



Enforcement Case Study

Jack Melcher

Pretreatment Coordinators Workshop

October 28, 2021

Outline

Me and my job at Region 1

Summary of two overlapping pretreatment enforcement actions

Takeaways

EPA Region 1

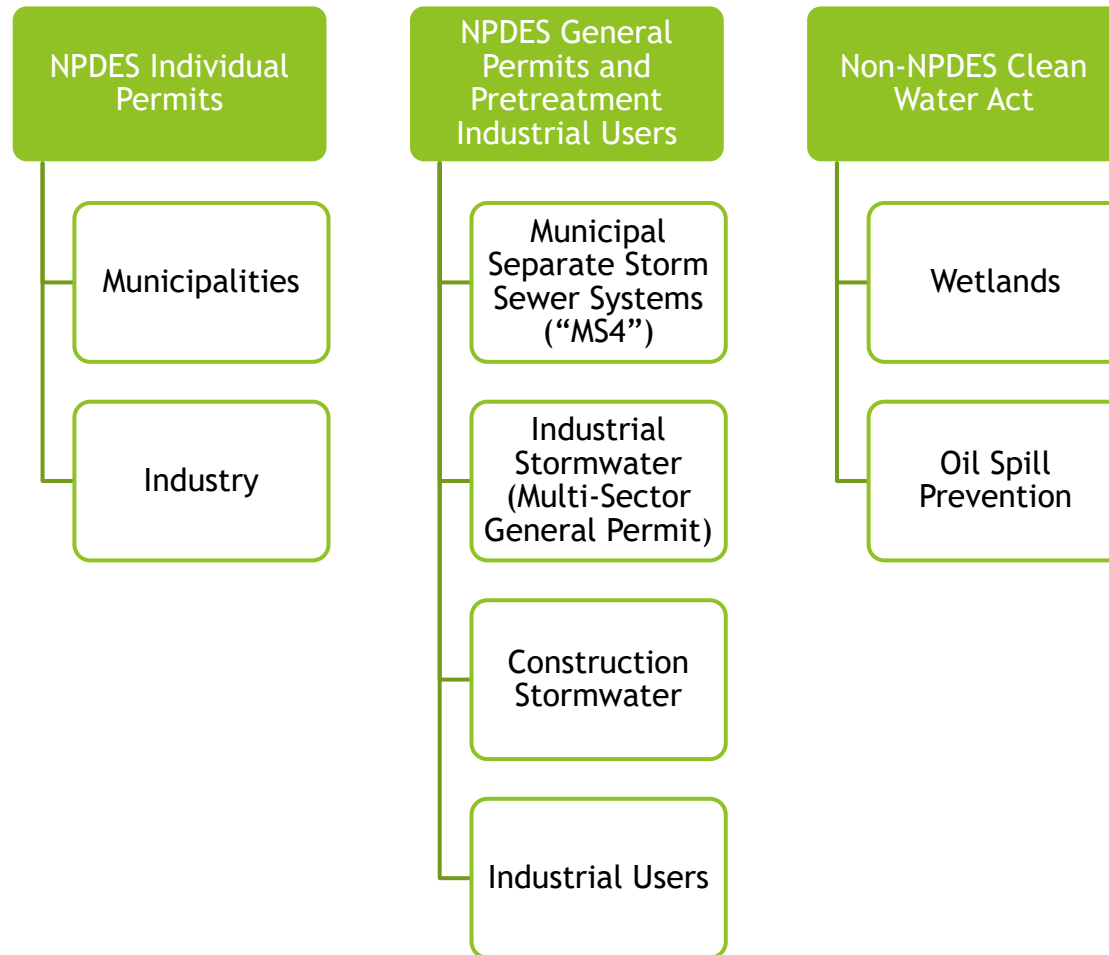
Water Division

- Municipal Assistance Section
 - Mark Spinale
 - Jay Pimpare
 - Sarah Connors
 - Cassie Schwartz

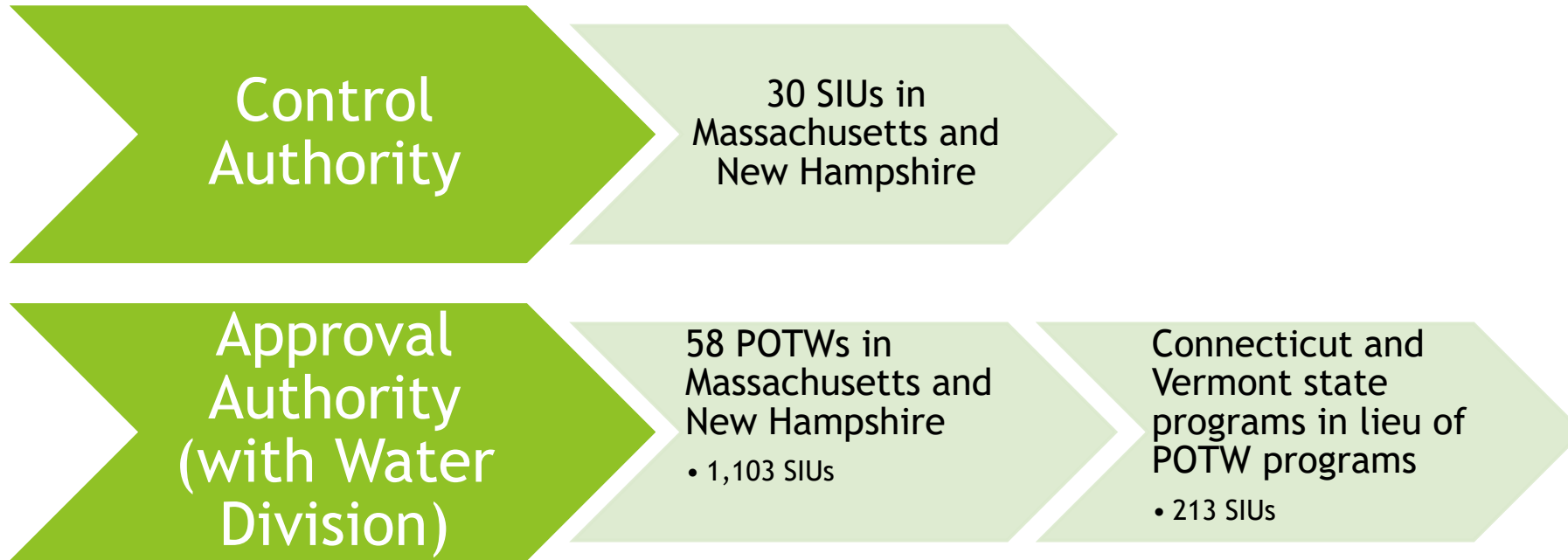
Enforcement and Compliance Assurance Division

- Water Compliance Section
 - Joe Canzano
 - Jack Melcher

Water Compliance Section Programs



Water Compliance Section Pretreatment Program Roles



Case Study

“Prescott,
Massachusetts”

- Approved Pretreatment Program
- 2020 Administrative Order

“Legumes,
Inc.”

- SIU in Prescott
- 2020 Administrative Order
- Pending penalty

Why was Enforcement Interested in Prescott?

Lots of Effluent Limit violations

Stalled Combined Sewer Overflow Long-Term Control Plan implementation

No reported Sanitary Sewer Overflows

No industrial stormwater permit coverage for the Wastewater Treatment Facility

Water Division Pretreatment Audit -- missing SIU inspections and sampling

April 2019 Prescott Inspection



High solids inventory



High influent Biochemical Oxygen Demand and Total Suspended Solids concentrations

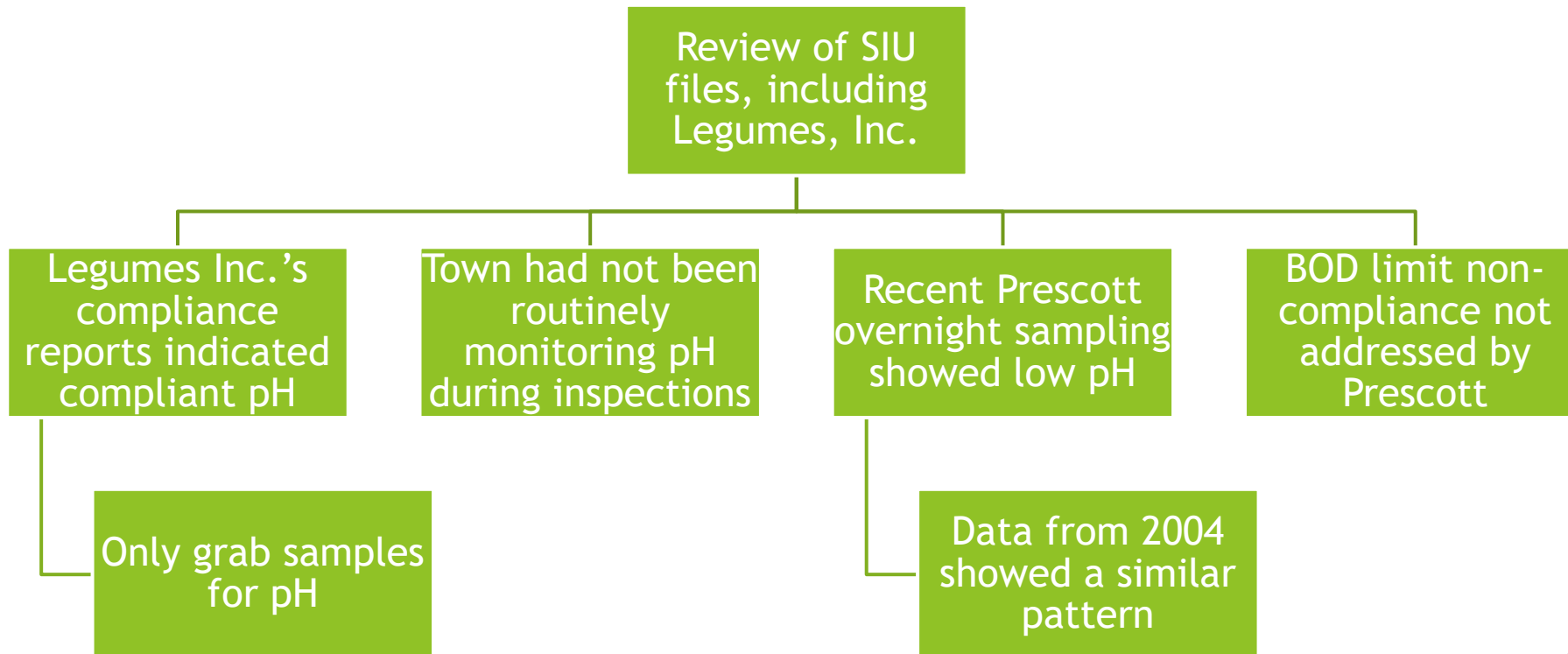


Low influent pH observations



Sewer system collapse outside of the industrial park

July 2019 Prescott Pretreatment Compliance Inspection



July 2019 Legumes, Inc. Inspection

Soak beans in lactic acid, which is then drained to the sewer

pH of pure lactic acid: 1.29

pH of soak mixture: 4.72

Overnight cleaning

pH of acid cleaners: 0.5 to 1.0

pH of caustic cleaners: 12 to 14

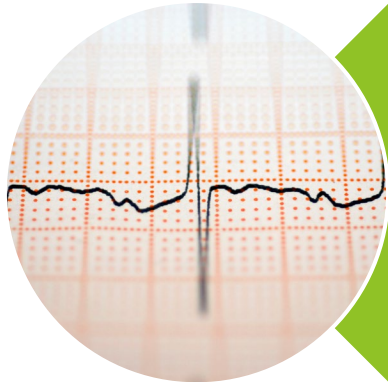
No treatment except screens

**Federal Rule:
No discharge of pH below 5 to the sewer**

Inspection Follow-Up

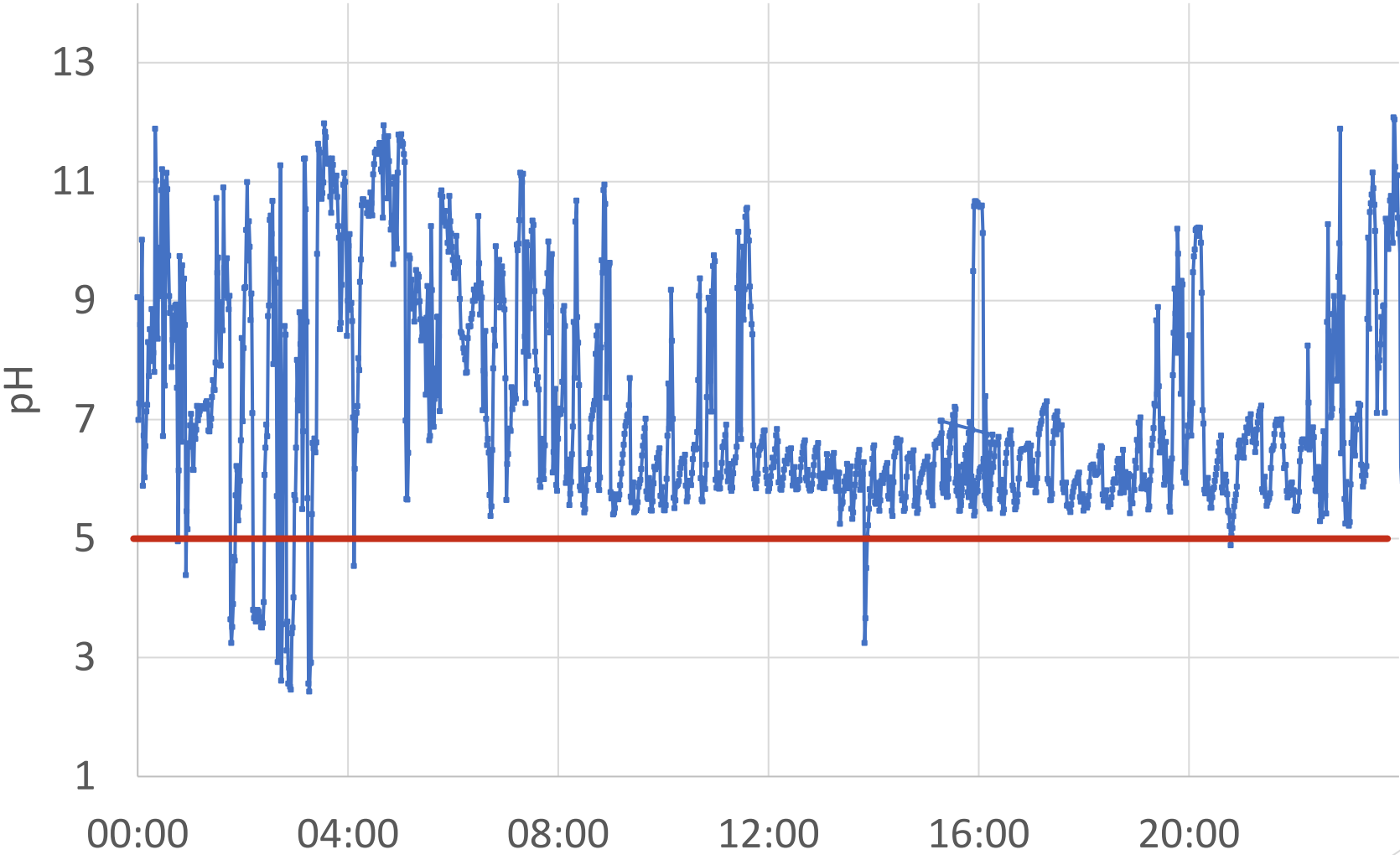


Prescott requests
continuous pH
monitoring



EPA requests
monthly reports of
pH data

December 19, 2019





Late summer and fall of 2019

EPA Waste and Chemical Compliance Section inspects Prescott and find issues with management of chlorine gas

Prescott still having trouble with effluent quality

Prescott Superintendent takes a job elsewhere

Winter and Spring of 2020 - Legumes, Inc.

EPA Administrative Order

Comply with federal Pretreatment Standard

Continue to send monthly reports

EPA Request for Information

How will Legumes, Inc. comply?

Have installed a caustic dosing system

Source reduction via cleaning changes

Summer and Fall 2020 - Legumes, Inc.



Still out of compliance



Company says they will
install a neutralization
tank with caustic / acid
dosing

Summer and Fall 2020 - Town of Prescott

EPA Administrative Order

Effluent
Limits

Combined
Sewer
Overflows

Pretreatment

Annual SIU
inspections and
sampling

Sampling for all
parameters

Enforcement
Response Plan
implementation

2021 - Legumes Inc.

Negotiating a penalty

New neutralization system is working

\$250,000 penalty expected to be finalized in November

So what?

Prescott would have been much better off doing this enforcement itself

- Penalty will go to the U.S. Treasury
- In this case, EPA did not enforce Prescott's Local Limits
- In this case, no Pass Through or Interference enforcement

The better your documentation is, the more we can do for you

- Make sure regulations and permits are consistent
- Have your local limits reviewed and public noticed



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