

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF)
)
) Docket No. CWA-07-2004-0156
)
THE CITY OF ATKINSON,)
NEBRASKA)
) FINDINGS OF VIOLATION,
) ORDER FOR COMPLIANCE
Respondent)
)
)
)
Proceedings under Section 309(a)(3))
of the Clean Water Act,)
33 U.S.C. § 1319(a)(3))
_____)

I. Preliminary Statement

1. The following Findings of Violation and Order for Compliance (Order) are made and issued pursuant to the authority of Section 309(a)(3) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a)(3). This authority has been delegated by the Administrator of the United States Environmental Protection Agency (EPA) to the Regional Administrator, EPA Region VII and further delegated to the Director of Region VII's Water, Wetlands, and Pesticides Division.

2. The City of Atkinson, Nebraska, (hereafter Respondent or City) owns and operates a publicly owned treatment works (POTW) that treats municipal and industrial wastewater. The Honorable Sharon Wenner is the Mayor of the City of Atkinson.

II. Statutory and Regulatory Framework

3. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants except in compliance with, inter alia, Section 402 of the CWA, 33 U.S.C. § 1342. Section 402 of the CWA provides that pollutants may be discharged only in accordance with the terms of a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to that Section.

4. The CWA prohibits the discharge of "pollutants" from a "point source" into a "navigable water" of the United States, as these terms are defined by Section 502 of the CWA, 33 U.S.C. § 1362.

5. Pursuant to the authority of Section 402 of the CWA, EPA promulgated regulations codified at 40 C.F.R. Part 122. Under 40 C.F.R. Part 122.1, a NPDES permit is required for the discharge of pollutants from any point source into waters of the United States.

6. The Nebraska Department of Environmental Quality (NDEQ) is the state agency with the authority to administer the federal NPDES program in Nebraska pursuant to Section 402 of the Act, 33 U.S.C. § 1342, implementing regulations, and a Memorandum of Understanding dated September 17, 1973. EPA maintains concurrent enforcement authority with delegated states for violations of the CWA.

III. Findings of Fact

7. Respondent is a "person" as defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

8. Respondent owns and operates a POTW which receives and treats wastewater from various domestic and industrial sources.

9. Respondent's POTW is a "point source" as defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

10. Respondent's POTW causes the "discharge of pollutants" as defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

11. Respondent's POTW discharges pollutants into the Elkhorn River. The Elkhorn River is a "navigable water" as defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

12. Respondent's discharge of pollutants from its POTW requires a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

13. NDEQ issued a NPDES permit, No. NE-0021610, to Respondent, effective August 1, 1999, for discharges from its POTW into the Elkhorn River. The NPDES permit expired September 30, 2003, however, under state law the permit has been administratively extended until such time as a new permit is issued.

14. On September 16 through 18, 2003, EPA performed an inspection of the Atkinson wastewater treatment facility under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a) (hereafter "EPA's inspection"). EPA's inspector documented observations of the operation of City of Atkinson's POTW and performed sampling of the POTW's discharge. At the conclusion of the inspection, EPA's inspector left a Notice of Potential Violations left with the operator of the POTW. By correspondence dated, September 23, 2003, Respondent provided EPA a response to the Notice of Potential Violations.

IV. Findings of Violation

Failure to Comply with Sampling Procedure Requirements

15. Appendix A., Section C (Monitoring and Records), Paragraph 1.d., of Respondent's NPDES permit states that all sample preservation techniques shall conform to the methods adopted in NDEQ, Title 121, Chapter 8. Title 121, Chapter 8 adopts by reference 40 CFR Part 136 which are EPA's sampling and sample preservation methods.

16. 40 C.F.R. Part 136.3, Table 1B, specifies that performance of manual distillation is required prior to performance of an ammonia test, unless "comparability data" is available. "Manual distillation is not required if comparability data on representative effluent samples are on company file to show that this preliminary distillation step is not necessary..."

17. At the time of EPA's inspection, EPA's inspector reviewed Respondent's records that the NPDES permit requires Respondent to maintain regarding sampling and sample preservation methods. Based on this review, EPA's inspector concluded Respondent had failed to perform manual distillation, even though comparability data was not available. Furthermore, EPA's inspector determined Respondent was using the wrong multiplier for the ammonia test, which resulted in the reported value being only half of the actual value.

18. 40 C.F.R. Part 136.3, Table II, which is incorporated by reference in Respondent's NPDES permit, specifies a maximum holding time of 6 hours for fecal coliform samples.

19. At the time of the inspection, Respondent collected fecal samples at approximately 4 p.m. and mailed them via United States Postal Service to a commercial lab in Omaha, Nebraska. This shipment was received no earlier than 8 a.m. the following day, and accordingly, the holding time for this sample exceeded 16 hours.

20. 40 C.F.R. Part 136.3, Table IB, which is incorporated by reference in Respondent's NPDES permit, requires that the level of initial dissolved oxygen be determined for each individual dilution when calculating Carbonaceous Biochemical Oxygen Demand (CBOD).

21. At the time of the inspection, Respondent was only determining the level of dissolved oxygen for the initial dilution water blank, but that level of dissolved oxygen was being used as the initial dissolved oxygen for all of the test dilutions.

22. Respondent's failure to comply with the sampling procedure requirements described in Paragraphs 15 to 21 above are violations of Respondent's NPDES permit (Appendix A., Section C, (Monitoring and Records), Paragraph 1.d., and as such, are violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. § 1311(a) and § 1342, and the implementing regulations of the CWA.

Failure to Comply with Record Keeping Requirements

23. Appendix A(C)(6) of Respondent's NPDES permit contains requirements for Monitoring and Reporting, Recording of Results which require the following information to be recorded for each sampling event:

"Recording of Results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information: (a) the date, exact place, and time of sampling or measurements; (b) the individual(s) who performed the sampling or measurements; (c) the date(s) analyses were performed; (d) the individual(s) who performed the analyses; (e) the analytical techniques or methods used; (f) the results of such analyses; and (g) laboratory data, bench sheets and other required information."

24. EPA inspection and Respondent's September 23, 2003, response to the Notice of Potential Violations documented that the information required for each sampling event were not recorded prior to the September inspection of the facility by EPA.

25. Respondent's failure to record the required information for each sampling event is a violation of 40 C.F.R. § 122.41(j) and the terms and conditions of Respondent's NPDES permit (Appendix A(C)(6)), and as such, is a violation of Sections 301(a) and 402 of the CWA, 33 U.S.C. § 1311(a) and § 1342, and implementing regulations of the CWA.

Failure to Develop Sludge Management Plan

26. Part B.2. of Respondent's NPDES permit requires that a Sludge Management Plan be developed and retained at the facility within 180 days after the permittee is authorized to discharge under the terms and conditions of the permit. Parts B.2. (a) through (f) of Respondent's NPDES permit specify the items to be included in the Sludge Management Plan.

27. As of the date of the inspection, Respondent had failed to develop a Sludge Management Plan.

28. Respondent's failure to develop a Sludge Management Plan is a violation of Respondent's NPDES permit (Part B.2), and as such, is a violation of Sections 301(a) and 402 of the CWA, 33 U.S.C. § 1311(a) and § 1342, and implementing regulations of the CWA.

Failure to Comply with Sludge Report Requirements

29. Part III B.5 of the respondent's NPDES permit, requires an "annual sludge summary report" be sent to NDEQ by February 19 of each year.

30. Part III B.4 of respondent's NPDES permit requires a "sludge application site form" should be completed and submitted to NDEQ for all existing and new sludge application sites.

31. As of the date of the inspection, the annual sludge summary report and sludge application site form had not been submitted to NDEQ throughout the life of the permit (8/99 - 9/03).

32. Respondent's failure to submit the annual sludge summary and sludge application site form(s) is a violation Respondent's NPDES permit (Part III.B.4 and III.B.5), and as such, is a violation of Sections 301(a) and 402 of the CWA, 33 U.S.C. § 1311(a) and § 1342, and implementing regulations of the CWA.

Failure to Comply with Sludge Disposal Requirements

33. Part III B.1 of Respondent's NPDES permit requires that the permittee dispose of domestic sewage sludge in accordance with 40 C.F.R. Part 503.

34. 40 C.F.R. § 503.33 requires that a generator of bulk sewage sludge demonstrate compliance with one of the options for meeting the vector attraction reduction requirements contained therein prior to applying sewage sludge to land or that the generator meet the Vector Attraction Reduction requirements by method of application (incorporation or injection).

35. EPA's inspection of Respondent's records document that the facility has not demonstrated compliance with 40 C.F.R. § 503.33 throughout the life of the permit.

36. Respondent's failure to demonstrate compliance with 40 C.F.R. Part 503 is a violation of Respondent's NPDES permit (Part III.B.1), and as such, is a violation of Sections 301(a) and 402 of the CWA, 33 U.S.C. § 1311(a) and § 1342, and implementing regulations of the CWA

V. Order For Compliance

37. Based on the Findings of Fact and Findings of Violation set forth above, and pursuant to Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), Respondent is hereby ORDERED to take the actions described below in paragraphs 38 through 42.

38. Within thirty (30) days of the effective date of this Order, Respondent shall take whatever corrective action is necessary to correct the deficiencies and eliminate and prevent recurrence of the violations cited above, and to come into compliance with all of the applicable requirements of its NPDES permit.

39. Within thirty (30) days of the effective date of this Order, the Respondent shall submit a written report detailing the specific actions taken to correct the violations cited herein and explaining why such actions are anticipated to be sufficient to prevent recurrence of these or similar violations.

40. In the event that Respondent believes complete correction of the violations cited herein is not possible within thirty (30) days of the effective date of this Order, the Respondent shall, within those thirty (30) days, submit a comprehensive written plan for the elimination of the cited violations. Such plan shall describe in detail the specific corrective actions to be taken and why such actions are sufficient to correct the violations. The plan shall include a detailed schedule for the elimination of the violations within the shortest possible time, as well as measures to prevent these or similar violations from recurring.

41. Within thirty (30) days of receipt of this Order, Respondent shall submit documentation that sampling is representative and in compliance with Respondent's NPDES permit.

42. Beginning with the effective date of this Order, Respondent shall submit to EPA on a quarterly basis a Compliance Report (due on May 15, August 15, November 15 and February 15) that contains copies of all monthly monitoring and sampling information, including bench sheets, and sludge application logs with supporting documentation. A copy of the Compliance Report shall also be submitted to NDEQ. This reporting obligation shall continue until Respondent is notified by EPA that the quarterly reporting may cease.

Submissions

43. All documents required to be submitted to EPA by this Order, shall be submitted by mail to:

Cynthia Sans (WWPD-WENF)
Water, Wetlands, and Pesticides Division
U.S. Environmental Protection Agency - Region 7
901 North Fifth Street
Kansas City, KS 66101

44. A copy of documents required to be submitted to NDEQ by this Order, shall be submitted by mail to:

Mr. Rudy Fiedler, Unit Supervisor
Wastewater Section
Nebraska Department of Environmental Quality
Suite 400, The Atrium
1200 N Street
P.O. Box 98922
Lincoln, Nebraska 68509-8922

VI. General Provisions

Effect of Compliance with the Terms of this Order for Compliance

45. Compliance with the terms of this Order shall not relieve Respondent of liability for, or preclude EPA from, initiating an administrative or judicial enforcement action to recover penalties for any violations of the CWA, or to seek additional injunctive relief, pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

46. This Order does not constitute a waiver or a modification of any requirements of the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, all of which remain in full force and effect. The EPA retains the right to seek any and all remedies available under Sections 309(b), (c), (d) or (g) of the Act, 33 U.S.C. § 1319(b), (c), (d) or (g), for any violation cited in this Order. Issuance of this Order shall not be deemed an election by EPA to forgo any civil or criminal action to seek penalties, fines, or other appropriate relief under the Act for any violation whatsoever.

Access and Requests for Information

47. Nothing in this Order shall limit EPA's right to obtain access to, and/or to inspect Respondent's facility, and/or to request additional information from Respondent, pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318 and/or any other authority.

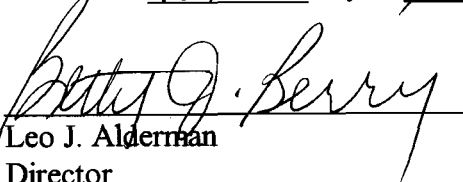
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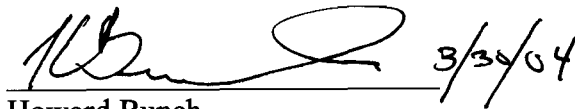
48. If any provision or authority of this Order, or the application of this Order to Respondent, is held by federal judicial authority to be invalid, the application to Respondent of the remainder of this Order shall remain in full force and effect and shall not be affected by such a holding.

Effective Date

49. The terms of this Order shall be effective and enforceable against Respondent upon its receipt of an executed copy of the Order.

Issued this 29th day of March, 2004.

for 
Leo J. Alderman
Director
Water, Wetlands and Pesticides Division
U.S. Environmental Protection Agency
Region VII
901 North Fifth Street
Kansas City, Kansas 66101

 3/30/04
Howard Bunch
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region VII
901 North Fifth Street
Kansas City, Kansas 66101

CERTIFICATE OF SERVICE

I certify that on the date noted below I hand delivered the original and one true copy of this Findings of Violation and Administrative Order for Compliance to the Regional Hearing Clerk, United States Environmental Protection Agency, 901 North Fifth Street, Kansas City, Kansas 66101.

I further certify that on the date noted below I sent a copy of the foregoing Order for Compliance by first class certified mail, return receipt requested, to:

The Honorable Sharon Wenner
Mayor of the City of Atkinson
P.O. Box 519
Atkinson, Nebraska 68713

Patrick Rice, Assistant Director
Mr. Rudy Fiedler, Unit Supervisor, Wastewater Section
Donna Luckner, NPDES Unit Supervisor
Water Quality Division
Nebraska Department of Environmental Quality
Suite 400, The Atrium
1200 N Street
P.O. Box 98922
Lincoln, Nebraska 68509-8922

3/30/04
Date

Debby White

COMPLIANCE SAMPLING INSPECTION
OF
ATKINSON WASTEWATER TREATMENT FACILITY
IN
ATKINSON, NEBRASKA
NPDES PERMIT: NE-0021610
SEPTEMBER 16-19, 2003
BY
U.S. ENVIRONMENTAL PROTECTION AGENCY
Region VII
Environmental Services Division

INTRODUCTION

At the request of the Water, Wetlands and Pesticides Division, NPDES & Facilities Management Branch, a Compliance Sampling Inspection was performed at Atkinson Wastewater Treatment Facility (WWTF) located in Atkinson, Nebraska on September 16-19, 2003. This inspection was performed under the authority of Section 308(a) of the Federal Water Pollution Control Act, as amended. This narrative report and attachments present the results of this inspection.

PARTICIPANTS

Atkinson WWTF:

Gary Thurlow, Superintendent
Scott Fix, Operator

Nebraska Department of Environmental Quality

Northeast Field Office:

Mark Henning, Program Specialist

U.S. Environmental Protection Agency (EPA):

Joseph Joslin, Environmental Engineer

INSPECTION PROCEDURES

Facility personnel were not notified prior to the inspection. I arrived at the Atkinson WWTF on September 16, 2003. Upon arrival, I introduced myself to Messrs. Thurlow and Fix and

presented my credentials. At that time, I installed a wastewater sampler to collect final effluent discharge from the facility for the following three days. On September 17, 2003, Messrs. Thurlow, Fix, Henning and I performed a walk-through inspection of the facility. This inspection consisted of the review of facility records, a review of the facility laboratory, an inspection of the wastewater treatment facilities and collection of samples.

FACILITY DESCRIPTION

The Atkinson WWTF is located at the south edge of the city and discharges to the Elkhorn River. The WWTP is designed to treat 144,000 gallons per day or a population equivalent of 1440 people. The facility consists of the following units:

- * 3 inch Parshall flume with sonic head detector
- * Comminutor
- * Raw sewage pumping (2 pumps)
- * Small circular primary clarifier
- * Aeration tank (floating aerator on timer)
- * Final circular clarifier
- * Final effluent
- * Cold anaerobic digester receives both primary sludge and waste activated sludge

Sludge is land applied on pasture land adjacent to the plant. This land application is made by a local rancher.

SAMPLING PROCEDURE

An ISCO Model 1580HS wastewater sampler was installed at the facility discharge (Outfall 001) by placing the weighted intake tube into the final clarifier launder trough discharge. The plastic intake tubing, the sampler pump tubing and the plastic pre-cleaned sample collection container were rinsed with effluent by manually operating the sampler pump. The rinse was discarded. The sampler was then iced and programmed to take equal volumes of sample every 30 minutes.

Samples were collected for three days. The sampler was iced when initially installed and then re-iced at the end of each 24-hour sample collection period. At the time the composite sample was collected, a grab sample was collected and immediately analyzed on site for pH and temperature. The first two day's samples were shipped to the Region 7 EPA Laboratory by commercial carrier. The third day's samples were brought to the laboratory by me. Approved chain-of-custody procedures were followed for all samples. The daily flow was determined using the facility influent flow meter.

The procedures I used to calibrate the pH meter, collect, preserve, and document the samples were in accordance with the following EPA Region 7 SOPs:

- SOP No. 2332.2 - NPDES Compliance Sampling Inspection
- SOP No. 2334.21 - Shipping Ambient and NPDES Water Samples to the EPA Region 7 Laboratory
- SOP No. 2334.3 - Wastewater Sample Collection
- SOP No. 2333.1 - Field Equipment Calibration and Maintenance
- SOP No. 2420.6 - Sample Container Selection, Preservation and Holding Times
- SOP No. 2420.5 - Identification, Documentation and Tracking of Samples
- SOP No. 2420.4 - Field Chain-of-Custody of Environmental Samples

FINDINGS AND CONCLUSIONS

The following findings were noted during the review of records, sampling, and treatment operations. A complete summary of review is given in the Water Compliance Inspection Report (Attachment 1). A Small Business Regulatory Enforcement Fairness Act Information sheet was given to Mr. Thurlow. A Notice of Potential NPDES Permit Violations (NOPV) was given to Mr. Gary Thurlow (Attachment 2). His response, dated September 23, 2003, is included with this report (Attachment 3).

1. The NPDES Permit (Attachment 4) states under both summer and winter season requirements that "a minimum of ONE summer OR winter toxicity test must be conducted prior to submittal of an NPDES Permit reissuance application. If the test results exceed toxicity limits, see Other Requirements Part IV.H". The City of Atkinson had the toxicity test performed on June 24, 2001. The TUa limit in the permit was 1.5 but the test result was 2.18. This was a violation of the permit limits. Part IV.H of the permit required that this exceedance be reported of NDEQ orally within 24 hours. Also required is a follow-up test within four weeks after receipt of the initial non compliant test results. Notification was not given to Nebraska Department of Environmental Quality (NDEQ) and a follow-up test was not performed. These violations of the NPDES Permit are included in the NOPV, page 1 of 3. The City of Atkinson wrote they would follow-up with NDEQ. Verbal reports were received from Mark Henning. He said the test was repeated but failed to meet permit limits. Ultimately it was discovered that the cause of the toxicity was mosquito fogging done in town and at the plant. An acute toxicity test was finally successfully completed. Failure to notify NDEQ of the initial test failure was cited on page 1 of 3 of the NOPV.
2. The WWTF laboratory determines ammonia in house using the electrode method. No preparation of the sample was being done prior to the test being performed. The NPDES Permit requires that test methods used for monitoring required by the NPDES Permit should conform to the methods adopted in NDEQ Title 121, Chapter 8. NDEQ Title 121, Chapter 8 (Attachment 5) requires that tests conform to 40 CFR 136. Specified in 40 CFR 136 for ammonia is that manual distillation be done as part of all ammonia test procedures. 40 CFR 136 for ammonia stipulates that if distillation is not done that the permittee have available data to demonstrate that not performing manual distillation is comparable to test results if manual distillation is done. Atkinson had no such comparability data. This violation of test procedure was cited on page 1 of 3 of the NOPV.

3. The test procedure for ammonia used by the Atkinson WWTP involves initial dilution of the sample then multiplying the analytical result by a factor to reflect the dilution. The wrong multiplier was being used resulting in an ammonia value only one half of the actual value. Failure to correctly report the ammonia value was included on page 1 of 3 of the NOPV.
4. The Atkinson NPDES Permit requires monthly determination of fecal coliform during the period of May 1 through September 30. Atkinson WWTF personnel usually collect the fecal coliform grab sample around 4 p.m. This sample is mailed by U.S. Postal Service to a commercial laboratory located in Omaha, Nebraska. Delivery is generally the following day. 40 CFR 136 specifies a maximum holding time of six hours. The actual holding time exceeds sixteen hours. This violation of the procedure was cited on page 1 of 3 of the NOPV.
5. Atkinson WWTF personnel perform the nitrogen suppressed biochemical oxygen demand (CBOD) test. The initial dissolved oxygen (DO) was determined for only the dilution water blank test bottle. This initial DO was used as the initial DO for all test bottles rather than determining the DO for each dilution. The permit specifies that the test procedures in 40 CFR 136 be used. The specific methodology is given in Standard Methods for the Examination of Water and Wastewater which specifies performing initial DO for each dilution. This deficiency in testing was cited on page 2 of 3 of the NOPV.
6. The Atkinson WWTF NPDES Permit, Appendix A(C)(6), page 14 of 22, requires specific records of sampling and monitoring. With the exception of date, none of the records required by subsection a, b, c, d and e are kept for the samples collected and the analysis performed by the WWTF. This violation of the permit was cited on page 2 of 3 of the NOPV.
7. The Atkinson WWTF NPDES Permit, Part III (B), page 8 of 22, requires the facility develop a Sludge Management Plan within 180 days after issuance of the NPDES Permit. The permit became effective on August 1, 1999. The Sludge Management Plan was due January 27, 2000. At the time of inspection, this plan had not been prepared. This violation of the permit conditions was cited on page 2 of 3 of the NOPV.
8. The Atkinson WWTF NPDES Permit, Part III (B) (4 & 5), requires "Sludge Application Site Forms" for all existing and new sludge application sites be submitted to NDEQ and an "Annual Sludge Summary Report" be submitted to NDEQ by February 19th of each year. This information has not been submitted to NDEQ during the life of the NPDES Permit, August 1999 through August 2003. This violation was cited on page 3 of 3 of the NOPV.
9. 40 CFR 503 sludge regulations requires a vector attraction determination be done on at least an annual basis if sludge is land applied during the year. This has not been done during the life of the permit, August 1999 through September 2003. This violation is recorded on page 3 of 3 of the NOPV. If this determination is not made or the limits of the vector attraction test cannot be met, 40 CFR 503.33(b)(10)(i) requires that sludge applied to land be covered daily. Atkinson WWTF sludge is currently applied to grass land but the sludge is not covered. This violation of the permit is recorded on page 3 of 3 of the NOPV.

10. Analytical results for the samples collected during the inspection are included as Attachment 6. All parameters regulated by the NPDES Permit had values less than the NPDES Permit limits.

RECOMMENDATIONS

1. If Atkinson WWTP is going to continue determining ammonia by the electrode method, comparability data should be developed. It is important that the instrument manufacturer's written method be followed and the instrument be calibrated prior to use. When calculating the results of tests performed on diluted samples, the correct factor should be used to make the final calculation.
2. Allowable holding time, 6 hours, should be observed for the fecal coliform test.
3. Initial DO for all CBOD test dilutions should be determined. This becomes very important when the sample in the test bottle is principally wastewater with very little dilution water because the DO of the sample will control the initial DO of the sample/dilution water mixture.
4. All records required by the NPDES Permit should be kept. The recordkeeping requirements as specified by the NPDES Permit were reviewed in detail with Messrs. Thurlow and Fix.
5. A Sludge Management Plan must be developed and all recordkeeping requirements for sludge land application must be prepared and kept on file. All recordkeeping requirements for sludge given in the NPDES Permit for Atkinson must be met.
6. Atkinson has acknowledged that unless the vector reduction requirement can be satisfied, the sludge will be covered within 6 hours of application as required in 40 CFR 503.33(b)(10)(6).



Joseph Joslin

Environmental Engineer

Activity Number: WJF0324

Date: JAN 30, 2004

Attachments

1. Water Compliance Inspection Report (4 pages)
2. Notice of Potential NPDES Permit Violations (3 pages)
3. City of Atkinson September 23, 2003 Response to NOPV (1 page)
4. NPDES Permit (22 pages)
5. NDEQ Title 121, Chapter 8 (1 page)
6. EPA Analytical Results (7 pages)