

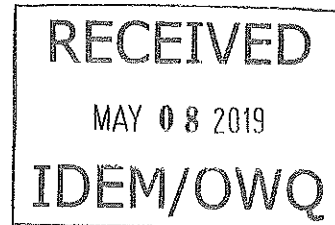
City of Huntingburg

Dennis W. Spinner - Mayor

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May 2, 2019

Patrick Colcord, Case Manager
Office of Water Quality - IGCN 1255
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251



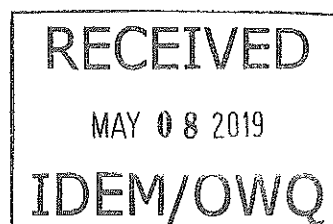
Re: Response to Notice of Violation and
Proposed Agreed Order
Indiana Department of Environmental Management
v.
City of Huntingburg Municipal Water
NPDES Permit No. IN0003093
Case No. 2019-25921-W
Huntingburg, Dubois County

Dear Mr. Colcord:

On behalf of the City of Huntingburg, I want to thank you and your staff for meeting with us in a settlement conference regarding this matter on May 1, 2019. The information provided to the City was very helpful and will greatly assist in future compliance. May this letter serve as the response of City of Huntingburg Municipal Water (Huntingburg) to the above referenced Notice of Violation and Proposed Agreed Order dated March 18, 2019. The following addresses each of the violations cited:

Failure to Maintain Monitoring Information Pursuant to 327 IAC 5-2-14(a) and Part I.C.5 of the Permit.

This cited violation involves an assertion that Huntingburg failed to maintain written "bench sheets" for the pH and TRC parameters, analyses dates, analyses times, initials of persons performing analyses, techniques used and QA/QC data. Huntingburg performs these analyses by use of electronic pH meters (Hach HQ411d) which internally record the identity of the tester, the date and time of the test and the test results. This information is preserved and can be accessed electronically. During past inspections, this process was not questioned or found lacking. Since the November 1, 2018 inspection resulting in the Notice of Violation, Huntingburg has been maintaining written "bench sheets" meeting these requirements, as well as the electronic records of testing. Huntingburg believes this violation should be treated as excusable since it reasonably relied on past inspections to believe its analyses records were in compliance.



Failure to Submit MROs and DMRs for the Months of May, June, July, August, September, and October, 2018.

During the settlement conference of May 1, 2019, Huntingburg learned that its chief operator, Mr. Gregg Miller, was erroneously filing the monthly MROs and DMRs by electronic mail to DWBMGR@idem.in.gov; and dwbmro@idem.in.gov, because he was unable to access the NetDMR database website. Although the submittals were being filed in the wrong manner, the chief operator was making a good faith attempt to make the required filings within the required timeframes. Mr. Miller failed to bring to the attention of his supervisor his inability to access the NetDMR database, and accordingly Huntingburg thought it was in compliance. During the November 1, 2018 inspection, Inspector Heath Dills instructed Mr. Miller on the proper procedure for accessing and reporting through NetDMR, and all reports (with the exception of October, 2018) were properly filed on or about that date. The failure to "re-file" the October, 2018 report was an oversight which has been corrected. Since November 1, 2018, all MROs and DMRs have been properly filed. Huntingburg is initiating a check and balance system whereby all reporting will be calendared and a second operator will double check that all filings have been properly and timely made. Huntingburg requests some leniency given its operator's unfamiliarity with access to NetDMR and his good faith attempt to get the required reports to IDEM.

Failure to place WWTP under the direct supervision of a Certified Operator from June, 2018 to November, 2018.

Huntingburg's chief operator in charge of wastewater functions at the water treatment facility, is Mr. Gregg Miller, who is currently a certified operator with an A-SO license, and was appropriately certified prior to June 30, 2018. His licensure expired on June 30, 2018, and due to an oversight on his part he did not apply for renewal until the first week of November, 2018. Huntingburg acknowledges that it has the responsibility to staff its treatment facility with personnel holding the appropriate certifications and licensure, and takes that responsibility seriously. Although the licensure lapse was a technical oversight, Mr. Miller did have all of the technical training, qualifications and continuing education units required for licensure. Huntingburg believes that given these circumstances the potential for harm was minor and the extent of the deviation was also minor. Huntingburg will place into effect a system to calendar the expiration dates for the licensure of each of its operators. Huntingburg requests consideration for leniency with regard to the penalty assessed for this violation given the fact that the operator did possess all qualifications, but merely forgot to renew his licensure.

Conclusion.

With the exception of the proposed civil penalty, Huntingburg does not object to the remaining terms and conditions set out in the Agreed Order tendered under cover of your Notice dated March 18. Please accept the forgoing responses and explanations as mitigation for the violations cited and give consideration to this request for a reduction in the civil penalty. Huntingburg is committed to operating its treatment facility in full compliance with all applicable state and federal regulations and in complete cooperation with IDEM.

Respectfully,

Dennis W. Spinner, Mayor
City of Huntingburg, Indiana

cc: Philip C. Schneider, City Attorney
Gary Meyerholtz, Superintendent
Sierra L. Alberts, Office of Legal Counsel

