Pretreatment Compliance Audit

Summary Report

Discharger:	New Castle County, Delaware Middletown-Odessa-Townsend Regional Wastewater Treatment Plant NPDES No. DE0050547 New Castle County
Location:	100 New Churchmans Road, New Castle, DE 19720
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Audit Dates:	September 28-29, 2021
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Attachments

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

I. Audit Summary
Upon arrival, EPA contractors Chuck Durham and Sirese Jacobson (referred to as Audit Team), met with New Castle County's (County's) contacts, David Gilden and Michael Harris (County representatives). The Audit Team discussed the purpose and format of the audit and interviewed the County representatives about the County's pretreatment program. The Audit Team also evaluated the County's procedures and legal authority. As part of the audit, the Audit Team reviewed the files and conducted site visits at the following industrial users: • Natural Dairy Products (non-categorical significant industrial user [SIU]) • BASF (categorical industrial user [CIU], subject to Title 40 of the *Code of Federal Regulations* [40 CFR] Part 414, Organic Chemicals, Plastics and Synthetic Fibers)* • Industraplate (CIU subject to 40 CFR 413, Electroplating)** The last reviews of the County's pretreatment program were an Offsite Compliance Monitoring Clean Water Act (CWA) Desk Audit performed by EPA on September 14-October 20, 2020 and a pretreatment compliance audit (PCA) performed by EPA on June 27, 2002.

*The County had not identified BASF's applicable subcategory in the discharge permit. See Finding C.4.f.
**Industraplate is currently permitted as a CIU subject to the categorical pretreatment regulations at 40 CFR Part 413; however, based on the discussions during the site visit, the facility should be permitted as a metal finisher subject to 40 CFR Part 433. See Finding E.1.

II. WWTP Description
Wastewater within New Castle County's service area flows to one of two wastewater treatment plants (WWTPs): the City of Wilmington WWTP or the Middletown-Odessa-Townsend (MOT) Regional WWTP. The County owns and operates the MOT Regional WWTP. The WWTP's design capacity is 2.5 million gallons per day (MGD), and the average influent flow to the WWTP is 1.2 – 1.5 MGD. In 2019, the WWTP discharged approximately 40 percent of its treated wastewater to the receiving water and approximately 60 percent of treated wastewater was land applied (via spray application). The WWTP provides secondary and tertiary wastewater treatment. Treatment consists of influent screening, equalization, biological treatment, tertiary filtration, and ultraviolet disinfection. According to County representatives, they are beginning to evaluate the MOT Regional WWTP's capacity due to residential growth. In addition, they are meeting with the Delaware Department of Natural Resources and Environmental Control regarding a potential outfall to the Delaware River.

III. Industrial User (IU) Characterization		
IUs currently identified by the Control Authority (CA)	**IU Type**	
43	**Discharging Significant Industrial Users**	
	25	**Discharging Non-Categorical SIUs (as defined by the CA)**
	18	**Categorical Industrial Users (CIUs)**
	0	**Middle Tier CIUs**
0	**Zero-Discharging CIUs**	

0	**Non-significant CIU (NSCIU)**
3	**Other Regulated IUs (e.g. permitted IUs)** **Describe:** The County issues permits to non-significant industrial users, including remediation sites.
22	**Waste Haulers** **Describe:** The County accepts septic, portable toilet, and oil and grease hauled waste at a receiving station. The County permits 22 waste hauling companies. See Section H.3 for additional information.

IV. Findings Summary Table		
Part V Section Reference – Finding	**Requirement(s)**	**Recommendation(s)**
C.4.a – The permits reviewed did not include adequate sample types.	1	
C.4.b – The permits did not include adequate reporting requirements.	2	
C.4.c – The SIU permits reviewed were missing the requirement for notification of changes affecting the potential for a slug discharge.	3	
C.4.d – The recordkeeping requirements in the permits are not complete.	4	
C.4.e– The BASF permit does not include adequate sampling frequencies for all pollutants of concern.	5	
C.4.f – The BASF permit does not specify the applicable subcategory.	6	
C.4.g – The Industraplate permit does not properly categorize the CIU and does not contain applicable pretreatment standards.	7	
C.4.h – The Natural Dairy Products permit includes an inadequate requirement for notification of significant change.		1
C.4.i – The permits reviewed were missing the requirement for notification of bypasses.	8	
C.4.j – It is unclear how the effluent limits in the BASF permit were derived.	9	
C.4.k – The BASF and Industraplate permits do not include upset notification requirements.		2
C.4.l – The permits include daily maximum local limits which are not included in the County's SUO.	10	
C.4.m – It is unclear how the effluent limits in the Industraplate permit were calculated.		3
C.4.n – The Industraplate permit does not clearly identify between the applicable categorical and local limits.		4
C.4.o – The SIU permits reviewed did not contain a statement of applicable civil and criminal penalties.	11	
C.4.p – Not all SIU files contained permit fact sheets.		5
D.2.a– The SUO does not contain adequate slug loading reporting requirements.	12	
D.2.b– The County's SUO does not contain definition of "categorical standard/categorical pretreatment standard".		6
D.2.c– The definition of "discharge" in the SUO does not mirror the federal regulations.		7
D.3 – The County does not have adequate pretreatment agreements with the City of Wilmington and City of Newark.	13	

E.1 – The County has not applied applicable pretreatment standards for some SIUs.	14	
E.2 – The POTW was unsure which SIUs are required to have slug discharge control plans.		8
F.1 – The County did not perform monitoring for all pollutants of concern at Industraplate.	15	9
F.7 – Industraplate is not monitoring in accordance with its discharge permit.	16	
H.2 – The County has not received the one-time compliance reports from all dental facilities.		10
Natural Dairy Products Site Visit Data Sheet – Chemicals were improperly stored onsite.		11
Natural Dairy Products Site Visit Data Sheet – Inspectors observed handwash sinks in the batch processing room and the tanker bay without proper signage to prevent chemicals from being dumped, which would be an unpermitted discharge		12
BASF Site Visit Data Sheet – The County is not collecting independent samples.	17	
BASF Site Visit Data Sheet – The composite sampler did not contain a thermometer.		13
Industraplate Site Visit Data Sheet – There was an unplugged floor drain in the set up/breakdown area.		14
Industraplate Site Visit Data Sheet – There was no signage above the sink in the lab prohibiting dumping of chemicals or process wastewater.		15
Industraplate Site Visit Data Sheet – The facility's calibration of its pH meter is not adequate.		16

V. Evaluation

The Audit Team discussed the topics in subsections A-H regarding the County's pretreatment program with the County representatives. The Audit Team also reviewed SIU files to assess the retention and maintenance of required program documents and to generally evaluate overall program implementation. The following sections describe program deficiencies and areas of concern identified during the audit process along with requirements, recommendations, and associated references to 40 CFR Part 403.

A. Control Authority (CA) Pretreatment Program Modification
1. When was the last program modification? Did the CA notify the EPA of program modifications? (40 CFR 403.18) According to the County representatives, there have been no changes to the MOT Regional WWTP since the last pretreatment evaluation. The County last updated its sewer use ordinance (SUO) in 2018. The County last amended its enforcement response plan (ERP) on May 19, 2011. The County's local limits were last revised in 2005. According to the County representatives, EPA Region 3 reviewed the County's local limits in 2013 and indicated (via a letter dated July 30, 2013) that the County did not need to evaluate the local limits at that time since there were no SIUs in the service area. At the time of the audit, there were still no SIUs discharging to the MOT WWTP. The City of Wilmington is currently reevaluating their local limits for which the County performs much of the sampling.

B. IU Characterization
1. Describe the CA's procedure for identifying and locating IUs that might be subject to the pretreatment program. Has the CA identified and located all applicable IUs (non-categorical SIUs, CIUs, NSCIUs, etc.)? (40 CFR 403.8(f)(2)(i)) According to the County representative, the County oversees all land use control (building permits, connections, etc.). The County also reviews water usage records and performs drive-by inspections throughout its service area.
2. Has the CA identified the character and volume of pollutants contributed to the publicly owned treatment works (POTW) by IUs subject to the pretreatment program? (40 CFR 403.8(f)(2)(ii)) Yes. Characterization of wastewater and pollutants levels is accomplished by the County through inspections and compliance monitoring at each SIU at least annually (with the exception discussed in Finding F.1). The County also requires SIUs to conduct self-monitoring at least semiannually, with some SIUs required to perform quarterly monitoring. According to the County representatives, the SIU monitoring frequencies are based on classification, flow, and potential to cause harm.
3. Has the CA prepared and maintained a list of SIUs, as defined in 403.3(v)(1), along with the applicable SIU criteria? Does the list indicate whether the CA has made a determination that a SIU is a NSCIU, as defined in 403.3(v)(2), rather than a SIU? Have modifications to the list been submitted with annual reports? (40 CFR 403.8(f)(6)) Yes. The County maintains a current list of SIUs regulated under its pretreatment program. The County provides this list to the City of Wilmington for inclusion in the City of Wilmington's annual report. The County also submits a separate annual report to EPA Region 3. The County's 2020 annual report did not list any SIUs as no SIUs discharge to the MOT facility. The City of Wilmington annual report listed

46 SIUs.

Please note that the City of Wilmington's 2020 annual report incorrectly specified that Natural Dairy Products is subject to categorical pretreatment standards; the report listed "Categorical Standard" as "Food Grade TEC/Dairy". However, 40 CFR Part 405 Dairy Products Processing Point Source Category does not include categorical pretreatment standards for indirect discharging facilities. In addition, the Transportation and Equipment Cleaning regulations in 40 CFR Part 442 are not applicable to indirect discharging facilities that clean only food-grade transportation vehicles.

The County does not permit industrial users as NSCIUs.

C. Control Mechanism Evaluation

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

The County issues individual permits to SIUs and the permits were current at the time of the audit. The County had not issued any general permits at the time of the audit.

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

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

Not applicable (N/A). The County does not issue general control mechanisms.

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

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

N/A. The County does not issue general control mechanisms.

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

- **a. Statement of duration (5 years max)**
- **b. Statement of non-transferability**
- **c. Applicable effluent limits (local limits, categorical standards, best management practices (BMPs))**

d. Self-monitoring requirements
   - **Identification of pollutants to be monitored**
   - **Sampling frequency**
   - **Sampling locations/discharge points**
   - **Appropriate sample types**
   - **Reporting requirements**
   - **Record-keeping requirements**

e. Statement of applicable civil and criminal penalties
f. Compliance schedules
g. Notice of slug loading or potential problems at POTW
h. Notification of spills, bypasses, upsets, etc.
i. Notification of significant change in discharge
j. 24-hour notification of effluent violation
k. Submit resampling results within 30-days
l. Slug discharge control plan requirement, if required by POTW
m. Certification statements
n. Sampling/analysis requirements (Part 136 or alternative)
o. Reporting of additional sampling
p. 90-day compliance report

Many, but not all, of the above permit elements were included in the permits reviewed during the audit. Findings regarding deficient permit conditions are listed below.

Finding C.4.a – The permits reviewed did not include adequate sample types.
The BASF permit correctly identifies sample types listed as 24-hour composite samples where applicable but does not identify whether the composite samples must be collected as flow-proportional or time-proportional composite samples.

The Natural Dairy Products permit requires that samples for oil and grease be collected as 24-hour composite samples. However, per 40 CFR 403.12(g)(3), oil and grease samples must be collected as grab samples.

The Industraplate permit specifies that grab samples should be collected instead of composite samples for analysis of lead and cadmium. There was no documentation in the file to justify the use of grab samples for these metals in lieu of composite sampling as required by 40 CFR 403.12(g)(3).

Regulatory Requirement
The federal pretreatment regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require that control mechanisms include self-monitoring and sampling requirements, including sample type.

The federal requirements in 40 CFR Part 403.12(g)(3) require that grab samples be "used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority". In addition, 24-hour composite samples "must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities."

Requirement 1

The County is required to revise the permits to include appropriate sample types for all pollutants of concern. In addition, where alternate sample collection techniques have been authorized, the Control Authority must develop documentation to support this decision for each industrial user, as applicable.

Finding C.4.b – The permits did not include adequate reporting requirements.

The BASF, Natural Dairy Products, and Industraplate permits indicate that the SIU should report results of all monitoring conducted more frequently than required. However, the permit language should be modified to note only samples collected using 40 CFR Part 136 approved methods and collected at the designated sample points are to be reported.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require permits to include reporting requirements. Additionally, the federal regulation at 40 CFR 403.12(g)(6) require industrial users that monitor at the designated sampling location more frequently than required, and in accordance with procedures of 40 CFR Part 136, to submit those monitoring results to the County.

Requirement

The County is required to revise the permits to require the industrial user to submit all monitoring results in accordance with 40 CFR 403.12(g)(6).

Finding C.4.c – The SIU permits reviewed were missing the requirement for notification of changes affecting the potential for a slug discharge.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require that permits include notification and other requirements in accordance with the general pretreatment standards in 40 CFR Part 403. The regulations 40 CFR 403.8(f)(2)(vi) require SIUs to notify the County immediately of any changes at the facility affecting the potential for a slug discharge.

Requirement 3

The County is required to revise the SIU permits to include the required notification of change affecting the potential for a slug discharge specified at 40 CFR 403.8(f)(2)(iv).

Finding C.4.d – The recordkeeping requirements in the permits are not complete.

The Natural Dairy Products, BASF, and Industraplate permits contain recordkeeping requirements. However, the permits do not specify that the record retention period may be extended at the request of EPA.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require that permits include record-keeping requirements. The federal regulations at 40 CFR 403.12(o)(2) require records must be maintained for at least three years. Additionally, the retention period is extended during unresolved litigation or when requested by the EPA Regional Administrator.

Requirement 4

The County is required to revise the recordkeeping requirements in the SIU permits to specify that the records retention period is extended when requested by EPA.

Finding C.4.e – The BASF permit does not include adequate sampling frequencies for all pollutants of concern.

The frequency for monitoring PCBs is listed as once per year. However, the federal regulations at 40 CFR 403.12(h) require all SIUs to monitor a minimum of twice per year for any pollutants identified as pollutants of concern.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require that individual control mechanisms include self-monitoring, sampling, and reporting requirements, including sampling frequency, "…based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law."

The federal regulations at 40 CFR 403.12(h) require that "The Control Authority…require appropriate reporting from those Industrial Users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial Users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority…These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 of this chapter and amendments thereto..."

Requirement 5

The County is required to revise the BASF permit to require the SIU to monitor for all regulated pollutants at least semi-annually.

Finding C.4.f – The BASF permit does not specify the applicable subcategory.

The BASF permit specifies that the permittee is subject to the categorical pretreatment standards at 40 CFR 414 (Organic Chemicals, Plastics, and Synthetic Fibers); however, the permit does not list the applicable subcategory.

Based on the observations made during the site visit and review of the EPA's *Development Document for Effluent Limitations Guidelines and Standards for Organic Chemicals, Plastics, and Synthetic Fibers Point Source Category*, *Volume 1*, the Audit Team determined that the facility is subject to Subpart H, Specialty Organic Chemicals.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(2)(iii) require that the control authority notify industrial users of applicable pretreatment standards and requirements.

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3) requires that individual control mechanisms include "Effluent limits, including Best Management Practices, based on applicable general

Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law."

Requirement 6
The POTW is required to revise the BASF permit to specify the applicable category and subpart, including identification as a new or existing source.

Finding C.4.g – The Industraplate permit does not properly categorize the CIU and does not contain applicable pretreatment standards.
The Industraplate permit specifies that the facility is subject to "Electroplating Point Source Category, Subpart A-Electroplating of Common Metals Subcategory, and Subpart D – Anodizing Subcategory (40 CFR Part 413)." However, as determined by the site visit and based on discussion with the facility representatives, the permittee should be subject to the metal finishing point source category (40 CFR Part 433).

During the site visit, the facility representatives indicated that they removed a chrome tank and moved the anodize tank in 2000. Because the facility has made changes after the date of promulgation of the metal finishing standards (August 31, 1982), the facility's processes should be regulated under the metal finishing standards, at 40 Part CFR 433.17.

Regulatory Requirement
The federal regulations at 40 CFR 403.8(f)(2)(iii) require that the control authority notify industrial users of applicable pretreatment standards and requirements.

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3) requires that individual control mechanisms include "Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law."

Requirement 7
The POTW is required to revise the Industraplate permit to include the applicable categorization and pretreatment standards.

Finding C.4.h – The Natural Dairy Products permit includes an inadequate requirement for notification of significant change.
The Natural Dairy Products permit requires the permittee to notify the City of Newark of any significant changes but does not require notification be sent to the County.

Recommendation 1
It is recommended that the County revise the permit to require that the permittee also notify the County of significant changes.

Finding C.4.i – The permits reviewed were missing the requirement for notification of bypasses.

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

The federal regulations at 40 CFR 403.17 require industrial users to notify the County of bypasses.

Requirement 8
The County is required to revise its SIU permits to include the bypass notification requirements.

Finding C.4.j – It is unclear how the effluent limits in the BASF permit were derived.
BASF is subject to the categorical pretreatment standards at 40 CFR 414.111. However, the limits in the BASF permit do not match the limits at 40 CFR 414.111. It is unclear how the limits in the permit were derived. Using the values and flows in the permit, the audit team could not replicate the discharge limits listed in the permit.

The schematic included in the permit indicates sanitary waste mixes with process wastewater prior to the sampling point. The audit team did not find any document during the file review to indicate whether the combined wastestream formula was used to calculate effluent limits. However, during the site visit, the facility representatives indicated that all sanitary wastes are discharged at a separate discharge point than the process wastewater.

Regulatory Requirement
The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3) require permits to contain effluent limits based on general pretreatment standards in 40 CFR Part 403, categorical pretreatment standards, local limits, and State and local law.

Requirement 9
The County is required to revise the BASF permit to include effluent limits that are based on applicable categorical pretreatment standards, and local or State law.

Finding C.4.k – The BASF and Industraplate permits do not include upset notification requirements.

Regulatory Requirement
The federal regulations at 40 CFR 403.16 state that industrial users wishing to establish upset as an affirmative defense in an enforcement action must demonstrate that they have notified POTW of the upset.

Recommendation 2
It is recommended the County revise its CIU permits to require upset notification, including the information specified in 40 CFR 403.16(c)(3).

Finding C.4.l – The permits include daily maximum local limits which are not included in the County's SUO.
The permits include daily maximum local limits; however, the SUO does not contain daily maximum local limits. The SUO only lists 30-day average local limits. It is unclear whether the County has the authority to implement daily maximum local limits.

Regulatory Requirement
The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3) require permits to contain effluent limits based on general pretreatment standards in 40 CFR Part 403, categorical pretreatment standards, local limits, and State and local law.

Requirement 10
The County is required to ensure that it has the legal authority to implement the limits included in the SIU permits.

Finding C.4.m – It is unclear how the effluent limits in the Industraplate permit were calculated.
The reviewer could not confirm that the lbs/day local limits included in the permit are accurate. The permit also includes lbs per day for 30-day average (which is in local limits). It was unclear what flow was used to convert the concentration-based limits to lbs/day. Using the 0.005 (permitted max flow) in the conversion does not result in the permit limits.

Recommendation 3
It is recommended that the County ensure that the mass-based limits included in the permit are based on representative flow and document the flow used for limits calculation in the SIU fact sheet.

Finding C.4.n – The Industraplate permit does not clearly identify between the applicable categorical and local limits.
The language in Part B.1 of the permit regarding effluent limits is misleading. The language does not specifically identify the first table of limits as categorical limits under 40 CFR 413.44 paragraphs (b) and (f). There is a notation in Part B.2 of the permit specifying that the CIU is subject to categorical standards under 40 CFR Part 413. See figures below.

B. Effluent Limitations.

1. Permissible Concentrations. The discharge from the designated location shall be limited to the effluent quality limitations as defined in Chapter 38.02.700 of the New Castle County Code except for the following:

	Maximum Permissible Concentration	
Effluent Constituent	4 Day Average (mg/L)	Maximum Daily (mg/L)
Cyanide, A*	2.7	5.0
Total Lead	0.4	0.6
Total Cadmium	0.7	1.2
TTO**	N/A	4.57

	Maximum Permissible Loading (lbs/day)	
Effluent Constituent	30 Day Average	Maximum Daily
Arsenic	0.00125	0.00019
Chromium	0.1668	0.2502
Copper	0.03794	0.0569
Mercury	0.000238	0.00036
Molybdenum	N/A	N/A
Nickel	0.0417	0.06255
Selenium	0.000083	0.00013
Zinc	0.1455	0.218
BOD	20.85	32
Total Suspended Solids	20.85	32
Ammonia – N	1.46	2.2

	Permitted Range
pH	6.0 -9.0 SU

2. Categorical Limitations. Discharge is subject to the categorical pretreatment standards for: Electroplating Point Source Category, Subpart A- Electroplating of Common Metals Subcategory, and Subpart D- Anodizing Subcategory (40 CFR Part 413). These standards shall be in addition to the general prohibitions of the New Castle County Code, and in cases where the same constituent is addressed, the more stringent limitation will apply.

Recommendation 4

It is recommended that the County clearly identify that the first set of limits are the categorical pretreatment standards from 40 CFR 413.44 and the second set of limits as the County's local limits converted to mass-based limits. The County should ensure that all permits clearly distinguish between applicable categorical limits and local limits.

Note: *This recommendation does not apply specifically to Industraplate based on Finding C.4.g, but would generally apply to all other SIU permits.*

C.4.o – The SIU permits reviewed did not contain a statement of applicable civil and criminal penalties.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(5) require permits to include a "[s]tatement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule."

<u>Requirement 11</u>
The County is required to revise the SIU permits to include the applicable civil and criminal penalties statement from the County's SUO.

<u>Finding C.4.p – Not all SIU files contained permit fact sheets.</u>
According to the County representatives, some, but not all SIU files contain permit fact sheets. Two of the three files reviewed as part of the audit contained fact sheets. The Industraplate file did not.

<u>Recommendation 5</u>
It is recommended that the County continue development of fact sheets for the remaining SIU permittees.

D. Legal Authority

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

EPA promulgated changes to the general pretreatment regulations on October 13, 2005, referred to as the "streamlining rule". The Control Authority's SUO contains the required streamlining provisions.

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

As a component of this PCA, the Audit Team compared the SUO with the provisions of 40 CFR Part 403 (see Attachment B, Legal Authority Review Checklist). In addition to the concern noted in Finding C.4.l, the following deficiencies and inconsistencies were observed with the SUO.

<u>Finding D.2.a– The SUO does not contain adequate slug loading reporting requirements.</u>
The SUO does not have requirements at 40 CFR 403.12(f) which specify that POTWs must have reporting requirements including "All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by § 403.5(b), by the Industrial User."

The SUO contains accidental spill reporting requirements at section 38.02.708.A, but the section does not say "slug loadings", or "immediately" (SUO specifies 24 hours). Also, in section 38.02.705.C, the SUO states that slug plans must have procedures for immediately notifying the POTW, but this does not cover users that don't have slug discharge control plans.

<u>Regulatory Requirement</u>
The federal regulations at 40 CFR 403.12(f) requires that "All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by § 403.5(b), by the Industrial User."

<u>Requirement 12</u>
The County is required to modify its SUO to includes the notification requirement found at 40 CFR 403.12(f).

<u>Finding D.2.b– The County's SUO does not contain definition of "categorical standard/categorical pretreatment standard".</u>
The County's SUO does not specifically define "categorical standard/categorical pretreatment standard" in the Definitions section (38.02.701). The County does incorporate by reference categorical standards Parts 405-471 in section 38.02.703.D. The NCC SUO has:
Responsibility to meet standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405—471 are hereby incorporated.

<u>Recommendation 6</u>
It is recommended that the County revise its SUO to add in the definitions for "categorical standard/categorical pretreatment standard" as paraphrased from 40 CFR 403.6 in the Introduction to the National Pretreatment Program (EPA June 2011):

Categorical pretreatment standards: Standards specifying the quantity, concentration, or pollutant properties of pollutants that may be discharged to POTWs. EPA promulgates pretreatment standards for specific industry categories in accordance with CWA section 307. These standards are codified in 40 CFR chapter I, subchapter N, Parts 405-471.

<u>Finding D.2.c– The definition of "discharge" in the SUO does not mirror the federal regulations.</u>
The definition of "discharge" in section 38.02.701 of the SUO is: "*Discharge* includes deposit, conduct, drain, emit, throw, run, allow, seep or otherwise release or dispose of or allow, permit or suffer any of these acts or omissions." The definition at 40 CFR 403.3<u>(i)</u> states: The term *Indirect Discharge* or *Discharge* means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

<u>Recommendation 7</u>
It is recommended that the County revise the definition of "discharge" in its SUO to reflect the definition found at 40 CFR 403.3(i).

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

Yes, the County's MOT Regional WWTP receives nondomestic wastewater from the Town of Townsend, Odessa, and a neighborhood in Middletown. The County has an agreement in place with these contributing jurisdictions stating that the County operates their sewer systems. At the time of the audit, there were no SIUs discharging to the MOT Regional WWTP. According to the County representatives, the WWTP has not received SIU wastewater in more than 10 years. All of the SIUs currently regulated under the County's pretreatment program discharge wastewater to the City of Wilmington WWTP. The County provides all oversight of the SIUs within its service area.

<u>Finding D.3 – The County does not have adequate pretreatment agreements with the City of Wilmington and City of Newark.</u>
The County has a 2003 MJA with the City of Wilmington and a 1979 MJA with the City of Newark. However, the agreements do not contain requirements specific to pretreatment programs and do not identify which agency is responsible for implementation of pretreatment program activities.

Furthermore, the 2003 MJA expired in November 2014. Since then, the City of Wilmington and New Castle County have been in dispute regarding the charges issued to the County from the City for wastewater treatment operations and maintenance and capital costs of the City of Wilmington WWTP. At the time of the audit, an agreement had not yet been reached and therefore a new agreement had not been finalized and signed.

Regulatory Requirement

The federal pretreatment regulations at 40 CFR 403.8(f)(1) require that the POTW operate pursuant to its legal authority, enforceable in federal, state, and local courts, which authorizes or enables the POTW to apply and to enforce the requirements of 40 CFR 403. Such authority may be contained in a statues, ordinance, or series of contracts or joint powers agreements.

Requirement 13

The County is required to ensure that it has written agreements with the City of Wilmington and City of Newark that clearly state the responsibilities of each entity to ensure that nondomestic dischargers are properly regulated. The County and Cities also must ensure that they have the proper legal authority to implement the pretreatment program per 40 CFR 403.8(f)(1). If the County intends to administer the program and regulate industrial users in each City's service area, the Cities must have legal authority that is consistent with that of the County.

4. What is the control authority's definition of significant non-compliance (SNC)?
(40 CFR 403.8(f)(2)(viii))

The Control Authority's definition of SNC mirrors the federal definition.

E. Application of Pretreatment Standards and Requirements

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

Based on the files reviewed, the County has not applied applicable pretreatment standards to its SIUs.

Finding E.1 – The County has not applied applicable pretreatment standards for some SIUs.

As discussed in Findings C.4.f, the BASF permit specifies that the CIU is subject to the categorical pretreatment standards in 40 CFR Part 414; however, the permit does not specify the applicable subpart. In addition, as discussed in Finding C.4.g., the County classified Industraplate as a CIU subject to the electroplating categorical pretreatment standards at 40 CFR Part 413; however, based on discussions held during the site visit at the CIU, it was determined that the CIU should be classified as a metal finisher under 40 CFR Part 433.

Regulatory Requirement

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(iii) require that the County notify each significant industrial user of its status and of all requirements applicable to it as a result of such status.

Requirement 14

The County is required to ensure that IUs are properly classified and notified of all applicable requirements and categorical limitations per 40 CFR 403.8(f)(2)(iii).

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

Finding E.2 – The POTW was unsure which SIUs are required to have slug discharge control plans.
According to the County representatives, the previous pretreatment coordinator performed the evaluations to determine the need for SIUs to develop slug discharge control plans. The County representatives were unsure which SIUs were required to implement slug discharge control plans.

Regulatory Requirement
The federal pretreatment regulations at 40 CFR 403.8(f)(2)(vi) require the County to evaluate whether each industrial user needs a plan or other action to control slug discharges.

Recommendation 8
It is recommended that the County ensure that all SIUs have been evaluated for the need to develop a slug discharge control plan and that documentation of these evaluations is maintained in the SIU files.

F. Compliance Monitoring

1. Has the CA inspected and independently sampled each SIU at least once a year? Middle tier CIUs at least once every two years? Sample once during term of CIU control mechanism if CIU sampling waived for pollutants not present?
(40 CFR 403.8(f)(2)(v), 403.12(e)(2), 403.12(e)(2))

Based on the files reviewed and the responses from the County representatives, the County has been conducting inspections and sampling at least once per year at each SIU, with the exception noted below.

Finding F.1 – The County did not perform monitoring for all pollutants of concern at Industraplate.
The January 2020 compliance monitoring report for monitoring at Industraplate did not contain results for pH, total toxic organics (TTO), molybdenum, or cyanide.

Regulatory Requirement
The federal regulations at 40 CFR 403.8(f)(2)(v) require the County to randomly sample and analyze the effluent from each SIU at least once a year.

Requirement 15
The County is required to conduct compliance sampling for all pollutants of concern at each SIU at least once per year.

Recommendation 9
It is recommended that the County conduct monitoring for TTO once per year, specifically for chloroform and bromodichloromethane at a minimum, as these pollutants are identified as "reasonably expected" in Section E.4 of the permit.

2. Has the CA used proper sampling and analysis procedures (40 CFR Part 136) and inspection procedures? Were the procedures done with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions? **(40 CFR 403.8(f)(2)(v) and (vii), 40 CFR 403.12(g)(5))** Based on the files reviewed, the County appears to be using proper sampling procedures, including 40 CFR Part 136 methods.
3. Has the CA kept records for three years including the following? **a. Period compliance reports and other reports/notices** **b. All monitoring records including: sample date, place, method, time, personnel; analysis date, personnel, method; results** **c. BMP compliance documentation** **d. Other monitoring records** **(40 CFR 403.12(o))** Based on the files reviewed and according to County representatives, the County maintains records for at least three years.
4. Has the CA evaluated, at least once per year, whether NSCIUs continue to meet the criteria of an NSCIU? **(40 CFR 403.8(f)(2)(v)(b), 403.3(v)(2))** N/A. The County does not permit industrial users as NSCIUs.
5. Has the CA required, received, and analyzed reports and other notices from SIUs? **a. Self-monitoring reports** **b. BMRs and 90-day compliance reports** **c. Compliance schedules reports** **d. Notice of slug loading or potential problems at POTW** **e. Notification of spills, bypasses, upsets, etc.** **f. Notification of significant change in discharge** **g. 24-hour notification of effluent violation** **h. Resampling results within 30-days** **i. Other reports/notifications required by the CA** **(40 CFR 403.8(f)(2)(iv))** Based on the files reviewed during the audit, the County has been adequately requiring, receiving, and analyzing required reports.
6. Have SIUs monitored to demonstrate continued compliance and re-sampled after violation(s)? **(40 CFR 403.12(g)(1) & (2))** Yes.
7. Has the CA ensured CIUs report on all regulated pollutants at least once every 6 months? **(40 CFR 403.12(e)(1) & (g)(1))** Based on the files reviewed by the Audit Team and responses provided by the County representative,

the County requires CIUs to report on all regulated pollutant at least once every six months, with the exception noted below.

<u>Finding F.7 – Industraplate is not monitoring in accordance with its discharge permit.</u>
Industraplate is submitting TTO certifications in lieu of TTO monitoring; however, this is not authorized in the permit. The Industraplate permit requires the permittee to monitor for TTO once every 6 months. The permit specifies that "Pursuant to 40 CFR 413.03(c), the following pollutants are considered "reasonably expected" to be present, based on previous monitoring data, and shall be monitored to measure compliance with the TTO standard: Chloroform, Bromodichloromethane."

The permit does not specify that in lieu of monitoring for all TTO regulated under 40 CFR Part 413, the permittee must submit the certification statement in 40 CFR 413.03(a) semiannually to the County.

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

<u>Requirement 16</u>
The County is required to ensure that Industraplate is monitoring in accordance with the applicable categorical pretreatment standards and its discharge permit.

8. Has the CA ensured non-categorical SIUs self-monitor and report at least once every 6 months with a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority?
(40 CFR 403.12(h) & (g)(1))

Yes. Based on the non-categorical SIU file reviewed, the County is requiring non-categorical SIUs to conduct self-monitoring and report at least once every six months.

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

Based on the files reviewed, the County is requiring self-monitoring reports from CIUs to be signed and certified.

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

Based on the files reviewed during the audit, no hazardous waste discharge notifications were received, nor was there an indication that such notifications should have been received.

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

No. According to the County representatives, they are receiving hard copies of required reports, but have told industrial users that they can send reports via email. The County is reminded that they must receive hard copy reports with wet-ink signatures. Electronic reports may be accepted in order to meet a reporting deadline, but the SIU must follow up within five days with the hard copy file.

G. Enforcement

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

Yes. The County has an approved ERP, dated May 19, 2011. Based on the SIU files reviewed, the County is taking enforcement action in accordance with its approved ERP.

2. Does the City's ERP contain the minimum elements required by 40 CFR 403.8(f)(5)?

Yes, the County's ERP, last revised in May 2011, includes the minimum elements required by 40 CFR 403.8(f)(5).

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

Yes. The County's definition of SNC includes numeric and narrative criteria. The County publishes industrial users annually in SNC in *The Delaware News Journal.*

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

Yes. In 2021, the County determined that Foodliner and Natural Dairy Products were in SNC and were still in SNC at the time of the audit. Foodliner was in SNC for failure to self-monitor at the required frequency and for a lead permit limit violation. Natural Dairy Products was in SNC for two instances of selenium and copper exceedances, five pH exceedances, and failure to install an inline pH meter.

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

Yes, the County has the legal authority to issue compliance schedules and has used compliance schedules where appropriate.

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

N/A. No new CIU regulations have been promulgated in the last three years.

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

The Audit Team did not review baseline monitoring reports or 90-day compliance reports as part of the audit.

H. Additional Evaluations

1. Fats, Oil, and Grease (FOG) Program

The County has approximately 1,100 Commercial Service Establishments (CSEs). The County does not issue permits to CSEs.

2. Dental Mercury Program

Finding H.2 – The County has not received the one-time compliance reports from all dental facilities.
According to the County representatives, there are 272 dentists in the County's service area. The County sent emails to these dentists in October 2018 requesting the one-time certification forms. The County did not receive responses from 126 dentists.

Regulatory Requirement
The EPA promulgated pretreatment standards for dental offices on June 14, 2017; these standards can be found at 40 C.F.R. Part 441. The rule became effective on July 14, 2017. The rule specifies that dental facilities are not considered SIUs or CIUs; therefore, POTWs are not required to permit or inspect dental facilities, but may choose to do so. However, 40 CFR 403.8(f)(2)(b)(i) requires control authorities to identify and locate all industrial users which includes dental facilities. According to the rule, control authorities must receive the one-time certification report from dental facilities and ensure that dental facilities are implementing BMPs. Information on this rule can be viewed at https://www.epa.gov/eg/dental-effluent-guidelines.

Recommendation 10
It is recommended that the County follow up with the remaining dental facilities to ensure that the County receives the one-time compliance forms.

3. Hauled Waste

The County accepts septic, portable toilet, and oil and grease hauled waste at one receiving station. Wastewater from the County-operated receiving station flows to the City of Wilmington WWTP. The receiving station is not manned, however there is a camera and gate accessed via a transponder in the vehicle. The station is currently open 24 hours per day.

The County permits 22 waste hauling companies. Hauled waste is subject to biochemical oxygen demand (BOD), total suspended solids (TSS), pH, temperatures, and oil and grease limits. Waste haulers submit monthly manifests. The County collects random samples from trucks and samples the pump station a couple of times per month.

Attachment A

Industrial User Site Visit Data Sheets

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.

Name of industry: Natural Dairy Products

Address of industry: 316 Markus Court, Newark, DE 19713

Date of visit: 9/29/2021	Time of visit: 8:34 - 9:40 AM

Name of inspector(s):
David Gilden and Michael Harris (NCC)
Chuck Durham and Sirese Jacobson (PG Environmental)

Provide the name(s) and title(s) of industry representative(s)

Name	Title	Phone/Email
Stephanie McVaugh	President	Not provided
Andy Schultz	Quality Manager	Not provided

IU Permit Number: WDP N-17-142	Exp. Date: March 31, 2023	IU Classification: non-categorical SIU

Please provide the following documentation:

1. Nature of operation: The facility is an organic dairy processing facility.

2. Number of employees	25	Number of shifts:	1 main shift; 0.5 sanitation shift	Hours of operation:	Production: 7:30am -3:30 pm Sanitation: 3:30pm -1:00 am

3. Wastestream flow(s) discharged to the POTW: The wastestreams discharged to the POTW include rinse water from cleaning of the milk tankers, production tank wash, and water jacket used to cool the tank for steeping oats.

Sanitary:	Not provided	Process:	12,000 gpd estimate	Combined:	Not provided

4. Describe any current or planned significant changes in process or flow: The SIU is working to install pH monitoring equipment.

5. Type of pretreatment system (Describe treatment processes, condition of systems, and deficiencies observed): At the time of the inspection, the SIU did not operate a pretreatment system. However, the facility representatives indicated that they are considering installing a dissolved air flotation (DAF) unit in 2022.

The facility has a 1,000-gallon grease trap (installed in 2013 when the facility was built) which is cleaned out once per month by A-1 Sanitation.

	Continuous flow	X	Batch *(at least 1 batch per day)*		Combined

6. Process area description (identify raw materials and processes used):

<u>Batch Room</u>
Coconut creamer and plant-based beverages are processed in the Batch Room. The room contained a floor drain which conveys wastewater to a grease trap. The room is washed down twice per week. The room contained a hand-wash sink. The Audit Team noted that there was no signage to prohibit dumping of process wastewater or chemicals.

<u>Raw Alley</u>
In the Raw Alley three 10,000-gallon silos store milk pre-processing. Two floor drains direct wastewater to a grease trap.

<u>Processing Room</u>
In the Processing Room the milk is standardized and separated into skim and heavy cream, and then

homogenized.

Filling Room
The milk is pasteurized in the Filling Room.

Packaging Room
In the Packaging Room, products are palletized or shrink wrapped and place in a cooler.

Tanker Bay
In the Tanker Bay milk from tanker trucks is pumped into the raw silos. The tankers are washed out. There is a trench drain on the floor. The bay area also had a hand-wash sink, but lacked proper signage to prohibit dumping of process wastewater or chemicals.

Lab
The QA lab is where the facility performs antibiotics and microbial testing. The pH buffer solutions are stored in the lab. None of the buffer solutions were expired. The facility calibrates its pH meter daily.

Chemical Cage
The facility stores CIP chemicals, including chlorinated alkaline cleaner, sanitizer, caustic (exelerate CIP Plus), and acid liquid sanitizer in the Chemical Cage.

7. Chemical storage area (identify the chemicals that are maintained on-site, housekeeping, and storage): The facility stores chemicals used in CIP and other cleaning processes in the chemical storage room. See Finding 1 below for additional information.

Any floor drains?	No	Any spill control measures?	No

8. Are hazardous wastes drummed and labeled? Not inspected.

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

10. Solid waste production and disposal: Oat porridge is hauled offsite by a pig farmer.

11. Description of sample location and methods: The facility's sampling point is located outside the facility at a sampling port after the facility's grease trap. The facility collects composite and grab samples.

Notes:

1. **Finding – Chemicals were improperly stored onsite.**

Drums of alkaline cleaner and blended acid cleaner were stored adjacent to one another and there was no secondary containment.

Recommendation 11
It is recommended that the County follow up with the SIU to ensure that incompatible chemicals are properly segregated and that the chemicals drums are stored on secondary containment.

2. **Finding – Inspectors observed handwash sinks in the batch processing room and the tanker bay without proper signage to prevent chemicals from being dumped, which would be an unpermitted discharge**

Recommendation 12
It is recommended that the County follow up to ensure the SIU has installed signs at the hand wash sink in the tanker bay noting that the sink is for hand-washing only and prohibiting disposal of chemicals down the drain.

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.

Name of industry: BASF

Address of industry: 205 South James Street, Newport, DE 19804

Date of visit: 9/29/2021	Time of visit: 10:20 AM – 12:16 PM

Name of inspector(s):
David Gilden and Michael Harris (NCC)
Chuck Durham and Sirese Jacobson (PG Environmental)

Provide the name(s) and title(s) of industry representative(s)

Name	Title	Phone/Email
Tim Love	HSE Lead	Not provided
Tom Turpin	Senior Environmental Specialist	Not provided

IU Permit Number: WPD-16-145	Exp. Date: 9/30/2021	IU Classification: CIU subject to 40 CFR 414

Please provide the following documentation:

1. Nature of operation: The facility manufactures a red pigment used in paints, dyes, and inks.

2. Number of employees	150 (50 contractors, 100 maintenance employees during shutdown)	Number of shifts:	3	Hours of operation:	24/7

3. Wastestream flow(s) discharged to the POTW:

Wastestreams include wastewater from the drying, grinding, and milling processes, scrubber wastewater, and cooling water.

Sanitary:	Not provided	Process:	385,524 gpd (average from 2020 Wilmington annual report)	Combined:	411,304 gpd (average from 2020 Wilmington annual report)

4. Describe any current or planned significant changes in process or flow: At the time of the inspection, the facility was in shutdown mode. They had not discharged in the last couple of days prior to this visit, but anticipated production startup the following weekend.

5. Type of pretreatment system (Describe treatment processes, condition of systems, and deficiencies observed): The facility performs pH adjustment with either sulfuric acid or sodium hydroxide, as necessary.

	Continuous flow	X	Batch		Combined

6. Process area description (identify raw materials and processes used):

QC lab:
The QC lab is used for raw material control. The facility collects a composite sample every morning and perform analysis on water in the QC lab. The QC lab staff also package samples for outside analysis by Eurofins. The facility stores its pH buffer solutions in the lab. The pH buffer solutions (4, 7, and 10) were not expired.

Boiler Room
The inspection team reviewed the facility's process control system. The facility representatives walked the inspection team through the process and tanks. Regarding the wastewater tanks, facility representatives indicated that Tank 730 has a capacity of 140,000 gallons and Tank 731 has a capacity of 148,000 gallons.

The facility representatives explained that any wastewater from the drying, grinding, and milling processes and scrubber wastewater and cooling water drain to sumps which are then pumped to the wastewater tanks. <u>Unloading area</u> A trench drain in the unloading area carries any wastewater into a sump, from where it is pumped to the wastewater treatment system. <u>Synthesis Plant</u> This is where the facility makes the pigment and also where Therminol is introduced into the process, serving as a carrying agent for the pigment. The Control Authority representatives stated that the most recent event of Therminol was an odor detected in the conference room of the WWTP. No issues were detected through the WWTP processes nor did sampling throughout the WWTP show detect of non-typical pollutants. Products are put into sacks for further milling or are sold directly to customers. There are approximately 50 tanks in the tank farm.			
7. Chemical storage area (identify the chemicals that are maintained on-site, housekeeping, and storage): Not inspected.			
Any floor drains?	N/A	Any spill control measures?	N/A
8. Are hazardous wastes drummed and labeled? Not inspected.			
9. Does the IU have hazardous waste manifests? Not reviewed.			
10. Solid waste production and disposal: The facility performs mechanical integrity inspections on its tanks. The tanks are cleaned out every 2 years. Solids are removed and sent to the Lancaster Solid Waste Authority for incineration.			
11. Description of sample location and methods: When the facility is in 1-tank operation, they discharge three times per day. Each discharge is approximately 100,000 gallons per hour for about 1 hour. According to facility representatives, the facility's target discharge period is between 5pm and 3am because diurnal flow at the WWTP is lower. The facility notifies the County of each discharge event. The facility's discharge and sampling points are located adjacent to Tanks 730 and 731, near the back of the facility grounds near the Christina River. The facility uses a refrigerated ISCO sampler and pulls 5 samples based on volume in tank (100 percent, 80 percent, 60 percent, etc.). The facility uses Eurofins for sample analysis. The inspection team looked inside the ISCO samplers. There were no thermometers in the ISCO samplers. See Finding 2 below.			
Notes:			
• The facility has a slug discharge control plan, last revised December 17, 2020. • The facility representatives were not aware which subcategory under 40 CFR 414 is applicable to their process. • The facility has a continuous pH meter which is used to automatically adjust pH. The facility calibrates the pH meter annually. • The facility calibrates the flow meter (magmeter) annually.			

1. **<u>Finding – The County is not collecting independent samples.</u>**

Currently, the County is unable to collect independent samples. There is no feasible access point for which the County can set up a composite sampler and measure flow at the facility's discharge point. The current practice is simply to utilize the permittee's sampler and flow results. The County informs the facility that a sample is needed, the facility representatives program the sampler, collect the sample and provide the sample to the County for analysis.

<u>Regulatory Requirement</u>

The federal regulations at 40 CFR 403.8(f)(2)(v) requires the City to "randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users (emphasis added), occasional and continuing noncompliance with Pretreatment Standards."

<u>Requirement 17</u>

The County must follow up with the CIU to determine a means of conducting independent monitoring. Independent monitoring would include the County's ability to access the sampling point, program sampling equipment, and collect the samples independent of permittee involvement.

2. **<u>Finding – The composite sampler did not contain a thermometer.</u>**

<u>Recommendation 13</u>

It is recommended that the County follow up with the CIU to ensure that the CIU is maintaining samples at a temperature of at or below 6 degrees Celcius in the composite samplers.

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.					
Name of industry: Industraplate					
Address of industry: 5 James Ct, Wilmington, DE 19801					
Date of visit: 9/29/2021			Time of visit: 1:45 PM – 2:30 PM		
Name of inspector(s): David Gilden and Michael Harris (NCC) Chuck Durham and Sirese Jacobson (PG Environmental)					
Provide the name(s) and title(s) of industry representative(s)					
Name		**Title**		**Phone/Email**	
David Orr, Sr.		President		Not provided	
David Orr, Jr.		Vice President		Not provided	
IU Permit Number: WDP 84-056		Exp. Date: March 3, 2023		IU Classification: CIU subject to 40 CFR 413.14 and 413.44 (This classification is incorrect. See Notes)	
Please provide the following documentation:					
1. Nature of operation: The company started in 1961 and moved to its current location in 1981 and began processing in 1982. The facility has not performed plating with electroless nickel or chrome since 2000. Most of the work is aluminum anodizing.					
2. Number of employees	7	Number of shifts:	1	Hours of operation:	Monday-Friday, 7:00 am – 3:00 pm
3. Wastestream flow(s) discharged to the POTW: The facility discharges plating line rinse water to the POTW.					
Sanitary:	Not determined.	Process:	Not determined.	Combined:	5,000 gpd (from permit application dated 12/21/17)
4. Describe any current or planned significant changes in process or flow: The facility representatives indicated that they have decreased processes.					
5. Type of pretreatment system (Describe treatment processes, condition of systems, and deficiencies observed): The facility performs pH adjustment, as necessary. The facility uses pH meters in rinse tanks. The facility performs a 2-point calibration using pH 4 and 7 buffer solutions.					

X	Continuous flow		Batch		Combined

6. Process area description (identify raw materials and processes used):

<u>Process area</u>

Incoming parts arrive and are put on racks. Parts are then moved through the process; according to the facility representatives most of the work performed is aluminum anodizing. The process room consisted of a number of process tanks, including: Pre-rinse tanks, nitric acid tank, Supreme Cleaner tank, Cyanide Cadmium tank, electrocleaner tank, hot water rinse tank, Black Excel Tank 1, Black Excel Tank 2, two Anodize Sealant tanks, four rinse tanks, Aluminum deoxidizer tank, Etch tank, hydrochloric acid tank, NCP tank, and a sulfuric anodize tank that uses a 15% sulfuric solution.

According to facility representatives, the facility expanded the anodize tank sometime between 2002-2004.

<u>Drying Room</u>

The Drying Room contained a Tin-Strip (nitric acid) line. According to facility representatives, there is no discharge from this area. The inspectors observed a drain in the center of the room. See Finding 1 below.

7. Chemical storage area (identify the chemicals that are maintained on-site, housekeeping, and storage):

The facility stored raw product, including sulfuric acid, Isoprep 184, and hydrochloric acid behind the facility in a covered area.

Any floor drains?	No	Any spill control measures?	No

8. Are hazardous wastes drummed and labeled? Yes. Hazardous wastes including spent plating solutions, sulfuric acid, and sodium hydroxide are drummed and hauled offsite by U.S. Waste.

9. Does the IU have hazardous waste manifests? The audit team did not review hazardous waste manifests. According to facility representatives, in the last year, U.S. Waste hauled off 12-16 drums of hazardous waste.

10. Solid waste production and disposal: Not reviewed.

11. Description of sample location and methods: The sampling point is the sewer clean out located in front of the building. The facility performs self-monitoring twice per year using 4-consecutive days of monitoring per event. Sample analysis is performed by Eurofins.

Notes:

- The facility does not have a slug discharge control plan.
- The facility is incorrectly categorized. The facility representative indicated that they removed a chrome tank and moved the anodize tank in 2000. The facility is currently regulated by the POTW as an electroplating facility subject to 40 CFR 413. However, because the facility has made changes after the date of promulgation of the metal finishing standards (August 31, 1982), the facility's processes are subject to the metal finishing standards, at 40 Part CFR 433.17. See Finding C.4.g and E.1.

1. **Finding – There was an unplugged floor drain in the set up/breakdown area.**
The facility representatives indicated that the floor drain is not in use. When asked, the facility representatives were uncertain, but assumed the drain led to the sewer.

Recommendation 14
It is recommended that the County representatives follow up with the CIU to ensure that the floor drain is plugged to prevent any unauthorized discharge of process wastewater or chemicals to the sewer.

2. **Finding – There was no signage above the sink in the lab prohibiting dumping of chemicals or process wastewater.**

Recommendation 15
It is recommended that the County representatives follow up with the CIU to ensure that a sign is installed above the sink, informing employees that process wastewater and chemicals are not to be disposed of in the sink.

3. **Finding – The facility's calibration of its pH meter is not adequate.**
The facility performs a 2-point calibration using pH 4 and 7 buffer solutions. However, the facility representatives indicated that their pH readings are sometimes above 7.

Recommendation 16
The inspection team recommends that the facility perform a 3-point calibration, including use of a pH 10 buffer solution.

Attachment B

Legal Authority Review Checklist

CHECKLIST – PRETREATMENT PROGRAM LEGAL AUTHORITY REVIEWS

NAME OF POTW: New Castle County
DATE OF REVIEW: August 2021

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

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
A. Definitions [403.3 & 403.8(f)(2)]							
1. Act, Clean Water Act	403.3(b)	§ 1.4 A	√			38.02.701	
2. Authorized or Duly Authorized Representative of the User	403.12(l)	§ 1.4 C			√	38.02.701	Cite is 40 CFR 403.12(k)(1)(1)-(3). Should be 403.12(l)(1)-(3).
3. Best Management Practices or BMPs	403.3(e)	§ 1.4 E	√			38.02.701	
4. Categorical Pretreatment Standard or Categorical Standard		§ 1.4 F			√	38.02.701	No definition for categorical standards. Recommend add per Introduction to the National Pretreatment Program manual
5. Indirect Discharge or Discharge	403.3(i)	§ 1.4 M			√	38.02.701	Not reflective of 40 CFR 403.3(i). Recommend revising.
6. Industrial User (or equivalent)	403.3(j)	§ 1.4 LL	√			38.02.701	
7. Interference	403.3(k)	§ 1.4 O	√			38.02.701	

8. National Pretreatment Standard, Pretreatment Standard or Standard	403.3(l)	§ 1.4 BB	√			38.02.701	
9. New Source	403.3(m)	§ 1.4 T	√			38.02.701	
10. Pass Through	403.3(p)	§ 1.4 V	√			38.02.701	
11. Pretreatment Requirement	403.3(t)	§ 1.4 AA	√			38.02.701	
12. Publicly Owned Treatment Works or POTW	403.3(q)	§ 1.4 DD	√			38.02.701	
13. Significant Industrial User ***[NOTE: §1.4 GG(3) is an optional streamlining provision for Non-Significant Categorical Industrial User classification.]***	403.3(v)	§ 1.4 GG	√			38.02.701	
14. Significant Noncompliance	403.8(f)(2)(vii)	§ 9 (A-H)	√			38.02.701	

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
15. Slug Load or Slug Discharge	403.8(f)(2)(vi)	§ 1.4 HH	√				
16. Other definitions based on terms used in the POTW Ordinance							
B. National Pretreatment Standards – Prohibited Discharges							
1. General Prohibitions							
a. Interference	403.5(a)	§ 2.1A	√			38.02.702.G & 38.03.001	
b. Pass Through	403.5(a)	§ 2.1A	√			38.02.702.G & 38.03.001	
2. Specific Prohibitions [403.5(b)]							
a. Fire/Explosion Hazard (60º C or 140º F flashpoint)	403.5(b)(1)	§ 2.1B(1)	√			38.02.702.D & 38.03.001.001	
b. pH/Corrosion	403.5(b)(2)	§ 2.1B(2)	√			38.02.702.J	
c. Solid or Viscous/Obstruction	403.5(b)(3)	§ 2.1B(3)	√			38.02.702.H	
d. Flow Rate/Concentration (BOD, etc.)	403.5(b)(4)	§ 2.1B(4)	√			38.02.702.G	
e. Heat; exceeds 40º C (104ºF)	403.5(b)(5)	§ 2.1B(5)	√			38.02.702.A	
f. Petroleum/Nonbiodegradable Cutting/Mineral Oils	403.5(b)(6)	§ 2.1B(6)	√			38.02.702.B	
g. Toxic Gases/Vapor/Fumes	403.5(b)(7)	§ 2.1B(7)	√			38.02.702.E	
h. Trucked/Hauled Waste	403.5(b)(8)	§ 2.1B(8)	√			38.02.702.F & 38.03.001.B	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
3. National Categorical Standards	403.8(f)(1)(ii)	§ 2.2	√			38.02.703.D	
4. Local Limits Development ***[NOTE: POTWs may develop Best Management Practices (BMPs) to implement the prohibitions listed in 40 CFR 403.5(a)(1). Such BMPs shall be considered local limits and Pretreatment Standards.]***	403.5(c) & (d)	§ 2.4	√			38.02.703	
5. Prohibition Against Dilution as Treatment	403.6(d)	§ 2.6	√			38.02.703.F	
6. Best Management Practices Development ***[NOTE: Optional streamlining provision.]***	403.5(c)(4)	§ 2.4C	√			38.02.703.G	
C. Control Discharges to POTW System			√				
1. Deny/Condition New or Increased Contributions	403.8(f)(1)(i)	§§ 4.8 & 5.2	√			38.02.704.D	
2. Individual Control Mechanism (e.g., permit) to ensure compliance - *Permit Content*	403.8(f)(1)(iii)	§ 4.2	√			38.02.704.D	
a. Statement of Duration	403.8(f)(1)(B)(1)	§§ 5.1 & 5.2A(1)	√			38.02.704.D.1	
b. Statement of Nontransferability	403.8(f)(1)(B)(2)	§5.2A(2)	√			38.02.704.D.11	
c. Effluent Limits	403.8(f)(1)(B)(3)	§ 5.2A(3)	√			38.02.704.D.2	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
d. Best Management Practices ***[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4 C).]***	403.8(f)(1)(B)(3)	§ 5.2A(3)	√			38.02.704.D.14	
e. Self-Monitoring Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)	√			38.02.704.D.6	
f. Reporting & Notification Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)	√			38.02.704.E	
g. Recordkeeping Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)	√			38.02.704.D.8	
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present ***[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B o the Model SUO.]***	403.8(f)(1)(B)(4) & 403.12(e)(2)	§ 5.2A(5)				NA	
i. Statement of Applicable Civil and Criminal Penalties	403.8(f)(1)(B)(5)	§ 5.2A(7)	√			38.02.704.D.6 & 38.03.003	
j. Slug Discharge Requirements (if necessary) ***[NOTE: Required streamlining change. Where the POTW has determined that slug controls are necessary, the ordinance must provide authority for the POTW to include such requirements in IU permits.]***	403.8(f)(1)(B)(6)	§ 5.2A(8)	√			38.02.704.D.12 & 38.02.705.C	

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
k. Specific waived pollutant ***[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]***	403.8(f)(1)(B)(4)	§ 5.2A(9)				NA	
l. Permit Application/Reapplication Requirements ***[Note: Optional permit provision]***		§§ 5.3 & 5.7				NA	
m. Permit Modification ***[Note: Optional permit provision]***		§ 5.4				NA	
n. Permit Revocation/Termination ***[Note: Optional permit provision]***		§§ 5.6 & 10.8				NA	
o. Proper Operation and Maintenance ***[Note: Optional permit provision]***		§ 3.1				NA	
p. Duty of Halt/Reduce ***[Note: Optional permit provision]***		§ 10.7				NA	
q. Requirement to submit Chain-of-Custody forms with monitoring data ***[Note: Optional permit provision]***						NA	
3. General Control Mechanism to ensure compliance ***[NOTE: Optional streamlining provision. Required only if the POTW has incorporated the use of General Permits (§ 4.6 of the Model SUO).]*** - *Permit Content*	403.8(f)(1)(iii)(A)	§ 4.2 & 4.6				NA	
a. Statement of Duration	403.8(f)(1)(B)(1)	§§ 5.1 & 5.2A(1)				NA	
b. Statement of Nontransferability	403.8(f)(1)(B)(2)	§ 5.2A(2)				NA	

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

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
j. Slug Discharge Requirements (if necessary) ***[NOTE: Required streamlining change. The ordinance should indicate that a user is required to develop a slug discharge control plan if determined by the POTW to be necessary.]***	403.8(f)(1)(B)(6)	§ 5.2A(8)				NA	
k. Permit Application/Reapplication Requirements ***[Note: Optional permit provision]***		§§ 5.3 & 5.7				NA	
l. Permit Modification ***[Note: Optional permit provision]***		§ 5.4				NA	
m. Permit Revocation/Termination ***[Note: Optional permit provision]***		§§ 5.6 & 10.8				NA	
n. Proper Operation and Maintenance ***[Note: Optional permit provision]***		§ 3.1				NA	
o. Duty of Halt/Reduce ***[Note: Optional permit provision]***		§ 10.7				NA	
p. Requirement to submit Chain-of-Custody forms with monitoring data ***[Note: Optional permit provision]***						NA	
D. Required Reports							
1. Develop compliance schedule for installation of technology	403.8(f)(1)(iv)	§§ 5.2b(2) & 10.4	√			38.02.704.D.9 38.02.705.B	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
2. Reporting Requirements [403.12] *Types of Reports*							
a. Baseline monitoring report	403.12(b)	§ 6.1	√			38.02.703.G.2	403.12 incorporated by reference
(i) Identifying Information	403.12(b)(1)	§ 6.1B(1) & § 4.5A(1)a	√			38.02.703.G.2	“
(ii) Other Environmental Permits Held	403.12(b)(2)	§§ 6.1B(1) & 4.5A(2)	√			38.02.703.G.2	“
(iii) Description of operations	403.12(b)(3)	§§ 6.1B(1) & 4.5A(3)a	√			38.02.703.G.2	“
(iv) Flow measurements	403.12(b)(4)	§§ 6.1(b)(2) & 4.5A(6)	√			38.02.703.G.2	“
(v) Measurement of pollutants	403.12(b)(5)	§ 6.1B(2)	√			38.02.703.G.2	“
(vi) Certification	403.12(b)(6)	§ 6.1B(3)	√			38.02.703.G.2	“
(vii) Compliance schedule	403.12(b)(7)	§ 6.1B(4)	√			38.02.703.G.2	“
b. Compliance schedule progress report	403.12(c)	§ 6.2	√			38.02.704.B.10	
c. Report on compliance with categorical Pretreatment Standard deadline	403.12(d)	§ 6.3	√			38.02.704.E.3	
d. Periodic reports on continued compliance							
- From categorical users	403.12(e)	§ 6.4A	√			38.02.704.E.3	
- From significant non-categorical users	403.12(h)	§ 6.4A	√			38.02.704.E.3	
e. Notice of potential problems to be reported immediately (including slug loads)	403.12(f)	§ 6.6		√			Add statement at 403.12(f)

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
f. Notification of changes affecting potential for a slug discharge ***[NOTE: Required streamlining revision]***	403.8(f)(2)(vi)	§ § 6.5 & 6.6	√			38.02.708.C	
g. Notice of violation/sampling requirement ***[NOTE: Required streamlining revision.]***	403.12(g)(2)	§ 6.8	√			38.02.706.G	
h. Requirement to conduct representative sampling	403.12(g)(3)	§ 6.4E	√			38.02.706.E	
i. Notification of changed discharge	403.12(j)	§ 6.5	√			38.02.703.G.b	
j. Notification of discharge of hazardous waste	403.12(p)	§ 6.9	√			38.02.704.E.2	
Other Reporting Requirements							
k. Data accuracy certification & authorized signatory	403.6(a)(2)(ii) & 403.12(l)	§§ 6.4D & 6.14	√			38.02.704.E.1	
l. Recordkeeping Requirement (3 years or longer)	403.12(o)	§ 6.13	√			38.02.703.G.a	
- Including documentation associated with Best Management Practices ***[NOTE: Required streamlining provision.]***	403.12(o)	§ 6.13	√			38.02.703.G.a	
m. Submission of all monitoring data ***[NOTE: Required streamlining revision]***	403.12(g)(6)	§ 6.4F	√			38.02.704.E.4	
n. Annual certification by Non-significant categorical Industrial Users ***[Note: Optional provision, required only if the POTW has incorporated §1.4GG(3) of the Model SUO.]***	403.3(v)(2)	§§ 4.7C & 6.14B				NA	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
o. Certification of pollutant not present ***[NOTE: Optional provision, required only if the POTW has incorporated § 6.4 B of the Model SUO]***	403.12(e)(2)(v)	§ 6.14C				NA	
E. Test Procedures [40 CFR Part 136 & 403.12(g)]							
1. Analytical procedures (40 CFR Part 136) ***[NOTE: Required streamlining provisions]***	403.12(g)	§ 6.10	√			38.02.706.D	
2. Sample collection procedures ***[NOTE: Required streamlining provisions]***	403.12(g)(3) & (4)	§ 6.11	√			38.02.706.C	
F. Inspection and Monitoring Procedures [403.8(f)]							
1. Right to enter all parts of the facility at reasonable times	403.8(f)(1)(v)	§ 7.1	√			38.02.706.A & 38.03.002	
2. Right to inspect generally for compliance	403.8(f)(1)(v)	§ 7.1	√			38.02.706.A & 38.03.002	
3. Right to take independent samples	403.8(f)(1)(v), 403.8(f)(2)(v) & 403.8(f)(2)(vii)	§ 7.1	√			38.02.706.A & 38.03.002	
4. Right to require installation of monitoring Equipment	403.8(f)(1)(iv)	§ 7.1	√			38.02.704.D.4	
5. Right to inspect and copy records	403.12(o)(2)	§ 7.1	√			38.02.703.a	
G. Remedies for Non-compliance (Enforcement) [403.8(f)(1)(vi)]							
1. Non-emergency response							
a. Injunctive relief	403.8(f)(1)(vi)	§ 11.1	√			38.03.003.C	
b. Civil/Criminal penalties	403.8(f)(1)(vi)	§§ 11.2 & 11.3	√			38.03.003.D	(Civil only)

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
2. Emergency response							
a. Immediately halt actual/threatened discharged	403.8(f)(1)(vi)(B)	§ 10.7	√			38.03.002.F	
3. Legal authority to enforce Enforcement Response Plan	403.8(f)(1)(vi)	§ 11.4	√			38.03.002	
H. Public Participation							
1. Publish list of Industrial Users in Significant Noncompliance ***[NOTE: Required streamlining revision]***	403.8(f)(2)(viii)	§ 9	√			38.02.709	
2. Access to data [403.8(f)(1)(vii) & 403.14]							
a. Government	403.14(a) & (c)	§ 8	√			38.02.710	
b. Public	403.14(b)	§ 8	√			38.02.710	
I. Optional Provisions							
1. Net/Gross adjustments ***[streamlining provision]***	403.15	§ 2.2 D					
2. Equivalent mass limits for concentration Limits ***[streamlining provision]***	403.6(c)	§ 2.2 E					
3. Equivalent concentration limits for mass limits ***[streamlining provision]***	403.6(c)	§ 2.2 F					
4. Upset Notification	403.16	§ 13.1					
5. Waive monitoring for pollutant not present or expected to the present ***[streamlining provision]***	403.12(e)(2)	§ 6.4B					
6. Reduce periodic compliance reporting ***[streamlining provision]***	403.12(e)(3)	§ 6.4C					
7. Other special agreement or waivers (excluding wavier of National Categorical Pretreatment Standards and Requirements)							

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
8. Hauled Waste Reporting/Requirements		§ 3.4					
9. Grease Interceptor Reporting/Requirements		§ 3.2 C					
10. Authority to issue Notice of Violations (NOVs)		§ 10.1				38.03.002.C	
11. Authority to issue Administrative Orders (AOs)						38.03.002.E	
12. Authority to issue Administrative Penalties		§ 10.6				38.03.003	
13. Authority to enforce again falsification or tampering							
14. Any other supplemental enforcement actions as noted in the POTW's enforcement response plan							
15. Permit Appeals Procedures							
16. Penalty or Enforcement Appeals Procedures							
17. Bypass Notification	403.17	§ 13.3					

Document(s) submitted for review:
New Castle County, DE – Code of Ordinances

Name of Reviewers
Lynn Kurth, PG Environmental