

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION**

**SPECIAL ORDER BY CONSENT**

**ISSUED TO**

**BONTEX, INC.**

*(Permit number VA0004791)*

**SECTION A: Purpose**

This is a Consent Special Order issued under the authority of Sections 62.1-44.15(8a), (8d) and (11) of the Code of Virginia between the State Water Control Board and Bontex, Inc. for the purpose of resolving certain violations of environmental laws and regulations.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. @Va. Code@ means the Code of Virginia (1950), as amended.
2. @Board@ means the State Water Control Board, a permanent citizens board of the Commonwealth of Virginia as described in Va. Code ' ' 62.1-44.7 and 10.1-1184.



3. @DEQ@ means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code ' 10.1-1183.
4. @Director@ means the Director of DEQ.
5. @Regional Office@ means the Valley Regional Office of DEQ.
6. @Order@ means this document, also known as a Consent Special Order.
7. @Permit Regulation@ means 9 VAC 25-31-10 *et seq.*, (formerly VR 680-14-01 *et seq.*).
8. @Bontex@ or @the Company@ means Bontex, Inc., which owns and operates the Bontex, Inc. wastewater treatment plant.
9. @Permit@ means Virginia Pollutant Discharge Elimination System Permit No. VA0004791, which was issued April 1, 2001, and which expires April 1, 2006.
10. @Plant@ or @Facility@ means the Bontex, Inc. wastewater treatment plant.
11. @DMR@ means Discharge Monitoring Report.
12. "LON" means Letter of Noncompliance.
13. @NOV@ means Notice of Violation.
14. @PER@ means the Preliminary Engineering Report.
15. "SBR" means Sequential Batch Reactor.
16. "DO" means dissolved oxygen.
17. "TSS" means Total Suspended Solids.
18. "COD" means Carbonaceous Oxygen Demand.
19. "Acute WET" means Acute Whole Effluent Toxicity.

### **SECTION C: Findings of Facts and Conclusions of Law**

1. Bontex owns and operates a wastewater treatment facility serving its paperboard manufacturing

facility in Rockbridge County, Virginia, which is the subject of VPDES Permit No. VA0004791. The Facility discharges to the Maury River in the Upper James River basin.

2. The Company has been working to resolve a toxicity problem with its effluent since 1986, but violated the Permit by failing to meet the effluent limitations for Acute WET by June 4, 1993. On July 22, 1994, Bontex (then Georgia Bonded Fibers, Inc.) entered into a Consent Special Order with DEQ to address ongoing toxicity effluent limitation violations. The 1994 Order provided a schedule of compliance to upgrade the Plant to meet final limitations. The 1994 Order was amended in May 15, 1995, to provide additional time to complete construction of the upgrade to meet final limitations. The upgraded wastewater treatment plant was brought on line on March 6, 1996. The 1994 Order was cancelled on May 26, 1996.
3. Since August 1996, Bontex has had periodic difficulty meeting the Permit's final effluent limitation for Acute WET. Bontex exceeded the Permit's Acute WET effluent limitation in three of four quarterly sampling events in 2000.
4. DEQ issued NOV No. W2001-03-V-0001 on March 14, 2001, to Bontex for the following apparent violations occurring during the period June 2000 through December 2000:

June 2000

< Failure to meet Acute WET maximum concentration limitation in violation of Part I of the Permit.

July 2000

< Failure to meet TSS average loading limitation in violation of Part I of the.

September 2000

< Failure to meet Acute WET maximum concentration limitation in violation of Part I of the Permit.

December 2000

< Failure to meet Acute WET maximum concentration limitation in violation of Part I of the Permit.

5. DEQ issued LON 99-09-VRO-002 on September 15, 1999, to Bontex for the following violation in June 1999:

< Failure to meet Acute WET maximum concentration limitation in violation of Part I of the Permit.

6. DEQ issued LON 97-09-VRO-009 on October 17, 1997, to Bontex for the following violation in August 1997:
  - < Failure to meet Acute WET maximum concentration limitation in violation of Part I of the Permit.
7. DEQ issued NOV 96-07-VRO-003 on August 2, 1996, to Bontex (then Georgia Bonded Fibers, Inc.) for the following violation:
  - < Failure to meet Acute WET maximum concentration limitation in violation of Part I of the Permit.
8. On March 22, 2001, DEQ met with Bontex in an informal settlement conference to discuss the NOV and the resolution of the ongoing violations. At the March 22, 2001, meeting, DEQ requested that Bontex submit a corrective action plan and schedule to address the above-noted violations, and to return the Plant to compliance with all Permit requirements.
9. On April 23, 2001, DEQ received a PER from Bontex entitled Equalization Basin Design Criteria Engineering Report. Within the PER was a plan and schedule of proposed corrective actions for the Facility. Portions of this plan have been incorporated into Appendix A of this Order.
10. On June 29, 2001, DEQ received a pollution complaint regarding the discharge of solids to the Maury River. On June 29, 2001, DEQ investigated the complaint and discovered that the Plant had an unusual discharge of wastewater solids to State waters which coated an area of the river bottom approximately 300 feet by 20 feet. Within this impacted area of river bottom the solids varied in depth up to two feet.
11. By letter dated July 2, 2001, DEQ instructed Bontex to remove the wastewater solids from the river bottom and to properly dispose of those solids in an environmentally protective manner. Included within this letter, DEQ required Bontex to submit a report describing the unusual discharge incident and its causes, and the cleanup of the river bottom.
12. On July 2, 2001, Bontex began the removal of the solids from the river bottom. On July 13, 2001, DEQ staff documented the successful completion of the removal of solids from the river bottom.
13. On September 11, 2001, DEQ approved the PER including plans and specifications for the proposed equalization basin as an upgrade to the wastewater treatment plant.

14. DEQ issued NOV No. W2001-08-V-0002 on September 18, 2001, to Bontex for the following apparent violations occurring in June 2001:
  - < Discharge of wastes which alter the physical, chemical, or biological properties of state water in violation of Va. Code Section 62.1-44.5.
  - < Alleged violation of Va. Code 62.1-44.5 and 9 VAC 25-31-50 which states that, except in compliance with a VPDES permit, it shall be unlawful to discharge into State waters industrial wastes and otherwise alter the physical, chemical, or biological properties of such State waters and make them detrimental to the public health, to animal or aquatic life.
  - < Alleged violation of Va. Code Section 62.1-44.5 and the State Water Control Board's General Water Quality Standards, 9 VAC-25-260-20 A and B (i.e. the failure to maintain state waters at such quality as will support the propagation and growth of all aquatic life, including game fish, and the failure to keep state waters free from substances attributable to sewage in concentrations which contravene established standards or are harmful to aquatic life).
15. On October 10, 2001, DEQ met with Bontex to discuss the NOV and the resolution of the violations. At the October 10, 2001, meeting, DEQ requested that Bontex submit a plan of corrective action to address the problems that led to the discharge of solids.
16. On October 22, 2001, Bontex submitted to DEQ a plan of corrective actions to ensure solids are not lost from the treatment Facility. Portions of this plan have been incorporated into Appendix A of this Order.
17. On November 24, 2001, DEQ received a pollution complaint regarding a fish kill on the Maury River. On November 24, 2001, DEQ conducted an initial fish kill investigation during which staff observed greater than 56 dead fish. During this investigation, one dead fish was found at the point where the Bontex discharge enters the Maury River. The majority of the fish kill, however, began approximately 200 yards downstream of the Bontex outfall. The effluent from the plant was slightly milky/chalky in color, and the rocks in the streambed in the effluent plume were coated with gray material.
18. On November 26, 2001, DEQ staff conducted a complete fish kill investigation on the Maury River. This investigation identified that the heaviest concentration of dead fish was approximately one-half mile downstream of the Plant's outfall 001. No dead fish were found upstream of the Plant's outfall. DEQ staff counted a total of 470 dead fish.

19. On November 26, 2001, DEQ staff conducted an inspection of the Facility as a result of the fish kill investigation. DEQ staff conducted a follow-up inspection on November 27, to determine the status of Plant operations preceding and during the fish kill event. These inspections identified a number of apparent operation and maintenance (“O&M”) deficiencies at the Facility. The deficiencies included failure to report an unusual discharge and failure to operate the Plant in accordance with the O&M Manual. The DEQ inspections identified O&M deficiencies that occurred shortly before and during the time period of the fish kill event. DEQ alleges that the operational deficiencies led to an unusual discharge which caused the fish kill.
20. By letter dated November 28, 2001, Bontex informed DEQ that the installation of the proposed equalization basin was complete. The equalization basin was installed as corrective action to improve the Plant’s toxicity treatment.
21. On December 7, 2001, DEQ staff conducted another follow-up inspection to determine the status of Plant operations preceding and during the November 2001 fish kill event. During the December 7, 2001, inspection, DEQ staff observed an ongoing fish kill in the Maury River. The DEQ staff conducted a fish kill investigation and determined that the source of the fish kill was the Bontex Plant. DEQ observed an ongoing gray unusual discharge. The wastewater discharge had a pH of 9.88 and an ammonia concentration of 212 mg/L. No dead fish were observed upstream of the Bontex outfall. All of the dead fish were observed within the wastewater plume from the Bontex Plant in the Maury River. DEQ staff counted a total of 64 dead fish.
22. On December 10, 2001, DEQ staff conducted a follow-up inspection to collect data regarding the Plant’s operation to determine the source of the Plant’s operational problem that resulted in the December 7, 2001, fish kill event. DEQ concluded from the December 10, 2001, inspection and subsequent information that the December 7, 2001, fish kill resulted from the over application of ammonia as a nutrient source in the treatment process.
23. DEQ issued NOV No. W2002-01-V-0001 on January 30, 2002, to Bontex for the following apparent violations occurring in November and December 2001:
  - < Discharge of wastes which alter the physical, chemical, or biological properties of state water in violation of Va. Code Section 62.1-44.5.
  - < Alleged violation of Va. Code 62.1-44.5 and 9 VAC 25-31-50 which states that, except in compliance with a VPDES permit, it shall be unlawful to discharge into State waters industrial wastes and otherwise alter the physical, chemical, or biological properties of such State Waters and make them detrimental to the public health, to

animal or aquatic life.

- < Alleged violation of Va. Code Section 62.1-44.5 and the State Water Control Board's General Water Quality Standards, 9 VAC-25-260-20 A and B (i.e. the failure to maintain state waters at such quality as will support the propagation and growth of all aquatic life, including game fish, and the failure to keep state waters free from substances attributable to sewage in concentrations which contravene established standards or are harmful to aquatic life).
  - < Alleged violation of 9 VAC 25-260-140 (B) which requires that instream water quality conditions shall not be acutely or chronically toxic. The regulation sets forth a general limit of 0.86 mg/L for acute ammonia for the pH and water temperature present in the discharge.
  - < Alleged violation of 9 VAC 25-31-50 (A) which prohibits the discharge into state waters any sewage, industrial wastes, other wastes, or any noxious or deleterious substances except in compliance with a VPDES permit.
  - < Alleged violation of 9 VAC 25-31-190 (L)(2) which requires that the permittee give advanced notice to DEQ of any planned changes in the permitted facility for activity which may result in noncompliance with permit requirements which pertains to the use of ammonia in the treatment process.
  - < Alleged violation of 9 VAC 25-31-200 which requires that all existing manufacturing discharges must notify DEQ as soon as they know or have reason to believe that any activity has occurred or will occur which would result in any discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the notification levels.
24. On February 11, 2002, Bontex hired a Class I licensed operator to operate the Facility.
  25. On February 21, 2002, DEQ met with Bontex in an informal settlement conference to discuss the January 30, 2002, NOV No.W2002-01-V-0001 and resolution of the violations. The February 21, 2002, meeting, also included discussions of Plant operations around the time of the fish kill.
  26. DEQ was not notified through the submittal of an amended permit application of the use of ammonia as a nutrient in the treatment scheme in violation of 9 VAC 25-31-190.L. reporting requirements. This regulation requires the facility to submit notification to DEQ of any

modification to the permitted facility.

27. By letter dated May 15, 2002, Bontex notified DEQ that two additional personnel had obtained Class II operator licenses and would assist the Class I operator in the Facility's operations.
28. On June 25, 2002, DEQ received from Bontex an application for a permit modification. This permit application was submitted to allow DEQ to evaluate and determine what ammonia limitations may need to be placed in the Permit as a result of the company's use of ammonia in the treatment process. The application was submitted in response to DEQ request for the application following DEQ's December 7, 2001, fish kill investigation.
29. On July 1, 2002, DEQ received from Bontex a new plan and schedule of additional corrective actions to prevent the discharge of solids from the facility and ensure compliance with permit limitations. Portions of the July 1, 2002, plan and schedule have been incorporated into the Appendix A of this Order.
30. On July 15, 2002, Bontex completed installation and began operations of pH probes in the SBRs to allow fine-tuning of the automatic ammonia feed system.
31. On July 15, 2002, Bontex completed development of a schedule for preventive maintenance and inspection of the nutrient feed systems.

#### **SECTION D: Agreement and Order**

1. Accordingly, the Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a), (8d) and (11), orders Bontex, and Bontex agrees to perform the actions described in Appendix A, Appendix B, and Appendix C of this Order. In addition, the Board orders Bontex, and Bontex, voluntarily agrees, to pay a civil charge of **\$35,500** in settlement of the violations cited in this Order. Said civil charge is suspended conditioned on Bontex satisfactorily completing the activities described in Appendix A.
2. In the event that the corrective actions in Appendix A are not performed as described, upon notification by the Department, Bontex shall pay the amount specified in Paragraph 1 above **within 30 days** of such notification according to the procedures specified below. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 10150  
Richmond, Virginia 23240

Either on a transmittal letter or as a notation on the check, Bontex shall: 1) indicate that the check is submitted pursuant to this Order, and 2) include its Federal Identification Number.

3. In addition, Bontex shall provide 2 separate checks payable to "Treasurer of Virginia", one check for the amount of **\$3,693.80** to cover the costs of the fish kill investigation. Bontex shall also provide a check for the amount of **\$1,282.93** to cover the fish replacement costs. Bontex shall pay these fish kill costs within **30 days** of the effective date of the Order.

### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Bontex, for good cause shown by Bontex, or on its own motion after notice and opportunity to be heard.
2. This Order addresses only those violations specifically identified herein. This Order shall not preclude the Board or Director from taking any action authorized by law, including, but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; or (2) taking subsequent action to enforce the terms of this Order. Nothing herein shall affect appropriate enforcement actions by other federal, state, or local regulatory authorities, whether or not arising out of the same or similar facts.
3. For the purpose of this Order only, Bontex admits the jurisdictional allegations in the Order, but does not admit the factual allegations or legal conclusions contained herein.
4. Bontex consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Bontex declares it has received fair and due process under the Administrative Process Act, Va. Code " 2.2-4000 *et seq.*, and the State Water Control Law, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Bontex to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Bontex shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other act of God, war, strike, or such other occurrence. Bontex must show that such circumstances resulting in noncompliance were beyond its control and not due to a lack of good faith or diligence on its part. Bontex shall notify the Director of the Valley Regional Office in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Director of the Valley Regional Office within 24 hours of learning of any condition listed above, which Bontex intends to assert will result in the impossibility of compliance, shall constitute waiver of any claim of inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees, and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Bontex. Notwithstanding the foregoing, Bontex agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Bontex. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Bontex from its obligation to comply with any statute, regulation, permit condition, other order, certificate, standard or requirement otherwise applicable.
12. By its signature below, Bontex voluntarily agrees to the issuance of this Order.

And it is SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Robert G. Burnley, Director  
Department of Environmental Quality

Bontex, Inc. agrees to the issuance of this Order.

Date: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_

State of Virginia  
City/County of \_\_\_\_\_

The foregoing document was signed and acknowledged before me this

\_\_\_\_\_ day of \_\_\_\_\_, 2002, by \_\_\_\_\_  
(name)

who is \_\_\_\_\_ of Bontex, Inc.  
(title)

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

**APPENDIX A**  
**SCHEDULE OF COMPLIANCE**  
**BONTEX, INC. WASTEWATER TREATMENT PLANT**

1. Bontex has made certain operational changes (noted in items a. through r. below) to improve the performance of the wastewater treatment plant in order to prevent the discharge of solids and to reduce the level of acute WET in the effluent. Bontex shall continue the following operational improvements at the Plant:
  - a. optimize retention of carbon black in the company's finished goods product;
  - b. maintain improved retention in the primary treatment system to reduce wastewater loading in the secondary treatment systems;
  - c. monitor pH daily and maintain the final pH within a tight operating range of 6.5-9.0;  
(It is understood that it will be important to maintain the pH at levels below 9.0 because of the effect of high pH on ammonia toxicity. The company will make concerted efforts to maintain the pH within the range of 6.5-9.0. However, if it is not possible to maintain the pH below 9.0, the Permit limitations of 6.5-9.5 will be the overriding limitation);
  - d. maintain DO probes located within the wastewater treatment plant by conducting inspections daily on any day that Bontex Facility has a discharge and cleaning the probes to ensure better control of the wastewater treatment operations;
  - e. conduct daily visual inspections of the effluent (at the outfall) and the receiving stream and review the wastewater treatment plant's performance with company management (security personnel to be included in the inspection duties);

- f. conduct twice daily visual inspections of the clarifiers for solids carryover, correct the situation, and note any carryovers and the corrective actions in the daily log;
  - g. post the protocol and telephone numbers of “on-call” operators at five locations throughout the plant for responding to Plant problems during non-manned hours;
  - h. ensure an “on call” wastewater treatment operator is called in to correct the problem when turbidity or foaming is observed during non-manned hours;
  - i. conduct microscopic analysis of the mixed liquor suspended solids in each biological reactor a minimum of once per week to monitor filamentous growth organisms;
  - j. make operational changes as needed to control filamentous growth;
  - k. operate the effluent equalization basin at an appropriately higher level to reduce the TSS in the final effluent;
  - l. maintain the nutrient feed system and monitor for nitrates/nitrites, phosphorus, and ammonia weekly to control the nutrient feed system so as to optimize wastewater treatment;
  - m. monitor ammonia daily to control effluent toxicity due to ammonia for **60 operating days** following the effective date of the Order ;
  - n. maintain the sludge age at an initial targeted range of 15-30 days to improve sludge settling and make adjustments as needed to optimize the settling;
  - o. regularly review the TSS and COD values in the intermediate equalization basin to prevent disruption of the biological processes;
  - p. clean the effluent equalization basin as needed to prevent the loss of solids to the river;
  - q. re-seed the reactors as necessary to reduce and control the concentration of filamentous growth;
  - r. conduct adequate visual inspections of the wastewater treatment plant’s effluent equalization basin level and the SBR decant cycle at such a frequency to ensure proper operations of the effluent equalization basin level control valve and to ensure minimal discharge of solids from the wastewater treatment plant; and
  - s. program the SBR programmable logic controller control system to allow the blowers to be run manually in the event of DO monitoring system failure.
2. Bontex shall record in the Plant’s daily log the testing results and operational changes as required in Items 1 a through 1s above. This information shall be submitted to DEQ along with the Facility’s monthly Discharge Monitoring Report.
  3. **By October 31, 2002**, Bontex shall implement a protocol to add phosphoric acid nutrient feed manually based upon a formula developed by ITT. The company shall use an open-air break pump to prevent siphoning.
  4. **By October 31, 2002**, Bontex shall, upon confirmation that the pH probes are operating properly, control the SBRs to allow a decant only when the pH is in the correct range.

5. **By December 15, 2002**, Bontex shall include pH probe calibration information as per the manufacturer's recommendations in the O&M Manual.
6. **By December 15, 2002**, Bontex shall develop a procedure to handle and treat wastewater that has a pH out of the permissible range and incorporate this procedure into the O&M Manual.
7. **By December 15, 2002**, Bontex shall submit to DEQ for review and comment an O&M Manual. Bontex shall respond to written comments on the O&M Manual **within 30 days** of receipt of written comments.
8. If, within 12 months following the completion of items 1 through 7 above, a review of the Facility's performance demonstrates substantial noncompliance, Bontex shall conduct an evaluation of the Facility to determine if additional corrective actions are needed to ensure compliance with the permit **within 45 days** of being given written notice by DEQ.
9. Should an evaluation be required pursuant to the provisions of paragraph 8, Bontex shall complete the evaluation of the Facility and submit to DEQ a report of the company's findings and a plan and schedule of any additional corrective actions needed to ensure compliance with the permit. Bontex shall respond to any comments on the plan within **30 days** of receipt of written comments. Upon approval the plan and schedule shall be incorporated by reference into this Order.
10. **By October 31, 2002**, Bontex shall begin to conduct quarterly acute confirmation toxicity testing, for four quarters. This testing shall use two species per quarter, *Ceriodaphnia dubia* and *Pimephales promelas*. The *Ceriodaphnia dubia* testing for this requirement may be used to fulfill quarterly DMR reporting requirements. To the extent possible, based on operator judgment, sampling should be done during periods when the discharge is the darkest/grayest color, however only one sample per quarter is required for compliance for this Order. To support this, the Plant operator should characterize the effluent for color/shade and intensity daily, and enter this in the Plant's daily log. Bontex shall submit to DEQ the results of these acute toxicity tests within 30 days of their being conducted, and should include with each quarter's tests a copy of that month's daily log. Subsequent quarterly acute confirmation toxicity testing shall be conducted and submitted to DEQ in accordance with the schedule contained in Part I. C. of the Permit. Should toxicity occur above the Permit's acute WET average (Quarterly)  $TU_a$  limitation of 1.9, Toxicity Identification Evaluation (TIE) procedures shall commence immediately. When a toxic fraction is identified through TIE, ingredient replacement/reformulation must be initiated.

11. **By October 1, 2003**, Bontex shall comply with the Permit's final effluent limitations for Acute WET. If Bontex fails to be in compliance by that date, Bontex shall submit to DEQ for review and approval a plan and schedule for additional treatment within **30 days** of being requested to do so in writing by DEQ. Bontex shall respond to any comments on the plan within **30 days** of receipt of written comments. Upon approval the plan and schedule shall be incorporated by reference into this Order.
12. If Bontex fails to be in compliance with the Permit's final effluent limitations **by October 1, 2003**, and the TIE has not yet identified the toxicity problem, DEQ may amend this Order to incorporate a new schedule of compliance.
13. Bontex shall submit quarterly progress reports to DEQ, with the first report being due by **January 10, 2003**. Subsequent Progress Reports will be due by **April 10, July 10, October 10, and January 10**, along with the Facility's Discharge Monitoring Report until the cancellation of the Order. The quarterly progress reports shall contain:
  - a. a summary of all work completed since the previous progress report in accordance with this Order;
  - b. a projection of the work to be completed during the upcoming quarter in accordance with this Order; and
  - c. a statement regarding any anticipated problems in complying with this Order.
14. No later than 14 days following a date identified in the above schedule of compliance, Bontex shall submit to DEQ's Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.

**APPENDIX B: INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning with the date of entry of this Consent Special Order and lasting until the issuance of the Permit modification, Bontex, Inc. is authorized to discharge from outfall 001.

Such discharges shall be limited and monitored by Bontex, Inc. as specified below and as limited by Appendix A, Item 1:

	<u>EFFLUENT CHARACTERISTICS</u>		<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>		<u>Weekly Average</u>		<u>Instantaneous Limitation</u>		<u>Frequency</u>	<u>Sample Type</u>
	<u>mg/l</u>	<u>kg/d</u>	<u>mg/l</u>	<u>kg/d</u>	<u>Min.</u>	<u>Max.</u>		
pH (standard units)	NA	NA	NA	NA	6.5	9.5	1/Dday	Grab

NA= Not applicable

**APPENDIX C: INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning with the date of entry of this Consent Special Order and lasting through 60 days following the effective date of this Order, Bontex, Inc. is authorized to discharge from outfall 001.

Such discharges shall be limited and monitored by Bontex, Inc. as specified below and as limited by Appendix A, Item 1:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>						<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>		<u>Weekly Average</u>		<u>Instantaneous Limitation</u>		<u>Frequency</u>	<u>Sample Type</u>
	<u>mg/l</u>	<u>kg/d</u>	<u>mg/l</u>	<u>kg/d</u>	<u>Min.</u>	<u>Max.</u>		
Ammonia – N (mg/l)(June-Nov)	10.8	NA	NA	NA	NA	21.9	1/Day	5 G/8H
Ammonia – N (mg/l)(Dec-May)	16.7	NA	NA	NA	NA	33.7	1/Day	5 G/8H

NA= Not applicable

