



**February 21, 2023**

**FIRST CLASS and  
CERTIFIED MAIL – 9214 8969 0099 9790 1422 9993 99**

Pete Cleveland  
New-Indy Catawba, LLC  
5300 Cureton Ferry Road  
Catawba, SC 29704

**Re: NOTICE OF ORDER VIOLATION  
Consent Order 22-042-W, Preliminary Engineering Report Requirements  
New-Indy Catawba Wastewater Treatment Facility  
NPDES Permit SC0001015  
York County**

Dear Mr. Cleveland:

Items 4 and 5 on pages 8 and 9 of Consent Order 22-042-W contain requirements related to the submission of a Preliminary Engineering Report (PER) related to the function and management of the New-Indy Wastewater Treatment Facility (WWTF). As explained in this letter, New Indy has not achieved full compliance with the Order requirements and must take additional actions.

On October 26, 2022, New-Indy submitted a PER to the Department. Based on Department review of the PER, comments were provided to New-Indy on November 23, 2022 (see attached letter). Per item 5 on page 9 of Consent Order 22-042-W, New-Indy was required to address the Department's comments and provide a revised and approvable PER within thirty (30) days of receiving the Department's comments. According to Requirement 4(g) on page 9 of Consent Order 22-042-W and item number 6 of the Department's November 23, 2022 comments, New-Indy was to provide specific dates or timeframes for completing its evaluation of options for reducing the total solids loading in the WWTF along with any applicable schedule of implementation for such options.

In response to the Department comments, New Indy submitted a revised PER on December 22, 2022, addressing some of the Department's comments. However, the revised PER did not fully address all comments and did not include specific dates or timeframes for completing its evaluation of options for reducing solids loading in the WWTF. Because of these factors, the revised PER is not approvable by the Department.

As of the date of this letter, New-Indy Catawba has not fully complied with Consent Order 22-042-W in that it failed to provide an approvable PER within thirty days from receipt of Department comments, and in that the PER failed to include specific dates or timeframes for completing the evaluation of options for reducing solids loading in the WWTF. Therefore, you are hereby notified that New-Indy Catawba must comply with the following in order to address the referenced provisions of the Order:

1. **By April 1, 2023, please submit a revised and approvable Preliminary Engineering Report and schedule of implementation that addresses the comments provided below and provides specific dates or timeframes for completing the evaluation of options for the reduction of total solids loading in the WWTF and any applicable schedule for implementation.**

Please be advised that failure to fulfill the action described above may result in New-Indy Catawba being referred to the Department's Office of General Counsel to pursue further enforcement action.

When submitting its revised PER on December 22, 2022, and by separate correspondence, New Indy proposed a meeting to discuss the matters related to solids management at the facility. The correspondence implies a delay in meeting the PER requirements with respect to this issue, but did not describe in detail the cause of the delay, the anticipated length of delay, or any measures and timeframe for implementation of any measures that would be taken to minimize the delay other than a proposed meeting with the Department. The Department is agreeable to holding a meeting to discuss New-Indy's development of a plan to reduce solids loading in the WWTF, but such meeting must take place and final dates and timeframes for completing the evaluation of options are to be established prior to April 1, 2023.

To verify all comments have been addressed, the submission must include a red-line strikeout version of the revised PER document submitted on December 22, 2022, and a separate document with specific responses to each of the following Department comments:

**General Comments**

- 1) General Comment 1 was not adequately addressed. See original comment. Please address the comment.
- 2) General Comment 2 was addressed in the New-Indy Catawba Response to Comments letter dated December 22, 2022, but not the revised PER. Please revise Section 2.4.1 of the PER accordingly.
- 3) General Comment 6 was not adequately addressed. See original comment. Please address the comment.
- 4) General Comment 7 did not require a response, necessarily; however, it was not acknowledged or mentioned in the New-Indy Catawba Response to Comments letter dated December 22, 2022.
- 5) General Comment 8 was not adequately addressed. See original comment. Please address the comment.
- 6) The response to General Comment 9 and the description of Sludge Pond 4 in the PER should be revised to address the number and configuration of the pads for the geotubes. It should also describe the max number of geotubes placed per pad. Note the New-Indy Catawba Response to Comments letter dated December 22, 2022 does provide more information on operation and stacking of geotubes, but the PER needs to be revised accordingly.