



February 21, 2023

**FIRST CLASS and
CERTIFIED MAIL – 9214 8969 0099 9790 1422 9993 99**

Pete Cleveland
New-Indy Catawba, LLC
5300 Cureton Ferry Road
Catawba, SC 29704

**Re: NOTICE OF ORDER VIOLATION
Consent Order 22-042-W, Preliminary Engineering Report Requirements
New-Indy Catawba Wastewater Treatment Facility
NPDES Permit SC0001015
York County**

Dear Mr. Cleveland:

Items 4 and 5 on pages 8 and 9 of Consent Order 22-042-W contain requirements related to the submission of a Preliminary Engineering Report (PER) related to the function and management of the New-Indy Wastewater Treatment Facility (WWTF). As explained in this letter, New Indy has not achieved full compliance with the Order requirements and must take additional actions.

On October 26, 2022, New-Indy submitted a PER to the Department. Based on Department review of the PER, comments were provided to New-Indy on November 23, 2022 (see attached letter). Per item 5 on page 9 of Consent Order 22-042-W, New-Indy was required to address the Department's comments and provide a revised and approvable PER within thirty (30) days of receiving the Department's comments. According to Requirement 4(g) on page 9 of Consent Order 22-042-W and item number 6 of the Department's November 23, 2022 comments, New-Indy was to provide specific dates or timeframes for completing its evaluation of options for reducing the total solids loading in the WWTF along with any applicable schedule of implementation for such options.

In response to the Department comments, New Indy submitted a revised PER on December 22, 2022, addressing some of the Department's comments. However, the revised PER did not fully address all comments and did not include specific dates or timeframes for completing its evaluation of options for reducing solids loading in the WWTF. Because of these factors, the revised PER is not approvable by the Department.

As of the date of this letter, New-Indy Catawba has not fully complied with Consent Order 22-042-W in that it failed to provide an approvable PER within thirty days from receipt of Department comments, and in that the PER failed to include specific dates or timeframes for completing the evaluation of options for reducing solids loading in the WWTF. Therefore, you are hereby notified that New-Indy Catawba must comply with the following in order to address the referenced provisions of the Order:

1. **By April 1, 2023, please submit a revised and approvable Preliminary Engineering Report and schedule of implementation that addresses the comments provided below and provides specific dates or timeframes for completing the evaluation of options for the reduction of total solids loading in the WWTF and any applicable schedule for implementation.**

Please be advised that failure to fulfill the action described above may result in New-Indy Catawba being referred to the Department's Office of General Counsel to pursue further enforcement action.

When submitting its revised PER on December 22, 2022, and by separate correspondence, New Indy proposed a meeting to discuss the matters related to solids management at the facility. The correspondence implies a delay in meeting the PER requirements with respect to this issue, but did not describe in detail the cause of the delay, the anticipated length of delay, or any measures and timeframe for implementation of any measures that would be taken to minimize the delay other than a proposed meeting with the Department. The Department is agreeable to holding a meeting to discuss New-Indy's development of a plan to reduce solids loading in the WWTF, but such meeting must take place and final dates and timeframes for completing the evaluation of options are to be established prior to April 1, 2023.

To verify all comments have been addressed, the submission must include a red-line strikeout version of the revised PER document submitted on December 22, 2022, and a separate document with specific responses to each of the following Department comments:

General Comments

- 1) General Comment 1 was not adequately addressed. See original comment. Please address the comment.
- 2) General Comment 2 was addressed in the New-Indy Catawba Response to Comments letter dated December 22, 2022, but not the revised PER. Please revise Section 2.4.1 of the PER accordingly.
- 3) General Comment 6 was not adequately addressed. See original comment. Please address the comment.
- 4) General Comment 7 did not require a response, necessarily; however, it was not acknowledged or mentioned in the New-Indy Catawba Response to Comments letter dated December 22, 2022.
- 5) General Comment 8 was not adequately addressed. See original comment. Please address the comment.
- 6) The response to General Comment 9 and the description of Sludge Pond 4 in the PER should be revised to address the number and configuration of the pads for the geotubes. It should also describe the max number of geotubes placed per pad. Note the New-Indy Catawba Response to Comments letter dated December 22, 2022 does provide more information on operation and stacking of geotubes, but the PER needs to be revised accordingly.

Section-Specific Comments

- 1) Regarding the response to Section Specific Comment 1, was an evaluation of mill records performed? Please reflect the answer in a revised PER.
- 2) The response to Section Specific Comment 3 (see original comment) seems to conflict with the recommendations of the PER. “While it has undergone maintenance and some refurbishment, at some point it will need a major refurbishment to address worn equipment and defects in the concrete bottom. A major clarifier outage is required to replace the clarifier rake mechanism and sludge underflow piping if an improvement to the solids consistency is desired.” Additionally, the PER also states: “TRC recommends continuing preventative maintenance on the existing clarifier, including inspections, structural integrity testing, maintenance, repairs, replacement of worn parts, etc. at frequencies recommended by clarifier equipment representatives.” The Department is not dictating the schedule, but asking for the anticipated schedule based on the factors discussed in the comment and the PER. Please provide an estimated schedule within a revised PER.
- 3) Regarding the response to Section Specific Comment 5, update the PER accordingly.
- 4) Section Specific Comment 19 did not require a response, necessarily; however, it was not acknowledged or mentioned in the New-Indy Catawba Response to Comments letter dated December 22, 2022.
- 5) Regarding the response to Section Specific Comment 20, see new Section Specific Comment 2 above.
- 6) Regarding the response to Section Specific Comment 21, the part of the comment asking how additional hydraulic loading in the No. 1 Sludge Pond will affect mobilization of dioxins from the pond was not addressed. See original comment. Please address the comment.
- 7) Regarding the response to Section Specific Comment 22, see new General Comment 6 above.
- 8) Section 4.5: Per the New-Indy Catawba Response to Comments letter dated December 22, 2022 (to Section Specific Comment 25), there was a typo where some of the river flows that were reported as cfs were actually in MGD. Per the RTC, “*the flow units on the 2709 value should have been MGD, so in units of cubic feet per second, the minimum river flow would need to exceed approximately 1755 cfs...*” In other words, 2709 cfs was actually 2709 MGD. If you convert 2709 MGD to cfs, you should get 4191 cfs. However, the revised text reads 1755 cfs. Please explain. (Note it appears the conversion that was used in the revised PER was actually cfs to MGD rather than the other way around). Please revise all future scenarios in PER accordingly.
- 9) Section Specific Comment 27 was not adequately addressed. See original comment. Please address the comment.
- 10) Section Specific Comment 28 was not adequately addressed. See original comment. Please address the comment.
- 11) Section 9.1.2, Sludge Yield: Please explain why the BOD values changed.
- 12) All Figures and Appendices are missing from the revised PER. Please update the document to include all Figures and Appendices.

New-Indy Catawba, LLC
Notice of Order Violation
February 21, 2023

If you have any questions concerning this notice, you may call me at 803-898-1647 or reach me by email at cannonah@dhec.sc.gov.

Sincerely,



Adam Cannon, Enforcement Manager
Water Pollution Control Division
Bureau of Water

cc: Chris Corley, SCDHEC, Midlands EA Region
Jennifer Hughes, SCDHEC, Bureau of Water
Crystal Rippy, SCDHEC, Water Facilities Permitting
Sara Martinez, SCDHEC, Office of General Counsel
Randy Lowell, Burr & Forman Law Firm
Main File

Attachments: November 23, 2022 Letter detailing Department comments on PER
Consent Order # 22-042-W