

BEFORE THE NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION

STATE OF NORTH CAROLINA)	
)	
COUNTY OF GUILFORD)	
)	
IN THE MATTER OF:)	
CITY OF HIGH POINT - EASTSIDE)	SPECIAL ORDER BY CONSENT
WASTEWATER TREATMENT PLANT)	SOC 2022-_____
)	
JAMESTOWN, GUILFORD COUNTY)	
NORTH CAROLINA)	
[FACILITY ID NUMBER 4100977])	

This SPECIAL ORDER BY CONSENT (hereinafter referred to as the “ORDER”) is made and entered into pursuant to North Carolina General Statute 143-215.110 by and between City of High Point - Eastside Wastewater Treatment Plant (hereafter referred to as “CITY OF HIGH POINT”) and the ENVIRONMENTAL MANAGEMENT COMMISSION, an agency of the State of North Carolina (hereinafter referred to as the “COMMISSION”).

WITNESSETH:

- I. The COMMISSION and CITY OF HIGH POINT do hereby stipulate and agree to the following:
 - A. CITY OF HIGH POINT operates a wastewater treatment plant (hereafter referred to as the “FACILITY”) located at 5898 Riverdale Drive in Jamestown, Guilford County, North Carolina. The FACILITY previously operated under Title V Air Quality Permit No. 08074T15, issued on March 8, 2021.
 - B. “Affected sources” at the FACILITY include a natural gas/No. 2 fuel oil-fired fluidized bed sewage sludge incinerator (“SSI”), a sand storage silo, and three No. 2 fuel oil-fired dual use generators.
 - C. The FACILITY is subject to 15A NCAC 02D .1204 which provides a comprehensive set of regulations for SSIs in North Carolina requiring SSIs to adhere to emissions standards and operational standards as well as monitoring, recordkeeping, and reporting requirements. Rule 02D .1204 incorporates by reference the federal Emission Guidelines contained in 40 CFR Part 60 Subpart MMMM.

Special Order By Consent - City of High Point Eastside Wastewater Treatment Plant

- D. Section 60.5240 of Subpart MMMM provides that, “if you are subject to an applicable EPA-approved and effective CAA section 111(d)/129 state or tribal plan or an applicable and effective Federal plan, you are required to apply for and obtain a Title V operating permit for your existing SSI unit unless you meet the relevant requirements for an exemption specified in §60.5065.” The FACILITY previously held a Title V operating permit in accordance with this requirement.
- E. Title V Permit No. 08074T15 had an expiration date of November 30, 2021. Specific Condition 3.K of the permit stated that, “[p]ermit expiration terminates the facility's right to operate unless a complete 15A NCAC 02Q .0500 renewal application is submitted at least six months before the date of permit expiration.” A renewal application was received by the North Carolina Department of Environmental Quality’s Division of Air Quality (DAQ) on October 25, 2021.
- F. On December 13, 2021, DAQ issued a Notice of Violation / Notice of Recommendation of Enforcement (NOV/NRE) to CITY OF HIGH POINT for operating the FACILITY with an expired permit, in violation of 15A NCAC 02Q .0101 (Required Air Quality Permits.).
- G. On April 18, 2022, DAQ issued a second NOV/NRE to CITY OF HIGH POINT for one carbon monoxide emission exceedance reported in the FACILITY’s second half 2021 semiannual report. The FACILITY reported a 24-hour block average of 138 ppmvd, corrected to 7% O₂, on November 19, 2021 compared to the 64 ppmvd emission limit defined in 15A NCAC 02D .1204. The CITY OF HIGH POINT responded to this NOV/NRE on May 12, 2022, stating that operator inexperience was to blame for the November 19, 2021 emission exceedance.
- H. DAQ has determined that, due to the CITY OF HIGH POINT’S commitment to maintain compliance with all State and Federal Air Quality Regulations, this ORDER is a necessary and appropriate mechanism to address the period of time the FACILITY will be in operation without an Air Quality (Title V) Permit and to ensure that the FACILITY take measures to prevent the occurrence of additional violations.

THEREFORE, the COMMISSION and the CITY OF HIGH POINT, desiring to resolve and settle the compliance issues between them, have agreed to enter into this ORDER with the following terms and conditions:

Special Order By Consent - City of High Point Eastside Wastewater Treatment Plant

II. CITY OF HIGH POINT, desiring to operate in a safe and environmentally sound manner during the period of this ORDER and thereafter in accordance with the rules and regulations of the COMMISSION, does hereby agree to adhere to the following conditions:

- A. CITY OF HIGH POINT will comply with all terms and conditions of Air Quality Permit No. 08074T15, with the exception of the allowance for revised parametric operating limits in Paragraph II.B, until a new Air Quality Permit is issued.
- B. CITY OF HIGH POINT will comply with the parametric operating limits that were confirmed or reestablished during the performance testing of the FACILITY's SSI on September 21-22, 2021 and are summarized in the attached Table 1.

III. CITY OF HIGH POINT shall pay the following penalties:

- A. CITY OF HIGH POINT agrees to pay DAQ a civil penalty in the amount of \$24,000. This amount shall be paid within 30 days of the effective date of this ORDER.
- B. In the event that CITY OF HIGH POINT fails to comply with any deadline or requirement as set out in this ORDER or fails to achieve final compliance with any applicable requirement in this ORDER, the CITY OF HIGH POINT agrees that, unless excused under Paragraph IV, the CITY OF HIGH POINT will pay stipulated penalties according to the following schedule:

Failure to comply with the following terms or conditions of Air Quality Permit No. 08074T15 or parametric operating limits defined in attached Table 1:	Stipulated Penalties
Emission Standards or Limits	\$4000 for the first 5 violations and \$8,000 thereafter
Operating Limits	\$2,000 per violation for the first 5 violations and \$4,000 per violation thereafter
Monitoring Requirements	\$2,000 per violation for the first 5 violations and \$4,000 per violation thereafter
Recordkeeping and Reporting Requirements	\$1,000 per violation for the first 5 violations and \$2,000 per violation thereafter
All Other Terms or Conditions	\$1,000 per violation for the first 5 violations and \$2,000 per violation thereafter

Special Order By Consent - City of High Point Eastside Wastewater Treatment Plant

CITY OF HIGH POINT shall notify DAQ in writing of any violation of Paragraph II of this ORDER within ten (10) days of discovering such violation. Failure to pay the civil penalties within thirty (30) days of receipt of the Director's written demand will be grounds for a collection action, which the Attorney General is hereby authorized to initiate. The only issue in such an action will be whether thirty (30) days has lapsed.

- IV. CITY OF HIGH POINT's obligation to comply with the requirements set forth in this ORDER for which a stipulated penalty may be assessed, may be delayed or excused only to the extent that noncompliance is caused by circumstances beyond control of the CITY OF HIGH POINT, as determined by the DAQ Director. Contractor delays or failure to obtain funding will not be considered events beyond the CITY OF HIGH POINT'S control. If any such delaying event occurs, the CITY OF HIGH POINT shall notify DAQ in writing within ten (10) days of encountering or discovering the delaying event, describing in detail the event or delay, the precise cause(s) of the event or delay, the measure(s) taken and to be taken by CITY OF HIGH POINT to prevent or minimize the event or delay, and the schedule by which those measures will be implemented.
- V. In addition to the stipulated penalties set forth in Paragraph III, in the event CITY OF HIGH POINT violates this ORDER, the CITY OF HIGH POINT may be subject to an injunction action pursuant to N.C.G.S. § 143-215.114C for relief necessary to prevent or abate the violations described in Paragraph I. Except as authorized pursuant to this Paragraph and Paragraph III, the CITY OF HIGH POINT shall not be issued any further Notices of Violation or be subject to enforcement action for the violations specified in Paragraph I. Any other violations for which CITY OF HIGH POINT is responsible, shall subject CITY OF HIGH POINT to appropriate enforcement action pursuant to N.C.G.S. §§ 143-215.114A, 143-215.114B and 143-215.114C.
- VI. CITY OF HIGH POINT agrees to waive any rights it may have to seek judicial review to challenge this ORDER.
- VII. All notices and reports required by this ORDER shall be delivered to:

Regional Air Quality Supervisor
N.C. Dept. of Environmental Quality
450 West Hanes Mill Road, Suite 300
Winston Salem, North Carolina 27105

Special Order By Consent - City of High Point Eastside Wastewater Treatment Plant

All payments required from CITY OF HIGH POINT by this ORDER shall be delivered to:


Enforcement Group – Payments
NCDEQ – DAQ
1641 Mail Service Center
Raleigh, North Carolina 27699-1641

- VIII. Final approval and entry into this ORDER are subject to the requirements that the COMMISSION give notice of proposed special orders to the public, and that the public have at least thirty (30) days within which to comment on the ORDER.
- IX. Should any provision of this ORDER be declared by a court of competent jurisdiction to be inconsistent with Federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.
- X. The Parties may jointly stipulate and agree to modify this ORDER at any time subject to the requirements of 15A NCAC 02D .2203. Any modifications of this ORDER must be agreed to in writing signed by both parties.
- XI. Except as otherwise set forth herein, this ORDER is not and shall not be interpreted to be a permit or modification of an existing permit under Federal, State or local law, and shall not be construed to waive or relieve CITY OF HIGH POINT of its obligations to comply in the future with any permit.
- XII. This ORDER is effective on execution by the COMMISSION and shall expire upon issuance of a renewed Air Quality permit to the FACILITY, or on December 31, 2022, whichever comes first.

Special Order By Consent - City of High Point Eastside Wastewater Treatment Plant

ATTESTED:

CITY OF HIGH POINT - EASTSIDE WASTEWATER TREATMENT PLANT

BY: 
Derrick Q. Boone
Assistant Director of Public Services

DATE: June 8, 2022

APPROVED AND ACCEPTED:

BY: _____
For the Environmental Management Commission

DATE: _____

ATTACHMENT

Table 1: Parametric Monitoring Limits for City of High Point – Eastside WWTP SOC

Source or Control Device	Operating Parameter/Operating Requirement	Operating Limit	Data Averaging Period for Compliance	Allowable Variance*
Sewage Sludge Incinerator (ID No. ES-01)	Minimum combustion chamber operating temperature	1,343 ⁰ F	12-hour block	Accuracy percentage of ±1.0 percent of the temperature measured in degrees Celsius
	Maximum average oxygen content of the fluidized bed sewage sludge incinerator's exhaust gas	10.89%	1-hour period	N/A
Wet Scrubber (ID No. CD-01)	Minimum pressure drop across scrubber	36.5 inches of H ₂ O / 25.5 inches of H ₂ O	12-hour block / 15-minute period	Accuracy percentage of ±5 percent
	Minimum scrubber liquid flow rate	280 gallons per minute	12-hour block	Accuracy percentage of ±5 percent
	Minimum scrubber liquid pH	3.5	3-hour block	Accuracy value of ±0.2 pH units
Sorbent Polymer Catalyst Composite Material Adsorber (ID No. CD-04)	Site-specific operating limits or requirements per §§60.5170(h) and 60.5175	0.16 inches of H ₂ O minimum pressure drop	12-hour block	Accuracy percentage of ±5 percent

*Allowable variances are based on the documented accuracy of similar measurement devices. Any parametric value measurements that are within the defined allowable variance when compared to the operating limit will be considered equivalent to the defined operating limit.