

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Philadelphia, Pennsylvania 19103-2029

In the Matter of:	:	
	:	
	:	ADMINISTRATIVE ORDER
	:	ON CONSENT
	:	
Overhead Door Corporation	:	Docket No. CWA-03-2021-0035DN
23 Industrial Park Road	:	
Lewistown, PA 17044	:	
	:	
Respondent.	:	

I. PRELIMINARY STATEMENT

1. The United States Environmental Protection Agency, Region III (“EPA”) has made the following findings of fact and issues this Administrative Order on Consent (“Order”) pursuant to the authority vested in the Administrator of EPA under Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a). This authority has been delegated by the Administrator to the Regional Administrator of EPA Region III, and further delegated to the Director, Enforcement & Compliance Assurance Division, Region III.
2. Section 309(a) of the Act, 33 U.S.C. § 1319(a), provides, *inter alia*, that whenever on the basis of any information available, the Administrator finds that any person is in violation of any condition or limitation implementing certain CWA sections of the Act, including Section 307, 33 U.S.C. § 1317, the Administrator shall issue an order requiring such person to comply with such section or requirement.
3. Overhead Door Corporation (“Respondent” or “Overhead Door”) is a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
4. Respondent has agreed to the issuance of this Order.

II. STATUTORY AND REGULATORY BACKGROUND

5. 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.
6. 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”).

7. 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.
8. Noncompliance with any pretreatment standard, prohibition or effluent standard is a violation of the Act. 33 U.S.C. § 1317.
9. The General Pretreatment Regulations are located in Title 40 of the Code of Federal Regulations (“CFR”) Part 403.
10. “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).
11. “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).
12. 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).
13. 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).
14. “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).
15. “Industrial User or User means a source of Indirect Discharge.” 40 C.F.R. § 403.3(j).
16. 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.
17. 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	

18. The Pretreatment Standards for electroplating and metal finishing point source categories became effective on August 29, 1983. (48 Federal Register 38462).
19. 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).
20. 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.
21. 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 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).

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.

22. 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.
23. 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.
24. 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).
25. 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.
26. 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).
27. 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.*
28. 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).
29. 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.

III. FINDINGS

A. Granville Township POTW and Pennsylvania Pretreatment Program Status

30. The allegations in the preceding paragraphs are incorporated by reference.
31. Granville Township owns and operates a wastewater treatment works in Lewistown, Pennsylvania.
32. EPA has not approved Pennsylvania to implement the NPDES pretreatment program.
33. 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.
34. 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.
35. The Granville Township POTW discharges to Juniata River, which is a water of the United States and holds NPDES Permit No. PA0032051.
36. The Granville Township POTW discharges less than 5 million gallons per day.
37. The Granville Township POTW does not have an approved POTW pretreatment program.
38. 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.
39. 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

40. The allegations in the preceding paragraphs are incorporated by reference.
41. Overhead Door Corporation (“Overhead Door”) owns and operates a facility (“Facility”) located at 23 Industrial Park Road, Lewistown, PA 17044.
42. 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.
43. 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).
44. 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	

45. 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.”).
46. 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).

47. 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.”
48. The Control Authority set the discharge limits based on information provided by Overhead Door in the Baseline Monitoring Report.
49. 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

50. 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.
51. In December 2016, Overhead Door installed a membrane filtration system intended to address chronic zinc exceedances.
52. 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.
53. Overhead Door maintains records of information from its monitoring activities in its Chain of Custody forms.
54. On August 16, 2017, EPA conducted a Pretreatment Industrial User inspection at Overhead Door’s Lewistown Facility.
55. 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.
56. 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.
57. 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.

58. Overhead Door never submitted an SMR for the July through December 2018 time frame.
59. Overhead Door never submitted an SMR for the January through June 2019 time frame.
60. 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.
61. Overhead Door had no sampling data for the second quarter of 2019 (April to June).
62. Overhead Door submitted an SMR for June through December 2019 late.
63. 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.
64. 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.
65. 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.
66. 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.
67. 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.
68. 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.
69. Overhead Door submitted an SMR for January through June 2020 late.
70. Overhead Door failed to conduct any required sampling during the first quarter of 2020.

- 71. Overhead Door failed to sample for silver during the second quarter of 2020.
- 72. 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.
- 73. 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.

D. Violations

Count I: Permit Parameter Limit Exceedances

- 74. The allegations in the preceding paragraphs are incorporated by reference.
- 75. 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

- 76. In December 2016, Overhead Door installed a membrane filtration system intended to address chronic zinc exceedances.
- 77. Despite following installation of the membrane filtration system, Overhead Door still experienced chronic zinc exceedances beginning in February 2019.
- 78. 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

79. The allegations in the preceding paragraphs are incorporated by reference.
80. 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.
81. 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.
82. 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.
83. 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

84. The allegations in the preceding paragraphs are incorporated by reference.
85. 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.
86. Overhead Door maintains records of information from its monitoring activities in its Chain of Custody forms.
87. 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.
88. 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

89. 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.
90. 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”)

91. The allegations in the preceding paragraphs are incorporated by reference.
92. 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.

93. EPA never received SMRs from Overhead Door for the following monitoring periods:
 - a. July through December 2018
 - b. January through June 2019
94. EPA received SMRs from Overhead Door late for the following monitoring periods:
 - a. July through December 2019
 - b. January through June 2020
95. 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

96. The allegations in the preceding paragraphs are incorporated by reference.
97. 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.
98. Overhead Door failed to sample for silver during the second quarter of 2020.
99. 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.
100. 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

101. The allegations in the preceding paragraphs are incorporated by reference.
102. 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).
103. EPA conducted a Pretreatment Industrial User inspection at Overhead Door’s Facility on January 21, 2020.
104. 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.

105. 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).
106. 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

107. The allegations in the preceding paragraphs are incorporated by reference.
108. 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).
109. 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.
110. 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.
111. 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.
112. 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.

IV. ORDER

Pursuant to section 309(a) of the Act, 33 U.S.C. § 1319(a), having taken into account the seriousness of the violations and good faith efforts by Respondent to comply with section 301(a) of the Act, Respondent is hereby ORDERED to do as follows:

113. The Respondent shall take all actions necessary to comply with Sections 403 and 433 of Title 40 of the C.F.R., including actions necessary to comply with any discharge limits imposed by the Control Authority in accordance with the pretreatment regulations.
114. The Respondent will also take the following actions:
 - a. Within 30 days from the effective date of this Order, Overhead Door will commence an evaluation of the cause of its zinc exceedances and the performance of its membrane filtration system, and within 45 days from the effective date of this Order develop and implement a Corrective Action Plan (“CAP”) to prevent future exceedances. Overhead Door will submit the CAP to EPA for review in accordance with Section V below.
 - b. Within 30 days from the effective date of this Order, Respondent shall develop and implement a standard operating procedure (“SOP”) in response to any exceedance of any pretreatment daily maximum or monthly average limit applicable to its facility and submit to EPA for review in accordance with Section V below. The SOP shall include, at a minimum, the following steps:
 - i. Upon becoming aware of an exceedance of a daily maximum or a monthly average, Overhead Door will evaluate its treatment process within 60 days. This evaluation will include a root cause analysis, wherein Overhead Door will reasonably attempt to determine the cause of the exceedance. This evaluation will also include any remedial measures necessary to ensure no further exceedances.
 - ii. Overhead Door will notify EPA via by email or phone within 24 hours upon becoming aware of an exceedance.
 - iii. Overhead Door will sample and reanalyze for any parameter for which there is daily maximum or monthly average limit exceedance within 30 days of becoming aware of the exceedance(s). Overhead Door will request that the laboratory conducting the analyses inform Overhead Door within 24 hours when the results indicate exceedances of the Pretreatment Standard limits applicable to its facility.
 - iv. For two years from the effective date of this Order, Overhead Door will e-mail a copy of the results and conclusions of exceedance evaluation to:

Michael Greenwald
EPA Region III NPDES Section
Enforcement and Compliance Assurance Division
greenwald.michael@epa.gov

- c. Within 30 days from the effective date of this Order, Overhead Door will submit to EPA for review and comment a revised Chain of Custody form to include all elements required under 40 C.F.R. 403.12(o) for sample collection, analysis, and reporting (including (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), and implement the new Chain of Custody forms.
- d. Within 30 days from the effective date of this Order, Overhead Door will implement an approved method for calibration of the pH meter, and develop and use a calibration log. Overhead Door will submit copies of the calibration log with the SMRs for a period of two years from the effective date of this Order.
- e. For a period of two years from the effective date of this Order, Overhead Door will submit to EPA quarterly SMRs, rather than semi-annually, in accordance with 40 C.F.R. § 403.12. The deadlines for submission each year are:
 - i. January 31
 - ii. April 30
 - iii. July 31
 - iv. October 31

V. PROCEDURES FOR SUBMISSIONS

115. All documents required to be submitted by this Order shall be accompanied by a certification signed by a responsible officer, as defined in 40 C.F.R. § 122.22(d), that reads as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed _____

Title _____

116. Any submission or communication relating to this Order shall be submitted via electronic mail transmission to:

Michael Greenwald
Enforcement & Compliance Assurance Division
US EPA Region III
greenwald.michael@epa.gov

and

Aviva Reinfeld
Assistant Regional Counsel
US EPA Region III
reinfeld.aviva@epa.gov

VI. GENERAL PROVISIONS

117. Issuance of this Order is intended to address the violations described herein. EPA reserves the right to commence action against any person, including Overhead Door, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment.
118. EPA reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. § 1311, et seq., the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction. Further, EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provision of this Order, following its Effective Date (as defined below).
119. Nothing in this Order shall relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law and ordinance, 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.
120. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
121. EPA reserves all existing inspection authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute

or law.

122. The undersigned representative of Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Order and to execute and legally bind the party.
123. For the purpose of this proceeding only, Respondent admits each jurisdictional allegation set forth in this Order and agrees not to contest the jurisdiction of EPA with respect to the execution or enforcement of this Order.
124. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Order. Respondent, however, by consenting to this Order does not admit or deny EPA's Findings of Fact. Moreover, nothing in this Order constitutes an admission of liability or waiver of defenses by the Respondent to any third party.
125. Respondent shall bear its own costs and attorney's fees in connection with this Order.
126. By signing this Order, Respondent acknowledges that this Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Order does not contain any confidential business information or personally identifiable information from Respondent.
127. 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 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.
128. This Order shall apply to and be binding upon 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 Order on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Order and to legally bind Respondent to the terms and conditions of this Order.

VII. TERMINATION AND SATISFACTION

129. After two years of submitting SMRs on a quarterly basis, and the completion of

all items in Section IV, above, Respondent may submit to EPA a Request for Termination of this Order.

130. EPA reserves the right to unilaterally terminate this Order in its unreviewable discretion.

131. EPA shall provide Respondent with written notification of termination of this Order.

132. Termination of this Order does not terminate Overhead Door's reporting requirements under 40 C.F.R. § 403.12. Following termination of this Order, Overhead Door must continue to provide semi-annual monitoring and reporting.

VIII. EFFECTIVE DATE

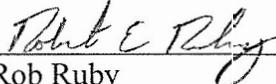
133. This ORDER shall become effective on the date of receipt by Respondent of the executed document.

SO ORDERED

Karen Melvin
Director
Enforcement & Compliance Assurance Division
U.S. EPA Region III

AGREED TO FOR THE RESPONDENT

Date: 3/17/21



Rob Ruby
Manufacturing Plant Manager
Overhead Door Corporation