



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY
DOVER, DELAWARE 19901
DIVISION OF WATER

Surface Water
Discharges

Phone: (302) 739-9946
Fax: (302) 739-8369

July 26, 2016

Hand Delivered

NOTICE OF VIOLATION
W-16-SWD-02

Mr. Robert Stenger – Wastewater Treatment Plant Superintendent
City of Rehoboth Beach
229 Rehoboth Avenue
P.O. Box 1163
Rehoboth Beach, DE 19971

RE: Notice of Violation – City of Rehoboth Beach, Delaware
Wastewater Treatment Plant - NPDES Permit No. DE 0020028

Dear Mr. Stenger:

This **Notice of Violation** (NOV) is being issued to the City of Rehoboth Beach (**Respondent**) for: (a) violations of NPDES Permit No. DE 0020028– authorizing the discharge of effluent from the City of Rehoboth Beach Wastewater Treatment Plant through Outfall 001 that discharges into the Rehoboth segment of the Lewes and Rehoboth Canal, and (b) violation of 7 Del. Admin. Code 7201 - §§3.1.1.4, 3.2.1, and 3.2.4, of the Regulations Governing the Control of Water Pollution (**Regulations**) by discharging pollutants from a point source into surface water.

As a condition of the NPDES Permit No. DE 0020028, the Rehoboth Beach Wastewater Treatment Plant is required to monitor its discharge on a regularly scheduled basis, by collecting samples of its discharge and analyzing those samples collected for a number of pollutant parameters as specified in the above mentioned NPDES Permit. Data generated as a result of the sampling and analysis is summarized in a monthly Discharge Monitoring Report (DMR) that is submitted to the Department on a regular basis as stipulated in the Permit. Additionally, the Rehoboth Beach Wastewater Treatment Plant is required at all times to maintain in good working order and operate as efficiently as possible all collection and treatment facilities and systems to achieve compliance with the terms and conditions of the NPDES Permit No. DE 0020028.

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On Wednesday, July 20, 2016, the Delaware Department of Natural Resources and Environmental Control (DNREC) received a report from the U.S. Coast Guard (Marine Safety Detachment – Lewes), that they had received a citizen complaint concerning a discharge of brown solids from the outfall pipe at the City of Rehoboth Beach Wastewater Treatment Plant (WWTP), on Sunday, July 10, 2016. The citizen supported his report with photographs (See Appendix A) that were taken on July 10, 2016 at approximately 2015 hrs. These photos clearly show a heavy dark brown colored discharge exiting the Outfall 001 of the Rehoboth Beach WWTP and a blanket of dark brown floating solids, scum, and sludge deposits, emanating from the discharge point out into the Lewes – Rehoboth Canal.

On Monday, July 11, 2016, Mr. Robert Stenger of the Rehoboth Beach WWTP contacted the Compliance & Enforcement Branch to report that they were having problems clarifier bulking and that he had been called into the plant on Sunday evening, July 10, 2016, as a result of a concerned citizen calling the City of Rehoboth to report heavy brown solids leaving the outfall pipe. Mr. Stenger reported that the effluent was slightly “turbid” at approximately 2130 hrs. when he arrived and that the operator on duty found the effluent the same at approximately 2100 hrs. when the operator received the citizen phone call; the effluent appeared to be in compliance with NPDES permit requirements.

On Friday, July 22, 2016, an investigation completed by the DNREC, Division of Water, Surface Water Discharges Section / Compliance & Enforcement Branch, established that on July 10, 2016 (and currently) the WWTP was experiencing problems with “Bulking Solids” in the clarifiers due to a problem with filamentous bacteria. The investigation also established the facility’s Micro Screens were not in service, the “bulking” issue continued to be a challenge, and that there continued to be the potential for fine solids carryover “burping”, from the clarifiers to the micro screens and out to the 001 Outfall.

Pursuant to the authority in 7 Del.C., §6005, the Respondent is hereby notified that the City of Rehoboth Beach Wastewater Treatment Plant is in violation of the facility’s NPDES Permit as cited below.

Based on the evidence found during the DNREC investigation completed on July 22, 2016, the pictures submitted by a concerned citizen (See Appendix A), and testimony from the concerned citizen (both to CWO4 Troy Lundgren USCG, and to DNREC personnel), the City of Rehoboth Beach Wastewater Treatment Plant was in direct violation of Part I.B.1 general requirement of NPDES Permit No. DE 0020028, that “The discharge shall be free from floating solids, sludge deposits, debris, oil, and scum”, and Part II.A.7 “Removed Substances – Any solids, sludges, filter backwash, or other pollutants removed in the collection, conveyance or treatment of wastewater shall be disposed of in such manner as to prevent any pollutant from such materials from entering surface waters or groundwaters”. At approximately 2015 hrs., dark brown sludge deposits, floating solids, and scum, were observed (and photographed) exiting the 001 Outfall pipe from the City of Rehoboth Beach WWTP.

The Micro-Screens at the Rehoboth Beach WWTP are inoperable at this time and have not been operating properly for some time. Part II.A.3 of the Respondent’s NPDES Permit requires that

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“The permittee shall at all times maintain in good working order and operate as efficiently as possible all collection and treatment facilities and systems (and related appurtenances) installed or used by the permittee for water pollution control and abatement to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes but is not limited to, effective performance (based on facility’s design), adequate funding, effective management, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, when necessary, to achieve compliance with the terms and conditions of this permit”.

STATUTORY AND REGULATORY PROVISIONS

1. 7 Del. Admin. C. §7201-3.2.1 states

“No person shall undertake any activity that causes or contributes to the discharge of a pollutant to any surface water or groundwater except as authorized pursuant to a permit or equivalent authorization, issued by the Secretary or as prescribed by these regulations (e.g. General Permit Program requirements of §9).”

2. 7 Del. Admin. C. §7201-3.2.3 states

“No person shall discharge any pollutant from a point source into surface or ground water, directly or indirectly, except as authorized pursuant to a permit granted under these regulations, unless such discharge is specifically exempted from such permit regulations.”

CONCLUSIONS

The Department determined that Respondent violated specific terms and conditions of its NPDES Permit No. DE0020028, more particularly as follows:

Respondent violated **Part I.B.1, Part II.A.3, and Part II.A.7** of the Permit as iterated above.

Respondent violated 7 Del. Admin. C. §7201 3. 2.1 of the Regulations, by discharging pollutants to surface water, except as authorized by the NPDES permit.

Respondent violated 7 Del. Admin. C. §7201 3. 2.3 of the Regulations, by discharging pollutants to surface waters from a point source, except as authorized pursuant to a permit or specifically exempted.

Action Required: The City of Rehoboth Beach’s Wastewater Treatment Plant’s management and operating personnel are clearly committed to operating this facility in a safe, prudent and professional manner. However, the Plant must be operated, maintained, and managed, at a level so as to achieve compliance with all conditions and requirements of the facility’s NPDES Permit No. DE0020028 at all times. The City of Rehoboth must respond formally to this Notice of

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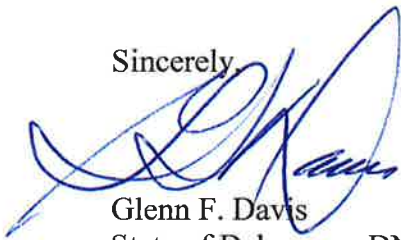
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Violation with a written plan to assure that all conditions and requirements of the facility's NPDES Permit are met.

Your immediate attention to the above mentioned violations is required. Within 30 days of receipt of this **NOV**, the City of Rehoboth Beach shall submit a formal report and plan to this office that addresses the aforementioned violations. The report must address specific reasons for the violations, action taken to correct the violations, and most specifically, corrective measures taken (and/or scheduled) to prevent future occurrence of these violations. In the interest of paperwork reduction, reference may be made to previously submitted Five-Day Letters, reports, etc. Specific information relating to the prevention of future occurrences must be presented in the follow-up report and plan. The formal written response must be mailed to my attention at Delaware-DNREC, Division of Water, Surface Water Discharges Section, 89 Kings Highway, Dover, DE 19901. Failure to comply with this notice **will** result in a penalty as provided in 7 Del.C Chapter 60. Upon further review of these violations, the Department reserves the right to pursue additional enforcement action.

Should you have any questions regarding this matter, please feel free to contact me at (302) 739-9946. This **NOV** will be posted on the DNREC website at www.dnrec.state.de.us.

Sincerely,



Glenn F. Davis
State of Delaware - DNREC
Program Manager
Surface Water Discharges Section
Compliance and Enforcement Branch

ecopy: Bryan Ashby – Program Manager, DNREC

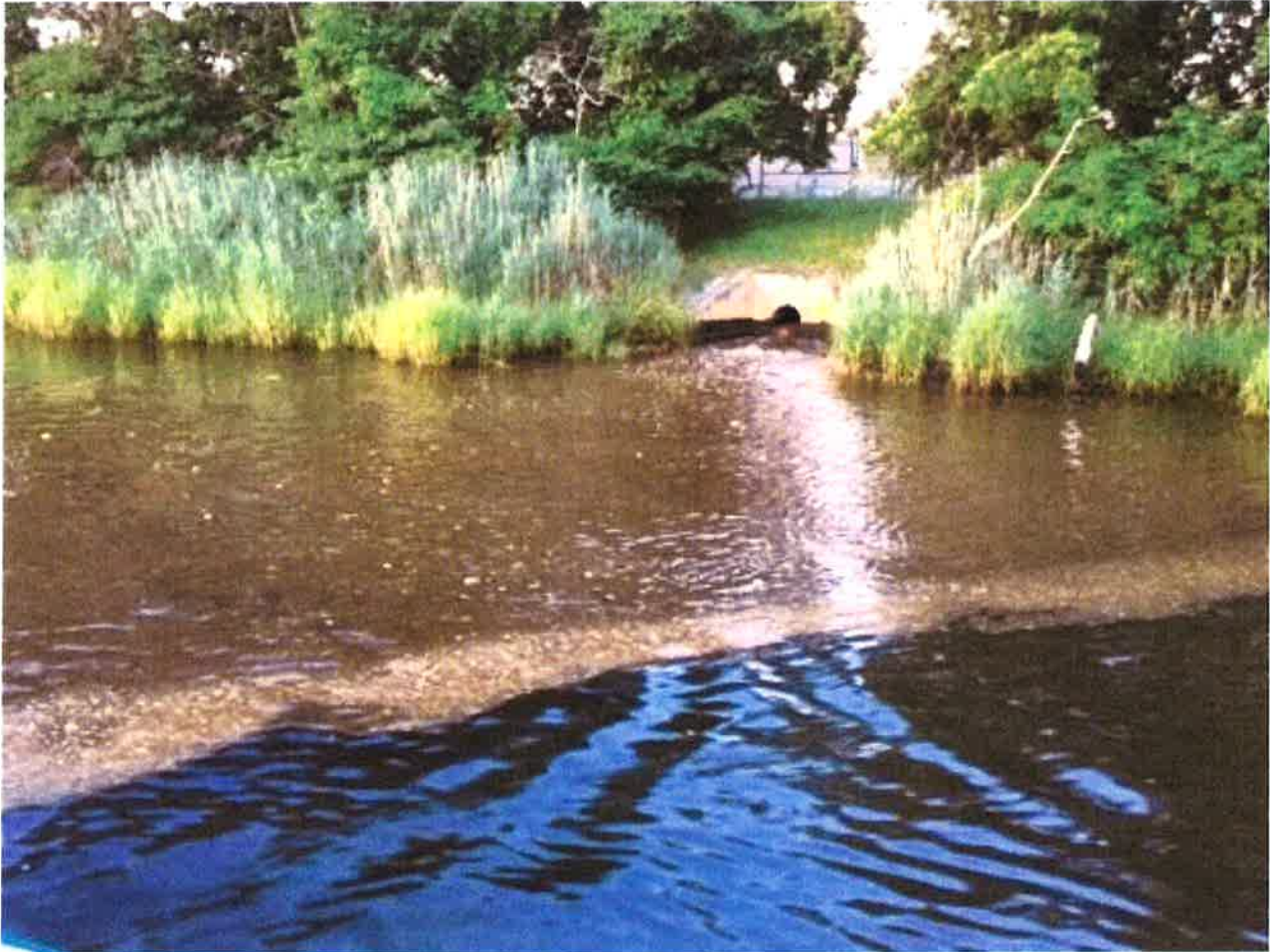
APPENDIX A



Rehoboth Beach WWTP Outfall 001 – Photos Taken July 10, 2016 @ Approximately 2015 hrs.



APPENDIX A (cont'd)



Rehoboth Beach WWTP Outfall 001 – Photos Taken July 10, 2016 @ approximately 2015 hrs.

A KNOWLEDGEMENT OF RECEIPT

I, Robert Stenger, of the City of Rehoboth Beach, in Rehoboth Beach, Delaware, representing the Rehoboth Beach Wastewater Treatment Plant, in Rehoboth Beach, Delaware, hereby acknowledge receipt of this Notice of Violation No. W-16-SWD-02, hand delivered by Mr. Glenn Davis, of the DNREC, Division of Water, Surface Water Discharges Section, Compliance & Enforcement Branch.

CITY OF REHOBOTH BEACH – REHOBOTH BEACH, DELAWARE

Date of Receipt: 8/9/16

By: [Signature]

Printed Name: Robert J Stenger

Title: WWTP Superintendent