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PROCEDURES

This chapter presents the specific procedures for City staff to implement the requirements of the Mandated Industrial Program (Mandated Program). The following information is summarized from the Unites States Environmental Protection Agency (EPA) requirements for a Publicly-Owned Treatment Works (POTW) to develop procedures based on 40 CFR 403.8. At a minimum, these procedures will describe the tasks necessary to:

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 40 CFR 403.8(f)(2)(i). 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 40 CFR 403.8(f) (2) (i), 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 self-monitoring requirements in 40 CFR 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 non-compliance with pretreatment standards. Inspect and sample the effluent from each Significant Industrial User at least once a year, except as specified otherwise: 40 CFR 403.8 (f)(2)(v). (The City will sample SIUs consistent with its NPDES Permit)

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 slug discharge: 40 CFR 403.8 (f)(2)(vi).

4.7 Investigate instances of non-compliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under 40 CFR 403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph 40 CFR 403.8 (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).

4.8 Comply with the public participation requirements of 40 CFR Part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for a t least annual public notification, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, of Industrial Users, which at any time during the previous 12 months, were in significant non-compliance (SNC) 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 non-compliance: 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 individual

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 4.10.31. 40 CFR 403.8(f)(1)(iii).

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

4.1 Industrial User Survey

4.1.1 Federal Requirement

To meet the federal requirement, the Control Authority must identify and locate all possible IUs, which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of IUs made under this paragraph shall be made available to the Regional Administrator or Director upon request; 40 CFR 403.8 (f)(2)(i).

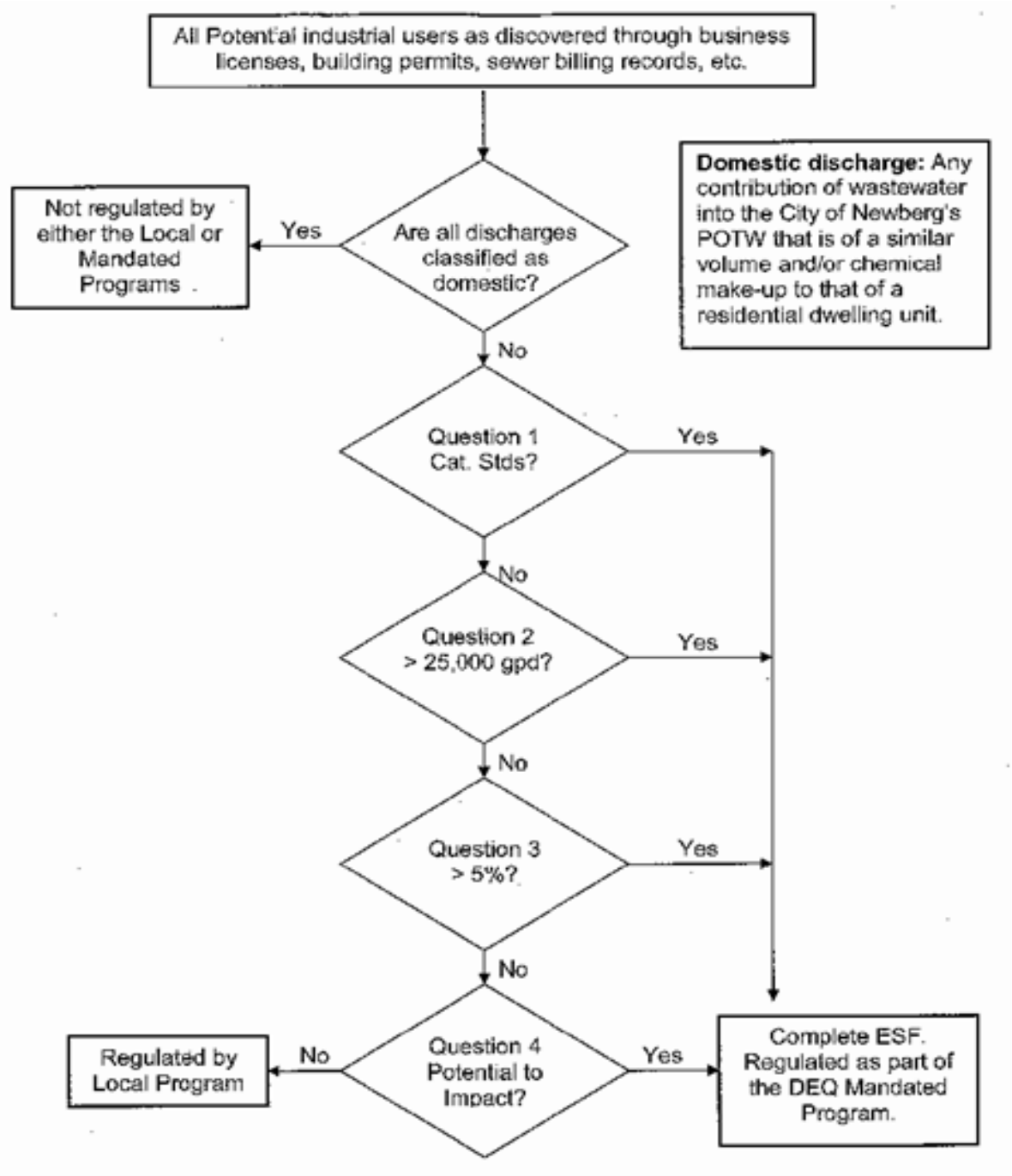
4.1.2 Purpose and Overview

The purpose of the industrial survey is stated in 40 CFR 403.8 (f)(2)(i): to meet the federal requirement and identify and locate all possible IUs, which might be subject to the POTW Pretreatment Program. Besides the survey being required by the pretreatment program regulations, the survey also allows staff to provide information to the user (or potential user) about what can or cannot enter the sewer system, treated or untreated, from a non-residential source.

The City will utilize all avenues of its current policies relating to business license and commercial building permits as well as observations obtained by staff and/or the public to identify potential SIUs that might be subject to the City's Pretreatment Program. In addition, non-domestic users that discharge pollutants in violation of the City's Code may be required to submit information to determine whether that source ill become an SIU and therefore come under the direction of federal program requirements.

Figure 4-1 illustrates a flow chart of the Survey Process. All new non-residential users shall receive and complete an Environmental Survey form, even though they may not be inspected. The Environmental Survey information may be obtained during other site inspections, or when staff is in the field. Some surveyed non-residential users will be required to complete an Application for Permit while others will not, and of the surveyed non-residential users required to complete an Application for Permit, some will need a permit while others will not.

Figure 4-1. Survey Process Flow Chart



4.1.3 Procedure

This section describes the procedures for completing an industrial survey. These procedures include:

- Identification of Industrial Users
- Business Classification
- Industrial User Survey List
- Environmental Survey Mailings
- Survey Review and Follow-up

4.1.3.1 Identification of Industrial Users

The City of Newberg requires all businesses operating within the city to obtain and maintain a business license (renewed annually). A report of new business licenses issued is generated by the Finance Department monthly and is forwarded to the Pretreatment Coordinator (Coordinator). The Building and Planning Department also generates a monthly report of commercial building permits issued that is forwarded to the Coordinator.

New businesses and businesses that have moved or modified their facility that are identified by the above means are sent an Environmental Survey when they are so identified. The information collected from the Environmental Survey is reviewed by the Pretreatment Coordinator and entered into a database of non-residential sewer users. The City also conducts a survey of selected non-residential users annually. All new businesses are added to the database using the information retrieved from the Environmental Survey.

The non-residential sewer user database is an Access database maintained by the Operations Division. The database contains address and contact information, if they serve/prepare food, date last inspected, date last surveyed, and the business classification for each business.

Once a business has been surveyed it is classified according to type of business and potential to adversely affect the wastewater treatment system. (See Section 4.1.3.2 for a description of the classification system.) Class A businesses are surveyed every 2 years. Class B businesses are surveyed every 5 years. Class C, D and E businesses are not surveyed, but the Class D list is periodically cross-checked against a sewer billing list to identify any businesses that have connected to the sewer system. Any such businesses are added to the new business list.

This survey is also consistent with the survey submitted to DEQ with the Pretreatment Program Annual Report.

4.1.3.2 Business Classification

The business classification of potential dischargers is listed below:

Class A: Industrial. Class A businesses included manufacturing facilities, other businesses that discharge or potentially could discharge harmful wastes, businesses that do or could discharge high strength organic wastes (e.g., Industrial manufacturing), and businesses that discharge high volumes of waste. These businesses may also be classified as Significant Industrial Users (SIUs) and/or EPA Categorical Industrial Users (CIUs).

Class B: Non-residential, non-industrial, light industrial, or commercial. Class Bare those businesses that are determined to be non-residential, non-industrial, light industrial, or commercial and/or have limited potential to negatively impact the wastewater treatment plant (e.g., retail establishments, restaurants, doctor/dental offices, automotive shops, and office complexes). This class of users would be Non-Significant Industrial Users (Non-SIU).

Class C: Residential. Class C businesses include hotels and motels, apartment complexes, mobile home parks, group homes, care facilities, and home businesses.

Class D: Non-user Businesses. Class D comprises businesses not connected to the sewer system or businesses with business licenses, but no local facility.

Class E: Archive Businesses: The archive classification includes businesses that have operated in the City of Newberg, but have either moved out of the service area or gone out of business, and businesses that have City business licenses, but do not have an office or facility within the City.

4.1.3.3 Annual Environmental Survey List

Each calendar year the City conducts an Environmental Survey of non-residential sewer users. The tasks listed below are part of the process required to complete the survey.

1. The current City business license list is cross-checked against the non-residential user database, and any licensed businesses not currently in the non-residential user database are added to the Annual IU Survey List.

2. Business addresses are cross-checked between the business license list and the non-residential user database. Any businesses that have relocated are added to the Annual IU Survey List.

3. All Class A businesses that have not submitted a survey form in the past two years are added to the Annual IU Survey List.

4. All Class B businesses that have not submitted a survey form in the past five years are added to the Annual IU Survey List.

5. All businesses that were sent an Environmental Survey the previous year, but did not respond will be evaluated by the Pretreatment Coordinator for their Potential To Emit. The Coordinator will develop a written record of the next action to be taken to ensure compliance.

4.1.3.4 Annual Environmental Survey Mailings

The following sections describe mailing procedures for the Annual Environmental Survey.

4.1.3.4.1 Initial Mailing

All businesses on the Annual Survey List are to be mailed a cover letter, an Environmental Survey form, a RCRA Hazardous Waste Notification letter, and any additional information as directed by the Pretreatment Coordinator, along with a self-addresses return envelope.

4.1.3.4.2 Second Notice

After the first mailing “return by” date has passed, second notices will be mailed to all of the first mailing businesses that have not returned the survey.

4.1.3.4.3 Non-Responders

Businesses that have not returned the survey form after the second notice deadline will be contacted by telephone, if possible, to obtain the necessary information. Businesses that cannot be contacted by telephone will be visited in person, unless the Pretreatment Coordinator determines that the business in question has no potential to be a SIU. Such determination shall be made on the basis of the Coordinator’s knowledge of the business’s activities. Site visits will be conducted by the Pretreatment Coordinator or a designated member of the Operations Division staff. Businesses that do not respond to the survey, but are not determined by the Coordinator to require contacting, are to be surveyed again the following year.

4.1.3.4.4 Surveys Returned “Undeliverable”

All survey forms returned as undeliverable will be checked to determine if they were addressed correctly. If the survey was mailed to an incorrect address, a survey form will be sent to the correct address using the first mailing cover letter (with the "return by" date changed accordingly).

If the mailing address appears to be correct, the business is to be contacted by telephone or visited in person.

If the business is closed or has moved out of the service area, the database will be updated accordingly.

4.1.3.5 Environmental Survey Review and Follow-up

This section describes survey review procedures and follow-up activities.

1. Survey Review

Returned surveys will be checked for completeness. Surveys that are incomplete or unsigned will be returned to the business for completion.

All returned surveys will be forwarded to the Pretreatment Coordinator. The coordinator will review each survey to determine if additional information is required. The coordinator will make a list of businesses for which additional information is required.

The Pretreatment Coordinator will review all survey forms to determine if businesses are properly classified, and assign a classification to each new business. The coordinator will initial the form and then recommend the potential industrial status of that user.

2. Database Update

The information provided on each returned Environmental Survey will be checked against the existing information in the industrial user database.

The database will be updated with any changes in the business contact information, survey completion, and the business classification will be evaluated based on the description of and/or any changes in wastewater characteristics and volume, hazardous materials information, or other information.

The "date of survey" will be changed to the current year.

3. Follow-up Activities

If the Pretreatment Coordinator determines that more information is needed, the required information will be gathered by telephone or site visits conducted by Operations Division personnel. Site visits may be conducted to determine the proper business classification, verify data submitted in the Environmental Survey Form, observe the manufacturing operation, and determine if additional pretreatment requirements are warranted, such as a Spill Prevention/Slug Control Plan.

Site visits will be conducted for all new manufacturing businesses.

4. SIU Determination

After reviewing the Environmental Survey Form and any additional information gathered, and identifying the character and type of industry, the Pretreatment Coordinator will determine if the industry meets, or may meet, the definition of a significant Industrial User as defined in 40 CFR 403.3(v).

Industries that are determined to be SIUs, or that may SIUs, will be required to fill out an industrial user discharge permit application.

5. Retention of Survey Forms

All returned survey forms will be filed in the Pretreatment Coordinator's office and retained in accordance with the State's Archive Retention Schedule.

4.2 Significant Industrial User (SIU) Application

4.2.1 Federal Requirement

To meet the federal requirement, the Control Authority must identify the character and volume of pollutants contributed to the POTW by the IUs identified under 40 CFR 403.8 (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 Purpose and Background

The purpose is to identify the character and volume of pollutants contributed to the POTW by SIUs. SIUs include both discharging and Non-Discharging Categorical Industrial Users (NDCIUs).

4.2.2.1 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 on 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:

    1. Prohibition against discharge of industrial process wastewater.

    2. Notice that discharge of prohibited wastes to the POTW would be in violation of the POTW's ordinance provisions.

    3. Requirements to notify the POTW of discharges of industrial wastes to the POTW.

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 260 through 272 and S tate of Oregon hazardous waste regulations regarding the proper disposal of hazardous waste in accordance with Oregon Administrative Rules (OAR) Chapter 340, Division 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.

4.2.2.2 Definition of Potential to Discharge

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

4.2.3 Procedure

The requirement to identify the character and volume of pollutants from SIUs is met through the use of an Industrial Waste Permit Application. Completion and submission of the Industrial Waste Permit

Application shall meet the requirements of submitting a Baseline Monitoring Report (BMR). The actual form and format are available for review in Appendix C. Since the Mandated Program requirement will focus on SIUs, the procedure outline below will focus only on SIUs. Check the data filed by the IU:

1. Does the IU have any processes that are identified in 40 CFR Chapter I, Subchapter N listing as a categorical by EPA standards;

2. Does the IU discharge categorical process wastewater in volume of more than 100 gallons per day on any given day;

3. 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);

4. Does the industry contribute a process wastestreams, which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant based on plant capacity; or;

5. Does the Pretreatment Coordinator find that the IU has a reasonable potential for adversely affecting the POTW operations or for violating any pretreatment standard or requirement?

If any of these criteria are met, the IU is considered a SIU. Permits will be issued to SIUs; the pretreatment staff will inform any user classified a as Categorical/Significant within 30 days of determination by the City. The user will be notified that a permit application must be completer, and a permit will be required.

The City may choose to classify an IU which meets the criteria of item number 1 above as Non-Significant Categorical Industrial User and on finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

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

(ii) The Industrial User annually submits the certification statement required by 40 CFR 403.12 (q) together with any additional information necessary to support the certification statement; and

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

Upon finding that the industrial user meeting this criteria has no reasonable potential for adversely affecting the POTS's operation or for violating any Pretreatment Standards or requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8 (f)(6), determine that such Industrial User is not a Significant Industrial User, but a Non-Significant Industrial User (NSCIU). City staff will document the rationale and technical evaluation for these Non-Significant Categorical Industrial User decisions.

4.2.3.1 Application Review Process

The following steps should be completed as part of the application review process:

1. 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" is used to show that the item was considered but is not pertinent to the facility.

2. 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

3. Inspect the facility to verify information provided.

4. If there are extensive corrections, require a new application to be completed.

5. Determine if the existing sewer piping layout and process diagram for the facility properly reflects existing conditions.

4.2.3.2 Effluent Data

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

1. If facility final effluent appears to diluted, collect data on internal waste stream characteristics:
   - Before the wastestreams enters the facility treatment plant
   - After it leaves the treatment plant at facility
   - As the effluent enters POTW
   - Internal waste stream flows
   - Any other supplementary information needed to develop the permit

2. Signatories must be of sufficient stature to hold the facility legally responsible for the representations made on the permit application and subsequent compliance reports. Categorical IUs permit applications must be signed by a responsible corporate officer, if the IU submitting the report is a corporation.

   i. President, secretary, treasurer, or vice-president in charge of the corporation, or someone who performs similar policy or decision-making functions for the corporation.

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

   iii. By a general partner or proprietor if the IU submitting the reports is a partnership or sole proprietorship respectively.

   iv. The principal executive officer or director having responsibility for the overall operation of the discharging facility if the IU submitting the reports is a federal, state, or local governmental entity, or their agents.

   v. By a duly authorized representative of the individual designated in bullets (i), (ii), or (iii) of this section if:

- The authorization is made in writing by the individual described in bullets (i), (ii), or (iii);

- The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originated, 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

- The written authorization is submitted to the City.

3. If an authorization under Section 4.2.3.2 (#2) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Section 4.2.3.2 (#2) must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

4.2.3.2.1 Measurement of Pollutants

a) The reports required shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The City shall require that the frequency of monitoring is adequate to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the 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. 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 and 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.

b) For sampling required in support of baseline monitoring and 90-day compliance reports 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. For the Periodic Reports on Continued Compliance and for Reporting Requirements for Industrial Users not Subject to Categorical Pretreatment Standards, the City shall require the number of grab samples necessary to assess and assure compliance by Industrial Users 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 a SIU 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.

4.2.3.3 Accuracy

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

1. In verifying the IUs information, particular attention shall be given to :
   - Information on the use, production, and discharge of toxic or hazardous substances;
   - Information on all waste streams (including schematic flow diagrams(s) and waste characterization of individual waste streams); and,
   - Information on hazardous waste being discharged into the sanitary sewer either treated or untreated.
2. 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. IUs 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 IU 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 by City staff to verify this information by inspecting all storage areas and reviewing material safety data sheets.
3. 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.
4. 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 using the water and wastewater flow data provided by the IU, 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.
5. Information about sampling points, sampling methods, and analytical techniques is needed to define needed changes and to evaluate the quality of both the Control Authority and IU sampling data.
6. Verification that the individual that signed the permit application is the appropriate Authorized Representative as defined in the Glossary of this manual.

4.2.3.4 Verifying Permit Application Data

The following lists the steps necessary to verify permit application data.

1. 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 IU files.

2. 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 IU 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 non-compliance exists at the facility, as discussed below.

3. Old permit application, baseline-monitoring report, and industrial water surveys – information in the documents can be used:

    - To establish past operating practices and conditions;
    - As a baseline for evaluating the new application; and
    - To identify changes.

4. Compliance inspection reports, sampling data, and self-monitoring program – 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 IU 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.

5. Review and evaluation of sampling data – This is important because the 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.

6. 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.

4.2.3.5 Facility Inspection

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

1. As mention earlier, a facility inspection is necessary to verify application information and to gain an understanding of the IU facilities. The inspection shall encompass a review of the following:
    - Production process – 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;
    - Performance History such as self-monitoring reports and related data form the City.

    From this information, the permit writer can select pollutants to be limited and/or require development of additional in-process controls.
2. If a sewer plan of the plant 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 needs 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 of the combined waste stream formula (CWF).
3. 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.
4. 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 wash-down water. Information about clean-up times and water volumes will be sought.
5. 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 IU management practices (e.g., slug loading control plans, toxic organic management plans, and good housekeeping practices).
6. 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 IU sampling data.

4.2.3.6 Public Access to Information

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:

- General description of the location and nature of the source to the extent 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, tot eh extent necessary for such purpose, a description of the manner or rate of operation of the source)

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.

4.2.3.7 Baseline Monitoring Report

The completed and approved Industrial Waste Permit Application will also serve as the Baseline Monitoring Report (BMR) for categorical industries.

4.3 SIU Notification

4.3.1 Purpose

To meet the federal requirement, the Control Authority must notify IUs 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 Clean Water 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 SIUs, notify each SIU 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 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 Sewer Use Ordinance. In addition, all IUs (SIUs, NDCIU, 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, an example of the letter addressing these responsibilities is provided in Appendix D.

4.4 Receive and Analyze Reports

4.4.1 Federal Requirement

To meet the federal requirement, the Control Authority must receive and analyze self-monitoring reports and other notices submitted by IUs in accordance with the self-monitoring requirements in 40 CFR 403.12. To meet the federal requirements for receiving, reviewing and analyzing all other reports submitted by the IU as required in 40 CFR 403.12 (BMRs, 90-day Compliance Reports, Notice of Accidental Spills, etc.) in 40 CFR 403.8(f) (2) (iv).

4.4.2 Purpose

To ensure that reports are reviewed on a consistent and uniform basis. This section is also intended to be the standard for receiving, reviewing and analyzing all other reports submitted by the IU (BMRs, 90-day Compliance Reports, Notice of Accidental Spills, etc.). SIUs subject to categorical Pretreatment Standards are required to submit a BMR, Compliance Schedule for Meeting categorical Pretreatment Standards, 90 Day Compliance Report, Periodic Reports on Continued Compliance, Monitoring and Analysis Reports to Demonstrate Continued Compliance. SIUs not subject to categorical Pretreatment Standards are also required to submit reports such as Reports for industrial users not subject to categorical Pretreatment Standards, Annual Certification Reports. All SIUs are required to submit reports and Notification of Changed Discharge, The specifics of the reports are identified in more detail in 40 CFR 403.12 (b) through (q).

4.4.3 Procedure

This section of the requirements is met through the use of reviewing reports required by the Discharge Permit and 40 CFR 403.12. This formal program requirement will focus on SIUs.

1. The Pretreatment Coordinator will review the IU self-monitoring reports, lab results, and other reports required by the IU 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.

2. Within 5 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 IU by the pretreatment permit issued to them have been addressed:

    - Is the report on time
    - Compare the lab reports with pollutant limitations
    - Does the IU meet the reporting requirements
    - Are all of the pollutants covered in the report
    - Is the report signed by the appropriate signatory requirement

3. If the report indicates non-compliance, the IU will be notified by one of the methods listed, using the enforcement response plan (ERP) found in Chapter 7 and also as a separate document to this Implementation Manual.

4. If the affected user fails to submit the necessary reports within 30 days, the Pretreatment Coordinator will initiate appropriate follow-up activities including enforcement activities as identified in the ERP.

4.5 Sample, Analyze and Inspect IUs

4.5.1 Federal Requirement

To meet the federal requirement, the Control Authority must randomly sample and analyze effluent from IUs and conduct surveillance activities in order to identify, independent of information supplied by IUs, occasional and continuing non-compliance with pretreatment standards. Effluent samples should be obtained and analyzed at least once a year. The procedure described is consistent with the requirement in the City's NPDES Permit Schedule E for SIUs and 40 CFR 403.8 (f)(2)(v).

4.5.2 Purpose

To ensure that reports are reviewed on a consistent and uniform basis. This section is also intended to be the standard will be verification of data, assisting the IU in meeting the goals of the Pretreatment Program, and increased compliance efforts resulting from visibility of the City at the permitted facility. All sampling and analytical work must be performed in accordance with 40 CFR 136.

4.5.3 Procedure

This section of the requirements is met through the use of inspecting, sampling, and analyzing results collected from those events. The Pretreatment Coordinator shall provide oversight on all sampling/inspection events to ensure they are performed within the appropriate procedures. 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. The frequency of inspection and sampling events of industrial users by the City is contained in Figure 4.2.

4.5.3.1 Sampling

A. Periodic Reports on Continued Compliance.

1. Any Industrial User subject to a categorical Pretreatment Standard (except a Non-Significant Categorical User as defined in 40 CFR 403.3(v) (2)), after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the City during the months of June and December, unless required more frequently in the Pretreatment Standard or by the City or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in the BMR/Industrial Waste Permit Application except that the City may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the City and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the City may modify the months during which the above reports are to be submitted.

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

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

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

   (iii) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed in accordance with paragraph (1) of this section, and include the certification statement in 40 CFR 403.6 (a)(2)(ii). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if

the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(iv) Any grant of the monitoring waiver by the City must be included as a condition in the User's control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the City for 3 years after expiration of the waiver.

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

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

(vi) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately comply with the monitoring requirements of paragraph 4.5.3.1 (A) (1) of this section or other more frequent monitoring requirements imposed by the City, and notify the City.

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

3. The City may reduce the requirement in the paragraph 4.5.3.1 (A)(1) of this section to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the Industrial User meets all of the following conditions:

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

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

b. 0.01 percent of the design dry weather organic treatment capacity of the POTW; and

c. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved local limits were developed by a POTW in accordance with 40 CFR 403.5(c) and paragraph (d) of this section;

(ii) The Industrial User has not been in significant noncompliance, as defined in 40 CFR 403.8 (f)(2)(viii), for any time in the past 2 years;

(iii) The Industrial User does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period pursuant to paragraph 4.5.3.1.(B)(3) of this section;

(iv) The Industrial User must notify the City immediately of any changes at its facility causing it to no longer meet conditions of paragraphs 4.5.3.1 (A)(3)(i) or (ii) of this section. Upon notification, the Industrial User must immediately begin complying with the minimum reporting in paragraph 4.5.3.1(A)(1) of this section; and

(v) The City must retain documentation to support the City's determination that a specific Industrial User qualifies for reduced reporting requirements under paragraph 4.5.3.1(A)(3) of this section for a period of 3 years after the expiration of the term of the control mechanism.

4. Where the City has imposed mass limitations on Industrial Users as provided by 40 CFR 403.6 (d), the report required by paragraph 4.5.3.1 (A)(1) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the Discharge from the Industrial User.

5. For Industrial Users subject to the equivalent mass or concentration limits established by the City in accordance with the procedures in 40 CFR 403.6 (c)(1) the report required by paragraph 4.5.3.1 (A)(1) shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph 4.5.3.1 (A)(1) shall include the User's actual average production rate for the reporting period.

B. Monitoring and analysis to demonstrate continued compliance

1. Except in the case of Non-Significant Categorical Users, the reports (BMR, 90-Day Compliance Report, Report on Continued Compliance and Reporting Requirements for Industrial Users Not Subject to Categorical Pretreatment Standards) shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the City, of pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the City in lieu of the Industrial User. Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification for reports required in paragraphs 40 CFR 403.12(b) (6) and (d). In addition, where the POTW itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

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

(i) The City performs sampling at the Industrial User at a frequency of at least once per month, or

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

3. The reports required in paragraphs 40 CFR 403.12 (b), (d), (e) and (h) must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The City shall require that frequency of monitoring

necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time- proportional composite sampling or grab sampling is authorized by the 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. 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 and 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.

4. For sampling required in support of Baseline Monitoring and 90-day Compliance Reports required in paragraphs 4.4.2, 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. For the Report on Continued Compliance and Reporting Requirements for Industrial Users Not Subject to Categorical Pretreatment Standards reports the City shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

5. All analyses shall be performed in accordance with procedures established by the EPA 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 DEQ Director. (See, 40 CFR 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the EPA Administrator. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA Administrator determines that 40 CFR 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 EPA Administrator and DEQ.

6. Contract laboratories performing analyses for an IU must have a Quality Assurance/ Quality Control (QA/QC) Plan and all analyses must be done in accordance with the QA/QC Plan. Industrial Users performing analyses in-house must also have a QA/QC Plan and all analyses must be done in accordance with their QA/QC Plan. Such QA/QC Plans must be made available to the City upon request.

7. If an Industrial User subject to Report on Continued Compliance and Reporting Requirements for Industrial Users Not Subject to Categorical Pretreatment Standards reporting requirements monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in paragraph 4.5.3(B)(5) of this section, the results of this monitoring shall be included in the report.

4.5.3.2 Inspections

Inspection/sampling and monitoring instructions are contained in Appendix E and are summarized here. Inspections will be performed at a minimum as required in the City's NPDES permit Schedule E, and commensurate with the discharge of the SIU. The City may elect to inspect, and/or sample the SIU more frequently 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 Schedule E in the City's NPDES permit.

1. An inspection will be conducted prior to issuing the permit.

2. Prior to conducting an inspection, the pretreatment staff will review the files of the IU, and the following items, at a minimum, shall be reviewed.
   - The IUs permit
   - The status of any compliance schedule
   - Compliance history and status
   - Results of recent sampling and inspection
   - Slug Control Plan and Accidental Spill Prevention Program (ASPP) document
   - Completeness of permit file
   - Name of authorized representative or other contact
   - Required safety and security measures
   - The IUs pretreatment requirements
   - Performance data

3. An inspection of any type will be well recorded. Documentation may include collection of samples, photographic evidence (if the IU will allow), or written documentation in the form of copies of operating records, flow data, etc.

4. Sampling, analysis, and collection of other information must be performed so that evidence is admissible in court (40 CFR 403.12 (b)(5)(v)). All sampling and analysis conducted by either the City, contract laboratory or the IU will be done in accordance with 40 CFR Part 136. All analyses performed by the City will be performed in accordance with the City's QA/QC program. The QA/QC program is on file in the laboratory office at the wastewater treatment plant.

5. The Pretreatment Coordinator 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.

6. The inspection will be documented using a standard form. An example of an inspection record is included in Appendix F 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 Appendix F to assist in formatting the reports for brief inspections.

7. Investigation of non-compliance is necessary if non-compliance is determined during or as a result of the inspection.

8. The pretreatment staff must practice safety while conducting inspections. Appendix E includes a discussion of safety practices during monitoring and inspection.

9. The pretreatment staff will practice and encourage positive communications with IUs during the inspections. An example of this type of communication is suggesting to the IU 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 IU with sources of reference for particular problems may help to create a more positive working relationship between the IU and the City.

4.5.3.3 Type

The type of inspection that is conducted will depend on the reason for the inspection, the classification of the IU, and the complexity of the operation or permitted facility. The three types of inspection are scheduled, unscheduled, and on demand.

4.5.3.4 Scheduled Inspections

Scheduled inspections take place when the authorized representative of the IU is contacted beforehand and the inspection is mutually decided. 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.

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

2. A scheduled inspection will be conducted commensurate with the City's NPDES permit and the SIUs discharge. The purpose of the inspection will be, at a minimum, to:

    a. Identify changes in materials used, operational processes, or treatment processes that may affect the nature or volume of the discharge(s).

    b. Update the database and permit file at the City.

    c. Verify the self-monitoring reports submitted by the IU.

3. Do not collect a sample of the discharge at this time. Create another event to collect and analyze a sample of the wastewater form the facility. Evaluate the data and information necessary to determine the IUs compliance with federal, state, and local pretreatment requirements at another time.

4.5.3.5 Unscheduled Inspections

Unscheduled inspections take place usually when the pretreatment staff determines from the results of monitoring the IU, results of self-monitoring received from the IU, or information received from other sources that the permittee is in SNC or that there is some other need for a site visit. If the pretreatment staff has any reason to believe that the IU 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.

1. If a permittee is identified as being in SNC, 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.

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

3. It is not necessary to give notice of an unscheduled inspection and at no time will more than 2 hours' notice is given to the authorized representative of any industrial contact for this type of inspection.

4.5.3.6 Inspections on Demand

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. A member of plant 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 Pretreatment Coordinator 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 be used to retrieve information to assist in the following:

- A determination of the nature, duration, and hazard of the IUs 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

4.5.3.7 Inspection Protocol

There are specific things that an 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 IU is discharging constituents that they are permitted to dispose of into the POTW. 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 inspections, it may be worthwhile to attend.

4.5.3.8 Withholding Consent

Failure 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 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.

1. 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 Newberg Municipal Code, Title 13, 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.

2. 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.

4.5.3.9 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., activing as an agent of the City). If consent is not given, such individuals may not enter the premises. If consent is given, these individuals (including EPA and DEQ officials) may not view confidential business information unless officially authorized for access.

4.5.3.10 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:

1. Present credentials. Make sure that all credentials have been presented to the facility owner or agent in charge.

2. 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.

3. Carefully record observations in the field logbook. All observations pertaining to the denial will be noted carefully in the inspector's field logbook. Specifically, not 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. 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 inspections. 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."

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

4.5.3.11 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.

4.5.3.12 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 Newberg Municipal Code, Title 13, and appropriate enforcement action will be taken.

4.5.3.13 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.

4.5.3.14 Obtaining a Search Warrant for an Inspection

The following are steps to follow in the event that a search warrant is required prior to inspection.

1. 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.

2. The inspector will contact his/her supervisor and discuss the issue. The supervisor will contact the city attorney for the warrant.

3. 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.

4. The warrant shall be served at reasonable hours by the Pretreatment Coordinator/ 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 Spill Prevention/ Slug Control Plan (SP/ SCP) Requirements

4.6.1 Federal Requirements

To meet the federal requirement, the Control Authority must evaluate, whether each such SIU 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 POTWs regulations, local limits or Permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge: 40 CFR 403.8(f)(2)(vi).

4.6.2 Purpose

The SP/SCP is designed to prevent the entry of materials that may injure or cause injury to city personnel, damage the treatment works or collection system, or cause pass through or interference with the operation of the treatment works or collection system.

4.6.3 Procedure

The City has determined the need for every SIU to have an approved Spill Prevention/ Slug Control Plan (SP/SCP). Each SP/SCP will be reviewed for effectiveness. As the industrial surveys are performed and new industries are identified, a SP/SCP will be required as a part of each application for permit to discharge. Each SP/SCP shall contain at least the following:

1. Each IU 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 SP/SCP for approval. These IUs may be identified by performing an industrial survey, reviewing the permit application forms, conducting onsite inspection or sampling the discharges. General SP/SCP plan requirements must contain at least the following elements:

    - Description of discharge practices, including non-routine batch discharges;
    - Description of stored chemicals;
    - Procedures for immediately notifying the POTW of Slug Discharges, including any discharge that would violate a prohibition under 40CFR 403.5(b) with procedures for follow- up written notification within five days;
    - 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;
    - Specific preventative actions must also be listed if they are identified as necessary for spill prevention and slug control;
    - The IU 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 IU will be required to provide training on this plan for all employees and ensure that they can response as required;

- The IU 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.

2. Review of applications by previously permitted IUs must also be undertaken.

3. The IU will be issued a compliance schedule to complete and submit the required Spill Prevention/ Slug Control Plan, by a specific date, to the City for approval. The compliance schedule will be monitored to determine if the IU is meeting compliance.

4. The City shall review each SP/ SCP and comment on the status of approval within 4 weeks of submission. Approved programs will be filed in the SP/SCP section of the IU's file along with a copy of the acceptance letter that is sent to the IU.

5. Rejected SP/ SCP will be sent back to the IU along with an explanation of which portions of the program are acceptable, those that are not and why.

6. The City may develop a response plan for use in the event that a slug or an accidental discharge occurs or reaches the POTW. This plan may incorporate the responses of the fire departments and sewer line crews for any contributing jurisdiction that the spill may pass through.

7. The responsibilities of implementing an approved Spill Prevention/ Slug Control Plan and managing and reporting spills and upsets will be identified in each Industrial Waste Discharge Permit. Notification responsibilities will also be specified.

4.6.3.1 Spill Response

Responses to the spills and/or slug discharges will be documented an all spills and/or responses will be reported in the City's annual pretreatment reports to the approval authority.

1. The City will follow through on reported spills/slug discharges to ensure that cleanup and the disposal of waste generated by the spill/slug discharge is disposed of properly.

2. The City must determine that the IU has complied with the reporting requirements in accordance with 40 CFR Part 403.12(f).

3. If the spill/slug discharge causes the POTW to violate its permit, or causes damage to the POTW, recovery of damages from the IU will be pursued.

4.7 Investigate SIU Non-compliance

4.7.1 Federal Requirement

To meet the federal requirement, the Control Authority must investigate instances of non-compliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under 40 CFR 403.12, or indicated by analysis, inspection, and surveillance activities described in 40 CFR 403.8 (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).

4.7.2 Purpose

The purpose is to ensure that SIUs comply with their permit requirements.

4.7.3 Procedure

As outlined below, the Pretreatment Coordinator 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 Pretreatment Coordinator to prepare routine summaries on compliance and any action taken by the City when non-compliance exists.

1. As an example an enforcement action can be initiated for the following;

    - Industry failure to submit an Environmental Survey Form (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 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 Newberg Municipal Code, Title 13.

2. 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 Newberg Municipal Code, Title 13. Depending on the severity of the violation or offense, the City will seek immediate penalties, orders, or injunctive relief.

3. 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 Pretreatment Coordinator determines non-compliance.
    - The Pretreatment Coordinator will notify (phone call, letter or NOV) the affected user within 5 days and follow-up with any additional appropriate enforcement action(s) within 30 days.
    - The affected user may be required to respond in writing within a time frame set by the Pretreatment Coordinator, which takes into consideration the type of noncompliance, regarding the nature of the violation(s) and corrective actions being undertaken.
    - The Pretreatment Coordinator 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 Ctiy will pursue judicial and injunctive relief.

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

4.8 SNC Publication

4.8.1 Federal Requirement

To meet the federal requirement, the City 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(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements: 40 CFR 403.8(f)(2)(viii).

4.8.2 Purpose

The purpose is to notify the public of significant non-compliance events.

4.8.3 Procedure

These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. A definition of SNC can be found in the Newberg Municipal Code: Title 13, the Glossary of this document, and in Section 7.8.2 of this document.

4.9 Enforcement Response Plan (ERP) Implementation

4.9.1 Federal Requirement

To meet the federal requirement, the Control Authority must develop and implement an enforcement response plan for the POTW. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of IU non-compliance: 40 CFR 403.8(f)(5).

4.9.2 Purpose

The purpose is to document which procedures indicate how the City will investigate and respond to instances of industrial user noncompliance for consistent enforcement response.

4.9.3 Procedure

The City's Enforcement Response Plan is contained in Chapter 7 of this document, but is also separate and used accordingly from this Implementation Manual.

4.10 Issuance of Permits to SIUs

4.10.1 Federal Requirement

To meet the federal requirement, the Control Authority must control through permit, order, or similar means, the contribution to the POTW by each IU to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of IUs 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 more detail in Section 4.10.3.1.3.

4.10.1.1 General Permits (Reserved)

The City may choose to issue General Permits to SIUs. The City does not wish to develop that program at this time and therefore this section is reserved. If the City chooses to develop General Permits in the future it will follow the minimum guidelines as established in 40 CFR 403.8(f)(1)(iii)(A)(1) which includes the following language:

At the direction of the POTW, it may include use of general control mechanisms if the following conditions are met. All of the facilities to be covered must:

i. Involve the same or substantially similar types of operations;
ii. Discharge the same types of wastes;
iii. Require the same effluent limitations;
iv. Require the same or similar monitoring; and
v. In the opinion of the POTW, are more appropriately controlled under a general control mechanism than under individual control mechanisms.

To be covered by the general control mechanism, the Significant Industrial User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests in accordance with 40 CFR 403.12(e)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the Discharge is not effective in the general control mechanism until after the POTW has provided written notice to the Significant Industrial User that such a waiver request has been granted in accordance with 40 CFR 403.12(e)(2). The POTW must retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific Significant Industrial User meets the criteria in paragraphs 40 CFR 403.8(f)(1)(iii)(A)(1) through (f)(1) (iii)(A)(5), and a copy of the User's written request for coverage for 3 years after the expiration of the general control mechanism. A POTW may not control a Significant Industrial User through a general control mechanism where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the Combined Wastestream Formula or Net/Gross calculations (40 CFR 403.6(e) and 403.15).

4.10.1.2 Best Management Practices (BMPs) (Reserved)

The POTW may, also at its discretion, choose to issue BMP permits to SIUs in lieu of local limits. This section is reserved and may be used at a later date.

4.10.2 Purpose

The purpose is to have a legal mechanism for controlling discharges to the POTW.

4.10.3 Procedure

Permits will be issued to SIUs. 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 SIU will be required to install sampling and monitoring facilities and must sample its wastewater in accordance with the permit.

4.10.3.1 Permitting Requirements

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 (see example in Appendix I). Larger, more complex batch dischargers will be required to submit more frequent reports. If the affected user fails to submit the necessary reports, the Pretreatment Coordinator will initiate appropriate follow-up activities including enforcement activities.

1. Fact sheets will be prepared by the City as part of its issuance of a permit to a SIU to explain the facility and document the basis of the pretreatment requirements.

2. A permit will 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 Pretreatment Coordinator will sign the Industrial Waste Discharge Permit. An example of the permit is in Appendix G.

3. 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 Newberg Municipal Code, Title 13. Wastewater Permits must contain the following conditions:

    - A statement that indicates permit duration, which in no event shall exceed 5 years. Initially, permits are issued for 1 year. Permits are intended to be reissued prior to expiration dates, but in some cases this may not be possible. Permits that have expired will be extended until the Permit Renewal process can allow for the permit to be reissued.

    - A statement that the permit in non-transferable without prior notification to and approval from the City and provisions for furnishing the new owner or operator with a copy of the existing permit.

    - Effluent limits (including Best Management Practices) based on applicable general Pretreatment Standards in 40 CFR 403, categorical Pretreatment Standards, local limits, and State and local law, whichever is most stringent.

    - Requirements to control slug discharges, if determined by the POTW to be necessary, which may require the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

    - Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with 40 CFR 403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type based on federal, state, and local law.

    - Statement of applicable penalties for violation of pretreatment standards and requirements and compliance schedules. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State and local law.

4. 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. When a categorical Pretreatment Standard is expressed only in terms of pollutant mass limits, the Director may substitute equivalent concentration limits, as set forth in the Newberg Municipal Code, Title 13, Section 13.10.090(H).

- 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.

- Specifications for monitoring programs, which include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

- Compliance schedule for meeting pretreatment standards and requirements.

- Requirements for submission of periodic self-monitoring or special notification reports.

- Requirements for maintaining and retaining plant records relating to wastewater discharge as specified in the Newberg Municipal Code, Title 13, Section 13.10.200(I), 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.

- Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge, which could cause any problems to the system.

- 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 Title 13, Newberg Municipal Code, and state and federal laws, rules and regulations.

5. 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. Identify the most restrictive regulation (federal, state, local) that will apply to the pollutant in question. The effluent limitations will include:

    - The description of the location where the limit applies;

- The period of time the limits apply;
- The specific parameter, 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 (federal effluent limits or local limits);
    - 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 and significant industrial users. Sample options:
    - Continuous monitoring
    - Grab
    - Composite
        - Flow or time proportional

6. 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.

7. Reporting requirements to be included in the permit depend 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 Pretreatment Coordinator (specify dates and frequency).
    - Who is responsible for signing (an authorized corporate official)
    - Where the reports are to be sent, including the City's address and the name of each person responsible for receipt of each report.

8. Determination of Special Conditions – All SIUs will be required to submit a Slug Control/ Accidental Spill Prevention plan 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, a Slug Control/Accidental Spill Prevention Plan may be warranted.

9. Special Monitoring Reports – The Pretreatment Coordinator 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 IU subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in Newberg Municipal Code, Title 13, Section 13.10.200. For IUs 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 IUs 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);
- ♦ Accidental spills must be reported to the City immediately, followed by a written report within 5 days;
- ♦ Report specifying significant changes to manufacturing operation and/or discharges;
- ♦ Non-compliance with permit limits based on the facilities self-monitoring; and
- ♦ Any special monitoring and reporting requirements for specific categorical classifications.

10. Permit reissuance – SIUs are required to re-apply for a discharge permit 60 days prior to permit expiration. The City may ask that a 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.

4.10.3.2 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 IU'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 operations to a new owner/operator.

4.10.3.3 Permit Appeal Process

Any person, including the IU, may petition the Pretreatment Coordinator at the POTW address to reconsider the terms of the terms of the permit within thirty (30) days of the issuance of the final permit.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. 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.
3. The effectiveness of the permit shall not be stayed pending the appeal.
4. If the Pretreatment Coordinator 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.
5. Aggrieved parties may seek judicial review of the final administrative permit decision.

4.11 Fats, Oil and Grease (FOG) Abatement Program

4.11.1 Purpose

To prevent sanitary sewer overflows (SSOs) or sewer backups resulting from the collection of fats, oils, and greases in the City's sewer system. To prevent interference with the operation and maintenance of the municipal wastewater system, Newberg Municipal Code, Title 13, Section 13.10.080(A). To prevent any fat, oils or greases, including but not limited to petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through; Newberg Municipal Code, Title 13, Section 13.10.080 (B)(17).

4.11.2 Procedure

Protect the City's sanitary sewer infrastructure from FOG through the requirement of a Grease Removal Device (GRD) for all Food Service Establishments, the maintenance and pumping of GRDs, Best Management Practices (BMPs), and record keeping.

4.11.2.1 Grease Removal Device (GRD)

Food Service Establishments (FSEs), shall permanently connect each plumbing fixture, garbage disposal dishwashers, drains, and any other fixture or source through which FOG may be discharged to the sanitary sewer into a properly functioning GRD per the Oregon Plumbing Specialty Code. If the Building Official deems a garbage disposal is acceptable, and if the GRD is a hydro-mechanical device, a solids separator must be installed prior to the GRD (Oregon Plumbing Code, 1014.1). The GRD's will be easily accessible for inspection, cleaning and removal of intercepted FOG.

4.11.2.2 Maintenance

Each GRD shall be continuously maintained in effective operational condition by and at the expense of the FSE that is required to utilize and/or install a GRD.

1. FSEs may be required, at owner's expense, to install a new GRD or improve their GRD for Causing or contributing to a FOG-related blockage, build-up or the need for increased maintenance of a City sewer.

Frequency – The GRD will pumped out at a frequency determined by the FOG Inspector.

1. FSE shall hire a Pumper that will inspect GRD after each pump out and inform business manager/owner of any defects. If FSE is self-cleaning GRD they shall record any defects and fix any defects founds.
2. FSE / hired Pumper shall clean baffles, walls, floors and all other internal structures after each pump out.

4.11.2.3 Inspections

1. Inspections may be announced or unannounced.
2. If necessary inspector may sample effluent that best represents the nature of the FSEs discharge.
4. Inspect connections to the GRD to ensure only authorized equipment and fixtures discharge to the device.
5. Check for evidence of illicit dumping such as debris/loose screws in floor drains, missing or altered log entries, use of vegetable sink for washing dishes.
6. Spot check for evidence of BMP implementation (scraper for dishes, spill kit, BMP poster, training log, drain screens, grease bins, etc.)
7. Determine how waste grease is collected form work stoves, deep fat fryers and grills.
8. Inspect grease barrels to determine if grease is being stored properly.
9. If, upon inspection, grease removal device is found to be improperly maintained, undersized, incorrectly configured or installed, or is deficient in preventing FOG form the City's sanitary sewer, the inspector shall provide the City's Compliance Officer with all relevant information for review.

4.11.2.4 Record Keeping

Each FSE shall maintain and make available all inspection, repairs or pump out records for a period of 3 years.

4.11.2.5 Prohibitions

1. Discharge into a GRD of sanitary waste, solvents, emulsifiers, enzymes, chemicals, products or bacteria that digest, liquefy, dissolve, or emulsify fats, oils, or grease is prohibited.
2. Grease, solids, liquids or any other matter removed from the GRD shall not be returned to any GRD or be disposed of in any private sanitary sewer line, any portion of the POTW, or any other location other than a facility that is authorized by the law to receive such wastes.
3. No liquid or solids waste that contains fats, oils, or grease may be discharged directly into the POTW, without going through a GRD first.

4.11.2.6 Noncompliance

Procedures for FSEs found to be in noncompliance can be found in Chapter 7.0 Enforcement Response Plan.