



City of St. Helens Mandated Industrial Pretreatment Program

November 2008

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PUBLIC REVIEW INFORMATION

RELEASE OF RECORDS

All records maintained by the City of St. Helens (City) regarding the pretreatment program are available for public review where such records are not protected by law. Those wishing the information need only contact the City offices and make the request in writing. The request must be specific as to the type and nature of the records to be reviewed. Where the request requires considerable staff time or costs, the City may charge a reasonable fee. Such fee may be required. The only exception to release of records is information kept in a confidential file not available for public view due to the proprietary nature of the information.

CONFIDENTIAL INFORMATION

Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, and monitoring programs, as well as from city inspection and sampling activities shall be available to the public without restriction. If the industrial user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state laws, then that information will not be available to the public for review.

Wastewater constituents and characteristics and other "effluent data", as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

When requested and demonstrated by the industrial user furnishing a report that such information shall be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public. However, the information shall be made available immediately upon request to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) program, and in enforcement proceedings involving the person furnishing the report.

If the information is deemed confidential, it will be separated from the remainder of the permit file and kept in a locked security cabinet. Access will be limited to the Plant operations/pretreatment supervisor, Wastewater Superintendent, and City Attorney. Access of the information to other parties will be upon approval of the City Attorney.

RECORDS RETENTION

The plant operations/pretreatment supervisor and affected users will be required to retain all pretreatment records and reports for a period of at least three years or longer for unresolved litigation or if requested by the Approval Authority. This period may be extended by request of the City of St. Helens, EPA, or DEQ at any time.

REPORTING BY THE CITY TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

The City will provide reports as indicated in its NPDES permit.

PUBLIC PARTICIPATION IN THE PRETREATMENT PROCESS

The plant operations/pretreatment supervisor will be responsible for developing a program to notify the public about pretreatment issues. The plant operations/pretreatment supervisor will also establish a mailing list of all those who are interested in the pretreatment program. Those on the list will include all significant industrial users, as well as other users who have expressed an interest in the program.

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CHAPTER 1 - OVERVIEW OF IMPLEMENTATION MANUAL

The following is an overview of the City of St. Helens (City) implementation manual for its required industrial pretreatment program. Even though the City is not required to have a designated Industrial pretreatment program as required in 40 CFR 403.8, the City has chosen to invest its time and energy in developing and carrying out the requirements of the federal program. This document will provide the legal and functional basis for the City's Industrial Pretreatment Program, which meets the Federal and State of Oregon requirements. Since 1989, the city has undertaken a major effort to inspect and to regulate industrial discharges into the City's public sewer system. More recently, the City has been required by the State of Oregon to develop and implement a federally mandated industrial pretreatment program. It is that requirement for which this implementation manual is written for staff to follow to ensure that the City meets and at times exceed the minimum federal requirements of federal Industrial Pretreatment Program.

It is also developed to assist staff with details to address non-compliance for SIUs and to create a methodology to enforce the local, State and federal requirements for dischargers into a POTW. This document is specific to identifying who is a Significant Industrial Users (SIU) and addressing the requirements towards SIUs. Specific details for addressing other non-domestic dischargers into the City's public sewer system are handled through a "Local Program", which is discussed in a different document.

All Significant Industrial Users (SIUs) will be controlled by the City through utilization of industrial user permits. Pretreatment staff will be timely in notifying affected users of pretreatment requirements, require timely submittal of reports from the IUs, insuring that thorough reviews of environmental survey forms and permit applications are accomplished, and issue permits in a timely manner.

1.1 City's Industrial Pretreatment Program Scope

The City's pretreatment program was developed to meet federal requirements. 40 CFR 403.8(f)(1) states, in part, that "a POTW (publicly owned treatment works) shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and enforce the requirements of sections 307(b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections", the Act referring to the Clean Water Act, or the Federal Water Pollution Control Act.

Section 307(b) of the Act says, in paraphrase, that EPA shall publish pretreatment standards for introduction of pollutants into POTWs. Section 307(c) says that EPA shall promulgate pretreatment standards for the category of such sources (i.e. categorical industrial users) simultaneously with the promulgation of standards of performance under section 306 of the Act. Section 306 says a list of industrial user categories shall be identified and performance standards shall be developed for each category.

Section 402(b)(8) of the Act says, in paraphrase, that a POTW is required to identify any significant source introducing pollutants subject to pretreatment standards under section 307(b) of the Act, and to ensure compliance with such pretreatment standards by each source. Significant source is further defined in 40 CFR 403.3(v) as Significant Industrial User (SIU).

An *Indirect Discharge* is defined in 40 CFR 403.3(i) as "the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act". The term *Industrial User* is defined in 40 CFR 403.3(h) as "a source of indirect discharge".

In summary, the federally mandated Industrial Pretreatment Program identifies the universe of industrial users to be regulated. 40 CFR 403, in conjunction with the appropriately referenced sections of the Clean Water Act, define the regulated industrial user universe as those industrial dischargers that meet the criteria of a “significant industrial user”. Significant industrial users include categorical users, as well as users discharging more than 25,000 gallons of process wastewater per day, or users discharging 5 % or more of the average dry weather hydraulic or organic loading of a POTW, or users that the City has defined as having a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

The City’s pretreatment program therefore regulates significant industrial users (SIU) as identified in 40 CFR 403.3(v). The City’s local limits, developed as per 40 CFR 403.5(c) apply only to SIUs (40 CFR 403.5(d)).

The City may elect to issue permits to non-Significant Industrial Users under a local program, which is contained in another document.

CHAPTER 2 - EPA DESIGNATED PRETREATMENT PROGRAM REQUIREMENTS

EPA program requirements for minimum pretreatment program acceptability are established in 40 CFR 403.8(f)(1)-(6). The elements that must be present include:

- Legal Authority (1)(i)-(vii)
- Procedures (2)(i)-(vii)
- Funding (3)
- Local Limits (4)
- Enforcement Response Plans (5)(i)-(iv)
- Identification and notification of Significant Industrial Users (SIUs)(6)

The federal citation from 40 CFR 403.8(f)(1)-(6) is included in parenthesis. The manner in which the City has elected to develop its pretreatment program to meet the above federal requirements is outlined in the following document. This means that the rest of this document explains how these requirements are met, beginning with Chapter 3 :Legal Authority.

CHAPTER 3 - LEGAL AUTHORITY

40 CFR 403.8(f)(1) requires the City to have adopted legal enforcement authority to ensure that the aspects of the pretreatment program requirements, as defined in sections 307(b) and (c), and 402(b)(8) of the Act, can be undertaken. The City has specific legislative powers placed upon it under Oregon Revised Statutes and the federal requirements listed below are met by the City's Ordinance (Municipal Code (SHMC) Title 13, Chapter 16) found at the end of this document in the Exhibits.

3.1 Federal Requirement

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.

40 CFR 403.8 (f) (1) 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 40 CFR 403.3(v) this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user. Such control mechanisms must be enforceable and contain, at a minimum, the conditions more clearly identified in Chapter 4, Section 4.10.2.1 (c) and (d).
- 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 (B) Pretreatment requirements which will be enforced through the remedies set forth in paragraph (f)(1)(vi)(A), will include but not be limited to, the duty to allow or carry out inspection, entry or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in individual control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations.
- vii. Comply with the confidentiality requirements set forth in 40 CFR part 25.

3.2 Program Modifications

Either the City or the Oregon DEQ may initiate program modifications at any time to reflect changing conditions. Program modifications are necessary whenever there is a significant change in the operation of the City's pretreatment program that differs from the information in the City's submission as approved.

All substantial and non-substantial program modifications must be submitted to DEQ for approval. These submissions must include at least the following:

1. A detailed description of the proposed modification and rationale for the change.
2. A local determination whether the proposed modification is substantial or non-substantial.
3. A copy of revised legal authority that shows deletions (as strike-throughs) and additions (as underlined text), as well as a copy of the revised legal authority in its final format.
4. A copy of the new forms/procedures affected by the modification.
5. Any additional documentation required by DEQ after its initial review of the package.
6. A copy of the public notice and an affidavit of publication.
7. A concise description of the substantive issues that were raised during the public comment process, together with a brief explanation regarding how these issues were resolved or avoided in the final proposal.

The submittal should be sent by certified mail to ensure DEQ receipt and to document the start of the 90-day approval clock. Notice can also be accomplished using electronic mail (e-mail) providing the original e-mail is managed according to Oregon's Records Law. In either case, the 90-day clock begins upon receipt of the submittal by DEQ.

DEQ sends the document to the USEPA for its review and comment opportunity. DEQ gives final approval to the changes after a public review process (either DEQ's or the City's) and incorporates the changes into the City's NPDES permit.

Note: It may be necessary to change the SIU permit if changes in the Sewer Use Ordinance will affect the permit. If changes in these rules and regulations could adversely impact the SIU operation/understanding/enforcement, the SIU permit must be changed before it will become effective. The permit will remain in effect under the old Rules/Regulations, Sewer Use Ordinance until such time as the permit is changed to make it effective under the latest revision of the Sewer Use Ordinance.

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CHAPTER 4 - PROCEDURES

This document will present the specific concepts of how City staff implement the requirements of the Pretreatment Program. The following information is taken from the US EPA requirements for a POTW to develop procedures as directed below. At a minimum, these procedures will describe the tasks necessary to:

(The following citations are from 40 CFR 403.8)

- 4.1 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; 40 CFR 403.8(f)(2)(i).
- 4.2 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, 40 CFR 403.8(f)(2)(ii).
- 4.3 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. 40 CFR 403.8(f)(2)(iii).
- 4.4 Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in §403.12 40 CFR 403.8(f)(2)(iv).
- 4.5 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. 40 CFR 403.8 (f)(2)(vi). The City will sample SIUs consistent with its NPDES Permit (2x per year).
- 4.6 Evaluate whether each such Significant Industrial User needs a plan or other action to control slug discharges. 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. SIUs are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge
. 40 CFR 403.8 (f)(2)(v).
- 4.7 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, analysis, and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. 40 CFR 403.8(f)(2)(vii).
- 4.8 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 the largest daily newspaper published in the municipality in which the POTW is located, of industrial users which, at anytime during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements.40 CFR 403.8(f)(2)(viii).
- 4.9 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 40 CFR 403.8(f)(5).
- 4.10 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 40 CFR 403.3(v). This control shall be achieved through permits or equivalent individual control

mechanisms issued to each such user. Such control mechanisms must be enforceable and contain, at a minimum, the items identified in more detail in Section J.

The procedures for conducting the above tasks are more completely defined in the following sections. Specific Forms and additional language to assist staff with specific detail may not be in this document, but may be in specific procedural documents maintained at staff level.

4.1 Industrial Survey

4.1.1 Purpose

To meet the federal requirement, this states that, the Control Authority must: 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; 40 CFR 403.8(f)(2)(i).

The City will utilize all avenues of its current policies relating to business license and development permits as well as observations obtained by staff and/or the public to identify potential SIUs, which might be subject to the City's Pretreatment Program. In addition, nondomestic users that discharge pollutants in violation of the City's Ordinance may be required to submit information to determine whether that source will become an SIU and therefore come under the direction of federal program requirements. At this point Septage Haulers are not considered SIUs and will be addressed in the City's local program.

4.1.2 Procedure

The original Industrial Waste Survey (IWS) for the City of St. Helens was conducted beginning February 1, 1989, pursuant to Section 403.8(f)(2) of the General Pretreatment Regulations in accordance with the EPA Guidance Manual for POTW Pretreatment Program Development, dated October 1983. A master list of all industrial users (IUs) discharging to our treatment system was developed by consulting existing water and sewer user accounts, and the lists of fully regulated and small quantity generators in Oregon, dated July 20, 1988. Questionnaires were mailed to all on the list, with follow-up telephone activities until all survey forms were returned. All sites were then visited to determine the accuracy and completeness of the responses.

The City reviewed and updated the list in 2004, with no new SIUs identified. The City's latest result of an industrial survey identifies no new industrial users. The following is a list of significant industrial users currently permitted by the City:

Armstrong World Industries	Permit #101
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The most current list is submitted annually to DEQ in the City Pretreatment Report.. Regarding the survey process for Columbia City, the Multi-Jurisdictional Agreement (MJA) in Chapter 8 identifies the process for identifying and regulating appropriate industrial users.

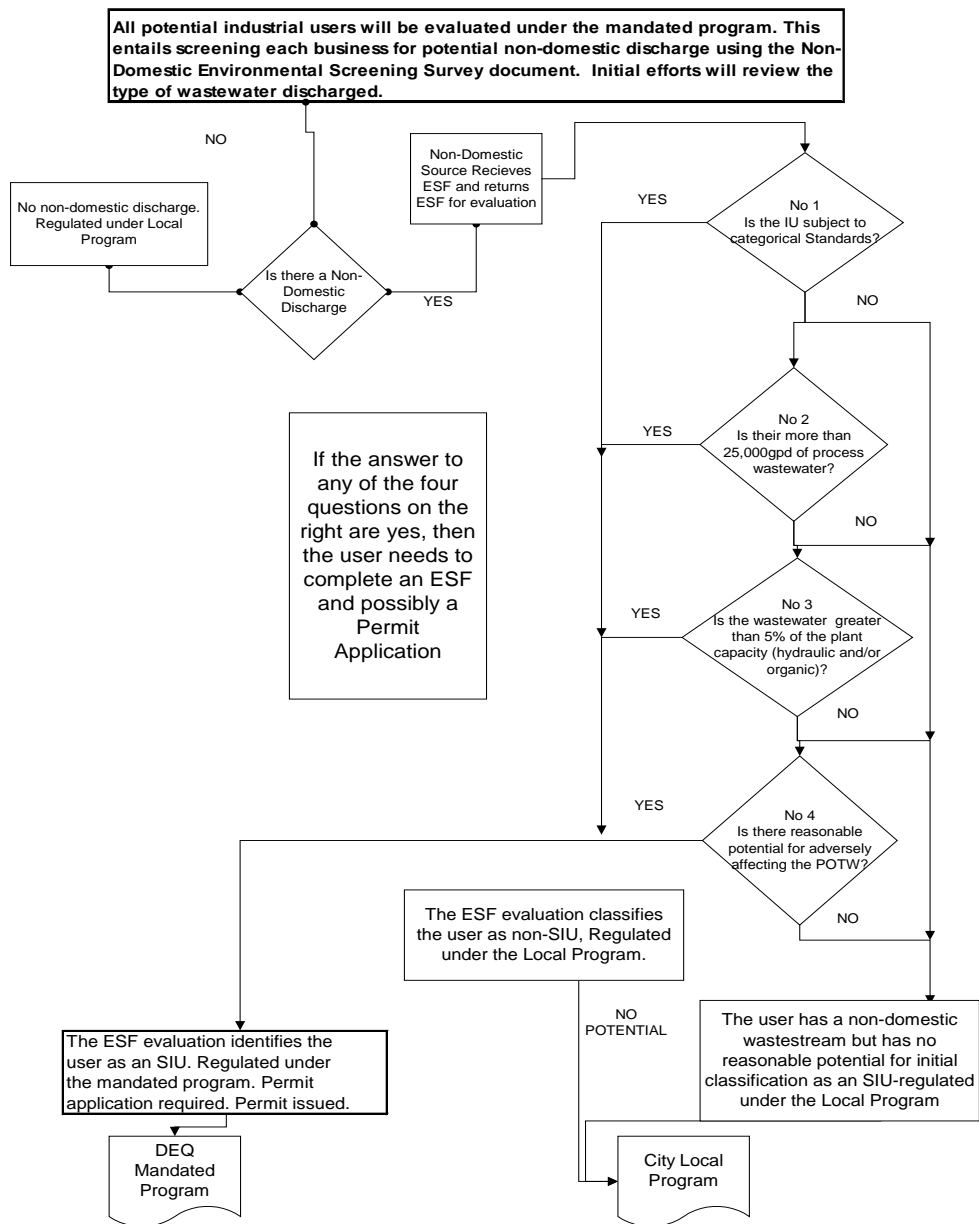
As an on-going procedure to maintain this list, the City will use a Non-Domestic Environmental Screening Survey Form, and Environmental Survey Form and an Application to maintain its identification of potential significant industrial users. The City will include the RCRA Notification letter as part of this packet of information at this time. To maintain this list the City will also use the following to ensure that the industrial list is current:

- a. All SIUs issued a permit will be required to notify the City of changes in its operation or wastewater characteristics.
- b. New users (SIUs and Non-SIUs) will be added to the original user survey.

- c. The survey is updated on an on-going basis and any updates will be submitted to DEQ annually.
- d. Identification of new users that occupy new structures.
 - The Planning Secretary, who issues building permits to new facilities, will provide the facility name to the pretreatment staff. The pretreatment staff and affected user will be required to follow applicable procedures outlined in 4.1.2.
- e. Identification of new users that occupy existing structures.
 - The Utility Billing Specialist, who records all new water turn-ons, will submit a monthly report to the pretreatment staff of all non-residential new users.
 - The Building/Engineering Secretary will provide a monthly report of all new business licenses.

All industrial users (both SIUs and Non-SIUs) will be filtered using a Non-Domestic Environmental Screening Survey form (NDESSF). Examples of the NDESSF, ESF and permit application are in Chapter 10, Exhibits D and E.

Once a month the City's Business and Planning Departments develop the list of most recent Business License Applications and proposed construction for the year. These new business and construction applications for non-domestic users of the sanitary sewer system are submitted to the plant operations/plant supervisor. Once the plant operations/pretreatment supervisor receives this information, he completes a NDESS based on the information submitted by the user. They then make a determination whether additional information is required. If further review of the dischargers waste is of no further interest, the user will be logged accordingly. See attached drawing 4.1.2 below.



Drawing 4.1.2

If the user has a nondomestic wastewater discharge of interest, he/she will be asked to complete an ESF and will be notified by the plant operations/pretreatment supervisor stating which regulatory standards apply.

The affected user may be asked to sample its nondomestic wastewater discharge to determine if it complies with the applicable standards. The City can do the sampling if necessary, but there may be a charge for the service. If the industrial user is found to be in noncompliance, a time period stating a definite date to reach compliance will be established. A new source discharger will be required to submit estimates of pollutants to be discharged with estimated concentrations.

- 4.1.2.1 Upon receipt of the ESF and permit application, the plant operations/pretreatment supervisor will create a file for that business or industry. All data will be reviewed carefully. The plant operations/pretreatment supervisor will pay particular attention to which standards apply (local, state, and/or federal) to the affected user, as well as, compliance dates.
- 4.1.2.2 For an industrial user out of compliance with the applicable standards, the plant operations/pretreatment supervisor will evaluate the user's compliance schedule. For categorical industries, the plant operations/pretreatment supervisor will insure that the affected user's schedule does not exceed the promulgated standard's final compliance date. For non-categorical industries, or categorical industries for which federal categorical standards have not been promulgated, the pretreatment staff will insure that the affected user's schedule is reasonable. For a new source discharge, it will have to comply with the applicable standard(s) upon commencement of discharge. The plant operations/pretreatment supervisor will meet with the company to negotiate a schedule, if appropriate.
- 4.1.2.3 Follow-up activities (phone calls and conferences) will be undertaken for incorrect, inaccurate, or missing data.
- 4.1.2.4 A detailed inspection will be performed at affected user's facility to determine its classification, verify data submitted in the ESF and permit application, observe the manufacturing operation, and determine if additional pretreatment requirements are warranted (such as ASPP). Results of the inspection will be documented on the ESF and/or the Permit Application.
- 4.1.2.5 After reviewing the environmental survey form parts A and B of the permit application and identifying the character and type of industry, the industry will be checked against the 40 CFR Chapter 1 Subchapter N Parts 405-471 to determine if EPA lists this industry with a categorical classification. Categorical industries that do not discharge to the POTW (dry categorical) may not be classified as a CIU and will be classified as an NDCIU. Once all the data has been evaluated, the plant operations/pretreatment supervisor will make a final decision on classifying the user. If the user is identified to be a potential Significant Industrial User, it will then be asked to complete an Industrial Waste Permit Application.

Industrial users that have been identified as an SIU, due to a categorical evaluation, but are not discharging wastewater into the City's sewer system, will be issued a letter explaining their categorical classification as set forth in 4.3 of this chapter. This user will also be classified as a Non-Discharging Categorical Industrial User (NDCIU) and will show up accordingly in the City's Annual Report to DEQ.

Industrial users that are classified as SIUs due to a Categorical listing which identifies that the wastewater discharged from the facility is "not acceptable, or no discharged allowed", that SIU will be

given a permit which describes no wastewater may be discharged into the City's system. This user will be classified as an SIU, will be included in the City's list of SIUs, and be regulated accordingly.

4.2 Significant Industrial User Application

4.2.1 Purpose

To meet the federal requirement, this states that, the Control Authority must:
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, 40 CFR 403.8(f)(2)(ii).

4.2.2 Procedure

This section of the requirements is met through the use of an Industrial Waste Permit Application. The actual form and format are available for review in Chapter 10, Exhibits. Since this formal program requirement will focus on Significant Industrial Users (SIUs), then the procedure outlined below will focus only on SIUs. An SIU is more definitely described if it meets one of the following:

Check the data filed by the IU with the appropriate subpart of 40 CFR Chapter I, Subchapter N to see if it is listed as a categorical user by EPA standards;
Does the industry discharge an average of 25,000 gallons per day or more to the POTW (excluding sanitary, non-contact cooling water, boiler blow down wastewater);
Does the Industry contribute a process wastestream, which makes up five percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant based on plant capacity; or
If, after review of plant design data submitted, the plant operations/pretreatment supervisor finds that the industrial user has a reasonable potential for adversely affecting the POTW operations or for violating any pretreatment standard or requirement.

The City may also determine that an Industrial User subject to categorical pretreatment standards under 40 CFR 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:

- (a) The Industrial User, prior to the City's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
- (b) The Industrial User annually submits the certification statement required in 40 CFR 403.12(q), signed and certified in accordance with Section 4.2.2.3 (b), together with any additional information necessary to support the certification statement; and
- (c) The Industrial User never discharges any untreated concentrated wastewater

Permits will be issued to SIUs; the pretreatment staff will inform any user classified as Categorical/Significant within 30 days of determination by the City. The user will be notified that a permit application must be completed, and a permit will be required.

4.2.2 A. DEQ Guidance on NDCIUs

DEQ has developed a NDCIU policy for pretreatment as follows. The City follows this policy as guidance.

1. Non-discharging industries that have industrial processes that would otherwise be subject to national categorical pretreatment standards and requirements (NDCIUs) including NDCIUs with zero-discharge categorical limits, that have a potential to discharge, must be issued no-discharge control mechanisms. The potential to discharge is described in more detail in Section 4.2.2.2.
2. Only NDCIUs subject to zero-discharge categorical standard limits that have a potential to discharge must be reported in Pretreatment Annual Reports as SIUs. All other NDCIUs will not be considered SIUs for purposes of determining the pretreatment portion of NPDES permit annual compliance determination fees.
3. IUs that would otherwise be considered SIUs, as defined at 40 CFR 403.3(v), but do not have a potential to discharge, are not considered SIUs for purposes of implementing pretreatment program requirements.
4. NDCIUs should be reported as a separate group of IUs in Form 6 in Annual Pretreatment Reports. Exceptions are NDCIUs subject to zero-discharge limits; these must be reported as SIUs.
5. The POTW must provide adequate oversight of NDCIUs to insure compliance with the conditions of the control mechanisms issued to such users. This could include, for example, periodic inspection, such as annually, to verify that the zero-discharge status and/or the potential to discharge status of such industries has not changed.
Control Mechanisms issued to NDCIUs that have a potential to discharge may also include requirements for the industry to certify periodically, such as semiannually, that no discharge has occurred.
6. The POTW may use its existing industrial wastewater discharge permit format or develop an alternate control mechanism format for NDCIUs. Pretreatment program modification is not required to implement this guidance, unless specifically required by 40 CFR 403.18.
7. Control Mechanisms issued to NDCIUs that have the potential to discharge should contain at least the following conditions:
 - Prohibition against discharge of industrial process wastewater;
 - Notice that discharge of prohibited wastes to the POTW would be in violation of the POTW's ordinance provisions;
 - Requirements to notify the POTW of discharges of industrial wastes to the POTW;
 - Requirements to notify the POTW of any changes in operations resulting in a potential to discharge or resulting in a change in status of potential to discharge;
 - Requirements to develop and implement a Slug Control Plan as necessary;
 - Requirements to comply with Resource Conservation and Recovery Act (RCRA) reporting requirements set out at 40 CFR 403.12(p). The Department recommends that this provision include an explanation that these pretreatment reporting requirements are to ensure that industries are aware of the RCRA compliance requirements set out at 40 CFR Parts 260 through 272 and State of Oregon hazardous waste regulations regarding the proper disposal of hazardous waste in accordance with Oregon Administrative Rules (OAR) Chapter 340, Divisions 100 through 120. Hazardous waste as defined at 40 CFR 261.3 and OAR Chapter 340, Division 101 must be disposed of in accordance with these regulations; and
 - Notice that the POTW may inspect the facility as necessary to assess and assure compliance with the "no discharge" requirement and/or the status of the industry's potential to discharge.

4.2.2.B. Definition of Potential to Discharge

Potential to discharge may be defined by the POTW to be consistent with its approved program. The definition should be no less stringent than nor less all encompassing than the following definition:

Potential to discharge means hard plumbing connected to the POTW's sanitary sewer or combined sanitary and storm sewer system exists in the proximity of the industry's processing area and/or in areas where hazardous chemicals or hazardous wastes are stored. This includes plumbing with shut-off valves and plumbing that has been plugged with temporary or removable plugs. Plumbing that has been permanently disconnected or cemented shut would not constitute a potential to discharge. Examples that constitute potential to discharge include floor drains, clean-up sinks and industrial process discharge lines connected to the sewer.

Industrial users that have been identified as an SIU, due to a categorical evaluation, but are not discharging wastewater into the City's sewer system, will be issued a letter explaining their categorical classification as set forth in 4.3 of this chapter. This user will also be classified as a Non-Discharging Categorical Industrial User (NDCIU) and will show up accordingly in the City's Annual Report to DEQ.

Industrial users that are classified as SIUs due to a Categorical listing which identifies that the wastewater discharged from the facility is "not acceptable, or no discharged allowed", that SIU will be given a permit which describes no wastewater may be discharged into the City's system. This user will be classified as an SIU, will be included in the City's list of SIUs, and be regulated accordingly.

4.2.2.1. Application Review Process

- a. Check for Completeness and that all spaces are filled in. Instructions shall provide that all items must be completed and the term "not applicable – N/A" used to show that the item was considered but not pertinent to the facility.
- b. If the permit application is incomplete, use one of the following methods to obtain the needed information:
 - Use the telephone.
 - Meet in person and ask.
 - Return the application by mail (certified) to be completed.
- c. Inspect the facility to verify information provided.
- d. If there are extensive corrections, require a new application to be completed.
- e. Determine if sewer piping layout and process diagram for the facility exist.

4.2.2.2. Measurement of Pollutants

- a). The completed Industrial Waste Discharge Permit Application (also meeting the requirements of the BMR) shall be based upon data obtained through appropriate sampling and analysis performed or if a new facility based on an engineers estimate, which data is representative of conditions. Unless otherwise specified in this section, sampling for all pollutants must be made by using 24-hour composite samples obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, 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.

Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. 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 City, as appropriate. In addition grab samples may be required to show compliance with instantaneous limits.

b.) For sampling required in support of baseline monitoring, 90-day compliance reports, periodic compliance reports, and reports submitted by industrial users not subject to categorical reporting requirements; 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 City may authorize a lower minimum. The industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

c.) 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, 40 CFR 36.4 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.

d.) If an Industrial User subject to Periodic Reports on Continued Compliance and for Reporting Requirements for Industrial Users not Subject to Categorical Pretreatment Standards, monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in paragraph a.) of this section, the results of this monitoring shall be included in the report.

4.2.2.3 Effluent Data

A new facility shall provide estimates based on best professional judgment. Existing facilities shall have the necessary background effluent data. If effluent data is insufficient or nonexistent, waste characterization by sampling and analysis of individual waste streams will be necessary.

a. If facility final effluent appears to be diluted, collect data on internal waste stream characteristics:

- Before the waste stream enters the facility treatment plant
- After it leaves the treatment plant at facility
- As the effluent enters POTW
- Internal waste stream flows
- Exhibit A gives an example of some questions that come up when analyzing permit application
- Any other supplementary information needed to develop the permit

- b. Authorized Signatory Official must be of sufficient stature to hold the facility legally responsible for the representations made on the permit application and subsequent compliance reports. Categorical industrial users documents must be signed by an authorized signatory official as defined below:
1. If the industrial user submitting the report is a corporation.
 - i. The president, secretary, treasurer, or a 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 operation 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. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 3. If the user is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 4. The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing by the individual described in paragraph 1 through 3 above, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

c. If an authorization under Section 4.2.2.3(b). 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 Section 4.2.2.3.(b). must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

4.2.2.4. Accuracy

The permit application must be accurate, all necessary information must be provided and all information must be accurate. When reviewing a permit for accuracy the same procedures to correct inaccurate information as were used to obtain missing information will be used.

- a. In verifying the industrial user's information, particular attention shall be given to:
 - Information on the use, production, and discharge of toxic substances;
 - Information on all waste streams (including schematic flow diagram(s) and waste characterization of individual waste streams).
- b. Accurate information on the use or production of toxic or non-conventional pollutants at a facility and adequate sampling data on these pollutants in the facility's effluent are essential for preparing appropriate permit limits. Industrial users shall provide a

comprehensive list of toxic substances used, produced (as products, by-products, or intermediates), and stored, and identify those toxic substances known or suspected to be present in the waste stream. If the industrial user lists toxic substances but does not indicate their potential presence in the waste stream, an explanation for this absence from the waste stream shall be provided. Specific organic constituents of trade name products or compounds shall be obtained from manufacturers. Facility inspections shall be conducted to verify this information by inspecting all storage areas and reviewing material safety data sheets.

- c. Schematic diagrams of facility operations and internal wastewater streams shall also be verified by inspecting the facility. If the facility is subject to categorical pretreatment standards, particular attention shall be paid to classifying regulated, unregulated, and dilution waste streams. Proper classification of the various waste streams and accurate flow data on the individual waste streams are critical to the calculation of correct effluent limits.
- d. Facility inspections may include dye testing as a method of verifying piping diagrams or identifying where piping diagrams do not exist. Developing a water balance (as illustrated in Exhibit G) using the water and wastewater flow data provided by the industrial user, can determine whether all waste streams have been accounted for and whether flow data are accurate. If discrepancies exist, actual flow measurements shall be employed to gather more accurate data.
- e. Sampling points, sampling methods, and analytical techniques. This information is needed to define any needed changes and to evaluate the quality of both the control authority and industrial user sampling data.

4.2.2.5. Verifying Permit Application Data

- a. Background information review - To assist in evaluating the completeness and accuracy of the permit application, the permit writer shall consider any additional background information on the facility, which may be relevant. Much of this information may already be available in the control authority industrial user files.
- b. Current permit and rationale for the current permit (if one was prepared) - The permit writer shall be aware of the parameters regulated, the basis for setting effluent limits, and any management practices required of the discharger. This information will alert the permit writer of pollutants previously thought to be of concern and the monitoring requirements deemed appropriate. In addition to reviewing the industrial user background information, the permit writer shall also consider whether changes in the treatment plant operation, its NPDES permit conditions and/or its sludge disposal practices and limitations could affect the industry permit conditions. If the conditions under which specific discharge were permitted have not changed since the last permit application, little reason exists for drastic changes to the conditions for that discharge, assuming the previous permit was developed properly. Exceptions to this include cases where a record of problems or noncompliance exists at the facility, as discussed below.
- c. Old permit application, baseline-monitoring report, and industrial waste surveys - Information in these documents can be used:
 - To establish past operating practices and conditions;
 - As a baseline for evaluating the new application; and
 - To identify changes.
- d. Compliance inspection reports, sampling data, and self-monitoring reports - These reports may provide the permit writer with information regarding possible causes for any permit

violations, indicate how well wastewater treatment units are operated, and provide insight as to the discharger's attitude toward environmental compliance. Information gathered from these reports such as evidence of spills or poor operation and maintenance of a pretreatment system will also provide a basis for the requirement of industrial user management practices as a permit condition. If these reports reveal any changes in the facility operations (compared to the previous permit application), these differences shall be noted and verified on the latest application. Any discrepancies shall be resolved to the permit writer's satisfaction before a permit is issued.

- e. Review and evaluation of sampling data are important because this data can indicate how consistently the permit limits have been met (this information will be relevant in establishing monitoring frequencies required in the new permit). Changes in monitoring data or compliance can also indicate possible changes at the facility.
- f. Correspondence concerning compliance or enforcement actions - This information can alert the permit writer to the occurrence and/or resolution of compliance problems and can be used to assist the permit writer in determining monitoring frequencies and/or special conditions.

4.2.2.6. Facility Inspection

To conduct an adequate inspection of a facility may require a full day. Complex plants with several treatment systems, numerous sewer connections, and extensive ancillary activities may require more than one day to inspect.

- a. As mentioned earlier, a facility inspection is necessary to verify application information and to gain an understanding of the industrial user facilities. The inspection shall encompass a review of the following:
 - Production processes – this will assist the permit writer in identifying;
 - Applicable categorical pretreatment standards;
 - Toxic or hazardous substances that may be present in raw materials, products, and by-products that have the potential to be present in the industry discharge;
 - Water uses and resulting wastewater streams;
 - Existing in-process pollution controls;
 - Potential for spills and leaks.From this information, the permit writer can select pollutants to be limited and/or require development of additional in-process controls.
- b. Sewer layout of the plant – If a sewer plan exists, the permit writer needs to review the plan thoroughly to determine the course and destination of each sewer line. The exact source of and the point at which each waste stream enters the sewer need to be identified. The existing monitoring point or any potential location for monitoring shall also be located. Where sewer plans do not exist, smoke or dye testing shall be performed in order to locate all points of discharge to the sewer system. This information will be used to determine the appropriate sampling points, to ensure that all points of discharge to the sewer system will be identified in the permit, and to evaluate the need for application for the combined waste stream formula.
- c. Wastewater treatment facilities, including treatment performance and operation and maintenance practices – This information can be used to evaluate the adequacy of existing treatment, to assess the feasibility of improvements, and to evaluate performance data.
- d. Type of batch discharges that occur at the facility – This information could affect the design of the monitoring requirements. Clean-up operations usually result in batch

discharge of washdown water. Information about clean-up times and water volumes will be sought.

- e. Raw material and product storage and loading areas, sludge storage and disposal areas, hazardous waste management facilities (if applicable) including onsite disposal areas, and all process areas and the proximity of these areas to sewer discharge points – This review will help to identify potential pollutants and potential or known problems with spills or leaks. This information is then used to determine the need for additional controls through the establishment of specific industrial user management practices (e.g., slug loading control plans, toxic organic management plans, and good housekeeping practices).
- f. Sampling points, sampling methods, and analytical techniques – This information is needed to define any needed changes and to evaluate the quality of both the control authority and industrial user sampling data.

4.2.2.7. Public Access To Information

- a. Certain information collected through a permit application form and industrial-monitoring reports must be made available to the general public upon request [40 CFR 403.14(b)]. The following information is considered “effluent data” under 40 CFR Part 2 of EPA’s regulations and must always be available to the public:
 - Necessary to identify the source and distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source)
 - Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants, which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source)
- b. Those wanting record information pertaining to the pretreatment program need only contact the city pretreatment office and make the request in writing. The request must be specific as to the type and nature of the records to be reviewed. Where the request requires considerable staff time or costs, the City will charge a reasonable fee. The only exception to release of records is information kept in a confidential file not available for public view due to the proprietary nature of the information.

4.2.2.8. Baseline Monitoring Report

The completed and approved environmental survey form Parts A and B and the permit application will serve as the baseline monitoring report (BMR) for categorical industries.

4.3 Significant Industrial User Notification

To meet the federal requirement, this states that, the Control Authority must:

4.3.1 Purpose

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. 40 CFR 403.8(f)(2)(iii)

4.3.2 Procedure

All SIUs will receive a pretreatment permit package, which will consist of a cover letter including information explaining the classification of the user, applicable pretreatment standards, a pretreatment permit, which will provide details on discharge limitations, all applicable requirements, and conditions and a copy of the current SUO. In addition, all potential industrial users (SIUs, NDCIUs and Non-SIUs) will receive notification of all applicable requirements under section 204(b) and 405 of the CWA and subtitles C and D of the Resource Conservation and Recovery Act. This will be accomplished by the use of Industrial Notification Packets. These packets will include the necessary information and forms applicable to that user. A copy of the RCRA notification form will be included with the Environmental Survey and Screening forms. An example of the RCRA Notification form is included in the Appendices with the Survey Forms.

4.4 Receive and Analyze Reports

4.4.1 Purpose

To meet the federal requirement, this states that, the Control Authority must: Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in §403.12. This section is also intended to be the standard for receiving, reviewing and analyzing all other reports submitted by the industrial user as required in 40 CFR 403.12 (BMRs, 90-day Compliance Reports, Notice of Accidental Spills, etc.). 40 CFR 403.8(f)(2)(iv)

4.4.2 Procedure

This section of the requirements is met through the use of reviewing reports required by the Discharge Permit and 40 CFR 403.12. Since this formal program requirement will focus on Significant Industrial Users (SIUs), then the procedure outlined below will focus on SIUs.

- a. The plant operations/pretreatment supervisor will review the industrial user self-monitoring reports, lab results, and other reports required by the industrial user permitting system, including all reports as required in 40 CFR Part 403.12. Violators will be identified and notified within five days of receipt of their report, or if the report was not submitted on time, when the report should have been received. . If BMPs are required in the discharge permit and/or allowed by the pretreatment standard, then all necessary reports must be submitted (documentation, installation certification, O&M practices and certification of compliance, etc) and verified for compliance by staff.
- b. Within five days after the self-monitoring, or other reports, are received they will be examined to see that all federal, state, and local requirements required of the reporting industrial user by the pretreatment permit issued to them have been addressed:
 - Is the report on time
 - Compare the lab reports with pollutant limitations
 - Does the industrial user meet the reporting requirements

- Are all of the pollutants covered in the report? (Including any BMP requirements in lieu of local limits or as required by the categorical standard.)
 - Are all appropriate Certification Statements signed
 - Is the report signed by the appropriate authorized signatory official?
- c. If the report indicates noncompliance, the industrial user will be notified by one of the methods listed under the enforcement response plan (ERP) found in Chapter 7.
- d. If the affected user fails to submit the necessary reports, the plant operations/pretreatment supervisor will initiate appropriate follow-up activities including enforcement activities as identified in the ERP.

4.5 Sample, Analyze and Inspect Industrial Users

4.5.1 Purpose

To meet the federal requirement, this states that, the Control Authority must: 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. This procedure will identify that the city will sample the effluent from SIUs consistent with the requirement in their NPDES Permit Schedule E. 40 CFR 403.8 (f)(2)(v)

4.5.2 Procedure

This section of the requirements is met through the use of inspecting, sampling and analyzing results collected from those events. An inspection provides an opportunity for the pretreatment staff to review a permitted facility and determine if activities are in compliance with the permit. The results of the inspection shall provide the basis for which compliance and enforcement activities are generated. Benefits of an inspection will be verification of data, assisting the industrial user in meeting the goals of the Program, and increased compliance efforts resulting from visibility of the City at the permitted facility.

- 4.5.2.1 Inspections will be performed at a minimum as required in the City's NPDES permit, and commensurate with the discharge of the significant industrial user. The city may elect to inspect, and/or sample the SIU more frequent than required in the NPDES permit when the pretreatment staff determines it necessary. For SIUs, there will be a minimum of 1 (one) annual inspection and as stated above, the sampling events will be identified to be commensurate with the discharge of the IU, but in no case less than what is required in the City's NPDES permit.
- a. An inspection will be conducted prior to issuing the permit.
 - b. Prior to conducting an inspection, the pretreatment staff will review the files of the industrial user, and the following items, at a minimum, shall be reviewed:
 - The industrial user's permit
 - The status of any compliance schedule
 - Compliance history and status
 - Results of recent sampling and inspection
 - Slug/Spill control documentation or other actions
 - Completeness of permit file

- Name of authorized representative or other contact
 - Required safety and security measures
 - The industrial user's pretreatment requirements
- c. An inspection of any type will be well recorded. Documentation may include collection of samples, photographic evidence (if the industrial user will allow), or written documentation in the form of copies of operating records, flow data, etc.
 - d. Sampling, analysis, and collection of other information must be performed so that evidence is admissible in court (40 CFR 403.8 (f)(2)(vii)). All sampling and analysis conducted by either the City, contract laboratory or the Industrial user will be done in accordance with 40 CFR Part 136. In addition, all analysis will be performed in accordance with the City's Quality Assurance and Quality Control program (QA/QC). The QA/QC program is on file in the laboratory office at the Wastewater Treatment Plant.
 - e. The plant operations/pretreatment supervisor must compile the evidence and data that is collected and summarize the results in a written report to the Permit File that is maintained for that industrial user.
 - f. The inspection will be documented using a standard form. An example of an inspection record is included in Exhibit C of this document for comprehensive inspections. This form, referred to as the "long form", provides a list of the questions commonly asked during a scheduled inspection. It may not benefit the inspector to use this form for an unscheduled or demand inspection as these types of inspections may not be as detailed as a scheduled inspection. A "short form" is also provided in Exhibit C to assist in formatting the reports for brief inspections.
 - g. Investigation of noncompliance is necessary if noncompliance is determined during or as a result of the inspection.
 - h. The pretreatment staff must practice safety while conducting inspections. Exhibit B is a discussion of safety practices during monitoring and inspection.
 - i. The pretreatment staff will practice and encourage positive communication with industrial users during the inspections. An example of this type of communication is suggesting to the industrial user that meeting requirements may save it money or that pollution prevention measures and practices may reduce the level of pretreatment that is needed. Recommendation of specific methods or devices for treatment is inappropriate. However, providing the industrial user with sources of reference for particular problems may help to create a more positive working relationship between the industrial user and the City.
- 4.5.2.2 The type of inspection that is conducted will depend on the reason for the inspection, the classification of the industrial user, and the complexity of the operation or permitted facility. The three types of inspection are scheduled, unscheduled, and demand.
- 4.5.2.3 Scheduled inspections take place when the authorized representative of the industrial user is contacted beforehand and the inspection is mutually scheduled. Notice will be provided to the authorized representative a minimum of 24 hours prior to the desired time of the scheduled inspection. This type of inspection will be conducted when a detailed and thorough review of the industry is necessary. It may be necessary for the authorized representative of the permittee to be present so that the permittee's records

may be reviewed and the inspector can be accompanied or assisted on the tour of the facility.

- a. The frequency of conducting scheduled inspections will be based on the specific needs of the City in determining compliance on permitted activities of each industrial user.
- b. A scheduled inspection will be conducted commensurate with the City's NPDES permit and the SIUs discharge. The purpose of this inspection will be, at a minimum, to:
 - Collect and analyze a sample of the discharge and evaluate the data and information necessary to determine the industrial user's compliance with federal, state, and local pretreatment requirements
 - Identify changes in materials used, operational processes, or treatment processes that may affect the nature or volume of the discharge(s)
 - Update the database and permit file at the City
 - Verify the self-monitoring reports submitted by the industrial user

4.5.2.4 Unscheduled inspections take place usually when the pretreatment staff determines from the results of monitoring the industrial user, results of self-monitoring received from the industrial user, or information received from other sources that the permittee is in significant noncompliance or that there is some other need for a site visit. If the pretreatment staff has any reason to believe that the industrial user is not meeting the requirements of the discharge permit or pretreatment standards, or if the pretreatment staff determines that prior notice of the inspection to the authorized representative may interfere with obtaining the required information, an unscheduled inspection will be performed.

- a. If a permittee is identified as being in significant noncompliance, the appropriate enforcement action, following the established enforcement response plan, will be taken and in addition an unscheduled inspection will be conducted as soon as the pretreatment staff becomes aware of this status but no later than 30 days after verification of the data that establishes this status. The inspection will be for the purpose of evaluating the permittee's recent efforts to reach compliance and may or may not include sampling.
- b. The frequency of performing this type of inspection is unpredictable and will not be limited.
- c. It is not necessary to give notice of an unscheduled inspection and at no time will more than two hours notice is given to the authorized representative of any industrial contact for this type of inspection.

4.5.2.5 Demand inspections are usually performed in response to an emergency situation. When notification is made to the City of an accidental discharge, slug load, or spill, the pretreatment staff will conduct appropriate inspections and/or sampling. An individual from the WWTP staff will be available, on call, 24 hours a day. The on-call member, once notified, will assess the seriousness of the situation and if necessary, will contact the plant operations/pretreatment supervisor, or other city staff member, for support; i.e., police, fire, and public works. This member will have access to the equipment typically needed for demand inspections and sampling (vehicle, safety equipment, sampling devices and containers, etc.). Sampling and inspection will be followed as outlined in this operational manual.

- a. A demand inspection may be utilized to retrieve information to assist in the following:

- A determination of the nature, duration, and hazard of the industrial user's discharge
- Collection of samples to verify the characteristics of the discharge
- Identification of required corrective actions
- Documentation of completion of corrective actions or compliance activities

4.5.2.6 Inspection protocol

There are specific things that the inspector needs to keep in mind when performing any inspection of an industrial facility. He/she is there to ensure the safety of the POTW as well as the workers and to ensure the permitted industrial user is discharging constituents that they are permitted to dispose of into the POTW.

- a. The pretreatment inspector cannot be required to take a facility's safety training course prior to entry, but if the company has a relatively short safety briefing that will not interfere with the inspector's ability to complete the planned inspection, it may be worthwhile to attend.
- b. Reluctance to give consent is a serious offense. The receptiveness of facility officials toward inspectors is likely to vary from facility to facility. Most inspections will proceed without difficulty. Because monitoring may be considered an adversarial proceeding to some industries, the inspector's legal authority, techniques, and competence may be challenged. If consent to enter is flatly denied, the inspector shall follow the denial of entry procedures outlined below. In other cases, officials may be reluctant to give consent for entry because of misunderstandings of responsibilities (e.g., officials may feel that the inspection is part of an enforcement proceeding against the company), inconvenience to the firm's schedule, or other reasons that may be resolved through diplomacy and explanation on the part of the inspector.
 - One of the typical obstacles encountered by the inspector is a receptionist refusing entry because the inspector does not have an appointment. In this case, remind the receptionist that you are not there to see a specific individual but to inspect the facility. If entry is still refused, ask to speak to the environmental manager or owner of the facility. If that does not work, follow the denial of entry procedure outlined below. Another common obstacle is the statement, "There is nobody here who can authorize the inspection." In this instance, ask to speak to a supervisor, or show the receptionist the section of the sewer use ordinance, which authorizes the inspector's access to the facility. Do not threaten legal action, but clearly state your intent to inspect. Be professional, assertive and persistent, but if you still cannot gain entry, follow the denial of entry procedure outlined below.
 - Whenever there is difficulty in gaining consent to enter, inspectors should tactfully probe the reasons and work with officials to overcome any problems. In any instance where there is a misunderstanding or conflict due to the inspection, the inspector must avoid threats, inflammatory discussions, or language, which would deepen the antagonism. The inspector should be aware of his/her personal safety during such confrontations and avoid actions, which may enrage an individual who is irrational. If the situation is beyond the ability or authority of the inspector to manage, the inspector should leave and consult with the City's city attorney.

- 4.5.2.7 Non-credentialed persons accompanying the inspector. The consent of the owner or agent in charge (i.e., industry representative) must be obtained for persons accompanying an inspector to enter a site if he/she does not have specific authorization (e.g., acting as an agent of the City). If consent is not given, such individuals may not enter the premises. If consent is given, these individuals may not view confidential business information unless officially authorized for access.
- 4.5.2.8 Denial of consent to enter. If an inspector is refused entry into a facility to conduct an inspection under an appropriate state or local law, the following procedural steps shall be taken:
- a. Present credentials. Make sure that all credentials have been presented to the facility owner or agent in charge.
 - b. Tactfully discuss the reason for denial. If entry is not granted, courteously ask why. Diplomatically probe the reason for the denial to see if obstacles (such as misunderstandings) can be resolved. If the resolution of these conflicts is beyond the inspector's authority, he/she may suggest that the facility officials seek advice from their attorneys regarding a clarification of the pretreatment staff's inspection authority and right of entry.
 - c. Carefully record observations in your field logbook. All observations pertaining to the denial will be noted carefully in the inspector's field logbook. Specifically, note the following:
 - Facility name and exact address;
 - Name, title, and authority of the person who refused entry;
 - Name, address, and telephone number of the facility's attorney (if readily available);
 - Date and time of refusal;
 - Reason for the denial; and
 - Facility appearance (e.g., neat and orderly, or chaotic).All of this information will be helpful in case a warrant is sought.
- 4.5.2.9 Avoid threatening or inflammatory statements. Under no circumstances shall the inspector discuss potential penalties or do anything that may be construed as coercive or threatening. If the inspector were allowed to enter the facility based on a threat of enforcement liability, it is likely that any evidence obtained through such an inspection would be deemed inadmissible in an enforcement proceeding
- a. On the other hand, an inspector may inform the facility representative that he/she intends to seek a warrant to compel the inspection. However, the inspector should be careful how this statement is phrased. Do not state: "I will get a warrant." If an enforcement action is brought against this facility using the information obtained in that inspection, a reviewing court may feel that the above statement usurped the court's authority to authorize a warrant and may deny the warrant. Even if the company later consents to the inspection following a statement that the inspector will get a warrant, there may be an issue as to whether consent was coerced. If the inspector decides to make a statement regarding a warrant, it should be phrased similar to: "I intend to seek (or apply for) a warrant."
 - b. Leave premises and contact supervisor. If entry is still denied after attempting to resolve the obstacles, the inspector should leave the premises after obtaining the information noted above in the field logbook. The inspector should contact his/her supervisor immediately after leaving the premises, and the supervisor should confer with the City's city attorney regarding the desirability of obtaining a warrant.

The City's city attorney should attempt to resolve the conflict by contacting the facility's city attorney prior to obtaining a warrant.

- 4.5.2.10 Withdrawal of consent during an inspection. Occasionally, a facility may consent to an inspection and later withdraw the consent while the inspection is in progress. Consent for the inspection may be withdrawn at any time after entry has been made. A withdrawal of consent is tantamount to a refusal of entry. Therefore, the inspector should follow the procedures cited above under denial of consent unless the inspection has progressed far enough to accomplish its purposes. All activities and evidence obtained prior to the withdrawal of consent are valid and may be used in an enforcement proceeding against the facility.
- 4.5.2.11 Denial of access to parts of the facility. If, during the course of the inspection, access to some parts of the facility is denied, the inspector shall make a note of the circumstances surrounding the denial of access and of the portion of the inspection that could not be completed. The inspector shall then proceed with the rest of the inspection and shall contact his/her supervisor after leaving the facility to determine whether a warrant should be obtained to complete the inspection. Refusal to allow entry is a violation of the Sewer Use Ordinance, and appropriate enforcement action will be taken.
- 4.5.2.12 Covert sampling in response to denial of entry. Whenever entry to a facility is denied, a sample shall be obtained at a manhole immediately downstream of the facility, if possible. (NOTE: the inspector should be aware of the potential difficulties with the sample, i.e., are other facilities connected to that part of the sewer which discharge the pollutants of concern?). This type of sampling, however, may help with any further enforcement actions or investigations, which the pretreatment staff may undertake at the facility by uncovering activities, which the industry is attempting to hide. This type of sample is also effective when a demand inspection is being conducted because the pretreatment personnel can then compare the results of sampling from inside and just outside the plant to see if they match. This can provide evidence of any batches being dumped prior to entry to the facility.
- 4.5.2.13 Obtaining a search warrant for an inspection.
 - a. If the inspector has been refused access to a building, structure, or property or any part thereof, and if the inspector has probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect as part of a routine inspection program of the City designed to protect the overall public health, safety, and welfare of the community, a search warrant may be necessary.
 - b. The inspector will contact his/her supervisor and discuss the issue. The supervisor will contact the city attorney for the warrant.
 - c. The pretreatment inspector will provide the city attorney with a list of specific requirements and locations. The city attorney will apply to the appropriate court for a search warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything may be searched and/or seized on the property described.
 - d. The warrant shall be served at reasonable hours by the plant operations/pretreatment supervisor/inspector in the company of a uniformed police officer of the City, and the inspection will be performed as previously discussed in this manual.

4.6 Accidental Spill Prevention / Slug Control Plan Requirements (ASP/SCP)

4.6.1 Purpose

To meet the federal requirement, this states that, the Control Authority must: Evaluate, each Significant Industrial User whether a plan or other actions are necessary to control slug discharges. New SIUs are required to be evaluated within one year after discharging to the POTW. 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. 40 CFR 403.8(f)(2)(vi)

4.6.2 Procedure

The Accidental Spill Prevention/Slug Control Plan is designed to industrial users who could discharge wastewater at a flow rate or concentration which could cause a violation of the prohibited discharge standards of the SUO. 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 had a reasonable potential to cause interference and pass through or in any way otherwise violate the POTW's regulations, local limits or permit conditions.

IUs may need to develop procedures to prevent accidental spills or slugs .The City may require an IU to develop other actions instead of or in addition to an ASP/SCP. If so, then these must be evaluated similar to an ASP/SCP and also required in the discharge permit.

4.6.2.1 The City will determine the need for every SIU to have an approved ASP/SCP, or have identified other actions. Each ASP/SCP will be reviewed for effectiveness within the first year of operation. As the industrial surveys are performed and new industries are identified, an ASP/SCP, or other actions will be required as a part of each application for permit to discharge.

4.6.2.1.1 ASP/SCP will at a minimum include:

- i. Description of discharge practices, including non-routine batch Discharges;
 - ii. Description of other actions the IU will use to control slug discharges;
 - iii. Description of stored chemicals;
 - iv. Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days;
 - v. 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;
 - vi. Specific preventative actions must also be listed if they are identified as necessary for spill prevention and slug control.
- a. Each industrial user with the "potential" to discharge toxic or hazardous materials, any material capable of pass-through, interference or capable of causing acute worker

health and safety problems, or any material in great quantities must be required to submit an ASP/SCP for approval. Guidance materials will be included in the original notice for an ASP/SCP. These industrial users may be identified by performing an industrial survey, reviewing the permit application forms, conducting onsite inspection or sampling the discharges.

- The responsibilities of implementing an approved ASP/SCP and managing and reporting spills and upsets will be identified in each permit. Notification responsibilities will also be specified.
 - The industrial user will be required to draw up a plan of action describing the steps that its personnel will take in response to spills of material that may enter the sewer.
 - The industrial user will be required to provide training on this plan for all employees and ensure that they can respond as required.
 - The industrial user will be required to post, visibly throughout the plant, the list of individuals, including the POTW, to be contacted in the event of a spill or slug discharge.
- b. Review of applications by previously permitted industrial users must also be undertaken.
 - c. The industrial user will be issued a compliance schedule to complete and submit the ASP/SCP, by a specific date, to the City for approval. The compliance schedule will be monitored to determine if the industrial user is meeting compliance.
 - d. The City shall review each ASP/SCP and comment on the status of approval within four weeks of submission. Approved programs will be filed in the ASP/SCP section of the industrial user's file along with a copy of the acceptance letter that is sent to the industrial user.
 - e. Rejected ASP/SCPs will be sent back to the industrial user along with an explanation of which portions of the program are acceptable, those that are not and why.

4.6.2.2 Responses to the spills will be documented and all spills and responses will be reported in the City's annual pretreatment reports to the approval authority.

- a. The City will follow through on reported spills to ensure that cleanup and the disposal of waste generated by the spill is disposed of properly.
- b. The City must determine that the industrial user has complied with the reporting requirements in accordance with 40 CFR Part 403.12(f).
- c. If the spill causes the POTW to violate its permit, or causes damage to the POTW, recovery of damages from the industrial user will be pursued.

4.7 Investigate Significant Industrial User Noncompliance

4.7.1 Purpose

To meet the federal requirement, this states that, the Control Authority must: 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). Sample taking, analysis, and the collection of other information shall be performed with sufficient care to

produce evidence admissible in enforcement proceedings or in judicial actions. 40 CFR 403.8(f)(2)(vii).

4.7.2 Procedure

As outlined below, the plant operations/pretreatment supervisor will be responsible for insuring that users comply with requirements contained in the respective permit. Priority will be tracking SIUs compliance with the permit. Sampling data, compliance schedules and reporting requirements will be routinely evaluated. Either a manual system or computer system will be utilized to track compliance with limits and reporting requirements. This system will enable the plant operations/pretreatment supervisor to prepare routine summaries on compliance and any action taken by the City when noncompliance exists.

- a. As an example an enforcement action can be initiated for the following:
 - Industry failure to submit a ESF;
 - Industry failure to submit appropriate reports;
 - Industry failure to comply with appropriate pretreatment standards by the appropriate compliance deadline date;
 - Industry failure to comply with appropriate pretreatment limits as determined from the review of self-monitoring reports or city sampling;
 - Industry failure to comply with any condition of its permit;
 - Industry falsifying of information; and
 - Any other violation of the City's Sewer Use Ordinance (SUO).
- b. Enforcement activities will be of the escalating nature and will be commensurate with the type and severity of the violation (i.e., telephone call, notices of violation, meetings, revocation of the permit, show cause hearing, and issuance of order to include injunctive and judicial relief). Appropriate fines and penalties (administrative/civil/and criminal) will be levied as stipulated in the SUO. Depending on the severity of the violation or offense, the City will seek immediate penalties, orders, or injunctive relief.
- c. The following is a general outline of the City's enforcement strategy, which is discussed in detail in the City's Enforcement Response Plan in a separate document and is also included in Chapter 7.
 - The plant operations/pretreatment supervisor determines noncompliance.
 - The plant operations/pretreatment supervisor will notify the affected user within 5 days and appropriate enforcement action within 30 days.
 - The affected user may be required to respond in writing within a time frame set by the plant operations/pretreatment supervisor, which takes into consideration the type of noncompliance, regarding the nature of the violation(s) and corrective actions being undertaken.
 - The plant operations/pretreatment supervisor will review the response (and may meet with the user) to determine the next step. The following scenarios may apply:
 - If the industry corrects the violation or the City determines that the response does not warrant escalating enforcement. No further action warranted.
 - The affected user fails to submit a response, fails to comply, or violation not corrected. The City initiates show-cause hearing. The affected user may appeal any order issued.

- The affected user fails to comply with the issued order. The City will pursue judicial and injunctive relief.

Further details can be found in Chapter 7 (such as defining what is a violation, significant noncompliance definition, and an enforcement response guide along with time frame for undertaking action and for the non-complying user to take action).

4.8 Significant Noncompliance Publication

4.8.1 Purpose

To meet the federal requirement, this states that, the Control Authority must: 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 of general circulation in the municipality in which the POTW is located, of industrial users which, at anytime during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. 40 CFR 403.8(f)(2)(vii)

4.8.2 Procedure

The Superintendent shall publish annually in January, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. (403.8(f)(2)(viii)A-C. All the violations described below apply to SIU's but IU's may be in SNC if they violate items (3), (4) and/or (8).

The term significant noncompliance shall mean:

1. Chronic violations of wastewater discharge limits and instantaneous limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement that the Superintendent 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);
4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within thirty (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation(s) such as a violation of a best management practice (BMP) which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

4.9 Enforcement Response Plan Implementation

4.9.1 Purpose

To meet the federal requirement, this states that, the Control Authority must: 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 40 CFR 403.8(f)(5).

4.9.2 Procedure

The City's Enforcement Response Plan (ERP) is contained in Chapter 7 of this document and is used accordingly from this Implementation Manual.

4.10 Issuance of Permits to SIUs

4.10.1 Purpose

To meet the federal requirement, this states that, the Control Authority must: 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 40 CFR 403.3(v) this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user. Such control mechanisms must be enforceable and contain, at a minimum, the items identified in the following Section. The City has the authority to issue BMPs in lieu of Local Limits. Since the City does not have any CIUs and also has also evaluated the need for numerical local limits, and has found that currently they do not need local limits, this section is reserved until a CIU is permitted. The City has also revised its SUO ordinance to allow for a three tiered CIU categorical listing. Again, until the City actually has a CIU, this section is also reserved.

4.10.2 Procedure

Permits will be issued to significant industrial users. The Permit Application process identified in Section 4.3 will be followed and it will allow for the permits to be issued with the appropriate limitations and conditions. The issuance of discharge permits to industrial sources

is a very important tool for the City to control, deny or restrict what can be disposed of into the public sewer system and ultimately into the waters of the state. The significant industrial user will be required to install sampling and monitoring facilities and must sample its wastewater in accordance with the permit.

Middle Tier CIUs

As stated earlier, the City has no CIUs currently. It will evaluate the introduction of CIUs into the POTW as they may arise from time-to-time. The city may allow for a “Middle Tier” category of Categorical Industrial Users which will still be considered SIUs, but may be eligible for reductions in reporting, monitoring and inspections. The City may choose to authorize less reporting than for other (larger) Significant CIUs. Both “middle tier” and other CIUs (except NSCIUs) are still considered SIUs. This provision allows the City to reduce the reporting requirements for certain Categorical Industrial Users with a record of consistent compliance with applicable Pretreatment Standards and Requirements in the following circumstances. Reduced reporting may be approved when the Industrial User’s categorical wastewater flow does not exceed:

- (1) the smaller of 5,000 gallons per day or 0.01 percent of the POTW’s design dry weather hydraulic capacity;
- (2) 0.01 percent of the POTW’s design organic treatment capacity; and,
- (3) 0.01 percent of the maximum allowable headworks loading (MAHL). The POTW may also now be authorized to reduce its own required annual inspections and monitoring of those Categorical Industrial Users eligible for reduced reporting.

The City must also demonstrate that the CIU has not been in significant noncompliance for any time in the past two years, and that the CIU 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. See 40 CFR 403.12(e)(3)(i-iii).

Once eligible for Middle Tier CIU status, the City may reduce the required periodic monitoring report for such Users from a minimum of twice per year to a minimum of once per year. EPA notes that any reduction in reporting must satisfy the requirements of 40 CFR 403.12(g)(3) which states that reports such as Industrial User periodic monitoring reports 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.”

Therefore, it is important that facilities authorized to use the new minimum sampling frequency conduct their sampling on representative wastewater flows. For example, while certain batch dischargers will have sufficiently uniform processes, such that reduced sampling will be representative and able to meet the Middle Tier criterion concerning variable flow rates, production levels, or pollutant levels (40 CFR 403.12(e)(3)(iii)), other batch dischargers may vary their processes seasonally or unpredictably, hence making it difficult for the City to demonstrate both that a minimum of one sample per year will be representative, and that the discharger complies with 40 CFR 403.12(e)(3)(iii). In addition, the City may choose to reduce inspections and sampling sample these Middle Tier CIUs from once per year to once every two years. See 40 CFR 403.8(f)(2)(v)(C).

4.10.2.1 A new IU will be issued a permit, which will contain appropriate reporting requirements, e.g., construction progress reports, final compliance report upon commencement of discharge and self-monitoring reports once discharge commences. The permit will also indicate the new source discharge must comply with the appropriate limits prior to commencing discharge. Self-monitoring reports will be submitted to the City at least semi-annually. Larger, more complex discharges will be required to submit more frequent reports. If the affected user fails to submit the necessary reports, the plant operations/pretreatment supervisor will initiate appropriate follow-up activities including enforcement activities.

- a. Fact sheets will be prepared by the City as part of its issuance of a permit to an SIU to explain the facility and document the basis of the pretreatment requirements. The Fact Sheet must contain at least the following information:
 - Type of Operation(s) at Facility being permitted
 - Company contact name, position and authorized signatory official
 - ASP/SCP evaluation results
 - Brief Description of plant processes or other sources of generated wastewater include all combined wastestreams
 - Categorical determination and if necessary additional explanations
 - Type and Quantity of Discharge(s)
 - Description and quantity of pollutants discharged
 - Basis for Permit Limits including Application, analytical data, copies of citations from federal, state and local limit requirements, copies of literature information if used to develop permit limits
 - Detailed discussion of any special conditions in the permit as well as the rationale for such
 - Calculations relative to Combined Wastestream Formula or Flow weighted averages, Equivalent Mass or Concentration Based limits and local limits
 - Permit Modification Dates and reasons for the modification
 - Compliance Status, yes/no, reason for not in compliance and status of any Compliance Schedule.
 - Need for and status of ASP/SCP
- b. A permit may be issued to SIUs within 30 days of the City's determination that the ESF and permit application is complete and an inspection of the facility has been performed. The Superintendent will sign the SIU Discharge Permit. An example of the permit is in Appendix H.
- c. Wastewater permits shall include such conditions as are reasonably deemed necessary by the City to prevent pass through or interference and to implement the objectives of the City's sewer use ordinance. Wastewater Permits must contain the following conditions:
 - A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 - A statement that the wastewater discharge permit is nontransferable without prior notification and approval from the City in accordance with the City Municipal Code and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

- Effluent limits including Best Management Practices are based on applicable federal pretreatment standards, or local limits, whichever is most restrictive;
 - Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
 - A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges, if deemed to be necessary by the City.
 - .
 - ASP/SCP as required.
- d. Permits may contain, but need not be limited to, the following:
- Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 - Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 - Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 - Requirements for development and implementation of waste minimization plan to reduce the amount of pollutants discharged to the municipal wastewater system.
 - The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
 - Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - Requirements for maintaining and retaining plant records relating to wastewater discharge as specified in the City Municipal Code and affording the City, or its representatives, access thereto.
 - Requirements for prior notification and approval by the City of any new introduction of wastewater pollutants or of any change in the volume or character of the wastewater prior to introduction in the system.
 - Requirements for the prior notification and approval by the City of any change in the manufacturing and/or pretreatment process used by the permittee.
 - A statement that compliance with permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the permit.

- Other conditions as deemed appropriate by the City to ensure compliance with the sewer use ordinance, and state and federal laws, rules, and regulations.
- e. Effluent Limitations:
The determination of pollutants and/or hydraulic loading to be regulated will be based on information provided in the environmental survey form and permit application. The effluent limitations will include:
- Identify the most restrictive regulation (federal, state, local) that will apply to the pollutant in question.
 - The description of the location where the limit applies;
 - The period of time the limits apply;
 - The specific parameters, the limit units (mg/l or ppm), and the duration for which the limits apply;
 - Determination of monitoring requirements:
 - List all discharge parameters specifying applicable units;
 - Designate the specific sampling location;
 - Determine the sampling frequency based on the best professional judgment of the significance of the discharge. A minimum of two times a year is required by 40 CFR 403.12(e) for categorical users and once every six months for users not subject to categorical pretreatment standards. Sample options:
 - Continuous monitoring
 - Grab
 - Composite sample
 - Flow or time proportional
- f. Sample Collection Preservation and Analysis
All handling and preservation of collected samples and laboratory analyses of samples shall be performed in accordance with 40 CFR part 136 and amendments thereto unless specified otherwise in the monitoring conditions of the permit. Caution: Alternative methods of sampling and laboratory analysis of samples must be approved by EPA.
- g. Reporting requirements to be included in the Permit depends on the permit restrictions. The permit will identify specific information relative to the permit requirements.
- What type of information is to be contained; i.e., analytical data, flow data, or production data.
 - When the report is to be submitted to the plant operations/pretreatment supervisor (specify dates and frequency).
 - Who is responsible for signing (an authorized corporate official).
 - Where the reports are to be sent including the control authority's address and the name of each person responsible for receipt of each report.
- h. Determination of Special Conditions:
All significant industrial users will be evaluated to determine if they need to submit an accidental spill prevention plan (ASPP/SCP) as a requirement of the discharge permit. NOTE: Some facilities will not be issued a permit, but because of the nature of their operation or discharge, an ASPP/SCP may be warranted.

Permits may contain special monitoring requirements as deemed necessary to reduce the quantity of pollutants currently discharged or to prevent discharge of new or additional pollutants. Such requirements may be based on the permit writer's best professional judgment.

- i. Special monitoring reports - The plant operations/pretreatment supervisor will specify in the discharge permit specific reporting requirements. The following reports will be indicated in the permit as appropriate:
 - For non-complying facilities, periodic compliance schedule progress reports;
 - Within ninety (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 municipal wastewater system, any industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in the City Municipal Code. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 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. All compliance reports must be signed and certified;
 - Periodic report on self-monitoring (if appropriate);
 - Noncompliance reporting;
 - Accidental spills must be reported to the City immediately, followed by a written report within five days;
 - Report specifying significant changes to manufacturing operation and/or discharges;
 - Noncompliance with permits limits based on the facilities self-monitoring; and.
 - Any special monitoring and reporting requirements for specific categorical classifications.

j. Permit Reissuance

Permits may be reissued to a significant industrial user on a continuous bases. The City may ask that an SIU resubmit a completed permit application from time-to-time to maintain the most accurate account of what is being discharged into the City's sewer system. If requested to submit a current permit application, the process identified in Chapter 4.1 will be followed.

k. Continuation of Expired Permits

- An expired permit will continue to be effective and enforceable until a new permit is reissued.

4.10.2.2. Modification of a Permit

The City may modify the permit for good cause including, but not limited to, the following:

- To incorporate any new or revised federal, state, or local pretreatment standards or requirements.

- To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of permit issuance.
- A change in the municipal wastewater system that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- Information indicating that the permitted discharge poses a threat to the City's municipal wastewater system, city personnel, or the receiving waters.
- Violation of any terms or conditions of the wastewater permit.
- Misrepresentation or failure to disclose fully all-relevant facts in the permit application or in any required reporting.
- Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- To correct typographical or other errors in the permit.
- To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

4.10.2.3 Permit Appeal Process

Any person, including the industrial user, may petition to the City to reconsider the terms of the permit within thirty (30) days of the issuance of the final permit.

- a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- b. In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the permit.
- c. The effectiveness of the permit shall not be stayed pending the appeal.
- d. If the City fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative action for purposes of judicial review.
- e. Aggrieved parties may seek judicial review of the final administrative permit decision.

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CHAPTER 5 - PROGRAM FUNDING AND ORGANIZATION

5.1 Introduction

Staff responsible for the Industrial Pretreatment Program work in the Wastewater Treatment Facility for the City. More specifically, coordination of the City Pretreatment Program is a primary assignment of the Plant Operation/Pretreatment Supervisor, however all wastewater staff contribute to the effectiveness of the Pretreatment Program as needed. The city also has a full-time city engineer, city attorney, finance director, and clerical support. All are available on an as-needed basis and portions of their salary come from the sewer fund. The annual budget, excluding labor costs, will be absorbed by the sewer fund. There is shared pretreatment requirement while the staff will dedicate time to maintain the pretreatment program with one full-time employee.

Program revenues will come from the sewer fund. The budget is currently able to absorb the program so the pretreatment costs are spread to all sewer users. The city currently has a sewer rate model program based on cost of service. The city has long practiced setting rates to cover costs, but not to make a profit.

5.2 Organization

5.2.1 City Council.

The city council is composed of five people, elected to office. They have general legal authority over city business. The city has adopted a comprehensive sewer use ordinance, has control and authority over a large POTW facility and attendant collection system, and has general authority over employees of city staff and wastewater department. The council establishes all policy issues.

5.2.2 Councilor in Charge.

The mayor appoints a member of the council to work with the wastewater superintendent. The councilor in charge implements council policies and is the liaison between the wastewater department and the council.

5.2.3 City Attorney

The City Attorney works directly for the City Council and is instrumental in assisting wastewater treatment and pretreatment staff with enforcement of the City's Ordinance and pretreatment regulations. The City Attorney is also responsible for sending escalated enforcement responses to industrial users such as Administrative Orders and Show Cause hearings.

5.2.4 Wastewater Superintendent

Has general supervisory responsibility over the wastewater plant and employees. This includes responsibility of supervision over the plant operations/pretreatment supervisor. Has responsibility to administer the pretreatment program and implementation of the NPDES permit. The superintendent assigns work as needed between the employees and himself.

5.2.5 Plant operations/pretreatment supervisor.

Responsibility for the daily review and evaluation of plant operation, maintenance, laboratory data and information pertaining to the pretreatment program. Provides status reports and recommendations to the Superintendent. Schedules and coordinates contract laboratory services. Coordinates the

implementation of the City pretreatment program among users, other governmental agencies and City staff.

5.2.6 Wastewater Staff.

All full-time employees have state certification at various levels in wastewater treatment and collections. The staff shares pretreatment requirements to provide the necessary manpower to meet the pretreatment obligations.

5.2.7 City Support Staff.

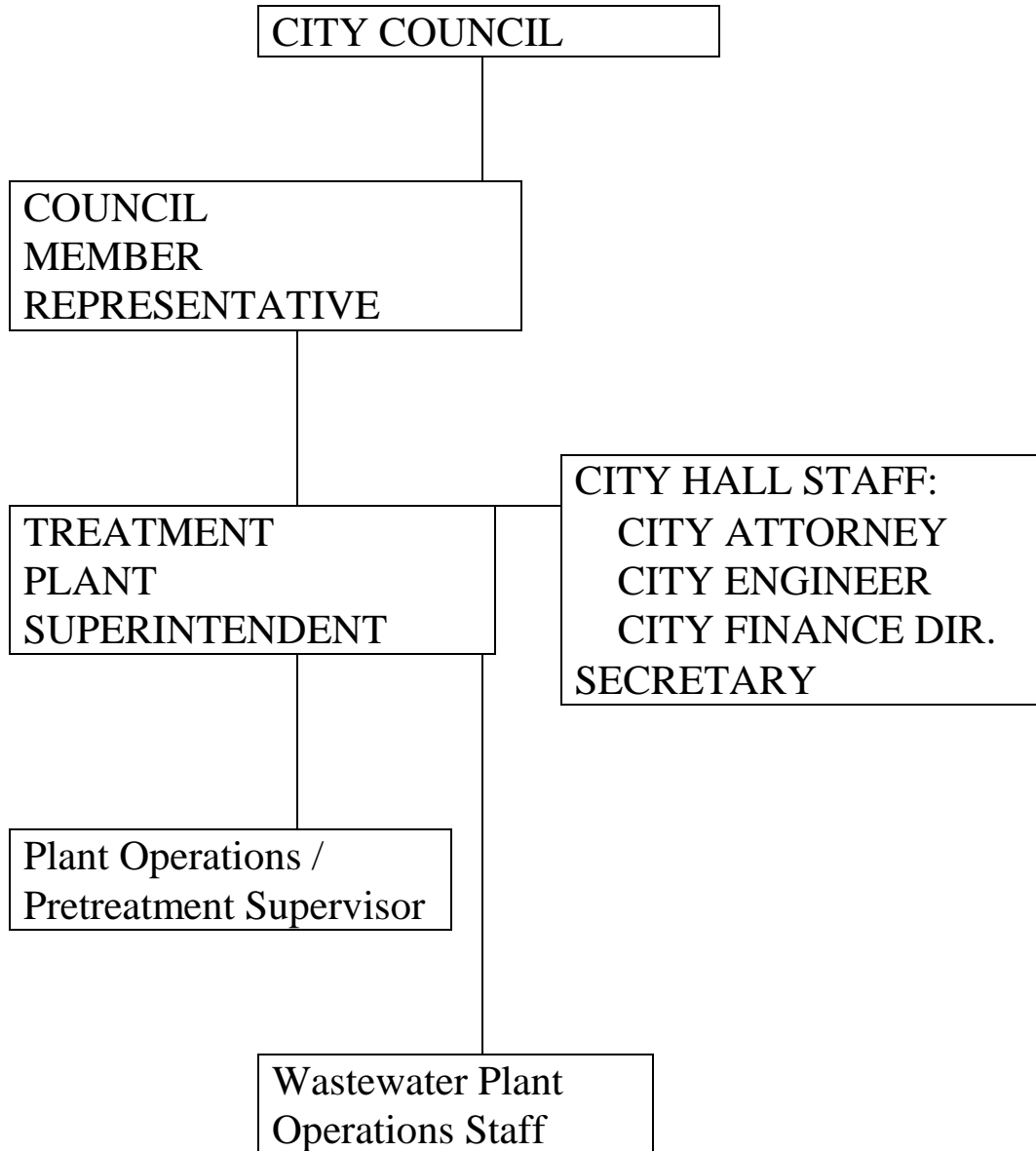
The city has employed full time; a city attorney, city engineer, city finance director, and secretary. They are all expected to work on pretreatment issues as is necessary. They provide staff support and work with the wastewater superintendent. A portion of their salaries comes out of the sewer fund.

5.3 Program Resources

All pretreatment costs are currently absorbed in the total sewer budget. The pretreatment labor costs will be absorbed by the sewer fund.

- a. At the current time, the city operates the sewer system on a "cost of service" basis. The city had a study done of both sewer and water to determine a rate model and because of receipt of substantial federal funds; the rate model is based on cost of service.
- b. The rates are calculated on an annual basis, and updated if necessary.
- c. General operating equipment and laboratory equipment is available as part of the City's operating budget of the wastewater facility. Additional equipment is also available and provided by contract laboratories on an as needed basis.

5.4 Organization Chart



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CHAPTER 6 - LOCAL LIMITS

6.1 Purpose

The purpose of this chapter is to meet the federal requirement of 40 CFR 403.8(f) (4), this states that the POTW shall develop local limits as required in Section 40 CFR 403.5(c)(1) or demonstrate that they are not necessary. The City has elected to allow BMPs in lieu of local limits. If a CIU has categorical requirement for a BMP, then the City will enforce that requirement. If the City wishes to apply BMPs option to anyone else, then the City will contact Oregon DEQ and receive approval prior to implementing this option. The City may elect to apply BMPs to non-SIUs to address non-industrial pollutant loadings (i.e silver, mercury, etc.). Periodic evaluation of MAHLS will be managed by POTW staff to evaluate whether local limits need to be developed for POCs. Industrial loadings from potential new IUs will be evaluated to determine if MAHL loadings will be compromised.

6.2 Procedure

The City of St. Helens (the City), Oregon Department of Environmental Quality (DEQ) and the City's consultant (G4 Consulting Inc.) agreed upon the following work plan:

- Utilize US EPA's guidance of 1996 and DEQ's local limits guidance and spreadsheet
- Determine the POCs
- Review existing analytical data
- Determine removal efficiencies
- Determine relative contributions into the Secondary Basins
- Evaluate Sludge data
- Determine environmental criteria
- Perform local limit calculations

6.2.1 Determine pollutants of concern (POCs)

The following POCs were used as a starting point: arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, selenium, silver, zinc, and sulfide. Additionally, toxic pollutants were also reviewed to determine their presence and potential impact on the POTW.

6.2.3 Review existing analytical data

Review existing analytical data from plant influent to the primary basin, plant effluent, Boise Cascade discharge into the secondary basin, and solids. Data on the POCs were reviewed to determine if a sufficient amount of data existed to perform local limits review and to ensure that the data collected were of sufficient quality to be used in the local limit calculations.

6.2.4 Determine removal efficiencies

Existing data was then used to calculate removal efficiencies. Limitations of the monitoring data required the City to estimate removal efficiencies by using literature values published by EPA.

6.2.5 Determine relative pollutant contributions into the secondary ASB

Monitoring data was then used to determine the relative pollutant contributions of the primary ASB influent and Boise Cascade effluent into the secondary ASB.

6.2.6 Determine usefulness of sludge data

The existing sludge data were reviewed in an attempt to determine whether the data could be utilized in the local limits calculation process.

6.2.7 Determine the environmental criteria

Plant inhibition, water quality impact, sludge quality and worker health and safety concerns were considered using available monitoring and reference data.

6.2.8 Perform local limits calculations

Maximum allowable headworks loadings (MAHL) calculations were performed, as well as allocation calculations.

6.3 Introduction/Background

The following section describes background information regarding the treatment plant and receiving stream.

6.3.1 Description of Treatment Plant

The City operates a combined industrial/domestic wastewater treatment facility that utilizes two aerated stabilization basins (ASB) to treat domestic, commercial, and industrial wastewater. There are two ASBs, a primary and secondary ASB, which operate in series. The primary ASB has a capacity of 7.1 million gallons (MG) and receives all domestic, commercial, and industrial wastewater except that which is generated by Boise Cascade Corporation’s Bleached Kraft and Pulp and Paper Mill (BCC Paper). The influent to the primary ASB undergoes preliminary treatment using a grinder/screen at the headworks, removing sand, grit, gravel and other large debris. The effluent from the primary ASB is chlorinated and then flows to the secondary ASB, where it receives further polishing.

The secondary ASB has a capacity of 214 MG and was specifically designed and built in 1971 to treat BCC Paper’s Kraft pulp mill effluent. Since 1991, the secondary ASB has treated the effluent from the primary ASB as well as the BCC Paper wastewater.

The City of St. Helens was issued its current NPDES permit jointly with BCC Paper in February 2004. This permit identifies BCC Paper as having primary responsibility for compliance with permit limits pertaining to the discharge of wastewater from the secondary ASB. As such, BCC Paper is not regulated under the City’s Pretreatment Program. Therefore, the present local limits analysis is applicable only to industrial discharges of wastewater into the City’s primary ASB.

6.3.2 POTW Flows

The following table (Table 1) is a summary of the design and actual flows, in million gallons per day (MGD), for the St. Helens wastewater treatment facility. Flows were obtained from the St. Helens 2003 Pretreatment Annual Report submitted to DEQ.

Basin	Design Flow, MGD		Actual Flow, MGD	
	Wet	Dry	Wet (Peak)	Dry (Avg.)
Primary	11.8	2.29	12.4	1.01
Secondary	43.0	38.0	42.4	27.6

Table 1 Chapter 6.3.2
Design, Average Dry and Peak Flows to St. Helens Treatment Facility

For the purposes of the MAHL calculations performed by the DEQ Local Limits Spreadsheet, the average total plant flow (the secondary ASB effluent flow, which includes the discharge from BCC Paper) was entered into the spreadsheet as the POTW flow.

6.3.4 Industrial and Domestic/Commercial Flows

Industrial flow has been traditionally defined as the portion of total basin influent that has been contributed by process wastewater discharges from regulated industries. For the primary ASB, the domestic/commercial flows were calculated by subtracting the industrial flow (0.23 MGD) from the average primary ASB flow for 2003 (2.25 MGD). In the secondary ASB, the reported flow from BCC Paper was 26.3 MGD in 2003. These flows, along with the effluent from the primary ASB, comprise the secondary ASB flows. The flow from BCC Paper is effluent from industrial processes, but will not be considered as industrial flow in Maximum Allowable Headworks Loadings (MAHL) analysis because, under the terms of the joint City/BCC Paper NPDES permit, these discharges are not regulated under the City's Pretreatment Program. Because these flows are not regulated under the City's Pretreatment Program, they are considered uncontrollable and thus part of the domestic/commercial flows.

For the purposes of performing the MAHL analysis with the DEQ Local Limits spreadsheet, the two ASB systems were considered as one system with an average flow of 29.2 MGD. In this analysis, the only industrial flows were those discharging into the primary ASB (industrial flow average was 0.23 MGD), and all other flows were considered to be domestic/commercial flows that will not be regulated under the City's Pretreatment Program. This approach allowed for use of the dilution ratios that were calculated from mixing zone studies of the secondary ASB flows in the calculation of allowable headworks loadings based on Water Quality Standards.

6.3.5 Receiving Stream Flow

The current analysis utilized the same receiving stream flow estimates as were used in the 1995 St. Helens Local Limits Report produced by CH2M Hill. These estimates were 87614 cubic feet per second (cfs) for the 7Q10 flow and 66,000 cfs for the 1Q10 flow.

In order to utilize the EPA Region 10 Water Quality Spreadsheet (which is contained within the DEQ Local Limits Spreadsheet), it was necessary to obtain estimates of the dilution ratios in the mixing zone and zone of initial dilution for Outfall 001 (the outfall for St. Helens' secondary effluent). St. Helens' 2003 Pretreatment Annual Report refers to a dilution ratio of 40:1 in the mixing zone and 11:1 in the zone of initial dilution. These dilution ratios were entered into the Water Quality Standards section of the DEQ Local limits Spreadsheet.

6.3.6 Sludge Treatment and Disposal

According to the current St. Helens NPDES permit, sludge management plans for beneficial reuse of solids from the City's primary treatment facility and secondary solids from the ASB had not been submitted to DEQ at the time of permit issuance. The disposal of sludge generated at the St. Helens Facility has been accomplished in the past by hauling to a municipal solid waste landfill. The 2003 Pretreatment Annual Report states that 4002 dry tons of sludge was disposed in this manner in 2002. For the purposes of the current analysis, it will be assumed that any sludge generated will continue to be disposed of by hauling to a municipal solid waste landfill. Thus, the Local Limits Spreadsheet will not contain calculations for Part 503 sludge disposal requirements.

6.3.7 Hauled Wastes

The St. Helens Treatment Facility receives hauled wastes from local septage haulers who have been permitted to dispose of domestic sanitary wastes. These wastes were discharged to the headworks of the treatment plant. The loadings contributed by the hauled wastes are assumed to have been included in the influent sampling performed at the headworks of the treatment plant.

6.4 Data

6.4.1 POTW Monitoring Data

The City of St. Helens provided monitoring data for the primary influent, primary effluent, BCC Paper effluent, and secondary ASB effluent for the years 1999 through 2003. This data included the results of monitoring for all of the metals included in the list of pollutants of concern (POCs), as well as cyanide. These metals are arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, silver, and zinc. Table 2 at the end of this chapter displays this data for the monitoring years 2001 through 2003. The data for the years 1999 and 2000 were omitted from headworks loadings analyses and removal efficiency calculations because the detection level for most of the POCs were too high to be useful in the calculation of removal efficiencies for the local limits analysis. In addition, the data for cyanide are not included in Table A.1 because cyanide was not detected in virtually all of the analyses. All sampling and analysis was performed in accordance with the methods specified in 40 CFR Part 136.

6.4.2 Industrial Monitoring Data

Industrial monitoring data have not been included for this analysis because neither of the two SIUs that discharge into St. Helens' primary ASB are expected to contribute significant quantities of any of the metals or cyanide on the list of POCs. According to pretreatment permit fact sheets, the only POCs for the pretreatment permits for these SIUs are pH, oil and grease, sulfide, and temperature.

6.4.3 Domestic/Commercial Monitoring Data

Sampling data that represent only domestic and commercial sources of wastewater, without contributions from industrial sources, were unavailable for the current analysis. Because the MAHL analyses assumed BCC Paper discharges were part of the domestic/commercial contributions as described in Section 6.3.3, domestic/commercial pollutant concentrations for use in the DEQ Local Limits Spreadsheet were constructed using monitoring data from the primary ASB influent and the BCC Paper effluent. This approach is described in Section 6.6.4. Because regulated industrial discharges were not expected to contribute significant loadings of POCs, the calculated domestic/commercial concentrations were also considered to be the POTW influent concentrations in the DEQ Local Limits Spreadsheet.

6.4.4 Receiving Stream Background Data

Data representing background pollutant concentrations for the Columbia River were obtained from a report of Columbia River background data produced by Vigil-Agrimis. This report contained the results of sampling of the Columbia River between the months of July and October in the year 2000. There were six sampling events during this time period, and analyses were performed for arsenic, cadmium, copper, lead, mercury, nickel, silver, and zinc. Averages of the results of the six sampling events were entered into the receiving stream background column of the Water Quality Standards sheet within the DEQ Local Limits Spreadsheet. These averages used the value of the detection limit in the calculation of the average when the pollutant concentration was reported as less than the detection limit.

6.4.5 Data Collection

The data used in the current analysis were generated as a result of the City's ongoing monitoring program to maintain compliance with the monitoring requirements of its NPDES permit. The protocols

for sampling locations and procedures are clearly described in the City's O & M Manual and the existing Pretreatment Operational Guide. According to the 2003 Pretreatment Annual Report, the analyses for metals are conducted using EPA Methods 200.7 and 200.8, and Standard Method 3113B. The analyses for cyanide are conducted using EPA Method 335.2. The analyses for toxic organics are conducted using EPA Methods 624, 625, and 608. The City of Portland's Bureau of Environmental Services Laboratory performed all these analyses.

In cases where the results of analyses were reported as below detection limits, a value equal to one half the detection limits was used in the calculation of averages and removal efficiencies. The low detection limits used beginning in 2001 tends to minimize any error associated with use of one half the detection limits in these calculations.

6.4.6 Literature or Default Data

Literature data were utilized extensively for plant process inhibition values and removal efficiency estimates for all pollutants. Plant inhibition threshold values from tables published by EPA were used in the allowable headworks loading calculations because there were no site-specific data available. Literature values for removal efficiencies were also used for all the metal POCs and cyanide because the available data could not be used to calculate reliable estimates of actual treatment plant removal efficiencies. This issue is discussed more fully in the MAHL section.

6.5 Pollutants Of Concern

6.5.1 Selection of Pollutants of Concern

A list of thirteen pollutants were initially considered in the local limits evaluation process: arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, selenium, silver, zinc, and sulfide as per the work plan submitted to DEQ. In addition, the results of toxic priority pollutant scans on the influent to the primary ASB were reviewed to determine whether any of these pollutants should be added to the POC list. The rationale for removing some of these pollutants from further consideration in this analysis is discussed below.

6.5.1.1 Sulfide

The City has reported some ongoing problems with discharges of sulfide from two of its industrial users. One of these, Armstrong World Industries, is an SIU with daily maximum and monthly average permit limits for sulfide. According to information in the City's Annual Pretreatment report, it appears that these permit limits were set to reflect the sulfide levels that Armstrong has achieved after it investigated the causes of sulfide discharges and management practices that are intended to minimize sulfide in their discharges. As such, these limits represent technology-based limitations and are not technically based local limits.

The other industrial user that has been associated with discharges containing sulfide, the W-M Columbia County Transfer Station, is not an SIU. The wastewater from the Transfer Station is the result of the compaction of solid waste material that is collected in a holding tank then discharged to the City of St. Helens collection system. The other source of sulfide is from the residential populous in Columbia City. The community wastewater is discharged from their lift stations to the City of St. Helens collection system. This small community is regulated through an Inter-Jurisdictional Agreement with the City of St. Helens.

The City will continue working with these sources of sulfide discharges to help reduce their potential impact on the collection system and avoid potential worker health and safety issues. The City will also continue to work with Armstrong World Industries to continue to reduce

their discharges of sulfide on a consistent basis and further reduce any impacts from sulfide into the POTW. The City will continue to apply a permit specific limit for Armstrong World Industries for its sulfide discharge knowing that it is not a local limit. The City has been working closely with the staff at the Transfer Station to help develop management practices to minimize sulfide discharges. Sulfide sample results are currently being reported at a non-detect level.

The residential nature of the wastewater source at Columbia City suggests that this problem is outside the scope of the Industrial Pretreatment Program and will be handled as such.

6.5.1.2 Molybdenum and selenium

These parameters were included on the initial list of pollutants of concern because these pollutants are regulated by the Part 503 sewage sludge regulations. Allowable loadings for these pollutants would have been developed on the basis of these sludge disposal regulations if the City had developed a sludge management plan for beneficial reuse of solids from the City's primary treatment facility and secondary solids from the ASB. As noted previously, the City had not done so as of the date of the issuance of its NPDES permit. Thus, there was no rationale for developing allowable headworks loadings based on the Part 503 Sewage Sludge Regulations for these pollutants. Because there are no Water Quality Standards or data on process inhibition associated with these pollutants, there was no basis for developing allowable headworks loadings at all. Therefore, molybdenum and selenium were removed from further consideration as POCs for this analysis.

6.5.1.3 Toxic Organic Priority Pollutants

Review of influent monitoring data collected during the period of 2001 through early 2004 for these pollutants revealed that the vast majority of these pollutants were not detected in the influent. Those toxic organic pollutants that were detected were evaluated to ensure that none of them presented a reasonable potential to cause pass through or interference at the City's treatment plant. This evaluation is discussed in the following paragraphs.

6.5.1.3.1 Water Quality

There are five pollutants (heptachlor, toluene, phenol, 1,4 dichlorobenzene, and chloroform) for which water quality standards apply that were detected in the primary ASB influent. For four of these pollutants (toluene, phenol, 1,4 dichlorobenzene, and chloroform), the maximum value observed in the plant influent was less than the acute and chronic water quality standard. Heptachlor was observed one time in the primary ASB influent during this three-year period. The observed value was less than the acute water quality standard, but exceeded the chronic water quality standard. However, given the dilution ratio of 40:1 of the secondary ASB effluent, and the fact that the primary influent constitutes less than 10% of the secondary ASB effluent flow, the levels of heptachlor in the mixing zone would have been far less than the applicable chronic water quality standard, even if it was assumed that none of the heptachlor would have been removed during the treatment process. Thus, it was concluded that none of the toxic organic pollutants presented a reasonable risk of violating water quality standards.

6.5.1.3.2 Inhibition

There were three organic priority pollutants detected in the primary ASB influent (toluene, phenol, and 1,4 dichlorobenzene) that have applicable activated sludge inhibition threshold values as reported in the EPA *Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program (1986)*. For each of these pollutants, the maximum

concentration observed in the influent was far less than the applicable activated sludge inhibition threshold reported in the EPA guidance.

6.5.1.3.3 Exclusion of Organic Priority Pollutants from POC list

On the basis of the screening evaluation discussed above, it was decided to remove for further consideration any of the toxic organic pollutants as pollutants of concern for the present analysis. There are no known industrial sources that contribute significant quantities of organic priority pollutants, and no evidence that the occasional observation of toxic organic pollutants in the plant influent presents a reasonable potential to cause pass through or interference.

6.5.2 Specific Prohibitions

6.5.2.1 Fire or explosion hazard

Pollutants that create fire or explosion hazards are currently regulated by the City's sewer use ordinance (SUO). According to the 2003 Pretreatment Annual Report, no instances of such hazards were experienced by the POTW in 2003.

6.5.2.2 Corrosive pollutants

The City's SUO prohibits discharges capable of causing corrosive structural damage to the POTW. The City reported no structural damage to its facility attributable to low pH discharges in its 2003 Pretreatment Annual Report.

6.5.2.3 Solid or viscous substances

The City's SUO prohibits the discharge of solid or viscous substances which may cause obstruction to the flow or other interference with the operation of the wastewater system. No such obstructions were reported in the City's 2003 Pretreatment Annual Report.

6.5.2.4 Flow rates/concentrations of pollutants causing interference

The City's SUO prohibits the discharge of wastewater containing pollutants in sufficient quantity to interfere with any wastewater treatment process. No such conditions were reported in the City's 2003 Pretreatment Annual Report.

6.5.2.5 Heat

St. Helens' SUO prohibits wastewater having a temperature which will inhibit biological activity at its treatment plant resulting in interference. There were no instances of such discharges reported in City's 2003 Pretreatment Annual Report.

6.5.2.6 Oils

Discharges of petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference with the POTW are prohibited by ordinance. No such interference was reported in City's 2003 Pretreatment Annual Report.

6.5.2.7 Toxic gases, vapors, and fumes

Discharges that result in toxic gases, vapors, and fumes that may cause worker health and safety problems are specifically prohibited by the City's SUO. In addition, the City instituted a pilot sulfide abatement program in 2001 after sulfide odors were detected downstream of the lift station from Columbia City. This program is continuing to this date.

6.5.2.8 Trucked or hauled wastes

The City's SUO prohibits the discharge of any trucked or hauled wastes except at the discharge point designated by the City.

6.6 Environmental Criteria

6.6.1 NPDES Permit Limits

None of the POCs for the current analysis are regulated by the City's NPDES permit. Therefore, NPDES permit limits were not considered as a basis of evaluating local limits and were not entered into the NPDES permit limit section of the DEQ Local Limits Spreadsheet.

6.6.2 Water Quality Standards

The EPA Region 10 Water Quality spreadsheet was utilized to calculate end-of-pipe maximum allowable concentrations based on water quality standards. This spreadsheet is embedded in DEQ's Local Limits Spreadsheet. A copy of the completed spreadsheets for this analysis is presented at the end of this chapter. Use of this spreadsheet required the input of the following values: receiving water and POTW effluent hardness, receiving water background levels, 7Q10 river flow, and 1Q10 river flow.

A value of 67 mg/L was input as the hardness value in the receiving water. This is based on water quality data collected by USGS at Warrendale, Oregon, and used by DEQ in its fact sheet and permit evaluation report for the NPDES permit issued to the City of St. Helens and Boise Cascade Corporation.

A value of 100 mg/L was input as the POTW effluent hardness as a default value due to the lack of hardness information of the POTW effluent. The value of this number actually has very little impact on the hardness value of POTW effluent/receiving stream mixture, since the dilution factor is so high.

The river background concentrations for the metals for which Water Quality Standards have been promulgated were obtained by averaging the analytical results from the samples collected by Vigil-Agrimis and discussed previously (see Section 6.4.4, Receiving Stream Background Data).

The values of 7Q10 and 1Q10 calculated as discussed in Section 6.3.4 were entered into the spreadsheet.

6.6.3 Sludge Use and Disposal

As discussed previously, the City does not have a program for the beneficial reuse of solids from the City's primary treatment facility and secondary solids from the ASB. Sludge generated by the City's treatment plant is disposed in municipal solid waste landfill. Therefore, sludge information was not entered into the DEQ Local Limits Spreadsheet.

6.6.4 Process Inhibition

Process inhibition thresholds for the City's ASB wastewater treatment system were unavailable. As a substitute, the lowest values of inhibition thresholds for activated sludge processes reported in EPA's *Draft Local Limits Development Guidance (2001)* were considered. An inhibition analysis was conducted to determine whether there was reasonable potential for inhibition in the treatment plant secondary ASB.

Pollutant monitoring data from samples taken during the years 2001 through 2003 of the primary influent and BCC Paper effluent were used to construct a worst-case scenario of pollutant loadings from these sources. The maximum pollutant loadings observed in the primary influent during this period were added to the maximum observed loadings from the BCC Paper effluent during this period to obtain an estimate of the maximum loadings expected in the secondary ASB effluent.

These maximum expected loadings, along with the value of the 10th percentile of the 2003 secondary ASB flow values, were used to calculate a worst-case estimate of pollutant concentrations expected in

the secondary ASB. These estimates assume that the secondary ASB will experience high loadings from the primary ASB (where zero removals are assumed), high loadings from the BCC Paper effluent, and low flows (10th percentile of 2003 flows), all in the same day. This combination of high loadings and low flows would result in high pollutant concentrations that are unlikely to be exceeded – a worst-case scenario.

When the worst-case pollutant concentrations were compared to the lowest inhibition thresholds reported in EPA's *Draft Local Limits Development Guidance*, they were far below those thresholds. In this analysis, cyanide concentrations were assumed to be at the detection limit of 0.01 mg/L because cyanide was not detected in the primary ASB influent or in the secondary ASB during this monitoring period. This concentration is far below the lowest reported inhibition threshold for cyanide. A table summarizing this analysis can be found at the end of this chapter.

Clearly, in order for process inhibition to occur as a result of pollutant loadings from industrial dischargers into the primary ASB, such loadings would have to be so high that the likelihood of it occurring is extremely remote. For this reason, it was concluded that this analysis has demonstrated that development of maximum allowable headworks loadings based on prevention of inhibition of the secondary ASB was not necessary. Accordingly, inhibition thresholds were not entered into the DEQ Local Limits Spreadsheet.

6.6.5 Worker Health and Safety

It is believed that worker health and safety issues are adequately addressed in the City's Sewer Use Ordinance. As discussed previously in Section 6.5.2 (Specific Prohibitions), this document regulates discharges that could be potential sources of fire, explosion, or toxicity hazards in the City's sewerage system.

6.6.6 Other Specific Prohibitions

In the previous discussion of specific prohibitions, it was stated that it is believed that the City's Sewer Use are sufficiently protective of the City's collection, conveyance, and treatment systems.

6.7 Headworks Loading Calculations

6.7.1 Removal Efficiencies

Removal efficiencies were calculated on the basis of the monitoring data for the years 1999-2003. The resulting calculations failed to produce reliable estimates of process removal efficiencies for the following reasons. First, as previously discussed, the laboratory analyses from samples collected in 1999 and 2000 resulted in a large number of nondetects due to the relatively large detection limits in use at that time. Secondly, any estimate of these removal efficiencies cannot be directly calculated from the available data, but must be based upon influent loadings that are constructed by adding the City influent to the Boise Cascade effluent.

As a result of the failure to calculate reliable removal efficiencies, it was decided to search for reasonable literature values to use as an alternative. It was decided to utilize estimates of pollutant removals between POTW influent and secondary effluent in activated sludge treatment systems published in EPA's *Draft Local Limits Guidance*. The table of estimated removal efficiencies were based on a computer analysis of POTW removal efficiency data (derived from actual POTW sampling data) provided in EPA's *Fate of Priority Pollutants in Publicly Owned Treatment Works, Volume II*, (EPA 440/1-82/303), September 1982. This table contains various estimates of removal efficiencies, including the estimated second decile, which is the estimated value of the process removal that is

exceeded by 80% of POTWs that utilize activated sludge treatment systems. Thus, these values are conservative in the sense that they are in the lower 20th percentile of POTWs that employ activated sludge systems.

As a check to assess how reasonable the literature removal efficiencies were, removal efficiencies for copper, lead, and zinc were calculated using the constructed influent loadings described earlier. The resulting removal efficiencies were somewhat lower than the literature values. This may be attributable to the small dataset used in these calculations.

6.7.2 Methodology

Allowable headworks loadings were calculated using the DEQ Local Limits Spreadsheet. This spreadsheet is posted on DEQ's website and is intended for use by Oregon POTWs in using the Maximum Allowable Headworks methodology to calculate allowable loadings and allocate them to industrial sources of pollutants.

6.7.3 Industrial Flow

The industrial flow was calculated by adding together the permitted flows from the two SIUs (Armstrong World Industries and Boise Cascade Timber Products) that discharge into the City's primary ASB. This is another conservative assumption made for the sake of ensuring that the calculated local limits will protect the treatment plant operations and water quality in the receiving stream. The actual average industrial flow from these industries is typically less than 70% of the permitted flow limits.

6.7.4 Mass Balance (Predicted versus Actual)

This analysis was not performed on the available data. The usual method of performing this analysis is based on predicted loadings (the sum of the calculated domestic/commercial loadings and the calculated industrial loadings) and the actual loadings (calculated from the influent concentrations and flow). In the present case, however, the domestic/commercial loadings were estimated by the influent loadings, and there are no calculated industrial loadings because none of the pollutants of concern are monitored by the two SIUs discharging to the primary ASB.

6.7.5 Mass Balance (Pollutant Fate)

This analysis was not performed on the available data. This analysis is usually performed by comparing the influent loadings to the sum of the effluent and sludge loadings for the conservative pollutants of concern. The sludge generated by the City, however, is not disposed of on a consistent basis, so it would not be possible to conduct such an analysis.

6.8 Allocation of Maximum Allowable Loadings

6.8.1 Safety Factor

The safety factor of 10% was chosen over more conservative alternatives because there were many conservative assumptions made in the process of calculating allowable headworks loadings.

6.8.2 Allocation Methodology

The uniform concentration method was selected to establish discharge limitations that are the same for all Industrial Users subject to the local limits.

6.8.3 Background Loadings

The background loadings were calculated by the DEQ spreadsheet, based on the concentration values input as non-industrial sample results. As discussed previously, the average influent concentrations were input to represent non-industrial contributions. If local limitations will apply only to SIUs, all other sources, both commercial and domestic, are by definition relegated to the background.

6.8.4 Significant Background Loadings

None of the calculated background loadings were so large as to prevent the calculation of local limits that are achievable.

6.8.5 Application of Local Limits

The City elects not to implement the local limits calculated in this analysis, thus, there will be no application of local limits to industrial sources. The City has elected to allow BMPs in lieu of local limits. In this case, the BMPs will be reviewed on a case by case basis relative to the actual discharge pollutant and the concentration and volume of each prior to issuing a discharge permit with BMP alternatives.

6.8.6 Incorporation of Local Limits in the Ordinance

The City elects not to implement the local limits calculated in this analysis, thus, there will be no incorporation of local limits in the sewer use Ordinance.

6.9 Other Considerations

6.9.1 Achievability of Proposed Limits

The achievability of the proposed local limits is not relevant because G4 recommends that the City elect not to implement the calculated local limits.

6.9.2 Conventional Pollutant Limits

The City has concluded that local limits for conventional pollutants are not necessary. An analysis of BOD and TSS loadings to the secondary ASB in 2003 revealed that the City's contribution of these pollutants represent only 5.6% of the BOD and 15% of the TSS of the total loadings of these pollutants. In addition, there are no significant loadings of conventional pollutants contributed by industrial users that discharge into the City's system.

6.9.3 Non-conservative Pollutants

The City considered establishing limits for two classes of non-conservative pollutants: organic priority pollutants and cyanide. The rationale for excluding organic priority pollutants from the list of pollutants of concern was discussed previously (see Section 6.5.1.3.3). Cyanide was retained as a pollutant of concern in the MAHL calculations.

6.10 Recommendation

The City elects not to adopt numerical local limits at this time based on the review. Please review the spreadsheets at the end of this chapter for clarification and review of the calculations.

- The City’s oversight of the industrial users discharging into its system has amply demonstrated that significant quantities of these pollutants simply are not being contributed by industrial sources.
- Most of the calculated limits are very high, reinforcing the conclusion that implementing these limits would have little value in preventing pass through, interference, or protecting sludge quality.

Allocation of Maximum Allowable Headworks Loadings						
					Local Limit (mg/L)	
	Allowable	Safety	Actual	Allowable	Using Total	Using Industrial
Pollutant	Total	Factor	Uncontrollable	Industrial	Industrial	Contributory
	(Lbs/Day)	(Lbs/Day)	(Lbs/Day)	(Lbs/Day)	Flow	Flow
Arsenic	1041.8916	104.1892	0.8215	936.8810	488.4167	
Cadmium	7.7240	0.7724	0.1015	6.8502	3.5711	
Chromium	5673.1139	567.3114	1.8701	5103.9342	2660.7926	
Copper	66.0190	6.6019	7.0357	52.3814	27.3076	
Cyanide	74.6530	7.4653	0.0000	67.1877	35.0264	
Lead	32.8444	3.2844	0.8795	28.6805	14.9518	
Mercury	0.1381	0.0138	0.0329	0.0915	0.0477	
Nickel	1679.1406	167.9141	3.6507	1507.5758	785.9325	
Silver	2.5432	0.2697	0.0720	2.2169	1.1557	
Zinc	468.7385	46.8738	17.4901	404.3745	210.8094	

Table 2 Chapter 6.10

DEQ Local Limits Workbook Instructions

This workbook consists of nine worksheets (one is hidden). Four worksheets (**General, Pass-through, Inhibition, and Sludge Quality**) require data input by the user. Data should only be entered in the yellow shaded areas within these four worksheets. The only exception to this is explained below, in the **Removal Efficiencies** section. Water Quality Standards are presented on the **WQ Criteria** worksheet for user reference.

General worksheet

Average Pollutant Concentrations. Enter average concentrations of pollutants derived from sampling data or literature values. Influent and effluent data will be used by the spreadsheet to automatically calculate removal efficiencies and display them in the turquoise shaded area.

Removal Efficiencies. These are automatically calculated for pollutants for which influent/effluent data have been entered in the Average Pollutant Concentration section. Alternatively, the user may enter removal efficiencies (in percent), directly into this section. If this is done, the spreadsheet will use the entered removal efficiencies and will **not** calculate them from influent/effluent data.

Industrial contributory flow. Enter the industrial contributory flow for any pollutants for which the industrial contributory allocation method might be used. If this allocation method is not under consideration, then the user need not enter this information.

Safety Factor. Enter a value, in percent, to serve as a safety factor for each pollutant. There may be different safety factors for different pollutants.

Flow Information. Enter the average POTW flow, industrial flow, and non-industrial flow. The POTW flow should be the sum of the industrial flow and non-industrial flow.

Sludge Information. Enter the sludge flows and percent solids for the sludge.

Sludge Land Application Information. Enter the site use duration and site area. Enter either Y or N (**in capital letters**) to indicate whether or not the sludge from the POTW is composted.

WQS worksheet

This worksheet is hidden and uses POTW and receiving stream information (which is entered elsewhere in this workbook) and Water Quality Standards to calculate values that are necessary for computing Allowable Headworks Loadings for prevention of pass-through. **The user cannot view nor enter information directly into this worksheet.**

Pass-through worksheet

Receiving Stream Information. Enter the flow and receiving stream hardness information. If receiving stream hardness is not known, enter 100 mg/L for this parameter.

Mixing Zone and Zone of Initial Dilution Information. Detailed guidance for entering dilution ratio information is included on this worksheet. If no value for effluent hardness is entered, the program will default to 100 mg/L for this parameter.

Inhibition worksheet

Enter inhibition threshold concentrations for secondary, tertiary, and sludge digestion processes.

Sludge Quality worksheet

Sludge Disposal Criteria or Standards. Enter the criteria or standards that apply to the POTW's sludge disposal practices. These values are typically found in Table 1 or Table 3 of the Part 503 Standards for the use or disposal of sewage sludge. The Part 503 Standards are displayed in the table on this sheet.

Annual and Cumulative Application Rate Limits. Enter the applicable limits (in kilograms per hectare), which are found in Table 2 and Table 4 of the Part 503 Standards for the use or disposal of sewage sludge. The Part 503 Standards are displayed in the table on this sheet.

POTW POLLUTANT INFORMATION

Pollutant	Average Pollutant Concentrations						
	POTW Influent (mg/L)	Primary Effluent (mg/L)	Secondary Effluent (mg/L)	Final Effluent (mg/L)	Non-Industrial (mg/L)	Sludge To Digester (mg/L)	Biosolids To Disposal (mg/kg)
Arsenic	0.0034				0.0034		
Cadmium	0.00042				0.00042		
Chromium	0.00774				0.00774		
Copper	0.02912				0.02912		
Cyanide							
Lead	0.00364				0.00364		
Mercury	0.000136				0.000136		
Nickel	0.01511				0.01511		
Silver	0.000298				0.0002979		
Zinc	0.07239				0.07239		

Pollutants	Removal Efficiencies (Percent of Pollutant Removed)			Industrial Contributory Flow (mgd)	Safety Factor (%)
	Through Primary	Through Secondary	Overall POTW		
Arsenic	0.00	0.00	31.00		10
Cadmium	0.00	0.00	33.00		10
Chromium	0.00	0.00	68.00		10
Copper	0.00	0.00	67.00		10
Cyanide	0.00	0.00	41.00		10
Lead	0.00	0.00	39.00		10
Mercury	0.00	0.00	50.00		10
Nickel	0.00	0.00	25.00		10
Silver	0.00	0.00	50.00		10
Zinc	0.00	0.00	64.00		10

Flow Information		Sludge Information			Sludge Land Application Information		
POTW Flow (mgd)	29.2	Flow to Digester (mgd)			Site Use Duration (years)		
Industrial Flow (mgd)	0.23	Flow to Disposal (mgd)			Site Area (acres)		
Non-Industrial Flow (mgd)	28.97	% Solids to Disposal			Compost? Y/N		N

CRITERIA AND WASTELOAD ALLOCATION CALCULATIONS

PARAMETER		WATER QUALITY STANDARDS ug/l		RECEIVING WATER MZ Hardness 100 mg/l ZID Hardness 100 mg/l 7Q10 = 87614 CFS Available 2.06234 % 1Q10 = 66000 CFS Available 0.7528733 % {1Q10=0 => WLAa=2*CMC}			FACILITY Effluent Flow 29.2 MGD		Acute LTA	Chronic LTA	Min LTA
		1 Hour (CMC)	4 Day (CCC)	Back Ground	Allocations		CV	No. Samples/Mo			
					Acute	Chronic					
ALUMINUM	(A)	750.00	87.00	0	8994.74	3564.78	0.6	4	2888.059	1880.184	1880.184
ARSENIC III	(A)	360.00	190.00	1	4306.48	7745.18	0.6	4	1382.739	4085.065	1382.739
CADMIUM		2.61	0.84	0.03	31.00	33.06	0.6	4	9.954	17.435	9.954
CHROMIUM III		1292.83	150.57	0	15504.86	6169.50	0.6	4	4978.351	3254.000	3254.000
CHROMIUM VI	(A)	16.00	11.00	0	191.89	450.72	0.6	4	61.612	237.724	61.612
TOTAL CHROMIUM		1308.83	161.57	0	15696.75	6620.22	0.6	4	5039.963	3491.724	3491.724
COPPER		12.62	8.48	1.9	130.51	271.65	0.6	4	41.904	143.278	41.904
CYANIDE	(A)	22.00	5.20	0	263.85	213.07	0.6	4	84.716	112.379	84.716
FLUORIDE	(A)	2000.00	1000.00	0	23985.96	40974.48	0.6	4	7701.490	21611.311	7701.490
IRON	(A)	2000.00	1000.00	0	23985.96	40974.48	0.6	4	7701.490	21611.311	7701.490
LEAD		52.36	1.97	0.19	625.82	73.06	0.6	4	200.939	38.535	38.535
MERCURY	(A)	2.40	0.012	0.006	28.72	0.25	0.6	4	9.221	0.133	0.133
NICKEL		1047.43	113.50	1.45	12545.91	4592.50	0.6	4	4028.281	2422.238	2422.238
SILVER	(A)	2.18	0.12	0.007	26.12	4.64	0.6	4	8.386	2.446	2.446
ZINC		86.24	76.26	2.13	1010.84	3039.59	0.6	4	324.565	1603.179	324.565

PARAMETER		PERCENTILE LIMITS			
		95th %-ile		99th %-ile	
		Daily	Monthly	Daily	Monthly
ALUMINUM	(A)	4014.052	2918.844	5855.753	3564.780
ARSENIC III	(A)	2952.043	2146.597	4306.481	2621.636
CADMIUM		21.251	15.452	31.001	18.872
CHROMIUM III		6947.046	5051.589	10134.444	6169.498
CHROMIUM VI	(A)	131.537	95.648	191.888	116.815
TOTAL CHROMIUM		7454.570	5420.638	10874.826	6620.218
COPPER		89.461	65.052	130.507	79.448
CYANIDE	(A)	180.863	131.516	263.846	160.620
FLUORIDE	(A)	16442.105	11955.983	23985.964	14601.824
IRON	(A)	16442.105	11955.983	23985.964	14601.824
LEAD		82.270	59.823	120.017	73.062
MERCURY	(A)	0.284	0.206	0.414	0.252
NICKEL		5171.296	3760.341	7543.956	4592.499
SILVER	(A)	5.222	3.797	7.617	4.637
ZINC		692.922	503.863	1010.844	615.367

Pass-Through Information

Pollutant	NPDES Permit Limit (mg/L)	Receiving Stream Background (mg/L)	WQ Spreadsheet 95th %-ile Value Daily Maximum (µg/L)	Pass-Through Allowable Loading (lbs/day)
Arsenic		0.001	2952.0434	1041.8916
Cadmium		0.00003	21.2506	7.7240
Chromium		0	7454.5696	5673.1139
Copper		0.0019	89.4610	66.0190
Cyanide		0	180.8632	74.6530
Lead		0.00019	82.2701	32.8444
Mercury		0.000006	0.2836	0.1381
Nickel		0.00145	5171.2962	1679.1406
Silver		0.000007	5.2215	2.5432
Zinc		0.00213	692.9218	468.7385

Receiving Stream Information		Mixing Zone and Zone of Initial Dilution Information			
7Q10 Flow (cfs)	87614	Dilution Ratio at edge of Mixing Zone	40	Percent of 7Q10 Available	2.062
1Q10 Flow (cfs)	66000	Dilution Ratio at edge of Zone of Initial Dilution	11	Percent of 1Q10 Available	0.753
Stream Hardness (mg/L)	67	Effluent Hardness (mg/L)	100	POTW Flow (MGD)	29.2
		Hardness at edge of Mixing Zone	67.8		
		Hardness at edge of Zone of Initial Dilution	69.8		

Enter Sludge Quality Information

Pollutant	Sludge Disposal Criteria or Standards (mg/kg)	Annual Application		Cumulative Application		CSLCRIT (mg/kg)	Sludge Quality Allowable Loading (lbs/day)
		Rate Limit (kg/hectare/year)	CLIM(A) (mg/kg)	Rate Limit (kg/hectare)	CLIM(C) (mg/kg)		
Arsenic							
Cadmium							
Chromium							
Copper							
Cyanide							
Lead							
Mercury							
Molybdenum							
Nickel							
Selenium							
Silver							
Zinc							

40 CFR Part 503 Standards for the Use or Disposal of Sewage Sludge		Pollutant	Table 1 Ceiling Concentrations (mg/kg)	Table 2 Cumulative Loading Rates (kg/hectare)	Table 3 Clean Sludge (mg/kg)	Table 4 Annual Loading Rates (kg/hectare/year)
		Arsenic	75	41	41	2.0
		Cadmium	85	39	39	1.9
	=====>	Chromium	NA	NA	NA	NA
		Copper	4300	1500	1500	75
		Cyanide	NA	NA	NA	NA
		Lead	840	300	300	15
		Mercury	57	17	17	0.85
		Molybdenum	75	NA	NA	NA
		Nickel	420	420	420	21
		Selenium	100	100	100	5.0
		Silver	NA	NA	NA	NA
		Zinc	7500	2800	2800	140

Allocation of Maximum Allowable Headworks Loadings

Pollutant	Allowable Total (Lbs/Day)	Safety Factor (Lbs/Day)	Actual Uncontrollable (Lbs/Day)	Allowable Industrial (Lbs/Day)	Local Limit (mg/L)	
					Using Total Industrial Flow	Using Industrial Contributory Flow
Arsenic	1041.8916	104.1892	0.8215	936.8810	488.4167	
Cadmium	7.7240	0.7724	0.1015	6.8502	3.5711	
Chromium	5673.1139	567.3114	1.8701	5103.9342	2660.7926	
Copper	66.0190	6.6019	7.0357	52.3814	27.3076	
Cyanide	74.6530	7.4653	0.0000	67.1877	35.0264	
Lead	32.8444	3.2844	0.8795	28.6805	14.9518	
Mercury	0.1381	0.0138	0.0329	0.0915	0.0477	
Nickel	1679.1406	167.9141	3.6507	1507.5758	785.9325	
Silver	2.5432	0.2697	0.0720	2.2169	1.1557	
Zinc	468.7385	46.8738	17.4901	404.3745	210.8094	

Water Quality Standards

Pollutant	Acute µg/L	Chronic µg/L
Arsenic	360	190
Cadmium1	3.9	1.1
Chromium1	1700	210
Copper1	18	12
Cyanide	22	5.2
Lead1	82	3.2
Mercury	2.4	0.012
Molybdenum2	NA	NA
Nickel1	1400	160
Selenium3	260	35
Silver1	4.1	0.12
Zinc1	120	110

1. Water Quality Criteria are hardness dependent. Make sure that the receiving stream hardness is entered into the Pass-through worksheet.
2. No Water Quality Criteria developed for this pollutant.

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CHAPTER 7 - Enforcement Response Plan

7.1 Introduction

It is the intention of the City to carry out and enforce all federal, state, and local laws regarding the transportation, treatment, and disposal of wastewater within the City and to operate the sewer system in such a manner, which protects public health and the environment. When an event of non-compliance occurs in regards to any permit, ordinance, state or federal law, the City will take appropriate action to deal with the incident of non-compliance and will take appropriate steps to ensure that the non-compliance is prevented in the future.

The policies and procedures set forth in this document are intended solely for the guidance of the City's employees. These policies and procedures are not intended to, and do not constitute rule making by the City, and may not be relied upon to create a right or a benefit, substantive or procedural, enforceable at law or in equity, by any person.

7.2 Format

The format of the Enforcement Response Plan is set up to have city staff make recommendations to the city's legal counsel. If the noncompliance event by the industrial user is of such magnitude, the city's legal council may inform the City council which consists of five members. The wastewater superintendent or his designee will take the first level of enforcement action, which is typically a phone call to the industrial user. This telephone call allows the staff to inform the IU that they are in violation and that they need to take immediate steps to stop the non-compliance event.

The wastewater superintendent will utilize all information obtained by either inspections or submitted reports to verify compliance with appropriate permits and orders. The plant operations/pretreatment supervisor may also use inspections and sampling to verify continued compliance with appropriate permits and orders.

This section outlines how the City determines which responses are appropriate for the level of noncompliance, identifies the personnel who will respond, discusses the time frames for taking such actions, and by a matrix, describes general types of violations and the appropriate response that may be taken.

The matrix defines the range of appropriate enforcement actions based on the nature and severity and other relevant factors of the violation and promotes consistent and timely use of enforcement remedies. The specific use of the matrix is further described in 7.7.2 in The Enforcement Response Guide.

7.3 Establishing An Enforcement Response Guide

The Enforcement Response Guide identifies many common discharge and non-discharge violations. Once city staff has identified such a situation, city staff is to proceed to identify enforcement responses and make recommendations to the city legal council that are appropriate for each violation. The enforcement response guide allows the City to select from several alternative initial and follow-up actions. The City will initially rely on the first level of enforcement such as documented phone calls and direct contact where violations are non-significant or when the industrial user is cooperative in resolving its problems and use NOVs as necessary. However, when the violation is significant or when the industrial user does not promptly undertake corrective action, the City must respond with more severe enforcement responses including judicial proceedings. Similarly, when the user fails to return to compliance following the initial response, the City must escalate its enforcement response.

The City will also evaluate the appropriate enforcement responses in the context of the user's prior violations. For example, if the noncompliant industrial user continues its noncompliance despite minor enforcement measures the City will adopt a more stringent approach. Similarly, if a user has committed several types of permit noncompliance, the city's response will address each violation, and the response may vary depending on additional factors. Pretreatment enforcement is a matter of strict liability. The knowledge, intent, or negligence of the user will not be taken into consideration except when deciding to pursue criminal prosecution.

The intent of all enforcement response is to prevent events of noncompliance from recurring. The City has the ability to create at various levels of non-compliance including an administrative order for chronic violations. If the industrial user fails to comply with the administrative order, the City will assess administrative penalties or initiate judicial action. If any event of non-compliance results or has the ability to create serious harm to POTW, the public or worker health and safety, the City may terminate service or obtain a court order to halt further violations as well as recover the costs of repairing any damage.

7.3.1 The City will select the most appropriate response to the violation. The City will consider the following scale and severity of the violation or noncompliance criteria when determining a proper response. These six criteria are described in detail below.

- Magnitude of the violation;
- Duration of the violation;
- Effect of the violation on the receiving water;
- Effect of the violation on the POTW;
- Compliance history of the industrial user; and
- Good faith of the industrial user.

7.3.1.1 Magnitude of the violation.

Generally, an isolated instance of noncompliance can be met with a very minor response. However, since an isolated violation could threaten public health and the environment, damage to public and private property, or threaten the integrity of the city's pretreatment program (e.g. falsifying a self-monitoring report), the City will respond to any "significant noncompliance" with an increased level of enforcement action that requires a return to compliance by a specific deadline.

However SNC violations or pattern of violations may be dealt with at increased levels of enforcement actions (i.e. level II or level III).

7.3.1.2 Duration of the violation.

Violations, which continue over long periods of time, will subject the industrial user to escalated enforcement actions. For example, an effluent violation, which occurs in two out of three samples over a six-month period or a report, which is more than 30 days overdue, is considered significant, while a report that is two days late would not be deemed significant.

7.3.1.3 Effect on the receiving water.

One of the primary objectives of the national pretreatment program is to prevent pollutants from "passing through" the POTW and entering the receiving stream. Consequently any violation that results in environmental harm will be met with a severe response. Environmental harm will be presumed whenever an industry discharges a pollutant into the sewerage system which:

- Causes pass through;
- Causes a violation of the POTW's NPDES permit (including water quality standards);
- Has the ability to cause interference with the POTW;
- Has a toxic effect on the receiving waters (i.e. an example of but not limited to fish kill, it could include fish harm).

At minimum, responses to these circumstances will include an administrative order and an administrative fine. In addition, the response should ensure the recovery from the non-compliant user of any NPDES fines and penalties paid by the City

7.3.1.4 Effect on the POTW.

Some violations may have negative impacts on the POTW itself. For example, events of non-compliance may result in significant increases in treatment costs, interfere or harm POTW personnel, equipment, and process, operations, or cause sludge contamination resulting in increased disposal costs. These violations will be met with an administrative fine or civil penalty and an administrative order requiring the industrial user to correct the violation in addition to recover of additional costs and expenses to repair the POTW.

7.3.1.5 Compliance history of the user.

A pattern of recurring violations (even of different program requirements – air, water, solid waste, etc) may indicate either that the user's treatment system is inadequate or that the user has taken a casual approach to operating and maintaining its treatment system. Accordingly, users exhibiting recurring compliance problems will be strongly dealt with to ensure that consistent compliance is achieved. Compliance history is an important factor for deciding which of the two or three designated appropriate remedies to apply to a particular violator. For example, if the violator has a good compliance history, the City may decide to use a less severe penalty option available.

7.3.1.6 Good faith of the user.

The user's "good faith" in correcting its noncompliance is a factor in determining which enforcement response to invoke. Good faith is defined as the user's honest intention to remedy its noncompliance coupled with actions that give support to this intention. Generally a user's demonstrated willingness to comply will predispose the City to select less stringent enforcement responses. However, good faith does not eliminate the necessity of an enforcement action. For example, if the POTW experiences a treatment upset, it will recover its costs regardless of prior good faith. Good faith is typically demonstrated by cooperation and completion of corrective measures in a timely manner (although compliance with previous enforcement orders is not necessarily good faith).

7.4 Levels Of Enforcement Response

Enforcement activities will be of an escalating nature, as described in the Sewer Use Ordinance. Enforcement will begin with administration. If necessary, civil/criminal penalties will be sought, and/or emergency suspension of sewer service will be ordered. Appropriate fines and penalties (civil/criminal) will be sought as provided in the SUO. IU noncompliance events, which are determined to be of a significant nature, have the ability to receive an escalated response, regardless of their previous compliance history.

7.4.1 Administrative Appeal Hearing: The SUO gives any discharger the right to appeal enforcement actions taken by the City. A request for an appeal hearing must be made within ten days after issuance of an enforcement action. Upon receipt of a request for an appeal hearing, the City will schedule a hearing for the IU to show why the enforcement shall not be taken, or to present information relevant to the violation.

7.4.2 The enforcement guide uses a three-level approach to enforcement action toward any noncompliance event.

7.4.2.1 **LEVEL I:** Level I responses represent the enforcement efforts utilized by the City to bring the IU into compliance before a state of significant noncompliance (SNC) may be reached. The following enforcement actions are typically utilized at this level of response:

- Phone calls (documented)

- Direct contact, meeting
- NOV

7.4.2.2 Phone Calls, Direct Contact and Notice of violations (NOV): Phone Calls and Direct Contact with the SIU will be considered the City’s first response to this level of violation.

Documented phone calls from the City to the SIU may occur when the City identifies a violation and needs to bring the violation to the SIUs attention. Direct contact to notify the SIU of a violation is also an option that the City may use from time to time.

A notice of violation may be sent by the City for the incidences of noncompliance listed above, as well as for spills reported by the significant industrial user (SIU), which do not affect the treatment system.

An NOV specifies the following information: The date and time the violation occurred; the nature of the violation; the specific limit exceeded, permit condition, or ordinance condition violation; and the corrective action required. The NOV must be signed and dated by the plant operations/pretreatment supervisor or superintendent. If a response to the NOV is required, the response to the NOV must be returned by the industrial user within 10 days with information on the action taken by the IU, and must be signed and dated by an authorized representative of the IU.

City personnel: Wastewater Superintendent, with Legal Council review and authorization.

7.4.2.3 LEVEL II: Level II responses are taken when the violation warrants this response (see Matrix at end of Chapter 7) from the City or an IU has reached a level of significant noncompliance (SNC). If Level II enforcement action is being issued to an SIU who is in SNC, then it must include the issuance of an administrative order, and may include fines. The IU has the right to request an administrative appeal hearing. The following enforcement actions are typically utilized at this level of response:

7.4.2.3.1 An Administrative Order (AO) as set forth in Section 10 of the SUO are enforcement documents that direct industrial users to undertake or cease specified activities will be issued for all SNC events. The timeframe for issuing an AO for SNC will be no later than 30 days after the event of SNC has been identified. The terms of AOs may or may not be negotiated with industrial users.

Inform the industrial user that a state of SNC now exists and the failure to achieve compliance within the given time period may result in the initiation of further enforcement, including judicial action.

Contain a compliance schedule devised by the City with specified due dates whereby certain levels of progress toward compliance with pretreatment regulations must be achieved. May require performance bond.

7.4.2.3.2 Fines: Fines may be implemented in conjunction with an AO or as a separate response to a violation. Administrative fines differ from civil penalties, which are imposed through court proceedings. Fines are utilized to:

Recover costs arising as a result of noncompliance;

Act as an incentive to the industrial user to return to, and remain in compliance with pretreatment standards.

Fines and penalties will be implemented through consultation with the city attorney. In determining whether to assess fines, mitigating factors will be considered.

City personnel: Wastewater Superintendent, and City Attorney .

7.4.2.4 LEVEL III: This level of enforcement action is reserved for the extreme occasion of SNC or when the IU does not respond to an administrative order, does not adhere to compliance schedules, and where fines have not been effective in bringing the IU into compliance with pretreatment regulations. Level III enforcement may also be used for willful discharge of wastewater in amounts, which cause pass through or interference, and cases of falsification. This level of enforcement requires the consultation of the city attorney to determine the appropriateness and legal basis for the action to be implemented. The following enforcement actions are utilized at this level of response:

7.4.2.4.1 Judicial Action: This may include civil litigation in the form of lawsuits against industrial users, or criminal prosecution against individuals or organizations with violations of ordinance provisions that are punishable, upon conviction, by fines and/or imprisonment.

City personnel: City Attorney and Council authorization

7.4.2.4.2 Show Cause: The City may order any industrial user with an unresolved violation to appear before the City or its duly authorized representative for a hearing to show cause why a proposed enforcement action that may include service termination shall not be taken. Notice will be given to the user according to the SUO.

This hearing, ordered by the City, differs from the administrative appeal hearing in that the administrative appeal hearing is requested by the industrial user to appeal an enforcement decision made by the City.

City personnel: Wastewater Superintendent, and City Attorney, authorized by Council

7.4.2.4.3 Permit Revocation: Revoking an industrial user permit prohibits any discharge of process wastewater. This action is taken only if previous enforcement steps have failed to bring a return to compliance, or in the instances of repeated willful discharge of wastewater which has caused interference or pass through, or falsification. In most cases this enforcement would occur only after a show cause hearing.

City personnel: Wastewater Superintendent, as authorized by the City Attorney

7.4.2.4.4 Water Supply Severance. The City may physically terminate water service where there is pass through or interference problems with the POTW. Such action may be taken with a permit revocation or sewer disconnect.

City personnel: Authorization from City Attorney

7.5 Responsibilities Of Personnel

7.5.1 Plant operations/pretreatment supervisor

The City will have a plant operations/pretreatment supervisor who will also review and document industrial user reports and make reports of violations to the wastewater superintendent. The plant operations/pretreatment supervisor is also responsible to track and document all actions of enforcement, by establishing time lines and all necessary follow-up and make recommendations to the wastewater superintendent and the City Attorney for enforcement action. The position will work under the direction and control of the wastewater superintendent.

7.5.2 Wastewater Superintendent

The wastewater treatment plant Superintendent is responsible for the overall operation and maintenance of the POTW, including employee safety, and protection of the treatment plant. The Superintendent is also responsible for the administration and implementation of the pretreatment program and compliance with NPDES permit. The position has authority to discontinue sewer service in emergency situations where there reasonably appears to present an imminent endangerment or substantial endangerment to the health or welfare of persons.

7.5.3 City Attorney

The city attorney will be responsible for advice to staff on pretreatment enforcement matters. The position works under the direction and control of the city council.

The city attorney will also be responsible for implementation of the judicial responses.

7.6 Determining Time Frames For Enforcement Actions And Follow-Up

In order for an enforcement action to be effective, it must be timely. For an action to be timely, the violation must be detected and responded to promptly after its occurrence. Therefore, review of compliance reports (for both effluent violations and timeliness) and documentation of them will be a high priority at the time of their submission. The review of data should be completed within five (5) business days after receipt of the information. Violations observed in the field will receive even swifter attention.

After its initial enforcement response, within 30 days after detection or admission from the IU, the plant operations/pretreatment supervisor will closely track the industrial user's progress toward compliance. The plant operations/pretreatment supervisor will make a determination on or about the milestone date as to whether a milestone date has or has not been met.

One method to ensure that user compliance is closely tracked is to increase the frequency of user self-monitoring and site inspections. For instance, an administrative order may increase self-monitoring from once per quarter to once a month. Similarly, the plant operations/pretreatment supervisors own inspections of the user's facility may be increased until consistent compliance is demonstrated.

Generally, these follow-up compliance activities may begin no later than 30 to 45 days after the initial enforcement response is taken. When follow-up activities indicate that the violation persists or that satisfactory progress is not being made, the plant operations/pretreatment supervisor may escalate the enforcement response. These follow-up enforcement actions should be taken within 60 to 90 days of the initial enforcement action.

The "return to compliance" for exceedance of industrial user permit limits is defined as the industry demonstrating continued compliance for at least two months after an exceedance based on

resampling results and all regular and additional City and industry sampling results during that period.

7.6.4.1 ENFORCEMENT RESPONSES

It is of mutual interest to the City and the IU to resolve compliance problems with a minimum of formal action. As an aid to the communication process surrounding potential enforcement action for non-compliance events, the Pretreatment Staff may use the following responses on a regular basis to facilitate permit compliance. The following are enforcement responses available to the City:

7.6.4.1.1 Phone calls.

A phone call to the IU is one of the first steps to be taken by city staff. It is always done where there are minor violations; and may be done in serious violations where the user had a good history of compliance with the City. A record of each call shall be kept, and such telephone logs will include purpose of call, time, date, summary of statements by city staff, and responses by the IU.

7.6.4.1.2 Compliance meeting (Direct Contact)

A compliance meeting may be held from time to time with an IU to discuss violations that have occurred, violations that remain uncorrected, or violations of a magnitude that warrant more communication between the City and the Industry. The compliance meeting is held specifically to include an authorized representative of the IU (e.g., vice president, general partner, or their duly authorized representative) to insure that he/she is aware that the industry is in noncompliance.

If possible, the compliance meeting would normally be held before significant noncompliance (SNC) is reached by the industrial user. The industrial user should already be aware of the criteria for SNC, and the compliance meeting will reinforce that an event of SNC includes enforcement measures mandated by federal regulations. The industry may in turn communicate any progress or measures it has taken to regain compliance.

7.6.4.1.3 Notice of violation. (NOV)

The NOV is an appropriate initial response to non-significant violations. In case of a significant noncompliance, an NOV may also be issued prior to issuing an administrative order or pursuing judicial remedies. The NOV's purpose is to notify the industrial user of the violation. This Notice of Violation shall include, an explanation of the violation and the requirement that the User submit a report stating the reason for the violation and the specific steps that will be taken to insure the satisfactory correction and prevention of future violations to the Superintendent. Submission of this report in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. It may be the only response necessary in cases of infrequent and generally minor violations. If the user does not return to compliance or submit a plan of correction, the City will escalate to more stringent enforcement responses rather than repeatedly issuing NOV's that do not result in a return to compliance.

- 7.6.4.1.4 **Administrative Fines.**
 An administrative fine is a monetary penalty assessed by the City for violations of pre-treatment standards and requirements. Administrative fines are punitive in nature and not related to a specific cost borne by the City. Instead, such fines are to recapture the full or partial economic benefit of noncompliance, and to deter future violations. The maximum amount of the fine is \$1,000 for each day that the violation continues.
- Administrative fines are recommended as an escalated enforcement response, particularly when NOVs or administrative orders have not prompted a “return to compliance”. Whether administrative fines are appropriate responses to noncompliance also depends greatly on the circumstances surrounding the violation. The City will consider the factors as set forth in Section I of this Chapter as an aid in determining the appropriate amount of the fine.
- 7.6.4.1.5 **Administrative Orders.**
 Administrative orders (AOs) are enforcement documents that direct industrial users to undertake or to cease specified activities. The terms of AOs may or may not be negotiated with industrial users. Administrative orders are the response to significant noncompliance (unless judicial proceedings are more appropriate), and may incorporate compliance schedules, administrative penalties, and termination of service orders. The four types of administrative orders authorized by the SUO are:
- 7.6.4.1.6 **Cease and desist orders**
 A cease and desist order directs a noncompliant user to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether. A cease and desist order shall be used in situations where the discharge could cause interference or pass through, worker health and safety concerns, or otherwise create an emergency situation. The order may be issued immediately upon discovery of the problem or following a hearing.
- 7.6.4.1.7 **Consent orders**
 The consent order combines the force of an AO with the flexibility of a negotiated settlement. The consent order is an agreement between the City and the industrial user normally containing three elements: compliance schedules; stipulated fines or remedial actions; and signatures of the City and industry representatives.
- 7.6.4.1.8 **Show cause orders**
 An order to show cause directs the user to appear before the City, explain its noncompliance, and show cause why enforcement actions against the user shall not go forward. The order to show cause is typically issued after informal contacts or NOVs have failed to resolve the noncompliance. However, the show cause order/hearing can also be used for violations of previous orders.
- 7.6.4.1.9 **Compliance orders**
 A compliance order directs the user to achieve or restore compliance by a date specified in the order. It is issued

unilaterally and its terms need not be discussed with the industry in advance. The compliance order is usually issued when noncompliance cannot be resolved without construction, repair, or process changes. Compliance orders also may be used to require industrial users to develop management practices, spill prevention programs, and related city pretreatment program requirements.

7.6.4.1.10

Civil Litigation.

Civil litigation is the formal process of filing lawsuits against industrial users to secure court ordered action to correct violations and to secure penalties for violations including the recovery of costs to the City of the noncompliance. It is normally pursued when the corrective action required is costly and complex, the penalty to be assessed exceeds that which the City can assess administratively, or when the industrial user is considered to be recalcitrant and unwilling to cooperate. Civil litigation also includes enforcement measures that require involvement or approval by the courts, such as injunctive relief and settlement agreements. Civil litigation is pursued by the city attorney and only initiated as authorized by the city council.

7.6.4.1.11

Criminal Prosecution.

Criminal prosecution is the formal process of charging individuals and/or organizations with violations of ordinance provisions that are punishable, upon conviction, by fines and/or imprisonment. The purposes of criminal prosecution are to punish noncompliance established through court proceedings, and to deter future noncompliance. Criminal prosecutions are up to the discretion of the city attorney and may be filed in municipal court.

7.6.4.1.12

Termination of Sewer Service.

Termination of service is the revocation of an industrial user's privilege to discharge industrial wastewater into the city's sewer system. Termination may be accomplished by physical severance of the industry's connection to the collection system, by issuance of an AO that compels the user to terminate its discharge, or by a court ruling. Termination of service is an appropriate response to industries that have not responded adequately to previous enforcement responses. When the City must act immediately to halt or prevent a discharge which presents a threat to human health, the environment or the POTW, cease and desist orders and termination of service are the only appropriate responses. Unlike civil and criminal proceedings, termination of service is an administrative response that can be implemented directly by the City. However, the decision to terminate service requires careful consideration of legal and procedural consequences. Termination of service can only take place by action of the city council unless there is an emergency, and then the wastewater superintendent can terminate service.

7.6.4.1.13

Supplemental Enforcement Responses.

Supplemental or innovative enforcement responses are used to complement the more traditional enforcement responses already described. Normally, these responses will be used in conjunction with more traditional approaches. When

considering supplemental enforcement responses, the City need not consider itself limited to those responses already discussed. Examples of such responses are, water service termination, performance bond/liability insurance, and public nuisance

7.7 The Enforcement Response Guide

7.7.1 As noted above, the enforcement response guide designates several alternative enforcement options for each type (or pattern) of noncompliance. Once developed, city personnel who detect noncompliance need only select an appropriate response from the short list of enforcement options indicated by the matrix. There are a number of factors to consider when selecting a response from among these options. Scale and severity criteria are evaluated during this process of determining the appropriate level of enforcement action. The following criteria are used in evaluating the scale and severity of the violation:

- Magnitude of the violation
- Duration of the violation
- Good faith of the user
- Compliance history of the user
- Violation's effect on the receiving waters
- Violation's effect on the POTW

Since the remedies designated in the matrix are all considered appropriate, the City must weigh each of the above factors in deciding whether to use a more or less stringent response. IU noncompliance events, which are determined to be of a significant nature, have the ability to receive an escalated response, regardless of their previous compliance history.

7.7.2 The enforcement response guide and penalty matrix are used as follows:

7.7.2.1 Step I

First determine if the Violation is a clear example of the description of Level I, Level II or Level III Violations as described in 7.4. For example, if an SIU is in SNC, and this is the first time, then the POTW would start with a preliminary determination of the Type of Violation and the Level of Violation would be a Level II. Then appointing values to the 5 Criteria (described in 7.3), of the Violation in Step II, the POTW can determine the score of the violation and then the ultimate response and monetary penalty from the POTW.

7.7.2.2 Step II

Determine the level of action to be taken with the industrial user using the "Penalty Matrix" based on the five (5) scale and severity criteria of the violation or noncompliance activity.

Assess the type and frequency of the "Type of Violation" in columns one through three. First offenders or users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders of those demonstrating negligence may require a more stringent response. Apply an appropriate score using the Level and the recommended score value for the violation type.

7.7.2.3 Step III

If the City decides to apply Administrative Penalties, then apply the Penalty Matrix Score and the Type of Violation score in the last chart to determine an appropriate penalty amount. This amount can change based on additional information or evidence not included in these matrices. Specify corrective action or other responses required of the industrial user, if any are required.

7.7.2.4 Follow-up with escalated enforcement action if the industrial user's response if not received or violation continues.

The plant operations/pretreatment supervisor is responsible to maintain all supporting documentation regarding the violation and its enforcement actions in the industrial user's file.

PENALTY MATRIX

Step I

Numerical Permit limit exceeded	Type of Violation		Level of Violation	
	Permit Violation	Ordinance or Other type of Violation	Level of Violation	Matrix Score
1% up to 20%	Use Matrix If no harm to POTW, Worker Health and Safety or Environment	Use Matrix If no harm to POTW, Worker Health and Safety or Environment	Level I	5 - 12
21% up to 40%	If similar violation has occurred within Last 6 months	If similar violation has occurred within Last 6 months	Level II	13 - 24
41% and above	If Same violation type has occurred within the last 3 months	If Same violation type has occurred within the last 3 months	Level III	25 or >

If the violation (regardless of type/score) creates a POTW, Worker Health and Safety Concern, or may be a Threat to the Environment, then the Violation will automatically start at the Highest Score and/or a Level III. An immediate response from the IU is also expected.

Step II

Scale and Severity of the Violation

Rank from 0-5 with 5 being the worst and 0 being the best score.

	Good Faith	Compliance History	Magnitude of Violation	Duration of Violation	Effect on POTW Or Receiving Waters
Score					
Total Score					

If multiple violations during a calendar month, then you may figure the score separately and end up with two types of penalties and enforcement actions.

Step III

Penalty Amount		
Score	Level	Per Violation Per day
10-14	I	\$100 - \$200
15-26	II	\$300 - \$500
27-50	III	\$500 - \$1,000

7.8 Significant Non-Compliance Specific Definitions

7.8.1 Noncompliance. Noncompliance is any violation of one or more of the general prohibitions described in City Municipal Code (SHMC) Title 13, Chapter 16 or the conditions or limits specified in the Industrial Wastewater Permit.

7.8.2 Significant Noncompliance. Significant noncompliance occurs if an industrial user has a violation that meets one or more of the following criteria. The Superintendent shall publish annually in January, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits and instantaneous limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement that the Superintendent 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 the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within thirty (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) such as a violation of a best management practice (BMP) which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.
- I. All the above violations apply to SIU's but IU's are only required to be in SNC if they violate items (C), (D) or (H) above.

7.8.3 PH Noncompliance.

7.8.3.1 Continuous pH Monitoring:

For an IU that evaluates compliance with pH limits using a continuous monitoring and recording device, a violation will have occurred where:

- 7.8.3.1.1 Equals any time the number of minutes that the pH is 5.0 or it exceeds the number of minutes specified in the IUs Discharge Permit issued by the City during a calendar day above 9.0.
- 7.8.3.1.2 Anytime the pH is below 5.0 or above 9.0 as specified in a pretreatment discharge permit issued by the City at anytime during a calendar day.
- 7.8.3.1.3 The exceedance results in a pH that is outside the limits established by the Environmental Protection Agency in an applicable categorical pretreatment standard at any time during a calendar day.
- 7.8.3.1.4 The exceedance causes interference, worker health or safety concerns, and/or corrosive structural damage to the City's collection or wastewater treatment facilities.

7.8.3.2 Non-Continuous pH Monitoring

For an IU that evaluates compliance with pH limits using grab sample techniques, a violation day will have occurred where:

- 7.8.3.2.1 The exceedance results in a pH below 5.0 or above 9.0 as specified in a pretreatment discharge permit issued by the City at any time during a calendar day.
- 7.8.3.2.2 The exceedance results in a pH, which is outside the limits established by the Environmental Protection Agency in an applicable categorical pretreatment standard at any time during a calendar day.
- 7.8.3.2.3 The exceedance causes interference, worker health or safety concerns, and/or corrosive structural damage to the City collection or wastewater treatment facilities.

7.8.3.3 Determination of SNC

An SIU will be in SNC if any of the following apply:

- 7.8.3.3.1 Chronic violation for continuous pH monitoring: Any 6-month period, as evaluated on a quarterly basis, in pH violation days total 66 percent or more of the days during the evaluation period.
- 7.8.3.3.2 Chronic violation for grab sample pH monitoring: Any 6-month period, as evaluated on a quarterly basis, in which the total pH violation days equal 66 percent or more of the total days on which pH was monitored.
- 7.8.3.3.3 Other pH SNC violations: Any single pH excursion that results in corrosive structural damage to the POTW, pass-through or interference at the City's Regional Water Reclamation Facility, which causes the City to exercise its emergency powers to halt or terminate a discharge, or otherwise involves a perceived threat to human health or the environment.

CHAPTER 8 MULTI-JURISDICTIONAL AGREEMENT WITH COLUMBIA CITY (MJA)

- 1 The intent of this Memorandum of Understanding is to define the respective roles and responsibility between Columbia City and the City of St. Helens for management of Columbia City's industrial pretreatment program in coordination with the responsibilities of the City of St. Helens and its own NPDES permit.
- 2 The City of St. Helens operates a publicly owned treatment works, which includes primary and secondary treatment. The system discharges its treated effluent into the Columbia River.
- 3 There are industrial dischargers into the St. Helens publicly owned treatment works. The City is required to and has obtained an NPDES permit from the State of Oregon, Department of Environmental Quality.
- 4 The permit requires the City to develop pretreatment regulations, which serve as the method of compliance with state and federal laws governing the discharge treated effluent into state waters.
- 5 One of the requirements of the City of St. Helens NPDES permit is the development of agreements with other jurisdictions which discharge effluent into the City of St. Helens publicly owned treatment works. Columbia City is such a jurisdiction.
- 6 Columbia City discharges its effluent through a pressurized line into the City of St. Helens POTW.
- 7 Columbia City lies several miles to the north of the City of St. Helens, and has a population of approximately 1,400 (1995). The city is primarily residential, with several small parcels of commercially zoned land as well as the 95-acre industrial park.
- 8 Columbia City represents that there is no industrial effluent discharged into its system and thereby into the St. Helens system, and all current sewer hookups are only domestic waste.
- 9 Columbia City and the City of St. Helens have a sewer connection agreement, which in part requires all of its connections to be in compliance with the St. Helens NPDES permit (Section 8). The agreement is attached hereto and by this reference incorporated herein.
- 10 The agreement also requires Columbia City to notify St. Helens in writing of each new connection.
- 11 Columbia City agrees to notify the City of St. Helens of any existing or new connection, or change in land use designation, for any property, within its service area, which would result in a change from residential use to commercial or industrial use.
- 12 Columbia City agrees to notify the City of St. Helens of any new connections made in the industrial park or any connection changing any domestic waste stream to an industrial waste stream.
- 13 Should any change in the waste stream from domestic to industrial waste result, Columbia City and the City of St. Helens will modify this agreement to provide for accommodation between both cities to continue to allow the City of St. Helens in its administration of its federal pretreatment programs and regulations of industrial users to meet its permit.

- 14 St. Helens shall have responsibility for notification of commercial users of the RCRA notification requirement as set out in 40 CFR 403.12(p).
- 15 In the event that this modification becomes necessary, a modified MOU shall be developed and authorized prior to the issuance of a sewer connection permit for any commercial or industrial development which would result in an industrial waste stream where such connection is located within the service area of Columbia City.
- 16 The City of St. Helens has the right to take legal action to enforce pretreatment provisions of the City of St. Helens' sewer use ordinance or to impose and enforce pretreatment standards and requirements directly against non-compliant industrial users in Columbia City in the event Columbia City fails to notify the City of St. Helens, or is otherwise unaware of, an industrial discharge that is subject to pretreatment standards or requirements, or in the event Columbia City is otherwise unable or unwilling to take such action.

DATED - _____

Mayor - _____, Mayor

CHAPTER 9 DEFINITIONS

- A. Accidental Spill Prevention/Slug Control Plan (ASPP)“Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in the SUO. A Slug Discharge is any Discharge on 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 of Pass Through, or in any other way violates the POTW’s regulations Local Limits or Permit Conditions.
- B. “Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- C. “Approval Authority” means the State of Oregon Department of Environmental Quality (DEQ).
- D. “Authorized Representative of the User” means:
 - (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a 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
 - (b) The manager of one or more manufacturing, production, or operation 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) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the user is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing by the individual described in paragraph 1 through 3 above, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
- E. “Best Management Practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in the SUO. 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. “Biochemical Oxygen Demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade usually expressed as a concentration (e.g., mg/l).

- G. “Categorical Pretreatment Standard” or “Categorical Standard” means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- H. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or Categorical Standard.
- I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- J. “City” means the City of St. Helens Oregon, a municipal corporation of the State of Oregon, acting through its City Council or any board, committee, body, official, or person to whom the Council shall have lawfully delegated the power to act for or on behalf of the City.
- K. “Composite sample” means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- L. “Control Authority” means the City of St. Helens, Oregon.
- M. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- N. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharge over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- O. “Environmental Protection Agency (EPA)” means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- P. “Existing Source any source of discharge that is not a “New Source.”
- Q. “FOG” means fats, oils and grease.
- R. “FOG, nonpolar” means fats, oils and grease that are petroleum based.
- S. “FOG, polar” means fats, oils and grease generated from animal and vegetable origins.
- T. “Grab Sample” means a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- U. “Hauled waste” means any waste trucked or hauled, including septic tank waste and non-septic waste with hazardous characteristics.
- V. “Indirect Discharge” or “Discharge” means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- W. “Instantaneous Maximum Allowable Discharge Limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- X. “Interceptor” means a device designed and installed so as to adjust, separate and retain deleterious, hazardous or undesirable matter from wastewater and to permit normal sewage or liquid wastes to discharge from the user’s premises into the POTW.
- Y. “Interference” means discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or

operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City'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 any of the following statutory provisions and regulations or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

- Z. Local Limit. Effluent limitation developed for Industrial Users by the Superintendent to specifically ensure renewed and continued compliance with the City of St. Helens NPDES permit or sludge use of disposal practice.
- AA. "Manual" or "The Manual" refers to the City's Industrial Pretreatment Operation and Program Implementation Manual, and any amendments thereto.
- BB. "Medical Waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- CC. Monthly Average. The arithmetic mean of the effluent samples collected during a calendar month.
- DD. Monthly Average Limit. The limit that applies to the Monthly Average of all effluents
- EE. "National Pretreatment 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 40 CFR 403.5.
- FF. "New Source" means:
 - (1) 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:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) 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 Section (1)(b) or (c) above 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:

- (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) 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
 - (b) 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.
- GG. “Non-contact Cooling Water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- AA. “Non-Discharging Categorical Industrial User (NDCIU)” means non-discharging industries that have industrial processes that would otherwise be subject to categorical pretreatment standards, including NDCIUs with zero discharge categorical standards
- BB. “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 City’s NPDES permit, including an increase in the magnitude or duration of a violation.
- CC. “Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- DD. “pH” means a measure of the acidity or alkalinity of a solution, expressed in standard units.
- EE. “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- FF. “Potential to Discharge” means hard plumbing connected to the POTW’s sanitary sewer. This includes plumbing with shut-off valves and plumbing that has been plugged with temporary or removable plugs. Plumbing that has been permanently disconnected or cemented shut would not constitute a potential to discharge.
- GG. “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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- HH. “Pretreatment Requirements” means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- II. “Pretreatment Standards” or “Standards” means prohibited discharge standards, categorical pretreatment standards, and local limits.
- JJ. “Prohibited Discharge Standards” or “Prohibited Discharges” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in the Ordinance.

- KK. “Publicly Owned Treatment Works (POTW)” means a treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- LL. “Return to compliance” means user is complying with the pretreatment requirements outlined in a permit, compliance schedule, or other agreement or order as outlined by the City and is discharging in compliance with applicable effluent limits.
- MM. “Septic Tank Waste” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- NN. “Sewage” means human excrement and gray water (household showers, dishwashing operations, etc.).
- OO. “Significant Industrial User” means (except as provided in paragraph (3) below):
- (1) A user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or
 - (2) A user that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
 - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
 - (3) The City may determine that an Industrial User subject to categorical pretreatment standards under 40 CFR 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:
 - (a) The Industrial User, prior to the City’s finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - (b) The Industrial User annually submits the certification statement required in 40 CFR 403.12(q), signed and certified in accordance with the regulations, together with any additional information necessary to support the certification statement; and
 - (c) The Industrial User never discharges any untreated concentrated wastewater.
 - (4) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

- PP. “Slug Load” or “Slug” means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards of the SUO. 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 had a reasonable potential to cause interference and pass through or in any way otherwise violate the POTW’s regulations, local limits or permit conditions.
- QQ. “Standard Industrial Classification (SIC) Code” means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- RR. “Storm Water” means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- SS. “Superintendent” means the person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.
- TT. “Total Suspended Solids (TSS)” 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.
- UU. “User” or “Industrial User” means a source of indirect discharge.
- VV. “Wastewater” means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- WW. “Wastewater Treatment Plant” or “Treatment Plant” means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Abbreviations.

The following abbreviations shall have the designated meanings:

- BOD Biochemical Oxygen Demand
- BMP Best Management Practice
- BMR Baseline Monitoring Report
- CFR Code of Federal Regulations
- CIU Categorical Industrial User
- COD Chemical Oxygen Demand
- DEQ Oregon Department of Environmental Quality
- EPA U.S. Environmental Protection Agency
- GPD Gallons Per Day
- LC50 Lethal Concentration for Fifty Percent (50%) of the Test Organisms
- IU Industrial User
- l Liter
- mg Milligrams
- mg/l Milligrams per liter
- NPDES National Pollutant Discharge Elimination System
- NSCIU Non-Significant Categorical Industrial User
- O & M Operation and Maintenance
- POTW Publicly Owned Treatment Works
- RCRA Resource Conservation and Recovery Act
- SIC Standard Industrial Classification
- SIU Significant Industrial User
- SNC Significant Noncompliance
- SWDA Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- TSS Total Suspended Solids
- USC United States Code

CHAPTER 10 EXHIBITS

EXHIBIT A - EXAMPLES OF DEFICIENCIES FOUND IN PERMIT APPLICATIONS

- Are required toxic organic pollutants listed?

Example: An application from an Industrial user subject to federal categorical metal finishing regulations fails to list the presence or absence of any toxic organics.

Discussion: Industrial facilities subject to metal finishing categorical standards are regulated for III toxic organics (40 CFR 433. 11 (e)). To comply with the federal baseline monitoring report (BMR) requirements, the facility must monitor for those regulated toxic organics reasonably expected to be present, based on a process engineering analysis of the raw materials used and the possibility of any toxic organics present at the facility coming into contact with water and wastewater sources. If no toxic organics are used or expected to be discharged, this should be so stated by the facility's authorized representative. (Note: For the purposes of the BMR, had this industrial facility been subject to the total toxic organic (TTO) standard for the electrical and electronic components industrial category, it would have been required to monitor for all related toxic organics. The permit writer needs to check the specific categorical regulations to determine the TTO requirements for each category.

- Are all expected pollutants listed?

Example: A jobshop electroplater marks zinc and copper as "believed absent in the wastewater."

Discussion: If the facility discharges 10,000 gpd or more, zinc and copper are regulated by the electroplating categorical standards [40 CFR 413 Subpart A] and must be monitored even if they are not expected to be present in the discharge in significant quantities (40 CFR 403.12(b) and (e)). If the facility discharges less than 10,000 gpd, zinc and copper are not regulated and, therefore, not required, to be monitored by federal regulations; however, these pollutants may be present in trace amounts in proprietary chemicals or because the base material contained zinc or copper. A comprehensive test will determine whether any unexpected contaminants are present in significant quantities and will provide information and levels of pollutants, which are known to be present.

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EXHIBIT B - INSPECTION/SAMPLING AND MONITORING INSTRUCTIONS

A. INDUSTRIAL INSPECTIONS

1. An inspection provides an opportunity for the pretreatment staff to review a permitted facility and determine if activities are in compliance with the permit. The results of the inspection shall provide the basis for which compliance and enforcement activities are generated.

Benefits of an inspection will be verification of data, assisting the industrial user in meeting the goals of the Program, and increased compliance efforts resulting from visibility of the City at the permitted facility.

2. Inspections will be performed at minimum of one time per year and two sampling visits annually on industrial users identified as SIUs and periodically on other dischargers to the POTW when the pretreatment staff determines it necessary.

An inspection will be conducted prior to issuing the permit.

3. Prior to conducting an inspection, the pretreatment staff will review the files of the industrial user.

The following items, at a minimum, shall be reviewed:

- a. The industrial user's permit
 - b. The status of any compliance schedule
 - c. Compliance history and status
 - d. Results of recent sampling and inspection
 - e. ASPP/SCP document
 - f. Completeness of permit file
 - g. Name of authorized representative or other contact
 - h. Required safety and security measures
 - i. The industrial user's pretreatment requirements
4. The type of inspection that is conducted will depend on the reason for the inspection, the classification of the industrial user, and the complexity of the operation or permitted facility.

The three types of inspection are scheduled, unscheduled, and demand.

- a. Scheduled inspections take place when the authorized representative of the industrial user is contacted beforehand and the inspection is mutually scheduled. Notice will be provided to the authorized representative a minimum of 24 hours prior to the desired time of the scheduled inspection. This type of inspection will be conducted when a detailed and thorough review of the industry is necessary. It may be necessary for the authorized representative of the permittee to be present so that the permittee's records may be reviewed and the inspector can be accompanied or assisted on the tour of the facility.

The frequency of conducting scheduled inspections will be based on the specific needs of the City in determining compliance on permitted activities of each industrial user.

A scheduled inspection will be conducted a minimum of one time per year for each industrial user identified as an SIU. The purpose of this inspection will be, at a minimum, to:

- (1) Collect and analyze a sample of the discharge and evaluate the data and information necessary to determine the industrial user's compliance with federal, state, and local pretreatment requirements
- (2) Identify changes in materials used, operational processes, or treatment processes that may affect the nature or volume of the discharge(s)
- (3) Update the database and permit file at the City
- (4) Verify the self-monitoring reports submitted by the industrial user

Tables 1 and 2 at the end of Section B, provides guidelines for this type of inspection.

- b. Unscheduled inspections take place usually when the pretreatment staff determines from the results of monitoring the industrial user, results of self-monitoring received from the industrial user, or information received from other sources that the permittee is in significant noncompliance or that there is some other need for a site visit. If the pretreatment staff has any reason to believe that the industrial user is not meeting the requirements of the discharge permit or pretreatment standards, or if the pretreatment staff determines that prior notice of the inspection to the authorized representative may interfere with obtaining the required information, an unscheduled inspection will be performed.

If a permittee is identified as being in significant noncompliance, the appropriate enforcement action, following the established enforcement response plan, will be taken and in addition an unscheduled inspection will be conducted as soon as the pretreatment staff becomes aware of this status but no later than 30 days after verification of the data that establishes this status. The inspection will be for the purpose of evaluating the permittee's recent efforts to reach compliance and may or may not include sampling.

The frequency of performing this type of inspection is unpredictable and will not be limited.

It is not necessary to give notice of an unscheduled inspection and at no time will more than two hours notice be given to the authorized representative of any industrial contact for this type of inspection.

- c. Demand inspections are usually performed in response to an emergency situation.

When notification is made to the City of an accidental discharge, slug load, or spill, the pretreatment staff will conduct appropriate inspections and/or sampling. An individual from the WWTP staff will be available, on call, 24 hours a day. The on-call member, once notified, will assess the seriousness of the situation and if necessary, will contact the plant operations/pretreatment supervisor, or other city staff member, for support; i.e., police, fire, and public works. This member will have access to the equipment typically needed for demand inspections and sampling (vehicle, safety equipment, sampling devices and containers, etc.). Sampling and inspection will be followed as outlined in this operational manual.

A demand inspection may require:

- (1) A determination of the nature, duration, and hazard of the industrial user's discharge

- (2) Collection of samples to verify the characteristics of the discharge
 - (3) Identification of required corrective actions
 - (4) Documentation of completion of corrective actions or compliance activities
5. An inspection of any type will be well recorded. Documentation may include collection of samples, photographic evidence (if the industrial user will allow), or written documentation in the form of copies of operating records, flow data, etc.

Sampling, analysis, and collection of other information must be performed so that evidence is admissible in court (40 CFR 403.8 (f)(2)(vii))

The plant operations/pretreatment supervisor must compile the evidence and data that is collected and summarize the results in a written report to the Permit File that is maintained for that industrial user.

The inspection will be documented using a standard form. An example of an inspection record is included in Section F of this chapter for comprehensive inspections. This form, referred to as the "long form," provides a list of the questions commonly asked during a scheduled inspection. It may not benefit the inspector to use this form for an unscheduled or demand inspection as these types of inspections may not be as detailed as a scheduled inspection. A "short form" is provided in Section F of this chapter to assist in formatting the reports for brief inspections.

Investigation of noncompliance is necessary if noncompliance is determined during or as a result of the inspection.

6. The pretreatment staff must practice safety while conducting inspections. Section E of this chapter is a discussion of safety practices during monitoring and inspection.
7. The pretreatment staff will practice and encourage positive communication with industrial users during the inspections.

An example of this type of communication is suggesting to the industrial user that meeting requirements may save it money or that pollution prevention measures and practices may reduce the level of pretreatment that is needed.

Recommendation of specific methods or devices for treatment is inappropriate. However, providing the industrial user with sources of reference for particular problems may help to create a more positive working relationship between the industrial user and the City.

B. ENTRY PROCEDURES

8. Arrival for the inspection - The inspector will enter the industrial facility in the following manner to avoid any "unreasonable search" or procedural problems:
 - a. Arrive during normal business hours, unless it is an emergency situation or if other arrangements have been made with the industry;
 - b. Enter the facility through the main gate, unless the facility has designated another point for entry;
 - c. Locate the "person in charge" at the facility as soon as possible. Consent to enter the facility must be given by the owner or operator, or their designated representative. The inspector should learn who this individual is and develop a working relationship with

that person. The inspector may want to have several industry contacts to grant entry in case the primary contact is not available. As long as the inspector is allowed to enter, the inspection is considered voluntary and consensual. A clear expression of consent is not necessary because an absence of an expressed denial is considered consent. If there is only a guard at the entrance, the inspector will present credentials and suggest that the guard call his/her superior or the responsible industry representative. The credentials indicate that the holder is a lawful representative of the City and is authorized to perform pretreatment inspections. These credentials are important documents and should never leave the sight of the inspector.

If the facility provides a blank sign-in sheet, log, or visitor's register, it is acceptable for the inspector to sign it, as long as there is no restrictive language associated with it. The inspector must not sign any type of "waiver" or release from liability form that would limit in any way the ability of the City to use the information obtained during the inspection. The inspector must not agree to any such restrictive condition of entry. In addition, the inspector must not sign any safety or personal harm waiver absolving the facility of any injury, which the inspector may incur while on-site. If the industry insists on such a waiver, the inspector should politely explain that he/she cannot sign and request a blank sign in sheet. In some instances, it may be possible to simply cross out the offensive language before signing, obtain a photocopy, and make a note in your field notebook about it. If the inspector is refused entry because he/she did not sign the release, he/she should leave and immediately report all pertinent facts to the supervisor or, preferably, the City's legal staff. All events surrounding the refused entry should be fully documented, and problems should be discussed cordially and professionally. Officials at the regulated facility must not be subjected to any form of intimidation or threats for failure to allow an inspector entry to the premises. The inspector's authority to inspect should not be abused, nor should the IU's right to refuse entry be attacked. Keep in mind that the inspector is at the facility to conduct an inspection, not to see a specific individual. If the normal contact is not in, the inspection should not be postponed.

The pretreatment inspector cannot be required to take a facility's safety training course prior to entry, but if the company has a relatively short safety briefing that will not interfere with the inspector's ability to complete the planned inspection, it may be worthwhile to attend.

- (1) Reluctance to give consent. The receptiveness of facility officials toward inspectors is likely to vary from facility to facility. Most inspections will proceed without difficulty. Because monitoring may be considered an adversarial proceeding to some industries, the inspector's legal authority, techniques, and competence may be challenged. If consent to enter is flatly denied, the inspector shall follow the denial of entry procedures outlines below. In other cases, officials may be reluctant to give consent for entry because of misunderstandings of responsibilities (e.g., officials may feel that the inspection is part of an enforcement proceeding against the company), inconvenience to the firm's schedule, or other reasons that may be resolved through diplomacy and explanation on the part of the inspector.

One of the typical obstacles encountered by the inspector is a receptionist refusing entry because the inspector does not have an appointment. In this case, remind the receptionist that you are not there to see a specific individual but to inspect the facility. If entry is still refused, ask to speak to the environmental manager or owner of the facility. If that does not work, follow the denial of entry procedure outlined below. Another common obstacle is the statement, "There is nobody here who can authorize the inspection." in this instance, ask to speak to a

supervisor, or show the receptionist the section of the sewer use ordinance, which authorizes the inspector's access to the facility. Do not threaten legal action, but clearly state your intent to inspect. Be professional, assertive and persistent, but if you still cannot gain entry, follow the denial of entry procedure outlined below.

Whenever there is difficulty in gaining consent to enter, inspectors should tactfully probe the reasons and work with officials to overcome any problems. In any instance where there is a misunderstanding or conflict due to the inspection, the inspector must avoid threats, inflammatory discussions, or language, which would deepen the antagonism. The inspector should be aware of his/her personal safety during such confrontations and avoid actions, which may enrage an individual who is irrational. If the situation is beyond the ability or authority of the inspector to manage, the inspector should leave and consult with the City's legal counsel.

- (2) Non-credentialed persons accompanying the inspector. The consent of the owner or agent in charge (i.e., industry representative) must be obtained for persons accompanying an inspector to enter a site if he/she does not have specific authorization (e.g., acting as an agent of the City). If consent is not given, such individuals may not enter the premises. If consent is given, these individuals may not view confidential business information unless officially authorized for access.
- (3) Denial of consent to enter. If an inspector is refused entry into a facility to conduct an inspection under an appropriate state of local law, the following procedural steps shall be taken:
 - (a) Present credentials. Make sure that all credentials have been presented to the facility owner or agent in charge.
 - (b) Tactfully discuss the reason for denial. If entry is not granted, courteously ask why. Diplomatically probe the reason for the denial to see if obstacles (such as misunderstandings) can be resolved. If the resolution of these conflicts is beyond the inspector's authority, he/she may suggest that the facility officials seek advice from their attorneys regarding a clarification of the pretreatment staff's inspection authority and right of entry.
 - (c) Carefully record observations in your field logbook. All observations pertaining to the denial will be noted carefully in the inspector's field logbook. Specifically, note the following:
 - i) Facility name and exact address;
 - ii) Name, title, and authority of the person who refused entry;
 - iii) Name, address, and telephone number of the facility's attorney (if readily available);
 - iv) Date and time of refusal;
 - v) Reason for the denial; and
 - vi) Facility appearance (e.g., neat and orderly, or chaotic);

All of this information will be helpful in case a warrant is sought.

- (d) Avoid threatening or inflammatory statements. Under no circumstances shall the inspector discuss potential penalties or do anything that may be construed as coercive or threatening. If the inspector were allowed to enter the facility based on a threat of enforcement liability, it is likely that

any evidence obtained through such an inspection would be deemed inadmissible in an enforcement proceeding.

On the other hand, an inspector may inform the facility representative that he/she intends to seek a warrant to compel the inspection. However, the inspector should be careful how this statement is phrased. Do not state: "I will get a warrant." If an enforcement action is brought against this facility using the information obtained in that inspection, a reviewing court may feel that the above statement usurped the court's authority to authorize a warrant and may deny the warrant. Even if the company later consents to the inspection following a statement that the inspector will get a warrant, there may be an issue as to whether consent was coerced. If the inspector decides to make a statement regarding a warrant, it should be phrased similar to: "I intend to seek (or apply for) a warrant."

- (e) Leave premises and contact supervisor. If entry is still denied after attempting to resolve the obstacles, the inspector should leave the premises after obtaining the information noted above in the field logbook. The inspector should contact his/her supervisor immediately after leaving the premises, and the supervisor should confer with the City's legal counsel regarding the desirability of obtaining a warrant. The City's legal counsel should attempt to resolve the conflict by contacting the facility's legal counsel prior to obtaining a warrant.
- (4) Withdrawal of consent during an inspection. Occasionally, a facility may consent to an inspection and later withdraw the consent while the inspection is in progress. Consent for the inspection may be withdrawn at any time after entry has been made. A withdrawal of consent is tantamount to a refusal of entry. Therefore, the inspector should follow the procedures cited above under denial of consent unless the inspection has progressed far enough to accomplish its purposes. All activities and evidence obtained prior to the withdrawal of consent are valid and may be used in an enforcement proceeding against the facility.
- (5) Denial of access to parts of the facility. If, during the course of the inspection, access to some parts of the facility is denied, the inspector shall make a note of the circumstances surrounding the denial of access and of the portion of the inspection that could not be completed. The inspector shall then proceed with the rest of the inspection and shall contact his/her supervisor after leaving the facility to determine whether a warrant should be obtained to complete the inspection. Refusal to allow entry is a violation of the Sewer Use Ordinance, and appropriate enforcement action will be taken.
- (6) Covert sampling in response to denial of entry. Whenever entry to a facility is denied, a sample shall be obtained at a manhole immediately downstream of the facility, if possible (**NOTE:** the inspector should be aware of the potential difficulties with the sample, i.e., are other facilities connected to that part of the sewer which discharge the pollutants of concern?). This type of sampling, however, may help with any further enforcement actions or investigations, which the pretreatment staff may undertake at the facility by uncovering activities, which the industry is attempting to hide. This type of sample is also effective when a demand inspection is being conducted because the pretreatment personnel can then compare the results of sampling from inside and just outside the plant to see if they match. This can provide evidence of any batches being dumped prior to entry to the facility.

- (7) Obtaining a search warrant for an inspection.
 - (a) If the inspector has been refused access to a building, structure, or property or any part thereof, and if the inspector has probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect as part of a routine inspection program of the City designed to protect the overall public health, safety, and welfare of the community, a search warrant may be necessary.
 - (b) The inspector will contact his/her supervisor and discuss the issue. The supervisor will contact the city attorney for the warrant.
 - (c) The pretreatment inspector will provide the city attorney with a list of specific requirements and locations. The city attorney will apply to the appropriate court for a search warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything may be searched and/or seized on the property described.
 - (d) The warrant shall be served at reasonable hours by the plant operations/pretreatment supervisor/inspector in the company of a uniformed police officer of the City, and the inspection will be performed as previously discussed in this manual.

C. SAMPLING PROCEDURES

9. The concept of sample collection is based on the need for data for process control at the POTW, to determine compliance with the NPDES permit, and to determine industrial user compliance with the pretreatment standards and requirements.

The specific methods and procedures described in this section used in sample collection and preservation will be followed. The samples collected must truly represent what is being discharged during the sample collection period. Therefore, it is important to understand sample collection techniques and develop and practice standardized collection procedures. In addition, sampling, analysis, and collection of other information must be performed to produce evidence that is admissible in court (40 CFR 403.8(f)(2)(vii)).

In addition to sampling techniques, it is essential to understand the importance of sample handling and preservation so that the integrity of the sample can be maintained from the point of sample collection through the completion of analysis of the sample (see Subsection 8).

10. The plant operations/pretreatment supervisor must perform sample collection in accordance with those procedures and requirements specified in 40 CFR Part 136. Subsequently, the City must require the industrial users to implement those procedures to meet self-monitoring requirements.
11. All sampling and analyses shall be performed in accordance with procedures established by the EPA Region 10 Administrator pursuant to Section 304(h) of the Act and contained in 40 CFR part 136 and its amendments or with any other test procedures approved by the EPA Region 10 Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Region 10 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 City or other parties, approved by the Region 10 Administrator.

12. Preservation methods for each parameter to be measured are specified in 40 CFR Part 136.3 Table II. Prior to sample collection, a determination must be made of the parameters to be measured so that proper preservation techniques may be provided for.
13. Prior to sample collection, a determination must be made of the type of sample that is needed. The two types of samples are grab and composite.

Composite sampling: 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. If discrete sampling is employed, 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 shall 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.

A grab sample, as defined in 40 CFR Part 403, Appendix E, is an individual sample collected over a period of time not to exceed 15 minutes. It is a single sample taken at neither a specific time nor flow and is representative of conditions or characteristics of the discharge at the time that it is collected. The grab sample is required for specific analyses such as pH, oil and grease, cyanide, and phenol. (NOTE: an oil and grease grab must be collected directly into the sample container to prevent the loss of residuals on the collection instrument.)

14. A composite sample must be collected in relation to the flow rate or volume of the discharge being sampled. Flow proportioning may be performed by varying the time intervals between each aliquot or by proportioning the volume of each aliquot. In the event flow proportional sampling is not feasible, the City may authorize the use of time proportional sampling.

If the flow rate from an industry does not vary by more than ± 15 percent of the average flow rate, a time-interval composite using a constant sample volume and a constant time interval between samples will be used to provide a representative measurement of the wastewater characteristics and load discharged of the sample period. This will be done using an automatic sampler.

15. Sample collection techniques must be consistent so that the results are representative of the characteristics of the discharge that is sampled.

After determining the proper location to sample the discharge, collect the sample from a point where consistent mixing occurs. Do not collect from the top or bottom of a wet well where there is little flow or from the upstream side of a weir. This will prevent collection of floating or settled solids that are not representative of the discharge.

Collect the sample from the same location each time. Make sure that those involved in sample collection know the locations and the appropriate point to collect from so that the sample is consistently representative.

Use clean devices and equipment to collect the sample. Collect the necessary volume of sample to perform the required analyses and remember to account for duplicates and spikes when determining the volume. Be careful not to overfill sample bottles that contain preservative.

When collecting to verify an industrial user's compliance with local limits, collect a sample from the combined waste stream before or at the point of discharge to the City collection system. When collecting to verify an industrial user's compliance with categorical pretreatment standards, collect at the end of process before the process waste stream combines with other waste streams from the facility unless the industry uses the combined waste stream formula. If a

sample is being collected for the purpose of determining a surcharge for extra-strength wastes, collect a sample from the combined waste stream before or at the point of discharge to the City collection system so the sample represents the characteristics of the total discharge from the facility.

Each representative of the City who will be involved in compliance monitoring or surcharge sampling must be adequately trained.

16. In order to verify the integrity of the sample from the point of collection to the point of reviewing the analytical results, the chain-of-custody must be recorded (example may be found at end of this Exhibit). This part of the sample collection must be standardized to ensure consistency and accuracy.

The chain-of-custody record is a legal document that ensures that such information will be sufficient to produce evidence that would be admissible in judicial proceedings. It begins at the point of sample collection and ends when the analysis of the sample is complete. It is a permanent record and, therefore, must be legible and in black ink. It must reflect that the integrity of the sample was protected and that the sample truly represents what was collected. The record shall include, at a minimum, the following information:

- Name of the collector(s)
- Date and time collected
- Source description or location
- Type sample: grab or composite
- Method of preservation: refrigeration, acidification
- Identification number or tag number
- Required analyses
- May have description of container
- May have place for comments

The chain-of-custody record must have signatures of all who were involved in collecting the sample. If sampling is performed manually and occurs during more than one shift, the collector from one shift relinquishes the sample to the collector on the next shift and so on.

A person who is responsible for collection of a sample that may be used to support litigation must secure the sample so that no one can access it. Security must be observed especially when collecting with automatic samplers. The samplers will be locked so that neither the sample nor the sampler can be tampered with.

The chain-of-custody must have signatures of who received the sample into the laboratory.

The chain-of-custody records shall be reviewed at that time for completion of all signatures, dates, times, and other required information.

17. Sample collection is of no value if the procedures and techniques are not observed consistently and accurately during the collection process. Table 1 provides quality assurance procedures that will be used for optimizing the accuracy of sample collection and analysis.

Subsequently, the analyses must be in compliance with 40 CFR 136 Table II holding time and the results reviewed immediately to assure the utmost value of collecting the sample for determining compliance. Enforcement activities will be required if the results reflect a noncompliance and a determination of the need for corrective actions will have to be made.

18. The following is a list of sampling and analytical equipment available at the City of St. Helens Wastewater Treatment Plant laboratory for pretreatment sample and analysis:
- a. Fume hood
 - b. DO meter
 - c. Conductivity meter
 - d. pH meter
 - e. Incubator
 - f. Water bath
 - g. Drying oven
 - h. Analytical balance
 - i. Spectrophotometer
 - j. Vacuum pump
 - k. Assorted sample bottles
 - l. Assorted grab sample devices
 - m. Thermometers
 - n. Compositors (6 total, 2 refrigerated)
 - o. Refrigerators (3)
 - p. Flammable storage locker
19. Detailed sampling methods.
- a. The plant operations/pretreatment supervisor will, by reading the industrial user permit, list all of the pollutant sampling and testing required of the user. The City will, monitor each IU for all pollutants that have limits established in the IU permit on a frequency that is commensurate with the IUs discharge permit, but at least the minimum required in the City's NPDES permit.
 - b. Each pollutant will be researched using 40 CFR Part 136.3, Table II, to find the pertinent requirements for each pollutant.
 - (1) Type of container;
 - (2) Type of preservative;
 - (3) Holding times;
 - (4) Appropriate storage temperature.
 - c. If the testing for a pollutant is to be done by a contract laboratory, the laboratory will be requested to:
 - (1) Give direction as to
 - (a) Amount of sample required;
 - (b) Proper filling of the bottles;
 - (c) When and how the samples shall be shipped.
 - d. Collect the sample following approved methods described above. If sample are to be shipped to a contract laboratory, a chain of custody form must be initiated to track the sample from sampling through final analysis. Insure that the sample is delivered to the contract laboratory.
 - e. The City of St. Helens Wastewater Treatment Plant laboratory is set up to perform laboratory analysis on the following pollutants:
 - (1) BOD5;
 - (2) TSS;

water meter in an underground water meter or valve box. This is also a confined space where hazardous conditions can exist.

Each year a significant number of people in the water and wastewater profession die needlessly because they did not adhere to the rules concerning confined spaces.

OSHA has defined and published regulations covering confined spaces. These can be found in 29 CFR Part 1910, Section 120. Employers are required to train employees in the recognition and safety practices governing confined spaces.

Confined space entry will be performed following the approved City of St. Helens confined space entry program.

22. At times it may be necessary to obtain a sample from a manhole that is located in a street. Traffic safety then becomes a very important factor.

Two main rules of traffic safety are:

a. Be visible to oncoming traffic.

In order to be visible to oncoming traffic, it is essential that proper personal protective equipment be used. Always wear an orange safety vest. A hard-hat and safety glasses are also recommended.

b. Safely guide traffic around you.

(1) Keep your vehicle between you and your work area, preferably about ten feet from the manhole on the oncoming traffic side. Turn the wheel of the vehicle away from yourself and oncoming traffic. (If someone in the oncoming traffic fails to observe the situation, let him or her hit the vehicle, not you.)

(2) Always use proper safety equipment to alert traffic to the situation (emergency flashers, rotating beacons, and warning signs). Use orange traffic cones to divert traffic around your work area. Be alert at all times.

23. Use proper equipment and use equipment properly. Always be alert for the seemingly simple things. Manhole covers are heavy; therefore, use the proper equipment to open them.

When dealing with manhole covers, autosamplers, and other heavy objects, use proper lifting procedures. Use your legs instead of your back. Avoid the most common industrial injury, the back injury.

Always use the proper personal protective equipment (PPE). Slips and falls are leading causes of industrial accidents. The results of these are often cuts, bruises, broken bones, and even death. The proper use of PPE, such as a safety harness, hardhat, safety glasses, boots and gloves, will eliminate many physical injuries that can occur. Each year a large number of injuries are reported that otherwise would have been avoided with the proper use of PPE.

In order to use the right PPE, you must be aware of whatever hazards might be encountered. Be familiar with the industry that you are monitoring. Know what raw materials are being used. Know what chemicals you might encounter and use the Material Safety Data Sheets (MSDS) on these materials. Be prepared for any reaction that might occur due to the mixing of raw materials.

Even if you know it is safe, always use rubber gloves and safety glasses when dealing with industrial discharges.

24. Develop and implement training on the use of monitoring vehicles.

If specially designed vehicles are being used for industrial monitoring, certify each inspector on the use and handling of them. Areas of special concern, especially for oversized vehicles, are vehicle dimension and blind spots. Know the monitoring and traveling locations where the vehicle "won't fit" and plan activities around these areas or use another vehicle. Install extra mirrors, if necessary, to eliminate blind spots.

25. Working in the pretreatment profession guarantees that you are going to come into contact with a wide variety of bacteria and pathogens; therefore, personal hygiene is extremely important. With the chance of contact with potentially harmful substances, the need for proper use of PPE cannot be stressed enough.

Always observe the following:

- a. Wash your hands thoroughly before eating, drinking, or smoking.
 - b. Protect all cuts and open sores.
 - c. Any bandages covering open wounds should be changed frequently.
 - d. If you do receive a cut or scrape, immediately clean it with soap and water, disinfect the wound, and report it.
 - e. Never wear contaminated clothing home.
26. The rules for industrial inspection safety are simple. **BE PREPARED FOR ANYTHING.**

The following are some rules for conducting a safe industrial inspection:

- a. Follow the safety procedures of the facility you are inspecting.
 - b. Have your own PPE available.
 - (1) Safety glasses
 - (2) Hard hat
 - (3) Hearing protection
 - c. Review all available data before inspecting.
 - (1) Previous inspection data (if available)
 - (2) MSDS information (it shall be on file with the industry being inspected)
27. Keep all equipment and tools clean and in good operating condition. Improper operating equipment and tools can cause accidents. Keep storage areas neat and clean. Safety isn't just for fieldwork!

EXHIBIT C INSPECTION CHECKLIST

Inspection Checklist

General Information

Date of Inspection:

Inspected by:

Scheduled Inspection

Present at the Inspection:

Name

Title

Company

General Facility Information

Industry Name:

SIC codes:

Site address:

Mailing address:

Industry contacts:

Name

phone

Fax

Facility description:

Categorical standard:

Employee showers on site:

Pollutants covered by local limits:

Scheduled shutdown periods:

Number of employees:

Seasonal production:

Inspection Checklist

Number of shifts per day:

Work days per week:

Hours of operation per day

Products produced:

Amount of finished product:

Raw materials used:

Manufacturing process used:

Current long-term average production rate:

Changes since last inspection: *i.e. production, raw materials usage, and amount finished product.*

Planned changes to the plant:

Date facility commenced discharge to the POTW:

Are O&M schedules available at the facility?

Are there O&M policies and procedures?

Is O&M training adequate: *Module, Team Training*

Is facility currently in compliance?

Wastewater Treatment Systems

Does the industry treat its process wastes prior to discharge to the POTW?

Are any treatment units out of service?

Adequate system in place to correct a problem:

Unauthorized bypasses in place:

Unauthorized discharge points in service:

Treatment type:

Treatment system modified since installation:

Design flow:

Actual flow:

Operating schedule:

Reagents used:

FTEs (full time employees) needed to operate

Description of overall condition:

Has the system experienced operational problems?

Sludge Generation / Waste Disposal

Sludge dewatering method:

Moisture content:

Amount generated:

Disposal method: .

Sludge storage:

Shipment frequency:

Sludge hauler:

Hazardous sludge generated:

Hazardous waste discharged to the POTW:

Manner of Hazardous Waste disposal: .

Combined Wastestream Formula \ Permit Limits

Can flow be measured at all sampling locations:

What type of measuring device is used?

Flow Meter Calibration schedules (*Technician Certified*)

Is the CWF (combined wastestream formula) used at the facility?

Is the facility using dilution to meet its effluent limits?

Should the facility be using the combined wastestream formula?

Are there any dilution flows, which have not been accounted for?

Chemical Storage

What chemicals are used at the facility?

Can chemicals reach floor drains if spilled?

How often are floors washed:

What chemicals are used?

How often is equipment washed, what chemicals used:

Does the industry have a slug control program?

Has the industry had any past slug discharges?

Amount of water used in wash downs:

Production/Process Areas of the Industrial User

Are wastestreams separated at the facility?

Are incompatible materials separated?

Do floor drains/troughs lead to the POTW?

Are temporary hoses in place as part of production?

Are pipes labeled/color coded for easy identification?

Is a piping diagram available at the facility?

Attach a schematic, water flow,

Wastewater production, and a stepwise

(Description of the production process at the facility: Please refer to the Accidental Spill Prevention Plan)

Industry Checklist

Monitoring, Record Keeping and Reporting

Monitoring

Permit Sampling Location	Typical Parameter Data	Permit Limit	Permit Sampling Frequency	Industry Sampling Frequency	Parameters

Industry Checklist

Discrepancies between permit requirements and Industry practice for:

- Sample location:
 Sampling frequency: Consider *Increasing BOD frequency* to meet *2X/wk and lower concentration data*
- Sampling method:

Are the permit requirements appropriate for:

- Sample locations:
- Permit limits:
- Sample method:
- Sample frequency:

What changes are needed in the permit?

Composite sampler

Samples analyzed according to 40 CFR 136:

Are samples preserved according to part 136?

Samples analyzed within required holding times:

Samples taken during periods of process discharge only:

Samples analyzed in-house or contract:

Is required analytical certification used?

Record Keeping

All information kept for three years:

All required information available, current and complete:

Are all sample results included in the IU's report?

Did the facility report results of any more frequent sampling in the last reporting period:

Were all results reported?

POTW notified of all violations within 24 hours:

Do sample results match what is reported by the industry?

EXHIBIT D ENVIRONMENTAL SCREENING, SURVEY AND FORMS



NON-DOMESTIC Environmental SCREENING Survey

Date _____

Treatment Plant: City of St.

Helens POTW

Service Area: St. Helens

GENERAL INFORMATION

1. Company name:

2. Address of the facility:

3. Mailing address:

4. Contact Person:
Name _____
Title _____ Telephone _____ FAX _____

5. Brief description of business--principal products and services:

7. Will this business produce any pollutants of concern other than oils, grease, or fats.....[]
Yes [] No

8. Are any of these devices installed?
 - a. Oil and water separator[]
Yes [] No
 - b. Oil and Grease trap[]
Yes [] No
 - c. Sand/sediment trap[]
Yes [] No

E.S.F. Required [] Yes [] No

Signature _____

Date E.S.F. Mailed _____

Print name: _____

The Industrial Waste Survey (IWS) for the City of St. Helens was conducted beginning February 1, 1989, pursuant to Section 403.8(f)(2) of the General Pretreatment Regulations in accordance with the EPA Guidance Manual for POTW Pretreatment Program Development, dated October 1983. A master list of all industrial users (IUs) discharging to our treatment system was developed by consulting existing water and sewer user accounts, and the lists of fully regulated and small quantity generators in Oregon, dated July 20, 1988.

Questionnaires were mailed to all on the list, with follow-up telephone activities until all survey forms were returned. All sites were then visited to determine the accuracy and completeness of the responses.

The City reviewed and updated the list in 1993, with no new SIUs identified.

(Date)

Dear Customer:

The City of St. Helens is required by the State Department of Environmental Quality to conduct an Industrial Survey of the users within our boundaries. The reason for this survey is to determine if any influent into the treatment plant would be detrimental to the normal treatment process

We are asking that you please fill out the attached questionnaire as accurately and thoroughly as possible, and return it to our office. We have enclosed a stamped self-addressed envelope for your convenience. Please make sure that the name of the company, address, and owner's name are included on the form.

In the next few weeks, you may be visited by a representative from the City of St. Helens to answer any questions you may have and to gather any additional information we may need for this survey.

If you have any questions, please feel free to call this office at 503-397-6272.

Thank you for your cooperation.

Sincerely,

Plant operations/pretreatment supervisor
City of St. Helens

jb

Attachment

Environmental Survey Instructions

Section A--General Information

- A1. Enter the name or title of your business.
- A2. Enter the division name, if applicable.
- A3. Enter the address of the facility discharging to the City's sewer system.
- A4. Enter mailing address if different than A3.
- A5. Give the name of the person who is thoroughly familiar with the facts reported on this form and who can be contacted by the City staff.
- A6. Give a brief description of the facility. Include products or services.
- A8. Include all numbers that apply to business. Leave blank if not known.
- A13. Types of environmental permits to list include but are not limited to air, hazardous waste, NPDES for discharges to surface waters.
- A16. Process wastewater could be discharged through a direct connection to the City's collection system or through floor drains.

*This form should be signed by a responsible corporate officer, a general partner, or by a duly authorized representative. See 40 CFR 403.12(l) for full definition.

Return completed form to:

Plant operations/pretreatment supervisor
City of St. Helens
P.O. Box 278
St. Helens, OR 97051



Environmental Survey Wastewater Generating Characteristics

LEAVE BLANK City Use Only

Date Received: _____

Please complete in full, either typed or printed clearly.

_____ Treatment Plant:
Service Area: _____
Pump Stations: _____

Sewer Node: _____

SECTION A - GENERAL INFORMATION

A1. Company name: _____

A2. Division name: _____

A3. Address of the facility:

A4. Mailing address:

A5. Representative completing this form:
Name _____
Title _____ Telephone _____ FAX _____

A6. Brief description of business--principal products and services:

A7. Is the building currently connected to public sewer system? []
Yes [] No
If no, have you applied for a sewer connection? []
Yes [] No
Estimated date of connection _____

A8. Standard Industrial Classification Number(s) (SIC Code if known).

A9. Do you or will you discharge oils, grease, or fats to the public sewer? []
Yes [] No

A10. Do you use any of the following devices?
a. Oil and water separator []
Yes [] No
b. Oil and Grease trap []
Yes [] No
c. Sand/sediment trap []
Yes [] No

A11. How often do you clean the oil and grease trap? Where do you dispose of trapped oil and grease?

A12. Do you or will you have chemical storage containers, bins, or ponds at your facility? []
Yes [] No
Do you have any underground storage tank(s)? []
Yes [] No

A13. Have you been issued a local, state, or federal environmental permit? []
Yes [] No
If yes, please list the type of permit(s). _____

A14. Do you or will you have floor drains in your manufacturing or storage area? []
Yes [] No
If you have chemical storage containers, bins, ponds, or floor drains in a manufacturing or storage area,
could an accidental spill lead to a discharge to an onsite disposal system (e.g., through a floor drain)? []
Yes [] No
To a public sewer? []
Yes [] No

To a storm drain?.....[]
Yes [] No
To ground?.....[]
Yes [] No

A15. Do you or will you discharge wastewater (other than domestic waste from bathrooms, toilets, etc.) to an onsite disposal system?.....[]
Yes [] No
To a storm sewer?.....[]
Yes [] No

A16. Do you or will you discharge wastewater (other than domestic waste from bathrooms, toilets, etc.) to the public sewer system?.....[]
Yes [] No

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 ensure 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.

Signature* _____ Title _____ Date _____

General Instructions: Please indicate those sections of this questionnaire that you wish to remain confidential and your basis for requiring confidentiality. (Wastewater characteristics cannot be confidential.)

B2. Provide the daily average and peak flows of waste generated in gallons per day (gal/day) for the last 12 months. The average flows can be calculated by dividing the total flows (of the last 12 months) by the number of days that a discharge of water occurred (or operating days).

- For estimating sanitary flows, use 35 gallons per each employee.

Include the day(s) of the week and duration (length of time) of discharge to the sewer system. Include day(s) of the week and approximate time for normal cleanup activities.

B3. List the types of products, giving the common or brand name. Enter from your records the amounts produced daily for the previous calendar year and the process used.

B4. Provide the water source(s) from which you get your water. If there is more than one source, list each source. Provide the water account number if the source is City water. To convert quantities from your water bill in hundred cubic feet (CCF) to gal/day, multiply CCF by 748.

B5. Estimate wastewater discharge quantities.

Environmental Survey

SECTION B - DETAILED WASTEWATER INFORMATION

Company Name
Facility Address

B1. Please describe processes to be used in your facility that will result or may result in wastewater discharge to the public sewer system.

B2. This facility generates or will generate the following types of wastes (check all that apply):

	Average gallons per day	Peak gallons per day
<input type="checkbox"/> Domestic wastes (restrooms, employee showers; estimate 35 gallons per day for each employee)	<hr/>	<hr/>
<input type="checkbox"/> Cooling water, noncontact	<hr/>	<hr/>
<input type="checkbox"/> Boiler/tower blowdown	<hr/>	<hr/>
<input type="checkbox"/> Cooling water, contact	<hr/>	<hr/>
<input type="checkbox"/> Process	<hr/>	<hr/>
<input type="checkbox"/> Equipment/facility washdown	<hr/>	<hr/>
<input type="checkbox"/> Air pollution control unit	<hr/>	<hr/>
<input type="checkbox"/> Stormwater runoff to sewer	<hr/>	<hr/>
<input type="checkbox"/> Other (describe)	<hr/>	<hr/>
<input type="checkbox"/> Cleanup	<hr/>	<hr/>
Total	<hr/>	<hr/>

Time and Duration of Discharge: _____
Cleanup Time: _____

B3. Products Produced: (Attach additional sheets as necessary)

Type	Amount and Rate of Production	Process
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

B4. Water supplied from:
(e.g., City or well)

Water Source(s)	Water Acct No.	Water Quantities ¹		
		Estimated ²	Meter	
a.	<hr/>	<hr/>	<hr/>	gal/day
b.	<hr/>	<hr/>	<hr/>	gal/day
c.	<hr/>	<hr/>	<hr/>	gal/day
Total		<hr/>	<hr/>	

¹1 ccf = 748 gallons
²Best estimate if not metered

B5. Wastes are discharged or may be discharged to:

(check all that apply)	Average gallons per day	Peak gallons per day
<input type="checkbox"/> Sanitary sewer	<hr/>	<hr/>
<input type="checkbox"/> Storm sewer	<hr/>	<hr/>
<input type="checkbox"/> Surface water	<hr/>	<hr/>
<input type="checkbox"/> Groundwater (onsite disposal)	<hr/>	<hr/>
<input type="checkbox"/> Waste haulers	<hr/>	<hr/>
<input type="checkbox"/> Other (describe)	<hr/>	<hr/>

Total

Are the discharges batch []? continuous []?

- B6. Answer yes or no.
- B7. If the answer to B6 is yes, describe the types of wastes.
- B8. If the answer to B6 is yes, describe your storage and disposal practices for these wastes. An onsite disposal system could be a septic system, lagoon, or holding ponds (evaporative-type).
- A batch discharge is one that results from the draining of storage tanks or process tanks, or intermittent boiler blowdown.
- B6. Are any liquid wastes or sludges from this firm disposed of by means other than discharge to the sewer system?
 Yes No If "no," skip Items B7 and B8; If "yes," complete Items B7 and B8.
- B7. These wastes may best be described as:

<u>Item No.</u>	Estimated gallons or pounds per year
<input type="checkbox"/> Acids	_____
<input type="checkbox"/> Alkalies	_____
<input type="checkbox"/> Heavy metal sludges	_____
<input type="checkbox"/> Inks/	_____
<input type="checkbox"/> Oil and/or grease	_____
<input type="checkbox"/> Organic compounds	_____
<input type="checkbox"/> Paints	_____
<input type="checkbox"/> Pesticides	_____
<input type="checkbox"/> Plating wastes	_____
<input type="checkbox"/> Pretreatment	_____
<input type="checkbox"/> Solvents/thinners	_____
<input type="checkbox"/> Other hazardous wastes (specify)	_____
_____	_____
_____	_____
<input type="checkbox"/> Other wastes (specify)	_____
_____	_____
_____	_____

- B8. For the above checked wastes, does your company practice:
- Onsite storage
location _____
- Offsite storage
hauler's name _____
address _____
hauler's DEQ permit # _____
phone number _____
- Onsite disposal
- Offsite disposal
hauler's name _____
address _____
hauler's DEQ permit # _____
phone number _____

Describe the method(s) of storage or disposal checked above.

Do you have an EPA or DEQ permit for storage or hauling? Yes No If yes, attach a copy of the permit.

- B9. List all chemicals regularly used in your facility. Indicate where they would most likely enter into the City's sewer system or storm system or both.
- B10. Indicate if the fire bureau has been notified of your onsite storage practices.
- B11. Answer yes or no. If yes, attach plans.
- B12. Indicate the characteristics of the wastewater. Priority pollutants are listed in Attachment A. If your facility's discharge may include any priority pollutants, Attachment A must be completed.
- B13. If any laboratory analyses have been performed on wastewater discharged from your facility, attach a copy of the results.

B9. List all principal materials regularly used in your facility that may be present in your wastewater discharge (e.g., cleaning agents, solvents, food processing waste, plating solutions, catalysts, milk wastes, and ink). Identify chemical constituents, if known, or brand name. Attach material safety data sheets.

Generic Type	Amount per year	Discharged to		Spill Potential		Chemical Constituents or brand name
		Storm	Sanitary	Storm	Sanitary	
a. Example: Degreaser						
b.						
c.						
d.						
e.						
f.						
g.						
h.						
i.						
j.						
k.						

(Attach additional sheets if necessary)

B10. Have you recorded with the fire bureau the onsite storage of flammable or combustible liquids or solids, hazardous chemicals, or radioactive materials?
 Yes No

If yes, list materials, if any, and their scientific or common and brand names and what quantities are being stored (use extra sheets if needed or attach a copy of fire bureau list).

<u>S-Scientific/C-Common</u>	<u>Brand Name</u>	<u>lbs or gallons</u>
a.		
b.		
c.		
d.		

B11. Do you have an accidental spill prevention program for the facility? Yes No Emergency response plan? Yes No
 If yes, attach plans.

B12. Characteristics of Wastewater:

- a. Temperature _____ Don't know
- b. pH level _____ Don't know
- c. Flammable or explosive materials Yes No Don't know
- d. Solid or viscous materials Yes No Don't know
- e. Priority pollutants Yes No Don't know If yes, complete Attachment A.
 (See Attachment A for the priority pollutants list)

B13. Attach any wastewater analysis that has been performed on the wastewater discharge(s) from your facilities in the last year. Attach a copy of the most recent lab data to this questionnaire. Be sure to include the date of the analysis, name of laboratory performing the analysis, and location(s) from which sample(s) were taken (attach sketches and plans as necessary).

B14. A facility who checks off activities listed under Section A are covered by the Environmental Protection Agency's (EPA) categorical pretreatment standards and the City's local pretreatment standards. These facilities are termed categorical users. Businesses that check off activities listed under Section B are termed noncategorical users and are covered by the City's local pretreatment standards. If you have any questions regarding how to categorize your business activity, contact the City for technical guidance.

B14. If your facility uses processes in any of the industrial categories or business activities listed below and any of these processes generate or cogenerate wastewater or waste sludge, place a check beside the category or business activity (check all that apply).

a. Industrial Categories

EPA Category Code	Category	
467	<input type="checkbox"/>	Aluminum forming
461	<input type="checkbox"/>	Battery manufacturing
434	<input type="checkbox"/>	Coal mining
465	<input type="checkbox"/>	Coil coating
468	<input type="checkbox"/>	Copper forming
469	<input type="checkbox"/>	Electric & electronic components
413	<input type="checkbox"/>	Electroplating (If checked, please complete Attachment B)
415	<input type="checkbox"/>	Inorganic chemicals
420	<input type="checkbox"/>	Iron & steel
425	<input type="checkbox"/>	Leather tanning & finishing
433	<input type="checkbox"/>	Metal finishing (If checked, please complete Attachment B)
464	<input type="checkbox"/>	Metal molding & casting (Foundries)
471	<input type="checkbox"/>	Nonferrous metals forming
421	<input type="checkbox"/>	Nonferrous metals manufacturing
414 & 416	<input type="checkbox"/>	Organic chemicals, plastics, & synthetic fibers
455	<input type="checkbox"/>	Pesticides
419	<input type="checkbox"/>	Petroleum refining
439	<input type="checkbox"/>	Pharmaceuticals
463	<input type="checkbox"/>	Plastics processing
466	<input type="checkbox"/>	Porcelain enamel
430 & 431	<input type="checkbox"/>	Pulp, paper, and fiberboard
428	<input type="checkbox"/>	Rubber
423	<input type="checkbox"/>	Steam electric
410	<input type="checkbox"/>	Textile mills
429	<input type="checkbox"/>	Timber products (wood preserving)

b. Other Business Activities

	<input type="checkbox"/>	Adhesives
	<input type="checkbox"/>	Analytical laboratories
	<input type="checkbox"/>	Auto laundries
	<input type="checkbox"/>	Beverage bottler
465	<input type="checkbox"/>	Can making
405	<input type="checkbox"/>	Dairy products
	<input type="checkbox"/>	Dry Cleaners
457	<input type="checkbox"/>	Explosives manufacturing
407	<input type="checkbox"/>	Food/edible products processor
	<input type="checkbox"/>	Gas stations
454	<input type="checkbox"/>	Gum & wood chemicals
	<input type="checkbox"/>	Health services
460	<input type="checkbox"/>	Hospital
	<input type="checkbox"/>	Laundries
	<input type="checkbox"/>	Machine shops
	<input type="checkbox"/>	Mechanical products
440	<input type="checkbox"/>	Ore mining
446 & 447	<input type="checkbox"/>	Paint & ink
459	<input type="checkbox"/>	Photographic supplies
	<input type="checkbox"/>	Printing & publishing
	<input type="checkbox"/>	Radiator shops
	<input type="checkbox"/>	Slaughter/meat packing/rendering
417	<input type="checkbox"/>	Soaps & detergents
	<input type="checkbox"/>	Used oil reclaimers

[]
[]

Waste recycler
Other _____

B15. Attach a simple schematic drawing(s). Approved building plans with required details may be substituted.

Example:

B15. Attach a simple schematic drawing(s) of your facility, indicating: (Drawings should be 11 x 17, or smaller)

- a. Location and size of all service outlets, process drains, floor drains
- b. Existing sampling manholes or locations where samples may be collected
- c. Current or planned flow metering equipment
- d. Current or planned automatic sampling equipment
- e. Location of pretreatment processes, treated flows, and untreated flows
- f. Location and name of pertinent streets
- g. Flow schematic to indicate process and process discharge in gallons per day
- h. Chemical storage location
- i. Storm drain location, if known

B16. Pretreatment devices or processes used for treating wastewater or sludge (check as many as appropriate)

- Air flotation
- Carbon filtration
- Centrifuge
- Chemical precipitation
- Chlorination
- Cyclone
- Evaporation
- Filtration
- Filtration, multi-media
- Filtration, rotary
- Filtration, sand
- Flow equalization
- Grease or oil separation, type _____
- Grease trap
- Grinding filter
- Grit removal
- Ion exchange
- Neutralization, pH correction
- Ozonation
- Reverse osmosis
- Screen
- Sedimentation
- Septic tank
- Solvent separation
- Spill protection
- Sump
- Biological treatment, type _____
- Rainwater diversion or storage _____
- Other chemical treatment, type _____
- Other physical treatment, type _____
- Other, type _____
- No pretreatment provided

B17. Is additional pretreatment required? Yes No Don't know If yes, describe necessary pretreatment.

B18. Is industry in compliance with City industrial pretreatment ordinance? Yes No Don't Know
Don't Know
See ordinance.

B19. Is industry in compliance with federal categorical standards? Yes No Don't Know
Don't Know

B20. Are any process changes or expansions planned during the next three years? Yes No
If yes, attach a separate sheet to this form describing the nature of planned changes or expansions.

B21. Please describe any previous spills and remedial measures taken to prevent their reoccurrence:

B22. Include comments here.

Certification requirements are listed in 40 CFR 403.12(l). This form must be signed by a responsible corporate officer, a general partner, or duly authorized representative.

Return the completed form to:

City of St. Helens
Plant operations/pretreatment supervisor
PO Box 278 / 265 Strand St.
St. Helens, OR 97053

Complete Attachments A, B, and C as required.

B22. Comments:

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 ensure 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.

Signature* _____ Title _____ Date _____

*This form should be signed by a responsible corporate officer, a general partner, or by a duly authorized representative. See 40 CFR 403.12(l) for full definition.

Attachment A
PRIORITY POLLUTANT INFORMATION

1. Please indicate by placing an "X" in the appropriate space by each listed chemical whether it is suspected to be absent, known to be absent, suspected to be present, or known to be present in your manufacturing or service activity or if it is generated as a byproduct. Some compounds are known by other names. Please refer to the Priority Pollutant Synonym Listing for those compounds that have an asterisk (*).

Item No.	CASRN	Chemical Compound	Suspected Absent	Known Absent	Suspected Present	Known Present
1	7664417	ammonia				
2	1332214	asbestos (fibrous)				
3	57125	cyanide (total)				
4	7440360	antimony (total)				
5	7440382	arsenic (total)				
6	7440417	beryllium (total)				
7	7440439	cadmium (total)				
8	7440473	chromium (total)				
9	7440508	copper (total)				
10	7439921	lead (total)				
11	7439976	mercury (total)				
12	7440020	nickel (total)				
13	7782492	selenium (total)				
14	7440224	silver (total)				
15	7440280	thallium (total)				
16	7440666	zinc (total)				
17	83329	acenaphthene				
18	208968	acenaphthylene				
19	107028	acrolein				
20	107131	acrylonitrile				
21	309002	aldrin				
22	120127	anthracene				
23	71432	benzene				
24	92875	benzidine				
25	56553	benzo(a)anthracene*				
26	50328	benzo(a)pyrene*				
27	205992	benzo(b)fluoranthene				
28	191242	benzo(g,h,i)perylene*				
29	207089	benzo(k)fluoranthene*				
30	319846	a-BHC(alpha)				
31	319857	b-BHC(beta)				
32	319868	d-BHC(delta)				
33	58899	g-BHC*(gamma)				
34	111444	bis(2-chloroethyl)ether*				
35	111911	bis(2-chloroethoxy)methane*				
36	108601	bis(2-chloroisopropyl)ether*				
37	542881	bis(chloromethyl)ether*				
38	117817	bis(2-ethylhexyl)phthalate*				
39	75274	bromodichloromethane*				
40	75252	bromoform*				
41	74839	bromomethane*				
42	101553	4-bromophenylphenyl ether				

Item No.	CASRN	Chemical Compound	Suspected Absent	Known Absent	Suspected Present	Known Present
43	85687	butylbenzyl phthalate				
44	56235	carbon tetrachloride*				
45	57749	chlordane				
46		4-chloro-3-methylphenol*				
47	108907	chlorobenzene				
48	75003	chloroethane*				
49	110758	2-chloroethylvinyl ether				
50	67663	chloroform*				
51	74813	chloromethane*				
52	91587	2-chloronaphthalene				
53	95578	2-chlorophenol*				
54	7005723	4-chlorophenylphenyl ether				
55	218019	chrysene*				
56	72548	4,4'-DDD*				
57	72559	4,4'-DDE*				
58	50293	4,4'-DDT*				
59	53703	dibenzo(a,h)anthracene*				
60	124481	dibromochloromethane*				
61	95501	1,2-dichlorobenzene*				
62	541731	1,3-dichlorobenzene*				
63	106467	1,4-dichlorobenzene*				
64	91941	3,3-dichlorobenzidine				
65	75718	dichlorodifluoromethane*				
66	75343	1,1-dichloroethane*				
67	107062	1,2-dichloroethane*				
68	75354	1,1-dichloroethene*				
69	111444	trans-1,2-dichloroethene*				
70	120832	2,4-dichlorophenol				
71	78875	1,2-dichloropropane*				
72	542756	(cis & trans)1,3-dichloropropene*				
73	60571	dieldrin				
74	84662	diethyl phthalate*				
75	105679	2,4-dimethylphenol*				
76	131113	dimethyl phthalate				
77		di-n-butyl phthalate				
78		di-n-octyl phthalate*				
79		1,6-dinitro-2-methylphenol*				
80	51285	2,4-dinitrophenol				
81	121142	2,4-dinitrotoluene				
82	606202	2,6-dinitrotoluene				
83	122667	1,2-diphenylhydrazine*				
84	959988	endosulfan I*				
85	33213659	endosulfan II*				
86	1031078	endosulfan sulfate				
87	72208	endrin				
88	7421934	endrin aldehyde				
89	100414	ethylbenzene				
90	206440	fluoranthene				

Item No.	CASRN	Chemical Compound	Suspected Absent	Known Absent	Suspected Present	Known Present
91	86737	fluorene*				
92	76448	heptachlor				
93	1024573	heptachlor epoxide				
94	118741	hexachlorobenzene*				
95	87683	hexachlorobutadiene				
96	77474	hexachlorocyclopentadiene*				
97	67721	hexachloroethane*				
98	193395	indeno (1,2,3-cd)pyrene*				
99	78591	isophorone*				
100	74873	methylene chloride*				
101	91203	naphthalene				
102	98953	nitrobenzene				
103	88755	2-nitrophenol*				
104	100027	4-nitrophenol*				
105	62759	n-nitrosodimethylamine*				
106	621647	n-nitrosodipropylamine*				
107	86306	n-nitrosodiphenylamine*				
108	12674112	PCB-1016*				
109	11104282	PCB-1221*				
110	11141165	PCB-1232*				
111	53469219	PCB-1242*				
112	12672296	PCB-1248*				
113	11097691	PCB-1254*				
114	11096825	PCB-1260*				
115	87865	pentachlorophenol				
116	85018	phenanthrene				
117	108952	phenol				
118	129000	pyrene				
119	1746016	2,3,7,8-tetrachlorodibenzo-p-dioxin*				
120	630206	1,1,2,2-tetrachloroethane*				
121	127184	tetrachloroethene*				
122	108883	toluene*				
123	8001352	toxaphene				
124	120821	1,2,4-trichlorobenzene				
125	71556	1,1,1-trichloroethane*				
126	79005	1,1,2-trichloroethane*				
127	79016	trichloroethene*				
128	75694	trichlorofluoromethane*				
129	88062	2,4,6-trichlorophenol				
130	75014	vinyl chloride*				

2. For chemical compounds listed above that are indicated to be known present, please list and provide the following data for each: (attach additional sheets if needed)

Item No.	Chemical Compound	Estimated Annual Usage (lb)	Loss or Discharge to Sewers (lb/yr)	
			Sanitary	Storm

Attachment A (Continued)
PRIORITY POLLUTANT SYNONYM LISTING

<u>CHEMICAL COMPOUND</u>	<u>SYNONYM</u>
benzo(a)anthracene	1,2-benzathracene
benzo(a)pyrene	2,3-benzphenanthrene
benzo(g,h,i)perylene	3,4-benzopyrene
benzo(k)fluoroanthene	1,12-benzoperylene
g-BHC(gamma)	11,12-benzofluoroanthene
bis(2-chloroethyl)ether	lindane
bis(2-chloroethoxy)methane	2,2-dichloroethyl ether
bis(2-chloroisopropyl)ether	2,2-dichloroethoxy methane
bis(chlormethyl)ether	2,2-dichloroisopropyl ether
bis(2-ethylhexyl)phthalate	(sym)dichloromethyl ether
bromodichloromethane	2,2-diethylhexyl phthalate
bromoform	dichlorobromomethane
bromomethane	tribromomethane
carbon tetrachloride	methyl bromide
4-chloro-3-methylphenol	tetrachloromethane
chloroethane	para-chloro-meta-cresol
chloroform	ethylchloride
chloromethane	trichloromethane
2-chlorophenol	methyl chloride
chrysene	para-chlorophenol
4,4-DDD	1,2-benzphenanthrene
	dichlorodiphenyldichloroethane
	p,p-TDE
	tetrachlorodiphenylethane
4,4-DDE	dichlorodiphenyltrichloroethylene
	p,p-DDX
4,4-DDT	dichlorodiphenyldichloroethane
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
dichlorodifluoromethane	difluorodichloromethane
	fluorocarbon-12
1,1-dichloroethane	ethylidene chloride
1,2-dichloroethane	ethylene chloride
	ethylene dichloride
1,1-dichloroethene	1,1-dichloroethylene
chloroethylene	
(trans)-1,2-dichloroethene	acetylene dichloride
	1,2(trans)-dichloroethylene
1,2-dichloropropane	propylene dichloride
(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

Attachment A (Continued)
PRIORITY POLLUTANT SYNONYM LISTING

<u>CHEMICAL COMPOUND</u>	<u>SYNONYM</u>
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-tetrachlorethane	acetylene tetrachloride
tetrachloroethene	perchloroethylene
	tetrachloroethylene
toluene	methylbenzene
	toluol
1,1,1-trichloroethane	methyl chloroform
1,1,2-trichloroethane	vinyl trichloride
trichloroethene	trichloroethylene
trichlorofluoromethane	fluorocarbon-11
	fluorotrichloromethane
vinyl chloride	chloroethene

Attachment B
ELECTROPLATING AND METAL FINISHING SUBCATEGORIES

Place a check beside all activities that apply to your business.

Item No.

- Electroplating
- Electroless plating
- Anodizing
- Conversion coating
- Etching (chemical milling)
- Printed circuit board manufacturing
- Cleaning
- Machining
- Grinding
- Polishing
- Barrel finishing (tumbling)
- Burnishing
- Impact deformation
- Pressure deformation
- Shearing
- Heat treating
- Thermal cutting
- Welding
- Brazing
- Soldering
- Flame spraying
- Sand blasting
- Other abrasive jet machining
- Electric discharge machining
- Electrochemical machining
- Electron beam machining
- Laser beam machining
- Plasma arc machining
- Ultrasonic machining
- Sintering
- Laminating
- Hot dip coating
- Sputtering
- Vapor plating
- Thermal infusion
- Salt bath descaling
- Solvent degreasing
- Paint stripping
- Painting
- Electrostatic painting
- Electropainting
- Vacuum metalizing
- Assembly
- Calibration
- Testing
- Mechanical plating

Attachment C
METAL FINISHING SUBCATEGORIES

Place a check beside all activities that apply to your business.

- Electroplating
- Electroless plating
- Anodizing
- Conversion coating
- Etching (chemical milling)
- Printed circuit board manufacturing
- Cleaning
- Machining
- Grinding
- Polishing
- Barrel finishing (tumbling)
- Burnishing
- Impact deformation
- Pressure deformation
- Shearing
- Heat treating
- Thermal cutting
- Welding
- Brazing
- Soldering
- Flame spraying
- Sand blasting
- Other abrasive jet machining
- Electric discharge machining
- Electrochemical machining
- Electron beam machining
- Laser beam machining
- Plasma arc machining
- Ultrasonic machining
- Sintering
- Laminating
- Hot dip coating
- Sputtering
- Vapor plating
- Thermal Infusion
- Salt bath descaling
- Solvent degreasing
- Paint stripping
- Painting
- Electrostatic painting
- Electropainting
- Vacuum metalizing
- Assembly
- Calibration
- Testing
- Mechanical plating

RCRA Notification Letter

Re: RCRA Hazardous Waste Notification Requirements

Dear Non-Domestic User:

"In accordance with 40 CFR 403.12 all non-domestic users shall notify the **Publicly Owned Treatment Works** in writing of any discharge into the POTW of a substance, which 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)."

On July 24, 1990, the US Environmental Protection Agency (EPA) promulgated in the *Federal Register* changes to the general pretreatment regulations (cf., 55 *FR* 30082). The changes affected both publicly owned treatment works (POTWs) and industrial users (IUs) of POTWs. "Industrial users" or "IUs" includes non-domestic users such as commercial users and businesses. One of the changes requires IUs to submit a notification of hazardous wastes discharged to POTW sewerage collection systems. It is a pretreatment program Resource Conservation and Recovery Act (RCRA) reporting requirement. This pretreatment program requirement is codified in the Code of Federal Regulations at 40 CFR 403.12(p).

1. Inhibits or disrupts the municipal wastewater system, its treatment processes or operations, or its sludge processes, use or disposal; and
2. Is a cause of a violation of any requirements of the City of St. Helens 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.

Who Must Notify:

All non-domestic users of the **City of St. Helens** sewerage collection and treatment facilities that discharge listed or characteristic RCRA hazardous waste to the POTW must notify the **City of St. Helens** and other regulatory agencies. RCRA listed and characteristic wastes are described in 40 CFR Part 261.

Notification Must be Sent to:

- The **City of St. Helens**
- The EPA Regional Waste Management Division Director, and
- State of Oregon Hazardous Waste Authority

This notification must be submitted in writing for any discharge into the **City of St. Helens's** POTW of any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

Wastes Covered by the Notification:

- Any discharge to the POTW of > 15 kilograms (kg) (33 lb.) per calendar month of a RCRA hazardous waste, or a discharge of **any** quantity of an acutely hazardous waste identified in 40 CFR 261.30(d) and 261.33(e), must be reported as a **one-time** notification.
- A discharge to the POTW of ≤ 15 kg (33 lb.) per calendar month of a RCRA hazardous waste need **not** be reported, **except** for acutely hazardous waste identified in 40 CFR 261.30(d) and 261.33(e).

- A subsequent discharge of > 15 kg (33 lb.) per calendar month, or of any quantity of an acutely hazardous waste, must be reported as a **one-time** notification.
- Pollutants already reported under reporting requirements for categorical industrial users in base line monitoring, final and periodic compliance reports are not subject to this notification requirement.

Notification Must Include:

- Name of the hazardous waste as set forth in 40 CFR Part 261.
- EPA hazardous waste number.
- Type of discharge to the sewer (continuous, batch, or other).
- A certification that you have in place a program to reduce the volume and toxicity of hazardous wastes generated to the degree you have determined to be economically practical.

If you discharge more than 100 kilograms (220 lb.) of hazardous waste per calendar month to the POTW, the one-time notification shall also contain the following information to the extent such information is known or readily available:

- An identification of the hazardous constituents contained in the wastes.
- An estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month in which the one-time report is made.
- An estimation of the mass of constituents in the waste stream expected to be discharged during the twelve months following the notification.

When the Notification Must be Submitted

- If you commenced discharging such wastes before August 23, 1990, you were required to have submitted this notification by **no later than February 23, 1991**. If you fall into that category and have not yet submitted the notification, do so right away.
- If you commence discharging after August 23, 1990, you must submit the immediate notification of the discharge listed of the characterized hazardous waste.
- In the event the USEPA identifies any additional characteristics of hazardous waste or listing of any additional substance as a hazardous waste pursuant to Section 3001 of Resource Conservation and Recovery Act of 1976 "Identification and Listing of Hazardous Wastes" (40 CFR § 261), you must notify the **City of St. Helens**, EPA and the State of Oregon of the discharge of such substance within 90 days of the effective date of such regulations.
- The notification need be submitted only once for each hazardous waste discharged, except when there will be a substantial change in the volume or character of the hazardous waste discharged (generally because of a planned change in your facility operations). In this case, you must notify the **[Municipality]** in advance.

How to Count the Volume of Hazardous Waste Discharged

If a hazardous waste is mixed with a non-hazardous process or non-process waste stream and the entire mixture is then discharged to the sewer, the volume of the entire waste stream containing hazardous waste is considered hazardous according to the RCRA "mixture rule" in 40 CFR 261.3(a)(2)(iii). The effect of this rule is summarized as follows:

- **Characteristic Wastes:** These wastes are classified as hazardous because they exhibit one of the hazardous characteristics identified in 40 CFR 261.20 – 40 CFR 261.24 (i.e., they are ignitable, corrosive, reactive, or toxic). If these wastes are mixed with non-hazardous materials and the mixture is then discharged to the sewer, the notification must be submitted only if the **entire mixture actually discharged** is > 15 kg (33 lb.) per calendar month and if the entire mixture discharged still exhibits the characteristic(s).

- **Listed Wastes:** These are wastes that are classified as hazardous pursuant to being listed in 40 CFR 261.30 – 40 CFR 261.33. If these listed wastes are mixed with non-hazardous materials and then discharged to the sewer, the entire waste stream is considered hazardous and a notification must be submitted. Thus, only if the entire waste stream containing the hazardous waste amounted to ≤ 15 kg (33 lb.) per calendar month, would the above exemption apply.
- **Questionable Wastes:** If you have any doubt about whether a mixture discharged to the sewer is hazardous, or if you do not wish to perform any calculations which may be necessary under the mixture rule (cf., 40 CFR 261.3(a)(2)(iii)) you should submit the one-time notification.

If you have any questions, please call me at **503.397.2344**

USEPA Region 10

Director
Office of Air, Waste & Toxics
USEPA Region 10 AWT-127
1200 6th Avenue
Seattle WA. 98102

Oregon DEQ

Manager
Hazardous Waste Policy & Program Development
Department of Environmental Quality
811 SW 6th Avenue
Portland, Oregon 97204-1390

Sincerely,

EXHIBIT E PERMIT APPLICATION

INDUSTRIAL WASTEWATER DISCHARGE PERMIT APPLICATION

General Instructions

This form serves as a basis for Industrial Wastewater Discharge Permit Issuance. The City will be verifying data contained in the returned form through phone calls and site visits. Please take the time to fill out the form thoroughly and adequately. Enclosed are copies of the environmental survey submitted for your reference. All questions should be answered. (Process wastewater also includes such items as spent solvents and chemicals dumped down floor drains and sinks.)

Section I	Water/Wastewater Data: completed by all users discharging or preparing to discharge process wastewater.
Section II	Plant/Process Data/Wastewater Treatment: completed by all users discharging or proposing to discharge process wastewater. (See <u>categorical user</u> discussion below.)
Section III	Wastewater Characteristic/sampling data: to be completed by <u>all industrial users</u> .
Section IV	Baseline Monitoring Report: to be completed by <u>all industrial users</u> . (New categorical users must submit this report at least 90 days prior to commencement of discharge.)
Section V	Final Compliance Report: The final compliance report is due within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, 90 days following commencement of the introduction of wastewater into the municipal wastewater system. Any industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in the sewer use ordinance. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the users 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. All compliance reports must be signed and certified in accordance with the sewer use ordinance.
Attachment A	Process Schematic flow form.
Attachment B	Building Layout form.

Sections I, II, III, IV, and V contain specific instructions and examples to help you answer the questions. The instructions are located on the backside of the pages.

New Facilities Proposing to Discharge Wastewater:

Please supply as much information as possible providing best estimates. Section I requires that a date for commencement of operations and discharge be provided.

Final Compliance Report (Section V):

1. Section V, which refers to categorical users, requires submittal of wastewater data as part of the final compliance report.

Categorical Users:

EPA has published specific federal standards called "categorical pretreatment standards." Industrial facilities covered by these standards are commonly termed "categorical users." Facilities not covered are termed in this document as "noncategorical users."

Compliance with Pretreatment Standards:

Industrial and commercial facilities that have or will have a process wastewater discharge are required to comply with federal standards and local standards (prohibitive and specific local limits), whichever apply or are more stringent. Sections III, IV, and V require that you make a statement regarding compliance with the "applicable pretreatment standard." In most cases, the City may not know which standards apply until it reviews the general information that you provide. If this is the case, you may wish to submit Sections I and II and request that the City provide additional information so that you can complete the remaining sections.

Instructions

General Information

Note:

Information must be typewritten or clearly printed. Attach additional sheets keyed to section and item number if needed to provide complete information. Signing official must have authorization to provide such information on behalf of the company, corporation, or partnership (see 40 CFR 403.12). Please complete a form for each facility that discharges to the City sanitary sewer system. Additional copies can be obtained by photocopying or by contacting the City. The address and phone number are provided below.

Please forward the completed form to the address shown below. If you have further questions, contact the City at 397-2344.

City of St. Helens
Plant operations/pretreatment supervisor
P.O. Box 278
St. Helens, OR 97051

1. Enter the name or title of your business.
2. Enter facility address where discharge occurs, if different than No. 2.
3. Give the name of the person who is thoroughly familiar with the facts reported on this form and who can be contacted by the City staff.

Confidentiality: In accordance with Title 40 of the Code of Federal Regulations Part 403.14, information and data provided in this questionnaire, which identifies the nature and frequency of discharge, shall be available to the public without restriction. Requests for confidential treatment of other information shall be governed by procedures specified in 40 CFR Part 2. Should a discharge permit be required for your facility, the information in this questionnaire will be used to issue the permit.

The Authorized Representative may be either a corporate official, a partner, a fiduciary, or other duly authorized representative if this person is responsible for the overall operation of the facility from which the discharge originates.

Instructions

Section I--Water/Wastewater Data

PROVIDE CALCULATIONS TO SUPPORT ALL FIGURES IN SECTION I.

1. Water Use and Distribution--Provide the daily average flows of water received and wastewater discharged in gallons per day for the last 12 months by dividing the total flows by the number of days that a discharge of water occurred (or operating day). For the water that is received from other than City Water services or discharged to other than City sewers, enter the location in the column headed "Source" or "Discharge To." Other source locations can include wells and rivers. Other discharge locations can include dry wells and receiving streams. Hourly and daily water supply meter readings may be used, provided the filling and discharge of storage tanks, process vats, etc., are taken into consideration.
 - For estimating sanitary flow, use 35 gallons for each employee.
 - Categorical users: Complete item 7 for providing flows for each of the regulated processes (process lines).
3. Discharge Period:
 - (a) Enter the hours of the day for each day, during which waste from this Business Activity will be discharged to the sewer: e.g., from 6 a.m. to 5 p.m.
 - (b) Enter the time duration of discharge other than continuous flows (15 minutes every hour).
4. Variation in Operation:

Indicate whether the business activity is continuous throughout the year or if it is seasonal. If the activity is seasonal, circle the months of the year during which discharge occurs. Make any comments you feel are required to describe the variation in operation of your business activity.

Section I--Water/Wastewater Data

1. Water use and distribution--Estimate the average quantity of water received and wastewater discharged daily (for new businesses, estimate flows).

	Supply From (gal/day)		Discharged To (gal/day)			
	Water District	Other Source	Comm. Sewer	Storm	Evaporation	Other
Water Used for:						
Sanitary						
Processes (categorical users see No. 7)						
Boiler/Cooling Tower						
Cooling Water Contact						
Washing (equipment washdown)						
Irrigation						
Air Pollution Control						
Surface Water						
Water Hauler						
Other						
(Describe)						
Total:						

2. If batch discharge occurs or will occur, indicate:

- (a) Percent processing as batch _____
- (b) Percent processing as continuous _____
- (c) Number of batch discharges _____ at _____
(days of week) (hours of day)
- (e) Average quantity per batch _____ gallons
- (f) Flow rate _____ gallons/minute

3. Discharge Period

- (a) Hours of Day Operated or planned:

M _____ T _____ W _____ Th _____ F _____ Sat _____ Sun _____

- (b) Time Duration of Discharge or planned:

M _____ T _____ W _____ Th _____ F _____ Sat _____ Sun _____

4. Variation of Operation

Is the business or proposed activity:
Continuous through the year []

Seasonal []--Circle the months of the year during which discharge occurs:

J F M A M J J A S O N D

Instructions

5. Process flow schematic: draw appropriate diagram(s) using the form in Attachment A.
 Go to Attachment A for form, instructions, and examples.
 Building layout: Draw layout of building using Attachment B.
 Go to Attachment B for form, instructions, and examples.

Section I--Waste/Wastewater Data (continued)

5. List existing or proposed plant sewer outlets, size, and flow (provide as-builts assign sequential reference number to each sewer starting with No. 1, see Attachment A and B).

Reference No.	Sewer Size (inches)	Descriptive location of sewer connection or discharge point	Daily Avg. flow (gal/day)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

6. General characteristic of wastewater or proposed wastewater discharge: (provide specific values for a., b., d., e., and f. if known)

- (a) Temperature: _____ F
- (b) pH range: _____
- (c) Flammable or explosive materials: Yes [] No [] Flashpoint _____ C
- (d) Fats, oils, and grease (mg/L): _____
- (e) BOD (mg/L): _____
- (f) TSS (mg/L): _____
- (g) Solid or viscous material: Yes [] No [] Describe _____
- (h) Priority Pollutants: Yes [] No [] Don't know [] *** SEE ATTACHMENT "A" OF COMPLETED ENVIRONMENTAL SURVEY FORM
- (i) Solvents: Yes [] No [] Don't know []

7. For categorical facilities, provide the following flows for each of your regulated processes or proposed regulated process (i.e., manufacturing process line covered by categorical pretreatment standards).

- (a) Total Plant Flow in gallons per day (gpd) discharged to the sewer system:
 Average _____ Maximum _____
- (b) Individual Process Flows (gpd)

No.	EPA Categorical No.	Regulated Process	Average flow rate (gpd)	Maximum flow rate (gpd)	Type of Discharge (batch, continuous, none)
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

8. Is an inspection and sampling manhole structure available on your discharge pipe? Yes [] No []

- If yes, provide location below and indicate on the as-built.
- Location description:
- If no, is one planned? Yes [] No []

9. Do you have automatic sampling equipment or continuous wastewater flow metering equipment currently in use or included in future plans?

Current: Flow Metering	Yes [] No [] N/A []	Sampling Equipment	Yes [] No []
] N/A []			
Planned: Flow Metering	Yes [] No [] N/A []	Sampling Equipment	Yes [] No []
] N/A []			

If so, please indicate the present or future location of this equipment on the sewer schematic and describe the equipment below:

Instructions

Section II--Business/Facility Description

1. Business Activity--Describe the principal activity on the premises. For the purpose of completing this Part, an activity is a major class of manufacturing. Enter the Standard Industrial Classification (SIC) Code Number, as found in the 1972 Edition of Standard Industrial Classification Manual prepared by the Executive Office of the President, Office of Management and Budget, which is available from the Government Printing Office at Washington, D.C., or at San Francisco, California. DO NOT USE PREVIOUS EDITIONS OF THE MANUAL. Copies are also available for examination at most public libraries. If you do not know, leave SIC No. blank.
 - (a) & (b) If not already provided in Attachment C of Section B, Environmental Survey, list all primary raw materials and chemicals used in the facility's operations. Avoid use of trade names of chemicals. If trade names are used, provide information regarding the active ingredients.
 - (c) Product--List the types of products, giving the common or brand name and the proper or scientific name. Enter from your records the average and maximum amounts produced daily for the activity for the previous calendar year, and the estimated daily production for this calendar year. Attach additional pages if necessary.
 - (d) Description--Describe the wastewater generating process occurring on the premises, including any seasonal variation in wastewater discharge volumes, plant operations, raw materials, and chemicals used in process and/or production.
 - (e) Substances discharged--Give common (brand names) and technical names (chemical, scientific or proper names) of each raw material and product that may be discharged to the sewer. Briefly describe the physical, (e.g., color) and chemical, (e.g., reacts with water) properties of each substance.

Section II-Business/Facility Description

PURPOSE--The business description is primarily used to determine the substances which may enter into the wastewater discharge from the business activity. Give detailed descriptions.

1. Business activity--(Complete a separate sheet for each major or proposed business activity or product line on premises.)

Activity: _____ SIC Nos.: _____

(a) Raw materials used or planned for use:

(b) Chemicals used or planned for use:

(c) Product (new businesses: provide best estimates):

Type of Product (Brand Names)	Past Calendar Year		Estimate This Calendar Year	
	Amounts Per Day (Daily Units)		Amounts Per Day (Daily Units)	
	Average	Maximum	Average	Maximum

(d) Description--Describe each wastewater generating or proposed operations or manufacturing process. Indicate variations in production and operations during the year. (Use additional sheets as necessary.)

(e) Substances Discharged--Give common and technical names of each major raw material and product that may be discharged to the sewer. Briefly describe the physical and chemical properties of each substance and products. (use additional sheets if necessary.)

NAME	DESCRIPTION
_____	_____
_____	_____
_____	_____

Instructions for Completing Sections III through V

The remaining three sections will facilitate the collection of the necessary quantitative wastewater information to assist the City in establishing applicable pretreatment limits and requirements. Existing NONCATEGORICAL FACILITIES are required to complete Section III , while EXISTING CATEGORICAL FACILITIES covered by federal categorical pretreatment standards ("categorical users") are required to complete Sections IV and V.

Section III--Wastewater Characterization

Section III is to be completed by noncategorical type facilities.

Section IV--Baseline Monitoring Report

Section IV is to be completed by categorical industries and submitted at least 90 days prior to commencement of discharge.

Section V--Final Compliance Report

The final compliance report is due within ninety (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 municipal wastewater system. Any industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in the sewer use ordinance. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the users 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. All compliance reports must be signed and certified in accordance with the sewer use ordinance.

Note:

New Facilities (categorical and noncategorical: new businesses moving into existing facilities and new business proposing to construct a new building)

Because no discharge of process wastewaters has occurred, Sections III and IV cannot be completed.

Contact the City if there are any questions on what limits apply to the discharge, what pollutants to sample, sampling requirements, and where to take samples. The general instructions on the back of the form provide general information on sampling.

Instructions

Section III--Wastewater Characterization

To be completed by all industrial users discharging or proposing to discharge process wastewater. (existing and new facilities that have not begun to operate and/or discharge). Attach additional sheets if needed. Contact the City before sampling, if not sure of pretreatment standards, sampling protocols.

- 1(a) Pollutants--List across the top specific pollutants (use abbreviations) regulated in the City code. Example: Copper - Cu.
- Monthly Average - Refer to the City code for pretreatment standards for the specific pollutant. Monthly averages shall be reported.
- Example: Monthly average (Copper - Cu = 2 mg/L)
 Monthly average (Zinc - Zn = 4 mg/L)
- You would enter 2 under Cu and 4 under Zn.
- Reported average: Average all the individual results and report the average in the spaces provided for each of the appropriate pollutants listed.
 - Indicate type of samples (i.e., grab, flow proportioned composite, etc.), analytical methods, and number of samples taken. The industrial user must ascertain whether it can meet the pollutant standards. The type of discharge, i.e., batch, continuous, routine historical information (e.g., existing data pollutant discharge) etc., is a factor that should guide the industrial user regarding the number of samples to be taken to ascertain compliance. Additionally, the time, date of sampling, and methods of analysis must be reported. Analytical

methods must be performed in accordance with 40 CFR Part 136 and any amendments thereto. It is important that the samples be representative and taken during full production.

Each daily composite shall be analyzed separately.

Section III--Wastewater Characterization

Note: Samples should be taken of the final effluent prior to discharge to the City's collection system. If there is more than one discharge of process wastewater to the City's sewer system, photocopy this page and supply the analytical results for multiple discharges.

1. For all industrial users (report results in concentrations (mg/L) or mass (lbs)) If a new source and not yet in production provide estimates.
 - (a) Each industrial user will sample, have analyzed, and report on all pollutants as specified by the City. where mass limits apply, the facility must report results on a mass limit basis (concentration \times regulated process flow = mass). Attach all calculations.

Samples collected must be representative and taken during peak production and peak cleaning or highest strength periods. Three 24-hour composite samples must be collected and analyzed separately for each pollutant unless otherwise noted. Further instructions are provided on the back.

ANALYTICAL RESULTS OF PROCESS WASTEWATER DISCHARGES

Pollutant										
Units										
Monthly Avg. Limit										
Reported Average										

1. Specify units used (mg/L or lb): _____
2. Sample type (grab, composite) _____
3. Number of samples collected (explain): _____
4. Dates and times samples collected: _____
5. Sample collection location: _____
6. Where samples analyzed: _____
7. Methods of analyses: _____
8. Flash point test: _____
9. Provide name and address of commercial labs that are performing analysis:

Name: _____ Address: _____

Name: _____ Address: _____

NOTE: The City may require that a Professional Engineer perform a treatability study, which will be submitted with the application.

Instructions

Section III--Wastewater Characterization (continued)

- 1(b) Compare the sample results against pretreatment standards provided by the City (contained in City Ordinance).
- Describe any additional O&M pretreatment and provide compliance schedule. Specify the major events needed to achieve compliance, as well as the dates for completion of each event (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contracts, commencing construction, completing construction, etc.). The shortest possible schedule should be provided.

The Qualified Certification pertains to the actual preparer of the report if different from the authorized representative.

The Authorized Representative may be either a corporate official, a partner, a fiduciary, or other duly authorized representative if this person is responsible for the overall operation of the facility from which the discharge originates. See 40 CFR 403.12(l)

Section III--Wastewater Characterization (continued)

- (b) Compliance certification:
- Are all applicable pretreatment standards being met on a consistent basis?
- Yes [] No []
- If not, what additional operations and maintenance procedures are being considered for compliance? Also, list additional pretreatment being considered to meet standards.
- (c) Provide a proposed schedule for meeting standards. Specify the major events along with corresponding dates. Note that this schedule will require comment by the City and will be subject to changes.

Qualified Professional Certification:

I hereby certify that Pretreatment Standards are either being met on a consistent basis as indicated above or that a pretreatment system is either planned (if the process being applied for is not in operation yet) or is in operation (if the process being applied for is in operation) that is adequate to achieve Federal, state, and local Pretreatment Standards on a consistent basis

Name (print)

Signature Title Date Phone

Authorized Representative Statement

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.

Name (print)

Signature Title Date Phone

Instructions

Section IV--Baseline Monitoring Report

To be completed by categorical users.

1.
 - a. If a BMR has already been submitted, please indicate.
 - b. If more than one report was submitted, specify how many, as well as the submittal dates of each and to what agency. Attach the most recent updated report submitted if not submitted to the USEPA Region Office or state.
 - c. Facilities who submitted an original BMR and were out of compliance with the pretreatment standards are required to submit compliance progress reports. The discharger should complete Item (d) if reports were submitted to one of the agencies. If a schedule was not developed, but construction has occurred, complete Item (e) and indicate completion dates. If the facility submitted a BMR, but not the necessary compliance schedule or progress reports, complete Section (f&g) with projected completion dates.

Section IV--Baseline Monitoring Report

1. For Categorical User Only

(a) A Baseline Monitoring Reports (BMR) _____ was _____ was not submitted. If not submitted, complete parts 2 through 6 of Section IV.

(b) The BMR was submitted to:

___ Local Municipality on:

___ State Agency on:

___ USEPA, Region X on

___ Most recent updated progress report is attached.

(c) Compliance Progress Reports (CPR) _____ were _____ were not submitted. If not submitted, complete parts d, e, f, g, as appropriate.

(d) The reports were submitted to:

___ Local Municipality on:

___ State Agency on:

___ USEPA, Region X on

___ Most recent updated progress report is attached.

(e) Compliance Schedule:

<u>Action Items</u>	<u>Completion Dates</u>
_____	_____
_____	_____
_____	_____
_____	_____

(f) I have not complied with each action item described in my compliance schedule or have not achieved final compliance. My reasons for delay as well as the necessary steps being taken to return to schedule are shown below.

(g) My revised schedule for achieving compliance is as follows:

<u>Action Items</u>	<u>Completion Dates</u>
_____	_____
_____	_____
_____	_____
_____	_____

Comments:

Instructions

Section IV--Baseline Monitoring Report (continued)

2. List each regulated process, the production rate (i.e., 10,000 lbs. of (product name/unit time-week, month, year), the category, and subpart of the applicable Categorical Pretreatment Standard as well as the SIC code for each process.
3. Each industrial user will sample, analyze, and report on all pollutants regulated specific to each process (refer to appropriate subcategory in regulations for regulated pollutants). Where mass limits exist, the facility will have to report results in mass limits (concentration x regulated process flow in million gallons/day x 8.34). The pretreatment standards are process-related. That is, a facility must comply with the standard at the end-of-the regulated process. However, EPA recognizes that many facilities combine their wastewater process lines, cooling H₂O, and sanitary discharge prior to treatment and discharge to municipal sewers. Hence, a facility can sample at a combined point, but will need to adjust the categorical limit it must meet by (i.e., calculate adjusted limits) employing the Combined Waste stream Formula that is contained in Section 403.6(e) of the General Pretreatment Regulations (Federal Register January 28, 1981. If this is the case with your facility, you must employ the formula and provide additional data for calculations. Contact the City for more guidance. Insert in the table the regulated pollutant (use abbreviations), the published average and maximum numerical limit for the particular pollutant found in the regulation, or adjusted limits as calculated by use of the combined waste stream formula, and the results of the sampling (average and maximum values). REVIEW THE INSTRUCTIONS FOR SECTION III ON HOW TO REPORT THE VALUES.

Indicate type of samples (i.e., grab, flow proportioned composite, etc.), analytical method, and number of samples taken. Indicate whether samples were taken of combined waste streams. The industrial user must ascertain whether it can meet the 30-day average, calculated average, daily maximum, or calculated maximum limit. The type of discharge, i.e., batch, continuous, routine historical information (e.g., existing data pollutant discharge) etc., is a factor that should guide the industrial user regarding the number of samples to be taken to ascertain compliance. Where feasible, samples should be 24hr flow-proportional composites. It is important that the samples be representative and taken during full production.

Section IV--Baseline Monitoring Report (continued)

2. Summarize Each Regulated Process:

Process Description	Production Rate	Pretreatment Standard Category	Subpart	SIC	Daily Flow	
					Avg	Max
Unregulated waste stream flow:	NA	NA	NA	NA		

Total plant flow: _____

3. Nature and Concentration of Pollutants (report concentrations in mg/L or mass in lbs):
 - a. Analysis of Regulated Flows

The industrial user must perform sampling and analysis of the effluent from all regulated process (after treatment, if applicable). Provide the analytical data for the regulated processes in the space provided below. Attach additional sheets if necessary (simply Xerox the table and questions below). Only those pollutants specifically regulated by the applicable category need be reported. Refer to backside for further instructions on where to take samples and how many samples to take. If the effluent samples were taken at one combined point, indicate alongside the regulated process line what process flows are commingled at this point.

Regulated Process line(s):

Process Flow(s) (Daily avg. in MGD):

ANALYTICAL RESULTS OF PROCESS WASTEWATER DISCHARGES

Pollutant										
Units										
Monthly Avg. Limit										
Reported Average										
Daily Max. Limit										
Reported Maximum										

- b. Sample type (grab, composite): _____
- c. Number of samples collected (explain): _____
- d. Dates and times samples collected: _____
- e. Sample collection location: _____
- f. Where samples analyzed: _____
- g. Methods of analyses: _____
- h. Provide name and address of commercial lab performing analyses:
 Name: _____ Address: _____

Instructions

Section IV--Baseline Monitoring Report (continued)

- 4. Facilities covered by a TTO pretreatment standard must initially sample for TTO and determine compliance. Contact City for list of toxics applicable to your operations.
- 4(a) Facilities that utilized none of the toxic organics can provide a certification statement in lieu of having to monitor for toxics.
- 4(d) Facilities whose sampling results indicate compliance with TTO standards can develop a solvent management plan in lieu of having to periodically sample for toxic organics. Contact the City for guidance.
- 5(a) In order to determine compliance with published or calculated mass-based categorical standards, a facility will need to compare its allowable mass limit (e.g., Pb = $.00261 \text{ lbs} \times 200 \text{ lbs of steel produced} = 0.533 \text{ lb}$) against the actual mass loading derived from sampling (i.e., $\text{conc.} \times \text{regulated process flows} \times 8.34 = \text{lbs discharged}$). If categorical standards are published in concentration, then a facility only needs to compare the concentration of its effluent against the regulated standards for the particular pollutant.
 Unless the categorical standard requires conversion of concentration based limits to mass limits.
- 5(c) Describe any additional O&M or pretreatment and attach a proposed compliance schedule. Specify the major events needed to achieve compliance, as well as the dates for completion of each event (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contracts, commencing construction, completing construction, etc.). the shortest possible schedule should be provided. Include schedule in Section V4.
- 6. The Qualified Professional Certification pertains to the actual preparer of the report if different from the authorized representative.

 The Authorized Representative may be either a corporate official, a partner, a fiduciary, or other duly authorized representative if this person is responsible for the overall operation of the facility from which the discharge originates.

Section IV--Baseline Monitoring Report (continued)

4. Total Toxic Organics (TTOs):

Facilities who use toxic organics listed by EPA in its published categorical pretreatment standards are required to meet TTO pretreatment standards and must initially sample for TTO and determine compliance. Facilities found to be in compliance with TTO standards can develop a solvent management plan in lieu of having to periodically sample for toxic organics.

- (a) We presently do not or plan to use any of the toxic organics that are listed under the TTO standard located in the applicable categorical pretreatment standards published by EPA.]
- (b) We presently use or plan to use organic toxics listed in the categorical pretreatment standards.
] Complete Parts c and d.
- (c) A BMR has previously been submitted which contains TTO information.
Yes] No]
- (d) A solvent management plan has been developed and is attached.
Yes] No]

5. Compliance Certification

- (a) Is the facility meeting applicable categorical pretreatment standards on a consistent basis?
Yes] No]
- (b) If no, do you require:
 - (1) Additional operation and maintenance (O&M) to achieve compliance? Yes]
No]
 - (2) New or additional pretreatment facilities to achieve compliance? Yes]
No]
- (c) If additional O&M or new or additional pretreatment will be required to meet categorical pretreatment standards on a consistent basis, attach a description of it and a schedule on separate sheets. Project increments of progress indicating dates for the commencement and completion of major events leading to compliance with the standard. Note: The final compliance date in this schedule shall not be later than the compliance date for the applicable pretreatment standard. Written progress reports are required within 14 days of each of the compliance dates specified in the compliance schedule as specified by City.
- (d) I have provided a proposed compliance schedule? Yes] No]
]

6. Environmental Permits

- Have you been issued a local, state, or federal environmental permit? Yes] No]
]
- If "Yes" please list the type of permits: _____

Qualified Professional Certification:

I hereby certify that Pretreatment Standards are either being met on a consistent basis as indicated above or that a pretreatment system is either planned (if the process being applied for is not in operation yet) or is in operation (if the process being applied for is in operation) that is adequate to achieve Federal, state, and local Pretreatment Standards on a consistent basis

Name (print)

Signature Title Date Phone

Authorized Representative Statement:

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.

Name (print)

Signature Title Date Phone

Instructions

Section V--Final Compliance Report

Note: Contact the City before sampling, if not sure of pretreatment standards, sampling protocols.

EXISTING USERS

Categorical users

Submit the information requested within 90 days of the final compliance dates specified in EPA's categorical pretreatment regulation.

NEW FACILITIES (categorical)

Retain this section, but complete all previous sections and return the form to the City. This section should be completed and returned to the City within 90 days of commencement of discharge.

The categorical user must perform sampling and analysis of the effluent from all regulated process (after treatment, if applicable). Provide the analytical data for the regulated processes in the space provided below. Attach additional sheets if necessary (simply Xerox the table and questions). If you are reporting adjusted limits, submit all appropriate calculations and flow data on additional sheets.

Section V--Final Compliance Report (FCR)

1. Existing Users

(a) A Final Compliance Report (FCR) ____ was ____ was not submitted. If not submitted, complete parts 2 through 5.

(b) The FCR was submitted to:

____ Local Municipality on: _____

____ State Agency on: _____

____ USEPA, Region X on: _____

(c) If a FCR has previously been submitted, was your facility in compliance with the applicable standards?

Yes [] No []

- If no, you must perform additional sampling and complete parts 2 through 5.
- If yes, simply submit a copy of your previous FCR that indicates compliance. You will not be required to complete the rest of this section.

(d) Total Toxic Organics (TTOs):

Categorical users who use toxic organics listed by EPA in its published categorical pretreatment standards are required to meet TTO pretreatment standards and must initially sample for TTO and determine compliance. Facilities found to be in compliance with TTO standards can develop a solvent management plan in lieu of having to periodically sample for toxic organics.

1. We presently do not or plan to use any of the toxic organics that are listed under the TTO standard located in the applicable categorical pretreatment standards published by EPA. []

2. Are any of the organic toxics listed in the categorical pretreatment standards used at this facility?

Yes [] No []

3. A solvent management plan has been developed and is attached.

Yes [] No []

Instructions

Section V--Final Compliance Report (continued)

2(a) List each regulated process line and process flow

- Pollutants--List across the top specific pollutants (use abbreviations) regulated in the City code. Example: Copper - Cu.
- Daily Maximum and Monthly Average - Refer to the City code for pretreatment standards for the specific pollutant. Most cities have daily maximum pretreatment standards (limits, and not monthly averages).

Example: Daily maximum (Copper - Cu = 2 mg/L)
 Monthly average (Zinc - Zn = 4 mg/L)

- Reported maximum: Report the highest maximum concentration for the samples collected and analyzed.
- Reported average: If more than one sample was taken, average all the individual results and report the average in the spaces provided for each of the appropriate pollutants listed.
- For categorical users sample, analyze, and report on all pollutants regulated specific to each process (refer to appropriate subcategory in regulations for regulated pollutants). Where mass limits exist, the facility will have to report results in mass limits (concentration x regulated process flow in million gallons/day x 8.34). Pretreatment standards are process-related. That is, a facility must comply with the standard at the end-of-the regulated process. However, EPA recognizes that many facilities combine their wastewater process lines, cooling H₂O, and sanitary discharge prior to treatment and discharge to municipal sewers. Hence, a facility can sample at a combined point, but will need to adjust the categorical limit it must meet by (i.e., calculate adjusted limits) employing the Combined Waste stream Formula that is continued in Section 403.6(e) of the General Pretreatment Regulations (Federal Register January 28, 1981). If this is the case with your facility, you must employ the formula and provide additional data for calculations. Contact the City for more guidance. Where feasible, samples should be flow-proportional composites. Additionally, the time, date of sampling, and 40 CFR Part 136 and any amendments thereto. It is important that the samples be representative and taken during full production. Each daily composite shall be analyzed separately.
- Indicate type of samples (i.e., grab, flow proportioned composite, etc.), analytical methods, and number of samples taken. Indicate whether samples were taken of combined waste streams. The industrial user must ascertain whether it can meet the applicable pretreatment standards. The type of discharge, i.e., batch, continuous, routine historical information (e.g., existing data pollutant discharge) etc., is a factor that should guide the industrial user regarding the number of samples to be taken to ascertain compliance.

For categorical users, to determine compliance with published or calculated mass-based categorical standards, a facility will need to compare its allowable mass limit (e.g., Pb = .00261 lbs x 200 lbs of steel produced = 0.533 lb) against the actual mass loading derived from sampling (i.e., conc. x regulated process flows x 8.34 = lbs discharged). If categorical standards are published in concentration, then a facility only needs to compare the concentration of its effluent against the regulated standards for the particular pollutant.

Unless the categorical standard requires conversion of concentration based limits to mass limits.

Section V--Final Compliance Report (continued)

2. (a) Nature of Wastewaters Discharged (report in concentrations (mg/L) or mass (lbs)):

NOTE: PLEASE READ THE INSTRUCTIONS PROCEEDING.

The categorical user must perform sampling and analysis of the effluent from all regulated process (after treatment, if applicable). Provide the analytical data for the regulated processes in the space provided below. Attach additional sheets if necessary (simply Xerox the table and questions below). If you are reporting adjusted limits, submit all appropriate calculations and flow data on additional sheets. Refer to backside for further instructions on where to take samples and how many samples to take.

Only those pollutants specifically regulated by EPA's applicable category standard or specified by the City need be reported. If the effluent samples were taken at one combined point indicate alongside the regulated process line what process flows are commingled at this point.

Regulated Process line: _____

Process Flow(s) (Avg. daily): _____

ANALYTICAL RESULTS OF PROCESS WASTEWATER DISCHARGES

Pollutant										
Units										
Monthly Avg. Limit										
Reported Average										
Daily Max. Limit										
Reported Maximum										

b. Sample type (grab, composite): _____

c. Number of samples collected (explain): _____

d. Dates and times samples collected: _____

e. Sample collection location: _____

f. Where samples analyzed: _____

g. Methods of analyses: _____

h. Provide name and address of commercial lab performing analyses:

Name: _____ Address: _____

Instructions

Section V--Final Compliance Report (continued)

The Qualified Certification pertains to the actual preparer of the report if different from the authorized representative.

The Authorized Representative may be either a corporate official, a partner, a fiduciary, or other duly authorized representative if this person is responsible for the overall operation of the facility from which the discharge originates.

Section V--Final Compliance Report (continued)

3. Compliance Certification

(a) Is the facility meeting applicable pretreatment standards on a consistent basis?

Yes [] No []

(b) If no, do you require:

(1) Additional operation and maintenance (O&M) to achieve compliance? Yes []

No []

(2) New or additional pretreatment facilities to achieve compliance? Yes []

No []

Qualified Professional Certification:

Applicable pretreatment standards for the permit applicant are being met on a consistent basis:

[] Yes

[] No : if no, then please explain whether additional operations and maintenance or additional pretreatment is required to meet the pretreatment requirements and standards on a consistent basis.

Explanation:

Print Name

Title

Signature

Date

Name (print)

Signature

Title

Date

Phone

Authorized Representative Statement:

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.

Name (print)

Signature

Title

Date

Phone

Instructions

PROCESS FLOW SCHEMATIC

Separate drawing should be completed for each major business activity.

A line drawing (schematic flow diagram) of each major business activity is to be completed in the space below or drawn on an attached sheet of paper (all sheets should be letter size). Number each process which generates wastewater using the same numbering as in the building layout or plant site plan shown in the building layout schematic. An example of drawing required is shown below in Figure 1.

To determine your average daily volume and maximum daily volume of wastewater flow, you may have to read water meters, sewer meters, or make estimates of volumes that are not directly measurable.

ATTACHMENT A-SCHEMATIC FLOW DIAGRAM

For each major activity in which wastewater is generated, draw a diagram of the flow of materials and water from start to completed activity, showing all unit processes generating wastewater. Number each unit process having wastewater discharges to the community sewer. Use these numbers when showing this unit process in the building layout in schematic. Use the space below or additional sheets of 8x11 paper. An example is provided on the backside.

Instructions

See example:

ATTACHMENT B-BUILDING LAYOUT

Draw to scale the location of each building on the premises. Show location of all water meters (current and planned, storm drains, numbered unit processes (from process schematic(s)), community sewers and each side sewer connected to the community sewers, automatic sampling equipment (current and planned), location of pretreatment processes, treated flows and untreated flows, name and location of pertinent streets. Use flow schematic to indicate process and process discharge in gpd. Number each side sewer and show possible sampling locations (sampling manhole).

An attached blueprint or drawing of the facilities showing the above items may be substituted for a drawing on this sheet. See example on the back.

(This page intentionally left blank)

EXHIBIT F PERMIT FACT SHEET



1. Brief description of industrial user:

BUSINESS NAME: _____

Address: _____

Actual Location of Facility if Different Than Address Above:

Contact Information:

1.) Name: _____ Phone Number: _____ Position: _____

2.) Name: _____ Phone Number: _____ Position: _____

Authorized Signatory Official: _____ Date: _____

Type of Operation(S) in which the Facility is Engaged (E.G., Manufacture Of Battery Terminals)

Brief Description of the Plant Processes or Other Sources of Generated Wastewater:

Categorical Determination: _____

2. Type and quantity of the discharge

Rate or Frequency of the Discharge: _____

Average Flow: _____ Daily Maximum Flow: _____

Daily Maximum and Monthly Average Discharge of any Pollutants Present in Significant Quantities or Subject to Limitations or Prohibition: _____

3. Basis for the permit limits including,

Permit Application Documents (Attach a Copy of the Page Referred to With Highlighted Section)

Any Permit Modifications? (If So, Why And When).

Compliance History Status (If Applicable)

Accidental Spill Prevention Slug Control Plan

Required? Yes ____ No ____
Approved Yes _____ Date _____ No ____ Why _____
If no Plan Required, are "Other Actions" Required in Place of ASP/SCP? Yes: ____ No: ____

Analytical Data For Pollutants (provided in both a complete and summary form so that they can be easily reviewed and verified.)

Copies of or Citations to Federal, State, and Local Limits Regulations

Copies of Literature Information Where They Were Used to Develop Permit Limits

Plant Layouts and Process Wastewater Flow Diagrams

4. Give a detailed discussion of any special conditions in the permit and the rationale for pollutant selection and limits development.

5. Calculations showing the actual numbers used to derive each limit, including:

Combined Wastestream Formula or Flow Weighted Average Calculations

Equivalent Mass or Concentration-Based Limits Calculations

Local Limits Allocation Basis (BMPs In Lieu)

Most Stringent Limit Imposed (show comparison of potential limits)

EXHIBIT G PERMIT ISSUANCE LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Issuance of Industrial User Permit to
the
Permit No.

by

Dear

Your application for an industrial user pretreatment permit has been reviewed and processed in accordance with

The enclosed covers the wastewater discharged from the facility located at into the City of St. Helens sewer system. All discharges from this facility and actions and reports relating thereto shall be in accordance with the terms and conditions of this permit.

If you wish to appeal or challenge any conditions imposed in this permit, a petition shall be filed for modification or reissuance of this permit in accordance with the requirement of

within 30 days of

By: _____
City of St. Helens

Issued this day of , 19 _____

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EXHIBIT H INDUSTRIAL DISCHARGE PERMIT EXAMPLE
COVER PAGE

Permit No.

INDUSTRIAL USER PERMIT

In accordance with the provisions of

is hereby authorized to discharge industrial wastewater from the above identified facility and through the outfalls identified herein into the City of St. Helens sewer system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, state, and federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit.

Noncompliance with any term or condition of this permit shall constitute a violation of the City of St. Helens sewer use ordinance, Ordinance No.

This permit shall become effective on _____ and shall expire at midnight on _____

[Official Seal of Control Authority]

By: _____
Superintendent

Issued this _____ day of _____, 19____

PART 1 – EFFLUENT LIMITATIONS

A. During the period of _____ to _____ the permittee is authorized to discharge process wastewater to the City of St. Helens sewer system from the outfalls listed below.

Description of outfalls:

<u>Outfall</u>	<u>Descriptions</u>
----------------	---------------------

B. During the period of _____ to _____ the discharge from outfall _____ shall not exceed the following effluent limitations. Effluent from this outfall consists of the most stringent of all applicable categorical and/or local limits as listed below:

Classification of Categorical/Sub-Categorical Standard that applies: _____
Classification as New/Existing _____

Applicable limits are based on the application of CWF and/or FWA and/or Categorical Standard Variance.

EFFLUENT LIMITATIONS

<u>Parameter</u>	Daily maximum (mg/l)	Monthly average (mg/l)
------------------	----------------------	------------------------

BMP Requirements (If Applicable): _____

PART 2 – MONITORING REQUIREMENTS

Sample	Measurement
<u>Parameter (units)</u> <u>Outfall</u> <u>Frequency</u>	<u>Sample Type</u>

TTO (Total Toxic Organic) Requirements Applicable Yes ___ No ___

TOMP (Toxic Organic Management Plan) Received Yes ___ Date ___ No ___

All handling and preservation of collected samples and laboratory analyses of samples shall be performed in accordance with 40 CFR Part 136 and amendments thereto unless specified otherwise in the monitoring conditions of this permit.

PART 3 - REPORTING REQUIREMENTS

A. Monitoring Reports

Monitoring results obtained shall be summarized and reported on a form worked out with the industrial user and approved by the City once per month. The reports are due on the ____ day of each month. The first report is due on ____ . The report shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analyses were performed during the calendar month preceding the submission of each report including measured maximum and average daily flows.

- B. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by EPA or as specified in this permit, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and results shall be reported in the monthly report submitted to the City of St. Helens. Such increased monitoring frequency shall also be indicated in the monthly report.

C. Automatic Resampling

If the results of the permittee's wastewater analysis indicates that a violation of this permit has occurred, the permittee must:

1. Inform the City of St. Helens of the violation within 24 hours; and
2. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days of becoming aware of the violation.

D. Accidental Discharge Report

1. The permittee shall notify the City of St. Helens* immediately upon the occurrence of any accidental discharge of substances prohibited by City ordinance or any slug loads or spills that may enter the public sewer which has the potential to disrupt the City of St. Helens sewer treatment process and/or endanger the health and safety of City employees.
2. The notification shall include location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, state, or federal laws.

*Wastewater treatment plant 397-2344, after hours (503) 366-3104.

Within five days following an accidental discharge, the permittee shall submit to the City of St. Helens a detailed written report. The report shall specify:

- a. Description and cause of the upset, slug load of accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.
- b. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.

- c. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.
- E. All reports required by this permit shall be submitted to the City of St. Helens at the following address:

Attn: Plant operations/pretreatment supervisor
Address: PO Box 278
St. Helens, OR 97051

PART 4 - SPECIAL CONDITIONS
SECTION 1 - ADDITIONAL/SPECIAL MONITORING REQUIREMENTS

SECTION 2 - REOPENER CLAUSE

- A. This permit may be reopened and modified to incorporate any new or revised requirements contained in a National categorical pretreatment standard.
- B. This permit may be reopened and modified to incorporate any new or revised requirements resulting from the City of St. Helens reevaluation of its local limit
- C. This permit may be reopened and modified to incorporate any new or revised requirements developed by the City of St. Helens as are necessary to ensure POTW compliance with applicable sludge management requirements promulgated by EPA (40 CFR 503).

SECTION 3 - COMPLIANCE SCHEDULE

- A. The permittee shall accomplish the following tasks in the designated time period:
- B. Compliance Schedule Reporting

No later than 14 days following each date in the above schedule, the permittee shall submit to the City of St. Helens a report 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 the increment of progress, the reasons for delay, and the steps being taken to return the project to the schedule established.

PART 5 - STANDARD CONDITIONS
STANDARD CONDITIONS FOR PERMITS

DEFINITIONS

- 1. Definitions
 - a. Daily Maximum - The maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

- b. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on either an increment of flow or time.
- c. Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- d. Instantaneous Maximum Concentration - The maximum concentration allowed in any single grab sample.
- e. Cooling Water -
 - (1) Uncontaminated: Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the intake water.
 - (2) Contaminated: Water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.
- f. Monthly Average - The arithmetic mean of the values for effluent samples collected during a calendar month or specified 30-day period (as opposed to a rolling 30-day window).
- g. Weekly Average - The arithmetic mean of the values of effluent samples collected over a period of seven consecutive days.
- h. Bi-Weekly - Once every other week.
- i. Bi-Monthly - Once every other month.
- j. 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 preventative maintenance, or careless, or improper operation.
- k. Bypass - Means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

B. GENERAL CONDITIONS

1. Severability

If any provision(s) of sewer use ordinance 2746 is (are) invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

2. Duty to Comply

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Permit Modification

This permit may be modified for good causes including, but not limited to, the following:

- a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements.
- b. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of permit issuance.
- c. A change in the municipal wastewater system that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. Information indicating that the permitted discharge poses a threat to the city's municipal wastewater system, city personnel, or the receiving waters.
- e. Violation of any terms or conditions of the wastewater permit.
- f. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.
- g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- h. To correct typographical or other errors in the permit.
- i. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Permit Termination See Sewer Use Ordinance City Municipal Code (SHMC) Title 13, Chapter 16, for complete list

This permit may be terminated for the following reasons:

- a. Falsifying self-monitoring reports
- b. Tampering with monitoring equipment
- c. Refusing to allow timely access to the facility premises and records
- d. Failure to meet effluent limitations
- e. Failure to pay fines
- f. Failure to pay sewer charges

g. Failure to meet compliance schedules.

6. Permit Appeals

Any person, including the industrial user, may petition to the City to reconsider the terms of the permit within thirty (30) days of the issuance of the final permit.

- a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- b. In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the permit.
- c. The effectiveness of the permit shall not be stayed pending the appeal.
- d. If the City fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative action for purposes of judicial review.
- e. Aggrieved parties may seek judicial review of the final administrative permit decision.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of federal, state, or local laws or regulations.

8. Limitation on Permit Transfer

Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the City:

- a. The permittee must give at least thirty (30) days advance notice to the City, and provide the new owner with a copy of the existing permit.
- b. The notice must include a written certification by the new owner which:
 - (1) States that the new owner has no immediate intent to change the facility's operations and processes
 - (2) Identifies the specific date on which the transfer is to occur
 - (3) Acknowledges full responsibility for complying with the existing permit.

9. Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a. The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit.

- b. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

10. Dilution

The permittee shall not increase the use of potable or process water or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

11. General Prohibitive Standards

The permittee shall comply with all the general prohibitive discharge standards in City of St. Helens Municipal Code (SHMC) Title 13, Chapter 16. Namely, the industrial user shall not discharge wastewater to the sewer system:

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general prohibitions apply to all users of the municipal wastewater system whether or not the user is subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. Furthermore, no user may contribute the following substances to the system:

- a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the municipal wastewater system. Included in this prohibition are waste streams with a closed cup flashpoint of less than 140 F (60 C) using the test methods prescribed in 40 CFR 261.21.
- b. Solid or viscous substances in amounts which will cause obstruction to the flow to the POTW but in no case solids greater than one half inch (1/2")(1.27 centimeters) in any dimension.
- c. Any fat, oils or greases, including but not limited to petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- d. Any wastewater having a pH less than 5.0 or more than 9.0 unless, as is provided for in 40 CFR 403.5(b)(2), the POTW is specifically designed to accommodate such discharges; or which may otherwise cause corrosive structural damage to the POTW.
- e. Any wastewater containing pollutants in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to pass through or interfere with the municipal wastewater system, any wastewater treatment or sludge process, or constitute a hazard to humans or animals.
- f. Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- g. Any substance which may cause the treatment plant effluent or any other residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the system cause the City to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic

Substances Control Act, or other state requirements applicable to the sludge use and disposal practices being used by the City.

- h. Any wastewater having a temperature greater than 150° F (55 C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40 C), unless as allowed by 40 CFR 403.5(b)(5), the approval authority, upon request of the POTW, approves alternate temperature limits.
- i. Any wastewater containing any radioactive waste or isotopes except as specifically approved by the City in compliance with applicable state or federal regulations.
- j. Any pollutants which result in the presence of toxic gases, vapor or fumes within the system in a quantity that may cause worker health and safety problems.
- k. Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with Section 3.6 of the city sewer use ordinance.
- l. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the City.
- m. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- n. Any medical wastes, except as specifically authorized by the City in a wastewater permit.
- o. Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
- p. Any material identified as hazardous waste according to 40 CFR Part 261 except as specifically authorized by the City.
- q. Any wastewater causing the treatment plant effluent to demonstrate toxicity to test species. Species is defined in the bioassay testing requirements in the NPDES Permit issued to the City of St. Helens.
- r. Recognizable portions of the human or animal anatomy.
- s. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.

Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the municipal wastewater system.

12. Compliance with Applicable Pretreatment Standards and Requirements

Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, state and federal pretreatment standards and requirements including any such standards or requirements that may become effective during the term of this permit.

OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. **Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
2. **Duty to Halt or Reduce Activity**

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
3. **Bypass of Treatment Facilities**
 - a. Bypass means the intentional diversion of waste streams from any portion of an individual user's treatment facility.
 - b. 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 provisions of c. and d.
 - c. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the City, if possible at least ten days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the City within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided with 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 reuse, eliminate, and steps taken or planned to reduce, eliminate, and reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
 - d. Bypass is prohibited, and the City may take enforcement action against an Industrial User for a bypass, unless;
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) 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
 - (3) The Industrial User submitted notices as required under paragraph c. of the section.

- e. The City may approve an anticipated bypass after considering its adverse effects, if the City determines that it will meet provisions (d)(1), (2) and (3) of this section.
4. Removed Substances
- Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected and maintained to ensure their accuracy. Monitoring points shall not be changed without notification to and the approval of the City of St. Helens.

2. Flow Measurements

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

3. Analytical Methods to Demonstrate Continued Compliance

Sampling and analyses shall be performed in accordance with procedures established by the EPA Region 10 Administrator pursuant to Section 304(h) of the Act and contained in 40 CFR part 136 and its amendments or with any other test procedures approved by the EPA Region 10 Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Region 10 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 City or other parties, approved by the Region 10 Administrator.

4. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures identified in Section C.3, the results of this monitoring shall be included in the permittee's self-monitoring reports.

5. Inspection and Entry

The permittee shall allow the City of St. Helens, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- d. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and
- e. Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored, or be discharged to the sewer system.

6. Retention of Records

- a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart 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, for a period of at least three years from the date of the sample, measurement, report or application.

This period may be extended by request of the City of St. Helens, EPA, or DEQ at any time.

- b. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the EPA, DEQ or the City of St. Helens shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

7. Record Contents

Records of sampling and analyses shall include:

- a. The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
- b. Who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. Who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

8. Falsifying Information

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

ADDITIONAL REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice to the City of St. Helens 90 days prior to any facility expansion, production increase, or process modifications which result in new or substantially increased discharges or a change in the nature of the discharge.

In addition, the Permittee whom may have permit limitations calculated from a production based standard shall notify the City within two (2) business days after the Permittee has a reasonable basis to know that the production level will significantly change within the next calendar month. Any Permittee not notifying the City of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

2. Notification of Changed Discharge

a. The Permittee shall promptly notify the City of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Permittee has submitted initial notification under 40 CFR 403.12(p).

3. Anticipated Noncompliance

The permittee shall give advance notice to the City of St. Helens of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

4. Automatic Resampling

If the results of the permittee's wastewater analysis indicates a violation has occurred, the permittee must notify the City of St. Helens within 24 hours of becoming aware of the violation and repeat the sampling and pollutant analysis and submit, in writing, the results of this repeat analysis within 30 days after becoming aware of the violation.

5. Duty to Provide Information

The permittee shall furnish to the City of St. Helens, within five working days, any information which the City of St. Helens 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 shall also, upon request, furnish to the City of St. Helens within five working days copies of any records required to be kept by this permit.

6. Signatory Requirements

All applications, reports, or information submitted to the City of St. Helens must contain the following certification statement and be signed as required in Sections a, b, c, or d below:

"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."

a. By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

- (1) 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;
- (2) The manager of one or more manufacturing, production, or operation 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.

- b. By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively.
- c. The principal executive officer or director having responsibility for the overall operation of the discharging facility if the Industrial User submitting the reports is a federal, state, or local governmental entity, or their agents.
- d. By a duly authorized representative of the individual designated in paragraph a, b, or c of this section if:
 - (1) the authorization is made in writing by the individual described in paragraph a, b, or c;
 - (2) 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 a well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (3) the written authorization is submitted to the City.
- e. If an authorization under paragraph d 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 the environmental matters for the company, a new authorization satisfying the requirements of paragraph d of this section must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

7. Operating Upsets

Any permittee that experiences an upset in operations that places the permittee in a temporary state of noncompliance with the provisions of either this permit or with Section 2, General Sewer Use Requirements of City Ordinance No.2746, shall inform the City of St. Helens within 24 hours of becoming aware of the upset at 397-6272.

A written follow-up report of the upset shall be filed by the permittee with the City of St. Helens within five days. The report shall specify:

- a. Description of the upset, the cause(s) thereof and the upset's impact on the permittee's compliance status;
- b. Duration of noncompliance, including exact dates and times of noncompliance, and if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset.

The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner.

A documented and verified operating upset shall be an affirmative defense to any enforcement action brought against the permittee for violations of categorical pretreatment standards attributable to the upset event if the requirements of 40 CFR 403.16(c) are met.

8. Annual Publication

A list of all industrial users in Significant Noncompliance (SNC) during the twelve (12) previous months shall be annually published by the City of St. Helens in the largest daily newspaper (The Oregonian) within its service area. Accordingly, the permittee is apprised that noncompliance with this permit may result in publication of its name in an appropriate newspaper in accordance with this section.

9. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under Section 11, Judicial Enforcement Remedies of City Ordinance, or state or federal laws or regulations.

10. Penalties for Violations of Permit Conditions

Section 11, Judicial Enforcement Remedies of City Ordinance, provides that any person who violates a permit condition is subject to a civil penalty of at least \$1,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to criminal penalties of a fine of up to \$1,000 per day of violation, or by imprisonment for one year, or both. The permittee may also be subject to sanctions under state and/or federal law. A second conviction is punishable by a fine of \$3,000 per day of violation, or by imprisonment for one year, or both.

11. Recovery of Costs Incurred

In addition to civil or criminal liability, the permittee violating any of the provisions of the permit or General Sewer Use Requirements, City Ordinance, or causing damage to or otherwise inhibiting the City of St. Helens wastewater disposal system shall be liable to the City of St. Helens for any expense, loss, or damage caused by such violation or discharge. The City of St. Helens shall bill the permittee for the costs incurred by the City of St. Helens for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of Section 10, Administrative Enforcement Remedies, and City Ordinance.

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EXHIBIT I NOV EXAMPLE

CITY OF ST. HELENS

IN THE MATTER OF)	
)	
NAME OF INDUSTRY)	NOTICE OF VIOLATION
ADDRESS)	
)	

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the city under Section xxx of the city's sewer use ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section xxx of the city's sewer use ordinance.

FINDINGS

1. The City is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, city administers a pretreatment program.
3. Under this pretreatment program, [name of industry] was issued a discharge permit.
4. The discharge permit issued to [name of industry] contained numerical limits on the quality of pollutants, which [name of industry] could discharge and self monitoring requirements.
5. On [date], pollutant analysis revealed that the quantity of [pollutant] exceeded the permit limitation.

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, [NAME OF INDUSTRY] IS HEREBY NOTIFIED THAT:

1. It is in violation of its discharge permit and the sewer use ordinance of the City of St. Helens.
2. [name of industry] Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, including specific action, shall be submitted to the City.

[Name]
[Address]

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EXHIBIT J CEASE AND DESIST ORDER EXAMPLE

CITY OF ST. HELENS

IN THE MATTER OF)
)
NAME OF INDUSTRY) CEASE AND DESIST ORDER
ADDRESS)
)
)

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the City under Section xxx of the city's sewer use ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section of the city's sewer use ordinance.

FINDINGS

1. [Industry] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the City of St. Helens.
2. [Industry] is a "significant industrial user" as defined by Section xxx of the city's sewer use ordinance.
3. [Industry] was issued a wastewater discharge permit on [date] which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of [industry].
5. This data shows that [industry] has violated the sewer use ordinance in the following manner:
 - a. [Industry] has continuously violated its permit limits for xxx in each sample collected between [date] and [date].
 - b. [Industry] has also failed to comply with an administrative compliance order requiring the installation of a pretreatment system and the achievement of compliance with its permit limits by [date].
 - c. [Industry] has failed to appear at a show cause hearing pursuant to an order requiring said attendance.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INDUSTRY] IS HEREBY ORDERED TO:

1. Within 24 hours of receiving this order, cease all non-domestic discharges into the city's sanitary sewer. Such discharges shall no recommence until such time as [Industry] is able to demonstrate that it will comply with its current permit limits.
2. Failure to comply with this order may subject [Industry] to having its connection to the sanitary sewer sealed by the city, and assessed the costs therefor.
3. Failure to comply with this order shall also constitute a further violation of the sewer use ordinance and may subject [Industry] to civil or criminal penalties or such other enforcement response as may be appropriate.
4. This order, this [date] shall be effective upon receipt by [Industry].

[Name]
[Address]

EXHIBIT K CONSENT ORDER EXAMPLE

CITY OF ST. HELENS

IN THE MATTER OF)
)
NAME OF INDUSTRY) ADDRESS
ADDRESS)
)
)

CONSENT ORDER

WHEREAS, the City of St. Helens pursuant to its powers, duties and responsibilities vested in and imposed upon it by provisions of the city's sewer use ordinance, has conducted an ongoing investigation of [Industry] and has determined that:

1. The city owns and operates a wastewater treatment plant which is adversely impacted by discharge from industrial users, including [Industry], and has implemented a pretreatment program to control such discharges.
2. [Industry] has consistently violated the pollutant limits in its wastewater discharge permit as set forth in Exhibit 1, attached hereto.
3. Therefore, to ensure that [Industry] is brought into compliance with its permit limits at the earliest possible date, IT IS HEREBY AGREED AND ORDERED, BETWEEN [Industry] AND THE CITY OF ST. HELENS, that [Industry] shall:
 - a. By [date] obtain the services of a licensed professional engineer specializing in wastewater treatment for the purpose of designing a pretreatment system which will bring [Industry] into compliance with its wastewater discharge permit.
 - b. By [date], submit plans and specifications for the proposed pretreatment system in the city for review.
 - c. By [date], install the pretreatment system in accordance with the plans and specifications submitted in item b above.
 - d. By [date], achieve compliance with the limits set forth in Exhibit 1.
 - e. [Industry] shall pay \$1,000 per day for each and every day it fails to comply with the schedule set out in items a-d above. The \$1,000 per day penalty shall be paid to the City within five (5) days of being demanded by the City.
4. In the event [Industry] fails to comply with any of the deadlines set forth, [Industry] shall, within one (1) working day after expiration of the deadline, notify the City in writing. This notice shall describe the reasons for [Industry]'s failure to comply, the additional amount of time needed to complete the remaining work, and the steps to be taken to avoid future delays. This notification in no way excuses [Industry] from its responsibility to meet any later milestones required by this consent order.

5. Compliance with the terms and conditions of this consent order shall not be construed to relieve [Industry] of its obligation to comply with its wastewater discharge permit which remains in full force and effect. The City reserves the right to seek any and all remedies available to it under Section xxx of the city's sewer use ordinance for any violation cited by this order.
6. Violation of this consent order shall constitute a further violation of the city's sewer use ordinance and subjects [Industry] to all penalties described by Section xxx of the sewer use ordinance.
7. Nothing in this consent order shall be construed to limit any authority of the City to issue any other orders or take any other action which it deems necessary to protect the wastewater treatment plant, the environment or the public health and safety.

SIGNATORIES

FOR [INDUSTRY]

Date

Name
[Industry]

FOR CITY OF ST. HELENS

Date

Name
Address

EXHIBIT L SHOW CAUSE ORDER EXAMPLE

CITY OF ST. HELENS

IN THE MATTER OF)	
)	
NAME OF INDUSTRY)	ADMINISTRATIVE
ADDRESS)	
)	SHOW CAUSE ORDER
)	

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the City under Section xxx of the city's sewer use ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section xxx of the city's sewer use ordinance.

FINDINGS

1. [Industry] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the City of St. Helens.
2. [Industry] is a "significant industrial user" as defined by Section xxx of the city's sewer use ordinance.
3. [Industry] was issued a wastewater discharge permit on [date] which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of [industry].
5. This data shows that [industry] has violated the sewer use ordinance in the following manner:
 - a. [Industry] has violated its permit limits for xxx in each sample collected between [date] and [date] for a total of [number] separate violations of the permit.
 - b. [Industry] has failed to submit a periodic compliance report due [date].
 - c. All of these violations satisfy the city's definition of significant violation.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INDUSTRY] IS HEREBY ORDERED TO:

1. Appear at a meeting with city staff to be held on [date] at [time] in [place] of City Hall.
2. At this meeting, [Industry] must demonstrate why the City should not pursue a judicial enforcement action against [Industry] at this time.

3. This meeting will be closed to the public.
4. Representatives of [Industry] may be accompanied by legal counsel if they so choose.
5. Failure to comply with this order shall also constitute a further violation of the sewer use ordinance and may subject [Industry] to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.
6. This order, entered this [date] shall be effective upon receipt by [Industry].

Signed: _____
[Name]
[Address]

EXHIBIT M ADMINISTRATIVE ORDER EXAMPLE

CITY OF ST. HELENS

IN THE MATTER OF)
)
NAME OF INDUSTRY) ADMINISTRATIVE
ADDRESS)
) COMPLIANCE ORDER
)

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the City under Section xxx of the city's sewer use ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section xxx of the city's sewer use ordinance.

FINDINGS

1. [Industry] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the City of St. Helens.
2. [Industry] is a "significant industrial user" as defined by Section xxx of the city's sewer use ordinance.
3. [Industry] was issued a wastewater discharge permit on [date] which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of [industry].
5. This data shows that [industry] has violated the sewer use ordinance in the following manner:
 - a. [Industry] has violated its permit limits for xxx in each sample collected between [date] and [date] for a total of [number] separate violations of the permit.
 - b. [Industry] has failed to submit a periodic compliance report due [date].
 - c. All of these violations satisfy the city's definition of significant violation.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INDUSTRY] IS HEREBY ORDERED TO:

1. Within 180 days, install pretreatment technology which will adequately treat [Industry]'s wastewater to a level which will comply with its wastewater discharge permit.
2. Within 5 days, submit all periodic compliance reports due since [date].

3. Within 10 days, pay to the finance director of the City of St. Helens a fine of \$2,000 for the above-described violations in accordance with Section xxx of the sewer use ordinance.
4. Report, on a monthly basis, the wastewater quality and the corresponding flow and production information as described on page xxx of the wastewater discharge permit for a period of one year from the effective date of this order.
5. All reports and notices required by this order shall be sent, in writing, to the following address:

Plant operations/pretreatment supervisor
City Hall
PO Box 278
St. Helens, OR 97051
6. This order does not constitute a waiver of the wastewater discharge permit which remains in full force and effect. The City reserves the right to seek any and all remedies available to it under Section xxx of the sewer use ordinance for any violation cited by this order.
7. Failure to comply with the requirements of this order shall constitute a further violation of the sewer use ordinance and may subject [Industry] to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.
8. This order, entered this [date], shall be effective upon receipt of [Industry].

Signed: _____
[Name]
[Address]

EXHIBIT N SUSPENSION OF SERVICE EXAMPLE

CITY OF ST. HELENS

IN THE MATTER OF)
)
NAME OF INDUSTRY) SUSPENSION OF WASTEWATER
ADDRESS)
) SERVICE ORDER
)

Date of Notice:

Business or Individual:

Address:

Person Contacted/Title:

City Code Section Violation:

Results of Analysis:

Due to the serious nature of your violation, the City of St. Helens is ordering you to immediately stop the discharge of the effluent [in violation], and to eliminate any further industrial discharging by 5:00 p.m. [date].

In the event of your failure to voluntarily comply with this suspension order, the City shall take such steps as deemed necessary including, but limited to, immediate severance of your sewer connection, to prevent or minimize damage to our POTW system or endangerment to any individuals (City Code Section xxx).

Signature of person contacted

Refused to sign []

Signature of City Representative

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