

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103**

In the Matter of:	:
	:
Overhead Door Corporation 23 Industrial Park Road Lewistown, PA 17044	: U.S. EPA Docket No. CWA-03-2021-0048
	:
Respondent.	: Proceeding under Section 309(g) of the Clean Water Act
	:

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Overhead Door Corporation (“Respondent” or “Overhead Door”) (collectively the “Parties”), pursuant to Sections 301 and 307 of the Clean Water Act, 33 U.S.C. § 1317, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Section 309(g) of the Clean Water Act, 33 U.S. § 1319(g), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under the Clean Water Act (“CWA” or “the Act”) for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

II. JURISDICTION

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(6).

III. GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
11. Pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), EPA is providing public notice and an opportunity to comment on the Consent Agreement prior to issuing the Final Order.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), authorizes the assessment of administrative penalties against any person who violates any National Pollutant Discharge Elimination System ("NPDES") permit condition or limitation in an amount not to exceed \$10,000 per day for each day of violation, up to a total penalty amount of \$125,000.
14. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, and Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), any person who has violated any NPDES permit condition or limitation after November 2, 2015 where the penalty is assessed on or after January 15, 2019, the maximum administrative penalty per day for each day of violation is up to \$21,833, up to a total penalty amount of \$274,150. (Part 19 also specifies the maximum penalties applicable to other time periods).

15. Section 301(a) of the Act, 33 U.S.C. § 1311(a) prohibits the discharge of any pollutant by any person, except in compliance with the Act, including Section 307 of the Act.
16. Sections 307(b) and (c) of the Act, 33 U.S.C. § 1317(b) and (c), direct the EPA Administrator to promulgate regulations establishing pretreatment standards for the introduction of pollutants into publicly owned treatment works (“POTWs”).
17. Section 307(d) of the Act, 33 U.S.C. § 1317(d), prohibits the operation of a source of pollutants in violation of the pretreatment standards.
18. Noncompliance with any pretreatment standard, prohibition or effluent standard is a violation of the Act. 33 U.S.C. § 1317.
19. The General Pretreatment Regulations are located in Title 40 of the Code of Federal Regulations (“CFR”) Part 403.
20. “The term Approval Authority means the Director in an [National Pollutant Discharge Elimination System] NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.” 40 C.F.R. § 403.3(c).
21. “The term Control Authority refers to: (1) The POTW if the POTW’s Pretreatment Program Submission has been approved in accordance with the requirements of § 403.11; or (2) The Approval Authority if the Submission has not been approved.” 40 C.F.R. § 403.3(f).
22. The Control Authority for industrial users discharging to POTWs without approved POTW pretreatment programs, in a state without an approved state pretreatment program, is the appropriate Regional Administrator. 40 C.F.R. § 403.3(d) and (f).
23. POTWs are required to establish an approved pretreatment program if (1) the POTW has a design flow greater than 5 million gallons per day or (2) the Approval Authority requires the POTW to obtain an approved program due to specific circumstances. 40 C.F.R. § 403.8(a).
24. “The term Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act.” 40 CFR § 403.3(i).
25. “Industrial User or User means a source of Indirect Discharge.” 40 C.F.R. § 403.3(j).
26. The Pretreatment Regulations do not “affect any Pretreatment Requirements, including any standards or prohibitions, established by State or local law as long as the State or local requirements are not less stringent than any set forth in National Pretreatment Standards, or any other requirements or prohibitions established under the Act or this

regulation.” 40 C.F.R. § 403.4.

27. Pretreatment Standards for Existing Sources in the Metal Finishing Category are located at 40 C.F.R. § 433.15 and set daily maximum and monthly average limits for pollutants as follows:

Table A: Pretreatment Standards for Existing Sources in Metal Finishing Category

Pollutant or pollutant property	Maximum for any 1 day (milligrams/liter)	Monthly Average shall not exceed (milligrams/liter)
Cadmium	0.69	0.26
Chromium	2.77	1.71
Copper	3.38	2.07
Lead	0.69	0.43
Nickel	3.98	2.38
Silver	0.43	0.24
Zinc	2.61	1.48
Cyanide	1.20	0.65
TTO	2.13	

28. The Pretreatment Standards for electroplating and metal finishing point source categories became effective on August 29, 1983. (48 Federal Register 38462).
29. The regulations provide a list of pollutants specifically prohibited from being introduced into a POTW, including among this list:
- a. “Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges. . .”. 40 C.F.R. § 403.5(b)(2); and
 - b. “Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through . . .”. 40 C.F.R. § 403.5(b)(6).
30. Sections 403.12(e) and (g) of Title 40 of the C.F.R. require that any industrial user subject to Pretreatment Standards submit “periodic reports on continued compliance,” also called “Self-Monitoring Reports” (“SMRs”) twice a year on the nature and concentrations of the pollutants in its effluent and to include the results of any sampling.
31. Section 403.12(e)(1) of Title 40 of the C.F.R. requires that “Any Industrial User subject to a categorical Pretreatment Standard . . . after the compliance date of such Pretreatment Standard . . . shall submit to the Control Authority during the months of June and December,¹ unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical

¹ As described more fully below, when the Control Authority set the pollutant discharge limits for Overhead Door, it modified these deadlines to July 31 and January 31.

- Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of this section except that the Control Authority may require more detailed reporting of flows.” 40 C.F.R § 403.12(e)(1).
32. Section 403.12(g)(2) of Title 40 of the C.F.R. requires that if sampling by an industrial user indicates a violation of the Pretreatment Standards, the industrial user must notify the Control Authority within 24 hours of becoming aware of the violation.
 33. Section 403.12(g)(2) of Title 40 of the C.F.R. also requires that the industrial user repeat sampling and analysis within 30 days after becoming aware of the violation.
 34. Section 403.12(g)(3) of Title 40 of the C.F.R. states that “The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.” 40 C.F.R. § 403.12(g)(3).
 35. Section 403.12(o) of Title 40 of the C.F.R. requires that “Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:
 - (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
 - (ii) The dates analyses were performed;
 - (iii) Who performed the analyses;
 - (iv) The analytical techniques/methods use; and
 - (v) The results of such analyses.
 36. Section 304(h) of the Act directs the Administrator to “promulgate guidelines establishing test procedures for the analysis of pollutants that shall include the factors which must be provided in any certification pursuant to section 1341 of this title or permit application pursuant to section 1342 of this title.” 33 U.S.C. § 1314(h).
 37. The guidelines were promulgated in Part 136 of Title 40 of the C.F.R., “Guidelines Establishing Test Procedures for the Analysis of Pollutants.” 40 C.F.R. §§ 136 et seq.
 38. Section 403.12(g)(5) of Title 40 of the C.F.R. requires that “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 C.F.R. 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.” 40 C.F.R. § 403.12(g)(5).

39. Section 136.3 lists approved methods listed by analyte in reference tables in 40 C.F.R. § 136.3. Method 150.2 is approved for pH, Continuous Monitoring (Electrometric) in Table IB, Note 1. 40 C.F.R. § 136.3; see also Method 150.2: pH, Continuous Monitoring (Electrometric) by pH Meter, December 1982 available at https://www.epa.gov/sites/production/files/2015-08/documents/method_150-2_1982.pdf. This method specifies methods for calibration at Section 7.0 and requires calibration at least once a day.

A. Granville Township POTW and Pennsylvania Pretreatment Program Status

40. The allegations in the preceding paragraphs are incorporated by reference.
41. Granville Township owns and operates a wastewater treatment works in Lewistown, Pennsylvania.
42. EPA has not approved Pennsylvania to implement the NPDES pretreatment program.
43. The “Approval Authority” as defined in 40 C.F.R. § 403.3(c) is the Regional Administrator of EPA Region III because Pennsylvania is not authorized to implement the NPDES pretreatment program.
44. Granville Township is a municipality as defined in Section 502(4) of the Act, 33 U.S.C § 1362(4), and thus its treatment works is a Publicly-Owned Treatment Works (“POTW”) as defined in Section 403.3(q) of Title 40 of the C.F.R.
45. The Granville Township POTW holds NPDES Permit No. PA0032051, which authorizes the POTW to discharge to Juniata River, which is a water of the United States.
46. The Granville Township POTW discharges less than 5 million gallons per day.
47. The Granville Township POTW does not have an approved POTW pretreatment program.
48. The “Control Authority” as defined in 40 C.F.R. § 403.3(d) and (f) is the Regional Administrator of EPA Region III because Granville Township POTW does not have an approved POTW pretreatment program.
49. While Granville Township POTW may issue local limits as part of its local ordinances, National Pretreatment Standards preempt any less stringent local standard. 40 CFR § 403.4.

B. Overhead Door Operations and Monitoring Obligations

- 50. The allegations in the preceding paragraphs are incorporated by reference.
- 51. Overhead Door Corporation (“Overhead Door”) owns and operates a facility (“Facility”) located at 23 Industrial Park Road, Lewistown, PA 17044.
- 52. The Facility has produced components of commercial overhead rolling doors since the 1950s. As a part of the manufacturing process, process wastewater is generated from a powder coat line process and is pretreated prior to being discharged into the Granville Township POTW. Other process wastewater is hauled off-site.
- 53. Overhead Door’s Facility was constructed prior to August 31, 1982, and therefore is subject to the Metal Finishing Category Pretreatment Standards for Existing Sources at 40 CFR § 433.15. See 40 CFR 403.3(k).
- 54. On April 24, 2015, the Control Authority set pollutant discharge limits and monitoring requirements for Overhead Door in accordance with the limits for pollutants listed in Section 433.15 of Title 40 of the C.F.R. as follows:

Table B: Pollutant Discharge Limits for Overhead Door Established April 24, 2015

Parameter	Concentration (mg/l)		Monitoring Requirements	
	Monthly Avg	Daily Max	Frequency	Sample Type
Regulated Flow (gal/day)			1/month	Measured
pH			1/month	Grabs/low chart read
Cadmium	0.26	0.69	1/3 months	3 grabs/composite
Chromium	1.71	2.77	1/3 months	3 grabs/composite
Copper	2.07	3.38	1/3 months	3 grabs/composite
Lead	0.43	0.69	1/3 months	3 grabs/composite
Nickel	2.38	3.98	1/3 months	3 grabs/composite
Silver	0.24	0.43	1/3 months	3 grabs/composite
Zinc	1.48	2.61	1/3 months	3 grabs/composite
Cyanide	0.65	1.20	1/3 months	3 grabs/composite
TTO	-	2.13	1/6 months	

- 55. As the Control Authority, EPA set the monitoring requirements specific to each parameter in accordance with 40 CFR § 403.12(g)(3) (“The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.”).
- 56. There are both daily maximum and monthly average limits for most of the parameters listed. When there are both daily maximum and monthly average limits for a parameter, “the same production or flow figure shall be used in calculating both the average and the

maximum equivalent limitation.” 40 C.F.R. § 403.6(c)(8).

57. When the Control Authority set the pollutant discharge limits for Overhead Door on April 24, 2015, it also stated that “EPA as Control Authority, is modifying the report due dates. Monitoring data obtained from sampling conducted in the January to June monitoring period is due July 31 of each year, while data obtained in the July to December monitoring period is due January 31 of the following year.”
58. The Control Authority set the discharge limits based on information provided by Overhead Door in the Baseline Monitoring Report.
59. The Control Authority also reiterated in the April 24, 2015 letter explaining Overhead Door’s pollutant discharge limits that Overhead Door has an obligation, per 403.12(g)(2) of Title 40 of the C.F.R., to notify EPA within 24 hours of becoming aware of any violations, and to resample for those pollutants and resubmit the results within 30 days of becoming aware of the violation.

C. Inspections and Oversight of Overhead Door Submissions

60. Overhead Door’s sampling reports showed that on December 15, 2016, the zinc concentration of its process wastewater was 7.26 mg/L, 390% more than the daily maximum average of 2.61 mg/L, and the monthly average of 1.48 mg/L.
61. In December 2016, Overhead Door installed a membrane filtration system intended to address chronic zinc exceedances.
62. Overhead Door submitted SMRs with sampling results for January to June 2017 and July to December 2017 on time. There were no recorded zinc exceedances in 2017.
63. Overhead Door maintains records of information from its monitoring activities in its Chain of Custody forms.
64. On August 16, 2017, EPA conducted a Pretreatment Industrial User inspection at Overhead Door’s Lewistown Facility.
65. During the August 16, 2017 inspection of the Facility, EPA reviewed Overhead Door’s Chain of Custody forms and found that they were missing the exact place of sampling, and flow and pH during sampling.
66. During the August 16, 2017 inspection of the Facility, EPA’s inspector learned that Overhead Door did not calibrate its pH meter before each monthly sampling.
67. Overhead Door submitted an SMR for January through June 2018 on time, but there was no quarterly sampling data for the second quarter of 2018.

68. Overhead Door never submitted an SMR for the July through December 2018 time frame.
69. Overhead Door never submitted an SMR for the January through June 2019 time frame.
70. The sampling data Overhead Door later provided to EPA at the January 21, 2020 inspection showed that on February 21, 2019, the zinc concentration of its process wastewater was 2.25 mg/L, exceeding the monthly average of 1.48 mg/L.
71. Overhead Door had no sampling data for the second quarter of 2019 (April to June).
72. Overhead Door submitted an SMR for June through December 2019 late.
73. The sampling data Overhead Door provided to EPA showed that on July 18, 2019, the zinc concentration of its process wastewater was 2.07 mg/L, exceeding the monthly average of 1.48 mg/L.
74. The sampling data Overhead Door provided to EPA showed that on December 23, 2019, the zinc concentration of its process wastewater was 3.04 mg/L, exceeding the daily maximum average of 2.61 mg/L, and the monthly average of 1.48 mg/L.
75. On January 21, 2020, EPA conducted a Pretreatment Industrial User inspection at Overhead Door's Lewistown Facility. After touring the facility, the inspector reviewed all of Overhead Door's sampling information for the previous three years.
76. During the January 21, 2020 inspection, EPA observed that the pH meter in the Wastewater Treatment Room read 9.24. An Overhead Door representative reported that Overhead Door did not know the last date of calibration, and believed that calibration was completed off-site. Overhead Door did not keep a calibration log.
77. During the January 21, 2020 inspection, an EPA inspector observed evidence of an unauthorized discharge in Overhead Door's Maintenance Storage Room. This room has a concrete floor with an open floor drain, and post-treatment wastewater effluent flows into this drain. At the time of the inspection, five-gallon buckets that visibly contained waste oil or were labeled "waste oil" surrounded the floor drain, some with open bung-openings or no lids. No controls were in place to prevent a release or any spill discharge from entering the drain, and the EPA inspector observed staining and waste residual absorbent material present on the floor near the drain.
78. Following the January 21, 2020 inspection, Overhead Door reported that the buckets were removed from the area surrounding the drain and that the floor had been cleared.
79. Overhead Door submitted an SMR for January through June 2020 late.
80. Overhead Door failed to conduct any required sampling during the first quarter of 2020.

- 81. Overhead Door failed to sample for silver during the second quarter of 2020.
- 82. The sampling data Overhead Door provided to EPA showed that on May 7, 2020, the zinc concentration of its process wastewater was 1.57 mg/L, exceeding the monthly average of 1.48 mg/L.
- 83. Overhead Door failed to sample Total Toxic Organics (“TTO”) for a time period of January 2017 to June 2020. EPA does not have an approved Toxic Organics Management Plan or sampling alternative on record for Overhead Door.

Count I
Discharge of Pollutants Exceeding Applicable Limits

- 84. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
- 85. Overhead Door’s sampling reports show that its effluent exceeded the applicable discharge limits as specified in Table C below:

Table C: Zinc Effluent Exceedances 2016 – 2019

Sample Date	Zinc Concentration (mg/L) <i>Monthly Avg: 1.48</i> <i>Daily Max: 2.61</i>
12/15/2016	7.26
2/21/2019	2.25
7/18/2019	2.07
12/23/2019	3.04
5/7/2020	1.57

- 86. In December 2016, Overhead Door installed a membrane filtration system intended to address chronic zinc exceedances.
- 87. Despite following installation of the membrane filtration system, Overhead Door still experienced chronic zinc exceedances beginning in February 2019.
- 88. These exceedances of zinc concentration limits are violations of Section 307 of the Act, 33 U.S.C. § 1317, specifically two exceedances of the daily maximum limit and monthly average on December 15, 2016 and December 23, 2019, and three exceedances of the monthly average on February 21, 2019, July 18, 2019, and May 7, 2020.

Count II
Failure to Report Noncompliance and to Repeat Sampling

89. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
90. Per Section 403.12(g) of Title 40 of the C.F.R., Overhead Door had 24 hours after becoming aware of the zinc exceedances in Table C to notify the Control Authority.
91. Per Section 403.12(g) of Title 40 of the C.F.R., Overhead Door was required to repeat the sampling and analysis and submit results for the repeat analysis to the Control Authority within 30 days after becoming aware of the violations in Table C.
92. Overhead Door failed to report noncompliance to EPA, the Control Authority, and resample for the three zinc exceedances in 2019 and one zinc exceedance in 2020. EPA first learned of the violations when Overhead Door submitted the analysis reports to EPA.
93. The failure to both report noncompliance to EPA, the Control Authority, and resample for these four exceedances are violations of Section 307 of the Act, 33 U.S.C. § 1317 and 40 C.F.R. § 403.12(g).

Count III
Failure to Adequately Report and Retain Sampling Results

94. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
95. Per 40 C.F.R. § 403.12(o), Overhead Door must maintain records of information from monitoring activities including for all samples: (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples; (ii) The dates analyses were performed; (iii) Who performed the analyses; (iv) The analytical techniques/methods use; and (v) The results of such analyses.
96. Overhead Door maintains records of information from its monitoring activities in its Chain of Custody forms.
97. Overhead Door has had a recurring issue with adequately completing the Chain of Custody forms for samples. EPA's review of Overhead Door's Chain of Custody forms reveals information required by the regulations is missing as detailed below in Table D. Without this information, EPA is unable to determine if Overhead Door is adequately obtaining samples that are representative of the full treatment process.
98. Deficiencies EPA noted in Overhead Door's Chain of Custody reports are as follows:

Table D: Deficiencies in Overhead Door’s Chain of Custody Reports

Chain of Custody	Deficiencies
12/15/16	Composite start or end time not indicated; Sample location listed as “Lewistown, PA” instead of “Overflow Tank”
3/30/17	Sample location listed “Quarterly” instead of “Overflow Tank”; Name of sampler listed as “Client”
6/15/17	Sample location listed as “Quarterly” instead of “Overflow Tank”; Name of sampler listed as “Client”
3/28/18	Sample location listed as “Powder Coat” instead of “Overflow Tank”
7/17/18	Sample location listed as “Powder Coat” instead of “Overflow Tank”
8/16/18	Sample location listed as “Powder Coat” instead of “Overflow Tank”; Composite start or end time not indicated
2/21/19	Time grab sample was taken is not included; Sample location listed as “Quarterly” instead of “Overflow Tank”; Name of sampler listed as “Client”
7/18/19	Composite start or end time not indicated; Sample location listed as “Quarterly” instead of “Overflow Tank”; Name of sampler listed as “Client”
8/29/19	Composite start or end time not indicated; Sample location listed as “Waste Treatment” instead of “Overflow Tank”; Does not include correct date that the sample was relinquished to the lab
12/23/19	Does not include precise time at which the grab sample was collected; Sample location listed as “Powder Coat” instead of “Overflow Tank”
5/7/2020	Time grab sample was collected is not included; Sample location not provided

99. Overhead Door also failed to submit sample results for monthly pH readings in its SMRs from December 2016 to September 2020. Monthly pH samples are required per Overhead Door’s pollutant discharge limits established on April 24, 2015, and to ensure that Overhead Door is in compliance with Section 403.5(b)(2) of Title 40 of the CFR, which prohibits discharges with pH lower than 5.0.
100. The recurring failures to adequately report and retain sampling results in Overhead Door’s Chain of Custody forms are violations of Section 307 of the Act, 33 U.S.C. § 1317 and 40 CFR § 403.12(o).

**Count IV
Failure to Submit Self-Monitoring Reports (“SMRs”)**

101. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
102. Overhead Door is required to submit SMRs twice a year per sections 403.12(e) and (g) of Title 40 of the CFR. As the Control Authority, EPA designated the bi-annual due dates

to be July 31 for monitoring data obtained from sampling conducted in the January to June monitoring period, and January 31 for the monitoring data obtained from sampling conducted in the July to December monitoring period of the following year.

103. EPA never received SMRs from Overhead Door for the following monitoring periods:
 - a. July through December 2018
 - b. January through June 2019
104. EPA received SMRs from Overhead Door late for the following monitoring periods:
 - a. July through December 2019
 - b. January through June 2020
105. The failure to submit SMRs in two instances, and failure to submit SMRs on time in two instances are violations of Section 307 of the Act, 33 U.S.C. § 1317, and 40 CFR § 403.12(e) and (g).

**Count V
Failure to Sample**

106. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
107. Overhead Door did not conduct any required sampling during:
 - a. The second quarter of 2018;
 - b. The second quarter of 2019, and
 - c. The first quarter of 2020.
108. Overhead Door failed to sample for silver during the second quarter of 2020.
109. Overhead Door failed to sample Total Toxic Organics (“TTO”) for a time period of January 2017 to June 2020. EPA does not have an approved Toxic Organics Management Plan or sampling alternative on record for Overhead Door.
110. The failures to conduct sampling as required by the discharge limitations and monitoring requirements established on April 24, 2015 are violations of Section 307 of the Act, 33 U.S.C. § 1317, and 40 CFR § 403.12(e).

Count VI: Unauthorized Discharge

111. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
112. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through are specifically prohibited from being introduced into a POTW. 40 CFR § 403.5(b)(6).

113. EPA conducted a Pretreatment Industrial User inspection at Overhead Door's Facility on January 21, 2020.
114. During the January 21, 2020 inspection, an EPA inspector observed evidence of an unauthorized discharge in Overhead Door's Maintenance Storage Room. This room has a concrete floor with an open floor drain, and post-treatment wastewater effluent flows into this drain. At the time of the inspection, five-gallon buckets that visibly contained waste oil or were labeled "waste oil" surrounded the floor drain, some with open bung-openings or no lids. EPA observed no controls were in place to prevent a release or any spill discharge from entering the drain, and the EPA inspector observed staining and waste residual absorbent material present on the floor near the drain.
115. The unauthorized discharge of pollutants to the POTW is a violation of Section 307 of the Act, 33 U.S.C. § 1317, and 40 CFR § 403.5(b)(6).
116. Following the inspection, Overhead Door reported that the buckets were removed from the area surrounding the drain and that the floor had been cleared.

Count VII: Failure to Follow Approved Methods

117. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
118. The Pretreatment Regulations require that industrial users perform analyses in accordance with procedures established by the Administrator at 40 C.F.R. part 136 or any other test procedures approved by the Administrator. 40 C.F.R. § 403.12(g)(5).
119. Section 136.3 lists approved methods listed by analyte in reference tables in 40 C.F.R. § 136.3. Method 150.2 is approved for pH, Continuous Monitoring (Electrometric) in Table IB, Note 1. 40 C.F.R. § 136.3; see also Method 150.2: pH, Continuous Monitoring (Electrometric) by pH Meter, December 1982 available at https://www.epa.gov/sites/production/files/2015-08/documents/method_150-2_1982.pdf. This method specifies methods for calibration at Section 7.0 and requires calibration at least once a day.
120. During the August 16, 2017 inspection of the Facility, EPA's inspector learned that Overhead Door did not calibrate its pH meter before each monthly sampling.
121. During the January 21, 2020 inspection, EPA observed that the pH meter in the Wastewater Treatment Room read 9.24. An Overhead Door representative reported that Overhead Door did not know the last date of calibration, and believed that calibration was completed off-site. Overhead Door did not keep a calibration log.
122. Overhead Door's failure to calibrate its pH meter daily per approved methods in the analysis of pollutants is a violation of Section 307 of the Act, 33 U.S.C. § 1317, and 40 CFR §§ 403.12(g)(5); 136.3.

V. CIVIL PENALTY

123. In settlement of EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of FIFTY-FIVE THOUSAND dollars (\$55,000), which Respondent shall be liable to pay in accordance with the terms set forth below.
124. The civil penalty is based upon EPA’s consideration of a number of factors, including the nature, circumstances, extent and gravity of the violation(s), Respondent’s ability to pay, prior history of compliance, degree of culpability, economic benefit or savings resulting from the violations, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to the statutory penalty criteria and factors set forth at Section 309(g) of the Act, 33 U.S.C. § 1319(g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.
125. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier’s check, certified check or electronic wire transfer, in the following manner:

All payments by Respondent shall include reference to Respondent’s name and address, and the Docket Number of this action, *i.e.*, **CWA-03-2021-0048**

- a. All checks shall be made payable to the “United States Treasury.”
- b. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

- c. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- d. A copy of Respondent’s check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously via email to:

Aviva H. Reinfeld
Assistant Regional Counsel
U.S. EPA, Region III
Reinfeld.aviva@epa.gov

126. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
127. Payment of the civil penalty is due and payable immediately upon the effective date of this Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed as of the effective date of this Consent Agreement and Final Order by Respondent in accordance with 40 C.F.R. § 13.9(a).
128. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the effective date of this Consent Agreement and Final Order. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the effective date of this Consent Agreement and Final Order. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
129. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
130. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
131. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

VI. GENERAL SETTLEMENT CONDITIONS

132. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
133. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

VII. CERTIFICATION OF COMPLIANCE

134. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with the Administrative Order on Consent between Respondent and EPA, Docket No. CWA-03-2021-0035DN, which addresses the violations alleged herein.

VIII. OTHER APPLICABLE LAWS

135. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CWA, 33 U.S.C. §§ 1251 *et seq.*, or any regulations promulgated thereunder.

IX. RESERVATION OF RIGHTS

136. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to

the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the Clean Water Act, 33 U.S.C. § 301 *et seq.*, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

X. EXECUTION /PARTIES BOUND

137. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

XI. EFFECTIVE DATE

138. Pursuant to 40 C.F.R. § 22.45(b), this Consent Agreement and Final Order shall be issued only after a 40-day public notice and comment period is concluded. This Consent Agreement and Final Order will become final and effective thirty (30) days after having been signed by the Regional Administrator or his delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

XII. ENTIRE AGREEMENT

139. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent:

Overhead Door Corporation

Date: 3/17/21

By: Rob E. Ruby
Rob Ruby
Manufacturing Plant Manager
Overhead Door Corporation

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: _____

By: _____

Karen Melvin
Director, Enforcement and Compliance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

Date: _____

By: _____

Aviva H. Reinfeld
Assistant Regional Counsel
U.S. EPA – Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103**

In the Matter of:	:
	:
	: U.S. EPA Docket No. CWA-03-2021-0048
Overhead Door Corporation	:
23 Industrial Park Road	: Proceeding under Section 309(g) of
Lewistown, PA 17044	: the Clean Water Act
	:
Respondent.	:
	:

FINAL ORDER

Complainant, the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Overhead Door Corporation have executed a document entitled “Consent Agreement,” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of the statutory factors set forth in at Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g).

NOW, THEREFORE, PURSUANT TO Section 309(g) of the Clean Water Act, 33 U.S.C. Section 309(g), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of the Clean Water Act and the regulations promulgated thereunder.

The Consent Agreement and this Final Order will become final and effective thirty (30) days after it is signed by the Regional Administrator or the Regional Administrator’s delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

Date: _____

By: _____

Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III