

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 NORTH 5<sup>th</sup> STREET  
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	Docket No. CWA-07-2010-0084
Becton Dickinson Diagnostics	)	
Broken Bow, Nebraska	)	FINDINGS OF VIOLATION
	)	AND ORDER FOR COMPLIANCE
Respondent	)	
	)	
Proceeding under Section 309(a)(3)	)	
of the Clean Water Act,	)	
33 U.S.C. § 1319(a)(3)	)	
_____	)	

**I. Statutory Authority**

1. This FINDINGS OF VIOLATION are made and ORDER FOR COMPLIANCE is issued to Respondent Becton Dickinson Diagnostics (hereafter "Respondent" or "Becton Dickinson") pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Section 309(a)(3) of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. § 1319(a)(3). This authority has been delegated by the Administrator to the Regional Administrator, EPA Region 7, and further delegated to the Director, Water, Wetlands and Pesticides Division, EPA Region 7.
2. Section 301(a) of the Act, 33 U.S.C. § 1311 (a), prohibits discharge of pollutants from a point source into navigable waters of the United States, except in compliance with, inter alia, Sections 307 and 402 of the Act, 33 U.S.C. §§ 1317 and 1342. Section 402 provides that pollutants may be discharged into navigable waters of the United States only in accordance with the terms of a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to that section. Section 307 provides for the promulgation of regulations establishing pretreatment standards for introduction of pollutants into publicly owned treatment works ("POTW").
3. Pursuant to Section 307(b) of the CWA, 33 U.S.C. § 1317(b), EPA promulgated regulations codified at 40 C.F.R. Part 403, entitled the General Pretreatment Regulations. These regulations control the introduction of pollutants by industrial users

into POTWs which may pass through or interfere with treatment processes of such treatment works, or which may contaminate sewage sludge.

4. The General Pretreatment Regulations at 40 C.F.R. § 403.3(i) and (n) set forth definitions for interference and pass through, respectively. Specifically:
  - a. "Interference" is defined, in pertinent part, as a discharge of pollutants, which alone or in conjunction with other sources, inhibits or disrupts the treatment processes or operations of a POTW, and which therefore is a cause of a violation of any requirement of a POTW's NPDES permit; and
  - b. "Pass through" is defined, in pertinent part, as a discharge of pollutants which exits a POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with other sources, is a cause of a violation of any requirement of a POTW's NPDES permit.
5. 40 C.F.R. § 403.5(a) sets forth general prohibitions that users shall not introduce pollutants into a POTW which result in the "pass through" of pollutants through the POTW, or "interference" with the operations of the POTW.
6. 40 C.F.R. § 403.5(b) sets forth specific prohibitions that users shall not introduce pollutants into a POTW that exceed established criteria; including, but not limited to, the specific prohibition that a user shall not introduce any pollutants or wastewater with a pH less than 5.0 S.U. (Standard Units).
7. A "Significant Industrial User" is defined by 40 C.F.R. § 403.3(t)(ii) as a contributing industry that has (1) a flow of 25,000 gallons or more per average workday, or (2) has an average daily flow or load greater than five percent (5%) of the flow or load carried by the POTW or (3) has significant impact on the POTW or the quality of the POTW's effluent.
8. The Nebraska Department of Environmental Quality ("NDEQ") is the state agency with the authority to administer the federal NPDES program. EPA authorized Nebraska to administer the NPDES program pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), in June of 1974, and later authorized Nebraska to administer the Pretreatment Program in September of 1984.

## **II. General Allegations**

9. EPA retains concurrent enforcement authority under Sections 309 of the CWA, 33 U.S.C. §§ 1319 for violations of the NPDES and pretreatment programs.
10. Respondent does business as Becton Dickinson Diagnostics (hereafter, "Becton Dickinson"). Respondent is incorporated in, and doing business in, the State of Nebraska.
11. Respondent is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
12. At all times relevant to this action, Respondent was, and still is, the owner and/or operator of a medical supply production facility (producing test tubes, testing equipment, etc.) located at 150 South 1st Street, Broken Bow, Nebraska ("the Facility").
13. The City of Broken Bow ("the City"), Nebraska is a "person" as defined by Section 502 of the Act, 33 U.S.C. § 1362(5), that owns and operates a POTW for the treatment of both domestic and industrial wastewater.
14. Mud Creek is considered a "navigable water" of the United States, as defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7). Mud Creek is 303(d) listed for atrazine and aesthetic impairment.
15. The City's POTW is a "point source" that "discharges pollutants" into Mud Creek, as these terms are defined by Section 502(14) and (12) of the CWA, respectively, 33 U.S.C. § 1362(14) and (12). The City's discharge of pollutants from its POTW requires a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
16. Respondent discharges process wastewater from the Facility into the City's POTW, and therefore is an "industrial user," as defined by 40 C.F.R. § 403.3(h).
17. Becton Dickinson is a Significant Industrial User based on discharges to the City's POTW in excess of 25,000 gallons of wastewater per day and its impact on the POTW.
18. Respondent's wastewater is a "pollutant," and contains "pollutants," as defined by Section 502(6) of the CWA.
19. Respondent is subject to the General Pretreatment Regulations at 40 C.F.R. Part 403.
20. As an industrial discharger to the City's POTW, Becton Dickinson is also subject to the City's municipal ordinance which prohibits any discharges of wastewater to the POTW with a pH of less than 5.0 S.U., or greater than 9.0 S.U.

21. Pursuant to the terms of a 2004 NPDES permit Respondent also directly discharges wastewater to Mud Creek, and therefore is a "point source" that "discharges pollutants" into Mud Creek, as these terms are defined by Section 502(14) and (12) of the CWA, respectively, 33 U.S.C. § 1362(14) and (12).

**EPA's July 2009 Administrative Compliance Order  
to address the City's Violations of its 2006 Permit**

22. The City's POTW discharges to Mud Creek pursuant to the terms of a NPDES permit issued by NDEQ (Permit No. NE0027260), pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
23. On or about January 1, 2006, NDEQ reissued the City's POTW's NPDES permit ("2006 Permit").
24. As discussed below, the City's POTW has been in chronic historical non-compliance with the terms of its 2006 NPDES permit, which has been caused or contributed to by discharges of wastewater from Becton Dickinson.
25. On or about July 2, 2009, EPA issued the City an Administrative Compliance Order (ACO)(Docket No. CWA-07-2009-0077) that required the City to take actions to address the POTW's ongoing non-compliance with its 2006 permit. The violations of the City's permit cited in EPA's Order to the City are hereby incorporated by reference and are summarized in pertinent part below:
  - a. the 2006 permit's limits for cBOD(5) were violated during the months of March 2006, April 2007, August 2007, February 2008, March 2008, April 2008, May 2008, July 2008, August 2008, December 2008, January 2009, March 2009, April 2009, May 2009, and June 2009;
  - b. the 2006 permit's limits for TSS were violated during the months of April 2008, July 2008, March 2009, May 2009 and June 2009;
  - c. the 2006 permit's limits for pH of greater than 9.0 (S.U.) were exceeded in the months of April 2006, May 2006, June 2006, September 2006, October 2006, April 2008 (NDEQ monitored the POTW's discharge at pH of 9.47 (S.U.)), May 2008, June 2008 and July 2008 (EPA's inspection documented discharges of 9.03 and 9.20 S.U.);
  - d. the 2006 permit's limit for fecal coliform were violated in the months of June 2006, July 2007, August 2007, May 2008, September 2008, May 2009, and June 2009;
  - e. the limits for toxicity set forth in the 2006 permit were violated. The permit requires that follow-up monitoring be performed within 4 weeks of such a violation, and the City failed to perform the required follow-up monitoring (NDEQ's February 14, 2008 NOV, cited the City for the failure to meet the toxicity limit of the permit and for the failure to conduct the required follow-up testing);

f. the calculated removal efficiency for CBOD(5) in 2006 equaled 70%; in 2007 equaled 69%; in 2008 also equaled 69%; and in 2009 equaled 78%, in violation of the 2006 permit's requirement for 85% removal of CBOD(5).

26. Based on the historic and chronic ongoing violations of the City's POTW, NDEQ required the City to upgrade the POTW pursuant to a compliance schedule in the 2006 Permit, however the City violated this compliance schedule by not proceeding with the upgrade as required. EPA's July 2009 Order required the City to complete this upgrade of the City's POTW in order to comply with the 2006 permit. Following EPA's order, this upgrade was completed and operational in April 2010. In summary, the upgrade consisted of replacing the POTW's 4 cell lagoon system with a 2 basin sequencing batch reactors (SBRs) treatment system.
27. Since issuance of EPA's July 2, 2009, Order, the City, EPA and NDEQ have coordinated on oversight of construction of the upgrade to the POTW, including the investigation of past and present sources of loadings to the POTW, and the ability of the upgraded POTW to treat current and future loadings.

**Processes identified by Becton Dickinson  
 that discharge to the POTW**

28. In November 2008, Respondent filed a pretreatment permit application with NDEQ that describes the following average daily discharges into the POTW from five specific outfalls:

<u>Sewer Outfall</u>	<u>Process</u>	<u>Process Estimated Average Flow</u>	
001	Washers (SDA, Canada)	61,000 gpd	
	Water softeners	200 gpd	
	Non Contact Water (NCW)	28,800 gpd	
	Sanitary	2,200 gpd	Total: 92,200
002	NCW Heat pumps	92,800 gpd	
	Tower Water Tank	19,200 gpd	
	Sanitary	11,000 gpd	Total: 123,000
003	NCW	108,000 gpd	
	Air Cond. Condensate	800 gpd	
	Boiler blowdown	1,000 gpd	
	Sanitary	1,650 gpd	
	Lab	50 gpd	Total: 111,500

004	Sanitary	1,100 gpd	Total 1,100
005	Deionized water	17,000 gpd	
	Sanitary	1,100 gpd	Total: 18,100

29. Becton Dickinson's pretreatment permit application states that the SDA and Canada washer processes, and the deionized water process, discharge to the POTW an average of 79,000 gpd, seven days per month (every 4th or 5th day).

**Becton Dickinson's identified discharges to the POTW**

**Detected Acid and Caustic discharges**

30. On or about November 18, 2009, EPA collected samples of the influent to the POTW which, for a period of approximately 30 minutes, tested at a pH of 1.96 SU. This result was checked and retested with a second sample of 2.32 SU (a sample taken by the City also confirmed this result).
31. EPA and City personnel traced the source of the low pH (acidic) by sampling within the sewer collection system below the discharges into the sewer system from major industries in town. The lowest pH reading found by EPA at a manhole located directly below (downstream) from where Becton Dickinson discharges into the City sewers.
32. Following EPA's November 2009 sampling, the City commenced full time monitoring of pH at locations within the sewer collection system of the POTW by the use of a portable pH monitor. The sampling events for the City's pH monitoring program were at locations within the sewer system that received wastewater discharged by Becton Dickinson.
33. The City's pH monitoring program found wastewater within the sewer system with a pH as low as 4.0 SU on December 3, 2009, over a time period of two hours; a pH as low as 1.9 SU was recorded on December 4, 2009, over a time period of one hour; and on February 16, 2010, a pH as low as 4.0 SU was again recorded over a time period of one hour. These low and acidic levels of pH were detected even after dilution by domestic sewage, indicating a much stronger (more acidic, lower pH) discharge entering the sewer system than measured.
34. The City's pH monitoring program also detected repeated and sustained periods of elevated pH (greater than 9.0) with pH spikes up to 14.0 SU detected numerous times over the 19-day time period between December 3 and December 22, 2009; a pH spike of 13.6 SU was detected on January 2, 2010; pH spikes up to 14 SU were detected over a three-day time period between January 8 and January 10, 2010, and a pH spike of 12.7 SU was detected on January 11, 2010.

35. In February 2010, the City's engineering firm stated to EPA that slug loadings of sustained periods of elevated pH will negatively impact the ability of the POTW to properly operate (including the planned upgrade to the POTW).
36. Discharges of low pH wastewater into the POTW below 5.0 SU also degrade sewer infrastructures by corroding metal pipes and concrete structures.
37. From May 2010 onward, the City has continuously monitored pH of the wastewater within the City's sewer system at the State Yard manhole location, located directly below (downstream) from where Becton Dickinson discharges into the City's sewer.

**Becton Dickinson's July 16 to 19, 2010 discharges  
of high pH to the POTW**

38. On July 19, 2010 (a Monday), the City reported to EPA that the State Yard manhole pH monitor had detected repeated high pH discharges from Becton Dickinson over the prior weekend. The detected levels of pH in the sewer were as follows:
  - a. July 16, 2010: 9:11 a.m. through 12:20 p.m., with pH spikes about every 20 minutes and lasting about 15 minutes, with pH ranging from 9.1 to 12.7 SU;
  - b. July 17, 2010: 3:30 a.m. through July 18, 2010, 6:50 a.m., with pH spikes about every half an hour and lasting about 20 minutes, with pH ranging from 9.1 to 13.4 SU;
  - c. July 18, 2010: 2:00 p.m. through July 19, 2010, 8:20 a.m., with pH spikes about every half an hour and lasting about 20 minutes, with pH ranging from 9.1 to 13.4.
39. As a result of Respondent's discharges of high pH wastewater to the POTW, the City reported that at 9:15 a.m., on July 19, 2010, the pH within SBR basin #1 was monitored at 9.4 SU, and the pH in SBR basin #2 was 8.1 SU.
40. The City reported to EPA that during the morning of July 19, 2010, the City had contacted Becton Dickinson regarding the high pH discharges, and that Becton Dickinson had stated to the City that on Friday July 16, 2010, Becton Dickinson had a "spill" of caustic materials into wastewater discharged to the POTW.
41. The City reported to EPA that the discharges of wastewater with high pH had killed the biological activity within SBR basin #1 (required for the SBR to properly treat wastewater), and had severely reduced the biological activity in the SBR basin #2.
42. As a result of the interference with the operations of the SBRs caused by Respondent's discharges of high pH wastewater, the City was forced to cease operations of the SBRs and to divert wastewater to a standby lagoon from July 19 to July 21, 2010.

43. On July 21, 2010, the City began reseeded the SBR basins to restore the use of these treatment units to full performance.

### **III. Findings of Violation**

#### **Count I**

#### **Violation of general prohibitions Of the Pretreatment Regulations of 40 C.F.R. § 403.5(a)**

44. The facts stated in Paragraphs 9 through 43, above, are hereby incorporated by reference:
45. Respondent's discharges of slugs of alternately low pH (<5.0 SU) and/or high pH (>9.0 SU) wastewater to the POTW has adversely impacted and interfered with the operations of the POTW by killing or impeding the biological treatment processes in the POTW.
46. Respondent, as an industrial discharger of wastewater to the POTW, caused and/or contributed to the pass through of pollutants and/or interference of the POTW's treatment processes and operations, in violation of the City's 2006 NPDES permit and the General Pretreatment Regulations at 40 C.F.R. § 403.5(a), and Sections 301(a) and 307(d) of the CWA, 33 U.S.C. §§ 1311(a) and 1317(d).

#### **Count II**

#### **Violation of specific prohibitions Of the Pretreatment Regulations of 40 C.F.R. § 403.5(b)**

47. The facts stated in Paragraphs 9 through 43, above, are hereby incorporated by reference.
48. Sampling in the POTW's sewer collection system documents discharges by Respondent of wastewater with a pH of less than 5.0 SU.
49. Respondent's discharges of any wastewater with pH below 5.0 (S.U.) into the POTW (including the POTW's collection system) violates the specific prohibition found at the General Pretreatment Regulations at 40 C.F.R. § 403.5(b), and Sections 301(a) and 307(d) of the CWA, 33 U.S.C. §§ 1311(a) and 1317(d).

### **IV. Order for Compliance**

Based on the foregoing Findings of Violation, and pursuant to the authority of Sections 308 and 309(a)(3) of the Act, 33 U.S.C. §§ 1318, 1319(a)(3), Respondent is hereby ORDERED AS FOLLOWS:



50. Within 48 hours of receipt of this Order, Respondent shall provide in writing to EPA (pursuant to Paragraph 52, below) the following information:

- a. State whether Becton Dickinson utilizes low pH materials (< 5.0 S.U.) in its production processes, and whether the processes that utilize the low pH materials discharge wastewater to the POTW and/or from Outfall 001 to Mud Creek. If so, provide the following information:

The process unit which uses the low pH material;

- i. The manner in which the low pH material is used;
- ii. The frequency and volume of such discharges (For example, Becton Dickinson's 2008 pretreatment permit application documents the frequency and volume of discharges from the Canada and SDA washer systems);
- iii. The location by outfall or sewer connection of such discharges;
- iv. The actual or estimated pH value of the wastewater containing the low pH material at the time discharged to the POTW or its collection system or Mud Creek;
- v. If providing an estimated value for pH at the time of discharge, provide an explanation (with supporting documentation) of the basis of the estimated pH;
- vi. A description of neutralization processes, if any, currently used to elevate the pH of wastewater containing the material prior to discharge;
- vii. The chemical name and the commercial name of the low pH material discharged; and
- viii. The MSDS sheet for all identified low pH (< 5.0 S.U.) material(s) used by Respondent.

- b. State whether Becton Dickinson utilizes high pH materials (>9.0 S.U.) in its production processes, and whether the processes that utilize the low pH materials discharge wastewater to the POTW and/or from Outfall 001 to Mud Creek. If so, provide the following information:

- i. The process unit which uses the high pH material;
- ii. The manner in which the high pH material is used;
- iii. The frequency and volume of such discharges (For example, Becton Dickinson's 2008 pretreatment permit application documents the frequency and volume of discharges from the Canada and SDA washer systems);
- iv. The location by outfall or sewer connection of such discharges;
- v. The actual or estimated pH value of the wastewater containing the

- high pH material(s) at the time discharged to the POTW or its collection system or Mud Creek;
- vi. If providing an estimated value of pH at the time of discharge, provide an explanation (with supporting documentation) of the basis of the estimated pH;
  - vii. A description of neutralization processes, if any, currently used to lower the pH of wastewater containing the material(s) prior to discharge;
  - viii. The chemical name and the commercial name of the high pH material(s) discharged to the POTW; and
  - ix. The MSDS sheet for all high pH (> 9.0 S.U.) material(s) used by Respondent.
- c. A written description of the immediate interim measures that Respondent shall take to eliminate or neutralize all of Respondent's discharges of wastewater containing low pH (< 5.0 S.U.) and/or elevated pH (> 9.0 S.U.) into the POTW and/or its collection system. Respondent shall perform these interim measures until such time as the Pretreatment Compliance Plan required by Paragraph 51, below, can be developed, approved by EPA, and implemented by Respondent.
51. Within fifteen (15) days of receipt of this Order, Respondent shall provide EPA a proposed Pretreatment Compliance Plan, for EPA's review and approval, that shall describe in detail how Respondent will no longer cause pass through and interference at the POTW by the discharge of low pH (< 5.0 S.U.) or high pH (>9.0 S.U.) wastewater to the POTW, as described in the Findings set forth above, and how Respondent shall come into compliance with 40 C.F.R. Part 403. At a minimum, the proposed Pretreatment Compliance Plan shall include:
- a. A description of any process changes Respondent proposes to undertake at the Becton Dickinson facility to reduce loadings in the wastewater discharged to the POTW;
  - b. A description of wastewater treatment installations or modifications Respondent proposes to undertake at the Becton Dickinson facility to eliminate or neutralize the discharge of low pH (< 5.0 S.U.) or high pH (>9.0 S.U.) wastewater to the POTW or its collection system;
  - c. A description of any modifications and/or additions to the POTW that will improve the ability of the POTW to treat Respondent's wastewater;
  - d. A schedule for implementation of the proposed action(s) to be completed no later than October 1, 2010, (unless an alternative schedule is proposed and approved by EPA); and
  - e. Submission of the estimated cost relating to any proposed action(s), including but not limited to the purchase of new equipment, installation costs, and/or process changes.

### **EPA Review and Approval of Required Submittals**

52. EPA will review all proposed submittals requiring EPA approval (Pretreatment Compliance Plan), and notify Respondent in writing of EPA's approval, disapproval or modification of the submittal, or any part thereof. Within fifteen (15) days of receipt of EPA's comments pertaining to any submittal, Respondent shall amend such submittal, addressing all of EPA's comments, and resubmit same to EPA. If EPA disapproves the revised submittal, it may modify and approve the same in accordance with its comments. In the event of such modification, EPA will notify Respondent of the modification. Upon receipt of EPA's approval or notice of modification, Respondent shall commence work and implement the approved submittal (Pretreatment Compliance Plan) in accordance with the schedule and provisions contained therein. EPA approved submittals shall be deemed incorporated into and part of this Order.
53. All documents required for submittal to EPA (including the Pretreatment Compliance Plan, and other documents required to be submitted pursuant to this Order) shall be hand delivered or sent by certified mail, return receipt requested, to the following:

Ms. Kimberly Willis  
Compliance Officer  
Water Enforcement Branch  
Water, Wetlands and Pesticides Division  
U.S. Environmental Protection Agency  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101;

with copies also transmitted to:

Steve Goans  
Nebraska Dept. of Environmental Quality  
1200 N St., Suite 400, The Atrium  
Lincoln, Nebraska 68509-8922

### **V. General Provisions**

#### **Right to claim Responsive Information as Confidential**

54. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. Becton Dickinson may assert a confidentiality claim covering part or all of the information requested, pursuant to 40 C.F.R. § 2.203(b) by attaching to such information at the time it is submitted, a

cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public without further notice to Respondent.

#### **Effect of Compliance with the Terms of This Order for Compliance**

55. Compliance with the terms of this Order shall not relieve Respondent of liability for, or preclude EPA from initiating, an 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.
56. Respondent shall comply with all other applicable laws, regulations, standards, and requirements contained in any applicable local, state, and federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this Order.
57. This Order does not constitute a waiver or a modification of any requirements of the CWA, 33 U.S.C. § 1251 et. seq., all of which remain in full force and effect. EPA retains the right to seek any and all remedies available under Section 309 of the Act, 33 U.S.C. § 1319, 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**

58. 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.

#### **Severability**

59. 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**

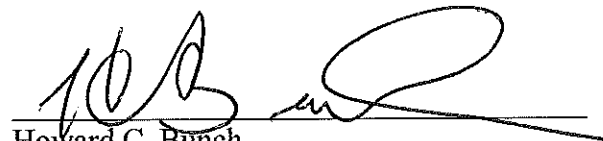
60. The terms of this Order shall be effective and enforceable against Respondent upon its receipt of an executed copy of the Order.

**Termination**

61. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of EPA. Such notice shall not be given until all of the requirements of this Order have been met.

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

  
William A. Spratlin  
Director  
Water, Wetlands and Pesticides Division

  
Howard C. Bunch  
Sr. Assistant Regional Counsel

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 Order for Compliance Regional Hearing Clerk, United States Environmental Protection Agency, 901 North 5<sup>th</sup> Street, Kansas City, Kansas 66101.

I further certify that on the date noted below I sent by certified mail, return receipt requested, a true and correct copy of the signed original Findings of Violation and Order for Compliance to:

Mr. Rex Boland  
Plant Manager  
Becton Dickinson Diagnostics  
150 South 1<sup>st</sup> Avenue  
Broken Bow, Nebraska 68822

and a true and correct copy by regular, first class mail to:

Pat Rice  
Assistant Director  
NDEQ, The Atrium  
1200 "N" Street, Suite 400  
Lincoln, Nebraska 68509-8922.

7/26/10  
Date

