for the same type violations as in the 1st quarter, but Giti Tire had returned to compliance. According to CSD staff, NOV's were issued to all 3 facilities for their respective violations and they will be published in the newspaper at year-end.

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

Yes. Jones-Hamilton had been on a compliance schedule which just closed out on August 20, 2023.

**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. No new CIU regulations have been promulgated in the last three years.

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

For the one CIU evaluated as part of this PCI, the BMR and periodic compliance reports had been submitted as required.

G. Additional Evaluations

1. Hauled Waste

G.1 – Finding – The District does not randomly sample wastewater hauled to the WWTP.

CSD accepts hauled septic and portable toilet waste at the Sandy River WWTP between 8am-4pm at the designated discharge point, which is the septic pit preceding the headworks. The facility does not accept any grease waste nor does it accept any septage from outside of Chester County. Drivers are required to submit a manifest with each load. CSD representatives explained that the septic haulers are issued discharge permits; CSD had three permitted septic haulers at the time of the inspection. CSD does not randomly sample hauled waste discharges to verify local limits compliance or as a non-compliance deterrent. Operators do observe the pump out process.

G.1 – Recommended Action 3

The Federal Regulations at 40 CFR § 403.8(f)(2)(v) state that POTWs should 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. If CSD is still accepting hauled landfill leachate, then this should be

independently monitored and evaluated by CSD for compliance with local limits, either under an SIU permit or on this random basis. Since manifested septic waste can still be illicitly mixed with non-domestic sources, it is also recommended that CSD randomly sample septic wastewater that is hauled to the WWTP. Even if most of the samples are held for a period and not analyzed, the practice can be an effective deterrent to illicit activity.

2. Dental Mercury

CSD representatives stated that there are approximately four dental facilities within the service area. The dental facilities within the State report directly to SCDHEC regarding installation and maintenance of amalgam separators, and disposal of the collected dental waste.

3. Fats, Oils, and Grease (FOG)

G.3 – Finding – The District does not randomly sample discharges from FSE(s).

CSD conducts inspections of food service establishments (FSEs) approximately once per year, but more frequently if problems are identified. CSD representatives estimate that there are 60 FSEs within the service area. CSD does not permit or conduct random sampling at any of these facilities to evaluate their compliance with local limits and SUO requirements. Inspectors review manifests as part of the site inspections, but the FSEs are not required to submit any reports to CSD. CSD also provides outreach in the form of FOG Management public service announcements, flyers, a Facebook account, and posting information on CSD's website.

G.3 – Recommended Action 4

In accordance with 40 CFR § 403.8(f)(2)(v), it is recommended that CSD begin randomly sampling and analyzing discharges from the FSEs to assure these non-domestic users (i.e., Industrial Users) comply with local limits, which are Pretreatment Standards. Sewer overflows and blockages can occur due to high levels of solids, fats, oils, and greases accumulating from poorly controlled FSE discharges. Such events qualify as interference with a POTW, which authorized pretreatment programs can prevent through this independent compliance monitoring.

Attachment A

Industrial User Site Visit Data Sheets

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.					
Name of industry: Jones-Hamilton					
Address of industry: 4433 Richburg, South Carolina, 29729					
Date of visit: 8/30/2023			Time of visit: 2:40 PM – 4:15 PM		
Name of inspector(s): Devon Beaty and Tony Young, Chester Sewer District (CSD) Kayse Jarman, SCDHEC Yatasha Moore and Chuck Durham, PG Environmental					
Provide the name(s) and title(s) of industry representative(s)					
Name		Title		Phone/Email	
Will Gist		Plant Manager		wgist@jones.hamilton.com 803-789-6702	
Ayoyinka Aina		Environmental Health & Safety Coordinator		aaina@jones.hamilton.com 803-977-0260	
IU Permit Number: 042015LM03-01		Exp. Date: 8/25/2023 (administratively extended by letter 8/2/2023)		IU Classification: CIU (40 CFR 415, Subpart G (Reserved))	
Please provide the following documentation:					
1. Nature of operation: This facility produces hydrochloric acid in liquid form and sodium bisulfate in solid form, both of which are typically intermediate products used in a variety of ways. The sodium bisulfate is used in the poultry industry, used for pH adjustment, and is used in various drink products (Pepsi, Gatorade, etc.).					
2. Number of employees	28	Number of shifts:	4	Hours of operation:	24/7
3. Wastestream flow(s) discharged to the POTW: The discharge through the sampling point includes process waters and dilute streams. Wastewater discharged includes non-contact cooling water, boiler blowdown and cooling tower bleed off. The CSD representative noted that the combined wastestream formula (CWF) is used to determine compliance. The CWF, however, is only applicable to streams that have unregulated and dilute streams mixing with regulated streams prior to discharge. There are no applicable categorical standards for this facility and therefore no need for application of the CWF. The combined discharge is simply subject to CSD's local limits.					
Sanitary:	Not reviewed (N/R)	Process:	29,500 gpd permit limit typical discharge is 10,000 gals/batch; two batches per day	Combined:	N/R
4. Describe any current or planned significant changes in process or flow: In early 2022, CSD determined that Jones-Hamilton was a contributor to high total dissolved solids loadings at the WWTP, based on a comparison of sampling results at the IU discharge point and the influent of the WWTP. In July 2023, the permittee was issued a Cease & Desist Order and required to conduct a study to eliminate or reduce TDS. The pilot study has been completed and the facility is in the engineering phase to install equipment to reduce TDS. Under the Cease and Desist Order, the facility was ordered to ship all wastewater off-site unless sample results verified TDS loading was significantly reduced. The only discharges to the District that have occurred in recent months were the hauled discharges that occurred for 4 days in July 2023.					
5. Type of pretreatment system (Describe treatment processes, condition of systems, and deficiencies observed): Treatment consists of pH adjustment with soda ash. The facility uses a 2-point calibration system to calibrate the					

pH meter (currently using 4 and 7 buffers) due to equipment limitations. The EPA inspection team noted a 3-point calibration is preferred, and because the majority of pH readings reported are above 7 standard units, any 2-point calibrations should be using 7 and 10 buffers. (see Finding 1 below)			
Continuous flow	X	Batch	Combined
6. Process area description (identify raw materials and processes used): Sulfuric acid and salt (sodium chloride) are mixed together in a 1:1 ration, typically 240,000-280,000 pounds per day, and then heated to 560 degrees Fahrenheit. This mixture is then cooled via non-contact cooling water down to 450 degrees Fahrenheit and air is introduced to further cool the mixture. The hydrochloric gas is then vacuumed out and water is added to form hydrochloric acid. The remaining vapor turns back into a solid (sodium bisulfate) once cooled to 380 degrees Fahrenheit.			
7. Chemical storage area (identify the chemicals that are maintained on-site, housekeeping, and storage): Raw chemicals include sulfuric acid and salt. Other chemical products on-site include rust inhibitors and de-scalers. During the walk-through the CSD inspector noted that while adequate containment was in place throughout the facility, some of the corrosion inhibitor materials were stored outside the containment area.			
Any floor drains?	No.	Any spill control measures?	Yes. Absorbent pads and regular training of employees.
8. Are hazardous wastes drummed and labeled? According to facility representatives, there are no hazardous wastes on-site. None were observed during the walk-through of the facility.			
9. Does the IU have hazardous waste manifests? Yes.			
10. Solid waste production and disposal: Not Determined			
11. Description of sample location and methods: The facility representative uses both grab and composite samples as required per parameter. Composite samples are time-proportional, pulling an aliquot every minute over the course of 1-hour (the length of time required to complete a batch discharge). The EPA inspection team noted flow-proportional composite samples are required by the SIU permit. (see Finding 2 below). The permittee uses Waypoint Analytical for analysis. Samples are collected at the effluent from the neutralization basin.			
Notes:			
The CSD inspector began the site visit with an opening conference, going through CSD's inspection checklist. She confirmed that the IU is no longer operating under a Cease and Desist Order and there have been no process changes at this site. Both parties acknowledged the facility is still pumping and hauling its wastewater off site (10,000 -15,000 gpd, M-F). The only exception was for 4 days in July 2023 when the 2 batches per day were brought to the Lando WWTP with prior approval from CSD. There had not been a discharge from the facility to CSD in August 2023 primarily because of on-going maintenance that has resulted in high solids in the wastewater. During the closing conference, the CSD inspector re-emphasized the concern raised with respect to pH calibration procedures and noted that she will evaluate the use of the time-proportional samples to determine if its reflective of the discharge practices and acceptable as a substituted for flow-proportional sampling. During the closing conference, Ms. Jarmen (SCDHEC) notified the facility representatives of the requirement to obtain a pump and haul approval from SCDHEC to haul its wastewater to a CSD WWTP. In addition, Ms. Jarmen noted that the permittee is also required to obtain approval from SCDHEC for any pilot study activities associated with upgrades to its treatment system. 1. <u>Finding—The facility is using a 2-point calibration for calibration of its pH meter.</u> As noted above, the facility representatives noted a 2-point calibration system is used to calibrate the pH meter (currently using 4 and 7 buffers) due to equipment limitations (see Photograph 1). The EPA inspection team noted a 3-point calibration is preferred. Because the majority of pH readings reported are above 7 standard units, any 2-point calibrations should be using 7 and 10 buffers.			

Recommended Action 5

The Inspection Team recommends that CSD follow-up with the facility to ensure proper buffers are used for calibration of pH meters. Specifically, buffers that bracket typically observed pH values for the discharge should be used. Additionally, a 3-point calibration is preferred.



Photograph 1. pH 4 and 7 buffer solutions at Jones-Hamilton

2. Finding—The facility is collecting time-proportional composite samples.

The Jones-Hamilton SIU permit requires the facility to collect flow-proportional composite samples. During the site visit, the facility representatives stated that composite samples are collected as time-proportional composite samples.

Applicable Regulations

The federal regulations at 40 CFR § 403.12(g)(3) state, “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.”

Required Action 14

CSD is required to follow-up with Jones-Hamilton to ensure that all samples are collected using the appropriate sampling method.

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.					
Name of industry: ATI Specialty Materials, LLC					
Address of industry: 4374 Lancaster Highway, Richburg, SC 29729					
Date of visit: 8/31/2023			Time of visit: 9:10 AM – 12:45 PM		
Name of inspector(s): Devon Beaty and Tony Young, Chester Sewer District (District) Yatasha Moore, PG Environmental					
Provide the name(s) and title(s) of industry representative(s)					
Name		Title		Phone/Email	
Jay Hayes		EHS Manager		803-789-4380	
Scott Brown		Operator in Responsible Charge		803-789-4343	
IU Permit Number: 05012012LM01-01		Exp. Date: 11/8/2025		IU Classification: 40 CFR 420.96; 40 CFR 471.35 ; 40 CFR 471.65	
Please provide the following documentation:					
1. Nature of operation: The facility produces bars and coils for the aerospace, oil and gas, and biomedical industries.					
The main rolling mill construction started in 1990. The first four mills started operation in December 1992. The forge building was built in 2000 and the last building onsite was built in January 2003.					
2. Number of employees	~280	Number of shifts:	4	Hours of operation:	24 hours per day, 7 days per week
3. Wastestream flow(s) discharged to the POTW: The facility discharges spent acids and rinse waters from its coil pickling line and cooling water from the rolling mill. Additionally, the facility occasionally discharges water from its quench pits.					
Sanitary:	63,557 gpd	Process:	2,000 gpd	Combined:	65,557 gpd
4. Describe any current or planned significant changes in process or flow: According to the facility representatives, there have been no changes since the last CSD inspection and there are no planned changes.					
5. Type of pretreatment system (Describe treatment processes, condition of systems, and deficiencies observed):					
Process wastewater first enters two 26,000-gallon holding tanks for wastewater. From here, wastewater is pumped to neutralization tank N-1 where the facility adds lime or spent acid. Wastewater is then pumped to neutralization tank N-2 where the facility adds lime or spent acid to try to get pH in the 6-7 s.u. range. Polymer is then added prior to wastewater being sent to the clarifier. Final effluent from the clarifier is discharged to the POTW. The solids from the clarifier are pumped to the sludge thickener and then to the sludge press. The water from the sludge press is sent back to the holding tank at the beginning of the pretreatment system. Solids from the sludge press are hauled offsite by Republic Services to a Republic Services landfill.					
The facility's flow meter is calibrated semi-annually. The facility's pH probe is calibrated daily using pH 4, 7, and 10 buffers. The buffers observed onsite were within the expiration date.					
X	Continuous flow		Batch		Combined
6. Process area description (identify raw materials and processes used): The facility receives titanium, stainless steel, and nickel alloy billets.					

Billet Conditioning

The facility uses a saw, grinder, and shot blast in this area. The inspection team did not observe any floor drains in this area.

Forging

This is a closed loop system using non-contact cooling water to cool the forge box. The inspection team did not observe any floor drains in this area.

Rolling Mill

Billets are sent to the rolling mill. The facility has 16 stands (not all used at the same time) used to create different diameters for the products. Products range in size from 0.25 inch to 4 inches in diameter. Parts may also be sent to the pickling line after the rolling mill, if needed.

The rolls have cooling water, which enters a sump and recirculates before going to the pretreatment system. Most of the water that is treated comes from the rolling mill. The inspection team observed a 55-gallon drum of Purple Power stored in the rolling mill area without secondary containment. The inspection team also observed the oil storage area across from the start of the rolling mill. The facility was storing totes and drums of various sizes in this area.

The sump tanks from the rolling mills are cleaned every five years. The 3,000-gallon used oil tank next to the sump tank. The contents of this tank are hauled offsite approximately twice per year by either Hazmat Environmental Service or Crystal Clean.

Products are either shipped to the customer at that point or continue in the process for heat treatment.

Heat Treatment

Products are heated with natural gas furnaces. Some are water quenched and others are air cooled. Some products are then shipped to the customers, while other products may move on to finishing.

Finishing

In the finishing department, the facility performs peeling, straightening, grinding, polishing, ultrasonic testing, cutting for samples, final inspection, and are then marked and packed.

Pickling Line

The facility's pickling line for coils consists of the following steps:

1. Sulfuric acid tank (15%)
2. Water rinse (city water) (cascading rinse; discharges to the pretreatment system)
3. Three nitric acid/ hydrofluoric acid tanks (8% nitric acid; 3% hydrofluoric acid)
4. Water rinse (city water; cascades back to #2)
5. Nitric acid tank (15%)
6. Water rinse (city water; cascades back to #4)
7. Spray water rinse (city water; cascades back to #6)

The pickling tanks are cleaned bi-annually. Solids are hauled offsite as hazardous waste.

7. Chemical storage area (identify the chemicals that are maintained on-site, housekeeping, and storage):
Chemicals were stored throughout the facility near the production areas in which they were used. Major

chemicals observed by the inspection team include various oils in totes and drums in the mill; a 3,000-gallon used oil tank in the forging area; and spent acid, hydrofluoric acid, nitric acid, hydrogen peroxide, and sulfuric acid tanks in the coil pickling area.

Any floor drains?	Yes	Any spill control measures?	Yes – spill kits; oil dry in most departments. The facility can use outside contractors as needed for large spills. The facility has an annual training every March.
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8. Are hazardous wastes drummed and labeled? None observed during site visit.

9. Does the IU have hazardous waste manifests? Not reviewed.

10. Solid waste production and disposal: Scrap metal is either sent to another ATI facility to be put back into the process or hauled offsite by Wallace Industrial for recycling at either RCI or ITPS in Ohio. CMC picks up other recyclables, including aluminum cans and plastic.

11. Description of sample location and methods: Mr. Brown collects the samples for the facility. Pace Analytical performs the analysis of the samples. The facility representative indicated that flow-proportional composite samples are collected.

Notes:

The CSD inspector completed paperwork in the facility's wastewater lab, including reviewing three years of monitoring records (random dates requested).

3. **Finding—The facility was lacking secondary containment for its degreaser.**

The inspection team observed two 55-gallon drums of Purple Power stored in the rolling mill area without secondary containment (see Photograph 1).

Recommended Action 6

The Inspection Team recommends that CSD follow-up with the facility to ensure the facility maintains proper secondary containment for the Purple Power degreaser.



Photograph 1. Chemical storage drums lacking secondary containment.

Attachment B

2019 Pretreatment Compliance Audit Report

Pretreatment Compliance Audit

Draft Summary Report

Discharger: Chester Sewer District (CSD)
Rocky Creek Wastewater Treatment Plant (WWTP, NPDES Permit No. SC0036056)
Sandy River WWTP (NPDES Permit No. SC0036081)
Lando/Manetta WWTP (NPDES Permit No. SC0001741)

Office Location: 3261 Lancaster Highway, Richburg, South Carolina, 29729

Contact(s): Devon Beaty, CSD
Tony Young, CSD

Audit Dates: April 2-3, 2019

Audited By: Yatasha Moore, PG Environmental
Kettie Rupnik, PG Environmental

EPA Region 4 Notation: This report was not finalized or transmitted following the PCA due to the subsequent onset of the international pandemic and the extended disruption to internal operations that resulted. It is being attached to the final report for the follow-up PCI that was conducted in 2023 so it may be referenced, including its more thorough review of the sewer use ordinance. While the contractor's findings are believed to be accurate, this report may contain errancies and some findings may not fully coincide with the finalized PCI, which received a full review by EPA.

Attachments

Attachment A Industrial User Site Visit Data Sheet
Attachment B Legal Authority Review Checklist

I. Audit Summary

Upon arrival on April 2, 2019, EPA contractors, Yatasha Moore and Kettie Rupnik (jointly referred to as Audit Team) met with pretreatment program representatives of the Control Authority (CA), Chester Sewer District (CSD). During the opening conference with Devon Beaty and Tony Young (jointly referred to as CSD representatives), the Audit Team presented credentials and discussed the purpose and format of the Pretreatment Compliance Audit. Following the opening conference, the Audit Team interviewed the CSD representatives about CSD's pretreatment program and procedures.

As part of the audit, the Audit Team reviewed files for the following significant industrial users (SIUs):

- Carolina Poly, which CSD has classified as a non-categorical SIU;
- Sunfiber, which CSD has classified as a categorical industrial user (CIU) subject to 40 CFR 414, Subpart H – Specialty Organic Chemicals;
- Coatex, which CSD has classified as a non-categorical SIU;
- Footprints, which CSD has classified as a non-categorical SIU (*permit reviewed only*);
- Omnova, which CSD has classified as a CIU subject to 40 CFR 414, Subpart H (*permit reviewed only*); and,
- Jones-Hamilton Company, which CSD has classified as a non-categorical SIU (*permit review only*)

The Audit Team also conducted inspections at the SIUs:

- Carolina Poly
- Sunfiber

During the interview, file review, and offsite review of documents following the audit, the Audit Team performed a review of the adequacy of CSD's procedures, sewer use ordinance (SUO), and enforcement response plan (ERP).

Preliminary findings were discussed with the CSD representatives at a closing conference on April 3, 2019. A summary of findings is provided in Part VI, Findings Summary Table, of this report.

II. WWTP Description

The CSD representatives explained that CSD is a special purpose district that provides sewer services to the surrounding cities, including the Town of Richburg, the City of Chester, and unincorporated areas of Chester County.

CSD owns and operates the following wastewater treatment plants:

- Rocky Creek WWTP, design flow of 1.36 MGD
- Sandy River WWTP, design flow of 2.136 MGD
- Lando/Manetta WWTP, design flow of 1.8 MGD

The CSD representatives explained that two of the three WWTPs, Lando/Manetta WWTP and Rocky Creek WWTP, receive process wastewater from SIUs. Sandy River WWTP receives wastewater from domestic and light commercial sources. However, Sandy River WWTP also receives hauled waste from a local landfill. Although CSD owns the WWTPs, they lease sewer lines from the City of Chester and the Town of Richburg.

The CSD representatives stated that the Lando/Manetta WWTP received upgrades in 2014, including expanding capacity and installation of a new clarifier. At the time of the audit, CSD did not plan to make significant changes to the other WWTPs. However, the CSD representatives mentioned that it is possible that within the next five years one of the WWTPs would be decommissioned, due to high operational costs. CSD representatives also mentioned that several new industries were planning to move into the service area and that CSD was in the process of developing permits for these industrial users. These industries included a chemical manufacturing research and development facility and a forest product manufacturing facility.

III. Industrial User (IU) Characterization

IUs currently identified by the Control Authority (CA)	IU Type	
13	Discharging Significant Industrial Users	
	8	Discharging Non-Categorical SIUs (as defined by the CA)
	5	Categorical Industrial Users (CIUs)
	0	Middle Tier CIUs
0	Zero-Discharging CIUs	
0	Non-significant CIU (NSCIU)	
0	Other Regulated IUs (e.g. permitted IUs): CSD inspects food service establishments (FSEs) on an annual basis but does not permit these facilities.	
2	Waste Haulers Describe: CSD accepts hauled waste at the Sandy River WWTP. Refer to Section H, Additional Evaluations for more information.	

IV. Findings Summary Table		
Part V Section Reference – Finding	Required Action(#)	Recommended Action(#)
B.1 – CSD should identify new industries and permit them accordingly.		1
C.1.A – CSD has issued permits pas their five-year duration period.	1	
C.1.B – Sunfiber experienced a gap in user permit coverage.	2	
C.4.A – The SIU permits do not define the discharge limit “MR”.	3	
C.4.B – The Sunfiber and Coatex permits included the incorrect list of parameters for total toxic organics (TTOs).	4	
C.4.C – The reviewed SIU permits include an effluent limit that has not been allocated in the local limit calculations.	5	
C.4.D – The sample location descriptions in the permits are unclear.		2
C.4.E – The reviewed permits do not include specific language requiring the development of a SDCP.	6	3
C.4.F – The permit provision requiring notification for changes in discharge is inconsistent with the federal regulations.	7	
D.2 – CSD’s SUO is inconsistent with 40 CFR Part 403.	8	
D.3 –CSD does not have a document detailing the responsibility of pretreatment program implementation with cities and towns of the special purpose District.	9	
E.2 – The Sunfiber slug discharge control plan is incomplete.	10	
F.5.A – Carolina Poly did not sample for all required parameters at the specified frequency during 2018.	11	
F.5.B – Carolina Poly is collecting time-proportional composite samples.	12	
G.1.A – CSD failed to take enforcement against Carolina Poly for the incomplete monitoring in February and March of 2018.	13	
G.1.B – CSD failed to take enforcement against Sunfiber for discharging without a permit.	14	
G.1.C – CSD took an enforcement action that was not defined in the ERP.	15	
G.6 – Sunfiber provided the information for a baseline monitoring report but did not include all the required elements of the 90-day compliance report.	16	
H.1 – CSD had not evaluated permitting the landfill for discharges of hauled waste.		4
Sunfiber Site visit data sheet (SVDS) – CSD should ensure		5

that the facility is promptly providing notification for modifications at the facility.		
Sunfiber SVDS – CSD should ensure that the facility is not utilizing dilution as a method for complying with discharge limits.		6
Sunfiber SVDS – CSD should evaluate the cleaning and disposal practices at the facility and ensure these practices do not result in a slug discharge.		7
Sunfiber SVDS – The compliance sampling location identified during the site visit was different from the one identified in the permit.	17	
Sunfiber SVDS – CSD should inspect and review potential deficiencies with composite samplers during site inspections.		8
Carolina Poly SVDS – CSD should ensure that the facility is promptly providing notification for modifications at the facility.		9

V. Evaluation	
The Audit Team discussed the pretreatment program topics below with the CSD representatives. The Audit Team also reviewed SIU files to assess the retention and maintenance of required program documents and to generally evaluate overall program implementation. The following sections describe program deficiencies and areas of concern identified during the audit process along with requirements, recommendations, and associated references to 40 CFR Part 403.	
H. Control Authority (CA) Pretreatment Program Modification	
2. When was the last program modification? Did the CA notify the EPA of program modifications? (40 CFR §403.18) CSD most recently updated the SUO during 2014 and conducted a headworks analysis during 2015. The CSD representatives explained that they had a draft redline version of the SUO and planned to make modifications to the document regarding overall organization and changes to the language regarding surcharges.	
I. IU Characterization	
4. 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))	

CSD has several methods for identifying nondomestic dischargers. The CSD representatives explained that industrial users are required to complete and submit industrial waste surveys at least once every five years. The CSD representatives also stated that when a new industry enters the service area, they must work with the County and city or town utilities to activate water accounts. CSD also works closely with the County's economic development and planning departments, who notify CSD of potential industries. CSD also reviews water bills for high volume users, conducts drive around inspections, and Google searches.

B.1-Finding—New industries should be identified and permitted accordingly.

The CSD representatives mentioned that several new industries were planning to move into the service area at the time of the inspection.

Recommended Action 1

The Audit Team recommends that CSD work closely with the industries that move into the service area to ensure that they are permitted prior to discharge and that the waste is properly characterized prior to acceptance by CSD.

**5. 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. CSD samples the SIUs on a semi-annual basis and inspects these facilities annually.

**6. 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. CSD maintains a current list of SIUs, which CSD submits with the annual and semi-annual pretreatment program reports.

J. Control Mechanism Evaluation

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

Yes, CSD had issued individual control mechanisms to SIUs. However, the Audit Team identified that several of the permits had been extended beyond the five-year permit duration period.

C.1.A - Finding – CSD has issued permits past their five-year duration period.

The following permits were initially issued for a period of five years and then had been extended six-months past the five-year duration period:

- Coatex
- Omnova
- Specialty Polymer

- Jones Hamilton

C.1.A – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1)(iii)(B)(1) require that individual and general control mechanism be enforceable and include a statement of duration that is not longer than five years.

C.1.A. – Required Action 1

CSD is required to immediately re-issue permits to ensure that all SIUs are operating under valid permits with expiration dates that do not exceed the five-year term.

C.1.B - Finding – Sunfiber experienced a gap in permit coverage.

Sunfiber's previous permit expired on November 22, 2017, and a new permit did not become effective until January 11, 2018. Therefore, Sunfiber was discharging to the POTW without an effective permit from November 22, 2017, until January 11, 2018.

C.1.B – Applicable Regulations

The federal regulations at 40 CFR 403.8(f)(1)(iii) requires that the POTW control through permit, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable Pretreatment Standards and Requirements.

C.1.B. – Required Action 2

CSD is required to ensure that permits are reissued as appropriate to ensure that SIUs are not discharging to the POTW without an effective control mechanism.

6. Do the applications for general control mechanism contain all of the following? (40 CFR §403.8(f)(1)(iii)(A)(2))

- Contact info**
- Production processes**
- Types of wastes generated**
- Location for monitoring**
- Any request for waiver for pollutants not present per 40 CFR § 403.12(e)(2)**

Not applicable (N/A). Although CSD has the authority to issue general control mechanisms, none had been issued at the time of the audit.

7. Are general control mechanisms only issued for IUs where all of the following is true? (40 CFR §403.8(f)(1)(iii)(A)(1))

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

N/A. Although CSD has the authority to issue general control mechanisms, none had been issued at

the time of the audit.

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

- q. Statement of duration (5 years max)**
- r. Statement of non-transferability**
- s. Applicable effluent limits (local limits, categorical standards, best management practices (BMPs))**
- t. Self-monitoring requirements**
 - Identification of pollutants to be monitored
 - Sampling frequency
 - Sampling locations/discharge points
 - Appropriate sample types
 - Reporting requirements
 - Record-keeping requirements
- u. Statement of applicable civil and criminal penalties**
- v. Compliance schedules**
- w. Notice of slug loading or potential problems at POTW**
- x. Notification of spills, bypasses, upsets, etc.**
- y. Notification of significant change in discharge**
- z. 24-hour notification of effluent violation**
- aa. Submit resampling results within 30-days**
- bb. Slug discharge control plan requirement, if required by POTW**
- cc. Certification statements**
- dd. Sampling/analysis requirements (Part 136 or alternative)**
- ee. Reporting of additional sampling**
- ff. 90-day compliance report**

The permits reviewed by the Audit Team included most, but not all, of the required elements per 40 CFR Part 403. Additionally, the Audit Team has several recommendations for improving the SIU permits.

C.4.A - Finding – The SIU permits do not define the discharge limit “MR”.

Several of the SIU permits include monitoring requirements with a daily maximum and monthly average discharge limit as “MR”. The CSD representatives explained that this represents “monitor and report.” However, this definition was not included in the SIU permits.

C.4.A – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1)(iii)(B)(4) require that permits include conditions, such as self-monitoring, sampling, reporting, notification and recordkeeping requirements. Additionally, permits are required to include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type.

C.4.A – Required Action 3

CSD is required to ensure that the SIU permits include information regarding self-monitoring requirements, including clearly defined sampling frequencies, parameters to be monitored,

recordkeeping, and reporting requirements. Specifically, the permits must define the term “MR” if this acronym is used for identifying the sampling requirements in the permit.

C.4.B - Finding – The permits reviewed include the incorrect lists of parameters for TTO.

Part II.5.c of the Sunfiber and Coatex permits state that the term TTO shall mean “total toxic organics, which is the summation of all quantifiable values greater than 0.01 milligrams per liter for the toxic organics listed in 40 CFR part 433.11(e).”

However, the TTOs listed in 40 CFR § 433.11(e) are specific to the metal finishing category, and this list of parameters is not applicable to industries that are not subject to the metal finishing regulations in 40 CFR Part 403. Sunfiber is a CIU subject to 40 CFR Part 414 and Coatex is a non-categorical SIU, thus metal finishing limits do not apply to discharges from these SIUs.

C.4.B – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1)(iii)(B)(4) require that permits include conditions, such as self-monitoring, sampling, reporting, notification and recordkeeping requirements. Additionally, permits are required to include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type.

C.4.B – Required Action 4

CSD is required to ensure that the permits include the correct list of parameters to be monitored, per the federal regulations.

C.4.C - Finding – The reviewed SIU permits include an effluent limit that has not been allocated in the local limit calculations.

The reviewed SIU permits included an oil and grease limit of 100 mg/L. However, the local limit spreadsheets that included the most recent headworks loading allocations did not account for oil and grease. The CSD representatives were unsure of the origin of the oil and grease limit, and therefore, the technical basis for the oil and grease limits included in the permits was unclear.

C.4.C – Applicable Regulations

The federal regulations at 40 CFR § 403.5(c) state that each POTW developing a pretreatment program shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a)(1) and (b) of 40 CFR § 403.5. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

C.4.C – Required Action 5

CSD is required to ensure that local limits included in the IU permits are technically based and protective of the prohibitions listed in paragraphs (a)(1) and (b) of 40 CFR § 403.05.

C.4.D - Finding – The sample location descriptions in the permits are unclear.

The sampling location descriptions in the permits reviewed only included a photograph without a narrative description. While the photograph is helpful, it may be unclear where within the photograph the sample is to be collected.

C.4.D – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1)(iii)(B)(4) requires that permits include self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type.

C.4.D – Recommended Action 2

The Audit Team recommends that CSD amend the permits to include a detailed description of the compliance sample location in addition to a photograph to ensure consistency in monitoring conducted by CSD and by the SIU.

C.4.E - Finding – The reviewed permits do not include specific language requiring the development of a slug discharge control plan (SDCP).

Part IV.H of the general conditions of the permits states, “The Permittee will be required to submit a Slug Discharge Control Plan if the results from CSD’s evaluation indicate that a plan is necessary.”

During the audit, the CSD representatives explained that Sunfiber and Omnova were required to develop SDCPs. However, these permits contained the aforementioned statement and did not include a specific requirement for Sunfiber and Omnova to develop SDCPs.

C.4.E – Applicable Regulations

The federal pretreatment regulations at 40 CFR §403.8(f)(1)(iii)(B)(6) state that control mechanisms must include requirements to develop a slug discharge control plan if the POTW has determined that a slug discharge control plan is necessary. 40 CFR § 403.8(f)(2)(vi) lists the required components of a SDCP.

C.4.E – Required Action 6

CSD is required to specify in the SIU permits if the IUs are required to develop and implement processes to control slug discharges, as necessary, to clearly identify what the IU is expected to comply.

For any SIUs that have been identified as needing a SDCP, CSD is required to amend their discharge permits to specifically state that a SDCP is required and identify the necessary components to be included in such a plan.

C.4.E – Recommended Action 3

For those SIUs that have a SDCP in place at the time of SIU issuance/renewal, the Audit Team recommends that CSD specify in the SIU permits when the plan was developed or last revised.

C.4.F - Finding – The permit provision requiring notification for changes in discharge is inconsistent with the federal regulations.

Part IV.A of the general conditions in the SIU permits states, “Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new Industrial Wastewater Survey Questionnaire/Discharge Permit Application or, if such changes will not violate the effluent limitations specified in this permit, by written notice to CSD prior to implementation of such changes.”

C.4.F – Applicable Regulations

The federal pretreatment regulations at 40 CFR § 403.12(j) state, “All Industrial Users shall promptly notify the Control Authority in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous waste for which the Industrial User has submitted initial notification under paragraph (p) of this section.”

C.4.F – Required Action 7

CSD is required to ensure that the permit provision regarding notification of changes in discharge are consistent with the federal regulations, including the reduction of wastewater generated or discharged to the POTW.

K. Legal Authority

1. Has the CA amended its pretreatment program to include the streamlining provisions?

Yes. CSD included the required streamlining provisions in its SUO, including:

- Slug control requirements in permits
- Notification requirements that might affect the potential for a slug discharge
- Revised SNC definition
- Clarification that SIU reports must include any applicable BMP required by a pretreatment standard, local limits, state, or local law
- Record-keeping requirements for BMPs
- Clarification regarding resampling after discharge exceedances for programs that conduct self-monitoring in lieu of requiring a SIU to self-monitor
- Modifications to the sampling requirements
- Requirements to report all monitoring results

2. Does the SUO provide the control authority adequate legal authority, consistent with 40 CFR § 403.8(f)(1)?

No. The Audit Team identified several deficiencies with CSD’s legal authority.

D.2 – Finding - CSD’s SUO is inconsistent with 40 CFR Part 403.

As a component of the PCA, the Audit Team compared the SUO with the provisions of 40 CFR Part 403 (see Attachment B, Legal Authority Review Checklist). The following deficiencies were identified during the review:

1. The following provisions were not included in the SUO:
 - The definition of “Best Management Practices or BMPs” [40 CFR § 403.3(e)]
 - The definition of “pass through” [40 CFR § 403.3(p)]
 - The definition of “slug discharge” [40 CFR § 403.8(f)(2)(vi)]
 - The general prohibition statement does not include the prohibition of substances that may cause pass through [40 CFR § 403.5(a)]
 - The development of a compliance schedule for the installation of treatment technology [40 CFR § 403.8(f)(1)(iv)]

- The provision regarding baseline monitoring reports generally refers the reader to “EPA’s General Pretreatment Regulations” but does not specifically list the elements that are to be included in baseline monitoring reports. [40 CFR § 403.12(b)(1)-(7)]
- The provision regarding compliance schedule progress reports states that these reports shall be submitted as required by “EPA General Pretreatment Regulations” but does not specifically the content and submission requirements. [40 CFR § 403.12(c)]
- The provision regarding reports on compliance with categorical pretreatment standard deadlines states that these reports shall be submitted as required by “EPA General Pretreatment Regulations” but does not specifically the content and submission requirements. [40 CFR § 403.12(d)]

2. The following provisions in the SUO were inconsistent with the federal regulations:

- The definition of “Authorized or Duly Authorized Representative” [40 CFR § 403.12(l)]
- The definition of “National Pretreatment Standards”. [40 CFR § 403.3(l)]
- The definition of “New Source”. [40 CFR § 403.3(m)]
- The specific prohibitions in the SUO includes a statement prohibiting the discharge of wastewater having a pH less than 6.0 or greater 11.0. but does not specifically prohibit the discharge of substances that may cause corrosive damage. [40 CFR § 403.5(b)(2)]
- The reporting procedures for notifying necessary parties of hazardous waste discharges is inconsistent with the federal regulations. [40 CFR § 403.12(p)]
- The SUO includes language allowing CSD to take samples but does not specify that CSD can sample independently to assess compliance. [40 CFR § 403.8(f)(1)(v), 40 CFR § 403.8(f)(2)(v)—(vii)]
- The SUO provides the authority to require the installation of a “manhole” for monitoring but does not specify the installation of monitoring equipment. [40 CFR § 403.8(f)(1)(iv)]

D.2 – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1), the POTW shall operate pursuant to legal authority enforceable in Federal, State, and local courts, which authorize or enables the POTW to apply and to enforce the requirements of the pretreatment program.

D.2. – Required Action 8

CSD is required to update its SUO to ensure that it is at least consistent with the regulations at 40 CFR Part 403, and sufficient for CSD to successfully administer its pretreatment program. For additional findings regarding recommended and required updates, refer to Attachment B.

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

As a component of the audit, the Audit Team reviewed CSD’s agreement regarding leasing the sewer lines from the towns and cities of the special purpose district. The document included language regarding responsibilities for different parties. However, the document did not include information stating which parties were responsible for implementing the pretreatment program.

D.3 - Finding – CSD does not have a document detailing the responsibility of pretreatment program implementation with cities and towns of the special purpose District.

The CSD representatives explained that CSD was responsible for implementing all aspects of the pretreatment program within the cities and towns included in the special purposes district. However, the sewer lease agreement provided during the audit did not include documentation of this information. Additionally, the document did not include a requirement for the cities and towns to revise their SUOs to reflect changes in the CSD SUO to ensure consistency in the pretreatment program.

D.3 – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1) state, “The POTW shall operate pursuant to legal authority enforceable in Federal, State, and 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 [Clean Water Act] and any regulations implementing those section. Such authority may be contained in a statute, ordinance, or series of contracts or joint power agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by state law.”

D.3 – Required Action 9

CSD is required to ensure that it has documentation identifying its responsibilities for implementing the pretreatment program within the cities and towns of the special purpose district. CSD must be able to demonstrate that it has the proper legal authority to implement the pretreatment program within the cities and towns of the special purpose district and that those jurisdictions have adopted legal authorities that are consistent with CSD’s.

4. What is the control authority’s definition of SNC?

(40 CFR §403.8(f)(2)(viii))

CSD’s definition of SNC is consistent with the federal definition, found at 40 CFR § 403.8(f)(2)(viii).

L. Application of Pretreatment Standards and Requirements

3. Does the CA apply all applicable pretreatment standards?

(40 CFR §403.8(f)(1)(ii) and §403.8(5))

For the most part, CSD appears to have applied applicable pretreatment standards. However, deficiencies were identified regarding categorical classification and the SUO. Refer to Sections D and G of this report for additional information.

4. Has the CA evaluated the need for SIUs to develop slug discharge control plans?

(40 CFR §403.8(f)(2)(vi))

Yes, CSD has evaluated the need for SIUs to develop slug discharge control plans. CSD required Omnova and Sunfiber to develop and implement plans to control slug discharges.

E.2 - Finding – The Sufiber SDCP is incomplete.

The Sunfiber SDCP referred to “Table A” for an inventory of chemicals stored at the facility. Table A was not present with the slug discharge control plan at the time of the audit, thus the Audit Team could not confirm that the plan included all required elements.

E.2 – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(2)(vi) require the POTW to evaluate whether each SIU needs a plan or other action to control discharges. If a slug discharge is required to be developed it 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 40 CFR § 403.5(b) with procedures for follow-up notification within five days;
- (D) If necessary, procedures to prevent adverse impacts from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plan 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.

E.2- Required Action 10

For those SIUs for which CSD has required a SDCP, CSD is required to evaluate each plan to ensure it contains the minimum requirements stipulated in 40 CFR § 403.8(f)(2)(vi).

M. Compliance Monitoring

11. 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, CSD has been conducting inspections at least annually and collecting samples at the SIUs twice per year.

12. 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), 40 CFR §403.12(g)(5))

Yes. Based on the SIU files reviewed, CSD has used the proper sampling and analysis and inspection procedures.

13. Has the CA kept records for three years including the following?
e. Period compliance reports and other reports/notices
f. All monitoring records including: sample date, place, method, time, personnel; analysis date, personnel, method; results
g. BMP compliance documentation
h. Other monitoring records
(40 CFR §403.12(o))

Based on the file reviewed, CSD maintains records for at least three years.

14. 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. CSD had not permitted SIUs as NSCIUs at the time of the inspection.

15. Has the CA required, received, and analyzed reports and other notices from SIUs?

- j. Self-monitoring reports
 - k. BMRs and 90-day compliance reports
 - l. Compliance schedules reports
 - m. Notice of slug loading or potential problems at POTW
 - n. Notification of spills, bypasses, upsets, etc.
 - o. Notification of significant change in discharge
 - p. 24-hour notification of effluent violation
 - q. Resampling results within 30-days
 - r. Other reports/notifications required by the CA
- (40 CFR §403.8(f)(2)(iv))

Generally, CSD has been adequately requesting, receiving, and reviewing reports. However, the following inconsistencies were identified during the audit:

F.5.A - Finding – Carolina Poly did not sample for all required parameters at the specified frequency during 2018.

Carolina Poly is required to conduct and submit self-monitoring reports for various parameters on a monthly basis. The SIU did not sample and submit results for chromium during February or March 2018. CSD had not identified this deficiency and thus, had not taken enforcement actions against the facility.

F.5.A – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(2)(iv) require that CSD receive and analyze self-monitoring reports and other notices submitted by IUs in accordance with the self-monitoring requirements at 40 CFR § 403.12.

F.5.A – Required Action 11

CSD is required to ensure that they are properly requesting, receiving, and analyzing reports.

F.5.B - Finding – The Carolina Poly self-monitoring reports documented that time-proportional composite samples were collected.

The self-monitoring data submitted by Carolina Poly indicated that time-proportional composite samples had been collected at the facility. However, CSD's Carolina Poly file did not include rationale for allowing time-proportional composite samples to be collected in lieu of flow-proportional composite samples.

F.5.B – Applicable Regulations

The federal regulations at 40 CFR § 403.12(g)(3) require that 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, 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 the facility or facilities.

F.5.B – Required Action 12

CSD is required to ensure that Carolina Poly collects flow-proportional composite samples. If CSD determines that it is infeasible for the SIU to collect flow-proportional composite samples, the rationale documenting allowance for collecting time-proportional composite samples in lieu of flow-proportional samples shall be included in the facility's file.

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

Yes.

17. 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.

18. 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 §403.12(h) & (g)(1))

Yes.

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

Yes.

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

During the interview portion of the audit, the CSD representatives stated that no hazardous waste discharge notifications were received. During the file review, the Audit Team did not identify hazardous waste notifications, nor was there an indication that a notification should have been received. The CSD representatives explained that SIUs are required by their permit to notify CSD of hazardous waste discharges.

21. Does the CA accept electronic reporting?
(40 CFR §403.8(g) and 40 CFR Part 3)

The CSD representatives explained that they may accept reports electronically in order to meet a reporting deadline. However, CSD also requires that hard copies of reports with original wet-ink signatures on the certification statements be submitted as the official version of the report.

N. Enforcement

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

The Audit Team identified that CSD has been taking enforcement actions in response to noncompliance with the exception of the deficiencies listed below:

G.1.A - Finding – CSD failed to take enforcement against Carolina Poly for the incomplete monitoring in February and March of 2018.

Carolina Poly is required to conduct and submit self-monitoring reports for various parameters on a monthly basis. The facility did not sample and submit results for chromium during February or March 2018. CSD had not identified this deficiency and thus, had not taken enforcement actions against the facility.

G.1.A – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(5) require that the POTW develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance.

Item D of Exhibit 1 of the ERP states that CSD is to issue a notice of violation or administrative order in the event that the SIU does not monitor for all pollutants required by the permit.

G.1.A – Required Action 13

CSD is required to ensure that it is properly implementing its ERP in response to industrial user noncompliance. Specifically, CSD must take enforcement action, in accordance with its approved ERP, against Carolina Poly for the failure to monitor for all required parameters and the inadequate reporting violation.

G.1.B - Finding – CSD failed to take enforcement against Sunfiber for discharging without a permit.

Sunfiber's previous permit expired on November 22, 2017, and a new permit did not become effective until January 11, 2018. Therefore, Sunfiber was discharging to the POTW without an effective permit from November 22, 2017, until January 11, 2018.

G.1.B – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1)(iii) requires that the POTW control through permit, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable Pretreatment Standards and Requirements.

The federal regulations at 40 CFR § 403.8(f)(5) require that the POTW develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance.

G.1.B. – Required Action 14

CSD is required to ensure that it is properly implementing its ERP in response to industrial user noncompliance. Specifically, CSD must take enforcement action, in accordance with its approved ERP, against Sunfiber for discharging to the POTW without a permit.

G.1.C - Finding – CSD took an enforcement action that was not defined in the ERP.

The CSD representatives explained that CSD had taken enforcement action against Carolina Poly for discharge exceedances of BOD and TSS. CSD provided documentation of these activities, which showed that CSD had entered into a Compliance Agreement with Carolina Poly. However, the ERP does not define “compliance agreement” and instead states that CSD shall issue a compliance order.

G.1.C – Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(5) require that the POTW develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance.

G.1.C – Required Action 15

CSD is required to ensure that it is properly implementing its ERP in response to industrial user noncompliance. Specifically, CSD must only utilize the enforcement tools for which its legal authority has been established.

6. Does CSD’s ERP contain the minimum elements required by 40 CFR § 403.8(f)(5)?

Yes.

**7. 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. CSD evaluates if SIUs are in SNC. If SIUs are identified to be in SNC, CSD publishes this information in the *Rock Hill Herald*.

3a. Were any SIUs in SNC in the past year? Include name of industry, type of SNC, and current compliance status.

Yes, during 2018, Sunfiber and Carolina Poly were in SNC. Sunfiber was in SNC for discharge exceedances of naphthalene and benzene. At the time of the audit, the facility was conducting monitoring to identify sources of naphthalene and benzene. Carolina Poly was in SNC for BOD and TSS exceedances and had entered into a compliance agreement with CSD and was no longer in SNC at the time of the audit.

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

Yes.

**9. 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 standards have been effective for more than three years.

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

No.

G.6 - Finding – Sunfiber provided the information for a baseline monitoring report but did not include all the required elements of the 90-day compliance report.

G.6 – Applicable Regulations

The federal regulations at 40 CFR § 403.12(b) require that at least 90 days subsequent to the promulgation of an applicable categorical standard, CIUs are required to submit to the Control Authority a report which contains the information listed in paragraphs (b)(1)-(5) of 40 CFR § 403.12. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards.

G.6 – Required Action 16

CSD is required to ensure that they are adequately requesting and receiving reports from CIUs that are subject to the baseline monitoring reports and 90-day compliance reports within the stated timeframes.

O. Additional Evaluations

4. Hauled Waste

CSD accepts hauled waste at the Sandy River WWTP, including leachate from the Chester County Construction and Demolition Landfill in addition to septic waste generated throughout the county. The CSD representatives explained that the septic haulers are issued discharge permits; CSD had two permitted septic haulers at the time of the audit. CSD has tested hauled waste in the past, including grab samples for pH and reviewing the odor and color of the waste. However, recent random sampling has not been conducted.

H.1 - Finding – CSD has not evaluated permitting the landfill for discharges of hauled waste.

CSD accepts hauled leachate from the landfill approximately 1 to three times per year, but this discharge is not currently permitted. CSD requires monitoring of the landfill leachate before accepting it at Sandy River WWTP. Required monitoring includes metals and TCLP sampling. However, CSD does not evaluate the waste hauled from the landfill for compliance with local limits before acceptance.

CSD representatives explained that the dedicated hauled waste discharge location is within the fence line at Sandy River WWTP and that waste haulers must be admitted to the WWTP from the gate after checking in at the main office. The waste haulers are required to provide manifests documenting where the waste originated, and CSD does not accept hauled waste from outside of Chester County.

H.1 -Recommended Action 4

The Audit Team strongly recommends that CSD evaluate permitting the landfill for discharges of leachate to the WWTP. Although CSD is evaluating and characterizing waste generated from the landfill, they should consider issuing a control mechanism to the landfill in an effort to control nondomestic discharges from the facility and to provide additional enforcement authority.

5. Dental Mercury

CSD representatives stated that there are approximately four dental facilities within the service area. The dental facilities within the state will be reporting directly to State of South Carolina Department of Health and Environmental Control (SCDHEC) regarding amalgam separators and handling dental waste.

6. Fats, Oils, and Grease (FOG)

CSD conducts inspections of FSEs approximately once per year. At the time of the audit, CSD representatives estimated that there were 50 FSEs within the service area. CSD does not permit or conduct sampling at these facilities. CSD also provides outreach in the form of FOG Management public service announcements (PSAs), flyers, a Facebook account, and posting information on CSD's website. The CSD representatives explained that seven sanitary sewer overflows (SSOs) had been reported between January 8, 2018 and March 7, 2019. Most of the SSOs were attributed to root intrusion.

7. Pharmaceutical Waste Management

CSD provides outreach to the community regarding proper pharmaceutical disposal and the disposal of wipes. CSD plans to work with the local Sheriff's Department in the future to participate in household hazardous waste management and pharmaceutical take back activities.

Attachment A

Industrial User Site Visit Data Sheet

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.					
Name of industry: Sunfiber					
Address of industry: 1247 Frederic Drive, Richburg, SC 29729					
Date of visit: 4/3/2019		Time of visit: 10:00 a.m. – 1:30 p.m.			
Name of inspector(s): Devon Beaty and Tony Yong, CSD Yatasha Moore and Kettie Rupnik, PG Environmental					
Provide the name(s) and title(s) of industry representative(s)					
Name		Title		Phone/Email	
Chris Winters		Vice President of Administration		803-789-4162	
IU Permit Number: 112015LM04-01		Exp. Date: 1/10/2019		IU Classification: 40 CFR 414, Subpart H, Specialty Organic Chemicals	
Please provide the following documentation:					
1. Nature of operation: The facility stretches recycled plastic flakes into different diameters of fibers to make various products, including pillow stuffing.					
2. Number of employees	195	Number of shifts:	2	Hours of operation:	24/7
3. Wastestream flow(s) discharged to the POTW: The facility generates and discharges wastewater from the addition and removal of animal fat silicon and water to the fibers in addition to equipment washing.					
Sanitary:	Not reviewed (N/R)	Process:	23,500 gpd	Combined:	N/R
4. Describe any current or planned significant changes in process or flow: The facility representative stated that there had been no modifications in process or flow since the last inspection. The facility hopes to expand its operations in the future, approximately doubling production by the end of 2021. Refer to note 1 in the Notes section for additional information.					
5. Type of pretreatment system (Describe treatment processes, condition of systems, and deficiencies observed): The facility's pretreatment system was located outdoors and consisted of an approximately 4,000-gallon holding tank with baffles for solids settling. The wastewater collected in the tank then flows through a wire screen and flume prior to discharging to the POTW.					
X	Continuous flow		Batch		Combined
6. Process area description (identify raw materials and processes used): The facility's manufacturing processes occurred within two main buildings, described as follows:					
• <u>Tower building</u>: This building has six floors housing various operations, including large towers for drying the plastic chips and separating dirt and debris from the chips. Waste and debris collected from this process is sent to the landfill. The third floor has an equipment washing area where the water from the bath is cleaned out approximately once per day utilizing water and Oxiclean. Wastewater generated from the washing process is collected in a sump on the first floor of the tower building. On the second floor, water and animal fat silicon are added to and removed from the fiber. The animal fat and water mixture is recycled throughout the system and is eventually collected and hauled offsite by Safety Kleen. A sump is located on the first floor, which is used to collect process wastewater generated within the tower building. The wastewater goes through a series of screens and is then pumped to the pretreatment system. The Audit Team observed a water hose leading into the sump at the time of the site visit. Refer to note 2 in the Notes section for additional information. • <u>Warehouse</u>: The warehouse is primarily used for storing raw materials and finished products. This					

building also has a QA/QC lab. The facility also mixes various quantities of chemicals within the warehouse, including lubricants and oils.

7. Chemical storage area (identify the chemicals that are maintained on-site, housekeeping, and storage): The Audit Team observed chemical storage areas throughout the facility, in both the Tower building and the Warehouse. Refer to note 3 in the Notes section for additional information.

Any floor drains?

Yes

Any spill control measures?

Yes

8. Are hazardous wastes drummed and labeled? Yes.

9. Does the IU have hazardous waste manifests? Yes.

10. Solid waste production and disposal: Solid waste generated at the facility consists of solids from the pretreatment system, which are hauled offsite and disposed of by a third-party contractor, either Safety Kleen or AED Environmental.

11. Description of sample location and methods: Samples are collected downstream of the weir. The Audit Team observed several deficiencies with the sampling equipment and location, refer to notes 4 and 5 in the Notes section for additional information.

Notes:

1. **Finding – CSD should ensure that the facility is promptly providing notification for modifications at the facility.**

Based on conversations between the facility representative and CSD contacts during this site visit, the facility is planning to expand its operations by the end of 2021. The facility was also planning to conduct some activities that may impact the volume and quantity of wastewater received by the POTW, this included power washing the chemical storage area.

Recommended Action 5

The Audit Team recommends that CSD follow up with the facility to ensure that CSD receives plans in advance of a facility expansion.

2. **Finding – A potential source of dilution was identified during the site visit.**

During the site visit of the Tower building, the Audit Team observed a water hose leading into the sump on the first floor. The water hose was turned partially on and was discharging into the sump. The facility representatives stated that the hose was there because it sometimes leaked and that they did not intend to dilute the wastewater.

Recommended Action 6

The Audit Team recommends that CSD follow up with the SIU to ensure the hose has been removed and properly stored so as to not dilute the categorical discharge, which would violate 40 CFR § 403.6(d).

3. **Finding – The Audit Team identified conditions that had the potential to lead to a slug discharge.**

During the inspection of the loading dock area of the Warehouse, the Audit Team observed that the facility was storing various types of solid and liquid waste. The facility representative stated that they planned to remove the waste by the end of the week and pressure wash the area. Wastewater generated from this process would flow to the pretreatment system prior to discharge to the POTW.

Recommended Action 7

The Audit Team recommends that CSD evaluate the cleaning and disposal practices at the facility and ensure these practices do not result in a slug discharge. CSD should also evaluate if this practice was identified in the facility's permit application and assess potential permitting modifications that may need to be considered as a result of discharges from this practice.

4. **Finding – The compliance sampling location identified during the site visit was different from the one identified in the permit.**

Part II.2 of the Sunfiber permit states that that approved sampling point is the "sampling barrel". The sampling location identified at the facility during the site visit was not a barrel, nor was a barrel present at the discharge.

Applicable Regulations

The federal regulations at 40 CFR § 403.8(f)(1)(iii)(B)(4) states that permit shall include the self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sample frequency, and sample type.

Required Action 17

CSD shall ensure that the permit includes the appropriate sampling location and that samples for self-monitoring and compliance purposes be collected for the approved sampling location.

5. **Finding – Deficiencies were observed with the composite sampler.**

The Audit Team observed that the tubing of the composite sampler was dirty and was in need of replacement. Additionally, the composite sampler did not have a secondary thermometer inside of the refrigerator to confirm that required holding temperature for samples was achieved. The CSD representatives were unaware if the third-party consultant that conducts monitoring on behalf of CSD utilized the facility's composite sampler or one of their own.

Recommended Action 8

The Audit Team recommends that CSD ensure that sampling is conducted in a manner that is representative of the wastewater generated and discharged from the facility and that it is collected and analyzed according to 40 CFR Part 136. Additionally, if the third-party consultant is utilizing the facility's composite sampler to collect samples, CSD should take methods to prevent tampering with the sampling equipment.

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.					
Name of industry: Carolina Poly, Inc.					
Address of industry: 1577 Lancaster Hwy, Chester, SC 29706					
Date of visit: 4/3/2019			Time of visit: 2:42 PM –3:45 PM		
Name of inspector(s): Devon Beaty and Tony Yong, CSD Yatasha Moore and Kettie Rupnik, PG Environmental					
Provide the name(s) and title(s) of industry representative(s)					
Name		Title		Phone/Email	
Jake Hart		General Manager		(972)337-7489	
IU Permit Number:032017RC08-01		Exp. Date: 3/20/2019		IU Classification : non-categorical SIU	
Please provide the following documentation:					
1. Nature of operation: The facility receives virgin plastic nurdles and extrudes them to produce plastic polyethylene trash bags for various customers.					
2. Number of employees	Not reviewed (N/R)	Number of shifts:	2	Hours of operation:	24/7
3. Wastestream flow(s) discharged to the POTW: The facility generates and discharges non-contact cooling water from the cooling process to the POTW.					
Sanitary:	N/R	Process:	N/R	Combined:	~7,000 gpd
4. Describe any current or planned significant changes in process or flow: The facility added approximately five production lines to the process since the previous inspection. Refer to note 1 in the Notes section for additional information.					
5. Type of pretreatment system (Describe treatment processes, condition of systems, and deficiencies observed): The facility does not have a pretreatment system.					
X	Continuous flow		Batch		Combined
6. Process area description (identify raw materials and processes used): The process area consisted of a large warehouse and various production areas. Boxes of raw material, mainly consisting of nurdles were stored at the facility within boxes and hoppers. The nurdles are then heated and extruded into plastic bags and are cooled. The bags are stamped, and a plastic drawstring is added to the bag, they are then packaged and shipped or stored for distribution. Floor drains were not observed within the process areas.					
7. Chemical storage area (identify the chemicals that are maintained on-site, housekeeping, and storage): N/R					
Any floor drains?		N/R		Any spill control measures?	
				N/R	
8. Are hazardous wastes drummed and labeled? Hazardous waste drums were not observed during the site visit.					
9. Does the IU have hazardous waste manifests? Hazardous waste drums were not observed during the site visit.					
10. Solid waste production and disposal: N/R.					
11. Description of sample location and methods: Samples are collected from a discharge pit directly upstream of the connection to the POTW.					
Notes:					
1. <u>Finding – CSD should ensure that the facility is promptly providing notification for modifications at the facility.</u>					

Based on conversations between the facility representative and CSD contacts, the facility had installed five additional process lines since the previous inspection. However, the facility representative explained that this did not result in an increase of wastewater discharged to the POTW.

Recommended Action 9

The Audit Team recommends that CSD ensure that the facility is promptly notifying CSD of modifications at the facility that may impact the quantity and quality of wastewater discharged from the facility to the POTW.

Attachment B

Legal Authority Review Checklist

CHECKLIST – PRETREATMENT PROGRAM LEGAL AUTHORITY REVIEWS

NAME OF POTW: Chester County Wastewater Recovery

DATE OF REVIEW: 4/29/2019

Note: Several changes to the National Pretreatment Regulations made as a result of the Streamlining Rule are more stringent than the previous Federal requirements and therefore are considered required modifications for the POTW. Therefore, to the extent that existing POTW legal authorities are inconsistent with these required changes, they must be revised. Where local authorities are already consistent with these required provisions, further changes are not necessary.

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
A. Definitions [403.3 & 403.8(f)(2)]							
1. Act, Clean Water Act	403.3(b)	§ 1.4 A	X			1.2.1	
2. Authorized or Duly Authorized Representative of the User	403.12(l)	§ 1.4 C			X	1.2.3	CSD’s definition of Authorized or Duly Authorized Representatives is inconsistent with the definition provided in 40 CFR 403.12(l).
3. Best Management Practices or BMPs	403.3(e)	§ 1.4 E			X		SUO does not define “Best Management Practices or BMPs”
4. Categorical Pretreatment Standard or Categorical Standard		§ 1.4 F	X			1.2.6, 1.2.21	
5. Indirect Discharge or Discharge	403.3(i)	§ 1.4 M	X			1.2.18	
6. Industrial User (or equivalent)	403.3(j)	§ 1.4 LL	X			1.2.19	

7. Interference	403.3(k)	§ 1.4 O	X			1.2.20	
8. National Pretreatment Standard, Pretreatment Standard or Standard	403.3(l)	§ 1.4 BB		X		1.2.21	The definition of “National Pretreatment Standard” also includes “National Categorical Pretreatment Standard” in the SUO, which differs from the national pretreatment standards and is inconsistent with 40 CFR 403.
9. New Source	403.3(m)	§ 1.4 T		X		1.2.24	The definition of new source in the SUO is inconsistent with the definition at 40 CFR 403.
10. Pass Through	403.3(p)	§ 1.4 V		X			The SUO does not define “pass through”.
11. Pretreatment Requirement	403.3(t)	§ 1.4 AA			X	1.2.32	The SUO refers to this definition as “pretreatment regulations” instead of “pretreatment requirements”, which is inconsistent with the federal

							regulations.
12. Publicly Owned Treatment Works or POTW	403.3(q)	§ 1.4 DD	X			1.2.33	
13. Significant Industrial User <i>[NOTE: §1.4 GG(3) is an optional streamlining provision for Non-Significant Categorical Industrial User classification.]</i>	403.3(v)	§ 1.4 GG	X			1.2.36	
14. Significant Noncompliance	403.8(f)(2)(viii)	§ 9 (A-H)	X			1.2.37	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
15. Slug Load or Slug Discharge	403.8(f)(2)(vi)	§ 1.4 HH		X			The SUO does not define “slug discharge”.
16. Other definitions based on terms used in the POTW Ordinance							Not reviewed (N/R)
B. National Pretreatment Standards – Prohibited Discharges							
1. General Prohibitions							
a. Interference	403.5(a)	§ 2.1A	X			5.1	
b. Pass Through	403.5(a)	§ 2.1A		X		5.1	General discharge prohibition statement does not specify “pass through”.
2. Specific Prohibitions [403.5(b)]							
a. Fire/Explosion Hazard (60° C or 140° F flashpoint)	403.5(b)(1)	§ 2.1B(1)	X			5.1.A	
b. pH/Corrosion	403.5(b)(2)	§ 2.1B(2)		X		5.1.C	SUO prohibits discharges of any wastewater having a pH less than 6.0 or greater 11.0. but does not specifically

							prohibit the discharge of substances that may cause corrosive damage, as stated in 40 CFR 403.
c. Solid or Viscous/Obstruction	403.5(b)(3)	§ 2.1B(3)	X			5.1.B	
d. Flow Rate/Concentration (BOD, etc.)	403.5(b)(4)	§ 2.1B(4)	X			5.1.J	
e. Heat; exceeds 40° C (104°F)	403.5(b)(5)	§ 2.1B(5)					
f. Petroleum/Nonbiodegradable Cutting/Mineral Oils	403.5(b)(6)	§ 2.1B(6)	X			5.1.A and 5.1.N	
g. Toxic Gases/Vapor/Fumes	403.5(b)(7)	§ 2.1B(7)	X			5.1.E	
h. Trucked/Hauled Waste	403.5(b)(8)	§ 2.1B(8)	X			3.3.D	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
3. National Categorical Standards	403.8(f)(1)(ii)	§ 2.2	X			5.2 and 5.3	
4. Local Limits Development <i>[NOTE: POTWs may develop Best Management Practices (BMPs) to implement the prohibitions listed in 40 CFR 403.5(a)(1). Such BMPs shall be considered local limits and Pretreatment Standards.]</i>	403.5(c) & (d)	§ 2.4	X			5.5	
5. Prohibition Against Dilution as Treatment	403.6(d)	§ 2.6	X			5.8	
6. Best Management Practices Development <i>[NOTE: Optional streamlining provision.]</i>	403.5(c)(4)	§ 2.4C					N/R
C. Control Discharges to POTW System							
1. Deny/Condition New or Increased Contributions	403.8(f)(1)(i)	§§ 4.8 & 5.2	X			7.1 and 6.2.4	
2. Individual Control Mechanism (e.g., permit) to ensure compliance - <i>Permit Content</i>	403.8(f)(1)(iii)	§ 4.2	X			7.1	
a. Statement of Duration	403.8(f)(1)(B)(1)	§§ 5.1 & 5.2A(1)	X			7.1.F	
b. Statement of Nontransferability	403.8(f)(1)(B)(2)	§ 5.2A(2)	X			7.1.H and 7.1D.1.b	
c. Effluent Limits	403.8(f)(1)(B)(3)	§ 5.2A(3)	X			7.1.J and 7.1.D.1.c	

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REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
d. Best Management Practices <i>[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4 C).]</i>	403.8(f)(1)(B)(3)	§ 5.2A(3)	X			7.1.D.1.d	
e. Self-Monitoring Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)	X			7.1.D.1.d	
f. Reporting & Notification Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)	X			7.1.D.1.d	
g. Recordkeeping Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)	X			7.1.D.1.d	
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]</i>	403.8(f)(1)(B)(4) & 403.12(e)(2)	§ 5.2A(5)	X			7.1.D.1.e	
i. Statement of Applicable Civil and Criminal Penalties	403.8(f)(1)(B)(5)	§ 5.2A(7)	X			7.1.D.1.f	
j. Slug Discharge Requirements (if necessary) <i>[NOTE: Required streamlining change. Where the POTW has determined that slug controls are necessary, the ordinance must provide authority for the POTW to include such requirements in IU permits.]</i>	403.8(f)(1)(B)(6)	§ 5.2A(8)	X			7.1.D.1.g	

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
k. Specific waived pollutant <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]</i>	403.8(f)(1)(B) (4)	§ 5.2A(9)	X			7.1.D.1.h	Not reviewed (N/R)
l. Permit Application/Reapplication Requirements <i>[Note: Optional permit provision]</i>		§§ 5.3 & 5.7					N/R
m. Permit Modification <i>[Note: Optional permit provision]</i>		§ 5.4					N/R
n. Permit Revocation/Termination <i>[Note: Optional permit provision]</i>		§§ 5.6 & 10.8					N/R
o. Proper Operation and Maintenance <i>[Note: Optional permit provision]</i>		§ 3.1					N/R
p. Duty of Halt/Reduce <i>[Note: Optional permit provision]</i>		§ 10.7					N/R
q. Requirement to submit Chain-of-Custody forms with monitoring data <i>[Note: Optional permit provision]</i>							N/R
3. General Control Mechanism to ensure compliance <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated the use of General Permits (§ 4.6 of the Model SUO).]</i> - Permit Content	403.8(f)(1)(iii) (A)	§ 4.2 & 4.6	X			7.1.D.1	
a. Statement of Duration	403.8(f)(1)(B) (1)	§§ 5.1 & 5.2A(1)	X			7.1.F	
b. Statement of Nontransferability	403.8(f)(1)(B) (2)	§ 5.2A(2)	X			7.1.H and 7.1D.1.b	

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
c. Effluent Limits	403.8(f)(1)(B) (3)	§ 5.2A(3)	X			7.1.J and 7.1.D.1.c	
d. Best Management Practices <i>[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4C).]</i>	403.8(f)(1)(B) (3)	§ 5.2A(3)	X			7.1.D.1.d	
e. Self-Monitoring Requirements	403.8(f)(1)(B) (4)	§ 5.2A(4)	X			7.1.D.1.d	
f. Reporting & Notification Requirements	403.8(f)(1)(B) (4)	§ 5.2A(4)	X			7.1.D.1.d	
g. Recordkeeping Requirements	403.8(f)(1)(B) (4)	§ 5.2A(4)	X			7.1.D.1.d	
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present <i>[Note: Required only if POTW has incorporated the use of Pollutants Not Present and § 6.4 of the Model SUO.]</i>	403.8(f)(1)(B) (4) & 403.12(e) (2)	§ 5.2A(5)	X			7.1.D.1.e	
i. Statement of Applicable Civil and Criminal Penalties	403.8(f)(1)(B) (5)	§ 5.2A(7)	X			7.1.D.1.f	

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
j. Slug Discharge Requirements (if necessary) <i>[NOTE: Required streamlining change. The ordinance should indicate that a user is required to develop a slug discharge control plan if determined by the POTW to be necessary.]</i>	403.8(f)(1)(B)(6)	§ 5.2A(8)	X			7.1.D.1.g	
k. Permit Application/Reapplication Requirements <i>[Note: Optional permit provision]</i>		§§ 5.3 & 5.7				N/R	
l. Permit Modification <i>[Note: Optional permit provision]</i>		§ 5.4				N/R	
m. Permit Revocation/Termination <i>[Note: Optional permit provision]</i>		§§ 5.6 & 10.8				N/R	
n. Proper Operation and Maintenance <i>[Note: Optional permit provision]</i>		§ 3.1				N/R	
o. Duty of Halt/Reduce <i>[Note: Optional permit provision]</i>		§ 10.7				N/R	
p. Requirement to submit Chain-of-Custody forms with monitoring data <i>[Note: Optional permit provision]</i>						N/R	
D. Required Reports							
1. Develop compliance schedule for installation of technology	403.8(f)(1)(iv)	§§ 5.2B(2) & 10.4		X			This provision was not included in the SUO.

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
2. Reporting Requirements [403.12] <i>Types of Reports</i>							
a. Baseline monitoring report	403.12(b)	§ 6.1		X		7.2.A	The provision in the SUO refers to EPA's General Pretreatment Regulations but does not specify the information required for a baseline monitoring report.
(i) Identifying Information	403.12(b)(1)	§ 6.1B(1) & § 4.5A(1)a		X		7.2.A	The provision in the SUO refers to EPA's General Pretreatment Regulations but does not specify the information required for a baseline monitoring report.
(ii) Other Environmental Permits Held	403.12(b)(2)	§§ 6.1B(1) & 4.5A(2)		X		7.2.A	The provision in the SUO refers to EPA's General Pretreatment Regulations but does not specify the information required for a baseline monitoring report.
(iii) Description of operations	403.12(b)(3)	§§ 6.1B(1)		X		7.2.A	The provision in the

		& 4.5A(3)a					SUO refers to EPA's General Pretreatment Regulations but does not specify the information required for a baseline monitoring report.
(iv) Flow measurements	403.12(b)(4)	§§ 6.1(b)(2) & 4.5A(6)		X		7.2.A	The provision in the SUO refers to EPA's General Pretreatment Regulations but does not specify the information required for a baseline monitoring report.
(v) Measurement of pollutants	403.12(b)(5)	§ 6.1B(2)		X		7.2.A	The provision in the SUO refers to EPA's General Pretreatment Regulations but does not specify the information required for a baseline monitoring report.
(vi) Certification	403.12(b)(6)	§ 6.1B(3)		X		7.2.A	The provision in the SUO refers to EPA's General Pretreatment Regulations but does not specify the information required for a baseline monitoring report.

(vii) Compliance schedule	403.12(b)(7)	§ 6.1B(4)		X		7.2.A	The provision in the SUO refers to EPA's General Pretreatment Regulations but does not specify the information required for a baseline monitoring report.
b. Compliance schedule progress report	403.12(c)	§ 6.2		X		7.2.B	SUO states that the IUs shall submit compliance schedule progress reports as required by EPA General Pretreatment Regulations. CWD should include the provisions instead of providing a reference.
c. Report on compliance with categorical Pretreatment Standard deadline	403.12(d)	§ 6.3		X		7.2.C	SUO states that the IUs shall submit compliance schedule progress reports as required by EPA General Pretreatment Regulations. CWD should include the provisions instead of providing a reference.
d. Periodic reports on continued compliance							
- From categorical users	403.12(e)	§ 6.4A	X			7.2.D	
- From significant non-categorical users	403.12(h)	§ 6.4A	X			7.2.D	

e. Notice of potential problems to be reported immediately (including slug loads)	403.12(f)	§ 6.6	X			6.4.4	

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
f. Notification of changes affecting potential for a slug discharge <i>[NOTE: Required streamlining revision]</i>	403.8(f)(2)(vi)	§ § 6.5 & 6.6	X			6.4.5	
g. Notice of violation/sampling requirement <i>[NOTE: Required streamlining revision.]</i>	403.12(g)(2)	§ 6.8	X			6.4.6	
h. Requirement to conduct representative sampling	403.12(g)(3)	§ 6.4E	X			7.2.C.5	
i. Notification of changed discharge	403.12(j)	§ 6.5	X			7.2.E	
j. Notification of discharge of hazardous waste	403.12(p)	§ 6.9		X		7.2.F	SUO provision includes reference to the EPA General Pretreatment Regulations and does not specifically address hazardous waste notification procedures per 40 CFR 403.
<i>Other Reporting Requirements</i>							
k. Data accuracy certification & authorized signatory	403.6(a)(2)(ii) & 403.12(l)	§§ 6.4D & 6.14	X			7.2.H	
l. Recordkeeping Requirement (3 years or longer)	403.12(o)	§ 6.13	X			7.1.G	
- Including documentation associated with Best Management Practices <i>[NOTE: Required streamlining provision.]</i>	403.12(o)	§ 6.13	X			7.11.G	

m. Submission of all monitoring data <i>[NOTE: Required streamlining revision]</i>	403.12(g)(6)	§ 6.4F	X			6.3	
n. Annual certification by Non-significant categorical Industrial Users <i>[Note: Optional provision, required only if the POTW has incorporated §1.4GG(3) of the Model SUO.]</i>	403.3(v)(2)	§§ 4.7C & 6.14B				N/R	

NONE = No revision necessary

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REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
o. Certification of pollutant not present <i>[NOTE: Optional provision, required only if the POTW has incorporated § 6.4 B of the Model SUO]</i>	403.12(e)(2)(v)	§ 6.14C	X			7.2.H.2	
E. Test Procedures [40 CFR Part 136 & 403.12(g)]							
1. Analytical procedures (40 CFR Part 136) <i>[NOTE: Required streamlining provisions]</i>	403.12(g)	§ 6.10	X			6.2.5	
2. Sample collection procedures <i>[NOTE: Required streamlining provisions]</i>	403.12(g)(3) & (4)	§ 6.11	X			6.2.5	
F. Inspection and Monitoring Procedures [403.8(f)]							
1. Right to enter all parts of the facility at reasonable times	403.8(f)(1)(v)	§ 7.1	X			7.5	
2. Right to inspect generally for compliance	403.8(f)(1)(v)	§ 7.1	X			7.5	
3. Right to take independent samples	403.8(f)(1)(v), 403.8(f)(2)(v) & 403.8(f)(2)(vii)	§ 7.1			X	6.3.2.C and 7.5	The SUO provides legal authority to collect samples, but the language is inconsistent with the federal regulations.
4. Right to require installation of monitoring Equipment	403.8(f)(1)(iv)	§ 7.1			X	7.1.G	The SUO provision includes the installation of a “manhole” for monitoring but does not specify the installation of

							monitoring equipment.
5. Right to inspect and copy records	403.12(o)(2)	§ 7.1	X			7.5	
G. Remedies for Non-compliance (Enforcement) [403.8(f)(1)(vi)]							
1. Non-emergency response							
a. Injunctive relief	403.8(f)(1)(vi)	§ 11.1	X			8.5.B	
b. Civil/Criminal penalties	403.8(f)(1)(vi)	§§ 11.2 & 11.3	X			8.4.2 and 8.5	

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
2. Emergency response							
a. Immediately halt actual/threatened discharged	403.8(f)(1)(vi) (B)	§ 10.7	X			8.1.E	
3. Legal authority to enforce Enforcement Response Plan	403.8(f)(1)(vi)	§ 11.4	X			8.0	
H. Public Participation							
1. Publish list of Industrial Users in Significant Noncompliance <i>[NOTE: Required streamlining revision]</i>	403.8(f)(2)(viii)	§ 9	X			8.9.1	
2. Access to data [403.8(f)(1)(vii) & 403.14]							
a. Government	403.14(a) & (c)	§ 8	X			7.5	
b. Public	403.14(b)	§ 8	X			7.5	
I. Optional Provisions							
1. Net/Gross adjustments <i>[streamlining provision]</i>	403.15	§ 2.2 D					N/R
2. Equivalent mass limits for concentration Limits <i>[streamlining provision]</i>	403.6(c)	§ 2.2 E					N/R
3. Equivalent concentration limits for mass limits <i>[streamlining provision]</i>	403.6(c)	§ 2.2 F					N/R
4. Upset Notification	403.16	§ 13.1					N/R
5. Waive monitoring for pollutant not present or expected to the present <i>[streamlining provision]</i>	403.12(e)(2)	§ 6.4B					N/R
6. Reduce periodic compliance reporting <i>[streamlining provision]</i>	403.12(e)(3)	§ 6.4C					N/R
7. Other special agreement or waivers (excluding waiver of National Categorical Pretreatment Standards and Requirements)							N/R

NONE = No revision necessary

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REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
8. Hauled Waste Reporting/Requirements		§ 3.4					N/R
9. Grease Interceptor Reporting/Requirements		§ 3.2 C					N/R
10. Authority to issue Notice of Violations (NOVs)		§ 10.1					N/R
11. Authority to issue Administrative Orders (AOs)							N/R
12. Authority to issue Administrative Penalties		§ 10.6					N/R
13. Authority to enforce again falsification or tempering							N/R
14. Any other supplemental enforcement actions as noted in the POTW's enforcement response plan							N/R
15. Permit Appeals Procedures							
16. Penalty or Enforcement Appeals Procedures							
17. Bypass Notification	403.17	§ 13.3					

Document(s) submitted for review:
 Chester Sewer District Rules and Regulations
 Governing Sewer Use and Industrial Pretreatment
 Requirements
 Revised: 5/20/2014

Name of Reviewers
 Kettie Rupnik

END OF REPORT