1000 Vermont Avenue NW
Suite 1100
Washington, DC 20005
T 202 296 8800
F 202 296 8822
environmentalintegrity.org

June 29, 2021

Via Certified Mail, Return Receipt Requested

Hanover Foods Corporation
P.O. Box 334, 1486 York Street
Hanover, PA 17331-0334

Hanover Foods Corporation
1550 York Street
Hanover, PA 17331-0334

John A Warehime
President
Hanover Foods Corporation
P.O. Box 334, 1486 York Street
Hanover, PA 17331-0334

David Still
Plant Manager
Hanover Foods Corporation
P.O. Box 334, 1486 York Street
Hanover, PA 17331-0334

Kumar Navile
Environmental Compliance Manager
Hanover Foods Corporation
P.O. Box 334, 1486 York Street
Hanover, PA 17331-0334

RE: Notice of Intent to Sue Hanover Foods Corporation for Violations of the Clean Water Act and Pennsylvania's Clean Streams Law at the Hanover Foods facility in York County, Pennsylvania

Dear Sirs:

The Environmental Integrity Project ("EIP") writes on behalf of the Lower Susquehanna Riverkeeper Association ("LSRA" or "Citizens") and its members to provide notice of LSRA's intent to file suit against Hanover Foods Corporation ("Hanover Foods") for significant and ongoing violations of the federal Clean Water Act (CWA), 33 U.S.C. § 1251 *et seq*., and Pennsylvania's Clean Streams Law (CSL), as amended, 35 P.S. § 691.1 *et seq.*, at Hanover Foods' food processing facility located in Penn Township, York County, at 1550 York Street, Hanover,

Pennsylvania 17331-0334 (the "Facility"). Hanover Foods owns and operates the Facility. Industrial wastewater generated from the Facility is treated at an on-site industrial wastewater treatment plant (the "Plant"). The Plant discharges treated wastewater to Penn Township's municipal wastewater treatment plant and to Oil Creek.

As explained more fully below, the Plant is routinely discharging pollutants in violation of the terms and conditions of its National Pollutant Discharge Elimination System (NPDES) permit, its pretreatment permit issued by the Penn Township Wastewater Treatment Plant (WWTP), the CWA, and the CSL. In addition, Hanover Foods is failing to comply with monitoring and reporting requirements in violation of the NPDES permit, the CWA, and the CSL. By failing to comply with its NPDES permit, its pretreatment permit, the CWA, and the CSL, Hanover Foods has injured and will continue to injure or threaten to injure, the health, environmental, aesthetic, and economic interests of LSRA and its members. These injuries or risks are traceable to violations at the Facility and redressing these ongoing violations will redress Citizens' injuries or risks.

CWA sections 505(a)(1) and (b)(1)(A) permit Citizens to commence a civil suit in the United States District Court for the Middle District of Pennsylvania against Hanover Foods for CWA effluent limitation violations after 60 days upon providing this notice of intent to sue. Citizens are entitled to commence an action "against any person . . . alleged to be in violation" of an "effluent standard or limitation" under the CWA. 33 U.S.C. § 1365(a)(1). Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants from a point source to waters of the United States except in compliance with, among other conditions, a NPDES permit issued pursuant to section 402 of the CWA, 33 U.S.C. § 1342(a). For purposes of CWA section 505, the term "effluent standard or limitation under this chapter" includes, among other things, "a permit or condition of a permit" issued under section 402 that is in effect under this chapter and a "prohibition, effluent standard or pretreatment standard" under section 307. 33 U.S.C. § 1365(f)(4), (7). A court can impose a civil penalty of up to $56,460 per day for each CWA or permit violation. 33 U.S.C. § 1319(d).[1]

CSL section 601(c) permits Citizens to commence a civil suit against Hanover Foods to compel compliance with the CSL or a NPDES permit. Citizens are entitled to commence an action "against any other person alleged to be in violation of any provision of this act or . . . permit issued pursuant to this act." 35 P.S. § 691.601(c). Any person who violates the CSL, or a permit or regulation pursuant thereto, including by discharging, placing or allowing the flow of industrial waste or other pollution to waters of the Commonwealth without authorization, can be subject to a fine and/or a civil penalty of up to $10,000 per violation per day. 35 P.S. §§ 691.602(a), 605(a). Citizens may bring a CSL claim in federal court as a supplemental claim to the federal CWA claim, through pendent jurisdiction.

In accordance with section 505(b)(1)(A) of the CWA[2] and sections 601(c) and (e) of the CSL, this letter serves to notify Hanover Foods that Citizens intend to file suit for CWA and CSL violations, unless corrected, in U.S. District Court for the Middle District of Pennsylvania at any time beginning 60 days after the postmarked date of this letter. 40 C.F.R. § 135.2(c). Additionally, Citizens notify Hanover Foods of their intention to sue for ongoing violations of the same type that

[1] *See also* Civil Monetary Penalty Inflation Adjustment, 40 C.F.R. § 19.4 (effective December 23, 2020).
[2] 33 U.S.C. § 1365(b)(1)(A).

occur after the violations outlined in this notice letter (the "Notice"). *See Public Interest Research Group of N.J., Inc. v. Hercules, Inc*. 50 F.3d 1239 (3d Cir. 1995).

I. BACKGROUND

Hanover Foods is a food processing company located in Penn Township, York County, Pennsylvania. Hanover Foods produces canned, glass packed and frozen vegetable goods (beans, potatoes, beets, and tomatoes).[3] Hanover Foods operates the Facility at 1550 York Street, P.O. Box 334, Hanover, Pennsylvania 17331-0334. During food processing operations, the Facility generates non-contact cooling water and process wastewater. However, the fact sheet for the current permit (the "2015 Permit Fact Sheet") states that the non-contact cooling water "actually touches the cans to cool them down. If any of the cans open, there is a high probability of spillage into the water."[4] The Facility's industrial wastewater treatment plant (the "Plant") receives both the industrial process wastewater from the canning operations and the non-contact cooling water.[5]

The Plant provides pre-treatment for the industrial process wastewater from the Facility operations before sending a majority of this wastewater (monthly average of 450,000 gallons per day) to Penn Township WWTP for further treatment and discharge to Oil Creek.[6] The discharge to the Penn Township WWTP is authorized by a permit issued by Penn Township WWTP and, according to the 2015 Permit Fact Sheet, pursuant to a pretreatment agreement between Hanover Foods and Penn Township.[7] Upon information and belief, the pretreatment agreement is implemented by pretreatment permits that Penn Township issues to Hanover Foods every five years. These pretreatment permits authorize the discharge to the WWTP and provide the specific terms and conditions for the discharge. The remainder of the industrial process wastewater is combined with the non-contact cooling water, is further treated, and is discharged to Oil Creek at Outfall 001.[8] The Facility also discharges industrial stormwater through Outfalls 002, 003, and 004.

For pretreatment, the industrial wastewater from the food processing operations flows to a pretreatment building, where solids are screened and removed before the flow enters the grit removal chamber.[9] The industrial wastewater is then pumped to an anaerobic biofiltration system, comprising two anaerobic bio-reactors, where sludge is removed.[10] From either of the two bio-reactors (bio-reactor #1 and #2), the industrial wastewater flows to a flow splitter that diverts flow

[3] NPDES Permit Fact Sheet Individual Industrial Waste (IW) and IW Stormwater ("2015 Permit Fact Sheet"), at 1, attached hereto as **Attachment A**.

[4] Attachment A: 2015 Permit Fact Sheet. Even though the cooling water does come in contact with industrial processes, the inspection reports and several permitting documents, including the 2015 Permit Fact Sheet, refer to this cooling water as non-contact cooling water. In the Water Flow Schematics in both the 2012 and 2020 NPDES Permit Renewal Applications, Hanover Foods refers to the cooling water as "Contact Cooling Water." NPDES Permit Renewal No. PA00444741, Hanover Foods Corporation, Wastewater Treatment Plant (May 2020) (the "2020 Permit Renewal Application"), at Appendix 4; Hanover Foods Corporation, Hanover Cannery, NPDES Permit No. PA0044741 Renewal Application (the "2012 Permit Renewal Application"), at Attachment 2 (Aug. 20, 2012).

[5] NPDES Compliance Inspection Report, Hanover Foods IWTP (July 9, 2020) ("July 9, 2020 Inspection Report"), at 2, attached hereto as **Attachment B**.

[6] Attachment B: July 9, 2020 Inspection Report, at 3.

[7] Attachment A: 2015 Permit Fact Sheet, at 1.

[8] Attachment B: July 9, 2020 Inspection Report, at 2.

[9] Attachment A: 2015 Permit Fact Sheet, at 1; Attachment B: July 9, 2020 Inspection Report, at 2.

[10] Attachment A: 2015 Permit Fact Sheet, at 1; Attachment B: July 9, 2020 Inspection Report, at 2. These bio-reactors are referred to as anaerobic digesters in the Wastewater Treatment Plant Process Flow Schematic attached to the 2020

between two clarifiers.[11] Bio-reactor #1 feeds into clarifiers #1 and #2 and bio-reactor #2 feeds into clarifiers #3 and #4.[12] Effluent from the clarifiers then flows to aeration Lagoon #1, where it is sampled before the majority is sent to Penn Township WWTP for final treatment.[13]

The industrial wastewater that is not discharged to the Penn Township WWTP exits Lagoon #1 and enters aeration Lagoon #2, which also receives the non-contact cooling water from the Facility. The combined industrial wastewater and non-contact cooling water discharges from Lagoon #2 into two polishing ponds before undergoing UV disinfection and then being sampled for discharge through Outfall 001 into Oil Creek.[14]

Outfalls 002, 003, and 004 each discharge stormwater. Outfall 002 receives flow from a spring and stormwater runoff from roadways and the Facility and Outfall 003 receives flow from a waste storage area, both discharging to an unnamed tributary of Oil Creek. Outfall 004 is a spillway for a stormwater detention basin that discharges into a wetland area leading to an unnamed tributary of Oil Creek. Outfalls 002 and 003 must be monitored annually, but no monitoring is required for Outfall 004 because the detention basin receives runoff from areas of the Facility where little or no material handling occurs.[15]

A. NPDES Permit

On September 22, 2015, the Pennsylvania Department of Environmental Protection (DEP) renewed Hanover Foods' NPDES Permit No. PA0044741 (the "2015 Permit"), effective October 1, 2015 to September 30, 2020, based on Hanover Foods' 2012 application for renewal (the "2012 Permit Renewal Application"). The 2015 Permit provides that, in the event that it is not reissued before the expiration date, the terms and conditions of the 2015 Permit are automatically continued and remain fully effective and enforceable against the discharger provided that the permittee submitted a timely and complete application for renewal and that the delayed reissuance was through no fault of the permittee.[16] According to the 2015 Permit, an application for renewal was due 180 days prior to the expiration date—April 3, 2020. Although Hanover Foods submitted its renewal application late, on or around May 19, 2020 (the "2020 Permit Renewal Application"),[17] DEP accepted the application, deemed it complete on June 25, 2020, and is currently conducting a technical review of the application for renewal.[18] Therefore, the 2015 Permit remains effective and enforceable against Hanover Foods until DEP makes a final determination on the permit reissuance.

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[11] Attachment A: 2015 Permit Fact Sheet, at 1; Attachment B: July 9, 2020 Inspection Report, at 2.
[12] Attachment A: 2015 Permit Fact Sheet, at 1; Attachment B: July 9, 2020 Inspection Report, at 2.
[13] Attachment B: July 9, 2020 Inspection Report, at 3.
[14] Attachment A: 2015 Permit Fact Sheet, at 1; Attachment B: July 9, 2020 Inspection Report, at 3. For a visual representation of the wastewater treatment plant process, see the 2020 Permit Renewal Application, Appendix 3, Wastewater Treatment Plant Process Flow Schematic, attached hereto as **Attachment C**.
[15] Attachment A: 2015 Permit Fact Sheet, at 4.
[16] NPDES Permit No. PA0044741, Authorization to Discharge under the National Pollutant Discharge Elimination System Discharge Requirements for Industrial Wastewater Facilities (Sept. 22, 2015) ("2015 Permit"), at 1, attached hereto as **Attachment D**.
[17] Cover page to 2020 Permit Renewal Application, dated May 19, 2020.
[18] PADEP, eFACTS, Authorization Search Details, Hanover Foods, Authorization ID: 1316819, https://www.ahs.dep.pa.gov/eFACTSWeb/searchResults_singleAuth.aspx?AuthID=1316819.

Terms and conditions of the 2015 Permit relevant to the violations alleged in this Notice include:

1. Effluent Limitations, Monitoring, Recordkeeping and Reporting Requirements

The 2015 Permit[19] requires Hanover Foods to:

- For Outfall 001, report and adhere to monthly average, daily maximum, and instantaneous maximum limitations for concentrations and/or loads of:
    - Carbonaceous Biochemical Oxygen Demand (CBOD5) (Permit Section I.A, I.B, I.C)
        - May 1 – Oct 31: monthly average concentration 10 mg/L, monthly average load 70 lbs/day, daily maximum concentration 15 mg/L, daily maximum load 105 lbs/day, instantaneous maximum concentration 20 mg/L
        - Nov 1 – Apr 30: monthly average concentration 18 mg/L, monthly average load 126 lbs/day, daily maximum concentration 27 mg/L, daily maximum load 189 lbs/day, instantaneous maximum concentration 36 mg/L
    - Total Suspended Solids (TSS) (I.A, I.B, I.C)
        - Monthly average concentration 30 mg/L, monthly average load 210 lbs/day, daily maximum concentration 60 mg/L, daily maximum load 420 lbs/day, instantaneous maximum concentration 75 mg/L
    - Fecal Coliform (I.A, I.B, I.C)
        - May 1 – Sep 30: geometric mean concentration 200 CFU/100 ml, instantaneous maximum 1,000 CFU/100 ml
        - Oct 1 – Apr 30: geometric mean concentration 2,000 CFU/100 ml, instantaneous maximum 10,000 CFU/100 ml
    - Ammonia-Nitrogen (I.A, I.B, I.C)
        - May 1 – Oct 31: monthly average concentration 1.0 mg/L, monthly average load 7.0 lbs/day, daily maximum concentration 2.0 mg/L, daily maximum load 14 lbs/day, instantaneous maximum concentration 2.5 mg/L
        - Nov 1 – Apr 30: monthly average concentration 3.0 mg/L, monthly average load 21 lbs/day, daily maximum concentration 6.0 mg/L, daily maximum load 42 lbs/day, instantaneous maximum concentration 7.5 mg/L

[19] References to specific provisions of the 2015 Permit are in parentheticals after each requirement that is set forth below.

- For Outfall 001, report and adhere to a minimum concentration of dissolved oxygen of 5.0 mg/L (I.A, I.B, I.C)

- For the first three years of the permit term, report daily maximum temperature (°F) from Outfall 001 (I.A, I.B). Beginning October 1, 2018, report and adhere to the following daily maximum limitations for temperature for Outfall 001 (I.C):

Date	**Limit (°F)**
Jan 1-30	51
Feb 1-29	52
Mar 1-31	74
Apr 1-15	83
Apr 16-30	89
May 1-15	85
May 16-31	106
Jun 1-15	106
Jun 16-30	110
Jul 1-31	101
Aug 1-31	99
Sep 1-15	94
Sep 16-30	88
Oct 1-15	82
Oct 16-31	76
Nov 1-15	69
Nov 16-30	59
Dec 1-31	50

- Annually report daily maximum concentrations for stormwater discharge from Outfalls 002 and 003 for the following parameters (I.D, I.E):

    - pH (S.U.)
    - CBOD5
    - Chemical Oxygen Demand (COD)
    - TSS
    - Oil and Grease
    - Total Phosphorus
    - Dissolved Iron
    - Total Iron

- For the first two years of the permit term, report monthly and annual Net Total Nitrogen and Net Total Phosphorus loads in lbs/month and lbs/year for Outfall 001 (I.F). Beginning October 1, 2017, continue monthly reporting and report and adhere to an Annual Maximum Load limit of 26,385 lbs/year for Net Total Nitrogen and 979 lbs/year for Net Total Phosphorus (together, the "Cap Loads") for Outfall 001 (I.G)

- Use test procedures for the analysis of pollutants or pollutant parameters that are sufficiently sensitive (III.A.4.c)

- Submit Discharge Monitoring Reports (DMRs) to DEP according to the following schedule, in pertinent part (III.B.2):

    - Monthly DMRs must be received within 28 days following the end of each calendar month.

    - Annual DMRs must be received by January 28, unless Part C of this permit requires otherwise.

- Orally report all instances of noncompliance that may endanger health or the environment as per paragraph III.C.4 within 24 hours of becoming aware of the circumstances and provide a written report within 5 days of becoming aware of the noncompliance; report all instances of noncompliance not based on endangerment of health or the environment or reported according to specific requirements of compliance schedules on the Non-Compliance Reporting Form at the time DMRs are submitted. The reports shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (III.C.5, III.C.4)

In addition to the above requirements, Part A of the 2015 Permit prohibits certain discharges, including:

- "Floating solids, scum, sheen or substances that result in observed deposits in the receiving water."

- "Foam or substances that produce an observed change in the color, taste, odor or turbidity of the receiving water, unless those conditions are otherwise controlled through effluent limitations or other requirements in this permit."

2. Management Requirements

The 2015 Permit expressly states that if a compliance schedule has been established in this permit, the permittee must achieve compliance with the terms and conditions of the 2015 Permit within the time frames specified.[20] Additionally, Hanover Foods is required to submit reports of compliance or noncompliance for any interim or final requirements contained in the 2015 Permit, to be submitted no later than 14 days following the applicable schedule date or compliance deadline.[21] This applies to the Chesapeake Bay Schedule and the Schedule of Compliance for Temperature, which are described in Sections A.3.a) and A.4 below.

Part B, Section I.D of the 2015 Permit requires proper operation and maintenance of the Plant. Specifically, the 2015 Permit provides:

[20] Attachment D: Permit, at Part B.I.A.1.
[21] *Id.* at Part B.I.A.2.

"The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit."[22]

3. Chesapeake Bay Requirements

a) Chesapeake Bay Schedule

Part C of the 2015 Permit contains specific requirements related to protection of the Chesapeake Bay. Section I provides a schedule designed to bring Hanover Foods into compliance with its Cap Loads (i.e., Annual Net Total Nitrogen and Annual Net Total Phosphorus loads) by September 30, 2018. The following were the schedule requirements within the term of the 2015 Permit:

Award Contract for Construction or Begin Implementation	10/1/2015
Construction or Implementation Progress Report(s)	Quarterly
Issue Certification of Substantial Completion (Plant Fully Operational)	10/1/2017
Compliance with effluent limitations	9/30/2018[23]

The effluent limitations referred to in this compliance schedule are the Cap Loads. As noted in section A.1 above, the 2015 Permit effluent limitations include these Annual Net Total Nitrogen and Net Total Phosphorus limits as applicable beginning October 1, 2017, with monthly reporting requirements and the first total annual Cap Loads to comply with the limits to be reported by September 30, 2018. Prior to October 1, 2017, Hanover Foods was only required to report annual and monthly loads for nitrogen and phosphorus.

The 2015 Permit required Hanover Foods to submit a written notice of compliance or noncompliance with the specific schedule requirement to DEP within 14 days of each due date.[24] Each notice of noncompliance was required to include descriptions of the noncompliance, any actions taken or proposed to comply with the requirement, and any factors explaining or mitigating the noncompliance. The notice was also required to provide an estimate of the date the schedule requirement would be achieved, an assessment of the probability that the next scheduled requirement would be met on time, and a revised compliance schedule for DEP approval.[25] As discussed in more detail in the sections of this Notice regarding Hanover Foods' violations,

[22] *Id.* at Part B.I.D.
[23] *Id.* at Part C.I.A.
[24] *Id.* at Part C.I.B.
[25] *Id.* at Part C.I.C

because the company does not appear to have submitted the required compliance or noncompliance reports, it is unclear whether Hanover Foods timely complied with the schedule of required activities. Based on the eDMRs, Hanover Foods partially complied with the Cap Loads by September 30, 2018, as required, but committed a reporting error discussed in a later section of this Notice.

b) Chesapeake Bay Nutrient Requirements

Part C, Section II of the 2015 Permit sets forth additional requirements related to the Cap Loads provided in Part A. These annual load limits of 26,385 lbs/year for Net Total Nitrogen and 979 lbs/year for Net Total Phosphorus became effective on October 1, 2017, with a compliance date of September 30, 2018, per the Chesapeake Bay Schedule set forth above. Credits[26] and approved offsets[27] may be used to comply with the Cap Loads under certain circumstances. Part C, Section II.E.3 requires the permittee to report any credits applied and sold and offsets applied to calculate the Annual Net Mass Loads and meet the Cap Loads.[28] The Annual Net Mass Loads are calculated based on the sum of monthly total mass loads for one Compliance Year, which begins October 1st and ends September 30th, once adjusted for credits sold and applied and offsets applied. The Annual DMR reporting Annual Net Mass Loads for both Total Nitrogen and Total Phosphorus, as adjusted, must be reported each year by November 28th.[29] The 2015 Permit requires Hanover Foods to report on the Nitrogen Budget and Phosphorus Budget supplemental forms the credits sold and applied, and offsets applied to calculate Annual Net Mass Loads. These forms must be attached to the Annual DMR.

4. Schedule of Compliance for Temperature

The 2015 Permit establishes a compliance schedule for temperature, requiring Hanover Foods to meet interim deadlines designed to bring the Hanover Foods into compliance with temperature limitations by three years after the permit effective date:

Feasibility study completion	6 months after permit effective date
Final plan completion	12 months after permit effective date
Start plan implementation	12 months after permit effective date
Plan implementation progress report(s)	Quarterly
End of plan implementation	36 months after permit effective date

[26] The Permit defines a Credit as: "The tradable unit of compliance that corresponds with a unit of reduction of a pollutant as recognized by DEP which, when certified, verified and registered, may be used to comply with NPDES permit effluent limitations." Part C.II.B.

[27] The Permit defines Offset as: "The pollutant load reduction measured in pounds (lbs) that is created by an action, activity or technology which when approved by DEP may be used to comply with NPDES permit effluent limitations, conditions and stipulations under 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance.) The offset may only be used by the NPDES permittee that DEP determines is associated with the load reduction achieved by the action, activity or technology." Part C.II.B.

[28] *Id.* at Part C.II.E.3.

[29] *Id.* at Part C.II.E.4.

Compliance with effluent limitations	36 months after permit effective date[30]

In accordance with this schedule, the effluent limitations for temperature began on October 1, 2018, as set forth in Part A of the 2015 Permit and noted in section A.1 of this Notice.

The permittee was required to submit a written notice of compliance or noncompliance with each specific schedule requirement within 14 days of the scheduled due date.[31] The written notice was required to contain each of the items required in the notice of compliance or noncompliance with the Chesapeake Bay Schedule: descriptions of the noncompliance, any actions taken or proposed to comply with the requirement, and any factors explaining or mitigating the noncompliance, as well as an estimate of the date the schedule requirement would be achieved, an assessment of the probability that the next scheduled requirement would be met on time, and a revised compliance schedule for DEP approval.

As discussed in more detail in the sections regarding Hanover Foods' violations, because the company does not appear to have submitted the required compliance or noncompliance reports related to the temperature compliance schedule, it is unclear whether Hanover Foods timely complied with the schedule of required activities. Based on the eDMRs, Hanover Foods met the temperature effluent limitations for the first two months after they became effective but thereafter consistently exceeded the limits, as discussed further in this Notice.

B. Flow Increase

The flow of combined industrial wastewater and non-contact cooling water effluent discharged from the Plant, through Outfall 001, has increased over the course of the past several years. The reported design flow in the 2012 Permit Renewal Application was 0.643 mgd and the average flow was 0.531 mgd.[32] A plant upgrade that occurred between the submission of the 2012 Permit Renewal Application and the issuance of the 2015 Permit increased the capacity of the plant to treat up to 0.19 mgd process wastewater and a maximum of 0.65 mgd of non-contact cooling water, for a total design flow of 0.84 mgd; thus the effluent limitations established in the 2015 Permit were based on a flow of 0.84 mgd.[33]

The 2020 Permit Renewal Application indicates that from 2015 to 2019, the average flow during operation was 0.563 mgd, with annual averages ranging from 0.373 (2015) to 0.691 (2016).[34] In 2020, based on Hanover Foods' eDMRs, the average monthly flow ranged from 0.652 mgd (February) to as high as 1.322 mgd (September). Based on the average monthly flows reported for each month in 2020, the overall average flow for the year was approximately 0.89 mgd, significantly higher than the previous several years and above the Plant's design flow of 0.84 mgd.

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[30] *Id.* at Part C.IV.A.
[31] *Id.* at Part C.IV.B.
[32] 2012 Permit Renewal Application, at 2, Module 15, at 1.
[33] Attachment A: 2015 Permit Fact Sheet, at 6. The available documents do not indicate whether a modification was submitted to the 2012 Permit Renewal Application, but the 2015 Permit Fact Sheet states that Hanover Foods submitted a Water Quality Management Permit to upgrade the plant to a design flow of 0.84 mgd but does not indicate when this upgrade occurred. Because it was not included in the 2012 Permit Renewal Application but this design capacity of 0.84 mgd was the basis for the effluent limitations in the 2015 Permit, the upgrade presumably occurred between 2012 and 2015.
[34] 2020 Permit Renewal Application, at 3, 7.

Additionally, in several months, such as June 2020 (1.068 mgd), September 2020 (1.322 mgd), and October 2020 (1.056 mgd), the flow spiked to over 25% above the design flow and up to 57.4% above the design flow in September 2020.

C. January 3, 2017 Consent Order and Agreement

On January 3, 2017, DEP and Hanover Foods entered into a Consent Order and Agreement (COA) to resolve Hanover Foods' violation of Section 308 of the CSL for failure to obtain an approved Water Quality Management Part II Permit ("WQM Permit") prior to construction of new industrial wastewater treatment facilities (the "2017 COA").[35] The WQM Permit was ultimately issued on July 26, 2016, but not until after DEP inspected the Plant on July 20, 2016 and determined that Hanover Foods had begun construction of an upgrade on October 27, 2015 without permit authorization.[36] The upgrade eventually covered by the WQM Permit was to improve the Plant by, among other projects, constructing a new 500,000 gallon Equalization Tank, constructing a second treatment train (including bio-reactor #2 and clarifiers #3 and #4) that mirrored the then-existing treatment process (bio-reactor #1 and clarifiers #1 and #2), and construction of a UV system.[37] Construction of a pretreatment and surge tank system, the bioreactor, and the clarifier structures was completed by July 21, 2017, but the final status of the upgrade is not clear from the available documents.[38]

Hanover Foods was previously subject to two prior COAs, one entered into on August 20, 2013 (the "2013 COA") and an amendment entered into on October 16, 2014 (the "2014 COA Amendment"). The 2017 COA states that Hanover Foods had paid all required stipulated penalties to fully resolve past violations to date pursuant to the 2013 COA and 2014 COA Amendment.[39] Additionally, Hanover Foods had paid $1,600 to fully resolve fecal coliform effluent violations from May 1 through September 30, 2016.[40] Though the Plant at the time of the 2017 COA did not contain a treatment system for fecal coliform, the WQM Permit provided for construction and operation of an ultraviolet system to treat for fecal coliform.[41] Inspection reports from the last two years, starting April 18, 2019, refer to the ultraviolet system at the Plant; therefore, this construction must have been completed at some point prior to April 18, 2019.

The 2017 COA was a modification that superseded and replaced the 2013 COA and the 2014 COA Amendment, adjusting the corrective action schedule included in the 2014 COA Amendment to align with the Chesapeake Bay Schedule in the 2015 Permit.[42] This corrective action schedule provided for quarterly construction or implementation progress reports for the planned upgrade of the Plant, issuance of a certification of substantial completion for construction of upgrades, and attaining compliance with permit effluent limitations.[43] The 2017 COA also assessed a civil penalty of $6,200 for CSL violations, based on Hanover Foods' failure to obtain a WQM Permit

[35] Consent Order and Agreement, *In the matter of Hanover Foods Corporation* (Jan. 3, 2017), ¶¶ N, R, S pgs. 3–4.
[36] *Id.* ¶¶ N, O pgs. 3–4.
[37] Water Quality Management Permit, Hanover Foods Corp, (July 26, 2016), at 1.
[38] Water Quality Management Post Construction Certification, Partial Construction Completion Date 07/21/2017.
[39] 2017 COA, ¶ M, pg. 3.
[40] *Id.*
[41] *Id.* ¶ L, pg. 3.
[42] *Id.* ¶ 1.b., pg. 5.
[43] *Id.* ¶¶ 3.a–c, pg. 5.

prior to commencing construction.[44] It also provided for stipulated civil penalties to be assessed for any violation of permit effluent limits.[45] Pursuant to the 2017 COA, Hanover Foods has paid stipulated penalties to DEP for effluent violations through November 2018, but a Right-to-Know-Law request to DEP revealed no evidence of payments of stipulated penalties for violations after November 2018.

By its terms, the stipulated penalties paragraph of the 2017 COA terminated when Hanover Foods demonstrated six consecutive months of compliance with the permitted effluent limits after completing the corrective actions and civil penalty requirements to DEP's satisfaction.[46] Based on the eDMRs, the stipulated penalties provisions of the 2017 COA likely terminated around July 2019, following a six-month period without effluent limit violations, assuming that the corrective action and civil penalty requirements were also met. Available documents do not make clear whether the 2017 COA is still in effect.

D. DEP Inspections and Notices of Violations

DEP has conducted several Compliance Inspections since the 2017 COA, some of which identified violations of the 2015 Permit, the CSL, and/or the CWA.

On April 18, 2019, DEP conducted a NPDES Compliance Inspection and determined that Hanover Foods was failing to properly operate and maintain all facilities installed or used to achieve compliance, pursuant to Part B.I.D of the 2015 Permit.[47] The aeration in the polishing ponds was off during inspection. The inspection report explained that the polishing ponds were experiencing heavy algae growth, which fouls the aerator motors. Though it is not entirely clear from the report, the algae growth was likely the reason the aerators were turned off.[48] The fence around the polishing ponds was also experiencing heavy erosion at the time of the inspection.

The UV disinfection system that receives the effluent from the polishing ponds prior to discharge through Outfall 001 was also off during the time of inspection, and during the inspection Hanover turned the unit to "AUTO."[49] Hanover Foods indicated that the UV system had been turned off to allow Hanover Foods to "remove the algae accumulation on the UV bulbs from the polishing tanks" approximately two weeks prior. It is not clear from the report why the UV system was not turned back if algae had been successfully removed from the UV bulbs two weeks prior to the inspection. Additionally, the inspection report noted that clarifiers #3 and #4 were short-circuiting,

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[44] *Id.* ¶ 4, pg. 6.
[45] *Id.* ¶ 5.a.ii., pg. 6.
[46] *Id.* ¶ 19, pg. 10.
[47] NPDES Compliance Inspection Report, Hanover Foods IWTP (Apr. 18, 2019) ("Apr. 18, 2019 Inspection Report"), at 1, attached hereto as **Attachment E** (incorrectly citing Part B.I.E of the Permit, when describing Part B.I.D). The inspection report also described that bio-reactor #1 was operating at 90 degrees F or less although it was designed to operate at 95 °F. This concern was raised again in the July 9, 2020 Inspection Report when the inspection showed the bio-reactor was operating at 93.3 °F. Hanover Foods responded to this finding in an October 9, 2020 letter, in which it states that according to Hanover Foods's design engineer, temperatures as low as 85 °F can be utilized at lower-than-design loading rates, as was the case on July 8, 2020. Hanover Foods Letter to DEP re NPDES Permit No. PA0044741 (Oct. 9, 2020), at 2, attached hereto as **Attachment F**. Additionally, Hanover Foods indicated that it was in the process of converting the fuel source in the boiler, which will maintain higher temperature in the anaerobic digester.
[48] Attachment E: Apr. 18, 2019 Inspection Report, at 2.
[49] *Id.* at 3.

releasing gas, and that solids were carrying over in multiple areas along the weirs, with algae also accumulating in the effluent weir notches.[50]

DEP issued a Notice of Violation (NOV) on July 9, 2019 for failure to properly operate and maintain all facilities installed to achieve compliance, based on the UV disinfection system being offline for Outfall 001, as noted in the April 18, 2019 inspection.[51] The July 9, 2019 NOV also noted based on a review of DMR submissions that Hanover Foods had failed to submit Annual Stormwater DMRs and the associated Annual Inspection Form for the years 2016, 2017 and 2018 for Outfalls 002 and 003, as required by Part A.III.B of the 2015 Permit.[52]

On July 9, 2020, DEP conducted an NPDES Compliance Inspection and again noted a failure to properly operate and maintain all facilities installed or used to achieve compliance, this time based on problems with clarifiers #3 and #4.[53] During the inspection, bio-reactor #1 and clarifiers #1 and #2 were offline for maintenance and chemical feed repairs. Bio-reactor #2 and clarifiers #3 and #4 were online during the inspection, but clarifiers #3 and #4 were experiencing short-circuiting, gas release, rising sludge, and solids discharge. Algae was also accumulating in the effluent weir notches.[54] There were two UV units observed at the inspection, one of which was online at the time.[55] Although the effluent from Outfall 001 appeared to have a greenish/yellow tint with some observable solids, Oil Creek appeared clear both upstream and downstream of the outfall.[56] DEP issued Hanover Foods an NOV on August 26, 2020, noting the violation of Part B.I.D of the 2015 Permit for failure to properly operate and maintain all facilities and systems of treatment and control installed or used to achieve compliance with the 2015 Permit. This violation was based, in part, on the rising sludge in the clarifiers and solids carryover into the clarifier effluent weirs, which indicated that the clarifiers were short-circuiting.[57] The NOV noted that these issues were identified in both the July 9, 2020 inspection and the April 18, 2019 inspection.[58]

On December 29, 2020, DEP issued Hanover Foods another NOV, stating that electronic DMR submissions from July to November 2020 show a pattern of effluent limitations, as listed on page

[50] *Id.* at 2.
[51] Notice of Violation, Hanover Foods, NPDES Permit No. PA0044741 (July 9, 2019) ("July 9, 2019 NOV"), at 1, attached hereto as **Attachment G**.
[52] *Id.*
[53] Attachment B: July 9, 2020 Inspection Report, at 2.
[54] *Id.*
[55] *Id.* at 3.
[56] *Id.*
[57] Notice of Violation, Hanover Foods, NPDES Permit No. PA0044741 (Aug. 26, 2020) ("Aug. 26, 2020 NOV"), at 1, attached hereto as **Attachment H** (excluding July 9, 2020 Inspection Report that was attached to Aug 26, 2020 NOV, since this inspection report is already attached as Attachment B).
[58] *Id.* Hanover Foods responded to the Aug. 26, 2020 NOV with a Oct. 9, 2020 letter, stating "[Hanover Foods] did not observe short-circuiting" and "[Hanover Foods] did not observe excessive solids in the clarifier effluent," and providing justification for the rising sludge and solids carryover. Attachment F: Hanover Foods Letter to DEP re NPDES Permit No. PA0044741 (Oct. 9, 2020), at 2–3. However, these responses do not fully address the concerns identified in the Aug. 26, 2020 NOV. Hanover Foods also identified a few actions that Hanover Foods began between May 2020 and August 2020 that may improve the Facility. These improvements appeared to be unable to prevent reoccurrence of the operation and maintenance failures, as demonstrated by the February 4, 2021 Inspection Report, discussed further below.

3 of the NOV, attached hereto as **Attachment I**.[59] The violations include exceedances of average monthly and daily maximum loads and concentrations for ammonia-nitrogen, CBOD5, TSS; an exceedance of the instantaneous maximum for fecal coliform; exceedances of the daily maximum for temperature; and falling below the minimum concentration limit for dissolved oxygen.[60] The Dec. 29, 2020 NOV also indicated noncompliance with the Cap Loads of the 2015 Permit, as set forth in Part A.I.G. In the NOV, DEP requested that Hanover Foods submit a report prepared by a Pennsylvania Professional Engineer summarizing the cause of the violations and the condition and operability of the Plant. The report was required to include all corrective steps needed for Hanover Foods to comply with the 2015 Permit and a schedule providing for implementation of the steps and actions. The report was required to be submitted within 60 calendar days of the Dec. 29, 2020 NOV—February 27, 2021.[61] Citizens do not know whether this report was submitted timely based on the documents provided in response to the Right-to-Know-Law request, the timeframe of which predated the deadline for the report.

A January 28, 2021 Compliance Inspection Report based on an administrative review of Hanover Foods' Chesapeake Bay nutrient monitoring for the 2019-2020 Compliance Year confirmed that the Hanover Foods exceeded its annual total mass loads for total Nitrogen and Total Phosphorus, but that approved nutrient credits brought the company into compliance.[62] Hanover Foods did not properly complete the required nutrient tracking supplemental forms or include the updated Net Loadings on its eDMR submissions with the credits applied.[63]

Finally, DEP conducted a Compliance Inspection on February 4, 2021, which continued to indicate failure to properly operate and maintain facilities and also showed unauthorized discharges.[64] The Feb. 4, 2021 inspection report described the following operation and maintenance concerns, including:

- The non-contact cooling water flow metering pit was flooded and there was evidence of water level fluctuation and overflow.
- Bio-reactor #1 and clarifiers #1 and #2 were offline due to the need for bio-reactor #1 to be repaired.
- Operating parameters of bio-reactor #2 (hydraulic retention time and operating temperatures) were sub-optimal and possibly outside the design specifications, and small cracks were observed in the outer coating of the bio-reactor.
- Solids were bulking and there was carryover in clarifiers #3 and #4 to Lagoon #1.
- Several indicator lights relating to the UV disinfection treatment unit were on.
- Discharge from Lagoon #2, polishing ponds, and Outfall 002 appeared turbid with a brown tint and contained visible suspended solids.

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[59] Notice of Violation, Hanover Foods, NPDES Permit No. PA0044741 (Dec. 29, 2020) ("Dec. 29, 2020 NOV"), at 1, attached hereto as **Attachment I**.
[60] *Id.* at 3.
[61] *Id.* at 1–2.
[62] NPDES Compliance Inspection Report, Hanover Foods IWTP (Jan. 28, 2021) ("Jan. 28, 2021 Inspection Report"), at 2, attached hereto as **Attachment J**.
[63] *Id.*
[64] NPDES Compliance Inspection Report, Hanover Foods IWTP (Feb. 4, 2021) (Feb. 4, 2021 Inspection Report"), at 1, attached hereto as **Attachment K**.

- Outfall 001 discharge "created a visible difference in water quality in Oil Creek to area approximately 20 meters downstream." DEP observed brown colored solids and accumulations of sphaerotilus-type bacterial colonies on the stream substrate at Outfall 001 and up to approximately 10-20 meters downstream of the outfall, while upstream of Outfall 001 the stream appeared clean and free of solids or sphaerotilus-type bacterial colonies.[65]

According to the Feb. 4, 2021 inspection report, in discussions with DEP, Hanover Foods indicated the challenges at the Facility were due to product sales changes during the COVID-19 pandemic. These changes required (and potentially may still be requiring) the Facility to operate for seven days per week to meet demand, compared with five days per week previously.[66] The inspection report notes that the increase in the quantity of process wastewater and non-contact cooling water has created operational challenges.[67] However, the pattern of effluent violations, which can alone demonstrate the Facility's failure to properly operate and maintain, began prior to the COVID-19 pandemic and have frequently occurred during periods of normal flow. Upon information and belief, Hanover Foods did not notify DEP of these challenges prior to the Feb. 4, 2021 inspection or request regulatory relief from its permit requirements due to COVID-19 at any time.

Given that solids carryover from clarifiers #3 and #4 continues as of the most recent inspection, Hanover Foods' prior efforts to resolve the Aug. 26, 2020 NOV do not appear to have succeeded.

E. Pretreatment Permits

Hanover Foods also holds a Penn Township WWTP Industrial Wastewater Discharge Permit ("Pretreatment Permit"), which authorizes discharge from the Plant to the Penn Township WWTP according to national pretreatment standards and local limits. The current Pretreatment Permit, No. 2021-4, became effective January 1, 2021 and expires December 31, 2025 (the "2021 Pretreatment Permit").[68] The prior Pretreatment Permit, No. 2016-4, was effective from January 1, 2016 to December 31, 2020 (the "2016 Pretreatment Permit").[69]

The 2016 Pretreatment Permit authorized Hanover Foods to discharge industrial wastewater from the Plant, pursuant to the permit terms, which included pollutant monitoring and reporting requirements, specific discharge limits, and limits on the average monthly flow and peak maximum flow to Penn Township WWTP. The 2016 Pretreatment Permit set forth, among others, specific discharge limits for daily maximum loads of BOD, TSS, and ammonia-nitrogen:[70]

Parameter	Limits (lbs/day)
BOD	1500

[65] *Id.* at 2.
[66] *Id.* Hanover Foods's 2020 Permit Renewal Application provides the average production days per month from 2015 to 2019 as oscillating between 27 and 28 days per month, which amounts to more than 5 days per week on average. If production in 2020 required production for 7 days per week, this would amount to 2-4 additional days of production each month. 2020 Permit Renewal Application at 7 (excerpt attached as **Attachment C**, pgs. 3–4).
[67] Attachment K: Feb. 4, 2021 Inspection Report, at 2.
[68] Penn Township Wastewater Treatment Plant Industrial Wastewater Discharge Permit, Permit No. 2021-4, Issued to Hanover Foods Corporation, at 1, attached hereto as **Attachment L**.
[69] Penn Township Wastewater Treatment Plant Industrial Wastewater Discharge Permit, Permit No. 2016-4, Issued to Hanover Foods Corporation, at 1, attached hereto as **Attachment M.**
[70] *Id.* at 17.

TSS	4000
ammonia-nitrogen	225

The discharge of wastewater from the Plant to Penn Township WWTP must not exceed an average monthly flow of 450,000 gallons per day (0.450 mgd) or a peak maximum daily flow of 700,000 gallons per day (0.700 mgd).[71] The 2021 Pretreatment Permit increased the limit for daily maximum load of BOD from 1,500 pounds per day to 2,300 pounds per day but retained all other limits, including the limits on the average monthly flow and peak maximum daily flow.[72]

F. Receiving Water Body

Hanover Foods is authorized to discharge to Oil Creek and an Unnamed Tributary (UNT) to Oil Creek.[73] Outfall 001 discharges directly to Oil Creek, Outfalls 002 and 003 discharge to an UNT to Oil Creek, and Outfall 004 discharges into a wetland area leading to an UNT of Oil Creek.[74] Oil Creek is a tributary to the Codorus Creek, which feeds the Lower Susquehanna River.[75] Oil Creek is impaired for nutrients and siltation.[76] Although the NPDES Permit Fact Sheet indicates that the Total Maximum Daily Load (TMDL) Status is "Pending" for the impairments listed, there is a 2003 TMDL for sediment for a segment of Oil Creek, based on impairment of a segment of Oil Creek for siltation, TSS, and turbidity.[77] There appears to be no TMDL yet developed for nutrients for Oil Creek. Oil Creek is classified as a Warm Water Fishery under DEP's regulations. 25 Pa Code § 93.9o.

Codorus Creek is a popular fishing stream and many segments have a designated use for high quality-cold water fishes. Though some segments of the Codorus Creek are impaired for thermal modification, siltation, flow regime modification or other sources, most of the stream segments immediately upstream and downstream of the confluence with Oil Creek are not impaired. Upstream of the confluence, the designated use of the Codorus Creek is consistently high quality-cold water fishes, whereas immediately downstream of the confluence with Oil Creek, the designated use is generally warm water fishes.

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[71] *Id.*
[72] Attachment L: 2021 Pretreatment Permit, at 17.
[73] Attachment D: Permit, at 1.
[74] Attachment A: Permit Fact Sheet, at 1, 4.
[75] U.S. Geological Survey, Department of the Interior, National Water-Quality Assessment Program – the Lower Susquehanna River Basin, *Description of the Lower Susquehanna River Basin Study Unit* (Dec. 1, 1994), https://water.usgs.gov/nawqa/ne/lsus/lsus_factsheet.html#:~:text=Other%20major%20tributaries%20and%20their,Creek%20(278%20square%20miles); York County Conservation District, Codorus Creek Watershed Association, *Codorus Creek Nonpoint Source Pollution Control Watershed Implementation Plan, York County, Pennsylvania* (Dec. 6, 2007), 1-3, *available at* https://files.dep.state.pa.us/water/BWEW/Watershed%20Management/lib/watershedmgmt/nonpoint_source/implementation/codorus_creek.pdf.
[76] *Id.* at 3; U.S. E.P.A., How's My Waterway?, *Oil Creek-57474485*, https://mywaterway.epa.gov/waterbody-report/21PA/PA-SCR-57474485/2020.
[77] PADEP, Total Maximum Daily Loads and Alternative Restoration Strategies, https://www.ahs.dep.pa.gov/TMDL/, select "Oil Creek" in "Select by Watershed"; PADEP, Office of Water Management, Total Maximum Daily Load, Oil Creek Watershed (Mar. 1, 2003), *available at* https://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/OilCreek_TMDL.pdf.

Hanover Foods is considered a significant industrial wastewater discharger to the Chesapeake Bay and is subject to the Chesapeake Bay TMDL. According to the Pennsylvania Watershed Implementation Plan (WIP), Phases 1 and 2, and the supplement to WIP 2, Hanover Foods' allocated Cap Loads are 26,385 lbs/year Total Nitrogen and 979 lbs/year Total Phosphorus, based on a total flow of 0.84 mgd. As outlined above, the 2015 Permit provides a compliance schedule for activities Hanover Foods must achieve, and the Chesapeake Bay Cap Loads became applicable beginning on October 1, 2017.[78]

On May 17, 2021, the Lower Susquehanna Riverkeeper took samples from Oil Creek, both upstream and downstream of Outfall 001, and photographed the discharge from Outfall 001. The sampling results show increases from the upstream to downstream locations in ammonia-nitrogen, CBOD, nitrate, and TSS. [79] These increases are consistent with the kinds of effluent limitation violations occurring at the site over the course of the past several years and pose potential risks to the ecosystem of Oil Creek.

Photo taken by Ted Evgeniadis on May 17, 2021 showing Outfall 001 discharging into Oil Creek from Hanover Foods.

[78] Attachment A: NPDES Permit Fact Sheet Individual IW and IW Stormwater, at 11.

[79] Certificate of Analysis, ALS Environmental (May 28, 2021), 5–6, attached hereto as **Attachment N** ("May 17, 2021 Oil Creek Sampling"). The lab report suggests that the sample was not properly preserved, which could have a potential effect on the ammonia results but should not affect the other parameters.

II. CLEAN WATER ACT AND CLEAN STREAMS LAW VIOLATIONS

Section 301(a) of the CWA, 33 U.S.C. § 1311(a), makes unlawful the discharge of any pollutant into waters of the United States by any person except in compliance with certain other enumerated sections of the CWA. Section 402 of the CWA, 33 U.S.C. § 1342, created the NPDES program, under which EPA may issue NPDES permits for point source discharges to waters of the United States. Section 402(b) of the Act, 33 U.S.C. § 1342(b), authorizes the EPA Administrator to delegate to the states the authority to issue NPDES permits. The Commonwealth of Pennsylvania, through DEP, was delegated the authority to issue NPDES permits on June 30, 1978 and has been implementing the federal permitting program since that date. *See* 67 Fed. Reg. 55,841-01, 55,842.[80]

Section 301 of the CSL prohibits a person from placing, or permitting to be placed, or discharging or permitting to flow, any "industrial waste" into waters of the Commonwealth, unless such discharge is in compliance with both the terms and conditions of a permit issued by the Commonwealth pursuant to section 402 and with the rules, regulations, and orders of the Commonwealth.[81]

Industrial stormwater and industrial process wastewater combined with non-contact cooling water are "pollutants" as that term is defined in section 502(6) of the CWA and "pollution" or "industrial waste" as those terms are defined in section 1 of the CSL.[82] The term "discharge of a pollutant" includes "any addition of any pollutant to navigable waters from any point source."[83] Hanover Foods' designated outfalls 001, 002, 003, and 004 are point sources as that term is defined in section 502(14) of the CWA because they are discernible, confined and discrete conveyances from

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[80] The Commonwealth issues permits, including the Permit, pursuant to this authority under the CWA and the CSL. *See, e.g.*, 25 PA. CODE § 963.1 (2018) (defining a Part I Permit as an NPDES permit "issued by the Department under section 5 of the Clean Streams Law (35 P.S. § 691.5) and section 402 of the Clean Water Act (33 U.S.C. § 1342)").
and section 402 of the Clean Water Act (33 U.S.C. § 1342); 33 U.S.C. § 1342(i)).

[81] "No person or municipality shall place or permit to be placed, or discharged or permit to flow, or continue to discharge or permit to flow, into any of the waters of the Commonwealth any industrial wastes, except as hereinafter provided in this act." 35 P.S. § 691.301.

[82] "The term 'pollutant' means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and **industrial**, municipal, and agricultural **waste** discharged into water." 33 U.S.C. § 1362(6) (emphasis added.); "Industrial waste" means "any liquid, gaseous, radioactive, solid or other substance, not sewage, resulting from any manufacturing or industry, or from any establishment, as herein defined, and mine drainage, refuse, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations. 'Industrial waste' shall include all such substances whether or not generally characterized as waste." 35 P.S. § 691.1. "Pollution" means "contamination of any waters of the Commonwealth such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, including but not limited to such contamination by alteration of the physical, chemical or biological properties of such waters, or change in temperature, taste, color or odor thereof, or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters. The department shall determine when a discharge constitutes pollution, as herein defined, and shall establish standards whereby and wherefrom it can be ascertained and determined whether any such discharge does or does not constitute pollution as herein defined." *Id.*

[83] 33 U.S.C. § 1362(12)

which pollutants are discharged.[84] The Susquehanna River is a "navigable water" pursuant to section 502(7) of the CWA because it is a "water of the United States" as that term is defined by 40 C.F.R. § 120.2(1)(i).[85] Because Oil Creek is a tributary of the Codorus Creek, which is a tributary of the Susquehanna River, both creeks are also "waters of the United States" and therefore "navigable waters" under the CWA.[86] Oil Creek and Codorus Creek are also Waters of the Commonwealth under section 1 of the CSL.[87]

Section 505(a)(1) of the CWA, 33 U.S.C. § 1365(a)(1), states that "any citizen may commence a civil action on his own behalf against any person . . . who is alleged to be in violation of (A) an effluent standard or limitation under this [Act]." Section 601(c) of the CSL, 35 P.S. § 691.601(c), states that "any person having an interest which is or may be adversely affected may commence a civil action on his own behalf to compel compliance with this act or any rule, regulation, order or permit issued pursuant to this act . . . against any other person alleged to be in violation of any provision of this act or any rule, regulation, order or permit issued pursuant to this act."

As a corporation, Hanover Foods is a "person," as that term is defined in section 502(5) of the CWA and section 1 of the CSL and is subject to the effluent standards and limitations of the 2015 Permit and the 2016 and 2021 Pretreatment Permits.[88] According to CWA section 505(a), 33 U.S.C. § 1365(a), district courts have jurisdiction "to enforce such an effluent standard or limitation" and to apply any appropriate civil penalties under section 309(d) of the CWA, 33 U.S.C. § 1319(d). A court can impose a civil penalty of up to $56,460 per day for each CWA or permit violation. 33 U.S.C. § 1319(d).[89] Any person found violating the CSL, or a permit or regulation pursuant thereto, is subject to injunctive relief to abate the noncompliance and to a civil penalty of up to $10,000 per violation per day.[90]

For purposes of section 505, the term "effluent standard or limitation under this chapter" includes, among other things, "a permit or condition of a permit" issued under section 402 that is in effect under the CWA. 33 U.S.C. § 1365(f)(7). Therefore, a violation of the 2015 Permit constitutes a violation of an effluent standard or limitation. The term "effluent standard or limitation" also includes "prohibition, effluent standard or pretreatment standards" under section 307 of the CWA. 33 U.S.C. § 1365(f)(4). The discharge limits set forth in the 2016 Pretreatment Permit and 2021 Pretreatment Permit are pretreatment standards as set forth in section 505(f)(4). Therefore, the

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[84] "The term 'point source' means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged." 33 U.S.C. § 1362(14).
[85] "The term 'navigable waters' means the waters of the United States, including the territorial seas. 33 U.S.C. § 1362(7). The term "waters of the United States" includes "(i) The territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide; . . ." 40 C.F.R. § 120.2(1)(i).
[86] *See* 40 C.F.R. § 120.2(1)(ii) (including "Tributaries" in the definition of "waters of the United States").
[87] 35 P.S. § 691.1 (defining "Waters of the Commonwealth" to include "any and all rivers, streams, creeks . . . and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.")
[88] "The term 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body." 33 U.S.C. § 1362(5); Under the CSL, "[p]erson" includes "any natural person, partnership, association or corporation or any agency, instrumentality or entity of Federal or State Government." 35 P.S. § 691.1.
[89] *See also* Civil Monetary Penalty Inflation Adjustment, 40 C.F.R. § 19.4.
[90] *See* 35 P.S. §§ 691.602(a), 605(a).

violation of either Pretreatment Permit constitutes a violation of an effluent standard or limitation and a violation of section 307(d) (". . . it shall be unlawful for any owner or operator of any source to operate any source in violation of any such effluent standard or prohibition or pretreatment standard.").

Hanover Foods has violated, and is continuing to violate, terms and conditions of the 2015 Permit and the 2016 and 2021 Pretreatment Permits, and the CWA and CSL. The violations are each described in detail in the counts that follow:

Count 1: Violations of Effluent Concentration Limitations of the 2015 Permit

Count 2: Violations of Effluent Load Limitations of the 2015 Permit

Count 3: Chronic Failures to Properly and Timely Report under the 2015 Permit

Count 4: Failure to Properly Operate and Maintain Facilities under the 2015 Permit

Count 5: Violations of Chesapeake Bay Schedule Reporting Requirements and Chesapeake Bay Nutrient Reporting Requirements of the 2015 Permit

Count 6: Violations of Temperature Compliance Schedule Reporting Requirements and Effluent Limitations of the 2015 Permit

Count 7: Unauthorized Discharge of Substances that Result in Observed Deposits in, or Produce an Observed Change in the Color or Turbidity of, the Receiving Water

Count 8: Violations of Effluent Load Limitations and Flow Limitations of the 2016 Pretreatment Permit and Flow Limitations of the 2021 Pretreatment Permit

By violating the terms of the 2015 Permit and the 2016 and 2021 Pretreatment Permits, Hanover Foods violated, and is violating, the federal CWA and the Pennsylvania CSL. These violations are all continuing. For the past five years and for similar violations that occur after the date of this Notice, each day of each violation of the 2015 Permit and the 2016 and 2021 Pretreatment Permits constitutes a violation for which a penalty of up to $56,460 can be assessed under the CWA. Violations of the 2015 Permit are also violations of the CSL, for which injunctive relief to abate the noncompliance can be sought and a civil penalty of up to $10,000 per violation per day can be imposed.

Count 1: Violations of Effluent Concentration Limitations of the 2015 Permit

All of the information set forth above is incorporated herein. Hanover Foods' eDMRs demonstrate that violations of effluent limits are consistent over the course of several years, not specifically triggered by increased production during the current pandemic. Additionally, because any production changes as a result of the pandemic have likely been ongoing for over a year, Hanover Foods must change its practices to adjust to the new normal as needed to meet its permit limitations.

1. Violations of Monthly Average Effluent Concentration Limits for TSS, CBOD5, and ammonia-nitrogen

Hanover Foods consistently exceeded its monthly average effluent concentration limits for TSS (18 times), CBOD5 (11 times), and ammonia-nitrogen (3 times) in the past five years. These exceedances are shown in **Tables 1–3** below. Each day of the month in which the discharged effluent exceeded the monthly average concentration limit for each pollutant is a separate violation of the 2015 Permit and the CWA, for which a penalty of up to $56,460 can be assessed, and the CSL, for which a penalty of up to $10,000 can be imposed.

Table 1. Violations of Monthly Average Effluent Concentration Limit for TSS (30.0 mg/L)

Date	Effluent TSS (mg/L)
Jun-16	49.0
Jul-16	33.0
Jun-17	35.0
Feb-18	32.0
Nov-18	36.0
Sep-19	33.0
Oct-19	33.0
Nov-19	65.0
Jan-20	39.0
Feb-20	33.0
Apr-20	59.0
May-20	48.0
Jun-20	37.0
Jul-20	37.0
Nov-20	78.0
Jan-21	67.0
Feb-21	70.0
Mar-21	51.0

Table 2. Violations of Monthly Average Concentration Limit for CBOD5 (10.0 mg/L re May 1–Oct 31; 18.0 mg/L re Nov 1– Apr 30)

Date	Effluent CBOD (mg/L)	Limit (mg/L)
Oct-19	15.7	10.0
Nov-19	65.06	18.0
Dec-19	26.8	18.0
Jan-20	22.6	18.0
Jul-20	20.3	10.0
Aug-20	24.3	10.0
Oct-20	35.8	10.0
Nov-20	18.5	18.0
Jan-21	101.5	18.0
Feb-21	85.4	18.0

Mar-21	45.5	18.0

Table 3. Violations of Monthly Average Concentration Limit for ammonia-nitrogen (1.0 mg/L re May 1-Oct 31; 3.0 mg/L re Nov 1-Apr 30)

Date	Effluent ammonia-nitrogen (mg/L)	Limit (mg/L)
Aug-17	1.044	1.0
Oct-17	1.28	1.0
Jul-20	3.6	1.0

2. Violations of Daily Maximum Effluent Concentration Limits for TSS, CBOD5, and ammonia-nitrogen

Tables 4, **5,** and **6** show that Hanover Foods also consistently exceeded the daily maximum effluent concentration limits for TSS (17 times), CBOD5 (16 times), and ammonia-nitrogen (6 times) over the last five years. Each day the discharged effluent exceeded the daily maximum concentration limit for each pollutant is a separate violation of the 2015 Permit and the CWA, for which a penalty of up to $56,460 can be assessed, and the CSL, for which a penalty of up to $10,000 can be imposed.

Table 4. Violations of Daily Maximum Effluent Concentration Limit for TSS (60.0 mg/L)

Date	Effluent TSS (mg/L)
Jun-16	77.0
Apr-18	316.0
May-18	86.0
Nov-19	163.0
Dec-19	111.0
Jan-20	85.0
Feb-20	69.0
Apr-20	104.0
May-20	80.0
Jun-20	70.0
Oct-20	174.0
Nov-20	80.0
Dec-20	76.0
Jan-21	97.0
Feb-21	122.0
Mar-21	85.0
Apr-21	62.0

Table 5. Violations of Daily Maximum Effluent Concentration Limit for CBOD (15.0 mg/L re May 1-Oct 31; 27.0 mg/L re Nov 1-Apr 30)

Date	Effluent CBOD (mg/L)	Limit (mg/L)
May-18	16.1	15.0

Oct-19	79.1	15.0
Nov-19	124.0	27.0
Dec-19	81.7	27.0
Jan-20	43.0	27.0
Mar-20	65.8	27.0
Apr-20	34.0	27.0
Jun-20	23.6	15.0
Jul-20	48.2	15.0
Aug-20	49.0	15.0
Oct-20	135.0	15.0
Nov-20	52.6	27.0
Dec-20	36.0	27.0
Jan-21	179.0	27.0
Feb-21	250.0	27.0
Mar-21	115.0	27.0

Table 6. Violations of Daily Maximum Effluent Concentration Limit for Ammonia-N (2.0 mg/L re May 1-Oct 31; 6.0 mg/L re Nov 1-Apr 30)

Date	Effluent Ammonia-N (mg/L)	Limit (mg/L)
Jul-17	2.49	2.0
Oct-17	3.38	2.0
Jul-19	2.87	2.0
Jul-20	10.2	2.0
Aug-20	3.81	2.0
Sep-20	4.06	2.0

3. Violations of Instantaneous Maximum Effluent Concentration Limits for Fecal Coliform

Hanover Foods exceeded the instantaneous maximum effluent concentration limits for fecal coliform five times in 2016. According to the 2017 COA, Hanover Foods paid the Department $1,600 to resolve these violations from May 1 to September 30, 2016.[91] A plant upgrade provided for construction and operation of the ultraviolet system to treat for fecal coliform.[92] Two recent exceedances, including one in 2021, indicate that Hanover Foods continues to experience problems maintaining compliance with this effluent limitation.

Each day of noncompliance is a separate violation of the 2015 Permit and the CWA subject to a penalty of up to $56,460, and the CSL, for which a penalty of up to $10,000 can be imposed.

[91] 2017 COA, at ¶ M, pg. 3.
[92] *Id.* at ¶ L, pg. 3.

Table 7. Violations of Instantaneous Maximum for Fecal Coliform (1,000 CFU/100 ml re May 1-Sep 30; 10,000 CFU/100 ml re Oct 1-Apr 30)

Date	Effluent Fecal Coliform (CFU/100 ml)	Limit (CFU/100 ml)
May-16	2,300	1,000
Jun-16	52,000	1,000
Jul-16	33,000	1,000
Aug-16	4,300	1,000
Sep-16	13,500	1,000
Oct-20	26,300	10,000
Feb-21	29,000	10,000

4. Failure to Meet Dissolved Oxygen Minimum Concentration Limit

The 2015 Permit sets a minimum level for concentrations of dissolved oxygen in the Plant effluent at 5.0 mg/L. Hanover Foods failed to meet this minimum level in its effluent four times in the past five years, including as recently as November 2020. Each day of noncompliance is a separate violation of the 2015 Permit and the CWA subject to a penalty of up to $56,460, and the CSL, for which a penalty of up to $10,000 can be imposed.

Table 8. Violations of Minimum Concentration Limit for Dissolved Oxygen

Date	Effluent DO (mg/L)
Sep-16	4.8
Nov-19	4.3
Dec-19	4.4
Nov-20	4.0

Count 2: Violations of Effluent Load Limitations of the 2015 Permit

All of the information set forth above is incorporated herein.

1. Violations of Monthly Average Effluent Load Limits for TSS, CBOD5, and ammonia-nitrogen

In several of the same months in which Hanover Foods exceeded its monthly average effluent concentration limits for TSS, CBOD5, and ammonia-nitrogen, it also exceeded its load limits for these parameters. As shown in **Tables 9, 10,** and **11** below, Hanover Foods consistently exceeded its monthly average effluent load limits for TSS (17 times) and CBOD5 (12 times) in the past five years and exceeded its load limits for ammonia-nitrogen three times in the same period. Each day of the month in which the discharged effluent exceeded the monthly average load limits for each pollutant is a separate violation of the 2015 Permit and the CWA, for which a penalty of up to $56,460 can be assessed, and the CSL, for which a penalty of up to $10,000 can be imposed.

Table 9. Violations of Monthly Average Load Limit for TSS (210 lbs/day)

Date	Effluent TSS (lbs/day)
Jun-16	313
Jul-16	230
Feb-18	216
Apr-18	299
Sep-19	277
Oct-19	255
Nov-19	401
Jan-20	267
Apr-20	403
May-20	334
Jun-20	369
Jul-20	310
Oct-20	861
Nov-20	348
Jan-21	621
Feb-21	300
Mar-21	278

Table 10. Violations of Monthly Average Load Limit for CBOD5 (70 lbs/day re May 1-Oct 31; 126 lbs/day re Nov 1-Apr 30)

Date	Effluent CBOD (lbs/day)	Limit (lbs/day)
Oct-19	107	70
Nov-19	378	126
Jan-20	149	126
Mar-20	136	126
Jul-20	170	70
Aug-20	215	70
Sep-20	74	70
Oct-20	405	70
Nov-20	138	126
Jan-21	1006	126
Feb-21	320	126
Mar-21	231	126

Table 11. Violations of Monthly Average Load Limit for ammonia-nitrogen (7 lbs/day re May-Oct 31; 21 lbs/day re Nov 1-Apr 30)

Date	Effluent Ammonia-N (lbs/day)	Limit (lbs/day)
Oct-17	9.0	7.0
Jul-20	25.0	7.0
Aug-20	15.0	7.0

2. Violations of Daily Maximum Effluent Load Limits for TSS, CBOD5, and ammonia-nitrogen

Hanover Foods exceeded the daily maximum effluent load limits for TSS (19 times), CBOD5 (16 times), and ammonia-nitrogen (6 times) over the last five years. Each day the discharged effluent exceeded the daily maximum load limit for each pollutant is a separate violation of the 2015 Permit and the CWA, for which a penalty of up to $56,460 can be assessed, and the CSL, for which a penalty of up to $10,000 can be imposed.

Table 12. Violations of Daily Maximum Effluent Load Limit for TSS (420 lbs/day)

Date	Effluent TSS (lbs/day)
Jun-16	519
May-17	460.0
Apr-18	1911
Nov-19	1177
Dec-19	485
Jan-20	682
Feb-20	445
Mar-20	683
Apr-20	713
May-20	653
Jun-20	792
Jul-20	506
Aug-20	448
Oct-20	2106
Nov-20	759
Dec-20	551
Jan-21	733
Feb-21	549
Mar-21	567

Table 13. Violations of Daily Maximum Effluent Load Limits for CBOD5 (105 lbs/day re May 1-Oct 31; 189 lbs/day re Nov 1-Apr 30)

Date	Effluent CBOD (lbs/day)	Limit (lbs/day)
Oct-19	451	105
Nov-19	715	189
Dec-19	362	189
Jan-20	274	189
Mar-20	762	189
Apr-20	218	189
Jun-20	252	105
Jul-20	461	105
Aug-20	522	105
Sep-20	135	105

Oct-20	1634	105
Nov-20	310	189
Dec-20	261	189
Jan-21	2244	189
Feb-21	667	189
Mar-21	635	189

Table 14. Violations of Daily Maximum Effluent Load Limits for Ammonia-N (14 lbs/day re May 1-Oct 31; 42 lbs/day re Nov 1-Apr 30)

Date	Effluent Ammonia-N (lbs/day)	Limit (lbs/day)
Jul-17	17	14
Oct-17	35	14
Jul-19	22	14
Jul-20	67.0	14
Aug-20	35.0	14
Sep-20	53	14

Count 3: Chronic Failures to Properly and Timely Report Under the 2015 Permit

All of the information set forth above is incorporated herein. In the last five years, Hanover Foods has consistently failed to comply with various reporting requirements. Hanover Foods failed to submit DMRs to DEP for Outfalls 002 and 003 for 2017 and 2018, failed to submit timely DMRs for Outfalls 002 and 003 for the 2019 reporting year, and in numerous instances from 2016 to 2020 failed to submit monitoring results that would allow DEP and the public to determine whether the values exceeded permit limits. Hanover Foods also consistently fails to provide reports of every instance of noncompliance on the required Non-Compliance Reporting Form. These chronic reporting errors and omissions over the course of the past five years reflect inadequate operation and maintenance, especially when it comes to placing appropriate emphasis on timely, accurate and full reporting of monitoring results as well as mandatory self-disclosures of instances of noncompliance. Failure to operate the Facility in a way that ensures accurate and full reporting constitutes violations of the 2015 Permit, as more fully described below. This inattention to detail also prevents regulators and the public alike from having a full understanding of Hanover Foods' compliance status. These monitoring and reporting irregularities have not been remedied.

1. Failure to Sample and Submit DMRs

The eDMRs for Outfalls 002 and 003 display an "E" in place of a value for all parameters required to be monitored and reported annually, as a daily maximum, for the 2017 and 2018 reporting years. These failures to report are violations of 2015 Permit Parts I.D (Outfall 002) and I.E (Outfall 003). According to Hanover Foods' July 23, 2019 response to the July 9, 2019 NOV noting this reporting violation, the company failed to provide stormwater DMRs for 2017 and 2018 because it did not sample.[93] Hanover Foods stated that it had since initiated a procedure to collect stormwater samples pursuant to the 2015 Permit and would report by January 28 of each year. But, Hanover

[93] Hanover Foods Letter to DEP re NPDES Permit No. PA0044741 (July 23, 2019), attached hereto as **Attachment O**.

Foods still failed to submit its stormwater monitoring results timely the next annual reporting deadline, January 28, 2020, as noted in the next section, suggesting that these reporting issues are chronic and continuing.

The failure to monitor and report the daily maximum for each of the required parameters for Outfall 002 and Outfall 003 constitutes a separate violation for each parameter (CBOD5, chemical oxygen demand, dissolved iron, total iron, oil and grease, pH, total phosphorus, and TSS), for each Outfall, and for each year (2017 and 2018). This amounts to 32 total days of violations for failure to sample for Outfalls 002 and 003. Each day is a separate violation of the 2015 Permit and the CWA subject to a penalty of up to $56,460, and the CSL, for which a penalty of up to $10,000 can be imposed.

2. Failure to Submit Discharge Monitoring Reports Timely

The 2015 Permit requires the annual DMRs for Outfalls 002 and 003 to be received by January 28 of the following year.[94] The 2019 DMRs for Outfalls 002 and 003 were submitted nine months late. The deadline for the 2019 DMRs was January 28, 2020, but Hanover Foods submitted its results on October 26, 2020. To the best of our knowledge, the failure to submit the 2019 DMR on time constitutes a violation for each day between the deadline for submission and the date the DMR was actually submitted, a total of 272 days. Each day is a separate violation of the 2015 Permit and the CWA subject to a penalty of up to $56,460, and the CSL, for which a penalty of up to $10,000 can be imposed. At a minimum, the late submission of DMRs in 2019 constitutes a single violation of the 2015 Permit and the CWA subject to a penalty of up to $56,460, and the CSL, for which a penalty of up to $10,000 can be imposed.

3. Failure to Report DMR Values That Allow Comparison to Effluent Limitation

In its eDMRs, Hanover Foods occasionally submits results that do not allow DEP or the public to determine whether the average monthly concentration or load exceeds the effluent limitation for that parameter. These errors constitute violations of the limits themselves and show insufficiently sensitive test methods for pollutant analysis, in violation of Part A.III.A.4.c. Because the reported load or concentration was generally an average, rather than a single sampling result, these instances likely reflect either calculation errors or a reporting error. DEP included these reporting failures from August 2020 to November 2020 in the Dec. 29, 2020 NOV in which it listed all Monthly eDMR violations between July and November 2020.[95] Each day of the month in which a reporting error occurred for a monthly average limit must be treated as an effluent limitation violation, or at least a reporting violation, and is a separate violation of the 2015 Permit and the CWA, for which a penalty of up to $56,460 can be assessed, and the CSL, for which a penalty of up to $10,000 can be imposed. The reporting error for the total annual net load is also a separate violation of the 2015 Permit and the CWA, for which a penalty of up to $56,460 can be assessed, and the CSL, for which a penalty of up to $10,000 can be imposed.

[94] Attachment D: Permit, Part A.III.B.2.
[95] Attachment I: Dec. 19, 2020 NOV, at 3.

Table 15. DMR Values Insufficient to Evaluate Compliance with Effluent Limitation

Date	Parameter	Limit	Limit Type	DMR Value
Jul-16	Fecal coliform	200 CFU/100ml	Geometric mean	< 421
Oct-17 – Sep 18	Phosphorus	979 lbs/yr	Annual Net Load (applying credits/offsets)	< 1717
Dec-19	TSS	30 mg/L	Avg monthly concentration	< 45
Mar-20	TSS	30 mg/L	Avg monthly concentration	< 38
Mar-20	TSS	210 lbs/day	Avg monthly load	< 273
Jun-20	CBOD5	70 lbs/day	Avg monthly load	< 94
Aug-20	Ammonia-Nitrogen	1.0 mg/L	Avg monthly concentration	< 1.821
Sep-20	Ammonia-Nitrogen	1.0 mg/L	Avg monthly concentration	< 1.92
Sep-20	Ammonia-Nitrogen	7.0 lbs/day	Avg monthly load	< 23.0
Dec-20	TSS	30 mg/L	Avg monthly concentration	< 32
Dec-20	TSS	210 lbs/day	Avg monthly load	< 218

4. Failure to Report All Instances of Noncompliance

The 2015 Permit requires Hanover Foods to report at the time DMRs are submitted all instances of noncompliance not otherwise reported under the permit section addressing endangerment or according to compliance schedule requirements.[96] The reports must be submitted on DEP's Non-Compliance Reporting Form and contain descriptions of the noncompliance, its cause, the duration, and steps taken or planned to prevent reoccurrence of the noncompliance. Upon information and belief, based on the files provided in response to a Right-to-Know-Law request, Hanover Foods has failed to submit Non-Compliance Reporting Forms in the past five years documenting every permit violation, with the exception of one submitted for exceedances of the daily maximum limit for TSS and maximum limit for pH for May 2017. A Non-Compliance Reporting Form should have been submitted for each violation of effluent limitations described in this Notice. Since the permit violations are continuing, the failures to report noncompliance are also continuing. Each failure to submit the Non-Compliance Reporting Form constitutes an ongoing violation, beginning at the time each report was due and continuing each day until these forms are submitted. Each day constitutes a separate violation of the 2015 Permit and the CWA, for which a penalty of up to $56,460 can be assessed, and the CSL, for which a penalty of up to $10,000 can be imposed.

[96] Attachment D: Permit, Part III.C.5 ("The permittee shall report all instances of noncompliance not reported under paragraph C.4 of this section or specific requirements of compliance schedules, at the time DMRs are submitted, on the Non-Compliance Reporting Form.")

Count 4: Failure to Properly Operate and Maintain Facilities Under the 2015 Permit

All of the information set forth above is incorporated herein. The 2015 Permit requires Hanover Foods to properly operate and maintain all facilities and systems of treatment and control installed or used to achieve compliance with the 2015 Permit.[97] The Apr. 18, 2019, July 9, 2020, and Feb. 4, 2021 Inspection Reports reveal a pattern of failures to properly operate and maintain the Plant and all the control and treatment systems. According to these inspection reports, problems with operating parameters of bio-reactor #2 and solids carryover in clarifiers #3 and #4 appear to be continuous problems that have not been addressed. The Feb. 4, 2021 Inspection Report highlighted several additional new potential problems that must be corrected. Each day of noncompliance is a separate violation of the 2015 Permit and the CWA subject to a penalty of up to $56,460, and the CSL, for which a penalty of up to $10,000 can be imposed.

Chronic effluent exceedances and monitoring failures provide further proof of systemic operation and maintenance failures. Hanover Foods is subject to civil penalties each day of violation dating from the start of improper operation and maintenance. Upon information and belief, operation and maintenance violations are continuing and date back more than five years, but at least date from April 18, 2019. Hanover Foods is subject to a penalty of up to $56,460 for each day of violation of the 2015 Permit and the CWA for failure to properly operate and maintain all facilities of treatment and control. Each day is also a violation of the CSL for which a penalty of up to $10,000 can be imposed.

Count 5: Violations of Chesapeake Bay Schedule Reporting Requirements and Chesapeake Bay Nutrient Reporting Requirements in the 2015 Permit

All of the information set forth above is incorporated herein. Each day of noncompliance is a separate violation of the 2015 Permit and the CWA and is subject to a penalty of up to $56,460.

1. Failure to Submit to DEP Notices of Compliance or Noncompliance with Chesapeake Bay Schedule

The 2015 Permit requires Hanover Foods to submit a written notice of compliance or noncompliance with each specific schedule requirement of the Chesapeake Bay Schedule by no later than 14 days after the scheduled due date for the activity. Upon information and belief, based on the records received in response to a Right-to-Know-Law Request, Hanover Foods has failed to provide DEP the required written notice of compliance or noncompliance with at least two schedule requirements: to issue certification of substantial completion of a planned upgrade by October 1, 2017 and to comply with effluent limitations by September 30, 2018. Because Hanover Foods has still failed to submit the required notices of compliance or noncompliance with the Chesapeake Bay Schedule, it is subject to a penalty of up to $56,460 for each day since the October 1, 2017 and September 30, 2018 deadlines. Each day is also a violation of the CSL for which a penalty of up to $10,000 can be imposed.

[97] *Id.*, Part B.I.D.

2. Violations of Chesapeake Bay Nutrient Reporting Requirements

To meet the Chesapeake Bay Nutrient Reporting Requirements, Hanover Foods must report the Annual Net Mass Loads for Nitrogen and Phosphorus, as calculated based on the sum of the monthly total mass loads for the Compliance Year and adjusted to account for credits and offsets. Hanover Foods must also attach to the Annual DMR supplemental forms reporting the credits sold and applied, and offsets applied, to calculate Annual Net Mass Loads. As noted in the Jan. 28, 2021 Inspection Report, Hanover Foods did not complete the required nutrient tracking supplemental forms or include the Annual Net Mass Loads, as adjusted for credits and offsets, with its eDMR submissions for the 2019-2020 Compliance Year. Upon information and belief, Hanover Foods has not completed the required nutrient tracking supplemental forms or submitted the adjusted Net Mass Loads with its eDMR submission. Each day since the deadline of November 28, 2020 is a violation of the CWA and the 2015 Permit, subject to a penalty of up to $56,460, and the CSL, for which a penalty of up to $10,000 can be imposed.

Count 6: Violations of Temperature Compliance Schedule Reporting Requirements and Temperature Effluent Limitations in the 2015 Permit

All of the information set forth above is incorporated herein. The compliance schedule for temperature described in section A.4 reflects a three-year period for Hanover Foods to prepare to comply with the temperature effluent limitations of the 2015 Permit by no later than 36 months after the permit effective date. Hanover Foods failed to comply with the reporting requirements applicable to this temperature schedule and with the temperature effluent limitations themselves. Each day of noncompliance is a separate violation of the 2015 Permit and the CWA subject to a penalty of up to $56,460 and the CSL, for which a penalty of up to $10,000 can be imposed.

1. Failure to Submit to DEP Notice of Compliance or Noncompliance with Temperature Compliance Schedule

The 2015 Permit requires Hanover Foods to submit a written notice of compliance or noncompliance with each of the temperature compliance schedule requirements (completion of feasibility study, completion of final plan, starting plan implementation, etc.) by no later than 14 days after the scheduled due date. Upon information and belief, based on the records received in response to a Right-to-Know-Law Request, Hanover Foods has failed to provide DEP the required written notice of compliance or noncompliance with at least five of the six schedule requirements: final plan completion, start plan implementation, plan implementation progress report(s), end of plan implementation, and compliance with effluent limitations. Each day that each of these deliverables is outstanding since the date it was required constitutes a separate violation of the 2015 Permit and the CWA, for which a penalty of up to $56,460 can be assessed, and the CSL, for which a penalty of up to $10,000 can be imposed.

2. Violations of Daily Maximum Temperature Effluent Limitations

Since the effective date of the temperature limits on October 1, 2018, Hanover Foods has violated the limitations once in 2018, three times in 2019, six times in 2020 and five times in 2021 based on the currently available data. These exceedances constitute continuing violations of the 2015 Permit. Each day of violation of the daily maximum temperature effluent limitations constitutes a

separate violation of the 2015 Permit and the CWA, for which a penalty of up to $56,460 can be assessed, and the CSL, for which a penalty of up to $10,000 can be imposed.

Table 16. Violations of Daily Maximum Temperature Effluent Limitations

Date	Temperature (°F)	Limit (°F)
Dec-18	60.0	50.0
Nov-19 (1-15)	83.0	69.0
Nov-19 (16-31)	81.0	59.0
Dec-19	90.0	50.0
Jan-20	83.0	51.0
Feb-20	60.0	52.0
Oct-20 (16-31)	85.0	76.0
Nov-20 (1-15)	84.0	69.0
Nov-20 (16-31)	86.0	59.0
Dec-20	87.0	50.0
Jan-21	82.0	51.0
Feb-21	97.0	52.0
Mar-21	95.0	74.0
Apr-21 (1-15)	99.0	83.0
Apr-21 (16-30)	96.0	89.0

Count 7: Unauthorized Discharge of Substances that Result in Observed Deposits in, or Produce an Observed Change in the Color or Turbidity of, the Receiving Water

All of the information set forth above is incorporated herein. Section A.I of the 2015 Permit prohibits the discharge of substances that result in observed deposits in the receiving water and substances that produce an observed change in color or turbidity of the receiving water. At the Feb. 4, 2021 inspection, DEP observed discharge from Outfall 002 that contained visible suspended solids and the discharge from Outfall 001 created a visible difference in water quality in Oil Creek 20 meters downstream of the outfall. This included both a color change and change in turbidity compared with the water upstream. These observations and the photos on the following page from the Feb. 4, 2021 Inspection Report indicate violations of the prohibitions set forth in section A.I of the 2015 Permit.

From Feb. 4, 2021 Inspection Report. Shows sphaerotilus-type bacterial colonies and accumulation of brown-colored solids on stream substrate in Oil Creek, approximately 3m downstream from Outfall 001.

From Feb. 4, 2021 Inspection Report. Showing turbid stream flow and solids accumulation on stream substrate.

Given the ongoing operation and maintenance issues DEP has identified at each on-site inspection since April 18, 2019, and the many operation and maintenance issues specifically identified at the Feb. 4, 2021 inspection, the prohibited discharges are likely ongoing. The contribution to deposits,

turbidity, and change in color of the receiving waterbody are likely affected by the repeated maintenance concerns, including problems with solids bulking and carryover in the operating clarifiers to the lagoons.

On June 22, 2021, the Lower Susquehanna Riverkeeper waded in Oil Creek and photographed what appears to be sediment in the downstream waters. The Riverkeeper's sampling from May 17, 2021 also indicated an increase in ammonia-nitrogen, CBOD, nitrate, and TSS from upstream to downstream of Outfall 001.[98] The increased presence of several pollutants and the increase in sediment present in the downstream waters is consistent with the types of effluent limitation violations described in this Notice, which have been ongoing for years.

Photo taken by Ted Evgeniadis on June 22, 2021, showing Oil Creek downstream from Outfall 001.

Hanover Foods has violated and, upon information and belief, is continuing to violate the 2015 Permit, the CWA, and the CSL based on the ongoing discharge of prohibited substances that affect the turbidity and color of the receiving water. Each day that Hanover Foods discharges substances in violation of the 2015 Permit, beginning at least on Feb. 4, 2021 and continuing to the present, is a separate violation of the 2015 Permit and the CWA subject to a penalty of up to $56,460, and the CSL, for which a penalty of up to $10,000 can be imposed.

[98] Attachment N: May 17, 2021 Oil Creek Sampling, at 5–6.

Count 8: Violations of Effluent Load Limitations and Flow Limitations of the 2016 Pretreatment Permit and Flow Limitations of the 2021 Pretreatment Permit

All of the information set forth above is incorporated herein. In the past three years, Hanover Foods has repeatedly discharged wastewater to Penn Township WWTP in violation of the 2016 Pretreatment Permit. Specifically, Hanover Foods has discharged BOD and ammonia-nitrogen at levels that exceed the permitted daily maximum load limits, and Hanover Foods has discharged wastewater exceeding the permitted average monthly flow of 450,000 gallons per day and peak maximum daily flow of 700,000 gallons per day. Additionally, the Plant's discharge of wastewater to Penn Township in February and March of 2021, pursuant to the recently renewed 2021 Pretreatment Permit, exceeded the same permitted average monthly flow (450,000 gpd), violating the new permit as well.

Each day of each daily maximum effluent load limitation exceedance constitutes a separate violation of the 2016 Pretreatment Permit and subjects Hanover Foods to a penalty of up to $56,460. Each day of the month in which the discharged wastewater exceeded the monthly average flow limit is a separate violation of the applicable 2016 or 2021 Pretreatment Permit and the CWA, for which a penalty of up to $56,460 can be assessed. Each day of an exceedance of the peak maximum daily flow is a separate violation of the 2016 Pretreatment Permit and the CWA, for which a penalty of up to $56,460 can be assessed.[99]

Table 17. Violations of the Daily Maximum Effluent Load Limit for BOD to Penn Township WWTP (1,500 lbs/day)

Date	Effluent BOD (lbs/day)
Nov. 12, 2018	1,998
Feb. 7, 2019	1,529
Nov. 7, 2019	1,741
Nov. 12, 2019	2,479
Nov. 19, 2019	3,222
Nov. 26, 2019	3,337
Dec. 5, 2019	2,326
Dec. 17, 2019	2,494
Jan. 10 ,2020	1,903
Jan. 28, 2020	1,800
Dec. 8, 2020	1,740
Dec. 15, 2020	2,769

[99] The violations of the 2016 and 2021 Pretreatment Permits only constitute violations of the CWA, not CSL, because in Pennsylvania the pretreatment program is implemented by the publicly owned treatment works and administered by EPA.

Table 18. Violations of the Daily Maximum Effluent Load Limit for ammonia-nitrogen to Penn Township WWTP (225 lbs/day)

Date	Effluent ammonia-nitrogen (lbs/day)
Mar. 8, 2018	288
Jun. 7, 2018	256
Jun. 12, 2018	243
Sep. 6, 2018	249
May 29, 2019	239
July 23, 2019	253
Sep. 16, 2019	256

Table 19. Violations of the Permitted Average Monthly Flow of Industrial Wastewater to Penn Township WWTP (0.450 mgd)

Date	Average Flow (mgd)
Aug-16	0.493
Sep-16	0.477
Oct-16	0.532
Aug-18	0.598
Sep-18	0.661
Oct-18	0.618
Nov-18	0.594
Apr-19	0.463
Aug-19	0.456
Oct-19	0.469
Nov-19	0.551
Dec-19	0.470
Feb-21	0.532
Mar-21	0.547

Table 20. Violations of the Permitted Peak Maximum Daily Flow of Industrial Wastewater to Penn Township WWTP (0.700 mgd)

Date	Maximum Flow (mgd)
Dec-16	0.783
Aug-18	0.707
Sep-18	0.760
Oct-18	0.732
Nov-18	0.768

III. PERSONS RESPONSIBLE FOR VIOLATIONS

Hanover Foods is a Pennsylvania private corporation that maintains a business address of 1486 York Street, P.O. Box 334, Hanover, Pennsylvania 17331-0334. As a private corporation, Hanover

Foods is a "person" pursuant to section 302 of the CWA and section 1 of the CSL.[100] Because Hanover Foods is a "person," is the owner and operator of the Facility and the Plant, and is the holder of the 2015 Permit, 2016 Pretreatment Permit, and 2021 Pretreatment Permit, it is responsible for the permit violations and, consequently, the CWA and CSL.

CWA section 505(b)(1)(A) requires notice of the violation to be given "to any alleged violator of the standard, limitation, or order . . . ."[101] In this case, Hanover Foods is the violator of the effluent standard or limitation. EPA has issued regulations that provide further guidance as to how to serve notice upon an alleged violator of an effluent standard or limitation that is a corporation.[102] Service of notice shall be accomplished by certified mail addressed to "the owner or managing agent of the building, plant, installation, vessel, facility, or activity alleged to be in violation."[103] CSL section 601(e) also requires notice of the CSL violation to be given "to any alleged violator."[104]

IV. PERSONS GIVING NOTICE

The Lower Susquehanna Riverkeeper Association is the person giving Hanover Foods notice regarding the violations of effluent standards or limitations and provides its organizational information pursuant to 40 C.F.R. § 135.3. The Lower Susquehanna Riverkeeper Association is located at 2098 Long Level Road, Wrightsville, PA 17368, and its phone number is 609-571-5278. It is a 501(c)(3) nonprofit watershed association licensed by the Waterkeeper® Alliance on September 15, 2005. The Lower Susquehanna Riverkeeper Association is dedicated to improving and protecting the ecological integrity of the Susquehanna Watershed and Chesapeake Bay by identifying sources of pollution and enforcing environmental laws. The Lower Susquehanna Riverkeeper Association also actively educates the public on current issues, works with decision-makers to emphasize the economic and social benefits of protecting our watershed, and, when necessary, enforces laws protecting communities and natural resources of the Susquehanna Watershed.

Many of the Lower Susquehanna Riverkeeper Association's members are avid kayakers, fishermen, bird-watchers, business owners, and other users of the Lower Susquehanna River and its tributaries, including Codorus Creek, into which Oil Creek flows, and the Lower Susquehanna River watershed. These members have been injured and continue to be injured by Hanover Foods' pollution that violates environmental laws, as described herein, as these violations threaten members' use and enjoyment of the Lower Susquehanna River and the tributaries that flow into the Lower Susquehanna River.

V. CONCLUSION

Hanover Foods Corporation has violated and is currently violating the CWA and the CSL at the Hanover Foods Facility located at 1550 York Street, Hanover, Pennsylvania 17331-0334. Due to

[100] "The term 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body." 33 U.S.C. § 1362(5); "Person" includes "any natural person, partnership, association or corporation or any agency, instrumentality or entity of Federal or State Government." 35 P.S. § 691.1.
[101] 33 U.S.C. 1365(b)(1)(A).
[102] 40 C.F.R. § 135.2(a)(1).
[103] *Id.*
[104] 35 P.S. § 691.601(e).

the high number and repetitive nature of the violations, Citizens believe that Hanover Foods will continue discharging in violation of the 2015 Permit and the 2016 and 2021 Pretreatment Permits. Hanover Foods also consistently has failed to properly operate and maintain its facilities and failed to properly report monitoring results. Accordingly, EIP intends to file suit on behalf of the Lower Susquehanna Riverkeeper Association in the United States District Court for the Middle District of Pennsylvania pursuant to Section 505(a)(1) and (b)(1)(A) of the CWA. This lawsuit will seek injunctive relief to enjoin and abate the aforementioned violations and ensure future compliance with the CWA and the CSL, civil penalties up to a maximum statutory penalty amount of $56,460[105] per day for each violation of the CWA, imposition of up to a $10,000 penalty per day for each violation of the CSL, fees and costs of litigation, including future oversight costs regarding implementation of injunctive relief and the use of experts,[106] and such other relief as the court deems appropriate.

If you have any questions regarding the allegations in this Notice or believe any of the foregoing information may be in error, please contact Natalia M. Cabrera, Staff Attorney at Environmental Integrity Project, as per below, or Lisa Hallowell, Senior Attorney, at (202) 294-3282 or lhallowell@environmentalintegrity.org. In the absence of any questions, we also would welcome an opportunity to discuss a resolution of this matter prior to the initiation of litigation if you are prepared to remedy the violations discussed above.

Sincerely

Natalia M. Cabrera
Staff Attorney
Environmental Integrity Project
1000 Vermont Ave NW, Ste 1100
Washington, DC 20005
(202) 469-3151
ncabrera@environmentalintegrity.org

Counsel for Citizen Group:
Lower Susquehanna Riverkeeper Association
2098 Long Level Road
Wrightsville, PA 17368
(609) 571-5278

cc:

Ted Evgeniadis *Via Electronic Mail*
Lower Susquehanna Riverkeeper Association

[105] 33 U.S.C § 1319(d) provides for a civil penalty of up to $25,000 per day for each violation. EPA's most recent annual update to the statutory civil penalties, as adjusted for inflation, are effective December 23, 2020. 40 C.F.R. § 19.4. The updated civil penalty for CWA Section 1319(d) is $56,460 per day for violations that occurred after November 2, 2015, where penalties are assessed on or after December 23, 2020. *Id*.
[106] 33 U.S.C. § 1365(d) provides that a court "may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party . . . ."

lowsusriver@hotmail.com

Michael S. Regan *Via Certified Mail, Return Receipt Requested*
Administrator
U.S. Environmental Protection Agency
Office of the Administrator, Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Diana Esher *Via Certified Mail, Return Receipt Requested*
Acting Regional Administrator
U.S. Environmental Protection Agency, Region 3
1650 Arch Street (3PM52)
Philadelphia, PA 19103-2029

Patrick McDonnell *Via Certified Mail, Return Receipt Requested*
Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Rodney Nesmith *Via Certified Mail, Return Receipt Requested*
Regional Director
Pennsylvania Department of Environmental Protection
South-Central Regional Office
909 Elmerton Avenue
Harrisburg, PA 17110

Aneca Atkinson *Via Certified Mail, Return Receipt Requested*
Deputy Secretary for Water Programs
Pennsylvania Department of Environmental Protection
Office of Water Programs
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

NOTICE OF INTENT TO SUE HANOVER FOODS CORPORATION ON BEHALF OF LOWER SUSQUEHANNA RIVERKEEPER

INDEX OF ATTACHMENTS

ATTACHMENT	**Title/Description**
A	2015 NPDES Permit Fact Sheet
B	July 9, 2020 Inspection Report
C	Excerpts from 2020 NPDES Permit Renewal Application
D	2015 NPDES Permit No. PA0044741
E	Apr. 18, 2019 Inspection Report
F	Oct. 9, 2020 Hanover Foods Letter to DEP re NPDES Permit
G	July 9, 2019 NOV
H	Aug. 26, 2020 NOV
I	Dec. 29, 2020 NOV
J	Jan. 28, 2021 Inspection Report
K	Feb. 4, 2021 Inspection Report
L	2021 Pretreatment Permit, No. 2021-4
M	2016 Pretreatment Permit, No. 2016-4
N	May 17, 2021 Oil Creek Sampling
O	July 23, 2019 Hanover Foods Letter to DEP re NPDES Permit

ATTACHMENT A

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHCENTRAL REGIONAL OFFICE
CLEAN WATER PROGRAM

Application Type	Renewal	Application No.	PA0044741
Facility Type	Industrial Waste	APS ID	274875
Major / Minor	Minor	Authorization ID	946303

NPDES PERMIT FACT SHEET INDIVIDUAL INDUSTRIAL WASTE (IW) AND IW STORMWATER

Applicant and Facility Information

Applicant Name	Hanover Foods Corp	Facility Name	Hanover Foods
Applicant Address	1486 York Street PO Box 334	Facility Address	1550 York Street PO Box 334
	Hanover, PA 17331-0334		Hanover, PA 17331-0334
Applicant Contact	Donald Herr	Facility Contact	Byron Musser
Applicant Phone	(717) 632-6000	Facility Phone	(717) 632-6000
Client ID	62075	Site ID	271646
SIC Code	2033	Municipality	Penn Township
SIC Description	Manufacturing - Canned Fruits And Vegetables	County	York
Date Application Received	October 1, 2012	EPA Waived?	No
Date Application Accepted	October 12, 2012	If No, Reason	Significant CB Discharge
Purpose of Application	Renewal and Amendment of an NPDES permit for discharge of industrial waste and NCCW		

Summary of Review

This protection report is for the renewal of NPDES Permit No. PA 0044741 for Hanover Foods Corporation in Penn Township, York County. The Hanover Foods Corporation is a food processing company that produces canned, glass packed and frozen vegetable goods (beans, potatoes, beats and tomatoes). During the food processing operations, Hanover Foods generates non-contact cooling water (NCCW) and process wastewater. However, the NCCW actually touches the cans to cool them down. If any of the cans open, there is a high probability of spillage into the water.

Industrial wastewater (IW) from the food processing operations flows to a pretreatment building where solids are screened and removed for cattle feed. The IW is then pumped to an anaerobic biofiltration system. The biofiltration system consists of an anaerobic digester with plastic media for growing bio-films. Sludge from the anaerobic digester is removed and land applied off site. Wastewater exiting the biofiltration system enters a methane stripper and a flow splitter before flowing to either of the two parallel clarifiers. Effluent from the clarifiers then flows to two 7 million gallon facultative lagoons. Each lagoon is HDPE lined with tapered sides. The lagoons are approximately 18' deep with a one percent slope decrease towards the lagoon effluent discharge. Each lagoon contains nine aerators that operate the majority of the day. Currently, 0.45 MGD from Lagoon No. 1 is discharged to the Penn Township wastewater treatment plant (per a pretreatment agreement between Hanover Foods and Penn Township). The remaining IW exiting Lagoon No. 1 enters Lagoon No. 2 where it mixes with NCCW that is discharged from Hanover Foods operations. Lagoon No. 2 then discharges into two polishing ponds before exiting through Outfall 001 into Oil Creek.

Historically, the NCCW flowed to a cooling water sump that drained into a pump station. The pumps then conveyed the NCCW to Lagoon No. 2. Typically Lagoon No. 1 is cleaned out twice per year; each cleaning process takes approximately one month. Lagoon No. 2 is cleaned out every five to ten years. During lagoon maintenance, NCCW was directed to the polishing ponds before discharging some of the effluent through Outfall 003 into a UNT of Oil Creek and Outfall 001. However, in 2002 the Department identified temperature permit violations and lack of aquatic life in the tributary. Subsequently Hanover Foods mitigated the high temperature discharge by rerouting all NCCW to the polishing ponds.

Approve	Return	Deny	Signatures	Date
X			JPKwedza J. Pascal Kwedza / Environmental Engineering Specialist	May 27, 2015
X			Jay E. Patel, P.E. / Environmental Engineer Manager	6/16/15

Summary of Review

Hanover Food's NPDES permit PA 0044741, issued March 15, 2000, expired on April 1, 2005. The Department requires a permittee to submit an NPDES renewal application 180 days prior to the permit expiration date; the Hanover Foods Corporation NPDES permit renewal application was received on October 26, 2004 (156 days before the expiration date). Since 2005, Hanover Foods has been operating under administrative extension of their existing permit without a renewed NPDES permit. They are obligated to a February 24, 2003 Consent Order and Agreement (COA) with the Department which addressed violations and illegal discharges and assessed civil penalties for those actions. The COA also required that Hanover Foods submit an NPDES permit amendment application within six months of the COA agreement date. During the 2003 COA negotiations, Department biologist determined that the Point of First Use (POFU) for aquatic life is the confluence of Outfall 001 and formerly Outfall 003. Because of the temperature of the NCCW, the Department determined that temperature limitations would need to be imposed or all NCCW would need to be discharged directly to the main stem of Oil Creek. Hanover Foods was notified on September 11, 2002 of these options and subsequently on November 8, 2002 submitted a Corrective Action Plan. On April 3, 2003 Hanover Food submitted an NPDES permit amendment application. The permit amendment was issued on January 6, 2004 and this amendment stated the following: NCCW is prohibited from direct discharge to surface waters; NCCW is routed to the IW treatment plant; and the pump station overflow line is permanently sealed. The original Outfall 001 and 003 were eliminated and Outfall 005 was re-designated Outfall 001. Also during the NPDES amendment, three storm water outfalls (002, 003, and 004) were added to the permit.

EXISTING LIMITS:

DISCHARGE LIMITATIONS							MONITORING REQUIREMENTS	
	Mass Units (lbs/day)		Concentrations (mg/l)					
Discharge Parameter	Average Monthly	Maximum Daily	Inst. Minimum	Average Monthly	Maximum Daily	Inst. Maximum	Monitoring Frequency	Sample Type
Flow (mgd)	Monitor & Report	Monitor & Report	XXX	XXX	XXX	XXX	Continuous	Measured
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	1/day	Grab
D.O.	XXX	XXX	5.0	XXX	XXX	XXX	1/day	Grab
Total Residual Chlorine	XXX	XXX	XXX	0.1	XXX	0.3	1/day	Grab
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60	2/week	Grab
$CBOD_5$ (5/1 to 10/31)	XXX	XXX	XXX	10	XXX	15	2/week	8-hour comp
$CBOD_5$ (11/1 to 4/30)	XXX	XXX	XXX	20	XXX	30	2/week	8-hour comp
NH_3-N (5/1 to 10/31)	XXX	XXX	XXX	1.3	XXX	2.6	2/week	8-hour comp
NH_3-N (11/1 to 4/30)	XXX	XXX	XXX	3.9	XXX	7.8	2/week	8-hour comp
Fecal Coliform	XXX	XXX	XXX	XXX	M&R	XXX	1/month	8-hour comp
Temperature	XXX	XXX	XXX	XXX	M&R	XXX	1/day	i-s

Discharge, Receiving Waters and Water Supply Information

Outfall No.	001	Design Flow (MGD)	0.84
Latitude	39° 48' 52.91"	Longitude	76° 56' 53.54"
Quad Name	Hanover	Quad Code	2030
Wastewater Description:	Process wastewater and non-contact cooling water		

Receiving Waters	Oil Creek	Stream Code	08312
NHD Com ID	57474431	RMI	5.43
Drainage Area	6.44	Yield (cfs/mi^2)	0.138
Q_{7-10} Flow (cfs)	0.88	Q_{7-10} Basis	Penn Township Gage
Elevation (ft)	537	Slope (ft/ft)	
Watershed No.	7-H	Chapter 93 Class.	WWF
Existing Use		Existing Use Qualifier	
Exceptions to Use		Exceptions to Criteria	
Assessment Status	Impaired		
Cause(s) of Impairment	Nutrients, Siltation		
Source(s) of Impairment	Agriculture		
TMDL Status	Pending	Name	

Background/Ambient Data		Data Source
pH (SU)		
Temperature (°F)		
Hardness (mg/L)		
Other:		

Nearest Downstream Public Water Supply Intake		Wrightsville Water Supply Co.	
PWS Waters	Susquehanna River	Flow at Intake (cfs)	
PWS RMI		Distance from Outfall (mi)	40.1

Changes Since Last Permit Issuance: none

PUBLIC WATER SUPPLY:

The most immediate public water supply intake is the Wrightsville Water Supply Co. intake on the Susquehanna River, located approximately 40.09 miles downstream of the Hanover Foods facility. Due to distance and dilution, effluent from Hanover Foods Outfall 001 is not expected to impact the Wrightsville Water Supply intake.

Discharge, Receiving Waters and Water Supply Information			
Outfall No.	002	**Design Flow (MGD)**	0.000000
Latitude	39° 48' 45.48"	**Longitude**	76° 56' 51.02"
Wastewater Description:	Stormwater		
Outfall No.	003	**Design Flow (MGD)**	0.000000
Latitude	39° 48' 33.52"	**Longitude**	76° 57' 0.51"
Wastewater Description:	Stormwater		
Outfall No.	004	**Design Flow (MGD)**	0.000000
Latitude	39° 48' 30.53"	**Longitude**	76° 57' 8.05"
Wastewater Description:	Stormwater		

Changes Since Last Permit Issuance: none

STORMWATER:

The stormwater outfalls 002, 003 and 004 were originally placed in the NPDES permit by an amendment. Conditions for the stormwater outfalls have not changed and will therefore remain in the permit. Outfall 002 according to Hanover Foods 2003 site plan, is located at the confluence of the UNT of Oil Creek and Oil Creek. This outfall receives flow from a spring and stormwater runoff from roadways and the facility site and 003 receives drainage from the waste storage area surrounding the freezing unit, west of Wilson Avenue. This outfall leads to a swale adjacent to the rail road tracks passing through the site. Outfalls 002 and 003 are required to be monitored annually for BOD_5, COD, TSS, pH, Oil and Grease, Total Kjeldahl Nitrogen, Total Phosphorus and Total Iron. Outfall 004 is a spill way for a stormwater detention basin that discharges into a wetland area leading to an UNT of Oil Creek. This detention basin receives runoff from areas of the facility that experience little or no material handling. No monitoring is required for this outfall

Compliance History

DMR Data for Outfall 001 (from January 1, 2013 to January 31, 2015)

Month	Flow Avg-Max	pH Min-Max	D.O mg/l	TRC mg/l	Fecal Coli	TSS Avg Mo - Max daily mg/l	CBOD5 Avg Mo - Max daily mg/l	NH3-N Avg Mo mg/l	Temp 0F Max
Jan-15	0.68 - 1.47	7.8 - 8.1	8.7	0.03	7000	28 - 40	7.5 - 9.4	1	62
Dec-14	0.983 - 1.68	7.6 - 8.1	6.9	0.03	6760	23 - 40	7.1 - 12.9	0.92	74
Nov-14	0.99 - 1.79	7.6 - 8.1	6.1	0.04	23000*	35* - 45	10.6 - 17.1	0.84	74
Oct-14	0.91 - 1.59	7.7 - 8.6	3.2*	0.04	330	11 --28	2.1 - 4.8	0.93	118
Sep-14	1.07 - 2.14	7.7 - 8.2	2.4*	0.03	410	31* - 66*	10.1* - 32.3*	2.25*	105
Aug-14	0.96 - 1.42	7.6 - 8.4	4.2	0.04	829	25 - 38	7.8 - 13.2	0.81	89
Jul-14	0.76 - 1.25	7.9 - 8.4	4.7*	0.04	14	26 - 42	7.6 - 11.4	1.93*	90
Jun-14	0.83 - 1.43	7.3 - 8.7	5.1	0.06	58	29 - 50	8.6 - 14.1	1.73	88
May-14	0.61 - 1.25	7.6 - 9.0	6.3	0.07	38	25 - 39	7.9 - 12.4	1.3	82
Apr-14	0.48 - 0.68	8.0 - 8.7	8.3	0.02	520	28 - 50	5.7 - 8.6	0.16	75
Mar-14	0.53 - 0.98	7.9 - 8.6	6.2	0.03	240	35* - 72*	8.4 - 13.3	0.38	70
Feb-14	0.70 - 1.09	7.8 - 8.3	7.1	0.02	909	11 --28	7.8 - 11.5	0.67	62
Jan-14	0.69 - 1.10	7.8 - 8.1	6.6	0.02	38000*	22 - 32	8.8 - 17.2	0.72	63
Dec-13	0.70 - 1.33	7.9 - 8.2	9.1	0.04	1560	13 - 17	3.8 - 5.4	0.7	61
Nov-13	0.88 - 1.94	7.8 - 8.3	3.2*	0.03	73000*	25 - 61*	34.6*	1.1	113
Oct-13	0.79 - 1.45	7.7 - 8.2	6	0.05	104	22 - 28	4.8 - 6.5	0.85	87
Sep-13	0.79 - 1.24	7.8 - 8.8	6.1	0.03	480	20 - 28	5.2 - 6.9	0.56	89
Aug-13	0.70 - 1.24	7.8 - 8.9	6.1	0.03	6700*	20 - 32	4.2 - 6.8	0.54	89
Jul-13	0.77 - 1.62	7.2 - 9.4*	6.2	0.02	99	35* - 55	3.8 - 6.6	0.2	93
Jun-13	0.65 - 1.11	7.8 - 8.6	5.6	0.02	16	19 - 40	6.6 - 18.1*	2.3*	87
May-13	0.53 - 0.84	8.2 - 8.7	7.3	0.02	1830*	24 - 36	4.3 - 6.4	0.19	82
Apr-13	0.58 - 1.20	7.9 - 8.9	6.9	0.03	12400*	41* - 56	7.2 - 11.8	0.19	74
Mar-13	0.67 - 1.15	7.8 - 8.3	8.4	0.02	1	35* - 49	7.6 - 11.7	0.93	64
Feb-13	0.57 - 0.68	7.7 - 8.1	8	0.02	12	16 - 21	3.4 - 4.4	0.33	64
Jan-13	7.6 - 8.2	7.6 - 8.2	6.6	0.02	1	17 - 29	4.7 - 7.4	0.57	65

Violations are indicated with * (asterisks)

Compliance History

Effluent Violations for Outfall 001

Based on the 2003 COA, Hanover Foods Corporation continues to pay the Department penalties for effluent violations because the IWTP has been unable to meet effluent limits for six consecutive months. On August 20, 2013, the department executed a new consent order and agreement (COA) with Hanover Foods to address continuous violations at the plant. The new COA replaces the 2003 COA and calls for a major upgrade to the treatment plant and also assessed a civil penalty for violations from June 2011 to the date COA was signed(August 20, 2013) and established stipulation for effluent violations that will occur in the future. The DMR data summary for 20013 and 2014 is added, monitoring data for fecal Coliform shows discharges are higher than the required maximum allowed in the summer and winter months. Permit limit will be established for Fecal Coliform. Numerous effluent violations continue to occur after COA was signed. Refer to DMR summary. Current inspection at the facility listed some effluent violations and an unauthorized discharge. The compliance section directed the permittee to resolve these violations and address the unauthorized discharge from occurring in the future. Hanover foods submitted a WQM permit to upgrade the plant to treat up to 0.19MGD process wastewater and also to discharge a maximum of 0.65MGD of NCCW. Both treated process effluent and the NCCW will combine for a total discharge of 0.84MGD to outfall 001. Effluent limitation will be based on the combined flow of 0.84 MGD.

Development of Effluent Limitations

Outfall No. 001 **Design Flow (MGD)** 0.84
Latitude 39° 48' 52.91" **Longitude** 76° 56' 53.54"
Wastewater Description: Industrial wastewater and NCCW

TECHNOLOGY BASED LIMITATIONS:

The following technology-based limitations apply, subject to water quality analysis and BPJ where applicable:
The Hanover Foods Corporation, as a vegetable processor of beets, dry beans, snap beans and potatoes, which discharges food processing wastewater, is required to meet the federal Effluent Limitation Guidelines (ELGs) per 40 CFR § 407 Subpart G. According to the production data, dry beans and potatoes are consistently processed year round, whereas beets and snap beans are processed during different periods. There is a period of one to three months where production overlaps for all of the vegetables processed at the facility.

The BOD_5 ELGs for this type of vegetable processing are as follows:

	BOD_5 (lb/1000 lb raw material)		
	Maximum for any 1 day	Average of daily values for 30 consecutive days	Annual average
Beets	1.01	0.71	0.57
Dry Beans	2.50	1.76	1.21
Snap Beans	1.51	0.87	0.58
Potatoes	0.90	0.66	0.55

40 CFR § 407 Subpart G also contains ELGs for TSS. The TSS ELGs for this type of vegetable processing are as follows:

	TSS (lb/1000 lb raw material)		
	Maximum for any 1 day	Average of daily values for 30 consecutive days	Annual average
Beets	1.88	1.47	1.12
Dry Beans	4.48	3.13	1.97
Snap Beans	2.67	1.80	1.04
Potatoes	1.69	1.37	1.09

Based on the ELG values, the most stringent limit that will apply to Hanover Foods is the ELGs for potatoes. The average daily production over 5years according to the production values provided by Hanover Foods Corporation is 362,936.16lbs/day. The following are the resultant ELG mass-based effluent limitations

Table 1

BOD_5 Mass-Based Effluent Limitations(lbs/day)

	Maximum for any 1 day	Average of daily values for 30 consecutive days	Annual average
Potatoes	326.64*	239.54	199.6

*Max limit for any day = 362,936.16lbs/day x 0.9lbs/1000lbs = 326.64lbs/day

Based on the ELG values, as well as the production values provided by Hanover Foods Corporation, the following are the resultant ELG mass-based effluent limitations:
Table 2

TSS Mass-Based Effluent Limitations(lbs/day)

	Maximum for any 1 day	Average of daily values for 30 consecutive days	Annual average
Potatoes	613.36*	497.22	377.45**

*Max limit for any day = 362,936.16lbs/day x 1.69lbs/1000lbs = 326.64lbs/day
** Annual average snap beans ELG most stringent is used for calculation.

WATER QUALITY-BASED LIMITATIONS:

STREAMFLOWS

Penn Township with a discharge located about 1,480 feet upstream, of Hanover food discharge has a flow meter within Oil Creek and has reportedly been monitoring stream flows for several years. The Township requested that these data be used as the basis for determining water quality limits, and the writer responded that it may or may not be possible to use the data, depending on how long measurements have been taken. Data for November 2001 through November 2004 were submitted with the permit application. During 2002, a "drought year," the average monthly flow in August was 0.53 MGD (0.82 cfs). The lowest seven day consecutive average flow, from August 13-19, was 0.346 MGD (0.535 cfs). During this same period of time, the average flow measured in the Susquehanna River at Gage No. 01576000 (Marietta) was 3,571 cfs. The Q_{7-10} flow statistic, at this gage, according to USGS, is 3,800 cfs for post-regulation years (1972-1996).

For the current permit renewal, the permittee, upon request, submitted daily flow data for Oil Creek for their entire monitoring period to date (October 26, 2001 through June 9, 2014). Review of the data revealed that the aforementioned low flow period during August 2002 still remains as the lowest 7-day period for the entire 12+ year dataset. The second lowest average 7-day flow was 0.393 MGD, which occurred during August 2006.

The closest USGS gage (no. 01574500 on Codorus Creek at Spring Grove, PA) is over 8 miles downstream of the Penn Township discharge. It is also downstream of the Lake Marburg dam, which has a large influence on the streamflow. Therefore, USGS gage data will not be utilized, as StreamStats and the permittee's gage data may be deemed more reliable.

The drainage area upstream of Hanover Foods discharge is 6.4mi taken from the previous protection report. The Q_{7-10} estimate for Hanover foods is 0.88cfs (0.138 cfs/mi^2 x 6.44 mi). This information is used to obtain a chronic or 30 day (Q_{30-10}), and an acute or 1 day (Q_{1-10}) exposure stream flow for the discharge point as follows (Guidance No. 391-2000-023):

$$Q_{7-10} = 0.88 \text{ cfs}$$

$$Q_{30-10} = 1.36 * 0.88 \text{ cfs} = 1.20 \text{ cfs}$$

$$Q_{1-10} = 0.64 * 0.88 \text{ cfs} = 0.56 \text{ cfs}$$

WQM 7.0 Data:

Due to the close proximity of Hanover foods Corp's discharge to the Penn Township discharge, both discharges have historically been modelled together. The following three nodes were used for the WQM 7.0 model.

Parameter	*Value*	*Source*
DO Goal	5.0 mg/L	(Requirement for WWF)
Discharge pH (Node 1)	7.5	(DMR Data)
Discharge pH (Node 2)	7.9	(Most recent protection report)
Discharge Temperature (Node 1)	25°C	(Default)
Discharge Temperature (Node 2)	30°C	(Most recent protection report)

Stream pH	7.82	(See below)[1]
Stream Temperature	25°C	(Default for WWF)
Stream NH_3-N	0.0 mg/L	(Default)

(1) Stream pH was determined by Hanover Foods in 1993 while conducting WET tests (per the 2008 protection report for Penn Township).

Node input data:

Node 1: Penn Township Outfall 001 on Oil Creek (08213)
- Elevation: 537 ft (USGS National Map Viewer)
- Drainage Area: 3.87 mi^2 (USGS PA StreamStats)
- River Mile Index: 5.69 (PA DEP eMapPA)
- Low Flow Yield: 0.138 cfs/mi^2
- Discharge Flow: 4.2 MGD (NPDES Application)

Node 2: Hanover Foods Outfall 001
- Elevation: 532 ft (USGS National Map Viewer)
- Drainage Area: 6.44 mi^2 (USGS PA StreamStats)
- River Mile Index: 5.41 (PA DEP eMapPA)
- Low Flow Yield: 0.138 cfs/mi^2
- Discharge Flow: 0.840 MGD (NPDES Permit)

Node 3: Just before confluence with UNT 08223
- Elevation: 517 ft (USGS National Map Viewer)
- Drainage Area: 6.72 mi^2 (USGS PA StreamStats)
- River Mile Index: 4.56 (PA DEP eMapPA)
- Low Flow Yield: 0.138 cfs/mi^2
- Discharge Flow: 0.000 MGD

NH_3N :

NH_3-N calculations are based on the Department's Implementation Guidance of Section 93.7 Ammonia Criteria, dated 11/4/97 (ID No. 391-2000-013).

The attached WQM7.0 printout presented in attachment B indicates that, for a discharge of 0.84 MGD, a limit of 1.0 mg/L NH_3-N as a monthly average and 2.0 mg/L NH_3-N as a daily maximum is necessary to protect the aquatic life from toxicity effects (model values rounded based on the Doc. No. 362-0400-001 10/97). The WQM limits of 1.0 mg/L as an average monthly and 2.0 mg/L as a daily maximum are recommended with a bi-weekly 24-hour composite type. An instantaneous maximum of 2.5 mg/L is also recommended based on the industrial multiplier of 2.5 (see 362-0400-001).

$CBOD_5$:

The WQM 7.0 model, employed by the Department, calculates $CBOD_5$ and not BOD_5. To compare the ELGs to the WQBELs results from WQM 7.0, BOD_5 must be converted to $CBOD_5$. Engineering literature, suggests that $CBOD_5$ is approximately 15-20% less than BOD_5. For conversion of the ELG BOD_5 into $CBOD_5$, a factor 15% is used. The table below represents the conversion results:

Table 3

BOD_5 to $CBOD_5$ Mass-Based Effluent Limitations(lbs/day)

	Maximum for any 1 day	Average of daily values for 30 consecutive days	Annual average
Potatoes	277.6*	203.61	169.66

*326.64 x 0.85 = 277.6 lbs/day

The attached computer printout of the WQM 7.0 stream model indicates that 18.0 mg/l as an average monthly limit for $CBOD_5$ is adequate to protect the water quality of the stream. However, the previous NPDES permit, established an average monthly $CBOD_5$ limit of 10.0 mg/l and a maximum daily and instantaneous maximum limit of 15.0 mg/ and 20.0 mg/l, respectively, during the period from May 1st to October 31st. For the period from November 1st to April 30th, the previous permit established limits of 20 mg/L as an average monthly, 30 as a maximum daily and 40 mg/L as an instantaneous maximum. The previous summer permit limit concentrations produce a more stringent mass limits than the ELG mass-based effluent limitations (10.0 mg/L X 0.84 MGD X 8.34 lbs/gal = 70.06 lbs/day monthly average, 105.09lbs/day Maximum and 140lbs/day). Therefore, the existing summer limits, are recommended for inclusion in the renewed NPDES permit for summer months. For the winter months, the recommended WQM model results of 18mg/l monthly average, 27mg/l daily maximum and 36mg/l IMAX concentration is more stringent that the existing winter limitation and it produces a more stringent mass limits than (Table 3) ELG mass-based effluent limitations (18.0 mg/L X 0.84 MGD X 8.34 lbs/gal = 126 lbs/day monthly average, 189lbs/day Maximum and 252lbs/day IMAX). Therefore, the recommended WQM 7.0 limits will be included in the renewed NPDES permit for winter months. A bi-weekly 24 hour composite sample type is recommended per the Department's NPDES Permit Development document (no. 362-0400-001).

TOTAL SUSPENDED SOLIDS:

The previous permit established a TSS limit of 30 mg/l as an average monthly with 60 mg/l and 75 mg/l as a maximum daily and instantaneous maximum, respectively. The previous permit limit concentrations produce a more stringent mass limits than (Table 2) ELG mass-based effluent limitations (30.0 mg/L X 0.84 MGD X 8.34 lbs/gal = 210.17 lbs/day monthly average;420.34lbs/day daily maximum and 525lbs/day IMAX).Therefore, the existing concentration limits with their corresponding mass limits is recommended for the renewed permit. A bi-weekly 24 hour composite sample type is recommended per the Department's NPDES Permit Development document (no. 362-0400-001).

TOTAL PHOSPHORUS :

Oil Creek, located in both the Penn and Heidelberg Townships, is listed as impaired due to nutrients and siltation. The Pennsylvania Code, Chapter 96 Water Quality Standards Implementation states the following (96.5. Nutrient discharges (c)): "When it is determined that the discharge of phosphorus, alone or in combination with the discharge of other pollutants, contributes or threatens to impair existing or designated uses in a free flowing surface water, phosphorus discharges from point source discharges shall be limited to an average monthly concentration of 2 mg/L. More stringent controls on point source discharges may be imposed, or may be otherwise adjusted as a result of a TMDL which has been developed." Therefore a monthly limit of 2mg/l written in the permit pending TMDL development. A bi-weekly 24-hour composite sample type is also recommended. Monitor and report is required until phosphorus reduction controls are installed during the plant upgrade.

CHESAPEAKE BAY STRATEGY:

In 2003, EPA established state-wide cap loads for Total Nitrogen and Total Phosphorus for Pennsylvania that are needed to ensure compliance with new water quality standards enacted to restore the water quality of the Chesapeake Bay. DEP released Pennsylvania's Chesapeake Bay Tributary Strategy (CBTS) in January of 2005 to guide Pennsylvania's efforts to meet those cap loads, and made revisions to the Strategy in 2006-2007 following a stakeholder process. Industrial discharges have been prioritized by Central Office based on their delivered TN loadings to the Bay. Significant industrial wastewater dischargers are facilities that discharge more than 75 lbs/day of TN or 25 lbs/day of TP on an average annual basis and the rest are classified as non-significant dischargers. Allocation of cap loads for significant industrial dischargers is divided into five categories. 1. Facilities that reduced TN and TP prior to 2002 – Cap Loads established using the 2002 load or the current (2007-2008) load, whichever is greater, plus 10%. 2. Facilities that submitted a Nutrient Reduction Evaluation (NRE) as requested by DEP and reduced their TN and TP loads between 2002 and 2009 – Cap Loads established using the current (2007-2008) load, plus 10%. 3. Facilities that submitted an NRE and planning to reduce TN and TP loads through facility upgrades or operational improvements – Cap Loads established as requested by the facility in the NRE, with a compliance schedule. 4. Facilities that are already at "low levels" of nutrient discharge loads – Cap Loads established at current (2007-2008) loads. 5. Facilities that did not submit an NRE or submitted an NRE but did not propose to reduce nutrient loads – Cap Loads established at current (2007-2008) loads, reduced by 33%.

Prior to implementing DEPs industrial discharger cap load, EPA published the Chesapeake Bay Total Maximum Daily Load (TMDL) in December of 2010. The TMDL was prompted by insufficient progress and continued poor water quality in

the Chesapeake Bay and its tidal tributaries. In order to address the TMDL, Pennsylvania developed a Chesapeake Watershed Implementation Plan (WIP) – Phase 1 in January 2011 and Phase 2 WIP and a supplement to phase 2 WIP.

Outlined in the Phase 1 and Phase 2 WIP, and the supplement to WIP 2, permitting for significant Industrial discharges will follow the original categorical approach established during the stakeholder process in 2006-2007. This facility falls in category 5, did not submit NRE but proposed upgrade to their treatment plant to meet cap load. The facility's allocated cap loads are 26,385lb/yr TN and 979lb/yr TP for a total flow of 0.84MGD.

A TMDL does not exist for Oil Creek as of May 2015. Since Oil Creek is impaired for nutrients, the purchase of credits outside of the Oil Creek Watershed to meet the Bay Cap Load requirement is prohibited; however, Hanover Foods may purchase credits from within the watershed from facilities such as Penn Township.

Based on the information provided, in the event that Hanover Foods is unable to meet their annual cap loads, their intention is to purchase additional credits from Penn Township, which is approximately 1400' upstream of the Hanover Foods Corp's facility and within the Oil Creek watershed. A compliance schedule is provided in the permit for the facility to comply with the Chesapeake Bay cap loads upon completion of plant upgrade..

TOTAL RESIDUAL CHLORINE:

The attached computer printout presented in attachment C utilizes the equations and calculations as presented in the Department's May 1, 2003 Implementation Guidance for Total Residual Chlorine (TRC) (ID No. 391-2000-015) for developing chlorine limitations. The Guidance references Chapter 92a, Section 92a.48 (b) which establishes a standard BAT limit of 0.5 mg/l unless a facility-specific BAT has been developed. The attached printout indicates that a water quality limit of 0.1 mg/l monthly average and 0.3mg/l IMAX would be needed to prevent toxicity concerns. This is consistent with the existing permit and the facility is meeting this limit. Therefore, it is recommended that a TRC limit of 0.1 mg/l monthly average and 0.3 mg/l maximum be applied again for this permit cycle.

FECAL COLIFORM:

Fecal coliforms have historically been elevated within the Hanover Foods discharge. The previous permit did not contain a fecal effluent limit only monitor report. The DMR data contained several notably high fecal coliform results over the last five years. Refer to summary of DMR data table above, results above department Imax requirement are indicated with asterisks. Effluent limits will established in the permit during this permit renewal.

Per 25 Pa Code § 92a.47, the Hanover Foods IWTP must meet a geometric mean of 200 CFUs/100 mL with an instantaneous maximum of 1,000 CFUs/100 mL from May 1st to September 30 and a geometric mean of 2,000 CFUs/100 mL with an instantaneous maximum of 10,000 CFUs/100 mL from October 1st to April 30th for the final effluent.

DISSOLVED OXYGEN:

A minimum D.O. of 5.0 mg/L is required. This is consistent with the previous permit and current Department criteria.

pH:

The existing effluent discharge pH of above 6 and below 9 standard units according to Chapter 95.2(2) will remain. These units are more stringent than the ELG's 6 to 9.5 S.U. for canned food processors.

COLOR

Color was a concern in the past, using the following mass balance equation with a streamflow of 0.88cfs (0.57MGD), Color Criterion = 75PCU and a discharge of 0.84MGD,

75 PCU (0.8400 + 0.57) MGD = X (0.8400 MGD) + 0 x 0.57MGD
X = 125.9 PCU's

A color limit of 126 Platinum Cobalt Units (PCU) resulted however, application report 3 samples with a maximum color measured as 25 PCU. Color limitation is not required, monitor and report will be required to collect more data for further analysis.

OIL & GREASE

This discharge is from a potential industrial Oil-bearing wastewater. PA code § 95.2 requires this type of discharge should not contain more than 15 milligrams of oil per liter as a daily average value nor more than 30 milligrams of oil per liter at any time, and should not cause discoloration in the receiving stream. The permit will be written with the limitations on oil and grease.

TOXICS

A reasonable potential (RP) was done for pollutant Groups 1 and 2 submitted with the application and re-sample of some toxics pollutants reported as undetected but above criterion. All pollutants that were detected in the application sampling and re-sampling were entered into the Toxics Screening Analysis spreadsheet to determine if any pollutants were candidates for PENTOXSD modeling. All pollutants that were determined to be candidates for PENTOXSD modeling were entered into the PENTOXSD model. The most stringent WQBELs recommended by the PENTOXSD model (attachment D were then entered into the same Toxics Screening Analysis spreadsheet in order to determine which parameters of concern need further action.

The RP Screening Analysis spreadsheet presented in attachment E indicates that in exception of Total Cadmium, PENTOXSD Modelling is not required for the following parameters detected in the application sampling data: Total Aluminum, Total Barium, Total Boron, dissolved Iron, Total Iron, Total Manganese and Total Copper. Total Cadmium was entered into PENTOXSD Model to establish WQBELs for further analysis. Results from the PENTOXSD model is presented in attachment D. A monthly average limitation of 0.77µg/l is recommended for Total Cadmium. The recommended monthly average limit of 0.0008mg/l and maximum daily limit of 0.0016mg/l will be applied to the permit with a bi-weekly 24-hr composite sampling. Permittee will monitor Total Cadmium in the interim until plant upgrade is completed.

The recommended limitations follow the logic presented in DEPs SOP, to establish limits in the permit where the maximum reported concentration exceeds 50% of the WQBEL, or for non-conservative pollutants to establish monitoring requirements where the maximum reported concentration is between 25% - 50% of the WQBEL, or to establish monitoring requirements for conservative pollutants where the maximum reported concentration is between 10% - 50% of the WQBEL.

TDS, CHLORIDE, SULFATE, BROMIDE, & 1,4-DIOXANE

The maximum daily TDS discharge submitted with the application is 452mg/l which is equivalent to 3,166.53 lbs/day based on the design flow of 0.84MGD. The discharge level for TDS is well below 1000mg/l and 20,000 lbs/day cut-off to require monitoring in the permit. Average of 3 samples of bromide submitted with application is 0.64mg/l is below 1mg/l therefore no monitoring is required. There is no data on 1,4-dioxane. Guidance on TDS follows the logic below:

- Where the concentration of TDS in the discharge exceeds 1,000 mg/L, or the net TDS load from a discharge exceeds 20,000 lbs/day, and the discharge flow exceeds 0.1 MGD, Part A of the permit should include monitor and report for TDS, sulfate, chloride, and bromide. Discharges of 0.1 MGD or less should monitor and report for TDS, sulfate, chloride, and bromide if the concentration of TDS in the discharge exceeds 5,000 mg/L.

- Where the concentration of bromide in a discharge exceeds 1 mg/L and the discharge flow exceeds 0.1 MGD, Part A of the permit should include monitor and report for bromide. Discharges of 0.1 MGD or less should monitor and report for bromide if the concentration of bromide in the discharge exceeds 10 mg/L.

- Where the concentration of 1,4-dioxane (CAS 123-91-1) in a discharge exceeds 10 µg/L and the discharge flow exceeds 0.1 MGD, Part A of the permit should include monitor and report for 1,4-dioxane. Discharges of 0.1 MGD or less should monitor and report for 1,4-dioxane if the concentration of 1,4-dioxane in the discharge exceeds 100 µg/L.

CHEMICAL ADDITIVES

The permittee submitted chemical additive notification forms for thirteen chemical additives currently being used at the facility. In exception of Sodium hypochlorite and Chlorine liquefied gas, the proposed daily maximum usage rate for the chemicals appear to be below the maximum usage rate allowable in the creek. The permittee is re-calculating the usage rate for some of the chemical additives to include dilution factors. If the results show all chemical additive usage rates proposed are below the maximum allowable, they can be used otherwise alternatives will be re-evaluated. There is a chlorine limitation in the permit to control chlorine discharge to the creek. The permit will be written with the new chemical additive usage and notification requirement.

TEMPERATURE:

Currently, Hanover Foods records temperature when NCCW is discharged directly to Lagoon #2. Temperature data reported on DMR show temperature is consistently at or above the department's criteria. Temperature calculations for the discharge was done using the Thermal discharge Spreadsheet case 2 with a proposed discharge of 0.84MGD. Since there is no ambient temperature data, the Department default values were used. The results are presented in attachment F. Data provided with DMR indicate the facility will be in violation of the temperature limitations in winter months without some level of cooling of the effluent prior to discharge . The facility requested 3 years schedule to comply with the temperature limitation. Monitoring will continue in the interim.

ANTIDEGRADATION (93.4):

The effluent limits for this discharge have been developed to ensure that existing instream water uses and the level of water quality necessary to protect the existing uses are maintained and protected. No High Quality Waters are impacted by this discharge. No Exceptional Value Waters are impacted by this discharge.

CLASS A WILD TROUT FISHERIES:

No Class A Wild Trout Fisheries are impacted by this discharge.

303d LISTED STREAMS:

The discharge is located on the 2008 303d listed stream segment as impaired for nutrients and siltation. TMDL is schedule for 2015. Following PA Code, Chapter 96.5c an average monthly concentration of 2 mg/L for Total Phosphorus is required pending TMDL development. A re-opener condition will be in the permit informing the permittee that a more stringent control on point source discharges may be imposed, as a result of final TMDL development. No further reduction in Total Phosphorus is warranted at this time.

Proposed Effluent Limitations and Monitoring Requirements

The limitations and monitoring requirements specified below are proposed for the draft permit, and reflect the most stringent limitations amongst technology, water quality and BPJ. Instantaneous Maximum (IMAX) limits are determined using multipliers of 2 (conventional pollutants) or 2.5 (toxic pollutants). Sample frequencies and types are derived from the "NPDES Permit Writer's Manual" (362-0400-001) and/or BPJ.

Outfall 001, Effective Period: Permit Effective Date through Permit Expiration Date

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day)		Concentrations (mg/L)				Minimum Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX	Continuous	Measured
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	1/day	Grab
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX	1/day	Grab
Total Residual Chlorine	XXX	XXX	XXX	0.1	XXX	0.3	1/day	Grab
Color (Pt-Co Units)	XXX	XXX	XXX	XXX	Report	XXX	2/month	Grab
Temperature (°F) Jan 1-31	XXX	XXX	XXX	XXX	51	XXX	1/day	I-S
Temperature (°F) Feb 1-29	XXX	XXX	XXX	XXX	52	XXX	1/day	I-S
Temperature (°F) Mar 1-31	XXX	XXX	XXX	XXX	74	XXX	1/day	I-S
Temperature (°F) Apr 1-15	XXX	XXX	XXX	XXX	83	XXX	1/day	I-S
Temperature (°F) Apr 16-30	XXX	XXX	XXX	XXX	89	XXX	1/day	I-S
Temperature (°F) May 1-15	XXX	XXX	XXX	XXX	85	XXX	1/day	I-S
Temperature (°F) May 16-31	XXX	XXX	XXX	XXX	106	XXX	1/day	I-S
Temperature (°F) Jun 1-15	XXX	XXX	XXX	XXX	106	XXX	1/day	I-S

Outfall 001, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day)		Concentrations (mg/L)				Minimum Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Temperature (°F) Jun 16-30	XXX	XXX	XXX	XXX	110	XXX	1/day	I-S
Temperature (°F) Jul 1-31	XXX	XXX	XXX	XXX	101	XXX	1/day	I-S
Temperature (°F) Aug 1-31	XXX	XXX	XXX	XXX	99	XXX	1/day	I-S
Temperature (°F) Sep 1-15	XXX	XXX	XXX	XXX	94	XXX	1/day	I-S
Temperature (°F) Sep 16-30	XXX	XXX	XXX	XXX	88	XXX	1/day	I-S
Temperature (°F) Oct 1-15	XXX	XXX	XXX	XXX	82	XXX	1/day	I-S
Temperature (°F) Oct 16-31	XXX	XXX	XXX	XXX	76	XXX	1/day	I-S
Temperature (°F) Nov 1-15	XXX	XXX	XXX	XXX	69	XXX	1/day	I-S
Temperature (°F) Nov 16-30	XXX	XXX	XXX	XXX	59	XXX	1/day	I-S
Temperature (°F) Dec 1-31	XXX	XXX	XXX	XXX	50	XXX	1/day	I-S
CBOD5 May 1 - Oct 31	70	105	XXX	10	15	20	2/week	24-Hr Composite
CBOD5 Nov 1 - Apr 30	126	189	XXX	18	27	36	2/week	24-Hr Composite
Total Suspended Solids	210	420	XXX	30	60	75	2/week	24-Hr Composite
Oil and Grease	Report	Report	XXX	15	30	30	2/week	Grab

Outfall , Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day)		Concentrations (mg/L)				Minimum Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000	2/week	Grab
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000	2/week	Grab
Ammonia-Nitrogen May 1 - Oct 31	7.0	14	XXX	1.0	2.0	2.5	2/week	24-Hr Composite
Ammonia-Nitrogen Nov 1 - Apr 30	21	42	XXX	3.0	6.0	7.5	2/week	24-Hr Composite
Total Phosphorus	14	28	XXX	2.0	4.0	5.0	2/week	24-Hr Composite
Total Cadmium	0.0056	0.011	XXX	0.0008	0.0016	0.002	2/week	24-Hr Composite

Compliance Sampling Location: 001

Other Comments:

Proposed Effluent Limitations and Monitoring Requirements

The limitations and monitoring requirements specified below are proposed for the draft permit, and reflect the most stringent limitations amongst technology, water quality and BPJ. Instantaneous Maximum (IMAX) limits are determined using multipliers of 2 (conventional pollutants) or 2.5 (toxic pollutants). Sample frequencies and types are derived from the "NPDES Permit Writer's Manual" (362-0400-001) and/or BPJ.

Outfall 002 and 003, Effective Period: Permit Effective Date through Permit Expiration Date

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day)		Concentrations (mg/L)				Minimum Measurement Frequency	Required Sample Type
	Average Monthly		Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
CBOD5	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Iron	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab

Proposed Effluent Limitations and Monitoring Requirements

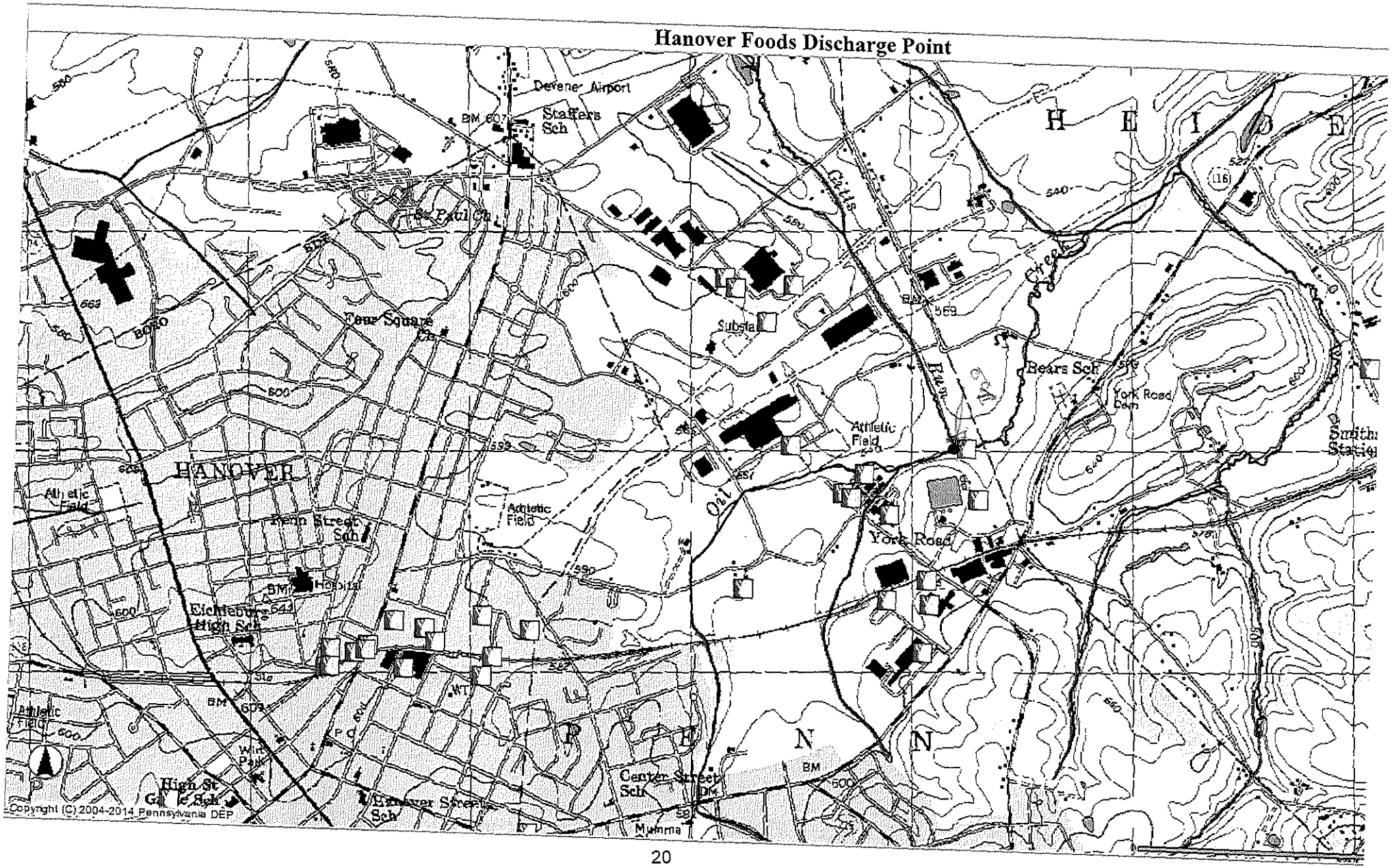
The limitations and monitoring requirements specified below are proposed for the draft permit, to comply with Pennsylvania's Chesapeake Bay Tributary Strategy.

Outfall 001, Effective Period: Permit Effective Date through Permit Expiration Date

Parameter	Effluent Limitations					Monitoring Requirements	
	Mass Units (lbs/day)		Concentrations (mg/L)			Minimum Measurement Frequency	Required Sample Type
	Monthly	Annual	Minimum	Monthly Average	Maximum		
Ammonia---N	Report	Report	XXX	Report	XXX	2/week	24-Hr Composite
Kjeldahl---N	Report	XXX	XXX	Report	XXX	2/week	24-Hr Composite
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	2/week	24-Hr Composite
Total Nitrogen	Report	Report	XXX	Report	XXX	1/month	Calculation
Total Phosphorus	Report	Report	XXX	Report	XXX	2/week	24-Hr Composite
Net Total Nitrogen	Report	26,385	XXX	XXX	XXX	1/month	Calculation
Net Total Phosphorus	Report	979	XXX	XXX	XXX	1/month	Calculation

Tools and References Used to Develop Permit	
☒	WQM for Windows Model (see Attachment **B**)
☒	PENTOXSD for Windows Model (see Attachment **D**)
☒	TRC Model Spreadsheet (see Attachment **C**)
☒	Temperature Model Spreadsheet (see Attachment **F**)
☒	Toxics Screening Analysis Spreadsheet (see Attachment **E**)
☒	Water Quality Toxics Management Strategy, 361-0100-003, 4/06.
☒	Technical Guidance for the Development and Specification of Effluent Limitations, 362-0400-001, 10/97.
☐	Policy for Conducting Technical Reviews of Minor NPDES Renewal Applications, 362-2000-008, 11/96.
☐	Technology-Based Control Requirements for Water Treatment Plant Wastes, 362-2183-003, 10/97.
☐	Technical Guidance for Development of NPDES Permit Requirements Steam Electric Industry, 362-2183-004, 12/97.
☐	Water Quality Antidegradation Implementation Guidance, 391-0300-002, 11/03.
☒	Implementation Guidance Evaluation & Process Thermal Discharge (316(a)) Federal Water Pollution Act, 391-2000-002, 4/97.
☒	Determining Water Quality-Based Effluent Limits, 391-2000-003, 12/97.
☒	Implementation Guidance Design Conditions, 391-2000-006, 9/97.
☒	Technical Reference Guide (TRG) WQM 7.0 for Windows, Wasteload Allocation Program for Dissolved Oxygen and Ammonia Nitrogen, Version 1.0, 391-2000-007, 6/2004.
☐	Technical Reference Guide (TRG) PENTOXSD for Windows, PA Single Discharge Wasteload Allocation Program for Toxics, Version 2.0, 391-2000-011, 5/2004.
☐	Implementation Guidance for Section 93.7 Ammonia Criteria, 391-2000-013, 11/97.
☐	Implementation Guidance Total Residual Chlorine (TRC) Regulation, 391-2000-015, 11/1994.
☐	Implementation Guidance for Temperature Criteria, 391-2000-017, 4/09.
☒	Implementation Guidance for Section 95.9 Phosphorus Discharges to Free Flowing Streams, 391-2000-018, 10/97.
☐	Implementation Guidance for Application of Section 93.5(e) for Potable Water Supply Protection Total Dissolved Solids, Nitrite-Nitrate, Non-Priority Pollutant Phenolics and Fluorides, 391-2000-019, 10/97.
☐	Field Data Collection and Evaluation Protocol for Determining Stream and Point Source Discharge Design Hardness, 391-2000-021, 3/99.
☐	Implementation Guidance for the Determination and Use of Background/Ambient Water Quality in the Determination of Wasteload Allocations and NPDES Effluent Limitations for Toxic Substances, 391-2000-022, 3/1999.
☒	Design Stream Flows, 391-2000-023, 9/98.
☐	Evaluations of Phosphorus Discharges to Lakes, Ponds and Impoundments, 391-3200-013, 6/97.
☐	Pennsylvania's Chesapeake Bay Tributary Strategy Implementation Plan for NPDES Permitting, 4/07.
☐	SOP: Establishing Effluent limitations
☐	Other:
☐	

A. Topographical



B. WQM Model Results

WQM 7.0 Effluent Limits

SWP Basin	Stream Code	Stream Name
07H	8213	OIL CREEK

RMI	Name	Permit Number	Disc Flow (mgd)	Parameter	Effl. Limit 30-day Ave. (mg/L)	Effl. Limit Maximum (mg/L)	Effl. Limit Minimum (mg/L)
5.610	Penn Township	PA0037150	4.200	CBOD5	22.24		
				NH3-N	1.1	2.2	
				Dissolved Oxygen			5

RMI	Name	Permit Number	Disc Flow (mgd)	Parameter	Effl. Limit 30-day Ave. (mg/L)	Effl. Limit Maximum (mg/L)	Effl. Limit Minimum (mg/L)
5.430	Hanover Foods	PA0044741	0.840	CBOD5	18.64		
				NH3-N	1.02	2.04	
				Dissolved Oxygen			5

Input Data WQM 7.0

SWP Basin	Stream Code	Stream Name	RMI	Elevation (ft)	Drainage Area (sq mi)	Slope (ft/ft)	PWS Withdrawal (mgd)	Apply FC
07H	8213	OIL CREEK	5.610	537.00	3.87	0.00000	0.00	☑

Stream Data

Design Cond.	LFY (cfsm)	Trib Flow (cfs)	Stream Flow (cfs)	Rch Trav Time (days)	Rch Velocity (fps)	WD Ratio	Rch Width (ft)	Rch Depth (ft)	Tributary Temp (°C)	Tributary pH	Stream Temp (°C)	Stream pH
Q7-10	0.138	0.00	0.00	0.000	0.000	0.0	0.00	0.00	25.00	7.82	0.00	0.00
Q1-10		0.00	0.00	0.000	0.000							
Q30-10		0.00	0.00	0.000	0.000							

Discharge Data

Name	Permit Number	Existing Disc Flow (mgd)	Permitted Disc Flow (mgd)	Design Disc Flow (mgd)	Reserve Factor	Disc Temp (°C)	Disc pH
Penn Township	PA0037150	4.2000	0.0000	0.0000	0.000	25.00	7.50

Parameter Data

Parameter Name	Disc Conc (mg/L)	Trib Conc (mg/L)	Stream Conc (mg/L)	Fate Coef (1/days)
CBOD5	25.00	2.00	0.00	1.50
Dissolved Oxygen	5.00	8.24	0.00	0.00
NH3-N	25.00	0.00	0.00	0.70

Input Data WQM 7.0

SWP Basin	Stream Code	Stream Name	RMI	Elevation (ft)	Drainage Area (sq mi)	Slope (ft/ft)	PWS Withdrawal (mgd)	Apply FC
07H	8213	OIL CREEK	5.430	532.00	6.44	0.00000	0.00	☑

Stream Data

Design Cond.	LFY (cfsm)	Trib Flow (cfs)	Stream Flow (cfs)	Rch Trav Time (days)	Rch Velocity (fps)	WD Ratio	Rch Width (ft)	Rch Depth (ft)	Tributary Temp (°C)	Tributary pH	Stream Temp (°C)	Stream pH
Q7-10	0.138	0.00	0.00	0.000	0.000	0.0	0.00	0.00	25.00	7.82	0.00	0.00
Q1-10		0.00	0.00	0.000	0.000							
Q30-10		0.00	0.00	0.000	0.000							

Discharge Data

Name	Permit Number	Existing Disc Flow (mgd)	Permitted Disc Flow (mgd)	Design Disc Flow (mgd)	Reserve Factor	Disc Temp (°C)	Disc pH
Hanover Foods	PA0044741	0.8400	0.0000	0.0000	0.000	30.00	7.90

Parameter Data

Parameter Name	Disc Conc (mg/L)	Trib Conc (mg/L)	Stream Conc (mg/L)	Fate Coef (1/days)
CBOD5	25.00	2.00	0.00	1.50
Dissolved Oxygen	5.00	8.24	0.00	0.00
NH3-N	25.00	0.00	0.00	0.70

Input Data WQM 7.0

SWP Basin	Stream Code	Stream Name	RMI	Elevation (ft)	Drainage Area (sq mi)	Slope (ft/ft)	PWS Withdrawal (mgd)	Apply FC
07H	8213	OIL CREEK	4.560	517.00	6.72	0.00000	0.00	☑

Stream Data

Design Cond.	LFY (cfsm)	Trib Flow (cfs)	Stream Flow (cfs)	Rch Trav Time (days)	Rch Velocity (fps)	WD Ratio	Rch Width (ft)	Rch Depth (ft)	Tributary Temp (°C)	Tributary pH	Stream Temp (°C)	Stream pH
Q7-10	0.138	0.00	0.00	0.000	0.000	0.0	0.00	0.00	25.00	7.82	0.00	0.00
Q1-10		0.00	0.00	0.000	0.000							
Q30-10		0.00	0.00	0.000	0.000							

Discharge Data

Name	Permit Number	Existing Disc Flow (mgd)	Permitted Disc Flow (mgd)	Design Disc Flow (mgd)	Reserve Factor	Disc Temp (°C)	Disc pH
		0.0000	0.0000	0.0000	0.000	0.00	7.00

Parameter Data

Parameter Name	Disc Conc (mg/L)	Trib Conc (mg/L)	Stream Conc (mg/L)	Fate Coef (1/days)
CBOD5	25.00	2.00	0.00	1.50
Dissolved Oxygen	5.00	8.24	0.00	0.00
NH3-N	25.00	0.00	0.00	0.70

WQM 7.0 Hydrodynamic Outputs

SWP Basin	Stream Code	Stream Name
07H	8213	OIL CREEK

RMI	Stream Flow (cfs)	PWS With (cfs)	Net Stream Flow (cfs)	Disc Analysis Flow (cfs)	Reach Slope (ft/ft)	Depth (ft)	Width (ft)	W/D Ratio	Velocity (fps)	Reach Trav Time (days)	Analysis Temp (°C)	Analysis pH
Q7-10 Flow												
5.610	0.53	0.00	0.53	6.4974	0.00526	.665	22.63	34.01	0.47	0.024	25.00	7.52
5.430	0.89	0.00	0.89	7.7969	0.00327	.687	27.99	40.73	0.45	0.118	25.75	7.57
Q1-10 Flow												
5.610	0.34	0.00	0.34	6.4974	0.00526	NA	NA	NA	0.46	0.024	25.00	7.51
5.430	0.57	0.00	0.57	7.7969	0.00327	NA	NA	NA	0.44	0.120	25.78	7.56
Q30-10 Flow												
5.610	0.73	0.00	0.73	6.4974	0.00526	NA	NA	NA	0.47	0.023	25.00	7.52
5.430	1.21	0.00	1.21	7.7969	0.00327	NA	NA	NA	0.46	0.115	25.72	7.57

WQM 7.0 Modeling Specifications

Parameters	Both	Use Inputted Q1-10 and Q30-10 Flows	☑
WLA Method	EMPR	Use Inputted W/D Ratio	☐
Q1-10/Q7-10 Ratio	0.64	Use Inputted Reach Travel Times	☐
Q30-10/Q7-10 Ratio	1.36	Temperature Adjust Kr	☑
D.O. Saturation	90.00%	Use Balanced Technology	☑
D.O. Goal	5		

WQM 7.0 Wasteload Allocations

SWP Basin	Stream Code	Stream Name
07H	8213	OIL CREEK

NH3-N Acute Allocations

RMI	Discharge Name	Baseline Criterion (mg/L)	Baseline WLA (mg/L)	Multiple Criterion (mg/L)	Multiple WLA (mg/L)	Critical Reach	Percent Reduction
5.610	Penn Township	4.05	4.26	4.05	4.2	2	1
5.430	Hanover Foods	1.84	2.64	3.59	2.61	2	1

NH3-N Chronic Allocations

RMI	Discharge Name	Baseline Criterion (mg/L)	Baseline WLA (mg/L)	Multiple Criterion (mg/L)	Multiple WLA (mg/L)	Critical Reach	Percent Reduction
5.610	Penn Township	.99	1.1	.99	1.1	2	0
5.430	Hanover Foods	.53	1.03	.92	1.02	2	1

Dissolved Oxygen Allocations

RMI	Discharge Name	CBOD5		NH3-N		Dissolved Oxygen		Critical Reach	Percent Reduction
		Baseline (mg/L)	Multiple (mg/L)	Baseline (mg/L)	Multiple (mg/L)	Baseline (mg/L)	Multiple (mg/L)		
5.61	Penn Township	22.24	22.24	1.1	1.1	5	5	0	0
5.43	Hanover Foods	18.64	18.64	1.02	1.02	5	5	0	0

WQM 7.0 D.O.Simulation

SWP Basin	Stream Code	Stream Name
07H	8213	OIL CREEK

RMI	Total Discharge Flow (mgd)	Analysis Temperature (°C)	Analysis pH
5.610	4.200	25.000	7.518
Reach Width (ft)	**Reach Depth (ft)**	**Reach WDRatio**	**Reach Velocity (fps)**
22.630	0.665	34.011	0.467
Reach CBOD5 (mg/L)	**Reach Kc (1/days)**	**Reach NH3-N (mg/L)**	**Reach Kn (1/days)**
20.70	1.324	1.01	1.029
Reach DO (mg/L)	**Reach Kr (1/days)**	**Kr Equation**	**Reach DO Goal (mg/L)**
5.246	26.283	Tsivoglou	5
Reach Travel Time (days)			
0.024			

Subreach Results

TravTime (days)	CBOD5 (mg/L)	NH3-N (mg/L)	D.O. (mg/L)
0.002	20.62	1.01	5.31
0.005	20.54	1.01	5.36
0.007	20.46	1.01	5.41
0.009	20.38	1.00	5.47
0.012	20.30	1.00	5.51
0.014	20.22	1.00	5.56
0.016	20.14	1.00	5.60
0.019	20.06	0.99	5.64
0.021	19.98	0.99	5.68
0.024	19.90	0.99	5.72

RMI	Total Discharge Flow (mgd)	Analysis Temperature (°C)	Analysis pH
5.430	5.040	25.748	7.567
Reach Width (ft)	**Reach Depth (ft)**	**Reach WDRatio**	**Reach Velocity (fps)**
27.987	0.687	40.734	0.452
Reach CBOD5 (mg/L)	**Reach Kc (1/days)**	**Reach NH3-N (mg/L)**	**Reach Kn (1/days)**
18.98	1.286	0.95	1.089
Reach DO (mg/L)	**Reach Kr (1/days)**	**Kr Equation**	**Reach DO Goal (mg/L)**
5.715	16.061	Tsivoglou	5
Reach Travel Time (days)			
0.118			

Subreach Results

TravTime (days)	CBOD5 (mg/L)	NH3-N (mg/L)	D.O. (mg/L)
0.012	18.61	0.94	5.60
0.024	18.25	0.93	5.51
0.035	17.89	0.92	5.45
0.047	17.54	0.90	5.41
0.059	17.20	0.89	5.39
0.071	16.87	0.88	5.38
0.082	16.54	0.87	5.38
0.094	16.21	0.86	5.39
0.106	15.90	0.85	5.41
0.118	15.59	0.84	5.43

C. TRC Calculations

B	C	D	E	F	G
TRC EVALUATION			Enter Facility Name in E3		
Input appropriate values in B4:B8 and E4:E7					
0.88	= Q stream (cfs)		0.5	= CV Daily	
0.84	= Q discharge (MGD)		0.5	= CV Hourly	
30	= no. samples		1	= AFC_Partial Mix Factor	
0.3	= Chlorine Demand of Stream		1	= CFC_Partial Mix Factor	
0	= Chlorine Demand of Dischar		15	= AFC_Criteria Compliance Time (min)	
0.5	= BAT/BPJ Value		720	= CFC_Criteria Compliance Time (min)	
	= % Factor of Safety (FOS)			=Decay Coefficient (K)	
Source	Reference	AFC Calculations		Reference	CFC Calculations
TRC	1.3.2.iii	WLA afc = 0.235		1.3.2.iii	WLA cfc = 0.222
PENTOXSD TRG	5.1a	LTAMULT afc = 0.373		5.1c	LTAMULT cfc = 0.581
PENTOXSD TRG	5.1b	LTA_afc= 0.088		5.1d	LTA_cfc = 0.129
Source		Effluent Limit Calculations			
PENTOXSD TRG	5.1f	AML MULT = 1.231			
PENTOXSD TRG	5.1g	AVG MON LIMIT (mg/l) = 0.108		AFC	
		INST MAX LIMIT (mg/l) = 0.353			

WLA afc	(.019/e(-k*AFC_tc)) + [(AFC_Yc*Qs*.019/Qd*e(-k*AFC_tc))... ...+ Xd + (AFC_Yc*Qs*Xs/Qd)]*(1-FOS/100)
LTAMULT afc	EXP((0.5*LN(cvh^2+1))-2.326*LN(cvh^2+1)^0.5)
LTA_afc	wla_afc*LTAMULT_afc
WLA_cfc	(.011/e(-k*CFC_tc) + [(CFC_Yc*Qs*.011/Qd*e(-k*CFC_tc))... ...+ Xd + (CFC_Yc*Qs*Xs/Qd)]*(1-FOS/100)
LTAMULT_cfc	EXP((0.5*LN(cvd^2/no_samples+1))-2.326*LN(cvd^2/no_samples+1)^0.5)
LTA_cfc	wla_cfc*LTAMULT_cfc
AML MULT	EXP(2.326*LN((cvd^2/no_samples+1)^0.5)-0.5*LN(cvd^2/no_samples+1))
AVG MON LIMIT	MIN(BAT_BPJ,MIN(LTA_afc,LTA_cfc)*AML_MULT)
INST MAX LIMIT	1.5*((av_mon_limit/AML_MULT)/LTAMULT_afc)

D. PENTOXSD Model Results

PENTOXSD Analysis Results

Recommended Effluent Limitations

SWP Basin	Stream Code:	Stream Name:
07H	8213	OIL CREEK

RMI	Name	Permit Number	Disc Flow (mgd)
5.43	Hanover Foods	PA0044741	0.8400

Parameter	Effluent Limit (µg/L)	Governing Criterion	Max. Daily Limit (µg/L)	Most Stringent WQBEL (µg/L)	Most Stringent WQBEL Criterion
CADMIUM	0.77	CFC	1.202	0.77	CFC

PENTOXSD

Modeling Input Data

Stream Code	RMI	Elevation (ft)	Drainage Area (sq mi)	Slope	PWS With (mgd)	Apply FC
8213	5.43	532.00	6.44	0.00000	0.00	☑

Stream Data

	LFY	Trib Flow	Stream Flow	WD Ratio	Rch Width	Rch Depth	Rch Velocity	Rch Trav Time	Tributary Hard	Tributary pH	Stream Hard	Stream pH	Analysis Hard	Analysis pH
	(cfsm)	(cfs)	(cfs)		(ft)	(ft)	(fps)	(days)	(mg/L)		(mg/L)		(mg/L)	
Q7-10	0.138	0	0	0	0	0	0	0	0	7.82	212	0	0	0
Qh		0	0	0	0	0	0	0	100	7	0	0	0	0

Discharge Data

Name	Permit Number	Existing Disc Flow	Permitted Disc Flow	Design Disc Flow	Reserve Factor	AFC PMF	CFC PMF	THH PMF	CRL PMF	Disc Hard	Disc pH
		(mgd)	(mgd)	(mgd)						(mg/L)	
Hanover Foods	PA0044741	0.84	0	0	0	0	0	0	0	197	7.9

Parameter Data

Parameter Name	Disc Conc (µg/L)	Trib Conc (µg/L)	Disc Daily CV	Disc Hourly CV	Steam Conc (µg/L)	Stream CV	Fate Coef	FOS	Crit Mod	Max Disc Conc (µg/L)
CADMIUM	1000000	0	0.5	0.5	0	0	0	0	1	0

Stream Code	RMI	Elevation (ft)	Drainage Area (sq mi)	Slope	PWS With (mgd)	Apply FC
8213	4.56	517.00	8.72	0.00000	0.00	☑

Stream Data

	LFY	Trib Flow	Stream Flow	WD Ratio	Rch Width	Rch Depth	Rch Velocity	Rch Trav Time	Tributary Hard	Tributary pH	Stream Hard	Stream pH	Analysis Hard	Analysis pH
	(cfsm)	(cfs)	(cfs)		(ft)	(ft)	(fps)	(days)	(mg/L)		(mg/L)		(mg/L)	
Q7-10	0.138	0	0	0	0	0	0	0		7.82	212	0	0	0
Qh		0	0	0	0	0	0	0	100	7	0	0	0	0

Discharge Data

Name	Permit Number	Existing Disc Flow	Permitted Disc Flow	Design Disc Flow	Reserve Factor	AFC PMF	CFC PMF	THH PMF	CRL PMF	Disc Hard	Disc pH
		(mgd)	(mgd)	(mgd)						(mg/L)	
		0	0	0	0	0	0	0	0	100	7

Parameter Data

Parameter Name	Disc Conc (µg/L)	Trib Conc (µg/L)	Disc Daily CV	Disc Hourly CV	Steam Conc (µg/L)	Stream CV	Fate Coef	FOS	Crit Mod	Max Disc Conc (µg/L)
CADMIUM	0	0	0.5	0.5	0	0	0	0	1	0

PENTOXSD Analysis Results

Hydrodynamics

SWP Basin	Stream Code:	Stream Name:
07H	8213	OIL CREEK

RMI	Stream Flow (cfs)	PWS With (cfs)	Net Stream Flow (cfs)	Disc Analysis Flow (cfs)	Reach Slope	Depth (ft)	Width (ft)	WD Ratio	Velocity (fps)	Reach Trav Time (days)	CMT (min)
Q7-10 Hydrodynamics											
5.430	0.8887	0	0.8887	1.29947	0.0033	0.5707	18.372	32.195	0.2087	0.2547	3.097
4.560	0.9274	0	0.9274	NA	0	0	0	0	0	0	NA
Qh Hydrodynamics											
5.430	6.7021	0	6.7021	1.29947	0.0033	1.0096	18.372	18.198	0.4314	0.1232	5.599
4.560	6.9561	0	6.9561	NA	0	0	0	0	0	0	NA

PENTOXSD Analysis Results

Wasteload Allocations

RMI	Name	Permit Number
5.43	Hanover Foods	PA0044741

AFC

Q7-10: CCT (min) 3.097 PMF 1 Analysis pH 7.865 Analysis Hardness 203.092

Parameter	Stream Conc (µg/L)	Stream CV	Trib Conc (µg/L)	Fate Coef	WQC (µg/L)	WQ Obj (µg/L)	WLA (µg/L)
CADMIUM	0	0	0	0	4.008	4.384	7.382

Dissolved WQC. Chemical translator of 0.914 applied.

CFC

Q7-10: CCT (min) 3.097 PMF 1 Analysis pH 7.865 Analysis Hardness 203.092

Parameter	Stream Conc. (µg/L)	Stream CV	Trib Conc. (µg/L)	Fate Coef	WQC (µg/L)	WQ Obj (µg/L)	WLA (µg/L)
CADMIUM	0	0	0	0	0.402	0.457	0.77

Dissolved WQC. Chemical translator of 0.879 applied.

THH

Q7-10: CCT (min) 3.097 PMF NA Analysis pH NA Analysis Hardness NA

Parameter	Stream Conc (µg/L)	Stream CV	Trib Conc (µg/L)	Fate Coef	WQC (µg/L)	WQ Obj (µg/L)	WLA (µg/L)
CADMIUM	0	0	0	0	NA	NA	NA

CRL

Qh: CCT (min) 5.599 PMF 1

Parameter	Stream Conc (µg/L)	Stream CV	Trib Conc (µg/L)	Fate Coef	WQC (µg/L)	WQ Obj (µg/L)	WLA (µg/L)
CADMIUM	0	0	0	0	NA	NA	NA

E. Toxic Analysis Spreadsheet

TOXICS SCREENING ANALYSIS
WATER QUALITY POLLUTANTS OF CONCERN
VERSION 2.2

Facility: Hanover Foods Corp
NPDES Permit No.: PA0034011
Outfall: 001
Analysis Hardness (mg/L): 202
Discharge Flow (MGD): 0.84
Analysis pH (SU): 7.9

	Parameter		Maximum Concentration in Application or DMRs (µg/L)	Most Stringent Criterion (µg/L)	Candidate for PENTOXSD Modeling?	Most Stringent WQBEL (µg/L)	Screening Recommendation
Group 1	Total Dissolved Solids		452000	500000	No		
	Chloride			250000			
	Bromide		640	N/A	No		
	Sulfate		33900	250000	No		
	Fluoride		740	2000	No		
Group 2	Total Aluminum		230	750	No		
	Total Antimony		1	5.6	No		
	Total Arsenic		5	10	No		
	Total Barium		880	2400	No		
	Total Beryllium		1	N/A	No		
	Total Boron		240	1600	No		
	Total Cadmium		0.48	0.456	Yes	0.77	Establish Limits
	Total Chromium			N/A			
	Hexavalent Chromium		10	10.4	No		
	Total Cobalt		10	19	No		
	Total Copper		12	17.0	No		
	Total Cyanide			N/A			
	Total Iron		150	1500	No		
	Dissolved Iron		64	300	No		
	Total Lead		3	7.8	No		
	Total Manganese		26	1000	No		
	Total Mercury		0.02	0.05	No		
	Total Molybdenum			N/A			
	Total Nickel		10	94.6	No		
	Total Phenols (Phenolics)			5			
	Total Selenium	<	2	5.0	No (Value < QL)		
	Total Silver		2	12.7	No		
	Total Thallium	<	0.5	0.24	No (Value < QL)		
	Total Zinc		38	217.4	No		

F. Temperature Calculations

Facility: Hanover Foods
Permit Number: PA0044741
Stream Name: Oil Creek
Analyst/Engineer: J.P Kwedza
Stream Q7-10 (cfs): 0.88

	Facility Flows[1]				Stream Flows	
	Stream (Intake) (MGD)	External (Intake) (MGD)	Consumptive (Loss) (MGD)	Discharge (MGD)	Adj. Q7-10 Stream Flow (cfs)	Downstream[2] Stream Flow (cfs)
Jan 1-31	0	0.84	0	0.84	2.8	4.1
Feb 1-29	0	0.84	0	0.84	3.1	4.4
Mar 1-31	0	0.84	0	0.84	6.2	7.5
Apr 1-15	0	0.84	0	0.84	8.2	9.5
Apr 16-30	0	0.84	0	0.84	8.2	9.5
May 1-15	0	0.84	0	0.84	4.5	5.8
May 16-30	0	0.84	0	0.84	4.5	5.8
Jun 1-15	0	0.84	0	0.84	2.6	3.9
Jun 16-30	0	0.84	0	0.84	2.6	3.9
Jul 1-31	0	0.84	0	0.84	1.5	2.8
Aug 1-15	0	0.84	0	0.84	1.2	2.5
Aug 16-31	0	0.84	0	0.84	1.2	2.5
Sep 1-15	0	0.84	0	0.84	1.0	2.3
Sep 16-30	0	0.84	0	0.84	1.0	2.3
Oct 1-15	0	0.84	0	0.84	1.1	2.4
Oct 16-31	0	0.84	0	0.84	1.1	2.4
Nov 1-15	0	0.84	0	0.84	1.4	2.7
Nov 16-30	0	0.84	0	0.84	1.4	2.7
Dec 1-31	0	0.84	0	0.84	2.1	3.4

[1] Facility flows are not required (and will not affect the permit limits) if all intake flow is from the receiving stream (Case 1), consumptive losses are small, and permit limits will be expressed as Million BTUs/day.

[2] Downstream Stream Flow includes the discharge flow.

Please forward all comments to Tom Starosta at 717-787-4317, tstarosta@state.pa.us.

Version 1.0 – 08/01/2004 Reference: Implementation Guidance for Temperature Criteria, DEP-ID: 391-2000-017

NOTE: The user can only edit fields that are blue.

NOTE: MGD x 1.547 = cfs.

Facility: **Hanover Foods**
Permit Number: PA0044741
Stream: Oil Creek

	WWF Ambient Stream Temperature (°F) (Default)	Ambient Stream Temperature (°F) (Site-specific data)	Target Maximum Stream Temp.[1] (°F)	WWF Daily WLA[2] (Million BTUs/day)	WWF Daily WLA[3] (°F)	at Discharge Flow (MGD)
Jan 1-31	35	0	40	N/A -- Case 2	50.8	0.84
Feb 1-29	35	0	40	N/A -- Case 2	51.9	0.84
Mar 1-31	40	0	46	N/A -- Case 2	74.4	0.84
Apr 1-15	47	0	52	N/A -- Case 2	83.5	0.84
Apr 16-30	53	0	58	N/A -- Case 2	89.5	0.84
May 1-15	58	0	64	N/A -- Case 2	84.7	0.84
May 16-30	62	0	72	N/A -- Case 2	106.5	0.84
Jun 1-15	67	0	80	N/A -- Case 2	106.4	0.84
Jun 16-30	71	0	84	N/A -- Case 2	110.0	0.84
Jul 1-31	75	0	87	N/A -- Case 2	100.8	0.84
Aug 1-15	74	0	87	N/A -- Case 2	99.3	0.84
Aug 16-31	74	0	87	N/A -- Case 2	99.3	0.84
Sep 1-15	71	0	84	N/A -- Case 2	93.7	0.84
Sep 16-30	65	0	78	N/A -- Case 2	87.7	0.84
Oct 1-15	60	0	72	N/A -- Case 2	81.8	0.84
Oct 16-31	54	0	66	N/A -- Case 2	75.8	0.84
Nov 1-15	48	0	58	N/A -- Case 2	68.8	0.84
Nov 16-30	42	0	50	N/A -- Case 2	58.7	0.84
Dec 1-31	37	0	42	N/A -- Case 2	50.1	0.84

[1] This is the maximum of the WWF WQ criterion or the ambient temperature. The ambient temperature may be either the design (median) temperature for WWF, or the ambient stream temperature based on site-specific data entered by the user. A minimum of 1°F above ambient stream temperature is allocated.

[2] The WLA expressed in Million BTUs/day is valid for Case 1 scenarios, and disabled for Case 2 scenarios.

[3] The WLA expressed in °F is valid only if the limit is tied to a daily discharge flow limit (may be used for Case 1 or Case 2). WLAs greater than 110°F are displayed as 110°F.

ATTACHMENT B

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

NPDES COMPLIANCE INSPECTION REPORT

NPDES Permit No.	Mo/Day/Yr	Entry Time	Exit Time	Inspection Type	eFACTS Inspection ID
PA0044741	7/9/2020	09:00		CEI	

Facility Name:	Permittee Name:
Hanover Foods IWTP	Hanover Foods Corporation

Physical Location/Directions:	Permit Expiration Date:
1550 York Street, Hanover, PA 17331	09/30/2020

Municipality:	County:	Permit Renewal Application Due:
Penn Township	York	03/31/2020

Facility Type: ☐ Sewage ■ Industrial Waste ☐ Industrial Stormwater ☐ Other:
☐ Major ■ Minor

Responsible Person: David Still Title: Vice President - Operations	Certified Operator Required: ☐ Yes ■ No Certified Operator in Responsible Charge: Eric Eckersley
Permittee Address: PO Box 334 1486 York Street Hanover, PA 17331	Client ID: Class-Subclass(es): Circuit Rider: ☐ Yes ■ No
Business Phone: 717.632.6000 Fax: Email: dstill@hanoverfoods.com	Business Phone: 717.632.6000 xt 1214 Cell: Email: eeckersley@hanoverfoods.com

24-Hour Emergency Contact Person / Phone:

VIOLATIONS: (list below) ■ Yes ☐ No ■ Pending Sample Results

Short circuiting, rising sludge, and solids discharge from IWTP clarifiers #3 & #4 are a violation of Part B.I.D of your NPDES Permit No. PA0044741. Failure to properly operate and maintain all facilities which are installed or used by the permittee to achieve compliance

Person Interviewed:	Date:	Inspector:	Date:
Eric Eckersley	07/09/2020	Austen Randecker	7/9/2020
Signature:	Phone No.: 717.632.6000	Inspector Signature:	Phone No.: 717.503.7121
Title: Operator		Title: Water Quality Specialist	
Email: eeckersley@hanoverfoods.com		Email: arandecker@pa.gov	

This document is official notification that a representative of the Department of Environmental Protection inspected the above facility. The findings of this inspection are shown above and on any attached pages. Any violations which were noted during the inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses of the discharge and review of Department records.

NPDES COMPLIANCE INSPECTION REPORT

Comments

A Compliance Evaluation Inspection was conducted today by the Department's Clean Water Program. In attendance for the inspection was Austen Randecker (Water Quality Specialist). I was met on-site Eric Eckersley (Plant Operator) and Kumar Navile (Environmental Affairs & Sustainability Manager) who accompanied me on the inspection.

Treatment plant receives industrial wastewater from canning operations as well as NCCW. Industrial wastewater is treated as a pre-treatment operation for Penn Township STP (450,000 gallons/day monthly average). NCCW is treated and discharged to Oil Creek at Outfall 001. Industrial Wastewater that is not sent to Penn Township is combined with the NCCW, treated and discharged at Outfall 001.

Influent flow from industrial canning operations passes through screening before entering the grit removal chamber. Once removed or grit and screenings, influent enters the wet well equipped with 3 influent pumps and one surge pump. During periods of high flows or heavy BOD loadings an EQ/Surge tank can be put online to store extra flow and can be fed back to the wet well by a flow metering device in the screening area. Influent samples are collected for weekly testing and for daily COD. The Surge tank was online during the inspection. The Surge tank is equipped with a mixer and is continuously mixed.

There were some food particles on the ground surface near the screening building. Mr. Eckersley stated that the screening area is cleaned daily. Screenings are collected in trucks and stored in the residual storage pad for land application. Other clippings and food waste products are kept on the storage pad. The storage pad is fully covered and sloped to a drain system that collects any runoff from the screenings/food waste. This runoff is gravity fed to a sump pump at the slurry tank that is directly pumped into the influent line before the screening devices.

After screening and grit removal industrial waste is pumped to 1 of 2 bio-reactors via 3 influent wet well pumps. Bio-reactor #2 was online during the inspection. Bio-reactor #1 and clarifiers 1 and 2 were offline due to maintenance and chemical feed repairs. Reactor #1 is currently operating at 93.3 degrees F and is designed to operate at ~95 degrees F. Mr. Eckersley states that heat exchanger may not be sufficient enough to maintain design temperature, there has been discussion of installing a heat exchanger on the IW/NCCW lines to help aide the temperature in the bio-reactor. The reactor has ability to flare gas, normal operations use the gas as fuel for the heat exchanger. A natural gas line is to be installed in the future, it will be used as a fuel source to maintain temperature in the bio-reactors.

Flow from bio-reactor #2 is fed to a splitter box that diverts flow between primary clarifier 3 and 4, both online during the inspection. Clarifiers 3 and 4 are experiencing short-circuiting, gas release, and solids carry over in multiple areas along the weirs. There is some minor algae accumulation in the effluent weir notches. RAS from the clarifiers is sent to a RAS pit. There is a valve in the RAS pit that is used to waste sludge. Wasted sludge is sent to the Slurry tank and ultimately is land applied. Effluent from clarifier 3 and 4 is gravity fed to aeration lagoon #1.

NPDES COMPLIANCE INSPECTION REPORT

Comments

Lagoon #1 appeared to be a brown/green color and there were no significant odors, scum, or floatables. The liner appears to be in good repair. Lagoon #1 is equipped with 3 diffuser barges, 1 surface aerator, and 4 pontoon aerators. Effluent from lagoon #1 is sampled and is the majority is sent to Penn Township WWTP for final treatment. A new flow isolation gate valve was recently installed on lagoon #1 for flow being sent to Penn Township WWTP. Flow from lagoon #1 that is not sent to Penn Township WWTP is fed into lagoon #2.

Lagoon #1 was drained about 4-5 feet from the last inspection so the lagoon can be cleaned. Solids are being removed from the bottom of the lagoon and are being placed into 2 Geo-bags that are located just to the south of lagoon 1. Solids are pumped into the geo-bags to be dewatered. The runoff from the geo-bags is sloped and directed back into lagoon 1. The geo-bags are currently in the final drying stage and will be removed off-site once the drying process is completed.

NCCW is also treated on-site. NCCW flow, and some of lagoon #1 effluent enters aeration lagoon #2. Lagoon #2 appeared mostly clear and had a green/brown tint. No rips/tears were noted with the liner. Lagoon #2 is equipped with 3 diffuser barges, 1 surface aerator, and 4 pontoon aerators. 1 pontoon aerator was offline during the inspection. Flow from lagoon #1 is gravity fed to a splitter box where flow is diverted to 2 polishing ponds. The polishing ponds were being aerated during the inspection. The water in the polishing ponds appeared clear with a green tint. There were some scum and solids on the surface.

Effluent from the polishing ponds is combined and sent to UV disinfection before being discharged to Oil Creek at Outfall 001. There are two UV units, bank 2 was online during the inspection. The UV units are alternated. The UV system has a PLC and SCADA that can be viewed and operated from the control building. Effluent composite samples are collected from the effluent line post UV disinfection. Flow from the UV unit is gravity fed to Outfall 001. The outfall was clear of debris and no observable solids, foam, or scum was noted at the headwall. Effluent appeared to have a greenish/yellow tint with some observable solids. Oil Creek upstream and downstream of the outfall appeared clear. Effluent flow from Outfall 001 during the inspection was 322 gallons/minute.

Recommendations:
-Notify the Department when Bio-reactor 1 and Clarifiers 1 and 2 are operational and online
-Cleanup and housekeeping of screening area, residual waste storage pad, and slurry tank
-Sampling NCCW influent 1/week for process control
-Adjusting wasting rates/transfer from clarifiers to slurry tank
-Notify the Department of conducting any temperature changes within the Bio-reactor
-Updating the Emergency Response /PPC Plan and reviewing/revising on a yearly basis

NPDES COMPLIANCE INSPECTION REPORT

Monitoring, Reporting and Recordkeeping
(NPDES Permit Part A)

On-site laboratory: ■ Registered ☐ Accredited ☐ N/A ☐ Not Registered/Accredited

On-site analyses: ■ pH ■ DO ■ TRC ☐ All NPDES parameters ☐ None
■ Other(s): Temperature

DEP Lab Registration/Accreditation #: 67-01061 Lab Supervisor:

Comments:

Contract Laboratory Name: ALS Environmental DEP Lab Accreditation #: 22-00293

Address & Phone: 301 Fulling Mill Road, Middletown

Parameters Analyzed: color, CBOD, TSS, O/G, fecal, NH3-N, Total Phos, Total Cadmium, Total nitrogen series

Comments:

Sample Collection: Influent sampling location: before bio-reactors

Effluent sampling location: Post UV system

Location(s) adequate for representative samples:	■ Yes	☐ No
Parameters analyzed, sample frequencies and sample types meet permit requirements:	■ Yes	☐ No
Samples properly preserved during collection, storage and shipping:	■ Yes	☐ No
Sampler or sample temperature is recorded using NIST traceable thermometer:	■ Yes	☐ No

Comments:

Composite samples: Being collected: ■ Yes ☐ No Composites are: ☐ 8-hour ■ 24-hour ☐ Other

Samples are: ☐ Flow Proportional ■ Time Proportional

Sampler controlled by: ■ Influent flow meter ■ Effluent flow meter

Minimum aliquot volume greater than 100 ml: ■ Yes ☐ No

Composite sampler temperature during inspection: 6C

Comments:

Sample records: Available for inspection: ■ Yes ☐ No Retained for at least three years: ■ Yes ☐ No

Includes: Collector name: ■ Yes ☐ No Collection date/time: ■ Yes ☐ No Collection location: ■ Yes ☐ No
Analyst name: ■ Yes ☐ No Analysis date/time: ■ Yes ☐ No Analysis Results: ■ Yes ☐ No
Analytical methods & quantitation limits: ■ Yes ☐ No Chain-of-Custody forms: ■ Yes ☐ No

Comments:

Bench sheets: Data is consistent with data on the DMR: ■ Yes ☐ No ☐ N/A Month(s)/year checked: September 2019

Comments:

Field Testing: Completed within required hold time: ■ Yes ☐ No

Equipment is calibrated as required: pH: ■ Yes ☐ No DO: ■ Yes ☐ No TRC: ■ Yes ☐ No ☐ N/A
Other(s): ☐ Yes ☐ No

Calibration records maintained: ■ Yes ☐ No

Comments:

DMR Submittal: DMRs are submitted as required: ■ Yes ☐ No eDMR User: ■ Yes ☐ No

DMR Supplemental Reports are submitted as required: ■ Yes ☐ No

DMRs include all sample results collected and analyzed using approved methods: ■ Yes ☐ No

Comments:

NPDES COMPLIANCE INSPECTION REPORT

Flow Measurement
(NPDES Permit Part A)

Primary flow meter and recorder: Operable: ■ Yes ☐ No Properly maintained: ■ Yes ☐ No

Measuring device type: ☐ Flume ☐ Weir ■ Full Pipe ☐ Open Channel ☐ Other:

Meter type: ☐ Ultrasonic ■ Magnetic Meter ☐ Bubbler ☐ Other:

Meter location: Post UV system

Recorder type: ■ Totalizer ☐ Daily Chart ☐ 7-Day Chart ■ SCADA/Electronic ☐ Other:

Capable of recording maximum flows: ■ Yes ☐ No Calibration Range: unknown

Inspection frequency: ■ Daily ☐ Weekly ☐ Other:

Calibration frequency: 2/year Date of last calibration: 07-01-2020

Measuring device, meter and recorder included as part of flow meter calibration: ■ Yes ☐ No ☐ N/A

Influent flow is measured before all return lines: ■ Yes ☐ No Influent flow is measured after hauled-in wastes: ☐ Yes ☐ No

Effluent flow is measured after all withdraws: ■ Yes ☐ No

Comments:

Flumes: Flow is uniform across the channel: ☐ Yes ☐ No ■ N/A Flume is free of debris and deposits: ☐ Yes ☐ No ■ N/A

Comments:

Weirs: Clean with a visible air space below the nappe: ☐ Yes ☐ No ■ N/A

Comments:

Treatment Plant
(NPDES Permit Part B)

Treatment plant bypass: Since last inspection: ☐ Yes ■ No Reported to DEP: ☐ Yes ☐ No

Location/cause:

Major equipment repair/replacement: Since last inspection: ☐ Yes ☐ No Date of last inspection: CEI on 7/20/16

Repair List: grit belt

Stand-by power: ■ Emergency generator ☐ Dual power feed ☐ None ☐ Other:

System operable: ■ Yes ☐ No Exercise frequency: weekly Maintenance frequency: annual

Comments: Emergency generator is available for the wet well; there is no backup power at the treatment plant

Alarms: Type: ☐ None ■ SCADA ☐ Auto Dialer ☐ PLC ■ Other: light alarm

System operable: ■ Yes ☐ No Test frequency:

Alarm triggers: high/low levels

Staffing schedule: ☐ 24/7 Weekday hours: 0500 to 1500 Weekend/Holiday hours: Varies

Other:

On site Logs: Logs up-to-date: ■ Yes ☐ No ☐ N/A

Daily Log contains: ☐ Visual observations ■ Process adjustments ■ Problems and concerns

Repair log maintained: ■ Yes ☐ No Routine maintenance log maintained: ■ Yes ☐ No

Comments: Repair and maintenance included in daily log

Spare parts inventory: maintained: ■ Yes ☐ No ■ Standby units available

Comments:

NPDES COMPLIANCE INSPECTION REPORT

Treatment Process Units
(NPDES Permit Part B)

Water Quality Management Permit No.

All treatment units are as noted in permit: ☐ Yes ☐ No

Treatment Units	Total	On-Line	Inoperable	Comments
Screening	1	1		
Grit Removal	1	1		
Surge Tank (EQ)	1	1		
Bio-reactor	2	1	0	Reactor #1 offline for maintenance
Primary Clarifier	4	2	0	#1 and #2 offline for maintenance
Aeration Lagoons	2	2		
Polishing ponds	2	2		
UV System	2	1	0	Two UV units that alternate
Residual Storage Pad	1	1		Under roof cover
Slurry Tank	1	1		Valve has been replaced; currently no leaks

Chemical Additions: MgOH, sulfuric acid, PAC, Polymer, biological bug supplement

NPDES COMPLIANCE INSPECTION REPORT

Process Control
(NPDES Permit Part B)

Frequency of Testing	Current Testing Results
■ Settleability	1000
■ Dissolved Oxygen	Lagoon 2: West: 4.8, North: 5.0, East: 5.0. South: 5.4
■ Sludge Blanket	#3: 9ft; #4: 11 ft – 07/09
■ Mixed Liquor Suspended Solids ☐ MLVSS	Digester #2: 4940 – 07/09
☐ Microscopic exam of MLSS	
■ Color ☐ Odor	Comments/observations/results: Lagoon 1 appeared to be a green/brownish color; Lagoon 2 appeared clear with a green tint

■ Other: Digester 2: pH: 6.98; Alkalinity: 350

Other Requirements
(NPDES Permit Part C)

Special Conditions: Next submission/action: Due Date:

☐ WETT:

☐ TRE/TIE:

☐ EPA Pretreatment Program ☐ Annual report submitted:

■ Stormwater requirements: sampling at 002 and 003

☐ Permit Schedule:

☐ TMDL:

■ Other: C-Bay nutrient monitoring

Comments:

Emergency Response/PPC Plan: on-site: ■ Yes ☐ No ☐ N/A Last updated: 02/2016

Flood response plan available: ☐ Yes ☐ No ■ N/A

Comments:

Compliance History

History of noncompliance: with discharge effluent limits: ■ Yes ☐ No

Recent Compliance Actions: ■ Yes ☐ No

Comments:

Legal Agreement: Consent Order and Agreement, Consent Decree or Order: ■ Yes ☐ No Date executed: 01/03/2017

In compliance with legal agreement: ☐ Yes ■ No

Obligations due next: Quarterly reports

Comments:

NPDES COMPLIANCE INSPECTION REPORT

Effluent/Receiving Water Evaluation

Outfall Number(s): 001 | **Stream Name:** Oil Creek

DEP Collector #: 2660-072
Sample Date/Time: 7/9/2020 @ 11:20
Sample Location: post UV unit

Field Measurements:	Upstream	Outfall	Downstream	Units
Flow		322		GPM
pH		8.04		S.U.
Conductivity				µmhos/cm
Dissolved Oxygen		7.20		mg/L
Total/Free Chlorine Residual				mg/L
Temperature		31.5		°C

Upstream Observations: Clear

Outfall Observations: Clear; no erosion and free of debris; effluent appeared slightly cloudy

Downstream Observations: Clear

Outfall Number(s): | **Stream Name:**

DEP Collector #:
Sample Date/Time:
Sample Location:

Field Measurements:	Upstream	Outfall	Downstream	Units
Flow				MGD
pH				S.U.
Conductivity				µmhos/cm
Dissolved Oxygen				mg/L
Total/Free Chlorine Residual				mg/L
Temperature				°F

Upstream Observations:

Outfall Observations:

Downstream Observations:

Outfall Number(s): | **Stream Name:**

DEP Collector #:
Sample Date/Time:
Sample Location:

Field Measurements:	Upstream	Outfall	Downstream	Units
Flow				MGD
pH				S.U.
Conductivity				µmhos/cm
Dissolved Oxygen				mg/L
Total/Free Chlorine Residual				mg/L
Temperature				°F

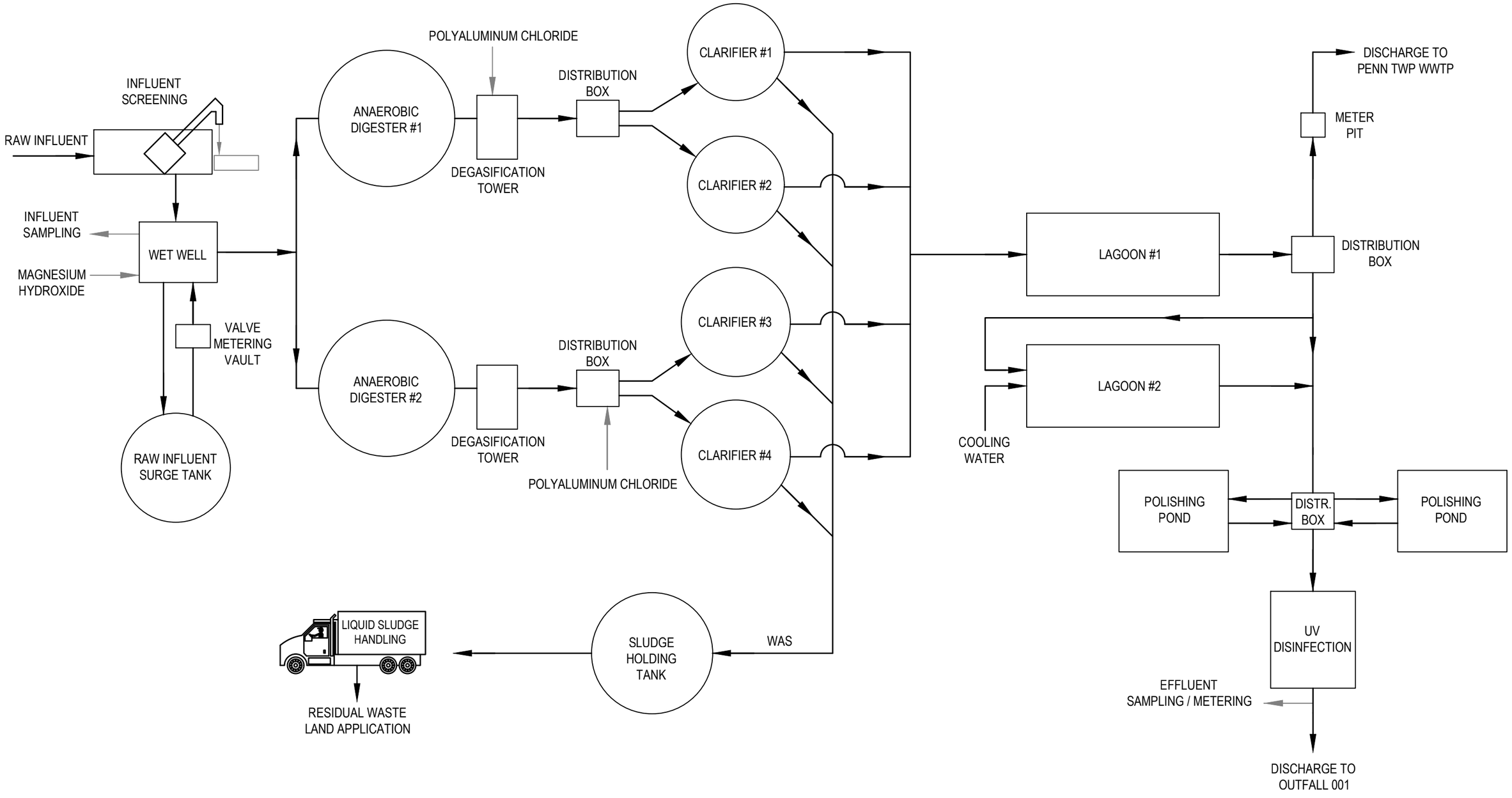
Upstream Observations:

Outfall Observations:

Downstream Observations:

ATTACHMENT C

Appendix 3 – WWTP Process Schematic



HANOVER FOODS
NPDES PERMIT No. PA0044741 RENEWAL

WASTEWATER TREATMENT PLANT PROCESS FLOW SCHEMATIC

Project No. **11208444**
Report No.
Date **MAR 2020**

APPENDIX 3

Filename: G:\564\11208444\Digital_Design\ACAD 2018\Figures\11208444-APP03.dwg
Plot Date: 12 March 2020 - 10:34 AM

Source:

NPDES Application for Individual Permit to Discharge Industrial Wastewater

PRODUCTION DATA FOR EFFLUENT LIMITATION GUIDELINES (ELGs)

Complete this section for each production line with an applicable ELG. See instructions and use additional sheets as necessary.

1. Production line and process description: **(1) Frozen white potatoes; (2) Canned tomatoes; (3) Beets (canned), broccoli (frozen), carrots (canned and frozen), corn (canned and frozen), dry beans (canned), lima beans (canned and frozen), mushrooms (canned and frozen), peas (canned and frozen), snap beans (canned and frozen), spinach (frozen), squash (frozen), sweet potatoes (canned) and white potatoes (canned).**
2. Applicable ELG: 40 CFR: **407** Subpart: **D – Frozen Potato Products Subcategory**
   Applicable ELG: 40 CFR: **407** Subpart: **F – Canned and Preserved Fruits subcategory**
   Applicable ELG: 40 CFR: **407** Subpart: **G – Canned and Preserved Vegetables Subcategory**
3. Is this production considered a new source? ☐ Yes ☒ No
4. Outfall / IMP No. receiving wastewater: **001**
5. Units of production measurement for ELG: **Lbs/Day**
6. Design production capacity: **690,000 Lbs/Day or 19,320,000 Lbs/Month**
7. Complete the table below for the five last years of production. Report production data using the same units of measurement as reported in question 5.

Parameter	Production Years				
	2015	2016	2017	2018	2019
Total Annual Production Lbs/Year	121,525,572	111,266,272	102,038,776	104,892,742	124,498,839
Max Monthly Production Lbs/Month	14,163,998	12,052,725	12,062,270	11,646,970	12,788,184
Month of Max Production	August	August	August	August	November
Avg Annual Production Lbs/Month	10,127,131	9,272,189	8,503,231	8,741,062	10,374,903
Avg Annual Production Lbs/Day	372,264	340,571	306,788	320,921	369,677
Avg Production Hours/Day	24	24	24	24	24
Avg Production Days/Month	27	28	28	27	28
Avg Annual Water Usage (MGD)	0.992	1.014	0.909	0.965	1.104
Avg Annual Wastewater Flow (MGD)	0.373	0.691	0.572	0.514	0.611

8. Average annual production over the past five years: 342,044 Units: **Lbs/Day**
9. Anticipated average annual production for the next five years: TBD Units: **Lbs/Day**
10. Explain the basis for the anticipated average annual production for the next five years:

    To be determined

11. Attach any pertinent information from the applicable ELG in 40 CFR that would allow DEP to appropriately determine technology-based effluent limitations.

ATTACHMENT D

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE REQUIREMENTS FOR INDUSTRIAL WASTEWATER FACILITIES

NPDES PERMIT NO: PA0044741

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

Hanover Foods Corp
1486 York Street PO Box 334
Hanover, PA 17331-0334

is authorized to discharge from a facility known as **Hanover Foods**, located in **Penn Township, York County**, to **Oil Creek and Unnamed Tributary to Oil Creek** in Watershed(s) **7- H** in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C hereof.

THIS PERMIT SHALL BECOME EFFECTIVE ON **OCTOBER 1, 2015**

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON **SEPTEMBER 30, 2020**

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.

2. Failure to comply with the terms, conditions or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. (40 CFR 122.41(a))

3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. (40 CFR 122.41(b), 122.21(d)(2))

   In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports (DMRs), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. (25 Pa. Code §§ 92a.7(b), (c))

4. This NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of this permit.

DATE PERMIT ISSUED 9/22/2015

ISSUED BY /s/
Maria D. Bebenek, P.E.
Clean Water Program Manager
Southcentral Regional Office

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. A. For Outfall 001 **, Latitude** 39 ° 48 ° 52.91 ° **, Longitude** 76 ° 56 ° 53.54 ° **, River Mile Index** 5.43 **, Stream Code** 08312

Receiving Waters: Oil Creek

Type of Effluent: Treated industrial waste and cooling water

1. The permittee is authorized to discharge during the period from October 1, 2015 through September 30, 2017.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX	Continuous	Measured
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	1/day	Grab
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX	1/day	Grab
Total Residual Chlorine	XXX	XXX	XXX	0.1	XXX	0.3	1/day	Grab
Color (Pt-Co Units)	XXX	XXX	XXX	XXX	Report	XXX	2/month	Grab
Temperature (ºF)	XXX	XXX	XXX	XXX	Report	XXX	1/day	I-S
CBOD5 May 1 - Oct 31	70	105	XXX	10	15	20	2/week	24-Hr Composite
CBOD5 Nov 1 - Apr 30	126	189	XXX	18	27	36	2/week	24-Hr Composite
Total Suspended Solids	210	420	XXX	30	60	75	2/week	24-Hr Composite

Outfall 001, Continued (from October 1, 2015 through September 30, 2017)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Oil and Grease	Report	Report	XXX	15	30	30	2/week	Grab
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000	2/week	Grab
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000	2/week	Grab
Ammonia-Nitrogen May 1 - Oct 31	7.0	14	XXX	1.0	2.0	2.5	2/week	24-Hr Composite
Ammonia-Nitrogen Nov 1 - Apr 30	21	42	XXX	3.0	6.0	7.5	2/week	24-Hr Composite
Total Phosphorus	Report	Report	XXX	Report	Report	Report	2/week	24-Hr Composite
Total Cadmium	Report	Report	XXX	Report	Report	Report	2/week	24-Hr Composite

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at Outfall 001

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. B. For Outfall 001 **, Latitude** 39 ° 48 ° 52.91 ° **, Longitude** 76 ° 56 ° 53.54 ° **, River Mile Index** 5.43 **, Stream Code** 08312

Receiving Waters: Oil Creek

Type of Effluent: Treated industrial waste and cooling water

1. The permittee is authorized to discharge during the period from October 1, 2017 through September 30, 2018.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX	Continuous	Measured
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	1/day	Grab
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX	1/day	Grab
Total Residual Chlorine	XXX	XXX	XXX	0.1	XXX	0.3	1/day	Grab
Color (Pt-Co Units)	XXX	XXX	XXX	XXX	Report	XXX	2/month	Grab
Temperature (ºF)	XXX	XXX	XXX	XXX	Report	XXX	1/day	I-S
CBOD5 May 1 - Oct 31	70	105	XXX	10	15	20	2/week	24-Hr Composite
CBOD5 Nov 1 - Apr 30	126	189	XXX	18	27	36	2/week	24-Hr Composite

Outfall 001, Continued (from October 1, 2017 through September 30, 2018)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Total Suspended Solids	210	420	XXX	30	60	75	2/week	24-Hr Composite
Oil and Grease	Report	Report	XXX	15	30	30	2/week	Grab
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000	2/week	Grab
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000	2/week	Grab
Ammonia-Nitrogen May 1 - Oct 31	7.0	14	XXX	1.0	2.0	2.5	2/week	24-Hr Composite
Ammonia-Nitrogen Nov 1 - Apr 30	21	42	XXX	3.0	6.0	7.5	2/week	24-Hr Composite
Total Phosphorus	14	28	XXX	2.0	4.0	5.0	2/week	24-Hr Composite
Total Cadmium	0.0056	0.011	XXX	0.0008	0.0016	0.002	2/week	24-Hr Composite

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at Outfall 001

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. C. For Outfall 001 **, Latitude** 39 ° 48 ° 52.91 ° **, Longitude** 76 ° 56 ° 53.54 ° **, River Mile Index** 5.43 **, Stream Code** 08312

Receiving Waters: Oil Creek

Type of Effluent: Treated Industrial waste and cooling water

1. The permittee is authorized to discharge during the period from October 1, 2018 through September 30, 2020.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX	Continuous	Measured
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	1/day	Grab
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX	1/day	Grab
Total Residual Chlorine	XXX	XXX	XXX	0.1	XXX	0.3	1/day	Grab
Color (Pt-Co Units)	XXX	XXX	XXX	XXX	Report	XXX	2/month	Grab
Temperature (ºF) Jan 1-31	XXX	XXX	XXX	XXX	51	XXX	1/day	I-S
Temperature (ºF) Feb 1-29	XXX	XXX	XXX	XXX	52	XXX	1/day	I-S
Temperature (ºF) Mar 1-31	XXX	XXX	XXX	XXX	74	XXX	1/day	I-S
Temperature (ºF) Apr 1-15	XXX	XXX	XXX	XXX	83	XXX	1/day	I-S
Temperature (ºF) Apr 16-30	XXX	XXX	XXX	XXX	89	XXX	1/day	I-S

Outfall 001, Continued (from October 1, 2018 through September 30, 2020)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Temperature (ºF) May 1-15	XXX	XXX	XXX	XXX	85	XXX	1/day	I-S
Temperature (ºF) May 16-31	XXX	XXX	XXX	XXX	106	XXX	1/day	I-S
Temperature (ºF) Jun 1-15	XXX	XXX	XXX	XXX	106	XXX	1/day	I-S
Temperature (ºF) Jun 16-30	XXX	XXX	XXX	XXX	110	XXX	1/day	I-S
Temperature (ºF) Jul 1-31	XXX	XXX	XXX	XXX	101	XXX	1/day	I-S
Temperature (ºF) Aug 1-31	XXX	XXX	XXX	XXX	99	XXX	1/day	I-S
Temperature (ºF) Aug 1-15	XXX	XXX	XXX	XXX	99	XXX	1/day	I-S
Temperature (ºF) Sep 1-15	XXX	XXX	XXX	XXX	94	XXX	1/day	I-S
Temperature (ºF) Sep 16-30	XXX	XXX	XXX	XXX	88	XXX	1/day	I-S
Temperature (ºF) Oct 1-15	XXX	XXX	XXX	XXX	82	XXX	1/day	I-S
Temperature (ºF) Oct 16-31	XXX	XXX	XXX	XXX	76	XXX	1/day	I-S
Temperature (ºF) Nov 1-15	XXX	XXX	XXX	XXX	69	XXX	1/day	I-S
Temperature (ºF) Nov 16-30	XXX	XXX	XXX	XXX	59	XXX	1/day	I-S
Temperature (ºF) Dec 1-31	XXX	XXX	XXX	XXX	50	XXX	1/day	I-S

Outfall , Continued (from October 1, 2018 through September 30, 2020)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
CBOD5 May 1 - Oct 31	70	105	XXX	10	15	20	2/week	24-Hr Composite
CBOD5 Nov 1 - Apr 30	126	189	XXX	18	27	36	2/week	24-Hr Composite
Total Suspended Solids	210	420	XXX	30	60	75	2/week	24-Hr Composite
Oil and Grease	Report	Report	XXX	15	30	30	2/week	Grab
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000	2/week	Grab
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000	2/week	Grab
Ammonia-Nitrogen May 1 - Oct 31	7.0	14	XXX	1.0	2.0	2.5	2/week	24-Hr Composite
Ammonia-Nitrogen Nov 1 - Apr 30	21	42	XXX	3.0	6.0	7.5	2/week	24-Hr Composite
Total Phosphorus	14	28	XXX	2.0	4.0	5.0	2/week	24-Hr Composite
Total Cadmium	0.0056	0.011	XXX	0.0008	0.0016	0.002	2/week	24-Hr Composite

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at Outfall 001

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. D. For Outfall 002 , **Latitude** 39 ° 48 ° 45.48 ° , **Longitude** 76 ° 56 ° 51.02 ° , **River Mile Index** _____ , **Stream Code** _____

Receiving Waters: Unnamed Tributary to Oil Creek

Type of Effluent: Stormwater

1. The permittee is authorized to discharge during the period from October 1, 2015 through September 30, 2020.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly		Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
CBOD5	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Iron	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at Outfall 002

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. E. For Outfall 003 **, Latitude** 39 ° 48 ° 33.52 ° **, Longitude** 76 ° 57 ° 0.51 ° **, River Mile Index** _____ **, Stream Code** _____

Receiving Waters: Unnamed Tributary to Oil Creek

Type of Effluent: Stormwater

1. The permittee is authorized to discharge during the period from October 1, 2015 through September 30, 2020.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly		Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
CBOD5	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Iron	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at Outfall 003

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS (Continued)

Additional Requirements

The permittee may not discharge:

1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa Code § 92a.41(c))

2. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline, or that exceed 15 mg/l as a daily average or 30 mg/l at any time (or lesser amounts if specified in this permit). (25 Pa. Code § 92a.47(a)(7), § 95.2(2))

3. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa Code § 93.6(a))

4. Foam or substances that produce an observed change in the color, taste, odor or turbidity of the receiving water, unless those conditions are otherwise controlled through effluent limitations or other requirements in this permit. (25 Pa Code § 92a.41(c))

Footnotes

(1) When sampling to determine compliance with mass effluent limitations, the discharge flow at the time of sampling must be measured and recorded.

(2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.

Supplemental Information

The effluent limitations for Outfall 001 were determined using an effluent discharge rate of 0.84 MGD.

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. F. For Outfall 001 , **Latitude** 39 ° 48 ° 52.91 ° , **Longitude** 76 ° 56 ° 53.54 ° , **River Mile Index** 5.43 , **Stream Code** 08312

Receiving Waters: Oil Creek

Type of Effluent: Treated Industrial waste and cooling water

1. The permittee is authorized to discharge during the period from October 1, 2015 through September 30, 2017.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter (1)	Effluent Limitations					Monitoring Requirements	
	Mass Units (lbs)		Concentrations (mg/L)			Minimum (2) Measurement Frequency	Required Sample Type
	Monthly	Annual	Minimum	Monthly Average	Maximum		
Ammonia---N	Report	Report	XXX	Report	XXX	2/week	24-Hr Composite
Kjeldahl---N	Report	XXX	XXX	Report	XXX	2/week	24-Hr Composite
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	2/week	24-Hr Composite
Total Nitrogen	Report	Report	XXX	Report	XXX	1/month	Calculation
Total Phosphorus	Report	Report	XXX	Report	XXX	2/week	24-Hr Composite
Net Total Nitrogen	Report	Report	XXX	XXX	XXX	1/month	Calculation
Net Total Phosphorus	Report	Report	XXX	XXX	XXX	1/month	Calculation

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outfall 001 .

Footnotes:
(1) See Part C for Chesapeake Bay Requirements.
(2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events required.

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. G. For Outfall 001 , **Latitude** 39 ° 48 ° 52.91 ° , **Longitude** 76 ° 56 ° 53.54 ° , **River Mile Index** 5.43 , **Stream Code** 08312

Receiving Waters: Oil Creek

Type of Effluent: Treated Industrial waste and cooling water

1. The permittee is authorized to discharge during the period from October 1, 2017 through September 30, 2020.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter (1)	Effluent Limitations					Monitoring Requirements	
	Mass Units (lbs)		Concentrations (mg/L)			Minimum (2) Measurement Frequency	Required Sample Type
	Monthly	Annual	Minimum	Monthly Average	Maximum		
Ammonia---N	Report	Report	XXX	Report	XXX	2/week	24-Hr Composite
Kjeldahl---N	Report	XXX	XXX	Report	XXX	2/week	24-Hr Composite
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	2/week	24-Hr Composite
Total Nitrogen	Report	Report	XXX	Report	XXX	1/month	Calculation
Total Phosphorus	Report	Report	XXX	Report	XXX	2/week	24-Hr Composite
Net Total Nitrogen	Report	26,385	XXX	XXX	XXX	1/month	Calculation
Net Total Phosphorus	Report	979	XXX	XXX	XXX	1/month	Calculation

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outfall 001 .

Footnotes:
(1) See Part C for Chesapeake Bay Requirements.
(2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events required.

II. DEFINITIONS

At Outfall (XXX) means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line (XXX), or where otherwise specified.

Average refers to the use of an arithmetic mean, unless otherwise specified in this permit. (40 CFR 122.41(l)(4)(iii))

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollutant loading to surface waters of the Commonwealth. The term also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term includes activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities. (25 Pa. Code § 92a.2)

Bypass means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR 122.41(m)(1)(i))

Calendar Week is defined as the seven consecutive days from Sunday through Saturday, unless the permittee has been given permission by DEP to provide weekly data as Monday through Friday based on showing excellent performance of the facility and a history of compliance. In cases when the week falls in two separate months, the month with the most days in that week shall be the month for reporting.

Clean Water Act means the Federal Water Pollution Control Act, as amended. (33 U.S.C.A. §§ 1251 to 1387).

Chemical Additive means a chemical product (including products of disassociation and degradation, collectively “products”) introduced into a waste stream that is used for cleaning, disinfecting, or maintenance and which may be detected in effluent discharged to waters of the Commonwealth. The term generally excludes chemicals used for neutralization of waste streams, the production of goods, and treatment of wastewater.

Composite Sample (for all except GC/MS volatile organic analysis) means a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters (mL) each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite. (EPA Form 2C)

Composite Sample (for GC/MS volatile organic analysis) consists of at least four aliquots or grab samples collected during the sampling event (not necessarily flow proportioned). The samples must be combined in the laboratory immediately before analysis and then one analysis is performed. (EPA Form 2C)

Daily Average Temperature means the average of all temperature measurements made, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. (25 Pa. Code § 92a.2, 40 CFR 122.2)

Daily Maximum Discharge Limitation means the highest allowable "daily discharge."

Discharge Monitoring Report (DMR) means the DEP or EPA supplied form(s) for the reporting of self-monitoring results by the permittee. (25 Pa. Code § 92a.2, 40 CFR 122.2)

Estimated Flow means any method of liquid volume measurement based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

Geometric Mean means the average of a set of n sample results given by the nth root of their product.

Grab Sample means an individual sample of at least 100 mL collected at a randomly selected time over a period not to exceed 15 minutes. (EPA Form 2C)

Hazardous Substance means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act. (40 CFR 122.2)

Hauled-In Wastes means any waste that is introduced into a treatment facility through any method other than a direct connection to the wastewater collection system. The term includes wastes transported to and disposed of within the treatment facility or other entry points within the collection system.

Immersion Stabilization (i-s) means a calibrated device is immersed in the wastewater until the reading is stabilized.

Instantaneous Maximum Effluent Limitation means the highest allowable discharge of a concentration or mass of a substance at any one time as measured by a grab sample. (25 Pa. Code § 92a.2)

Measured Flow means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

Monthly Average Discharge Limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. (25 Pa. Code § 92a.2)

Municipal Waste means garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. (25 Pa. Code § 271.1)

Non-contact Cooling Water means water used to reduce temperature which does not come in direct contact with any raw material, intermediate product, waste product (other than heat), or finished product.

Residual Waste means garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act. The term does not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law. (25 Pa Code § 287.1)

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR 122.41(m)(1)(ii))

Stormwater means the runoff from precipitation, snow melt runoff, and surface runoff and drainage. (25 Pa. Code § 92a.2)

Stormwater Associated With Industrial Activity means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant, and as defined at 40 CFR 122.26(b)(14) (i) - (ix) & (xi) and 25 Pa. Code § 92a.2.

Total Dissolved Solids means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136.

Toxic Pollutant means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring. (25 Pa. Code § 92a.2)

III. SELF-MONITORING, REPORTING AND RECORDKEEPING

A. Representative Sampling

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity (40 CFR 122.41(j)(1)). Representative sampling includes the collection of samples, where possible, during periods of adverse weather, changes in treatment plant performance and changes in treatment plant loading. If possible, effluent samples must be collected where the effluent is well mixed near the center of the discharge conveyance and at the approximate mid-depth point, where the turbulence is at a maximum and the settlement of solids is minimized. (40 CFR 122.48, 25 Pa. Code § 92a.61)

2. Records Retention (40 CFR 122.41(j)(2))

   Except for records of monitoring information required by this permit related to the permittee's sludge use and disposal activities which shall be retained for a period of at least 5 years, all records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for 3 years from the date of the sample measurement, report or application, unless a longer retention period is required by the permit. The 3-year period shall be extended as requested by DEP or the EPA Regional Administrator.

3. Recording of Results (40 CFR 122.41(j)(3))

   For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

   a. The exact place, date and time of sampling or measurements.
   b. The person(s) who performed the sampling or measurements.
   c. The date(s) the analyses were performed.
   d. The person(s) who performed the analyses.
   e. The analytical techniques or methods used; and the associated detection level.
   f. The results of such analyses.

4. Test Procedures

   a. Facilities that test or analyze environmental samples used to demonstrate compliance with this permit shall be in compliance with laboratory accreditation requirements of Act 90 of 2002 (27 Pa. C.S. §§ 4101-4113) and 25 Pa. Code Chapter 252, relating to environmental laboratory accreditation.

   b. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be those approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, unless the method is specified in this permit or has been otherwise approved in writing by DEP. (40 CFR 122.41(j)(4), 122.44(i)(1)(iv))

   c. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be sufficiently sensitive. A method is sufficiently sensitive when 1) the method minimum level is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or 2) the method has the lowest minimum level of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, for the measured pollutant or pollutant parameter; or 3) the method is specified in this permit or has been otherwise approved in writing by DEP for the measured pollutant or pollutant parameter. Permittees have the option of providing matrix or sample-specific minimum levels rather than the published levels. (40 CFR 122.44(i)(1)(iv))

5. Quality/Assurance/Control

   In an effort to assure accurate self-monitoring analyses results:

   a. The permittee, or its designated laboratory, shall participate in the periodic scheduled quality assurance inspections conducted by DEP and EPA. (40 CFR 122.41(e), 122.41(i)(3))

   b. The permittee, or its designated laboratory, shall develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit, in accordance with 40 CFR Part 136. (40 CFR 122.41(j)(4))

B. Reporting of Monitoring Results

1. The permittee shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in this permit. (40 CFR 122.41(e), 122.44(i)(1))

2. Discharge Monitoring Reports (DMRs) must be completed in accordance with DEP's published DMR Instructions (3800-FM-BPNPSM0463). DMRs are based on calendar reporting periods unless Part C of this permit requires otherwise. DMR(s) must be received by the agency(ies) specified in paragraph 3 below in accordance with the following schedule:

   - Monthly DMRs must be received within 28 days following the end of each calendar month.

   - Quarterly DMRs must be received within 28 days following the end of each calendar quarter, i.e., January 28, April 28, July 28, and October 28.

   - Semiannual DMRs must be received within 28 days following the end of each calendar semiannual period, i.e., January 28 and July 28.

   - Annual DMRs must be received by January 28, unless Part C of this permit requires otherwise.

3. The permittee shall complete all Supplemental Reporting forms (Supplemental DMRs) provided by DEP in this permit (or an approved equivalent), and submit the signed, completed forms as an attachment to the DMR(s). If the permittee elects to use DEP's electronic DMR (eDMR) system, one electronic submission may be made for DMRs and Supplemental DMRs. If paper forms are used, the completed forms shall be mailed to:

   Department of Environmental Protection
   Clean Water Program
   909 Elmerton Avenue
   Harrisburg, PA 17110-8200

4. If the permittee elects to begin using DEP's eDMR system to submit DMRs required by the permit, the permittee shall, to assure continuity of business operations, continue using the eDMR system to submit all DMRs and Supplemental Reports required by the permit, unless the following steps are completed to discontinue use of eDMR:

   a. The permittee shall submit written notification to the regional office that issued the permit that it intends to discontinue use of eDMR. The notification shall be signed by a principal executive officer or authorized agent of the permittee.

   b. The permittee shall continue using eDMR until the permittee receives written notification from DEP's Central Office that the facility has been removed from the eDMR system, and electronic report submissions are no longer expected.

5. The completed DMR Form shall be signed and certified by either of the following applicable persons, as defined in 25 Pa. Code § 92a.22:

- For a corporation - by a principal executive officer of at least the level of vice president, or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the NPDES form originates.
- For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
- For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.

If signed by a person other than the above, written notification of delegation of DMR signatory authority must be submitted to DEP in advance of or along with the relevant DMR form. (40 CFR 122.22(b))

6. If the permittee monitors any pollutant at monitoring points as designated by this permit, using analytical methods described in Part A III.A.4. herein, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR. (40 CFR 122.41(l)(4)(ii))

C. Reporting Requirements

1. Planned Changes to Physical Facilities – The permittee shall give notice to DEP as soon as possible but no later than 30 days prior to planned physical alterations or additions to the permitted facility. A permit under 25 Pa. Code Chapter 91 may be required for these situations prior to implementing the planned changes. A permit application, or other written submission to DEP, can be used to satisfy the notification requirements of this section.

   Notice is required when:

   a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b). (40 CFR 122.41(l)(1)(i))

   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in this permit. (40 CFR 122.41(l)(1)(ii))

   c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 CFR 122.41(l)(1)(iii))

   d. The planned change may result in noncompliance with permit requirements. (40 CFR 122.41(l)(2))

2. Planned Changes to Waste Stream – Under the authority of 25 Pa. Code § 92a.24(a), the permittee shall provide notice to DEP as soon as possible but no later than 45 days prior to any changes in the volume or pollutant concentration of its influent waste stream as a result of indirect discharges or hauled-in wastes, as specified in paragraphs 2.a. and 2.b., below. Notice shall be provided on the "Planned Changes to Waste Stream" Supplemental Report (3800-FM-BPNPSM0482), available on DEP's website. The permittee shall provide information on the quality and quantity of waste introduced into the facility, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility. The Report shall be sent via Certified Mail or other means to confirm DEP's receipt of the notification. DEP will determine if the submission of a new application and receipt of a new or amended permit is required.

   a. Introduction of New Pollutants (25 Pa. Code § 92a.24(a))

      New pollutants are defined as parameters that meet all of the following criteria:

      (i) Were not detected in the facilities' influent waste stream as reported in the permit application; and

(ii) Have not been approved to be included in the permittee's influent waste stream by DEP in writing.

The permittee shall provide notification of the introduction of new pollutants in accordance with paragraph 2 above. The permittee may not authorize the introduction of new pollutants until the permittee receives DEP's written approval.

b. Increased Loading of Approved Pollutants (25 Pa. Code § 92a.24(a))

Approved pollutants are defined as parameters that meet one or more of the following criteria:

(i) Were detected in the facilities' influent waste stream as reported in the permittee's permit application; or

(ii) Have been approved to be included in the permittee's influent waste stream by DEP in writing; or

(iii) Have an effluent limitation or monitoring requirement in this permit.

The permittee shall provide notification of the introduction of increased influent loading (lbs/day) of approved pollutants in accordance with paragraph 2 above when (1) the cumulative increase in influent loading (lbs/day) exceeds 20% of the maximum loading reported in the permit application, or a loading previously approved by DEP, or (2) may cause an exceedance in the effluent of Effluent Limitation Guidelines (ELGs) or limitations in Part A of this permit, or (3) may cause interference or pass through at the facility, or (4) may cause exceedances of the applicable water quality standards in the receiving stream. Unless specified otherwise in this permit, if DEP does not respond to the notification within 30 days of its receipt, the permittee may proceed with the increase in loading. The acceptance of increased loading of approved pollutants may not result in an exceedance of ELGs or effluent limitations and may not cause exceedances of the applicable water quality standards in the receiving stream.

3. Reporting Requirements for Hauled-In Wastes

a. Receipt of Residual Waste

(i) The permittee shall document the receipt of all hauled-in residual wastes (including but not limited to wastewater from oil and gas wells, food processing waste, and landfill leachate), as defined at 25 Pa. Code § 287.1, that are received for processing at the treatment facility. The permittee shall report hauled-in residual wastes on a monthly basis to DEP on the "Hauled In Residual Wastes" Supplemental Report (3800-FM-BPNPSM0450) as an attachment to the DMR. If no residual wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report. The information used to develop the Report shall be retained by the permittee for five years from the date of receipt and must be made available to DEP or EPA upon request.

(1) The dates that residual wastes were received.

(2) The volume (gallons) of wastes received.

(3) The license plate number of the vehicle transporting the waste to the treatment facility.

(4) The permit number(s) of the well(s) where residual wastes were generated, if applicable.

(5) The name and address of the generator of the residual wastes.

(6) The type of wastewater.

The transporter of residual waste must maintain these and other records as part of the daily operational record (25 Pa. Code § 299.219). If the transporter is unable to provide this information or the permittee has not otherwise received the information from the generator, the residual wastes shall not be accepted by the permittee until such time as the permittee receives such information from the transporter or generator.

(ii) The following conditions apply to the characterization of residual wastes received by the permittee:

(1) If the generator is required to complete a chemical analysis of residual wastes in accordance with 25 Pa. Code § 287.51, the permittee must receive and maintain on file a chemical analysis of the residual wastes it receives. The chemical analysis must conform to the Bureau of Waste Management's Form 26R except as noted in paragraph (2), below. Each load of residual waste received must be covered by a chemical analysis if the generator is required to complete it.

(2) For wastewater generated from hydraulic fracturing operations ("frac wastewater") within the first 30 production days of a well site, the chemical analysis may be a general frac wastewater characterization approved by DEP. Thereafter, the chemical analysis must be waste-specific and be reported on the Form 26R.

b. Receipt of Municipal Waste

(i) The permittee shall document the receipt of all hauled-in municipal wastes (including but not limited to septage and liquid sewage sludge), as defined at 25 Pa. Code § 271.1, that are received for processing at the treatment facility. The permittee shall report hauled-in municipal wastes on a monthly basis to DEP on the "Hauled In Municipal Wastes" Supplemental Report (3800-FM-BPNPSM0437) as an attachment to the DMR. If no municipal wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report:

(1) The dates that municipal wastes were received.

(2) The volume (gallons) of wastes received.

(3) The BOD_5 concentration (mg/l) and load (lbs) for the wastes received.

(4) The location(s) where wastes were disposed of within the treatment facility.

(ii) Sampling and analysis of hauled-in municipal wastes must be completed to characterize the organic strength of the wastes, unless composite sampling of influent wastewater is performed at a location downstream of the point of entry for the wastes.

4. Unanticipated Noncompliance or Potential Pollution Reporting

a. Immediate Reporting - The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b).

(i) If, because of an accident, other activity or incident a toxic substance or another substance which would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to the Department is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution.

(ii) If reasonably possible to do so, the permittee shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.

(iii) The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.

b. The permittee shall report any noncompliance which may endanger health or the environment in accordance with the requirements of 40 CFR 122.41(l)(6). These requirements include the following obligations:

(i) 24 Hour Reporting - The permittee shall orally report any noncompliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which must be reported within 24 hours under this paragraph:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(2) Any upset which exceeds any effluent limitation in the permit; and

(3) Violation of the maximum daily discharge limitation for any of the pollutants listed in the permit as being subject to the 24-hour reporting requirement. (40 CFR 122.44(g))

(ii) Written Report - A written submission shall also be provided within 5 days of the time the permittee becomes aware of any noncompliance which may endanger health or the environment. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(iii) Waiver of Written Report - DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger health or the environment. Unless such a waiver is expressly granted by DEP, the permittee shall submit a written report in accordance with this paragraph. (40 CFR 122.41(l)(6)(iii))

5. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph C.4 of this section or specific requirements of compliance schedules, at the time DMRs are submitted, on the Non-Compliance Reporting Form (3800-FM-BPNPSM0440). The reports shall contain the information listed in paragraph C.4.b.(ii) of this section. (40 CFR 122.41(l)(7))

D. Specific Toxic Pollutant Notification Levels (for Manufacturing, Commercial, Mining, and Silvicultural Direct Dischargers) - The permittee shall notify DEP as soon as it knows or has reason to believe the following: (40 CFR 122.42(a))

1. That any activity has occurred, or will occur, which would result in the discharge of any toxic pollutant which is not limited in this permit, if that discharge on a routine or frequent basis will exceed the highest of the following "notification levels": (40 CFR 122.42(a)(1))

a. One hundred micrograms per liter.

b. Two hundred micrograms per liter for acrolein and acrylonitrile.

c. Five hundred micrograms per liter for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol.

d. One milligram per liter for antimony.

e. Five times the maximum concentration value reported for that pollutant in this permit application.

f. Any other notification level established by DEP.

2. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels": (40 CFR 122.42(a)(2))

a. Five hundred micrograms per liter.

b. One milligram per liter for antimony.

c. Ten times the maximum concentration value reported for that pollutant in the permit application.

d. Any other notification level established by DEP.

PART B

I. MANAGEMENT REQUIREMENTS

A. Compliance

1. The permittee shall comply with all conditions of this permit. If a compliance schedule has been established in this permit, the permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit. (40 CFR 122.41(a)(1))

2. The permittee shall submit reports of compliance or noncompliance, or progress reports as applicable, for any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline. (25 Pa. Code § 92a.51(c), 40 CFR 122.47(a)(4))

B. Permit Modification, Termination, or Revocation and Reissuance

1. This permit may be modified, terminated, or revoked and reissued during its term in accordance with Title 25 Pa. Code § 92a.72 and 40 CFR 122.41(f).

2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. (40 CFR 122.41(f))

3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (40 CFR 122.41(a)(1))

C. Duty to Provide Information

1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. (40 CFR 122.41(h))

2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit. (40 CFR 122.41(h))

3. Other Information - Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to DEP, it shall promptly submit the correct and complete facts or information. (40 CFR 122.41(l)(8))

D. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit. (40 CFR 122.41(e))

E. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR 122.41(d))

F. Bypassing

1. Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions in paragraphs two, three and four of this section. (40 CFR 122.41(m)(2))

2. Other Bypassing - In all other situations, bypassing is prohibited and DEP may take enforcement action against the permittee for bypass unless:

   a. A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage." (40 CFR 122.41(m)(4)(i)(A))

   b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance. (40 CFR 122.41(m)(4)(i)(B))

   c. The permittee submitted the necessary notice required in F.4.a. and b. below. (40 CFR 122.41(m)(4)(i)(C))

3. DEP may approve an anticipated bypass, after considering its adverse effects, if DEP determines that it will meet the conditions listed in F.2. above. (40 CFR 122.41(m)(4)(ii))

4. Notice

   a. Anticipated Bypass – If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the bypass. (40 CFR 122.41(m)(3)(i))

   b. Unanticipated Bypass – The permittee shall submit oral notice of any other unanticipated bypass within 24 hours, regardless of whether the bypass may endanger health or the environment or whether the bypass exceeds effluent limitations. The notice shall be in accordance with Part A III.C.4.b.

II. PENALTIES AND LIABILITY

A. Violations of Permit Conditions

Any person violating Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative and/or criminal penalties as set forth in 40 CFR 122.41(a)(2).

Any person or municipality, who violates any provision of this permit; any rule, regulation or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

B. Falsifying Information

Any person who does any of the following:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or

- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or noncompliance)

Shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 18 Pa.C.S.A § 4904 and 40 CFR 122.41(j)(5) and (k)(2).

C. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (40 CFR 122.41(c))

III. OTHER RESPONSIBILITIES

A. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, and Title 25 Pa. Code Chapter 92a and 40 CFR 122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; (40 CFR 122.41(i)(1))

2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; (40 CFR 122.41(i)(2))

3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and (40 CFR 122.41(i)(3))

4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. (40 CFR 122.41(i)(4))

B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph 2 of this section, a permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (40 CFR 122.61(a))

2. Automatic transfers. As an alternative to transfers under paragraph 1 of this section, any NPDES permit may be automatically transferred to a new permittee if:

   a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b. of this section; (40 CFR 122.61(b)(1))

   b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; (40 CFR 122.61(b)(2))

c. DEP does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue this permit, the transfer is effective on the date specified in the agreement mentioned in paragraph 2.b. of this section; and (40 CFR 122.61(b)(3))

d. The new permittee is in compliance with existing DEP issued permits, regulations, orders and schedules of compliance, or has demonstrated that any noncompliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations. (25 Pa. Code § 92a.71)

3. In the event DEP does not approve transfer of this permit, the new owner or operator must submit a new permit application.

C. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege. (40 CFR 122.41(g))

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit. (40 CFR 122.41(b))

E. Other Laws

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

IV. ANNUAL FEES

Permittees shall pay an annual fee in accordance with 25 Pa. Code § 92a.62. Annual fee amounts are specified in the following schedule and are due on each anniversary of the effective date of the most recent new or reissued permit. All flows identified in the schedule are annual average design flows. (25 Pa. Code 92a.62)

Minor IW Facility without ELG (Effluent Limitation Guideline)	$500
Minor IW Facility with ELG	$1,500
Major IW Facility < 250 MGD (million gallons per day)	$5,000
Major IW Facility ≥ 250 MGD	$25,000
IW Stormwater Individual Permit	$1,000
CAAP (Concentrated Aquatic Animal Production Facility)	$0

As of the effective date of this permit, the facility covered by the permit is classified in the following fee category: **Minor IW Facility with ELG**.

Invoices for annual fees will be mailed to permittees approximately three months prior to the due date. In the event that an invoice is not received, the permittee is nonetheless responsible for payment. Throughout a five year permit term, permittees will pay four annual fees followed by a permit renewal application fee in the last year of permit coverage. Permittees may contact the DEP at 717-787-6744 with questions related to annual fees. The fees identified above are subject to change in accordance with 25 Pa. Code § 92a.62(e).

Payment for annual fees shall be remitted to DEP at the address below by the anniversary date. Checks should be made payable to the Commonwealth of Pennsylvania.

PA Department of Environmental Protection

Bureau of Point and Non-Point Source Management
Re: Chapter 92a Annual Fee
P.O. Box 8466
Harrisburg, PA 17105-8466

PART C

I. CHESAPEAKE BAY SCHEDULE

A . The permittee shall be in compliance with effluent limitations for Nitrogen and Phosphorus contained in Part A I.G.2, or terminate this discharge, in accordance with the following schedule:

Activity	Due Date
1. Submit Update to Act 537 Sewage Facilities Plan	Not Applicable
2. Submit WQM Part II Permit Application	Not Applicable
3. Award Contract for Construction or Begin Implementation	10/1/2015
4. Construction or Implementation Progress Report(s)	Quarterly
5. Issue Certification of Substantial Completion (Plant Fully Operational)	10/1/2017
6. Compliance with effluent limitations	9/30/2018

B. No later than 14 calendar days following the date identified in the above schedule of compliance, the permittee shall submit to the Department a written notice of compliance or non-compliance with the specific schedule requirement(s) to:

Department of Environmental Protection
Southcentral Regional Office
Water Management Program
Attn: Compliance Specialist
909 Elmerton Avenue
Harrisburg, PA 17110-8200

C. Each notice of non-compliance, at a minimum, shall include the following information:

1. A description of the noncompliance.

2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirement.

3. A description of any factors which tend to explain or mitigate the noncompliance.

4. An estimate of the date that compliance with the elapsed schedule requirement will be achieved and an assessment of the probability that the next scheduled requirement will be met on time.

5. A revised schedule of compliance for Department approval.

D. The permittee should contact the compliance specialist indicated in the event of anticipated non-compliance with any of a compliance schedule activities listed, seven (7) days prior to the due date of the activity.

II. CHESAPEAKE BAY NUTRIENT REQUIREMENTS

A. The Annual Net Total Nitrogen (TN) and Annual Net Total Phosphorus (TP) Mass Load effluent limitations ("Cap Loads") in Part A of this permit are required in order to meet the downstream water quality standards of the State of Maryland, as required by 25 Pa. Code Chapter 92a, the federal Clean Water Act, and implementing regulations.

B. Definitions

Annual Net Mass Load (lbs): The sum of Monthly Total Mass Loads for one year beginning October 1st and ending September 30th, adjusted for credits sold and applied and offsets applied. Annual Net Mass Loads are compared to Cap Loads to determine compliance.

Cap Load (lbs): The mass load of a pollutant authorized by an NPDES permit. Cap Loads for TN and TP are implemented in NPDES permits by the establishment of Annual Net Mass Load limits. The term "Net" is used to recognize that Credits and Offsets may be used to comply with the limits. The Annual Net Mass Load must be less than or equal to the Cap Load to achieve compliance.

Certification: Written approval by DEP of a proposed pollutant reduction activity to generate credits before the credits are verified and registered to be used to comply with NPDES permit effluent limitations.

Compliance Year: The year-long period starting October 1st and ending September 30th. The Compliance Year will be named for the year in which it ends. For example, the period of October 1, 2014 through September 30, 2015 is compliance year 2015.

Credit: The tradable unit of compliance that corresponds with a unit of reduction of a pollutant as recognized by DEP which, when certified, verified and registered, may be used to comply with NPDES permit effluent limitations.

Delivery Ratio: A ratio that compensates for the natural attenuation of a pollutant as it travels in water before it reaches a defined compliance point.

Offset: The pollutant load reduction measured in pounds (lbs) that is created by an action, activity or technology which when approved by DEP may be used to comply with NPDES permit effluent limitations, conditions and stipulations under 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance.) The offset may only be used by the NPDES permittee that DEP determines is associated with the load reduction achieved by the action, activity or technology.

Registration: An accounting mechanism used by DEP to track certified and verified credits before they may be used to comply with NPDES permit effluent limitations.

Total Mass Load (lbs):

Monthly Total Mass Load = The sum of the actual daily discharge loads for TN and TP (lbs/day) divided by the number of samples per month, multiplied by the number of days in the month in which there was a discharge. The daily discharge load for TN and TP (lbs/day) equals the average daily flow (MGD) on the day of sampling, multiplied by that day's sample concentration for TN and TP (mg/l), multiplied by 8.34.

Annual Total Mass Load = The sum of the Monthly Total Mass Loads for one year beginning October 1st and ending September 30th.

Total Nitrogen: For concentration and load, Total Nitrogen is the sum of Total Kjeldahl-N (TKN) plus Nitrite-Nitrate as N (NO_2+NO_3-N), where TKN and NO_2+NO_3-N are measured in the same sample.

Truing Period: The time provided following each Compliance Year for a permittee to comply with Cap Loads through the application of Credits and Offsets. The Truing Period will start on October 1st and end on November 28th of the same calendar year, unless DEP extends this period. During this period, compliance for the specified year may be achieved by using registered Credits that were generated during that Compliance Year. For example, Credits that are used to achieve compliance in Compliance Year 2012 must have been generated during Compliance Year 2012. Approved Offsets that have been generated may also be applied during the Truing Period.

Verification: Assurance that the verification plan contained in a certification, permit or other approval issued by DEP has been implemented. Verification is required prior to registration of the credits for use in an NPDES permit to comply with NPDES permit effluent limitations.

C. Nutrient Credits

1. Credits may be used for compliance with the Cap Loads when authorized under 25 Pa. Code § 96.8 (Use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), including amendments, updates and revisions thereto; in accordance with DEP's Phase 2 WIP Wastewater Supplement (see www.depweb.state.pa.us/npdes-bay); and in accordance with DEP's Phase 2 WIP Nutrient Trading Supplement (see www.depweb.state.pa.us/nutrient_trading).

2. Where effluent limitations for TN and/or TP are established in Part A of the permit for reasons other than the Cap Load assigned for protection of the Chesapeake Bay ("local nutrient limits"), the permittee may purchase and apply credits for compliance with the Cap Load(s) only when the permittee has demonstrated that local nutrient limits have been achieved.

3. Where local nutrient limits are established in Part A of the permit, the permittee may sell any credits generated only after the permittee has demonstrated that local nutrient limits have been achieved and those credits have been verified in accordance with the procedures established in the Phase 2 WIP Nutrient Trading Supplement.

4. The facility discharge to oil Creek which is impaired for nutrients. TMDL is not finalized for Oil Creek therefore, purchase of credits outside of Oil Creek watershed to comply with Chesapeake Bay cap load is prohibited.

D. Use of Offsets for Compliance

1. Offsets can only be used by the permittee to comply with its Cap Loads. Offsets are not eligible for use as Credits.

2. Offsets must be approved by DEP in writing before they may be applied for compliance with Cap Loads.

3. Offsets that are approved under this permit are listed in Part A, Footnotes. These Offsets may be applied each Compliance Year toward compliance with the Cap Loads. The application of these Offsets must be reported on an annual basis. Additional Offsets may be approved throughout the permit term.

4. Offsets may be approved for the transfer of load between facilities owned by the same entity if (1) the facility receiving Offsets does not discharge to waters classified as impaired for nutrients and (2) the Delivery Ratios approved by DEP for TN or TP, as applicable, are the same. Delivery ratios for the facility authorized to discharge under this permit are listed in DEP's Phase 2 Watershed Implementation Plan (WIP) Wastewater Supplement, available at the following website:

www.depweb.state.pa.us/npdes-bay

Such Offsets may only be applied in the Compliance Year in which the transfer occurred, and are not cumulative.

E. Reporting Requirements

1. The facility shall utilize DEP's electronic Discharge Monitoring Report (eDMR) system to submit DMR data and Supplemental DMR forms. Unless the permittee is already using the eDMR system, within 30 days of permit issuance, the permittee shall submit the necessary Registration and Trading Partner Agreement forms to participate in eDMR, and begin using eDMR for submission of DMR data and Supplemental DMR forms when DEP notifies the permittee to begin doing so. The eDMR website is

http://www.dep.state.pa.us/edmr. Use of eDMR shall continue unless the requirements of Part A III.B.3 are met.

2. The Nutrient Monitoring supplemental form (3800-FM-BPNPSM0444) shall be used to report daily TN and TP sampling results for each monitoring period. This completed form shall be attached to the monthly DMR. The spreadsheet version of this form, available on DEP's website, must be used where the permittee seeks DEP's approval for the generation of credits in accordance with paragraph B, above.

3. The Nitrogen Budget and Phosphorus Budget supplemental forms (3800-FM-BPNPSM0445 and 3800-FM-BPNPSM0446, respectively) shall be used to document credits sold and applied and offsets applied in order to calculate Annual Net Mass Loads. The permittee shall report Credits applied and sold during the Compliance Year, including registry number, contract effective date, and DEP certification approval date, and approved Offsets applied during the Compliance Year, including the source of Offsets and DEP approval date. Where credits or offsets are utilized during the Compliance Year, the form(s) shall be attached to the Annual DMR.

4. The Annual DMR for the reporting of Annual Net Mass Loads for TN and TP is due on November 28th following each Compliance Year, unless DEP extends the Truing Period to a later date.

III. OTHER REQUIREMENTS

A. The approval herein given is specifically made contingent upon the permittee acquiring all necessary property rights by easement or otherwise, providing for the satisfactory construction, operation, maintenance or replacement of all structures associated with the herein approved discharge in, along, or across private property, with full rights of ingress, egress and regress.

B. Collected screenings, slurries, sludges, and other solids shall be handled, recycled and/or disposed of in compliance with the Solid Waste Management Act (35 P.S. §§ 6018.101 – 6018.1003), 25 Pa. Code Chapters 287, 288, 289, 291, 295, 297, and 299 (relating to requirements for landfilling, impoundments, land application, composting, processing, and storage of residual waste), Chapters 261a, 262a, 263a, and 270a (related to identification of hazardous waste, requirements for generators and transporters, and hazardous waste, requirements for generators and transporters, and hazardous waste permit programs), federal regulation 40 CFR Part 257, The Clean Streams Law, and the Federal Clean Water Act and its amendments. Screenings collected at intake structures shall be collected and managed and not be returned to the receiving waters.

   The permittee is responsible to obtain or assure that contracted agents have all necessary permits and approvals for the handling, storage, transport and disposal of solid waste materials generated as a result of wastewater treatment.

C. The terms and conditions of Water Quality Management (WQM) permits that may have been issued to the permittee relating to discharge requirements are superseded by this NPDES permit unless otherwise stated herein.

D. If the applicable standard or effluent guideline limitation relating to the application for Best Available Technology (BAT) Economically Achievable or to Best Conventional Technology (BCT) is developed by DEP or EPA for this type of industry, and if such standard or limitation is more stringent than the corresponding limitations of this permit (or if it controls pollutants not covered by this permit), DEP may modify or revoke and reissue the permit to conform with that standard or limitation.

E. The permittee shall optimize chlorine dosages used for disinfection or other purposes to minimize the concentration of Total Residual Chlorine (TRC) in the effluent, meet applicable effluent limitations, and reduce the possibility of adversely affecting the receiving waters. Optimization efforts may include an evaluation of wastewater characteristics, mixing characteristics, and contact times, adjustments to process controls, and maintenance of the disinfection facilities. If DEP determines that effluent TRC is causing adverse water quality impacts, DEP may reopen this permit to apply new or more stringent effluent

limitations and/or require implementation of control measures or operational practices to eliminate such impacts.

Where the permittee does not use chlorine for primary or backup disinfection, but proposes the use of chlorine for cleaning or other purposes, the permittee shall notify DEP prior to initiating use of chlorine and monitor TRC concentrations in the effluent on each day in which chlorine is used. The results shall be submitted as an attachment to the DMR.

F. The permittee shall develop a treatment facility operations and maintenance (O&M) plan addressing key wastewater processes. The plan shall be reviewed annually and updated when appropriate. The plan shall be submitted to DEP for review upon request. For the purpose of this paragraph, a key wastewater process includes any equipment or process that, if it fails, may cause the discharge of raw wastewater or wastewater that fails to meet NPDES permit discharge requirements, or a failure that may threaten human or environmental health. The O&M plan shall include the following, at a minimum:

1. A process control strategy that includes a schedule for process control sampling, monitoring, testing, and recordkeeping.

2. A plan that identifies how key wastewater processes shall be monitored and adjusted while the facility is staffed.

3. A plan that identifies how key wastewater processes will be monitored while the treatment facility is not staffed.

4. For treatment plants that are impacted by wet weather flows, the permittee shall develop and implement a wet weather operations strategy that minimizes or eliminates the wash out of solids from the treatment system while maximizing the flow through the treatment plant.

5. An emergency plan that identifies how the facility will be operated during times of emergency. For example, the plan shall detail how key wastewater processes will be repaired or replaced in the event of a failure while minimizing loss of life and property damage to the facility. This plan shall also include emergency contact numbers for local emergency response agencies, plant personnel, critical suppliers and vendors, and DEP contacts, at a minimum.

6. A preventative maintenance plan that includes a schedule for preventative maintenance for all equipment within the treatment system. A spare parts inventory shall be included as part of this plan.

7. A solids management plan that identifies how solids produced by the facility will be wasted, treated, and ultimately disposed of.

G. Temperature

This discharge shall not cause a change in the stream temperature of more than 2°F during any one hour.

H. There shall be no net addition of pollutants to non-contact cooling water over intake values except for heat and water conditioning additives for which complete information was submitted in the application or is required to be submitted as a condition of this permit.

I. The Department is currently evaluating the effect of phosphorus on the stream. If it is determined that this discharge must control phosphorus further, the permit may be reopened before the expiration date and a more stringent limitation on phosphorus applied.

IV. SCHEDULE OF COMPLIANCE FOR TEMPERATURE

A. The permittee shall achieve compliance with final effluent limitations or terminate this discharge in accordance with the following schedule:

1. Feasibility study completion — 6 Months after permit effective date

2.	Final plan completion	12 months after permit effective date
3.	Start plan implementation	12 months after permit effective date
4.	Plan implementation progress report(s)	Quarterly
5.	End of plan implementation	36 months after permit effective date
6.	Compliance with effluent limitations	36 months after permit effective date

B. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to DEP a written notice of compliance or non-compliance with the specific schedule requirement. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance.

2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirement.

3. A description of any factors which tend to explain or mitigate the non-compliance.

4. An estimate of the date that compliance with the elapsed schedule requirement will be achieved and an assessment of the probability that the next scheduled requirement will be met on time.

V. REQUIREMENT TO USE EDMR SYSTEM

A. Within 30 days of the Permit Issuance Date, the permittee shall submit the necessary forms to register for the Department's Electronic Discharge Monitoring Report (eDMR) system for the submission of DMRs and Supplemental DMRs. The eDMR system, registration materials and instructions can be accessed at www.dep.state.pa.us/edmr.

B. The registration materials shall be submitted to the DEP's Central Office for processing at the following address:

PA DEP
Bureau of Point and Non-Point Source Management
Rachel Carson State Office Building
P.O. Box 8466
Harrisburg, PA 17105-8466

C. Upon notification from DEP that the permittee and its users are registered to use eDMR, the permittee shall begin using the eDMR system to submit its DMR(s) for the reporting period(s) identified in the DEP's notification. The permittee shall continue to use eDMR for all subsequent reporting periods unless DEP grants written approval to discontinue its use and issues an amendment to this permit.

VI. CHEMICAL ADDITIVES

A. Approved Chemical Additives List

1. The permittee is authorized to use chemical additives that are published on DEP's Approved Chemical Additives List (Approved List) (see www.depweb.state.pa.us/chemicaladditives) subject to paragraphs A.2 and A.3, below.

2. The permittee may not discharge a chemical additive at a concentration that is greater than the water quality-based effluent limitation (WQBEL) for the chemical additive or, if applicable, a technology-based effluent limitation. If effluent limitations are not specified in Part A of this permit for the chemical additive, the permittee is responsible for determining the WQBEL and ensuring the WQBEL is not

exceeded by restricting usage to an amount that will not cause an excursion above in-stream water quality standards.

3. If the permittee decides to use a chemical additive that is on DEP's Approved List and the use would either (1) constitute an increase in the usage rate specified in the NPDES permit application or previous notification to DEP or (2) constitute a new use, not identified in the NPDES permit application or otherwise no previous notification occurred, the permittee shall complete and submit the "Chemical Additives Notification Form" (3800-FM-BPNPSM0487) to the DEP regional office that issued the permit. The permittee may proceed to use the chemical additive as reported on the Form upon receipt by the DEP regional office.

B. New Chemical Additives, Not on Approved Chemical Additives List

1. In the event the permittee wishes to use a chemical additive that is not listed on DEP's Approved List, the permittee shall submit the "New Chemical Additives Request Form" (3800-FM-BPNPSM0486) to DEP's Central Office, Bureau of Point and Non-Point Source Management (BPNPSM), Division of Planning and Permitting, Rachel Carson State Office Building, PO Box 8774, Harrisburg, PA 17105-8774, prior to use. A copy shall be submitted to the DEP regional office that issued the permit. The form must be completed in whole in order for BPNPSM to approve the chemical additive, and a Material Safety Data Sheet (MSDS) that meets the minimum requirements of 29 CFR 1910.1200(g) must be attached.

2. Following placement of the chemical additive on the Approved List, the permittee may submit the Chemical Additive Notification Form in accordance with paragraph A.3, above, to notify DEP of the intent to use the approved chemical additive. The permittee may proceed with usage when the new chemical has been identified on DEP's Approved List and following DEP's receipt of the Chemical Additives Notification Form.

3. The permittee shall restrict usage of chemical additives to the maximum usage rates determined and reported to DEP on Chemical Additives Notification Forms.

C. Chemical Additives Usage Reporting Requirements

The "Chemical Additives Usage Form" (3800-FM-BPNPSM0439) shall be used to report the usage of chemical additives and shall be submitted as an attachment to the Discharge Monitoring Report (DMR) at the time the DMR is submitted.

D. DEP may amend this permit to include WQBELs or otherwise control usage rates of chemical additives if there is evidence that usage is adversely affecting receiving waters, producing Whole Effluent Toxicity test failures, or is causing excursions of in-stream water quality standards.

VII. REQUIREMENTS APPLICABLE TO STORMWATER OUTFALLS

A. The permittee is authorized to discharge non-polluting stormwater from its site, alone or in combination with other wastewaters, through the following outfalls:

Outfall No.	Area Drained (ft^2)	Latitude	Longitude	Description
002		39°48 '45.48 "	76°56 '51.02 "	Facility site and roadway
003		39°48 '33.52 "	76°57 '0.51 "	Waste storage area near freezing unit
004		39°48 '30.53 "	76°57 '8.05 "	Spillway from stormwater detection pond

Monitoring requirements and effluent limitations for these outfalls are specified in Part A of this permit, if applicable.

B. Preparedness, Prevention and Contingency (PPC) Plan

The permittee must develop and implement a PPC Plan in accordance with 25 Pa. Code § 91.34 following the guidance contained in DEP's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" (DEP ID 400-2200-001), its NPDES-specific addendum and the minimum requirements below. For existing facilities, the PPC Plan must be developed prior to permit issuance. For new facilities, the PPC Plan must be submitted to DEP no later than prior to startup of facility operation.

1. The PPC Plan must identify all potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the facility.

2. The PPC Plan must describe preventative measures and best management practices (BMPs) that will be implemented to reduce or eliminate pollutants from coming into contact with stormwater resulting from routine site activities and spills.

3. The PPC Plan must address actions that will be taken in response to on-site spills or other pollution incidents.

4. The PPC Plan must identify areas which, due to topography or other factors, have a high potential for soil erosion, and identify measures to limit erosion. Where necessary, erosion and sediment control measures must be developed and implemented in accordance with 25 Pa. Code Chapter 102 and DEP's "Erosion and Sediment Pollution Control Manual" (DEP ID 363-2134-008).

5. The PPC Plan must address security measures to prevent accidental or intentional entry which could result in an unintentional discharge of pollutants.

6. The PPC Plan must include a plan for training employees and contractors on pollution prevention, BMPs, and emergency response measures.

7. If the facility is subject to SARA Title III, Section 313, the PPC Plan must identify releases of "Water Priority Chemicals" within the previous three years. Water Priority Chemicals are those identified in EPA's "Guidance for the Determination of Appropriate Methods for the Detection of Section 313 Water Priority Chemicals" (EPA 833-B-94-001, April 1994). The Plan must include an evaluation of all activities that may result in the stormwater discharge of Water Priority Chemicals.

8. Spill Prevention Control and Countermeasure (SPCC) plans may be used to meet the requirements of this section if the minimum requirements are addressed.

9. The PPC Plan shall be evaluated and if necessary updated on an annual basis, at a minimum, and when one or more of the following occur:

   a. The Plan fails in an emergency;

   b. There is a change in design, industrial process, operation, maintenance, or other circumstances, in a manner that materially increases the potential for fires, explosions or releases of toxic or hazardous constituents; or which changes the response necessary in an emergency;

   c. The list of emergency coordinators or equipment changes; or

   d. When notified in writing by DEP.

   All updates must be kept on-site and be made available to DEP upon request.

C. Minimum Required BMPs

In addition to BMPs identified in the PPC Plan, the permittee shall implement the following minimum BMPs relating to stormwater pollution prevention:

1. If applicable, post-construction stormwater BMPs that are required under 25 Pa. Code Chapter 102 must be maintained.

2. For industrial facilities, the BMPs in the applicable Appendix to the NPDES PAG-03 General Permit for Discharges of Stormwater Associated with Industrial Activities that is currently in effect.

3. For POTWs, all of the following:

   a. Manage sludge in accordance with all applicable permit requirements.

   b. Store chemicals in secure and covered areas on impervious surfaces away from storm drains.

   c. For new facilities and upgrades, design wastewater treatment facilities to avoid, to the maximum extent practicable, stormwater commingling with sanitary wastewater, sewage sludge, and biosolids.

   d. Efficiently use herbicides for weed control. Where practicable, use the least toxic herbicide that will achieve pest management objectives. Do not apply during windy conditions.

   e. Do not wash parts or equipment over impervious surfaces that wash into storm drains.

   f. Implement infiltration techniques, including infiltration basins, trenches, dry wells, porous pavement, etc., wherever practicable.

D. Annual Inspection and Compliance Evaluation

1. The permittee shall conduct an annual inspection of each outfall identified in paragraph A and record the results on the "Annual Inspection Form for NPDES Permits for Discharges of Stormwater Associated with Industrial Activities" (3800-PM-WSFR0083v). The permittee shall submit a copy of the completed and signed Annual Inspection Form to DEP at the address provided in Part A III.B.3 of this permit by January 28 of each year.

2. Areas contributing to a stormwater discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. BMPs in the PPC Plan and required by this permit shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of this permit or whether additional control measures are needed.

E. Stormwater Sampling Requirements

If stormwater sampling is required in Part A of this permit, the following requirements apply:

1. The permittee shall record stormwater sampling event information on the "Additional Information for the Reporting of Stormwater Discharge Monitoring" form (3800-PM-WSFR0083t) and submit the form as an attachment to the DMR.

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The 72-hour storm interval is waived when the preceding storm did not yield a measurable discharge, or if the permittee is able to document that a less than 72-hour interval is representative for local storm events during the sample period.

3. Grab samples shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is not possible, a grab sample can be taken during the first hour of the discharge, in which case the discharger shall provide an explanation of why a grab sample during the first 30 minutes was not possible.

ATTACHMENT E

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

NPDES COMPLIANCE INSPECTION REPORT

NPDES Permit No.	Mo/Day/Yr	Entry Time	Exit Time	Inspection Type	eFACTS Inspection ID
PA0044741	4/18/2019	10:00		CEI	

Facility Name:	Permittee Name:
Hanover Foods IWTP	Hanover Foods Corporation

Physical Location/Directions:	Permit Expiration Date:
1550 York Street, Hanover, PA 17331	09/30/2020

Municipality:	County:	Permit Renewal Application Due:
Penn Township	York	03/31/2020

Facility Type: ☐ Sewage ■ Industrial Waste ☐ Industrial Stormwater ☐ Other:
☐ Major ■ Minor

Responsible Person: David Still Title: Vice President - Operations	Certified Operator Required: ☐ Yes ■ No Certified Operator in Responsible Charge: Eric Eckersley
Permittee Address: PO Box 334 1486 York Street Hanover, PA 17331	Client ID: Class-Subclass(es): Circuit Rider: ☐ Yes ■ No
Business Phone: 717.632.6000 Fax: Email: dstill@hanoverfoods.com	Business Phone: 717.632.6000 xt 1214 Cell: Email: eeckersley@hanoverfoods.com

24-Hour Emergency Contact Person / Phone:

VIOLATIONS: (list below) ■ Yes ☐ No ☐ Pending Sample Results

UV disinfection system offline for Outfall 001 is in violation of Part B.I.E of your NPDES Permit; Failure to properly operate and maintain all facilities which are installed or used to achieve compliance

Person Interviewed:	Date:	Inspector:	Date:
Eric Eckersley	04/18/2019	Austen Randecker	4/18/2019
Signature: Report sent via mail	Phone No.: 717.632.6000	Inspector Signature: Austen Randecker	Phone No.: 717.503.7121
Title: Operator		Title: Water Quality Specialist	
Email: eeckersley@hanoverfoods.com		Email: arandecker@pa.gov	

This document is official notification that a representative of the Department of Environmental Protection inspected the above facility. The findings of this inspection are shown above and on any attached pages. Any violations which were noted during the inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses of the discharge and review of Department records.

NPDES COMPLIANCE INSPECTION REPORT

Comments
A CEI inspection was conducted today by the Department's Clean Water Program. In attendance for the inspection was Austen Randecker (Water Quality Specialist), Erick Ammon (Compliance Specialist), and Summer Kunkel (Water Quality Specialist Supervisor). We were met on-site by David Still (VP – Operations) and by Eric Eckersley (Plant Operator) who accompanied us on the inspection.
Treatment plant receives industrial waste from canning operations as well as NCCW. Industrial waste is treated as a pre-treatment operation for Penn Township STP. NCCW is treated and discharged to Oil Creek at Outfall 001. Influent flow from industrial canning operations passes through screening, online during inspection, before entering the grit removal chamber. There were some food particles on the ground surface. Mr. Eckersley stated that the screening area is cleaned daily. Screenings are collected and stored in the residual storage pad for land application. During periods of high flows an EQ/Surge tank can be put online to store extra flow and can be fed back to the wet well by a flow metering device in the screening area. Influent samples are collected for weekly testing and for daily COD.
After screening and grit removal industrial waste is pumped to 1 of 2 bio-reactors via 3 influent wet well pumps. Bio-reactor #2 was online during the inspection. Bio-reactor #1 and clarifiers 1 and 2 were offline due to maintenance. Reactor #1 is currently operating at 90 degrees F or less and is designed to operate at ~95 degrees F. Mr. Eckersley states that heat exchanger may not be sufficient enough to maintain design temperature, there has been discussion of installing a heat exchanger on the IW/NCCW lines to help aide the temperature in the bio-reactor. The reactor has ability to flare gas, normal operations use the gas as fuel for the heat exchanger.
Flow from bio-reactor #2 is fed to a splitter box that diverts flow between primary clarifier 3 and 4, both online during the inspection. Clarifiers 3 and 4 are experiencing short-circuiting, gas release, and solids carry over in multiple areas along the weirs. There is algae accumulation in the effluent weir notches. RAS from the clarifiers is sent to a RAS pit. There is a valve in the RAS pit that is used to waste sludge. Wasted sludge is sent to the Slurry tank and ultimately is land applied. Effluent from clarifier 3 and 4 is gravity fed to aeration lagoon #1.
Lagoon #1 is currently experiencing spring "turn over". Lagoon #1 was a milky brown/grey color and there were no significant odors, scum, or floatables. The liner appears to be in good repair. Lagoon #1 is equipped with mixers and aerators. Due to spring "turn over" lagoon #1 is being aerated very little for increased settling to prevent solids carryover. Effluent from lagoon #1 is sampled and is then sent to Penn Township WWTP for final treatment. Flow to Penn Township during the inspection was 0.544 MGD.
NCCW is also treated on-site. NCCW flow enters aeration lagoon #2. Lagoon #2 appeared clear and had a green/brown tint. No rips/ tears were noted with the liner and there were numerous snails present on the liner. Lagoon #1 has mixers and aerators, offline during the inspection. Flow from lagoon #1 is sent to a splitter box where flow is diverted to 2 polishing ponds. Aeration in the polishing ponds was off during inspection. The polishing ponds are experiencing heavy algae growth, which fouls the aerator motors. The fence around the polishing ponds is experiencing heavy erosion.

NPDES COMPLIANCE INSPECTION REPORT

Comments

Effluent from the polishing ponds is sent to disinfection before being discharged to Oil Creek at Outfall 001. A UV system is in place for disinfection and the unit was "OFF" during the time of inspection and was turned to "AUTO" during the inspection. Mr. Eckersley stated that the UV system was turned to "OFF" to remove the algae accumulation on the UV bulbs from the polishing tanks ~2 weeks ago. The UV system has a PLC and SCADA that can be viewed and operated from the control building. Effluent composite samples are collected from the effluent line post UV disinfection. Flow from the UV unit is gravity fed to Outfall 001. The stream discharge pipe was submerged during the time of the inspection. The outfall appeared clear and no solids, foam, or scum was notable in Oil Creek. Oil Creek upstream and downstream of the outfall appeared clear.

Recommendations:
-Cleanup and housekeeping of residual waste storage pad and slurry tank
-Sampling NCCW influent 1/week for process control
-Adjusting wasting rates/transfer from clarifiers to slurry tank
-Repair of inoperable mixers and aerators in lagoons/polishing ponds
-Fixing the fencing and erosion gully around the polishing ponds
-Rake and dispose of algae from the ground surface around polishing ponds
-Notify the Department of any "pilot" studies relating chemical additions
-Notify the Department of conducting any temperature changes within the Bio-reactor
-Labeling and posting all outfalls

NPDES COMPLIANCE INSPECTION REPORT

Monitoring, Reporting and Recordkeeping
(NPDES Permit Part A)

On-site laboratory: ■ Registered ☐ Accredited ☐ N/A ☐ Not Registered/Accredited
On-site analyses: ■ pH ■ DO ■ TRC ☐ All NPDES parameters ☐ None
■ Other(s): Temperature
DEP Lab Registration/Accreditation #: 67-01061 Lab Supervisor:
Comments:

Contract Laboratory Name: ALS Environmental DEP Lab Accreditation #: 22-00293
Address & Phone: 301 Fulling Mill Road, Middletown
Parameters Analyzed: color, CBOD, TSS, O/G, fecal, NH3-N, Total Phos, Total Cadmium, Total nitrogen series
Comments:

Sample Collection: Influent sampling location: No NCCW influent sample collected
Effluent sampling location: Post UV system
Location(s) adequate for representative samples: ■ Yes ☐ No
Parameters analyzed, sample frequencies and sample types meet permit requirements: ■ Yes ☐ No
Samples properly preserved during collection, storage and shipping: ■ Yes ☐ No
Sampler or sample temperature is recorded using NIST traceable thermometer: ■ Yes ☐ No
Comments:

Composite samples: Being collected: ■ Yes ☐ No Composites are: ☐ 8-hour ■ 24-hour ☐ Other
Samples are: ■ Flow Proportional ☐ Time Proportional
Sampler controlled by: ☐ Influent flow meter ■ Effluent flow meter
Minimum aliquot volume greater than 100 ml: ■ Yes ☐ No
Composite sampler temperature during inspection: 4C
Comments:

Sample records: Available for inspection: ■ Yes ☐ No Retained for at least three years: ■ Yes ☐ No
Includes: Collector name: ■ Yes ☐ No Collection date/time: ■ Yes ☐ No Collection location: ■ Yes ☐ No
Analyst name: ■ Yes ☐ No Analysis date/time: ■ Yes ☐ No Analysis Results: ■ Yes ☐ No
Analytical methods & quantitation limits: ■ Yes ☐ No Chain-of-Custody forms: ☐ Yes ☐ No
Comments:

Bench sheets: Data is consistent with data on the DMR: ■ Yes ☐ No ☐ N/A Month(s)/year checked: September 2018
Comments:

Field Testing: Completed within required hold time: ■ Yes ☐ No
Equipment is calibrated as required: pH: ■ Yes ☐ No DO: ■ Yes ☐ No TRC: ☐ Yes ☐ No ■ N/A
Other(s): ☐ Yes ☐ No
Calibration records maintained: ■ Yes ☐ No
Comments: Some buffer solutions were out of date, recommend verifying chlorine meter against secondary standards

DMR Submittal: DMRs are submitted as required: ■ Yes ☐ No eDMR User: ■ Yes ☐ No
DMR Supplemental Reports are submitted as required: ■ Yes ☐ No
DMRs include all sample results collected and analyzed using approved methods: ■ Yes ☐ No
Comments:

NPDES COMPLIANCE INSPECTION REPORT

Flow Measurement (NPDES Permit Part A)

Primary flow meter and recorder: Operable: ■ Yes ☐ No Properly maintained: ■ Yes ☐ No
Measuring device type: ☐ Flume ☐ Weir ■ Full Pipe ☐ Open Channel ☐ Other:
Meter type: ☐ Ultrasonic ■ Magnetic Meter ☐ Bubbler ☐ Other:
Meter location: Post UV system
Recorder type: ■ Totalizer ☐ Daily Chart ☐ 7-Day Chart ■ SCADA/Electronic ☐ Other:
Capable of recording maximum flows: ■ Yes ☐ No Calibration Range: unknown
Inspection frequency: ■ Daily ☐ Weekly ☐ Other:
Calibration frequency: annual Date of last calibration: 12-20-2018
Measuring device, meter and recorder included as part of flow meter calibration: ■ Yes ☐ No ☐ N/A
Influent flow is measured before all return lines: ■ Yes ☐ No Influent flow is measured after hauled-in wastes: ☐ Yes ☐ No
Effluent flow is measured after all withdraws: ■ Yes ☐ No
Comments:

Flumes: Flow is uniform across the channel: ☐ Yes ☐ No ■ N/A Flume is free of debris and deposits: ☐ Yes ☐ No ■ N/A
Comments:

Weirs: Clean with a visible air space below the nappe: ☐ Yes ☐ No ■ N/A
Comments:

Treatment Plant (NPDES Permit Part B)

Treatment plant bypass: Since last inspection: ☐ Yes ■ No Reported to DEP: ☐ Yes ☐ No
Location/cause:

Major equipment repair/replacement: Since last inspection: ☐ Yes ☐ No Date of last inspection: CEI on 7/20/16
Repair List: New bioreactor, 2 new clarifiers, UV system

Stand-by power: ■ Emergency generator ☐ Dual power feed ☐ None ☐ Other:
System operable: ■ Yes ☐ No Exercise frequency: weekly Maintenance frequency: annual
Comments:

Alarms: Type: ☐ None ■ SCADA ☐ Auto Dialer ☐ PLC ■ Other: light alarm
System operable: ■ Yes ☐ No Test frequency:
Alarm triggers: high/low levels

Staffing schedule: ☐ 24/7 Weekday hours: 0500 to 1300 Weekend/Holiday hours: Varies
Other:

On site Logs: Logs up-to-date: ■ Yes ☐ No ☐ N/A
Daily Log contains: ☐ Visual observations ■ Process adjustments ■ Problems and concerns
Repair log maintained: ■ Yes ☐ No Routine maintenance log maintained: ■ Yes ☐ No
Comments: Repair and maintenance included in daily log

Spare parts inventory: maintained: ■ Yes ☐ No ■ Standby units available
Comments:

NPDES COMPLIANCE INSPECTION REPORT

Treatment Process Units
(NPDES Permit Part B)

Water Quality Management Permit No.

All treatment units are as noted in permit: ☐ Yes ☐ No

Treatment Units	Total	On-Line	Inoperable	Comments
Screening	1	1		
Grit Removal	1	1		
Surge Tank (EQ)	1	1		
Bio-reactor	2	1	0	Reactor #1 offline for maintenance
Primary Clarifier	4	2	0	#1 and #2 offline for maintenance
Aeration Lagoons	2	2		
Polishing ponds	2	2		
UV System	1	0	1	UV system was in "off" mode during inspection
Residual Storage Pad				Under roof cover
Slurry Tank				Leaking slightly

Chemical Additions: MgOH, sulfuric acid, ByoGon, polymer/coagulant, Urea

NPDES COMPLIANCE INSPECTION REPORT

Process Control
(NPDES Permit Part B)

Frequency of Testing	Current Testing Results
☐ Settleability	
☐ Dissolved Oxygen	
■ Sludge Blanket	Clarifier 3 and 4: 7 Feet
■ Mixed Liquor Suspended Solids ☐ MLVSS	9600
☐ Microscopic exam of MLSS	
☐ Color ☐ Odor	Comments/observations/results:

■ Other: pH: 6.38 SU; Alkalinity: 540 mg/l

Other Requirements
(NPDES Permit Part C)

Special Conditions: Next submission/action: Due Date:

☐ WETT:

☐ TRE/TIE:

☐ EPA Pretreatment Program ☐ Annual report submitted:

■ Stormwater requirements: sampling at 002 and 003

☐ Permit Schedule:

☐ TMDL:

■ Other: C-Bay nutrient monitoring

Comments:

Emergency Response/PPC Plan: on-site: ■ Yes ☐ No ☐ N/A Last updated:

Flood response plan available: ☐ Yes ☐ No ■ N/A

Comments: Update the Department's South Central Regional #: 717-705-4700

Compliance History

History of noncompliance: with discharge effluent limits: ■ Yes ☐ No

Recent Compliance Actions: ■ Yes ☐ No

Comments:

Legal Agreement: Consent Order and Agreement, Consent Decree or Order: ■ Yes ☐ No Date executed: 01/03/2017

In compliance with legal agreement: ☐ Yes ■ No

Obligations due next: Quarterly reports

Comments:

NPDES COMPLIANCE INSPECTION REPORT

Effluent/Receiving Water Evaluation

Outfall Number(s): 001 | **Stream Name:** Oil Creek

DEP Collector #: 2660
Sample Date/Time:
Sample Location: Outfall 001 stream discharge pipe to Oil Creek

Effluent pipe was submerged

Field Measurements:	Upstream	Outfall	Downstream	Units
Flow		0.00		MGD
pH				S.U.
Conductivity				µmhos/cm
Dissolved Oxygen				mg/L
Total/Free Chlorine Residual				mg/L
Temperature				°F

Upstream Observations: Clear

Outfall Observations: Clear; no erosion and free of debris

Downstream Observations: Clear

Outfall Number(s): | **Stream Name:**

DEP Collector #:
Sample Date/Time:
Sample Location:

Field Measurements:	Upstream	Outfall	Downstream	Units
Flow				MGD
pH				S.U.
Conductivity				µmhos/cm
Dissolved Oxygen				mg/L
Total/Free Chlorine Residual				mg/L
Temperature				°F

Upstream Observations:

Outfall Observations:

Downstream Observations:

Outfall Number(s): | **Stream Name:**

DEP Collector #:
Sample Date/Time:
Sample Location:

Field Measurements:	Upstream	Outfall	Downstream	Units
Flow				MGD
pH				S.U.
Conductivity				µmhos/cm
Dissolved Oxygen				mg/L
Total/Free Chlorine Residual				mg/L
Temperature				°F

Upstream Observations:

Outfall Observations:

Downstream Observations:

ATTACHMENT F

October 9, 2020

Via Email

Erick M. Ammon
Environmental Protection Compliance Specialist
Clean Water Program
PADEP Southcentral Regional Office
909 Elmerton Ave.
Harrisburg, PA 17110
eammon@pa.gov

Re: Industrial Waste 3-A
Hanover Foods Industrial Wastewater Treatment Plant
NPDES Permit No. PA0044741
Penn Township, York County

Dear Mr. Ammon:

I am writing on behalf of Hanover Foods Corporation ("HFC") in response to a notice of violation from the Department dated August 26, 2020 ("NOV"), addressed to our Cannery Plant Manager, Dave Still (I was copied as HFC's Environmental Manager). The NOV requested HFC's response within 45 days describing the cause of the alleged violations and the steps being taken to prevent recurrence of the violations along with a correction schedule.

As background, HFC's industrial wastewater treatment plant ("IWTP") treats food processing wastewater, the majority of which is discharged to Penn Township's wastewater treatment plant ("WWTP") in accordance with the separate industrial pretreatment permit from the Township. HFC's IWTP has two lagoons that are downstream in the treatment process from its anerobic digester. Process wastewater is treated in the digester first before settling in the lagoons and further treated by polishing ponds, clarifiers, UV treatment, and, for Lagoon 1, Penn Township's WWTP. Process wastewater is typically discharged from the digester into Lagoon 1, and then flows to Penn Township's WWTP for additional treatment. Depending on operating conditions, process water may be directed or transferred to Lagoon 2, but typical operations maximize flows to Penn Township's WWTP for additional treatment.

Lagoon 2 is used for non-contact cooling water and any additional process water (beyond the Township flow limits). Lagoon 2 discharges to Oil Creek under NPDES Permit No. 0044741. At

the time of the Department's inspection, operations were affected by the dredging of sludge from Lagoon 1, which occurred later this year than usual because of the unique circumstances of 2020. The dredging is performed as annual preventative maintenance and, while this was happening in late June and early July, process water was diverted to Lagoon 2. Due to ongoing work related to controlling the flow to Penn Township's WWTP that lasted into July, HFC did not begin refilling Lagoon 1 with process water again until July 8. At the time of the Department's inspection on July 9, the process water was continuing to flow into Lagoon 1 below normal levels. Lagoon 1 was returned to normal operations on July 13.

With this background in mind, our responses to each of the issues identified in the NOV are outlined below:

1. **PADEP NOV Allegation:** IWTP bioreactor #2 was not operating as designed. The Department observed that the bioreactor was operating at 93.39 degrees Fahrenheit while designed to operate at temperatures above 95 degrees Fahrenheit. Similar issues were noted during the Department's previous inspection on April 16, 2019.

   HFC Response: IWTP bioreactor #2 was operating within the design range of 85 to 95 degrees Fahrenheit. While 95 degrees Fahrenheit is optimum temperature at design loading rates, HFC's design engineer has indicated that temperatures as low as 85 degrees Fahrenheit can be utilized at lower-than-design loading rates. On July 8, we were operating well below the design loading rate. In any event, we are in the process of converting the fuel source in the boiler from digester gas/#2 fuel oil to digester gas/natural gas to enhance and maintain higher temperature in the anaerobic digester. HFC previously began working with its air consultant, engaging him on June 8, 2020 to address the conversion of the fuel source in the boiler from #2 fuel oil to natural gas. HFC submitted a request for determination (RFD) to this effect to the Department on August 7, 2020. The Department approved the RFD for the conversion of the IWTP boiler to natural gas without needing a plan approval on August 10, 2020. Currently, we are in the process of completing that conversion. Expected completion date is on or before November 30, 2020.

2. **PADEP NOV Allegation:** IWTP clarifiers #3 and #4 were not operating as designed. The Department observed rising sludge in the clarifiers and solids carryover into the clarifier effluent weirs, an indication that the solids are not properly wasted to from the IWTP and that the clarifiers were short-circuiting. Similar issues were noted during the Department's previous inspection on April 18, 2019.

   HFC Response: We did not observe short-circuiting. While the sludge density index was within optimal range (0.5-1), the waste activated sludge ("WAS") pump was batch

discharging solids to the slurry tank. The blanket height was higher than normal resulting in rising sludge and solids carryover to the weirs. We did not observe excessive solids in the clarifier effluent, and TSS concentration was below 100 mg/L.

To the extent the Department is concerned with these issues or other issues at the IWTP, HFC has also taken the following actions:

- Since May 2020, we have been working with a new chemical supplier to conduct a quarterly review to determine optimal dosages for the coagulant/flocculant with the fluctuating organic loadings to the digester. We have re-configured polymer injection at the clarifiers to allow for better solids settling.
- On July 20, 2020, we began feeding nitrifying bacteria into Lagoon 1 to enhance with the nitrification process.
- Since August 2020, we have been utilizing the surge tank to blend the varying organic loadings in the wastewater for steady-state operation.

We believe the actions above should address the Department's concerns. Thank you for your consideration. You may contact me any time at knavile@hanoverfoods.com.

Sincerely,

K. Navile

Kumar Navile
Manager - Environmental Affairs / Sustainability
Hanover Foods Corporation

cc: Stephanie Kleinfelter, Esq., HFC General Counsel
Dave Still, VP Canning Operations

ATTACHMENT G

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

July 9, 2019

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 9171 9690 0935 0215 9096 83

Mr. David Still
Hanover Foods Corporation
1486 York Street, PO Box 334
Hanover, PA 17331-0334

Re: Hanover Foods
NPDES Permit No. PA0044741
Penn Township, York County

Dear Mr. Still:

On April 28, 2019, the Department of Environmental Protection (Department) conducted an inspection of the Hanover Foods Industrial Wastewater Treatment Facility. During the inspection the following violation was noted:

The UV disinfection system was offline for Outfall 001. Failure to properly operate and maintain all facilities which are installed to achieve compliance is a violation of Part B.I.D of your NPDES Permit.

In addition, an administrative review of your DMR submissions determined the following:

Hanover Foods failed to submit the Annual Stormwater DMRs and associated Annual Inspection Form for the years of 2016, 2017 and 2018 for Outfalls 002 and 003. Failure to submit monitoring reports or properly complete monitoring reports is a violation of Part A III.B of your NPDES permit.

Please submit a written report to the Department within 10 days of receiving this letter explaining the cause and timeline of the UV system being offline and the measures taken to prevent future violations.

Also, please include in the report the reason why the Annual DMR and associated supplementals were not submitted.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions, please contact me at 717.503.7121 or arandecker@pa.gov.

Sincerely,

Austen Randecker

Austen Randecker
Clean Water Program

cc: File

ATTACHMENT H

pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

August 26, 2020

CERTIFIED MAIL NO. 7015 1520 0001 1255 6348

David Still
Plant Manager
Hanover Foods Corporation
1486 York Street
P.O. Box 334
Hanover, PA 17331

Re: Industrial Waste 3-A
Hanover Foods Industrial Wastewater Treatment Plant
NPDES Permit No. PA0044741
Penn Township, York County

Dear Mr. Still:

On July 9, 2020, the Department of Environmental Protection (Department) conducted an inspection of the Hanover Foods Industrial Wastewater Treatment Plant (IWTP). During the inspection the following violations were noted:

- IWTP bioreactor #2 was not operating as designed. The Department observed that the bioreactor was operating at 93.39 degrees Fahrenheit while designed to operate at temperatures above 95 degrees Fahrenheit. Similar issues were noted during the Department's previous inspection on April 18, 2019.

- IWTP clarifiers #3 and #4 were not operating as designed. The Department observed rising sludge in the clarifiers and solids carryover into the clarifier effluent weirs, an indication that the solids are not properly wasted to from the IWTP and that the clarifiers were short-circuiting. Similar issues were noted during the Department's previous inspection on April 18, 2019.

Part B.I.D of your NPDES Permit states "The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the

operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit."

Additionally, during the July 9, 2020 inspection the Department collected grab sample of the IWTP effluent. The laboratory results of the samples collected, when compared with your NPDES Permit No. PA 0044741, revealed the following Instantaneous Maximum violations:

Parameter	Permit Limits	Sample Results
Ammonia-Nitrogen	2.5 mg/L	16.75 mg/L

We request that you submit a report to this office within forty-five (45) calendar days of the date of this letter, describing the cause of the violations and the steps being taken to prevent recurrence of the violations along with a correction schedule.

A copy of the inspection report and sample results are attached for your records.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions, please contact me at 717.705.4775 or eammon@pa.gov .

Sincerely,

Erick M. Ammon
Environmental Protection Compliance Specialist
Clean Water Program

Cc: Mr. Kumar Navile, Hanover Foods (electronic cc, knavile@hanoverfoods.com)

Bcc: Janna Williams, Assistant Counsel (electronic bcc)
Victor Landis, Environmental Group Manager (electronic bcc)
File
T (via hard copy & electronic bcc)

DAVID STILL
1486 YORK STREET
P.O. BOX 334
HANOVER, PA 17331

Date of Issue: 08/11/2020 03:01:00

DEP Bureau of Laboratories - Harrisburg
P.O. Box 1467
2575 Interstate Drive
Harrisburg, PA 17105-1467

Contact Phone Number: (717) 346-7200

NELAP - accredited by

NJ DEP - Laboratory Number: PA059
PA DEP LAP - DEP Lab ID: 22-00223

Analytical Report For
Water Quality Protection

Sample ID: 2660 072 **Date Collected:** 07/09/2020 11:28:00 AM **Lab Sample ID:** B2020002191 **Status:** Completed

Name of Sample Collector: Austen Randecker
Date Received: 07/10/2020

County: NOT INDICATED **State:**
Municipality: NOT INDICATED

Location: NOT INDICATED
Reason: Routine Sampling
Project: NOT INDICATED
Standard Anlysis: B002
Matrix: Water

Stream Condition:

Sample Standard Comment: Holding time exceeded

Test Codes / CAS # - Description	Reported Results	Date And Time Analyzed	Approved by	Test Method
31616 Fecal Coliform	18 /100mL	07/10/2020 09:55 AM	AMFUHRMAN	SM 9222D

Analytical Report For
Water Quality Protection

Sample ID: 2660 072 **Date Collected:** 07/09/2020 11:28:00 AM **Lab Sample ID:** B2020002191 **Status:** Completed

The results of the analyses provided in this laboratory report relate only to the sample(s) identified therein. Unless otherwise noted, the results presented on this laboratory report meet all requirements of the 2016 TNI standard. Sample was in acceptable condition when received by the Laboratory. Any exceptions are noted in the report.
* denotes tests that the laboratory is not accredited for

U - Indicates analysis was performed for the test but it was not detected. The sample quantitation limit is reported.

J - Indicates an estimated value, reported between Reporting Limit (RL) and Minimum Detection Limit (MDL).

June Black, Technical Director, Bureau of Laboratories

Date of Issue: 08/11/2020 03:01:06

DEP Bureau of Laboratories - Harrisburg
P.O. Box 1467
2575 Interstate Drive
Harrisburg, PA 17105-1467

Contact Phone Number: (717) 346-7200

NELAP - accredited by

NJ DEP - Laboratory Number: PA059
PA DEP LAP - DEP Lab ID: 22-00223

Analytical Report For
Water Quality Protection

Sample ID: 2660 072 **Date Collected:** 07/09/2020 11:28:00 AM **Lab Sample ID:** I2020009471 **Status:** IN PROCESS

Name of Sample Collector: Austen Randecker
Date Received: 07/10/2020

County: NOT INDICATED **State:**
Municipality: NOT INDICATED

Location: NOT INDICATED
Reason: Routine Sampling
Project: NOT INDICATED
Standard Anlysis: 077
Matrix: Water

Stream Condition:

Test Codes / CAS # - Description	Reported Results	Date And Time Analyzed	Approved by	Test Method
00410 ALKALINITY AS CaCO3 @ pH 4.5	399.4 mg/L	07/10/2020 04:41 PM	MTUZINSKI	SM 2320B
00610A AMMONIA TOTAL AS NITROGEN	16.75 mg/L	07/24/2020 04:00 AM	MTUZINSKI	EPA 350.1
01027A CADMIUM, TOTAL (WATER & WASTE) BY ICP	<10.0 ug/L (U)	07/13/2020 09:38 AM	ATAPSOBA	EPA 200.7
00314 CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND 5 DAY	15.60 mg/L	07/10/2020 12:59 PM	JRONEMUS	SM 5210B
00080 COLOR, PLATINUM-COBALT	15 PT/C	07/10/2020 09:18 AM	JANJOHN	SM 2120B
00080P pH at Time Color is Observed	8.63 pH units	07/10/2020 09:18 AM	JANJOHN	SM 2120B
00625A Total Kjeldahl Nitrogen	20.68 mg/L	07/16/2020 01:45 PM	MBOTTS	EPA 351.2
00620A Total Nitrate Nitrogen-Colorimetric	0.81 mg/L	07/10/2020 11:04 AM	TBEAR	EPA 353.2

Analytical Report For
Water Quality Protection

Sample ID: 2660 072 **Date Collected:** 07/09/2020 11:28:00 AM **Lab Sample ID:** I2020009471 **Status:** IN PROCESS

Test Codes / CAS # - Description	Reported Results	Date And Time Analyzed	Approved by	Test Method
00615A Total Nitrite Nitrogen-Colorimetric	2.99 mg/L	07/10/2020 11:04 AM	TBEAR	EPA 353.2
00665A Total Phosphorus as P	0.757 mg/L	07/13/2020 11:07 PM	LBENT	EPA 365.1
00530V TOTAL SUSPENDED SOLIDS	29 mg/L	07/10/2020 11:17 PM	MARMANIOUS	USGS I-3765

The results of the analyses provided in this laboratory report relate only to the sample(s) identified therein. Unless otherwise noted, the results presented on this laboratory report meet all requirements of the 2016 TNI standard. Sample was in acceptable condition when received by the Laboratory. Any exceptions are noted in the report.
* denotes tests that the laboratory is not accredited for

U - Indicates analysis was performed for the test but it was not detected. The sample quantitation limit is reported.

J - Indicates an estimated value, reported between Reporting Limit (RL) and Minimum Detection Limit (MDL).

June Black, Technical Director, Bureau of Laboratories

ATTACHMENT I

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

December 29, 2020

Via Electronic Mail

David Still
Plant Manager
Hanover Foods Corporation
1486 York Street
P.O. Box 334
Hanover, PA 17331
dstill@hanoverfoods.com

Re: Industrial Waste 3-A
Hanover Foods Industrial Wastewater Treatment Plant
NPDES Permit No. PA0044741
Penn Township, York County

Dear Mr. Still:

Based upon a review of our records, including your electronic Discharge Monitoring Reports ("eDMRs") submitted for July through November 2020, a pattern of effluent violations is evident with respect to the limitations set forth in the Hanover Foods Corporation Industrial Wastewater Treatment Plant ("IWTP") NPDES Permit No. PA0044741. The monthly eDMR violations are included on pages 3 and 4 of this Notice of Violation ("NOV").

Additionally, a review of the Hanover Foods Corporation IWTP Chesapeake Bay nutrient monitoring data for the 2020 compliance year revealed the following violation of Part A.1.A of your NPDES Permit No. PA0044741:

Parameter		**Reported Value**	**Permit Limit**
Total Nitrogen	Total Annual Load	>32,539 lbs.	26,385 lbs.
Total Phosphorous	Total Annual Load	>1,936 lbs.	979 lbs.

The Department requests that Hanover Foods Corporation submit, for Department review and comment, a report prepared by a Pennsylvania Professional Engineer summarizing the cause of these violations and the condition and operability of the Hanover Foods Corporation IWTP. The report shall include all corrective steps necessary for the IWTP to comply with all terms and conditions of NPDES Permit No. PA0044741 and a schedule that provides for implementation of

the necessary steps and actions. **Please submit the requested report within sixty (60) calendar days of the date of this correspondence.**

We remind you that a discharge of industrial waste contrary to conditions of your permit constitutes a violation of Sections 301 and 307 of The Clean Streams Law, 35 P.S. §§ 691.301 and 691.307. Sections 602 and 605 of The Clean Streams Law, 35 P.S. §§ 691.602 and 691.605, establish criminal and civil penalty provisions respectively, with civil penalties ranging up to $10,000 per violation.

You have an obligation to operate and maintain your treatment facilities in accordance with the requirements set forth in your permit. Recognizing your on-going permit obligations as well as the liability for any accrued penalties, you are advised to promptly initiate corrective measures.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions, please contact me at 717.705.4775 or eammon@pa.gov .

Sincerely,

Erick M. Ammon
Environmental Protection Compliance Specialist
Clean Water Program

Cc: Mr. Kumar Navile, Hanover Foods (electronic cc, knavile@hanoverfoods.com)

Monthly eDMR violations submitted for July through November 2020.

DMR Month	Parameter		DMR Value	Permit Limit
July-20	Ammonia-Nitrogen	Average Monthly	3.6 mg/L	1 mg/L
July-20	Ammonia-Nitrogen	Daily Maximum	10.2 mg/L	2 mg/L
July-20	Ammonia-Nitrogen	Average Monthly	25 lbs/day	7 lbs/day
July-20	Ammonia-Nitrogen	Daily Maximum	67 lbs/day	14
July-20	CBOD5	Average Monthly	20.3 mg/L	10 mg/L
July-20	CBOD5	Daily Maximum	48.2 mg/L	15 mg/L
July-20	CBOD5	Average Monthly	170 lbs/day	70 lbs/day
July-20	CBOD5	Daily Maximum	461 lbs/day	105 lbs/day
July-20	TSS	Average Monthly	37 mg/L	30 mg/L
July-20	TSS	Average Monthly	310 lbs/day	210 lbs/day
July-20	TSS	Daily Maximum	506 lbs/day	420 lbs/day
August-20	Ammonia-Nitrogen	Average Monthly	< 1.821 mg/L	1 mg/L
August-20	Ammonia-Nitrogen	Daily Maximum	3.81 mg/L	2 mg/L
August-20	Ammonia-Nitrogen	Average Monthly	15 lbs/day	7 lbs/day
August-20	Ammonia-Nitrogen	Daily Maximum	35 lbs/day	14 lbs/day
August-20	CBOD5	Daily Maximum	49 mg/L	15 mg/L
August-20	CBOD5	Average Monthly	215 lbs/day	70 lbs/day
August-20	CBOD5	Daily Maximum	522 lbs/day	105 lbs/day
August-20	CBOD5	Average Monthly	24.3 mg/L	10 mg/L
August-20	TSS	Daily Maximum	448 lbs/day	420 lbs/day
September-20	Ammonia-Nitrogen	Average Monthly	< 1.92 mg/L	1 mg/L
September-20	Ammonia-Nitrogen	Daily Maximum	4.06 mg/L	2 mg/L
September-20	Ammonia-Nitrogen	Average Monthly	< 23.0 lbs/day	7 lbs/day
September-20	Ammonia-Nitrogen	Daily Maximum	53 lbs/day	14 lbs/day
September-20	CBOD5	Average Monthly	74 lbs/day	70 lbs/day
September-20	CBOD5	Daily Maximum	135 lbs/day	105 lbs/day
October-20	CBOD5	Average Monthly	35.8 mg/L	10 mg/L
October-20	CBOD5	Daily Maximum	135 mg/L	15 mg/L
October-20	CBOD5	Average Monthly	405 lbs/day	70 lbs/day
October-20	CBOD5	Daily Maximum	1634 lbs/day	105 lbs/day
October-20	Fecal Coliform	IMAX	26300 CFU/100 ml	10000 CFU/100 ml
October-20	Temperature	Daily Maximum	85ºF	76ºF
October-20	TSS	Average Monthly	78 mg/L	30 mg/L
October-20	TSS	Daily Maximum	174 mg/L	60 mg/L
October-20	TSS	Average Monthly	861 lbs/day	210 lbs/day
October-20	TSS	Daily Maximum	2106 lbs/day	420 lbs/day
November-20	CBOD5	Average Monthly	18.5 mg/L	18 mg/L
November-20	CBOD5	Daily Maximum	52.6 mg/L	27 mg/L
November-20	CBOD5	Average Monthly	138 lbs/day	126 lbs/day
November-20	CBOD5	Daily Maximum	310 lbs/day	189 lbs/day
November-20	Dissolved Oxygen	Minimum	4 mg/L	5 mg/L
November-20	Temperature	Daily Maximum	84ºF	69ºF
November-20	Temperature	Daily Maximum	86ºF	59ºF
November-20	TSS	Average Monthly	46 mg/L	30 mg/L
November-20	TSS	Daily Maximum	80 mg/L	60 mg/L
November-20	TSS	Average Monthly	348 lbs/day	210 lbs/day
November-20	TSS	Daily Maximum	759 lbs/day	420 lbs/day

ATTACHMENT J

3800-FM-BPNPSM0168A 9/2012

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

NPDES COMPLIANCE INSPECTION REPORT

NPDES Permit No.	Mo/Day/Yr	Entry Time	Exit Time	Inspection Type	eFACTS Inspection ID
PA0044741	1/28/2021			CBAY	3145393

Facility Name:	Permittee Name:
Hanover Foods Corporation	Hanover Foods Corporation

Physical Location/Directions:	Permit Expiration Date:
PO Box 334, 1550 York St., Hanover, PA 17331-0334	

Municipality:	County:	Permit Renewal Application Due:
Penn Township	York	

Facility Type: ☐ Sewage ■ Industrial Waste ■ Industrial Stormwater ☐ Other:
☐ Major ☐ Minor

Responsible Person: Kumar Navile	Certified Operator Required: ☐ Yes ☐ No
Title: Manager of Environmental Affairs and Sustainability	Certified Operator in Responsible Charge:
Permittee Address: PO Box 334, 1486 York St., Hanover, PA 17331-0334	Client ID: Class-Subclass(es): Circuit Rider: ☐ Yes ☐ No
Business Phone: 717-632-6000 Fax: Email: knavile@hanoverfoods.com	Business Phone: Cell: Email:

24-Hour Emergency Contact Person / Phone: Kumar Navile/717-632-6000

VIOLATIONS: (list below) ☐ Yes ■ No ☐ Pending Sample Results

*Violations will remain in PADEP eDMR/GreenPort systems and EPA ICIS until HFC revises the 2020 CBAY annual report to indicate the Net annual loading (after credits/offsets are applied) rather than the Total (gross) annual loadings for TN & TP.

Person Interviewed:	Date:	Inspector:	Date:
Kumar Navile	1/28/2021	Brandon Bettinger	2/9/2021
Signature: Sent electronically	Phone No.: 717-632-6000	Inspector Signature: Brandon Bettinger	Phone No.: 717-503-7551
Title: Manager of Environmental Affairs and Sustainability		Title: Water Quality Specialist	
Email: knavile@hanoverfoods.com		Email: bbettinger@pa.gov	

This document is official notification that a representative of the Department of Environmental Protection inspected the above facility. The findings of this inspection are shown above and on any attached pages. Any violations which were noted during the inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses of the discharge and review of Department records.

Date: 1/28/2021

Permit No.: PA0044741

☐ White – Regional Office ☐ Yellow – Responsible Person ☐ Pink - Inspector

NPDES COMPLIANCE INSPECTION REPORT

Comments

An Administrative Review of Hanover Foods Corporation Chesapeake Bay nutrient monitoring, for the compliance year 2019-2020, was conducted.

The facility used the Chesapeake Bay Supplemental Report of Annual Nutrient Monitoring version 2.2 which was submitted on 11-20-2020.

Permit No. PA0044741 requires sampling for Total Phosphorus (TP), Nitrite-Nitrate, (NO2+NO3), Ammonia-Nitrogen (NH3), and Total Kjeldahl Nitrogen (TKN) twice per week. A review of the Discharge Monitoring Reports (DMR) for water year 2019-2020 documents that the facility conducted sampling as required by the permit.

The facility's TP annual total mass load of <1936 pounds exceeded their permit TP cap load limit of 979 pounds. The facility was brought into compliance by purchasing 959 pounds of Phosphorus with 418 nutrient credits using Registration ID No. 1269. DEP approval date was 11-20-2020.

The facility's TN annual total mass load of <32539 pounds exceeded their permit TN cap load limit of 26385 pounds. The facility was brought into compliance by purchasing 6154 pounds of Nitrogen with 5914 nutrient credits using Registration ID No. 1269. DEP approval date was 11-20-2020.

Hanover Foods Corporation tracked their nutrient credit purchases on the Annual Nutrient Budget form within the Annual Chesapeake Bay Nutrient Monitoring spreadsheet. The facility did not complete the required nutrient tracking supplemental forms or include the Net Loadings (after nutrient credits were applied) on their eDMR submissions.

A review of three months of laboratory results from LABs, Inc. and eDMR documentation was completed with no discrepancies. However, the facility was missing flow data and daily grab sample results for the following dates: 7/3, 7/4, 7/26, 8/2, 8/9, 8/30, 9/7, 9/13, 9/20, 9/27.

Recommendations:
Recommend completing and submitting the required nutrient tracking supplemental forms within 30 calendar days upon receipt of this report.

ATTACHMENT K

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

NPDES COMPLIANCE INSPECTION REPORT

NPDES Permit No.	Mo/Day/Yr	Entry Time	Exit Time	Inspection Type	eFACTS Inspection ID
PA0044741	02/04/2021	09:00	14:00	RTNC	3146038

Facility Name: Hanover Foods Corporation	Permittee Name: Mr. Donald Herr
Physical Location/Directions: 1486 York Street. Hanover, PA 17331	Permit Expiration Date: September 30, 2020
Municipality: Penn Township	County: York
	Permit Renewal Application Due: In renewal

Facility Type: ☐ Sewage ☒ Industrial Waste ☒ Industrial Stormwater ☐ Other:
☐ Major ☒ Minor

Responsible Person: Mr. David Still	Certified Operator Required: ☐ Yes ☒ No
Title: Plant Manager / VP of Operations	Certified Operator in Responsible Charge: Eric Eckersly (IWTP Operator)
Permittee Address: 1486 York Street, P.O. Box 334, Hanover, PA 17331	Client ID: Class-Subclass(es): Circuit Rider: ☐ Yes ☐ No
Business Phone: 717.632.6000 Fax: E mail: dstill@hanoverfoods.com	Business Phone: 717.632.6000 x 1214 Fax: Email: eeckersly@hanoverfoods.com

24-Hour Emergency Contact Person / Phone: Kumar Navile, Manager - Envt'l Affairs & Sustainability, (O) 717.633.3957

VIOLATIONS: (list below) ☒ Yes ☐ No ☐ Pending Sample Results

Discharge of turbid and inadequately treated IWTP effluent to Oil Creek resulting in growth/accumulation of sphaerotilus-type bacterial colonies on stream substrate at IWPT outfall DP001, and in areas downstream of outfall DP001, is a violation of Sections 301 and 307 of the Clean Streams Law, 35 P.S. §§ 691.301 and 691.307 and your NPDES Permit.

Short circuiting, rising sludge, and solids discharge from IWTP clarifiers #3 & #4 are a violation of Part B.I.D of your NPDES Permit No. PA0044741. Failure to properly operate and maintain all facilities which are installed or used by the permittee to achieve compliance

Person Interviewed: Mr. Kumar Navile	Date: 2/4/2021	Inspector: Erick M Ammon	Date: 2/4/2021
Signature:	Phone No.: 717.633.3957	Inspector Signature:	Phone No.: 717.705.4775
Title: Manager-Environmental Affairs & Sustainability		Title: Environmental Protection Compliance Specialist	
Email: knavile@hanoverfoods.com		Email: eammon@pa.gov	

This document is official notification that a representative of the Department of Environmental Protection inspected the above facility. The findings of this inspection are shown above and on any attached pages. Any violations which were noted during the inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses of the discharge and review of Department records.

☐ White – Regional Office ☐ Yellow – Responsible Person ☐ Pink – Inspector

NPDES COMPLIANCE INSPECTION REPORT

Comments

Inspection of Hanover Foods Industrial Wastewater Treatment Plant (IWTP) today with EPA and JG Environmental (EPA contractor). Onsite with Mr. Jake Albright (JG Environmental), Ms. Amanda Pruzinsky and Shawn McAleer (US EPA Region 3, Water Branch, Enforcement and Compliance Division). Met onsite by Mr. Kumar Navile and Mr. David Still (Hanover Foods facility staff).

Opening conference and discussion of EPA's facility inspection targets and document review.

During the opening conference, Mr. Navile and Mr. Still provided a summary of the current operational challenges at the facility due to changes in product sales (more retail, less commercial) during the COVID-19 pandemic. During "normal operations" the facility is in production for 5 days per week and the increased retail sales has resulted in the facility in production 7 days a week to meet demand. As a result, the facility is currently producing more process wastewater and NCCW when compared to "normal" operation. This increase in the quantity of process wastewater and NCCW has created operational challenges at the IWTP that complies with the final effluent limits set in the NPDES Permit.

Toured IWTP with Mr. Navile and Mr. Eric Eckersly (IWTP Operator) and noted operation and maintenance concerns:

1) Non-Contact Cooling Water (NCCW) flow metering pit was flooded. I noted the accumulation of a fats/oils/grease rim within the manway lid for the pit and above the current level of the water in the pit. This is an indication that the level of the water in the pit fluctuates and may overflow to the surface of the ground. No active overflow from the put but the snow in the area of the metering vault was melted.
2) The #1 Digester and #1 & #2 Clarifiers (old treatment units) were offline. Mr. Still noted that staff are determining the capital investment projects required to rehab/repair the #1 digester and bring it back into operation. The facility attempted to bring the #1 Digester online to provide treatment during the current period of higher production and increased wastewater flows, but the treatment unit was inefficient and resulted in elevated ammonia in the wastewater. The mechanical components of #1 Digester can be placed into service but the fixed-film biota has been underloaded since the all IWTP influent flow was routed to #2 Digester and #1 Digester was placed into an internal-recycle phase (2019?).
3) Facility staff noted that current operating parameters of the #2 Digester (Hydraulic retention time and operating temperatures) were sub-optimal and may be outside the design specifications of the treatment unit. Several small cracks were observed in the outer coating on Digester #2
4) Solids bulking and carryover in IWTP clarifiers 3 & 4 (new construction) to Lagoon #1. Facility staff noted current operational challenges and solids carryover is due to inability to equally load Clarifiers #3 & #4 from Digester #2 and/or waste solids. Supplemental wasting hoses have been used to remove more solids from #3 clarifier.
5) Facultative Lagoon #1 (process wastewater) flows to Lagoon #2 are not currently monitored for quality or quantity. The flows from Lagoon #1 to #2 represent the balance of process wastewater flows that are not sent to Penn Township for treatment. The facility may determine that flows from Lagoon #1 to Lagoon #2 after calculation (IWTP influent flows minus Penn Twp. industrial pretreatment flows) but this is not reported in the monthly Discharge Monitoring Reports (DMRs).
6) UV disinfection treatment unit general alarm indicator light was active. Several indicator lights on the operational bank of bulbs (1 of 7) were active. Dose indicated at time of inspection appeared to be ~2 μw/cm2/s.
7) Facility was collecting 24-hour effluent composite sample at time of inspection. Brown colored suspended solids were observed in the sampler intake tubing and within the refrigerated sampler dewar/collection bottle.
8) Discharge from facultative Lagoon #2, polishing ponds, and IWTP outfall DP002 appeared turbid with brown tint and visible suspended solids. The discharge from IWTP outfall DP001 created a visible difference in water quality in Oil Creek to area approximately 20 meters downstream. A dusting of brown colored solids and accumulations of sphaerotilus-type bacterial colonies were observed on the stream substrate at IWTP outfall DP001 and were visible in stream to approximately 10-20 meters downstream. Stream substrate upstream from IWTP outfall DP001 appeared clean and free of solids or sphaerotilus-type bacterial colonies.

During the closing conference PADEP discussed its concerns regarding the IWTP effluent quality and solids/bacterial accumulations in Oil Creek with Mr. Still and Mr. Navile.

Photos

Photo by Erick M Ammon. Photograph (1/6) of turbid, brown colored, effluent discharge from Hanover Foods Corporation IWTP outfall DP001 to Oil Creek.

Photo by Erick M Ammon. Photograph (2/6) of turbid flow in Oil Creek at Hanover Foods Corporation IWTP outfall DP001. IWTP outfall DP001 at left-center of photo. Note sphaerotilus-type bacterial colonies at bottom of photo.

Photos

Photo by Erick M Ammon. Photograph (3/6) of sphaerotilus-type bacterial colonies and accumulation of brown-colored solids on stream substrate in Oil Creek. Picture taken approximately 3 meters downstream from IWTP outfall

Photo by Erick M Ammon. Photograph (4/6) looking downstream from photograph 3/6. Turbid stream flow and solids accumulation on stream substrate observed.

Photos

Photo by Erick M Ammon. Photograph (5/6) shows turbid flow in Oil Creek downstream from Hanover Foods Corporation IWTP outfall 001 discharge. Photo collected approximately 10 meters downstream from outfall location.

Photo by Erick M Ammon. Photograph (6/6) looking upstream from Hanover Foods Corporation IWTP outfall 001 to Oil Creek. Flow in Oil Creek upstream of IWTP outfall 001 appeared clear with no observed solids accumulations.

ATTACHMENT L

PENN TOWNSHIP WASTEWATER TREATMENT PLANT

INDUSTRIAL WASTEWATER DISCHARGE PERMIT

PERMIT NO. **2021-4**

ISSUED TO: **HANOVER FOODS CORPORATION**

Pursuant to 40CFR Part 403.3 (t) (1) (ii) the above mentioned Industry is considered a Significant Industrial User.

Effluent limitations and monitoring requirements for discharge.

A. During the Period beginning 01-01-2021 and lasting through 12-31-2025 the permittee is authorized to discharge industrial wastewater from the facility as identified in this permit.

The following limitations and monitoring requirements as outlined in this permit shall apply to said industrial wastewater discharge.

The quality of effluent shall be limited at all times as specified in this permit and shall conform to all wastewater discharge limitations as set forth in the Ordinances adopted by Penn Township pertaining to any use of the wastewater system.

Hanover Foods Corporation

MONITORING SCHEDULE

Laboratory analysis shall be performed on the following parameters and monitored as described below:

PARAMETER	FREQUENCY	SAMPLE TYPE
BOD	1/Week	24/C
TSS	1/Week	24/C
Ammonia Nitrogen	1/Week	24/C
Phosphorus	1/Week	24/C
pH	1/Week	Grab
Oil and Grease	2/Annually	Grab
Copper	2/Annually	24/C
Lead	2/Annually	24/C
Mercury	2/Annually	24/C
Silver	2/Annually	24/C
Zinc	2/Annually	24/C

All samples collection containers, preservation techniques, holding times and test procedures shall be in accordance with 40CFR Part 136.

Samples shall be collected at the sampling location as designated on the flow schematic and identified as sample location #001. Samples shall be stored in a refrigerated automatic sampling device unless otherwise approved by the Township. All sampling equipment shall be cleaned and maintained on a routine schedule by the Permittee to the reasonable satisfaction of the Township. Path to sampler and sampler shall be kept clear at all times to insure safe access and efficient operation. The sample device and location shall be approved by the Township.

Sampling shall be conducted by the Township in lieu of Industrial User self monitoring but shall be at the expense of the Industrial User.

For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:

1) The exact place, date, time of sampling and whom took the sample.

2) The dates the analyses were performed.

3) The person(s) who performed the analyses.

4) The analytical techniques or methods used.

5) The results of all analyses.

6) Daily flow for period sampled.

Analysis shall be performed by an independent commercial laboratory. The results of **ANY** samples collected at the designated sampling location and analyzed in accordance with 40CFR part 136 shall be forwarded by the laboratory performing the analysis to the Township **WITHIN 3 WEEKS** of the sampling date.

Discharge Monitoring Reports must be sent to the Township at the following address:

Penn Township
20 Wayne Avenue
Hanover, PA 17331

If sampling performed by an Industrial User indicates a violation, the user shall notify the POTW within 24 hours of becoming aware of the violation, and repeat the sampling and analysis and submit the results within 30 days after becoming aware of the violation. [403.12(g)(2)]

All Industrial user reports must be signed by a proper industrial representative and contain the certification statement found in 40 CFR part 403.6(a)(2)(ii)[403.12(1)]

All Industrial Users shall as required by 40 CFR 403.12(j) notify the POTW in advance of any substantial change in the volume or character of pollutants in the discharge. "Substantial" refers to +/- 20 percent. All Industrial Users shall notify the POTW as required in 40 CFR part 403.12(p) if it discharges into the POTW a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. All Industrial Users are also required per 40CFR 403.12(f) to notify the POTW immediately of all discharges that could cause problems to the POTW, including slug loading by the Industrial User.

All sampling data reported by the Industrial User must be representative of conditions occurring during the reporting period. [403.12(g)(3)]

The Township reserves the right to adjust the frequency of monitoring or to require additional testing of the industrial discharge, if unreported violations are suspected, or for the screening of suspect pollutants.

The Township can perform random sampling and analysis of the Industrial Users waste discharge to compare to the analysis submitted to the Township by the discharger. The Township shall use the average of the analysis, if possible to calculate a surcharge, whereas if there is a difference of 15% plus or minus in the analysis, the highest result will be used in the calculation.

Permittee may be required to install and keep operational a metering device to measure the effluent flow on a twenty-four hour basis, the meter shall incorporate a chart recorder. Such a device shall be placed in a location as to monitor the flow from the wastewater treatment facility. The flow meter shall be calibrated on a 6 month basis with verification of accuracy provided by the calibrator with a copy sent to the Township. Permittee shall insure that during all sampling the flow is recorded at the time of sampling and during the entire sampling period.

Permittee will make available to Penn Township the following items: (If not already provided)

A. An updated sketch of the location of all wastewater effluent lines that flow into the publicly owned sewer system.

B. A detailed description and appropriate sketches of pretreatment facilities, including operating data. The sketch, of which will become a permanent part of this permit, shall show the sampling point.

C. An access key to the sampler and area where the sampler is located unless area and sampler will be accessible on a twenty-four hour basis.

Permittee will submit to Penn Township, in the form of a Semi-Annual report the following information structured in a spreadsheet format.

A. The results of every sample taken and analyzed at the designated sampling location for all parameters during the report period. The minimum, maximum and average values of all parameters. Daily average flow and total flow (gallons) discharged to the Township WWTP

B. Number of production days if applicable.

C. Any intentional or unintentional discharge violations occurring during the calendar year.

D. A brief description of any planned operational changes that may affect the industrial discharge characteristics.

This report must be submitted to the Township no later than July 15th and January 15th of each year. The last report of the year ending must include a compilation of the previous (6) months of that year.

EMERGENCY NOTIFICATION AND REPORTS

In the case of a spill or slug discharge, or any discharge that may cause potential problems for the POTW, it is the responsibility of the user to immediately telephone and notify the Pretreatment Coordinator of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken by the user.

Within five (5) days following such discharge, the user shall, unless waived by the Pretreatment Coordinator, submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to mitigate and prevent any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW or aquatic life or any other damages to person or property. Such report shall not relieve the user of any fines, civil penalties, or other liability which may be

imposed by this article or other applicable law. This written report shall be signed by an authorized representative of the user.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause such a dangerous discharge to occur, are advised of the emergency notification procedures.

SPILLS & SLUG LOADINGS CONTROL PLAN

At least once every two (2) years, all significant industrial users are required to evaluate the need to develop a Spill and Slug Discharge Control Plan and submit the evaluation in writing to the Township. The Pretreatment Coordinator will determine whether the IU will be required to develop a spill and slug loading control plan. In addition, any user may be required to develop a plan. A plan must address the facilities to be provided and maintained at the user's expense to prevent spills or slug discharges of prohibited materials. Detailed plans showing these facilities and operating procedures to provide this protection shall be submitted to the Pretreatment Coordinator for review and approval by the Township before construction may begin. A spill and slug loading control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Township of any spill or slug discharge, as required by Section 4.6.8 of the Townships Pretreatment ordinance.

D. Procedures to prevent adverse impact from any spill or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, and/or measures and equipment for emergency response.

Treatment Upsets

For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Standards if the requirements below are met. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the user can identify the cause(s) of the upset;

b. The facility was at the time being operated in a prudent and professional manner and in compliance with applicable operation and maintenance procedures;

c. The user has submitted the following information to the Pretreatment Coordinator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days.

   1. A description of the indirect discharge and cause of noncompliance;

   2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

   3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof. A user will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Standards.
The user shall control production of all discharges to the extent necessary to maintain compliance with Categorical Standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

7.2 Treatment Bypasses

Bypass means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the conditions contained in this section.

If a user knows in advance of the need for a bypass, it shall submit prior notice to the pretreatment coordinator, if possible at least ten days before the date of the bypass.

A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the PC within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Township may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

Bypass is prohibited, and the Township may take enforcement action against a user, unless all of the following conditions are met:

a. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage, which is defined as substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;

b. There is no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater, or maintenance during normal periods of equipment downtime;

   This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

c. The user properly notifies the Pretreatment Coordinator as described in this section.

The Township may approve an anticipated bypass, after considering its adverse effects, if the Township determines that it will meet the three conditions listed above.

MANAGEMENT REQUIREMENTS

A. Change in Discharge

All discharges authorized herein shall be consistent with terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such a violation shall result in the imposition of penalties as provided for in the Township Ordinances and the Penn Township Code. Facility changes that increase the discharge must be reported to the Township 45 days prior to change, and this permit then will be modified or re-issued to reflect such changes. Any anticipated change in the facility discharge must be reported to the permitting authority.

B. Permit Modification

After notice and opportunity of a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for causes including, but not limited to, the following:

1) Violation of any terms or conditions of this permit.

2) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.

3) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

4) Information newly-acquired by Penn Township.

5) A change in applicable water quality standards or treatment requirements.

6) Any changes in State or Federal regulations or changes in the treatment process that require either a temporary or permanent reduction or elimination of the permitted discharge.

C. Right of Entry

The Permittee shall allow the Township and/or its authorized representatives, upon the presentation of credentials:

1) To enter upon the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit.

2) To have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit.

3) To inspect at reasonable times any monitoring equipment or monitoring method required in this permit.

4) To sample any discharge of pollutants.

D. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property, invasion of personal rights, or any infringement of Federal, State, or local laws or regulations, nor does it authorize or approve the construction of any on-shore or off-shore physical structures or facilities or the undertaking of any work in any navigable waters.

E. Availability of Reports

Except for data determined to be confidential, all required reports shall be available for public inspection at the Penn Township Wastewater Treatment Facility.

F. Facility Operation and Quality Control

All waste collection, control, treatment and disposal facilities shall be operated in a manner consistent with the following:

1) At all times, all facilities shall be operated as efficiently as possible in a manner which will minimize upsets and discharges of excessive pollutants.

2) The Permittee shall provide an adequate operating staff which is fully qualified to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

3) Permittee shall notify Penn Township immediately of any planned or unplanned discharge of waste of a strength or character unusual for the Permittee or in violation of the permit.

G. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the Permittee from civil or criminal penalties for non-compliance.

Administrative Fines

Any Industrial User who is found to have violated, or continues to violate, any pretreatment standard or requirement, any provision, and the orders, rules, regulations, and permits issued hereunder, may be fined by the Pretreatment Coordinator an amount not to exceed Twenty-Five Thousand Dollars ($25,000.00) for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In the case of monthly or other long term average discharge limit violations, fines shall be assessed for each day during the period of violation.

Civil Penalties

Any Industrial User who has violated or continues to violate the orders, rules, regulations, and permits issued hereunder, shall be liable to the Township for a civil penalty of not more than Twenty-Five Thousand Dollars ($25,000.00) plus actual damages incurred by the Township per violation per day as the violation continues. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

Criminal Penalties

In addition to any other remedies for non-compliance set forth by Township ordinance, or under any federal or state law or regulation, the Township shall have the right to institute criminal prosecution for violation of any provision of this permit. Procedures to be filed and penalties imposed as a result of such criminal proceedings shall be as permitted or required by law for the violation of Township ordinance generally, and penalties imposed as a result of conviction of violation of this permit shall be those penalties provided in the Code of Penn Township, providing for a fine of $1,000.00 or, upon default of payment of such fine, imprisonment for not more than thirty (30) days.

H. Solids Disposal

Collected screenings, slurries, sludges, and other solids shall be disposed of in accordance with local, State and Federal law.

I. Permit Transfer

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without written approval of the Pretreatment Coordinator.

The Permittee must give at least (30) days advance notice to the Pretreatment Coordinator. The notice to the Pretreatment Coordinator must include a written notarized certification by the new owner or operator which:

1) States that the new owner and/or operator has no immediate intent to change the facility's operations or processes;

2) Identifies the specific date on which the transfer is to occur; and acknowledges full responsibility for complying with the existing permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of the facility transfer.

J. Severability

The provisions of the permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, and the remainder of this permit, shall not be affected thereby.

This permit does not relieve the Permittee of any limits or requirements of local, State or Federal Law. Where such law may impose more stringent requirements or additional requirements then these shall be part of the permit whether stated or not.

K. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records and analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained on site for a minimum of three (3) years.

DEFINITIONS

1) Average Monthly Flow - The arithmetic mean of daily flow measurements taken during a calendar month.

2) "Monthly Average" - effluent concentration means the arithmetic average of all the daily determinations of concentration made during a calendar month. When grab samples are used, the determination of the concentration shall be the arithmetic average of all the samples collected during that calendar month.

3) "Weekly Average" - effluent concentration means the arithmetic average of all the daily determinations of concentration made during a calendar week. When grab samples are used, the weekly determination of concentration shall be the arithmetic average of all samples collected during that calendar week.

4) "Instantaneous Maximum" - concentration means the concentration not to be exceeded at any time in grab sample.

5) "Grab Sample" - An individual sample collected in less than 15 minutes.

6) "Daily Maximum Limitations" - The maximum allowable discharge of pollutants during a 24 hour period. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Pollutants included in TTO'S

acenaphthene
acrolein
acrylonitrile
benzene
benzidine
carbon tetrachloride
chlorobenzene
1,2,4-trichlorobenzene
hexachlorobenzene
1,2-dichloroethane
1,1,1-trichloroethane
hexachloroethane
1,1-dichloroethane
1,1,2-trichloroethane
1,1,2,2-tetrachloroethane
chloroethane
bis (2-chloroethyl) ether
2-chloroethyl vinyl ether (mixed)
2-chloronaphthalene
2,4,6-trichlorophenol
parachlorometa cresol
chloroform (trichloromethane)
2-chlorophenol
1,2-dichlorobeneze
1,3-dichlorobenzene
1,4-dichlorobenzene
3,3-dichlorobenzidine
1,1-dichloroethylene
4-nitrophenol
2,4-dinitrophenol
4,6-dinitro-o-cresol
N-nitrosodimethylamine
N-nitrosodiphenylamine
N-nitrosodi-n-propylamine
pentachlorophenol
phenol
1,2-trans-dichloroethylene
2,4-dichlorophenol
1,2-dichloropropane
1,2-dichloropropylene
(1.3-dichloropropene)
2,4-dimethylphenol
2,4-dinitrotoluene
2,6-dinitrotoluene
1,2-diphenylhydrazine
ethylbenzene
fluoranthene
4-chlorophenyl phenyl ether
4-bromophenyl phenyl ether
bis(2-chlorisopropyl) ether
bis (2-chloroethoxy) methane
methlylen chloride
(dichloromethane) methl chlorid
(chloromethane)
methyl bromide (bromomethane)
bromoform (tribromomethane)
dichlorobromethane
chlorodibromomethane
hexachlorobutadiene
hexachlorovyvlopentadiene
isphorne
naphthalene
nitrobenzene
nitrophenol
vinyl chloride (chloroethylene)
aldrin
dieldrin
chlordane (technical mixture &
metabolites)
4,4'-DDT
4,4'-DDE (p,p'-DDX)
4,4'-DDE (p,p'-TDE)

bis (2-ethylhexyl) phthalate
butyl benzyl phthalate
di-n-butyl phthalate
di-n-octyl phthalate
diethyl phthalate
dimethyl phthalate
benzo (a) anthracene
(1,2-benzanthracene)
benzo (a) pyrene
(3,4-benzopyrene) 3,4-benzofluoranthene
benzo (k) fluranthane
(11,12-benzofluranthene)
chrysene
acenaphthylene
anthracene
benzo (ghi) perylene
(1,12-benzoperylene)
fluorene
phenanthrene
dibenzo (a,h) anthracene
dibenzanthracene)
indeno (1,2,3-cd) pyrene
(2,3-o-phenylenepyrene)
pyrene
tetrachloroethylene
toluene
trichloroethylene

Alpha-endosufan
Beta-endosulfan
endosulfan sulfate
endrin
endrin aldehyde
heptachlor
heptachlor epoxide
Alpha-BHC
Beta-BHC
Gamma-BHC (lindane)
Delta-BHC
PCB-1242 (Arochlor 1242)
PCB-1254 (Arochlor 1254)
PCB-1221 (Arochlor 1221)
PCB-1232 (Arochlor 1232)
PCB-1248 (Arochlor 1248)
PCB-1260 (Arochlor 1260)
PCB-1016 (Arochlor 1016)
toxaphene
2,3,7,8-tetrachlorodibenzo-p-dioxin (1,2,5,6-
(TCDD)

GENERAL DISCHARGE PROHIBITIONS

No user may contribute or cause to be contributed the following substances into the POTW:

A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion, or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which is a fire or a hazard to the system.

B. Pollutants which may cause corrosive structural damage to the POTW. The wastewater pH shall not be less than 5.0 nor more than 11.0 in the user's discharge to the POTW.

C. Solids greater than one-half inch (1/2") in any dimension, or any solid or viscous substance which may cause obstruction to the flow in the POTW resulting in interference.

Prohibited materials include, but are limited to: garbage, offal, manure, ashes, cinders, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains and hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud glass grinding or polishing wastes.

D. Any pollutants, including oxygen demanding pollutants (BOD5, etc.) released at a flow rate and/or pollutant concentration which cause interference to the POTW. In no case shall a wasteload have a flow rate or contain concentrations or qualities of pollutants that exceed for any time period longer than 15 minutes, more than five (5) times the average 24-hour concentration, quantities, or flow during normal operation, unless otherwise authorized in writing by the Pretreatment Coordinator.

E. Any wastewater having a temperature which will inhibit biological activity in the Township's treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the POTW to exceed 104 degrees F (40 degrees C).

F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.

G. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quality that may cause acute worker health and safety problems.

H. Hauled or trucked waste unless authorized by the Pretreatment Coordinator and only at designated discharge points.

I. Any noxious or malodorous liquid, gases, or solids, which either singly of by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance or repair.

J. Any wastewater which imparts color which cannot be removed by the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the Township's NPDES Permit, color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration except in compliance with applicable State or Federal regulations.

L. Storm water, surface, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, noncontact cooling water, condensate, unpolluted industrial or nonresidential process water, unless specifically authorized in writing by the Pretreatment Coordinator.

The discharge of cooling water from air conditioning units with cooling towers or recirculating systems or from air conditioning units using flow-through or unrecirculating systems is prohibited. The sanitary sewers are not designed to handle the cooling water volumes produced by air conditioning units. Cooling water, free from bacteria and harmful chemicals should be drained into storm sewers in accordance with State and federal requirements.

M. Any residue, including biosolids, chemical sludges or screenings from the pretreatment of industrial wastes.

N. Medical wastes, except as specifically authorized by the Pretreatment Coordinator in a wastewater discharge permit.

O. Any wastewater containing pollutants in sufficient quality which, either singly or by interaction with other pollutants may create a toxic effect in the receiving waters of the POTW, cause the plant effluent to fail a toxicity test, or exceeds the limitations set forth in a National Categorical Pretreatment Standard. A toxic pollutant shall include, but not limited to, any pollutant identified pursuant to Section 307 (a) of the Clean Water Act.

P. Detergents, surface-active agents, or other substances in sufficient quantities which causes excessive foaming in the POTW.

Q. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation or reuse, or interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

HANOVER FOODS CORPORATION

SPECIFIC

OID limits

DISCHARGE LIMITS

Parameter	Daily Maximum Load in Pounds Per Day
BOD	1500
TSS	4000
Ammonia Nitrogen	225
Phosphorus	115
Oil & Grease	400
Copper	1.0
Lead	.09
Mercury	.001
Silver	.75
Zinc	2.0
pH 5.0 – 11.0 S.U.	

SURCHARGE LIMITS

The following parameters shall be used to calculate a surcharge to your sewer bill if the limit exceeds those listed below.

Parameter	Monthly Average
Biochemical Oxygen Demand (BOD)	300 mg/L
Total Suspended Solids (TSS)	300 mg/L
Ammonia Nitrogen (NH3)	40 mg/L
Phosphorus	13 mg/L

The discharge of wastewater from the facility shall not exceed an average monthly flow of 450,000 gallons per day or a peak maximum daily flow of 700,000 gallons per day.

New limits

HANOVER FOODS CORPORATION

SPECIFIC

DISCHARGE LIMITS

Parameter	Daily Maximum Load in Pounds Per Day
BOD	2,300
TSS	4000
Ammonia Nitrogen	225
Phosphorus	115
Oil & Grease	400
Copper	1.0
Lead	.09
Mercury	.001
Silver	.75
Zinc	2.0
pH	5.0 – 11.0 S.U.

SURCHARGE LIMITS

The following parameters shall be used to calculate a surcharge to your sewer bill if the limit exceeds those listed below.

Parameter	Monthly Average
Biochemical Oxygen Demand (BOD)	300 mg/L
Total Suspended Solids (TSS)	300 mg/L
Ammonia Nitrogen (NH3)	40 mg/L
Phosphorus	13 mg/L

The discharge of wastewater from the facility shall not exceed an average monthly flow of 450,000 gallons per day or a peak maximum daily flow of 700,000 gallons per day.

ATTACHMENT M

PENN TOWNSHIP WATEWATER TREATMENT PLANT

INDUSTRIAL WASTEWATER DISCHARGE PERMIT

PERMIT NO. **2016-4**

ISSUED TO: **HANOVER FOODS CORPORATION**

Pursuant to 40CFR Part 403.3 (t) (1) (ii) the above mentioned Industry is considered a Significant Industrial User.

Effluent limitations and monitoring requirements for discharge.

A. During the Period beginning 01-01-2016 and lasting through 12-31-2020 the permittee is authorized to discharge industrial wastewater from the facility as identified in this permit.

The following limitations and monitoring requirements as outlined in this permit shall apply to said industrial wastewater discharge.

The quality of effluent shall be limited at all times as specified in this permit and shall conform to all wastewater discharge limitations as set forth in the Ordinances adopted by Penn Township pertaining to any use of the wastewater system.

Hanover Foods Corporation

MONITORING SCHEDULE

Laboratory analysis shall be performed on the following parameters and monitored as described below:

PARAMETER	FREQUENCY	SAMPLE TYPE
BOD	1/Week	24/C
TSS	1/Week	24/C
Ammonia Nitrogen	1/Week	24/C
Phosphorus	1/Week	24/C
pH	1/Week	Grab
Oil and Grease	2/Annually	Grab
Copper	2/Annually	24/C
Lead	2/Annually	24/C
Mercury	2/Annually	24/C
Silver	2/Annually	24/C
Zinc	2/Annually	24/C

All samples collection containers, preservation techniques, holding times and test procedures shall be in accordance with 40CFR Part 136.

Samples shall be collected at the sampling location as designated on the flow schematic and identified as sample location #001. Samples shall be stored in a refrigerated automatic sampling device unless otherwise approved by the Township. All sampling equipment shall be cleaned and maintained on a routine schedule by the Permittee to the reasonable satisfaction of the Township. Path to sampler and sampler shall be kept clear at all times to insure safe access and efficient operation. The sample device and location shall be approved by the Township.

Sampling shall be conducted by the Township in lieu of Industrial user self monitoring but shall be at the expense of the Industrial user.

For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:

1) The exact place, date, time of sampling and whom took the sample.

2) The dates the analyses were performed.

3) The person(s) who performed the analyses.

4) The analytical techniques or methods used.

5) The results of all analyses.

6) Daily flow for period sampled.

Analysis shall be performed by an independent commercial laboratory. The results of **ANY** samples collected at the designated sampling location and analyzed in accordance with 40CFR part 136 shall be forwarded by the laboratory performing the analysis to the Township **WITHIN 3 WEEKS** of the sampling date.

Discharge Monitoring Reports must be sent to the Township at the following address:

Penn Township
20 Wayne Avenue
Hanover, PA 17331

If sampling performed by an Industrial user indicates a violation, the user shall notify the POTW within 24 hours of becoming aware of the violation, and repeat the sampling and analysis and submit the results within 30 days after becoming aware of the violation. [403.12(g)(2)]

All Industrial user reports must be signed by a proper industrial representative and contain the certification statement found in 40 CFR part 403.6(a)(2)(ii)[403.12(1)]

All Industrial Users shall as required by 40 CFR 403.12(j) notify the POTW in advance of any substantial change in the volume or character of pollutants in the discharge. "Substantial" refers to +/- 20 percent. All Industrial Users shall notify the POTW as required in 40 CFR part 403.12(p) if it discharges into the POTW a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. All Industrial Users are also required per 40CFR 403.12(f) to notify the POTW immediately of all discharges that could cause problems to the POTW, including slug loading by the Industrial User.

All sampling data reported by the Industrial user must be representative of conditions occurring during the reporting period. [403.12(g)(3)]

The Township reserves the right to adjust the frequency of monitoring or to require additional testing of the industrial discharge, if unreported violations are suspected, or for the screening of suspect pollutants.

The Township can perform random sampling and analysis of the Industrial Users waste discharge to compare to the analysis submitted to the Township by the discharger. The Township shall use the average of the analysis, if possible to calculate a surcharge, whereas if there is a difference of 15% plus or minus in the analysis, the highest result will be used in the calculation.

Permittee may be required to install and keep operational a metering device to measure the effluent flow on a twenty-four hour basis, the meter shall incorporate a chart recorder. Such a device shall be placed in a location as to monitor the flow from the wastewater treatment facility. The flow meter shall be calibrated on a 6 month basis with verification of accuracy provided by the calibrator with a copy sent to the Township. Permittee shall insure that during all sampling the flow is recorded at the time of sampling and during the entire sampling period.

Permittee will make available to Penn Township the following items: (If not already provided)

A. An updated sketch of the location of all wastewater effluent lines that flow into the publicly owned sewer system.

B. A detailed description and appropriate sketches of pretreatment facilities, including operating data. The sketch, of which will become a permanent part of this permit, shall show the sampling point.

C. An access key to the sampler and area where the sampler is located unless area and sampler will be accessible on a twenty-four hour basis.

Permittee will submit to Penn Township, in the form of a Semi-Annual report the following information structured in a spreadsheet format.

A. The results of every sample taken and analyzed at the designated sampling location for all parameters during the report period. The minimum, maximum and average values of all parameters. Daily average flow and total flow (gallons) discharged to the Township WWTP

B. Number of production days if applicable.

C. Any intentional or unintentional discharge violations occurring during the calendar year.

D. A brief description of any planned operational changes that may affect the industrial discharge characteristics.

This report must be submitted to the Township no later than July 15th and January 15th of each year. The last report of the year ending must include a compilation of the previous (6) months of that year.

EMERGENCY NOTIFICATION AND REPORTS

In the case of a spill or slug discharge, or any discharge that may cause potential problems for the POTW, it is the responsibility of the user to immediately telephone and notify the Pretreatment Coordinator of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken by the user.

Within five (5) days following such discharge, the user shall, unless waived by the Pretreatment Coordinator, submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to mitigate and prevent any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW or aquatic life or any other damages to person or property. Such report shall not relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law. This written report shall be signed by an authorized representative of the user.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause such a dangerous discharge to occur, are advised of the emergency notification procedures.

SPILLS & SLUG LOADINGS CONTROL PLAN

At least once every two (2) years, all significant industrial users are required to evaluate the need to develop a Spill and Slug Discharge Control Plan and submit the evaluation in writing to the Township. The Pretreatment Coordinator will determine whether the IU will be required to develop a spill and slug loading control plan. In addition, any user may be required to develop a plan. A plan must address the facilities to be provided and maintained at the user's expense to prevent spills or slug discharges of prohibited materials. Detailed plans showing these facilities and operating procedures to provide this protection shall be submitted to the Pretreatment Coordinator for review and approval by the Township before construction may begin. A spill and slug loading control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Township of any spill or slug discharge, as required by Section 4.6.8 of the Townships Pretreatment ordinance.

D. Procedures to prevent adverse impact from any spill or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, and/or measures and equipment for emergency response.

Treatment Upsets

For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Standards if the requirements below are met. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the user can identify the cause(s) of the upset;

b. The facility was at the time being operated in a prudent and professional manner and in compliance with applicable operation and maintenance procedures;

c. The user has submitted the following information to the Pretreatment Coordinator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days.

1. A description of the indirect discharge and cause of noncompliance;

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof. A user will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Standards.
The user shall control production of all discharges to the extent necessary to maintain compliance with Categorical Standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

7.2 Treatment Bypasses

Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the conditions contained in this section.

If a user knows in advance of the need for a bypass, it shall submit prior notice to the pretreatment coordinator, if possible at least ten days before the date of the bypass.

A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the PC within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Township may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

Bypass is prohibited, and the Township may take enforcement action against a user, unless all of the following conditions are met:

a. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage, which is defined as substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;

b. There is no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater, or maintenance during normal periods of equipment downtime;

This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

c. The user properly notifies the Pretreatment Coordinator as described in this section.

The Township may approve an anticipated bypass, after considering its adverse effects, if the Township determines that it will meet the three conditions listed above.

MANAGEMENT REQUIREMENTS

A. Change in Discharge

All discharges authorized herein shall be consistent with terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such a violation shall result in the imposition of penalties as provided for in the Township Ordinances and the Penn Township Code. Facility changes that increase the discharge must be reported to the Township 45 days prior to change, and this permit then will be modified or re-issued to reflect such changes. Any anticipated change in the facility discharge must be reported to the permitting authority.

B. Permit Modification

After notice and opportunity of a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for causes including, but not limited to, the following:

1) Violation of any terms or conditions of this permit.

2) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.

3) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

4) Information newly-acquired by Penn Township.

5) A change in applicable water quality standards or treatment requirements.

6) Any changes in State or Federal regulations or changes in the treatment process that require either a temporary or permanent reduction or elimination of the permitted discharge.

C. Right of Entry

The Permittee shall allow the Township and/or its authorized representatives, upon the presentation of credentials:

1) To enter upon the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit.

2) To have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit.

3) To inspect at reasonable times any monitoring equipment or monitoring method required in this permit.

4) To sample any discharge of pollutants.

D. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property, invasion of personal rights, or any infringement of Federal, State, or local laws or regulations, nor does it authorize or approve the construction of any on-shore or off-shore physical structures or facilities or the undertaking of any work in any navigable waters.

E. Availability of Reports

Except for data determined to be confidential, all required reports shall be available for public inspection at the Penn Township Wastewater Treatment Facility.

F. Facility Operation and Quality Control

All waste collection, control, treatment and disposal facilities shall be operated in a manner consistent with the following:

1) At all times, all facilities shall be operated as efficiently as possible in a manner which will minimize upsets and discharges of excessive pollutants.

2) The Permittee shall provide an adequate operating staff which is fully qualified to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

3) Permittee shall notify Penn Township immediately of any planned or unplanned discharge of waste of a strength or character unusual for the Permittee or in violation of the permit.

G. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the Permittee from civil or criminal penalties for non-compliance.

Administrative Fines

Any Industrial User who is found to have violated, or continues to violate, any pretreatment standard or requirement, any provision, and the orders, rules, regulations, and permits issued hereunder, may be fined by the Pretreatment Coordinator an amount not to exceed Twenty-Five Thousand Dollars ($25,000.00) for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In the case of monthly or other long term average discharge limit violations, fines shall be assessed for each day during the period of violation.

Civil Penalties

Any Industrial User who has violated or continues to violate the orders, rules, regulations, and permits issued hereunder, shall be liable to the Township for a civil penalty of not more than Twenty-Five Thousand Dollars ($25,000.00) plus actual damages incurred by the Township per violation per day as the violation continues. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

Criminal Penalties

In addition to any other remedies for non-compliance set forth by Township ordinance, or under any federal or state law or regulation, the Township shall have the right to institute criminal prosecution for violation of any provision of this permit. Procedures to be filed and penalties imposed as a result of such criminal proceedings shall be as permitted or required by law for the violation of Township ordinance generally, and penalties imposed as a result of conviction of violation of this permit shall be those penalties provided in the Code of Penn Township, providing for a fine of $1,000.00 or, upon default of payment of such fine, imprisonment for not more than thirty (30) days.

H. Solids Disposal

Collected screenings, slurries, sludges, and other solids shall be disposed of in accordance with local, State and Federal law.

I. Permit Transfer

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without written approval of the Pretreatment Coordinator.

The Permittee must give at least (30) days advance notice to the Pretreatment Coordinator. The notice to the Pretreatment Coordinator must include a written notarized certification by the new owner or operator which:

1) States that the new owner and/or operator has no immediate intent to change the facility's operations or processes;

2) Identifies the specific date on which the transfer is to occur; and acknowledges full responsibility for complying with the existing permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of the facility transfer.

J. Severability

The provisions of the permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, and the remainder of this permit, shall not be affected thereby.

This permit does not relieve the Permittee of any limits or requirements of local, State or Federal Law. Where such law may impose more stringent requirements or additional requirements then these shall be part of the permit whether stated or not.

K. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records and analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained on site for a minimum of three (3) years.

DEFINITIONS

1) Average Monthly Flow - The arithmetic mean of daily flow measurements taken during a calendar month.

2) "Monthly Average" - effluent concentration means the arithmetic average of all the daily determinations of concentration made during a calendar month. When grab samples are used, the determination of the concentration shall be the arithmetic average of all the samples collected during that calendar month.

3) "Weekly Average" - effluent concentration means the arithmetic average of all the daily determinations of concentration made during a calendar week. When grab samples are used, the weekly determination of concentration shall be the arithmetic average of all samples collected during that calendar week.

4) "Instantaneous Maximum" - concentration means the concentration not to be exceeded at any time in grab sample.

5) "Grab Sample" - An individual sample collected in less than 15 minutes.

6) "Daily Maximum Limitations" - The maximum allowable discharge of pollutants during a 24 hour period. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Pollutants included in TTO'S

acenaphthene
acrolein
acrylonitrile
benzene
benzidine
carbon tetrachloride
chlorobenzene
1,2,4-trichlorobenzene
hexachlorobenzene
1,2-dichloroethane
1,1,1-trichloroethane
hexachloroethane
1,1-dichloroethane
1,1,2-trichloroethane
1,1,2,2-tetrachloroethane
chloroethane
bis (2-chloroethyl) ether
2-chloroethyl vinyl ether (mixed)
2-chloronaphthalene
2,4,6-trichlorophenol
parachlorometa cresol
chloroform (trichloromethane)
2-chlorophenol
1,2-dichlorobeneze
1,3-dichlorobenzene
1,4-dichlorobenzene
3,3-dichlorobenzidine
1,1-dichloroethylene
4-nitrophenol
2,4-dinitrophenol
4,6-dinitro-o-cresol
N-nitrosodimethylamine
N-nitrosodiphenylamine
N-nitrosodi-n-propylamine
pentachlorophenol
phenol
1,2-trans-dichloroethylene
2,4-dichlorophenol
1,2-dichloropropane
1,2-dichloropropylene
(1.3-dichloropropene)
2,4-dimethylphenol
2,4-dinitrotoluene
2,6-dinitrotoluene
1,2-diphenylhydrazine
ethylbenzene
fluoranthene
4-chlorophenyl phenyl ether
4-bromophenyl phenyl ether
bis(2-chlorisopropyl) ether
bis (2-chloroethoxy) methane
methlylen chloride
(dichloromethane) methl chlorid
(chloromethane)
methyl bromide (bromomethane)
bromoform (tribromomethane)
dichlorobromethane
chlorodibromomethane
hexachlorobutadiene
hexachlorovyvlopentadiene
isphorne
naphthalene
nitrobenzene
nitrophenol
vinyl chloride (chloroethylene)
aldrin
dieldrin
chlordane (technical mixture &
metabolites)
4,4'-DDT
4,4'-DDE (p,p'-DDX)
4,4'-DDE (p,p'-TDE)

bis (2-ethylhexyl) phthalate
butyl benzyl phthalate
di-n-butyl phthalate
di-n-octyl phthalate
diethyl phthalate
dimethyl phthalate
benzo (a) anthracene
(1,2-benzanthracene)
benzo (a) pyrene
(3,4-benzopyrene) 3,4-benzofluoranthene
benzo (k) fluranthane
(11,12-benzofluranthene)
chrysene
acenaphthylene
anthracene
benzo (ghi) perylene
(1,12-benzoperylene)
fluorene
phenanthrene
dibenzo (a,h) anthracene
dibenzanthracene)
indeno (1,2,3-cd) pyrene
(2,3-o-phenylenepyrene)
pyrene
tetrachloroethylene
toluene
trichloroethylene

Alpha-endosufan
Beta-endosulfan
endosulfan sulfate
endrin
endrin aldehyde
heptachlor
heptachlor epoxide
Alpha-BHC
Beta-BHC
Gamma-BHC (lindane)
Delta-BHC
PCB-1242 (Arochlor 1242)
PCB-1254 (Arochlor 1254)
PCB-1221 (Arochlor 1221)
PCB-1232 (Arochlor 1232)
PCB-1248 (Arochlor 1248)
PCB-1260 (Arochlor 1260)
PCB-1016 (Arochlor 1016)
toxaphene
2,3,7,8-tetrachlorodibenzo-p-dioxin (1,2,5,6-
(TCDD)

GENERAL DISCHARGE PROHIBITIONS

No user may contribute or cause to be contributed the following substances into the POTW:

A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion, or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which is a fire or a hazard to the system.

B. Pollutants which may cause corrosive structural damage to the POTW. The wastewater pH shall not be less than 5.0 nor more than 11.0 in the user's discharge to the POTW.

C. Solids greater than one-half inch (1/2") in any dimension, or any solid or viscous substance which may cause obstruction to the flow in the POTW resulting in interference.

Prohibited materials include, but are limited to: garbage, offal, manure, ashes, cinders, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains and hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud glass grinding or polishing wastes.

D. Any pollutants, including oxygen demanding pollutants (BOD5, etc.) released at a flow rate and/or pollutant concentration which cause interference to the POTW. In no case shall a wasteload have a flow rate or contain concentrations or qualities of pollutants that exceed for any time period longer than 15 minutes, more than five (5) times the average 24-hour concentration, quantities, or flow during normal operation, unless otherwise authorized in writing by the Pretreatment Coordinator.

E. Any wastewater having a temperature which will inhibit biological activity in the Township's treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the POTW to exceed 104 degrees F (40 degrees C).

F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.

G. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quality that may cause acute worker health and safety problems.

H. Hauled or trucked waste unless authorized by the Pretreatment Coordinator and only at designated discharge points.

I. Any noxious or malodorous liquid, gases, or solids, which either singly of by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance or repair.

J. Any wastewater which imparts color which cannot be removed by the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the Township's NPDES Permit, color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration except in compliance with applicable State or Federal regulations.

L. Storm water, surface, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, noncontact cooling water, condensate, unpolluted industrial or nonresidential process water, unless specifically authorized in writing by the Pretreatment Coordinator.

The discharge of cooling water from air conditioning units with cooling towers or recirculating systems or from air conditioning units using flow-through or unrecirculating systems is prohibited. The sanitary sewers are not designed to handle the cooling water volumes produced by air conditioning units. Cooling water, free from bacteria and harmful chemicals should be drained into storm sewers in accordance with State and federal requirements.

M. Any residue, including biosolids, chemical sludges or screenings from the pretreatment of industrial wastes.

N. Medical wastes, except as specifically authorized by the Pretreatment Coordinator in a wastewater discharge permit.

O. Any wastewater containing pollutants in sufficient quality which, either singly or by interaction with other pollutants may create a toxic effect in the receiving waters of the POTW, cause the plant effluent to fail a toxicity test, or exceeds the limitations set forth in a National Categorical Pretreatment Standard. A toxic pollutant shall include, but not limited to, any pollutant identified pursuant to Section 307 (a) of the Clean Water Act.

P. Detergents, surface-active agents, or other substances in sufficient quantities which causes excessive foaming in the POTW.

Q. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation or reuse, or interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to

be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

HANOVER FOODS CORPORATION

SPECIFIC

DISCHARGE LIMITS

Parameter		Daily Maximum Load in Pounds Per Day
BOD		1500
TSS		4000
Ammonia Nitrogen		225
Phosphorus		115
Oil & Grease		400
Copper	1.0	
Lead		.09
Mercury		.001
Silver		.75
Zinc		2.0
pH	5.0 – 11.0 S.U.	

SURCHARGE LIMITS

The following parameters shall be used to calculate a surcharge to your sewer bill if the limit exceeds those listed below.

Parameter	Monthly Average
Biochemical Oxygen Demand (BOD)	300 mg/L
Total Suspended Solids (TSS)	300 mg/L
Ammonia Nitrogen (NH3)	40 mg/L
Phosphorus	13 mg/L

The discharge of wastewater from the facility shall not exceed an average monthly flow of 450,000 gallons per day or a peak maximum daily flow of 700,000 gallons per day.

ATTACHMENT N

ALS Environmental

301 Fulling Mill Road - Middletown, PA 17057 - Phone: 717-944-5541 - Fax: 717-944-1430 - www.alsglobal.com

NELAP Certifications: NJ PA010 , NY 11759 , PA 22-293 DoD ELAP: PJLA 74618
State Certifications: FL E871113 , WA C999 , MD 128 , VA 460157 , WV DW 9961-C , WV 343

May 26, 2021

Mr. Ted Evgeniadis
Lower Susquehanna Riverkeeper
2098 Long Level Rd
Wrightsville, PA 17368

Certificate of Analysis

Project Name:	**2020-SUSQUEHANNA RIVER-JUN-JUL 2020**	Workorder:	**3176242**
Purchase Order:		Workorder ID:	**Oil Creek**

Dear Mr. Evgeniadis:

Enclosed are the analytical results for samples received by the laboratory on Monday, May 17, 2021.

The ALS Environmental laboratory in Middletown, Pennsylvania is a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory and as such, certifies that all applicable test results meet the requirements of NELAP.

If you have any questions regarding this certificate of analysis, please contact Ms. Amy K Borden (Project Coordinator) at (717) 944-5541.

Analyses were performed according to our laboratory's NELAP-approved quality assurance program and any applicable state requirements. The test results meet requirements of the current NELAP standards or state requirements, where applicable. For a specific list of accredited analytes, refer to the certifications section of the ALS website at www.alsglobal.com/en/Our-Services/Life-Sciences/Environmental/Downloads.

ALS Spring City: 10 Riverside Drive, Spring City, PA 19475 610-948-4903

CC: Ms. Ilyse Kazar

This page is included as part of the Analytical Report and must be retained as a permanent record thereof.

Amy K Borden

Ms. Amy K Borden
Project Coordinator

ALS Environmental

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SAMPLE SUMMARY

Workorder: 3176242 Oil Creek

Lab ID	Sample ID	Matrix	Date Collected	Date Received	Collected By
3176242001	Oil Creek Upstream	Water	5/17/2021 14:20	5/17/2021 18:40	Collected by Client
3176242002	Oil Creek Downstream	Water	5/17/2021 14:35	5/17/2021 18:40	Collected by Client

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SAMPLE SUMMARY

Workorder: 3176242 Oil Creek

Notes

-- Samples collected by ALS personnel are done so in accordance with the procedures set forth in the ALS Field Sampling Plan (20 - Field Services Sampling Plan).
-- All Waste Water analyses comply with methodology requirements of 40 CFR Part 136.
-- All Drinking Water analyses comply with methodology requirements of 40 CFR Part 141.
-- Unless otherwise noted, all quantitative results for soils are reported on a dry weight basis.
-- The Chain of Custody document is included as part of this report.
-- All Library Search analytes should be regarded as tentative identifications based on the presumptive evidence of the mass spectra. Concentrations reported are estimated values.
-- Parameters identified as "analyze immediately" require analysis within 15 minutes of collection. Any "analyze immediately" parameters not listed under the header "Field Parameters" are preformed in the laboratory and are therefore analyzed out of hold time.
-- Method references listed on this report beginning with the prefix “S” followed by a method number (such as S2310B-97) refer to methods from “Standard Methods for the Examination of Water and Wastewater”.
-- For microbiological analyses, the "Prepared" value is the date/time into the incubator and the "Analyzed" value is the date/time out the incubator.
-- An Analysis-Prep Method Cross Reference Table is included after Analytical Results & Qualifiers section in this report.

Standard Acronyms/Flags

C	Please reference the Project Summary section of this Certificate of Analysis for case narrative comments.
J	Indicates an estimated value between the Method Detection Limit (MDL) and the Practical Quantitation Limit (PQL) for the analyte
U	Indicates that the analyte was Not Detected (ND)
N	Indicates presumptive evidence of the presence of a compound
MDL	Method Detection Limit
PQL	Practical Quantitation Limit
RDL	Reporting Detection Limit
ND	Not Detected - indicates that the analyte was Not Detected at the RDL
Cntr	Analysis was performed using this container
RegLmt	Regulatory Limit
LCS	Laboratory Control Sample
MS	Matrix Spike
MSD	Matrix Spike Duplicate
DUP	Sample Duplicate
%Rec	Percent Recovery
RPD	Relative Percent Difference
LOD	DoD Limit of Detection
LOQ	DoD Limit of Quantitation
DL	DoD Detection Limit
I	Indicates reported value is greater than or equal to the Method Detection Limit (MDL) but less than the Report Detection Limit (RDL)
(S)	Surrogate Compound
NC	Not Calculated
*	Result outside of QC limits

ALS Environmental

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PROJECT SUMMARY

Workorder: 3176242 Oil Creek

Workorder Comments

Temperature of sample taken at time of sample receipt in the laboratory. See chain of custody for actual temperature.

ALS Environmental

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ANALYTICAL RESULTS

Workorder: 3176242 Oil Creek

Lab ID: **3176242001** Date Collected: 5/17/2021 14:20 Matrix: Water

Sample ID: **Oil Creek Upstream** Date Received: 5/17/2021 18:40

Parameters	Results	Flag	Units	RDL	Method	Prepared	By	Analyzed	By	*Cntr*
WET CHEMISTRY										
Ammonia-N	0.223	C,1	mg/L	0.100	ASTM D6919-09			5/22/21 04:59	ALK	A
Carbonaceous BOD	4.8	C	mg/L	2.0	S5210B-11			5/19/21 08:10	JXK	A
Dissolved Oxygen	8.6	C,2	mg/L	1.0	S4500OG-11			5/18/21 13:15	JXK	A
Nitrate-N	3.0	C	mg/L	0.20	EPA 300.0			5/19/21 06:28	MBW	A
Total Suspended Solids	5	C	mg/L	5	S2540D-11			5/24/21 10:40	ZXW	A

Amy K Borden

Ms. Amy K Borden
Project Coordinator

ALS Environmental

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ANALYTICAL RESULTS

Workorder: 3176242 Oil Creek

Lab ID: **3176242002** Date Collected: 5/17/2021 14:35 Matrix: Water

Sample ID: **Oil Creek Downstream** Date Received: 5/17/2021 18:40

Parameters	Results	Flag	Units	RDL	Method	Prepared	By	Analyzed	By	*Cntr*
WET CHEMISTRY										
Ammonia-N	0.363	C,1	mg/L	0.100	ASTM D6919-09			5/22/21 05:12	ALK	A
Carbonaceous BOD	5.0	C	mg/L	2.0	S5210B-11			5/19/21 08:10	JXK	A
Dissolved Oxygen	8.6	C,2	mg/L	1.0	S4500OG-11			5/18/21 13:15	JXK	A
Nitrate-N	5.1	C	mg/L	0.20	EPA 300.0			5/19/21 06:44	MBW	A
Total Suspended Solids	66	C	mg/L	5	S2540D-11			5/24/21 10:40	ZXW	A

Ms. Amy K Borden
Project Coordinator

ALS Environmental

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ANALYTICAL RESULTS

Workorder: 3176242 Oil Creek

PARAMETER QUALIFIERS

Lab ID	#	Sample ID	Analytical Method	Analyte
3176242001	1	Oil Creek Upstream	ASTM D6919-09	Ammonia-N
The laboratory analysis was from an unpreserved or improperly preserved sample.				
3176242001	2	Oil Creek Upstream	S4500OG-11	Dissolved Oxygen
The dissolved oxygen analysis is an "analyze immediately" analysis. Parameters identified as "analyze immediately" require analysis within 15 minutes of collection, and are therefore analyzed outside of the method holding time when analyzed in the laboratory.				
3176242002	1	Oil Creek Downstream	ASTM D6919-09	Ammonia-N
The laboratory analysis was from an unpreserved or improperly preserved sample.				
3176242002	2	Oil Creek Downstream	S4500OG-11	Dissolved Oxygen
The dissolved oxygen analysis is an "analyze immediately" analysis. Parameters identified as "analyze immediately" require analysis within 15 minutes of collection, and are therefore analyzed outside of the method holding time when analyzed in the laboratory.				

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State Certifications: FL E871113 , WA C999 , MD 128 , VA 460157 , WV DW 9961-C , WV 343

ANALYSIS - PREP METHOD CROSS REFERENCE TABLE

Workorder: 3176242 Oil Creek

Lab ID	Sample ID	Analysis Method	Prep Method	Leachate Method
3176242001	Oil Creek Upstream	ASTM D6919-09		
3176242001	Oil Creek Upstream	EPA 300.0		
3176242001	Oil Creek Upstream	S2540D-11		
3176242001	Oil Creek Upstream	S4500OG-11		
3176242001	Oil Creek Upstream	S5210B-11		
3176242002	Oil Creek Downstream	ASTM D6919-09		
3176242002	Oil Creek Downstream	EPA 300.0		
3176242002	Oil Creek Downstream	S2540D-11		
3176242002	Oil Creek Downstream	S4500OG-11		
3176242002	Oil Creek Downstream	S5210B-11		

301 Fulling Mill Road
Middletown, PA 17057
P. 717-944-5541
F. 717-944-1430

CHAIN OF CUSTODY/ REQUEST FOR ANALYSIS

ALL SHADED AREAS MUST BE COMPLETED BY THE CLIENT / SAMPLER. INSTRUCTIONS ON THE BACK.

3176242 of

Client Name: Lower Susquehanna Riverkeeper
Address: 2098 Long Level Road, Wrightsville, PA 17368
Contact: Ted Evgenadis
Phone#: 609-571-1278
Project Name/#: Oil Creek
Bill To: Lower Susquehanna Riverkeeper
TAT: [X] Normal-Standard TAT is 10-12 business days. [ ] Rush-Subject to ALS approval and surcharges.
Date Required: Approved?
Email? [X] -Y lowsusriver@hotmail.com
Fax? [ ] -Y No.:

W.O. Temp: 3 Therm ID: 524
Courier/Tracking #:
Purchase Order #:
Project Comments:

ALS Field Services: □ Pickup □ Labor □ Composite Sampling □ Rental Equipment
Other:

	Container Type	P									
	Container Size	250									
	Preservative	NA									

ANALYSES/METHOD REQUESTED

	Sample Description/Location (as it will appear on the lab report)	Date Collected mm/dd/yy	Time hh:mm	*G or C	**Matrix	CBOD5, TSS, Ammonia, Nitrate/N, Nitrite/N, Dissolved Oxygen	Run CBOD only if enough sample remains after other analyses are run	Enter Number of Containers Per Sample or Field Results Below.	Sample/COC Comments
1	Oil Creek Upstream	5/17/21	14:20	G		2	X		
2	Oil Creek Downstream	5/17/21	14:35	G		2	X		
3									
4									
5									
6									
7									
8									
9									
10									

SAMPLED BY (Please Print):

Sampler Comments:

	Relinquished By / Company Name	Date	Time		Received By / Company Name	Date	Time
1	Lower Susquehanna Riverkeeper	5/17/21	15:46	2		5/17/21	1840
3	Ted Evgenadis			4			
5				6			
7				8			
				10			

Data Deliverables: [X] Standard [ ] CLP-like [ ] USACE/DOD [ ]
Special Processing: USACE [ ] Navy [ ]
State Samples Collected In: [ ] NY [ ] NJ [X] PA [ ] NC [ ] other

Reportable to PADEP? Yes [X] No [ ]
PWSID #
Sample Disposal: Lab [X] Special [ ]
EDDS: Format Type-

**Matrix - Al=Air; DW=Drinking Water; GW=Groundwater; Oil=Oil; OL=Other Liquid; SL=Sludge; SO=Soil; WP=Wipe; WW=Wastewater

301 Fulling Mill Road
Middletown, PA 1705
P: (717) 944-5541
F: (717) 944-1430

3176242

Lower Susquehanna Riverkeeper

lition of Sample Receipt Form

Client: Initials: SM Date: 5/17/21

1. Were airbills / tracking numbers present and recorded?	NONE	YES	NO
Tracking number:			
2. Are Custody Seals on shipping containers intact?	NONE	YES	NO
3. Are Custody Seals on sample containers intact?	NONE	YES	NO
4. Is there a COC (Chain-of-Custody) present?		YES	NO
5. Are the COC and bottle labels complete, legible and in agreement?		YES	NO
5a. Does the COC contain sample locations?		YES	NO
5b. Does the COC contain date and time of sample collection for all samples?		YES	NO
5c. Does the COC contain sample collectors name?		YES	NO
5d. Does the COC note the type(s) of preservation for all bottles?		YES	NO
5e. Does the COC note the number of bottles submitted for each sample?		YES	NO
5f. Does the COC note the type of sample, composite or grab?		YES	NO
5g. Does the COC note the matrix of the sample(s)?		YES	NO
6. Are all aqueous samples requiring preservation preserved correctly?[1] NA's rad vial	N/A	YES	NO
7. Were all samples placed in the proper containers for the requested analyses, with sufficient volume?		YES	NO
8. Are all samples within holding times for the requested analyses?		YES	NO
9. Were all sample containers received intact and headspace free when required? (not broken, leaking, frozen, etc.)		YES	NO
10. Did we receive trip blanks (applies only for methods EPA 504, EPA 524.2 and 1631E (LL Hg)?	N/A	YES	NO
11. Were the samples received on ice?		YES	NO
12. Were sample temperatures measured at 0.0-6.0°C		YES	NO
13. Are the samples DW matrix ? If YES, fill out Reportable Drinking Water questions below... Stream		YES	NO
13a. Are the samples required for SDWA compliance reporting?	N/A	YES	NO
13b. Did the client provide a SDWA PWS ID#?	N/A	YES	NO
13c. Are all aqueous unpreserved SDWA samples pH 5-9?	N/A	YES	NO
13d. Did the client provide the SDWA sample location ID/Description?	N/A	YES	NO
13e. Did the client provide the SDWA sample type (D, E, R, C, P, S)?	N/A	YES	NO

Cooler #: _____

Temperature (°C): 3

Thermometer ID: 574

Radiological (µCi): _____

COMMENTS (Required for all NO responses above and any sample non-conformance):

[1]Final determination of correct preservation for analysis such as volatiles, microbiology, and oil and grease is made in the analytical department at the time of or following the analysis

Rev 1/20/2020

ATTACHMENT O

HANOVER.

July 23, 2019

Mr. Austen Randecker
Clean Water Program
DEP - SCRO
909 Elmerton Avenue, Harrisburg, PA 17110

Dear Mr. Randecker,

As a follow-up to the letter received by the Department on July 9, 2019, attached are the responses:

UV system offline – maintenance had work done to remove algae clog in the influent line to the UV system and had shut off the UV train two weeks prior to the inspection. There was no flow on the day of the inspection. We have initiated a checklist to make sure facilities are online.

Annual storm water DMRs and inspection forms for 2016, 2017 and 2018 – We were under the impression that all DMRs are reported online and did not find means to report in Greenport. We collected samples from Outfalls 002 and 003 in 2016 but failed to report due to this reason. Samples were not collected in 2017 and 2018. We have initiated a procedure to collect storm water samples per the NPDES permit requirements and report by January 28 of each year.

Sincerely,

David K. Still

David K. Still
VP – Canning Operations
Hanover Foods Corporation