CITY OF SEQUIM

CLALLAM COUNTY, WASHINGTON

WASTEWATER SOURCE CONTROL PROGRAM MANUAL



G&O #14555
JULY 2018

Gray & Osborne, Inc.
CONSULTING ENGINEERS

CITY OF SEQUIM

CLALLAM COUNTY **WASHINGTON**

WASTEWATER SOURCE CONTROL PROGRAM MANUAL





G&O #14555
JULY 2018

Gray & Osborne, Inc.
CONSULTING ENGINEERS

TABLE OF CONTENTS

CHAPTER 1 – INTRODUCTION

PURPOSE 1-1
MANUAL SUMMARY 1-2
Chapter 1: Introduction 1-2
Chapter 2: Administrative Organization 1-2
Chapter 3: Discharge Approval System 1-2
Chapter 4: WRF Inspection, Monitoring and Sampling 1-2
Chapter 5: Enforcement Response Plan 1-3
Chapter 6: Program Modifications 1-3
AUTHORIZATION 1-3

CHAPTER 2 – ADMINISTRATIVE ORGANIZATION

PROGRAM DUTIES 2-1
Administrative 2-1
Professional 2-2
Technical 2-2

CHAPTER 3 – DISCHARGE APPROVAL SYSTEM

TYPES OF DISCHARGE APPROVALS 3-1
APPLICATION PROCEDURES FOR DISCHARGE APPROVALS 3-2
New Business 3-2
Business Modification 3-2
Information Required in Discharge Approval Applications 3-2
TYPICAL DISCHARGE PERMIT CONDITIONS 3-3
PERMIT MODIFICATION, RENEWAL, AND REVOCATION 3-4

CHAPTER 4 – INSPECTION, MONITORING AND SAMPLING GUIDE

DISCHARGE MONITORING REPORT (DMR) REVIEW 4-1
Discharge Monitoring Report (DMR) 4-1
DMR Review Process 4-2
POLLUTANT SOURCE TRACKING 4-2
COMMERCIAL FACILITIES INSPECTION GUIDE 4-3
Confidential Business Information 4-3
Inspection of Commercial Dischargers 4-4
Authority 4-4
Types of Inspections 4-4
Survey Inspection 4-4
Complaint Inspection 4-5
Full Facility Inspection 4-5
Announced Inspection 4-5
Unannounced Inspection 4-6
Procedures Prior to the Inspection 4-6
Denial of Entry 4-7

Site Inspection – Procedures 4-7
Site Inspection – Suggested Questions Checklist 4-8
Procedures After the Inspection 4-10
Field Equipment Pack – Typical Contents 4-11
FIELD SAMPLING PROTOCOL GUIDE 4-12
Sampling of Commercial Dischargers 4-12
Analytical Parameter and Methods 4-14
Sampling Plan 4-14
Laboratory Accreditation, Analytical Techniques, Quality Assurance, Quality Control 4-19
Presampling Activities 4-20
Equipment Cleaning Procedures 4-20
Sampling Containers 4-20
Sample Collection/Transferring Containers 4-20
Automatic Sampling Equipment 4-21
Field Instrument Procedures 4-21
pH/Temperature Meters 4-21
Calibration of Sampling Equipment 4-22
WRF MONITORING, REPORTING AND RECORD-KEEPING REQUIREMENTS 4-22
Record-Keeping Requirements 4-22
REFERENCES 4-23

CHAPTER 5 – ENFORCEMENT RESPONSE PLAN
PROCEDURES FOR IMPLEMENTING THE ENFORCEMENT RESPONSE PLAN 5-1
Authority to Implement Enforcement Response Plan 5-1
Investigation of Non-Compliance 5-2
Search Warrants 5-3
Source Control Program Staff Discretion to Determine Appropriate Enforcement Responses 5-3
ADMINISTRATIVE ENFORCEMENT RESPONSES 5-4
Violation – Notification 5-4
Criminal Prosecution 5-4
Injunctive Relief 5-5

CHAPTER 6 – PROCEDURES FOR PROGRAM MODIFICATION
CITY'S RIGHT OF REVISION 6-1
LOCAL LIMITS 6-1

LIST OF FIGURES

No.	Figure	Follows Page
3-1	Wastewater Discharge Approval Decision Tree	3-2
4-1	Collection System, Collection Basins, and Reuse Pipeline	4-2
4-2	Existing Sequim Sewer System and Key Manholes	4-2
4-3	Carlsborg Initial System Sewer Plan and Key Manholes	4-2
5-1	Enforcement Procedure	5-4

APPENDICES

Appendix A – 40 CFR Part 403
Appendix B – City of Sequim NPDES Permit
Appendix C – Applications for Discharge Permits
Appendix D – General 40 CFR Part 403 Monitoring and Reporting Summary
Appendix E – Full City Base Map
Appendix F – City Standards for Pretreatment and Monitoring Equipment
Appendix G – Fats, Oil, and Grease – Best Management Practices Manual
Appendix H – Public Sewer Use Regulations
Appendix I – Chain of Custody Forms

CHAPTER 1

INTRODUCTION

The City of Sequim (City) has developed this Wastewater Source Control Program Manual in compliance with its National Pollution Discharge Elimination System (NPDES) Permit and National Pretreatment Program standards published in Title 40 Code of Federal Regulations (CFR) Part 403 and the State of Washington. The requirements of the Wastewater Source Control Program apply to all users of the City wastewater collection system and Water Reclamation Facility (WRF), but are specifically targeted towards non-domestic (commercial and industrial) users in order to control pollutants that could damage or obstruct the collection system, pass through the WRF with inadequate treatment, interfere with WRF treatment processes, degrade reuse water, contaminate sewage sludge, or pose a threat to the safety of City staff.

PURPOSE

The Wastewater Source Control Program has developed a Mission Statement to guide the program development and implementation:

Our purpose is to:

- *Protect the public safety as well as the health and safety of City workers.*
- *Limit the introduction of pollutants or materials that would damage the collection system or cause blockages and overflows.*
- *Prevent the introduction of pollutants that could interfere with the Water Reclamation Facility processes, pass through the Water Reclamation Facility to effluent discharge locations including the Strait of Juan de Fuca, Bell Creek and reclaimed water use, or contaminate "Biosolids" generated at the plant.*
- *Protect the water quality within the Elwha/Dungeness Watershed (WRIA 18) and the Puget Sound.*
- *Insure our compliance with the State of Washington and EPA mandated pretreatment regulations.*

Our Objective is to:

- *Operate a program that is practical and useful to the operation of the Water Reclamation Facility.*
- *Encourage community development by seeking innovative and collaborative solutions.*
- *Endeavor to regulate fairly, use common-sense, and develop reasonable standards that protect health, infrastructure and water quality.*

The purpose of the manual is to provide policies and procedures to support the Wastewater Source Control Program in implementing the Program objectives.

MANUAL SUMMARY

The manual consists of program information organized into the following chapters:

CHAPTER 1: INTRODUCTION

Chapter 1 provides the goals of the manual, a brief summary of the information provided in each chapter, and authorization for the manual.

CHAPTER 2: ADMINISTRATIVE ORGANIZATION

Chapter 2 summarizes the personnel involved and summary of duties related to operation of Sequim's Industrial Pretreatment Program.

CHAPTER 3: DISCHARGE APPROVAL SYSTEM

Chapter 3 details types of discharge approvals for various types of businesses and discharge approval application procedures

CHAPTER 4: WRF INSPECTION, MONITORING AND SAMPLING

Chapter 4 includes an Inspection, Monitoring and Sampling Guide for the Wastewater Source Control Program. The Guide includes the following elements:

- Discharge Monitoring Report Review Guide
- Commercial Facilities Inspection Guide
- Field Sampling Protocol Guide
- WRF Reporting Requirements

CHAPTER 5: ENFORCEMENT RESPONSE PLAN

Chapter 5 includes an Enforcement Response Plan for the Wastewater Source Control Program. The Plan includes an Administrative Enforcement Response Guide.

CHAPTER 6: PROGRAM MODIFICATIONS

Chapter 6 includes procedures to follow to modify the program manual. As circumstances change in the course of running the City's Wastewater Source Control Program, it may become necessary to modify the program manual.

AUTHORIZATION

Development of an industrial pretreatment program is consistent with, although not explicitly required by, the City's NPDES permit as follows:

> *S6. PRETREATMENT*
>
> *A. General Requirements*
>
> *The Permittee must work with Ecology to ensure that all commercial and industrial users of the Publicly Owned Treatment Works (POTW) comply with the pretreatment regulations in 40 CFR Part 403 and any additional regulations that the Environmental Protection Agency (U.S. EPA) may promulgate under Section 307(b) (pretreatment) and 308 (reporting) of the Federal Clean Water Act.*
>
> *B. Duty to Enforce Discharge Prohibitions*
>
> *1. Under federal regulations [40 CFR 403.5(a) and (b)], the Permittee must not authorize or knowingly allow the discharge of any pollutants into its POTW which may be reasonably expected to cause pass through or interference, or which otherwise violate general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.*
>
> *2. The Permittee must not authorize or knowingly allow the introduction of any of the following into their treatment works:*
> *a. Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21).*
>
> *b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.*

c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.

d. Any pollutant, including oxygen-demanding pollutants, (BOD5, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

e. Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.

f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.

g. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless Ecology, upon request of the Permittee, approves, in writing, alternate temperature limits.

h. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.

i. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).

3. The Permittee must also not allow the following discharges to the POTW unless approved in writing by Ecology:

a. Noncontact cooling water in significant volumes.

b. Stormwater and other direct inflow sources.

c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.

4. The Permittee must notify Ecology if any industrial user violates the prohibitions listed in this section (S6.B), and initiate enforcement action to promptly curtail any such discharge.

Wastewater Discharge Permit Required (Section S6.C.). The City must:

1. *Establish a process for authorizing non-domestic wastewater discharges that ensures all significant industrials users (SIUs) in all tributary areas meet the applicable state waste discharge permit (SWDP) requirements in accordance with chapter 90.48 RCW and chapter 173-216 WAC.*

2. *Immediately notify Ecology of any proposed discharge of wastewater from a source, which may be an (SIU).*

3. *Require all SIUs to obtain a SWDP from Ecology prior to accepting their non-domestic wastewater, or require proof that Ecology has determined they do not require a permit.*

4. *Require the documentation as described in S6.C.3 at the earliest practicable date as a condition of continuing to accept non-domestic wastewater discharges from a previously undiscovered, currently discharging and unpermitted SIU.*

5. *Require sources of non-domestic wastewater, which do not qualify as SIUs, but merit a degree of oversight, to apply for a SWDP and provide it a copy of the application and any Ecology responses.*

6. *Keep all records documenting that its users have met the requirements of S6.C.*

D. Identification and Reporting of Existing, New, and Proposed Industrial Users

1. The Permittee must take continuous, routine measures to identify all existing, new, and proposed SIUs and potential significant industrial users (PSIUs) discharging or proposing to discharge to the Permittee's sewer system (see Appendix B of the fact sheet for definitions).

2. Within 30 days of becoming aware of an unpermitted existing, new, or proposed industrial user who may be a significant industrial user (SIU), the Permittee must notify such user by registered mail that, if classified as an SIU, they must apply to Ecology and obtain a State Waste Discharge Permit. The Permittee must send a copy of this notification letter to Ecology within this same 30-day period.

3. The Permittee must also notify all Potential SIUs (PSIUs), as they are identified, that if their classification should change to an SIU, they must

apply to Ecology for a State Waste Discharge Permit within 30 days of such change.

E. Industrial User Survey

The Permittee must complete an industrial user survey listing all SIUs and potential significant industrial users (PSIUs) discharging to the POTW. The Permittee must submit the survey to Ecology by October 1, 2014, for the calendar year 2013 and by June 30th of the following calendar years thereafter. At a minimum, the Permittee must develop the list of SIUs and PSIUs by means of a telephone book search, a water utility billing records search, and a physical reconnaissance of the service area. Information on PSIUs must include, at a minimum, the business name, telephone number, address, description of the industrial process(s), and the known wastewater volumes and characteristics.

CHAPTER 2

ADMINISTRATIVE ORGANIZATION

Indicated below are the positions and summary of duties related to annual operation of Sequim's Wastewater Source Control Program.

PROGRAM DUTIES

ADMINISTRATIVE

1. Public Works Director and Staff

   Program Duties:

   i. Review program elements and provide general supervision of the Wastewater Source Control Program.
   ii. Consult with City Manager and other executive staff.
   iii. Recommend program and ordinance changes.
   iv. Review applications for commercial discharges and proposed pretreatment measures.
   v. Approve variances and/or special agreements.
   vi. When required, Order Emergency Suspensions of Discharge and/or the Termination of Discharge.
   vii. Refer Enforcement Reponses to the City Attorney.
   viii. Collect any program fees, Administrative Fines and Charges.

2. Utilities Manager

   Program Duties:

   i. Act as liaison between the City and business community.
   ii. Direct and oversee wastewater source control-related activities of WRF staff and Wastewater Source Control Specialist.
   iii. Supervise employees working on Pretreatment Program.
   iv. Provide necessary technical and logistical resources to staff.
   v. Ensure consistency and equitability of Program operation.
   vi. Recommend enforcement actions to Public Works Director.
   vii. Coordinates with Approval Authority (DOE).

PROFESSIONAL

1. City Attorney

   Program Duties:

   i. Provide legal counsel and review regarding sewer use ordinance.
   ii. Initiate legal action against users in violation of the Public Sewer Use Regulations or permit requirements.

TECHNICAL

1. Water Reclamation Facility Manager

   Program Duties:

   i. Oversee any sampling and analysis required for management of the Wastewater Source Control Program
   ii. Review Wastewater Discharge applications

2. Wastewater Source Control Coordinator/Industrial Pretreatment Specialist

   Program Duties:

   i. Review and approve City Business License applications as related to Commercial Wastewater Discharge in consultation with the Utilities Manager and Public Works Director.
   ii. Perform facility inspections of commercial dischargers.
   iii. Perform sampling and surveillance of commercial dischargers, when necessary.
   iv. Notify dischargers of changes in regulations and requirements.
   v. Maintain necessary records and generated required reports.
   vi. Review pretreatment facility construction plans and perform inspections of new pretreatment equipment installation.
   vii. When required, issue Compliance Orders and/or Cease and Desist Orders.
   viii. Conduct and coordinate illegal discharge investigations.
   ix. Respond to potential chemical spills to ensure the protection of the Public, City Staff, collection system infrastructure and the, Water Reclamation Facility's process and infrastructure.
   x. Attend Pretreatment Conferences and Training Seminars.

3. Building Inspector

   Program Duties:

   i. Inspect new pretreatment facilities for code compliance.

CHAPTER 3

DISCHARGE APPROVAL SYSTEM

All commercial users discharging or proposing to discharge non-domestic wastewater to the City wastewater collection system, are required to apply for and obtain a Wastewater Discharge Approval. Based upon the application, the City will determine the extent of pretreatment, testing, maintenance, and record-keeping required. A decision tree illustrating the City's permitting process is provided in Figure 3-1.

TYPES OF DISCHARGE APPROVALS

Discharge Approvals issued by the City and/or Ecology include the following four categories, in decreasing degree of regulatory requirements:

- *Discharge Permit* (for SIUs) – Issued by Ecology – Federally Regulated Categorical Industries and commercial dischargers that are categorized as Significant Industrial Users. Generally, these commercial discharges have discharge rates greater than 25,000 gallons per day, those with high strength discharge, or at the discretion of the Wastewater Source Control Program. These dischargers generally must maintain a pretreatment facility or follow mandatory BMPs (Best Management Practices). This level of commercial discharges may require federally mandated reporting, monitoring and inspection by the Pretreatment Program.

  In addition, the Public Works Director will review the discharge application and determine if the discharge is acceptable based on the pollutant analysis and the hydraulic and loading capacity of the WRF.

- *Conditional Discharge Authorization* (for MIUs) – Issued by the City – Commercial Dischargers whose discharge is generally of higher strength or volume than that of domestic equivalent and have a wastewater discharge flow of less than 25,000 gallons per day. These dischargers generally must maintain a pretreatment device or follow mandatory BMPs (Best Management Practices), requiring monitoring and inspection by the Pretreatment Program.

- *Letter of Authorization* – Issued by the City – One-time Commercial dischargers that may require monitoring and inspection by the Pretreatment Program.

Domestic-equivalent dischargers are not considered MIUs and are not required to obtain any discharge authorizations. For a majority of MIUs, requirements will focus on

maintenance of pretreatment facilities, monitoring and reporting, and record-keeping. However, at the discretion of the City, each Discharge Approval may also include discharge limitations and standards, spill control measures, accidental spill prevention plans, waste slug discharge control plans (required for SIUs), monitoring equipment requirements, sampling site requirements, flow restrictions, engineering reports, solvent management plans, implementation of Best Management Practices (BMPs), and special studies to evaluate discharge limits or compliance status.

APPLICATION PROCEDURES FOR DISCHARGE APPROVALS

NEW BUSINESS

All industrial and commercial business proposing to discharge wastewater (business license or applying for a building permit) are required to apply to the Administrator for a Wastewater Discharge Approval at least 60 days prior to beginning discharge. (Certain categorical dischargers must apply 90 days prior to beginning of discharge.)

BUSINESS MODIFICATION

Any discharger with an existing Wastewater Discharge Approval proposing to make a change in an existing waste discharge, which will substantially change the volume of flow or the characteristics of the waste or establish a new point of discharge, shall apply for a new Wastewater Discharge Approval 30 days prior to making the change.

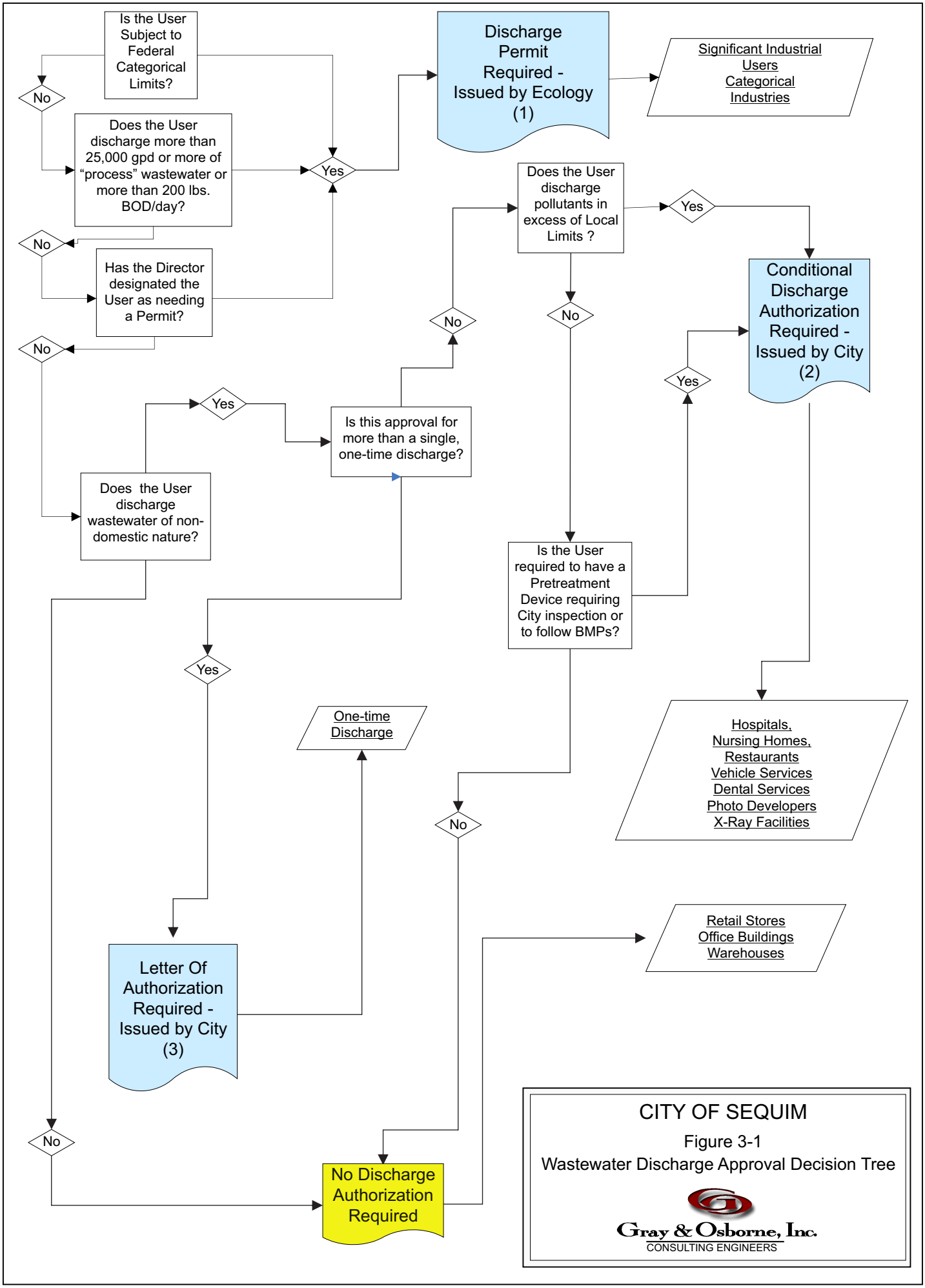
Substantial changes include, but are not limited to:

- A 20 percent increase in the authorized daily maximum flow.
- Addition of a new process, product, or manufacturing line that will increase or decrease the concentration of pollutants in the waste stream or require modification in the operation of the pretreatment system.
- Addition of new pretreatment equipment.
- Change of discharge location.
- Or alteration of a sample site.

INFORMATION REQUIRED IN DISCHARGE APPROVAL APPLICATIONS

The following general information is required in discharge approval applications:

- Identifying information such as name, address, owner and contact person;
- Other environmental permits held by the user;
- Operation and site descriptions including manufacturing processes;
- Flow measurements;
- Measurements of pollutants;
- Pretreatment system designs and operation and maintenance manuals;


Is the User Subject to Federal Categorical Limits?
No
Does the User discharge more than 25,000 gpd or more of "process" wastewater or more than 200 lbs. BOD/day?
Yes
Discharge Permit Required - Issued by Ecology (1)
Significant Industrial Users
Categorical Industries
No
Has the Director designated the User as needing a Permit?
No
Does the User discharge pollutants in excess of Local Limits ?
Yes
Conditional Discharge Authorization Required - Issued by City (2)
No
Yes
Yes
Is this approval for more than a single, one-time discharge?
No
Does the User discharge wastewater of non-domestic nature?
Is the User required to have a Pretreatment Device requiring City inspection or to follow BMPs?
Yes
Yes
One-time Discharge
Hospitals,
Nursing Homes,
Restaurants
Vehicle Services
Dental Services
Photo Developers
X-Ray Facilities
No
Retail Stores
Office Buildings
Warehouses
Letter Of Authorization Required - Issued by City (3)
No
No Discharge Authorization Required
CITY OF SEQUIM
Figure 3-1
Wastewater Discharge Approval Decision Tree
Gray & Osborne, Inc.
CONSULTING ENGINEERS

- Spill control plans; and
- Certification statements.

Copies of Discharge Approval Application forms are included in Appendix C.

TYPICAL DISCHARGE PERMIT CONDITIONS

Discharge Permits issued by Ecology for SIUs typically include such conditions as are reasonably deemed necessary to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the WRF.

Wastewater discharge permits must contain the following conditions:

- Permit duration (5 years or less).
- Permit is non-transferable without prior notification.
- Applicable pretreatment standards and requirements, including any special State requirements.
- Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, number of grab samples necessary, and sample type based on federal, State, and local law.
- Requirement for immediate notification where self-monitoring results indicate noncompliance.
- Requirement to report a bypass or upset of a pretreatment facility.
- Slug control requirements (an evaluation is required by the Wastewater Source Control Program of slug control requirements for an SIU with 1 year of designating the discharger as an SIU, per 40 CFR Part 403.8f vi).
- A requirement for SIUs to notify the Wastewater Source Control Program of any changes at its facility affecting the potential for a slug discharge.
- Any BMPs (Best Management Practices) required by federal, state or local regulations.
- Requirement for the SIU who reports noncompliance to repeat the sampling and analysis and submit results to the Administrator within 30 days after becoming aware of the violation.
- A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.

Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Fees and charges.
2. Limits on the average and/or maximum rate of discharge, time of discharge, constituents and characteristics and/or requirements for flow regulation and equalization.
3. Requirements for the installation of pretreatment technology.
4. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
5. Waste minimization plans to reduce the amount of pollutants discharged to the WRF.
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
7. A statement regarding responsibility for compliance with all applicable federal and State pretreatment standards.
8. Any special agreements.
9. Other conditions as deemed appropriate.
10. Requirement for submission of special technical reports or discharge reports, not otherwise prescribed by this chapter.

PERMIT MODIFICATION, RENEWAL, AND REVOCATION

Ecology may modify the Discharge Permit for good cause, such as changes in regulations or the nature of the discharge.

Renewal applications must be filed for renewal of the discharge approval at least 180 days prior to the expiration date.

Ecology may revoke a Discharge Permit for good cause, such as failure to reasonably comply with the terms of the permit or cooperate with the City's Wastewater Source Control Program or Ecology.

CHAPTER 4

INSPECTION, MONITORING AND SAMPLING GUIDE

This Inspection, Monitoring and Sampling Guide for the City of Sequim Wastewater Source Control Program includes the following elements:

- Discharge Monitoring Report Review Guide
- Commercial Facilities Inspection Guide
- Field Sampling Protocol Guide
- WRF Monitoring and Reporting Requirements

This Inspection, Monitoring and Sampling Guide is authorized by the City's Sewer Use Ordinance. A copy of the ordinance is included in Appendix H.

DISCHARGE MONITORING REPORT REVIEW

DISCHARGE MONITORING REPORT (DMR)

In general, Ecology (not the City) will issue Discharge Permits for SIUs and will be responsible for reviewing Discharge Monitoring Reports in accordance with 40 CFR Part 403. Some general information about 40 CFR Part 403 requirements for monitoring and reporting that may be utilized by Ecology are summarized in Appendix D. Categorical dischargers have special requirements shown on the top of Figure D-1. Typically, all Discharge Permit holders will be required to follow the requirements shown on the bottom of Figure D-1, including submitting a Self-Monitoring Report, also known as a Discharge Monitoring Report (DMR) or an Initial or Final Compliance Report, as described in Sections 14.06.062 and 14.06.063. The contents of the DMR form will be user-specific. The Discharge Permit and subsequently the DMR will outline the parameters to be sampled, the method of sampling, frequency of sampling, and the analysis required for each parameter. Additionally, the Discharge Permit will specify the frequency that the DMR form must be submitted to the Wastewater Source Control Program.

In cases where applicable pretreatment standards and requirements include compliance with BMPs, the user shall submit documentation required by the Administrator in the Discharge Approval to determine the compliance status of the user.

In addition to submitting DMRs, all "Discharge Permit" holders must utilize a sampling and monitoring vault meeting City standards. A schematic of the vault is included in the City Standards for Pretreatment and Monitoring Equipment in Appendix F.

DMR REVIEW PROCESS

Figure D-2 summarizes the review process typically employed by Ecology under 40 CFR Part 403. The reported values of the listed parameters are compared to the "Discharge Permit" limits. Compliance with all limits is verified and /or any excursions or violations are noted.

POLLUTANT SOURCE TRACKING

In cases were a pollutant or hazard is detected in the collection system or the Water Reclamation Facility, an investigation should be conducted by the City. Samples taken should be analyzed to determine the material and or dangers involved.

After the pollutant has been identified, it should be checked against the Wastewater Source Control Program's industry data to identify businesses that could be discharging the pollutant/volumes in question. If only a few industries are listed, it may be practical to sample each of the discharges that may be responsible.

If a large number of dischargers could be responsible or no potential discharger is found, the designated "Key Manholes" should be sampled to find the origin of the pollutant. Once the source of the pollutant has been narrowed down to a small area, care must be exercised to provide enforcement documentation and sampling integrity. Figures 4-1 through 4-3 show the collection system basins and the locations of the key manholes. The locations include:

Sequim

1.	Basin 1: Central Downtown Drainage Basin:	MH 20-2-46
2.	Basin 2: East Downtown Drainage Basin:	MH 20-1-19
3.	Basin 3: North Sequim Drainage Basin:	MH 20-2-01
4.	Basin 4: Southwest Sequim Drainage Basin:	MH 19-4-40
5.	Basin 5 Emerald Highlands Drainage Basin:	MH 19-4-50
6.	Basin 6: Bell Hill Drainage Basin:	MH 29-1-03
7.	Basin 7: East Sequim Drainage Basin:	MH 21-1-10
8.	Carlsborg Force Main Discharge Vault Automatic Sampler	

Carlsborg

9.	North Carlsborg	MH 26
10.	Carlsborg Business Loop –North	MH 42
11.	Carlsborg Business Loop –South	MH 50
12.	Runnion Road	MH 58
13.	Smithfield Drive	MH 68
14.	South Carlsborg	MH 4

PORT WILLIAMS PUMP STATION

JEANNIE'S MEADOW LIFT STATION

CITY OF SEQUIM WRF

OUTFALL

CEDAR RIDGE LIFT STATION

DOE RUN PUMP STATION

N

0 1,000 2,000 4,000 Feet

LEGEND:

- SEWER SERVICE AREA
- URBAN GROWTH AREA
- CITY LIMITS
- LIFT STATION
- RE-USE PIPELINE
- SEWER LINES
- COLLECTION BASIN BOUNDARY
- PARCELS
- 16 SECTION NUMBERS
- 3 COLLECTION BASIN NUMBERS

DRAINAGE BASINS:

1. CENTRAL DOWNTOWN DRAINAGE BASIN
2. EAST DOWNTOWN DRAINAGE BASIN
3. NORTH SEQUIM DRAINAGE BASIN
4. SOUTHWEST SEQUIM DRAINAGE BASIN
5. EMERALD HIGHLANDS DRAINAGE BASIN
6. BELL HILL DRAINAGE BASIN
7. EAST SEQUIM DRAINAGE BASIN

CITY OF SEQUIM

SOURCE CONTROL PROGRAM MANUAL
FIGURE 4-1
COLLECTION SYSTEM, COLLECTION BASINS, AND REUSE PIPELINE

Gray & Osborne, Inc.
CONSULTING ENGINEERS

M:\SEQUIM\11594 - 2012 General Sewer Plan\GIS\FIGURE 1-9 COLLECTION.mxd

N

0 1,250 2,500 Feet

STRAIT OF JUAN DE FUCA

MH 20-2-01

MH 20-2-46

MH 20-1-19

MH 21-1-10

MH 19-4-50

MH 19-4-40

MH 29-1-03

CARLSBORG RECEIVING MH

1 CARLSBORG UGA
2 DUNGENESS RIVER
3 RAILROAD BRIDGE PARK
4 DOE RUN PUMP STATION
5 PORT WILLIAMS PUMP STATION
6 SEQUIM WRF
7 WRF EFFLUENT OUTFALL

LEGEND:

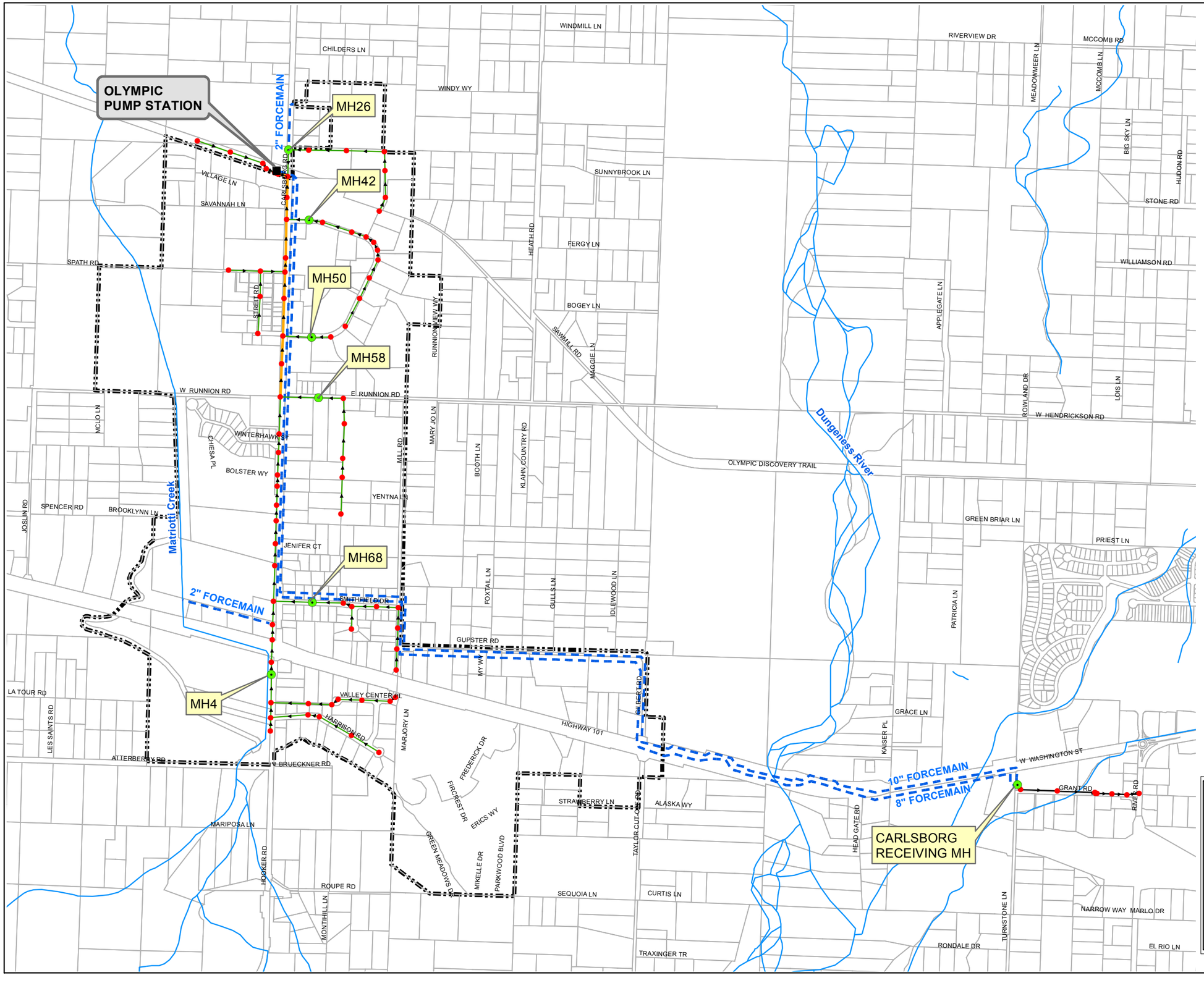
- KEY MANHOLES
- MANHOLES
- LIFT STATION
- FORCE MAIN
- SEWER LINES
- REUSE PIPELINE
- SEQUIM UGA
- CARLSBORG UGA
- SEQUIM CITY LIMITS

CITY OF SEQUIM

SOURCE CONTROL PROGRAM MANUAL
FIGURE 4-2
EXISTING SEQUIM SEWER SYSTEM
AND KEY MANHOLES

Gray & Osborne, Inc.
CONSULTING ENGINEERS

M:\SEQUIM\14555 Industrial Pretreatment\GIS\FIGURE 4-2.mxd


OLYMPIC PUMP STATION
MH26
MH42
MH50
MH58
MH68
MH4
CARLSBORG RECEIVING MH
2" FORCEMAIN
2" FORCEMAIN
10" FORCEMAIN
8" FORCEMAIN
Matriotti Creek
Dungeness River
WINDMILL LN
CHILDERS LN
WINDY WY
RIVERVIEW DR
MCCOMB RD
MEADOWMEER LN
MCCOMB LN
BIG SKY LN
HUDON RD
STONE RD
WILLIAMSON RD
SUNNYBROOK LN
FERGY LN
HEATH RD
VILLAGE LN
SAVANNAH LN
CARLSBORG RD
SPATH RD
STREIT RD
RUNNION VIEW WY
BOGEY LN
SAWMILL RD
MAGGIE LN
APPLEGATE LN
ROWLAND DR
LOIS LN
W HENDRICKSON RD
W RUNNION RD
E RUNNION RD
MCLIO LN
WINTERHAWK ST
CHESA PL
BOLSTER WY
MILL RD
MARY JO LN
BOOTH LN
KLAHN COUNTRY RD
OLYMPIC DISCOVERY TRAIL
JOSLIN RD
SPENCER RD
BROOKLYNN LN
YENTNA LN
GREEN BRIAR LN
PRIEST LN
JENIFER CT
SMITHFIELD DR
FOXTAIL LN
GULLS LN
IDLEWOOD LN
PATRICIA LN
GUPSTER RD
MY WAY
LA TOUR RD
LES SAINTS RD
VALLEY CENTER PL
HARRISON RD
MARJORY LN
GILBERT RD
HIGHWAY 101
GRACE LN
KAISER PL
W WASHINGTON ST
ATTERBERRY RD
E BRUECKNER RD
FREDERICK DR
FIRCREST DR
ERICS WY
STRAWBERRY LN
ALASKA WY
TAYLOR CUT-OFF RD
HEAD GATE RD
GRANT RD
RIVER RD
MARIPOSA LN
HOOKER RD
GREEN MEADOWS DR
MIKELLE DR
PARKWOOD BLVD
ROUPE RD
MONTHILL LN
SEQUOIA LN
CURTIS LN
TURNSTONE LN
NARROW WAY
MARLO DR
RONDALE DR
EL RIO LN
TRAXINGER TR
N
0
500
1,000
2,000
Feet
LEGEND:
KEY MANHOLES
PUMP STATION
SEWER MANHOLE
8-INCH SEWER
12-INCH SEWER
15-INCH SEWER
FORCEMAIN
PARCELS
CARLSBORG SEWER SERVICE BOUNDARY
CITY OF SEQUIM
SOURCE CONTROL PROGRAM MANUAL
FIGURE 4-3
CARLSBORG INITIAL SYSTEM SEWER PLAN
AND KEY MANHOLES
Gray & Osborne, Inc.
CONSULTING ENGINEERS
M:\SEQUIM\14555 Industrial Pretreatment\GIS\FIGURE 4-3.mxd

Normally, Carlsborg manholes would only be sampled or otherwise further scrutinized if pollutants of concern were found in the sample taken by the Carlsborg Force Main Discharge Vault Automatic Sampler.

In the case of hazardous or dangerous discharges, public and City employee's health and safety are paramount. Every effort should be made to stop or eliminate the discharge immediately, even at the risk of jeopardizing future enforcement action.

COMMERCIAL FACILITIES INSPECTION GUIDE

CONFIDENTIAL BUSINESS INFORMATION

Section 13.48.090 of the Public Sewer Use Regulations authorizes the City to conduct inspections. The very nature of inspections involves gaining access to and collecting information that companies would not ordinarily make available to outsiders. When conducting compliance inspections, the inspector may have to deal with claims of confidentiality. These claims are authorized under Section 308 of the Federal Clean Water Act and are explained in the Code of Federal Regulations in 40 CFR Part 2. The inspector is responsible for following proper security measures when handling inspection data – both while on the road and in the office. Confidential business information includes trade secrets (including chemical identity, processes, or formulation) that could damage a company's competitive position if they became known to the public. Unauthorized disclosure of confidential information could result in criminal sanctions against the inspector.

Any business being inspected has the right to claim all or any part of the information gathered during the inspection as confidential. Information collected during an inspection is available to the public unless the Industrial User (IU) takes measures to have the information held as confidential. This information must be held in confidence from the public, but this information must also be disclosed to the EPA upon request.

The claim of confidentiality only relates to the public availability of such data and is not to be used for denying access to a facility for Wastewater Source Control Program inspectors performing their duties under State or local law. Confidential business information must not be disclosed to competitors or to any other person who does not need to have access to the information to evaluate compliance with pretreatment obligations (e.g., Wastewater Source Control Program compliance personnel).

In some cases, entry to a facility may be denied based on a claim that there is confidential information at the facility. In such cases, the inspector should inform the industry of the relevant subsections of the federal, State or local law regarding confidentiality so that they are clearly understood by all parties involved. The inspector should then explain the procedures used by the Wastewater Source Control Program to keep information confidential. If the facility representative still refuses entry, the inspector should not

contest the issue but should treat the matter in the same manner as any denial of entry and follow established procedures for gaining entry.

The inspector should not sign any pledge of secrecy or confidentiality agreements or any agreement which would limit the Wastewater Source Control Program's ability to disclose or use the information obtained while inspecting an IU. Such secrecy agreements are not a precondition of entry to the facility and should not be signed by the inspector.

It is not appropriate for the inspector to determine whether an IU's claim of confidentiality is justified. Once such a claim is made, the information must be kept confidential until a determination is made by the City's legal counsel (EPA, 1994).

INSPECTION OF COMMERCIAL DISCHARGERS

The City may inspect the facilities of users to determine compliance with this the Public Sewer Use Regulations. The inspections are to be conducted in a concise, professional manner employing the following general procedures.

Authority

Section 13.48.090, *Authority to Inspect*, of the Public Sewer Use Regulations states:

> *Continued connection and use of the Sequim sewer system shall be contingent on the right of the City to inspect and sample all discharges into the system. The City shall have the right to enter the facilities of any user for the purpose of the enforcement of this ordinance and to determine that any wastewater discharge permit, authorization or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination, and copying, and the performances of any additional duties.*

TYPE OF INSPECTIONS

Wastewater source control can perform several different types of inspections including Survey Inspections, Complaint Inspections, Full Facility Inspections, Unannounced Inspections, and Announced Inspections.

Survey Inspection

A survey is conducted as an initial screening and is generally done when canvassing an area. Basic information gathered includes the business name, address, date, type of business, NAICS number, if chemicals are used or are present, and if a permit is required. This information is recorded in the field. Upon return to the office, the Inspector enters the information into the computer database. If chemicals are used or are disposed of, if a

permit or pretreatment is needed, or if the business is a categorical user, the Inspector arranges for a more complete inspection visit.

Complaint Inspection

When receiving a non-emergency complaint, the Inspector first needs to determine if a problem exists. Information similar to that gathered during a survey is covered, but with the main focus being on the specific complaint. Documentation is collected as needed. If a problem is found, the Inspector should require that corrective action be taken by the responsible party. If the problem is found at a permitted user's facility and relates to pretreatment equipment and requirements, a Field Notice of Violation is issued and the date of required correction is set. If an accidental release to the sanitary sewer or environment has occurred, the Inspector should also require the spiller to report the incident and actions taken in written form within 5 days. If the Inspector is dispatched to respond to an emergency spill in conjunction with other emergency responders, police and fire, an "Incident Report" should be completed to record the event and document costs incurred by the City. In the case of a spill or release, the spiller or the spiller's business is designated the responsible party and is responsible for all cleanup and related costs and corrective action to prevent recurrence.

Full Facility Inspection

A full facility inspection is an in-depth tour of an existing permitted facility, the initial inspection of a new facility, or the inspection of a commercial discharger without proper Discharge Approval. Preparation for this type of inspection is covered later in this section and includes steps to be taken prior to, during, and after the inspection. The full facility inspection can be either an announced or unannounced inspection.

Announced Inspection

Contact the designated business representative to schedule an appointment for the inspection. Usually the business is informed during a scheduled inspection that an unannounced inspection will occur in the future. The procedures followed are the same for each type of inspection, with the exception of prescheduling a date and time:

- Review past records and be familiar with any problems that have occurred, or changes that were anticipated, since last inspection.
- Have new inspection forms ready.
- If samples are to be taken, have sampling containers ready. Notify testing laboratory so they will be expecting samples and can process them in a timely manner. Use chain-of-custody forms and lock box.

- Insure any field test equipment is calibrated and working properly (such as pH meters). If pictures are to be taken, verify that a camera is ready.

- Have employee identification and business cards available so they may be used when introducing Wastewater source control personnel to the business. This is especially important if past contact has not already been established.

- Be familiar with any changes in local, State, or Federal regulations that may have an effect on the business's wastewater discharge.

Unannounced Inspection

Same process as announced inspections, however, no prior appointment is made.

PROCEDURES PRIOR TO THE INSPECTION

1. Establish the Purpose and Scope of the Inspection

    a. Determine which documents, and equipment, are necessary for the inspection.
    b. Establish a sampling plan if samples are to be collected.
    c. Coordinate your schedule with the laboratory if samples are to be collected.
    d. Review facility plans if available.
    e. Review permit, if a permitted industry.
    f. Review file for previous contacts/problems/information.
    g. Is facility a categorical, significant, or other type of business?
    h. Given the type of business, what might be discharged (grease, oil, types of chemicals, grit, etc.)?
    i. Is any form of pretreatment/equipment in place (screens, pH neutralization/monitoring, settling, etc.)?
    j. Establish the site contact person?

2. Prepare Inspection/Sampling Equipment

    a. Check "Field Equipment Pack" for the required equipment. (See below.)
    b. Calibrate pH meter.
    c. Clean sampling equipment.
    d. Check that you have enough sample containers of the proper type for the samples to be taken.
    e. Insure sample containers contain necessary preservative if required
    f. Have chain-of-custody documents prepared and ready for completion.

g. Is ice chest needed for transporting sample?
h. Have sampler batteries charged.

DENIAL OF ENTRY

If entry is denied, the Inspector must ensure he or she is speaking to the appropriate contact person or asks to have that person notified and inform them entry has been denied. The Inspector should properly identify himself or herself as a City of Sequim representative, showing his or her City of Sequim identification card as well as business card, and making sure the reason for the visit is clearly stated. When contact with the appropriate person is made, the Inspector can remind the person that allowing facility access is required under Section 13.48.090, Authority to Inspect, in the Public Sewer Use Regulations and if access is denied the user could be subject to enforcement actions in the Public Sewer Use Regulations. In the event of a denial of entry, the Inspector should withdraw from the facility and notify his supervisor of the situation. A police officer and/or supervisor may be dispatched to accompany the Inspector to gain facility access. Every reasonable attempt to allow cooperation by the facility representative should be afforded. Enforcement actions, as outlined in the Enforcement Response Plan of this manual, will be initiated if needed.

SITE INSPECTION – PROCEDURES

The following procedures are used for full, announced, and unannounced site inspections:

1. Some facilities require all visitors to sign a visitor's log book stating the date, time, organizational affiliation, and whom you wish to contact. The Inspector should comply with the business's wishes in use of a visitor's log; however, the Inspector should not sign any other waiver or hold harmless type of liability form.

2. Make contact with the business representative you are to deal with during the inspection. If the primary contact person is unavailable, ask for the alternate person, business owner, manager, or other individual having authority in the operation. Inform the contact person you have arrived to perform a facility inspection.

3. Discuss any previous concerns or changes noted in file or observed during previous inspections.

4. Determine if any new operations, procedures, products, or chemicals have been employed since the last inspection (get overview of process/chemical use if inspecting a previously uninspected business).

5. Determine if any new disposal methods have been implemented since the last inspection (such as recycling rather than disposing of solvents).

6. Determine if any physical changes have been made to the facility since the last inspection (such as building expansions, changes in process areas, and changes in plumbing).

7. Determine if any changes are anticipated in the near future.

8. Tour the facility, noting whether the location of such items as operations and drains are the same as indicated in the business file.

9. Inspect any pretreatment processes, noting whether they are functioning properly.

10. Take a grab sample if needed to confirm compliance with discharge limits.

11. Inform the business representative of any potential changes in discharge regulations which could require action by the company.

12. Review the inspection with the representative, answering questions and clarifying information. Discuss any problem areas and establish date for compliance if required.

13. Encourage the representative to contact you any time changes are made or problems are experienced that will affect their effluent.

SITE INSPECTION – SUGGESTED QUESTIONS CHECKLIST

1. What is the type of business?

    - Is it regulated under Federal categorical standards?
    - Is it a City-permitted business?
    - Is it a significant industrial user based on the volume or possible content of the wastewater?

2. What types of process wastes are generated?

    - Does the process waste discharge to the sanitary sewer?
    - If there is no discharge to the sanitary sewer, is there any discharge to storm drains?
    - Is there on-site solids or sludge removal?
    - If wastes are removed from the process, who removes the wastes, how much is removed, how often is it removed, and is the removal contractor licensed?

3. Is this a New or Existing Operation?

    - If this is an existing business, have there been previous inspections and sampling performed?
    - If previously inspected or sampled, were there any violations or problems found?
    - Does the business have a current discharge permit?
    - Does a permit need to be issued, renewed or revised?

4. Where do Process Wastes Originate?

    - How do the wastes pass through the business?
    - Are the process wastes separate from the domestic wastes?
    - Is pretreatment of process wastes required?
    - Is the required pretreatment accomplished?
    - Have sampling results indicated any violations of pretreatment standards?
    - Does the pretreatment equipment operate properly?
    - Are personnel trained and equipped to maintain pretreatment equipment?
    - Do employees understand how equipment works and what standards need to be kept (i.e., pH range)?
    - Is maintenance done and are records kept?
    - Is equipment calibration done as required?
    - Are records kept and available for review?
    - Are other unregulated waste streams being discharged?
    - Is there dilution of the process waste stream by side streams?
    - Are production-based standards applicable?
    - Is the production level within reported range?

5. What Chemicals or Waste Products May be Contained in the Discharge Stream?

    - Are any waste products listed toxic?
    - Is the company required to complete a state Fire Marshal "Form R"?
    - What is their hazardous waste generator status?
    - Are any TTO (Total Toxic Organic) solvents used or disposed of?
    - What quantities of products or chemicals are kept on site at any given time?
    - Has an ASPP (Accidental Spill Prevention Plan) been written?
    - Have employees been trained regarding actions required in case of an accidental spill?

- Is the spill plan up-to-date?
- Where are products used and stored?
- In an accident, can products run directly into the storm or sanitary sewers via floor drains or exterior lot drains?
- What actions can be taken to limit harm of an accidental discharge?

6. Identify Sampling Site to Monitor Process Waste.

   - Is flow from regulated process only, not diluted with other process or sanitary waste?
   - Will a grab or composite sample be needed to assure a sample representative of the waste?
   - Is sample location site accessible to the Inspector?
   - Can a sampler be set up by the Inspector if necessary?
   - Can a sampler be adequately protected from tampering or vandalism?

7. Does Waste Flow Match Plumbing Blueprints?

   - Have any changes or modifications been done in the facility that has altered the flow pattern?
   - Have waste flows been confirmed by dye testing (especially important where new owner occupies an old, existing facility)?
   - Is any discharge to the storm sewer allowed?

8. For an Existing Business that has been previously Inspected.

   - Are any new products being processed?
   - Has the volume processed increased or decreased from last inspection?
   - Are production increases or cutbacks expected in the future?
   - Have any changes in chemicals used or processes occurred that may change the constituents of the discharge?
   - Have any problems been experienced?
   - Are records kept and available for review by the Inspector?

PROCEDURES AFTER THE INSPECTION

1. Make sure any samples that were collected are delivered promptly to the lab for analysis. Have the chain-of-custody form completed and ready for the lab to receive.

2. Complete the inspection report, noting any changes made or expected, or problems experienced.

3. If a violation was found, the business must respond, in writing, within five working days. They must explain what caused the problem, what corrective action was taken, how long the discharge occurred, and what measures are or will be taken to ensure the violation will not recur. The Inspector will note when this report is due and contact the business if it is not received.

4. Upon receipt of sample analysis, review results to ensure compliance with discharge limits.

5. Write a letter to the business, forwarding sample analysis results and discussing discharge compliance status. If results indicate noncompliance, inform business of such. A phone call may be made to the business prior to sending a letter, to inform them of the problem and initiate corrective action in a prompt manner. Follow up with a written Notice of Violation if needed.

6. Place copies of all inspection sheets, pictures, lab analysis, letters, and phone conversation sheets in appropriate business file which are kept for permanent record.

7. Follow up with any noncompliance actions initiated to ensure problems are rectified in an expedient manner. If the business was in noncompliance, they must submit a written report within 5 working days outlining actions taken to return to compliance. Continue inspections and sampling until they are in compliance.

FIELD EQUIPMENT PACK – TYPICAL CONTENTS

1. Equipment Back Pack
2. Hard Hat
3. Hearing Protection
4. Eye Protection
5. Safety Vest
6. Leather Gloves
7. Rubber Gloves
8. pH Meter with Temp
9. Two Sealed Clean Sample Containers (empty)
10. Two Sealed Clean Sample Containers (Nitric acid preserved for trace metals analysis, double-bagged)
11. Two Sets of Sealed Clean Sample Gloves
12. Field Book with pen

13. Digital Camera w/ spare batteries
14. Disposable Camera
15. Flash light
16. Tape measure
17. Screw Driver (Multi tip)
18. Large Screw Drive (leverage bar)
19. Small manhole hook
20. Bottle of laboratory ultrapure (DI) water
21. Bottle of Tracer Dye
22. Roll of Orange Survey Ribbon
23. First Aid Kit

FIELD SAMPLING PROTOCOL GUIDE

SAMPLING OF COMMERCIAL DISCHARGERS

Section 13.48.090 authorizes the City the right to sample commercial industrial discharges. Generally, City sampling efforts will be limited to…. An effective sampling program must include the ability to collect and analyze wastewater samples such that laboratory results are of high quality, defensible and able to support the two primary goals of the Wastewater Source Control Program.

The first goal is to maintain worker safety through proper attention to hazards, including mechanical hazards, chemical hazards and confined spaces hazards. The next major goal is to determine the impact of industrial wastes from a particular industry or group of industries on the Water Reclamation Facility's (WRF's) collection and treatment system, including the impact on treatment plant operations, sludge management (including final use or disposal), and receiving stream quality.

The second goal is to evaluate compliance by all industrial users with applicable pretreatment standards and requirements.

In addition to these primary objectives, the sampling and analysis program is designed to satisfy one or more of the following program objectives:

1. Verify the quality of self-monitoring data.
2. Verify that sampling location(s) specified in the permit are adequate.
3. Verify compliance with daily maximum effluent limits (local limits and/or categorical standards).
4. Support enforcement actions.
5. Support local limits development.
6. Support "Discharge Approval" development/reissuance and revision.

These objectives can only be supported if the data produced by sampling are adequate. The quality of the data resulting from these sampling activities can be ensured by using the following procedures and techniques:

1. Collecting representative samples.
2. Maintaining the integrity of samples through proper handling and preservation.
3. Adhering to appropriate chain-of-custody and sample identification procedures.
4. Practicing adequate quality assurance and quality control activities.

Sampling and analysis of wastewater can be done independently or in conjunction with a compliance inspection visit and can be performed by the same or different City personnel. If sampling and analysis are performed independently and by City personnel different from the inspection personnel, the sampling personnel must familiarize themselves with the procedures and guidelines used by the inspection personnel.

Sampling, just like inspections, can be announced or unannounced. As with inspections, routine compliance sampling should be conducted based on a schedule and frequency established by the Wastewater Source Control Program. These routine compliance sampling visits should be unannounced. Sampling visits that are in response to known or suspected problems or in response to a complaint should also be unannounced so that the facility does not have time to alter any of its activities.

The purpose of a sampling inspection is to collect a sample from the discharger that will be analyzed to determine if the user is in compliance with discharge limits. This inspection is of shorter duration than a full facility inspection. The inspection should focus on the process area. The Inspector should inquire if any problems have occurred, if there are any product or process changes, or if any new chemicals are used or disposed of. They should also note and discuss any problems found with the pretreatment equipment. The sample will be taken and transported/shipped to a City contracted laboratory or to the WRF laboratory for analysis. The laboratory will furnish the test results to the inspector. Upon receipt of these results, the inspector will determine the compliance status of the discharger and decide if further action is needed.

Although normally completed by Ecology, the City may conduct routine compliance evaluation sampling mandated in 40 CFR 403.8. In these situations, it is necessary to ensure that the sampling data collected will be of a quality sufficient for the Inspector to draw a proper conclusion about the compliance status of the facility, and to ensure that the data will be viewed as credible evidence substantiating the Inspectors position should an enforcement action be pursued. This is the fundamental objective of any sampling carried out for compliance and enforcement purposes.

There may be situations where other types of sampling may be used by the Inspector. This sampling can be conducted for a variety of reasons (e.g., system tracking – point

source, baseline data gathering). These sample objectives would not involve as comprehensive a set of procedures as a compliance sampling, which results in evidence that may be used in court. If a sample is to be used for other than compliance evaluation purposes, it need not comply with the strict requirements of compliance sampling (i.e., to obtain results which are admissible in court).

ANALYTICAL PARAMETERS AND METHODS

In general, Ecology (working with the City) will identify the regulated parameters applicable to each permitted user's regulated process. Depending on the situation, the Ecology (or in some instances, the City) will collect samples for the appropriate analyses (approved methods listed in 40 CFR 136), to identify the nature and concentration (or mass where required), of regulated parameters in the discharge from each regulated process, or outfall(s). Both daily maximum and average concentrations (or mass, where required) are recorded.

Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the City determines that the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant, sampling and analysis will be performed using valid analytical methods documented by the City.

SAMPLING PLAN

The inspector may establish a sampling plan, to the extent deemed necessary. Sampling plans may be general (applicable to multiple sampling of a certain type) or site-specific. Depending on the situation, it may be desirable to work with Ecology in developing the plan. The inspector should determine the objective(s) of the sampling event(s), to establish the ultimate use of the data. The inspector should establish the purpose or use of the data collected (e.g. compliance determination) and the data quality objectives of the site visit (e.g., a compliance determination will require data which are admissible in court).

The Sampling Plan should include the following elements, as appropriate:

1. Sampling Location

   Sampling locations may include any outfalls that appear in the "Discharge Approval." Due to accessibility, needs, and objectives of the sampling, and/or safety hazards, the sampling location specified in the permit may not be adequate. Therefore, locations other than those specified in the "Discharge Approval" may need to be sampled. The number of samples at each location should also be specified in the "Discharge Approval." In addition, the inspector should consider sampling other outfalls which are not included in the "Discharge Approval" because they may represent illegal bypasses or other illegal discharges.

Samples must be representative of the nature and volume of the discharger's effluent. The sampling point selected must ensure such representation (CFR 403.7). The sample location must coincide with the point to which effluent limits apply. In the case of Federal categorical limits, which would normally be completed by Ecology, this point is the discharge from the specific process regulated. Local limits apply to all production, manufacturing, or processing operations waste.

2. Type of Sample

The type of sample depends on the parameters to be measured and/or the discharge characteristics (e.g., batch discharge). This information may be specified in 40 CFR 136 and should be specified in the "Discharge Approval."

a. Automatic Composite Samples

Permitted dischargers having a continuous flow discharge are required to install and maintain (per "City Standards") an "Industrial Monitoring Station," or a "Sewer Monitoring Station." These stations allow for the placement of a sampler for the purpose of collecting a "flow proportional composite sample." This facility should be secured with a City padlock during any City sampling event.

Flow-proportional composite sampling may be waived for any industrial user that demonstrates that representative samples can be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples. Samples should be taken immediately downstream from the pretreatment facility, if one exists, or immediately downstream from the regulated process if no pretreatment facility exists.

b. Grab Samples

Grab samples are collected from batch dischargers where pretreatment occurs in a batch tank system and discharge is periodic. Grab samples are also used to check discharge at a specific time such as in the case of a suspected slug load being released.

Grab samples are required when the parameters being tested cannot adequately be measured with a composite sample. Oil and

grease, pH, temperature, cyanide, sulfide, some volatile organics, and total phenols are examples of tests requiring a grab sample.

If the users permit regulates cyanide, total phenols, oil and grease, sulfide, or volatile organics a minimum of four grab samples must be used to determine their compliance status. A single grab sample can be used to determine the users compliance status if it can be documented that it is representative of the discharge.

3. Type of Flow Measurement

The type of flow measurement is dependent on the flow rate, the condition of the wastewater, and the variability of the discharge. Flow measurements are necessary to determine the mass loadings of a discharge. The adequacy of the discharge's flow measuring device should be verified at the time of sampling.

4. Parameters for Analysis

The "Discharge Approval" should specify the pollutant parameters to be monitored by the discharger and these parameters should be specified as either mass- or concentration-based discharge limits. These parameters must be selected for compliance sampling, but other parameters may be chosen as well, if new processes or products have been incorporated in the plant or if new or added sources of wastewater are evident. If new processes or products have been introduced in the plant, additional sampling will help provide the basis for necessary permit modifications. (Note: The discharger is required to provide notice in advance of any substantial change in the discharge from the facility. Failure to do this, as discovered during the inspection or sampling visit, should be addressed with an appropriate enforcement response as specified in the Enforcement Response Plan).

5. Sample Volume

The volume of sample collected depends on the type and number of analyses to be conducted. The volume of the sample obtained should be sufficient to perform all the required analyses (including laboratory QA/QC and repeat analyses) plus an additional amount to provide for any split samples that may be required. Check with the destination analytical laboratory to determine the sample volume required.

6. Type of Sample Containers

   The selection and preparation of sample containers are based on the parameters to be measured and wastewater characteristics. Required containers are specified in 40 CFR 136. Check with the destination analytical laboratory to determine the sample container requirements.

7. Sample Preservation Techniques

   To preserve samples correctly, the appropriate chemicals must be used and temperature control must be ensured. Preservation techniques and maximum allowable holding times are specified in 40 CFR 136. Check with the destination analytical laboratory to determine the sample preservation requirements.

8. Sample Identification Procedures

   Each container should have an acceptable identification label so that the sample can be tracked accurately and an uninterrupted chain-of-custody can be maintained. Check with the destination analytical laboratory to determine the sample identification systems to be used.

9. Sample Packaging and Shipping

   Once a sample is collected, it must be delivered to the laboratory for analysis within the prescribed holding time. The manner of packaging, storage and shipment must be addressed in the sampling plan. Check with the destination analytical laboratory to determine the sample delivery and receiving methods.

   After the samples are properly labeled, they should be placed in an ice chest along with the chain-of-custody form, pertinent field records, and analysis request forms. Glass bottles should be wrapped in foam rubber, plastic bubble wrap, or other material to prevent breakage during shipment. The wrapping can be secured around the bottle with tape. Samples should be placed in ice or with synthetic ice packs that will maintain sample temperature at 4 degrees C throughout shipment. Ice should be placed in double-wrapped watertight bags to ensure the water will not drip out of the shipping case. Filament tape wrapped around each end of the ice chest ensures that it will not open during transport. Sampling records should be placed in a waterproof bag, envelope or airtight sample bottle and taped to the inside lid or other appropriate place inside the transported container to prevent tampering or breach of custody. Shipping containers should also be sealed to prevent tampering.

10. Safety Concerns and Issues

    Sampling plan should provide complete information on any relevant plant safety regulations and safety procedures to be followed during on-site sampling activities.

11. Hazardous Waste

    Sampling Plan should warn of waste streams containing potentially hazardous material, or waste steams with extremely high or low pH. Samples that may contain toxic, volatile, or explosive substances will require special handling. Federal DOT 49 CFR Part 171-180 regulations for shipping these types of wastes must be followed.

12. Chain-of-Custody Procedures

    Chain of custody procedures are used to document the possession and handling of a sample from the time of collection through the time of disposal. The procedures are used to document samples taken for regulatory compliance, or if any legal repercussions are anticipated. It is necessary to have accurate written record documenting samples taken that may form the basis of legal action or enforcement. A copy of an example chain of custody form is included in Appendix I. The person collecting the sample fills out the chain-of-custody form at the time of sampling. The chain-of-custody follows the sample as it is transported and ultimately received at the testing lab.

    Any person having possession of the sample must appropriately sign the form when receiving the sample as well as sign when the sample is transferred out of their possession. Upon arrival at the laboratory, authorized laboratory personnel sign to verify that the sample has been received. If a sample arrives at the laboratory in damaged condition, the lab then notifies the Inspector of any discrepancy. Another sample can be collected if the integrity of the sample is in question.

    The chain-of-custody record is retained and becomes part of the report of analysis documentation. Chain-of-custody records are crucial if the analytical data are to be used in an enforcement proceeding because they allow such data to be introduced as evidence without testimony of the persons who made the record. Therefore, it is important that all chain-of-custody records be complete and accurate. To maintain the sample's integrity, chain-of-custody records must show that the sample was properly collected, preserved, and analyzed, and was not tampered with during shipment.

Since it is not possible to predict which violations will require legal action, it should be assumed that all data generated from sampling will be used in court. Procedures for chain-of-custody must be followed for all samples collected. The destination analytical laboratory will provide the chain-of-custody forms to be used.

13. QA/QC Procedures – Laboratory Coordination

To ensure that the data collected are valid, systematic checks should be conducted to verify that the sample results are sufficiently accurate and precise to evaluate the compliance status of the facility being sampled. Several of these items should be coordinated with the lab. The inspector should contact the destination analytical laboratory in advance of any sampling to discuss, the sampling plan, QA/QC procedures. Additionally, the laboratory will need to allocate lab time to provide sampling containers including field trip blanks, duplicates and equipment blanks, where appropriate.

All compliance or enforcement sampling plans should consider the use of "Equipment Sample Blanks." These are aliquots of analyte-free water which are taken to and opened in the field. The contents of the blank are poured appropriately over or through the sample collection device, collected in a sample container, and returned to the laboratory as a sample to be analyzed. Equipment blanks are QA/QC samples used to determine the potential for contamination of equipment and sampling procedures.

14. Sampling Plan Execution and Field Modifications

Once the sampling plan is developed, it should be followed when conducting the sampling event. The procedures in the plan should be followed closely to ensure that all the information collected can be used for its intended purpose. This is especially critical when the sampling data is to be used for compliance evaluation (which accounts for the majority of the data collected). However, in certain situations, the inspector may be forced to alter part of the plan due to uncontrollable circumstances at the sampling site. The inspector has discretion to change items in the Sampling Plan, if in the opinion of the inspector, circumstances at the site warrant such a change. Whenever possible, however, the elements in the Sampling Plan should be followed.

LABORATORY ACCREDITATION, ANALYTICAL TECHNIQUES, QUALITY ASSURANCE, QUALITY CONTROL

The testing laboratory contracted by the City of Sequim or operated by the City of Sequim's WRF's laboratory shall be accredited by the Department of Ecology's

Laboratory Accreditation Program for the specific analytes of interest. The laboratory is responsible to maintain ongoing quality assurance/quality control programs to ensure the accuracy of tests performed.

PRESAMPLING ACTIVITIES

The inspector should make sure that the appropriate sampling equipment is available and in good working order. When sample analyses are to be performed in the field (e.g., pH), the necessary instruments should also be included. Equipment must be checked prior to going into the field to ensure accurate operation and calibration.

In addition, a review of necessary safety equipment should be made and the inspector should be aware of any potential hazards at the facility.

Support personnel should be briefed on the sampling plan, on all field procedures, and particularly safety requirements. The inspector and support staff should discuss any unusual circumstances and formulate a plan for dealing with them in advance of the site visit.

A checklist of field sampling equipment should be used to ensure proper preparation.

EQUIPMENT CLEANING PROCEDURES

The inspector should make sure that all sampling containers and equipment are clean and uncontaminated**.**

Sampling Containers

The destination analytical laboratory shall provide the correct sampling containers for the parameters to be sampled. The sampling containers shall be pre-cleaned, labeled, and have any required preservative.

Sample Collection/Transferring Containers

Every effort will be made to utilize the laboratory furnished “Sampling Container” to collect the sample from the waste stream. When this is not possible, due to low flows, composite collection, preservative in the “Sample Container” etc., clean transfer containers will be used. All containers used to collect or transfer samples should be new containers (or triple-rinsed) obtained from accredited laboratories.

Automatic Sampling Equipment

All strainers, tubing and collection containers (sample flow path) used in conjunction with the Automatic Sampling Equipment shall be new, or:

1. Washed with soap and water.
2. Triple rinsed with Deionized distilled water.
3. Bagged in plastic and stored to eliminate contamination.

For analysis of metals, all metal components will be eliminated from the sample flow path, and from the waste stream to the collection container. Clean sampling techniques should be employed when appropriate for the sampling event. Rinsing plastic tubing, containers and sampling equipment with dilute (1%) nitric acid should be considered for low level metals analysis.

Equipment blanks will be routinely run when using WRF-furnished sampling containers or automatic sampling equipment.

FIELD INSTRUMENT PROCEDURES

The inspector should make sure that all field instruments are properly functioning and calibrated.

The most common parameters tested in the field are: pH, residual chlorine, and temperature. In 40 CFR 136 it states that these four parameters must be analyzed immediately. The term "analyze immediately" means that the parameter should be analyzed within 15 minutes of the sampling. These analytical parameters cannot be preserved, and therefore, must be analyzed in the field. The electronic and photometric instruments used to monitor these different parameters should be checked prior to leaving the office. The instruments should be in good condition, have charged batteries, be calibrated, and be provided with appropriate standards already prepared. If an instrument is calibrated in the office prior to going into the field, it should be recalibrated once the sampling location is reached.

pH/Temperature Meters

In the field, pH and temperature is determined using a portable pH / Temperature meter. The meter may either analyze individual samples or do continuous readings with a recorder (e.g., strip chart). pH meters must have a minimum of two-point calibration (see EPA Method 150.1 Section 7). Manufacturer's specifications for calibration must be followed. The pH meter should be calibrated using two fresh buffer solutions. The buffers that are used to perform the calibration should bracket the expected pH range of the wastewater that is being sampled and should be at least 3 SU or more apart. If the buffer solutions are purchased pre-prepared, it is important to note their shelf life and dispose of buffers when their expiration date has passed. A log book with calibration

information for the pH meters shall be maintained. This allows the inspector to track when a pH probe needs to be changed or when batteries start to fail. The meter must he recalibrated once the sample location is reached.

Calibration of Sampling Equipment

The inspector shall make sure that all automatic sampling equipment is properly functioning and calibrated.

Prior to use, sampling equipment should be checked, cleaned, and calibrated to ensure proper operation. Due to the diversity of equipment used in sampling, detailed instructions covering care and calibration of each piece will not be covered in this manual. The inspector is responsible for ensuring proper equipment cleaning, calibration, and maintenance in accordance with the manufacturer's instructions specific for each piece of equipment used.

WRF MONITORING, REPORTING AND RECORD-KEEPING REQUIREMENTS

Wastewater source control monitoring and reporting requirements in the City's NPDES Permit are summarized below.

- The City must notify Ecology if any industrial user violates the prohibitions listed in Section S6.B of the NPDES Permit, and initiate enforcement action to promptly curtail any such discharge.

- The City must immediately notify Ecology of any proposed discharge of wastewater from a source, which may be a significant industrial user (SIU) [see fact sheet definitions or refer to 40 CFR 403.3(t)(i)(ii)].

- The City must submit an Industrial User Survey to Ecology by June 30th each year.

Additional details are provided in the City's NPDES Permit in Appendix B.

RECORD-KEEPING REQUIREMENTS

The Wastewater Source Control Program and Industrial Users subject to reporting requirements are required to maintain records of all information resulting from any monitoring activities required by 40 CFR Part 403, including documentation associated with Best Management Practices, for a minimum of 3 years.

Typically, such records should include for all samples:

(i) *The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;*
(ii) *The dates analyses were performed;*
(iii) *Who performed the analyses;*
(iv) *The analytical techniques/methods use; and*
(v) *The results of such analyses.*

REFERENCES

1. EPA, Industrial User Inspection and Sampling Manual for POTWs, 1994

CHAPTER 5

ENFORCEMENT RESPONSE PLAN

This Enforcement Response Plan (ERP) is intended to implement an effective enforcement program to deal with Wastewater Source Control Program noncompliance with applicable City of Sequim pretreatment standards and requirements, and, county, state, and federal rules and regulations. The ERP provides the Wastewater Source Control Program staff or duly authorized representative(s) with an enforcement response plan that outlines, in a step-by-step fashion, the procedures to be followed in order to identify, document, and respond to pretreatment and environmental violations. Since the City does not have a delegated pretreatment program, it is expected Ecology will provide a leading role for enforcement. However, the City will also have a role.

PROCEDURES FOR IMPLEMENTING THE ENFORCEMENT RESPONSE PLAN

AUTHORITY TO IMPLEMENT ENFORCEMENT RESPONSE PLAN

The City of Sequim (City), pursuant to regulations promulgated by the Environmental Protection Agency and noted in the City's NPDES Permit issued by Ecology, has established this Enforcement Response Plan (ERP) and Enforcement Response Guide (ERG) consistent with the City's Public Sewer Use Regulations, as amended, and the rest of this Manual. The purpose of this ERP and the ERG is to achieve a maximum degree of compliance with Wastewater Source Control Program standards and requirements and local, state and federal rules and regulations by persons discharging to the City of Sequim's collection system and WRF. Enforcement actions available to the City are intended to provide reasonable enforcement responses appropriate to instances of noncompliance.

The Wastewater Source Control Program, as delegated by the Director, reserves discretionary authority to implement reasonable enforcement actions except where criminal complaints or civil actions have been filed in a competent court of law. Such pending legal action will be channeled and settled through the appropriate court of law. Enforcement authority to initiate administrative, civil or criminal enforcement responses includes, without limitation, the following:

1. To inspect a source of industrial/commercial waste or other prohibited waste or discharge, pretreatment, sampling, or monitoring equipment or method of pretreatment, monitoring or records required pursuant to the Public Sewer Use Regulations.

2. To secure right of entry to inspect, sample, monitor or conduct enforcement activities with respect to any part of the sewer system servicing such premises.

3. To arrange for access by requiring the removal of security barriers or other obstacles.

4. To prohibit unreasonable obstruction or delay of access.

5. To seek search warrants when refused access to a building, structure, property, any pretreatment facilities or other portion of the wastewater system discharging to the WRF.

6. To recover expenses, loss, or damage incurred by the City for enforcement activities.

7. To seek restitution for theft of services, damage to property or harm to the City.

8. To conduct surveillance of premises or persons suspected of noncompliance of local, state or federal environmental regulations.

9. To recover economic benefit resulting to a person over the period of noncompliance with the Public Sewer Use Regulations.

INVESTIGATION OF NON-COMPLIANCE

The Wastewater Source Control Program (as delegated by the Director) is authorized by the Public Sewer Use Regulations (also identified in this Manual as the Pretreatment ordinance) to sample, inspect, monitor, investigate and conduct surveillance of industrial/commercial wastes discharged into the WRF to ensure compliance with local, state and federal regulations. Investigations and inspections shall be conducted in accordance with the Public Sewer Use Regulations and this manual. The Wastewater Source Control Program is also authorized to solicit the assistance of local, county, state and federal law enforcement agencies as deemed necessary.

The Wastewater Source Control Program will review "Wastewater Discharge Approval" applications and self-monitoring reports and shall collect samples and analyze them to ensure that industrial/commercial waste discharges are not exceeding the water quality limits established by the Public Sewer Use Regulations or standards promulgated by the Environmental Protection Agency and the Washington State Department of Ecology (DOE). A site inspection will be required where applicable in order to verify the nature and concentration of pollutants.

The Wastewater Source Control Program is further authorized to establish sampling and inspection frequencies. Anyone found discharging or disposing to the WRF any wastewater in violation of the aforementioned regulations is subject to administrative, civil or criminal actions. The Wastewater Source Control Program staff may collect as many samples as is deemed necessary to ensure a discharge has been returned to compliance.

SEARCH WARRANTS

If an inspector from the Wastewater Source Control Program has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of the pretreatment ordinance, or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with the pretreatment ordinance or any wastewater discharge approval or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director shall seek issuance of a search and/or seizure warrant from the Sequim Municipal Court, the Sequim District Court, or the Clallam County Superior Court. Such warrant shall be served by the Wastewater Source Control Program staff and may be served in the company of a uniformed police officer of the City.

WASTEWATER SOURCE CONTROL PROGRAM STAFF DISCRETION TO DETERMINE APPROPRIATE ENFORCEMENT RESPONSES

1. The Wastewater Source Control Program staff shall take into consideration when determining the appropriate enforcement response, the following criteria: magnitude of the violation, duration of the violation, effect on the WRF or the receiving station, injury to personnel, compliance history of the discharger or the good faith of the discharger. The aforementioned criteria applicable to instances of noncompliance shall be evaluated in accordance with the Enforcement Response Guide (ERG) contained herein. All enforcement responses authorized under this Enforcement Response Plan (ERP) are cumulative of all others unless otherwise expressly provided. Accordingly, the selection of an enforcement response action shall not preclude the pursuit of criminal, civil or other administrative action for a violation of the City's Public Sewer Use Regulations or a Wastewater Discharge Approval.

2. The Director may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Wastewater Source Control Program staff may also immediately suspend a user's discharge (after informal notice and opportunity to respond) that threatens to interfere with the operation of the WRF, or that presents or may present an endangerment to the environment.

3. The Wastewater Source Control Program is authorized to negotiate and establish a compliance schedule for a person whose discharge to the WRF is in violation of pretreatment standards and requirements or local, state, and federal rules and regulations. The Wastewater Source Control Program may accept a compliance schedule from the person discharging to the WRF in lieu of deriving one for them. The Director may terminate water or wastewater service of those persons in violation of the aforementioned regulations if a person does not comply with the milestone(s) set forth in the compliance schedule approved by the Wastewater Source Control Program staff.

ADMINISTRATIVE ENFORCEMENT RESPONSES

In the case of code or permit violations, one or more of the following administrative enforcement procedures would typically be initiated against the person(s) responsible for the discharge violation by Ecology, or in some cases, the City. Figure 5-1 summarizes this process.

VIOLATION – NOTIFICATION

Upon identification of violations of the City's Public Sewer Use Regulations by City staff, the Director and City Attorney should be notified. The Public Sewer Use Regulations include provisions for the violator to be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender must, within the period of time stated in such notice, permanently cease all violations.

Following the notification, any person who continues any violation beyond the time limit provided for in the notification is guilty of a misdemeanor. Each day in which any such violation continues is a separate offense.

Any person violating any of the provisions of the City's Public Sewer Use Regulations is liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

CRIMINAL PROSECUTION

A nondomestic customer who knowingly or recklessly introduces any substance into the water reclamation facility that causes personal injury or property damage will, upon conviction, be guilty of a gross misdemeanor. Upon identification of such activity by City staff, the Director and City Attorney should be notified. Each day a violation occurs constitutes a separate offense. This penalty is in addition to any other cause of action for personal injury or property damage available to the City at law or in equity.

DETECT AND DOCUMENT VIOLATION B/C/D

DETERMINE SEVERITY OF VIOLATION G/B/E

EMERGENCY

ISSUE EMERGENCY SPECIAL ORDER TO SUSPEND PERMIT F/G/E

SERIOUS VIOLATION

ISSUE SPECIAL ORDER OF NON–COMPLIANCE F

INSIGNIFICANT VIOLATION

NO FURTHER ACTION

MINOR VIOLATION

ISSUE NOTICE OF VIOLATION B

RECEIVE AND EVALUATE RESPONSE G/B/E

INDUSTRY RESPONSE A

IS FURTHER ACTION NECESSARY? G/B/E

NO

NO FURTHER ACTION

YES

ESTABLISH CORRECTIVE ACTION PROGRAM G/B/E

MONITOR COMPLIANCE B

COMPLIANCE ACHIEVED

NO

YES

MEET WITH VIOLATOR G/A/B/E

ESTABLISH CORRECTIVE ACTION PROGRAM G/B/E

MONITOR COMPLIANCE B/C

COMPLIANCE ACHIEVED G/B/E

YES

NO FURTHER ACTION – REINSTATE PERMIT IF IT HAD BEEN SUSPENDED

NO

DISCHARGE CEASED G/B/E

YES

NO

SUSPEND WASTEWATER TREATMENT SERVICES

INITIATE JUDICIAL PROCEEDINGS E

REVOKE PERMIT G/E/F

NOTE:

LETTERS IN BOXES DESIGNATE RESPONSIBLE PARTIES FOR ACCOMPLISHING TASK.
LETTERING KEY IS AS FOLLOWS:

A	INDUSTRIAL USER
B	UTILITIES MANAGER AND PRETREATMENT SPECIALIST
C	INDUSTRIAL SAMPLING CREW
D	LABORATORY
E	LEGAL COUNSEL
F	PRETREATMENT AUTHORITY (ECOLOGY)
G	PUBLIC WORKS DIRECTOR

CITY OF SEQUIM
SOURCE CONTROL PROGRAM
FIGURE 5–1
ENFORCEMENT PROCEDURE

Gray & Osborne, Inc.
CONSULTING ENGINEERS

M:\SEQUIM\14555 Industrial Pretreatment\Reference Figures\Figure 5-1.dwg, 5/9/2016 6:53 AM, PHILIP MARSHALL

INJUNCTIVE RELIEF

If the Director finds that a nondomestic customer has violated or continues to violate any provision of the City's Public Sewer Use Regulations, a state wastewater discharge permit, or order, or any other pretreatment standard or requirement, the Director may seek an injunction to restrain or compel certain actions. Through the City Attorney, the Public Works Director will petition the Clallam County Superior Court for the issuance of a temporary, preliminary, or permanent injunction, as appropriate, that achieves nondomestic customer compliance with this chapter, the state wastewater discharge permit, or order. The City may also seek such other action as is appropriate for legal and equitable relief, including requiring the nondomestic customer to conduct environmental remediation. A petition for injunctive relief will not be a bar against, or a prerequisite for, taking any other action against a nondomestic customer. Injunctive relief is nonexclusive to other remedies available to the City.

CHAPTER 6

PROCEDURES FOR PROGRAM MODIFICATION

As circumstances change in the course of operating the City's Wastewater Source Control Program, it may become necessary to modify the program manual.

CITY'S RIGHT OF REVISION

As noted in Section 13,48.060 D of the City's Public Sewer Use Regulations:

1. The City reserves the right to establish more stringent standards or requirements on discharges to the water reclamation facility.

2. The City may investigate any occurrence of pass-through or interference of which it is made aware. Where pass-through or interference has been caused because local limits do not exist for the pollutant or where the existing limit is not sufficient to protect the water reclamation facility, the City will amend the local limits to establish an appropriately restrictive limit and take such other measures, within its control and power, that are necessary to prevent recurrences.

LOCAL LIMITS

Periodically, the WRF should re-evaluate its local limits to ensure that they remain protective, or to determine whether they should be revised, reallocated, or developed for additional pollutants. According to 40 CFR 122.44(j)(2)(ii), POTWs must "provide a written technical evaluation of the need to revise local limits under 40 CFR 403.5(c)(1), following NPDES permit issuance or reissuance." EPA recommends that a periodic evaluation of local limits be tied to the permit cycle and that more detailed evaluations be conducted on an "as needed" basis. Reviews compare current headworks loadings with the maximum allowable headworks loading (MAHL) and examine any recent violations. When plant conditions have changed, EPA suggests a detailed re-evaluation be conducted that includes an in-depth look at all the data, criteria, and assumptions on which local limits are based to determine whether any changes affecting the local limits have occurred.

Per the *Local Limits Development Guidance* (EPA, 2004), a POTW that answers "yes" to any of these questions should re-evaluate its local limits:

- Has the treatment plant been modified, or has a new treatment plant been brought on line?

- Have the treatment plant processes or operation changed in a way that affected the removal efficiencies?
- Has the flow to the treatment plant changed significantly?
- Is the POTW subject to new or revised NPDES limits?
- Have the State water quality standards changed for the receiving water?
- Has the POTW changed, or intend to change, its sludge disposal method? If yes, will this change affect the sludge quality standards that the POTW must meet?
- Have loadings been affected by new IUs discharging to the POTW?
- Have loadings been affected by IUs that have stopped discharging to the POTW?
- Have loadings been affected by changes in discharges from current IUs?
- Are new data available about the POTW or the IUs that invalidate assumptions made during the last local limits development effort?

When a new local limits evaluation is needed, it is recommended that the City use the *Local Limits Development Guidance* (EPA, 2004) as a reference, along with the State guidance and spreadsheets available from Ecology.

APPENDIX A

40 CFR PART 403

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

bis(dichloroisopropyl) ether, bis-(chloroethoxy) methane and polychlorinated diphenyl ethers)
38. Halomethanes (other than those listed elsewhere; includes methylene chloride, methylchloride, methylbromide, bromoform, dichlorobromomethane
39. Heptachlor and metabolites
40. Hexachlorobutadiene
41. Hexachlorocyclohexane
42. Hexachlorocyclopentadiene
43. Isophorone
44. Lead and compounds
45. Mercury and compounds
46. Naphthalene
47. Nickel and compounds
48. Nitrobenzene
49. Nitrophenols (including 2,4-dinitrophenol, dinitrocresol)
50. Nitrosamines
51. Pentachlorophenol
52. Phenol
53. Phthalate esters
54. Polychlorinated biphenyls (PCBs)[1]
55. Polynuclear aromatic hydrocarbons (including benzanthracenes, benzopyrenes, benzofluoranthene, chrysenes, dibenzanthracenes, and indenopyrenes)
56. Selenium and compounds
57. Silver and compounds
58. 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD)
59. Tetrachloroethylene
60. Thallium and compounds
61. Toluene
62. Toxaphene[1]
63. Trichloroethylene
64. Vinyl chloride
65. Zinc and compounds

[44 FR 44502, July 30, 1979, as amended at 46 FR 2266, Jan. 8, 1981; 46 FR 10724, Feb. 4, 1981]

§ 401.16 Conventional pollutants.

The following comprise the list of conventional pollutants designated pursuant to section 304(a)(4) of the Act:

1. Biochemical oxygen demand (BOD)
2. Total suspended solids (nonfilterable) (TSS)
3. pH
4. Fecal coliform
5. Oil and grease

[44 FR 44503, July 30, 1979; 44 FR 52685, Sept. 10, 1979]

§ 401.17 pH Effluent limitations under continuous monitoring.

(a) Where a permittee continuously measures the pH of wastewater pursuant to a requirement or option in a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to section 402 of the Act, the permittee shall maintain the pH of such wastewater within the range set forth in the applicable effluent limitations guidelines, except excursions from the range are permitted subject to the following limitations:

(1) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and

(2) No individual excursion from the range of pH values shall exceed 60 minutes.

(b) The Director, as defined in §122.3 of this chapter, may adjust the requirements set forth in paragraph (a) of this section with respect to the length of individual excursions from the range of pH values, if a different period of time is appropriate based upon the treatment system, plant configuration or other technical factors.

(c) For purposes of this section, an *excursion* is an unintentional and temporary incident in which the pH value of discharge wastewater exceeds the range set forth in the applicable effluent limitations guidelines.

(Secs. 301, 304, 306 and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et. seq., as amended by the Clean Water Act of 1977, Pub. L. 95–217))

[47 FR 24537, June 4, 1982]

PART 402 [RESERVED]

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

Sec.
403.1 Purpose and applicability.
403.2 Objectives of general pretreatment regulations.
403.3 Definitions.
403.4 State or local law.
403.5 National pretreatment standards: Prohibited discharges.
403.6 National pretreatment standards: Categorical standards.
403.7 Removal credits.
403.8 Pretreatment Program Requirements: Development and Implementation by POTW.
403.9 POTW pretreatment programs and/or authorization to revise pretreatment standards: Submission for approval.

403.10 Development and submission of NPDES State pretreatment programs.
403.11 Approval procedures for POTW pretreatment programs and POTW granting of removal credits.
403.12 Reporting requirements for POTW's and industrial users.
403.13 Variances from categorical pretreatment standards for fundamentally different factors.
403.14 Confidentiality.
403.15 Net/Gross calculation.
403.16 Upset provision.
403.17 Bypass.
403.18 Modification of POTW pretreatment programs.
403.19 Provisions of specific applicability to the Owatonna Waste Water Treatment Facility.
403.20 Pretreatment Program Reinvention Pilot Projects Under Project XL.

APPENDIXES A–C TO PART 403 [RESERVED]
APPENDIX D TO PART 403—SELECTED INDUSTRIAL SUBCATEGORIES CONSIDERED DILUTE FOR PURPOSES OF THE COMBINED WASTESTREAM FORMULA
APPENDIX E TO PART 403—SAMPLING PROCEDURES
APPENDIX F TO PART 403 [RESERVED]
APPENDIX G TO PART 403—POLLUTANTS ELIGIBLE FOR A REMOVAL CREDIT

AUTHORITY: 33 U.S.C. 1251 *et seq*.

SOURCE: 46 FR 9439, Jan. 28, 1981, unless otherwise noted.

§ 403.1 Purpose and applicability.

(a) This part implements sections 204(b)(1)(C), 208(b)(2) (C)(iii), 301(b)(1)(A)(ii), 301(b)(2) (A)(ii), 301(h)(5) and 301(i)(2), 304 (e) and (g), 307, 308, 309, 402(b), 405, and 501(a) of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (Pub. L. 95–217) or ''The Act''. It establishes responsibilities of Federal, State, and local government, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTWs) or which may contaminate sewage sludge.

(b) This regulation applies:

(1) To pollutants from non-domestic sources covered by Pretreatment Standards which are indirectly discharged into or transported by truck or rail or otherwise introduced into POTWs as defined below in § 403.3;

(2) To POTWs which receive wastewater from sources subject to National Pretreatment Standards;

(3) To States which have or are applying for National Pollutant Discharge Elimination System (NPDES) programs approved in accordance with section 402 of the Act; and

(4) To any new or existing source subject to Pretreatment Standards. National Pretreatment Standards do not apply to sources which Discharge to a sewer which is not connected to a POTW Treatment Plant.

[46 FR 9439, Jan. 28, 1981, as amended at 48 FR 2776, Jan. 21, 1983; 60 FR 33932, June 29, 1995]

§ 403.2 Objectives of general pretreatment regulations.

By establishing the responsibilities of government and industry to implement National Pretreatment Standards this regulation fulfills three objectives:

(a) To prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge;

(b) To prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and

(c) To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

§ 403.3 Definitions.

For the purposes of this part:

(a) Except as discussed below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR part 401 shall apply to this regulation.

(b) The term *Act* means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq*.

(c) The term *Approval Authority* means the Director in an NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.

(d) The term *Approved POTW Pretreatment Program* or *Program* or *POTW Pretreatment Program* means a program administered by a POTW that meets the criteria established in this regulation (§§ 403.8 and 403.9) and which

has been approved by a Regional Administrator or State Director in accordance with § 403.11 of this regulation.

(e) The term *Best Management Practices* or *BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(f) The term *Control Authority* refers to:

(1) The POTW if the POTW's Pretreatment Program Submission has been approved in accordance with the requirements of § 403.11; or

(2) The Approval Authority if the Submission has not been approved.

(g) The term *Director* means the chief administrative officer of a State or Interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act and an approved State pretreatment program.

(h) The term *Water Management Division Director* means one of the Directors of the Water Management Divisions within the Regional offices of the Environmental Protection Agency or this person's delegated representative.

(i) The term *Indirect Discharge* or *Discharge* means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

(j) The term *Industrial User* or *User* means a source of Indirect Discharge.

(k) The term *Interference* means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(l) The term *National Pretreatment Standard, Pretreatment Standard,* or *Standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to § 403.5.

(m)(1) The term *New Source* means any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, *provided that:*

(i) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a

new building, structure, facility or installation meeting the criteria of paragraphs (m)(1)(ii) or (m)(1)(iii) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(n) The terms *NPDES Permit* or *Permit* means a permit issued to a POTW pursuant to section 402 of the Act.

(o) The term *NPDES State* means a State (as defined in 40 CFR 122.2) or Interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act.

(p) The term *Pass Through* means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(q) The term *Publicly Owned Treatment Works* or *POTW* means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

(r) The term *POTW Treatment Plant* means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(s) The term *Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by § 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with § 403.6(e).

(t) The term *Pretreatment requirements* means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

(u) The term *Regional Administrator* means the appropriate EPA Regional Administrator.

(v) *Significant Industrial User*. (1) Except as provided in paragraphs (v)(2) and (v)(3) of this section, the term Significant Industrial User means:

(i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater

to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(2) The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under § 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(i) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(ii) The Industrial User annually submits the certification statement required in § 403.12(q) together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated wastewater.

(3) Upon a finding that an Industrial User meeting the criteria in paragraph (v)(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

(w) The term *Submission* means:

(1) A request by a POTW for approval of a Pretreatment Program to the EPA or a Director;

(2) A request by a POTW to the EPA or a Director for authority to revise the discharge limits in categorical Pretreatment Standards to reflect POTW pollutant removals; or

(3) A request to the EPA by an NPDES State for approval of its State pretreatment program.

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 5132, Feb. 10, 1984; 49 FR 28059, July 10, 1984; 51 FR 20430, June 4, 1986; 51 FR 23760, July 1, 1986; 52 FR 1600, Jan. 14, 1987; 53 FR 40610, Oct. 17, 1988; 55 FR 30129, July 24, 1990; 70 FR 60191, Oct. 14, 2005]

§ 403.4 State or local law.

Nothing in this regulation is intended to affect any Pretreatment Requirements, including any standards or prohibitions, established by State or local law as long as the State or local requirements are not less stringent than any set forth in National Pretreatment Standards, or any other requirements or prohibitions established under the Act or this regulation. States with an NPDES permit program approved in accordance with section 402 (b) and (c) of the Act, or States requesting NPDES programs, are responsible for developing a State pretreatment program in accordance with § 403.10 of this regulation.

§ 403.5 National pretreatment standards: Prohibited discharges.

(a)(1) *General prohibitions.* A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements.

(2) *Affirmative Defenses.* A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (a)(1) of this section and the specific prohibitions in paragraphs (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) of this section where the User can demonstrate that:

(i) It did not know or have reason to know that its Discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through or Interference; and

(ii)(A) A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed in accordance with paragraph (c) of this section for each pollutant in the User's Discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or

(B) If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed in accordance with paragraph (c) of this section for the pollutant(s) that caused the Pass Through or Interference, the User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

(b) *Specific prohibitions.* In addition, the following pollutants shall not be introduced into a POTW:

(1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

(2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;

(4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(c) *When specific limits must be developed by POTW.* (1) Each POTW developing a POTW Pretreatment Program pursuant to § 403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a)(1) and (b) of this section. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

(2) All other POTW's shall, in cases where pollutants contributed by User(s) result in Interference or Pass-Through, and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which, together with appropriate changes in the POTW Treatment Plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.

(3) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

(4) POTWs may develop Best Management Practices (BMPs) to implement paragraphs (c)(1) and (c)(2) of this section. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act.

(d) *Local limits.* Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a

POTW in accordance with paragraph (c) above, such limits shall be deemed Pretreatment Standards for the purposes of section 307(d) of the Act.

(e) EPA enforcement actions under section 309(f) of the Clean Water Act.

If, within 30 days after notice of an Interference or Pass Through violation has been sent by EPA to the POTW, and to persons or groups who have requested such notice, the POTW fails to commence appropriate enforcement action to correct the violation, EPA may take appropriate enforcement action under the authority provided in section 309(f) of the Clean Water Act.

[46 FR 9439, Jan. 28, 1981, as amended at 51 FR 20430, June 4, 1986; 52 FR 1600, Jan. 14, 1987; 55 FR 30129, July 24, 1990; 60 FR 33932, June 29, 1995; 70 FR 60192, Oct. 14, 2005]

§ 403.6 National pretreatment standards: Categorical standards.

National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories will be established as separate regulations under the appropriate subpart of 40 CFR chapter I, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this part.

(a) *Category Determination Request*—(1) *Application Deadline.* Within 60 days after the effective date of a Pretreatment Standard for a subcategory under which an Industrial User may be included, the Industrial User or POTW may request that the Water Management Division Director or Director, as appropriate, provide written certification on whether the Industrial User falls within that particular subcategory. If an existing Industrial User adds or changes a process or operation which may be included in a subcategory, the existing Industrial User must request this certification prior to commencing discharge from the added or changed processes or operation. A New Source must request this certification prior to commencing discharge. Where a request for certification is submitted by a POTW, the POTW shall notify any affected Industrial User of such submission. The Industrial User may provide written comments on the POTW submission to the Water Management Division Director or Director, as appropriate, within 30 days of notification.

(2) *Contents of Application.* Each request shall contain a statement:

(i) Describing which subcategories might be applicable; and

(ii) Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this section shall make the following certification:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(3) *Deficient requests.* The Water Management Division Director or Director will only act on written requests for determinations that contain all of the information required. Persons who have made incomplete submissions will be notified by the Water Management Division Director or Director that their requests are deficient and, unless the time period is extended, will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within an extended period allowed by the Water Management Division Director or the Director, the request for a determination shall be denied.

(4) *Final decision.* (i) When the Water Management Division Director or Director receives a submittal he or she will, after determining that it contains all of the information required by paragraph (2) of this section, consider the submission, any additional evidence that may have been requested, and any other available information relevant to the request. The Water Management Division Director or Director will then

make a written determination of the applicable subcategory and state the reasons for the determination.

(ii) Where the request is submitted to the Director, the Director shall forward the determination described in this paragraph to the Water Management Division Director who may make a final determination. The Water Management Division Director may waive receipt of these determinations. If the Water Management Division Director does not modify the Director's decision within 60 days after receipt thereof, or if the Water Management Division Director waives receipt of the determination, the Director's decision is final.

(iii) Where the request is submitted by the Industrial User or POTW to the Water Management Division Director or where the Water Management Division Director elects to modify the Director's decision, the Water Management Division Director's decision will be final.

(iv) The Water Management Division Director or Director, as appropriate, shall send a copy of the determination to the affected Industrial User and the POTW. Where the final determination is made by the Water Management Division Director, he or she shall send a copy of the determination to the Director.

(5) *Requests for hearing and/or legal decision.* Within 30 days following the date of receipt of notice of the final determination as provided for by paragraph (a)(4)(iv) of this section, the Requester may submit a petition to reconsider or contest the decision to the Regional Administrator who shall act on such petition expeditiously and state the reasons for his or her determination in writing.

(b) *Deadline for compliance with categorical standards.* Compliance by existing sources with categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR chapter I, subchapter N. Direct dischargers with NPDES Permits modified or reissued to provide a variance pursuant to section 301(i)(2) of the Act shall be required to meet compliance dates set in any applicable categorical Pretreatment Standard. Existing sources which become Industrial Users subsequent to promulgation of an applicable categorical Pretreatment Standard shall be considered existing Industrial Users except where such sources meet the definition of a New Source as defined in §403.3(m). New Sources shall install and have in operating condition, and shall ''start-up'' all pollution control equipment required to meet applicable Pretreatment Standards before beginning to Discharge. Within the shortest feasible time (not to exceed 90 days), New Sources must meet all applicable Pretreatment Standards.

(c)(1) *Concentration and mass limits.* Pollutant discharge limits in categorical Pretreatment Standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in standards, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical Pretreatment Standards shall apply to the effluent of the process regulated by the Standard, or as otherwise specified by the standard.

(2) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

(3) A Control Authority calculating equivalent mass-per-day limitations under paragraph (c)(2) of this section shall calculate such limitations by multiplying the limits in the Standard by the Industrial User's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the Industrial User's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.

(4) A Control Authority calculating equivalent concentration limitations

under paragraph (c)(2) of this section shall calculate such limitations by dividing the mass limitations derived under paragraph (c)(3) of this section by the average daily flow rate of the Industrial User's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the Industrial User's actual long-term average flow rate, such as the average daily flow rate during the representative year.

(5) When the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, an Industrial User may request that the Control Authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. The Control Authority may establish equivalent mass limits only if the Industrial User meets all the following conditions in paragraph (c)(5)(i)(A) through (c)(5)(i)(E) of this section.

(i) To be eligible for equivalent mass limits, the Industrial User must:

(A) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;

(B) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

(C) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average production rate must be representative of current operating conditions;

(D) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

(E) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(ii) An Industrial User subject to equivalent mass limits must:

(A) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(B) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(C) Continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (c)(5)(i)(C) of this section. Upon notification of a revised production rate, the Control Authority must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(D) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (c)(5)(i)(A) of this section so long as it discharges under an equivalent mass limit.

(iii) A Control Authority which chooses to establish equivalent mass limits:

(A) Must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

(B) Upon notification of a revised production rate, must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(C) May retain the same equivalent mass limit in subsequent control mechanism terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to paragraph (d) of this section. The Industrial User must also be

in compliance with § 403.17 (regarding the prohibition of bypass).

(iv) The Control Authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

(6) The Control Authority may convert the mass limits of the categorical Pretreatment Standards at 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users under the following conditions. When converting such limits to concentration limits, the Control Authority must use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by paragraph (d) of this section.

(7) Equivalent limitations calculated in accordance with paragraphs (c)(3), (c)(4), (c)(5) and (c)(6) of this section are deemed Pretreatment Standards for the purposes of section 307(d) of the Act and this part. The Control Authority must document how the equivalent limits were derived and make this information publicly available. Once incorporated into its control mechanism, the Industrial User must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(8) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(9) Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the Control Authority within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Control Authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

(d) *Dilution prohibited as substitute for treatment.* Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Control Authority may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

(e) *Combined wastestream formula.* Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the Control Authority or by the Industrial User with the written concurrence of the Control Authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the Control Authority or Industrial User shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical Pretreatment Standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical Pretreatment Standard(s). The Industrial User shall comply with the alternative daily maximum and monthly average limits fixed by the Control Authority until the Control Authority modifies the limits or approves an Industrial User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An Industrial User must immediately report any such material or significant change to

the Control Authority. Where appropriate new alternative categorical limits shall be calculated within 30 days.

(1) *Alternative limit calculation.* For purposes of these formulas, the ''average daily flow'' means a reasonable measure of the average daily flow for a 30-day period. For new sources, flows shall be estimated using projected values. The alternative limit for a specified pollutant will be derived by the use of either of the following formulas:

(i) *Alternative concentration limit.*

$$C_T = \left(\frac{\sum_{i=1}^{N} C_i F_i}{\sum_{i=1}^{N} F_i} \right) \left(\frac{F_T - F_D}{F_T} \right)$$

where

C_T=the alternative concentration limit for the combined wastestream.

C_i=the categorical Pretreatment Standard concentration limit for a pollutant in the regulated stream i.

F_i=the average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

F_D=the average daily flow (at least a 30-day average) from: (a) Boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an Industrial User's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the Control Authority, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the Control Authority, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the Control Authority can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a Categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical Pretreatment Standards pursuant to paragraph 8 of the *NRDC v. Costle* Consent Decree (12 ERC 1833) for one or more of the following reasons (see appendix D of this part):

(1) The pollutants of concern are not detectable in the effluent from the Industrial User (paragraph (8)(a)(iii));

(2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph (8)(a)(iii));

(3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph (8)(a)(iii)); or

(4) The wastestream contains only pollutants which are compatible with the POTW (paragraph (8)(b)(i)).

F_T=The average daily flow (at least a 30-day average) through the combined treatment facility (includes F_i, F_D and unregulated streams).

N=The total number of regulated streams.

(ii) *Alternative mass limit.*

$$M_T = \left(\sum_{i=1}^{N} M_i \right) \left(\frac{F_T - F_D}{\sum_{i=1}^{N} F_i} \right)$$

where

M_T=the alternative mass limit for a pollutant in the combined wastestream.

M_i=the categorical Pretreatment Standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

F_i=the average flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

F_D=the average daily flow (at least a 30-day average) from: (a) Boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an Industrial User's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the Control Authority, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the Control Authority, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the Control Authority can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical Pretreatment Standards pursuant to paragraph 8 of the *NRDC v. Costle* Consent Decree (12 ERC 1833) for one or more of the

following reasons (see appendix D of this part):

(1) The pollutants of concern are not detectable in the effluent from the Industrial User (paragraph (8)(a)(iii));

(2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph (8)(a)(iii));

(3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph (8)(a)(iii)); or

(4) The wastestream contains only pollutants which are compatible with the POTW (paragraph (8)(b)(i)).

F_T=The average flow (at least a 30-day average) through the combined treatment facility (includes F_i, F_D and unregulated streams).

N=The total number of regulated streams.

(2) *Alternate limits below detection limit.* An alternative pretreatment limit may not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.

(3) *Self-monitoring.* Self-monitoring required to insure compliance with the alternative categorical limit shall be conducted in accordance with the requirements of § 403.12(g).

(4) *Choice of monitoring location.* Where a treated regulated process wastestream is combined prior to treatment with wastewaters other than those generated by the regulated process, the Industrial User may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable Pretreatment Standards. If the Industrial User chooses to monitor the segregated process wastestream, it shall apply the applicable categorical Pretreatment Standard. If the User chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in this section. The Industrial User may change monitoring points only after receiving approval from the Control Authority. The Control Authority shall ensure that any change in an Industrial User's monitoring point(s) will not allow the User to substitute dilution for adequate treatment to achieve compliance with applicable Standards.

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 21037, May 17, 1984; 49 FR 31224, Aug. 3, 1984; 51 FR 20430, June 4, 1986; 51 FR 23760, July 1, 1986; 53 FR 40610, Oct. 17, 1988; 55 FR 30129, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 70 FR 60192, Oct. 14, 2005]

§ 403.7 Removal credits.

(a) *Introduction*—(1) *Definitions.* For the purpose of this section:

(i) *Removal* means a reduction in the amount of a pollutant in the POTW's effluent or alteration of the nature of a pollutant during treatment at the POTW. The reduction or alteration can be obtained by physical, chemical or biological means and may be the result of specifically designed POTW capabilities or may be incidental to the operation of the treatment system. Removal as used in this subpart shall not mean dilution of a pollutant in the POTW.

(ii) *Sludge requirements* shall mean the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) (including title II more commonly referred to as the Resource Conservation Recovery Act (RCRA) and State regulations contained in any State sludge management plan prepared pursuant to subtitle D of SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

(2) *General.* Any POTW receiving wastes from an Industrial User to which a categorical Pretreatment Standard(s) applies may, at its discretion and subject to the conditions of this section, grant removal credits to reflect removal by the POTW of pollutants specified in the categorical Pretreatment Standard(s). The POTW may grant a removal credit equal to or, at its discretion, less than its consistent removal rate. Upon being granted a removal credit, each affected Industrial User shall calculate its revised discharge limits in accordance with

paragraph (a)(4) of this section. Removal credits may only be given for indicator or surrogate pollutants regulated in a categorical Pretreatment Standard if the categorical Pretreatment Standard so specifies.

(3) *Conditions for authorization to give removal credits.* A POTW is authorized to give removal credits only if the following conditions are met:

(i) *Application.* The POTW applies for, and receives, authorization from the Approval Authority to give a removal credit in accordance with the requirements and procedures specified in paragraph (e) of this section.

(ii) *Consistent removal determination.* The POTW demonstrates and continues to achieve consistent removal of the pollutant in accordance with paragraph (b) of this section.

(iii) *POTW local pretreatment program.* The POTW has an approved pretreatment program in accordance with and to the extent required by part 403; provided, however, a POTW which does not have an approved pretreatment program may, pending approval of such a program, conditionally give credits as provided in paragraph (d) of this section.

(iv) *Sludge requirements.* The granting of removal credits will not cause the POTW to violate the local, State and Federal Sludge Requirements which apply to the sludge management method chosen by the POTW. Alternatively, the POTW can demonstrate to the Approval Authority that even though it is not presently in compliance with applicable Sludge Requirements, it will be in compliance when the Industrial User(s) to whom the removal credit would apply is required to meet its categorical Pretreatment Standard(s) as modified by the removal credit. If granting removal credits forces a POTW to incur greater sludge management costs than would be incurred in the absence of granting removal credits, the additional sludge management costs will not be eligible for EPA grant assistance. Removal credits may be made available for the following pollutants.

(A) For any pollutant listed in appendix G section I of this part for the use or disposal practice employed by the POTW, when the requirements in 40 CFR part 503 for that practice are met.

(B) For any pollutant listed in appendix G section II of this part for the use or disposal practice employed by the POTW when the concentration for a pollutant listed in appendix G section II of this part in the sewage sludge that is used or disposed does not exceed the concentration for the pollutant in appendix G section II of this part.

(C) For any pollutant in sewage sludge when the POTW disposes all of its sewage sludge in a municipal solid waste landfill unit that meets the criteria in 40 CFR part 258.

(v) *NPDES permit limitations.* The granting of removal credits will not cause a violation of the POTW's permit limitations or conditions. Alternatively, the POTW can demonstrate to the Approval Authority that even though it is not presently in compliance with applicable limitations and conditions in its NPDES permit, it will be in compliance when the Industrial User(s) to whom the removal credit would apply is required to meet its categorical Pretreatment Standard(s), as modified by the removal credit provision.

(4) *Calculation of revised discharge limits.* Revised discharge limits for a specific pollutant shall be derived by use of the following formula:

$$y = \frac{x}{1 - r}$$

where:

x=pollutant discharge limit specified in the applicable categorical Pretreatment Standard

r=removal credit for that pollutant as established under paragraph (b) of this section (percentage removal expressed as a proportion, *i.e.*, a number between 0 and 1)

y=revised discharge limit for the specified pollutant (expressed in same units as x)

(b) *Establishment of removal credits; demonstration of Consistent Removal*—(1) *Definition of Consistent Removal.* ''Consistent Removal'' shall mean the average of the lowest 50 percent of the removal measured according to paragraph (b)(2) of this section. All sample data obtained for the measured pollutant during the time period prescribed in paragraph (b)(2) of this section must

be reported and used in computing Consistent Removal. If a substance is measurable in the influent but not in the effluent, the effluent level may be assumed to be the limit of measurement, and those data may be used by the POTW at its discretion and subject to approval by the Approval Authority. If the substance is not measurable in the influent, the date may not be used. Where the number of samples with concentrations equal to or above the limit of measurement is between 8 and 12, the average of the lowest 6 removals shall be used. If there are less than 8 samples with concentrations equal to or above the limit of measurement, the Approval Authority may approve alternate means for demonstrating Consistent Removal. The term ''measurement'' refers to the ability of the analytical method or protocol to quantify as well as identify the presence of the substance in question.

(2) *Consistent Removal data.* Influent and effluent operational data demonstrating Consistent Removal or other information, as provided for in paragraph (b)(1) of this section, which demonstrates Consistent Removal of the pollutants for which discharge limit revisions are proposed. This data shall meet the following requirements:

(i) *Representative data; seasonal.* The data shall be representative of yearly and seasonal conditions to which the POTW is subjected for each pollutant for which a discharge limit revision is proposed.

(ii) *Representative data; quality and quantity.* The data shall be representative of the quality and quantity of normal effluent and influent flow if such data can be obtained. If such data are unobtainable, alternate data or information may be presented for approval to demonstrate Consistent Removal as provided for in paragraph (b)(1) of this section.

(iii) *Sampling procedures: Composite.* (A) The influent and effluent operational data shall be obtained through 24-hour flow-proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. For discrete sampling, at least 12 aliquots shall be composited. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to each stream flow at time of collection of influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

(B)(*1*) Twelve samples shall be taken at approximately equal intervals throughout one full year. Sampling must be evenly distributed over the days of the week so as to include noworkdays as well as workdays. If the Approval Authority determines that this schedule will not be most representative of the actual operation of the POTW Treatment Plant, an alternative sampling schedule will be approved.

(*2*) In addition, upon the Approval Authority's concurrence, a POTW may utilize an historical data base amassed prior to the effective data of this section provide that such data otherwise meet the requirements of this paragraph. In order for the historical data base to be approved it must present a statistically valid description of daily, weekly and seasonal sewage treatment plant loadings and performance for at least one year.

(C) Effluent sample collection need not be delayed to compensate for hydraulic detention unless the POTW elects to include detention time compensation or unless the Approval Authority requires detention time compensation. The Approval Authority may require that each effluent sample be taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year.

(iv) *Sampling procedures: Grab.* Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples

by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results. A grab sample is an individual sample collected over a period of time not exceeding 15 minutes.

(v) *Analytical methods.* The sampling referred to in paragraphs (b)(2) (i) through (iv) of this section and an analysis of these samples shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

(vi) *Calculation of removal.* All data acquired under the provisions of this section must be submitted to the Approval Authority. Removal for a specific pollutant shall be determined either, for each sample, by measuring the difference between the concentrations of the pollutant in the influent and effluent of the POTW and expressing the difference as a percent of the influent concentration, or, where such data cannot be obtained, Removal may be demonstrated using other data or procedures subject to concurrence by the Approval Authority as provided for in paragraph (b)(1) of this section.

(c) *Provisional credits.* For pollutants which are not being discharged currently (*i.e.*, new or modified facilities, or production changes) the POTW may apply for authorization to give removal credits prior to the initial discharge of the pollutant. Consistent removal shall be based provisionally on data from treatability studies or demonstrated removal at other treatment facilities where the quality and quantity of influent are similar. Within 18 months after the commencement of discharge of pollutants in question, consistent removal must be demonstrated pursuant to the requirements of paragraph (b) of this section. If, within 18 months after the commencement of the discharge of the pollutant in question, the POTW cannot demonstrate consistent removal pursuant to the requirements of paragraph (b) of this section, the authority to grant provisional removal credits shall be terminated by the Approval Authority and all Industrial Users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical Pretreatment Standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s), as may be specified by the Approval Authority.

(d) *Exception to POTW Pretreatment Program Requirement.* A POTW required to develop a local pretreatment program by § 403.8 may conditionally give removal credits pending approval of such a program in accordance with the following terms and conditions:

(1) All Industrial Users who are currently subject to a categorical Pretreatment Standard and who wish conditionally to receive a removal credit must submit to the POTW the information required in § 403.12(b)(1) through (7) (except new or modified industrial users must only submit the information required by § 403.12(b)(1) through (6)), pertaining to the categorical Pretreatment Standard as modified by the removal credit. The Industrial Users shall indicate what additional technology, if any, will be needed to comply with the categorical Pretreatment Standard(s) as modified by the removal credit;

(2) The POTW must have submitted to the Approval Authority an application for pretreatment program approval meeting the requirements of §§ 403.8 and 403.9 in a timely manner, not to exceed the time limitation set

forth in a compliance schedule for development of a pretreatment program included in the POTW's NPDES permit, but in no case later than July 1, 1983, where no permit deadline exists;

(3) The POTW must:

(i) Compile and submit data demonstrating its consistent removal in accordance with paragraph (b) of this section;

(ii) Comply with the conditions specified in paragraph (a)(3) of this section; and

(iii) Submit a complete application for removal credit authority in accordance with paragraph (e) of this section;

(4) If a POTW receives authority to grant conditional removal credits and the Approval Authority subsequently makes a final determination, after appropriate notice, that the POTW failed to comply with the conditions in paragraphs (d)(2) and (3) of this section, the authority to grant conditional removal credits shall be terminated by the Approval Authority and all Industrial Users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical Pretreatment Standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s), as may be specified by the Approval Authority.

(5) If a POTW grants conditional removal credits and the POTW or the Approval Authority subsequently makes a final determination, after appropriate notice, that the Industrial User(s) failed to comply with the conditions in paragraph (d)(1) of this section, the conditional credit shall be terminated by the POTW or the Approval Authority for the non-complying Industrial User(s) and the Industrial User(s) to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical Pretreatment Standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s), as may be specified by the Approval Authority. The conditional credit shall not be terminated where a violation of the provisions of this paragraph results from causes entirely outside of the control of the Industrial User(s) or the Industrial User(s) had demonstrated substantial compliance.

(6) The Approval Authority may elect not to review an application for conditional removal credit authority upon receipt of such application, in which case the conditionally revised discharge limits will remain in effect until reviewed by the Approval Authority. This review may occur at any time in accordance with the procedures of § 403.11, but in no event later than the time of any pretreatment program approval or any NPDES permit reissuance thereunder.

(e) *POTW application for authorization to give removal credits and Approval Authority review*—(1) *Who must apply*. Any POTW that wants to give a removal credit must apply for authorization from the Approval Authority.

(2) *To whom application is made*. An application for authorization to give removal credits (or modify existing ones) shall be submitted by the POTW to the Approval Authority.

(3) *When to apply*. A POTW may apply for authorization to give or modify removal credits at any time.

(4) *Contents of the application*. An application for authorization to give removal credits must be supported by the following information:

(i) *List of pollutants*. A list of pollutants for which removal credits are proposed.

(ii) *Consistent Removal data*. The data required pursuant to paragraph (b) of this section.

(iii) *Calculation of revised discharge limits*. Proposed revised discharge limits for each affected subcategory of Industrial Users calculated in accordance with paragraph (a)(4) of this section.

(iv) *Local Pretreatment Program Certification*. A certification that the POTW has an approved local pretreatment program or qualifies for the exception to this requirement found at paragraph (d) of this section.

(v) *Sludge management certification*. A specific description of the POTW's current methods of using or disposing of its sludge and a certification that the granting of removal credits will not cause a violation of the sludge requirements identified in paragraph (a)(3)(iv) of this section.

(vi) *NPDES permit limit certification*. A certification that the granting of removal credits will not cause a violation of the POTW's NPDES permit limits and conditions as required in paragraph (a)(3)(v) of this section.

(5) *Approval Authority review*. The Approval Authority shall review the POTW's application for authorization to give or modify removal credits in accordance with the procedures of § 403.11 and shall, in no event, have more that 180 days from public notice of an application to complete review.

(6) *EPA review of State removal credit approvals*. Where the NPDES State has an approved pretreatment program, the Regional Administrator may agree in the Memorandum of Agreement under 40 CFR 123.24(d) to waive the right to review and object to submissions for authority to grant removal credits. Such an agreement shall not restrict the Regional Administrator's right to comment upon or object to permits issued to POTW's except to the extent 40 CFR 123.24(d) allows such restriction.

(7) Nothing in these regulations precludes an Industrial User or other interested party from assisting the POTW in preparing and presenting the information necessary to apply for authorization.

(f) *Continuation and withdrawal of authorization*—(1) *Effect of authorization*. (i) Once a POTW has received authorization to grant removal credits for a particular pollutant regulated in a categorical Pretreatment Standard it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the POTW to violate the sludge requirements identified in paragraph (a)(3)(iv) of this section or its NPDES permit limits and conditions as required by paragraph (a)(3)(v) of this section. If a POTW elects at a later time to extend removal credits to a certain categorical Pretreatment Standard, industrial subcategory or one or more Industrial Users that initially were not granted removal credits, it must notify the Approval Authority.

(2) *Inclusion in POTW permit*. Once authority is granted, the removal credits shall be included in the POTW's NPDES Permit as soon as possible and shall become an enforceable requirement of the POTW's NPDES permit. The removal credits will remain in effect for the term of the POTW's NPDES permit, provided the POTW maintains compliance with the conditions specified in paragraph (f)(4) of this section.

(3) *Compliance monitoring*. Following authorization to give removal credits, a POTW shall continue to monitor and report on (at such intervals as may be specified by the Approval Authority, but in no case less than once per year) the POTW's removal capabilities. A minimum of one representative sample per month during the reporting period is required, and all sampling data must be included in the POTW's compliance report.

(4) *Modification or withdrawal of removal credits*—(i) *Notice of POTW*. The Approval Authority shall notify the POTW if, on the basis of pollutant removal capability reports received pursuant to paragraph (f)(3) of this section or other relevant information available to it, the Approval Authority determines:

(A) That one or more of the discharge limit revisions made by the POTW, of the POTW itself, no longer meets the requirements of this section, or

(B) That such discharge limit revisions are causing a violation of any conditions or limits contained in the POTW's NPDES Permit.

(ii) *Corrective action*. If appropriate corrective action is not taken within a reasonable time, not to exceed 60 days unless the POTW or the affected Industrial Users demonstrate that a longer time period is reasonably necessary to undertake the appropriate corrective action, the Approval Authority shall either withdraw such discharge limits or require modifications in the revised discharge limits.

(iii) *Public notice of withdrawal or modification*. The Approval Authority shall not withdraw or modify revised discharge limits unless it shall first have notified the POTW and all Industrial Users to whom revised discharge limits have been applied, and made public, in writing, the reasons for such

withdrawal or modification, and an opportunity is provided for a hearing. Following such notice and withdrawal or modification, all Industrial Users to whom revised discharge limits had been applied, shall be subject to the modified discharge limits or the discharge limits prescribed in the applicable categorical Pretreatment Standards, as appropriate, and shall achieve compliance with such limits within a reasonable time (not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s) as may be specified by the Approval Authority.

(g) *Removal credits in State-run pretreatment programs under § 403.10(e).* Where an NPDES State with an approved pretreatment program elects to implement a local pretreatment program in lieu or requiring the POTW to develop such a program (as provided in § 403.10(e)), the POTW will not be required to develop a pretreatment program as a precondition to obtaining authorization to give removal credits. The POTW will, however, be required to comply with the other conditions of paragraph (a)(3) of this section.

(h) *Compensation for overflow.* ''Overflow'' means the intentional or unintentional diversion of flow from the POTW before the POTW Treatment Plant. POTWs which at least once annually Overflow untreated wastewater to receiving waters may claim Consistent Removal of a pollutant only by complying with either paragraphs (h)(1) or (h)(2) of this section. However, paragraph (h) of this section shall not apply where Industrial User(s) can demonstrate that Overflow does not occur between the Industrial User(s) and the POTW Treatment Plant;

(1) The Industrial User provides containment or otherwise ceases or reduces Discharges from the regulated processes which contain the pollutant for which an allowance is requested during all circumstances in which an Overflow event can reasonably be expected to occur at the POTW or at a sewer to which the Industrial User is connected. Discharges must cease or be reduced, or pretreatment must be increased, to the extent necessary to compensate for the removal not being provided by the POTW. Allowances under this provision will only be granted where the POTW submits to the Approval Authority evidence that:

(i) All Industrial Users to which the POTW proposes to apply this provision have demonstrated the ability to contain or otherwise cease or reduce, during circumstances in which an Overflow event can reasonably be expected to occur, Discharges from the regulated processes which contain pollutants for which an allowance is requested;

(ii) The POTW has identified circumstances in which an Overflow event can reasonably be expected to occur, and has a notification or other viable plan to insure that Industrial Users will learn of an impending Overflow in sufficient time to contain, cease or reduce Discharging to prevent untreated Overflows from occurring. The POTW must also demonstrate that it will monitor and verify the data required in paragraph (h)(1)(iii) of this section, to insure that Industrial Users are containing, ceasing or reducing operations during POTW System Overflow; and

(iii) All Industrial Users to which the POTW proposes to apply this provision have demonstrated the ability and commitment to collect and make available, upon request by the POTW, State Director or EPA Regional Administrator, daily flow reports or other data sufficient to demonstrate that all Discharges from regulated processes containing the pollutant for which the allowance is requested were contained, reduced or otherwise ceased, as appropriate, during all circumstances in which an Overflow event was reasonably expected to occur; or

(2)(i) The Consistent Removal claimed is reduced pursuant to the following equation:

$$r_c = r_m \frac{8760 - Z}{8760}$$

Where:

r_m = POTW's Consistent Removal rate for that pollutant as established under paragraphs (a)(1) and (b)(2) of this section

r_c = removal corrected by the Overflow factor

Z = hours per year that Overflows occurred between the Industrial User(s) and the POTW Treatment Plant, the hours either to be shown in the POTW's current NPDES permit application or the hours, as demonstrated by verifiable techniques, that a

particular Industrial User's Discharge Overflows between the Industrial User and the POTW Treatment Plant; and

(ii) The POTW is complying with all NPDES permit requirements and any additional requirements in any order or decree, issued pursuant to the Clean Water Act affecting combined sewer overflows. These requirements include, but are not limited to, any combined sewer overflow requirements that conform to the Combined Sewer Overflow Control Policy.

[49 FR 31221, Aug. 3, 1984, as amended at 51 FR 20430, June 4, 1986; 53 FR 42435, Nov. 5, 1987; 58 FR 9386, Feb. 19, 1993; 58 FR 18017, Apr. 7, 1993; 70 FR 60193, Oct. 14, 2005]

§ 403.8 Pretreatment Program Requirements: Development and Implementation by POTW.

(a) *POTWs required to develop a pretreatment program.* Any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) and receiving from Industrial Users pollutants which Pass Through or Interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards will be required to establish a POTW Pretreatment Program unless the NPDES State exercises its option to assume local responsibilities as provided for in § 403.10(e). The Regional Administrator or Director may require that a POTW with a design flow of 5 mgd or less develop a POTW Pretreatment Program if he or she finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent Interference with the POTW or Pass Through.

(b) *Deadline for Program Approval.* A POTW which meets the criteria of paragraph (a) of this section must receive approval of a POTW Pretreatment Program no later than 3 years after the reissuance or modification of its existing NPDES permit but in no case later than July 1, 1983. POTWs whose NPDES permits are modified under section 301(h) of the Act shall have a Pretreatment Program within three (3) years as provided for in 40 CFR part 125, subpart G. POTWs identified after July 1, 1983 as being required to develop a POTW Pretreatment Program under paragraph (a) of this section shall develop and submit such a program for approval as soon as possible, but in no case later than one year after written notification from the Approval Authority of such identification. The POTW Pretreatment Program shall meet the criteria set forth in paragraph (f) of this section and shall be administered by the POTW to ensure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

(c) *Incorporation of approved programs in permits.* A POTW may develop an appropriate POTW Pretreatment Program any time before the time limit set forth in paragraph (b) of this section. The POTW's NPDES Permit will be reissued or modified by the NPDES State or EPA to incorporate the approved Program as enforceable conditions of the Permit. The modification of a POTW's NPDES Permit for the purposes of incorporating a POTW Pretreatment Program approved in accordance with the procedure in § 403.11 shall be deemed a minor Permit modification subject to the procedures in 40 CFR 122.63.

(d) *Incorporation of compliance schedules in permits.* [Reserved]

(e) *Cause for reissuance or modification of Permits.* Under the authority of section 402(b)(1)(C) of the Act, the Approval Authority may modify, or alternatively, revoke and reissue a POTW's Permit in order to:

(1) Put the POTW on a compliance schedule for the development of a POTW Pretreatment Program where the addition of pollutants into a POTW by an Industrial User or combination of Industrial Users presents a substantial hazard to the functioning of the treatment works, quality of the receiving waters, human health, or the environment;

(2) Coordinate the issuance of a section 201 construction grant with the incorporation into a permit of a compliance schedule for POTW Pretreatment Program;

(3) Incorporate a modification of the permit approved under section 301(h) or 301(i) of the Act;

(4) Incorporate an approved POTW Pretreatment Program in the POTW permit; or

(5) Incorporate a compliance schedule for the development of a POTW pretreatment program in the POTW permit.

(6) Incorporate the removal credits (established under § 403.7) in the POTW permit.

(f) *POTW pretreatment requirements.* A POTW pretreatment program must be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

(1) *Legal authority.* The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:

(i) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit;

(ii) Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;

(iii) Control through Permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under § 403.3(v), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such User except as follows.

(A)(*1*) At the discretion of the POTW, this control may include use of general control mechanisms if the following conditions are met. All of the facilities to be covered must:

(*i*) Involve the same or substantially similar types of operations;

(*ii*) Discharge the same types of wastes;

(*iii*) Require the same effluent limitations;

(*iv*) Require the same or similar monitoring; and

(*v*) In the opinion of the POTW, are more appropriately controlled under a general control mechanism than under individual control mechanisms.

(*2*) To be covered by the general control mechanism, the Significant Industrial User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests in accordance with § 403.12(e)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the Discharge is not effective in the general control mechanism until after the POTW has provided written notice to the Significant Industrial User that such a waiver request has been granted in accordance with § 403.12(e)(2). The POTW must retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific Significant Industrial User meets the criteria in paragraphs (f)(1)(iii)(A)(*1*) through (*5*) of this section, and a copy of the User's written request for coverage for 3 years after the expiration of the general control mechanism. A POTW may not control a Significant Industrial User through a general control mechanism where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the Combined Wastestream Formula or Net/Gross calculations (§§ 403.6(e) and 403.15).

(B) Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:

(*1*) Statement of duration (in no case more than five years);

(*2*) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

(*3*) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;

(*4*) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with § 403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;

(*5*) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;

(*6*) Requirements to control Slug Discharges, if determined by the POTW to be necessary.

(iv) Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12.

(v) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under § 403.12(o) to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;

(vi)(A) Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. All POTW's shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of $1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements.

(B) Pretreatment requirements which will be enforced through the remedies set forth in paragraph (f)(1)(vi)(A) of this section, will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations in this part. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Approval Authority shall have authority to seek judicial relief and may also use administrative penalty authority when the POTW has sought a

monetary penalty which the Approval Authority believes to be insufficient.

(vii) Comply with the confidentiality requirements set forth in § 403.14.

(2) *Procedures.* The POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:

(i) Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the Regional Administrator or Director upon request;

(ii) Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified under paragraph (f)(2)(i) of this section. This information shall be made available to the Regional Administrator or Director upon request;

(iii) Notify Industrial Users identified under paragraph (f)(2)(i) of this section, of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status.

(iv) Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12;

(v) Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year, except as otherwise specified below:

(A) Where the POTW has authorized the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard in accordance with § 403.12(e)(3), the POTW must sample for the waived pollutant(s) at least once during the term of the Categorical Industrial User's control mechanism. In the event that the POTW subsequently determines that a waived pollutant is present or is expected to be present in the Industrial User's wastewater based on changes that occur in the User's operations, the POTW must immediately begin at least annual effluent monitoring of the User's Discharge and inspection.

(B) Where the POTW has determined that an Industrial User meets the criteria for classification as a Non-Significant Categorical Industrial User, the POTW must evaluate, at least once per year, whether an Industrial User continues to meet the criteria in § 403.3(v)(2).

(C) In the case of Industrial Users subject to reduced reporting requirements under § 403.12(e)(3), the POTW must randomly sample and analyze the effluent from Industrial Users and conduct inspections at least once every two years. If the Industrial User no longer meets the conditions for reduced reporting in § 403.12(e)(3), the POTW must immediately begin sampling and inspecting the Industrial User at least once a year.

(vi) Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, a Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the POTW immediately of

any changes at its facility affecting potential for a Slug Discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(A) Description of discharge practices, including non-routine batch Discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under § 403.5(b) with procedures for follow-up written notification within five days;

(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

(vii) Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under § 403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

(viii) Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

(3) *Funding.* The POTW shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in paragraphs (f)(1) and (2) of this section. In some limited circumstances, funding and personnel may be delayed where (i) the POTW has adequate legal authority and procedures to carry out the Pretreatment Program requirements described in this section, and (ii) a limited aspect of the Program does not need to be implemented immediately (see § 403.9(b)).

(4) *Local limits.* The POTW shall develop local limits as required in § 403.5(c)(1), or demonstrate that they are not necessary.

(5) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

(i) Describe how the POTW will investigate instances of noncompliance;

(ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

(iii) Identify (by title) the official(s) responsible for each type of response;

(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2).

(6) The POTW shall prepare and maintain a list of its Industrial Users meeting the criteria in § 403.3(v)(1). The list shall identify the criteria in § 403.3(v)(1) applicable to each Industrial User and, where applicable, shall also indicate whether the POTW has made a determination pursuant to § 403.3(v)(2) that such Industrial User should not be considered a Significant Industrial User. The initial list shall be submitted to the Approval Authority pursuant to § 403.9 or as a non-substantial modification pursuant to § 403.18(d). Modifications to the list shall be submitted to the Approval Authority pursuant to § 403.12(i)(1).

(g) A POTW that chooses to receive electronic documents must satisfy the requirements of 40 CFR part 3—(Electronic reporting).

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 31224, Aug. 3, 1984; 51 FR 20429, 20430, June 4, 1986; 51 FR 23759, July 1, 1986; 53 FR 40612, Oct. 17, 1988; 55 FR 30129, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995; 62 FR 38414, July 17, 1997; 70 FR 59889, Oct. 13, 2005; 70 FR 60193, Oct. 14, 2005]

§ 403.9 POTW pretreatment programs and/or authorization to revise pretreatment standards: Submission for approval.

(a) *Who approves Program.* A POTW requesting approval of a POTW Pretreatment Program shall develop a program description which includes the information set forth in paragraphs (b)(1) through (4) of this section. This description shall be submitted to the Approval Authority which will make a determination on the request for program approval in accordance with the procedures described in § 403.11.

(b) *Contents of POTW program submission.* The program description must contain the following information:

(1) A statement from the City Solicitor or a city official acting in a comparable capacity (or the attorney for those POTWs which have independent legal counsel) that the POTW has authority adequate to carry out the programs described in § 403.8. This statement shall:

(i) Identify the provision of the legal authority under § 403.8(f)(1) which provides the basis for each procedure under § 403.8(f)(2);

(ii) Identify the manner in which the POTW will implement the program requirements set forth in § 403.8, including the means by which Pretreatment Standards will be applied to individual Industrial Users (e.g., by order, permit, ordinance, etc.); and,

(iii) Identify how the POTW intends to ensure compliance with Pretreatment Standards and Requirements, and to enforce them in the event of noncompliance by Industrial Users;

(2) A copy of any statutes, ordinances, regulations, agreements, or other authorities relied upon by the POTW for its administration of the Program. This Submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising and/or funding the POTW Pretreatment Program if approved;

(3) A brief description (including organization charts) of the POTW organization which will administer the Pretreatment Program. If more than one agency is responsible for administration of the Program the responsible agencies should be identified, their respective responsibilities delineated, and their procedures for coordination set forth; and

(4) A description of the funding levels and full- and part-time manpower available to implement the Program;

(c) *Conditional POTW program approval.* The POTW may request conditional approval of the Pretreatment Program pending the acquisition of funding and personnel for certain elements of the Program. The request for conditional approval must meet the requirements set forth in paragraph (b) of this section except that the requirements of paragraph (b) of this section, may be relaxed if the Submission demonstrates that:

(1) A limited aspect of the Program does not need to be implemented immediately;

(2) The POTW had adequate legal authority and procedures to carry out those aspects of the Program which will not be implemented immediately; and

(3) Funding and personnel for the Program aspects to be implemented at a later date will be available when needed. The POTW will describe in the Submission the mechanism by which this funding will be acquired. Upon receipt of a request for conditional approval, the Approval Authority will establish a fixed date for the acquisition of the needed funding and personnel. If funding is not acquired by this date, the conditional approval of the POTW Pretreatment Program and any removal allowances granted to the POTW, may be modified or withdrawn.

(d) *Content of removal allowance submission.* The request for authority to revise categorical Pretreatment Standards must contain the information required in § 403.7(d).

(e) *Approval authority action.* Any POTW requesting POTW Pretreatment Program approval shall submit to the Approval Authority three copies of the Submission described in paragraph (b), and if appropriate, (d) of this section. Within 60 days after receiving the Submission, the Approval Authority shall make a preliminary determination of whether the Submission meets the requirements of paragraph (b) and, if appropriate, (d) of this section. If the Approval Authority makes the preliminary determination that the Submission meets these requirements, the Approval Authority shall:

(1) Notify the POTW that the Submission has been received and is under review; and

(2) Commence the public notice and evaluation activities set forth in § 403.11.

(f) *Notification where submission is defective.* If, after review of the Submission as provided for in paragraph (e) of this section, the Approval Authority determines that the Submission does not comply with the requirements of paragraph (b) or (c) of this section, and, if appropriate, paragraph (d), of this section, the Approval Authority shall provide notice in writing to the applying POTW and each person who has requested individual notice. This notification shall identify any defects in the Submission and advise the POTW and each person who has requested individual notice of the means by which the POTW can comply with the applicable requirements of paragraphs (b), (c) of this section, and, if appropriate, paragraph (d) of this section.

(g) *Consistency with water quality management plans.* (1) In order to be approved the POTW Pretreatment Program shall be consistent with any approved water quality management plan developed in accordance with 40 CFR parts 130, 131, as revised, where such 208 plan includes Management Agency designations and addresses pretreatment in a manner consistent with 40 CFR part 403. In order to assure such consistency the Approval Authority shall

solicit the review and comment of the appropriate 208 Planning Agency during the public comment period provided for in § 403.11(b)(1)(ii) prior to approval or disapproval of the Program.

(2) Where no 208 plan has been approved or where a plan has been approved but lacks Management Agency designations and/or does not address pretreatment in a manner consistent with this regulation, the Approval Authority shall nevertheless solicit the review and comment of the appropriate 208 planning agency.

[53 FR 9439, Jan. 28, 1981, as amended at 53 FR 40612, Oct. 17, 1988; 58 FR 18017, Apr. 7, 1993]

§ 403.10 Development and submission of NPDES State pretreatment programs.

(a) *Approval of State Programs.* No State NPDES program shall be approved under section 402 of the Act after the effective date of these regulations unless it is determined to meet the requirements of paragraph (f) of this section. Notwithstanding any other provision of this regulation, a State will be required to act upon those authorities which it currently possesses before the approval of a State Pretreatment Program.

(b) [Reserved]

(c) *Failure to request approval.* Failure of an NPDES State with a permit program approved under section 402 of the Act prior to December 27, 1977, to seek approval of a State Pretreatment Program and failure of an approved State to administer its State Pretreatment Program in accordance with the requirements of this section constitutes grounds for withdrawal of NPDES program approval under section 402(c)(3) of the Act.

(d) [Reserved]

(e) *State Program in lieu of POTW Program.* Notwithstanding the provision of § 403.8(a), a State with an approved Pretreatment Program may assume responsibility for implementing the POTW Pretreatment Program requirements set forth in § 403.8(f) in lieu of requiring the POTW to develop a Pretreatment Program. However, this does not preclude POTW's from independently developing Pretreatment Programs.

(f) *State Pretreatment Program requirements.* In order to be approved, a request for State Pretreatment Program Approval must demonstrate that the State Pretreatment Program has the following elements:

(1) *Legal authority.* The Attorney General's Statement submitted in accordance with paragraph (g)(1)(i) of this section shall certify that the Director has authority under State law to operate and enforce the State Pretreatment Program to the extent required by this part and by 40 CFR 123.27. At a minimum, the Director shall have the authority to:

(i) Incorporate POTW Pretreatment Program conditions into permits issued to POTW's; require compliance by POTW's with these incorporated permit conditions; and require compliance by Industrial Users with Pretreatment Standards;

(ii) Ensure continuing compliance by POTW's with pretreatment conditions incorporated into the POTW Permit through review of monitoring reports submitted to the Director by the POTW in accordance with § 403.12 and ensure continuing compliance by Industrial Users with Pretreatment Standards through the review of self-monitoring reports submitted to the POTW or to the Director by the Industrial Users in accordance with § 403.12;

(iii) Carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the POTW, compliance or noncompliance by the POTW with pretreatment conditions incorporated into the POTW Permit; and carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the Industrial User, whether the Industrial User is in compliance with Pretreatment Standards;

(iv) Seek civil and criminal penalties, and injunctive relief, for noncompliance by the POTW with pretreatment conditions incorporated into the POTW Permit and for noncompliance with Pretreatment Standards by Industrial Users as set forth in § 403.8(f)(1)(vi). The Director shall have authority to seek judicial relief for noncompliance by Industrial Users even when the POTW has acted to seek such relief (e.g., if

the POTW has sought a penalty which the Director finds to be insufficient);

(v) Approve and deny requests for approval of POTW Pretreatment Programs submitted by a POTW to the Director;

(vi) Deny and recommend approval of (but not approve) requests for Fundamentally Different Factors variances submitted by Industrial Users in accordance with the criteria and procedures set forth in § 403.13; and

(vii) Approve and deny requests for authority to modify categorical Pretreatment Standards to reflect removals achieved by the POTW in accordance with the criteria and procedures set forth in §§ 403.7, 403.9 and 403.11.

(2) *Procedures.* The Director shall have developed procedures to carry out the requirements of sections 307 (b) and (c), and 402(b)(1), 402(b)(2), 402(b)(8), and 402(b)(9) of the Act. At a minimum, these procedures shall enable the Director to:

(i) Identify POTW's required to develop Pretreatment Programs in accordance with § 403.8(a) and notify these POTW's of the need to develop a POTW Pretreatment Program. In the absence of a POTW Pretreatment Program, the State shall have procedures to carry out the activities set forth in § 403.8(f)(2);

(ii) Provide technical and legal assistance to POTW's in developing Pretreatment Programs;

(iii) Develop compliance schedules for inclusion in POTW Permits which set forth the shortest reasonable time schedule for the completion of tasks needed to implement a POTW Pretreatment Program. The final compliance date in these schedules shall be no later than July 1, 1983;

(iv) Sample and analyze:

(A) Influent and effluent of the POTW to identify, independent of information supplied by the POTW, compliance or noncompliance with pollutant removal levels set forth in the POTW permit (see § 403.7); and

(B) The contents of sludge from the POTW and methods of sludge disposal and use to identify, independent of information supplied by the POTW, compliance or noncompliance with requirements applicable to the selected method of sludge management;

(v) Investigate evidence of violations of pretreatment conditions set forth in the POTW Permit by taking samples and acquiring other information as needed. This data acquisition shall be performed with sufficient care as to produce evidence admissible in an enforcement proceeding or in court;

(vi) Review and approve requests for approval of POTW Pretreatment Programs and authority to modify categorical Pretreatment Standards submitted by a POTW to the Director; and

(vii) Consider requests for Fundamentally Different Factors variances submitted by Industrial Users in accordance with the criteria and procedures set forth in § 403.13.

(3) *Funding.* The Director shall assure that funding and qualified personnel are available to carry out the authorities and procedures described in paragraphs (f)(1) and (2) of this section.

(g) *Content of State Pretreatment Program submission.* The request for State Pretreatment Program approval will consist of:

(1)(i) A statement from the State Attorney General (or the Attorney for those State agencies which have independent legal counsel) that the laws of the State provide adequate authority to implement the requirements of this part. The authorities cited by the Attorney General in this statement shall be in the form of lawfully adopted State statutes or regulations which shall be effective by the time of approval of the State Pretreatment Program; and

(ii) Copies of all State statutes and regulations cited in the above statement;

(iii) States with approved Pretreatment Programs shall establish Pretreatment regulations by November 16, 1989, unless the State would be required to enact or amend statutory provision, in which case, such regulations must be established by November 16, 1990.

(2) A description of the funding levels and full- and part-time personnel available to implement the program; and

(3) Any modifications or additions to the Memorandum of Agreement (required by 40 CFR 123.24) which may be

necessary for EPA and the State to implement the requirements of this part.

(h) *EPA Action.* Any approved NPDES State requesting State Pretreatment Program approval shall submit to the Regional Administrator three copies of the Submission described in paragraph (g) of this section. Upon a preliminary determination that the Submission meets the requirements of paragraph (g) the Regional Administrator shall:

(1) Notify the Director that the Submission has been received and is under review; and

(2) Commence the program revision process set out in 40 CFR 123.62. For purposes of that section all requests for approval of State Pretreatment Programs shall be deemed substantial program modifications. A comment period of at least 30 days and the opportunity for a hearing shall be afforded the public on all such proposed program revisions.

(i) *Notification where submission is defective.* If, after review of the Submission as provided for in paragraph (h) of this section, EPA determines that the Submission does not comply with the requirements of paragraph (f) or (g) of this section EPA shall so notify the applying NPDES State in writing. This notification shall identify any defects in the Submission and advise the NPDES State of the means by which it can comply with the requirements of this part.

[46 FR 9439, Jan. 28, 1981, as amended at 51 FR 20429, June 4, 1986; 53 FR 40612, Oct. 17, 1988; 55 FR 30131, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995]

§ 403.11 Approval procedures for POTW pretreatment programs and POTW granting of removal credits.

The following procedures shall be adopted in approving or denying requests for approval of POTW Pretreatment Programs and applications for removal credit authorization:

(a) *Deadline for review of submission.* The Approval Authority shall have 90 days from the date of public notice of any Submission complying with the requirements of § 403.9(b) and, where removal credit authorization is sought with §§ 403.7(e) and 403.9(d), to review the Submission. The Approval Authority shall review the Submission to determine compliance with the requirements of § 403.8 (b) and (f), and, where removal credit authorization is sought, with § 403.7. The Approval Authority may have up to an additional 90 days to complete the evaluation of the Submission if the public comment period provided for in paragraph (b)(1)(ii) of this section is extended beyond 30 days or if a public hearing is held as provided for in paragraph (b)(2) of this section. In no event, however, shall the time for evaluation of the Submission exceed a total of 180 days from the date of public notice of a Submission meeting the requirements of § 403.9(b) and, in the case of a removal credit application, §§ 403.7(e) and 403.9(b).

(b) *Public notice and opportunity for hearing.* Upon receipt of a Submission the Approval Authority shall commence its review. Within 20 work days after making a determination that a Submission meets the requirements of § 403.9(b) and, where removal allowance approval is sought, §§ 403.7(d) and 403.9(d), the Approval Authority shall:

(1) Issue a public notice of request for approval of the Submission;

(i) This public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the Submission. Procedures for the circulation of public notice shall include:

(A) Mailing notices of the request for approval of the Submission to designated 208 planning agencies, Federal and State fish, shellfish and wildfish resource agencies (unless such agencies have asked not to be sent the notices); and to any other person or group who has requested individual notice, including those on appropriate mailing lists; and

(B) Publication of a notice of request for approval of the Submission in a newspaper(s) of general circulation within the jurisdiction(s) served by the POTW that meaningful public notice.

(ii) The public notice shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the Submission.

(iii) All written comments submitted during the 30 day comment period shall be retained by the Approval Authority

and considered in the decision on whether or not to approve the Submission. The period for comment may be extended at the discretion of the Approval Authority; and

(2) Provide an opportunity for the applicant, any affected State, any interested State or Federal agency, person or group of persons to request a public hearing with respect to the Submission.

(i) This request for public hearing shall be filed within the 30 day (or extended) comment period described in paragraph (b)(1)(ii) of this section and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted.

(ii) The Approval Authority shall hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the Submission should be approved. Instances of doubt should be resolved in favor of holding the hearing.

(iii) Public notice of a hearing to consider a Submission and sufficient to inform interested parties of the nature of the hearing and the right to participate shall be published in the same newspaper as the notice of the original request for approval of the Submission under paragraph (b)(1)(i)(B) of this section. In addition, notice of the hearing shall be sent to those persons requesting individual notice.

(c) *Approval authority decision.* At the end of the 30 day (or extended) comment period and within the 90 day (or extended) period provided for in paragraph (a) of this section, the Approval Authority shall approve or deny the Submission based upon the evaluation in paragraph (a) of this section and taking into consideration comments submitted during the comment period and the record of the public hearing, if held. Where the Approval Authority makes a determination to deny the request, the Approval Authority shall so notify the POTW and each person who has requested individual notice. This notification shall include suggested modifications and the Approval Authority may allow the requestor additional time to bring the Submission into compliance with applicable requirements.

(d) *EPA objection to Director's decision.* No POTW pretreatment program or authorization to grant removal allowances shall be approved by the Director if following the 30 day (or extended) evaluation period provided for in paragraph (b)(1)(ii) of this section and any hearing held pursuant to paragraph (b)(2) of this section the Regional Administrator sets forth in writing objections to the approval of such Submission and the reasons for such objections. A copy of the Regional Administrator's objections shall be provided to the applicant, and each person who has requested individual notice. The Regional Administrator shall provide an opportunity for written comments and may convene a public hearing on his or her objections. Unless retracted, the Regional Administrator's objections shall constitute a final ruling to deny approval of a POTW pretreatment program or authorization to grant removal allowances 90 days after the date the objections are issued.

(e) *Notice of decision.* The Approval Authority shall notify those persons who submitted comments and participated in the public hearing, if held, of the approval or disapproval of the Submission. In addition, the Approval Authority shall cause to be published a notice of approval or disapproval in the same newspapers as the original notice of request for approval of the Submission was published. The Approval Authority shall identify in any notice of POTW Pretreatment Program approval any authorization to modify categorical Pretreatment Standards which the POTW may make, in accordance with § 403.7, for removal of pollutants subject to Pretreatment Standards.

(f) *Public access to submission.* The Approval Authority shall ensure that the Submission and any comments upon such Submission are available to the public for inspection and copying.

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 31224, Aug. 3, 1984; 51 FR 20429, June 4, 1986; 53 FR 40613, Oct. 17, 1988; 62 FR 38414, July 17, 1997]

§ 403.12 Reporting requirements for POTW's and industrial users.

(a) [Reserved]

(b) *Reporting requirements for industrial users upon effective date of categorical pretreatment standard—baseline report.* Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under § 403.6(a)(4), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (b)(1)–(7) of this section. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (b)(1)–(5) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs (b) (4) and (5) of this section:

(1) *Identifying information.* The User shall submit the name and address of the facility including the name of the operator and owners;

(2) *Permits.* The User shall submit a list of any environmental control permits held by or for the facility;

(3) *Description of operations.* The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

(4) *Flow measurement.* The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined wastestream formula of § 403.6(e). (See paragraph (b)(5)(iv) of this section.)

The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) *Measurement of pollutants.* (i) The user shall identify the Pretreatment Standards applicable to each regulated process;

(ii) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard;

(iii) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(iv) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of § 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with § 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(v) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136

sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator;

(vi) The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(vii) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW;

(6) *Certification.* A statement, reviewed by an authorized representative of the Industrial User (as defined in paragraph (l) of this section) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

(7) *Compliance schedule.* If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(i) Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (§ 403.7), the combined wastestream formula (§ 403.6(e)), and/or a Fundamentally Different Factors variance (§ 403.13) at the time the User submits the report required by paragraph (b) of this section, the information required by paragraphs (b)(6) and (7) of this section shall pertain to the modified limits.

(ii) If the categorical Pretreatment Standard is modified by a removal allowance (§ 403.7), the combined wastestream formula (§ 403.6(e)), and/or a Fundamentally Different Factors variance (§ 403.13) after the User submits the report required by paragraph (b) of this section, any necessary amendments to the information requested by paragraphs (b)(6) and (7) of this section shall be submitted by the User to the Control Authority within 60 days after the modified limit is approved.

(c) *Compliance schedule for meeting categorical Pretreatment Standards.* The following conditions shall apply to the schedule required by paragraph (b)(7) of this section:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(2) No increment referred to in paragraph (c)(1) of this section shall exceed 9 months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

(d) *Report on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment

Standards and Requirements shall submit to the Control Authority a report containing the information described in paragraphs (b) (4)–(6) of this section. For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in § 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

(e) *Periodic reports on continued compliance.* (1) Any Industrial User subject to a categorical Pretreatment Standard (except a Non-Significant Categorical User as defined in § 403.3(v)(2)), after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of this section except that the Control Authority may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may modify the months during which the above reports are to be submitted.

(2) The Control Authority may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

(i) The Control Authority may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(ii) The monitoring waiver is valid only for the duration of the effective period of the Permit or other equivalent individual control mechanism, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

(iii) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

The request for a monitoring waiver must be signed in accordance with paragraph (l) of this section and include the certification statement in § 403.6(a)(2)(ii). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(iv) Any grant of the monitoring waiver by the Control Authority must be included as a condition in the User's

control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority for 3 years after expiration of the waiver.

(v) Upon approval of the monitoring waiver and revision of the User's control mechanism by the Control Authority, the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

> Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).

(vi) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of paragraph (e)(1) of this section or other more frequent monitoring requirements imposed by the Control Authority; and notify the Control Authority.

(vii) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(3) The Control Authority may reduce the requirement in paragraph (e)(1) of this section to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the Industrial User meets all of the following conditions:

(i) The Industrial User's total categorical wastewater flow does not exceed any of the following:

(A) 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;

(B) 0.01 percent of the design dry weather organic treatment capacity of the POTW; and

(C) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved local limits were developed by a POTW in accordance with § 403.5(c) and paragraph (d) of this section;

(ii) The Industrial User has not been in significant noncompliance, as defined in § 403.8(f)(2)(viii), for any time in the past two years;

(iii) The Industrial User does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period pursuant to paragraph (g)(3) of this section;

(iv) The Industrial User must notify the Control Authority immediately of any changes at its facility causing it to no longer meet conditions of paragraphs (e)(3)(i) or (ii) of this section. Upon notification, the Industrial User must immediately begin complying with the minimum reporting in paragraph (e)(1) of this section; and

(v) The Control Authority must retain documentation to support the Control Authority's determination that a specific Industrial User qualifies for reduced reporting requirements under paragraph (e)(3) of this section for a period of 3 years after the expiration of the term of the control mechanism.

(4) For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in § 403.6(c), the report required by paragraph (e)(1) shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (e)(1) shall include

the User's actual average production rate for the reporting period.

(f) *Notice of potential problems, including slug loading.* All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by § 403.5(b), by the Industrial User.

(g) *Monitoring and analysis to demonstrate continued compliance.* (1) Except in the case of Non-Significant Categorical Users, the reports required in paragraphs (b), (d), (e), and (h) of this section shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the Control Authority in lieu of the Industrial User. Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required under paragraphs (b)(6) and (d) of this section. In addition, where the POTW itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

(2) If sampling performed by an Industrial User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

(i) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month; or

(ii) The Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.

(3) The reports required in paragraphs (b), (d), (e) and (h) of this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.

(4) For sampling required in support of baseline monitoring and 90-day compliance reports required in paragraphs (b) and (d) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic

compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by paragraphs (e) and (h) of this section, the Control Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

(5) All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Administrator. (*See,* §§ 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

(6) If an Industrial User subject to the reporting requirement in paragraph (e) or (h) of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in paragraph (g)(5) of this section, the results of this monitoring shall be included in the report.

(h) *Reporting requirements for Industrial Users not subject to categorical Pretreatment Standards.* The Control Authority must require appropriate reporting from those Industrial Users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial Users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 and amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the significant non-categorical Industrial User.

(i) *Annual POTW reports.* POTWs with approved Pretreatment Programs shall provide the Approval Authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this section shall be submitted no later than one year after approval of the POTW's Pretreatment Program, and at least annually thereafter, and shall include, at a minimum, the following:

(1) An updated list of the POTW's Industrial Users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list shall identify which Industrial Users are subject to categorical Pretreatment Standards and specify which Standards are applicable to each Industrial User. The list shall indicate which Industrial Users are subject to local standards that are more stringent than the categorical Pretreatment Standards. The POTW shall also list the Industrial Users that are subject only to local Requirements. The list must also identify Industrial Users subject to categorical Pretreatment Standards that are subject to reduced reporting requirements under paragraph (e)(3), and identify which Industrial Users are Non-Significant Categorical Industrial Users.

(2) A summary of the status of Industrial User compliance over the reporting period;

(3) A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period;

(4) A summary of changes to the POTW's pretreatment program that have not been previously reported to the Approval Authority; and

(5) Any other relevant information requested by the Approval Authority.

(j) *Notification of changed Discharge.* All Industrial Users shall promptly notify the Control Authority (and the POTW if the POTW is not the Control Authority) in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under paragraph (p) of this section.

(k) *Compliance schedule for POTW's.* The following conditions and reporting requirements shall apply to the compliance schedule for development of an approvable POTW Pretreatment Program required by § 403.8.

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW Pretreatment Program (e.g., acquiring required authorities, developing funding mechanisms, acquiring equipment);

(2) No increment referred to in paragraph (k)(1) of this section shall exceed nine months;

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the POTW shall submit a progress report to the Approval Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the Approval Authority.

(l) *Signatory requirements for Industrial User reports.* The reports required by paragraphs (b), (d), and (e) of this section shall include the certification statement as set forth in § 403.6(a)(2)(ii), and shall be signed as follows:

(1) By a responsible corporate officer, if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section is a partnership, or sole proprietorship respectively.

(3) By a duly authorized representative of the individual designated in paragraph (l)(1) or (l)(2) of this section if:

(i) The authorization is made in writing by the individual described in paragraph (l)(1) or (l)(2);

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) the written authorization is submitted to the Control Authority.

(4) If an authorization under paragraph (l)(3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (l)(3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

(m) *Signatory requirements for POTW reports.* Reports submitted to the Approval Authority by the POTW in accordance with paragraph (i) of this section must be signed by a principal executive officer, ranking elected official or other duly authorized employee. The duly authorized employee must be an individual or position having responsibility for the overall operation of the facility or the Pretreatment Program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the Approval Authority prior to or together with the report being submitted.

(n) Provisions Governing Fraud and False Statements: The reports and other documents required to be submitted or maintained under this section shall be subject to:

(1) The provisions of 18 U.S.C. section 1001 relating to fraud and false statements;

(2) The provisions of sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and

(3) The provisions of section 309(c)(6) regarding responsible corporate officers.

(o) *Record-keeping requirements.* (1) Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:

(i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(ii) The dates analyses were performed;

(iii) Who performed the analyses;

(iv) The analytical techniques/methods use; and

(v) The results of such analyses.

(2) Any Industrial User or POTW subject to the reporting requirements established in this section (including documentation associated with Best Management Practices) shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director and the Regional Administrator (and POTW in the case of an Industrial User). This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Director or the Regional Administrator.

(3) Any POTW to which reports are submitted by an Industrial User pursuant to paragraphs (b), (d), (e), and (h) of this section shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Director and the Regional Administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the POTW Pretreatment Program or when requested by the Director or the Regional Administrator.

(p)(1) The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the

Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

(2) Dischargers are exempt from the requirements of paragraph (p)(1) of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under paragraph (p) of this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(q) *Annual certification by Non-Significant Categorical Industrial Users.* A facility determined to be a Non-Significant Categorical Industrial User pursuant to § 403.3(v)(2) must annually submit the following certification statement, signed in accordance with the signatory requirements in paragraph (l) of this section. This certification must accompany any alternative report required by the Control Authority:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____ _____, to _____, _____ [month, days, year]:

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical Industrial User as described in § 403.3(v)(2); (b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:

_____

_____

(r) The Control Authority that chooses to receive electronic documents must satisfy the requirements of 40 CFR part 3—(Electronic reporting).

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 31225, Aug. 3, 1984; 51 FR 20429, June 4, 1986; 53 FR 40613, Oct. 17, 1988; 55 FR 30131, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995; 62 FR 38414, July 17, 1997; 70 FR 59889, Oct. 13, 2005; 70 FR 60195, Oct. 14, 2005]

§ 403.13 Variances from categorical pretreatment standards for fundamentally different factors.

(a) *Definition.* The term *Requester* means an Industrial User or a POTW or other interested person seeking a variance from the limits specified in a categorical Pretreatment Standard.

(b) *Purpose and scope.* In establishing categorical Pretreatment Standards

for existing sources, the EPA will take into account all the information it can collect, develop and solicit regarding the factors relevant to pretreatment standards under section 307(b). In some cases, information which may affect these Pretreatment Standards will not be available or, for other reasons, will not be considered during their development. As a result, it may be necessary on a case-by-case basis to adjust the limits in categorical Pretreatment Standards, making them either more or less stringent, as they apply to a certain Industrial User within an industrial category or subcategory. This will only be done if data specific to that Industrial User indicates it presents factors fundamentally different from those considered by EPA in developing the limit at issue. Any interested person believing that factors relating to an Industrial User are fundamentally different from the factors considered during development of a categorical Pretreatment Standard applicable to that User and further, that the existence of those factors justifies a different discharge limit than specified in the applicable categorical Pretreatment Standard, may request a fundamentally different factors variance under this section or such a variance request may be initiated by the EPA.

(c) *Criteria*—(1) *General criteria.* A request for a variance based upon fundamentally different factors shall be approved only if:

(i) There is an applicable categorical Pretreatment Standard which specifically controls the pollutant for which alternative limits have been requested; and

(ii) Factors relating to the discharge controlled by the categorical Pretreatment Standard are fundamentally different from the factors considered by EPA in establishing the Standards; and

(iii) The request for a variance is made in accordance with the procedural requirements in paragraphs (g) and (h) of this section.

(2) *Criteria applicable to less stringent limits.* A variance request for the establishment of limits less stringent than required by the Standard shall be approved only if:

(i) The alternative limit requested is no less stringent than justified by the fundamental difference;

(ii) The alternative limit will not result in a violation of prohibitive discharge standards prescribed by or established under § 403.5;

(iii) The alternative limit will not result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the Pretreatment Standards; and

(iv) Compliance with the Standards (either by using the technologies upon which the Standards are based or by using other control alternatives) would result in either:

(A) A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the Standards; or

(B) A non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the Standards.

(3) *Criteria applicable to more stringent limits.* A variance request for the establishment of limits more stringent than required by the Standards shall be approved only if:

(i) The alternative limit request is no more stringent than justified by the fundamental difference; and

(ii) Compliance with the alternative limit would not result in either:

(A) A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the Standards; or

(B) A non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the Standards.

(d) *Factors considered fundamentally different.* Factors which may be considered fundamentally different are:

(1) The nature or quality of pollutants contained in the raw waste load of the User's process wastewater:

(2) The volume of the User's process wastewater and effluent discharged;

(3) Non-water quality environmental impact of control and treatment of the User's raw waste load;

(4) Energy requirements of the application of control and treatment technology;

(5) Age, size, land availability, and configuration as they relate to the User's equipment or facilities; processes employed; process changes; and engineering aspects of the application of control technology;

(6) Cost of compliance with required control technology.

(e) *Factors which will not be considered fundamentally different.* A variance request or portion of such a request under this section may not be granted on any of the following grounds:

(1) The feasibility of installing the required waste treatment equipment within the time the Act allows;

(2) The assertion that the Standards cannot be achieved with the appropriate waste treatment facilities installed, if such assertion is not based on factors listed in paragraph (d) of this section;

(3) The User's ability to pay for the required waste treatment; or

(4) The impact of a Discharge on the quality of the POTW's receiving waters.

(f) *State or local law.* Nothing in this section shall be construed to impair the right of any state or locality under section 510 of the Act to impose more stringent limitations than required by Federal law.

(g) *Application deadline.* (1) Requests for a variance and supporting information must be submitted in writing to the Director or to the Administrator (or his delegate), as appropriate.

(2) In order to be considered, a request for a variance must be submitted no later than 180 days after the date on which a categorical Pretreatment Standard is published in the FEDERAL REGISTER.

(3) Where the User has requested a categorical determination pursuant to §403.6(a), the User may elect to await the results of the category determination before submitting a variance request under this section. Where the User so elects, he or she must submit the variance request within 30 days after a final decision has been made on the categorical determination pursuant to §403.6(a)(4).

(h) *Contents submission.* Written submissions for variance requests, whether made to the Administrator (or his delegate) or the Director, must include:

(1) The name and address of the person making the request;

(2) Identification of the interest of the Requester which is affected by the categorical Pretreatment Standard for which the variance is requested;

(3) Identification of the POTW currently receiving the waste from the Industrial User for which alternative discharge limits are requested;

(4) Identification of the categorical Pretreatment Standards which are applicable to the Industrial User;

(5) A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought;

(6) The alternative discharge limits proposed by the Requester for each pollutant or pollutant parameter identified in paragraph (h)(5) of this section;

(7) A description of the Industrial User's existing water pollution control facilities;

(8) A schematic flow representation of the Industrial User's water system including water supply, process wastewater systems, and points of Discharge; and

(9) A Statement of facts clearly establishing why the variance request should be approved, including detailed support data, documentation, and evidence necessary to fully evaluate the merits of the request, e.g., technical and economic data collected by the EPA and used in developing each pollutant discharge limit in the Pretreatment Standard.

(i) *Deficient requests.* The Administrator (or his delegate) or the Director will only act on written requests for variances that contain all of the information required. Persons who have made incomplete submissions will be notified by the Administrator (or his delegate) or the Director that their requests are deficient and unless the time period is extended, will be given up to thirty days to remedy the deficiency. If the deficiency is not corrected within the time period allowed by the Administrator (or his delegate) or the Director, the request for a variance shall be denied.

(j) *Public notice.* Upon receipt of a complete request, the Administrator (or his delegate) or the Director will provide notice of receipt, opportunity to review the submission, and opportunity to comment.

(1) The public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the request. Procedures for the circulation of public notice shall include mailing notices to:

(i) The POTW into which the Industrial User requesting the variance discharges;

(ii) Adjoining States whose waters may be affected; and

(iii) Designated 208 planning agencies, Federal and State fish, shellfish and wildlife resource agencies; and to any other person or group who has requested individual notice, including those on appropriate mailing lists.

(2) The public notice shall provide for a period not less than 30 days following the date of the public notice during which time interested persons may review the request and submit their written views on the request.

(3) Following the comment period, the Administrator (or his delegate) or the Director will make a determination on the request taking into consideration any comments received. Notice of this final decision shall be provided to the requester (and the Industrial User for which the variance is requested if different), the POTW into which the Industrial User discharges and all persons who submitted comments on the request.

(k) *Review of requests by state.* (1) Where the Director finds that fundamentally different factors do not exist, he may deny the request and notify the requester (and Industrial User where they are not the same) and the POTW of the denial.

(2) Where the Director finds that fundamentally different factors do exist, he shall forward the request, with a recommendation that the request be approved, to the Administrator (or his delegate).

(l) *Review of requests by EPA.* (1) Where the Administrator (or his delegate) finds that fundamentally different factors do not exist, he shall deny the request for a variance and send a copy of his determination to the Director, to the POTW, and to the requester (and to the Industrial User, where they are not the same).

(2) Where the Administrator (or his delegate) finds that fundamentally different factors do exist, and that a partial or full variance is justified, he will approve the variance. In approving the variance, the Administrator (or his delegate) will:

(i) Prepare recommended alternative discharge limits for the Industrial User either more or less stringent than those prescribed by the applicable categorical Pretreatment Standard to the extent warranted by the demonstrated fundamentally different factors;

(ii) Provide the following information in his written determination:

(A) The recommended alternative discharge limits for the Industrial User concerned;

(B) The rationale for the adjustment of the Pretreatment Standard (including the reasons for recommending that the variance be granted) and an explanation of how the recommended alternative discharge limits were derived;

(C) The supporting evidence submitted to the Administrator (or his delegate); and

(D) Other information considered by the Administrator (or his delegate) in developing the recommended alternative discharge limits;

(iii) Notify the Director and the POTW of his or her determination; and

(iv) Send the information described in paragraphs (l)(2) (i) and (ii) of this section to the Requestor (and to the Industrial User where they are not the same).

(m) *Request for hearing.* (1) Within 30 days following the date of receipt of the notice of the decision of the Administrator's delegate on a variance request, the requester or any other interested person may submit a petition to the Regional Administrator for a hearing to reconsider or contest the decision. If such a request is submitted by a person other than the Industrial User the person shall simultaneously serve a copy of the request on the Industrial User.

(2) If the Regional Administrator declines to hold a hearing and the Regional Administrator affirms the findings of the Administrator's delegate the requester may submit a petition for a hearing to the Environmental Appeals Board (which is described in § 1.25 of this title) within 30 days of the Regional Administrator's decision.

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 5132, Feb. 10, 1984; 50 FR 38811, Sept. 25, 1985; 51 FR 16030, Apr. 30, 1986; 54 FR 258, Jan. 4, 1989; 57 FR 5347, Feb. 13, 1992; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995; 70 FR 60198, Oct. 14, 2005]

§ 403.14 Confidentiality.

(a) *EPA authorities.* In accordance with 40 CFR part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words ''confidential business information'' on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information).

(b) *Effluent data.* Information and data provided to the Control Authority pursuant to this part which is effluent data shall be available to the public without restriction.

(c) *State or POTW.* All other information which is submitted to the State or POTW shall be available to the public at least to the extent provided by 40 CFR 2.302.

§ 403.15 Net/Gross calculation.

(a) *Application.* Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Control Authority. Upon request of the Industrial User, the applicable Standard will be calculated on a ''net'' basis (*i.e.*, adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (b) of this section are met.

(b) *Criteria.* (1) Either:

(i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or

(ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

(2) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(3) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section.

(4) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Control Authority may waive this requirement if it finds that no environmental degradation will result.

[70 FR 60198, Oct. 14, 2005]

§ 403.16 Upset provision.

(a) *Definition.* For the purposes of this section, *Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed

treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) *Effect of an upset.* An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c) are met.

(c) *Conditions necessary for a demonstration of upset.* An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An Upset occurred and the Industrial User can identify the cause(s) of the Upset;

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(3) The Industrial User has submitted the following information to the POTW and Control Authority within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):

(i) A description of the Indirect Discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;

(iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(d) *Burden of proof.* In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

(e) *Reviewability of agency consideration of claims of upset.* In the usual exercise of prosecutorial discretion, Agency enforcement personnel should review any claims that non-compliance was caused by an Upset. No determinations made in the course of the review constitute final Agency action subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

(f) *User responsibility in case of upset.* The Industrial User shall control production or all Discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

[46 FR 9439, Jan. 28, 1981, as amended at 53 FR 40615, Oct. 17, 1988]

§ 403.17 Bypass.

(a) *Definitions.* (1) *Bypass* means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

(2) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) *Bypass not violating applicable Pretreatment Standards or Requirements.* An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

(c) *Notice.* (1) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten days before the date of the bypass.

(2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission

shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) *Prohibition of bypass.* (1) Bypass is prohibited, and the Control Authority may take enforcement action against an Industrial User for a bypass, unless;

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The Industrial User submitted notices as required under paragraph (c) of this section.

(2) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in paragraph (d)(1) of this section.

[53 FR 40615, Oct. 17, 1988, as amended at 58 FR 18017, Apr. 7, 1993]

§ 403.18 Modification of POTW pretreatment programs.

(a) *General.* Either the Approval Authority or a POTW with an approved POTW Pretreatment Program may initiate program modification at any time to reflect changing conditions at the POTW. Program modification is necessary whenever there is a significant change in the operation of a POTW Pretreatment Program that differs from the information in the POTW's submission, as approved under § 403.11.

(b) *Substantial modifications defined.* Substantial modifications include:

(1) Modifications that relax POTW legal authorities (as described in § 403.8(f)(1)), except for modifications that directly reflect a revision to this part 403 or to 40 CFR chapter I, subchapter N, and are reported pursuant to paragraph (d) of this section;

(2) Modifications that relax local limits, except for the modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading of a pollutant that do not increase the total industrial loadings for the pollutant, which are reported pursuant to paragraph (d) of this section. Maximum Allowable Industrial Loading means the total mass of a pollutant that all Industrial Users of a POTW (or a subgroup of Industrial Users identified by the POTW) may discharge pursuant to limits developed under § 403.5(c);

(3) Changes to the POTW's control mechanism, as described in § 403.8(f)(1)(iii);

(4) A decrease in the frequency of self-monitoring or reporting required of industrial users;

(5) A decrease in the frequency of industrial user inspections or sampling by the POTW;

(6) Changes to the POTW's confidentiality procedures; and

(7) Other modifications designated as substantial modifications by the Approval Authority on the basis that the modification could have a significant impact on the operation of the POTW's Pretreatment Program; could result in an increase in pollutant loadings at the POTW; or could result in less stringent requirements being imposed on Industrial Users of the POTW.

(c) *Approval procedures for substantial modifications.* (1) The POTW shall submit to the Approval Authority a statement of the basis for the desired program modification, a modified program description (see § 403.9(b)), or such other documents the Approval Authority determines to be necessary under the circumstances.

(2) The Approval Authority shall approve or disapprove the modification based on the requirements of § 403.8(f) and using the procedures in § 403.11(b)

through (f), except as provided in paragraphs (c) (3) and (4) of this section. The modification shall become effective upon approval by the Approval Authority.

(3) The Approval Authority need not publish a notice of decision under § 403.11(e) provided: The notice of request for approval under § 403.11(b)(1) states that the request will be approved if no comments are received by a date specified in the notice; no substantive comments are received; and the request is approved without change.

(4) Notices required by § 403.11 may be performed by the POTW provided that the Approval Authority finds that the POTW notice otherwise satisfies the requirements of § 403.11.

(d) *Approval procedures for non-substantial modifications.* (1) The POTW shall notify the Approval Authority of any non-substantial modification at least 45 days prior to implementation by the POTW, in a statement similar to that provided for in paragraph (c)(1) of this section.

(2) Within 45 days after the submission of the POTW's statement, the Approval Authority shall notify the POTW of its decision to approve or disapprove the non-substantial modification.

(3) If the Approval Authority does not notify the POTW within 45 days of its decision to approve or deny the modification, or to treat the modification as substantial under paragraph (b)(7) of this section, the POTW may implement the modification.

(e) *Incorporation in permit.* All modifications shall be incorporated into the POTW's NPDES permit upon approval. The permit will be modified to incorporate the approved modification in accordance with 40 CFR 122.63(g).

[62 FR 38414, July 17, 1997]

§ 403.19 Provisions of specific applicability to the Owatonna Waste Water Treatment Facility.

(a) For the purposes of this section, the term ''Participating Industrial Users'' includes the following Industrial Users in the City of Owatonna, Minnesota: Crown Cork and Seal Company, Inc.; Cybex International Inc.; Josten's Inc.—Southtown Facility; SPx Corporation, Service Solutions Division; Truth Hardware Corporation; and Uber Tanning Company.

(b) For a Participating Industrial User discharging to the Owatonna Waste Water Treatment Facility in Owatonna, Minnesota, when a categorical Pretreatment Standard is expressed in terms of pollutant concentration the City of Owatonna may convert the limit to a mass limit by multiplying the five-year, long-term average process flows of the Participating Industrial User (or a shorter period if production has significantly increased or decreased during the five year period) by the concentration-based categorical Pretreatment Standard. Participating Industrial Users must notify the City in the event production rates are expected to vary by more than 20 percent from a baseline production rate determined by Owatonna when it establishes a Participating Industrial User's initial mass limit. To remain eligible to receive equivalent mass limits the Participating Industrial User must maintain at least the same level of treatment as at the time the equivalent mass limit is established. Upon notification of a revised production rate from a Participating Industrial User, the City will reassess the appropriateness of the mass limit. Owatonna shall reestablish the concentration-based limit if a Participating Industrial User does not maintain at least the same level of treatment as when the equivalent mass limit was established.

(c) If a categorical Participating Industrial User of the Owatonna Waste Water Treatment Facility has demonstrated through sampling and other technical factors, including a comparison of three years of effluent data with background data, that pollutants regulated through categorical Pretreatment Standards, other than 40 CFR part 414, are not expected to be present in quantities greater than the background influent concentration to the industrial process, the City of Owatonna may reduce the sampling frequency specified in § 403.8(f)(2)(v) to once during the term of the categorical Participating Industrial User's permit.

(d) If a Participating Industrial User is discharging to the Owatonna Waste

Water Treatment Facility in Owatonna, Minnesota and is subject to a categorical Pretreatment Standard other than one codified at 40 CFR part 414, the City of Owatonna may authorize the Participating Industrial User to forego sampling of a pollutant if the Participating Industrial User has demonstrated through sampling and other technical factors, including a comparison of three years of effluent data with background data, that the pollutant is not expected to be present in quantities greater than the background influent concentration to the industrial process, and the Participating Industrial User certifies on each report, with the following statement, that there has been no increase in the pollutant in its wastestream due to activities of the Participating Industrial User. The following statement is to be included as a comment to the periodic reports required by § 403.12(e):

''Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR ____, I certify that, to the best of my knowledge and belief, the raw materials, industrial processes, and potential by-products have not contributed this pollutant to the wastewaters since filing of the last periodic report under 40 CFR 403.12(e).''

(e) If the average daily loading from the Participating Industrial Users to the Owatonna Waste Water Treatment Facility is equal to or less than 0.68 pounds per day of chromium, 0.25 pounds per day of copper, 1.17 pounds per day of nickel, and 1.01 pounds per day of zinc, Owatonna may authorize a categorical Participating Industrial User to satisfy the reporting requirements of § 403.12(e) with an annual report provided on a date specified by Owatonna, provided that the Participating Industrial User has no reasonable potential to violate a Pretreatment Standard for any pollutant for which reduced monitoring is being allowed, and has not been in Significant Noncompliance within the previous three years.

(f) The Owatonna Waste Water Treatment Facility in Owatonna, Minnesota shall post public notice of all Significant Noncompliance subject to the publication requirement in § 403.8(f)(2)(vii) at the Minnesota Pollution Control Agency website for a period of one year, as soon as practicable upon identifying the violations. In addition, the Owatonna Waste Water Treatment Facility shall post an explanation of how Significant Noncompliance is determined, and a contact name and phone number for information regarding other, non-Significant Noncompliance violations. If a violation is not corrected within thirty (30) calendar days or results in pass through or interference at the Owatonna Waste Water Treatment Facility, publication must also be made in the format specified in § 403.8(f)(2)(vii).

(g) The provisions of this section shall expire on October 6, 2005.

[65 FR 59747, Oct. 6, 2000]

§ 403.20 Pretreatment Program Reinvention Pilot Projects Under Project XL.

The Approval Authority may allow any publicly owned treatment works (POTW) that has a final ''Project XL'' agreement to implement a Pretreatment Program that includes legal authorities and requirements that are different than the administrative requirements otherwise applicable under this part. The POTW must submit any such alternative requirements as a substantial program modification in accordance with the procedures outlined in § 403.18. The approved modified program must be incorporated as an enforceable part of the POTW's NPDES permit. The Approval Authority must include a reopener clause in the POTW's NPDES permit that directs the POTW to discontinue implementing the approved alternative requirements and resume implementation of its previously approved pretreatment program if the Approval Authority determines that the primary objectives of the Local Pilot Pretreatment Program are not being met or the ''Project XL'' agreement expires or is otherwise terminated.

[66 FR 50339, Oct. 3, 2001]

APPENDIXES A–C TO PART 403
[RESERVED]

APPENDIX D TO PART 403—SELECTED INDUSTRIAL SUBCATEGORIES CONSIDERED DILUTE FOR PURPOSES OF THE COMBINED WASTESTREAM FORMULA

The following industrial subcategories are considered to have dilute wastestreams for purposes of the combined wastestream formula. They either were or could have been excluded from categorical pretreatment standards pursuant to paragraph 8 of the Natural Resources Defense Council, Inc., et al. v. Costle Consent Decree for one or more of the following four reasons: (1) The pollutants of concern are not detectable in the effluent from the industrial user (paragraph 8(a)(iii)); (2) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph 8(a)(iii)); (3) the pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph 8(a)(iii)); or (4) the wastestream contains only pollutants which are compatible with the POTW (paragraph 8(b)(i)). In some instances, different rationales were given for exclusion under paragraph 8. However, EPA has reviewed these subcategories and has determined that exclusion could have occurred due to one of the four reasons listed above.

This list is complete as of October 9, 1986. It will be updated periodically for the convenience of the reader.

Auto and Other Laundries (40 CFR part 444)
- Carpet and Upholstery Cleaning
- Coin-Operated Laundries and Dry Cleaning
- Diaper Services
- Dry Cleaning Plants except Rug Cleaning
- Industrial Laundries
- Laundry and Garment Services, Not Elsewhere Classified
- Linen Supply
- Power Laundries, Family and Commercial

Electrical and Electronic Components[1] (40 CFR part 469)
- Capacitors (Fluid Fill)
- Carbon and Graphite Products
- Dry Transformers
- Ferrite Electronic Devices
- Fixed Capacitors
- Fluorescent Lamps
- Fuel Cells
- Incandescent Lamps
- Magnetic Coatings
- Mica Paper Dielectric
- Motors, Generators, Alternators
- Receiving and Transmitting Tubes
- Resistance Heaters
- Resistors
- Swithchgear
- Transformer (Fluid Fill)

Metal Molding and Casting (40 CFR part 464)
- Nickel Casting
- Tin Casting
- Titanium Casting

Gum and Wood Chemicals (40 CFR part 454)
- Char and Charcoal Briquets

Inorganic Chemicals Manufacturing (40 CFR part 415)
- Ammonium Chloride
- Ammonium Hydroxide
- Barium Carbonate
- Calcium Carbonate
- Carbon Dioxide
- Carbon Monoxide and Byproduct Hydrogen
- Hydrochloric Acid
- Hydrogen Peroxide (Organic Process)
- Nitric Acid
- Oxygen and Nitrogen
- Potassium Iodide
- Sodium Chloride (Brine Mining Process)
- Sodium Hydrosulfide
- Sodium Hydrosulfite
- Sodium Metal
- Sodium Silicate
- Sodium Thiosulfate
- Sulfur Dioxide
- Sulfuric Acid

Leather (40 CFR part 425)
- Gloves
- Luggage

Paving and Roofing (40 CFR part 443)
- Asphalt Concrete
- Asphalt Emulsion
- Linoleum
- Printed Asphalt Felt
- Roofing

Pulp, Paper, and Paperboard, and Builders' Paper and Board Mills (40 CFR parts 430 and 431)
- Groundwood-Chemi-Mechanical

Rubber Manufacturing (40 CFR part 428)
- Tire and Inner Tube Plants
- Emulsion Crumb Rubber
- Solution Crumb Rubber
- Latex Rubber
- Small-sized General Molded, Extruded and Fabricated Rubber Plants,[2]
- Medium-sided General Molded, Extruded and Fabricated Rubber Plants[2]
- Large-sized General Molded, Extruded and Fabricated Rubber Plants[2]
- Wet Digestion Reclaimed Rubber
- Pan, Dry Digestion, and Mechanical Reclaimed Rubber

[1] The Paragraph 8 exemption for the manufacture of products in the Electrical and Electronic Components Category is for operations not covered by Electroplating/Metal Finishing pretreatment regulations (40 CFR parts 413/433).

[2] Footnote: Except for production attributed to lead-sheathed hose manufacturing operations.

Latex Dipped, Latex-Extruded, and Latex-Molded Rubber[3]
Latex Foam[4]
Soap and Detergent Manufacturing (40 CFR part 417)
Soap Manufacture by Batch Kettle
Fatty Acid Manufacture by Fat Splitting
Soap Manufacture by Fatty Acid Neutralization
Glycerine Concentration
Glycerine Distillation
Manufacture of Soap Flakes and Powders
Manufacture of Bar Soaps
Manufacture of Liquid Soaps
Manufacture of Spray Dried Detergents
Manufacture of Liquid Detergents
Manufacture of Dry Blended Detergents
Manufacture of Drum Dried Detergents
Manufacture of Detergent Bars and Cakes
Textile Mills (40 CFR part 410)
Apparel manufacturing
Cordage and Twine
Padding and Upholstery Filling
Timber Products Processing (40 CFR part 429)
Barking Process
Finishing Processes
Hardboard—Dry Process

[51 FR 36372, Oct. 9, 1986]

APPENDIX E TO PART 403—SAMPLING PROCEDURES

I. COMPOSITE METHOD

A. It is recommended that influent and effluent operational data be obtained through 24-hour flow proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. If discrete sampling is employed, at least 12 aliquots should be composited. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites should be flow proportional to either the stream flow at the time of collection of the influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

B. Effluent sample collection need not be delayed to compensate for hydraulic detention unless the POTW elects to include detention time compensation or unless the Approval Authority requires detention time compensation. The Approval Authority may require that each effluent sample is taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period should be based on a 24-hour average daily flow value. The average daily flow should in turn be based on the average of the daily flows during the same month of the previous year.

II. GRAB METHOD

If composite sampling is not an appropriate technique, grab samples should be taken to obtain influent and effluent operational data. A grab sample is an individual sample collected over a period of time not exceeding 15 minutes. The collection of influent grab samples should precede the collection of effluent samples by approximately one detention period except that where the detention period is greater than 24 hours such staggering of the sample collection may not be necessary or appropriate. The detention period should be based on a 24-hour average daily flow value. The average daily flow should in turn be based upon the average of the daily flows during the same month of the previous year. Grab sampling should be employed where the pollutants being evaluated are those, such as cyanide and phenol, which may not be held for an extended period because of biological, chemical or physical interaction which take place after sample collection and affect the results.

[49 FR 31225, Aug. 3, 1984]

APPENDIX F TO PART 403 [RESERVED]

APPENDIX G TO PART 403—POLLUTANTS ELIGIBLE FOR A REMOVAL CREDIT

I. REGULATED POLLUTANTS IN PART 503 ELIGIBLE FOR A REMOVAL CREDIT

Pollutants	Use or disposal practice		
	LA	SD	I
Arsenic	X	X	X
Beryllium			X
Cadmium	X		X
Chromium		X	X
Copper	X		
Lead	X		X
Mercury	X		X
Molybdenum	X		
Nickel	X	X	X
Selenium	X		
Zinc	X		
Total hydrocarbons			X[1]

Key:
LA—land application.
SD—surface disposal site without a liner and leachate collection system.
I—firing of sewage sludge in a sewage sludge incinerator.

[3] Footnote: Except for production attributed to chromic acid form-cleaning operations.

[4] Footnote: Except for production that generates zinc as a pollutant in discharge.

[1] The following organic pollutants are eligible for a removal credit if the requirements for total hydrocarbons (or carbon monoxide) in subpart E in 40 CFR part 503 are met when sewage sludge is fired in a sewage sludge incinerator: Acrylonitrile, Idrin/Dieldrin(total), Benzene, Benzidine, Benzo(a)pyrene, Bis(2-chloroethyl)ether, Bis(2-ethylhexyl)phthalate, Bromodichloromethane, Bromoethane, Bromoform, Carbon tetrachloride, Chlordane, Chloroform, Chloromethane, DDD, DDE, DDT, Dibromochloromethane, Dibutyl phthalate, 1,2-dichloroethane, 1,1-dichloroethylene, 2,4-dichlorophenol, 1,3-dichloropropene, Diethyl phthalate, 2,4-dinitrophenol, 1,2-diphenylhydrazine, Din-butyl phthalate, Endosulfan, Endrin, Ethylbenzene, Heptachlor, Heptachlor epoxide, Hexachlorobutadiene, Alphahexachlorocyclohexane, Beta-hexachlorocyclohexane, Hexachlorocyclopentadiene, Hexachloroethane, Hydrogen cyanide, Isophorone, Lindane, Methylene chloride, Nitrobenzene, N-Nitrosodimethylamine, N-Nitrosodi-n-propylamine, Pentachlorophenol, Phenol, Polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzo-p-dioxin, 1,1,2,2,-tetrachloroethane, Tetrachloroethylene, Toluene, Toxaphene, Trichloroethylene, 1,2,4-Trichlorobenzene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, and 2,4,6-Trichlorophenol.

II. Additional Pollutants Eligible for a Removal Credit

[Milligrams per kilogram—dry weight basis]

Pollutant	Use or disposal practice			
	LA	Surface disposal		I
		Unlined [1]	Lined [2]	
Arsenic	.....	.....	[3] 100	.....
Aldrin/Dieldrin (Total)	2.7	.....	.....	.....
Benzene	[3] 16	140	3400	.....
Benzo(a)pyrene	15	[3] 100	[3] 100	.....
Bis(2-ethylhexyl)phthalate	.....	[3] 100	[3] 100	.....
Cadmium	.....	[3] 100	[3] 100	.....
Chlordane	86	[3] 100	[3] 100	.....
Chromium (total)	[3] 100	.....	[3] 100	.....
Copper	.....	[3] 46	100	1400
DDD, DDE, DDT (Total)	1.2	2000	2000	.....
2,4 Dichlorophenoxy-acetic acid	.....	7	7	.....
Fluoride	730	.....	.....	.....
Heptachlor	7.4	.....	.....	.....
Hexachlorobenzene	29	.....	.....	.....
Hexachlorobutadiene	600	.....	.....	.....
Iron	[3] 78	.....	.....	.....
Lead	.....	[3] 100	[3] 100	.....
Lindane	84	[3] 28	[3] 28	.....
Malathion	.....	0.63	0.63	.....
Mercury	.....	[3] 100	[3] 100	.....
Molybdenum	.....	40	40	.....
Nickel	.....	.....	[3] 100	.....
N-Nitrosodimethylamine	2.1	0.088	0.088	.....
Pentachlorophenol	30	.....	.....	.....
Phenol	.....	82	82	.....
Polychlorinated biphenyls	4.6	<50	<50	.....
Selenium	.....	4.8	4.8	4.8
Toxaphene	10	[3] 26	[3] 26	.....
Trichloroethylene	[3] 10	9500	[3] 10	.....
Zinc	.....	4500	4500	4500

[1] Active sewage sludge unit without a liner and leachate collection system.
[2] Active sewage sludge unit with a liner and leachate collection system.
[3] Value expressed in grams per kilogram—dry weight basis.
KEY: LA—land application.
I—incineration.

[60 FR 54768, Oct. 25, 1995, as amended at 65 FR 42567, Aug. 4, 1999; 70 FR 60198, Oct. 14, 2005]

PART 405—DAIRY PRODUCTS PROCESSING POINT SOURCE CATEGORY

Subpart A—Receiving Stations Subcategory

Sec.

405.10 Applicability; description of the receiving stations subcategory.
405.11 Specialized definitions.
405.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.13 [Reserved]
405.14 Pretreatment standards for existing sources.
405.15 Standards of performance for new sources.
405.16 Pretreatment standards for new sources.
405.17 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Subpart B—Fluid Products Subcategory

405.20 Applicability; description of the fluid products subcategory.
405.21 Specialized definitions.
405.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.23 [Reserved]
405.24 Pretreatment standards for existing sources.
405.25 Standards of performance for new sources.
405.26 Pretreatment standards for new sources.
405.27 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Subpart C—Cultured Products Subcategory

405.30 Applicability; description of the cultured products subcategory.
405.31 Specialized definitions.
405.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.33 [Reserved]
405.34 Pretreatment standards for existing sources.
405.35 Standards of performance for new sources.
405.36 Pretreatment standards for new sources.
405.37 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Subpart D—Butter Subcategory

405.40 Applicability; description of the butter subcategory.
405.41 Specialized definitions.
405.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.43 [Reserved]
405.44 Pretreatment standards for existing sources.
405.45 Standards of performance for new sources.
405.46 Pretreatment standards for new sources.
405.47 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Subpart E—Cottage Cheese and Cultured Cream Cheese Subcategory

405.50 Applicability; description of the cottage cheese and cultured cream cheese subcategory.
405.51 Specialized definitions.
405.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.53 [Reserved]
405.54 Pretreatment standards for existing sources.
405.55 Standards of performance for new sources.
405.56 Pretreatment standards for new sources.
405.57 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Subpart F—Natural and Processed Cheese Subcategory

405.60 Applicability; description of the natural and processed cheese subcategory.
405.61 Specialized definitions.
405.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best

APPENDIX B

CITY OF SEQUIM NPDES PERMIT

DEPARTMENT OF ECOLOGY
State of Washington

Issuance Date: March 18, 2014
Effective Date: April 1, 2014
Expiration Date: March 31, 2019
Modification Date: June 9, 2014

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTE DISCHARGE AND RECLAIMED WATER PERMIT NO. WA0022349

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

In compliance with the provisions of the
State of Washington Reclaimed Water Use Act, Chapter 90.46 Revised Code of Washington
and the
Water Pollution Control Law, Chapter 90.48 Revised Code of Washington, as amended,
and
The Federal Water Pollution Control Act (The Clean Water Act)
Title 33 United States Code, Section 1342 et seq.

City of Sequim
152 West Cedar Street
Sequim, WA 98382

is authorized to discharge in accordance with the Special and General Conditions that follow.

Plant Location:	Receiving Water:
247 Schmuck Road Sequim, Washington	Outfall 001 – Strait of Juan de Fuca Outfall 002 – Bell Creek
Treatment Type: Class A Reclaimed Water	

Richard Doenges
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

TABLE OF CONTENTS

SUMMARY OF PERMIT REPORT SUBMITTALS 5

SPECIAL CONDITIONS 7

S1. WATER QUALITY LIMITS 7
- A. Reclaimed Water Quality Limits 7
- B. Mixing Zone Authorization 10

S2. MONITORING REQUIREMENTS 10
- A. Monitoring Schedule 10
- B. Sampling and Analytical Procedures 15
- C. Flow Measurement, Field Measurement and Continuous Monitoring Devices 16
- D. Laboratory Accreditation 16
- E. Request for Reduction in Monitoring 17

S3. REPORTING AND RECORDING REQUIREMENTS 17
- A. Reporting 17
- B. Records Retention 19
- C. Recording of Results 19
- D. Additional Monitoring by the Permittee 20
- E. Reporting Permit Violations 20
- F. Other Reporting 22
- G. Maintaining a Copy of This Permit 22

S4. FACILITY LOADING 22
- A. Design Criteria 22
- B. Plans for Maintaining Adequate Capacity 22
- C. Duty to Mitigate 23
- D. Notification of New or Altered Sources 23
- E. Infiltration and Inflow Evaluation 24
- F. Wasteload Assessment 24

S5. OPERATION AND MAINTENANCE 25
- A. Certified Operator 25
- B. Operation and Maintenance Program 25
- C. Short-Term Reduction 25
- D. Electrical Power Failure 26
- E. Prevent Connection of Inflow 26
- F. Bypass Procedures 26
- G. Operations and Maintenance (O&M) Manual 28

S6. PRETREATMENT 29
- A. General Requirements 29
- B. Duty to Enforce Discharge Prohibitions 29
- C. Wastewater Discharge Permit Required 30
- D. Identification and Reporting of Existing, New, and Proposed Industrial Users 31
- E. Industrial User Survey 31

S7. SOLID WASTES 32
- A. Solid Waste Handling 32
- B. Leachate 32

S8. APPLICATION FOR PERMIT RENEWAL OR MODIFICATION FOR FACILITY CHANGES 32
S9. BELL CREEK TEMPERATURE STUDY 32
S10. BELL CREEK RECEIVING WATER STUDY 34
S11. OUTFALL EVALUATION 35
S12. ACUTE TOXICITY 35
A. Testing When There is No Permit Limit for Acute Toxicity 35
B. Sampling and Reporting Requirements 35
RECLAIMED WATER CONDITIONS 37
R1. RECLAIMED WATER DISTRIBUTION AND USE 37
A. Authorized Uses and Locations 37
B. Water Reuse Plan 37
C. Reclaimed Water Operational Records 37
D. Bypass Prohibited 38
E. Reliability 38
F. Use Area Responsibilities 39
G. Service and Use Area Agreement 39
H. Reclaimed Water Ordinance 40
I. Irrigation Use 40
J. Surface Percolation Use 40
R2. OPERATION AND MAINTENANCE 41
A. Reclaimed Water System Maintenance 41
B. Operation and Maintenance Manual 41
GENERAL CONDITIONS 42
G1. SIGNATORY REQUIREMENTS 42
G2. RIGHT OF INSPECTION AND ENTRY 43
G3. PERMIT ACTIONS 43
G4. REPORTING PLANNED CHANGES 45
G5. PLAN REVIEW REQUIRED 45
G6. COMPLIANCE WITH OTHER LAWS AND STATUTES 45
G7. TRANSFER OF THIS PERMIT 45
G8. REDUCED PRODUCTION FOR COMPLIANCE 46
G9. REMOVED SUBSTANCES 46
G10. DUTY TO PROVIDE INFORMATION 46
G11. OTHER REQUIREMENTS OF 40 CFR 46
G12. ADDITIONAL MONITORING 46
G13. PAYMENT OF FEES 46
G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS 46
G15. UPSET 47

G16. PROPERTY RIGHTS 47
G17. DUTY TO COMPLY 47
G18. TOXIC POLLUTANTS 47
G19. PENALTIES FOR TAMPERING 48
G20. COMPLIANCE SCHEDULES 48
G21. CONTRACT REVIEW 48
APPENDIX A 49

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special, Reclaimed Water, and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	May 15, 2014
S3.A	Discharge Monitoring Report	Quarterly	July 15, 2014
S3.A	Discharge Monitoring Report	Annual	January 15, 2016
S3.E & F	Noncompliance Notification	As necessary	
S4.B	Plans for Maintaining Adequate Capacity	As necessary	
S4.D	Notification of New or Altered Sources	As necessary	
S4.E	Infiltration and Inflow Evaluation	Annually	June 30, 2014
S4.F	Wasteload Assessment	Annually	June 30, 2014
S5.F	Bypass Notification	As necessary	
S5.G	Operations and Maintenance Manual Update	As necessary	
S5.G	Operations and Maintenance Manual Update or Review Confirmation Letter	Annually	May 1, 2014, February 1st of the following years thereafter
S6.E	Industrial User Survey Update	Annually	October 1, 2014, June 30th the following years thereafter
S8.	Application for Permit Renewal	1/permit cycle	October 1, 2018 (if needed)
S9.A.1	Bell Creek Temperature Study – Sampling and Quality Assurance Plans	1/permit cycle	November 1, 2016 (if needed)
S9.B.	Amended Water Reuse Plan – Season Beneficial Use at Bell Creek	1/permit cycle	November 1, 2015 (if needed)
S10.A.1	Bell Creek Receiving Water Study – Sampling and Quality Assurance Plans	1/permit cycle	November 1, 2016 (if needed)
S10.J	Bell Creek Receiving Water Study Results	1/permit cycle	April 1, 2018 (if needed)
S11.	Outfall Evaluation	1/permit cycle	October 1, 2018
S12.A	Acute Toxicity Effluent Test Results with Permit Renewal Application	2/permit cycle	Submit with renewal application – October 1, 2018
R1.B	Water Reuse Plan	1/permit cycle	March 31, 2015

Permit Section	Submittal	Frequency	First Submittal Date
R1.B	Water Reuse Plan Update	As necessary	
R1.C	Reclaimed Water Operational Records	As necessary	
R1.C	Cross Connection Control Report	Annually	January 15, 2015
R1.G	Service and Use Area Agreement	As necessary	
R1.I	Irrigation Water Balance	As necessary	
R1.J	Hydraulic Loading Water Balance	As necessary	
G1	Notice of Change in Authorization	As necessary	
G4	Reporting Planned Changes	As necessary	
G5	Engineering Report for Construction or Modification Activities	As necessary	
G7	Notice of Permit Transfer	As necessary	
G10	Duty to Provide Information	As necessary	
G13	Payment of Fees	As assessed	
G20	Compliance Schedules	As necessary	
G21	Contract Submittal	As necessary	

SPECIAL CONDITIONS

S1. WATER QUALITY LIMITS

A. Reclaimed Water Quality Limits

All discharges and activities authorized by this permit must comply with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit violates the terms and conditions of this permit.

Beginning on the effective date of this permit, and lasting through the expiration date, the Permittee may discharge Class A reclaimed water to the Strait of Juan de Fuca and Bell Creek at the permitted locations or use Class A reclaimed water in compliance with all specific conditions and requirements of the Washington State *Water Reclamation and Reuse Standards*, 1997 (Publication No. 97-23) subject to compliance with the following limits:

Reclaimed Water Quality Limits		
Outfall # 001: Latitude 48.091389 Longitude -123.036389 **Outfall # 002: Latitude 48.080278 Longitude -123.084167**		
Parameter	**Daily Maximum**	
Flow to Recharge Basins	0.2 MGD and ≥ 3 feet of unsaturated zone in piezometers, whichever condition is more limiting	
Parameter	**Average Monthly [a]**	**Average Weekly [b]**
Biochemical Oxygen Demand, 5-day (BOD_5)	20 mg/L 279 pounds/day (lbs/day) 85 percent removal of influent BOD_5	30 mg/L 419 lbs/day
Total Suspended Solids (TSS)	30 mg/L 418 lbs/day 85 percent removal of influent TSS	45 mg/L 627 lbs/day
Parameter	**Average Monthly**	**Sample Maximum**
Ammonia (as N)	3.3 mg/L	5.7 mg/L
Total Nitrogen (as N) [c]	10 mg/L	15 mg/L
Turbidity	2 NTU	5 NTU
Parameter	**Daily Minimum**	**Daily Maximum**
pH	6.0 Standard Units (SU)	9.0 SU
Parameter	**7-Day Median**	**Sample Maximum**
Total Coliform Bacteria	2.2 CFU/100 mL	23 CFU/100 mL

Reclaimed Water Quality Limits	
Outfall # 001: Latitude 48.091389 Longitude -123.036389 **Outfall # 002: Latitude 48.080278 Longitude -123.084167**	
Parameter	
Dissolved Oxygen	Measurably present in reclaimed water at all times.
Chlorine Residual	No chlorine residual is required for currently approved uses, provided the Permittee complies with the Reclaimed Water Conditions of this permit. The need for a 0.5 mg/L chlorine residual in any new or expanded future reclaimed water uses will be evaluated on a case-by-case basis by the Departments of Health and Ecology.
a	Average monthly effluent limit means the highest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the limit, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured.
b	Average weekly discharge limitation means the highest allowable average of ``daily discharges" over a calendar week, calculated as the sum of all ``daily discharges" measured during a calendar week divided by the number of ``daily discharges" measured during that week.
c	Total Nitrogen is the sum of Total Kjeldahl Nitrogen (TKN) plus nitrite and nitrate.

In the event of an upset condition, defined as those situations when flow exceeds twice the plant's maximum daily hydraulic capacity within a 48-hour period, or when Class A water cannot be achieved due to acts of nature such as earthquakes, lightning, or other such unforeseeable catastrophes (1997 Settlement Agreement), the City is authorized to discharge at Outfall 001 only, subject to the following limitations:

UPSET CONDITION LIMITATIONS		
Parameter	**Average Monthly[a]**	**Average Weekly[a]**
BOD_5	30 mg/L, 200 lbs/day 85% Removal	45 mg/L, 300 lbs/day
TSS	30 mg/L, 200 lbs/day 85% Removal	45 mg/L, 300 lbs/day
Flow	1.67 MGD	
Fecal Coliform Bacteria	200 CFU/100 mL	400 CFU/100 mL
pH	Daily minimum is equal to or greater than 6.0 and the daily maximum is less than or equal to 9.0.	
[a] The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean. Fecal coliform must be tested for during periods of upset.		

The following groundwater limitations apply at monitoring wells used to monitor groundwater recharge facilities.

Groundwater Quality Limitations:	
Primary Drinking Water Criteria	**Sample Maximum [a]**
Nitrate as N	10 mg/L
Nitrite as N	1 mg/L
Arsenic	10 µg/L
Cadmium	5 µg/L
Chromium	100 µg/L
Fluoride	2 mg/L
Mercury	2 µg/L
Nickel	100 µg/L
Total Trihalomethanes (TTHM)	80 µg/L
Other Groundwater Criteria	**Sample Maximum [a]**
Total Dissolved Solids	500 mg/L
Chloride	250 mg/L
Sulfate	250 mg/L
Copper	1300 µg/L
Lead	15 µg/L
Manganese	50 µg/L
Silver	100 µg/L
Zinc	5000 µg/L

[a] The sample maximum is the highest allowable concentration for any sample as measured in the groundwater at the top of the uppermost aquifer beneath or down gradient of the infiltration site.

In the event of an exceedance of a groundwater enforcement limit, the Permittee shall:

1. Provide immediate verbal notification to Ecology's Southwest Regional Office, Water Quality Program.
2. Resample the well within 48 hours of receiving the laboratory report;
3. Provide written notification with the next monitoring report; and
4. Prepare a report documenting conditions and describing action taken and planned to reduce the level to below the enforcement limit as measured at the point of compliance.

B. Mixing Zone Authorization

1. Mixing Zone for Outfall No. 001

The following paragraphs define the maximum boundaries of the mixing zones:

Chronic Mixing Zone

The mixing zone is a cylinder with horizontal distance the radius of 250 feet measured from the center of each discharge port and the height from the seabed to the water surface. The concentration of pollutants at the boundary of the chronic zone must meet chronic aquatic life criteria and human health criteria.

Acute Mixing Zone

The acute mixing zone is a cylinder with horizontal distance the radius of 25 feet measured from the center of each discharge port and the height from the seabed to the water surface. The concentration of pollutants at the boundary of the acute zone must meet acute aquatic life criteria.

Dilution Factors for Outfall No. 001	
Acute Aquatic Life Criteria	109
Chronic Aquatic Life Criteria	786
Human Health Criteria - Carcinogen	594
Human Health Criteria - Non-carcinogen	788

2. Mixing Zone for Outfall No. 002

A mixing zone for Outfall 002 is authorized per Washington Administrative Code (WAC) 173-201A-400.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

The Permittee must monitor in accordance with the following schedule and the requirements specified in Appendix A.

(1) Wastewater Influent

Wastewater influent means the raw sewage flow from the collection system into the treatment facility. Sample the wastewater entering the headworks of the treatment plant excluding any side-stream returns from inside the plant.

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
BOD_5	mg/L	2/week [a]	24-Hour Composite [b]
BOD_5	lbs/day	2/week [a]	Calculation [c]
TSS	mg/L	2/week [a]	24-Hour Composite
TSS	lbs/day	2/week [a]	Calculation
Flow	MGD	Daily	Continuous Recording [d]

(2) Final Reclaimed Water

Final reclaimed water means wastewater exiting the last treatment process or operation.

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Total Reclaimed Water Flow	MGD	Daily	Continuous Recording
Flow – Outfall 001	MGD	Daily	Continuous Recording
Parameter	**Units & Speciation**	**Minimum Sampling Frequency**	**Sample Type**
Flow – Recharge Basins	MGD	Daily	Continuous Recording
BOD_5	mg/L	2/week [a]	24-Hour Composite
BOD_5	lbs/day	2/week [a]	Calculation
BOD_5	Percent Removal	2/week [a]	Calculation [e]
TSS	mg/L	2/week [a]	24-Hour Composite
TSS	lbs/day	2/week [a]	Calculation
TSS	Percent Removal	2/week [a]	Calculation [e]

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Total Coliform Bacteria	CFU/100 mL	1/day	Grab
Turbidity	NTU	Daily	Continuous Recording
pH [f]	Standard Units	Daily	Grab
Total Nitrogen	mg/L as N	1/month	Calculated
Total Ammonia	mg/L as N	1/month	24-Hour Composite
Nitrate + Nitrite	mg/L as N	1/month	24-Hour Composite
Total Kjeldahl Nitrogen (TKN)	mg/L as N	1/month	24-Hour Composite
Parameter	**Units & Speciation**	**Minimum Sampling Frequency**	**Sample Type**
Dissolved Oxygen	mg/L	Daily	Grab
Temperature [g]	Degrees Celsius (°C)	Daily and 7-DADMax [h]	Grab
(3) Effluent Characterization – Final Reclaimed Water			
Parameter	**Units & Speciation**	**Minimum Sampling Frequency**	**Sample Type**
Total Phosphorus	mg/L as P	Quarterly [i]	Grab
Ortho-phosphate	mg/L as P	Quarterly [i]	Grab
(4) Permit Renewal Application Requirements – Final Reclaimed Water			
Parameter	**Units & Speciation**	**Minimum Sampling Frequency**	**Sample Type**
Oil and Grease	mg/L	Yearly [k]	Grab
Total Dissolved Solids	mg/L	Yearly [k]	24-Hour Composite
Total Hardness	mg/L	Yearly [k]	24-Hour Composite
Cyanide	micrograms/liter (µg/L)	Yearly [k]	Grab
Total Phenolic Compounds	µg/L	Yearly [k]	Grab

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Priority Pollutants (PP) – Total Metals [j]	µg/L; nanograms (ng/L) for mercury	Yearly [k]	24-Hour Composite; Grab for Mercury
PP – Volatile Organic Compounds [j]	µg/L	Yearly [k]	Grab
PP – Acid-extractable Compounds [j]	µg/L	Yearly [k]	24-Hour Composite
PP – Base-neutral Compounds [j]	µg/L	Yearly [k]	24-Hour Composite
Acute Toxicity Testing		2/per Year in Final Year	24-Hour Composite

(5) Recharge Basin Groundwater Elevation Monitoring Requirements

The static water elevation in each recharge basin piezometer will be measured and recorded once per week, any week that reclaimed water is discharged to the basin system. The static water elevation in each piezometer will be measured and recorded in feet below ground surface (water depth). Report the average values to Ecology.

(6) Groundwater Monitoring Requirements

The sampling points for groundwater will be Monitoring Wells 5, 6, and 9.

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Depth to Groundwater	Feet (nearest 0.01 ft)	Quarterly [i]	Measurement
Temperature	^{o}C	Quarterly [i]	Measurement
Dissolved Oxygen	mg/L	Quarterly [i]	Grab
pH	SU	Quarterly [i]	Measurement
Parameter	**Units & Speciation**	**Minimum Sampling Frequency**	**Sample Type**
Conductivity	µmhos/cm	Quarterly [i]	Grab
Nitrate NO_3 (as N)	mg/L	Quarterly [i]	Grab
Nitrite NO_2 (as N)	mg/L	Quarterly [i]	Grab
Total Dissolved Solids	mg/L	Quarterly [i]	Grab
Total Coliform Bacteria	cfu/100 mL	Quarterly [i]	Grab

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Chloride [l]	mg/L	Quarterly [i]	Grab
Cations/Anions: Calcium, Magnesium, Potassium, Sodium, Bicarbonate, Carbonate, Fluoride, Sulfate	mg/L	Yearly [k]	Grab
Total Metals: Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Manganese, Nickel, Silver, Zinc [j]	µg/L	Yearly [k]	Grab
Total Trihalomethanes (TTHM) [l]	µg/L	Quarterly [i]	Grab
(7) Bell Creek Temperature Study			
As specified in Permit Condition S9.			
(8) Bell Creek Receiving Water Study			
As specified in Permit Condition S10.			

a	2/week means two times during each calendar week.
b	24-hour composite means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.
c	Calculation means figured concurrently with the respective sample, using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day
d	Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance. The Permittee must sample hourly when continuous monitoring is not possible.
e	Percent removal = $\frac{\text{(Influent concentration (mg/L) – Effluent concentration (mg/L)}}{\text{Influent } BOD_5 \text{ (mg/L)}} \times 100$ Calculate the percent removal of BOD_5 and TSS using the above equation.
f	The Permittee must report the instantaneous maximum and minimum pH daily. Do not average pH values.
g	Temperature grab sampling must occur when the effluent is at or near its daily maximum temperature, which usually occurs in the late afternoon. If measuring temperature continuously, the Permittee must determine and report a daily maximum from half-hour measurements in a 24-hour period. Continuous monitoring instruments must achieve an accuracy of 0.2 degrees C and the Permittee must verify accuracy annually.

h	Calculate a 7-DAD Max for each day by arithmetically averaging the maximum temperature value of the values from the three preceding days, that day, and the values from the three following days.
i	Quarterly is defined as one sample between January and March, one sample between April and June, one sample between July and September, and one sample between October and December. Samples should generally be collected at the same time on a year to year basis. Results must be reported in accordance with the quarterly DMR scheduled contained in Condition S3.A.8.
j	See Appendix A for the required detection (DL) or quantitation (QL) levels. Report single analytical values below detection as "less than (detection level)" where (detection level) is the numeric value specified in attachment A. Report single analytical values between the agency-required detection and quantitation levels with qualifier code of j following the value. To calculate the average value (monthly average): • Use the reported numeric value for all parameters measured between the agency-required detection value and the agency-required quantitation value. • For values reported below detection, use one-half the detection value if the lab detected the parameter in another sample for the reporting period. • For values reported below detection, use zero if the lab did not detect the parameter in another sample for the reporting period. If the Permittee is unable to obtain the required DL and QL in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit (MDL) and a quantitation limit (QL) to Ecology with appropriate laboratory documentation.
k	Yearly is defined as once between January and December of each year. The yearly sample should generally be collected at the same time on a year to year basis. Results must be reported in accordance with the annual DMR schedule contained in Condition S3.A.8. **Starting January 1, 2015.**
l	Chloride and TTHM monitoring is waived as long as the reclaimed water supply contains no chlorine residual. In the event that chlorination is used for the reclaimed water supply, these parameters shall be monitored as stipulated in the table.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters. The Permittee must conduct representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions that may affect effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 Code of Federal Regulations (CFR) Part 136 [or as applicable in 40 CFR subchapters N (Parts 400–471) or O (Parts 501-503)] unless otherwise specified in this permit. Ecology may only specify alternative methods for parameters without permit limits and for those parameters without an EPA approved test method in 40 CFR Part 136.

C. Flow Measurement, Field Measurement, and Continuous Monitoring Devices

The Permittee must:

1. Select and use appropriate flow measurement, field measurement, continuous monitoring devices, and methods consistent with accepted scientific practices.

2. Install, calibrate, and maintain these devices to ensure the accuracy of the measurements is consistent with the accepted industry standard and the manufacturer's recommendation for that type of device.

3. Calibrate continuous monitoring instruments weekly unless it can demonstrate a longer period is sufficient based on monitoring records. The Permittee:

   a. May calibrate apparatus for continuous monitoring of dissolved oxygen by air calibration.

   b. Must calibrate continuous pH measurement instruments using a grab sample analyzed in the lab with a pH meter calibrated with standard buffers and analyzed within 15 minutes of sampling.

   c. Must calibrate continuous chlorine measurement instruments using a grab sample analyzed in the laboratory within 15 minutes of sampling.

4. Calibrate micro-recording temperature devices, known as thermistors, using protocols from the Department of Ecology's (Ecology) Quality Assurance Project Plan Development Tool (Continuous Temperature Sampling Protocols for the Environmental Monitoring and Trends). This document is available online at: http://www.ecy.wa.gov/programs/eap/qa/docs/QAPPtool/Mod6%20Ecology%20SOPs/Protocols/ContinuousTemperatureSampling.pdf. Calibration as specified in this document is not required if the Permittee uses recording devices certified by the manufacturer.

5. Use field measurement devices as directed by the manufacturer and do not use reagents beyond their expiration dates.

6. Calibrate these devices at the frequency recommended by the manufacturer.

7. Calibrate flow monitoring devices at a minimum frequency of at least one calibration per year.

8. Maintain calibration records for at least three years.

D. Laboratory Accreditation

The Permittee must ensure that all monitoring data required by Ecology is prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC, Accreditation of Environmental Laboratories. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this

requirement. The Permittee must obtain accreditation for conductivity and pH if it must receive accreditation or registration for other parameters.

E. Request for Reduction in Monitoring

The Permittee may request a reduction of the sampling frequency after 12 months of monitoring. Ecology will review each request and at its discretion grant the request when it reissues the permit or by a permit modification.

The Permittee must:

1. Provide a written request.

2. Clearly state the parameters for which it is requesting reduced monitoring.

3. Clearly state the justification for the reduction.

S3. REPORTING AND RECORDING REQUIREMENTS

The Permittee must monitor and report in accordance with the following conditions. Falsification of information submitted to Ecology is a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. The Permittee must:

1. Summarize, report, and submit monitoring data obtained during each monitoring period on the electronic Discharge Monitoring Report (DMR) form provided by Ecology within WAWebDMR. Include data for each of the parameters tabulated in Special Condition S2 and as required by the form. Report a value for each day sampling occurred (unless specifically exempted in the permit) and for the summary values (when applicable) included on the electronic form.

   To find out more information and to sign up for WAWebDMR go to: http://www.ecy.wa.gov/programs/wq/permits/paris/webdmr.html.

   If unable to submit electronically (for example, if you do not have an internet connection), the Permittee must contact Ecology to request a waiver and obtain instructions on how to obtain a paper copy DMR.

2. Enter the "No Discharge" reporting code for an entire DMR, for a specific monitoring point, or for a specific parameter as appropriate, if the Permittee did not discharge wastewater or a specific pollutant during a given monitoring period.

3. Report single analytical values below detection as "less than the detection level (DL)" by entering < followed by the numeric value of the detection level (e.g. < 2.0) on the DMR. If the method used did not meet the minimum DL and quantitation level (QL) identified in the permit, report the actual QL and DL in the comments or in the location provided.

4. Report the test method used for analysis in the comments if the laboratory used an alternative method not specified in the permit and as allowed in Appendix A or Condition S2.

5. Calculate average values (unless otherwise specified in the permit) using:

   a. The reported numeric value for all parameters measured between the agency-required detection value and the agency-required quantitation value.

   b. One-half the detection value (for values reported below detection) if the lab detected the parameter in another sample for the reporting period.

   c. Zero (for values reported below detection) if the lab did not detect the parameter in another sample for the reporting period.

6. Report single-sample grouped parameters (for example priority pollutants, PAHs, pulp and paper chlorophenolics, TTOs) on the WAWebDMR form and include: sample date, concentration detected, detection limit (DL) (as necessary), and laboratory quantitation level (QL) (as necessary). The Permittee must also submit an electronic PDF copy of the laboratory report using WAWebDMR.

   If the Permittee has obtained a waiver from electronic reporting or if submitting prior to the compliance date, the Permittee must submit a paper copy of the laboratory report providing the following information: date sampled, sample location, date of analysis, parameter name, CAS number, analytical method/number, detection limit (DL), laboratory quantitation level (QL), reporting units, and concentration detected.

   The contract laboratory reports must also include information on the chain of custody, QA/QC results, and documentation of accreditation for the parameter.

7. Ensure that DMRs are electronically submitted no later than the dates specified below, unless otherwise specified in this permit.

   If the Permittee has obtained a waiver from electronic reporting, it must ensure that paper forms are postmarked or received by Ecology no later than the dates specified below, unless otherwise specified in this permit.

8. Submit DMRs for parameters with the monitoring frequencies specified in S2 (monthly, quarterly, annual, etc.) at the reporting schedule identified below. The Permittee must:

   a. Submit monthly DMRs by the 15^{th} day of the following month.

   b. Submit quarterly DMRs, unless otherwise specified in the permit, by the 15^{th} day of the month following the monitoring period. Quarterly sampling periods are January through March, April through June, July through September, and October through December.

c. Submit annual DMRs, unless otherwise specified in the permit, by January 15 for the previous calendar year. The annual sampling period is the calendar year. **Starting January 1, 2015.**

9. Submit reports to Ecology online using Ecology's electronic WAWebDMR submittal forms (electronic DMRs) as required above. If the Permittee has obtained a waiver from electronic reporting, send paper reports to Ecology at:

Water Quality Permit Coordinator
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

10. The Permittee must also submit a duplicate DMR report to the Department of Health at:

Water Reclamation & Reuse Program Lead
Wastewater Management Section
Washington State Department of Health
16201 East Indiana Avenue, Suite 1500
Spokane Valley, WA 99216

B. Records Retention

The Permittee must retain records of all monitoring information for a minimum of three years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

C. Recording of Results

For each measurement or sample taken, the Permittee must record the following information:

1. The date, exact place, method, and time of sampling or measurement

2. The individual who performed the sampling or measurement

3. The dates the analyses were performed

4. The individual who performed the analyses

5. The analytical techniques or methods used

6. The results of all analyses

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by Condition S2 of this permit, then the Permittee must include the results of such monitoring in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Reporting Permit Violations

The Permittee must take the following actions when it violates or is unable to comply with any permit condition:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.

2. If applicable, immediately repeat sampling and analysis. Submit the results of any repeat sampling to Ecology within 30 days of sampling.

a. Immediate Reporting

The Permittee must immediately report to Ecology, the Department of Health-Shellfish Program, and Clallam County Environmental Health Division at the numbers listed below, all:

- Failures of the disinfection system.
- Collection system overflows.
- Plant bypasses discharging to marine surface waters.
- Any other failures of the sewage system (pipe breaks, etc.)

Department of Ecology, Southwest Regional Office	360-407-6300
Department of Health, Shellfish Program	360-236-3330 (business hours) 360-789-8962 (after business hours)
Clallam County Environmental Health Division	360-417-2258

b. Twenty-Four (24) Hour Reporting

The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at the telephone numbers listed above, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:

1) Any noncompliance that may endanger health or the environment, unless previously reported under immediate reporting requirements.

2) Any unanticipated bypass that causes an exceedence of an effluent limit in the permit (See Condition S5.F, "Bypass Procedures").

3) Any upset that causes an exceedence of an effluent limit in the permit (See Condition G.15, "Upset").

4) Any violation of a maximum daily or instantaneous maximum discharge limit for any of the pollutants in Section S1.A of this permit.

5) Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limit in the permit.

c. Report within Five Days

The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any reportable event under subparts a or b, above. The written submission must contain:

1) A description of the noncompliance and its cause.

2) The period of noncompliance, including exact dates and times.

3) The estimated time the Permittee expects the noncompliance to continue if not yet corrected.

4) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

5) If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

d. Waiver of Written Reports

Ecology may waive the written report required in subpart c, above, on a case-by-case basis upon request if the Permittee has submitted a timely oral report.

e. All Other Permit Violation Reporting

The Permittee must report all permit violations, which do not require immediate or within 24 hours reporting, when it submits monitoring reports for S3.A ("Reporting"). The reports must contain the information listed in subpart c, above. Compliance with these requirements does not

relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

f. Report Submittal

The Permittee must submit reports to the address listed in S3.A.

F. Other Reporting

The Permittee must report a spill of oil or hazardous materials in accordance with the requirements of Revised Code of Washington (RCW) 90.56.280 and chapter 173-303-145. The Permittee can obtain further instructions at the following website: http://www.ecy.wa.gov/programs/spills/other/reportaspill.htm.

If the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to Ecology, it must submit such facts or information promptly.

G. Maintaining a Copy of this Permit

The Permittee must keep a copy of this permit at the facility and make it available upon request to Ecology inspectors.

S4. FACILITY LOADING

A. Design Criteria

The flows or waste loads for the permitted facility must not exceed the following design criteria:

Maximum Month Design Flow (MMDF)	1.67 MGD
BOD_5 Influent Loading for Maximum Month	4036 lbs/day
TSS Influent Loading for Maximum Month	3855 lbs/day

B. Plans for Maintaining Adequate Capacity

1. Conditions Triggering Plan Submittal

The Permittee must submit a plan and a schedule for continuing to maintain capacity to Ecology when:

a. The actual flow or waste load reaches 85 percent of any one of the design criteria in S4.A for three consecutive months.

b. The projected plant flow or loading would reach design capacity within five years.

2. Plan and Schedule Content

The plan and schedule must identify the actions necessary to maintain adequate capacity for the expected population growth and to meet the limits and requirements of the permit. The Permittee must consider the following topics and actions in its plan.

a. Analysis of the present design and proposed process modifications

b. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system

c. Limits on future sewer extensions or connections or additional waste loads

d. Modification or expansion of facilities

e. Reduction of industrial or commercial flows or waste loads

Engineering documents associated with the plan must meet the requirements of WAC 173-240-060, "Engineering Report," and be approved by Ecology prior to any construction.

If the Permittee intends to apply for state or federal funding for the design or construction of a facility project, the plan may also need to meet the environmental review requirements as described in 40 CFR 35.3040 and 40 CFR 35.3045, and it may also need to demonstrate cost effectiveness as required by WAC 173-95-730. The plan must specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective.

C. Duty to Mitigate

The Permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

D. Notification of New or Altered Sources

1. The Permittee must submit written notice to Ecology whenever any new discharge or a substantial change in volume or character of an existing discharge into the wastewater treatment plant is proposed which:

a. Would interfere with the operation of, or exceed the design capacity of, any portion of the wastewater treatment plant.

b. Is not part of an approved general sewer plan or approved plans and specifications.

c. Is subject to pretreatment standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act.

2. This notice must include an evaluation of the wastewater treatment plant's ability to adequately transport and treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the treatment plant, and the anticipated impact on the Permittee's effluent [40 CFR 122.42(b)].

E. Infiltration and Inflow Evaluation

1. The Permittee must conduct an infiltration and inflow evaluation. Refer to the U.S. EPA publication, *I/I Analysis and Project Certification*, available as Publication No. 97-03 at: http://www.ecy.wa.gov/programs/wq/permits/guidance.html

2. The Permittee may use monitoring records to assess measurable infiltration and inflow.

3. The Permittee must prepare a report summarizing any measurable infiltration and inflow. If infiltration and inflow have increased by more than 15 percent from that found in the previous report based on equivalent rainfall, the report must contain a plan and a schedule to locate the sources of infiltration and inflow and to correct the problem.

4. The Permittee must submit a report summarizing the results of the evaluation and any recommendations for corrective actions by June 30th of each year after permit issuance. First report due **June 30, 2014.**

F. Wasteload Assessment

The Permittee must conduct an annual assessment of its influent flow and wasteload and submit a report to Ecology by June 30th of each year after permit issuance. First report due **June 30, 2014.**

The report must contain:

1. A description of compliance or noncompliance with the permit effluent limits.

2. A comparison between the existing and design:

   a. Monthly average dry weather and wet weather flows.

   b. Peak flows.

   c. BOD_5 loading.

   d. Total suspended solids loadings.

3. The percent change in the above parameters since the previous report (except for the first report).

4. The present and design population or population equivalent.

5. The projected population growth rate.

6. The estimated date upon which the Permittee expects the wastewater treatment plant to reach design capacity, according to the most restrictive of the parameters above.

Ecology may modify the interval for review and reporting if it determines that a different frequency is sufficient.

S5. OPERATION AND MAINTENANCE

The Permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes keeping a daily operation logbook (paper or electronic), adequate laboratory controls, and appropriate quality assurance procedures. This provision of the permit requires the Permittee to operate backup or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Certified Operator

This permitted facility must be operated by an operator certified by the state of Washington for at least a Class III plant. This operator must be in responsible charge of the day-to-day operation of the wastewater treatment plant. An operator certified for at least a Class II plant must be in charge during all regularly scheduled shifts.

B. Operation and Maintenance (O&M) Program

The Permittee must:

1. Institute an adequate operation and maintenance program for the entire sewage system.

2. Keep maintenance records on all major electrical and mechanical components of the treatment plant, as well as the sewage system and pumping stations. Such records must clearly specify the frequency and type of maintenance recommended by the manufacturer and must show the frequency and type of maintenance performed.

3. Make maintenance records available for inspection at all times.

C. Short-Term Reduction

The Permittee must schedule any facility maintenance, which might require interruption of wastewater treatment and degrade effluent quality, during non-critical water quality periods and carry this maintenance out in a manner approved by Ecology.

If a Permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limits on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee must:

1. Give written notification to Ecology, if possible, 30 days prior to such activities.

2. Detail the reasons for, length of time of, and the potential effects of the reduced level of treatment.

This notification does not relieve the Permittee of its obligations under this permit.

D. Electrical Power Failure

The Permittee must ensure that adequate safeguards prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift stations. Adequate safeguards include, but are not limited to, alternate power sources, standby generator(s), or retention of inadequately treated wastes.

The Permittee must maintain Reliability Class I (EPA 430/9-74-001) at the wastewater treatment plant. Reliability Class I requires a backup power source sufficient to operate all vital components and critical lighting and ventilation during peak wastewater flow conditions.

E. Prevent Connection of Inflow

The Permittee must strictly enforce its sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, etc.) to the sanitary sewer system.

F. Bypass Procedures

This permit prohibits a bypass, which is the intentional diversion of waste streams from any portion of a treatment facility. Ecology may take enforcement action against a Permittee for a bypass unless one of the following circumstances (1, 2, or 3) applies.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

   This permit authorizes a bypass if it allows for essential maintenance and does not have the potential to cause violations of limits or other conditions of this permit, or adversely impact public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least ten days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated, and results in noncompliance of this permit.

   This permit authorizes such a bypass only if:

   a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

   b. No feasible alternatives to the bypass exist, such as:

- The use of auxiliary treatment facilities.
- Retention of untreated wastes.
- Maintenance during normal periods of equipment downtime, but not if the Permittee should have installed adequate backup equipment in the exercise of reasonable engineering judgment to prevent a bypass.
- Transport of untreated wastes to another treatment.

c. Ecology is properly notified of the bypass as required in Condition S3.E of this permit.

3. If bypass is anticipated and has the potential to result in noncompliance of this permit.

a. The Permittee must notify Ecology at least 30 days before the planned date of bypass. The notice must contain:

- A description of the bypass and its cause.
- An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing.
- A cost-effectiveness analysis of alternatives including comparative resource damage assessment.
- The minimum and maximum duration of bypass under each alternative.
- A recommendation as to the preferred alternative for conducting the bypass.
- The projected date of bypass initiation.
- A statement of compliance with State Environmental Policy Act (SEPA).
- A request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedence of any water quality standard is anticipated.
- Details of the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

b. For probable construction bypasses, the Permittee must notify Ecology of the need to bypass as early in the planning process as possible. The Permittee must consider the analysis required above during preparation

of the engineering report or facilities plan and plans and specifications and must include these to the extent practical. In cases where the Permittee determines the probable need to bypass early, the Permittee must continue to analyze conditions up to and including the construction period in an effort to minimize or eliminate the bypass.

c. Ecology will consider the following prior to issuing an administrative order for this type of bypass:

- If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- If feasible alternatives to bypass exist, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- If the Permittee planned and scheduled the bypass to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. Ecology will give the public an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Ecology will approve a request to bypass by issuing an administrative order under RCW 90.48.120.

G. Operations and Maintenance (O&M) Manual

1. O&M Manual Submittal and Requirements

The Permittee must:

a. Review the O&M Manual at least annually and confirm this review by letter to Ecology by **May 1, 2014**, for the calendar year 2013 and by February 1st of the following calendar years thereafter.

b. Submit to Ecology for review and approval substantial changes or updates to the O&M Manual whenever it incorporates them into the manual.

c. Keep the approved O&M Manual at the permitted facility.

d. Follow the instructions and procedures of this manual.

2. O&M Manual Components

In addition to the requirements of WAC 173-240-080 (1) through (5), the O&M Manual must include:

a. Emergency procedures for cleanup in the event of wastewater system upset or failure.

b. Wastewater system maintenance procedures that contribute to the generation of process wastewater.

c. Reporting protocols for submitting reports to Ecology to comply with the reporting requirements in the discharge permit.

d. Any directions to maintenance staff when cleaning or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (for example, defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine).

e. The treatment plant process control monitoring schedule.

f. Minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit.

g. Specify other items on case-by-case basis such as O&M for collection systems pump stations, lagoon liners, etc.

S6. PRETREATMENT

A. General Requirements

The Permittee must work with Ecology to ensure that all commercial and industrial users of the Publicly Owned Treatment Works (POTW) comply with the pretreatment regulations in 40 CFR Part 403 and any additional regulations that the Environmental Protection Agency (U.S. EPA) may promulgate under Section 307(b) (pretreatment) and 308 (reporting) of the Federal Clean Water Act.

B. Duty to Enforce Discharge Prohibitions

1. Under federal regulations [40 CFR 403.5(a) and (b)], the Permittee must not authorize or knowingly allow the discharge of any pollutants into its POTW which may be reasonably expected to cause pass through or interference, or which otherwise violate general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.

2. The Permittee must not authorize or knowingly allow the introduction of any of the following into their treatment works:

   a. Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21).

   b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0

standard units, unless the works are specifically designed to accommodate such discharges.

c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.

d. Any pollutant, including oxygen-demanding pollutants, (BOD_5, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

e. Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.

f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.

g. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless Ecology, upon request of the Permittee, approves, in writing, alternate temperature limits.

h. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.

i. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).

3. The Permittee must also not allow the following discharges to the POTW unless approved in writing by Ecology:

a. Noncontact cooling water in significant volumes.

b. Stormwater and other direct inflow sources.

c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.

4. The Permittee must notify Ecology if any industrial user violates the prohibitions listed in this section (S6.B), and initiate enforcement action to promptly curtail any such discharge.

C. Wastewater Discharge Permit Required

The Permittee must

1. Establish a process for authorizing non-domestic wastewater discharges that ensures all SIUs in all tributary areas meet the applicable state waste discharge

permit (SWDP) requirements in accordance with chapter 90.48 RCW and chapter 173-216 WAC.

2. Immediately notify Ecology of any proposed discharge of wastewater from a source, which may be a significant industrial user (SIU) [see fact sheet definitions or refer to 40 CFR 403.3(t)(i)(ii)].

3. Require all SIUs to obtain a SWDP from Ecology prior to accepting their non-domestic wastewater, or require proof that Ecology has determined they do not require a permit.

4. Require the documentation as described in S6.C.3 at the earliest practicable date as a condition of continuing to accept non-domestic wastewater discharges from a previously undiscovered, currently discharging and unpermitted SIU.

5. Require sources of non-domestic wastewater, which do not qualify as SIUs but merit a degree of oversight, to apply for a SWDP and provide it a copy of the application and any Ecology responses.

6. Keep all records documenting that its users have met the requirements of S6.C.

D. Identification and Reporting of Existing, New, and Proposed Industrial Users

1. The Permittee must take continuous, routine measures to identify all existing, new, and proposed SIUs and potential significant industrial users (PSIUs) discharging or proposing to discharge to the Permittee's sewer system (see Appendix B of the fact sheet for definitions).

2. Within 30 days of becoming aware of an unpermitted existing, new, or proposed industrial user who may be a significant industrial user (SIU), the Permittee must notify such user by registered mail that, if classified as an SIU, they must apply to Ecology and obtain a State Waste Discharge Permit. The Permittee must send a copy of this notification letter to Ecology within this same 30-day period.

3. The Permittee must also notify all Potential SIUs (PSIUs), as they are identified, that if their classification should change to an SIU, they must apply to Ecology for a State Waste Discharge Permit within 30 days of such change.

E. Industrial User Survey

The Permittee must complete an industrial user survey listing all SIUs and potential significant industrial users (PSIUs) discharging to the POTW. The Permittee must submit the survey to Ecology by **October 1, 2014**, for the calendar year 2013 and by **June 30th** of the following calendar years thereafter. At a minimum, the Permittee must develop the list of SIUs and PSIUs by means of a telephone book search, a water utility billing records search, and a physical reconnaissance of the service area. Information on PSIUs must include, at a minimum, the business name, telephone number, address, description of the industrial process(s), and the known wastewater volumes and characteristics.

S7. SOLID WASTES

A. Solid Waste Handling

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC.

S8. APPLICATION FOR PERMIT RENEWAL OR MODIFICATION FOR FACILITY CHANGES

The Permittee must submit an application for renewal of this permit by **October 1, 2018.**

The Permittee must also submit a new application or supplement at least 180 days prior to commencement of discharges, resulting from the activities listed below, which may result in permit violations. These activities include any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility.

S9. BELL CREEK TEMPERATURE STUDY

A. In the event that the surface water discharge at Outfall 002 will be retained in operation beyond the expiration date of this permit, the Permittee must collect information on the reclaimed water discharge and the receiving water (Bell Creek) to determine if there is a reasonable potential to cause a violation of the water quality standards. If reasonable potential exists, Ecology will use this information to calculate additional reclaimed water limits.

The Permittee must:

1. Submit a sampling and quality assurance project plan for Ecology review and approval by **November 1, 2016**. The Plan must clearly discuss how periods of "no flow" in the creek channel will be identified and monitored during the study period.

2. Conduct all sampling and analysis in accordance with the guidelines given in *Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies*, Ecology Publication 04-03-030 (http://www.ecy.wa.gov/pubs/0403030.pdf). A model Quality Assurance Plan specific for temperature is available at http://www.ecy.wa.gov/programs/wq/permits/guidance.html. The plan must include a description of the method the Permittee will use to collect daily flow data from Outfall 002 and in Bell Creek upstream and downstream of the discharge.

3. Measure temperature and flow in the reclaimed water discharge (after final aeration) and the ambient water upstream and downstream of Outfall 002

between **January 1, 2017**, and **December 31, 2017**, measure the temperature and flow of a) the reclaimed water discharge (after final aeration), and b) the ambient water upstream and downstream of Outfall 002 when Bell Creek is flowing.

4. Use micro-recording temperature devices known as thermistors to measure temperature. Ecology's Quality Assurance Project Plan Development Tool *(Continuous Temperature Sampling Protocols for the Environmental Monitoring and Trends Section)* contains protocols for continuous temperature sampling. This document is available online at https://fortress.wa.gov/ecy/publications/summarypages/0303052.html.

5. Calibrate the devices as specified in this document unless using recording devices certified by the manufacturer. Ecology does not require manufacture-specific equipment as given in this document; however, if the Permittee wishes to use measuring devices from another company, it must demonstrate the accuracy is equivalent.

6. Set the recording devices to record at one-half-hour intervals.

7. Report temperature monitoring data as: daily maximum and as the 7-day running average of the daily maximums. The model Quality Assurance Plan shows an example of these calculations.

8. Use the temperature device manufacturer's software to generate (export) an Excel text file of the cumulative temperature data each month. Send this file and placement logs to Ecology by the **15th of each month** for the prior month's data. The placement logs should include the following information for both thermistor deployment and retrieval: date, time, temperature device manufacturer ID, location, depth, whether it measured air or water temperature, and any other details that may explain data anomalies. An example of a placement log is shown in Appendix F of the document referenced in Item 4 above. Submittals must include daily flow data.

B. In the event that the discharge from Outfall 002 will be managed as a seasonal beneficial use (i.e., riparian augmentation and groundwater recharge), the Permittee must develop an update to its Water Reuse Plan (refer to Permit Condition R1.B) outlining the method that will be used to restrict the discharge to periods of "no flow" in the Bell Creek channel. This plan will identify criteria and procedures to be used to assess and demonstrate that there is no flow in the channel, as well as mechanisms that will be used to ensure that no reclaimed water leaves the Water Reuse Demonstration Site and/or adjoining City-owned land. The plan must also 1) identify reclaimed water standards that would be applicable for this proposal (e.g., groundwater quality monitoring, signs and posting, etc.), 2) present the specific mechanisms that will be used to satisfy these standards, and 3) propose an implementation schedule for the project. This plan must be submitted to Ecology for review and approval prior to **November 1, 2015**.

The temperature study in Condition S9.A will not be required if the Permittee obtains Ecology approval of the plan for managing Outfall 002 as a seasonal beneficial use

S10. BELL CREEK RECEIVING WATER STUDY

A. In the event that the surface water discharge at Outfall 002 will be retained in operation beyond the expiration date of this permit, the Permittee must collect Bell Creek receiving water information, including flow, necessary to determine if the effluent has a reasonable potential to cause a violation of the water quality standards. If reasonable potential exists, Ecology will use the study information to calculate effluent limits.

The Permittee must:

1. Submit a Sampling and Quality Assurance Plan for Ecology review and approval by **November 1, 2016**. The plan must: a) address all sampling requirements listed this permit condition; and b) include a description of the method the Permittee will use to collect daily flow data from Outfall 002 and in Bell Creek between **January 1, 2017, and December 31, 2017**, and c) clearly discuss how periods of "no flow" in the creek channel will be identified and monitored during the study period.

2. Conduct all sampling and analysis in accordance with the guidelines given in *Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies*, Ecology Publication 04-03-030. This document is available at: http://www.ecy.wa.gov/pubs/0403030.pdf.

3. Locate the receiving water sampling locations outside the zone of influence of the reclaimed water, no less than one upstream of the discharge sampling location and one downstream of the discharge sampling location.

4. Use sampling station accuracy requirements of ± 20 meters.

5. Follow the clean sampling techniques in Method 1669: *Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels*, EPA Publication No. 821-R-95-034, April 1995, or similar precautions adapted from Method 1669 to meet the objectives of the sampling effort.

6. At a minimum, collect monthly samples during each month that Bell Creek is flowing, at each location upstream and downstream of Outfall 002 and analyze the samples for fecal coliform bacteria, BOD_5, dissolved oxygen, ammonia, hardness, and pH.

7. In addition, analyze the samples for both the total and dissolved fractions for the following metals: arsenic, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, and zinc.

8. Conduct all chemical analysis using the methods and the detection levels identified in Appendix A.

9. Submit the results of the study to Ecology by **April 1, 2018**.

10. The Receiving Water Data Report must also include electronic copies of the data formatted according to Ecology's Environmental Information (EIM) System templates available at the link below. http://www.ecy.wa.gov/eim/MyEIM.htm

Any subsequent sampling and analysis must also meet these requirements. The Permittee may conduct a cooperative receiving water study with other NPDES Permittees discharging in the same vicinity.

B. If the Permittee obtains Ecology approval of the plan to manage Outfall 002 as a seasonal beneficial use (refer to Permit Condition S9.B), the Permittee is not required to complete the receiving water study under Permit Condition S10.A.

S11. OUTFALL EVALUATION

The Permittee must inspect, once per permit period, the submerged portion of the outfall line and diffuser (Outfall 001) to document its integrity and continued function. If conditions allow for a photographic verification, the Permittee must include such verification in the report. The Permittee shall inspect the outfall and diffuser in the last year of the permit and submit the inspection report to Ecology by **October 1, 2018**.

S12. ACUTE TOXICITY

A. Testing when there is No Permit Limit for Acute Toxicity

The Permittee must:

1. Conduct acute toxicity testing on final effluent during August 2017 and December 2017 (once in the last summer and once in the last winter prior to submission of the application for permit renewal).

2. Submit the results to Ecology with the permit renewal application.

3. Conduct acute toxicity testing on a series of at least five concentrations of effluent, including 100 percent effluent and a control.

4. Use each of the following species and protocols for each acute toxicity test:

Acute Toxicity Tests	Species	Method
Fathead minnow 96-hour static-renewal test	*Pimephales promelas*	EPA-821-R-02-012
Daphnid 48-hour static test	*Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna*	EPA-821-R-02-012

B. Sampling and Reporting Requirements

1. The Permittee must submit all reports for toxicity testing in accordance with the most recent version of Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. Reports must contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data in electronic format for entry into Ecology's database, then the Permittee must send the data to Ecology along with the test report, bench sheets, and reference toxicant results.

2. The Permittee must collect 24-hour composite effluent samples or grab samples for toxicity testing. The Permittee must cool the samples to 0 - 6 degrees Celsius during collection and send them to the lab immediately upon completion. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was completed.

3. The laboratory must conduct water quality measurements on all samples and test solutions for toxicity testing, as specified in the most recent version of Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*.

4. All toxicity tests must meet quality assurance criteria and test conditions specified in the most recent versions of the EPA methods listed in Subsection C and the Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If Ecology determines any test results to be invalid or anomalous, the Permittee must repeat the testing with freshly collected effluent.

5. The laboratory must use control water and dilution water meeting the requirements of the EPA methods listed in Section A or pristine natural water of sufficient quality for good control performance.

6. The Permittee must conduct whole effluent toxicity tests on an unmodified sample of final effluent.

RECLAIMED WATER CONDITIONS

R1. RECLAIMED WATER DISTRIBUTION AND USE

Beginning on the effective date of this permit and lasting through its expiration date, all reclaimed water produced by the Permittee under this permit shall comply with the Special Conditions and General Conditions, as well as the Reclaimed Water Conditions of this permit.

A. Authorized Uses and Locations

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to distribute water reclaimed in accordance with the terms and conditions of this permit for authorized uses.

The distribution by the Permittee of reclaimed water that does not meet the treatment, water quality and monitoring requirements established in this permit or the use of reclaimed water other than for authorized uses listed in a Departments of Health and Ecology approved reclaimed water engineering report shall constitute a violation of the terms and conditions of this permit.

B. Water Reuse Plan

The Permittee shall prepare a water reuse plan, which contains a summary description of the proposed water reuse system from the approved Engineering Report. The plan shall be submitted to the Departments of Health and Ecology by **March 31, 2015**. The Permittee shall review the plan at least annually and plan shall be updated whenever new uses or users are added to the distribution system. A copy of the revised plan shall be submitted to Ecology and Health. The plan shall contain, but not be limited to, the following:

1. Description of the reuse distribution system;

2. Identification of uses, users, location of reuse sites.

3. Evaluation of reuse sites, estimated volume of reclaimed water use, means of application, and for irrigation or surface percolation uses, the application rates, water balance, expected agronomic uptake, potential to impact ground water or surface water at the site, background water quality and hydrogeological information necessary to evaluate potential water quality impacts.

C. Reclaimed Water Operational Records

The Permittee shall maintain records and report to the Departments of Ecology and Health in accordance with Special Condition S3, and the following conditions. All records shall be retained for a minimum of three years. The falsification of information submitted to the Departments shall constitute a violation of the terms of this permit.

1. Operating records shall be maintained at the reclamation treatment plant or within a central depository within the Permittee's operating agency. These records shall include: records of all analyses performed, records of operational

problems, unit process and equipment breakdowns, and diversions to emergency storage or disposal; and all corrective or preventative action taken

2. Process or equipment failures triggering an alarm that is key to maintaining reliability of reclaimed water quality shall be recorded and maintained as a separate record file. The recorded information shall include the time and cause of failure and corrective action taken.

3. A monthly summary of operating records as specified above shall be submitted with the Discharge Monitoring Report form to the Departments of Health and Ecology at that addresses listed in Special Condition S3.A.

4. If the reclamation facility was not operating during a given monitoring period, submit the required reports with the words "No Discharge" entered in place of the monitoring results.

5. Cross Connection Control Report. An annual cross-connection control report for the preceding calendar year shall be submitted to the Departments of Health and Ecology by **January 15th of each year**. The report shall be prepared by a certified Cross-Control Specialist identifying all devices tested and any cross-connection incidents which occurred in the reuse system.

D. Bypass Prohibited

There shall be no bypassing of untreated or partially treated wastewater from the reclamation plant or any intermediate unit processes to the distribution system or point of use at any time. All reclaimed water being distributed for beneficial use must meet Class A requirements at all times. Water not meeting Class A must be retained for additional treatment by diversion to a bypass lagoon, unless discharged from Outfall 001 in accordance with the upset conditions allowed under Section S1.A.

The Departments of Health and Ecology shall be notified by telephone within 24 hours of any diversion to a bypass lagoon. Substandard wastewater shall not be discharged to the reclaimed water distribution system or use areas without specific approval from the Departments of Health and Ecology

E. Reliability

The Permittee shall maintain the highest reliability class as described in the *Water Reclamation and Reuse Standards* which require one of the following features for each of the critical reclamation treatment unit processes of oxidation, coagulation, filtration and disinfection:

1. Alarms and standby power source

2. Alarms and automatically actuated short-term (24-hour) storage or disposal provisions.

3. Automatically actuated long-term storage or disposal provisions for treated wastewater.

F. Use Area Responsibilities

1. A standard notification sign shall be developed by the Permittee using colors and verbiage approved by the state Department of Health. The signs shall be used in all reclaimed water use areas, consistent with the *Water Reclamation and Reuse Standards*.

2. Reclaimed water use, including runoff and spray shall be confined to the designated and approved use area.

3. The Permittee shall control industrial and toxic discharges to the sanitary sewer that may affect reclaimed water quality through either a delegated pretreatment program with Ecology or assuring all applicable discharges have permits issued under the Water Pollution Control Act, Chapter 90.48 RCW, and the State Waste Discharge Permit Regulation, Chapter 173-216 WAC.

4. Where the reclaimed water production, distribution and use areas are under direct control of the Permittee, the Permittee shall maintain control and be responsible for all facilities and activities inherent to the production, distribution and use of the reclaimed water. The Permittee shall ensure that the reuse system operates as approved by the Departments of Health and Ecology.

G. Service and Use Area Agreement

Where the reclaimed water additional treatment, distribution system or use area is not under direct control of the Permittee:

1. The person(s) who provides additional treatment, distributes, owns, or otherwise maintains control over the reclaimed water use area is responsible for reuse facilities and activities inherent to the production, distribution and use of the reclaimed water to ensure that the system operates as approved by the Departments of Health and Ecology in accordance with this Permit.

2. Reclaimed water use, including runoff and spray, shall be confined to the designated and approved use areas.

3. A binding Service and Use Area Agreement among the parties involved is required to ensure that construction, operation, maintenance, and monitoring meet all requirements of the Departments of Health and Ecology. This Service and Use Area Agreement must be consistent with the requirements of the *Water Reclamation and Reuse Standards*. A copy of each Service and Use Area Agreement must be submitted to and approved by the Departments of Health and Ecology prior to implementation.

4. The Service and Use Area Agreement shall provide the Permittee with authority to terminate service of reclaimed water to a customer violating the *Water Reclamation and Reuse Standards* and restrictions outlined in the reclaimed water use agreement. The Service and Use Area Agreements shall be approved by the Departments of Health and Ecology prior to the distribution of any reclaimed water.

5. No reclaimed water shall be distributed by the Permittee without a Service and Use Area Agreement approved by the Departments of Health and Ecology.

H. Reclaimed Water Ordinance

The Permittee shall complete a local ordinance to include policies and procedures for the distribution and delivery of reclaimed water. The ordinance shall provide the Permittee with the authority to terminate service of reclaimed water from any customer violating the state *Water Reclamation and Reuse Standards* and restrictions outlined in the service and use agreement.

I. Irrigation Use

1. For any irrigation use of reclaimed water, the hydraulic loading rate of reclaimed water shall be determined based on a detailed water balance analysis. The calculated loading rate(s) and the parameters and methods used to determine the loading rate(s) shall be submitted to Ecology for approval.

2. Irrigation of areas subject to public access shall occur during periods of non-use by the public. There shall be no runoff of reclaimed water applied to land by spray irrigation to any surface waters of the state or to any land not authorized by approved Service and Use Area Agreement.

3. There shall be no application of reclaimed water for irrigation purposes when the ground is saturated or frozen.

4. The reclaimed water shall not be applied to the irrigation lands in quantities that:

   a. Significantly reduce or destroy the long-term infiltration rate of the soil.

   b. Cause long-term anaerobic conditions in the soil.

   c. Cause ponding of reclaimed water and produce objectionable odors or support insects or vectors.

   d. Cause leaching losses of constituents of concern beyond the treatment zone or in excess of the approved design. Constituents of concern are constituents in the reclaimed water, partial decomposition products, or soil constituents that would alter ground water quality in amounts that would affect current and future beneficial uses.

The Permittee shall maintain all irrigation agreements for lands not owned for the duration of the permit. The Permittee shall inform the Departments of Health and Ecology in writing of any proposed changes to existing agreements.

J. Surface Percolation Use

1. For any surface percolation of reclaimed water in groundwater recharge or infiltration systems, the hydraulic loading rate shall be determined based on a detailed water balance. The calculated loading rate(s) and the parameters and

methods used to determine the loading rates shall be submitted to Ecology for approval prior to any reclaimed water discharge to the system.

2. Background/natural groundwater quality must be documented and sampling locations identified and approved by Ecology prior to any reclaimed water discharge to the system.

3. Surface waters shall not be impaired due to the infiltration of reclaimed water.

R2. OPERATION AND MAINTENANCE

The Permittee shall operate and maintain the facility loading in accordance with Special Condition S5 and the following conditions.

A. Reclaimed Water System Maintenance

The Permittee shall institute an adequate O&M program for the entire reclamation system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, collection, distribution and use areas. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

1. At all times, the reclamation facility, distribution and use areas shall be maintained to ensure that all equipment is kept in a reliable operating condition.

2. A chlorine residual of at least 0.5 mg/L shall be maintained in the reclaimed water during conveyance from the reclamation plant to the use area unless waived by the Departments of Health and Ecology.

3. Maintenance of a chlorine residual is not required in reclaimed water impoundments and storage ponds. At the discretion of the Departments of Health and Ecology, chlorine residual may not be required in reclaimed water distributed from storage ponds.

B. Operation and Maintenance (O&M) Manual

In addition to the requirements of Special Condition S5.G, the O&M Manual for the facility shall include the following reclaimed water information:

1. An alarm condition response plan to ensure that no untreated or inadequately treated wastewater will be delivered to the use areas.

2. A discussion of the cross-connection control and inspection program, including who will be responsible for compliance and testing of cross connection control devices.

3. Operational strategies for the reclaimed water use areas.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

A. All applications, reports, or information submitted to Ecology must be signed and certified.

1. In the case of corporations, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

- The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- In the case of a partnership, by a general partner.

- In the case of sole proprietorship, by the proprietor.

- In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity shall be submitted by the public entity.

B. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to Ecology.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2, above, is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2, above, must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section must make the following certification:

> "I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy, at reasonable times and at reasonable cost, any records required to be kept under the terms and conditions of this permit.

C. To inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor, at reasonable times, any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 40 CFR 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.

2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

3. A material change in quantity or type of waste disposal.

4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination.

5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit.

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.

7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.

6. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. When cause exists for termination for reasons listed in A1 through A7 of this section, and Ecology determines that modification or revocation and reissuance is appropriate.

2. When Ecology has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G7) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee must, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in:

A. The permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b)

B. A significant change in the nature or an increase in quantity of pollutants discharged.

C. A significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit excuses the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to Ecology.

A. Transfers by Modification

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.

2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.

3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology upon request, copies of records required to be kept by this permit.

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee must submit payment of fees associated with this permit as assessed by Ecology.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof must be punished by a fine of up to $10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit may incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to $10,000 for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is deemed to be a separate and distinct violation.

G15. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limits if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

A. An upset occurred and that the Permittee can identify the cause(s) of the upset.

B. The permitted facility was being properly operated at the time of the upset.

C. The Permittee submitted notice of the upset as required in Condition S3.E.

D. The Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement action the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit must, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this condition, punishment must be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or by both.

G20. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

G21. CONTRACT REVIEW

The Permittee must submit to Ecology any proposed contract for the operation of any wastewater treatment facility covered by this permit. The review is to ensure consistency with chapters 90.46 and 90.48 RCW. In the event that Ecology does not comment within a 30-day period, the Permittee may assume consistency and proceed with the contract.

APPENDIX A

LIST OF POLLUTANTS WITH ANALYTICAL METHODS, DETECTION LIMITS AND QUANTITATION LEVELS

The Permittee must use the specified analytical methods, detection limits (DLs) and quantitation levels (QLs) in the following table for permit and application required monitoring unless:

- Another permit condition specifies other methods, detection levels, or quantitation levels.
- The method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136.

If the Permittee uses an alternative method, not specified in the permit and as allowed above, it must report the test method, DL, and QL on the discharge monitoring report or in the required report.

If the Permittee is unable to obtain the required DL and QL in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit (MDL) and a quantitation limit (QL) to Ecology with appropriate laboratory documentation.

When the permit requires the Permittee to measure the base neutral compounds in the list of priority pollutants, it must measure all of the base neutral pollutants listed in the table below. The list includes EPA required base neutral priority pollutants and several additional polynuclear aromatic hydrocarbons (PAHs). The Water Quality Program added several PAHs to the list of base neutrals below from Ecology's Persistent Bioaccumulative Toxics (PBT) List. It only added those PBT parameters of interest to Appendix A that did not increase the overall cost of analysis unreasonably.

Ecology added this appendix to the permit in order to reduce the number of analytical "non-detects" in permit-required monitoring and to measure effluent concentrations near or below criteria values where possible at a reasonable cost.

CONVENTIONAL PARAMETERS

Pollutant & CAS No. ***(if available)***	**Recommended Analytical Protocol**	**Detection (DL)[1]** ***µg/L unless specified***	**Quantitation Level (QL)[2]** ***µg/L unless specified***
Biochemical Oxygen Demand	SM5210-B		2 mg/L
Chemical Oxygen Demand	SM5220-D		10 mg/L
Total Organic Carbon	SM5310-B/C/D		1 mg/L
Total Suspended Solids	SM2540-D		5 mg/L
Total Ammonia (as N)	SM4500-NH3-B and		20

Pollutant & CAS No. ***(if available)***	**Recommended Analytical Protocol**	**Detection (DL)[1]** ***µg/L unless specified***	**Quantitation Level (QL)[2]** ***µg/L unless specified***
	C/D/E/G/H		
Flow	Calibrated device		
Dissolved oxygen	SM4500-OC/OG		0.2 mg/L
Temperature (max. 7-day avg.)	Analog recorder or Use micro-recording devices known as thermistors		0.2º C
pH	SM4500-H^+ B	N/A	N/A

NONCONVENTIONAL PARAMETERS

Pollutant & CAS No. (if available)	**Recommended Analytical Protocol**	**Detection (DL)[1] µg/L unless specified**	**Quantitation Level (QL)[2] µg/L unless specified**
Total Alkalinity	SM2320-B		5 mg/L as CaCO3
Chlorine, Total Residual	SM4500 Cl G		50.0
Color	SM2120 B/C/E		10 color units
Fecal Coliform	SM 9221E,9222	N/A	Specified in method - sample aliquot dependent
Fluoride (16984-48-8)	SM4500-F E	25	100
Nitrate + Nitrite Nitrogen (as N)	SM4500-NO3- E/F/H		100
Nitrogen, Total Kjeldahl (as N)	SM4500-N_{org}B/C and SM4500NH_3-B/C/D/EF/G/H		300
Soluble Reactive Phosphorus (as P)	SM4500- PE/PF	3	10
Phosphorus, Total (as P)	SM 4500 PB followed by SM4500-PE/PF	3	10

Pollutant & CAS No. (if available)	Recommended Analytical Protocol	Detection (DL)[1] µg/L unless specified	Quantitation Level (QL)[2] µg/L unless specified
Oil and Grease (HEM)	1664 A or B	1,400	5,000
Salinity	SM2520-B		3 practical salinity units or scale (PSU or PSS)
Settleable Solids	SM2540 -F		100
Sulfate (as mg/L SO_4)	SM4110-B		200
Sulfide (as mg/L S)	SM4500-S^2F/D/E/G		200
Sulfite (as mg/L SO_3)	SM4500-SO3B		2000
Total Coliform	SM 9221B, 9222B, 9223B	N/A	Specified in method - sample aliquot dependent
Total dissolved solids	SM2540 C		20 mg/L
Total Hardness	SM2340B		200 as CaCO3
Aluminum, Total (7429-90-5)	200.8	2.0	10
Barium Total (7440-39-3)	200.8	0.5	2.0
BTEX (benzene +toluene + ethylbenzene + m,o,p xylenes)	EPA SW 846 8021/8260	1	2
Boron Total (7440-42-8)	200.8	2.0	10.0
Cobalt, Total (7440-48-4)	200.8	0.05	0.25
Iron, Total (7439-89-6)	200.7	12.5	50
Magnesium, Total (7439-95-4)	200.7	10	50
Molybdenum, Total (7439-98-7)	200.8	0.1	0.5
Manganese, Total (7439-96-5)	200.8	0.1	0.5
NWTPH Dx	Ecology NWTPH Dx	250	250

Pollutant & CAS No. (if available)	Recommended Analytical Protocol	Detection (DL)[1] µg/L unless specified	Quantitation Level (QL)[2] µg/L unless specified
NWTPH Gx	Ecology NWTPH Gx	250	250
Tin, Total (7440-31-5)	200.8	0.3	1.5
Titanium, Total (7440-32-6)	200.8	0.5	2.5

PRIORITY POLLUTANTS

Pollutant & CAS No. *(if available)*	Recommended Analytical Protocol	Detection (DL)[1] *µg/L unless specified*	Quantitation Level (QL)[2] *µg/L unless specified*
METALS, CYANIDE & TOTAL PHENOLS			
Antimony, Total (7440-36-0)	200.8	0.3	1.0
Arsenic, Total (7440-38-2)	200.8	0.1	0.5
Beryllium, Total (7440-41-7)	200.8	0.1	0.5
Cadmium, Total (7440-43-9)	200.8	0.05	0.25
Chromium (hex) dissolved (18540-29-9)	SM3500-Cr EC	0.3	1.2
Chromium, Total (7440-47-3)	200.8	0.2	1.0
Copper, Total (7440-50-8)	200.8	0.4	2.0
Lead, Total (7439-92-1)	200.8	0.1	0.5
Mercury, Total (7439-97-6)	1631E	0.0002	0.0005
Nickel, Total (7440-02-0)	200.8	0.1	0.5
Selenium, Total (7782-49-2)	200.8	1.0	1.0
Silver, Total (7440-22-4)	200.8	0.04	0.2
Thallium, Total (7440-28-0)	200.8	0.09	0.36
Zinc, Total (7440-66-6)	200.8	0.5	2.5

Pollutant & CAS No. ***(if available)***	**Recommended Analytical Protocol**	**Detection (DL)[1]** ***µg/L unless specified***	**Quantitation Level (QL)[2]** ***µg/L unless specified***
Cyanide, Total (57-12-5)	335.4	5	10
Cyanide, Weak Acid Dissociable	SM4500-CN I	5	10
Cyanide, Free Amenable to Chlorination (Available Cyanide)	SM4500-CN G	5	10
Phenols, Total	EPA 420.1		50
ACID COMPOUNDS			
2-Chlorophenol (95-57-8)	625	1.0	2.0
2,4-Dichlorophenol (120-83-2)	625	0.5	1.0
2,4-Dimethylphenol (105-67-9)	625	0.5	1.0
4,6-dinitro-o-cresol (534-52-1) (2-methyl-4,6,-dinitrophenol)	625/1625B	1.0	2.0
2,4 dinitrophenol (51-28-5)	625	1.0	2.0
2-Nitrophenol (88-75-5)	625	0.5	1.0
4-nitrophenol (100-02-7)	625	0.5	1.0
Parachlorometa cresol (59-50-7) (4-chloro-3-methylphenol)	625	1.0	2.0
Pentachlorophenol (87-86-5)	625	0.5	1.0
Phenol (108-95-2)	625	2.0	4.0
2,4,6-Trichlorophenol (88-06-2)	625	2.0	4.0
VOLATILE COMPOUNDS			
Acrolein (107-02-8)	624	5	10

Pollutant & CAS No. ***(if available)***	**Recommended Analytical Protocol**	**Detection (DL)**[1] ***µg/L unless specified***	**Quantitation Level (QL)** [2] ***µg/L unless specified***
Acrylonitrile (107-13-1)	624	1.0	2.0
Benzene (71-43-2)	624	1.0	2.0
Bromoform (75-25-2)	624	1.0	2.0
Carbon tetrachloride (56-23-5)	624/601 or SM6230B	1.0	2.0
Chlorobenzene (108-90-7)	624	1.0	2.0
Chloroethane (75-00-3)	624/601	1.0	2.0
2-Chloroethylvinyl Ether (110-75-8)	624	1.0	2.0
Chloroform (67-66-3)	624 or SM6210B	1.0	2.0
Dibromochloromethane (124-48-1)	624	1.0	2.0
1,2-Dichlorobenzene (95-50-1)	624	1.9	7.6
1,3-Dichlorobenzene (541-73-1)	624	1.9	7.6
1,4-Dichlorobenzene (106-46-7)	624	4.4	17.6
Dichlorobromomethane (75-27-4)	624	1.0	2.0
1,1-Dichloroethane (75-34-3)	624	1.0	2.0
1,2-Dichloroethane (107-06-2)	624	1.0	2.0
1,1-Dichloroethylene (75-35-4)	624	1.0	2.0
1,2-Dichloropropane (78-87-5)	624	1.0	2.0
1,3-dichloropropene (mixed isomers) (1,2-dichloropropylene) (542-75-6) [3]	624	1.0	2.0

Pollutant & CAS No. ***(if available)***	**Recommended Analytical Protocol**	**Detection (DL)[1]** ***µg/L unless specified***	**Quantitation Level (QL)[2]** ***µg/L unless specified***
Ethylbenzene (100-41-4)	624	1.0	2.0
Methyl bromide (74-83-9) (Bromomethane)	624/601	5.0	10.0
Methyl chloride (74-87-3) (Chloromethane)	624	1.0	2.0
Methylene chloride (75-09-2)	624	5.0	10.0
1,1,2,2-Tetrachloroethane (79-34-5)	624	1.9	2.0
Tetrachloroethylene (127-18-4)	624	1.0	2.0
Toluene (108-88-3)	624	1.0	2.0
1,2-Trans-Dichloroethylene (156-60-5) (Ethylene dichloride)	624	1.0	2.0
1,1,1-Trichloroethane (71-55-6)	624	1.0	2.0
1,1,2-Trichloroethane (79-00-5)	624	1.0	2.0
Trichloroethylene (79-01-6)	624	1.0	2.0
Vinyl chloride (75-01-4)	624/SM6200B	1.0	2.0
BASE/NEUTRAL COMPOUNDS (compounds in bold are Ecology PBTs)			
Acenaphthene (83-32-9)	625	0.2	0.4
Acenaphthylene (208-96-8)	625	0.3	0.6
Anthracene (120-12-7)	625	0.3	0.6
Benzidine (92-87-5)	625	12	24
Benzyl butyl phthalate (85-68-7)	625	0.3	0.6
Benzo(*a*)anthracene (56-55-3)	625	0.3	0.6

Pollutant & CAS No. ***(if available)***	**Recommended Analytical Protocol**	**Detection (DL)[1]** ***µg/L unless specified***	**Quantitation Level (QL)[2]** ***µg/L unless specified***
Benzo(b)fluoranthene (3,4-benzofluoranthene) (205-99-2) [4]	610/625	0.8	1.6
Benzo(j)fluoranthene (205-82-3) [4]	625	0.5	1.0
Benzo(k)fluoranthene (11,12-benzofluoranthene) (207-08-9) [4]	610/625	0.8	1.6
Benzo(r,s,t)pentaphene (189-55-9)	625	0.5	1.0
Benzo(*a*)pyrene (50-32-8)	610/625	0.5	1.0
Benzo(*ghi*)Perylene (191-24-2)	610/625	0.5	1.0
Bis(*2-chloroethoxy)*methane (111-91-1)	625	5.3	21.2
Bis(*2-chloroethyl*)ether (111-44-4)	611/625	0.3	1.0
Bis(*2-chloroisopropyl*)ether (39638-32-9)	625	0.3	0.6
Bis(*2-ethylhexyl*)phthalate (117-81-7)	625	0.1	0.5
4-Bromophenyl phenyl ether (101-55-3)	625	0.2	0.4
2-Chloronaphthalene (91-58-7)	625	0.3	0.6
4-Chlorophenyl phenyl ether (7005-72-3)	625	0.3	0.5
Chrysene (218-01-9)	610/625	0.3	0.6
Dibenzo (a,h)acridine (226-36-8)	610M/625M	2.5	10.0

Pollutant & CAS No. ***(if available)***	**Recommended Analytical Protocol**	**Detection (DL)[1]** ***µg/L unless specified***	**Quantitation Level (QL)[2]** ***µg/L unless specified***
Dibenzo (a,j)acridine (224-42-0)	610M/625M	2.5	10.0
Dibenzo(a-*h*)anthracene (53-70-3)(1,2,5,6-dibenzanthracene)	625	0.8	1.6
Dibenzo(a,e)pyrene (192-65-4)	610M/625M	2.5	10.0
Dibenzo(a,h)pyrene (189-64-0)	625M	2.5	10.0
3,3-Dichlorobenzidine (91-94-1)	605/625	0.5	1.0
Diethyl phthalate (84-66-2)	625	1.9	7.6
Dimethyl phthalate (131-11-3)	625	1.6	6.4
Di-n-butyl phthalate (84-74-2)	625	0.5	1.0
2,4-dinitrotoluene (121-14-2)	609/625	0.2	0.4
2,6-dinitrotoluene (606-20-2)	609/625	0.2	0.4
BASE/NEUTRAL COMPOUNDS (compounds in bold are Ecology PBTs)			
Di-n-octyl phthalate (117-84-0)	625	0.3	0.6
1,2-Diphenylhydrazine (*as Azobenzene*) (122-66-7)	1625B	5.0	20
Fluoranthene (206-44-0)	625	0.3	0.6
Fluorene (86-73-7)	625	0.3	0.6
Hexachlorobenzene (118-74-1)	612/625	0.3	0.6
Hexachlorobutadiene (87-68-3)	625	0.5	1.0
Hexachlorocyclopentadiene (77-47-4)	1625B/625	0.5	1.0
Hexachloroethane (67-72-1)	625	0.5	1.0

Pollutant & CAS No. ***(if available)***	**Recommended Analytical Protocol**	**Detection (DL)[1]** ***µg/L unless specified***	**Quantitation Level (QL)[2]** ***µg/L unless specified***
Indeno(*1,2,3-cd*)Pyrene (193-39-5)	610/625	0.5	1.0
Isophorone (78-59-1)	625	0.5	1.0
3-Methyl cholanthrene (56-49-5)	625	2.0	8.0
Naphthalene (91-20-3)	625	0.3	0.6
Nitrobenzene (98-95-3)	625	0.5	1.0
N-Nitrosodimethylamine (62-75-9)	607/625	2.0	4.0
N-Nitrosodi-n-propylamine (621-64-7)	607/625	0.5	1.0
N-Nitrosodiphenylamine (86-30-6)	625	0.5	1.0
Perylene (198-55-0)	625	1.9	7.6
Phenanthrene (85-01-8)	625	0.3	0.6
Pyrene (129-00-0)	625	0.3	0.6
1,2,4-Trichlorobenzene (120-82-1)	625	0.3	0.6
DIOXIN			
2,3,7,8-Tetra-Chlorodibenzo-P-Dioxin (176-40-16) (2,3,7,8 TCDD)	1613B	1.3 pg/L	5 pg/L
PESTICIDES/PCBs			
Aldrin (309-00-2)	608	0.025	0.05
alpha-BHC (319-84-6)	608	0.025	0.05
beta-BHC (319-85-7)	608	0.025	0.05

Pollutant & CAS No. ***(if available)***	**Recommended Analytical Protocol**	**Detection (DL)[1]** ***µg/L unless specified***	**Quantitation Level (QL)[2]** ***µg/L unless specified***
gamma-BHC (58-89-9)	608	0.025	0.05
delta-BHC (319-86-8)	608	0.025	0.05
Chlordane (57-74-9) [5]	608	0.025	0.05
4,4'-DDT (50-29-3)	608	0.025	0.05
4,4'-DDE (72-55-9)	608	0.025	0.05[10]
4,4' DDD (72-54-8)	608	0.025	0.05
Dieldrin (60-57-1)	608	0.025	0.05
alpha-Endosulfan (959-98-8)	608	0.025	0.05
beta-Endosulfan (33213-65-9)	608	0.025	0.05
Endosulfan Sulfate (1031-07-8)	608	0.025	0.05
Endrin (72-20-8)	608	0.025	0.05
Endrin Aldehyde (7421-93-4)	608	0.025	0.05
Heptachlor (76-44-8)	608	0.025	0.05
Heptachlor Epoxide (1024-57-3)	608	0.025	0.05
PCB-1242 (53469-21-9) [6]	608	0.25	0.5
PCB-1254 (11097-69-1)	608	0.25	0.5
PCB-1221 (11104-28-2)	608	0.25	0.5
PCB-1232 (11141-16-5)	608	0.25	0.5
PCB-1248 (12672-29-6)	608	0.25	0.5
PCB-1260 (11096-82-5)	608	0.13	0.5
PCB-1016 (12674-11-2) [6]	608	0.13	0.5

Pollutant & CAS No. ***(if available)***	**Recommended Analytical Protocol**	**Detection (DL)[1]** ***µg/L unless specified***	**Quantitation Level (QL)[2]** ***µg/L unless specified***
Toxaphene (8001-35-2)	608	0.24	0.5

1. Detection level (DL) or detection limit means the minimum concentration of an analyte (substance) that can be measured and reported with a 99% confidence that the analyte concentration is greater than zero as determined by the procedure given in 40 CFR part 136, Appendix B.

2. Quantitation Level (QL) also known as Minimum Level of Quantitation (ML) – The lowest level at which the entire analytical system must give a recognizable signal and acceptable calibration point for the analyte. It is equivalent to the concentration of the lowest calibration standard, assuming that the lab has used all method-specified sample weights, volumes, and cleanup procedures. The QL is calculated by multiplying the MDL by 3.18 and rounding the result to the number nearest to (1, 2, or 5) x 10^n, where n is an integer. (64 FR 30417). ALSO GIVEN AS:

   > The smallest detectable concentration of analyte greater than the Detection Limit (DL) where the accuracy (precision & bias) achieves the objectives of the intended purpose. (Report of the Federal Advisory Committee on Detection and Quantitation Approaches and Uses in Clean Water Act Programs Submitted to the US Environmental Protection Agency December 2007).

3. NWTPH Dx - Northwest Total Petroleum Hydrocarbons Diesel Extended Range – see http://www.ecy.wa.gov/biblio/97602.html

4. NWTPH Gx - Northwest Total Petroleum Hydrocarbons Gasoline Extended Range – see http://www.ecy.wa.gov/biblio/97602.html

5. 1, 3-dichloroproylene (mixed isomers) You may report this parameter as two separate parameters: cis-1, 3-dichlorpropropene (10061-01-5) and trans-1, 3-dichloropropene (10061-02-6).

6. Total Benzofluoranthenes - Because Benzo(b)fluoranthene, Benzo(j)fluoranthene and Benzo(k)fluoranthene co-elute you may report these three isomers as total benzofluoranthenes.

7. Chlordane – You may report alpha-chlordane (5103-71-9) and gamma-chlordane (5103-74-2) in place of chlordane (57-74-9). If you report alpha and gamma-chlordane, the DL/PQLs that apply are 0.025/0.050.

8. PCB 1016 & PCB 1242 – You may report these two PCB compounds as one parameter called PCB 1016/1242.

APPENDIX C

APPLICATIONS FOR DISCHARGE PERMITS

Commercial / Industrial User Discharge Application

City of Sequim
Department of Public Works
Wastewater Source Control Program

Return completed form to:

City of Sequim
Attn: Wastewater Source Control Program
Department of Public Works
PO Box 1087
Sequim, WA 98382

INSTRUCTIONS

Some of the Application questions may not apply to your facility, or you may not have the information available to answer all the questions. Please answer to the best of your ability. If you have any questions, you can contact Tyrone Brown at (360) 683-4908. Return Application in enclosed envelope. (Please verify postage is sufficient for Application form and all attachments.)

I. GENERAL INFORMATION INSTRUCTIONS

A. INDUSTRIAL USER

1. Indicate the name of the facility for which information is being provided.

2. If the facility is owned by a person or entity other than the person signing this form, provide the owner's name.

3 - 6. Provide information as indicated.

7. The Standard Industrial Classification (SIC) for your industry can be found online at http://www.osha.gov/oshstats/sicser.html, or contact Tyrone Brown, the Wastewater Source Control Coordinator at 360-683-4908.

8. List all environmental permits, including numbers; e.g., NPDES, State Waste Discharge, PSCAA, EPCRA, State Dangerous Waste, etc.

B. DOMESTIC OR INDUSTRIAL

1. Answer "yes" if water from industrial processes (including cooling water, boiler blowdown, etc.) discharges to the sanitary sewer, storm sewer, or surface water.

2. If you do not know if the activities conducted at your facility are subject to Federal Categorical regulations, refer to the listing located at the end of this application.

C. CERTIFICATION STATEMENT/SIGNATURE

Federal regulation 40 CFR Part 403.12(1) states that the official signing this application must be:

a. a responsible corporate officer (president, vice-president, secretary, or treasurer of the corporation) in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

b. the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million, if authorized by the corporation to sign documents; or

c. a general partner or proprietor; or

d. a duly authorized representative of an individual designated by the regulation, so long as a written authorization is submitted to the City Sewer Department, which specifies that the authorized person has a position of responsibility for the overall operation of the facility which generates the wastewater discharge, or responsibility for environmental matters for the company.

City of Sequim
Department of Public Works

INDUSTRIAL USER APPLICATION

I. GENERAL INFORMATION

A. INDUSTRIAL USER

1. Facility Name _____
2. Company Name _____
3. Mailing Address _____

   _____
4. Facility Address _____

   _____
5. Local Contact Person _____ Phone _____
6. Primary Business Activities _____

_____ 7. S I C codes (see next page) _____

8. Local, State, and/or Federal environmental permits held:

   _____

   _____

B. DOMESTIC OR INDUSTRIAL WASTEWATER DISCHARGER

1. Is wastewater from your facility discharged from any source except kitchens and bathrooms? Yes _____ No _____ Don't Know _____
2. Are any activities conducted at your facility subject to Federal Categorical regulations? Yes _____ No _____ Don't Know _____

- If you answered "No" to both of the questions above, sign the bottom of this page and return these pages to Gray & Osborne as indicated on the cover page.
- If any of the questions were answered "Yes" or "Don't Know" complete this entire Application, sign the bottom of this page, and return the entire completed Application to the City of Sequim as indicated on the cover page.

C. CERTIFICATION STATEMENT

In conformance with 40 CFR Part 403.12 (1), I have personally examined and am familiar with the information submitted in this document and attachments. Based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment. Failure to complete the form, or willfully discharging a pollutant not identified in, or at higher volume than, reported in this application form, is a violation of state and federal law.

_____
Signature

_____ _____ _____
Print Name Title Date

Use the Information on This Page to
Fill out the Industrial User Application on the Opposite Page

INSTRUCTIONS

II. PLANT/PRODUCTION DATA INSTRUCTIONS

A. PLANT INFORMATION

Provide information as indicated.

B. PRODUCT/SERVICE DESCRIPTION

1. List each separate product manufactured or service provided by your facility. A partial list of Standard Industrial Classification codes (**SIC**) for your product(s) or service(s) is provided at the end of this application. A complete list of SIC codes can be found online at http://www.osha.gov/oshstats/sicser.html, or contact Tyrone Brown, the Wastewater Source Control Coordinator at 360-683-4908.

2. Provide information as indicated. Please attach a separate sheet if necessary, for multiple locations or equipment.

3. Pretreatment includes any process which modifies the quality or constituents of the wastewater prior to discharge (pH adjustment, solids removal, oil/water separation, etc.). Please attach a separate sheet if necessary, for multiple locations or equipment.

C. PLANT / PRODUCTION CHANGES

Indicate to the best of your knowledge any projected process/production changes or expansions planned for the next three years. Please attach a separate sheet if necessary.

II. PLANT/PRODUCTION DATA

A. PLANT OPERATION

1. Is business subject to seasonal variation? Yes _____ No _____
   If yes, describe: _____

   _____

2. Number of work days per week: _____

	1st Shift	2nd Shift	3rd Shift
Start/end time of shifts:	_____	_____	_____
Number of employees per shift	_____	_____	_____
Total number of employees (all shifts):	_____		

B. PRODUCT/SERVICE DESCRIPTION

1. List all products manufactured or services provided by your facility:

Product or Service	SIC #	Description
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. Are automatic sampling or flow monitoring/measuring devices in use, that sample or measure discharge to a sewer or surface water? Yes _____ No _____
   If yes, describe the device and its location:

   _____

   _____

3. Does your facility pretreat/change any wastewater prior to discharge to the sanitary sewer, storm sewer or surface water?
   Yes _____ No _____ If yes, describe the pretreatment method and equipment and its location(s):

   _____

   _____

C. PLANT / PRODUCTION CHANGES

1 . Are any process changes or expansions planned during the next three years?
   Yes _____ No _____ If yes, describe the nature of planned changes or expansion:

   _____

   _____

Use the Information on This Page to
Fill out the Industrial User Application on the Other Side

I N S T R U C T I O N S

D. SPILL PREVENTION/WASTE DISPOSAL

Provide information as indicated. Attach a separate sheet if necessary

Note: An Accidental Spill Prevention Plan is a document that details how and where chemicals are stored, the location of clean-up and safety equipment, spill procedures, employee spill response training, and who to contact in the event of a spill.

D. SPILL PREVENTION/WASTE DISPOSAL INFORMATION

1. Does your facility have an Accidental Spill Prevention Plan? Yes _____ No _____

   If "Yes" please submit a copy of, or summary of, the Accidental Spill Prevention Plan with this Application (less than or equal to 4 pages).

2. Do you discharge chemicals, sludges, or hazardous waste to the sanitary sewers, storm sewers, or surface water? Yes _____ No _____

   If yes, please elaborate: _____

   _____

   _____

   _____

   _____

   _____

   _____

3. Do you dispose of any chemicals, sludges, or hazardous wastes to locations other than sanitary sewers, storm sewers, or surface water?? Yes _____ No _____

   EPA/State ID No. _____

   If yes, please list:

Waste removed by	Type of waste	Waste ID#	Volume/Frequency

For example, lbs/mo.

Use the Information on This Page to
Fill out the Industrial User Application on the Other Side

INSTRUCTIONS

III. WATER/WASTEWATER DATA INSTRUCTIONS

A. INFLUENT/EFFLUENT BALANCE SHEET

This is a balance sheet. The Influent total (water coming in) must match the Effluent total (water going out) and be allocated so water use is accounted for as accurately as possible.

B. CONTINUOUS/BATCH DISCHARGES

1. If wastewater is discharged continuously, as it is generated, provide the requested information.

2. If process wastewater is held for any reason and discharged as a batch, provide the requested information.

III. WATER/WASTEWATER DATA

A. INFLUENT/EFFLUENT WATER USE BALANCE

Influent (Water In)				Effluent (Water Out)					
Water Source	Source Code	Gallon/day Avg.	Gallon/day Max.	Sanitary Sewer	Storm Sewer / Surf Water	Disposal Code	Gallon/day Avg.	Gallon/day Max	Batch or Continuous
Sanitary									
Process									
Boiler									
Irrigation									
Products									
Evaporation									
Other: _____									
Total:									

Source Codes: **a**. municipal supply **b**. private well **c**. recycled/reclaimed
d. other (describe)_____

Disposal Codes: **a**. recycled **b**. waste hauler **c**. other (describe) _____

B. CONTINUOUS/BATCH DISCHARGES

Continuous Discharge – Source #1	Batch Discharge – Source #1
Discharge Name: _____	Discharge Name: _____
Vol. (gal.) _____ Rate (gpm)_____	Vol. (gal.) _____ Rate (gpm)_____
Hours: From _____to_____	Hours: From _____to_____
Days of week: S M T W T F S	Days of week: S M T W T F S

Continuous Discharge – Source #2	Batch Discharge – Source #2
Discharge Name: _____	Discharge Name: _____
Vol. (gal.) _____ Rate (gpm)_____	Vol. (gal.) _____ Rate (gpm)_____
Hours: From _____to_____	Hours: From _____to_____
Days of week: S M T W T F S	Days of week: S M T W T F S

Continuous Discharge – Source #3	Batch Discharge – Source #3
Discharge Name: _____	Discharge Name: _____
Vol. (gal.) _____ Rate (gpm)_____	Vol. (gal.) _____ Rate (gpm)_____
Hours: From _____to_____	Hours: From _____to_____
Days of week: S M T W T F S	Days of week: S M T W T F S

Attach a separate sheet indicating additional Discharges if necessary

INSTRUCTIONS

C. MATERIALS

Identify the materials and chemicals that you use in your business.

Make sure that you include:

- chemicals used to treat raw water,
- boiler or cooling tower chemicals,
- chemicals used for cleaning the plant or equipment, and
- chemicals used in your products or processes

Note: Amounts entered in the "Estimated Loss To Discharge" column should be entered as pounds per year (lb/yr) or gallons per year (gal/yr).

IV. PROCESS DETAIL INSTRUCTIONS

A. PROCESS ACTIVITIES

Please list each separate production or process activity that takes place in your facility. Examples include: cooking, equipment washing, painting, sandblasting, etching, plating, etc.

B. WASTEWATER GENERATING PROCESSES

List ***all*** processes, whether or not they are listed in

IV. PROCESS DETAIL - A. PROCESS ACTIVITES

Production rates may be stated in lbs/yr, sheets/hr, or other units that are appropriate to your process. If you do not know if the activities conducted at your facility are subject to Federal Categorical regulations, refer to the listing located at the end of this application.

C. WASTEWATER ANALYSES

Provide information as indicated.

C. MATERIALS

List materials (cleaning agents, solvents, plating solutions, process chemicals, etc.) that are regularly used in your facility that might be present in your wastewater discharge to the sanitary sewer, storm sewer, or surface water, including accidental spills.

Type of Material	Annual Usage Amount	Estimated Loss To Discharge	Principal Chemical Characteristic

IV. PROCESS DETAIL

A. PROCESS ACTIVITIES

1. List all process activities which occur at your facility: (ex: washing, sandblasting, painting, metal forming, electroplating, chemical formulation, etc.) Please indicate by asterisk (*), those processes that ***use*** water.

_____

_____

_____

B. WASTEWATER GENERATING PROCESSES

For each process which ***generates wastewater***, please list:

	Regulated Discharge Gal. per Day		Production Rate		
Process	Avg.	Max.	Last Year	Current	40 CFR Category

C. WASTEWATER ANALYSES

If any wastewater analyses have been performed on the wastewater discharge(s) from your facility, attach a copy of the most recent data to this application. Include dates, sample locations, and the name of the laboratory performing the analysis (less than or equal to 5 pages total).

Use the Information on This Page to
Fill out the Industrial User Application on the Other Sides

I N S T R U C T I O N S

D. POLLUTANT INFORMATION

Check all that are **suspected** or **known** to be present in your manufacturing or service activities or generated as a by-product, and provide usage information. Volatile and semi-volatile compounds often have several synonyms. For those compounds marked by an asterisk (*), please refer to the Synonym Listing for Priority Pollutants below.

SYNONYM LISTING FOR PRIORITY POLLUTANTS

Chemical Compound	Synonym
benzo(a)anthracene	1,2-benzanthracene 2,3-benzphenanthrene
benzo(a)pyrene	3,4-benzopyrene
benzo(g,h,i)perylene	1,12-benzoperylene
benzo(k)fluoranthene	11,12-benzofluoranthene
g-BHC(gamma)	lindane
bis(2-chloroethyl)ether	2,2'-dichloroethyl ether
bis(2-chloroethoxy)methane	2,2'-dichloroethyoxy methane
bis(2-chloroisopropyl)ether	2,2'-dichloroisopropyl ether
bis(chloromethy)ether	(sym)dichloromethyl ether
bis(2-ethylhexyl)phthalate	2,2'-diethylhexyl phthalate
bromodichloromethane	dichlorobromomethane
bromoform	tribromomethane
bromomethane	methyl bromide
carbon tetrachloride	tetrachloromethane
4-chloro-3-methylphenol	para-chloro-meta-cresol
chloroethane	ethylchloride
chloroform	trichloromethane
chloromethane	methyl chloride
chrysene	1,2-benzphenanthrene
4,4'-DDD	dichlorodiphenyldichloroethane p,p'-TDE tetrachlorodiphenylethane
4,4'-DDE	dichlorodiphenyldichloroethylene p,p'-DDX
4,4'-DDT	dichlorodiphenyltrichloroethane
dibenzo(a,h)anthracene	1,2,5,6-dibenzanthracene
dibromochloromethane	chlorodibromomethane
1,2-dichlorobenzene	ortho-dichlorobenzene
1,3-dichlorobenzene	meta-dichlorobenzene
1,4-dichlorobenzene	para-dichlorobenzene
1,1-dichloroethane	ethylidene chloride
1,2-dichloroethane	ethylene chloride ethylene dichloride
1,1-dichloroethene	1,1-dichloroethylene
(trans)-1,2-dichloroethene	acetylene dichloride 1,2(trans)-dichloroethylene
1,2-dichloropropane	propylene dichloride

Chemical Compound	Synonym
(cis & trans)1.3-dichloropropene	(cis & trans)1,3- dichloropropylene
diethyl phthalate	ethyl phthalate
2,4-dimethylphenol	2,4-xylenol
di-n-octyl phthalate	di(2-ethylhexyl)phthalate
4,6-dinitro-2-methylphenol	4,6-dinitro-ortho-cresol
1,2-diphenylhydrazine	hydrazobenzene
endosulfan I	a-endosulfan-alpha
endosulfan II	b-endosulfan-beta
fluorene	(alpha)-diphenylene methane
hexachlorobenzene	perchlorobenzene
hexachlorocyclopentadiene	perchlorocyclopentadiene
hexachloroethane	perchloroethane
indeno(1,3,3-cd)pyrene	2,3-ortho-phenylene pyrene
isophorone	3,5,5-trimethyl-2-cyclohexen-1- one
methylene chloride	dichloromethane
2-nitrophenol	para-nitrophenol
4-nitrophenol	ortho-nitrophenol
N-nitrosodimethylamine	dimethyl-nitrosoamine
N-nitrosodipropylamine	N-nitroso-di-n-propylamine
N-nitrosodiphenylamine	diphenyl-nitrosoamine
PCB-1016	Arochlor-1016
PCB-1221	Arochlor-1221
PCB-1232	Arochlor-1232
PCB-1242	Arochlor-1242
PCB-1248	Arochlor-1248
PCB-1254	Arochlor-1254
PCB-1260	Arochlor-1260
2,3,7,8-tetrachlorodibenzo-p-dioxin	TCDD
1,1,2,2-tetrachloroethane	acetylene tetrachloride
tetrachloroethene	perchloroethylene tetrachloroethylene
toluene	methylbenzene toluol
1,1,1-trichloroethane	methyl chloroform
1,1,2-trichloroethane	vinyl trichloride
trichloroethene	trichloroethylene
vinyl chloride	chloroethene chloroethylene

D. POLLUTANT INFORMATION

Check all that are **suspected** or **known** to be present in your manufacturing or service activities or generated as a by-product, and provide usage information:

PRIORITY POLLUTANT INFORMATION

ITEM NO.	CHEMICAL COMPOUND	CAS #	ANNUAL USE (lb) (gal) (yr)	ESTIMATED LOSS TO DISCHARGE (lb) (gal) (yr)
1.	asbestos (fibrous)			
2.	cyanide			
3.	antimony			
4.	arsenic			
5.	beryllium			
6.	cadmium			
7.	chromium			
8.	copper			
9.	lead			
10.	mercury			
11.	nickel			
12.	selenium			
13.	silver			
14.	thallium			
15.	zinc			
16.	acenaphthene	183329		
17.	acenaphthylene	208968		
18.	acrolein	107028		
19.	acrylonitrile	107131		
20.	aldrin	309002		
21.	anthracene	120127		
22.	benzene	71432		
23.	benzidine	92875		
24.	benzo(a)anthracene*	56553		
25.	benzo(a)pyrene*	50328		
26.	benzo(b)fluoranthene	205992		
27.	benzo(g,h,i)perylene*	191242		
28.	benzo(k)fluoranthene*	207089		
29.	a-BHC (alpha)	319846		
30.	b-BHC (beta)	319857		

ITEM NO.	CHEMICAL COMPOUND	CAS #	ANNUAL USE (lb) (gal) (yr)	ESTIMATED LOSS TO DISCHARGE (lb) (gal)/(yr)
31.	d-BHC (delta)	319868		
32.	g-BHC* (gamma)	608731		
33.	bis(2-chloroethyl)ether*	111444		
34.	bis(2-chloroethoxy)methane*	111911		
35.	bis(2-chloroisopropyl)ether*	108601		
36.	bis(chloromethyl)ether*	542881		
37.	bis(2-ethylhexyl)phthalate*	117817		
38.	bromodichloromethane*	75274		
39.	bromoform*	75252		
40.	bromomethane*	74839		
41.	4-bromophenylphenyl ether	101553		
42.	butylbenzyl phthalate	85687		
43.	carbon tetrachloride*	56235		
44.	chlordane	57749, 12789036		
45.	4-chloro-3-methylphenol*	59507		
46.	chlorobenzene	108907		
47.	chloroethane*	75003		
48.	2-chloroethylvinyl ether	110758		
49.	chloroform*	67663		
50.	chloromethane*	74873		
51.	2-chloronaphthalene	90131		
52.	chlorophenol (o,m,p)	95578		
53.	4-chlorophenylphenyl ether	7005723		
54.	chrysene*	218019		
55.	4,4'-DDD*	72548		
56.	4,4'-DDE*	72559		
57.	4,4'-DDT*	50293		
58.	dibenzo(a,h)anthracene*	53703		
59.	dibromochloromethane*	124481		

Use the Information on This Page to
Fill out the Industrial User Application on the Other Sides

INSTRUCTIONS

D. POLLUTANT INFORMATION (continued)

Check all that are **suspected** or **known** to be present in your manufacturing or service activities or generated as a by-product, and provide usage information. Volatile and semi-volatile compounds often have several synonyms. For those compounds marked by an asterisk (*), please refer to the Synonym Listing for Priority Pollutants below.

SYNONYM LISTING FOR PRIORITY POLLUTANTS

Chemical Compound	Synonym
benzo(a)anthracene	1,2-benzanthracene 2,3-benzphenanthrene
benzo(a)pyrene	3,4-benzopyrene
benzo(g,h,i)perylene	1,12-benzoperylene
benzo(k)fluoranthene	11,12-benzofluoranthene
g-BHC(gamma)	lindane
bis(2-chloroethyl)ether	2,2'-dichloroethyl ether
bis(2-chloroethoxy)methane	2,2'-dichloroethyoxy methane
bis(2-chloroisopropyl)ether	2,2'-dichloroisopropyl ether
bis(chloromethy)ether	(sym)dichloromethyl ether
bis(2-ethylhexyl)phthalate	2,2'-diethylhexyl phthalate
bromodichloromethane	dichlorobromomethane
bromoform	tribromomethane
bromomethane	methyl bromide
carbon tetrachloride	tetrachloromethane
4-chloro-3-methylphenol	para-chloro-meta-cresol
chloroethane	ethylchloride
chloroform	trichloromethane
chloromethane	methyl chloride
chrysene	1,2-benzphenanthrene
4,4'-DDD	dichlorodiphenyldichloroethane p,p'-TDE tetrachlorodiphenylethane
4,4'-DDE	dichlorodiphenyldichloroethylene p,p'-DDX
4,4'-DDT	dichlorodiphenyltrichloroethane
dibenzo(a,h)anthracene	1,2,5,6-dibenzanthracene
dibromochloromethane	chlorodibromomethane
1,2-dichlorobenzene	ortho-dichlorobenzene
1,3-dichlorobenzene	meta-dichlorobenzene
1,4-dichlorobenzene	para-dichlorobenzene
1,1-dichloroethane	ethylidene chloride
1,2-dichloroethane	ethylene chloride ethylene dichloride
1,1-dichloroethene	1,1-dichloroethylene
(trans)-1,2-dichloroethene	acetylene dichloride 1,2(trans)-dichloroethylene
1,2-dichloropropane	propylene dichloride

Chemical Compound	Synonym
(cis & trans)1.3-dichloropropene	(cis & trans)1,3- dichloropropylene
diethyl phthalate	ethyl phthalate
2,4-dimethylphenol	2,4-xylenol
di-n-octyl phthalate	di(2-ethylhexyl)phthalate
4,6-dinitro-2-methylphenol	4,6-dinitro-ortho-cresol
1,2-diphenylhydrazine	hydrazobenzene
endosulfan I	a-endosulfan-alpha
endosulfan II	b-endosulfan-beta
fluorene	(alpha)-diphenylene methane
hexachlorobenzene	perchlorobenzene
hexachlorocyclopentadiene	perchlorocyclopentadiene
hexachloroethane	perchloroethane
indeno(1,3,3-cd)pyrene	2,3-ortho-phenylene pyrene
isophorone	3,5,5-trimethyl-2-cyclohexen-1- one
methylene chloride	dichloromethane
2-nitrophenol	para-nitrophenol
4-nitrophenol	ortho-nitrophenol
N-nitrosodimethylamine	dimethyl-nitrosoamine
N-nitrosodipropylamine	N-nitroso-di-n-propylamine
N-nitrosodiphenylamine	diphenyl-nitrosoamine
PCB-1016	Arochlor-1016
PCB-1221	Arochlor-1221
PCB-1232	Arochlor-1232
PCB-1242	Arochlor-1242
PCB-1248	Arochlor-1248
PCB-1254	Arochlor-1254
PCB-1260	Arochlor-1260
2,3,7,8-tetrachlorodibenzo-p-dioxin	TCDD
1,1,2,2-tetrachloroethane	acetylene tetrachloride
tetrachloroethene	perchloroethylene tetrachloroethylene
toluene	methylbenzene toluol
1,1,1-trichloroethane	methyl chloroform
1,1,2-trichloroethane	vinyl trichloride
trichloroethene	trichloroethylene
vinyl chloride	chloroethene chloroethylene

D. POLLUTANT INFORMATION (continued)

PRIORITY POLLUTANT INFORMATION (continued)

ITEM NO.	CHEMICAL COMPOUND	CAS #	ANNUAL USE (lb) (gal) (yr)	ESTIMATED LOSS TO DISCHARGE (lb) (gal) (yr)
60.	1,2-dichlorobenzene*	124481		
61.	1,3-dichlorobenzene*	541731		
62.	1,4-dichlorobenzene*	106467		
63.	3,3'-dichlorobenzidine	91941		
64.	1,1-dichloroethane*	75353		
65.	1,2-dichloroethane*	107062		
66.	1,1-dichloroethene*	75354		
67.	trans-1,2-dichloroethene*	156605		
68.	2,4-dichlorophenol	120832		
69.	1,2-dichloropropane*	78875		
70.	(cis & trans)1,3-dichloropropene*	10061015 10061026		
71.	dieldrin	60571		
72.	diethyl phthalate*	84662		
73.	2,4-dimethylphenol*	105679		
74.	dimethyl phthalate	131113		
75.	di-n-butyl phthalate	84742		
76.	di-n-octyl phthalate*	117840		
77.	4,6-dinitro-2-methylphenol*	534521		
78.	2,4-dinitrophenol	51285		
79.	2,4-dinitrotoluene	121142		
80.	2,6-dinitrotoluene	606202		
81.	1,2-diphenylhydrazine*	122667		
82.	endosulfan I*	959988		
83.	endosulfan II*	33213659		
84.	endosulfan sulfate	1031078		
85.	endrin	72208		
86.	endrin aldehyde	7421934		
87.	ethylbenzene	100414		
88.	fluoranthene	206440		
89.	fluorene*	86737		
90.	heptachlor	76448		
91.	heptachlor epoxide	1024573		
92.	hexachlorobenzene*	118741		
93.	hexachlorobutadiene	87683		

ITEM NO.	CHEMICAL COMPOUND	CAS #	ANNUAL USE (lb) (gal) (yr)	ESTIMATED LOSS TO DISCHARGE (lb) (gal)/(yr)
94.	hexachlorocyclopentadiene*	77474		
95.	hexachloroethane*	67721		
96.	indeno(1,2,3-cd)pyrene*	193395		
97.	isophorone*	78591		
98.	methylene chloride*	75092		
99.	naphthalene	91203		
100.	nitrobenzene	98953		
101.	2-nitrophenol*	88755		
102.	4-nitrophenol*	100027		
103.	n-nitrosodimethylamine*	62759		
104.	n-nitrosodipropylamine*	621647		
105.	n-nitrosodiphenylamine*	86306		
106.	PCB-1016*	12674112		
107.	PCB-1221*	11104282		
108.	PCB-1232*	11141165		
109.	PCB-1242*	53469219		
110.	PCB-1248*	12672296		
111.	PCB-1254*	11097691		
112.	PCB-1260*	11096825		
113.	pentachlorophenol	87865		
114.	phenanthrene	85018		
115.	phenol	108952		
116.	pyrene	129000		
117.	2,3,7,8-tetrachlorodibenzo-p-dioxin*	1746016		
118.	1,1,2,2-tetrachloroethane*	79345		
119.	tetrachloroethene*	127184		
120.	toluene*	108883		
121.	toxaphene	8001352		
122.	1,2,4-trichlorobenzene	87616		
123.	1,1,1-trichloroethane*	71556		
124.	1,1,2-trichloroethane*	79005		
125.	trichloroethene*	79016		
126.	2,4,6-trichlorophenol	88062		
127.	vinyl chloride*	75014		

End of Industrial User Application

REGULATED INDUSTRIAL CATEGORY

Industrial Category	40 CFR Part
Aluminum Forming Point Source Category	467
Asbestos Manufacturing Point Source Category	427
Battery Manufacturing Point Source Category	461
Canned And Preserved Fruits And Vegetables Processing Point Source Category	407
Canned And Preserved Seafood Processing	408
Carbon Black Manufacturing Point Source Category	458
Cement Manufacturing Point Source Category	411
Coal Mining Point Source Category Bpt, Bat,	434
Coil Coating Point Source Category	465
Concentrated Animal Feeding Operations (cafo)	412
Copper Forming Point Source Category	468
Dairy Products Processing Point Source Category	405
Electrical And Electronic Components	469
Electroplating Point Source Category	413
Explosives Manufacturing Point Source Category	457
Ferroalloy Manufacturing Point Source Category	424
Fertilizer Manufacturing Point Source Category	418
General Pretreatment Regulations For Existing	403
Glass Manufacturing Point Source Category	426
Grain Mills Point Source Category	406
Gum And Wood Chemicals Manufacturing	454
Hospital Point Source Category	460
Ink Formulating Point Source Category	447
Inorganic Chemicals Manufacturing	415
Iron And Steel Manufacturing Point Source Category	420
Landfills Point Source Category	445
Leather Tanning And Finishing Point Source Category	425
Landfills Point Source Category	430
Meat Products Point Source Category	432
Metal Finishing Point Source Category	433
Metal Molding And Casting Point Source Category	464
Metal Products And Machinery Point Source Category	438
Mineral Mining And Processing Point Source Category	436
Nonferrous Metals Forming And Metal Powders	471
Nonferrous Metals Manufacturing Point Source Category	421
Oil And Gas Extraction Point Source Category	435
Ore Mining And Dressing Point Source Category	440
Organic Chemicals, Plastics, And Synthetic Fibers	414
Paint Formulating Point Source Category	446
Paving And Roofing Materials (tars And Asphalt)	443
Pesticide Chemicals	455
Petroleum Refining Point Source Category	419
Pharmaceutical Manufacturing Point Source Category	439
Phosphate Manufacturing Point Source Category	422
Photographic Point Source Category	459
Plastics Molding And Forming Point Source Category	463
Porcelain Enameling Point Source Category	466
Rubber Manufacturing Point Source Category	428
Soap And Detergent Manufacturing Point Source Category	417
Steam Electric Power Generating Point Source Category	423
Sugar Processing Point Source Category	409
Textile Mills Point Source Category	410
The Centralized Waste Treatment Point Source Category	437
The Pulp, Paper, And Paperboard Point Source Category	430
Timber Products Processing Point Source Category	429
Transportation Equipment Cleaning Point Source Category	442
Waste Combustors Point Source Category	444

Partial List of SIC Codes

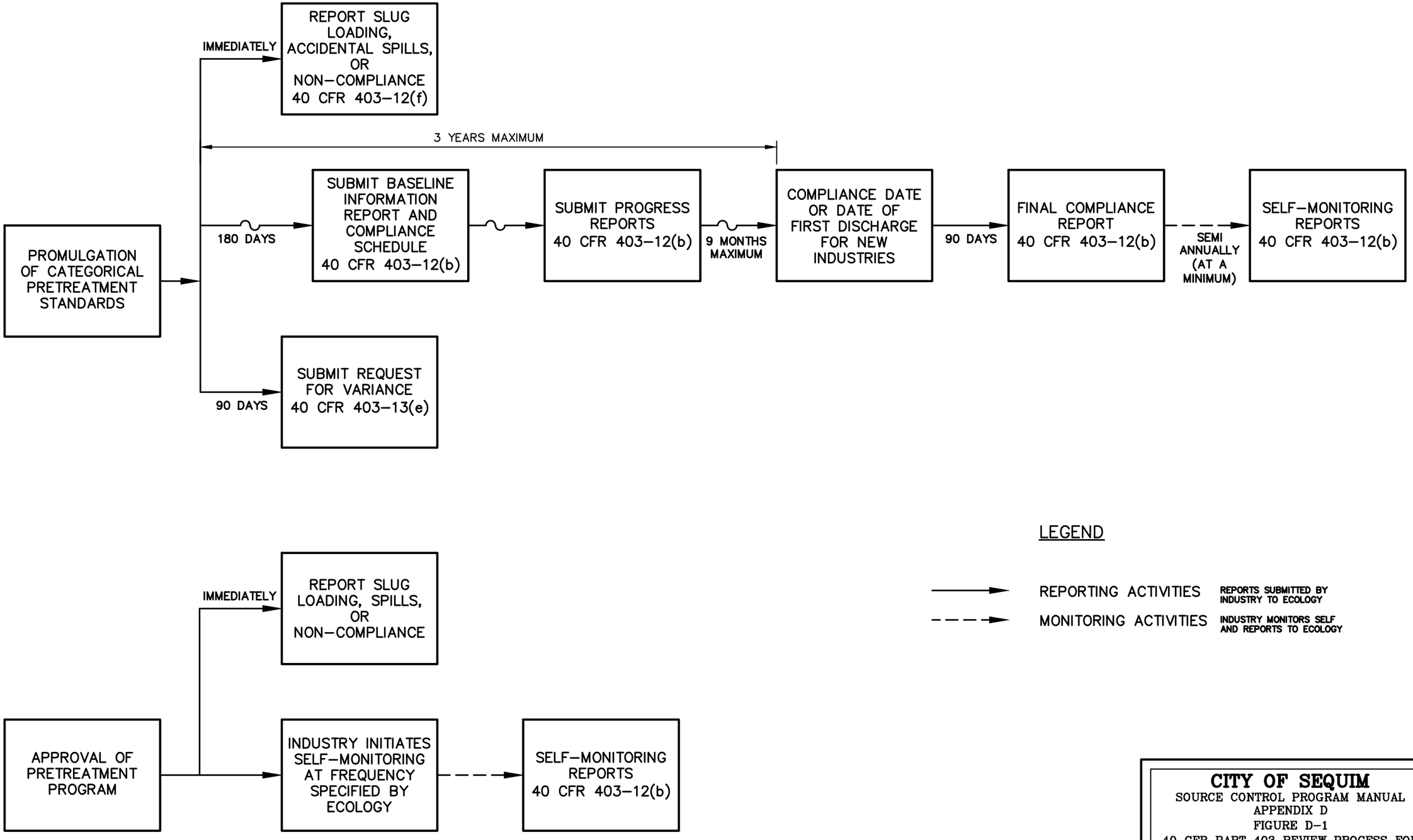
SIC	Description of SIC	SIC	Description of SIC
3563	Air & Gas Compressors	3536	Hoist, Industrial Cranes & Monorails
3724	Aircraft Engines & Engine Parts	3553	Woodworking Machinery
3721	Aircraft Frames Manufacturing	3567	Industrial Process Furnaces & Ovens
3728	Aircraft Parts & Equipment	3537	Industrial Trucks, Tractors, Trailers
4581	Airports, Flying Fields, & Services	3519	Internal Combustion Engines
3483	Ammunition	3312	Iron & Steel Forgings
3446	Architectural & Ornamental Metal Work	3462	Iron & Steel Forgings
3581	Automatic Vending Machines	3545	Machine Tool Accessories & Measuring Devices
3562	Ball & Roller Bearings	3541	Machine Tools, Metal Cutting Types
3564	Blowers & Exhaust & Ventilation Fans	3542	Machine Tools, Metal Forming Types
3452	Bolts, Nuts, Screws, Rivets & Washers	3586	Measuring & Dispensing Pumps
3582	Commercial Laundry Equipment	3568	Mechanical Power Transmission Equipment
3669	Communications Equipment	3412	Metal Shipping Barrels, Drums, Kegs, Pails
3678	Connectors for Electronic Applications	3469	Metal Stampings
3531	Construction Machinery & Equipment	3549	Metal Working Machinery
3535	Conveyors & Conveying Equipment	3532	Mining Machinery & Equipment, Except Oil Field
3466	Crowns & Closures -- bottle caps, jar tops, etc.	3496	Miscellaneous Fabricated Wire Products
3421	Cutlery -- razors, razor blades, scissors, shears, cutlery without metal handles, etc.	3449	Miscellaneous Metal Work
3914	Cutlery of precious metal and metal handles	3621	Motors & Generators
3629	Electric Industrial Apparatus	3533	Oil Field Machinery & Equipment
3641	Electric Lamps	3769	Other Space Vehicle & Missile Parts
3671	Electron Tubes	3565	Packaging Machinery
3675	Electronic Capacitors	3554	Paper Industries Machinery
3677	Electronic Coils & Transformers	3546	Power Driven Hand Tools
3679	Electronic Components	3448	Prefabricated Metal Buildings & Components
3534	Elevators & Moving Stairways	3555	Printing Trades Machinery & Equipment
7359	Equipment Rental & Leasing	3561	Pumps & Pumping Equipment
3499	Fabricated Metal Products	3663	Radio & TV Communications Equipment
3498	Fabricated Pipe & Fabricated Pipe Fittings	3585	Refrigeration & Air & Heating Equipment
3443	Fabricated Plate Work (Boiler Shops)	3625	Relays & Industrial Controls
3441	Fabricated Structural Metal	3547	Rolling Mill Machinery & Equipment
3523	Farm Machinery & Equipment	3596	Scales & Balances, Except Laboratory
3965	Fasteners, Buttons, Needles & Pins	3451	Screw Machine Products
3593	Fluid Power Cylinders & Actuators	3589	Service Industry Machines
3594	Fluid Power Pumps & Motors	3444	Sheet Metal Work
3492	Fluid Power Valves & Hose Fittings	3484	Small Arms
3556	Food Product Machinery	3482	Small Arms Ammunition
3524	Garden Tractors & Lawn & Garden Equipment	3489	Small Arms Ordnance & Accessories
3569	General Industrial Machinery	3544	Special Dies & Tools, Die Sets, Jigs, Etc.
3761	Guided Missiles & Space Vehicle	3559	Special Industry Machinery
3764	Guided Missiles & Space Vehicle Propulsion	3566	Speed Changers, High Speed Drivers & Gears
3423	Hand & Edge Tools	3511	Steam, Gas, Hydraulic Turbines, Generator Units
3425	Hand Saws & Saw Blades	3493	Steel Springs
3429	Hardware	3613	Switchgear & Switchboard Apparatus
3585	Heating Equipment, Except Electric	3795	Tanks & Tank Components
7353	Heavy Construction Equipment Rental	3661	Telephone & Telegraph Apparatus

SIC	Description of SIC	SIC	Description of SIC
3552	Textile Machinery	7997	Services-Membership Sports & Recreation Clubs
3612	Transformers	8000	Services-Health Services
3494	Valves & Pipe Fittings	8011	Services-Offices & Clinics of Doctors of Medicine
3548	Welding Apparatus	8050	Services-Nursing & Personal Care Facilities
3495	Wire Springs	8051	Services-Skilled Nursing Care Facilities
5311	Department Stores	8060	Services-Hospitals
5331	Variety Stores	8062	Services-General Medical & Surgical Hospitals, NEC
5399	Miscellaneous General Merchandise Stores	8071	Services-Medical Laboratories
7200	Services-Personal Services	8082	Services-Home Health Care Services
7310	Services-Advertising	8090	Services-Misc Health & Allied Services, NEC
7311	Services-Advertising Agencies	8093	Services-Specialty Outpatient Facilities, NEC
7320	Services-Consumer Credit Reporting, Collection Agencies	8111	Services-Legal Services
7330	Services-Mailing, Reproduction, Commercial Art & Photography	8200	Services-Educational Services
7331	Services-Direct Mail Advertising Services	8300	Services-Social Services
7340	Services-To Dwellings & Other Buildings	8351	Services-Child Day Care Services
7350	Services-Miscellaneous Equipment Rental & Leasing	8600	Services-Membership or ganizations
7359	Services-Equipment Rental & Leasing, NEC	8700	Services-Engineering, Accounting, Research, Management
7361	Services-Employment Agencies	8711	Services-Engineering Services
7363	Services-Help Supply Services	8731	Services-Commercial Physical & Biological Research
7370	Services-Computer Programming, Data Processing, Etc.	100	Agricultural Production-Crops
7371	Services-Computer Programming Services	200	Agricultural Prod-Livestock & Animal Specialties
7372	Services-Prepackaged Software	700	Agricultural Services
7373	Services-Computer Integrated Systems Design	800	Forestry
7374	Services-Computer Processing & Data Preparation	900	Fishing, Hunting and Trapping
7377	Services-Computer Rental & Leasing	1000	Metal Mining
7380	Services-Miscellaneous Business Services	1040	Gold and Silver Ores
7381	Services-Detective, Guard & Armored Car Services	1090	Miscellaneous Metal Ores
7384	Services-Photofinishing Laboratories	1221	Bituminous Coal & Lignite Mining
7385	Services-Telephone Interconnect Systems	1311	Crude Petroleum & Natural Gas
7389	Services-Business Services, NEC	1381	Drilling Oil & Gas Wells
7500	Services-Automotive Repair, Services & Parking	1382	Oil & Gas Field Exploration Services
7510	Services-Auto Rental & Leasing (No Drivers)	1389	Oil & Gas Field Services, NEC
7600	Services-Miscellaneous Repair Services	1400	Mining & Quarrying of Nonmetallic Minerals (No Fuels)
7812	Services-Motion Picture & Video Tape Production	1520	General Bldg Contractors - Residential Bldgs
7819	Services-Allied To Motion Picture Production	1531	Operative Builders
7822	Services-Motion Picture & Video Tape Distribution	1540	General Bldg Contractors - Nonresidential Bldgs
7829	Services-Allied To Motion Picture Distribution	1600	Heavy Construction Other Than Bldg Const - Contractors

APPENDIX D

GENERAL 40 CFR PART 403 MONITORING AND REPORTING SUMMARY

PROVIDED FOR REFERENCE

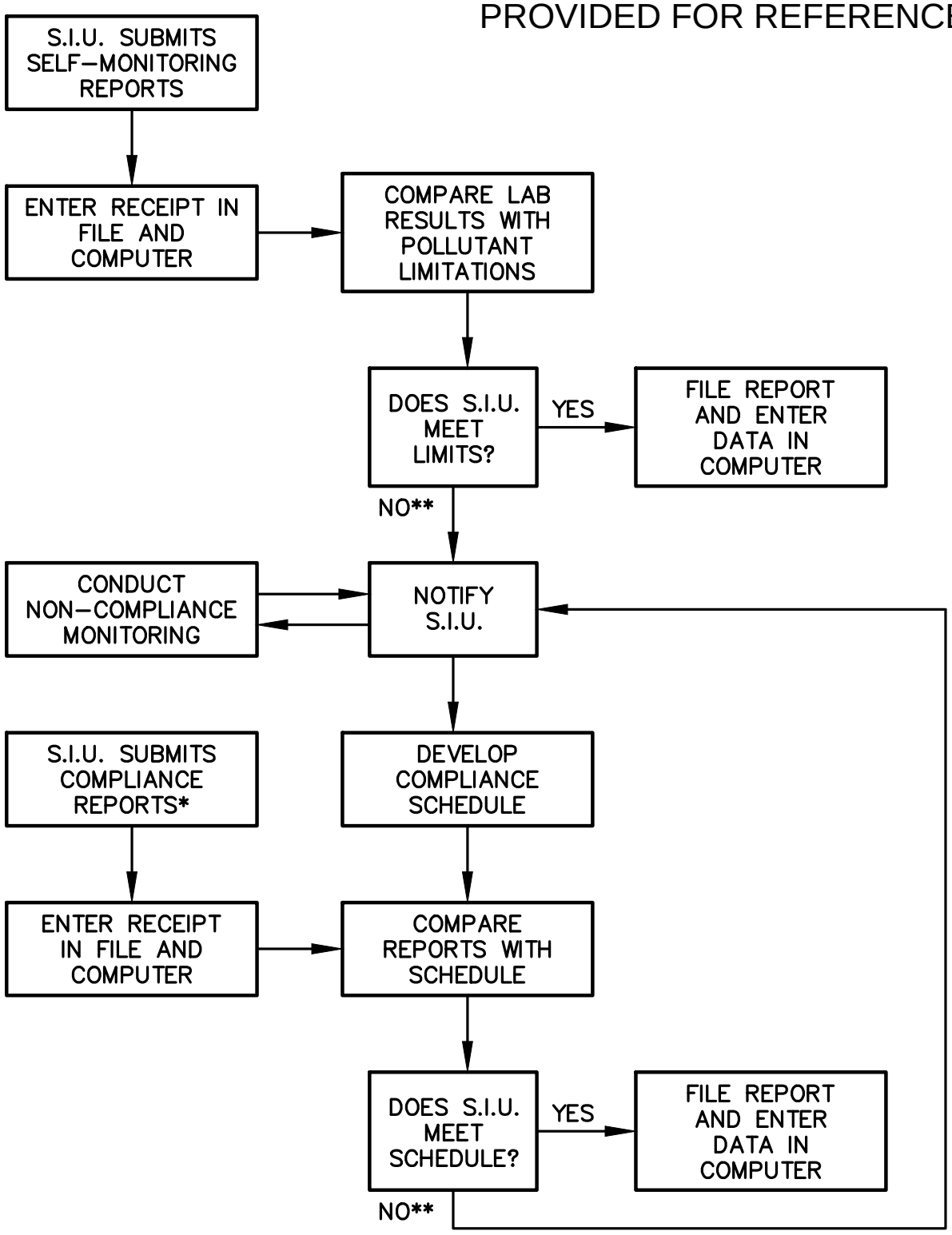


CITY OF SEQUIM
SOURCE CONTROL PROGRAM MANUAL
APPENDIX D
FIGURE D-1
40 CFR PART 403 REVIEW PROCESS FOR INDUSTRIAL SELF-MONITORING REPORTS

Gray & Osborne, Inc.
CONSULTING ENGINEERS

M:\SEQUIM\14555 Industrial Pretreatment\Reference Figures\Figure D-1.dwg, 5/5/2016 8:12 AM, PHILIP MARSHALL

PROVIDED FOR REFERENCE



* FAILURE TO SUBMIT MAY BE CAUSE FOR PENALTY

** A NEGATIVE DETERMINATION MAY BE CAUSE FOR PENALTY

CITY OF SEQUIM

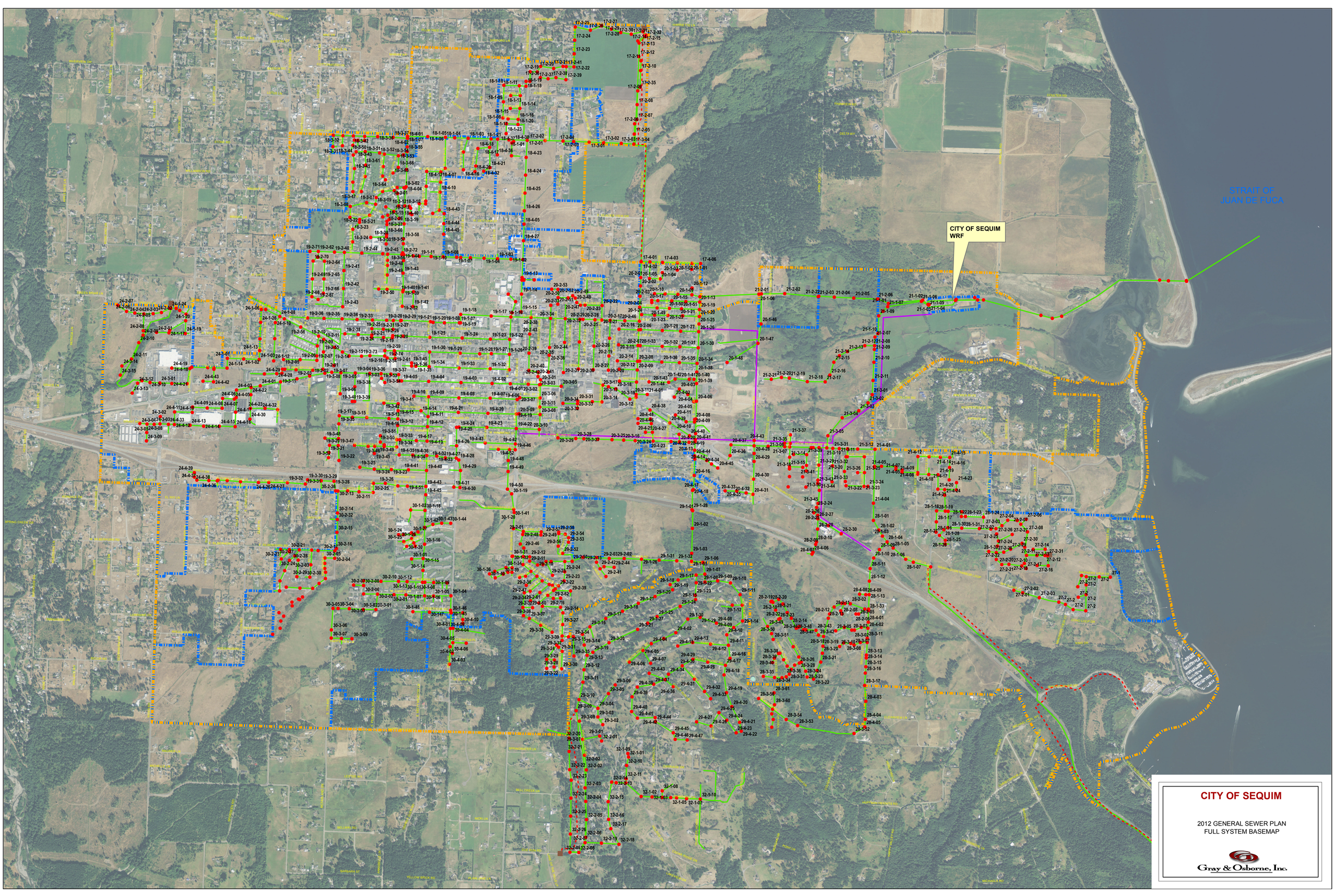
SOURCE CONTROL PROGRAM MANUAL
APPENDIX D
FIGURE D-2
40 CFR PART 403 REVIEW PROCESS FOR INDUSTRIAL SELF-MONITORING REPORTS

Gray & Osborne, Inc.
CONSULTING ENGINEERS

M:\SEQUIM\14555 Industrial Pretreatment\Reference Figures\Figure D-2.dwg, 5/5/2016 8:15 AM, PHILIP MARSHALL

APPENDIX E

FULL CITY BASE MAP



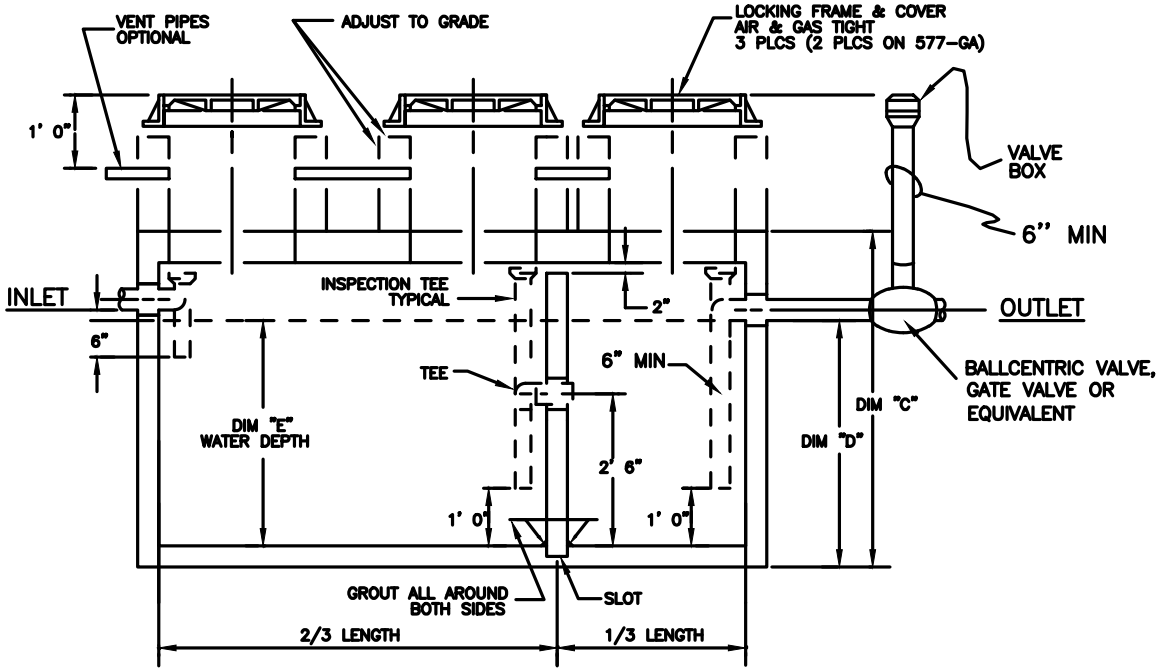
CITY OF SEQUIM

2012 GENERAL SEWER PLAN
FULL SYSTEM BASEMAP

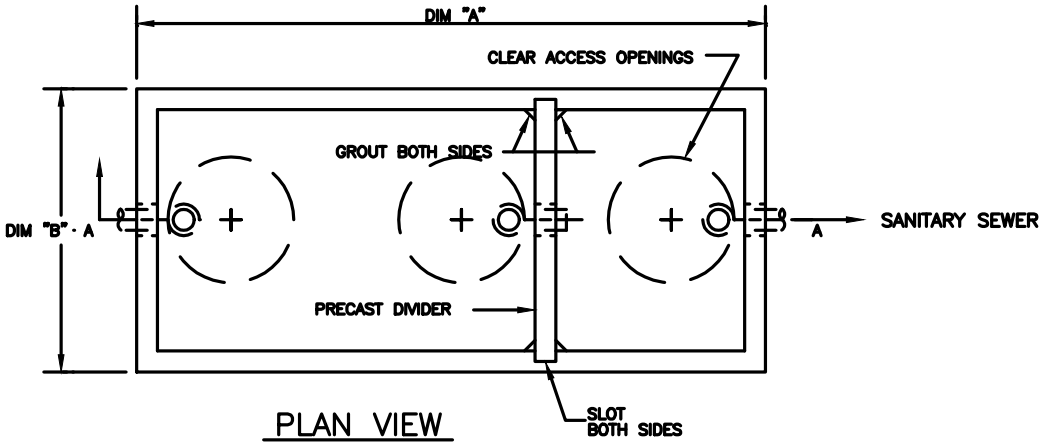
Gray & Osborne, Inc.

APPENDIX F

CITY STANDARDS FOR PRETREATMENT AND MONITORING EQUIPMENT



SECTION VIEW AA



PLAN VIEW

NOTES:

1. CONCRETE: 28 DAY COMPRESSIVE STRENGTH fc = 4500 psi
2. REBAR: ASTM A-615 GRADE 60
3. MESH: ASTM A-185 GRADE 65
4. DESIGN: ACI-318-83 BUILDING CODE ASTM C-857 "MINIMUM STRUCTURAL DESIGN LOADING FOR UNGERGROUND PRECAST CONCRETE UTILITY STRUCTURES"

* SEE CITY STANDARD NO. 406.2 FOR ADDITIONAL NOTES

	DIM "A"	DIM "B"	DIM "C"	DIM "D"	WATER DEPTH DIM "E"
600	7'-0"	4'-8"	7'-0"	3'-6"	3'-2"
750	7'-0"	4'8"	7'-0"	4'-3"	3'-11"
950	7'-0"	4'-8"	7'-0"	5'-3"	4'-11"
1000	9'-0"	5'-0"	7'-2"	4'-2"	3'-10"
1250	9'-0"	5'-0"	7'-2"	5'-2"	4'-10"
1500	11'-2"	5'-8"	7'-2"	4'-4"	4'-0"
1750	11'-2"	5'-8"	7'-2"	4'-11"	4'-7"
2000	12'-8"	6'-8"	8'-0"	4'-7"	3'-10"
2500	12'-8"	6'-8"	8'-0"	5'-6"	4'-9"
2750	12'-8"	6'-8"	8'-0"	6'-0"	5'-3"
3000	15'-7"	9'-7"	8'-6.5"	5'-0"	3'-9"
4000	15'-7"	9'-7"	8'-6.5"	6'-3"	5'-0"
5000	19'-11"	9'-11"	8'-11"	6'-2"	4'-9"
6000	19'-11"	9'-11"	8'-11"	7'-2"	5'-9"

CITY OF SEQUIM

CITY OF SEQUIM

PUBLIC WORKS DEPARTMENT

GREASE INTERCEPTOR

DRAWN	PLOTTING SCALE	DATE APPROVED	REVISED
R HORITA	NTS/ 1=1	4-16	4-16
FILE NAME		CHECKED BY	REVISED BY
I:\DRAWINGS\CITYSTDS\SANITARY\406INTRC.DWG		J. SWIFT	

NOTES FOR GREASE INTERCEPTORS

1. THE PLANS AND SPECIFICATIONS SHALL ILLUSTRATE PROPERTY BOUNDARIES, PIPING/ DRAINAGE DETAILS AND CONNECTIONS TO THE SANITARY SEWER. DETAIL AND ELEVATION DRAWINGS OF THE GREASE INTERCEPTOR SHALL INCLUDE UPC APPENDIX 'H' DESIGN CALCULATIONS TO SHOW CAPACITY, DETENTION TIME AND REMOVAL EFFICIENCIES.

   NO. OF MEALS/PEAK HOUR X WASTE FLOW RATE X RETENTION TIME X STORAGE FACTOR = CAPACITY IN GALLONS

2. EFFLUENT FROM GREASE INTERCEPTORS SHALL NOT EXCEED 100 mg/l FAT, OIL AND GREASE DISCHARGED TO THE SANITARY SEWER.

3. GREASE INTERCEPTORS INSTALLED IN PAVED AREAS SHALL COMPLY WITH H–20 LOADING.

4. THE GREASE INTERCEPTOR SHALL BE INSTALLED AND CONNECTED SUCH THAT IT SHALL BE EASILY ACCESSIBLE FOR INSPECTION, CLEANING AND REMOVAL AT ALL TIMES. NO SANITARY WASTEWATER SHALL BE CONVEYED TO THE SEPARATOR. A SEPARATE SIDE SEWER SHALL BE REQUIRED TO CARRY SANITARY WASTEWATER TO THE SEWER MAIN. IT SHALL BE PLACED AS CLOSE TO THE SERVICE AREA AS PRACTICAL. MANHOLE COVERS SHALL BE GAS TIGHT AND HAVE A MINIMUM OPENING OF 24 INCHES IN DIAMETER.

5. PLUMBING/PIPING SHALL BE CONSTRUCTED TO ESTABLISH "PARALLEL FLOW" (90° TO THE TANK BAFFLE) THROUGH THE GREASE INTERCEPTOR. NO RADIUS, BEND OR ELBOW SHALL BE ALLOWED IN THE INLET PIPE, FOR A MINIMUM OF 10 FEET OR 20 PIPE DIAMETERS, WHICHEVER IS GREATER, UPSTREAM OF THE INTERCEPTOR.

6. VENTING OF THE INTERCEPTOR SHALL BE IN ACCORDANCE WITH CHAPTER 4, 5 AND 7 OF THE UNIFORM PLUMBING CODE–1988 OR AS ADOPTED BY THE CITY OF PUYALLUP.

7. A BALLCENTRIC VALVE OR GATE VALVE SHALL BE LOCATED IN THE DISCHARGE PIPING, A MAXIMUM OF 10 FEET FROM THE GREASE INTERCEPTOR. THIS VALVE SHALL BE CLOSED WHEN CLEANING OR SERVICING THE DEVICE. ANY PUMP MECHANISM SHALL BE INSTALLED DOWNSTREAM OF THE INTERCEPTOR TO PREVENT FAT, OIL AND GREASE EMULSIFICATION. A 'TEE' CONNECTION SHALL BE INSTALLED IN THE DISCHARGE PIPING TO PROVIDE FOR SAMPLE COLLECTION.

8. ALL GREASE INTERCEPTORS SHALL BE FILLED WITH CLEAN WATER BEFORE USE.

9. THE DESIGN ENGINEER SHALL PROVIDE THE CITY ENGINEER OR HIS REPRESENTATIVE WITH A LETTER OF INSPECTION CERTIFYING THAT THE INSTALLATION WAS PERFORMED IN ACCORDANCE WITH ALL REGULATIONS AND THE APPROVED PLAN.

10. FINAL INSPECTION IS REQUIRED BY THE CITY ENGINEER OR HIS REPRESENTATIVE PRIOR TO CONNECTION TO THE SANITARY SEWER.

11. THE PROPERTY OWNER SHALL RETAIN OWNERSHIP OF THE GREASE INTERCEPTOR AND SIDE SEWER LINES AND SHALL BE RESPONSIBLE FOR THEIR OPERATION AND MAINTENANCE. A SERVICE/MAINTENANCE RECORD SHALL BE KEPT ON THE PREMISES AT ALL TIMES AND SHALL BE IMMEDIATELY AVALABLE TO THE CITY ENGINEER OR HIS REPRESENTATIVE UPON REQUEST.

12. THE PROPERTY OWNER SHALL REPORT IMMEDIATELY TO THE CITY ENGINEER OR HIS REPRESENTATIVE, ANY SPILL, SURCHARGE, BYPASS OR MECHANICAL FAULT OR FAILURE WHICH INTERRUPTS OR OTHERWISE REDUCES THE CAPACITY OR REMOVAL EFFICEINCY OF THE GREASE INTERCEPTOR.

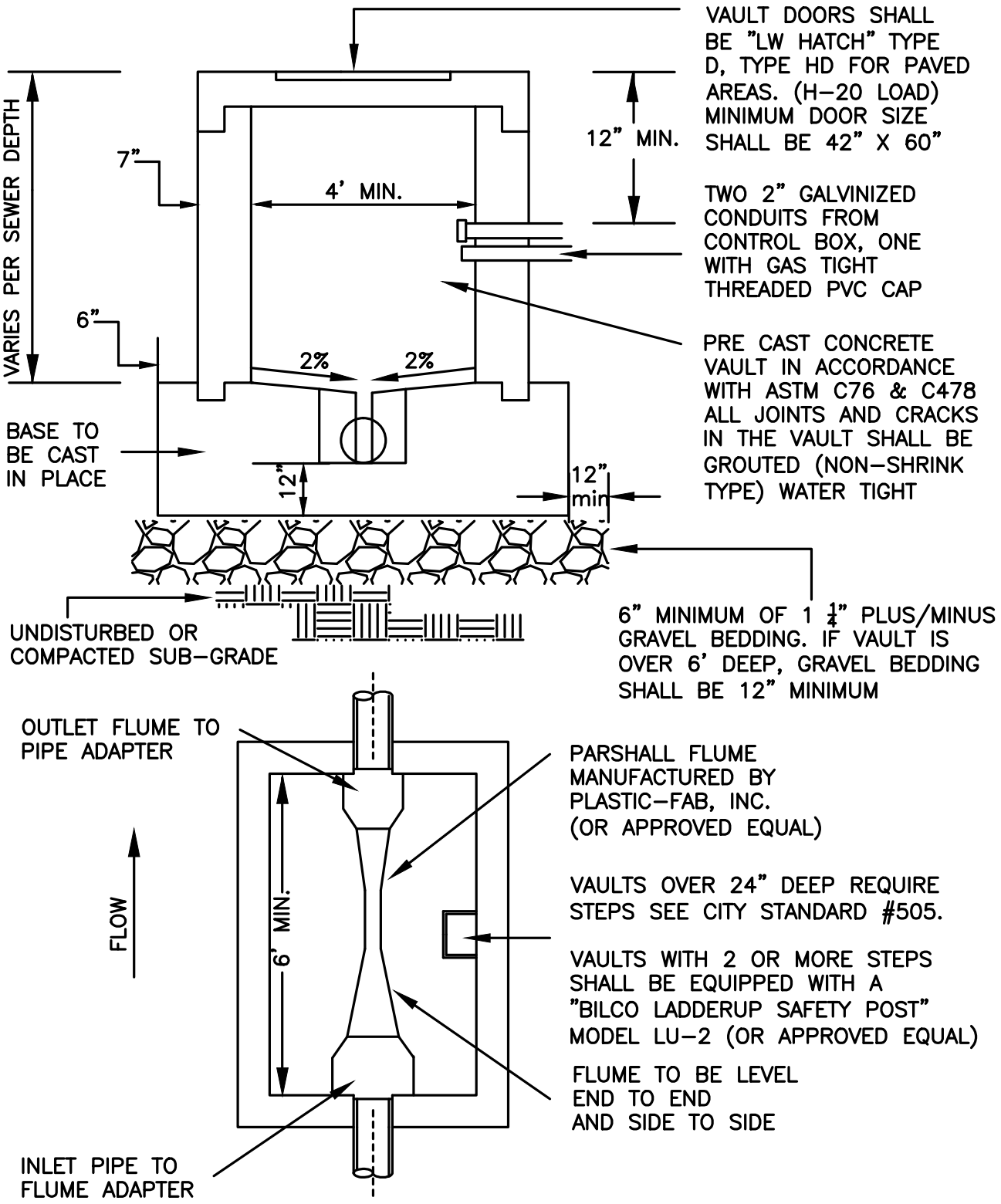
CITY OF SEQUIM

CITY OF SEQUIM

PUBLIC WORKS DEPARTMENT

GREASE INTERCEPTOR NOTES

DRAWN	PLOTTING SCALE	DATE APPROVED	REVISED
R HORITA	NTS/ 1=1	4–16	4–16
FILE NAME		CHECKED BY	REVISED BY
I:\DRAWINGS\CITYSTDS\SANITARY\406INTRC.DWG		J. SWIFT	

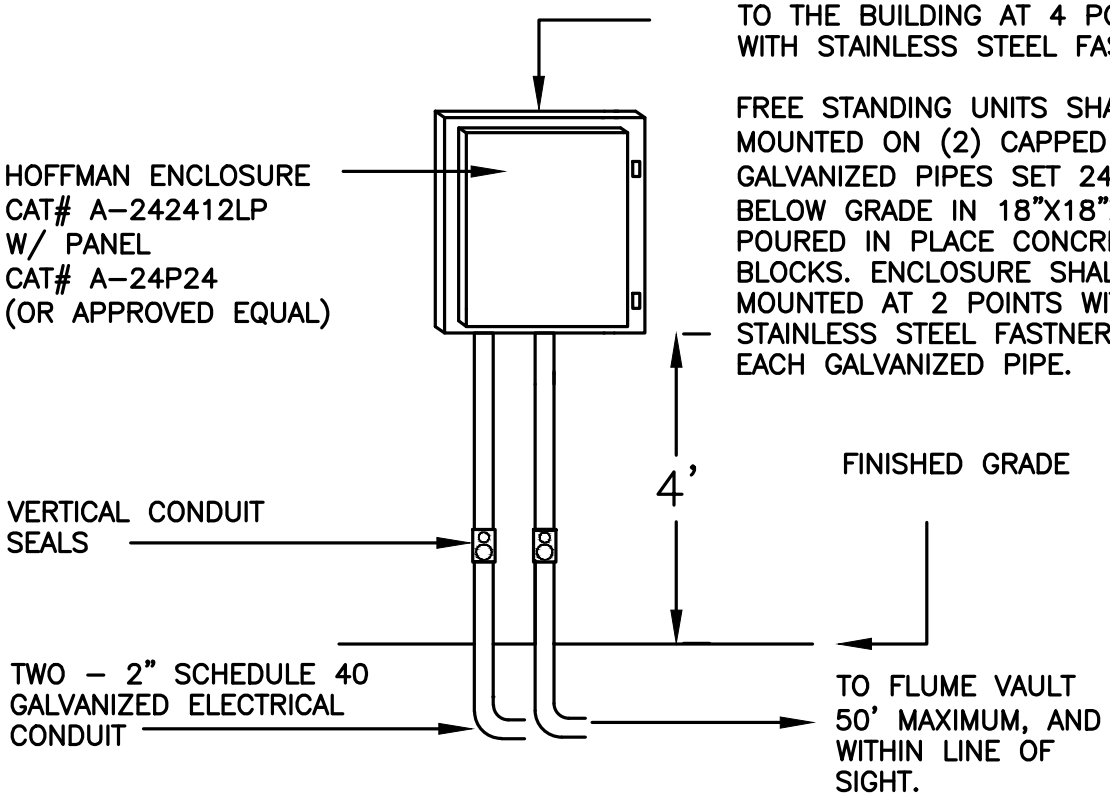


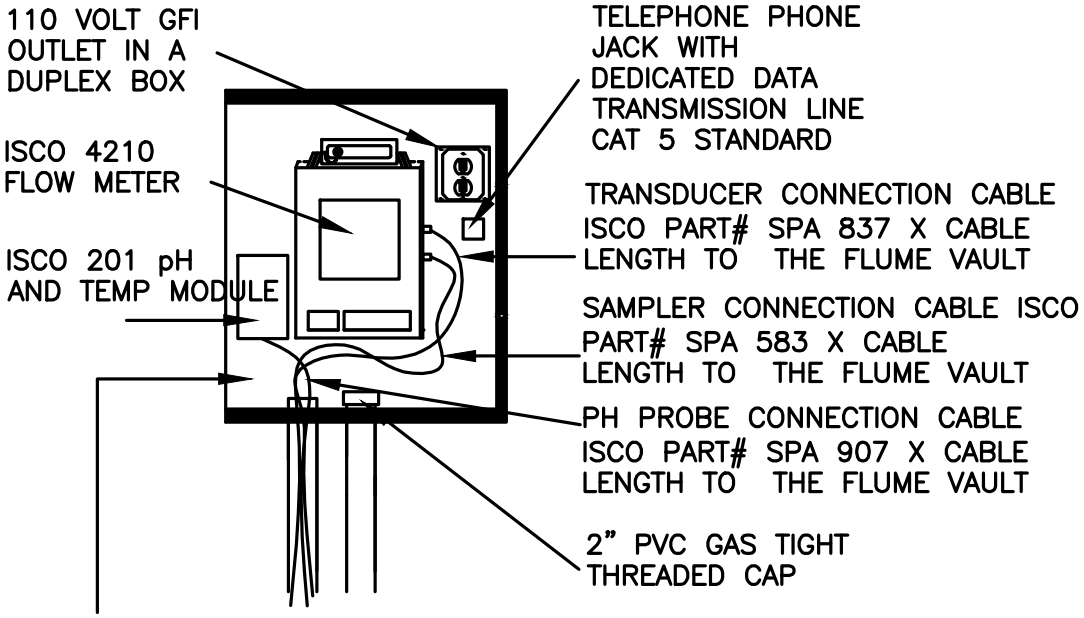
CITY OF SEQUIM

PUBLIC WORKS DEPARTMENT

INDUSTRIAL WASTEWATER MONITORING STATION – FLUME VAULT –

DRAWN	PLOTTING SCALE	DATE APPROVED	REVISED
R HORITA	NTS/ 1=1	4-16	4-16
FILE NAME		CHECKED BY	REVISED BY
I:\DRAWINGS\CITYSTDS\		J. SWIFT	





ALL ELECTRICAL WORK SHALL CONFORM TO NEC STANDARDS, AND SHALL BE INSPECTED BY A WASHINGTON STATE ELECTRICAL INSPECTOR.

CITY OF SEQUIM

CITY OF SEQUIM
PUBLIC WORKS DEPARTMENT

INDUSTRIAL WASTEWATER MONITORING STATION
- CONTROL BOX -

DRAWN	PLOTTING SCALE	DATE APPROVED	REVISED
R HORITA	NTS/ 1=1	4-16	4-16
FILE NAME		CHECKED BY J. SWIFT	REVISED BY

Notes for Industrial Wastewater Monitoring Stations:

1. The property owner/business owner shall provide five (5) sets of specifications and plans for the project. They shall bear the stamp of a Washington State licensed professional engineer.

2. The plans and specifications shall illustrate property boundaries, piping/drainage details and connections to the sanitary sewer. Detail and elevation drawings of the monitoring station shall include design calculations.

3. The Monitoring Station shall consist of two structures:
   A) Flume Vault
   B) Control Box

They shall be connected by two (2), Galvanized schedule 40 two–inch electrical conduits with sweeping bends. These shall be equipped with vertical electrical Conduit Seals (explosion proof), installed within 18" of the Control Box enclosure. One conduit shall be fitted with a gas tight thread PVC plug on both ends (Future use), the other conduit shall be used for transducer, probe, and sampler cables. This shall be sealed gas tight at the seal off fitting after installation of the cables in accordance with NEC Standards.

4. No sanitary waste shall be conveyed through the Industrial Wastewater Monitoring Station Flume Vault. A separate side sewer shall be required to carry sanitary waste to the sewer main. At no time shall any industrial/commercial wastewater or discharge bypass a Monitoring Station, nor shall any piping be installed which would facilitate a bypass.

5. The flume vault shall be installed with a double leaf aluminum access door. It shall be a "L.W. Hatch" Type D w/ recessed padlock, or a Type HD for paved areas, (or approved equal). Minimum door size shall be 42" X 60". The minimum vault size shall be 4' X 6'.

6. The flume vault shall be equipped with a Parshall flume manufactured by Plasti–Fab, Inc., (or approved equal). The flume shall be provided with the following:
   A) A molded side cavity sized and equiped with plastic lift out brackets to hold (2) independent parallel polyethylene sample tubes ½" (12.8 mm) OD – Must not have any metal present.
   B) Adjustable T–304 stainless steel support bracket to mount an ISCO ultrasonic transducer over the waterway.
   C) A molded side cavity with plastic lift out brackets to hold (1) ISCO 201 pH probe.
   D) Inlet and outlet adapters.

7. The design engineer shall size the flume, and connecting pipes. The flume shall be designed for free flow. No radius, bends, or elbows shall be allowed in the flume inlet or outlet pipe, for a minimum of 10 feet or 25 pipe diameters, whichever is greater. The plans shall show the minimum and maximum flows expected at the flume inlet. The city engineers may specify a Palmer–Bowles flume in some industrial flow applications.

CITY OF SEQUIM
PUBLIC WORKS DEPARTMENT

INDUSTRIAL WASTEWATER MONITORING STATION
– NOTES –

DRAWN	PLOTTING SCALE	DATE APPROVED	REVISED
R HORITA	NTS/ 1=1	4–16	4–16
FILE NAME		CHECKED BY	REVISED BY
I:\DRAWINGS\CITYSTDS\		J. SWIFT	

8. The design engineer shall provide the city engineer with a letter of inspection certifiying that the installation was performed in accordance with all regulations, manufacture specifications and the appoved plan.

9. Flume vaults installed in paved areas shall comply with H–20 loading standards.

10. The flume vault shall be installed outside with unobstructed access at all times. It shall be installed within 50' and line of sight, to the Control Box, and placed as close to the discharge point as possible.

11. The flume vault base shall be cast in place with a rought–in channel for the flume. The flume shall then be installed and grouted into the concrete channel.

12. The inlet and outlet adapers, shall be sealed with two continouous beads of silicone on all seating surfaces between flanged joints before bolting together. The flume shall be cribbed/shored up inside to keep the side walls plumb and to maintain the demensional integrity of the flume. Three cross beams shall be used for the leveling of the flume, prevention of floating and to prevent shifting of the flume during the grouting process. These beams shall span the channel and attach to each of the side channel walls. Drill through the top flange of the flume and bolt to these beams. Double nut to get the flume level in both directions. Other cross bracing may be required to prevent shifting. Secure the 2"X2" angle clips on the flume to rebar with No. 8 wire to key the flume into the grout. Great care shall be taken to prevent the deformation of the sides/floor of the flume when pouring the grout around the flume.

13. The flume shall be installed level end to end and side to side. The City of Sequim's inspector shall inspect the flume level prior to grouting, and again after the flume has been grouted in place.

14. The inlet pipe invert shall be at the same elevation as the flume entrance. The outlet pipe shall be at the same elevation or lower than the flume outlet. The approach and outlet shall be free from irregularities, and obstructions. The flume shall be installed in accordance with all regulations, manufacture specifications and the approved plan.

15. The Flume Vault shall be equiped with three stainless steel hooks and fastners suitable for hanging excess cable from. They shall be located within 24" of the 2" conduits, 12" from the top of the vault, and spaced 12" apart.

16. The Control Box shall be a Hoffman Enclosure Cat# A–242412LP with Panel Cat# A–24P24 (or an approved equal), and mounted at a height of four feet above the ground. It shall have a 110 volt GFI outlet in a duplex box, and a data phone line jack. The data transmission phone line shall be of a Cat 5 Standard and shall be a dedicated phone line available 24 hrs a day.

CITY OF SEQUIM

PUBLIC WORKS DEPARTMENT

INDUSTRIAL WASTEWATER MONITORING STATION
–NOTES–

DRAWN	PLOTTING SCALE	DATE APPROVED	REVISED
R HORITA	NTS/ 1=1	4–16	4–16
FILE NAME		CHECKED BY J. SWIFT	REVISED BY

17. The Control Box shall be equipped with the following (or approved equal):

A) ISCO 4210 Ultrasonic Flow Meter with a non–resettable mechanical totalizer, 2400 baud telephone modem with voice messaging.
B) ISCO Model 914 120V AC Battery Backed Power Pack
C) ISCO 201 pH and Temperature Module

D) ISCO SPA# 907 X cable distance from Flume Vault to 201 pH Module
E) ISCO SPA# 583 X cable distance from Flume Vault to Flow Meter
F) ISCO SPA# 837 X cable distance from Flume Vault to Flow Meter
These three connector cables must extend 12" into the Flume Vault.

18. All Controll Box components shall be bolted to the inside back panel of the Control Box.

19. The Control Box shall be installed outside with unobstructed access at all times. It shall be installed within 50' and line of sight to the Flume Vault.

20. Before acceptance the City of Sequim must be provided with a "Certification of Field Calibration" performed by a third party,the current release of ISCO's "Flowlink" software, and the city must have successfully interrogated the flow meter from the city's computer located at the Industrial Pretreatment Program's offices. The City of Sequim shall controll all passwords, and locks. The City shall provide Padlocks and keys for the Flume Vault and Control Box.

21. Final inspection is required by the city engineer or his representative prior to discharging to the sanitary sewer.

22. The property owner shall retain ownership of the monitoring station and side sewer lines and shall be responsible for their operation and maintenance. All service/maintenance activities shall be recorded in a log book and kept in the Control Box at all times. The monitoring station shall be maintained at all times in a safe and proper operating condition at the expense of the owner. Proper operating conditions shall include but are not limited to, keeping the sidewalls and floor of the flume free of debris and/or build–up.

23. The property owner shall report immediately to the City of Sequim Collections Division any spill, surcharge, bypass, or mechanical fault or failure, which interrupts or otherwise reduces the efficiency of the monitoring station.

CITY OF SEQUIM
PUBLIC WORKS DEPARTMENT

INDUSTRIAL WASTEWATER MONITORING STATION
–NOTES–

DRAWN	PLOTTING SCALE	DATE APPROVED	REVISED
R HORITA	NTS/ 1=1	4–16	4–16
FILE NAME		CHECKED BY J. SWIFT	REVISED BY

APPENDIX G

FATS, OIL, AND GREASE – BEST MANAGEMENT PRACTICES MANUAL

Fats, Oil, and Grease
Best Management Practices Manual
Information, Pollution Prevention, and Compliance Information
for
Publicly-Owned Treatment Plants

Fats, oil and grease - - also called FOG in the wastewater business - - can have negative impacts on wastewater collection and treatment systems. Most wastewater collection system blockages can be traced to FOG. Blockages in the wastewater collection system are serious, causing sewage spills, manhole overflows, or sewage backups in homes and businesses.

Two types of FOG pollutants are common to wastewater systems. Petroleum-based oil and grease (non-polar concentrations) occur at businesses using oil and grease, and can usually be identified and regulated by municipalities through local limits and associated pretreatment permit conditions. Animal and vegetable-based oil and grease (polar concentrations) are more difficult to regulate due to the large number of restaurants and fast-food outlets in every community.

This manual is written to provide municipal pretreatment staff - - along with restaurant and fast food business managers and owners - - with information about animal and vegetable-based oil and grease pollution prevention techniques focused on their businesses, effective in both reducing maintenance costs for business owners, and preventing oil and grease discharges to the sewer system.

Many of the nation's fast-food restaurant chains participate in FOG recycling programs. Ensuring that grease trap and grease interceptors are properly installed - - and most importantly, properly maintained - - is more difficult. This manual focuses on proper maintenance of grease traps and interceptors, and includes inspection checklists for municipal pretreatment inspectors.

Manual contents includes:

- **Frequently Asked Questions (FAQs)**
- **Best Management Practices (BMPs)**
- **Prohibitions**
- **Maintenance**
- **How It Works**
- **Compliance Inspection and Installation Checklists**

Knowledgeable municipal pretreatment staff, working with business owners, can effectively prevent oil and grease buildup, and associated problems, for both the sewerage agency and the restaurant owner.

Frequently Asked Questions About Grease:

Is grease a problem?
What is a grease trap and how does it work?
What is a grease interceptor?
How do I clean my grease trap?
Can you recommend a maintenance schedule?
Do I have a grease trap?
Do I need a grease trap?
Is the grease trap I have adequate?
What if I don't install a grease trap?
Who determines if I need a grease trap or interceptor?
How can I get in compliance?
What are the criteria for inspecting grease traps?

Is grease a problem?

In the sewage collection and treatment business, the answer is an emphatic YES! Grease is singled out for special attention because of its poor solubility in water and its tendency to separate from the liquid solution.

Large amounts of oil and grease in the wastewater cause trouble in the collection system pipes. It decreases pipe capacity and, therefore, requires that piping systems be cleaned more often and/or some piping to be replaced sooner than otherwise expected. Oil and grease also hamper effective treatment at the wastewater treatment plant.

Grease in a warm liquid may not appear harmful. But, as the liquid cools, the grease or fat congeals and causes nauseous mats on the surface of settling tanks, digesters, and the interior of pipes and other surfaces which may cause a shutdown of wastewater treatment units.

Problems caused by wastes from restaurants and other grease-producing establishments have served as the basis for ordinances and regulations governing the discharge of grease materials to the sanitary sewer system. This type of waste has forced the requirement of the installation of preliminary treatment facilities, commonly known as grease traps or interceptors.

What is a grease trap and how does it work?

A trap is a small reservoir built into the wastewater piping a short distance from the grease producing area. Baffles in the reservoir retain the wastewater long enough for the grease to congeal and rise to the surface. The grease can then be removed and disposed properly. See *How It Works* for a description of how the various components of a grease trap function.

What is a grease interceptor?

An interceptor is a vault with a minimum capacity of between 500 and 750 gallons that is located on the exterior of the building. The vault includes a minimum of two compartments, and flow between each compartment is through a 90° fitting designed for grease retention. The capacity of the interceptor provides adequate residence time so that the wastewater has time to cool, allowing any remaining grease not collected by the traps time to congeal and rise to the surface where it accumulates until the interceptor is cleaned. See *How It Works* for a description of how the various components of a grease interceptor function.

How do I clean my grease trap?

Refer to *Grease Trap and Interceptor Maintenance*.

Can you recommend a maintenance schedule?

All grease interceptors should be cleaned *at least twice each year*. Some establishments will find it necessary to clean their traps *more often than twice per month.* If the establishment is having to clean it too often, the owner should consider installing a larger trap or interceptor.

Do I have a grease trap?

If the establishment is uncertain whether it has a grease trap, the owner should contact the local sewer agency for the community served.

Do I need a grease trap?

Any establishment that introduces grease or oil into the drainage and sewage system in quantities large enough to cause line blockages or hinder sewage treatment is required to install a grease trap or interceptor. Interceptors are usually required for high volume restaurants (full menu establishments operating 16 hrs/day and/or serving 500+ meals per day) and large commercial establishments such as hotels, hospitals, factories, or school kitchens. Grease traps are required for small volume (fast food or take-out restaurants with limited menus, minimum dishwashing, and/or minimal seating capacity) and medium volume (full menu establishments operating 8-16 hrs/day and/or serving 100-400 meals/day) establishments. Medium volume establishments may be required to install an interceptor depending upon the size of the establishment.

Is the grease trap I have adequate?

The Uniform Plumbing Code requires that no grease trap have a capacity less than 20 gallons per minute (gpm) or more than 55 gpm. The size of the trap depends upon the number of fixtures connected to it. The following table provides criteria for sizing grease traps:

Total number of fixtures connected	Required rate of flow, gpm	Grease retention capacity, lbs
1	20	40
2	25	50
3	35	70
4	50	100

The size will also depend largely upon the maintenance schedule. If a grease trap or interceptor is not maintained regularly it will not provide the necessary grease removal. The establishment should work out a specific cleaning schedule that is right for the establishment. All grease traps need to have the grease cleaned out periodically and no one likes to do the job. It is a dirty job. Running extremely hot water down the drain only moves the problem down stream. It does not go away. Catch the grease at the source! This is the most economical means to reduce *all* costs.

What if I don't install a grease trap?

If the establishment uses grease and oil in food preparation, it will eventually encounter a maintenance problem with a plugged building sewer line. The blockage can create a sewer backup situation and ultimately a potential health problem in the establishment. Someone will have to pay for removing the blockage. If the problem is in the building sewer line, then the establishment has direct responsibility for paying for the maintenance. If the blockage or restriction is in the public sewer main and it can be

proven that the establishment is the cause of the blockage, then the establishment may have to pay for the public sewer to be maintained. Blocking a sanitary sewer line is also a violation of the federal Clean Water Act.

Who determines if I need a grease trap or interceptor?

When waste pretreatment is required by the Administrative Authority, an approved grease trap or interceptor shall be installed according to the Uniform Plumbing Code. The rules of the Health Department and your municipal sanitary sewer agency will also assist the establishment in determining if a grease trap or interceptor is required. All administrative authorities prohibit the discharge of materials that can solidify and create blockages in the wastewater collection system or treatment plants. The Health Department makes periodic inspections to see that no health problems exist due to improperly maintained grease interceptors. These rules will be enforced if a problem exists.

How can I get in compliance?

The establishment should contact its local jurisdiction. The establishment will be asked to purchase a permit for the grease trap. This will enable the proper jurisdiction to assist the establishment in cleaning schedules and advise them of a problem showing up in the wastewater collection system. A grease interceptor permit is required regardless of whether the establishment has an existing trap or is installing a new one.

What are the criteria for inspecting grease traps?

All food service establishments suspected of causing problems to the collection system or treatment facilities will be inspected. Some agencies use the following criteria to inspect grease traps:

Percent of Trap Filled	Trap Condition
25	Good
25 – 50	Fair
>50	Poor

If the trap is in FAIR condition, the establishment should be advised to keep an eye on the maintenance schedule. The cleaning frequency may need to be increased. If the trap is in POOR condition, the establishment should be issued a compliance order to have it cleaned immediately. The establishment should then be required to contact the issuing authority within 30 days to verify that the grease interceptor has been properly cleaned.

Best Management Practices (BMPs)

Prevent Blockages in the Sanitary Sewer System
Properly Maintain Grease Traps and Interceptors to Prevent Introduction into the Sanitary Sewer System
Prevent Fats, Oil, and Grease From Entering Creeks and Streams Through the Storm Drain System

Prevent Blockages in the Sanitary Sewer System

BMP	Reason For	Benefits to Food Service Establishment	Pretreatment Inspection Tips
Train kitchen staff and other employees about how they can help ensure BMPs are implemented.	People are more willing to support an effort if they understand the basis for it.	All of the subsequent benefits of BMPs will have a better chance of being implemented.	Talk to the establishment manager about the training program that he/she has implemented.
Post "No Grease" signs above sinks and on the front of dishwashers.	Signs serve as a constant reminder for staff working in kitchens.	These reminders will help minimize grease discharge to the traps and interceptors and reduce the cost of cleaning and disposal.	Check appropriate locations of "No Grease" signs.
Use water temperatures less than 140° F in all sinks, especially the pre-rinse sink before the mechanical dishwasher. The mechanical dishwasher requires a minimum temperature of 160° F, but the Uniform Plumbing Code (UPC) prohibits discharging the dishwasher to grease traps.	Temperatures in excess of 140° F will dissolve grease, but the grease can re-congeal or solidify in the sanitary sewer collection system as the water cools.	The food service establishment will reduce its costs for the energy – gas or electric – for heating the water.	Check boiler or hot water heater discharge temperature. Measure the temperature of the hot water being discharged from the closest sink.
Use a three-sink dishwashing system, which includes sinks for washing, rinsing, and sanitizing in a 50-100 ppm bleach solution. Water temperatures are less than 140° F. (See above)	The three-sink system uses water temperatures less than 140° F where a mechanical dishwasher requires a minimum temperature of 160° F. (See above) Note: The Uniform Plumbing Code (UPC) prohibits the discharge of dishwasher water to grease traps.	The food service establishment will reduce its costs for the energy - gas or electric - for heating the water for the mechanical dishwasher and for operating the dishwasher.	Measure temperature of the hot water at the three-sink system.

Recycle waste cooking oil.	There are many waste oil recyclers throughout Oregon. This is a cost recovery opportunity. See *Haulers and Recyclers*.	The food service establishment will be paid for the waste material and will reduce the amount of garbage it must pay to have hauled away.	Obtain name of recycler used. Review recycling records. Confirm records with recycler.
"Dry wipe" pots, pans, and dishware prior to dishwashing.	The grease and food that remains in pots, pans, and dishware will likely go to the landfill. By "dry wiping" and disposing in garbage receptacles, the material will not be sent to the grease traps and interceptors.	This will reduce the amount of material going to grease traps and interceptors, which will require less frequent cleaning, reducing maintenance costs.	Observe dishwashing practices.
Dispose of food waste by recycling and/or solid waste removal.	Some recyclers will take food waste for animal feed. In the absence of such recyclers, the food waste can be disposed as solid waste in landfills by solid waste haulers.	Recycling of food wastes will reduce the cost of solid waste disposal. Solid waste disposal of food waste will reduce the frequency and cost of grease trap and interceptor cleaning.	Inspect grease traps and interceptors for food waste accumulation. Confirm the recycler or solid waste removal company with the establishment manager.

Properly Maintain Grease Traps and Interceptors to Prevent Introduction into the Sanitary Sewer System

BMP	Reason For	Benefits to Food Service Establishment	Pretreatment Inspection Tips
Witness all grease trap or interceptor cleaning/maintenance activities to ensure the device is properly operating.	Grease trap/interceptor pumpers may take shortcuts. If the establishment manager inspects the cleaning operation and ensures it is consistent with the procedures in the section on *Grease Trap and Interceptor Maintenance* they are more assured of getting full value for their money.	The establishment will ensure it is getting value for the cost of cleaning the grease trap or interceptor. Otherwise the establishment may be paying for cleaning more often than necessary.	None.
Clean undersink grease traps weekly. If grease traps are more than 50% full when cleaned weekly, the cleaning frequency needs to be increased.	Undersink grease traps have less volume than grease interceptors. Weekly cleaning of undersink grease traps by the establishment's own maintenance staff will reduce the cost of cleaning the grease interceptor. If the establishment does not have a grease interceptor, the undersink grease trap is the only means of preventing grease from entering the sanitary sewer system. If the grease trap is not providing adequate protection, the local sewer agency may require installation of a grease interceptor.	This will extend the length of the cleaning cycle for grease interceptors that the establishment maintains.	Visually inspect the contents of the undersink grease trap. Inspect cleaning records.

Clean grease interceptors routinely.	Grease interceptors must be cleaned routinely to ensure that grease accumulation does not cause the interceptor to operate poorly. The cleaning frequency is a function of the type of establishment, the size of the interceptor, and the volume of flow discharged by the establishment.	Routine cleaning will prevent plugging of the sewer line between the food service establishment and the sanitary sewer system. If the line plugs, the sewer line may back up into the establishment, and the business will need to hire someone to unplug it.	Interceptor should have no more than 1/3 the depth as grease, **and,** Interceptor should have no more than 1/4 the depth as sediment, **and** No more than 25% of the depth should be a combination of grease (top) and sediment (bottom).
Keep a *maintenance log*.	The maintenance log serves as a record of the frequency and volume of cleaning the interceptor. It is required by the pretreatment program to ensure that grease trap/interceptor maintenance is performed on a regular basis.	The maintenance log serves as a record of cleaning frequency and can help the establishment manager optimize cleaning frequency to reduce cost.	Inspect maintenance log. Provide the establishment with a sample maintenance log if it does not have one. Confirm the maintenance log with the grease hauler identified.

Prevent Fats, Oil, and Grease From Entering Creeks and Streams Through the Storm Drain System

BMP	Reason For	Benefits to Food Service Establishment	Pretreatment Inspection Tips
Cover outdoor grease and oil storage containers. Some local jurisdictions will have BMPs in place for stormwater also.	Uncovered grease and oil storage containers can collect rainwater. Since grease and oil float, the rainwater can cause an overflow onto the ground. Such an overflow will eventually reach the stormwater system and nearby streams.	The discharge of grease and oil to the storm drain system will degrade the water quality of receiving streams by adding biological and chemical oxygen demand to the stream. Discharge of grease and oil to the storm drain might also result in legal penalties or fines.	Observe storage area for signs of oil and grease. Inspect containers for covers. Remove covers to ensure containers have not overflowed and do not have excess water.
Locate grease dumpsters and storage containers away from storm drain catch basins.	The farther away from the catch basin, the more time someone has to clean up spills or drainage prior to entering the storm drain system. Be aware of oil and grease dripped on the ground while carrying waste to the dumpster, as well as oil and grease that may "ooze" from the dumpster.	The discharge of grease and oil to the storm drain system will degrade the water quality of receiving streams by adding biological and chemical oxygen demand to the stream. Discharge of grease and oil to the storm drain might also result in legal penalties or fines.	Observe storage area for signs of oil and grease. Inspect the closest catch basin for signs of accumulated grease and oil.
Use absorbent pads or other material in the storm drain catch basins if grease dumpsters and containers must be located nearby. Do not use free flowing absorbent materials such as "kitty litter" or sawdust.	Absorbent pads and other materials can serve as an effective barrier to grease and oil entering the storm drain system.	The discharge of grease and oil to the storm drain system will degrade the water quality of receiving streams by adding biological and chemical oxygen demand to the stream. Discharge of grease and oil to the storm drain might also result in legal penalties or fines.	Check the nearest catch basin and drainage paths for signs of grease and oil. Require absorbent pads if the basin is within 20 feet of grease dumpsters or containers, or if there are signs of grease in the catch basin at any distance.

			Do not permit the use of free flowing absorbent material such as "kitty litter."
Use absorbent pads or other material to clean up spilled material around outdoor equipment, containers or dumpsters. Do not use free flowing absorbent materials such as "kitty litter" or sawdust that can be discharges to the storm drain system.	Absorbent pads or materials can help clean up grease and oil that is spilled on the ground and prevent it from flowing to the storm drain system.	The discharge of grease and oil to the storm drain system will degrade the water quality of receiving streams by adding biological and chemical oxy gen demand to the stream. Discharge of grease and oil to the storm drain might also result in legal penalties or fines.	If grease and oil are observed on the ground in the storage area, recommend the use of absorbents to minimize movement of the grease and oil. Do not permit the use of free flowing absorbent material such as "kitty litter."
Routinely clean kitchen exhaust system filters.	If grease and oil escape through the kitchen exhaust system, it can accumulate on the roof of the establishment and eventually enter the storm drain system when it rains.	The discharge of grease and oil to the storm drain system will degrade the water quality of receiving streams by adding biological and chemical oxygen demand to the stream. Discharge of grease and oil to the storm drain might also result in legal penalties or fines.	Inspect roof (if safely accessible) for signs of oil and grease. Require a maintenance schedule and records for cleaning exhaust filters. Cleaning is usually by washing, which will discharge the grease to the interceptor where it can be controlled.

Prohibitions Relating to Discharge of Fats, Oil, and Grease

DO NOT…	Basis
Do not discharge fats, oil, and grease in concentrations that will cause an obstruction to the flow in a sewer, or pass through or interference at a wastewater treatment facility.	Grease can solidify and trap other solid particles to completely plug the wastewater collection system.
Do not discharge grease, improperly shredded garbage, animal guts or tissues, paunch manure, bones, hide, hair, fleshings, or entrails.	These materials in combination or alone can cause blockages and other operations and maintenance problems in the wastewater collection and treatment system.
Do not discharge wastewater with temperatures in excess of 140° F to any grease traps. This includes water from mechanical dishwashers that have a minimum required temperature of 160° F.	Temperatures in excess of 140° F will dissolve grease, but the grease can re-congeal and cause blockages further downstream in the sanitary sewer collection system as the water cools. Note: High temperature water, such as from a dishwasher, is discharged to the remotely-located grease interceptor, if there is one. The remote location and the high volume of the interceptor allows the water time to cool so that there is not a problem with dissolving grease and moving it further downstream. The high volume also provides dilution of the detergents in the dishwasher waste.
Do not discharge waste from a food waste disposal unit to any grease traps.	The food waste will greatly reduce the capacity of the grease trap for retaining grease and can cause worse problems with blockages.
Do not discharge caustics, acids, solvents, or other emulsifying agents.	Though emulsifying agents can dissolve solidified grease, the grease can re-congeal further downstream in the sanitary sewer collection system. Caustics, acids, and solvents can have other harmful effects on the wastewater treatment system and can be a hazard to employees working in the wastewater collection system.
Do not discharge fats, wax, grease or oils containing substances that will become viscous between 32° F (0° C) and 150° F (65° C).	The temperatures shown are temperatures that can occur in the wastewater collection and treatment system. If these substances congeal, solidify, or become too viscous, they can cause blockages and other operations and maintenance problems.
Do not utilize biological agents for grease remediation without permission from the sanitary agency receiving the waste.	The biological agents may disrupt the biological treatment process at the wastewater treatment plant.
Do not clean equipment outdoors in an area where water can flow to the gutter, storm drain, or street.	Grease and dirt will be washed off the equipment and enter the storm drain system and flow to nearby streams.

Grease Trap and Interceptor Maintenance

Grease Trap Maintenance
Grease Interceptor Maintenance

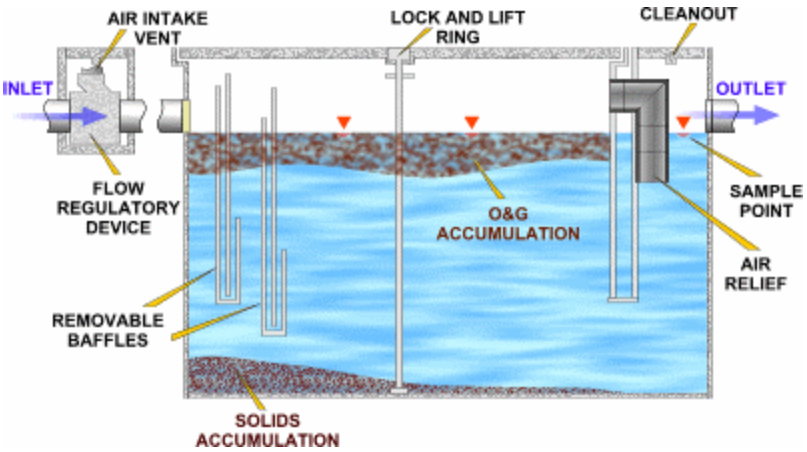
Grease trap maintenance is usually performed by maintenance staff, or other employees of the establishment. Grease interceptor (GI) maintenance, which is usually performed by permitted haulers or recyclers (See *Fats, Oil and Grease Haulers and Recyclers*), consists of removing the entire volume (liquids and solids) from the GI and properly disposing of the material in accordance with all Federal, State, and/or local laws. When performed properly and at the appropriate frequency, grease interceptor and trap maintenance can greatly reduce the discharge of fats, oil, and grease (FOG) into the wastewater collection system.

The required maintenance frequency for grease interceptors and traps depends greatly on the amount of FOG a facility generates as well as any best management practices (BMPs) that the establishment implements to reduce the FOG discharged into its sanitary sewer system. In many cases, an establishment that implements BMPs will realize financial benefit through a reduction in their required grease interceptor and trap maintenance frequency. Refer to *Best Management Practices* for examples of BMPs that FOG generating establishments should implement.

WARNING! Do not use hot water, acids, caustics, solvents, or emulsifying agents when cleaning grease traps and interceptors.

Grease Trap Maintenance

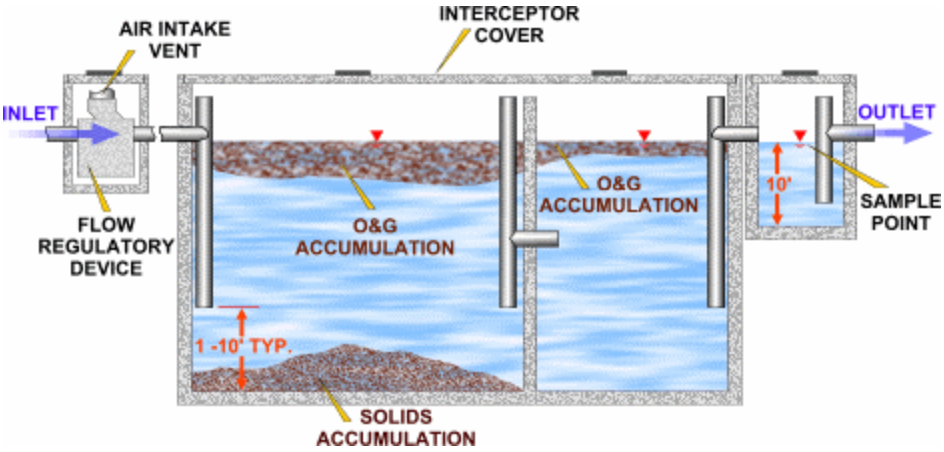
A proper maintenance procedure for a grease trap is outlined below:



Step	Action
1.	**Bail out any water in the trap or interceptor to facilitate cleaning. The water should be discharged to the sanitary sewer system.**
2.	**Remove baffles if possible.**
3.	**Dip the accumulated grease out of the interceptor and deposit in a watertight container.**
4.	**Scrape the sides, the lid, and the baffles with a putty knife to remove as much of the grease as possible, and deposit the grease into a watertight container.**
5.	**Contact a hauler or recycler for grease pick-up.**
6.	**Replace the baffle and the lid.**
7.	**Record the volume of grease removed on the *maintenance log*.**

Grease Interceptor Maintenance

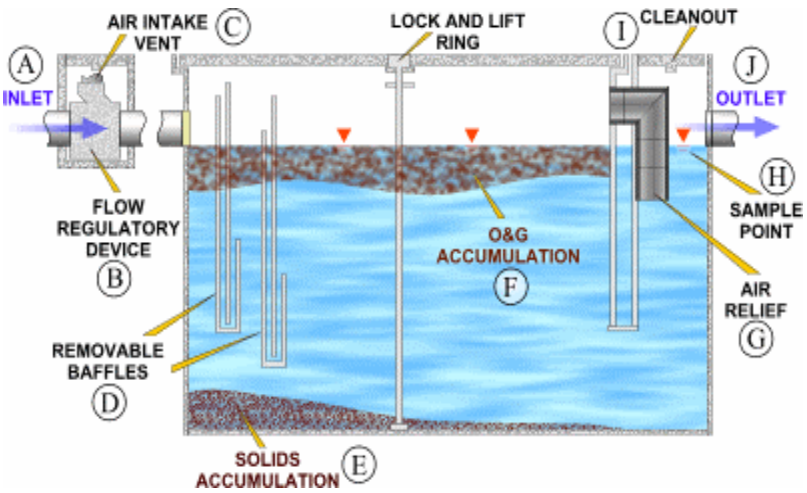
Grease interceptors, due to their size, will usually be cleaned by grease haulers or recyclers. Licensed septic haulers can also pump out grease interceptors and haul the waste to the treatment plant. The hauler must notify DEQ when hauling grease.
A proper maintenance procedure for a grease interceptor is outlined below:
NOTE: Since the establishment is liable for the condition of their pretreatment devices, the establishment owners/representatives should witness all cleaning/maintenance activities to verify that the interceptor is being fully cleaned and properly maintained



Step	Action
1.	Contact a grease hauler or recycler for cleaning. See *Fats, Oil and Grease Haulers and Recyclers*.
2.	Ensure that all flow is stopped to the interceptor by shutting the isolation valve in the inlet piping to the interceptor.
3.	Remove the lid and bail out any water in the trap or interceptor to facilitate cleaning. The water should be discharged to the sanitary sewer system.
4.	Remove baffles if possible.
5.	Dip the accumulated grease out of the interceptor and deposit in a watertight container.
6.	Pump out the settled solids and then the remaining liquids.
7.	Scrape the sides, the lid, and the baffles with a putty knife to remove as much of the grease as possible, and deposit the grease into a watertight container.
8.	Replace the baffle and the lid.
9.	Record the volume of grease removed on the *maintenance log*.

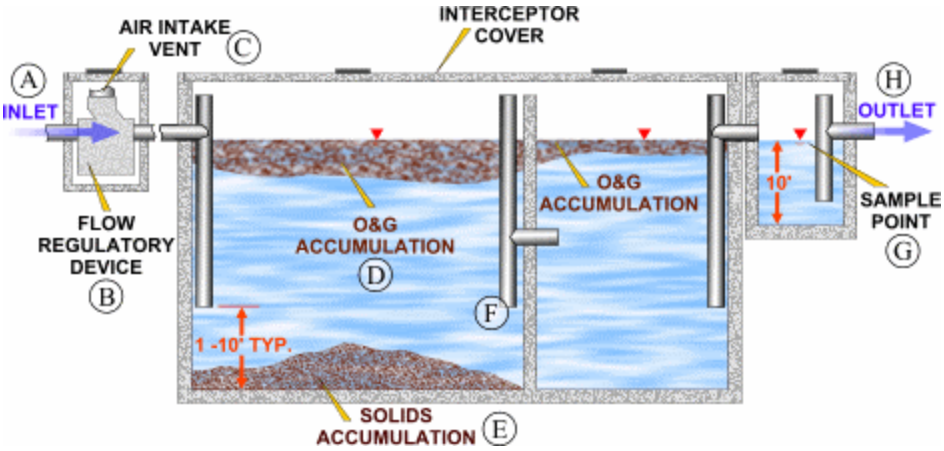
How it Works

Grease Trap



A	Flow from four or fewer kitchen fixtures enters the grease trap.
B	An approved flow control or restricting device is installed to restrict the flow to the grease trap to the rated capacity of the trap.
C	An air intake valve allows air into the open space of the grease trap to prevent siphonage and back-pressure.
D	The baffles help to retain grease toward the upstream end of the grease trap since grease floats and will generally not go under the baffle. This helps to prevent grease from leaving the grease trap and moving further downstream where it can cause blockage problems.
E	Solids in the wastewater that do not float will be deposited on the bottom of the grease trap and will need to be removed during routine grease trap cleaning.
F	Oil and grease floats on the water surface and accumulates behind the baffles. The oil and grease will be removed during routine grease trap cleaning.
G	Air relief is provided to maintain proper air circulation within the grease trap.
H	Some grease traps have a sample point at the outlet end of the trap to sample the quality of the grease trap effluent.
I	A cleanout is provided at the outlet or just downstream of the outlet to provide access into the pipe to remove any blockages.
J	The water exits the grease trap through the outlet pipe and continues on to the grease interceptor or to the sanitary sewer system.

Grease Interceptor



A	Flow from undersink grease traps or directly from plumbing fixtures enters the grease interceptor. The UPC requires that all flow entering the interceptor must enter through the inlet pipe
B	An approved flow control or restricting device is installed to restrict the flow to the grease interceptor to the rated capacity of the interceptor.
C	An air intake valve allows air into the open space of the grease interceptor to prevent siphonage and back-pressure.
D	Oil and grease floats on the water surface and accumulates behind the grease retaining fittings and the wall separating the compartments. The oil and grease will be removed during routine grease interceptor cleaning.
E	Solids in the wastewater that do not float will be deposited on the bottom of the grease interceptor and will need to be removed during routine grease interceptor cleaning.
F	Grease retaining fittings extend down into the water to within 12 inches of the bottom of the interceptor. Because grease floats, it generally does not enter the fitting and is not carried into the next compartment. The fittings also extend above the water surface to provide air relief.
G	Some interceptors have a sample box so that inspectors or employees of the establishment can periodically take effluent samples. Having a sample box is recommended by the UPC but not required.
H	Flow exits the interceptor through the outlet pipe and continues on to the sanitary sewer system.

Compliance Checklists (following pages)

Inspection Checklist

Item	Item Description	Field Data (where appropriate)	Compliance Status[1]
1.	The establishment has implemented a training program to ensure that the BMPs are followed.		
2.	"No Grease" signs are posted in appropriate locations.		
3.	The establishment recycles waste cooking oil and can provide records of this.		
4.	Water temperatures at all sinks, especially the pre-rinse sink before the mechanical dishwasher or the sinks in the three-sink system are less than 140° F. Measure and record temperature.		
5.	The establishment "dry wipes" pots, pans, and dishware prior to rinsing and washing.		
6.	Food waste is disposed of by recycling or solid waste removal and is not discharged to the grease traps or interceptors.		
7.	Grease trap(s) is cleaned regularly. Note and record the frequency of cleaning.		
8.	Grease trap cleaning frequency is documented on a maintenance log (obtain a copy of the document).		
9.	Grease interceptor does not contain greater than 1/3 the depth in grease accumulation. Estimate and record amount of grease in interceptor.		
10.	Grease interceptor does not contain greater than 1/4 the depth in sediment accumulation. Estimate and record amount of sediment in interceptor if possible.		
11.	Grease interceptor is cleaned and maintained regularly. Note and record frequency of cleaning.		
12.	Grease interceptor cleaning and maintenance frequency is documented on a maintenance log (obtain a copy of the document).		
13.	Outdoor grease and oil storage containers are covered and do not show signs of overflowing.		
14.	Grease and oil storage containers are protected from discharge to storm drains.		
15.	Absorbent pads or other materials (not free flowing material such as cat litter) are used to clean up any spills or leakages that could reach the storm drain.		
16.	Storm drain catch basins show no signs of grease or oil.		
17.	The roof shows no signs of grease and oil from the exhaust system.		
18.	Exhaust system filters are cleaned regularly, which is documented by cleaning records. Note and record frequency of cleaning.		
NOTES			

Inspector:_____ Establishment:_____
Signature:_____ Address:_____
Date:_____ Contact Name:_____
Time Inspection Started:_____ Phone:_____
Time Inspection Completed:_____

Installation Checklist

Item	Item Description	Compliance Status[1]
1.	Each grease trap serves not more than four single compartment sinks of the same depth. Grease trap is sized based upon the number of fixtures discharging to it. See *FAQs*.	
2.	Grease traps has a water seal of not less than two inches in depth or the diameter of its outlet, whichever is greater.	
3.	No food waste disposal unit or dishwasher is connected to or discharges into any grease trap.	
4.	Waste from toilets and urinals does not discharge to the grease interceptor.	
5.	Waste in excess of 140° F is not discharged to any grease trap. (Dishwasher with a min. temperature of 160° F is not discharged to any grease trap.)	
6.	The vertical distance between the fixture outlets and grease trap weirs is as short as practical.	
7.	Grease interceptor is as close as practical to the fixtures served.	
8.	Each fixture connected to a grease trap is provided with an approved type flow control or restricting device installed in a readily accessible and visible location. Devices shall be designed so that the flow through the device or devices at no time exceeds the rated capacity of the grease trap or interceptor.	
9.	Each fixture discharging into a grease trap or interceptor is individually trapped and vented in an approved manner.	
10.	Each grease trap and interceptor is properly vented to allow air circulation throughout the entire drain system.	
11.	No water jacketed grease trap or interceptor is installed.	
12.	Grease interceptor is easily accessible for inspection and cleaning and access does not require the use of ladders or the removal of bulky equipment.	
13.	There is a minimum of one access point into each compartment of the interceptor and no access points are greater than 10 feet apart. Each access opening is leak-resistant and cannot slide, rotate, or flip.	
14.	Location of grease interceptor is shown on approved building plans. Drawings of interceptor are complete and show all dimensions, capacities, reinforcing and structural design calculations.	
15.	Grease interceptor is not installed in any part of a building where food is handled. Location shall meet the approval of the Administrative Authority.	
16.	Grease interceptor serves a single business establishment.	
17.	Grease interceptor has a minimum of two compartments and 3-inch diameter fittings designed for grease retention. The compartments shall be separated by partitions or baffles that extend at least 6 inches above the water level. The inlet compartment shall be 2/3 of the total interceptor capacity and shall have a minimum liquid volume of 333 gallons. The length of the inlet compartment shall be longer than the inside width of the interceptor.	
18.	The inlet and outlet fittings shall be a baffle tee (or similar flow device) that extends at least 4 inches above the water level to within 12 inches of the bottom of the interceptor. The outlet tee out of a sample box shall extend at least 6 inches below the water surface. Flow between the separate compartments is through a baffle tee or bend that extends down to within 12 inches of the bottom of the interceptor.	
19.	The liquid depth shall be greater than or equal to 2’-6" and less than 6’-0".	
20.	There shall be a minimum of 9 inches of open vent space above the water level to the top of the interceptor. The airspace has a minimum capacity equal to 12-1/2% of the grease interceptors liquid volume.	
21.	The grease interceptor has at least one square foot of surface area for every 45 gallons of liquid capacity.	
22.	All waste enters the interceptor through the inlet pipe.	

23.	Grease interceptor cover is gastight and has a minimum opening of 20 inches in diameter.	
24.	Grease interceptors located in areas of pedestrian or vehicle travel are adequately designed to support the imposed loads. Review of structural calculations may be required to verify adequacy.	
25.	Redwood baffles are not installed in grease interceptor.	
26.	A sample box is provided on the outlet side of the grease interceptor. This is recommended and may be required by the UPC so that the Administrative Authority can periodically sample the effluent quality.	
27.	Grease interceptor is permanently and legibly marked with the manufacturer's name of trademark, model number, UPC certification mark and registration (if product is listed by the International Association of Plumbing and Mechanical Officials), and any other markings required by law.	
NOTES		

Instructions for form:

1. Completely fill out general information.
2. For items that require some measurement of field data, the inspector should obtain the necessary data or information and record it under the column titled, "Field Data."
3. For all items marked in violation, note the fact that the establishment contact was notified of the violation and the contact's response.

[1]An entry should be made for each item using the following codes:

- "C" – Compliance with the item
- "V" – Violation of the item (provide explanation in the notes)
- "NA" – Not applicable (provide explanation in the notes)
- "NC" – Not checked (provide explanation in the notes)

APPENDIX H

PUBLIC SEWER USE REGULATIONS

Chapter 13.48
PUBLIC SEWER USE REGULATIONS

Sections:

13.48.005 Construction – Purpose.

13.48.010 Definitions.

13.48.020 Intent and administration.

13.48.030 Stormwater and unpolluted drainage.

13.48.040 Prohibitions and limitations.

13.48.050 Preliminary treatment facilities.

13.48.060 Industrial pretreatment requirements.

13.48.070 Preliminary treatment facilities.

13.48.080 Fats, oils, and grease (FOG) control facilities.

13.48.090 Authority to inspect.

13.48.100 Compliance standards.

13.48.110 Sewer blockage.

13.48.120 Violation – Unauthorized tampering – Penalty.

13.48.130 Violation – Notification.

13.48.140 Violation – Continuation – Penalty.

13.48.150 Violation – Liability.

13.48.160 Noncompliance – Nuisance.

13.48.170 Criminal prosecution.

13.48.180 Injunctive relief.

13.48.005 Construction – Purpose.

SHARE

A. This chapter is enacted as an exercise of the city of Sequim's police power to protect and preserve the public health, safety and welfare; its provisions will be liberally construed to give full effect to the objectives and purposes for which it was enacted.

B. It is the express purpose of this code to provide for and to promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited.

C. It is the specific intent of this code to place compliance obligations upon the nondomestic customer. Nothing contained in this code is intended to be or will be construed to create or form the basis for liability on the part of the city of Sequim, its utility, officers, employees or agents for any injury or damage resulting from the failure of the nondomestic customer of any private system to comply with the provisions of this code, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code by the city of Sequim, its utility, officers, employees or agents.

D. The provisions of this chapter and regulations referenced under this chapter do not necessarily mitigate all impacts to the environment, and additional mitigation may be required to protect the environment. (Ord. 2017-023 § 1 (Exh. A))

13.48.010 Definitions.

SHARE

The definitions included in Chapter 173-216
WAC, as now enacted and as amended, are adopted and incorporated into this chapter by this reference. In addition, the following definitions are provided to supplement those in Chapter 173-216 WAC:

A

“AKART” means all known, available, and reasonable methods of prevention, control, and treatment. AKART represents the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. AKART applies to all industrial and commercial users of the water reclamation facility. Best management practices are a subset of the AKART requirement.

“Applicable pretreatment standards” means, for any specified pollutant, Sequim prohibitive standards, Sequim specific pretreatment standard (local limits), state of Washington pretreatment standards, or EPA’s categorical pretreatment standards, whichever standard is appropriate and most stringent.

B

“Best management practices (BMPs)” means activities, prohibitions of practices, maintenance procedures, and other management practices published by federal, state or local authorities to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter amenable to measurement by the methods described in Standard Methods for the Examination

of Water and Wastewater, latest edition, under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (milligrams per liter (mg/L)).

C

“Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency (EPA) in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

N

“Nondomestic customer” means the property owner or the user of the city’s water reclamation facility (WRF), as determined by context, whose activities conducted on the property are a source of indirect discharge. “Nondomestic customer” excludes any person who contributes, causes, or allows the contribution of wastewater into the city water reclamation facility that is of a similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 140 gallons per capita per day and up to 300 mg/L of BOD or TSS.

S

“Significant industrial user (SIU)” means:

1. A user subject to categorical pretreatment standards; or

2. A user who:

    a. Discharges an average daily flow of 25,000 gpd or more of process wastewater to the WRF (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

    b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or

    c. Is designated as such by the city or Ecology on the basis that it has a reasonable potential for adversely affecting the WRF’s operation or for violating any pretreatment standard or requirement.

T

“Total suspended solids” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering and is able to be measured by the methods described in the current edition of Standard Methods for the Examination of Water and Wastewater.

W

“Water reclamation facility (WRF)” means that portion of the city’s sanitary sewer system designed to provide treatment of municipal sewage and industrial waste and generate water suitable for reuse or discharge to the environment. For purposes of this chapter, the definition of “water reclamation facility” also includes the city’s sanitary sewer system. (Ord. 2017-023 § 1 (Exh. A))

13.48.020 Intent and administration.

SHARE

A. Intent. The intent of this chapter is to set forth uniform requirements for nondomestic customers of the city water reclamation facility. It enables the city to comply with Washington State and federal laws that apply to water reclamation facilities with SIUs, but without a discharge permit program. All actions required or authorities granted under this chapter are in accordance with the Clean Water Act (33 USC 1251 et seq.), the Federal Pretreatment Regulations (40 CFR Part 403), and Chapter 90.48 RCW, Water Pollution Control. This chapter applies to all nondomestic customers of the water reclamation facility. This chapter:

1. Defines certain prohibited discharges;

2. Sets forth local limits that apply to nondomestic customers and are for use by state agencies in the issuance of state wastewater discharge permits;

3. Authorizes monitoring, compliance, and enforcement activities;

4. Establishes administrative review procedures; requires nondomestic customer reporting; and

5. Provides for the recovery of liquidated damages and collection of penalties.

B. Administration. The public works director will administer, implement, and enforce the provisions of this chapter, except as provided herein. Any powers granted to or duties imposed upon the public works director may be delegated by the public works director to other city personnel. (Ord. 2017-023 § 1 (Exh. A))

13.48.030 Stormwater and unpolluted drainage.

SHARE

A. Stormwater and all other unpolluted drainage must be discharged to such sewers that are specifically designated as storm sewers, or to a natural outlet approved by the public works director or his or her designee. Stormwater and other unpolluted drainage are prohibited from entering sanitary sewers.

B. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet with prior written approval of the public works director or his or her designee.

C. If a private side sewer has ground water infiltrating into it due to a broken pipe or joint, the property owner will be notified and must apply for a permit and make the necessary repairs in a timely manner as set forth in Chapters 13.56 and 13.60 SMC. (Ord. 2017-023 § 1 (Exh. A))

13.48.040 Prohibitions and limitations.

SHARE

A. General Prohibitions. No nondomestic customer may introduce or cause to be introduced any pollutant or wastewater that causes pass through or interference with the water reclamation facility. These general prohibitions apply to all water reclamation facility nondomestic customers regardless of whether they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements (40 CFR 403.5(a) and WAC 173-216-060(2)(b)(i)).

B. Specific Prohibitions. No nondomestic customer may introduce or cause to be introduced into the water reclamation facility the following pollutants in any form (solid, liquid, or gaseous):

1. Any pollutant that alone or by interaction may create a fire or explosive hazard in the water reclamation facility, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21 (40 CFR 403.5(b)(1)), or are capable of creating a public nuisance (WAC 173-216-060(2)(b)(ii)). This includes waste streams sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair. At no time may a waste stream cause two successive readings on an explosion meter that exceed five percent, nor any single reading over 10 percent of the lower explosive limit (LEL) of the meter at any point in the collection system or treatment works.

2. Any pollutant that will cause corrosive structural damage to the water reclamation facility, but in no case discharges with a pH less than 5.5 or more than 11.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the water reclamation facility, unless the system is specifically designed to accommodate such

discharge and the discharge is authorized by an applicable state wastewater discharge permit (40 CFR 403.5(b)(2) and WAC 173-216-060(2)(b)(iv)).

3. Any solid or viscous substances including fats, oils, and greases in amounts that may cause obstruction to the flow in a water reclamation facility or other interference with the operation of the water reclamation facility (40 CFR 403.5(b)(3) and WAC 173-216-060(2)(b)(iii)).

4. Any discharge of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, is sufficient to cause interference with the water reclamation facility (40 CFR 403.5(b)(4) and WAC 173-216-060(2)(b)(vi)).

5. Any waste stream having a temperature that will inhibit biological activity in the treatment plant resulting in interference, or cause worker health or safety problems in the collection system. In no case will wastewater be discharged at a temperature which causes the temperature of the influent to the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius) unless the system is specifically designed to accommodate such a discharge, and the discharge is authorized by an applicable state wastewater discharge permit (40 CFR 403.5(b)(5) and WAC 173-216-060(2)(b)(v)).

6. Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through (40 CFR 403.5(b)(6) and WAC 173-216-060(2)(b)(i)).

7. Any pollutants that result in the presence of toxic gases, vapors, or fumes within any portion of the water reclamation facility/sanitary sewer system in a quantity that may cause acute worker health and safety problems (40 CFR 403.5(b)(7) and WAC 173-216-060(b)(ii)).

8. Any trucked or hauled wastes, except at discharge points designated by the city and in compliance with all applicable city requirements and during specified hours (40 CFR 403.5(b)(8)).

9. Any noxious or malodorous liquids, gases, solids, or other wastewater that, singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair (WAC 173-216-060(2)(b)(ii)).

10. Any of the following discharges unless approved by Ecology and the city under extraordinary circumstances such as the lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions (WAC 173-216-060(2)(b)(vii)):

a. Noncontact cooling water in significant volumes;

b. Stormwater; or

c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by water reclamation facility.

11. Any dangerous or hazardous wastes as defined in Chapter 173-303 WAC, as amended, except as allowed in compliance with that regulation (WAC 173-216-060(1) and 40 CFR Part 261).

12. Any substance that will cause the water reclamation facility to violate its NPDES or other disposal or reuse system permits, or causing, alone or in conjunction with other sources, the water reclamation facility's effluent to fail a toxicity test or any other required test.

13. Any substance that may cause the water reclamation facility's effluent, reclaimed water, or treatment residues, biosolids, grit, screenings or scums to be unsuitable for reclamation, reuse and normal disposal or would interfere with the reclamation process or cause the water reclamation facility to be in noncompliance with biosolids beneficial use or disposal criteria, guidelines, or regulations developed pursuant to the federal, state, or local statutes or regulations applicable to the biosolids management method being used.

14. Any discharge that imparts color which cannot be removed by the water reclamation facility's treatment process such as may be imparted by some dye wastes and vegetable tanning solutions, pond water, stormwater, wineries, distilleries, or breweries.

15. Any discharge containing radioactive wastes or isotopes except as specifically approved by the public works director in compliance with applicable state or federal regulations including WAC 246-221-190, Disposal by Release into Sanitary Sewerage Systems; and meeting the

concentration limits of WAC 246-221-290, Appendix A, Table I, Column 2; and WAC 246-221-300, Appendix B.

16. Any sludges, solids, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes.

17. Any biomedical wastes as defined in RCW 70.95K.010(1).

18. Any detergents, surface-active agents, phosphates, or other substances in amounts which may cause excessive foaming in the water reclamation facility.

19. Any incompatible substance such as: grease, animal – including human – guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, kitty litter, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, or any other organic or inorganic matter greater than one-half inch in any dimension.

20. Any pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA).

21. Any wastewater that, in the opinion of the public works director, can cause harm to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under a legal and binding agreement by the public works director; however, no waiver may be given to any categorical pretreatment standard.

22. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.

23. Any garbage.

24. Any waters or wastes having a BOD or containing suspended solids of such character and quality that unusual attention or expense is required to handle such materials at the water reclamation facility.

25. Any waters or wastes which contain in excess of 100 milligrams per liter of fat waste, oil, or grease, whether or not emulsified, ether-soluble matter or any substance which may solidify or become viscous at temperatures above 32 degrees Fahrenheit.

26. Wastes containing metals or substances with concentrations or mass totals greater than those listed in SMC 13.48.060, Industrial pretreatment requirements.

C. Pollutants, substances, or wastewater prohibited by this section must not be processed or stored in such a manner that they could be discharged to the water reclamation facility. (Ord. 2017-023 § 1 (Exh. A))

13.48.050 Preliminary treatment facilities.

SHARE

Pretreatment facilities are required as follows:

A. Any waters or wastes entering the public sanitary sewer system meeting any of the following criteria:

1. A five-day BOD greater than 350 parts per million by weight; or

2. Containing more than 350 parts per million by weight of suspended solids; or

3. Containing any quantity of substances having the characteristics described in SMC 13.48.040; or

4. An average daily flow greater than two percent of the city's average daily sewage flow is subject to the review and approval of the public works director or his or her designee.

B. Where necessary in the opinion of the public works director or his or her designee, the nondomestic customer must provide, at nondomestic customer's sole expense, such preliminary treatment as may be necessary to:

1. Reduce the BOD to 350 parts per million and the suspended solids to 350 parts per million by weight; or

2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in SMC 13.48.040; or

3. Control the quantities and rates of discharge of such waters or wastes or any two or all three of the above.

C. Plans and specifications for proposed preliminary treatment facilities must be submitted by the nondomestic customer to the public works director or his or her designee and the Washington State Department of Ecology for approval. No construction of such facilities will be started until these approvals are obtained in writing and the necessary permits are issued through the city of Sequim. Facilities must be designed by a professional engineer registered in the appropriate discipline by Washington State and his/her stamp and signature must appear on the plans and specifications.

D. Nondomestic customers must procure and properly install, operate, and maintain the wastewater facilities which, combined with appropriate practices, are necessary to achieve AKART. Such pretreatment facilities must be designed to achieve compliance with all applicable pretreatment standards and requirements within the time limitations specified by the EPA or Washington State, whichever is more stringent. Detailed plans showing the pretreatment facilities and operating procedures must be submitted to the city and to Ecology for review and approval in accordance with the procedures of Chapter 173-240 WAC and must be provided to the city before construction of the facility. Any review of such plans and operating procedures does not relieve the nondomestic customer from the responsibility to modify its facility as necessary to produce a discharge acceptable to the city and/or Ecology and to meet discharge limitations under the provisions of this chapter. Such facilities will be provided, operated, and maintained at the nondomestic customer's expense.

E. Nondomestic customers must comply with approved engineering reports, plans and specifications, and operations and maintenance manuals, and must modify such documents to reflect any proposed modifications of industrial wastewater (pretreatment) facilities. Nondomestic customers must submit proposals to modify pretreatment facilities to Ecology before implementation in accordance with Chapter 173-240 WAC. Nondomestic customers must submit a copy of such revised plans and Ecology's acceptance to the public works director before implementing changes to approved pretreatment facilities. The public works director may audit the compliance of any nondomestic customer, and require changes in operating procedures the public works director deems necessary to ensure continued compliance with applicable pretreatment standards and requirements. (Ord. 2017-023 § 1 (Exh. A))

13.48.060 Industrial pretreatment requirements.

SHARE

A. Federal Categorical Pretreatment Standards. National categorical pretreatment standards as adopted and as amended by the EPA must be met by all nondomestic customers in the regulated industrial categories. These standards, found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as currently enacted and as amended, are incorporated by this reference.

B. State Requirements.

1. State requirements and limitations on discharges to the water reclamation facility under Chapter 90.48 RCW and Chapters 173-201A, 173-216 and 173-240 WAC, as enacted and amended, must be met by all nondomestic customers subject to such standards. If any requirements or limitations under federal law or this chapter are less stringent, the requirements and limitations under the RCW and WAC control. This includes the requirement to meet AKART as whenever applicable and more stringent than the limits of subsection C of this section, Local Limits, and to comply with the requirements of subsection K of this section, Wastewater Discharge Permitting – Requirements for Discharge.

2. Any nondomestic customer determined by the city to qualify as an SIU must file an application for a state waste discharge permit with Ecology in accordance with the requirements of WAC 173-216-070, as enacted or amended. Proof of acceptance of the application and payment of permit fees must be kept at the nondomestic customer's facilities and produced upon the city's request. Failure to submit the application to Ecology or rejection of the application by Ecology may be considered sufficient grounds to terminate or refuse to provide sewer service.

C. Local Limits.

1. The following pollutant limits are established to protect against pass through and interference. No person may discharge wastewater containing in excess of the following daily maximum allowable discharge concentration limits (maximum average concentration in a calendar day). These limits apply to the total in all states and forms.

Pollutant	Limit
Arsenic (As)	0.18 mg/L
Cadmium (Cd)	0.12 mg/L
Chromium (Cr)	2.50 mg/L
Copper (Cu)	1.00 mg/L
Cyanide (CN-)	1.00 mg/L
Lead (Pb)	0.30 mg/L
Mercury (Hg)	0.05 mg/L

Pollutant	Limit
Molybdenum	0.18 mg/L
Nickel (Ni)	0.93 mg/L
Selenium (Se)	0.42 mg/L
Silver (Ag)	0.40 mg/L
Zinc (Zn)	2.50 mg/L
Polar FOG	100 mg/L
Nonpolar FOG	100 mg/L

2. The above limits apply at the point where the wastewater is discharged to the city-owned sewer system or sewer collection system (end of the pipe). All concentrations for metals are for "total" metal unless indicated otherwise. Ecology may impose mass limitations in addition to or in place of the concentration-based limitations above. Where a nondomestic customer is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard applies.

3. The pollutant limits immediately apply to all nondomestic customers discharging wastewater to the water reclamation facility with the following exceptions:

a. Nondomestic customers discharging under permit prior to the implementation of this chapter are allowed a period up to two years to achieve compliance with the conditions of this chapter under the following conditions:

i. The nondomestic customer submits a schedule of compliance to the public works director and Ecology that will achieve compliance with this chapter within two years of the effective date of the ordinance codified in this chapter.

ii. The city determines it is in the best interest of the community to authorize the discharge, and the discharge will not adversely impact the water reclamation facility, cause a violation of the city's NPDES permit, or any other federal, state, or local regulation.

iii. The nondomestic customer is currently providing AKART as determined by Ecology, or the schedule of compliance achieves AKART in the shortest reasonable length of time as an interim step in achieving full compliance.

iv. The city and Ecology approve the compliance schedule in writing.

b. Nondomestic customers that are determined by Ecology to have no potential, alone or in conjunction with other nondomestic customers, to violate any prohibited discharge standard (see SMC 13.48.040, Prohibitions and limitations) may be exempt from compliance with specific pollutant concentration limits. Such determinations must be provided in writing to the public works director. In such cases, these nondomestic customers will be subject only to implementing the more stringent of best management practices established by Ecology or the city. Such nondomestic customers cannot be SIUs or subject to categorical pretreatment standards or requirements. In such cases, the nondomestic customer must be designated as an insignificant industrial user (IIU) by Ecology and must be listed as such in the city's annual industrial user (IU) survey update.

These exceptions are immediately void if (a) the discharge causes a violation of the city's NPDES permit, or any other federal, state, or local regulation, (b) compliance with any compliance schedule milestone is not achieved within 30 calendar days of the established date, or (c) any compliance schedule extends beyond two years from the effective date of the ordinance codified in this chapter. In such cases, the nondomestic customer is immediately responsible for compliance with the local limits in subsections (C)(1) and (C)(3) of this section.

D. City's Right of Revision.

1. The city reserves the right to establish more stringent standards or requirements on discharges to the water reclamation facility.

2. The city may investigate any occurrence of pass through or interference of which it is made aware. Where pass through or interference has been caused because local limits do not exist for the pollutant, or where the existing limit is not sufficient to protect the water reclamation facility, the city will amend the local limits to establish an appropriately restrictive limit and take such other measures, within its control and power, that are necessary to prevent recurrences.

E. Dilution. No nondomestic customer may ever increase the use of water, combine separate waste streams, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The public works director may request that Ecology impose mass limitations on nondomestic customers which he/she believes may be using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

F. Deadline for Compliance with Applicable Pretreatment Requirements.

1. Except for existing nondomestic customers who have been granted temporary relief from local limits in accordance with subsection C of this section (Local Limits), existing sources to which one or more categorical pretreatment standards are applicable must comply with all applicable standards within two years of the effective date of the standard unless the pretreatment standard includes a more stringent compliance schedule. If local limits are more restrictive than the EPA's categorical pretreatment standards, Ecology must establish a final compliance deadline date for any existing nondomestic customer (as defined herein) or any categorical user.

2. New sources and new nondomestic customers as defined herein must comply with applicable pretreatment standards before beginning discharge. Prior to beginning discharge, such nondomestic customers must have all pollution control equipment required to meet applicable pretreatment standards installed and in proper operation.

G. Additional Pretreatment Measures.

1. Whenever deemed necessary, the public works director may require nondomestic customers to comply with such conditions as may be necessary to protect the water reclamation facility and determine the nondomestic customer's compliance with this chapter. Such measures may include: restricting a discharge during peak flow periods; designating that certain wastewater be discharged only into specific sewers; requiring relocation and/or consolidation of discharge points; and/or separating sewage waste streams from industrial waste streams.

2. Pretreatment devices may also be required pursuant to this section and SMC 13.48.070.

3. Nondomestic customers with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

4. The public works director may require a nondomestic customer discharging more than 10,000 gallons per day or 10 percent of the average daily flow in the water reclamation facility, whichever is less, to install and maintain, on its property and at its expense, a suitable storage and flow-control facility to ensure equalization of flow over a 24-hour period. The facility must have a capacity for at least 50 percent of the daily wastewater discharge volume and be equipped with alarms and a rate of discharge controller. The public works director will direct the control of discharges. The city may require the nondomestic customer to obtain a state wastewater discharge permit solely for flow equalization or to develop a slug discharge control plan (below) approved by Ecology.

H. Accidental Spill/Slug Discharge Control Plans.

1. The public works director may require any nondomestic customer to install, properly operate, and maintain, at nondomestic customer's own expense, facilities to prevent slug loads or accidental discharges of pollutants to the water reclamation facility. The public works director may require nondomestic customers to produce and/or implement spill plans developed in compliance with applicable OSHA, health, fire, and Ecology regulations applicable to discharges to the water reclamation facility and approved by Ecology. Such plans must be provided to the public works director within 10 calendar days following Ecology's approval, or upon request, whichever is first.

2. Nondomestic customers must verbally notify the public works director immediately upon the occurrence of a slug load or accidental discharge of substances regulated by this chapter and take immediate actions to correct the situation. Such notification must include, at a minimum, the following information:

a. The location of discharge;

b. The date and time thereof;

c. The type of waste;

d. The waste concentration and volume; and

e. The corrective actions taken and planned. The nondomestic customer must follow up with a written notification to the public works director and Ecology containing the same information within seven calendar days following the discharge.

3. Any nondomestic customer who discharges an accidental discharge or slug load is liable for:

a. Recovery of any resultant expenses, losses, and damages to the water reclamation facility, including any violations of the city's NPDES permit and any third-party claims against the city or any of its agents;

b. Recovery of any fines or settlements levied upon the city by any government agency or court of competent jurisdiction attributable to the discharge; and

c. Applicable fines and penalties assessed upon the nondomestic customer by the city for noncompliance with this chapter.

I. Septage and Liquid Hauled Wastes.

1. No septage and liquid hauled wastes may be introduced into the water reclamation facility without a valid contract with the city approving such activities. At a minimum, all new or amended contracts must include the following:

a. Maximum term limit of 10 years;

b. Parties must review the terms of the contract every five years or whenever the city is required to update its NPDES permit, whichever occurs first;

c. Nondomestic customers must only discharge at the time, dates, location, and conditions as provided in the contract;

d. Any payment for fees or charges imposed must consider and reflect the risk to the city and the water reclamation facility;

e. Nondomestic customer must provide full documentation of the wastes discharged under the contract upon the public works director's request;

f. Full description of the amounts, types, and concentrations of the septage and liquid hauled wastes;

g. Discharges must not violate any discharge prohibition, standard or requirement in this chapter, or cause, alone or in conjunction with other discharges, the city to violate its reuse, NPDES permit, or any other applicable discharge; and

h. City may immediately terminate or suspend the contract if the septage or hauled waste is suspected of causing deleterious impacts to the sewer system, workers or water reclamation facility.

J. Requirements to Complete Industrial User Surveys. The public works director will periodically notify new, existing, and potential nondomestic customers of the requirement to complete an industrial user survey form. Upon notification, nondomestic customers must fully and accurately complete the survey form and return the completed form to the public works director within 30 calendar days of receipt. Each nondomestic customer must maintain a copy of the latest completed survey form at their place of business. Failure to fully or accurately complete a survey form or to maintain the latest survey form on the premises where a wastewater discharge is occurring will be a violation of this chapter.

K. Wastewater Discharge Permitting – Requirements for Discharge.

1. No SIU may discharge wastewater to the water reclamation facility without first obtaining a written statement from the public works director that the water reclamation facility has the hydraulic and/or loading capacity to accept the discharge. Each SIU must also comply with the state requirements listed in subsection B of this section, State Requirements, and in particular apply for and receive a state wastewater discharge permit from Ecology authorizing the discharge. The public works director may require proof of application as a condition of new or continued discharge. Obtaining a state wastewater discharge permit does not relieve an SIU of the obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local regulation including the requirement for applying AKART.

2. The public works director may require other nondomestic customers, including liquid waste haulers, to apply for, and obtain, applicable state wastewater discharge permits as necessary to carry out the purposes of this chapter.

3. The public works director may also establish and require, in writing, nondomestic customers to implement those best management practices determined by Ecology to be representative of

AKART or to discontinue use of any substance for which an effective substitute is available that will:

a. Lessen the potential for violating this chapter or any water quality standard; or

b. May represent a significant decrease either singly, or in combination with other similar nondomestic customers, in the toxicity of pollutant loadings to the water reclamation facility.

4. The city may require nondomestic customers seeking authorization to discharge to the water reclamation facility to complete a pollution prevention review before submitting their request to discharge to the public works director. The city may also require nondomestic customers who must submit a pollution prevention plan under the State's Hazardous Waste Reduction Act to provide this plan to the public works director as a condition of initial or continued discharge.

5. Whenever a moratorium has been imposed upon the water reclamation facility preventing the addition of new nondomestic customers, the public works director may require any or all nondomestic customers of the water reclamation facility to develop plans to reduce their discharges through water reuse, recycling, reclamation, or other applicable management practices, and to implement such plans or other measures deemed appropriate by the public works director to preserve the availability of public sewage treatment services.

L. Permit Requirements for Dangerous Waste Constituents. Nondomestic customers discharging a waste stream containing dangerous wastes as defined in Chapter 173-303 WAC, as amended, (listed, characteristic, or criteria wastes) are required to obtain specific authorization to discharge the waste in a state waste discharge permit issued by Ecology.

M. Disclosure of Records. Each nondomestic customer must have available, at the location of discharge, all records and reports required by this chapter, any applicable state and federal regulation, or any permit or order issued thereunder. Each nondomestic customer must make such records available for review by the public works director during business hours, when activities are being conducted at the facility, and at all reasonable times. Failure to comply with this provision is a violation of this chapter.

N. Reports from Unpermitted Nondomestic Customers. All nondomestic customers not obligated to obtain a state wastewater discharge permit from Ecology must provide appropriate reports to the city as the public

works director may require. The public works director will determine the schedule and format of such reports, and the pollutant properties, flow rates, and other pertinent information to be reported.

O. Record Keeping.

1. Nondomestic customers subject to this chapter must retain and make readily available for inspection and copying all records of information maintained to comply with this chapter, a state waste discharge permit, or approved operations and maintenance procedures (inspections, lubrication, repair, etc.). Nondomestic customers subject to monitoring requirements must keep records of all required and voluntary monitoring activities.

2. Monitoring records must include: the date, exact place, method, and time of sampling; the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

3. These records must remain available for a period of at least three years. This period will be automatically extended for the duration of any litigation concerning the nondomestic customer or water reclamation facility, or where the public works director has specifically notified the nondomestic customer in writing that a longer retention period is required.

P. Sampling Requirements for Nondomestic Customers. All nondomestic customers must abide by the sampling, monitoring, and analytical requirements of any applicable order, and any state or federal regulation or permit, including a state waste discharge or NPDES permit. The public works director may require proof of compliance with Ecology’s sampling and monitoring requirements, and the nondomestic customer must provide such proof upon request. Reports containing incomplete information are not compliant with this chapter.

Q. Upset.

1. Nondomestic customers must control production and all discharges to the extent necessary to maintain compliance with applicable pretreatment standards and requirements upon reduction, loss, or failure of its wastewater treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

2. A nondomestic customer who wishes to establish the affirmative defense of upset to an enforcement action brought for noncompliance with applicable pretreatment standards must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

a. An upset occurred; the nondomestic customer can identify the cause(s) of the upset; and it was not due to improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation;

b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

c. The nondomestic customer has submitted the following information to Ecology and the public works director within 24 hours of becoming aware of the upset. If this information is provided orally, the nondomestic customer must submit written reports within five calendar days containing this same information:

i. A description of the indirect discharge and cause of noncompliance;

ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

3. Nondomestic customers will only have the opportunity for a judicial determination on a claim of upset in an enforcement action brought for noncompliance with applicable pretreatment standards. In any such enforcement proceeding, the party seeking to establish the occurrence of an upset has the burden of proof. (Ord. 2017-023 § 1 (Exh. A))

13.48.070 Preliminary treatment facilities.

SHARE

A. Grease, oil, and sand interceptors must be provided when, in the opinion of the public works director, they are necessary for the proper handling of wastewater containing grease and oil in excess of the limits in SMC 13.48.060(C), Local Limits, or excessive amounts of sand or other settleable solids. In general, oil water separators will be required to connect to the storm sewer system rather than the sanitary sewer, unless written approval is provided by the public works director. Interceptors are only required for nondomestic customers as

defined in this chapter. All interceptors must be of a type and capacity as required under the Uniform Plumbing Code adopted by the city and approved by the public works director and must be located in places easily accessible for cleaning and inspection. Each nondomestic customer must maintain, inspect, and clean required interceptors on a schedule that ensures the interceptors will capture the intended pollutants and prevents reintroduction into the storm or sanitary sewer systems. Nondomestic customers bear all expenses related to installation, maintenance, inspections, and repair of interceptors, and the proper disposal of removed materials.

B. Reports and/or maintenance logs must document the date of service, volume pumped, name of the licensed disposal company (or employee completing the work), waste disposal location for each pretreatment device and other information on the form provided by the city. Maintenance records must be kept a minimum of three years at the location of the device and provided to the city upon request. (Ord. 2017-023 § 1 (Exh. A))

13.48.080 Fats, oils, and grease (FOG) control facilities.

SHARE

A. New Facilities. Grease interceptors designed to meet Uniform Plumbing Code requirements must be installed for all commercial and/or industrial facilities involving food preparation or that will discharge liquid waste as defined in SMC 13.48.040, Prohibitions and limitations.

B. Existing Facilities with Pretreatment Devices. On or after July 1, 2018, all existing commercial and/or industrial establishments involving food preparation or that discharge liquid waste containing polar and nonpolar grease, or any other wastes or ingredients as defined in SMC 13.48.040, are allowed to operate and maintain existing equipment if the equipment is able to maintain discharges of less than 100 ppm FOG. Any commercial and/or industrial facilities that are known to cause grease-related cleaning activities in the sanitary sewer, a grease-related sanitary sewer overflow, or fail to implement and enforce BMPs will be required to install a properly sized and functioning grease interceptor within 90 calendar days from written notification by the city. Any facilities that have existing grease traps that were not previously approved and are known to cause grease-related cleaning activities in the sanitary sewer or lateral must replace the grease trap with a grease interceptor.

C. Existing Facilities without Grease Removal. Any commercial establishment involving food preparation or that discharges any waste as defined in SMC 13.48.040 are required to install a properly sized and functioning pretreatment device grease interceptor within 90 calendar days from the city's written notification.

D. FOG Control Program. All facilities required to have a FOG control pretreatment device must shall enter into a sewer maintenance agreement with the city and develop and implement a FOG control program. The goal of

the FOG control program is to implement reasonable and technically feasible controls of free-floating FOG. The basic components of the program shall include:

1. A written program documenting management and corporate support for the plan and a commitment to implement planned activities and achieve established goals through the implementation and enforcement of best management practices;

2. A description of the facility type and a summary of the products made and/or service provided;

3. Quantities of fats, oils, and grease brought into the facility; amounts contained in the product; and quantities discharged to the sanitary sewer;

4. A description of current FOG reduction, recycling, and treatment activities;

5. Schematics of the process areas illustrating drains, interceptors, and discharge points connected to the sanitary sewer;

6. Specific performance goals and implementation schedule.

E. Enzymes, Bacteria and Other Agents. The direct addition into the building plumbing, grease trap, or interceptor of enzymes, chemicals or other agents designed to emulsify the grease compounds is prohibited. Any attempt to modify the trap into a biological reactor by adding bacterial or microbial agents is also prohibited.

F. Inspection. City access to pretreatment devices must be granted in accordance with SMC 13.48.090.

G. Enforcement. In the event a pretreatment device fails a visual or effluent sample analysis inspection, the nondomestic customer will be given written notice of the noncompliant condition and must take immediate steps to bring the device into compliance. The nondomestic customer is solely responsible for all associated costs.

Failure on any nondomestic customer's part to maintain continued compliance with any requirements set forth in the SMC may result in the initiation of enforcement action. Such enforcement action may include, but is not limited to: a verbal request or warning documented in the inspection form, a warning letter/maintenance letter (via email, fax, USPS, or hand delivery), notice of violation, termination of any city services, or facility closure as outlined in SMC 13.48.120 through 13.48.180.

Both cleaning and maintenance actions when FOG discharge violations are ongoing must be completed in seven calendar days. The business contact must contact the city official for a reinspection. An extension may be granted by the public works director, if corrective actions have been initiated (e.g., an appointment made with a contractor to address a maintenance concern). In the case of an impending backup or current obstruction, the public works director may require the corrective action be taken immediately.

If an obstruction of the sanitary sewer collection system occurs that causes a sanitary sewer backup and/or overflow, and such overflow can be attributed in part or in whole to an accumulation of any material as defined in SMC 13.48.040 in the sanitary sewer main line, the city may take appropriate enforcement actions, as stipulated in this chapter against the generator or contributor of such materials. These actions may include, without limitation, recovery of all costs associated with cleanup activities, fines, civil penalties, or discontinuing sanitary sewer and water service.

Any person who knowingly makes any false statements, representation, record, report, or other document filed with the city or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter is subject to penalties as set forth in this chapter.

H. Pretreatment devices must be constructed in accordance with SMC 15.04.060 and 15.04.070 and the Sequim Development Specifications and Standard Details.

I. Exemptions. Grease traps will not be accepted as an alternative to grease interceptors except as approved in writing by the public works director. At a minimum, the following conditions must apply:

1. Grease traps must have twice the required grease storage capacity as required in the Uniform Plumbing Code for the applicable flow rate. Grease traps must be sized for 25 gpm/50 lbs., minimally.

2. A single grease trap must not serve more than one building or tenant space.

3. FOG removal devices must not be installed without a permit as required by SMC 15.04.070.

J. Pretreatment devices must be designed by a professional engineer, licensed and authorized to do business in the state of Washington, to accept all grey water from the facility to include: hand-washing sinks, mop sinks, any sink used in beverage or food preparation, dishwasher waste, and any garbage disposals, grinders, or shredders. If the facility is equipped with a hydromechanical grease interceptor (i.e., grease trap), discharge must be pretreated as follows:

1. A dishwasher or sanitizer must have a dedicated trap or solids interceptor to capture large amounts of solids, and allow high temperature waste water to cool before entering the hydromechanical grease interceptor.

The design must demonstrate that the specified grease trap has an adequate flow capacity to handle all of these connections. The minimum grease trap capacity is 25 gpm and 50 lbs. Proposed grease interceptors must conform to the Sequim Development Specifications and Standard Details. (Ord. 2017-023 § 1 (Exh. A))

13.48.090 Authority to inspect.

SHARE

A. Duly authorized city employees bearing proper credentials and identification will be permitted to enter upon all properties in order to inspect, observe, measure, sample, and test effluents destined for the water reclamation facility. Any such intrusions will be conducted in accordance with the provisions of this chapter.

B. Inspection. The city may inspect pretreatment devices on both a scheduled and unscheduled, unannounced basis to determine whether the requirements set forth in this chapter are being met. Each establishment using a pretreatment device must allow city representatives, or other authorized employees bearing proper credentials and identification, access at all reasonable times or during normal hours of operation to all parts of the premises for the purpose of inspection, observation, records examination, measurement, sampling and testing in accordance with the provisions of the SMC. The city has the right to set up on any property devices necessary for conducting wastewater sampling inspection, compliance monitoring and/or metering operations. All costs for laboratory collection and analysis are the responsibility of the establishment. The city representative may request a business representative be present during the inspection to: open, operate, or assist in inspecting the device as required to prove operating effectiveness. During inspection, the factors set forth in SMC 13.48.100 will be considered the minimum standards to determine compliance. (Ord. 2017-023 § 1 (Exh. A))

13.48.100 Compliance standards.

SHARE

A. Compliance and Maintenance Schedule. Grease interceptors will be considered out of compliance if the average accumulation of scum, suspended solids, and sludge (measured by depth) in the device totals 25 percent of the total depth. Grease traps will be considered out of compliance if the average accumulation of scum, suspended solids and sludge (measured by depth) in the device totals 15 percent of the total depth. Grease interceptors and traps must be serviced and emptied of accumulated waste content as required to maintain a minimum design capability or effective volume, but not less than once every 180 calendar days. If a

facility determines that cleaning every 180 calendar days is unnecessary in order to remain in compliance with city requirements, the facility may make a written request for a variance from the cleaning schedule.

B. Oil water separators (OWS) will be considered out of compliance if the average accumulation of oils, suspended solids and sludge (measured by depth) in the device totals 25 percent of the total depth. OWS must be serviced and emptied of accumulated waste contents as required to maintain a minimum design capability or effective volume, but not less than once every 180 calendar days. If a facility determines that cleaning every 180 calendar days is unnecessary in order to remain in compliance with city requirements, the facility may make a written request for a variance from the cleaning schedule.

C. Operability. The devices and all corresponding parts and pieces must be properly installed and in good working order (e.g., lids must open and work freely, seal must be in good condition, threads on bolts and nuts must work freely and fasten properly). No debris, equipment supplies, or storage units or any other materials may be stacked or placed within a three-foot radius of the device's access lids or sampling ports.

D. Noncompliance. The following conditions are considered noncompliance:

1. If amounts of FOG in excess of 100 ppm are evident in the effluent tee, or chamber, of the device. This will be determined by visual inspection (identifying a residue, sheen or grease bloom) or by sampling and laboratory testing;

2. Sanitary wastes are introduced into the pretreatment device;

3. Flushing the grease interceptor with large quantities of water in an effort to cause accumulated grease to pass through is prohibited;

4. For OWS, if coalescing plates or filters appear to be plugged or are otherwise not functioning.

E. Disposal.

1. Any facility that has a grease interceptor must utilize a licensed disposal company to clean the device and properly dispose of the waste. Wastes removed from a device must be disposed of at a facility permitted to receive such waste in accordance with all city, county, state and federal regulations. Grease, solids, or liquids removed from pretreatment devices must not be returned to any grease interceptor, private sanitary sewer line, any portion of the sanitary sewer collection system, or any portion of the stormwater system.

2. Any facility that has a grease trap may utilize a licensed disposal company or employee to clean the interceptor and dispose of the waste properly. These disposal methods include:

a. Absorbing liquids with the proper materials.

b. Storing the removed materials in a leak-proof container and disposing of them in accordance with state and local regulations (e.g., in a sanitary landfill).

c. Recycling the removed materials with a licensed disposal or recycling contractor.

3. Any facility that has an OWS must utilize a licensed disposal company to clean the device and dispose of the waste properly by recycling or disposing of the removed materials with a licensed disposal or recycling contractor. (Ord. 2017-023 § 1 (Exh. A))

13.48.110 Sewer blockage.

SHARE

The nondomestic customer and/or owner is responsible for keeping the side sewer clean and free of obstructions from the building to the sewer main. When a backup occurs in the sewer, the nondomestic customer must first call the city public works department and ask that an operator be sent out to ascertain if the blockage is in the city-owned portion or the privately owned portion of the sewer.

If a nondomestic customer is having backup problems on a regular basis, the nondomestic customer must schedule a video inspection of the side sewer. The nondomestic customer will schedule the work and perform the inspection immediately after first blockage, clean the line, and if needed, install a cleanout at the property line. If the inspection finds misalignment of joints and/or pipe or broken pipe of a private side sewer, the property owner must make repairs to the side sewer in a timely manner. If the work side sewer extends to the city rights-of-way, the property owner must apply for a right-of-way work permit as required under Chapter 12.16 SMC. The property owner must complete construction within 30 calendar days. Upon written request by the property owner, the public works director may extend such time if the delays are attributable to an inability to timely secure a contractor or unsuitable construction conditions.

If a side sewer has no cleanouts for access, the nondomestic customer will install a cleanout to provide access to side sewer line. (Ord. 2017-023 § 1 (Exh. A))

13.48.120 Violation – Unauthorized tampering – Penalty.

SHARE

No unauthorized person may maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any

person who violates this provision is guilty of a misdemeanor as set forth in SMC 1.12.010. (Ord. 2017-023 § 1 (Exh. A))

13.48.130 Violation – Notification.

Any person found to be violating any provisions of this chapter, except SMC 13.48.120 and 13.48.170, may be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender must, within the period of time stated in such notice, permanently cease all violations. (Ord. 2017-023 § 1 (Exh. A))

13.48.140 Violation – Continuation – Penalty.

Any person who continues any violation beyond the time limit provided for in SMC 13.48.130 is guilty of a misdemeanor as set forth in SMC 1.12.010. Each day in which any such violation continues is a separate offense. (Ord. 2017-023 § 1 (Exh. A))

13.48.150 Violation – Liability.

Any person violating any of the provisions of this chapter is liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (Ord. 2017-023 § 1 (Exh. A))

13.48.160 Noncompliance – Nuisance.

Compliance with the terms and conditions of this chapter constitutes minimum health, sanitation, and safety provisions. Noncompliance with these terms and conditions constitutes a public nuisance and may be abated as such, in addition to any other criminal, civil, and equitable remedies that may be available. (Ord. 2017-023 § 1 (Exh. A))

13.48.170 Criminal prosecution.

A. A nondomestic customer who knowingly or recklessly introduces any substance into the water reclamation facility that causes personal injury or property damage will, upon conviction, be guilty of a gross misdemeanor as set forth in SMC 1.12.010. Each day a violation occurs constitutes a separate offense. This penalty is in addition to any other cause of action for personal injury or property damage available to the city at law or in equity.

B. A nondomestic customer will, upon conviction, be guilty of a gross misdemeanor if the nondomestic customer:

1. Knowingly makes any false statements, representations, or certifications in any application or any documentation filed or required to be maintained pursuant to this chapter, state wastewater discharge permit, or order; or

2. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter.

Each day a violation occurs constitutes a separate offense. (Ord. 2017-023 § 1 (Exh. A))

13.48.180 Injunctive relief.

SHARE

If the public works director finds that a nondomestic customer has violated or continues to violate any provision of this chapter, a state wastewater discharge permit, or order, or any other pretreatment standard or requirement, the director may seek an injunction to restrain or compel certain actions. Through the city attorney, the public works director will petition the Clallam County Superior Court for the issuance of a temporary, preliminary or permanent injunction, as appropriate, that achieves nondomestic customer compliance with this chapter, the state wastewater discharge permit, or order. The city may also seek such other action as is appropriate for legal and equitable relief, including requiring the nondomestic customer to conduct environmental remediation. A petition for injunctive relief will not be a bar against, or a prerequisite for, taking any other action against a nondomestic customer. Injunctive relief is nonexclusive to other remedies available to the city. (Ord. 2017-023 § 1 (Exh. A))

APPENDIX I

CHAIN OF CUSTODY FORMS

ALS

1317 South 13th, Kelso, WA 98626 (360) 577-7222 FAX (360) 636-1068

SR# _____

PAGE _____ **OF** _____

Project Name: _____ **Project Number:** _____

Project Manager: _____ **Company:** _____

Company/Address: _____ **Phone:** _____

City, State, Zip: _____ **FAX:** _____

Sampler's Signature: _____

Sample I.D.	Date	Time	LAB ID	Matrix	Number of Containers	Analysis Requested					REMARKS

TURNAROUND REQUIREMENTS

_____ **24 hr** _____ **48 hr** _____ **5 day**

_____ **Standard (21 days)**

_____ **Provide FAX Preliminary Results**

Requested Report Date:_____

Invoice Information

P.O. # _____

Bill to: _____

_____

REPORT REQUIREMENTS

_____ **I. Routine Report: Results, Method Blank, Surrogate, as required**

_____ **II. Report Dup., MS, MSD as required**

_____ **III. Data Validation Report (includes raw data)**

_____ **IV. CLP Deliverable Report**

_____ **V. EDD**

Comments/Special Instructions:

RELINQUISHED BY:	RECEIVED BY:	RELINQUISHED BY:	RECEIVED BY:
Signature: _____	Signature: _____	Signature: _____	Signature: _____
Printed Name: _____	Printed Name: _____	Printed Name: _____	Printed Name: _____
Firm: _____	Firm: _____	Firm: _____	Firm: _____
Date/Time: _____	Date/Time: _____	Date/Time: _____	Date/Time: _____