



REGION 3

PHILADELPHIA, PA 19103

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): June 27-29, 2023
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Industrial Wastewater and Industrial Stormwater
Site/Facility Name: Covestro LLC
Permittee: Covestro LLC
Address: 17595 Energy Road, Proctor, WV 26055
Latitude: 39.72422 N **Longitude:** -80.82666 W
County/Parish: Marshall County
Specific Permit #: WV0005169
Main Surface Waters: Ohio River
NAICS Code: SIC: 2869, 2821, 2865
Unique Project #: 3E23WN096A
Facility Representatives: **Point of Contact**
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I. Introduction

From June 27-29, 2023, an inspection team composed of staff from the U.S. Environmental Protection Agency (EPA) Region 3 and EPA National Enforcement Investigations Center (NEIC) (hereinafter, “EPA Inspection Team”) conducted an inspection of Covestro LLC (hereinafter, the “Facility”) in Proctor, WV. Representatives from the West Virginia Department of Environmental Protection (WVDEP) attended the inspection. The purpose of the inspection was to observe compliance with the Clean Water Act (CWA) and the Facility’s National Pollutant Discharge Elimination System (NPDES) Water Pollution Control Permit (WV/NPDES Permit No. WV0005169 and WV/NPDES Permit No. WV0005169 Modification No. 1; hereinafter and collectively, the “Permit”) and applicable State and Federal regulations. The Facility conducted background water quality sampling of the Ohio River to obtain its March 20, 2023 WV/NPDES Permit No. WV0005169 Modification No. 1. A copy of the Permit is included as Appendix A.

A. Inspection Opening Conference

On June 27, 2023, the EPA Inspection Team arrived at the Facility at approximately 8:55 am. During the opening conference, Ms. Allison Gieda displayed her credentials to Facility representatives listed in Table 1 and explained the purpose of the inspection was to conduct a CWA compliance evaluation inspection which focused on the NPDES Permit. Ms. Monica Crosby, Ms. Alexandra Flevarakis and Mr. Michael Lukowich also displayed their credentials to Facility representatives. The EPA Inspection Team informed Facility representatives that any information that the Facility deemed to be confidential business information (“CBI”) should be identified to EPA representatives during the inspection and it would be handled as CBI according to EPA’s CBI procedures. Photographs were taken during the inspection by Ms. Alexandra Flevarakis and are provided in Appendix B. The inspection attendee list is provided in Table 1 below:

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Inspectors			
Allison Gieda	Inspector/Environmental Engineer – EPA Region 3	(304) 234-0232	Gieda.allison@epa.gov
Monica Crosby	Inspector – EPA Region 3	(410) 305-2930	Crosby.monica@epa.gov
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Michael Lukowich	Inspector/Environmental Engineer – EPA NEIC	(303) 462-9312	Lukowich.michael@epa.gov
State Representatives			
Christopher Dudek	WVDEP Inspector	(304) 389-7383	Christopher.t.dudek@wv.gov
Casey Cowan	WVDEP Inspector	(303) 462-9312	Casey.a.cowan@wv.gov
Site/Facility Representatives			
Ms. Nicole Weis Racer	Regulatory Affairs	(304) 451-2817	Nicole.weis@covestro.com

Mr. Matthew Otto	HSEU Lead	(304) 451-2837	Matthew.otto@covestro.com
Mr. Ronald Boger	EU Dept. Supervisor	(304) 451-2647	Ronald.boger@covestro.com
Mr. Atul Khettry (attended closing conference only)	Site Lead	(346) 413-4310	Atul.khettry@covestro.com

B. Weather and Precipitation Conditions

During the inspection, the weather was cloudy and drizzling at times. The closest National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and 5 days prior are provided in the table below:

Table 2: Precipitation Data

Station Name	Date	Precipitation Amount (inches) ¹
NEW MARTINSVILLE 6.5 E, WV US US1WVWT0001	06/22/2023	0.10
NEW MARTINSVILLE 6.5 E, WV US US1WVWT0001	06/23/2023	0.24
NEW MARTINSVILLE 6.5 E, WV US US1WVWT0001	06/24/2023	T
NEW MARTINSVILLE 6.5 E, WV US US1WVWT0001	06/25/2023	0.00
NEW MARTINSVILLE 6.5 E, WV US US1WVWT0001	06/26/2023	0.00
NEW MARTINSVILLE 6.5 E, WV US US1WVWT0001	06/27/2023	0.24
NEW MARTINSVILLE 6.5 E, WV US US1WVWT0001	06/28/2023	0.11
NEW MARTINSVILLE 6.5 E, WV US US1WVWT0001	06/29/2023	0.00

C. Facility Activity

The Facility is a chemical manufacturing facility that encompasses approximately 1000 acres of land in total, of which 270 acres are located along the Ohio River in Marshall County, WV. The Facility employs approximately 240 staff and 50-100 contractors.

According to Facility representatives, the Facility was established in 1955 and was a joint venture between Monsanto and Bayer (Mobay). The Facility downsized from 1996 through 2009 as a result of taking isocyanate out of production. In 2015, Bayer wanted to focus on life sciences and spun Covestro off into its own entity. There are 60 Covestro production sites globally, and the Facility is the second largest in the United States.

The Facility produces products based on polyurethane and plastics chemistry. The Facility's polyurethane chemistry consists of a two-component system that mixes resins which are sold to customers in a liquid form for a specific end use product (i.e., insulation, foam, seat cushions). The Facility's plastics chemistry consists of manufacturing thermoplastic urethane in a reaction extruder that has an end product of solid plastic pellets which are sold to customers.

The Facility has rail, truck and barge capabilities; however, its two barge docks are idle. Raw materials are trucked to the Facility and oxides are brought to the Facility from refineries by

¹ Source: NOAA National Climatic Data Center (<http://www.ncdc.noaa.gov/>).
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railcars which are then unloaded into three storage tanks. The Facility has just over one hundred storage tanks onsite that may hold raw materials, finished goods or intermediates.

The Facility maintains a Polyether Technology (PET) unit, Specialty Polyurethane Unit (SPU) and Thermoplastic Urethane Unit (TPU) onsite. The Facility has two independent tenants, Elementis Specialties and Air Products, that sit inside the Facility's industrial park. Elementis Specialties is a chemical manufacturer of rheological modifiers. The Facility accepts wastewater from Elementis Specialties. Air Products is a small nitrogen generation facility. Air Products does not produce any wastewater.

Facility representative stated that an additional tenant, TCL Specialties, will be building in a vacant area of the industrial park. The Facility will accept wastewater from TCL Specialties.

The Facility has two methods of water intake from the Ohio River which include pumping surface water and withdrawal of groundwater by means of a Ranney well. The water from the Ohio River is treated and used onsite as non-contact cooling water, process water and for drinking water.

The plant water is tied into the distribution system of the plant for cooling water for units at a rate of 80 gallons/minute. Potable water is run through a dual media sand filtration unit followed by granular activated carbon and chlorine disinfection. A 20% caustic is used for pH adjustment. Backwash from the sand filtration process is collected in a pond that discharges to the Facility's process trench. The Facility also provides plant water via pipeline to two fracking companies, Southwest Energy and Tug Hill, located outside of its industrial plant.

The Facility's wastewater collection/transmission system includes a process trench, or open top trench sewer, and an overhead wastewater line (OWL). The process trench is 2 feet wide, concrete with a steel liner, and grated on top (refer to Appendix B, Photograph 13). All process wastewater including water flushes and cleanouts, process distillate, boiler blowdowns and steam traps from the PET unit, SPU, TPU, as well as stormwater and sanitary wastewater discharge to the Facility's process trench. Five groundwater remediation wells (refer to Appendix B, Photograph 8), which are part of corrective action measures from an offsite hazardous waste landfill, also discharge to the Facility's process trench.

The OWL collects process wastewater from the PET unit and the O20 tank farm located onsite. Upon completion of construction and process startup, TCL will also discharge to the OWL. Both the Facility's process trench and OWL transmit wastewater to the Facility's onsite wastewater treatment plant.

The Facility's wastewater treatment plant is designed for a flow of 5 million gallons per day (MGD); however according to Facility representatives, the average flow is 2 MGD. The treatment process consists of one neutralization basin that receives all plant wastewater streams including those from the process trench and OWL. The neutralization basin is fed sodium hydroxide for pH control and the pH is measured with a pH probe in the trench and neutralization basin.

Three pumps (two electric and one emergency diesel) convey wastewater from the neutralization basin to the center well of the primary clarifier. A rake in the bottom of the primary clarifier

moves sludge to the center of the tank, where it is then pumped directly to the Facility's fluidized bed incinerator. The wastewater from the primary clarifier overflows the weir to the Suction Tank and is pumped to two Equalization (EQ) tanks. The EQ tanks are also used to hold and control spills generated onsite if needed. The EQ tanks send wastewater to the two BIOX tanks (biological treatment system). The Facility's BIOX tanks also receive return activated sludge from the secondary clarifiers. After biological treatment wastewater is routed to the cyclone/vortex tank before reaching the secondary clarifiers. A flocculating agent is dosed into the secondary clarifiers. Facility representatives explained that it continues to test different flocculants in the secondary clarifier to promote settling of solids. Wastewater from the secondary clarifier is routed to the Facility's 074 feed tank, which is then pumped to the bottom of two granular activated carbon (GAC) towers. The GAC towers operate in parallel and the carbon from each tower is exchanged every other week. The Facility reactivates its used carbon offsite. After the GAC towers, wastewater flows by gravity to the Facility's 762 tank. Sodium hypochlorite is added to the 762 tank for disinfection. After disinfection, sodium bisulfate is added for chlorine removal. Treated effluent is discharged through Outlet 001 to the Ohio River through an effluent diffuser system. (Refer to Appendix C – Exhibits 1 and 2 for additional details on the Facility's industrial wastewater treatment processes and wastewater treatment schematic. Note that Facility representatives stated that HCL addition to the neutralization basin has since been ceased.)

The Facility discharges treated cooling water, stormwater, process water, sanitary wastewater and groundwater remediation well water from Outlet 001. Wastewater sampling at Outlet 001 is performed by one of three methods: grab sampling, 24-hour composite sampling, or continuous monitoring. The Facility utilizes a stationary sampling port to collect grab samples at a location adjacent to its ISCO auto sampler (refer to Appendix C, Photograph 37). The Facility utilizes Microbac Labs to conduct its sampling analyses and continuously monitors for pH and flow onsite (refer to Appendix C, Photograph 36). Facility representatives stated that Microbac Labs provides a courier service on Wednesdays; therefore, samples are collected on Tuesdays. Facility representatives also stated that it conducts daily, manual sampling of total residual chlorine and temperature as part of its in-house process controls. (Refer to Appendix C – Exhibits 3-6 for the Facility's sampling procedures.)

Facility representatives stated that there is no discharge from Outlet 101. Previously, Outlet 101 would have received cooling water, sanitary water, and storm water from the Air Products operations. Air Products' manufacturing process has been decommissioned.

Facility representatives stated that there is no discharge from Outlet 201. Previously, Outlet 201 would have received contaminated groundwater trucked in once per year from a superfund site, Honeywell-Allied Hanlin landfill/CAMU, located in Moundsville, WV. The Facility would take samples before the landfill leachate was pumped into its process trench. According to the Facility, the last shipment from the superfund site was in December of 2017.

Outlet 301 receives trailer cleaning wastewater from Slay Transportation and New River Transportation. Facility representatives stated that Slay Transportation and New River Transportation is a finished goods hauler for Covestro products and will wash trailers between loads. Slay and New River Transportation's washwater is trucked onsite and unloaded into the Facility's process trench (refer to Appendix B, Photograph 20). Facility representatives stated that it requires sampling of TOC from each trailer's washwater to ensure that no heel is

introduced into the WWTP and that it receives approximately 6 truckloads of wash water per month. Facility representatives stated that it calculates its Permit requirements for flow at Outlet 301 by averaging all truck loads over 30 days.

Outlet 401 receives condensate and process wastewater from Elementis Specialties. Elementis Specialties' condensate and process wastewater comingles with the Facility's wastewater in a sump and is pumped into the Facility's process trench (refer to Appendix B, Photographs 10 and 12). Flow is measured by a totalizer and results are submitted to Covestro (refer to Appendix B, Photograph 11).

Facility representatives stated that all stormwater associated with the industrial manufacturing activities is collected via an inground storm sewer system which discharges to two stormwater storage basins. The stormwater storage basins are lined, and stormwater is pumped from the stormwater storage basins to the onsite wastewater treatment plant.

Onsite stormwater that is not generated in the plant manufacturing areas of the Facility discharges out of Outlet 005. According to Facility representatives, additional sources of stormwater to Outlet 005 include runoff from a wooded hillside, a closed landfill, and wetland dry areas. Stormwater sampling at Outlet 005 is taken at the weir of the overflow location from the 005 stormwater pond (refer to Appendix B, Photographs 44-45). Sampling for pH and a timed catch for flow is conducted in house. All other samples are sent to Microbac Labs.

II. Facility Inspection

On June 28, 2023 the EPA Inspection Team began its visual observations of Facility conditions in the presence of Facility representatives. The EPA inspection team began by observing the PET Unit. Facility representatives explained that wastewater from the PET Unit can be generated by water washouts or from the Facility's distillation process. Wastewater from the PET Unit is piped to the Facility's process trench which flows to a sump (refer to Appendix B, Photographs 3-5). The PET unit sump pumps wastewater to two 5000-gallon North and South wastewater storage tanks, which are also used for spill containment (refer to Appendix B, Photograph 6). At 20 % capacity, the wastewater storage tanks pump the wastewater to the OWL.

The EPA Inspection Team observed Air Products (refer to Appendix B, Photograph 7). Facility representatives explained that stormwater from Air Products is directed to the Facility's stormwater storage basins which is then pumped to the Facility's industrial wastewater treatment plant. The EPA Inspection Team observed Elementis Specialties' sump, flow meter and outfall 401 (unmarked) (refer to Appendix B, Photographs 10-12) as well as the O20 tank farm which discharges to the OWL (refer to Appendix B, Photograph 14). The EPA Inspection team observed the location of the SBU discharge into the Facility's B Avenue process trench (refer to Appendix B, Photograph 15) as well as the TPU. Facility representatives explained that the TPU does not generate process water.

The EPA Inspection Team walked along the barge area and observed the Ohio River water intake point and Ranney well (refer to Appendix B, Photographs 17-18). The EPA Inspection

team then observed the backwash collection area from the Facility's drinking water plant (refer to Appendix B, Photograph 19). Facility representatives explained the backwash area overflows to the Facility's C Avenue process trench.

The EPA inspection Team observed Outlet 301 (unmarked) (refer to Appendix B, Photograph 20). Facility representatives explained that trucks can unload washwater at two separate locations along the process trench.

The EPA Inspection Team observed the wastewater treatment train beginning with the Facility's neutralization basin (approximately 500,000 gallons) and the neutralization basin overflow tank (approximately 130,000 gallons) (refer to Appendix B, Photographs 21-23).

The EPA Inspection Team observed four Frac Tanks located adjacent to the primary clarifier (refer to Appendix B, Photograph 46). Facility representatives explained that during its annual outages of its incinerator, it diverts sludge from the secondary clarifier to the Frac Tanks for temporary storage and then eventually back to the primary clarifier. Facility representatives stated that they do not provide notification to the WVDEP during the sludge diversion process.

The EPA Inspection Team observed the primary clarifier (approximately 1 MG) (refer to Appendix B, photograph 24) and the Facility's Suction Tank (refer to Appendix B, Photograph 26). The EPA Inspection Team observed a pH probe located between the primary clarifier and EQ tanks (refer to Appendix B, Photograph 27). Facility representatives explained that pH was measured at this location for process control purposes.

The EPA Inspection Team observed the Facility's North and South EQ tanks (approximately 2 MG each) (refer to Appendix B, Photograph 28). The EPA Inspection Team observed the BIOX tanks (approximately 1.2 MG each). At the time of the inspection, only one BIOX tank was in operation and the second BIOX tank was down for inspection and repairs (refer to Appendix B, Photograph 29). Facility representatives explained that its reliability group determines the intervals for tank inspections and is responsible for making recommendations for tank repairs. Facility representatives further explained that the inspection frequency of the BIOX tanks is once every 10 years.

The EPA Inspection Team observed the Facility's cyclone/vortex tank (refer to Appendix B, Photograph 30). Facility representatives stated that the purpose of the cyclone/vortex tank is to remove entrained air.

The EPA Inspection Team observed the secondary clarifiers (approximately 1 MG). The EPA Inspection Team observed visible suspended solids discharging from the secondary clarifier and algae growth over the weirs and in the secondary clarifier trough (refer to Appendix B, Photographs 31-32). Facility representatives explained that the weirs were last cleaned at the end of May 2023.

The EPA Inspection Team observed Tank O74 (refer to Appendix B, Photograph 33) and Tank 762. The EPA Inspection team observed that the pH probe for Permit compliance was located

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after Tank O74 (refer to Appendix B, Photograph 34) and prior to the Facility's dechlorination unit (Tank 762) (refer to Appendix B, Photograph 35).

The EPA Inspection Team observed the Facility's in-line mag meter which is used to monitor the Facility's effluent flow (refer to Appendix B, Photograph 36). Facility representatives explained that the flow meter supplies a flow signal to the automatic sampler. The EPA Inspection Team observed the Facility's effluent outfall sampler (refer to Appendix B, Photograph 37) and observed that Outlet 001 is a submerged diffuser system (refer to Appendix B, Photograph 39). The EPA Inspection team observed the Facility's stormwater storage basins which are pumped to the wastewater treatment plant (refer to Appendix B, Photograph 38).

The EPA Inspection Team overserved the southern portion of the Facility which is located outside of the plant manufacturing area. The EPA Inspection team observed the Facility's sandblasting shed area (refer to Appendix B, Photograph 40) as well as an adjacent stormwater runoff path that discharged outside of the industrial fence line (refer to Appendix B, Photograph 41). The EPA Inspection team also observed the Facility's boneyard area (refer to Appendix B, Photograph 42) and the stormwater runoff path from the boneyard area (refer to Appendix B, Photograph 43). The EPA Inspection Team observed that the stormwater runoff path from the boneyard area ultimately flows to the Facility's Outlet 005 Stormwater Pond. The EPA Inspection Team observed Outlet 005 Stormwater Pond as well as Outlet 005 (refer to Appendix B, Photographs 44-45).

The EPA Inspection Team observed the formerly permitted "Outfall 002" basin located in the western portion of the Facility (refer to Appendix B, Photograph 47). Facility representatives explained that the Facility was originally permitted to discharge from Outfall 002; however, it is no longer permitted as WVDEP considered it to be a bypass in 1992. The basin is divided by a 10' 7" concrete wall. The west side of the basin receives and discharges stormwater from State Route 2. The east side of the basin conveys stormwater from the plant manufacturing portion of the Facility. The EPA Inspection team observed excessive sediment in the eastern portion of the basin. (Refer to Appendix C – Exhibit 7 for an engineering schematic of formerly permitted "Outfall 002".) Facility representatives stated that the eastern portion of the basin overflowed to the western portion of the basin once in the past ten years resulting in a bypass. Facility representatives were unable to provide the date of the bypass.

III. Observations

The following section summarizes the EPA Inspection Team's observations pursuant to the requirements of the Permit.

As part of the data review, the EPA Inspection Team reviewed the Effluent Exceedances Report in EPA's Enforcement and Compliance History Online (ECHO) Database.

Section A.001 and A.005 of the Permit defines effluent limitations and monitoring requirements for Outlet 001 and Outlet 005 discharges respectively.

Observation 1: According to EPA's ECHO Database, the Facility experienced 24 effluent limit exceedances from Outlet 001 between July 1, 2020 and July 31, 2023 (refer to Table 3).

Table 3: Outlet 001 Final Effluent Exceedances (7/31/2020 -7/31/2023)

Monitoring Period Date	Parameter Description	DMR Value	Permit Limit	Units	Limit Type
7/31/2020	Chlorine, total residual	690	589	ug/l	DAILY MX
9/30/2020	Chlorine, total residual	2200	589	ug/l	DAILY MX
10/31/2020	Chlorine, total residual	620	589	ug/l	DAILY MX
1/31/2021	BOD, 5-day, 20 deg. C	6036	779	lb/d	MO AVG
1/31/2021	BOD, 5-day, 20 deg. C	6036	2081	lb/d	DAILY MX
1/31/2021	Solids, total suspended	109435	910	lb/d	MO AVG
1/31/2021	Solids, total suspended	109435	2931	lb/d	DAILY MX
1/31/2021	Zinc, total recoverable	31	15	lb/d	MO AVG
1/31/2021	Chlorine, total residual	2200	589	ug/l	DAILY MX
5/31/2021	Solids, total suspended	2217	809	lb/d	MO AVG
7/31/2021	Solids, total suspended	1381	809	lb/d	MO AVG
10/31/2021	Solids, total suspended	1750	809	lb/d	MO AVG
10/31/2021	Chlorine, total residual	960	789	ug/l	DAILY MX
11/30/2021	Solids, total suspended	1424	809	lb/d	MO AVG
12/31/2021	Solids, total suspended	982	809	lb/d	MO AVG
1/31/2022	BOD, 5-day, 20 deg. C	907	701	lb/d	MO AVG
1/31/2022	Solids, total suspended	2090	809	lb/d	MO AVG
6/30/2022	Solids, total suspended	1410	809	lb/d	MO AVG
9/30/2022	Solids, total suspended	3277	809	lb/d	MO AVG
9/30/2022	Solids, total suspended	3277	2605	lb/d	DAILY MX
12/31/2022	BOD, 5-day, 20 deg. C	1722	701	lb/d	MO AVG
2/28/2023	Solids, total suspended	998	809	lb/d	MO AVG
4/30/2023	Solids, total suspended	928	809	lb/d	MO AVG
4/30/2023	Chlorine, total residual	920	789	ug/l	DAILY MX

Observation 2: According to EPA's ECHO Database, the Facility experienced 22 counts of missing DMR measurements between July 1, 2020 and July 31, 2023 (refer to Table 4).

Table 4: Counts of Missing DMR Measurements (7/31/2020 -7/31/2023)

Monitoring Period End Date	Outlet	Parameter Description	Permit Limit	Limit Type
03/31/2021	001	Bromoform	Micrograms per Liter	MO AVG
03/31/2021	001	Bromoform	Micrograms per Liter	DAILY MX

03/31/2021	001	2,4-Dinitrotoluene	Micrograms per Liter	MO AVG
04/30/2021	001	2,4-Dinitrotoluene	Micrograms per Liter	MO AVG
03/31/2021	001	2,4-Dinitrotoluene	Micrograms per Liter	DAILY MX
04/30/2021	001	2,4-Dinitrotoluene	Micrograms per Liter	DAILY MX
03/31/2021	001	2,4-Dinitrotoluene	Pounds per Day	MO AVG
04/30/2021	001	2,4-Dinitrotoluene	Pounds per Day	MO AVG
03/31/2021	001	2,4-Dinitrotoluene	Pounds per Day	DAILY MX
04/30/2021	001	2,4-Dinitrotoluene	Pounds per Day	DAILY MX
03/31/2021	001	Bromodichloromethane, effluent	Micrograms per Liter	MO AVG
03/31/2021	001	Bromodichloromethane, effluent	Micrograms per Liter	DAILY MX
03/31/2021	001	4,4'-DDE	Micrograms per Liter	MO AVG
03/31/2021	001	4,4'-DDE	Micrograms per Liter	DAILY MX
03/31/2021	001	2,4-Dimethylphenol	Micrograms per Liter	MO AVG
03/31/2021	001	2,4-Dimethylphenol	Micrograms per Liter	DAILY MX
03/31/2021	001	2,4-Dimethylphenol	Pounds per Day	MO AVG
03/31/2021	001	2,4-Dimethylphenol	Pounds per Day	DAILY MX
03/31/2021	001	Heptachlor epoxide	Micrograms per Liter	MO AVG
03/31/2021	001	Heptachlor epoxide	Micrograms per Liter	DAILY MX
08/31/2022	005	pH	Standard Units	INST MIN
08/31/2022	005	pH	Standard Units	INST MAX

Section A.001 of the Permit states “Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outlet 001 – sample after treatment and prior to discharge to the Ohio River.”

Observation 3: The EPA Inspection Team observed that the pH monitor used to monitor pH for Permit compliance was not located after treatment. The pH probe was located prior to Tank 762, which is the Facility’s dechlorination unit (refer to Appendix B, Photograph 34).

Section C.05.a.4 of the Permit states “The wastewater approved for acceptance from Slay and New River Transportation consists of process wastewater (cleaning wastewater) from the

cleaning of trailers containing Bayer's products. Bayer shall ensure the trailers are drained properly before cleaning. Any heels of materials drained from the trailers shall not be dumped into the Outlet 001 wastewater treatment system."²

Observation 4: At the time of the inspection, the Facility did not have a mechanism to ensure that Slay Transportation and New River Transportation drained the trailers properly before cleaning.

The Facility stated that it samples the wash water from the cleaned trucks for TOC. However, there was no protocol to inspect the washing of the trailers to ensure that no heels were disposed of improperly or mixed in with the wash water and dumped back into the onsite WWTP.

Appendix A, Part II.1 of the Permit states, "The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. Unless otherwise required by Federal or State law, this provision requires the operation of back-up auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with conditions of the permit."

Observation 5: The EPA Inspection Team made the following observations related to the operation and maintenance of the Facility's wastewater treatment plant:

- Suspended solids that were not properly settling were observed in the secondary clarifier, and
- Excessive algae growth was observed over the weirs and in the trough of the secondary clarifier (refer to Appendix B, Photographs 31-32).

Observation 6: The EPA Inspection Team observed excessive sediment in formerly permitted "Outfall 002" basin.

Appendix A, Part II.3.a.1 of the Permit states that a "Bypass" is defined as "The intentional diversion of waste streams from any portion of a treatment facility." Further, Appendix A, Part II, 3.c.1 of the Permit states, "If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass."

Observation 7: The EPA Inspection Team observed four Frac tanks onsite that are used during annual outages of the incinerator to divert sludge from the secondary clarifier to the Frac Tanks and back to the primary clarifier (refer to Appendix B, Photograph 46). Facility representatives stated that the Facility does not

² Note that the term "Bayer" in the Permit was carried over from previous permits and refers to "Covestro LLC."

submit prior notice to WVDEP when utilizing the Frac tanks to divert sludge from the treatment system.

Observation 8: The EPA Inspection Team observed a formerly permitted “Outfall 002” basin (refer to Appendix B, Photograph 47). Facility representatives stated that the formerly permitted “Outfall 002” has bypassed storm water associated with industrial activity once in the last 10 years but were unable to provide the date of the bypass or associated notification of such bypass to the WVDEP.

Section C, Part 12 of the Permit states “The Groundwater Protection Plan (GPP), Best Management Plan (BMP) and Storm Water Pollution Prevention Plan (SWPPP) shall be maintained at the plant site and shall be available for inspection by the Division of Water and Waste Management personnel.”

Observation 9: The EPA Inspection Team made the following observations related to the Facility’s requirement to maintain its SWPPP:

- Section 3.6 of the SWPPP states “The Rainwater Basin is tested a minimum of once per day, 5 days per week for pH and TOC to alert against potential contamination/problems. Also, a gas chromatograph equipped with and FID detector is also used to scan for potential contaminants.” (Refer to Appendix C, Exhibit 8) According to Facility representatives, the Rainwater Basin is tested once per week for pH and TOC.
- The EPA Inspection Team observed that the bone yard portion of the Facility that discharges to Outlet 005 is not incorporated into the SWPPP.

IV. Records Review

As part of this inspection, the EPA Inspection Team reviewed the documents identified in Appendix C of this report.

V. Closing Conference

At the conclusion of the inspection on June 29, 2023, the EPA Inspection Team conducted a closing conference with Facility representatives listed in Table 1 and shared preliminary observations. The EPA Inspection Team reiterated to the Facility representatives that all preliminary observations discussed were not compliance determinations. Preliminary observations shared with the Facility are subject to further investigation by EPA, including additional review of records and documentation. As a result, additional observations may be contained in this inspection report that were not identified at the time of the closing conference. The inspection concluded at approximately 11:00 AM (EDT).