



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2029

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 5/23-25/2023
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Pretreatment Compliance Inspection– Publicly Owned Treatment Works
Facility Name: Lower Lackawanna Valley Sanitary Authority
Facility Address: 398 Coxton Road Duryea, PA 18642
Lat/Long: 41.34861, -75.78017
County/Parish: Luzerne
Permit Number: PA0026361
NAICS & SIC Codes: 221320/4952
Unique Project #: 3E23WN065A

Facility Representative:

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I. Introduction

On May 23-25, 2023, Inspector Jim Kline (Inspector Kline) from the U.S. Environmental Protection Agency (EPA) Region 3, National Pollutant Discharge Elimination System (NPDES) Section conducted an on-site Pretreatment Compliance Inspection (PCI) of the Lower Lackawanna Valley Sanitary Authority (hereinafter “LLVSA”) Pretreatment Program. The LLVSA Wastewater Treatment Plant (WWTP) is located at 398 Coxton Road in Duryea, PA 18642 (hereinafter, the “Facility”) (**See Attachment #1- Photo #1**). The purpose of the inspection was to observe the LLVSA Pretreatment Program’s compliance with the Clean Water Act (CWA), the applicable Federal Pretreatment Regulations, and the Facility’s National Pollutant Discharge Elimination System (NPDES) permit ID: PA0026361 (**See Attachment #2**). Prior to the PCI, the Pennsylvania Department of the Environmental Protection (“PADEP”) was notified of the inspection. The PADEP did not send a representative to attend the PCI. Inspector Kline did provide LLVSA advanced notice of the PCI.

All information included in this report is the result of observations made by Inspector Kline, statements made by LLVSA and/or Mia Products representatives, materials shown to Inspector Kline by LLVSA and/or Mia Products, and/or documents provided by LLVSA and/or Mia Products representatives to Inspector Kline at the time of, or subsequent to, the inspection.

II. LLVSA- Opening Conference

Inspector Kline arrived at LLVSA at 1:00PM on Tuesday May 23, 2023. Upon arrival, Inspector Kline presented his credentials to Mr. Brian Williams, Pretreatment Coordinator. Mr. Williams stated he is also the LLVSA Laboratory Operator. Inspector Kline proceeded to conduct an Opening Conference with Mr. Williams. Mr. Francis “Frank” Pero, Assistant Executive Director at LLVSA, attended a portion of the Opening Conference.

Inspector Kline informed Mr. Williams that any information that LLVSA deemed to be confidential business information (“CBI”) should be identified to Inspector Kline during the inspection and it would be handled as CBI according to EPA’s CBI procedures. Inspector Kline informed Mr. Williams that photographs would be taken during the inspection and are provided in Attachment 1 of the PCI. Mr. Williams did not make any CBI claims.

A. LLVSA- Background Information

LLVSA is a wastewater treatment plant, owned and operated by the LLVSA. According to Mr. Williams, LLVSA was organized in 1966 by the Boroughs of Avoca, Dupont, and Duryea in Luzerne County and the Boroughs of Taylor and Old Forge in Lackawanna County. Mr. Williams stated LLSVA has an average annual flow of 6 million gallons per day and a maximum average monthly flow of 8.5 million gallons per day and discharges to an unnamed tributary to Keyser Creek which feed into the Lackawanna River. Inspector Kline asked Mr. Williams if LLVSA was current with all EPA annual reporting requirements. Mr. Williams stated

LLVSA is current and has not been late with annual reporting. The most recent Annual Report that LLVSA submitted was in 2022 (**See Attachment #3**).

B. LLVSA- Industrial Pretreatment Program File Review

Inspector Kline conducted an Industrial Pretreatment Program File Review at the LLVSA WWTP. According to Mr. Williams, LLVSA currently has eight permitted industrial users (IUs). Mr. Williams added that three of the IUs are categorical industrial users (CIUs). Inspector Kline asked Mr. Williams if he had a current listing of the permitted IUs. Mr. Williams provided Inspector Kline with the list of permitted IUs (**See Attachment #4**).

Inspector Kline asked Mr. Williams how LLVSA identifies potential industrial users. Mr. Williams stated LLVSA receives planning modules for development within their service area, and LLVSA will use those modules to identify potential industrial users. Mr. Williams stated they also monitor water consumption. If a facility has higher water usage, Mr. Williams stated they would send those facilities a questionnaire. Inspector Kline requested and received copies of both the Industrial Wastewater Discharge Permit Questionnaire- Short Form (**See Attachment #5**) and Long Form (**See Attachment #6**). Mr. Williams stated depending on their evaluation of those forms, the facility might then be required to complete an Industrial Pretreatment Application (**See Attachment #7**). Inspector Kline asked Mr. Williams how long are each IU Permit valid. Mr. Williams stated each IU Permit is valid for three years.

Inspector Kline asked Mr. Williams if inspections and/or sampling are conducted for the IUs. Mr. Williams stated each IU is inspected annually. Mr. Williams added all sampling is conducted by LLVSA. Mr. Williams clarified that LLVSA coordinates all sampling events and maintains the analytical reports at LLVSA, except for one IU: Schott Glass. Mr. Williams added that Schott Glass is sampled annually by LLSVA, and monthly by Quantum Analytical and Environmental Laboratories. Mr. Williams stated the LLSVA WWTP flooded in 2011 and those records prior to that incident were lost during the flood, but they have maintained all sampling records since then. Mr. Williams stated Hawk Mountain Labs is their contracted third-party lab that conducts analytical analysis for of their collected samples.

Inspector Kline asked Mr. Williams if LLVSA has an Enforcement Response Plan (ERP) or similar document to address IU noncompliance. Mr. Hill stated they have an Enforcement Response Guide (**See Attachment #8**). Mr. Hill added the guide is also used for notices of violations for permit parameter exceedances.

Inspector Kline asked Mr. Williams if any of the IUs had any permit parameter exceedances in the past three years. Mr. Williams stated there we two IUs who had exceedances during that time. Mr. Williams stated the IUs received notices of violation for the exceedances. Inspector Kline asked if monetary penalties were assessed. Mr. Williams stated penalties were not assessed because the IUs resampled following the exceedance and those results came back okay. Mr. Williams described the following exceedances:

IU	Exceedance	Date
Schott Glass Special Components	Zinc	10/8/2020
Schott Glass Special Components	Lead	10/8/2020
Schott Glass Special Components	Zinc	12/9/2020
Mia Products	pH	8/3/2021
Mia Products	pH	9/8/2021

Mia Products	pH	6/9/2022
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Inspector Kline completed the Field Checklist with input from Mr. Williams (**See Attachment #9- Checklist**). Inspector Kline requested and received a copy of the IU Permit issued to Mia Products (**See Attachment #10**). Inspector Kline also requested and received the most recent inspection report, which was conducted on March 10, 2022, by Mr. Williams (**See Attachment #11**).

As part of the PCI, Inspector Kline selected Mia Products located at 4 Rocky Glen Road in Moosic, PA. 18507 for the IU tour portion of the inspection. Inspector Kline decided that Mia Products would be inspected on May 24, 2023.

III. IU Inspection- Mia Products

A. Mia Products- Opening Conference

Inspector Kline and Mr. Williams arrived at Mia Products on May 24, 2023, at approximately 11:00 AM (**See Attachment #1- Photo #2**). Inspector Kline presented his credentials to Mr. Paul Kennedy, Plant Safety Manager at the outset of the inspection. Inspector Kline proceeded to conduct an Opening Conference. Attending were Mr. Williams and Mr. Kennedy. During the Opening Conference, Inspector Kline informed Mr. Kennedy that any information he deemed to be confidential business information (“CBI”) should be identified to Inspector Kline during the inspection and it would be handled as CBI according to EPA’s CBI procedures. Mr. Kennedy did not make any CBI claims during the inspection. Inspector Kline stated he would be taking photographs during the inspection. Mr. Kennedy stated photographs would not be a problem. Photographs are provided in Attachment #1.

Inspector Kline explained that the purpose of the inspection was to observe the LLVSA Pretreatment Program’s compliance with the Clean Water Act (CWA) and the applicable Federal Pretreatment Regulations. The inspection was conducted as part of a routine periodic inspection.

B. Mia Products- Background Information

Inspector Kline asked Mr. Kennedy to describe what Mia Products does at their facility. Mr. Kennedy stated they make frozen treats and flavored ice under the J&J Snack Foods names. Mr. Kennedy added, they also have a separate production line for frozen dog treats.

Inspector Kline asked Mr. Kennedy how many employees are at Mia Products. Mr. Kennedy stated they have 200 full-time employees and run two ten-hour production shifts, and they have one shift for cleaning. Inspector

Kline asked Mr. Kennedy if Mia Products pretreats their effluent prior to discharge to LLVSA. Mr. Kennedy stated they use caustic for pH adjustment. Inspector Kline asked Mr. Kennedy if he had a generic process flow diagram for the wastewater treatment. Mr. Kennedy stated he didn't believe they had one.

C. Mia Products- Observations

Inspector Kline requested to tour Mia Products. Accompanying Inspector Kline on the tour were: Mr. Kennedy and Mr. Williams.

Observation #1: The first area visited was the Water Treatment Room. Inspector Kline observed this room to be neat and orderly.

Observation #2: Inspector Kline observed the Retail Room and the Cup and Tube Rooms. These areas were busy with employees actively working.

Observation #3: Inspector Kline observed Packaging Area which is located on the second floor. This area was also busy with active production operations.

Observation #4: Inspector Kline proceeded outside and observed the permitted effluent sample location, which is sanitary sewer manhole located next to the Mia Products facility sign which is located along Rocky Glenn Road (**See Attachment #1- Photo #3**).

Observation #5: While outside, Inspector Kline proceeded to the effluent monitoring station. According to Mr. Kennedy, this station is directly upstream of the effluent sample location (**See Attachment #1- Photo #4**). Inspector Kline observed a flow meter that appeared to be operating and was calibrated on April 27, 2023. Inspector Kline observed the flow meter reading to be 25.58 gallons per minute.

This concluded the physical inspection portion of Mia Products.

IV. Closing Conferences

After the inspection of Mia Products, Inspector Kline conducted a closing conference. Attending the closing conference were Mr. Kennedy and Mr. Williams. Inspector Kline shared preliminary observations about Mia Products. Inspector Kline reiterated that all preliminary observations discussed were not compliance determinations. All preliminary observations shared were subject to further investigation by EPA upon the additional review of records and documentation. Additional observations may be contained in this inspection report that were not identified at the time of the closing conference after EPA reviewed additional materials following the inspection.

Inspector Kline conducted a closing conference with Mr. Williams at the LLVSA WWTP on May 25, 2023. Attending were Mr. Williams and Mr. John "Jack" Mekilo, Executive Director of LLVSA. This concluded the PCI.

V. List of Attachments

- Attachment 1.** Photos
- Attachment 2.** NPDES Permit
- Attachment 3.** 2022 Annual Report
- Attachment 4.** IU List
- Attachment 5.** Questionnaire-Short Form
- Attachment 6.** Questionnaire-Long Form
- Attachment 7.** Application
- Attachment 8.** Enforcement Response Guide
- Attachment 9.** Checklist
- Attachment 10.** IU Permit- Mia Products
- Attachment 11.** IU Inspection Report- Mia Products