

Pretreatment Compliance Audit

Summary Report

Discharger: Town of New Windsor
Town of New Windsor Wastewater Treatment Plant
SPDES No. NY0022446

Location: 145 Caesars Lane, New Windsor, NY 12553

Contact: John Egitto, Operations Engineer, CAMO Pollution Control-Town of New Windsor
Bill Darling, Pretreatment Coordinator, CAMO Pollution Control-Town of New Windsor

Audit Dates: February 15, March 10, and June 14, 2022

Audited By: Alexandre Remnek, U.S. EPA Region 2
Joshua Kogan, U.S. EPA Region 2
Hua (Joe) Fung, NYSDEC Region 3

Attachments

Attachment A

Industrial User Site Visit Data Sheet

Attachment B

Letter from Town of New Windsor to Stewart Air National Guard Bureau, Dated May 4, 2021, Regarding Modification to Industrial User Permit: Required Additional Effluent Wastewater Monitoring and Reporting

I. Audit Summary

Upon arrival, EPA representative Alexandre Remnek and Joshua Kogan and NYSDEC representative Hua (Joe) Fung (collectively referred to as Audit Team), met with the Town of New Windsor's (Authority's) contact, Bill Darling (Authority representative). The Audit Team discussed the purpose and format of the audit and interviewed the Authority representative about the Authority's pretreatment program. The Audit Team also evaluated the Authority's procedures and legal authority.

As part of the audit, the Audit Team reviewed the following nondomestic discharger files:

- American Felt and Filter
- Atlantic Aviation
- Metal Container Corporation (MCC; categorical industrial user [CIU], subject to Title 40 of the *Code of Federal Regulations* [40 CFR] 465, Coil Coating, New Source Canmaking Facility.

As part of the audit, the Audit Team also conducted site visits at the following nondomestic dischargers:

- American Felt and Filter
- Metal Container Corporation

The last review of the Authority's pretreatment program was a pretreatment compliance audit (PCA) performed on March 26 – 27, 2014.

II. WWTP Description

A. Introduction

The Town owns and operates a wastewater treatment plant (WWTP) that provides service to a population of approximately 25,000 in the Town of Windsor and a portion of the Town of Cornwall. The WWTP's design capacity is 5 million gallons per day (MGD). The wet weather peak flow is 12 to 15 MGD. The WWTP's treatment process consists of an activated sludge treatment process which includes preliminary treatment using comminutor/bar screens and a grit chamber, primary treatment using clarifiers, secondary treatment using trickling filters and secondary clarifiers, and disinfection through a chlorine contact tank. Sludge is sent to gravity thickeners, dewatered with a belt press, and hauled to an incinerator.

B. Operator

The WWTP is owned by the Town of New Windsor. CAMO Engineering is contracted to manage the plant and the industrial pretreatment program.

C. WWTP SPDES Permit and Discharge Point

A draft permit was issued by New York State Department of Environmental Conservation (NYSDEC) on March 16, 2022 (SPDES NY0022446). The new permit updated the Schedule of

Compliance with requirements for the permittee to submit all necessary permit applications, including completion of construction to comply with the final limitations for Ammonia (as N), Bis(2-ethylhexyl) phthalate, and Total Unchlorinated Phenols.

In the SPDES Draft Permit, the phenol limits were decreased from 55 to 5 ug/l. Interim effluent limits were included for Ammonia (as N) of 18 mg/l monthly average (June 1-Sept. 30 only), Bis(2-ethylhexyl) phthalate of 1.7 lbs/d daily maximum, and total unchlorinated phenols of 2.9 lbs/d monthly average. These interim limits expire once the plant upgrades are completed (by October 1, 2026). The final limits would be: 55 ug/l and 2.3 lbs/d for Total Unchlorinated Phenols; 6.6 ug/l and 0.28 lbs/d for Bis(2-ethylhexyl) phthalate; and 14 mg/l (June-Sept.) and 20 mg/l (Oct-May) for Ammonia, as N.

The WWTP discharges to Moodna Creek, a class C waterbody, at an outfall close to 145 Caesar's Lane in the Town of New Windsor. The discharge point is close to where Moodna Creek flows into the Hudson River.

D. WWTP Sampling Frequency and Results

The WWTP's sludge is sampled for metals, priority pollutants, and a toxicity characteristic leachate procedure (TLCP) once per year. The sludge is incinerated. The frequency of POTW monitoring for influent, effluent and sludge is the same as those required in the NPDES permit. If there are any concerns or exceedances, then the sampling is done more frequently than what is required by the permit.

The POTW reports its plant effluent sampling results to NYSDEC at least once per month, and sludge sampling reports (40 CFR Part 503) once per year.

E. POTW Compliance

In the recent past, the Town has violated their SPDES permit for phenols, flow, BOD and TSS; all of these exceedances are flow-related. The POTW's sludge has been in compliance with the EP (Extraction Procedure) toxicity test and the TCLP (Toxicity Characteristic Leaching Procedure) tests.

According to the Town representative, the Town of New Windsor has not experienced any ill effects of industrial pretreatment discharge, including interference, pass through, fire or explosions, corrosive structural damage, excessive pollutant concentrations, heat problems, toxic fumes, illicit dumping of hauled waste, or compromised worker health and safety. The 2018 compliance order does mention fats, oils and grease and flow obstruction as potential contributors to collection system overflows in addition to inflow and infiltration, but a direct link between a commercial or industrial establishment and collection system overflow has not been established.

The Town has experienced sanitary sewer overflows since the last Audit; these have been primarily due to inflow and infiltration, snowmelt and storm runoff.

F. Conveyance System and Inflow and Infiltration

The conveyance system is sanitary sewer only; however, there is significant infiltration into the conveyance system, especially during storm events. According to John Egiotto, the Operations Engineer for the WWTP, the permitted flow for the WWTP is 5.0 MGD but the peak inflow is 12 to 15 MGD during wet weather events.

Most of the sewer laterals were constructed with the fairly brittle Orangeburg pipe, which was the prevalent pipe used from the 1950s to the 1970s. Some additional sewer main construction occurred in the late 1980s and 1990s as well. When the Stewart Air Force Base shut down in the early 1990s, the Town took over its collection system which was constructed with clay tile pipe in the 1940s. In the past, Operation and Maintenance (O&M) was partially reimbursed by aid provided by the State of New York; the Town now funds O&M on its own. Mitigating inflow and infiltration (I&I) is difficult since the pipes have collapsed in places and failed frequently; there is not one singular source of infiltration into the collection system.

The Town of New Windsor's sewer conveyance system was the subject of an Administrative Order issued by EPA on October 31, 2017 (Administrative Docket No. CWA-02-2018-3002; Clean Water Act Administrative Compliance Order). The Town has a flow management plan with a goal of remediating the situation managed through the Town Engineer.

The Town uses portable flow monitoring equipment such as elapsed time meters and CCTVs (tractor mounted TV cameras) to identify trouble spots in the wastewater collection system. The information is then provided to the Town Engineer who in turn creates a remedial action plan. Sewer main replacement then takes place, such as the Clarkview Sewer Main replacement, where 1500-2000 feet of sewer line was replaced.

G. Changes or Planned Updates to the POTW and System

According to John Egitto, the Town is in the process of upgrading its wastewater treatment plant and increasing its treatment capacity. As a result, the Town will be looking at evaluating its local limits and potentially updating its Sewer Use Ordinance and the intermunicipal agreement with the Town of Cornwall. The changes and improvements to the wastewater treatment plant are not being done to address any pretreatment issues.

A new Chlor/Dechlor building was completed in Fall 2021 and is online now. A new bar screen and compactor, and a new belt dewatering press were installed in 2015-16.

III. Industrial User (IU) Characterization

IUs currently identified by the Control Authority (CA)	IU Type	
8	Discharging Significant Industrial Users	
	8	Discharging Non-Categorical SIUs (as defined by the CA)
	3	Categorical Industrial Users (CIUs)
	0	Middle Tier CIUs
0	Zero-Discharging CIUs	
0	Non-significant CIU (NSCIU)	
0	Other Regulated IUs (e.g. permitted IUs) Describe: Not applicable (N/A). The Authority does not permit any non-significant industrial users.	
8	Waste Haulers Describe: Waste hauling companies permitted by the Town and discharge domestic and commercial wastewater only.	

IV. Evaluation

The Audit Team discussed the following topics regarding the Town's pretreatment program with the Town's representative. 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. IPP Program Description

1. **Control Authority (CA) Pretreatment Program Modification: When was the last program modified and was EPA notified? (Ref 40 CFR 403.18)**

According to John Egitto, the last SUO modification was implemented on June 3, 2009 and included updates to definitions and clauses to comply with the 2005 required streamlining rules. EPA was notified of this program notification.

The Town recently added ammonia, Bis(2-ethylhexyl) phthalate and phenol to its industrial user permits once its current SPDES permit was reissued. However, the Town did not conduct a local limits development study and did not incorporate the limits in its SUO. In 2021, the Town began including PFAS limits in its industrial user discharge permits. The Town does not currently have a PFAS limit in its SPDES permit, has not conducted a local limits development study for PFAS, and has not included a PFAS limit in its SUO. EPA's pretreatment coordinator was not notified of these developments prior to the Audit.

One particular concern is with Bis(2-Ethylhexyl) Phthalate, which is a colorless to light colored, thick liquid with a slight odor. It is used in pesticides, as a solvent for ink, and as a plasticizer in many products, especially resins, medical devices, furniture materials, cosmetics, and personal care products. It is used in packed food and beverage manufacturing as well. A likely source of Bis(2-ethylhexyl) phthalate is the Metal Container Corporation; the Town should conduct a local limits development study to identify sources of Bis(2-ethylhexyl) phthalate and include technically based limits in the SUO and industrial user permits.

Another particular concern is with potential PFAS and PFOA discharge to the wastewater treatment plant. On May 4, 2021 (see Appendix B), the Town of New Windsor sent a letter to the Stewart Air National Guard Base (ANGB) with regards to the modification to the industrial user permit required additional effluent wastewater monitoring and reporting for PFAS and PFOA. The letter points to NYS adopting new drinking water standards on August 26, 2020, for public water systems that set maximum contaminant levels (MCLs) of 10 ppt each for perfluorooctanoic acid (PFOA) and 1 perfluorooctanesulfonic acid (PFOS), and 1 ppb for 1,4-dioxane. The letter states that ANGB had agreed previously to discharge no more than 7 ppt, individually, for both PFOA and PFOS. The letter points to several sections of the Town code and does not go into a complete and proper explanation as to why the limit is set as it is, but instead states that "PFOA and PFOS have undoubtedly been determined to be toxic chemicals that pose a danger to the health and well-being of the public and the environment. The discharge

of any substance containing either is clearly governed by any one of any combination of the regulations mentioned above.” In the letter, the Town states that “it must require the NGB to ensure that any and all wastewater discharges sent to the wastewater treatment plant contain no more than 10 ppt of PFOA and PFOS”. The letter further states that “the Town will be seeking, in the very near future, to amend the Town Code to add these pollutants to the “Specific pollutant limitations” list (Town Code Section 240-67) with MCL’s that, at the very least, match those most recently set by the State.”

EPA Region 2 believes that the Town does not understand the Federal Pretreatment Regulations and conflates a limit for drinking water for a local limit.

According to John Egitto, the Town has not made any nonsubstantial changes to its pretreatment program since the last pretreatment compliance audit in 2014. The lengthy process to update the Town Code starts when the Town requests a list from all Departments of what they wish to update. The Code is updated only once each cycle; the last time the Town Code was updated was 3 to 4 years ago. The Town Codes changes are posted to the Town’s website and there is a 30-day period for public review of SUO and local limit revisions. Public hearings are conducted in conjunction with Town Board meetings and written comments are accepted as well.

Requirement 1

As a reminder, the Authority is required to notify EPA prior to making any substantial or non-substantial changes to the pretreatment program. Any changes to permit limits must be technically based and established through a local limits development study and incorporated into the Town’s SUO. The Authority may implement non-substantial changes if no response is received from the EPA Region 2 after 45 days of the submittal. For substantial changes, the Authority must wait to receive approval from the EPA Region 2 prior to implementing the changes.

2. Hauled Waste

A maximum of 10,000 gallons per day of hauled wastewater is accepted by the Town of New Windsor WWTP. However, the Town does not allow dumping of hauled waste if the influent flow is high; the staff will inform haulers by posting a “no dumping today” sign at the entrance and haulers can call the WWTP to know the plant’s status. The wastewater treatment plant collection system receives a significant amount of inflow and infiltration, and discharge capacity is further hindered by the tides in the Hudson River.

There are eight waste haulers; 3 companies discharge regularly (Enviroclean, Spagnoli and MCS), and 5 companies discharge infrequently (J&J, Tam, Cook, Premium, and American Septic). The companies are charged per 9 cents per gallon of septic waste.

Trucks come in and discharge into a single discharge point located prior to the bar screen and grit removal apparatus and after the influent flow meter. Each hauler has a sign-in sheet where they enter the gallons discharged, the time of arrival, the origin of the wastewater and the driver’s name.

The Town does not have a formal system for monitoring the hauled waste and does not conduct regular sampling, including simple pH measurements. WWTP staff can easily visually spot check if there is grease which has entered the wastewater plant; this rarely happens. On the rare occasion that this does occur (Bill Darling does not recall this ever happening), the grease will enter the primary tanks and later be collected from the scum pit. The WWTP would then call the hauler and tell them to come back and suck out the waste from the surface of the primary tank that they had just discharged.

Recommendation 1

The Town should conduct periodic inspections of hauled waste, including pH measurement, and formalize any hauled waste sampling protocol.

3. Acceptance of Hazardous Waste

The Town does not accept any hazardous waste as defined by RCRA, nor any waste via truck or dedicated pipe that meet the Town's definition of a significant industrial user.

4. Fats, Oils and Grease (FOG) Management Program

The Town's Code Enforcement Officer performs an annual inspection of all commercial buildings and grease traps and flags any issues or concerns with restaurants and commercial establishments. The Building Department's portion of the Town's code stipulates the size of the grease traps required and collection of hauling records. Road crews continuously look for buildup in collection system and pump stations and perform periodic cleaning maintenance of the sewer conveyance system.

5. Dental and Mercury Minimization

The pretreatment coordinator has conducted dental inspections twice; there are 12 dental offices in the Town's sewershed.

6. Staffing

John Egiotto is the Town of New Windsor Sanitation Superintendent and Operations Engineer; he has been working for the Town of New Windsor for over 30 years. Bill Darling has been with the Town of New Windsor since 2015 and in addition to being the pretreatment coordinator, he also has many other responsibilities, including also assisting in operating the New Winsor and other wastewater plants operated by CAMO Pollution Control in the area. George Meyers is the Town Supervisor.

7. Resources

The pretreatment coordinator Bill Darling estimated that pretreatment work occupies 15% of his time (inspections, sample collection, data analysis and response, and enforcement). Pretreatment work takes up approximately 10% of John Egiotto's time (coordinate with Town Hall, Boards and Supervisors, involved with discussions and responses with stakeholders with regards to

PFAS issues), and 4% of Dave Welz's time (sample analysis, data review). Other people involved with implementing the pretreatment program include the Town's Attorney and paralegal staff (negligible time). John Egiotto estimated that the annual operating budget for the Town's pretreatment program is \$200,000 per year.

8. Keeping Informed of Technical and Programmatic Knowledge

John Egiotto receives notices about changes in the State and EPA regulations through bulletins and notices and informs the pretreatment coordinator, Bill Darling, of anything of note. The Town of New Windsor uses the internet to access pretreatment reference material.

9. Additional Programs: Community Education and Household Hazardous Waste Drop-Off

The Town's annual water quality report includes sections which address conservation measures and year-to-year water quality results. There are no plans to initiate a public education program to inform users about pollution prevention, nor are there plans to incorporate pollution prevention into the Town's pretreatment program, such as waste minimization at IUs and household hazardous waste programs. The Town staff did not know of successful pollution-prevention programs being implemented previously.

Recommendation 2

The Town could consider conducting outreach on fats, oil and grease disposal, the use of sump pumps discharging to the sewer system, and any other topics which might reduce the inflow of pollutants to the WWTP.

10. FOIA Requests and Community Participation in Pretreatment Program Implementation

According to John Egiotto, FOIA requests are submitted to the Town's Clerk office and copied to the Town's Attorney office. If the FOIA request is not appropriate or is unable to be answered, the Town Attorney would reply to the parties making the request with proper justification. There have been approximately 6 FOIA requests forwarded to the wastewater treatment plant in the past several years.

According to John Egiotto, the top public concern affecting the Town's pretreatment program is PFAS. PFAS is present in the drinking water and is widely covered in the local and regional press. Both the public and elected officials are following how the pretreatment program is handling the PFAS issue.

11. Confidential Business Information (40 CFR 403.14)

The Town of New Windsor has not dealt with confidential business information.

Recommendation 3

In accordance with 40 CFR Part 2, any information submitted to EPA or to the Town pursuant to the 40 CFR 403 regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information.

12. Electronic Reporting (40 CFR Part 3, 40 CFR 403.8(f)(2)(iv) and 403.12)

The Town accepts electronic reporting for some industries, and some industries, including Atlantic Aviation and Metal Container Corporation, only send reports by email only and not by mail. However, the Town has not received approval to accept electronic reports from industrial users. The Town would have to receive approval through Cross-Media Electronic Reporting Rule (CROMERR). (<https://www.epa.gov/cromerr>) EPA's CROMERR provides the legal framework for electronic reporting under EPA's regulatory programs. The Rule sets performance-based, technology-neutral system standards and provides a streamlined, uniform process for Agency review and approval of electronic reporting. The CROMERR program ensures the enforceability of regulatory information collected electronically by EPA and EPA's state, tribal and local government partners.

Requirement 2

The Town is required to cease accepting electronic-only reporting from its industrial users. The Town is required to obtain hard copy reports with wet-ink signatures from its industrial users; electronic copies can be sent to the Town of New Windsor in addition to the hard copy. Only control authorities that meet the requirements at 40 CFR Part 3, the Cross-Media Electronic Reporting Rule (CROMERR), are allowed to accept electronic reports.

13. Recordkeeping and Data Management by POTW (40 CFR 403.12(o) and 403.14)

The Town's inspection and sampling records are saved as paper copies only and are not scanned, nor are data entered electronically. The pretreatment coordinator does not use a computer for his work. His assistant, Dave Welz, goes through the reports and checks the sampling results with permit limits. A big wall-mounted board is used for tracking sampling and inspection dates.

There was significant flooding of the WWTP during Hurricanes Irene and Lee where many records, kept in the WWTP basement, were lost. Records that have been collected since 2015 are all kept at the WWTP; there is no formal system for discarding older documents.

When asked for records, the Town representative looked on his smart phone email for records and could not find the documents he was looking for. He stated he often purged emails and that he did not have access to a laptop or other computer to store files. "Purging email" and receiving electronically means that there is no confirmation of receipt for documents that are not printed out. There is no system in place for the retention of electronic records such as emails, documents, and reports. Reports and information were sometimes deleted or was not consistently and readily available.

Requirement 3

The POTW is required to maintain records resulting from monitoring in a readily accessible manner for at least 3 years (40 CFR 403.12(o)). Although the means for maintaining files is usually at the discretion of the POTW, all required pretreatment activities must be recorded and the documents maintained.

Requirement 4

POTWs must maintain general program files that document program development and implementation activities that are not IU-specific. Furthermore, pretreatment programs are required to maintain local limits records during at least the effective dates of the developed local limits and for 3 years after. The pretreatment regulations specify that all information submitted to the POTW or State must be available to the public without restriction, except for confidential business information (40 CFR 403.14).

Recommendation 4

The Town should ensure that adequate resources are available to the pretreatment program for recordkeeping and data management. Computers and printers/scanners should be made available to the pretreatment coordinator and should be used as the primary means of managing communication and records; the use of personal electronic devices for public institutions is in general not recommended. The Town should develop a system for managing records that include scanning documents, safeguarding electronic files by backing up hard drives, storing paper documents in safe places which are not prone to flooding and other natural disasters, and a schedule for disposing of all documents. All information should be filed in an orderly manner and be readily accessible for inspection and copying by EPA and State representatives or the public.

14. Reporting to EPA

The 2021 Town of New Windsor WWTP Industrial Pretreatment Program Annual Report stated that there are 8 IUs, including 3 CIUs. However, the annual report confuses CIUs with facilities with an SIC code (American Felt, Atlantic Aviation Stewart (airplane storage) and Metal Container Corp).

American Felt and Fiber (AFF) is a non-Categorical SIU which is covered under the textile category 40 CFR Part 410 for which there are no specific categorical limits. For the textile category, the pretreatment standards require that industrial users “must comply with 40 CFR Part 403.” Such industrial users, which have no categorical limits beyond the general pretreatment regulations, are not considered categorical industrial users.

There has been no report of any industry in SNC between 2017 and 2021.

Requirement 5

The Town must designate a facility as a CIU only if the industry is subject to categorical industrial standards and there are applicable categorical limits for the facility. Some categories have no categorical industrial standards associated with them, in which case the industry is not a CIU but rather an IU and/or SIU. Facilities with a SIC code are not necessarily categorical industries.

15. Pretreatment Program Historical Data and Trends

The Town has not evaluated historical and current data to determine the effectiveness of pretreatment controls with regards to improvements in POTW operations, loadings to and from POTW (except for the mercury minimization program), NPDES permit compliance, and sludge quality. According to John Egiotto, sludge is being sent to an incinerator and grit and screening debris is sent to a landfill by a contractor. The Town is not considering beneficial use or land application of the sludge and does not believe the contractors are considering other options. With regards to mercury minimization, the Town has not found industrial users to be a significant source.

Recommendation 5

The Town could consider organizing pretreatment report and WWTP monitoring data to determine if there are any trends or anomalies in the data. This information could be useful in evaluating the success of the pretreatment program for reducing influent pollutant loadings.

B. Legal Authority

1. Local Limits and Program Modification; Notification of EPA of Program Modifications (40 CFR 403.18)

The Town staff does not know where their local limits development document is located; the documents could have been lost due to flooding. The last time a priority pollutants scan was conducted was in 2012. The City's staff does not have a copy of their most recent local limits development package and are unsure when the Town adopted the WWTP's current maximum allowable industrial loading (MAIL). The City's staff were able to locate the City's Enforcement Response Plan (ERP), but the document did not have a date of approval.

New Windsor's draft SPDES permit (dated 5/6/2022) included limits for BOD, TSS, and Settleable Solids, and the following pollutants:

Pollutant	SPDES Effluent Limitation		Local Limit (mg/l)
Total Lead	44 ug/l	Daily Maximum	0.2 mg/l = 200 ug/l
Total Mercury	50 ng/l	Daily Maximum	0.1 mg/l = 100,000 ng/l
Ammonia, as N, June 1-Sept 30	14 mg/l	Monthly Average	No local limit, limit in IU permit
Ammonia, as N, Oct 1-May 31	20 mg/l	Monthly Average	
Bis(2-ethylhexyl) phthalate	6.6 ug/l	Daily Maximum	No local limit, limit in IU permit
Total Unchlorinated Phenols	55 ug/l	Monthly Average	Phenols, 4.0 mg/l = 400 ug/l, limit in IU permit from SPDES permit.

The limits for Ammonia, Bis(2-ethylhexyl) phthalate and Total Unchlorinated Phenols are not included in the SUO but the same limits from the SPDES permits are included in the industrial user permits.

The following pollutants are monitor only:

Pollutant	SPDES Action Level Parameters		Local Limit (mg/l)
Total Copper	Monitor – 3.6 lbs/day	Daily Maximum	0.8 mg/l
Total Zinc	Monitor – 7.5 lbs/day	Daily Maximum	1.2 mg/l

National sludge standards are listed in 40 CFR 503; the pollutants that are regulated depend on the type of sludge disposal method used. New Windsor incinerates its sludge for which the regulated pollutants are beryllium and mercury (National Emission Standards for Hazardous Air

Pollutants under 40 CFR Part 61), lead (National Ambient Air Quality Standard), plus arsenic, cadmium, chromium, nickel (risk-specific concentrations). The SUO lists local limits for mercury, lead, arsenic, cadmium, total and hexavalent chromium and nickel, but not for beryllium.

New Windsor has local limits for selenium, silver, barium, available chlorine, sulfide, manganese and gold; it is unclear what the basis is for these local limits. In addition, copper and zinc may or may not require local limits since this is monitored only in the SPDES permit. Finally, some pollutants listed in the SPDES permit might have influent concentrations low enough to not warrant a local limit; this would be determined by conducting a local limit development study.

Requirement 6

Any change in local limits in an industrial user permit limits must be technically based and determined through the local limits development process. The Town has the option to submit their local limit sampling plan to EPA for review (but this is not required) and then conduct a local limits development study which is submitted to EPA. The Town can also opt to allocate loading capacity unequally to different industrial users rather than have the same local limits for all industrial dischargers; this is particularly helpful if there are a few dischargers which need greater pollutant discharge capacity for certain pollutants. Furthermore, the Town can opt to develop surcharges for industrial wastewater loadings to help offset wastewater treatment costs incurred by the Town and encourage greater pretreatment removal of pollutants by industrial users; typically, such surcharges are applied to BOD, TSS, and COD.

2. Sewer Use Ordinance (40 CFR 403.8(f)(1))

The federal regulations at 40 CFR 403.8(f)(1) require the Town to have the legal authority to implement its pretreatment program. The New Windsor Sewer Use Ordinance (SUO) is entitled: “Article VI Industrial Sewer Regulations” [Adopted 5-1-1985 by L.L. No. 3-1985 (Ch. 37 of the 1972 Code)] was last amended on June 3, 2009 (by L.L. No. 3-2009). Pretreatment regulations are provided in Sections 240-63 through 240-91. The SUO can be found online at: <https://ecode360.com/6190755>.

EPA opted not to conduct a full review of the Sewer Use Ordinance for this Audit because there were too many significant differences between the New Windsor SUO, the 40 CFR 403 regulations and the [EPA Model Pretreatment Ordinance](#) (January 2007). The [Pretreatment Program Legal Authority Review Checklist](#) has been submitted to the Town of New Windsor separately from this Pretreatment Compliance Audit.

a. The Town updated its legal authority and incorporated some, but not all, of the required streamlining changes.

As noted above, the Town updated its SUO in 2009. However, the Town did not incorporate all of the required streamlining changes. These required changes are outlined in EPA’s Pretreatment Streamlining Rule Fact Sheet 2.0: Required Changes, available at http://www.epa.gov/npdes/pubs/pretreatment_streamlining_required_changes.pdf. Because the Town has not adopted some of the required streamlining rule changes, the Town’s pretreatment program is less stringent than required by federal regulations.

The Town's SUO did include the following required streamlining changes:

- Slug control requirements must be included in SIU control mechanisms [§ 403.8(f)(1)(iii)(B)(6)] and IUs evaluated to determine whether slug control discharge plans are required. [§ 403.8(f)(2)(vi)]
- The Significant Noncompliance (SNC) definition is expanded to include additional types of Pretreatment Standards and Requirements. [§ 403.8(f)(2)(viii)(AC)]
- How and when the POTW can designate a “duly authorized employee” to sign POTW reports. [§ 403.12(m)]
- Documentation of compliance with BMP requirements must be maintained as part of the SIU's and POTW's record-keeping requirements. [§ 403.12(o)]

However, the Town did not include the following required streamlining changes:

- SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge. [§ 403.8(f)(2)(vi)]
- Require periodic compliance reports to comply with sampling requirements, require Control Authority to specify the number of grab samples necessary in periodic and noncategorical SIU reports, and require noncategorical SIUs to report all monitoring results. [§ 403.12(g)(3), (4), (6)]
- Non-Categorical SIUs are required to provide representative samples in their periodic monitoring reports. [§ 403.12(g)(3)]
- Require notifications of changed discharge to go to the Control Authority and the POTW, where the POTW is not the Control Authority. [§ 403.12(j)]
- SIU control mechanisms must contain any BMPs required by a Pretreatment Standard, local limits, state, or local law. [403.8(f)(1)(iii)(B)(3)]
- SIU reports must include BMP compliance information. [§ 403.12(b), (e), (h)]

Requirement 7

The Town is required to modify its current SUO to incorporate all of the 2005 required streamlining provisions. The Town may not adopt any of the optional streamlining changes until New York has adopted these provisions into state law. At the time of the audit, New York State was in the final stage of updating its regulations which included the optional pretreatment streamlining rules at 40 CFR Part 403. On March 22, 2023, New York State adopted an Amendment to 6 NYCRR Sec. 750-1.2. which incorporates by reference the CWA and regulations promulgated by the EPA at Titles 33 and 40 of the CFR including Part 403. All municipalities with pretreatment programs currently need to update their SUOs to adopt the provisions of the optional streamlining rules. EPA will be providing guidance and assistance with regards to revising the Town of New Windsor SUO since the updated rules are now in place. EPA recommends waiting to revise and adopt an updated SUO until EPA provides additional technical guidance.

b. Definition of SNC

The Town's definition of SNC is defined in Section 240-84 of the Town code. The SUO was updated to incorporate the publication requirements in the definition of significant noncompliance (SNC).

3. Enforcement Response Plan (ERP) (40 CFR 403.8(f)(5))

The ERP has been adopted by the POTW. However, there is no date for when the document was adopted or revised on the document. According to John Egiotto, the ERP had been reviewed and approved by EPA. The ERP describes how the Town will investigate instances of noncompliance, namely that the Town and the industry both conduct resampling. According to John Egiotto, the ERP describes the types of escalating enforcement responses and the time frames for each response; the ERP reflects the Town's responsibility to enforce all applicable Pretreatment Standards and Requirements.

The Auditor reviewed the ERP, and found the following deficiencies:

- a. The overall format of the ERP is confusing: Sections are not numbered, definitions are in bold, but titles are not in bold or larger font size, etc...
- b. A signature and a date of approval must be included on the ERP.
- c. A record of revision could be included.
- d. The preamble and/or purpose and scope for the ERP could be improved; for example, the following could be included:

“Preamble: It is the responsibility of Town of New Windsor to enforce all applicable Federal, State, and local pretreatment regulations. These regulations are outlined in Federal regulation 40 CFR 403 and State regulations, and the local SUO. This Enforcement Response Plan (ERP) has been established as an element of the POTW's pretreatment program. The purpose of the ERP is to provide for fair and equitable treatment of all Users for anticipated enforcement situations. In general, enforcement actions will be taken in accordance with this enforcement Response Plan. However, the enforcement actions available are not exclusive. Therefore, any combination of the enforcement actions can be taken against a non-compliant user.”

- e. The Purpose and/or Scope of the ERP could be improved, as an example, the Purpose and Scope of an Enforcement Response Plan could be:

“40 CFR Part 403.8(f)(5) of the General Pretreatment Regulations for Existing and New Sources of Pollution requires a Publicly Owned Treatment Works (POTW) to develop and implement an Enforcement Response Plan (ERP). The regulations require this plan to contain detailed procedures indicating how a POTW will investigate and respond to instances of Industrial User non-compliance and shall include:

- Describe how the POTW will investigate instances of noncompliance.
- Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place.
- Identify (by title) the official(s) responsible for each type of response.
- Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2).”

- f. The ERP could have a separate Section on the Legal Authority, which refers to definitions in the SUO, including definitions for Technical Review Criteria (TRC) Violations and Chronic Violations taken directly from 40 CFR 403.8(f)(2)(viii) and not modified. For example:

“The Town of New Windsor regulates and enforces discharges into the sanitary sewers under the Town of New Windsor Local Law #3, Chapter 37. Please refer to the Local Law for all definitions used in the Enforcement Response Plan.”

- g. A Section must be included with detailed descriptions of each job title, duties and responsibilities.
- h. The ERP could contain requirements associated with notification of hazardous waste discharge.
- i. The ERP could include a provision to allow the Town to initiate sampling to verify compliance.
- j. The ERP could include a provision to allow the Town, without prior notice, to visit the site, conduct an inspection, and/or copy any documentation.
- k. The ERP could include a Section which clearly identifies the Town investigating non-compliance, including additional monitoring and sampling.
- l. The ERP does not mention specifically “Notice of Violations”, “Consent Orders” or “Administrative Orders”
- m. The ERP did not include a Termination of Permit clause.
- n. The ERP did not include an Administrative Fines section.
- o. The ERP did not include a Criminal Penalties Section, nor an amount of penalties based on Federal Pretreatment Regulations.
- p. The ERP could include clauses on Public Notification.
- q. The ERP could include a Section which states the Emergency Actions by Director. necessary to protect public health, safety or welfare. This could include a provision such as “The Director, or employees under his supervision, acting upon the belief that an emergency exists, shall be indemnified and held harmless against any personal liability which may arise in the performance of his/her duties protecting the public health, safety, welfare, or property...”
- r. A Guide to Enforcement Responses Table could be included in the ERP with a list of Non-Compliance Violations and, for each item on the list, the Table would provide the Nature of Violation, Enforcement Response Options, and Personnel involved. The type of non-compliance violations would include discharge violations, monitoring and reporting violations, compliance schedule violations, and other permit violations.

In conclusion, the Town of New Windsor’s ERP is several decades old (but there is no date of approval on the document), is inadequate, and should be revised. Please refer to EPA’s [Guidance for Developing Control Authority Enforcement Response Plans](#) (1989) for more information.

Requirement 8

The Town must revise and update its Enforcement Response Plan to include the minimum elements outlined in 40 CFR Part 403.8(f)(5). The ERP must describe how the POTW will investigate instances of noncompliance and provide additional detail on the types of escalating enforcement responses along with the time period within which the responses take place. The

Town is required to revise the SUO and ERP to include the applicable civil and criminal penalties. Furthermore, the Town must identify (by title) the official(s) responsible for each type of response and update the ERP when there are changes in personnel.

4. Ability to Implement Legal Authority

According to the Town's representatives, during at least the last five years the Town did not have any difficulty implementing its legal authority.

Requirement 9

The Town must improve its Sewer Use Ordinance and Enforcement Response Plan in order to better implement its legal authority.

5. Intermunicipal Agreements (40 CFR 403.8(f)(1))

The Town of New Windsor has two intermunicipal agreements, "Agreement Between Town Of New Windsor And Town Of Cornwall To Provide Sewer Service To The Firthcliffe Heights Sewer District" signed on July 11, 2018 and "Agreement Between Town Of New Windsor And Town Of Cornwall To Provide Sewer Service To The Cornwall Beaver Dam Lake Sewer District" (unknown date). Both Districts in the Town of Cornwall do not have any industrial users discharging to the sewer conveyance system.

The specific legal authorities and procedures that a Control Authority must have to implement a pretreatment program are set out in 40 CFR 403.8(f)(1) of the General Pretreatment Regulations. The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law.

Both agreements are similar and make reference to establishing the same point count system as used by New Windsor for the payment of sewer debt service and operation and maintenance costs (Schedule A in the intermunicipal agreements). The point system in Schedule A includes industries, airports, laundromats and car washes, and institutions. The intermunicipal agreement does not have any details on whether industrial dischargers are allowed to discharge to the Town of Cornwall conveyance system, nor did the agreements contain the following:

- Protocols for revising Sewer Use Ordinances;
- Adoption of Local Limits;
- Protocols to follow in the case where industrial users from outside the contributing jurisdiction's service area discharge to the contributing jurisdiction sewer system;
- That when cases arise where any term of the IMA is held to be invalid in any judicial action that the remaining terms will be unaffected;
- Review and revision of the IMA to ensure compliance with pretreatment regulations periodically; and
- Protocols for terminating the agreement by providing written notice.

Requirement 10

The Town is required to review its intermunicipal agreements to ensure that it has a written agreement with each of its contributing jurisdictions that clearly state the responsibilities of each entity to ensure that nondomestic dischargers are properly regulated, or an agreement which prohibits the discharge of industrial wastewater into the contributing jurisdiction's conveyance system. The Town and its contributing jurisdictions also must ensure that they have the proper legal authority to implement the pretreatment program per 40 CFR 403.8(f)(1). If the Town intends to administer the program and regulate industrial users in the contributing jurisdictions' service areas, the contributing jurisdictions must have legal authority that is consistent with that of the Town. In addition, the intermunicipal agreements should be reviewed periodically by all signatories and updated as needed. Please refer to EPA's Multijurisdictional Pretreatment Programs Guidance Manual (1994, EPA 833-B-94-005).

C. IU Characterization

1. New Industries and Permit Applications

According to John Egiotto, the Town evaluates industries to determine whether they are categorical and evaluates the quantity of flow and pollutants discharged. All site plans and building permit applications are submitted to the Town. The Town planning board reviews the plans and then forwards them to John Egiotto to review; an industrial user questionnaire is then sent out if the new enterprise is potentially an industrial user. Industries submit an industrial discharge permit application. Then the Town's staff conduct a tour of the facility and evaluates the chemicals being used, which includes looking at the SDS sheets. The Town requires categorical industry to conduct baseline monitoring and the Town conducts sampling as well.

2. Industrial Waste Survey (IWS) 40 CFR 403.8(f)(2)(i)

The Town sends the Industrial Waste Questionnaire to new industries but does not periodically send the industrial waste questionnaire to existing industries. The Town does not have clear formal procedures on how new industrial users are identified and it is unclear when the Town last sent out an Industrial Waste Questionnaire to existing facilities.

Requirement 11

The federal regulations at 40 CFR 403.8(f)(2)(i) require the Town to identify and locate all possible industrial users that might be subject to the pretreatment program. The Town is required to conduct a formal IWS of the service area to ensure that all nondomestic users have been located and properly classified and should conduct a formal IWS every five years thereafter.

3. Identification of all applicable IUs (non-categorical, SIUs, CIUs) and determination of the character and volume of effluent from the identified IUs. (40 CFR 403.8(f)(2)(i))

The Town representatives stated that the Town has identified the character and volume of pollutants contributed to the POTW by IUs subject to the pretreatment program (40 CFR 403.8(f)(2)(ii)).

The Town maintains a current list of SIUs, which it submits in the annual report to EPA Region 2. The Authority does not permit industrial users as NSCIUs because the Town's IPP has not been modified and approved to include a provision for NSCIUs (40 CFR 403.8(f)(6)).

a. List of Industries

The Town of New Windsor permits 8 industrial users:

1. Beaver Dam Lake, a drinking water producer;
2. Atlantic Aviation Stewart LLC, an aircraft storage facility;
3. Air National Guard, a military aircraft base;
4. USDA Animal Import Center, animal and plant health inspection facility;

5. American Felt and Filter, a manufacturer of felt products;
6. Stewart International Airport;
7. Metal Container Corporation, a metal can manufacturer; and
8. Town of New Windsor Landfill.

Note:

- LSI Lightron, a new source metal finisher, stopped discharging in 2019.
- New Windsor correctly includes American Felt as a significant industrial user because the facility has a reasonable potential to violate pretreatment standards or requirements. American Felt is required to submit flow and pH reports monthly.

b. Identifying changes in wastewater discharges at existing IUs

According to the Town representative, industrial users are required to inform the Town of any changes in their discharge and are subject to penalty if they do not disclose changes. The Water department sends flow metering results to the pretreatment coordinator monthly, and the Town is aware of any changes in water consumption of permitted businesses.

D. Control Mechanism/Industrial User Permit Evaluation
(40 CFR 403.8(f)(1)(iii))

The Town does not issue general control mechanisms (40 CFR 403.8(f)(1)(iii)(A)(1) & (2)). According to the Town's representative, all industrial users are covered by an existing permit, and all permits are put in place prior to the end date of the expiring permit and expiring permits are not extended.

Permits have been issued every 5 years.

1. Permit Statement of Duration

For Atlantic Aviation Stewart, the permit length is greater than 5 years; from the first day of November 2019 to the last day of December 2025. Instead, the permit expiration date should be at the latest on October 31, 2024.

Requirement 12

Per 403.8(f)(1)(iii)(B)(1), the permit statement of duration can in no case be greater than five years.

2. Permit Contents (40 C.F.R. §403.8(f)(1)(iii)(B))

The industrial user permits should include the following, as applicable, per 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

a. Application of Local Limits in Industrial User Permits

In all of the industrial user permits, the local limits and the pH limits from the Town's SUO are all included with the correct concentrations except for phenol. Phenol is 55.0 ug/l (0.055 mg/l) in the permit and 4.0 mg/l in the SUO. The industrial user permits include limits for Bis(2-ethylhexyl) phthalate of 6.6 ug/l and Ammonia of 14.0 mg/l; the SUO does not include a limit for either pollutant. The "limits" were transcribed directly from the SPDES permit to the industrial user permit without the Town conducting a local limit development study for the pollutant.

The federal regulations at 403.8(f)(1)(iii)(B) state that "Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions: ...

- (3) 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;
- (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with § 403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;"

In addition, in the American Felt and Fiber permit, flow is incorrectly listed as a grab sample. In this case, the volume of the batch discharge should be recorded, and the permit should specify how it should be measured.

Requirement 13

The Town must remove the Ammonia and Bis(2-ethylhexyl) phthalate and include the correct limit for Phenol in the industrial user permits. The Town can opt to develop a local limit for the three pollutants and incorporate technically defensible limits in a revised SUO, and then include these limits in the industrial user permits. Another option is to include a "monitor only" requirement for silver in the industrial user permit in the interim.

Requirement 14

The correct sampling protocols should be included in the permit and in compliance with 40 CFR 136.

b. Permit Industrial Category Description

In the MCC industrial user permit the industrial category is given as Federal Regulation PT 465 only in Section B – Monitoring Requirements.

The AFF industrial user permit correctly does not identify the industry as a categorical industry in the industrial user permit; this is despite the Town of New Windsor identifying AFF as a categorical industry in its reporting to EPA.

Recommendation 6

The categorical industry description in the industrial user permit could be more specific, for example it could be written as 40 CFR 465.45 Coil Coating, Subpart D - Canmaking Subcategory (PSNS-Pretreatment standards for new sources).

c. MCC Categorical Limits Calculation

The concentrations should be calculated in the permit based on the prior year's production; only providing the Daily Max and Monthly Ave loadings per million cans in the permit is insufficient.

The Town has the option of using equivalent mass or concentration limits [40 CFR 403.6(c)]. Such limits use an industry's long-term average daily production and flow rates to derive the corresponding daily maximum and monthly average limits (p. 7-5 of chrome-extension://efaidnbmninnibpcajpcglclefindmkaj/https://www.epa.gov/sites/default/files/2015-10/documents/industrial_user_permitting_manual_full.pdf).

Requirement 15

For industries subject to the production-based standards, an actual average production rate for the reporting period should be given and include a certification of the validity of the information provided. For daily production, sampling event production should be specified as the production between the start and end of the sampling event expressed as a daily quantity. The methodology for calculating or evaluating local limit compliance should be provided in the MCC permit in Section 3.

d. Grab versus Composite Sampling for Compliance Monitoring

Local Limits are determined by Grab Samples instead of Flow Proportional Composite Samples at MCC. The discharge is continuous, and per 40 CFR 403.12(g)(3), ... "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". The New Windsor SUO Section 240-67 Specific Limitations states: "No person(s) shall discharge wastewater to the Town's municipal wastewater system containing in excess of...Amount (mg/l)". Without being able to review to the original local limits development package, and given the lack of specificity in the units used for local limits in the SUO, the default approach would be that the local limits are expressed as maximum daily averages and should be flow proportional composite samples for all parameters except for grab samples of pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. The Control Authority can authorize time-proportional composite samples or grab samples in lieu of flow-proportional composite samples if an explanation is given ahead of time and included in a memo to the permit file. For example, in the case of American Felt and Fiber, where there is well-mixed batch discharge instead of continuous discharge, grab samples are

appropriate. Grab samples are not appropriate for other industrial users such as the Metal Container Corporation.

Requirement 16

The MCC permit must require flow-proportional samples for local limits instead of grab samples. Other industrial user permits should require flow-proportional samples unless the Town justifies why grab or time-proportional samples are appropriate and include the explanation in the industrial user permit file.

e. Sampling Location Description

1. AFF

The AFF industrial user permits describe accurately the sampling location; the Town could opt to include a map and/or photos of the sampling location as well.

Recommendation 7

The Town could include maps and/or photos of the categorical and local limit sampling locations in the AFF industrial user permit in addition to including a narrative description of the locations.

2. MCC

The discharge locations provided in the MCC permit are confusing. The permit states:

1. “Discharge Description

The wastewater discharged to the New Windsor sewer system shall be of waters discharged from the clarifier of the pretreatment system.

2. Discharge Location

Wastewater generated from the pretreatment system of the Metal Container Corporation will be added to the sanitary waste and discharged to the Town of New Windsor sanitary sewer system on Route 207.”

The language indicates that there is one sampling point, but the discharge in the “Discharge Description” (from clarifier of the pretreatment system) is different than that in the “Discharge Location” (pretreatment plus sanitary waste). The “Discharge Description” describes the sampling point for categorical limits, while the “Discharge Location” describes the sampling location for local limits. Finally, there is no description of the physical location, including any maps or photos, of the sampling location(s).

Requirement 17

The permit should identify clearly the categorical and local limit sampling location(s). The categorical standards are applied at the effluent pipe from the wastewater pretreatment system; local limits are applied at the point of discharge from the industry to the municipal sewer. In some instances, these locations are the same. In other instances, domestic wastewater is not

treated by the wastewater pretreatment system and is combined with industrial wastewater between the wastewater pretreatment system and the facility's discharge point.

Requirement 18

The sampling locations are not described accurately in the MCC permit. In addition to a clear narrative of the physical sampling locations, either a map or photos of the sampling locations could be included.

f. Slug Discharge Control Plan

According to the Town staff, the Town reevaluates whether a SIUs needs a slug discharge control plan only if there is a significant increase in operations. A previous evaluation of whether industries need a slug discharge control plan was performed at some prior to Bill Darling's arrival in 2015. The need for a new or revised slug discharge control plan should be evaluated as part of the annual industrial user inspections.

The industrial user permit improperly cites 403.8(f)(2)(v), which applies to routine industrial discharge and not slug loadings. In addition, the industrial user permit states:

“As per 40 CFR 403.8 (f) (2) (v), once every two (2) years the user shall evaluate the need for a Slug Discharge Control Plan. The evaluation will examine the potential for an accidental spill or non-customary batch discharge. The evaluation will be submitted to the Control Authority for review.”

The appropriate regulatory clauses for requiring a slug discharge control plan are at 40 CFR 403.8(f)(1)(iii)(B)(6), 403.8(f)(2)(vi).

Requirement 19

Section F of the industrial user permits must be rewritten. The need for a slug discharge control plan should be determined by the POTW and included as a permit condition, if necessary. The facility should not be determining whether a slug discharge control plan is required every two years; it is during the annual inspection by the Town of New Windsor that the need for and or validity of the slug discharge control plan should be evaluated. If conditions or operations change at the facility and a slug discharge control plan is then required, then the Town can modify and introduce slug discharge control plan requirements in the permit.

g. Notification of Changed Discharge

All IUs are required to promptly notify the Control Authority in advance of any substantial changes in the volume or character of pollutants in their discharge. As a general rule, changes greater than 20 percent are considered substantial. An IU is also required to notify the POTW immediately of any changes at its facility that affect the potential for a slug discharge [40 CFR 403.8(f)(2)(vi)]. An IU must also provide notification if it expects to discharge a pollutant for which it has been granted a waiver under the pollutants not present provision [40 CFR 403.12(e)]. These requirements are based on 40 CFR 403.12(j) and 40 CFR 122.42(b).

While Section G of the industrial user permits includes the pertinent language, the placement of the language in the permit limits its applicability to hazardous waste discharge.

Requirement 20

The industrial user permits must include requirements for notification of changed discharge by the industrial users.

h. Statement of Criminal and Civil Penalties

Section D.d. of the industrial user permits states:

“Any User(s) who is found to have violated an order of the Town board or who willfully or negligently failed to comply with any provisions of the Local Law 33, Chapter 37 and the orders, rules, regulations, or permits issued thereunder, shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) for each offense. Each day on which a violation shall occur, or continue, shall be deemed a separate and distinct offense.”

However, the minimum fines are not those set in the Federal pretreatment regulations as mentioned elsewhere in this report. The language regarding civil and criminal penalties in the SUO and ERP needs to be updated.

Requirement 21

The SUO, ERP and industrial user permit must state the same requirements and follow Federal pretreatment regulations. The Town is required to revise the SUO and ERP to include the applicable civil and criminal penalties as specified in 40 CFR 403.8 (f)(1)(vi):

“(vi)(A) Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. All POTW's shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements. The municipality must have the minimum authority to seek civil or criminal penalties in the amount of at least \$1,000 per day per violation.”

i. Industrial User Compliance Report Content Requirements

The industrial user permits do not specify what should be included in the semi-annual compliance reports. The permits do not specify that the submittal must be sent to the Town of New Windsor with a wet ink signature.

Requirement 22

The industrial user permits must specify what is to be included in the semi-annual compliance reports and specify that the reports be submitted with a wet ink signature.

j. Industrial User Compliance Reporting Frequency

Section C Part 1 of the permit for American Felt and Fiber (AFF) states that monthly monitoring results and compliance report will be submitted to the Control Authority. However, for SIUs sampling is required twice per year. In addition, even if sampling is performed more frequently than twice per year, most municipalities require compliance reports only twice per year. Furthermore, the IU permit includes a provision for notification within 24 hours by the IU to the Control Authority when a violation is detected, which means that more frequent reporting is not required for the POTW to be notified, provide oversight, and conduct enforcement in a timely manner.

Recommendation 8

The Town could reduce the frequency of industrial user compliance report submittal to twice per year.

k. Permit File Documentation

The Auditors did not have access to any of the permit applications submitted by the industrial users nor any additional information regarding the permittee.

While using fact sheets is optional, it is a recommended practice. Fact sheets are used to collect information that would otherwise not be spelled out in the industrial user permit and industrial user reports. An example of an industrial user fact sheet can be found in Appendix E of The Industrial User Permitting Guidance Manual (<https://www.epa.gov/npdes/industrial-user-permitting-guidance-manual>).

Recommendation 9

The Town of New Windsor could consider developing fact sheets for each of its industrial users and would update the fact sheets as needed. Permit applications submitted by industrial users could be included in the permit files.

The components of a permit fact sheet for a CIU could include:

- The basis for the categorical determination(s);
- The identity and flow volume of all wastestreams generated and discharged to the POTW, classified accordingly (i.e., regulated, unregulated, or dilution);
- Calculations, if needed, for applying CWF, flow-weighted average, and production-based standards;
- The basis for selecting any values used in calculations;
- Data used and/or justification for estimates used to determine categorical limitations;
- The basis for limits imposed for all parameters (categorical, local limits, etc...);
- The rationale for any compliance schedules, special plans required, and special conditions; and
- The basis for monitoring and reporting frequencies.

I. Reporting Additional Sampling

40 CFR 403.12(g)(6) states that if an industrial user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, the results of this monitoring shall be included in the semi-annual compliance report. In addition, Section B.4 of the AFF and Section B.5 of the MCC permits do not have the same language.

Recommendation 10

The Town should include the same language in all industrial user permits with regards to reporting additional sampling; for example:

“Unscheduled sampling event(s) will be performed by the Control Authority to ~~insure~~ *(change to ensure)* compliance with all the parameters covered by Local Law 1, Chapter 37, Section 12, et. seq. All costs for these sample(s) will be billed to the industrial user and is payable to the Town Clerk’s Office, Town Hall, 555 Union Ave., New Windsor, NY 12553.”

m. Hazardous Waste Discharge Requirements

40 CFR 403.12(p) states that hazardous waste discharge reporting should be for “an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months” while in Section G.3 of the industrial user permits it is only a month. In Section G.4 the notification shall take place within 180 days of use applies only to when there is more than 100 kg per month of hazardous waste discharged.

If the IU discharges more than 100 kilograms per month of the hazardous waste, the written notification must also include, at a minimum, the following:

- An identification of the hazardous constituent in the IU's discharge;
- An estimate of the mass and concentration of the constituents in the IU's discharge; and
- An estimate of the mass and concentration of constituents in the IU's discharge in a year.

IUs must also provide a certification accompanying this notification that a waste-reduction program is in place to reduce the volume and toxicity of hazardous wastes to the greatest degree economically practical. Within 90 days of the effective date of the listing of any additional hazardous wastes pursuant to RCRA, IUs must provide a notification of the discharge of such wastes.

Requirement 23

The Town must edit and combine Sections G.3 and G.4 so that the correct hazardous waste discharge requirements are included per 40 CFR 403.12(p).

n. Notification of Changed Discharge

Section G-Hazardous Waste Discharge of the industrial user permit includes the statement:

“As per 40 CFR 403.12 (j) and (p), the user(s) shall notify the Control Authority, in advance, of any change in volume or character of pollutants being discharged.”

This statement is correct, but it should be placed in a separate Section and applicable to all discharges to the plant, not just limited to the hazardous waste Sub-Section. Otherwise, Section G as written is acceptable and covers the requirement stated in 40 CFR 403.12(p). The Town could keep the stipulation in Section G requiring notification in any change in volume or character pollutants, but any wording in Section G should be specific to hazardous waste discharge only.

Recommendation 11

The notification of changed discharge should not be included in Section G of the industrial user permits; instead, it should be included in a separate sub-section or section with the heading: “Notification of Significant Change in Discharge”.

The statement is based on 40 CFR 403.12(j) regarding notification of changed discharge:

“All Industrial Users shall promptly notify the Control Authority (and the POTW if the POTW is not the Control Authority) in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under paragraph (p) of this section.”

o. Definitions included in the IU Permit

The definition of Upset is incorrect; it is not “unintentional and temporary noncompliance with *SPDES* permits” but rather with industrial user permits per 40 CFR 403.16. Also, the list of definitions is provided towards the end of Section D.

Requirement 24

The correct definition of upset must be included in the industrial user permits per 40 CFR 403.16:

“Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User.”

Recommendation 12

The list of definitions at Section D.1.f. should be either at the beginning of Section D or provided near the beginning of the permit.

p. Additional Recommended Edits in the Industrial User Permit

A number of items in the industrial user permits could be revised as follows:

1. The S.I.C. number should be four digits, while NAICS numbers are six digits. It would also help to include the industry name associated with each S.I.C. number. For example, for Atlantic Aviation Stewart the SIC code is 4581 (airports, flying fields, and airport terminal services) and NAICS code is 488119 (Other support activities for air transportation).
2. Section D.2.a. (Proper Operations and Maintenance) includes a list of operation and maintenance of activities that are not present at all industrial users, such as “adequate laboratory and process controls, including appropriate quality assurance procedures.” The requirements could be tailored and applicable to each industrial user.
3. In Section D.2.b. (Duty to Halt or Reduce Activity), “Treatment facility” should be changed to “wastewater pretreatment facility”. Also, the following sentence is confusing and should be revised: “It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the conditions of this permit.”
4. Section D.3.c. (Inspection and Entry) states “Sample or monitor, for purposes of insuring permit compliance, any substances or parameters at any location;”. Sampling for permit compliance can only be determined at the approved sampling points. Otherwise, sampling at other locations is helpful for pinpointing issues within the process or wastewater pretreatment sampling but cannot be stipulated as a requirement in the industrial user permits by the control authority.
5. For Section D.5. (Record Contents), the Town could also add the following wording: “Any quality assurance and quality control (QA/QC) data associated with the laboratory analysis.”
6. For Section G (Hazardous Waste Discharge), the wording could be edited to include “wastewater” used rather than “waste”: “it is any ~~waste~~-wastewater containing less than 15 kg per month of hazardous waste is exempt.”

Recommendation 13

The industrial user permits should be revised to be accurate and clearly written.

q. PFAS Requirements in Atlantic Aviation Industrial User Permit

PFAS is a pollutant of concern in New Windsor due to the discovery in May 2019 of PFAS contamination in drinking water pumped from the Butterhill wells. The City of Newburgh’s Washington Lake Reservoir was also found to be contaminated by PFAS chemicals. The source of contamination was from firefighting foam used at Stewart Airport and Stewart Air National Guard Base nearby.

Due to community interest and the need to control PFAS discharges at the source, PFAS limits were included in the industrial user permits for Stewart Air National Guard, Stewart International Airport, and Atlantic Aviation. The Town of New Windsor has no plans to include PFAS limits for other facilities.

At Atlantic Aviation, a foaming incident occurred where firefighting foam flowed into a storm drain. Atlantic Aviation installed a system which collects water from rainfall and uses trailers for filtering and purifying the wastewater. Atlantic Aviation is currently using a new firefighting foam which does not contain PFAS.

The Atlantic Aviation industrial permit requires grab samples using EPA Analytical Method 537 for Perfluorobutanesulfonic acid, Perfluorohexanesulfonic acid, Perfluorohexanesulfonic acid, Perfluorononanoic acid, Perfluorooctanesulfonic acid, and Perfluorooctanoic acid. Sampling is scheduled to occur 2 times per month for the first three months, monthly for the following 9 months, then quarterly for the following subsequent years. The permit states that the pretreatment system has been approved by NYS DEC DOW where the water is treated by Granular Activated Carbon (GAC) with the system in series, and sampling is taking place between the two GAC units. Any measurement above detection limit indicates that the carbon should be changed, and this ensures that the effluent from the GAC system should also be a non-detect.

Section B.3. of the Atlantic Aviation industrial permit states that upon a “hit” (sample result not in compliance), samples are to be collected via a sample port after the second stage GAC vessel. Those results are to be submitted prior to discharge. The industrial user is responsible for compliance with categorical standards at the discharge from the categorical process and with local limits at the discharge point from the industrial user into the municipal sewer system. An industrial user permit cannot specify a limit to a process internal to the pretreatment system. Instead, the industrial user permit could include such stipulations as BMPs rather than a numerical compliance limit (including that samples are below detection limits).

As of June 2022, PFAS sampling results have not exceeded the detection limits.

Requirement 25

The Town of New Windsor cannot include numerical limits for pollutants in an industrial user permit which are not technically based; pollutant limits must be part of a local limits development package and incorporated in the Town’s SUO. There are currently no categorical limits for PFAS. Also, there are currently only interim analytical standards for measuring PFAS in wastewater, and there are no limits in the SPDES or sludge disposal permits. That said, efforts are being made at the State and National level to address PFAS by developing analytical methods that can be used for wastewater, updating categorical limits, and controlling PFAS through regulatory programs.

Requirement 26

The Town of New Windsor can opt to be more stringent than the Federal pretreatment regulations. Industrial user permits can include language for requiring BMPs to be implemented by the industrial user and can also have the industrial user conduct sampling more frequently or on a monitor-only basis. Once the regulatory framework and necessary development of technically based local limits has been completed and incorporated into the SUO, the Town of New Windsor can update the industrial user permits to include numerical limits for PFAS. In this case, the industrial user permit can require BMPs and sampling for PFAS and include a goal of non-detect for PFAS samples. Currently, the industrial user permits cannot include any limits for PFAS, including a non-detection PFAS limit.

Requirement 27

The industrial user is responsible for compliance with categorical standards at the point of discharge from the pretreatment system and with local limits at the point of discharge into the municipal sewer system. An industrial user permit cannot include a limit at a sampling location within the pretreatment system. Instead, the industrial user permit could include such stipulations as BMPs to be followed instead of requiring compliance with a numerical limit.

r. Atlantic Aviation Sampling Point Location

Section A.2 of the industrial user permit states that there is an oil separator in the sewer manhole, and that the pretreatment discharge enters the line after the oil separator. It is unclear why there is an oil separator in the manhole and what is the source of the wastewater treated by the oil separator.

Requirement 28

The Atlantic Aviation industrial user permit must clearly identify the sampling location. An explanation of the discharge and sampling locations and sources of wastewater discharge could be provided in a Permit Fact Sheet or as an Appendix to the industrial user permit.

s. Atlantic Aviation Industrial User Permit Language

The following language is confusing and could be revised:

- Section B.1 Sampling Frequency: “*Sampling shall be conducted for the Town of New Windsor Industrial Ordinance Local Law 3 on a semi-annual basis.*” This could be written as “Sampling to meet the requirements of the...”
- Also in Section B.1: “NOTE: The first sampling, with submitted results, must be prior to any discharging into the sewer.” It is not clear if this applies to the first discharge overall or if it applies to each instance a batch of wastewater is ready to be discharged.
- Section B.2 (Monitoring Parameters), for batch discharge the flow, by definition, is not continuous. Therefore requiring continuous flow sampling in the industrial user permit is not reasonable.
- The formatting of the “537 Perfluorinated Compounds” Section is not clear.
- The time frame should have specific dates for each frequency of sampling, instead of a time frame stating “for first 3 months”, “following nine months”, and subsequent years.

- DEC DOW should be spelled out, it is unclear what the acronym refers to exactly.
- The sampling location should be the discharge location for the local limit parameters and the industrial user must comply with local limits. The sampling location only seems to apply for the Perfluorinated Compounds sampling.
- In Section B.5 (Fees), the charge per volume of wastewater discharged does not need to be in the permit unless it is specific to the industrial user. Also, if the fee is subject to annual change, then either the Town can update the permit each time the fee changes or simply refer to the Town's Standard Schedule of Fees.
- A Slug Discharge Control Section (Section F in other industrial user permits) is missing from the Atlantic Aviation Stewart, LLC permit. The permit or the permit file could state that a slug discharge control plan is not necessary and provide a rationale for that decision. In addition, Section G Hazardous Waste Discharge should become Section F in the permit.

Recommendation 14

The Atlantic Aviation permit could be further edited.

E. Monitoring, Inspection and Sampling: Town

1. Sampling and Inspection Frequency

During 2021, all SIUs were sampled and inspected by the Town at least once. In 2020, most sampling was done prior to the coronavirus shutdown in March 2020, and sampling and inspections were completed in November and December of 2020.

2. Inspections

According to Town staff, inspections of the industrial users are conducted once per year. The pretreatment coordinator begins the inspection by discussing with his facility contact recent changes to business operations, staffing, and hours of operation. According to the Town staff, the pretreatment coordinator then goes on a facility tour and looks at everything (“soup to nuts”), including the chemical storage area, the pretreatment system, the wastewater discharge point, etc... The pretreatment coordinator occasionally asks the industry’s representative to share their paper files.

3. Sampling

The frequency of monitoring (sampling, inspecting, and reporting) is normally the same as that required in the permits. When there is a violation, extra sampling is conducted by the Town in addition to the required additional sampling conducted by the industrial user. At the end of each inspection, the pretreatment coordinator collects a grab sample from the monitoring point. According to the Town’s staff, the Town has no issues with the identification of sample locations and sample collection and analysis; however, some sample locations are located in manholes in the street and are a bit harder to access.

At MCC, the Town only performs continuous composite sampling for Federal categorical standards; for local limits the grab samples are collected from a manhole in the parking lot. There is no explanation or justification regarding the selection of the sampling location and any documentation that might have been available has been destroyed in a flood at the wastewater treatment plant.

Requirement 29

Sampling and monitoring points must be easily accessible and flow-proportional composite sampling is identified as the preferred sampling protocol in EPA’s pretreatment regulations.

4. Lab Results and Quality Assurance and Quality Control (QA/QC)

Envirotest Laboratories of Newburgh, NY performs the compliance monitoring analysis for the Town. According to Bill Darling, the Town’s QA/QC measures for sampling includes the use of gloves, chain-of-custody forms, new sampling tubes, and field blanks. However, there is no QA/QC analysis performed at the laboratory, including sample splits, sample blanks, and sample spikes.

Recommendation 15

The Town should consider incorporating QA/QC procedures in their sampling and laboratory analysis protocol. If QA/QC data are available, it should be included with the laboratory reports and reviewed by Town staff.

5. Complete Analytical Reports

The Audit team found a number of deficiencies with the AFF Analytical Reports for sampling events conducted on behalf of the Town:

- In general, the reports included chain-of-custody forms, but did not include documentation of any QA/QC tests conducted with the laboratory samples in accordance with 40 CFR 403.8(f)(2)(vii). For example, the sampling data for American Felt and Fiber on January 10, 2022 did not include any QA/QC data.
- For some reports, such as for American Felt and Fiber on February 28, 2022, the chain-of-custody form had all the containers listed on one line instead of separate line with all the analytes associated with each container all on one line.
- The chain-of-custody form for the January 20, 2020 sampling event at AFF is missing.

Recommendation 16

The Town should review any laboratory analytical reports in depth and ensure that all elements are included in the report and that sampling protocols, chain-of-custody forms, and QA/QC documentation are correct.

F. Industrial User Self-Monitoring and Reporting

As described previously, the Auditor did not have easy access to industrial user compliance reports submitted by the IU to the POTW. The reports are not saved electronically and emails with the documents are purged periodically from the Pretreatment Coordinator's phone.

All industrial users conduct self-monitoring, and samples are collected and analyzed by a contract laboratory.

1. Permit Applications

Metal Can Corporation and American Felt and Fiber submitted permit applications in 1999, 2009, 2014 and 2019 which included industrial waste questionnaires.

2. Sampling Additional Parameters

AFF is sampling for parameters that are not included in their industrial user permit. The permittee can sample for parameters that are not listed in their industrial user permit, but Town staff should make it clear that sampling for those parameters is not required.

Recommendation 17

The Town should communicate with the industrial user what parameters are required to be included in the industrial user compliance reports and what parameters are not part of the sampling requirements.

3. Parameters Not Sampled

For the MCC semi-annual report dated March 26, 2019, there was no sampling for Ammonia, Bis(2-ethylhexyl) phthalate or for Gold. No pH measurement was included.

Requirement 30

The federal regulations at 40 CFR 403.12(e) require CIUs to conduct self-monitoring semi-annually, and 40 CFR 403.12(h) requires non-categorical SIUs to conduct self-monitoring semi-annually. The industrial users must sample all parameters listed at the frequency specified in their industrial user permit.

4. Appropriate Analytical Methods

For the AFF February 28, 2022 sampling, the analytical method listed Chromium SM22 3500 as the method used rather than method 218.6. In addition, SW846 8021B was used for Aromatic and Halogenated VOCs, this method is supposed to be used for solid waste. Furthermore, for AFF February 28, 2022 sampling, the sample collection method is not clearly stated in the laboratory report or chain-of-custody sheet.

For the March 3, 2022 MCC laboratory report, free available chlorine is listed in the table instead of chlorine. In addition, methods 624.1 for TTO and 625.1 for Bis(2-ethylhexyl) phthalate were

used.

Grab samples for local limit parameters were taken at MCC as required in the industrial user permit. However, as discussed previously, flow-proportional composite samples should have been required in the industrial user permit instead.

Requirement 31

The laboratories must use the correct analytical method for all industrial user compliance sampling. 40 CFR 403.12(b)(5)(v) states: “All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Administrator. (See, §§ 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.”

5. Incomplete Industrial User Compliance Reports

a. Submittal of Laboratory Reports Only

The Auditor only received laboratory reports in-lieu of industrial user compliance reports. The report should include a summary sheet and also the appropriate signature(s) and certification per 40 CFR 403.12(l).

b. Incomplete Reports

The March 26, 2019 MCC compliance report did not include a chain-of-custody report, nor did the report include a signature or a cover sheet.

MCC does not include production data and flow data associated with the 24-hour sampling event with their semi-annual pretreatment compliance reports submitted to the Town. As a side note, this data should be included in the New Windsor annual industrial pretreatment program annual report.

c. Pollutants Not Included

- For the MCC January 8, 2020 industrial user compliance report, only local limits were reported; however, samples for categorical limits were taken on December 16, 2019 and were not included in the report.
- For the October 15, 2020 MCC sampling data there are no pH results included in the analytical laboratory report or the chain of custody report. In addition, no categorical limits were sampled and therefore compliance with categorical limits was not determined.
- For the March 7, 2019 MCC categorical sampling report, no pH data was included on the

chain-of-custody nor were laboratory results provided for both federal categorical and local limit parameters. Ammonia and Bis(2-ethylhexyl) phthalate were included in categorical sampling results; meanwhile these are local limit and not categorical parameters.

Requirement 32

All results for self-monitoring performed must be reported to the POTW, even if the IU is monitoring more frequently than required (40 CFR 403.12(g)(6)). Periodic compliance reports must include the following:

- The nature and concentration of pollutants as required by the POTW;
- Flow data (average and maximum daily) as required by the POTW; and
- Documentation required by the POTW necessary to determine the compliance status of the IU (applies to SIUs with local limits or other requirements that require compliance with a BMP).

6. The Town Does Not Have Paper Versions of The Industrial User Compliance Reports

The Auditor was not provided paper copies of all industrial user compliance reports. The MCC April 2020 sampling/May 2020 compliance report and August 2020 sampling/September 2020 compliance report were not available to share with the Auditor; in addition, the August 2020 sampling/September 2020 report seems to be missing.

The laboratory reports being submitted in lieu of semi-annual industrial user reports were submitted electronically; no hard copy of the reports was sent to the Town of New Windsor. The report must also have a wet-ink signature.

Requirement 33

The federal regulations at 40 CFR 403.8(f)(2)(iv) require the Town to receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with self-monitoring requirements in 40 CFR 403.12. Only control authorities that meet the requirements at 40 CFR Part 3, the Cross-Media Electronic Reporting Rule (CROMERR), are allowed to accept electronic reports.

The Town is required to cease accepting electronic-only reporting from its industrial users. The Town is required to obtain hard copy reports with wet-ink signatures from its industrial users. Electronic copies can be sent to the Town of New Windsor in addition to the hard copy.

7. Noncompliance Notification and Repeat Sampling Reports Not Submitted

The auditor did not review any noncompliance notification reports or resampling reports. While in the case of Beaver Dam Lake Water Corporation, there was follow up sampling data available, the auditor did not see correspondence, notifications or reports which document that within 24 hours of becoming aware of violations (40 CFR 403.12(g)(2)), nor any resampling/reporting conducted within 30 days of knowledge of violation (403.12(g)(2)).

Requirement 34

If monitoring performed by an IU indicates noncompliance, the IU is required to notify the POTW within 24 hours of becoming aware of the violation. In addition, the IU must repeat the sampling and analysis for the pollutant in violation and report the results of the resampling within 30 days of becoming aware of the original violation. The Town must maintain these reports on file and ensure that they are available.

8. Hazardous Waste Reporting

No IUs have notified the Town of a hazardous waste discharge since the last audit. The hazardous-waste reporting requirement is specified in the industrial user permit and industry representatives are informed of the requirement verbally by the POTW staff.

G. Evaluation of Compliance

1. General Comments

According to Town representatives, in 2015 and 2020 Beaver Dam Lake Water Corporation discharged high levels of arsenic. Otherwise, according to the Town's representatives, all SIUs submitted compliance reports and did sampling on time during the past 5 years. As described above, the Auditor found that the industrial user compliance reports were incomplete and in some instances were not available.

2. Beaver Dam Lake Water Corporation Non-Compliance

Beaver Dam Lake Water Corporation was issued a notice of violation (NOV) on December 22, 2020 due to exceedance in the arsenic local limit on December 1, 2020. On January 14, 2021, actions taken according to correspondence from Natasha Niola from Amwater included a confirmation that (a) the heating element was working as designed, (b) that the water softener was operated properly, and (c) that the facility's manufacturer Evoqua completed a micro filtration system performance evaluation which showed that the system is operating as designed. The results showed that a new heating element was installed in September 2020 and is operating as designed. However, failure to achieve the design temp of 30 C did not allow the backwash process to proceed correctly. The water softener had required salt replenishment. Sampling of the raw water sources, entry point to the water treatment system and the neutralization tank occurred as well. Amwater's goal for maintenance is to do two manual washes a week and one cleaning in place (CIP) a month.

The local limits for arsenic and zinc are 0.02 mg/l (20 ug/l) and 1.2 mg/l (1,200 ug/l), respectively. Exceedances in 2020 were as follows:

- 10/23/20: Arsenic 0.383 mg/l and zinc 1.31 mg/l.
- 12/1/20: Arsenic 0.038 mg/l and 0.036 mg/l. (Note, the 12/4 resampling detected no arsenic in the neutralization tank)

In 2021, ten grab samples taken from the neutralization tank were found to exceed the arsenic limit¹.

Previously, a Notice of Violation was also issued on February 2, 2016 for local limit exceedances for arsenic, manganese, and zinc for the December 28, 2015 sampling.

3. MCC Compliance Reports

For MCC, the monthly discharge reports include discharge flow rates, the number of cans manufactured during the day of sampling, and analytical laboratory results. However, the entry

¹ Arsenic grab sample data at Beaver Creek Dam was: 1/4/21: 0.0271 mg/l; 1/14: 38 ug/l; 1/21: 27 ug/l; 1/25: 28 ug/l; 2/1: 25 ug/l; 2/11: 23 ug/l; 2/15: 24 ug/l; 3/4: 26 ug/l; 3/8: 21 ug/l; and 4/5: 21 ug/l.

table is hard to follow and there are no units given for their average and 30-day limits. In addition, the Town does not maintain its own spreadsheet to use MCC's data and independently verify the results from MCC's calculations.

Requirement 35

The Town must collect MCC's production data and use that data to determine categorical limits independently from MCC; in other words, the analysis should be conducted by the Town and not MCC. The calculation of production-based standards should be included in the industrial user's fact sheet and incorporated into the industrial user permit.

H. Enforcement Activities Conducted by Town

1. Follow the Enforcement Response Plan (ERP)

According to the Town's representative, the ERP has been effective and has led to timely compliance; a couple of NOVs for chronic arsenic violations from Beaver Dam Lake went to publication in the Orange County Post, which is a daily newspaper of general circulation in the area. The Town's staff determines if and when fines are assessed, or other enforcement measures are implemented; the wastewater treatment plant operator and pretreatment coordinator are contractors and cannot initiate enforcement actions.

2. Industries in SNC

In 2021, besides Beaver Dam Lake Water Corporation, all industrial users were in 100% compliance with applicable pretreatment standards, reporting requirements, and self-monitoring requirements. None of the SIUs were listed as being in SNC.

3. Compliance Schedules

The Town is aware that compliance schedules can be used; according to the Town there have been no compliance schedules issued in the past 8 years.

I. Summary: Findings, Recommendations, Requirements

Requirements

1. The Authority is required to notify EPA prior to making any substantial or non-substantial changes to the pretreatment program. Any changes to permit limits must be technically based and established through a local limits development study and incorporated into the Town's SUO. (Section A.1.)
2. The Town is required to cease accepting electronic-only reporting from its industrial users. The Town is required to obtain hard copy reports with wet-ink signatures from its industrial users; electronic copies can be sent to the Town of New Windsor in addition to the hard copy. (Section A.12.)
3. The POTW is required to maintain records resulting from monitoring in a readily accessible manner for at least 3 years (40 CFR 403.12(o)). Although the means for maintaining files is usually at the discretion of the POTW, all required pretreatment activities must be recorded and the documents maintained. (Section A.13.)
4. POTWs must maintain general program files that document program development and implementation activities that are not industrial user (IU)-specific. The pretreatment regulations specify that all information submitted to the POTW or State must be available to the public without restriction, except for confidential business information. (Section A.13.)
5. The Town of New Windsor must designate a facility as a CIU only if the industry is subject to categorical industrial standards and there are applicable categorical limits for the facility. Some categories have no categorical industrial standards associated with them, in which case the industry is not a CIU but rather an IU and/or SIU. Facilities with a SIC code are not categorical industries. (Section A.14.)
6. Any change in local limits in an industrial user permit limits must be technically based and determined through the local limits development process. (Section B.1.)
7. The Town is required to modify its current sewer use ordinance (SUO) to incorporate all of the 2005 required streamlining provisions. On March 22, 2023, New York State adopted its Amendment to the Regulations including the streamlining provisions, all the municipalities with EPA-approved retreatment programs will need to update their SUOs to adopt the provisions of the optional streamlining rules. (Section B.2.a.)
8. The Town must revise and update its Enforcement Response Plan to include the minimum elements outlined in 40 CFR Part 403.8(f)(5). (Section B.3.)
9. The Town must improve its Sewer Use Ordinance and Enforcement Response Plan in order to better implement its legal authority. (Section B.4.)
10. The Town is required to review its intermunicipal agreements to ensure that it has a written agreement with the each of its contributing jurisdictions that clearly state the responsibilities of each entity to ensure that nondomestic dischargers are properly regulated, or an agreement which prohibits the discharge of industrial wastewater into the contributing jurisdiction's conveyance system. (Section B.5.)
11. The federal regulations at 40 CFR 403.8(f)(2)(i) require the Town to identify and locate all possible industrial users that might be subject to the pretreatment program. The Town is required to conduct a formal industrial waste survey (IWS) of the service area to ensure that all nondomestic users have been located and properly classified and should conduct a formal IWS every five years thereafter. (Section C.2.)

12. Per 403.8(f)(1)(iii)(B)(1), the permit statement of duration can in no case be greater than five years. (Section D.1.)
13. The Town must remove the Ammonia and Bis(2-ethylhexyl) phthalate and include the correct limit for Phenol in the industrial user permits. The Town can opt to develop a local limit for the three pollutants and incorporate technically defensible limits in a revised SUO, and then include these limits in the industrial user permits. Another option is to include a “monitor only” requirement for silver in the industrial user permit in the interim. (Section D.2.a.)
14. The correct sampling protocols should be included in the permit and in compliance with 40 CFR 136. (Section D.2.a.)
15. For industries subject to the production-based standards, an actual average production rate for the reporting period should be given and include a certification of the validity of the information provided. (Section D.2.c.)
16. The Metal Container Corporation permit must require flow-proportional samples for local limits instead of grab samples. Other industrial user permits should require flow-proportional samples unless the Town justifies why grab or time-proportional samples are appropriate and include the explanation in the industrial user permit file. (Section D.2.d.)
17. The permit should identify clearly the categorical and local limit sampling location(s). The categorical standards are applied at the effluent pipe from the wastewater pretreatment system; local limits are applied at the point of discharge from the industry to the municipal sewer. (Section D.2.e.2.)
18. The sampling locations are not described accurately in the Metal Container Corporation permit; a person unfamiliar with the industry should be able to find the sampling location based on the description provided. In addition to a clear narrative of the physical sampling locations, either a map or photos of the sampling locations could be included. (Section D.2.e.2.)
19. Section F of the industrial user permits must be rewritten. The need for a slug discharge control plan should be determined by the POTW and included as a permit condition, if necessary. (Section D.2.f.)
20. The industrial user permits must include requirements for notification of changed discharge by the industrial users. (Section D.2.g.)
21. The SUO, ERP and industrial user permit must state the same requirements and follow Federal pretreatment regulations. The Town is required to revise the SUO and ERP to include the applicable civil and criminal penalties as specified in 40 CFR 403.8 (f)(1)(vi). (Section D.2.h.)
22. The industrial user permits must specify what is to be included in the semi-annual compliance reports and specify that the reports be submitted with a wet ink signature. (Section D.2.i.)
23. The Town must edit and combine Sections G.3 and G.4 so that the correct hazardous waste discharge requirements are included per 40 CFR 403.12(p). (Section D.2.m.)
24. The correct definition of upset must be included in the industrial user permits per 40 CFR 403.16. (Section D.2.o.)
25. The Town of New Windsor cannot include numerical limits for pollutants in an industrial user permit which are not technically based; pollutant limits must be part of a local limits development package and incorporated in the Town’s SUO. There are currently no categorical limits for PFAS. (Section D.2.q.)

26. The Town of New Windsor can opt to be more stringent than the Federal pretreatment regulations. Industrial user permits can include language for requiring BMPs to be implemented by the industrial user and can also have the industrial user conduct sampling more frequently or on a monitor-only basis. Once the regulatory framework and necessary development of technically based local limits has been completed and incorporated into the SUO, the Town of New Windsor can update the industrial user permits to include numerical limits for PFAS. (Section D.2.q.)
27. The industrial user is responsible for compliance with categorical standards at the point of discharge from the pretreatment system and with local limits at the point of discharge into the municipal sewer system. An industrial user permit cannot include a limit at a sampling location within the pretreatment system. Instead, the industrial user permit could include such stipulations as BMPs to be followed instead of requiring compliance with a numerical limit. (Section D.2.q.)
28. The Atlantic Aviation industrial user permit must clearly identify the sampling location. An explanation of the discharge and sampling locations and sources of wastewater discharge could be provided in a Permit Fact Sheet or as an Appendix to the industrial user permit. (Section D.2.r.)
29. Sampling and monitoring points must be easily accessible and flow-proportional composite sampling is identified as the preferred sampling protocol in EPA's pretreatment regulations. (Section E.3.)
30. The federal regulations at 40 CFR 403.12(e) require CIUs to conduct self-monitoring semi-annually, and 40 CFR 403.12(h) requires non-categorical SIUs to conduct self-monitoring semi-annually. The industrial users must sample all parameters listed at the frequency specified in their industrial user permit. (Section F.3.)
31. The laboratories must use the correct analytical method for all industrial user compliance sampling per 40 CFR 403.12(b)(5)(v). (Section F.4.)
32. All results for self-monitoring performed must be reported to the POTW, even if the IU is monitoring more frequently than required (40 CFR 403.12(g)(6)). Periodic compliance reports must include the nature and concentration of pollutants, flow data, and documentation necessary to determine the compliance status of the IU. (Section F.5.)
33. The federal regulations at 40 CFR 403.8(f)(2)(iv) require the Town to receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with self-monitoring requirements in 40 CFR 403.12. The Town is required to cease accepting electronic-only reporting from its industrial users. The Town is required to obtain hard copy reports with wet-ink signatures from its industrial users. Electronic copies can be sent to the Town of New Windsor in addition to the hard copy. (Section F.6.)
34. If monitoring performed by an IU indicates noncompliance, the IU is required to notify the POTW within 24 hours of becoming aware of the violation. In addition, the IU must repeat the sampling and analysis for the pollutant in violation and report the results of the resampling within 30 days of becoming aware of the original violation. The Town must maintain these reports on file and ensure that they are available. (Section F.7.)
35. The Town must collect MCC's production data and use that data to determine categorical limits independently from MCC; in other words, the analysis should be conducted by the Town and not MCC. The calculation of production-based standards should be included in the industrial user's fact sheet and incorporated into the industrial user permit. (Section G.3.)

Recommendations

1. The Town should conduct periodic inspections of hauled waste, including pH measurement, and formalize any hauled waste sampling protocol. (Section A.2.)
2. The Town could consider conducting outreach on fats, oil and grease disposal, the use of sump pumps discharging to the sewer system, and any other topics which might reduce the inflow of pollutants to the WWTP. (Section A.9.)
3. Any information submitted to EPA or the Town pursuant to the 40 CFR 403 regulations may be claimed as confidential by the submitter. (Section A.12.)
4. The Town should ensure that adequate resources are available to the pretreatment program for recordkeeping and data management. All information should be filed in an orderly manner and be readily accessible for inspection and copying by EPA and State representatives or the public. (Section A.13.)
5. The Town could consider organizing pretreatment report and WWTP monitoring data to determine if there are any trends or anomalies in the data. (Section A.15.)
6. The categorical industry description in the industrial user permit could be more specific. (Section D.2.b.)
7. The Town could include maps and/or photos of the categorical and local limit sampling locations in the American Felt and Fiber industrial user permits in addition to including a narrative description of the locations. (Section D.2.e.1.)
8. The Town could reduce the frequency of industrial user compliance report submittal to twice per year. (Section D.2.j.)
9. The Town of New Windsor could consider developing fact sheets for each of its industrial users and would update the fact sheets as needed. Permit applications submitted by industrial users could be included in the permit files. (Section D.2.k.)
10. The Town should include the same language in all industrial user permits with regards to reporting additional sampling. (Section D.2.l.)
11. The notification of changed discharge should not be included in Section G of the industrial user permits; instead, it should be included in a separate sub-section or section with the heading: "Notification of Significant Change in Discharge". (Section D.2.n.)
12. The list of definitions at Section D.1.f. should be either at the beginning of Section D or provided near the beginning of the permit. (Section D.2.o.)
13. The industrial user permits should be revised to be more accurate and more clearly written. (Section D.2.p.)
14. The Atlantic Aviation permit could be further edited. (Section D.2.r.)
15. The Town should consider incorporating QA/QC procedures in their sampling and laboratory analysis protocol. If QA/QC data are available, it should be included with the laboratory reports and reviewed by Town staff. (Section E. 4.)
16. The Town should review any laboratory analytical reports in depth and ensure that all elements are included in the report and that sampling protocols, chain-of-custody forms, and QA/QC documentation are correct. (Section E. 5.)
17. The Town should communicate with the industrial user what parameters are required to be included in the industrial user compliance reports and what parameters are not part of the sampling requirements. (Section F.2.)
18. The facility did not have spill containment kits available. Spill containment kits should be accessible to areas where chemicals can potentially spill.

19. American Felt and Fiber did not have spill containment kits available. Spill containment kits should be accessible to areas where chemicals can potentially spill. (Industrial User Visit – American Felt and Fiber)
20. American Felt and Fiber had secondary containment in most areas, but the facility and New Windsor should work together to identify where additional secondary containment would be beneficial. (Industrial User Visit – American Felt and Fiber)
21. The facility should periodically evaluate what chemicals should be stored with secondary containment. (Industrial User Visit – Metal Container Corporation)

Attachment A

Industrial User Site Visit Data Sheet

Industrial User Visit – American Felt and Fiber

Basic Information:

Name of Facility: American Felt and Fiber

Address: 361 Walsh Avenue, New Windsor, NY 12553

Date and Time of Visit: 3/23/2022 9:50 AM

Inspectors: Alexandre Remnek, EPA Region 2; Bill Darling, Town of New Windsor

Industry Representatives: Bobby Horaz, Maintenance Supervisor, rhoraz@aafco.com

IU Permit Number: 87-01/SD9-94

Expiration Date: December 25 (Date not specified on document received by EPA)

IU Classification: Non-Categorical SIU. Covered under the textile category 40 CFR Part 410 for which the pretreatment standards require that industrial users “must comply with 40 CFR Part 403.” Such industrial users, which have no categorical limits beyond the general pretreatment regulations, are not considered categorical industrial users.

Inspection Type/Purpose	☒	Scheduled		Unscheduled	☒	PCA
		PCI		New Company		Complaint

Number of Employees: 45 employees, 30 in production

Number of Shifts: 1 Hours of Operation: 10 hours per day, 6 days per week (M-Sa)

Water Source: Town of New Windsor.

Wastewater Discharge: Approximately 4,000 to 5,000 gallons per day.

Nature of Operation:

American Felt and Filter Company (“American Felt”) makes wool felt for applications such as Steinway pianos and locomotive felt. American Felt is the only supplier of wool felt to Steinway. New Windsor is a secondary facility to American Felt’s primary wool felt production location in New Hampshire and production only occurs approximately twice per year when production in New Hampshire is insufficient to meet the demand. American Felt just invested \$500,000 for a new machine in New Hampshire which is twice as fast than those at New Windsor, which are older. In 2014, the audit noted that production for Steinway occurred approximately six times a year, primarily during the winter as the steam used in the production is used for heating the facility. Wool felt is sometimes shipped to Steinway directly, but often is shipped to New Hampshire.

American Felt also makes synthetic felt. The synthetic felt is a major part of the business. The synthetic felt production is a dry process and there are no chemicals used, only mechanical processes to induce changes in the format of the materials. The synthetic felt is mechanically interlocked using needles. The New Windsor facility produces kevlar, Nomex, and carbon fiber which are used in industrial filters, fireman turnout gear, and other applications.

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

Wool fiber is matted together using steam and friction. Banks of rollers are used to interlock the wool fibers. Water and steam are used in hardening the felt. Wool felt is boiled with acid to help the fibers react. American Felt generates wastewater from dyeing and washing the felt. Acids are neutralized before discharge to the sewer.

Wool product (raw stock) is carted in bales upstairs. As it comes downstairs through the machinery it is compressed until the thickness is correct using a “run down hardness machine”, where the timing of the process determines the thickness of the wool felt. The wool felt is then cut and peeled off and put on a flat tray, and then steamed and vented. Sheets get cut into different sizes; sheets are placed in metal baskets where stainless rods keep the sheets down. The felt goes downstairs via the machinery where it gets soaked with 3% sulfuric acid with water (to take care of mildew) in a tank; the acid is poured in, then the water, and then the solution enters into the tank via a tube with small pipes; the goal is to get the mix to a certain temperature and to maintain that temperature. The wool felt is then rinsed out in an extractor which introduces fresh water and then spins to discharge the water, which enters a trench. The wool felt is pressed and hardened by rollers going back and forth over the felt. The wool felt is then placed on flat trucks with hooks and air dried. Then the felt gets pressed and goes off to a sander to smooth and even out the surface.

The boiler room has one small boiler for steam used in process and building heat.

General housekeeping in process area (describe):

- Concrete in the process area is old and there are cracks in the area.
- The boiler system was not working well, as it takes 2 weeks to do a change-over.
- There are no periods of shutdown of the facility for maintenance; only shutdown occurs on Sundays and holidays.

Condition/operation of process area:		Good	X	Fair		Poor
General housekeeping:		Good	X	Fair		Poor

Wastestream flow(s) discharged to the POTW:

The water in the steam condenses during the process and then goes to an outflow pipe which discharges to a grate and then a trench. Approximately 1,000 gallons of wastewater are produced

twice per year and are discharged as a batch flow. All equipment is drained dry after use. The building previously was a warehouse and does not have any floor drains. In addition, the facility conducts periodic boiler blow-down, which generate 1500 to 2000 gallons of wastewater.

Sanitary 4,000 (gpd) + 1,000 Process (gpd) = 5,000 gpd Combined on days with discharge.

Type of pretreatment system:

Wastewater is conveyed by drains that enter the trenches in the floor; and all floor trenches enter a sump pit in the “Piano” area of the facility. pH adjustments are made in the sump pit prior to discharge to the pump house. Soda ash (a caustic) that is stored in a tank goes into the pit when the valve is cracked open. An operator uses a buffer strip and looks at the calibration. The wastewater capacity of the pit is approximately 1,000 gallons and is never close to being full. There is some screening for errant fibers prior to discharge. The wastewater is then conveyed to the pump house and to the Town Sewer.

- Flow (Continuous/batch/combined): Batch
- Condition/operation of pretreatment system (Good/Fair/Poor): Fair

Describe any significant changes in process or flow:

There have been no significant changes in the process or wastewater generated during daily batch production. There has been a reduction of production days from 6 to 2 between the 2014 and 2022 audits.

Chemical storage area (identify the chemicals that are maintained on site and how they are stored):

The following chemicals are stored in one isolated area:

- “Heat Transfer Oil” for calendar press.
- Therm HT200 and 46 Heat Transfer are the same chemical produced by different companies and are hydraulic oils. They are placed in a berm area for containment.
- Navi-guard premium AW-68 hydraulic oil
- DTE Oil Heavy; and
- One waste oil drum

In the process area sulfuric acid (93%) is stored and there is secondary containment. However, there is no spill containment kit in vicinity of the sulfuric acid.

50-lbs bags of soda ash are stored close to the pretreatment system.

In the Boiler Room, there are 55-gallon drums of Condor Formula 2188-F, a concentrated alkalinity builder for the treatment of boiler systems supplied in liquid form is stored in the room with the boiler. There is no secondary containment.

- Any floor drains? No
- Any spill control measures? Yes, there is secondary containment in some areas with berms and spill containment pads, but not in others.

Hazardous waste:

- Are hazardous wastes drummed and labeled? No, most chemicals are absorbed in the products and there is very little wet work occurs at the facility.
- Does the IU have hazardous waste manifests? Not applicable
- Any problems associated with hazardous waste: None

Solid waste (Solid waste production/solid waste disposal method(s)):

Cardboard is baled and recycled; solid waste is picked up by the town as regular trash.

Sampling and Data Retention:

- Description of sample location: There is easy access to the sampling point via a manhole.
- Sampling method/technique: Grab samples from the sump pit.
- Are files and data kept on site for three years? Yes, sampling data is stored electronically; at least two of data are kept.
- Evaluation of self-monitoring data (Yes/No/ N/A): Yes
- If yes, was self-monitoring adequate? Yes.

Notes and Other Comments:

- At the loading dock water from the side drain poured down slope and then ponded and entered the pit outside the loading dock. The staff resolved the issue by pumping out water when it pools.
- American Felt has a stormwater discharge permit (NY-0004421) and discharges to the neighboring stream via pipe from an old pond discharge.
- The facility has submitted a spill containment and prevention plan.

Requirements and Recommendations:

Recommendation 19

American Felt and Fiber did not have spill containment kits available. Spill containment kits should be accessible to areas where chemicals can potentially spill.

Recommendation 20

American Felt and Fiber had secondary containment in most areas, but the facility and New Windsor should work together to identify where additional secondary containment would be beneficial.

Industrial User Visit – Metal Container Corporation

Basic Information:

Name of Facility: Metal Container Corporation (MCC)

Address: 1000 Breunig Road, New Windsor, NY, 12553

Date and Time of Visit: 3/23/2022 12:50 PM

Inspectors: Alexandre Remnek, EPA Region 2; Bill Darling, Town of New Windsor

Industry Representatives: Ryan Morris, EHS Manager; Evan O'Connor, Plant Manager

IU Permit Number: 87-01/SD9-94

Expiration Date: December 25 (Note: Date not specified on industrial permit received by EPA but believed to be 2023.)

IU Classification: Categorical SIU. Coil Coating, 40 CFR Part 465, Subpart D (Canmaking)

Inspection Type/Purpose	☒	Scheduled		Unscheduled	☒	PCA
		PCI		New Company		Complaint

Number of Employees: 200 employees

Number of Shifts: 2 at 5:45 am (60 employees) and 5:45 pm (40 employees)

Hours of Operation: 24/7, 365 days per year

Water Source: Town of New Windsor. Supplies approximately 170,000 to 200,000 gpd. For 200,000 gpd, 181,000 gpd is used as process water, 19,000 gpd is used as cooling water, 2,000 gpd is used for sanitary system, and 200 gpd is used for the Boiler Feed.

Raw water treatment processes include demineralization and carbon filtration for can washers and chemical treatment and boiler water for cooling towers.

Nature of Operation:

The facility produces 9 to 10 million cans per day (3.3 billion cans per year) and the highly automated process line can manufacture 2,000-3,000 cans per minute. The facility produces 12-, 16-, and 25-ounce cans mostly for Budweiser/Anheuser-Busch plus several breweries in the Northeast, Labatt's and Pepsi brand soft drinks.

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

Manufacturing starts with 20,000 to 30,000 lbs aluminum coils being unwound and going through the lubricator. The aluminum sheet is fed into a cupper (or cupping press), which cuts out circular blank discs of aluminum and forms the blanks into cups. Once the cup is created, oil

and lubricant are put in the cup. Mobility Enhancer Added (MD50) is used to reduce the can's coefficient of friction so that the cans do not scratch each other. The cup then goes towards the roof by air and is conveyed to the bodymaker where a punch mounted on a ram is used to push cups through a series of tooling dies that form the cups into cans. The open end of the can is trimmed to a uniform height.

Cans then go upside down onto a belt and are sent to a washer where an acid-base cleaner and surfactant-based mobility enhancer are used to prepare the can for the application of internal coatings and labels. The first stage pre-work has an air knife which stops chemicals from carrying over to the next process. It sprays the top and the bottom. For the second stage, cleaning material is applied to the cans, and for the third stage, the cans are rinsed with deionized water. The cans then enter a drying oven set at 325 F.

Some cans go to the lab room for a process check to do a quality control of the chemicals being applied in the front end of the process. Wastewater from the lab room sink goes into a trench.

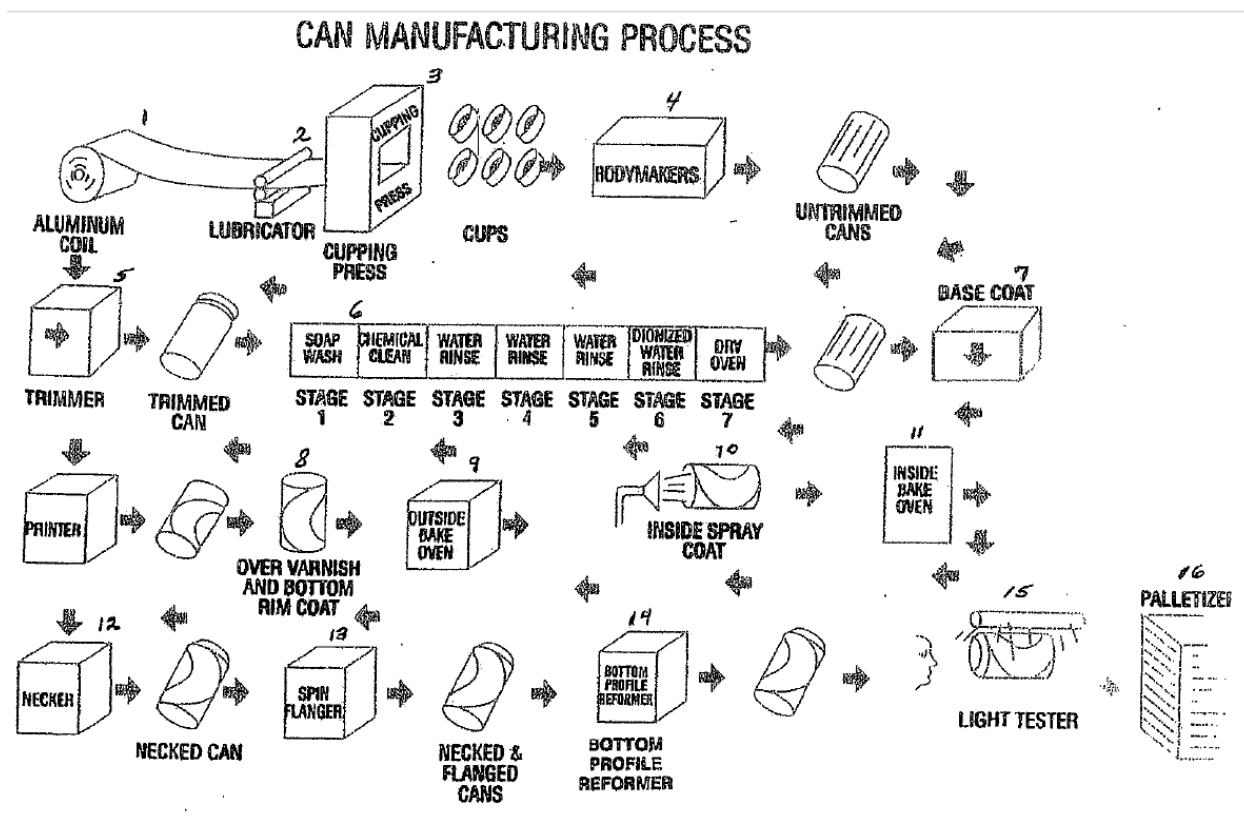
The next step is the decorator process, where a basecoat plus ink (6 different colors) and overvarnish is applied to print a label on the cans which are given either a matte or satin finish. A varnish is then applied over the label to protect it. The cans are then placed in an Outside Bake Oven that cures the inks and coatings. This is a dry process which generates no wastewater. Alternatively, some cans have no ink applied; these cans are sent to craft brewers who then place a sleeve on the can.

A sanitary liner is applied to the inside of the can by a spraying machine. Then the cans are placed into an Inside Bake Oven.

The cans then go to the necker where the opening of the can is squeezed down to make the opening smaller. The necking is applied to the top of the can, and then a flange is added to the aluminum cylinder. The cans then go to a Bottom Profile Reformer.

The cans are tested for leaks and damage. A vision system with 4 different cameras and a light sensor is used to conduct a QA/QC check. In addition, a quality check lab looks at the profiles and dimensions of the cans using statistical monitoring tools. Less than 1% of the cans do not meet specifications and are sent to be recycled.

Finally, 8,000 cans are placed onto a pallet by a palletizer; with one person visually inspecting the process. The pallets are moved with automated forklifts and either stored in the warehouse or sent directly to the customers.



(From the MCC Industrial Waste Questionnaire for the Town of New Windsor, 2019)

General housekeeping in process area (describe):

Housekeeping Preventative Maintenance (PMs) is done through the SAP (System Analysis Program) which tracks compliance. For the front end of the manufacturing process, prior to the decorator process, equipment is hosed down using water only. The water goes to the trenches, which flow to the pretreatment system.

There is no process water used to clean the inkers and coating equipment used in the decorator process. The inkers are cleaned with rags and alcohol, and the rags are disposed of.

In the metal recycling area, liquid was observed on the floor, possibly left over from cleaning.

The wastewater pretreatment system is in good operational condition and the room and floor in the area is clean.

Condition/operation of process area:	X	Good		Fair		Poor
General housekeeping:	X	Good		Fair		Poor

Wastestream flow(s) discharged to the POTW:

Wastewater is generated from a six-stage washer consisting of a prewash, a wash containing acid, tap water rinses, a deionized water rinse, and a final coating. Wastewater from floor trenches in the production area flows into a sump pit and then is pumped to three 13,000-gallon holding tanks prior to treatment in the pretreatment system. Wastewater from laboratory sinks and from the reverse osmosis deionization regeneration process is also treated in the pretreatment system.

The closed loop cooling system circulates coolant at 50 gal/min and most of the coolant is recirculated. The system has make-up water added to it and discharges water to a trench which leads to a pit. The facility does not conduct boiler blow-down. This system does not generate wastewater.

Sanitary 2,000 (gpd) + 148,000 Process (gpd) = 150,000 gpd Combined

Type of pretreatment system:

The wastewater goes to a sump pit and is pumped to a first mixing tank, where 55% sulfuric acid and polymers are added. The wastewater then goes to a second multi-compartment reaction tank where oil floats to the top and is skimmed using a vacuum and a rope skim.

Lime is added and mixed-in, and then polymer is added; process water is 3.0 pH and is increased to approximately 8.8 pH with lime addition. Then the wastewater flows to a clarifier which was repaired and updated a few years ago. In the clarifier, or Flocc Tank, sludge settles to the bottom and is then removed. The clean supernatant discharge flows through “V” notches to one discharge line to sewer. Flocculation lowers the pH to the discharge range.

The Separation Tank is heated to approximately 140 F to cook the oil, and water is removed from the bottom. Water and oil are separated using an acid split and a heated split. The oil from the splits is sent to Clean Water of New York in Staten Island.

The sludge from the clarifier is pressed and the wastewater from the sludge press is retreated through the system. Settled sludge is pumped to a 10,000 lbs. storage tank. A schematic of the treatment system is shown below in Figure 1.

According to the Town of New Windsor representative, the system is operating properly, and all operating logs are current and kept in accordance with the unit’s maintenance manual.

- Flow (Continuous/batch/combined): Continuous
- Condition/operation of pretreatment system (Good/Fair/Poor): Good

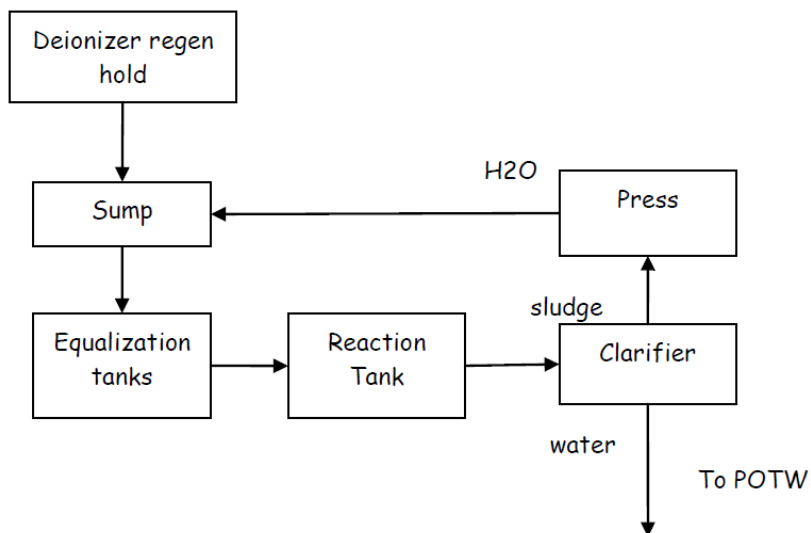
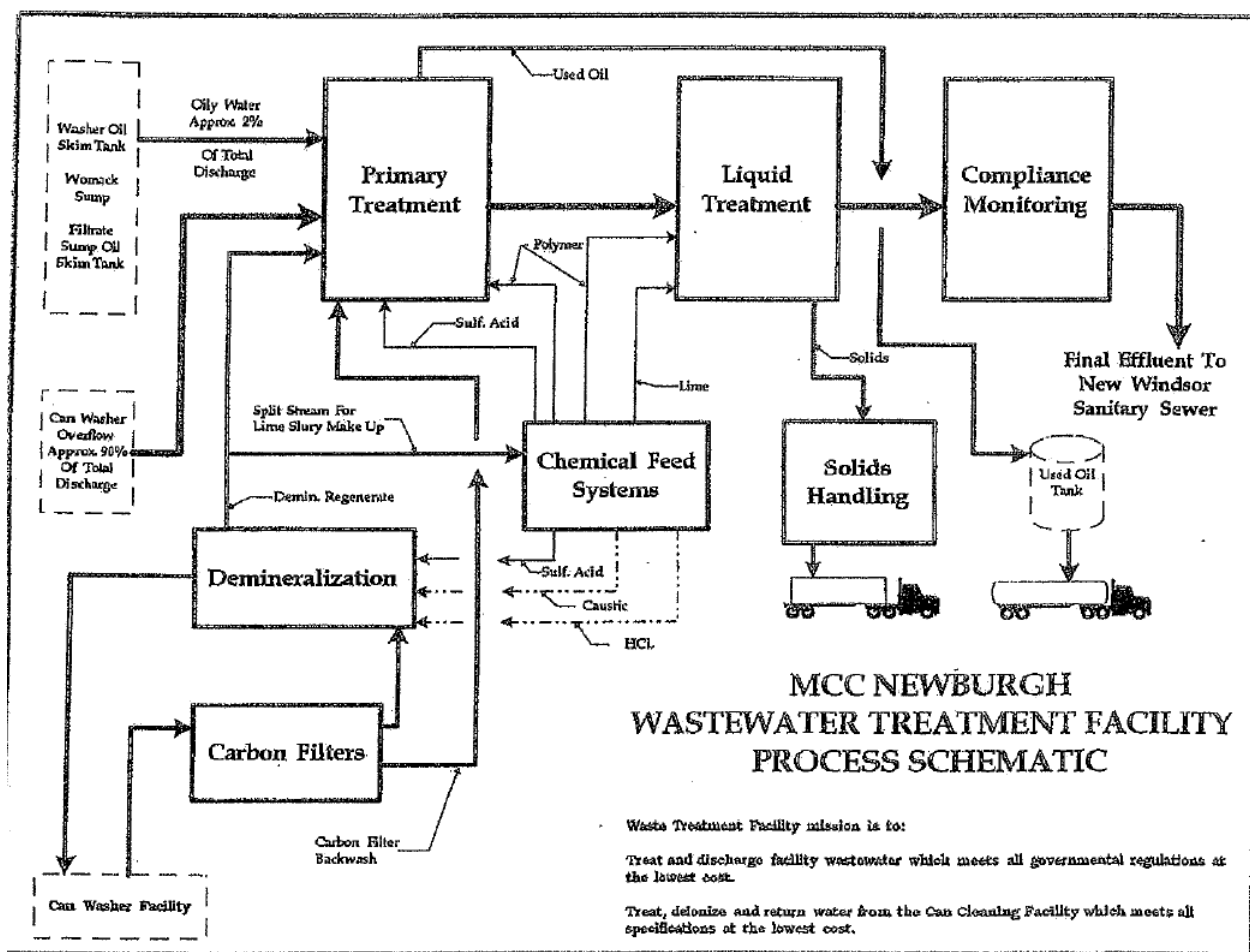


Figure 1: Metal Container Wastewater Treatment Schematic (does not reflect actual piping)



Describe any significant changes in process or flow:

The facility has relatively consistent wastewater flow, except for when there is a line stoppage.

Chemical storage area (identify the chemicals that are maintained on site and how they are stored):

MCC has a very detailed and in-depth slug discharge control plan and spill containment and prevention plans.

One chemical storage room contains Mobility Enhancer (Borderite M-PT ME-50), grease, and lubricant oil. Empty waste drums are also present. There are 4 large spill kits in chemical storage room, but no visible secondary containment.

The drum room and bulk storage room contains cube bulk tanks with Coral Capsule Varnish, Basecoat (“paint white”), and “inside spray” plus 10,000-gallon tanks that contain Washer Coolant and Body Mark Coolant. All the tanks are within a containment pit, and there are no drains in the room. A Chain Lube/oil/lubricant dispensing station is placed on secondary containment. There are also full barrels of Isopropanol 99% Tech Liquid, Spartan EP220 Industrial Gear Oil, and DTE 832 Oil (Turbine Oil).

Chemicals stored in the wastewater treatment area include lime slurry (caustic) in large tanks, Sulfonic Acid 68% on wood pallets, and bags of polymers. There are different large tanks for lime slurry (caustic). Sulfonic Acid 68% and bags of polymers are stored on wood pallets, and bags of polymers. There is a floor drain in the area and the chemicals are on secondary containment.

Paint used is stored as a paste with several hundred cans stored on shelves. The area has no floor drains.

- Any floor drains? No drains in immediate area
- Any spill control measures? Yes, there is secondary containment in some areas with berms and spill containment pads, but not in others.

Hazardous waste:

“Since June 2018, chemicals used at the facility have been changed to non-flammable solvents. All wastes generated by the facility are now classified as non-hazardous.

- Are hazardous wastes drummed and labeled? N/A
- Does the IU have hazardous waste manifests? N/A
- Any problems associated with hazardous waste: None

Solid waste (Solid waste production/solid waste disposal method(s)):

Cans infrequently do not meet quality control standards and become aluminum scrap that goes back to the manufacturer and gets recycled.

In the Drum Room there are dirty rags stored in barrels. Non-hazardous waste is placed on pallets and include varnish, spray water, and ink water. There is also used Tekusolv Oil. The oil from the acid and heated splits from the pretreatment process is sent to Clean Water of New York in Staten Island.

The pretreatment system separates oil from water; the oil is skimmed off into storage for later disposal. Clean Water of Staten Island hauls away approximately 6,000 gallons of oily residue once per month.

Settled sludge from the pretreatment system is hauled away by Interstate Waste Services (1 load/week) and landfilled in New York State.

Sampling and Data Retention:

- Description of sample location: From the overflow of the clarifier (by the weir).
- Sampling method/technique: 24-hour composite samples and grab samples are collected by Envirotest and sent to their laboratory for analysis.
- Are files and data kept on site for three years? Yes, sampling data is stored electronically; at least three years of data are kept.
- Evaluation of self-monitoring data (Yes/No/ N/A): Yes
- If yes, was self-monitoring adequate? Yes.

Production Based Categorical Standards:

Under 40 CFR 465.40, Metal Container qualifies as a canmaking manufacturer because seamless cans are made at the facility. Under 40 CFR 465.40 the canmaking regulations “...applies to discharges to waters of the United States, and introductions of pollutants into publicly owned treatment works from the manufacturing of seamless can bodies, which are washed.” In the case of Metal Container, the standards apply to all discharges from the seamless canmaking line including spent cleaning solutions and rinse water from washing and coating of cans.

New source standards apply to facilities that begin construction of regulated operations after the publication of the proposed rule. The canmaking rules were proposed on February 10, 1983. Since Metal Container began canmaking in 1988 after the publication of the proposed standards, Metal Container is a new source. New source can manufacturers are subject to the new source coil coating standards at 40 CFR 465.45. The limits in 40 CFR 465.45 are as follows:

Pollutant	Maximum for one day	Maximum monthly average
	lbs / million cans	
Chromium	0.0617	0.025
Copper	0.267	0.140
Zinc	0.205	0.086
Fluoride	8.345	3.702
Phosphorus	2.342	0.958
Manganese	0.095	0.041
Total Toxic Organics ¹ (TTO)	0.045	0.021
Oil & Grease (for alternate monitoring for TTO)	2.804	1.683

In order to apply the production-based standards listed above, a long-term average of the production is generally used. The long-term average can be included in local permits as a mass limit when production does not vary by more than $\pm 20\%$. Below is a table with the average monthly production and flows for Metal Container for 2013:

Federal categorical pretreatment standards are developed based on technology designed to meet standards in 99 out of 100 samples. The treatment technology on which the canmaking standards are based is in-process water use reduction achievable by countercurrent rinsing, oily waste removal by chemical emulsion breaking, dissolved air flotation, oil skimming, or a combination of these technologies, chromium reduction (where required), and chemical precipitation and settling for metals. The new source regulatory wastewater flow for the canmaking subcategory is 63.6 liters per 1,000 cans (or 16.8 gallons per 1,000 cans). This regulatory flow is based on the lowest demonstrated plant flow which is generally applicable in the subcategory.

Notes and Other Comments:

- The New Windsor facility began operating in 1988 and is one of 6 metal container manufacturing facilities operated by the company in the nation (Jacksonville, FL, Arnold, MO, Windsor, CO, Mira Loma, CA; in addition, Oklahoma City and Riverside, CA has lid process).
- There is no wastewater discharge to the stormwater system. The facility has a stormwater permit for industrial activities (NYSDEC SPDES Permit: NYR00B540).

Requirements and Recommendations:

Recommendation 21

The facility should periodically evaluate what chemicals should be stored with secondary containment.

Attachment B

Letter from Town of New Windsor to Stewart Air National Guard Bureau, Dated May 4, 2021, Regarding Modification to Industrial User Permit: Required Additional Effluent Wastewater Monitoring and Reporting



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
TELEPHONE: (845) 563-4630
E-FAX: (845) 420-6356

TOWN ATTORNEY
DAVID ZAGON, ESQ.

May 4, 2021

Michael Oettinger, Civ, NYANG
105th Airlift Wing, Stewart ANGB
Environmental Manager
2 Maguire Way
Newburgh, NY 12550-5075

Re: Modification to Industrial User Permit
Required Additional Effluent Wastewater Monitoring and Reporting

Dear Mr. Oettinger,

The Director of the Town's wastewater treatment operations, John Egitto, shared your email of March 18, 2021 with the Town, which posits a few questions/concerns the National Guard Bureau (NGB) has about discharges of PFOA and PFOS into the lagoons at the Base. As you know, he held off on a response at our request. Please accept the following, at this time, in reply.

As you know, on August 26, 2020, NYS adopted new drinking water standards for public water systems that set maximum contaminant levels (MCLs) of 10 parts per trillion (10 ppt) each for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), and 1 part per billion (1 ppb) for 1,4-dioxane. Camo advised NBG of these new limits in a March 8, 2021 letter, as they relate to the wastewater discharge at the lagoons on the Base. As your email notes, the water in the lagoons is not drinking water, but it is discharged, after treatment, to the Town's sewer system, where it then gets discharged into the Moodna Creek and from there makes its way into the Hudson River. Some of the lagoon water obviously finds its way into the groundwater and surrounding watershed as well.

Thank you for confirming NGB's prior agreement to discharge at no more than 7 ppt, individually, for both PFOA and PFOS, even before the State's adoption of the aforementioned MCL's for public water systems. With regard to their request for supporting authority regarding the 10 ppt limit for each contaminant, which the Town is now requiring in order to ensure it does all it can to meet the new MCL's, I direct you to the following provisions in the Town Code:

1. §240-7 requires all users of the town sewer system to install and/or maintain any disposal facility such that they do not become or create a nuisance;
2. §240-26 prohibits the discharge of any waters containing toxic or poisonous ..., liquids ... in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system or to injure or interfere with any sewage treatment process constituting a hazard in or having an adverse effect [sic] on the waters receiving any discharge from the treatment works;
3. §240-36 grants the Town Board authority to "at any time, in its discretion, stop and prevent the discharge into the sewers of any substance deemed by it liable to injure the sewers or to interfere with their normal operation or to obstruct the flow or to hinder any process of sewage purification, and it may any time, in its discretion, sever the connection and cause the removal of any tributary sewer or drain through which such detrimental substances are discharged";
4. §240-63(B) sets out a numerous objectives of the town's Industrial Sewer Regulations, two of which are to:
 - a. "Prevent the introduction of pollutants into the municipal wastewater system which will ... contaminate the resulting sludge"; and
 - b. "Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system"
5. §240-64 defines a pollutant as "any ... solid waste ... sewage ... sewage sludge ... chemical wastes, biological materials ... and industrial, municipal and agricultural waste discharged into water, regardless of whether such pollutant is an incompatible, compatible or toxic pollutant as defined in this article";
6. §240-66(A) prohibits any discharge that contributes or causes to be contributed, directly or indirectly, any pollutant or wastewater that will pass through or cause interference with the operation or performance of the Town's treatment plant;
7. §240-66(B) prohibits any user from contributing any of the following substances to the treatment plant:
 - a. Any toxic pollutant in sufficient quantity to "constitute a hazard to humans or animals or create a toxic effect in the receiving waters of the Town treatment plant. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the [Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq.]" (Town Code §240-66(B)(4));
 - b. Any noxious liquid, gas or solid that may create a public nuisance or hazard to life (Town Law §240-66(B)(5));
 - c. Any substance that may cause the plant effluent to be in noncompliance with guidelines or regulations affecting such sludge use or disposal (Town Law §240-66(B)(6));

- d. Any substance that may cause the plant to violate its SPDES permit or receiving water quality standards (Town Law §240-66(B)(7)); and
- e. Any wastewater that causes a hazard to human life or creates a public nuisance (Town Law §240-66(B)(12)).

PFOA and PFOS have undoubtedly been determined to be toxic chemicals that pose a danger to the health and well-being of the public and the environment. The discharge of any substance containing either is clearly governed by any one or any combination of the regulations mentioned above. Accordingly, the Town must require the NGB to ensure that any and all wastewater discharges sent to the sewage treatment plant contain no more than 10 ppt of PFOA and PFOS and Camo's March letter was just to provide notice of this requirement.

I would also note that the Town will be seeking, in the very near future, to amend the Town Code to add these pollutants to the "Specific pollutant limitations" list (Town Code §240-67) with MCL's that, at the very least, match those most recently set by the State. NGB's permit to discharge to the Town's sewer treatment plant will be amended accordingly at that time, pursuant to the requirements for any such amendments and/or renewals set forth in the Town Code.

Again, the Town appreciates NGB's prior cooperation in agreeing to discharge non-detect and at no more than 7 ppt for these contaminants; and the Town appreciates the way in which you went about asking for the above explanations and information. We look forward to your continued understand and cooperation in doing all we can to ensure the safety of our residents and our surrounding environment and natural resources. Should you have any additional questions or concerns, please do not hesitate to contact my office, Supervisor Meyers and/or John Egitto.

Very truly yours,



David Zagon
Town Attorney

DZ/jtm

cc: George J. Meyers, Supervisor
Michael W. Weeks, P.E.
John Egitto, Chief Operating Engineer, CAMO Pollution Control, Inc.