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Pretreatment Enforcement/Clean Water Act: U.S. Environmental Protection Agency and Georgia Coatings/Hydrographics Applications Facility Enter into Consent Agreement

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The United States Environmental Protection Agency ("EPA") and D&B Custom Powder Coatings & Hydrographics, Inc. ("D&B") entered into a November 8th Consent Agreement and Final Order ("CAFO") addressing alleged violations of the Clean Water Act's pretreatment provisions.

D&B is described as owning and operating a powder coatings and hydrographics applications facility ("facility") in Dade County, Georgia.

The D&B facility is stated to utilize a process which prepares metal objects for powder coating by either sand-blasting or liquid acid etching. Once the metal is prepared it is stated to be sprayed with a coating product and then placed in a high-heat oven to cure the powder coating to the finished product and cooled.

D&B is stated to discharge industrial wastewater from its facility to the Dade County Water and Sewer Authority, Wastewater Treatment Plant ("WWTP") and its conveyances. The WWTP and its conveyances comprise a Public Owned Treatment Works ("POTW") and "municipality" within the meaning of Sections of 212(2) and 502(4) of the Clean Water Act. The POTW is managed by the Dade County Water and Sewer Authority.

D&B's facility is allegedly subject to the categorical standards of 40 C.F.R. Part 433 for the Metal Finishing Subcategory MFS, and, particularly, to the Pretreatment Standards for New Sources in 40 C.F.R. § 433.17, which specify effluent limitations for a number of pollutants. Further, the D&B facility is alleged to be a "significant industrial user" as defined in 40 C.F.R. § 403.3(v); and Georgia Rule 391-3-6-.08(2)(u).

A Pretreatment Reconnaissance Inspection of the D&B facility was stated to have been undertaken to evaluate its compliance with the requirements of:

- Section 301 and 307 of the Clean Water Act
- The regulations promulgated thereunder at 40 C.F.R. Parts 403 and 433
- State of Georgia's Pretreatment Regulations at Georgia Rule 391-3-6-.08

EPA allegedly determined based on observations during the inspection that the D&B facility discharged to the POTW for a period of nine years, from August 1, 2006 to November 10, 2015 without obtaining a permit from the State of Georgia, the pretreatment control authority.

The CAFO also alleges:

- D&B did not install the necessary pollution control equipment prior to beginning discharge to the POTW in 2006 through November 9, 2015 as required by 40 C.F.R. § 403.6(b) (i.e., D&B discharged to the POTW without the necessary pollution control equipment, in violation of 40 C.F.R. § 403.6(b))
- Ninety days after commencing discharge to the POTW in 2006, D&B did not submit a report to the State of Georgia of its initial compliance with the pretreatment standards in 40 C.F.R. § 433.17
- D&B has not maintained the required records to demonstrate its initial compliance with pretreatment standards as required by 40 C.F.R. 403.12(d), 403.12(g), 403.12(l), and 403.12(o)
- From August 1, 2006 until January 14, 2016, D&B had not submitted to the State of Georgia or maintained its own records of self-monitoring reports for compliance with 40 C.F.R. § 433.17, pursuant to 40 C.F.R. §§ 403.12(e), 403.12(g), 403.12(l), and 403.12(o)

The CAFO concludes that D&B violated Sections 301 and 307 of the Clean Water Act by discharging processed wastewater without proper authorization into the POTW, and by failing to comply with the applicable pretreatment standards.

The CAFO assesses a civil penalty of \$8,029. 99.

[A copy of the CAFO can be downloaded here.](#)