UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Mr. Michael Hemingway
Utilities Director
City of Florence
324 West Evans Street
Florence, South Carolina 29501
mhemingway@cityofflorence.com

Re: Pretreatment Compliance Inspection Report
NPDES Permit No. SC0045462

Dear Mr. Hemingway:

Thank you for the time and cooperation extended to the representative of the United States Environmental Protection Agency, Region 4 during the June 23, 2022, pretreatment compliance inspection of Florence, South Carolina. Enclosed is a copy of the report for this inspection.

Please email us a written response to the findings in Section III within sixty (60) calendar days. If you have any questions about the report, please contact Mr. David Phillips at (404) 562-9773 or via email at phillips.david@epa.gov.

Sincerely,

Jairo Castillo, P.E., Chief
Wastewater Enforcement Section
Water Enforcement Branch
Enforcement & Compliance Assurance Division

Enclosure

cc: Mr. Brian Wisnewski
South Carolina DHEC

POTW PRETREATMENT COMPLIANCE INSPECTION REPORT

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CA name and address: City of Florence Utilities Department 324 West Evans Street Florence, SC 29501	Date(s) of PCI 6/23/2022 Period covered by PCI 8/24/2016 * – 6/23/2022 * Most recent SCDHEC oversight visit; below CMS minimum.

	Yes	No
PIRT / DSS incorporated in NPDES permit?		x

INSPECTOR (S)

Name	Title/Affiliation	Telephone Number
David Phillips	Environmental Engineer / U.S. EPA Region 4	404-562-9773 phillips.david@epa.gov

CA REPRESENTATIVE (S)

Name	Title/Affiliation	Telephone Number
Michael Hemingway	Utilities Director, Pretreatment Coordinator (acting) *	843-665-3236 mhemingway@cityofflorence.com
Robert Manning	Wastewater Superintendent	843-665-3240 rmanning@cityofflorence.com

* Identified program contact

ACRONYM LIST

Acronym	Term
BMR	Baseline Monitoring Report
CA	Control Authority
CFR	Code of Federal Regulations
CIU	Categorical industrial user
CSO	Combined sewer overflow
CWA	Clean Water Act
CWF	Combined wastestream formula
DSS	Domestic Sewage Study
EP	Extraction Procedure
EPA	U.S. Environmental Protection Agency
ERP	Enforcement response plan
FTE	Full-time equivalent
FWA	Flow-weighted average
gpd	Gallons per day
IU	Industrial user
IWS	Industrial waste survey
MGD	Million gallons per day
MSW	Municipal solid waste
N/A	Not applicable
N/D	Not determined
NPDES	National Pollutant Discharge Elimination System
O&G	Oil and grease
PIRT	Pretreatment Implementation Review Task Force
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
RNC	Reportable noncompliance
SIU	Significant industrial user
SNC	Significant noncompliance
TCLP	Toxicity Characteristic Leachate Procedure
TRC	Technical review criteria
TTO	Total toxic organics
WENDB	Water Enforcement National Data Base

SECTION I: IU FILE EVALUATION

INSTRUCTIONS: Select a representative number of SIU files to review. Provide relevant details on each file reviewed. Comment on problems identified. Where possible, all CIUs (and SIUs) added since the last PCI or audit should be evaluated. Make copies of this section to review additional files as necessary.

NARRATIVE COMMENTS

FILE ___1__ Industry name and address Koppers Inc. 280 Koppers Road Florence, SC 29501		Total flow (gpd) 230,000 (monthly avg limit)	Process flow (gpd) 140,000 (monthly avg limit) 78,000 (avg - Jan 2022) 200,000 (dmax - Jan 2022)
		Type of industry (products manufactured) SIC 2491 - Timber Products Processing	
Industry visited during PCI Yes [ ] No [x]	Applicable Federal category: 40 CFR 429	Compliance status: [x] SNC (period:_1/2021 – 6/2021_) [x] Noncompliance/corrected [ ] Noncompliance/continuing	

Comments

Current IUP issued 11/19/2019, effective 1/1/2020, expires 6/30/2023.

City surcharges BOD_5 above the local limit of 250 mg/l. City surcharges TSS above the local limit of 250 mg/l.

SECTION I: IU FILE EVALUATION (Continued)

NARRATIVE COMMENTS

FILE ___2___ Industry name and address	Total flow (gpd)	Process flow (gpd)
Ruiz Foods 2557 Florence Harlee Boulevard Florence, SC 29506	200,000	188,900
	Type of industry (products manufactured) 2038 – Food Manufacturing	

Industry visited during PCI	Applicable Federal category	Compliance status
Yes [x] No [ ]	N/A	[x] SNC (period:1/2021-12/2021) [x] Noncompliance/corrected [ ] Noncompliance/continuing

Comments

Mailing address : 501 S Alta Avenue, Dinuba, CA 93618

Current IUP Issued 4/14/2020, effective 3/1/2020, expires 11/30/2024.

The City's record copy of the permit for Ruiz Foods did not have original signatures. The City noted that it sends the original inked copies of permits to the users.

The draft SDCP provided onsite at Ruiz Foods noted a process flow of 188,900 gpd, but this included non-contact cooling water. Therefore, the actual process flow may be less.

Facility has a pretreatment system.

NARRATIVE COMMENTS

FILE ___3___ Industry name and address	Total flow (gpd)	Process flow (gpd)
Patheon API Inc. 6173 East Old Marion Hwy Florence, SC 29506-9330	325,000 (monthly avg limit)	
	Type of industry (products manufactured) 2834, 2833 – Pharmaceutical Preparations, Diagnostics	

Industry visited during PCI	Applicable Federal category	Compliance status
Yes [ ] No [x]	40 CFR 439.36	[ ] SNC (period:____________) [ ] Noncompliance/corrected [ ] Noncompliance/continuing

Comments

Application 11-12-2018. Current IUP issued 5/22/2020, effective 6/1/2020, expires 6/30/2025.

Batch discharger. 3-4/week.

Facility has a pretreatment system.

Facility has been operating and reporting as Thermo Fisher-Scientific, not Patheon API Inc.

SECTION I: IU EVALUATION (Continued)

Industry Name					
Koppers Inc.	Ruiz Foods	Patheon API Inc.			*INSTRUCTIONS: Evaluate the contents of SIU files. If no problem exists for a particular question, mark the square with a check (√). Use NA (Not Applicable) where necessary. Use ND (Not Determined) where there is insufficient information to evaluate/determine implementation status. Where a problem is indicated, mark with a numerical value and provide a corresponding explanation in the comment area below. Comment on each problem identified. For example, if the file is missing a notification of classification, place a (1) in the square and a matching statement as to the nature of the problem that exists in the space below. The next problem would be marked as (2) and so on. Clearly indicate the file that each comment pertains to; also indicate where a comment applies to all the files.*

File 1	File 2	File 3	File ___	File ___	IU FILE REVIEW	Reg. Cite
					A. CA NOTIFICATION OF IU	
✓	NA	✓			1. Notification of classification or change in classification	403.8(f)(2)(iii)
(1)	(1)	(1)			2. Notification of applicable standards/requirements/RCRA	403.8(f)(2)(iii)

<u>Comments</u>

(1) The SIU permits include a hazardous waste discharge notification form to implement the notification and upper mass limitation requirements in 40 CFR 403.12(j) and (p). EPA offers guidance (EPA-830-F-16-002) that may be helpful in reviewing possible improvements to this notification form and the information provided to SIUs.

SECTION I: IU EVALUATION (Continued)

File 1	File 2	File 3	File ___	File ___	IU FILE REVIEW	Reg. Cite
					B. ISSUANCE OF IU CONTROL MECHANISM	
✓	✓	✓			1. Issuance or reissuance of control mechanism	403.8(f)(1)(iii)
					2. Control mechanism contents	403.8(f)(1)(iii)
✓	✓	(6)			a. Statement of duration (≤ 5 years)	
✓	✓	(6)			b. Statement of non-transferability	
✓	✓	✓			c. Applicable effluent limits (local limits, categorical standards)	
					d. Self-monitoring requirements	
✓	✓	✓			• Identification of pollutants to be monitored	
✓	✓	(7)			• Sampling frequency	
✓	(5)	✓			• Sampling locations/discharge points	
(2)	(2)	(2)			• Sample types (grab or composite)	
✓	✓	✓			• Reporting requirements	
✓	✓	✓			• Record-keeping requirements	
(3)	(3)	(3)			e. Statement of applicable civil and criminal penalties	
✓	✓	✓			f. Compliance schedules	
✓	✓	✓			g. Notice of slug loading	
✓	✓	✓			h. Notification of spills, bypasses, upsets, etc.	
✓	✓	✓			i. Notification of significant change in discharge	
✓	✓	✓			j. 24-hour notification of violation/resample requirement	
(4)	(4)	(4)			k. Slug discharge control plan requirement	

Comments

(2) The permit specifies composite samples as either eight or more grabs, or “an influent or effluent portion” collected flow-proportionally. Compliance samples should only be collected from a facility’s effluent streams. The permit language also leaves the decision to collect flow-proportional samples up to the user. To assure consistent techniques are used in the permittee’s self-monitoring and the City’s oversight samplings, the City must specify in the permit whether a composite is to be collected flow- or time-proportionally, and specify when a grab is authorized. All 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 City (see 40 CFR 403.12(g)(3)).

(3) The permit specifies a civil liability of up to $2000/day and a criminal liability of $2000 with 30 or less days to serve. The stated civil liability is supported by the Sewer Use Ordinance, but the criminal liability is not yet specified there. The City’s legal authorities must support its permit requirements (see 40 CFR 403.8(f)(1)(iii)(B)(5) and 403.8(f)(1)(vi)(A)).

(4) The permit requires an SDCP if the results from the annual evaluation indicate one is necessary. Inspection reports support that a SDCP has been required by the City for the user. However, Section III of the permit offers no special condition requiring the user’s compliance with a particularly dated SDCP, and there is no specific (approved/dated) SDCP that is identified in the permit for implementation/oversight. User permits must require control of slug discharges if that is identified as necessary (see 40 CFR 403.8(f)(1)(iii)(B)(6)).

(5) Sampling location is specified only as “sampling box.” A more detailed description is needed in permits to ensure accurate location by third parties.

(6) The Patheon API user permit duration exceeds the allowable five years (effective 6/1/2020, expires 6/30/2025). Also, the facility has been operating as Thermo Fisher-Scientific, but the City issued the permit to a prior tenant. Permits are not transferrable. The City needs to immediately reissue this permit to the legal name of the operating facility.

(7) The Part 439 batch discharge permit specifies semi-annual grab samples for the categorical pollutants. Specifying in this permit the collection of grabs from multiple batches rather than from only one batch every six month may better serve the evaluation of compliance. An option for analysis in EPA Methods 624 and 625 allows laboratory compositing of up to five preserved grab samples when monitoring for volatiles (see Footnote 2 of Table II, 40 CFR 136.3(e), and 40 CFR 141.24(f)(14)(iv) and (v)). Care should be taken not to exceed holding times of the preserved and/or extracted samples.

SECTION I: IU EVALUATION (Continued)

File 1	File 2	File 3	File ___	File ___	IU FILE REVIEW	Reg. Cite
					C. CA APPLICATION OF IU PRETREATMENT STANDARDS	
✓	NA	✓			1. IU categorization	403.8(f)(1)(ii)
					2. Calculation and application of categorical standards	403.8(f)(1)(ii)
✓	NA	✓			a. Classification by category/subcategory	
✓	NA	✓			b. Classification as new/existing source	
✓	NA	(8)			c. Application of limits for all regulated pollutants	
✓	✓	(9)			3. Application of local limits	403.5(c)&(d)& 403.8(f)(1)(ii)
ND	NA	NA			4. Calculation and application of production based-standards	403.6(c)
ND	NA	(8)			5. Calculation and application of CWF	403.6(d)&(e)
ND	NA	(9)			6. Application of most stringent limit	403.8(f)(1)(ii)

Comments

(8) Two effluent points are monitored. Discharge 001 is process and sanitary, and Discharge 002 is process. The monitoring points are: 001 - manhole near the flow meter, and 002 - the pretreatment discharge flume. Categorical limits have only been applied to Discharge 001; it is unclear why they were not applied to both regulated process streams.

(9) The maximum pH limit in the issued user permit is 11.5 standard units. The maximum pH prohibition in Section 12.20(8) of the City's Sewer Use Ordinance authorized for the pretreatment program is 11.0 standard units. The pH local limit authorized for the pretreatment program is "8.5, except as may be allowed in a user permit." The City may not allow a maximum pH that exceeds the prohibited value in the authorized SUO.

SECTION I: IU EVALUATION (Continued)

File 1	File 2	File 3	File ___	File ___	IU FILE REVIEW	Reg. Cite
					D. CA COMPLIANCE MONITORING	
					Sampling	
✓	✓	(12)			1. Sampling (once a year)	403.8(f)(2)(v)
✓	✓	(12)			2. Sampling at frequency specified in approved program	403.8(f)(2)(v)
✓	✓	(12)			3. Documentation of sampling activities	403.8(f)(2)(vii)
✓	✓	(12)			4. Analysis for all regulated parameters	403.8(f)(2)(v)
✓	✓	✓			5. Appropriate analytical methods (40 CFR Part 136)	403.8(f)(2)(vii)
					Inspection	
(10)	✓	(13)			6. Inspection (once a year)	403.8(f)(2)(v)
✓	✓	(13)			7. Inspection at frequency specified in approved program	403.8(f)(2)(v)
✓	✓	(13)			8. Documentation of inspection activities	403.12(o)
✓	(11)	✓			9. Evaluation of need for slug discharge control plan (SDCP)	403.8(f)(2)(vi)

Comments

(10) Commendable. The City's user permits require users to submit copies of the wastewater operator certifications for their pretreatment systems annually. In practice, the City reviews these as part of its SIU oversight inspections.

The City performs complete inspections, including the review of any announced facility changes, the permit copy and records completeness, and a walk-through inspection of the process, pretreatment, and bulk storage areas.

The City may also desire to bring self-monitoring report submissions on their inspections to validate the self-reported record against the on-site records, and to use the inspection to evaluate compliance with, and the continued appropriateness of, the facility's approved SDCP.

(11) Inspection records indicate that an SDCP had been required by the City following its evaluation of the need for one, but the City does not retain copies of the SDCPs that it has required. During the site inspection of the user concurrent with this PCI, the user presented a copy of a draft SDCP and its 3/11/2016 transmittal to the City. The user did not have any record of an approval or acceptance of their draft SDCP from the City following the 2016 submission of the draft for review, and there was no subsequent update to the 2016 draft SDCP in the records supplied by the user.

The 2016 draft SDCP indicated the user has bulk storage of 53,000 lbs anhydrous ammonia onsite as well as bulk acids and bases. The draft did not include any City phone number for the permittee to make an immediate notification of a spill onsite, or any criteria as to what should be reported.

(12) The City has not been monitoring for all of the permitted pollutants during the last three years (2019-2022). For example, acetone, MIBK, etc. were not independently evaluated by the City.

(13) Oversight inspection records were complete for this permittee with exception of a missing record for an oversight inspection in 2020 [pandemic period].

SECTION I: IU EVALUATION (Continued)

File 1	File 2	File 3	File ___	File ___	IU FILE REVIEW	Reg. Cite
					E. CA ENFORCEMENT ACTIVITIES	
					1. Identification of violations	403.8(f)(2)(vii)
✓	✓	NA			a. Discharge violations	
NA	NA	NA			b. Monitoring/reporting violations	
NA	NA	NA			c. Compliance schedule violations	
(14)	(17)	NA			2. Calculation of SNC	403.8(f)(2)(viii)
(15)	(15)	NA			3. Adherence to approved ERP	403.8(f)(5)
(15)	(15)	NA			4. Escalation of enforcement	403.8(f)(5)
(16)	✓	NA			5. Publication for SNC	403.8(f)(2)(viii)

Comments

(14) The City generally evaluates all user compliance and SNC semi-annually (i.e., every six calendar months) although the self-monitoring by users is submitted more frequently. This permittee was in SNC for polyaromatic hydrocarbon violations (monthly average and daily maximum) in February and April 2021. Due to its 6-month compliance review timeframe, the City did not identify the violations and send a NOV until up to five months later (July 2021). Further comment is provided in Sections II.F.2 and III.F.1.c below.

(15) The ERP authorized by SCDHEC for the City's program specifies escalating responses for repeated noncompliance, and for instances of SNC it specifies the issuance of an enforcement compliance order. Where SNC-level violations occurred, the City has consecutively issued NOV letters instead of issuing an order.

(16) After identifying Koppers' SNC status in July 2021, the City opted not to notify the user of its status and pending publication, either in July 2021 or later after its publication for the year.

(17) In 2021, Ruiz Foods reported chronic monthly average flow violations (February-June) and two violations of the daily maximum flow limit (February and March). Violations of flow limits were also reported in August, September, October, November, and December. The permittee also reported violation of mass and concentration limits for BOD in September 2021. In response to these issues, the City issued the permittee two consecutive NOVs. Due to its 6-month compliance review timeframe, the City did not identify the violations and send a NOV until up to five or six months later: 7-28-2021 and 1-28-[2022]. The City published a public notice of the Ruiz Foods first semi-annual period SNC in August 2021. Further comment is provided in Sections II.F.2 and III.F.1.c below.

SECTION I: IU EVALUATION (Continued)

File 1	File 2	File 3	File ___	File ___	IU FILE REVIEW	Reg. Cite
					F. IU COMPLIANCE STATUS	
					Self-Monitoring and Reporting	
✓	✓	✓			1. Sampling at frequency specified in control mechanism/regulation	403.12(e)&(h)
✓	✓	✓			2. Analysis of all required pollutants	403.12(g)(1)&(h)
ND	NA	ND			3. Submission of BMR/90-day report	403.12(b) &(d)
✓	✓	✓			4. Periodic self-monitoring reports	403.12(e)&(h)
✓	✓	(21)			5. Reporting all required pollutants	403.12(g)(1)&(h)
(18)	✓	(22)			6. Signatory/certification of reports	403.12(l)
NA	NA	NA			7. Submission of compliance schedule reports by required dates	403.12(c)
					8. Notification within 24-hours of becoming aware of violations	403.12(g)(2)
(19)	(19)	NA			• Discharge violation	
NA	NA	NA			• Slug load	
NA	NA	NA			• Accidental spill	
(19)	(19)	(19)			9. Resampling/reporting within 30 days of knowledge of violation	403.12(g)(2)
✓	✓	✓			10. Notification of hazardous waste discharge	403.12(j)&(p)
(20)	(20)	(20)			11. Submission/implementation of slug discharge control plan	403.8(f)(2)(v)
✓	✓	✓			12. Notification of significant changes	403.12(j)
INSTRUCTIONS: Indicate the IU's noncompliance status by placing and "X" in the appropriate box.						
					Discharge	
					13. Noncompliance with discharge limits (but not SNC)	
					14. SNC	403.8(f)(2)(vii)
					a. Chronic violations	
					b. TRC	
					c. Pass through or interference	403.5(a)(1)
					• Spill or slug load	403.12(f)
					d. Other discharge violations (specify)	
					Reporting	
					15. Noncompliance with reporting requirements (but not SNC)	403.8(f)(2)(vii)
					16. SNC with reporting requirements	403.8(f)(2)(vii)

Comments

(18) The Koppers self-monitoring form denotes an authorized official that is no longer authorized. For many months the current official has been striking out the name and filling in a correction. The City does not have a standardized form with limits added that it distributes with issued user permits; it allows each user to generate individual self-monitoring forms.

(19) Records of the required resampling or 24-hour notifications by users were not located in the paper files, with exception to one copy of an e-mailed report and resampling notice from Ruiz Foods. The City shared in the PCI closing that 24-hr notifications and resampling records are being maintained digitally as e-mail records. These were not reviewed during the PCI, as they had not been retained with the compliance reporting file.

(20) The City does not retain a copy of the current SDCP if a user was previously found to need one. The City's permits only require users to develop the SDCP if asked; they are not being required by the permits to implement them.

In addition to concerns raised in Section I.B.2.k, the City's user permits do not subject a user's SDCP to any review and acceptance by the City. Also, the City has not established content criteria for SDCPs to maintain common basic elements for a degree of consistency among the site-specific plans.

(21) The pH being reported by this user is not the field pH of the sampled discharge that is being recorded on their chain of custody records.

(22) The EHS Manager for Thermo Fisher-Scientific has been signing the self-monitoring reports for the Patheon API permit, but no delegating authorization for that individual was identified in the file record (see 40 CFR 403.12(l)(3)).

SECTION I: IU EVALUATION (Continued)

File 1	File 2	File 3	File ___	File ___	IU FILE REVIEW	Reg. Cite
					G. OTHER	
(23)	(23)	(23)			1. Identification of self-monitoring requirements.	
		(24)			2. Correct assignment of liability	

Comments

(23) Commendable. For each parameter, all user permits issued by the City specify the PQL to use, the sample type, both concentration and mass limits, and the monitoring frequency.

(24) Section III.4 of the special conditions incorrectly identifies the permittee as "Roche Carolina, Inc."

SECTION I COMPLETED BY:	David Phillips	DATE:	06/23/2022
TITLE:	Regional Pretreatment Program Coordinator	TELEPHONE:	404-562-9773

SECTION II: SUPPLEMENTAL DATA REVIEW/INTERVIEW

INSTRUCTIONS: Complete this section during the onsite visit based on CA activities <u>since the last PCI or audit</u>. Attach documentation where appropriate. Specific data may be required in some cases.

A. CA PRETREATMENT PROGRAM MODIFICATION [403.18]

	Yes	No
1. Did the CA make substantial changes to the pretreatment program that were not approved by the Approval Authority (e. g., definitions, limits)?		✓

If yes, describe.

Program in place since 1985.

	Yes	No
2. Is the CA in the process of modifying any approved pretreatment program component (including legal authority, local limits, DSS requirements, etc.) ?	✓	

If yes, describe.

The City reported having no substantial changes to its program procedures since the last SCDHEC pretreatment program audit on 8/24/2016 other than an update to its Sewer Use Ordinance. The City reports that the draft update was approved by SCDHEC but is awaiting the local adoption process before it replaces the present ordinance conditions.

The City has reported it acquired a new non-categorical significant industrial user, Niagara Bottling, which is a water bottler. Another user, Clarios Recycling, ceased process operations but flushes lines periodically.

The City advised that its longtime pretreatment coordinator, Dennis Ford, retired on April 29, 2022. Mr. Hemingway is presently training Robert Manning, the Wastewater Superintendent, as his replacement.

B. IU CHARACTERIZATION [403.8(f)(2)(i)&(ii)]

1. How and when does the CA update its IWS to identify new IUs or changes in wastewater discharges at existing IUs? [403.8(f)(2)(i)]

Once it is known that an industry is planting in town, the industry is asked to submit a pretreatment permit application that is sent to the City's pretreatment consultant, AECOM. The application is reviewed and, after the City's headworks analysis is evaluated with the new user accounted, a draft permit is prepared and sent to the industry and SCDHEC. Comments from the industry and SCDHEC are evaluated before a final permit is prepared and signed by the industry.

If a new industry is a non-significant industrial user, then the City's building department will evaluate those for business permits. The City's Sewer Use Ordinance accounts all light commercial businesses that way. Those industrial users would not routinely come through the pretreatment program for evaluation.

2. How many IUs are currently identified by the CA in each of the following groups?

a.	8	SIUs (as defined by the CA) [WENDB - SIUS]	
		6	CIUs [WENDB - CIUS]
		2	Noncategorical SIUs
b.	380 *	Other regulated noncategorical IUs (specify)	
c.	388	TOTAL	

* Grease program: food service establishments

SECTION II: SUPPLEMENTAL DATA REVIEW/INTERVIEW (Continued)

C. CONTROL MECHANISM EVALUATION [403.8(f)(1)(iii)]

1. a. How many SIUs (as defined by the CA) are required to be covered by an individual control mechanism ? **8**

   b. How many SIUs are not covered by an existing, unexpired permit or other individual control mechanism ? [WENDB - NOCM] [RNC - II] **1** **13%**

   If any, explain.

Significant user Honda SC has a three-year permit that expired on June 30, 2021. The user applied for a renewal, but the City intended to resolve its current investigation into toxicity problems before acting on the application. Since the permit duration – initial or extended – cannot exceed five years, the EPA advised the City during this PCI to reissue the user permit if it intends to continue accepting the discharge during the investigation. If the investigation findings or other factors warrant change to the permit, then the City may modify and/or rescind the permit before its expiration. The City indicated it will pursue that path.

The new significant user Niagara was given a three-year permit initially, based on its low risk profile.

2. How many control mechanisms were not issued within 180 days of the expiration date of the previous control mechanism ? [RNC - II] **1**

   If any, explain.

Significant user Honda SC has a three-year permit that expired on June 30, 2021. The user applied for a renewal, but the City intended to resolve its current investigation into toxicity problems before acting on the application. Since the permit duration – initial or extended – cannot exceed five years, the EPA advised the City during this PCI to reissue the user permit if it intends to continue accepting the discharge during the investigation. If the investigation findings or other factors warrant change to the permit, then the City may modify and/or rescind the permit before its expiration. The City indicated it will pursue that path.

SECTION II: SUPPLEMENTAL DATA REVIEW/INTERVIEW (Continued)

D. APPLICATION OF PRETREATMENT STANDARDS AND REQUIREMENTS

1. a. How many SIUs were not evaluated for the need to develop slug discharge control plans in the last 2 years ? [403.8(f)(2)(vi)] — 0

   b. List the SIUs below or attach additional sheets as needed.

Annual inspection records by the City support that it performs a routine evaluation of the need for a SDCP for each significant user.

N/A	Yes	No
✓		

2. Did the CA apply all applicable categorical standards and local limits to IUs whose wastes are hauled to the POTW ?

   If yes, identify the industries.

   If no, explain.

The City's Sewer Use Ordinance requires that haulers of industrial loads apply for a permit and fully manifest loads, while allowing the Director of the POTW to entirely prohibit industrial hauled loads. The Director stated he does not accept hauled industrial loads at the WWTPs. Septage is accepted at the Main WWTP on weekdays during normal hours. A manifest ticket is turned in by the septage hauler when they arrive. Samples of the septage waste loads are not collected by the WWTP prior to commencing discharge. A sample might occur following a random observation of the discharge if there were sensory evidence that it contained something other than septage. Haulers are similarly not required to produce independent testing of their loads before appearing at the WWTP.

The EPA advised the City during this PCI that septage receipts, especially those arriving from outside the local area, have been a vehicle for illicit discharges of hazardous, toxic, or otherwise prohibited materials into (and through) some WWTFs. Such materials may not be immediately distinguishable from the septage. The City may want to preemptively develop a protocol to protect against such illicit discharges and submit it to SCDHEC for incorporation into the City's authorized pretreatment program. Many WWTFs choose to notify haulers they will collect samples from each hauled load prior to allowing discharge, either on a random or routine basis. The individual samples are then either randomly tested or simply held for testing in the event of an adverse operational event. This collection practice, with or without the subsequent analysis, acts as a credible deterrent to any haulers involved in nefarious collection activities and false manifesting.

Yes	No
	✓

3. Did any IUs notify the CA of a hazardous waste discharge? [403.12(j)&(p)]

   If yes, identify and explain.

The City is not aware of any amount of hazardous waste discharges from light or heavy commercial sources that may be accumulating at the WWTFs. The City relies on state-required industry notifications that would only pertain to very large quantity waste discharges.

SECTION II: SUPPLEMENTAL DATA REVIEW/INTERVIEW (Continued)

E. APPLICATION OF PRETREATMENT STANDARDS AND REQUIREMENTS

1. Identify the following.

Program Aspect	Required Frequency	Actual Frequency	Explain Difference
a. Inspection (by CA)			
• CIUs	Annual	Annual	
• Other SIUs	Annual	Annual	
b. Sampling (by CA)			
• CIUs	Annual	Semi-annual	City has been reporting only one event in PPS to SCDHEC
• Other SIUs	Annual	Semi-annual	City has been reporting only one event in PPS to SCDHEC
c. Self – Monitoring			
• CIUs	Semi-annual	Daily – Semi-annual	Specific to individual permits
• Other SIUs	Semi-annual	Daily – Semi-annual	Specific to individual permits
d. Reporting			
• CIUs	Semi-annual	Monthly – Semi-annual	Specific to individual permits
• Other SIUs	Semi-annual	Monthly – Semi-annual	Specific to individual permits

2. In the past 12 months, how many, and what percentage of, SIUs were the following? [403.8(f)(2)(vi)] [WENDB - NOIN] [RNC - II]

	Number	Percentage
a. Not sampled or not inspected at least once [WENDB - NOIN]	0	0 %
b. Not sampled at least once	0	0 %
c. Not inspected at least once	0	0 %

If any, explain.

SECTION II: SUPPLEMENTAL DATA REVIEW/INTERVIEW (Continued)

F. ENFORCEMENT

1. Which of the following enforcement actions did the CA use?

	N/A	Yes	No
a. Notice or letter of violation		x	
b. Administrative orders			x
c. Administrative fines			x
d. Show cause hearings			x
e. Compliance schedules			x
f. Permit revocation			x
g. Civil suits			x
h. Criminal suits			x
i. Termination of services			x
j. Other (specify)			

Explain, if appropriate:

A public notice of SNC by two users for self-monitored violations was published in 2021: Ruiz Foods for flow, and Koppers for PAH. The City publishes users in SNC once, on a calendar year basis. The City did not issue orders to either of these users following the initial or subsequent NOVs.

	N/A	Yes	No
2. Did the CA comply with its approved ERP? [403.8(f)(5)] [RNC - II]			✓

Some enforcement-related procedures are found in Sec. 12 of the Sewer Use Ordinance (SUO). The comprehensive ERP onsite that was provided for review was last updated in March 2012. The pretreatment coordinator has authority to issue AOs, NOV, etc. and the Director may issue terminations. The ERP also cites a maximum penalty of $1000, whereas Section 12.53 of the SUO cites the ceiling as $2000. After the onsite visit, the City provided a September 2012 update that had been re-approved by SCDHEC in 2014. This version cited the correct ceiling of $2000.

The ERP requires that all violations must be identified and documented in 5 days of receiving compliance information (conflicts with 30-day window in Sec. 12-52(a) of SUO), and that follow-up actions for reoccurring violations or continuing violations will be taken within 60 days. In contrast, the City's practice has generally been to issue notices of violation on a semi-annual basis.

Section V of the ERP requires an order for SNC violations within 30 days of identifying SNC. This was not done for the industries identified in SNC during 2021; the City had only issued consecutive notices of violation.

3. Indicate the number and percent of SIUs that were identified as being in SNC with the following requirements from the CA's last pretreatment program performance report. [WENDB] [RNC-II]

SNC Evaluation Period: 7/2021-12/2021

1	13%	Applicable pretreatment standards and reporting requirements	
	%	Self - monitoring requirements	
	%	Pretreatment compliance schedules	

SNC defined by:	
POTW	
EPA	x

F. ENFORCEMENT (Continued)

4. Did the CA publish all SIUs in SNC in the largest local daily newspaper in accordance with NPDES permit requirements ? [403.8(f)(2)(vii)]

Yes	No
✓	

Ruiz Foods and Koppers were in SNC for the first period evaluated (1/1/21-6/30/21). The City published a public notice in The Morning News, Florence, SC, on 8/10/2021.

Ruiz Foods was again in SNC for the second period evaluated (7/1/21-12/31/21), but was not published a second time.

5. How many SIUs are in SNC with self-monitoring requirements and were not inspected and/or sampled (in the four most recent full quarters)? [WENDB - SINN] — 0

6. a. Did the CA experience any of the following caused by industrial discharges?

	Yes	No	Unk	Explain
• Interference			x	(1),(2)
• Pass through			x	(1),(2)
• Fire or explosions (flashpoint, etc.)		x		
• Corrosive structural damage		x		Some concrete cave ins and long lines with H2S.
• Flow obstruction		x		Some grease, but not resulted in SSOs recently
• Excessive flow rates	x			Ruiz Foods, meter calibration issues
• Excessive pollutant concentrations	x			Koppers
• Heat problems		x		
• Interference due to O&G		x		
• Toxic fumes		x		
• Illicit dumping of hauled wastes			x	May have some; no specific reports.
• Worker health and safety		x		
• Other (specify)				

b. If yes, did the CA take enforcement action against the IUs causing or contributing to pass through or interference? [RNC - I]

Yes	No
	x

(1) Timmonsville WWTF – Ceriodaphnia toxicity began in 2019. Diagnostics began immediately and have been ongoing. The City has now added a specialty lab analysis. The City evaluated the local school thinking it might be cleaning elements but that was later ruled out. Ammonia limit exceedances in March are believed by the City to be due to seasonal impacts to the biomass, and not attributed to industrial loading.

(2) Main WWTF – TSS was elevated in June (weekly average) >45 mg/l. Also, the City has experienced operational issues with maintenance of the influent bar screens. Bypass pumping is in place. Normal debris has been observed.

SECTION II: SUPPLEMENTAL DATA REVIEW/INTERVIEW (Continued)

F. ENFORCEMENT (Continued)

7. a. How many SIUs are on compliance schedules? **0**

b. List these SIUs by name and compliance schedule end dates (attach additional sheets as needed).

SIU	End Date

	Yes	No
8. Were any CIUs allowed more than 3 years from the effective date of a categorical standard to achieve compliance? [403.6(b)] If yes, identify and explain.		x

All users have been applied PSES standards.

Koppers has been operating in the City since 1943. Land was sold in 1970's and bought the land back in 1980. Operations continued under Koppers throughout those land transfers.

	Yes	No
9. Did any SIUs return to compliance by any of the following? [RNC -I]		
a. Within 90 days		x
b. Within the time specified in the ERP		x
c. Through a compliance schedule.		x

component (including legal authority, local limits, DSS requirements, etc.) ?

G. ADDITIONAL EVALUATIONS

<u>Oversight of City's SIU Inspection – Ruiz Foods – 6/23/2022 (unannounced)</u>

- Usual facility contact was off-site; lack of an established backup contact contributed to a 30-minute delay with entry.

- Areas of focus included an interview, file review, and walk through of full facility and treatment areas. The City's file review practice could benefit from a spot comparison of the monitoring data held onsite against the reported data.

- Compliance with an approved slug discharge control plan (SDCP) is not yet incorporated into the inspection. Ruiz's usage and maintenance of secondary containment, and spill kit placement, were noted by EPA to the facility contact as points for improvement. Such requirements and a map of the points of risk should be included their required SDCP, which had been in a draft stage since 2016. The draft had other deficiencies, such as no number to report slug loads.

- Pretreatment of the high chemical oxygen demand (COD) and total suspended solids (TSS) wastewater from Ruiz involves equalization and bar screening ahead of a proprietary DAF-polymer type system built by Clean Water Tech (GEM - gas, energy, mixing), which is primarily aimed at reducing TSS and fats/oils/grease only.

- The GEM building included two 1,500-gallon capacity tanks of bulk acid and base next to one another, with what may be insufficient safety berm/containment between them as well as at the exit. Tanks were reported to be double-walled. A bulk leak or spill was observed etching into the concrete slab inside the building. A safety review is recommended.

- A tank on the exterior of the GEM building performs pH adjustment before the GEM, and was said to be double-walled; the concrete berm around it appeared to provide insufficient containment if a breach were to occur.

SECTION II COMPLETED BY:	David Phillips	DATE:	6/23/2022
TITLE:	Environmental Engineer	TELEPHONE:	404-562-9773
POTW REPRESENTATIVE PROVIDING RESPONSES:	Michael Hemingway	DATE:	6/23/2022
		TELEPHONE:	843-665-3236

SECTION III: EVALUATION AND SUMMARY

INSTRUCTIONS: Identify program components that the CA is recommended (Rec.) or required (Req.) to implement in order to effectively implement the pretreatment program and/or to meet its regulatory requirements. Specify the corrective action the CA needs to take.

Description	Regulatory Citation	Checklist Question(s)	Action	
			Rec.	Req.
A. CA PRETREATMENT PROGRAM MODIFICATION				
1. Notify of program modification	403.18	II.A		✓

A superseded enforcement response plan (ERP) on file had been accompanied by a letter dated 8/8/2006 from the City attorney to SCDHEC acknowledging approval and certifying its full incorporation into the authorized program. The ERP presented onsite was dated March 2012, but the file did not contain a similar authorization letter from SCDHEC. After the inspection, the City's consultant provided a 2014-dated letter from SCDHEC approving an unspecified 2012 submission. The City must retain documentation of state approval and local adoption/incorporation of the versions of program implementation documents that it is using, like the ERP and Sewer Use Ordinance, and have them readily available for SCDHEC and EPA inspections.

Description	Regulatory Citation	Checklist Question(s)	Rec.	Req.
B. IU CHARACTERIZATION				
1. Identify and locate all SIUs	403.8(f)(2)(i)	II.B	✓	

The City is controlling oil/grease from food establishments through the City's grease control program. Although light or heavy commercial users in other sectors may not quality as significant industrial users (SIUs) based on their flow or mass loads, many are often designated by a POTW as SIUs based on an actual violation of local limits or due to a reasonable potential for non-compliance with standards or prohibitions (see 40 CFR 403.3(v)(ii)). For example, debris, high temperature, low pH, PFCs, surfactants, metals, TSS, toxic organics/vapors, or oxygen demand may originate from commercial laundries, carwashes, crematories, coroners, airstrips, medical centers, metal fabricators, compliant/non-compliant hauled septage, etc. Such risks – either individually or cumulated by an industrial sector – may also qualify a commercial user to be designated by the POTW as an SIU. The EPA recommends that the City review its procedures for designating SIUs to ensure those considerations are made.

Description	Regulatory Citation	Checklist Question(s)	Rec.	Req.
2. Identify the character and volume of pollutants contributed to POTW by IUs	403.8(f)(2)(ii)	II.B.1; II.E.1	✓	✓

a. (Req) Based on the City's feedback during this PCI and its reporting to SCDHEC, there appears to be a deficit in its procedures for ensuring that light commercial businesses are properly evaluated for actual and/or potential non-compliance with local limits (i.e., through initial and subsequent random monitoring (see 40 CFR 403.8(f)(2)(v)). Local limits (pretreatment standards) also apply to these businesses because they are "industrial users" as defined by 40 CFR Part 403 and corresponding state law. The City must reinstate/develop such procedures so it can evaluate if unpermitted industrial users are complying with pretreatment standards. Procedures may need to be submitted to SCDHEC as a 403.18 program modification so they may be incorporated into, and supported by, the City's program authorization.

b. (Rec) The City's headworks analysis and SIU permits indicate that COD is not routinely monitored. The EPA recommends that the City add this parameter to the monitoring regimens for its WWTF influents and its permitted SIUs. Routinely evaluating the total influent and individual user mass contributions of both COD and BOD_5 will aid the City's pretreatment program with assuring the influents of its WWTFs are receiving a BOD/COD ratio that is optimal for biological treatment, and with identifying SIUs that require a COD limitation and additional pretreatment to meet the limit.

Description	Regulatory Citation	Checklist Question(s)	Rec.	Req.
C. CONTROL MECHANISM EVALUATION				
1. Issue individual control mechanisms to all SIUs	403.8(f)(1)(iii)	I.B.1; II.C.1 & 2		✓

An SIU, Honda SC, has a three-year permit that expired on 6/30/2021. The user applied for a renewal, but the City intended to resolve its current investigation into toxicity problems at the Timmonsville WWTF before acting on the application. The permit duration, whether initial or extended, cannot exceed five years (see 40 CFR 403.8(f)(1)(iii)(B)(1)). The EPA advised the City during this PCI to reissue the Honda SC permit if it intends to continue accepting the discharge during the investigation. If the investigation findings or other factors warrant change to the SIU permit, then the City may modify and/or rescind the reissued SIU permit before its expiration. The City indicated it will pursue that path.

Description	Regulatory Citation	Checklist Question(s)	Action Rec.	Action Req.
C. CONTROL MECHANISM EVALUATION (Continued)				
2. Ensure control mechanism content is included	403.8(f)(1)(iii)	I.B.2.a-k		✓

The City needs to address concerns with its SIU permits identified in the comments to Section I.B.2 and I.G of this report. Modifications to the City's model user permit and/or legal authorities may be necessary pursuant to 40 CFR 403.18 and corresponding state requirements. Once any relevant modifications are approved/accepted by SCDHEC, the City should immediately modify and reissue all active existing user permits to effect any changes that are contingent on that process.

Description	Regulatory Citation	Checklist Question(s)	Action Rec.	Action Req.
D. APPLICATION OF PRETREATMENT STANDARDS AND REQUIREMENTS				
1. Apply all applicable pretreatment standards	403.8(f)(1)(iii)	1.C.1-6		✓

Two concerns were identified with the Thermo Fisher-Scientific (formerly Patheon API) categorical SIU permit:

(a) Two effluent points are being monitored: Discharge 001 includes process and sanitary flows, and Discharge 002 is process flow only. The monitoring points are: 001 - manhole near the flow meter, and 002 - the pretreatment discharge flume. Categorical limits have only been applied to Discharge 001, which does not appear to receive pretreatment. It was unclear why categorical limits and pretreatment are not applied to both regulated process streams.

Categorical standards apply to all process streams, and may require adjustment to account for combination with diluting non-process streams where the installation of a monitoring point ahead of diluting streams is not feasible (40 CFR 403.6). The City needs to immediately confirm whether or not all process and non-process streams are appropriately accounted in the limit derivations for this permit, and whether or not all process streams are receiving pretreatment.

(b) The maximum pH limit in the issued permit is 11.5 standard units. The maximum pH prohibition in Section 12.20(8) of the City's Sewer Use Ordinance (SUO) authorized for the pretreatment program is 11.0 standard units. The pH local limit that is authorized for the City's pretreatment program is "8.5, except as may be allowed in a user permit." The City may not allow a maximum pH in a user permit that exceeds the prohibited value in the authorized SUO. The City needs to immediately modify and reissue this user permit to effect a correction.

Description	Regulatory Citation	Checklist Question(s)	Action Rec.	Action Req.
2. Evaluate the need for SIUs to develop slug discharge control plans (SDCPs)	403.8(f)(1)(ii); 403.5	I.D.9; 2.D.1	✓	

Annual inspection records by the City support that it performs a routine evaluation of the need for a SDCP for each significant industrial user (SIU). However, the City does not retain current copies of the SDCPs that it has found necessary for SIUs to have. During a site inspection concurrent with this PCI, the SIU presented a copy of a draft SDCP and its 3/11/2016 transmittal to the City for review. The SIU did not have any record of a subsequent approval or acceptance of their draft SDCP from the City following the 2016 submission. The 2016 draft SDCP identified the user has bulk storage of 53,000 pounds of anhydrous ammonia onsite as well as bulk acids and bases. The draft did not include basic information such as a 24-hour POTW phone number for immediate notification of a spill or slug discharge, or what details should be reported.

The EPA recommends that the City develop and implement a process to review/comment/approve SDCPs for SIUs after it has determined one is necessary, and to incorporate the approved/dated SDCP into the SIU permit as a compliance requirement. Submitting new process procedures to SCDHEC is advised so they may be incorporated into the program authorization. Approving SCDPs assures the City's minimum criteria for content are met. Attaching a user permit condition and retaining a copy of each approved plan supports enforcement of any users that may not fully comply. The City may desire to reference Section 2 of EPA's slug loading control guidance:
https://www.epa.gov/system/files/documents/2021-07/owm021.pdf

Description	Regulatory Citation	Checklist Question(s)	Action Rec.	Action Req.
E. COMPLIANCE MONITORING				
1. Inspect and sample each SIU	Approved program	I.D.2 & 7; II.E.1		✓

The City advised that its program authorization is to perform oversight samplings of its significant industrial users semi-annually, but the City has only been reporting one of the sampling dates on its Program Performance Summary reports to SCDHEC. The City needs to report both sampling dates for each user.

<table>
<tr><th rowspan="2">Description</th><th rowspan="2">Regulatory Citation</th><th rowspan="2">Checklist Question(s)</th><th colspan="2">Action</th></tr>
<tr><th>Rec.</th><th>Req.</th></tr>
<tr><td colspan="5">E. COMPLIANCE MONITORING (Continued)</td></tr>
<tr><td>2. Inspect and sample each SIU once a year</td><td>403.8(f)(2)(v)</td><td>I.D.1 & 6; II.E.1 & 2</td><td>✓</td><td>✓</td></tr>
<tr><td colspan="5">The City’s oversight inspection records were complete with exception of a missing record for a 2020 inspection of Thermo Fisher-Scientific (formerly Patheon API), which occurred during the peak pandemic period.

The City’s significant industrial user (SIU) permits require users to submit copies of the wastewater operator certifications for their pretreatment systems annually. In practice, the City has been reviewing these as part of its SIU oversight inspections. Generally, the SIU inspections performed by the City are satisfactory, and include the review of any facility changes, completeness of the permit and monitoring records, and a walk-through inspection of the process, pretreatment, and bulk storage areas.

(Rec) The EPA recommends that the City bring selected self-monitoring reports on inspections to validate the self-reported record against on-site records. The City can also use the inspection to evaluate compliance with, and the continued appropriateness of, an SIU’s approved slug discharge control plan where one was previously found necessary.

(Req.) The City did not monitor all of the pollutants in the Thermo Fisher-Scientific (formerly Patheon API) SIU permit over the three year period that was reviewed (2019-2022). For example, acetone and MIBK were not monitored by the City during the period. At minimum, the City must monitor the same pollutants that are self-monitored by the SIU under its permit requirements so it may evaluate compliance of the user independent of the SIU’s reported self-monitoring (40 CFR 403.8(f)(2)(v)).</td></tr>
<tr><td>3. Use proper sampling analysis (40 CFR Part 136) and inspection procedures</td><td>403.8(f)(2)(vii), 403.12(o)</td><td>I.D.3, 5 & 8; II.G</td><td>✓</td><td></td></tr>
<tr><td colspan="5">Sampling and analysis records for oversight of the Thermo Fisher-Scientific (formerly Patheon API) significant user (SIU) permit were missing due to their association with the City not monitoring all applicable pollutants (see III.E.2 above).

The EPA recommends that the City require SIUs to maintain/provide two qualified points of contact for inspections. The absence of a backup contact resulted in significant delay of entry for the City during the SIU visit occurring on this PCI.</td></tr>
<tr><td>4. Require, receive, and analyze reports from SIUs</td><td>403.8(f)(2)(iv)</td><td>I.B.2.d; I.F.1-12; II.E.1</td><td></td><td>✓</td></tr>
<tr><td colspan="5">The City needs to address concerns with its significant user reporting identified in the comments to Sections I.B.2.d and I.F of this report. Modifications to the City’s model user permit and/or legal authorities may be necessary pursuant to 40 CFR 403.18 and corresponding state requirements. Once any relevant modifications are approved/accepted by SCDHEC, the City should immediately modify and reissue all active existing user permits to effect any changes that are contingent on that process.</td></tr>
<tr><td>5. Monitor to demonstrate continued compliance and resampling after violation(s)</td><td>403.8(f)(2)(vii)</td><td>I.F.3, 4 & 9</td><td></td><td>✓</td></tr>
<tr><td colspan="5">The City maintains program compliance records in hardcopy form, but it has generally been receiving and retaining 24-hour/resampling notices submitted pursuant to 40 CFR 403.12(g)(2)) in electronic form. The City must retain hardcopies of all digital compliance records with its paper user files until such time it may seek and obtain CROMERR approval (40 CFR 403.12(r)). Absence of those paper records impeded an EPA evaluation of the notifications on this PCI.</td></tr>
<tr><td>6. Ensure CIUs report on all regulated pollutants at least once every 6 months</td><td>403.12(g)(1)&(2)</td><td>I.F.2 & 5</td><td></td><td>✓</td></tr>
<tr><td colspan="5">The discharge pH that Thermo Fisher-Scientific has been certifying on its self-monitoring reports is not the field pH of the sampled discharge that is being recorded on the chain of custody records.</td></tr>
</table>

SECTION III: EVALUATION AND SUMMARY (Continued)

Description	Regulatory Citation	Checklist Question(s)	Action Rec.	Action Req.
E. COMPLIANCE MONITORING (Continued)				
7. Ensure noncategorical SIUs self-monitor and report all regulated pollutants at least once every 6 months	403.12(h)	I.F.2 & 5		
No concerns identified.				
8. Require self-monitoring reports from CIUs to be signed and certified and reports from SIUs to be signed.	403.12(l); 403.6(a)(2)(ii)	I.F.6		✓
The City needs to routinely evaluate whether its categorical users are using compliant signatory authorities and assure it retains documentation in the significant user files. The Koppers self-monitoring form denotes an authorized official that is no longer authorized. For many months the current official has been striking out the name and filling in a different individual as a correction. At Thermo Fisher-Scientific (formerly Patheon API), the EHS Manager has been certifying the self-monitoring reports, but no delegating authorization for that individual was identified in the City's file record for that categorical SIU (see 40 CFR 403.12(l)(3)).				
9. Receive notification of hazardous waste discharges	403.12(j)&(p)	I.F.10; II.D.3	✓	
The City is not aware of any amount of hazardous waste being discharged from light or heavy commercial sources that might be accumulating at the WWTFs. However, the City relies on state-required notifications that would only pertain to discharges of very large quantities of hazardous wastes. The City's significant user permits include a hazardous waste discharge notification form to implement the notification and upper mass limitation requirements in 40 CFR 403.12(j) and (p). The EPA has published guidance (EPA-830-F-16-002) that may be helpful in reviewing possible improvements to this notification form and the information provided to the SIUs. All wastes or wastewaters sent to a POTW are subject to specific prohibitions in 40 CFR 403.5(b), but as noted in the guidance referenced above, hazardous wastes are defined to include a wide spectrum of listed, characteristic, and mixed wastes. Single or periodic discharges of hazardous waste to the POTW below the generous mass limitation in 403.12(p)(1) might not be notified to the POTW under the reporting exemption in 403.12(p)(2). This could lead to an accumulation resulting in adverse effects on the POTW and hindering its operational compliance. The contributors, which may or may not be SIUs, may also be difficult to identify if relying solely on the thresholds in 403.12(p)(2). The City may therefore desire to establish local limitations (narrative and/or numeric) in its Sewer Use Ordinance that are more restrictive than the generous criteria specified in 403.12. Some POTWs choose to employ a prohibition, user recordkeeping, and/or pre-approval standards that govern the discharge of hazardous wastes to the City's sewers and/or WWTFs.				
F. ENFORCEMENT				
1. Implement approved Enforcement Response Plan (ERP)	403.8(f)(5)	I.E.3; II.F.2		✓
a. The City should ensure that it holds and implements the current ERP and associated state authorization, so its program's enforcement practices are justifiable. The latest ERP with an approval letter from SCDHEC held by the City is a September 2012 version, with a 2014 letter from SCDHEC authorizing an unspecified 2012 version. The ERP copy provided for review onsite was marked as updated in March 2012, suggesting the City has not been implementing the latest approved version. The City believed a 2019 update may be either pending approval or approved; however, no state approval letter was found by the City.				

b. The September 2012 ERP (the assumed authorized-ERP) contains errancies necessitating correction. For example, Section V requires that all violations must be identified and documented within 5 days of receiving compliance information, and that follow-up actions for reoccurring violations or continuing violations shall be taken within 60 days and shall include compliance schedules. The stated 60-day timeframe exceeds the 30-day window allowed by Sec. 12-52(a) of the Sewer Use Ordinance, requiring resolution.

As another example, Section II.7.A of the ERP erroneously defines public notice of significant non-compliance (SNC) as an optional, supplemental enforcement response. SNC publication is a required practice (40 CFR 403.8(f)(2)(viii)) and is not of itself an enforcement action, rather it is a public notification of an industry's SNC.

c. The City has not been fully implementing its authorized ERP as required by 403.8(f)(5). Whether the required response timeframe is 5, 30, or 60 days, the City's practice has been to evaluate monthly compliance reports and issue notices of violation on a semi-annual basis. The consequential delays in compliance notification and required follow-up actions have been resulting in an unnecessary prolongation and amplification of non-compliant users' violations.

Sections II.1., III, and V of the ERP also specify escalation of enforcement. Section V.5 correctly requires an order for SNC or chronic violations within 30 days of identifying SNC. The City did not issue any orders to industries identified in SNC during 2021. Rather, the City had only issued these users consecutive notices of violation.

2. Annually publish a list of IUs in SNC	403.8(f)(2)(vii)	I.E.5; II.F.4	✓	

No concerns. After identifying Koppers' SNC status in July 2021, the City opted not to notify the user of its pending publication. Directly notifying a user of publication is not a requirement, however it is a common practice. Doing so may further discourage continued violations and serve as a company record apprising any investors or financiers of the severity of noncompliance. It may also provide additional evidentiary support if escalated actions are later needed.

3. Develop IU compliance schedules	403.8(f)(1)(iv)(A)	I.B.2.f; II.F.		

The City had not issued any orders that would include compliance schedules.

4. Ensure IU compliance within 3 years of standards effective date (or less than 3 years where required by standard)	403.6(b)	II.F.8		

No concerns. All users have been applied PSES.

5. Ensure new sources report on compliance with appropriate standards within first 90 days of discharge	403.12(d)	I.F.3		

No concerns. All users have been applied PSES

G. ADDITIONAL EVALUATIONS

1. Biosolids. The City may need to inquire with the landfill if a priority pollutant scan is needed.	✓	
2. Criminal penalties. The City may not have established minimum penalties for criminal conduct involving industrial users. SCDHEC should evaluate if the City's pretreatment program legal authorities meet state pretreatment requirements concerning criminal penalties.	✓	
3. Confidentiality. Sec 12-51(a) of the Sewer Use Ordinance (SUO) potentially allows an industrial user and the City to restrict the user's effluent data from the public, which conflicts with the 40 CFR 403.14(b) requirement for unconditional access. Modification to the SUO may be warranted.		✓

SECTION III COMPLETED BY: David Phillips	DATE: 9/23/2022
TITLE: Environmental Engineer	TELEPHONE: 404-562-9773