



City of Kennewick

Industrial Pretreatment Program

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1. Introduction

The United States Environmental Protection Agency (USEPA) developed the National Pretreatment Program to protect water quality and reduce the quantity of pollutants discharged by industry and nondomestic wastewater sources to Publicly Owned Treatment Works (POTWs). The statutory authority for the National Pretreatment Program lies in the Clean Water Act (CWA). Under section 307(b) of the CWA, the USEPA developed the National Pretreatment Program as a core part of the National Pollutant Discharge Elimination System (NPDES) Pretreatment Standards. The objectives are to prevent pollutants from entering POTWs that could pass through untreated or interfere with the daily operation resulting in negative impacts on receiving waters, to improve opportunities to recycle and reclaim wastewaters and sludge, and to prevent worker health and safety problems. To meet the requirement of the 1977 amendment of the CWA, USEPA promulgated its General Pretreatment Regulations in June 1978 (40 Code of Federal Regulations (CFR) Part 403 – General Pretreatment Regulations for Existing and New Sources of Pollutants). These regulations are used for development and implementation of local and state pretreatment programs.

POTWs are not intended to treat most toxic and non-conventional pollutants that are generated from industrial dischargers. These dischargers have potential to cause problems at POTWs, resulting in detrimental effects on the water quality of receiving waters. Implementing pretreatment can eliminate the undesirable effects of those discharges. The National Pretreatment Program provides the regulatory basis to require non-domestic dischargers to comply with pretreatment standards to ensure that the goals of the CWA are attained. As discussed earlier, the objectives of the National Pretreatment Program are stated in 40 CFR 403.2, as follows:

- a. Prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge.
- b. Prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works.
- c. To improve opportunities to recycle and reclaim municipal and industrial wastewater and sludges.

All POTWs with a design flow greater than five million gallons per day (5 MGD) and that receive industrial pollutants are required to implement pretreatment programs. The City of Kennewick Wastewater Treatment Plant (WWTP) has been designed to treat a flow of 12MGD and is therefore required to develop and regulate an Industrial Pretreatment Program (IPP). As a prerequisite to implementation of the IPP, the City has developed local limits to protect the treatment plant, the sewer system, and receiving water from potentially harmful pollutants in industrial and commercial discharges. The City of Kennewick IPP will enforce all national

pretreatment standards and requirements in addition to stringent local limits necessary to protect site-specific conditions at the WWTP.

2. Industrial Pretreatment Program Organization

2.1 Introduction

This section describes the organizational structure of the City of Kennewick's Industrial Pretreatment Program (IPP) as well as a brief description of the Wastewater Treatment Plan and Collection System. The City of Kennewick, Department of Public Works is responsible for administering the IPP.

2.2 Organizational Structure

The City Council of Kennewick authorizes the City Manager to administer the IPP. The City Manager directly supervises the Public Works Director with advice and counsel from the City Attorney. The Public Works Director directly supervises the Utility Services Manager who supervises the Utility Operations Supervisor who, in turn, supervises the Assistant Operations Supervisor, Treatment Plant Crewleaders, Water Distribution Crewleader, Backflow Assembly Tester, Sr. Automated Control Specialist, and Pretreatment Specialist. **Figure 1.0** presents the IPP organizational chart and depicts the relative positions and responsibilities of individuals, which are described in the following sections.

2.2.1 City Council

The City Council is composed of seven council members and has general legal authority over City business. The City Council has adopted a Sewer Use Ordinance (SUO), KMC 14.22, Sewerage Service and KMC 14.23, Kennewick Pretreatment Act, and has control and authority over the WWTP facility and the Collection System. The City Council establishes all policy issues.

2.2.2 City Manager

The City Manager is responsible to City Council members for the proper and efficient operation of all departments in the City of Kennewick. The City Manager supervises and controls all administrative departments including the Department of Public Works. The City Manager delegates the Industrial Pretreatment responsibility to the Public Works Director.

2.2.3 City Attorney

The City Attorney works for the City and provides legal advice and guidance to staff in the Public Works Department. The City Attorney consults on all matters requiring the interpretation of the Sewer Use Ordinance and pretreatment regulations. The City Attorney is responsible for sending enforcement responses to industrial users such as Administrative Orders.

2.2.4 Public Works Director

The Public Works Director performs supervisory, administrative, and professional work in planning, organizing, directing, and supervising the Department of Public Works, including Environmental, Water, Sewer, Streets and Storm. The Public Works Director works under direction of the City Manager and exercises supervision over the Utility Services Manager who oversees the Utility Operations Supervisor, Assistant Utility Operations Supervisor, Water and Wastewater Treatment Plant Crewleaders, among others. Ultimately, the Public Works Director exercises supervision over all staff in the Department. The Public Works Director oversees the entire IPP to ensure program requirements are fulfilled. Given this responsibility, the Public Works Director can request the necessary funding and cost recovery aspects of the program. The Public Works Director also can provide knowledgeable, experienced personnel to fulfill the requirements of the IPP along with any technical personnel on enforcement issues. The Public Works Director is responsible for drafting and issuing Industrial Pretreatment Permits.

2.2.5 Utility Services Manager

The Utility Services Manager, under the direction of the Public Works Director, supervises and provides support to the Department of Public Works, including Environmental, Water, and Sewer. The Utility Services Manager exercises supervision over the Utility Operations Supervisor, Assistant Utility Operations Supervisor, Water and Wastewater Treatment Plant Crewleaders, among others. The Utility Services Manager assists in overseeing the entire IPP to ensure local, state, and federal requirements for the IPP are fulfilled.

2.2.6 Utility Operations Supervisor

This individual, under the direction of the Public Works Director, has general supervisory responsibility over the WWTP and its employees. The Utility Operations Supervisor is familiar with the pretreatment program requirements and is responsible for ensuring implementation of all the local, state, and federal program requirements. The Utility Operations Supervisor is also responsible for administering the pretreatment program and implementing the NPDES permit. This individual also reviews laboratory procedures and sampling protocol.

2.2.7 Assistant Utility Operations Supervisor

This individual, under the direction of the Public Works Director, provides support to the Utility Operations Supervisor and has general supervisory responsibility over the WWTP and its employees. The Assistant Utility Operations Supervisor provides support to ensure local, state, and federal requirements for the IPP are met.

2.2.8 Pretreatment Specialist

The Pretreatment Specialist performs a variety of skilled, technical, and administrative work in the implementation of the City's IPP. The Pretreatment Specialist conducts compliance monitoring

and inspections. The Pretreatment Specialist inspects and evaluates industrial and commercial facilities to ensure compliance with regulations. The Pretreatment Specialist is responsible for the assessment and resolution of wastewater discharge violations such as illegal discharges and exceeding local limits of the ordinance or permit. The Pretreatment Specialist has the knowledge including regulations, local ordinances; industrial processes where the wastewater is generated, treatment technology by the dischargers, sampling techniques, and preservation procedures. The Pretreatment Specialist represents the City and provides seminars with industrial and commercial dischargers concerning which regulations apply to their facility and whether they are in compliance with permit requirements. The Pretreatment Specialist also participates in the dissemination of information and educating affecting the IPP.

2.2.9 City Support Staff

The Utility Services Manager, Assistant Utility Operations Supervisor, Plant Operators, City Finance Director, and Administrative Assistants are all expected to work on IPP as is necessary. The Public Works Staff assigned to administer the IPP, along with City Support Staff, will share pretreatment responsibilities to provide the necessary manpower to meet the IPP demands and obligation.

2.2.10 Kennewick POTW/Collection System

The City of Kennewick collects and treats wastewater from approximately 19,000 commercial and residential wastewater accounts which results in approximately 5.5 million gallons of wastewater per day being treated at the POTW. The City's WWTP currently includes the following major unit processes: Headworks, Influent Flow Metering, Influent Pump Station, High Rate Treatment (HRT) Cells, Intermediate Clarification, Intermediate Clarifier RAS/WAS Pump Station, Aerated Sludge Lagoons, Flash Mix/Flocculation, Final Clarification, UV Disinfection, Effluent Palmer Bowlus Flume, and Effluent Pump Station. The City owns and operates a wastewater collection system which includes 315 miles of sewer infrastructure and 16 Lift Stations.



City of Kennewick Industrial Pretreatment Program

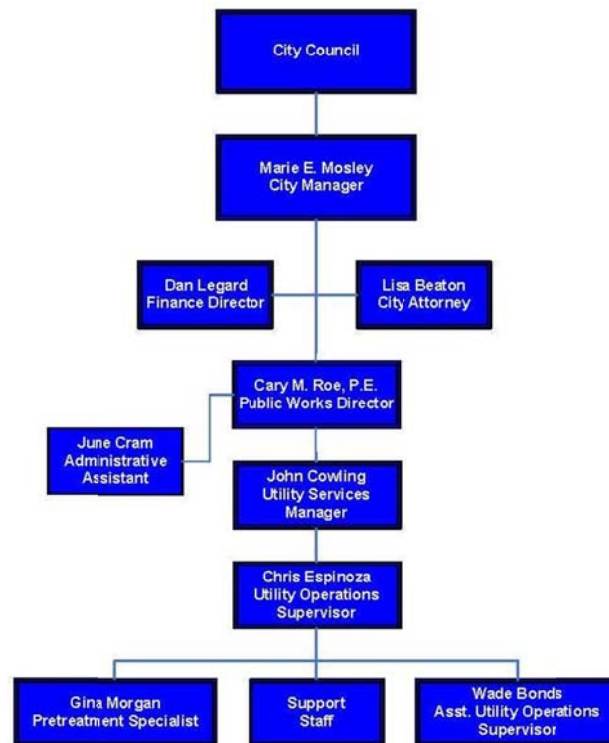


Figure 1.0 Industrial Pretreatment Program Organizational Chart

3. Identification of Non-Domestic Users

3.1 Introduction

According to CFR 403.8 - Pretreatment Program Requirements, there are certain regulations the POTW must follow to identify and gather information on all IUs that might be subject to the pretreatment program. This begins by preparing and maintaining a list of SIUs in the City of Kennewick. The following General Pretreatment Regulations describe the requirements of POTWs to identify SIUs.

- a. Identify and locate all possible IUs which might be subject to the POTW Pretreatment Program. Any inventory shall be available to the Regional Administrator or Director upon request as stated in 40 CFR 403.8(f)(2)(i).
- b. Identify the character and volume of pollutants contributed to the POTW by the IUs and make this available to the Regional Administrator or Director upon request as stated in 40 CFR 403.8(f)(2)(ii).
- c. Notify IUs of applicable Pretreatment Standards and any applicable requirements under KMC 14.23, Kennewick Pretreatment Act.
- d. The POTW must maintain a list of its Industrial Users meeting the criteria in 403.3(v)(1). The list shall be submitted to the Approval Authority along with any modifications that should occur – 40 CFR 403.8(f)(6).

This section contains the process followed for initial identification of industrial users and also includes the current inventory of IUs by non-domestic sewer connection. An industrial User Survey (IUS) was sent to selected IUs after preparing a list based on water and sewer billing records. The City then classifies them to determine whether pretreatment standards and requirements apply to these IUs.

3.2 Industrial Users Identification

3.2.1 Identifying Industrial Users

The City will identify new industrial users by being diligent about the following:

- a) All new industries will be required to fill out an industrial user survey when they apply for a new business license.
- b) Communication with other departments including the building department who reviews permits, and billing on new users.
- c) Ongoing inspections throughout the city, including monitoring of new facilities/new construction.
- d) Renewing the industrial user survey every 5 years to update information.

3.2.2 Sewer Billing Record

The existing sewer user accounts show approximately 16,144 residential residences, 1,044 multi-family residential residences, and 2,654 commercial sites connected to the City's sewer system. **Table 1** summarizes the existing active sewer accounts and average monthly water consumption. The major industrial dischargers are J.Lieb Foods, (now Refresco) with an average daily wastewater discharge of 102,000 gallons and Baker Produce with an average daily discharge of 47,869 gallons per day. All remaining industrial and commercial customers discharge well under the 25,000 gpd that would classify them as significant industrial users.

Table 1: Sewer User Accounts and Water Consumption

Customer Classification	Number of Accounts	Water Consumption (Monthly)
Residential Inside	16,144	
Residential Outside	119	
Multi-Family Inside	1,044	
Total Residential	16,310	130,733,706
Commercial Inside	1,604	
Commercial Outside	4	
Total Commercial	2,654	51,907,937

3.3 Industrial Waste Survey

- a) After the IUs are identified, the City must classify them to determine if pretreatment standards and requirements apply to these facilities. Although Baker Produce and Refresco were already identified as the sole SIUs in Kennewick, the City conducted further investigations into other commercial businesses such as auto mechanics, dental offices, and hospitals in order to characterize their wastewater flow and chemical usage. The City developed and distributed an Industrial User Survey questionnaire to the identified IUs. As an on-going procedure to maintain the IUs list, the City will utilize this IUS form to gather valuable information on industry characteristics and wastewater discharge. Future surveys will continue to identify the IUs that are subject to categorical pretreatment standards or have the potential to affect the Kennewick WWTP. Please see Appendix I for a copy of the survey that will be utilized to gather information on future industrial users. All new system users will be required to complete and sign a survey prior to discharge.
- b) Once an IU is identified as a Significant Industrial User, the City must notify the SIU of their status and pretreatment standards and requirements in accordance with 40 CRF 403.8(f)(2)(iii). The City's IUS form requests necessary information to identify SIUs:
 - i. Business name and address
 - ii. Business production information and employee information
 - iii. Classification or process overview
 - iv. Water use and wastewater discharge

- v. Chemical/hazardous material inventory
 - vi. Control mechanism status or pretreatment-in-place
- c) The industrial User Surveys were sent out at the end of 2017, At this time, the City has an 80% response rate and has received surveys from every industry reasoned to discharge hazardous material or that would possibly qualify as an SIU. The City was satisfied the remaining 20% did not pose a concern based on the classification of these users and had an understanding of their discharge based on similar users. Following the original due date of the survey, the City called unresponsive recipients and hand-delivered second IU survey forms in an effort to get the most completed survey forms.
- d) Any users that discharge less than 25,000 gallons per day or discharging no significant pollutants of concern as listed in the local limits were excluded from further evaluation and permitting requirements. All but two IU's within Kennewick limits, Baker Produce and Refresco are excluded as SIU's based on these criteria.
- e) Data on IU's will be updated and maintained based on new sewer connection applications, water service applications and applications for changes in service. Table 2 summarizes the industries that received the IUS and the current response status. It should be noted that food service establishments were excluded from the survey, as the City already regularly monitors and implements a pretreatment program for these establishments. See Appendix II for a full list of food service establishments in Kennewick that are regulated under the City's FOG program.

Table 2: Industrial User Survey Recipient Category and Response Status

Category	Number of Users	Returned Surveys
Auto Washes	18	9
Auto		
Service/Repair	91	78
Dental Offices	37	32
Chiropractic	30	23
Hospitals/Clinics	36	27
Food Processors	1	1
Winery/brewery	1	1
Veterinary		
Clinics	6	6
Dry Cleaners	8	6
Printing	15	10
Photo		
Processing	3	3
Other	11	10

3.4 Updating the Industrial User Survey

In an effort to maintain up to date records of IUs discharging to the POTW in Kennewick, the City will revise and conduct a survey update for all facilities reasonably expected to discharge wastewater pollutants every 5 years. The City will follow the same procedure for conducting the survey as the original IU survey by first compiling a list of all IUs, collecting and analyzing survey data, following up with unresponsive businesses, summarizing survey results, and notifying any industrial users of a status or pretreatment standard requirement change.

4. Local Limits

4.1 Introduction

POTWs develop and implement local limits based on site-specific conditions to protect the pass through of hazardous materials. These technically based local limits are designed to serve as an acceptable level of control over the industrial users discharging to the WWTP.

As part of City of Kennewick's Local Limit Development, sampling was conducted on pollutants of concern (POCs) and the data was analyzed by CWA Consulting Services, who performed calculations to determine the maximum allowable headworks loading (MAHL) and maximum allowable industrial loadings (MAILs).

4.2 Determination of Pollutants of Concern

In determining the POCs, the City considered environmental standards and regulatory requirements that must be met. Historical sampling data was reviewed to identify any possible pollutants present in the POTW influent, effluent, or sludge or any pollutants that contributed to past or present operational or maintenance issues. Additionally, the NPDES permit was referenced to review any environmental criteria. The following list of POCs was identified for sampling, including the 15 mandatory POCs recognized by the EPA.

- | | | |
|------------|--------------------|------------------|
| • Arsenic | • Lead | • Selenium |
| • Cadmium | • Mercury | • Silver |
| • Chromium | • Molybdenum | • Zinc |
| • Copper | • Nickel | • TSS |
| • Ammonia | • BOD ₅ | • Oil and Grease |
| • Antimony | • Beryllium | • Thallium |

Please reference Appendix III for local limit development and calculations.

5. Resources

5.1 Introduction

The General Pretreatment Regulations require that the POTW have sufficient resources and qualified personnel to carry out the authorities and procedures for the Industrial Pretreatment Program (IPP). This section describes the budget, staffing, and equipment needs of the IPP.

5.2 Budget

The budget for the IPP implementation includes costs for staff, operation and maintenance, staff training, equipment purchase, and contingency. The staff cost includes mainly salaries and benefits for staffs assigned to the pretreatment program. The part-time staff is also included. Operation and maintenance cost includes sampling equipment, office equipment, laboratory costs, and repair and maintenance of equipment. The staff training cost included attendance of educational class, travel expenses for seminars and meeting, and purchase of publications.

Table 3: Pretreatment Implementation Costs and Revenues

Item	Fiscal Year	
	2017/2018	2019/2020
J Lieb Monitoring (hr/wk)	5	10
Equip/Laboratory Costs (\$/yr)	\$13,894	\$30,800
Industrial Waste Survey (hrs/yr)	80	16
Baker Produce (hr/wk)	5	10
Equip/Laboratory Costs	\$13,894	\$20,400
Lift Station Monitoring (hr/day)	3	3
City Hot Spot Monitoring (Sewer Collection Costs \$/yr)	\$18,525	\$18,525
Salaries & Benefits	\$119,725	\$131,697 (10%)
Technical Services (CWA Consulting Services)	\$22,500	\$0
Local Limit Development (Sampling)	\$17,500	\$0
Sewer Cleaning/Video Inspection (\$/yr)	\$3,562	\$3,918 (10%)
Total Bi-Annual Cost	\$209,600	\$205,340
Annual Revenues		
Wastewater Treatment	\$2,819,178	\$3,038,246
Collection System	\$1,000,072	\$1,445,284
Total	\$3,819,250	\$4,483,530

The IPP budget for the City of Kennewick is currently funded through the City's sewer service fee. Overall revenues for the Sewer Collection System and Wastewater Treatment Enterprise Fund is estimated at \$7,638,500 for the year 2017-2018. Total revenue for 2019 and 2020 is

estimated at \$8,967,060. All the costs associated with additional sampling and analysis for Industrial User (IU) violations shall be billed to the IU as a cost recovery charge. In 2016 City hired FSC to perform a rate study. Kennewick's City Council adopted a revised rate structure with the ability to revisit and approve the incremental rate increases annually. The new rate structures will provide a more equitable distribution of costs for the IPP, wastewater collection, and treatment costs among the residential, commercial and industrial user, with a final goal of the IPP to be entirely funded by commercial and industrial users.

Administrative penalties shall be deposited in the City's Wastewater Budget. Penalties are not relied upon to fund the pretreatment program.

5.3 Staffing

As discussed in Section 2, the Public Works Director and Utility Services Manager are primarily responsible for the IPP in Kennewick. The Pretreatment Specialist and other wastewater plant staff (e.g. plant operators, administrative assistants, etc.) will provide the necessary manpower to meet pretreatment obligations. Currently, the City has a Public Works Director, Utility Services Manager, Utility Operations Supervisor, and a full-time Pretreatment Specialist available to implement the program.

5.4 Field Gear and Equipment

The following is the list of field gear and equipment which are available for pretreatment samplings and inspection in Kennewick:

- Portable automatic samplers
- Portable pH meter
- Portable conductivity/total dissolved solids meter
- Portable flow meter
- Sampling pole
- Sampling cup
- Clean, sterilized sample bottles (glass or plastic)
- Cooler and ice or ice pack for sample preservation
- Chain-of-Custody forms
- Field notebook or field forms and pens or markers
- Powder free disposable nitrile latex gloves
- Safety equipment (e.g. first aid kit)
- Safety glasses, hard hat, reflective vest, fire boots
- Clipboard and monitoring checklist
- Smart phone/camera
- Laptop computer

6. Public Participation

6.1 Introduction

The public participation element of the Industrial Pretreatment Program consists of 1) informing the public of compliance status of Industrial Users, 2) individual notice and comment on proposed local limits, and 3) public access to non-confidential data and records. This section outlines the public participation including public meeting, newspaper publication and public access to information.

6.2 Public Participation

During local limit development, the City sent out an Industrial User Survey to all potential industrial and commercial dischargers which included a cover letter explaining the Industrial Pretreatment Program. A copy of this letter can be found in Appendix I.

After the adoption of a Revised Sewer Use Ordinance, with accepted Local Limits, a presentation of the local limits process and industrial pretreatment program will be made public at a City Council meeting. Minutes of the meeting will be presented, including public comments.

Industrial Pretreatment Program approval requests will be published in a local newspaper by the Approval Authority. All comments in the meeting or public hearing will be considered when deciding to approve or deny the IPP. The comments received will be available to the public. Once the IPP is approved, the requirement to implement the program is incorporated into the NPDES permit and the City implements the IPP as approved.

Once approved, the City will provide an annual public notification in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the City. The notification will include a list of IUs that were in significant noncompliance at any time during the previous 12 month period. The frequency and types of violation will be included.

The City will provide public access to non-confidential information contained in the documents and records developed in the course of the IPP. The office or location where people can go to read or copy documents will be specified. The acceptable location will be City Hall, Public Works office, or WWTP. The hours of operation will be convenient for the public. However, there is restricted access to confidential information concerning IUs.

7. Appendices

- I. Industrial User Survey
- II. Food Service Establishments
- III. Local Limits Development and Calculations
- IV. Kennewick Municipal Code: Pretreatment Act
- V. City Attorney Statement
- VI. Permitting
- VII. Pretreatment Program Procedures

Appendix I: Industrial User Survey

Dear Customer:

The City of Kennewick is in the process of becoming "Fully Delegated," which simplified, is the transfer of authority from the Department of Ecology to the City of Kennewick. With this delegation of authority, the City will be responsible for developing Wastewater Discharge Permits for its users. A significant step in this process is the requirement of conducting an Industrial User Survey. The required survey will allow the City to gather information on wastewater discharged by our sanitary sewer system users. The information collected is designed to identify discharges that could be harmful to the City's infrastructure, treatment plant, and everyone's aquatic environment. The City is responsible for collecting this information from all non-residential customers and submitting the information to the Department of Ecology to ensure that proper controls are in place for significant sources of potential contaminants.

All system users are required to accurately and completely fill out the survey portion(s) that pertains to their discharge. Completed surveys can be mailed to the following address:

Attn: Public Works Department
Wastewater Utility / Pretreatment Program
City of Kennewick
PO Box 6108
Kennewick, WA 99336

We want to emphasize the basis for this survey is Environmental Protection Agency / Department of Ecology driven and the City of Kennewick is required by the Code of Federal Regulations, 40 CFR 403.8 to conduct and submit an industrial survey for its users. Failure to fill out and return the form, or falsification of information regarding a pollutant not identified or a higher volume than reported in this survey is an offense subject to enforcement actions that may include termination of treatment services.

All surveys will be reviewed for completeness and if additional information or clarification is needed on your industrial survey, we will notify you. If you have any questions, please contact Pretreatment Specialist, Gina Morgan at (509) 585-4483 or Chris Espinoza, Utility Operations Supervisor at (509) 585-4537.

Sincerely,



Chris Espinoza
Utility Operations Supervisor



City of Kennewick Sanitary Sewer-Industrial User Survey

Please fill out sections 1-6 and all other sections that pertain to your facility

1. General Information

Company Name: _____

Business Mailing Address: _____

City: _____ State: _____ Zip: _____

Facility Address: _____

City: _____ State: _____ Zip: _____

Facility Contact Name: _____

Telephone Number: (____) _____ Email: _____

2. Description of Operation

Products or Service Produced at Facility: _____

Describe the manufacturing process or services conducted on the premises (include any activities where wastewater is produced):

3. Water use and wastewater discharge

Facility Uses Water for the Following Purposes:

Estimated Gallons Per Day:

☐ Domestic waste (restrooms, employee showers, handwashing) Gallons:

☐ Non-Contact Cooling Water Gallons:

☐ Contact Cooling Water Gallons:

☐ Equipment Washing/Rinsing Gallons:

☐ Boiler Blowdown Gallons:

☐ Process Water Gallons:

☐ Other (please describe): Gallons:

Total Volume discharged to sanitary sewer Gallons:

Is 100% of the wastewater discharged to the Sanitary Sewer System domestic waste (Restrooms, handwashing, showers ONLY)

☐ No ☐ Yes

Is 100% of wastewater discharged to the Sanitary Sewer System?

☐ No ☐ Yes

If NO, please indicate other ways wastewater is discharged:

☐ Flow to ground (drainfield, wetwell) Gallons/day:

☐ Storm Sewer (non-contact cooling water) Gallons/day:

☐ Pick-up by Waste Hauler/Recycler Gallons/day:

☐ Other (describe): Gallons/day:

Is there a spill prevention plan prepared for this facility? If yes, please describe.

☐ No ☐ Yes

4. Wastewater Characteristics

Please check the box(es) next to the substances contained in your wastewater:

- | | |
|---|--|
| <input type="checkbox"/> Acids/acidic waste | <input type="checkbox"/> Alkali and caustic wastes |
| <input type="checkbox"/> Soaps and detergents | <input type="checkbox"/> Fats/oils/grease |
| <input type="checkbox"/> Inks/dyes/pigments | <input type="checkbox"/> Chlorinated compounds |
| <input type="checkbox"/> Benzene | <input type="checkbox"/> Brominated compounds |
| <input type="checkbox"/> Paints | <input type="checkbox"/> Plating wastes |
| <input type="checkbox"/> Waxes | <input type="checkbox"/> Resins |
| <input type="checkbox"/> Hot wastes, temp: | <input type="checkbox"/> Ethers |
| <input type="checkbox"/> Alcohols | <input type="checkbox"/> Aldehydes, ketones |
| <input type="checkbox"/> Solvents/thinners | <input type="checkbox"/> Powdercoating/electrocoating wastes |
| <input type="checkbox"/> Latex wastes | <input type="checkbox"/> Phenol containing wastes |
| <input type="checkbox"/> Metals | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Copper | |
| <input type="checkbox"/> Cadmium | |
| <input type="checkbox"/> Mercury | |
| <input type="checkbox"/> Zinc | |
| <input type="checkbox"/> Nickel | |
| <input type="checkbox"/> Other: _____ | |

pH of wastewater: _____

5. Industry Characteristics

Industry Category

- | | | |
|--|--|---|
| <input type="checkbox"/> Adhesives | <input type="checkbox"/> Food manufacturing | <input type="checkbox"/> Photo/film processing |
| <input type="checkbox"/> Aluminum forming | <input type="checkbox"/> Hospitals | <input type="checkbox"/> Plastic and synthetic material manufacturing |
| <input type="checkbox"/> Auto washing | <input type="checkbox"/> Inorganic chemicals | <input type="checkbox"/> Porcelain |
| <input type="checkbox"/> Auto repair/body work | <input type="checkbox"/> Iron and steel | <input type="checkbox"/> Printing and publishing |
| <input type="checkbox"/> Battery manufacturing | <input type="checkbox"/> Leather tanning/finishing | <input type="checkbox"/> Pulp/paper manufacturing |
| <input type="checkbox"/> Beverage bottling | <input type="checkbox"/> Metal finishing | <input type="checkbox"/> Slaughter/meat packing |
| <input type="checkbox"/> Can making | <input type="checkbox"/> Metal molding and casting | <input type="checkbox"/> Soap and detergent manufacturing |

- | | | |
|---|---|---|
| <input type="checkbox"/> Coil coating | <input type="checkbox"/> Organic chemical manufacturing | <input type="checkbox"/> Stone cutting |
| <input type="checkbox"/> Copper forming | <input type="checkbox"/> Painting | <input type="checkbox"/> Wood products |
| <input type="checkbox"/> Dental | | |
| <input type="checkbox"/> Electric and electronic components manufacturing | <input type="checkbox"/> Pesticide manufacturing | <input type="checkbox"/> Electroplating |
| | <input type="checkbox"/> Pharmaceutical | <input type="checkbox"/> Other, describe: |

Number of employees: _____ **Normal Operating Schedule:** ____ hours/day ____ days/week

Production Type: ☐ Batch ☐ Continuous ☐ Both ____%Batch ____% Continuous

Is product subject to seasonal variation?

☐ No ☐ Yes

If YES, describe the seasonal production cycle including the months of highest and lowest production

6. Pretreatment devices and processes

Pretreatment refers to elimination or reduction in pollutants being discharged to the sewer system through physical, chemical, or biological means.

Please check all methods of pretreatment for this facility:

Physical Pretreatment

☐ Amalgam separator

☐ Clarifiers

☐ Evaporation

☐ Filtration

☐ Grease trap

Device size: _____

☐ Grit removal

☐ Oil/water separator

Device size: _____

☐ Reverse osmosis

Chemical Pretreatment

☐ Carbon filter

☐ Chemical precipitation

☐ Chlorination

☐ Ion exchange

☐ pH neutralization

☐ Other:

Biological Pretreatment

Type of biological treatment:

- ☐ Screening
- ☐ Sedimentation
- ☐ Silver recovery

☐ Spill protection (berms, dry sumps)

☐ Other:

Provide a description of any pretreatment systems:

7. Medical/dental facilities

Type of Facility:

- | | | | |
|---------------------------------------|---|---|-------------------------------------|
| <input type="checkbox"/> Chemotherapy | <input type="checkbox"/> General Practitioner | <input type="checkbox"/> Pharmacy | <input type="checkbox"/> Veterinary |
| <input type="checkbox"/> Dialysis | <input type="checkbox"/> Hospital | <input type="checkbox"/> Radiology | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Dental | <input type="checkbox"/> Laboratory | <input type="checkbox"/> Research and development | |

Equipment Used at Facility:

- ☐ Autoclave
- ☐ CT Scan
- ☐ Fluoroscopy
- ☐ Laundry

- ☐ MRI
- ☐ Photo Development
- ☐ Sterilizer
- ☐ X-Ray Digital

- ☐ X-Ray Film

Where do you dispose of fixer waste? _____

How much fixer waste is disposed of per year?

☐ Other:

Medicine/Medications/Prescriptions:

How are unused, expired, or discontinued medications disposed of? Check all that apply.

- ☐ Garbage (solid waste)
- ☐ Toilet or drain
- ☐ Incinerated onsite
- ☐ Incinerated offsite

Do you generate any of the following hazardous substances or dangerous wastes? Check all that apply and state how it is disposed of:

- | | |
|---|--|
| <input type="checkbox"/> Acetone: | <input type="checkbox"/> Heavy metals: |
| <input type="checkbox"/> Acids: | <input type="checkbox"/> Hexane: |
| <input type="checkbox"/> Alcohols: | <input type="checkbox"/> Mercury-containing devices: |
| <input type="checkbox"/> Amalgam: | <input type="checkbox"/> Methylene chloride: |
| <input type="checkbox"/> Caustics: | <input type="checkbox"/> Silver/fixer: |
| <input type="checkbox"/> Developer: | <input type="checkbox"/> Solvents: |
| <input type="checkbox"/> Disinfectants: | <input type="checkbox"/> Stains: |
| <input type="checkbox"/> Dyes: | <input type="checkbox"/> Toluene: |
| <input type="checkbox"/> Ethanol: | <input type="checkbox"/> Trichloroethylene: |
| <input type="checkbox"/> Ethers: | <input type="checkbox"/> Trichloromethane: |
| <input type="checkbox"/> Formaldehyde: | <input type="checkbox"/> Xylene: |
| <input type="checkbox"/> Freon: | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Germicides/sterilants: | |

List any permits issued by the Health Department, Department of Ecology, EPA or Fire Department:

8. Automotive Facilities

Type of Facility:

- ☐ Automotive detailing ☐ Body repair ☐ Oil & filter change ☐ Other:
- ☐ Automotive glass replacement ☐ Car Wash ☐ Paint
- ☐ Automotive repair (engine, muffler, radiator, etc.) If checked, fill out number 9 ☐ Tire sales
- ☐ Dealership/sales

General Information:

How many service bays do you have? _____

Does your facility have an on-site above ground storage ☐ No ☐ Yes tank?

If YES, complete the following for each tank:

Capacity	Contents	Date last cleaned/emptied

Does your facility have an on-site underground storage tank?

If YES, complete the following for each tank:

Capacity	Contents	Date last cleaned/emptied
----------	----------	---------------------------

Does your facility have any floor drains? ☐ No ☐ Yes

How many and where are they located? _____

Does your facility have an on-site storm water catch ☐ No ☐ Yes basin?

9. Vehicle Wash

General Information:

Do you have an automated car wash? ☐ No ☐ Yes

How many wash bays do you have? _____

Average number of vehicles washed: _____ per day AND _____ per month

Do you recycle your wash water? ☐ No ☐ Yes

List the type and quantity of agents used to wash vehicles:

	Name of Product	Monthly average quantity stored on-site
Detergents		
Solvents		
Degreasers		

10. Additional Comments

Please provide any additional comments or information not addressed in this survey or attach comments as necessary.

Signature of Authorized Representative* : _____

Name: _____

Date: _____

Phone Number: _____

*Surveys must be signed as follows : Corporations, by a principal executive officer of at least the level of vice-president, partnership, by a general partner; sole proprietorship, by the proprietor, (ref 40 CFR 403.12(1))

List of Survey Respondents

Company Name	Date Survey Sent	Date Resubmittal Requested: phoned/visited/wrote	Date Completed Survey Obtained
Auto Washes			
Affordable Detail	12/6/2017		
Autobahn Car Wash & Lube	12/6/2017		1/8/2018
Bush Car Wash	12/6/2017		12/19/2017
Bush Car Wash	12/6/2017		12/19/2017
Horse Heaven Auto Wash	12/6/2017		
Hura Clean Wash #1	12/6/2017		
Hura Clean Wash #2	12/6/2017		
Jiffy Car Wash	12/6/2017		
Mister Car Wash	12/6/2017		
Splash Car Wash	12/6/2017		1/5/2018
Steptoe Car Wash & Mini	12/6/2017		1/4/2018
Sun Pacific Car Wash	12/6/2017		1/31/2018
Super Suds Hand Car Wash	12/6/2017		
United Parcel Service	12/6/2017		12/14/2017
Volland St. Car Wash	12/6/2017		1/9/2018
Washington Street Car Wash	12/6/2017		1/5/2018
Wash Works Tri Cities LLC	12/6/2017		
Wash Works Tri Cities LLC	12/6/2017		
Auto Service/Repair			
360 Automotive Repair	12/6/2017	2/6/2018	1/9/2018
1st Ave Auto	12/6/2017		12/12/2017
A-1 Automotive Repair	12/6/2017		12/8/2017
A-Z Auto Repair	12/6/2017	2/6/2018	
ABRA Auto Body & Glass	12/6/2017		12/19/2017
Accurate Automotive	12/6/2017	1/19/2018 and 2/6/2018	
All Automotive Service & Repair	12/6/2017		1/3/2018
All City Transmission	12/6/2017	1/19/2018	
Allied Automotive	12/6/2017		1/2/2018
Alvarez Auto Sales	12/6/2017		1/5/2018
Archibald's Inc	12/6/2017		1/3/2018
Auto Palace	12/6/2017	1/23/2018	2/2/2018
Autowork, Inc.	12/6/2017	1/23/2018	1/24/2018
Battery Systems of Tri-Cities	12/6/2017		12/12/2017
Blue Dog RV	12/6/2017		1/8/2018
Bob's Automotive	12/6/2017		
C.A.R.S Performance Auto Repair (Rod's Cars)	12/6/2017		33 Page 12/19/2017
CA Sales	12/6/2017	1/23/2018 and 2/6/2018	

Carefree RV & Auto Repair	12/6/2017		1/5/2018
Charlie's Automotive & Tri-City Radiator Service	12/6/2017		12/15/2017
Chuy's Auto Sales	12/6/2017	2/6/2018	2/21/2018
Clearwater Collision & Towing LLC	12/6/2017		1/2/2018
Commercial Tire	12/6/2017		1/12/2018
Creative Rods & Customs	12/6/2017		1/5/2018
Crystal Clear Auto Glass	12/6/2017	2/6/2018	8/1/2018
D and A Auto Repair	12/6/2017		12/8/2017
Desert Buick GMC	12/6/2017		12/19/2017
Elite 1 Auto Sales	12/6/2017		1/5/2018
Ernie's Car Place	12/6/2017		12/14/2017
Excalibur Auto Service Department	12/6/2017	1/23/18 and 2/6/18	3/12/2018
Farmer's Exchange Repair	12/6/2017		12/29/2017
Firestone Complete Auto Care	12/6/2017	1/23/2018 and 2/6/2018	2/22/2018
Genesis Auto Inc	12/6/2017		12/19/2017
Golden Crown Auto Sales	12/6/2017	2/6/2018	2/13/2018
Grandstand Auto Sales	12/6/2017		12/29/2017
Grandstand Auto Sales	12/6/2017		12/29/2018
Hank's Auto Repair	12/6/2017	2/6/2018	
Harding Motor Company	12/6/2017	2/6/2018	2/18/2018
Hi-Land Garage	12/6/2017		12/17/2017
Jack's Superior Autobody	12/6/2017		12/23/2017
Jiffy Lube	12/6/2017	1/23/2018	1/23/2018
Jiffy Lube	12/6/2017	1/23/2018	
Jiffy Lube	12/6/2017	1/23/2018	
John's Auto Mart	12/6/2017		1/9/2018
Kaizen Speed	12/6/2017		12/13/2017
Kennewick Auto Body	12/6/2017	2/6/2018	2/8/2018
Kennewick School District	12/6/2017	2/6/2018	
Les Schwab Tire Center	12/6/2017	2/6/2018	2/13/2018
Lithia Chrysler Jeep Dodge	12/6/2017		12/27/2017
Leskovar Mitsubishi Service Department	12/6/2017		12/14/2017
Line-X Of The Tri-Cities, LLC	12/6/2017		1/2/2018
Maaco Collision Repair & Auto Painting	12/6/2017		1/16/2018
Mad Mechanics	12/6/2017	2/6/2018	2/12/2018
Marquez Motors	12/6/2017	2/6/2018	3/2/2018
Mathews Autobody	12/6/2017	2/6/2018	2/8/2018
Mel's Inter City Collision Inc.	12/6/2017		1/5/2018
Mercedes Of Tri-Cities	12/6/2017	2/6/2018	2/19/2018
Modern Automotive	12/6/2017		1/9/2018

Messer Motoren Werke	12/6/2017	2/6/2018	2/13/2018
Millenium Auto Sale Service Department	12/6/2017	2/6/2018	3/12/2018
Mister Express Lube	12/6/2017	2/6/2018	
Motoring Services	12/6/2017		1/3/2018
Meyers Auto Tech	12/6/2017		1/10/2018
Ok Auto Sales	12/6/2017		1/9/2018
Overturf Auto	12/6/2017	2/6/2018	2/13/2018
Paradise Auto Sales	12/6/2017	2/6/2018	2/26/2018
Perfection Tire	12/6/2017		12/13/2017
Perfection Tire	12/6/2017		1/6/2018
Platinum Automotive Services	12/6/2017		12/13/2017
Poyner Machine	12/6/2017		12/8/2017
Pro Tech Custom Auto Fab Inc	12/6/2017		1/7/2018
Rattlesnake Mountain Harley Davidson Service Department	12/6/2017	2/6/2018	
Riverside Collision	12/6/2017	2/6/2018	2/12/2018
Rollin Motors	12/6/2017	2/6/2018	2/27/2018
S & B Automotibe Machine-Parts	12/6/2017		1/1/2018
Safelite AutoGlass	12/6/2017	2/6/2018	
Sears Automotive	12/6/2017	2/6/2018	
Sonshine Collision & Waer's Automotive	12/6/2017		12/13/2017
Steve's Tire & Auto Repair (K&R Automotive)	12/6/2017		12/14/2017
Street Rodz Unlimited	12/6/2017		12/14/2017
Toyota of Tri Cities	12/6/2017		1/9/2018
Tri-Cities Battery	12/6/2017	2/6/2018	
Tri-Cities Automotive Repair LLC	12/6/2017		1/5/2018
Tri-City Car Sales	12/6/2017		1/3/2018
USA Brake & Auto Repair	12/6/2017		1/3/2018
USA Auto Sales	12/6/2017	2/6/2018	2/20/2018
Waer's Automotive (See Sonshine Autobody)	12/6/2017		12/13/2018
Walmart Tires & Auto Center	12/6/2017		1/5/2018
Warner's Auto Sales	12/6/2017	2/6/2018	
Waste Management (Fleet Shop)	12/6/2017	2/6/2018	2/19/2018
West Coast Auto Dealers	12/6/2017		1/8/2018
Dental			
Advanced Endodontic Care	12/6/2017	2/6/2018	
Almond Orthodontics	12/6/2017		12/20/2017
Anderson Dental	12/6/2017	2/7/2018	2/13/2018
Angus Square Dental	12/6/2017		2/2/2018
Aspen Dental	12/6/2017	2/6/2018	
Chinook Family Dental Care	12/6/2017		12/8/2017
Clearwater Dental	12/6/2017		12/19/2017

Columbia Basin Oral & maxillofacial Surgeons	12/6/2017		1/2/2018
Columbia River Endodontics - Kirby Skavdahl, DDS	12/6/2017	2/6/2018	3/5/2018
Creekside Dental	12/6/2017		1/12/2018
Dentistry for Kids - David Hamilton, DDS	12/6/2017	2/6/2018	2/21/2018
Kennewick Family Smiles	12/6/2017	2/6/2018	2/13/2018
Family Dental Center - Andrew Mohlman, DDS	12/6/2017		12/8/2017
Family First Dental	12/6/2017		12/19/2017
Family First Dental - William Stout, DDS	12/6/2017		12/27/2017
Family First Dental	12/6/2017		12/14/2017
Glenhill Dental	12/6/2017	2/6/2018	2/6/2018
Grandridge Dental	12/6/2017	2/6/2018	
Henager Black Dentistry - Dr. Lilo Mannion Black, DDS	12/6/2017	2/6/2018	2/7/2018
Ideal Dentistry - Rpw Bradley, DDS	12/6/2017		12/14/2017
Jade Orthodontics	12/6/2017		12/13/2017
James M. Lukas, DDS Family Dentist	12/6/2017		1/9/2018
Kennewick Dental	12/6/2017		12/8/2017
Mathews Dental Clinic - Sean Mathews, DDS	12/6/2017	2/6/2018	4/3/2018
Marineland Dental Care- Dr. Walter Hadley	12/6/2017	2/6/2018	2/12/2018
Mid-Columbia Dental	12/6/2017	2/6/2018	2/13/2018
Orchard Hills - Dr. Rusty Walker	12/6/2017		1/30/2018
Quail Ridge Dental	12/6/2017		12/12/2017
Southridge Dental	12/6/2017	2/6/2018	
Sunrise Dental	12/6/2017	2/6/2018	2/21/2018
Shannon Dental Health Center - Michael Shannon, DMD	12/6/2017	2/6/2018	2/12/2018
Signature Orthodontics	12/6/2017		12/12/2017
Swisher Dental - Dr. Larry Swisher	12/6/2017		12/13/2017
Three Rivers Dental - Robert King Jr., DDS	12/6/2017		2/5/2018
Tri-City Dental Care	12/6/2017	2/6/2018	
Wilde Jerold DDS	12/6/2017		12/19/2017
Zuroff Orthodontic Care	12/6/2017		12/11/2017
Chiropractic			
3 Rivers Chiropractic	12/6/2017		
24 Bones Chiropractic	12/6/2017		12/12/2017
Advanced Family Chiropractic	12/6/2017		12/14/2017
Akridge Chiropractic	12/6/2017		12/13/2017

Allen Family Chiropractic	12/6/2017		12/13/2017
Awaken Well Chiropractic	12/6/2017		12/27/2017
Back to Basics Chiropractic and Massage	12/6/2017		
Briggs Chiropractic	12/6/2017		12/12/2017
Buxbaum Family Chiropractic	12/6/2017		12/19/2017
Canyon Chiropractic & Massage	12/6/2017		12/12/2017
Chan Chiropractic and Massage	12/6/2017		12/8/2017
Clearwater Chiropractic Center	12/6/2017		1/8/2018
Columbia Basin Spine: Chiropractic Clinic & Clinical Nutrition	12/6/2017		6/19/2018
Columbia Physical Therapy	12/6/2017		12/11/2017
Columbia Valley Chiropractic	12/6/2017		12/11/2017
Core Concepts	12/6/2017		12/19/2017
Elite Chiropractic and Massage	12/6/2017		
Justice Family Chiropractic	12/6/2017		1/2/2018
Lee Alternative Health Clinic	12/6/2017		1/12/2018
Liz Faletti, Chiropractor	12/6/2017		12/12/2017
Matheson Chiropractic & Wellness Center	12/6/2017		
Mcdonald Chiropractic Center	12/6/2017		1/2/2018
NewEdge Wellness Center	12/6/2017		
Northwest Spinal Rehab	12/6/2017		12/19/2017
Premier Chiropractic	12/6/2017		7/27/2018
Ramos Spine & Sports Therapy	12/6/2017		
Synder Chiropractic	12/6/2017		12/14/2017
Tollison Chiropractic Center	12/6/2017		1/8/2018
Washington Street Chiropractic	12/6/2017		
Zwiener Chiropractic Clinic	12/6/2017		1/8/2018
Hospitals/Clinics			
8Am to 8PM Family Medicine	12/6/2017		12/13/2017
Benton Franklin Orthopedics	12/6/2017		12/14/2017
Fresenius Kidney Care Columbia Basin	12/6/2017		1/5/2018
Kadlec Center for Pediatrics	12/6/2017	1/24/2018 and 2/7/18	
Kadlec Clinic Senior	12/6/2017	1/24/2018 and 2/7/18	
Kadlec Express Care	12/6/2017	2/7/2018	
Kadlec Hematology and Oncology	12/6/2017		12/22/2017
Kadlec Kennewick Primary Care	12/6/2017	1/24/2018 and 2/7/18	
Kadlec Nephrology	12/6/2017		1/12/2018
Kadlec Rheumatology	12/6/2017	1/24/2018 and 2/7/18	
Kadlec Urgent Care	12/6/2017		12/27/2017
Kadlec Urgent Care	12/6/2017	2/7/2018	2/13/2018
Martin Medical	12/6/2017	1/24/2018	1/29/2018

NW Cancer Clinic	12/6/2017		1/12/2018
Pacific Cataract & Laser Institute	12/6/2017		12/19/2017
Planned Parenthood Health Center	12/6/2017	1/24/2018 and 2/7/18	
Retina & Macula Specialists	12/6/2017		1/18/2018
Retina Eye Laser Clinic	12/6/2017		1/16/2018
Total Care Clinics	12/6/2017	2/7/2018	2/12/2018
Trios Adult Day Care	12/6/2017		12/12/2017
Trios Care Center	12/6/2017		12/30/2017
Trios Urgent Care	12/6/2017		12/30/2017
Trios Care Center	12/6/2017		12/31/2017
Trios Care Center	12/6/2017	1/24/2018 and 2/7/18	
Trios Care Center	12/6/2017		12/30/2017
Trios Care Center	12/6/2017	2/7/2018	
Trios Care Center	12/6/2017	2/7/2018	
Trios Southridge Hospital	12/6/2017	2/7/2018	3/5/2018
Trios Women's and Children's Hospital	12/6/2017		12/30/2017
Tri-Cities Community Health	12/6/2017		1/3/2018
Tri-Cities Cancer Center	12/6/2017		12/22/2017
Tri-Cities Laboratory	12/6/2017		12/22/2017
Tri-Cities Laboratory	12/6/2017	1/24/2018 and 2/7/18	
Tri City Orthopaedic Clinic	12/6/2017	1/28/2018 and 2/7/18	2/12/2018
Tri Cities Community Health	12/6/2017	2/7/2018	2/8/2018
Tri-City Radiology	12/6/2017		1/4/2018
Food Processors			
Twin City Foods	12/6/2017	1/19/2018	1/19/2018
Wineries/Breweries			
Ice Harbor	12/6/2017		1/8/2018
Veterinary Clinics			
Banfield Pet Hospital	12/6/2017	1/23/2018	1/26/2018
The Fix Machine	12/6/2017		12/8/2017
VCA Meadow Hills Animal Hospital	12/6/2017	1/23/2018 and 2/6/2018	2/15/2018
VCA Meadow Hills South Animal Hospital	12/6/2017	1/23/2018 and 2/6/2018	2/15/2018
Vista Veterinary Hospital	12/6/2017		12/18/2017
VCA Vineyard Animal Hospital	12/6/2017	1/23/2018 and 2/7/2018	4/4/2018
Dry Cleaners			
10th Ave Cleaners	12/6/2017		1/3/2018
Clearwater Cleaners	12/6/2017		
Columbia Cleaners	12/6/2017		1/2/2018
Green Cleaners	12/6/2017		
Laundromat	12/6/2017		1/9/2018
Neighborhood Dry Cleaners	12/6/2017		1/3/2018

Tri-City Cleaners & Laundromat	12/6/2017		3/26/2018
VK Clean Machines Inc	12/6/2017		
Printing			
Atomic Screen Printing	12/6/2017		1/23/2018
Azteka Printing and Embroidery	12/6/2017		
B&B Express Printing	12/6/2017		12/8/2017
Budget Print Center	12/6/2017		1/3/2018
Bettendorf's Printing	12/6/2017		12/13/2017
Cartridge World	12/6/2017		1/8/2018
Espirit Graphic	12/6/2017		12/27/2017
Fedex Office Print & Ship Center	12/6/2017		
Giant Nickel	12/6/2017		12/18/2017
Minuteman Press	12/6/2017		
Plateau Press	12/6/2017		12/27/2018
Print Plus	12/6/2017		1/6/2018
Stemp Screenprinting	12/6/2017		
The Tri-City Herald	12/6/2017		
UPS Store	12/6/2017		1/24/2018
Photo Processors			
Costco Photo Center	12/6/2017		1/5/2018
Walmart Photo Center	12/6/2017		1/5/2018
Walgreens Photo	12/6/2017		12/8/2017
MISC			
Apollo, Inc.	12/6/2017	1/23/2018 and 2/7/2018	
Aquacut (Franchino Stone)	12/6/2017		1/19/2018
High Desert Maintenance Inc	12/6/2017		12/14/2017
North American Alloys	12/6/2017		12/13/2017
Pacific Steel & Recycling	12/6/2017	1/23/2018	2/7/2018
RFP Plastics	12/6/2017		12/12/2017
Twin City Metals	12/6/2017		1/9/2018
Aden Masonry	12/6/2017		1/5/2018
Inland Empire Drywall	12/6/2017	1/23/2018	1/30/2018
Northwest Inspections	12/6/2017		1/8/2018
Columbia Basin Denture Care	12/6/2017		12/11/2017

Appendix II: Food Service Establishments

Business Name	Address	Pretreatment Device
<u>Restaurants - Alphabetical Listing by Name</u>		
4th Base Pizza	20 S. Auburn St.	Grease Trap
Aki Sushi	321 N Columbia Center Blvd. F	Grease Trap
Al Basha Kabab	3600 W Clearwater Ave Ste C	Grease Trap
Applebee's	606 N. Columbia Center Blvd.	Interceptor
Arby's	1310 N. Columbia Center Blvd.	Interceptor
Arby's	3506 W. Clearwater Ave.	Grease Trap
Artfetti Cakes	1360 N Louisiana St.	Grease Trap
Azteca	6505 W Canal Dr.	Interceptor
Azteca	2807 W. 10th Ave.	Interceptor
Bamboo Gardens	8021 W. Grandridge Blvd.	Interceptor
Bangkok Thai	8318 W. Gage Blvd. Ste. A	Grease Trap
Baskin Robbins	2803 W Clearwater Ave	Grease Trap
Baum's House of Chocolates	513 N Edison St.	Grease Trap
Baymont Inn	4220 W 27th Pl	Grease Trap
Bella Italia	7000 W. Okanogan Pl.	Interceptor
Benton County Jail	7122 W. Okanogan Pl. Ste. A	Interceptor
Benton County Juvenile	5606 W. Canal Dr.	Grease Trap
Best Western Plus	4001 W 27th Pl	Grease Trap
Between The Buns	3902 W. Clearwater Ave. #120	Grease Trap
Bingo Boulevard Café	6222 W John Day	Interceptor
Bob's Burgers	3609 Plaza Way	Interceptor
Brookdale Assited Living	2802 W. 35th Ave.	Grease Trap
Bruchi's	2417 W. Kennewick Ave.	Grease Trap
Bruchi's	8903 W Gage Blvd	Interceptor
Buffalo Wild Wings	8551 W Gage Blvd. Ste A	Interceptor
Burger King	7407 W. Canal Dr.	Grease Trap
Burger King	2703 S. Quillan St.	Interceptor
Burger King	1001 S. Washington St.	Interceptor
Burger Ranch	808 Vineyard Dr.	Grease Trap
Café at Canyon Lakes	3700 W. Canyon Lakes Dr.	Interceptor
Callaway Gardens	5505 Skagit Ct.	Interceptor
Carl's Jr.	2804 W. Kennewick Ave.	Interceptor
Carl's Jr.	1026 N. Colorado St.	Interceptor
Carmike Cinema	1331 N. Center Pkwy	Grease Trap
Carmine's	525 W. 1st Ave.	Grease Trap
Carousel of Dreams	2901-F Southridge Blvd.	Interceptor
Casa Mia	2541 W. Kennewick Ave.	Grease Trap
Cedars	355 Clover Island Dr.	Interceptor
Centerplate Coliseum	7000 W. Grandridge Blvd.	Grease Trap
Centerplate/Convention Center	7016 W. Grandridge Blvd.	Interceptor
Chico's Tacos	7704 W. Clearwater Ave.	Interceptor
China Café	131 N. Ely St.	Grease Trap
Chipotle	1102 N Columbia Center Blvd.	Interceptor
Cinco de Mayo	2100 N. Belfair St.	Interceptor

Circle K	1900 N Steptoe St.	Interceptor
City Church (Catering)	4624 W. 10th Ave	Interceptor
Clover Island Inn	435 Clover Island Dr.	Grease Trap
Comfort Inn	7801 W. Quinault Ave.	Grease Trap
Costa Vida	4309 W 27th Pl #102-103	Interceptor
CG Public House	9221 W. Clearwater Ave.	Interceptor
Crazy Crab Place	131 Vista Way	Grease Trap
Dagupan Grill	3911 w 27th Ave Suite 109	Grease Trap
Days Inn	2811 W 2nd Ave	Grease Trap
Denny's	2801 W. Kennewick Ave.	Interceptor
Dickey's BBQ	122 US-395	Grease Trap
Dominos Pizza	4707 W. Clearwater Ave.	Grease Trap
Dominos Pizza	101 S. Washington St.	Grease Trap
Double Dragon	3107 W. Clearwater Ave.	Interceptor
DQ Kennewick Grill & Chill	2815 W. 2nd Ave.	Interceptor
Eagles Lodge	115 N. Fruitland St.	Grease Trap
Edible Arrangements	8530 W Gage Blvd.	Shared Interceptor
El Asadero	2521 W Kennewick Ave	Grease Trap
El Chapala	321 N Columbia Center Blvd.	Grease Trap
El Chapala	107 W Columbia Dr.	Interceptor
El Fat Cat Grill	539 N Edison St.	Interceptor
El Sazon	3311 W. Clearwater Ave.	Grease Trap
Fairfield Inn	7809 W. Quinault Ave.	Grease Trap
Famous Dave's	8110 W. Gage Blvd.	Interceptor
Fieldstone	7255 W Grandridge	Interceptor
Fiesta	8524 W Gage Blvd #130	Interceptor
First Presbyterian Church (Catering to You)	2001 W Kennewick Ave	Interceptor
Foodies	308 W Kennewick Ave	Grease Trap
Francisco's Bake Shoppe	5300 W. Clearwater Ave Ste. A	Grease Trap
Fresh Leaf Co.	2615 W Kennewick Ave	Grease Trap
Fresh Out of the Box	5215 W Clearwater Ave.	Grease Trap
Fruitlandia	5215 W Clearwater Ave.	Grease Trap
Fuego Mexican Grill	3911 W. 27th Ave. Ste. 103F	Grease Trap
Gangnam Style Korean BBQ	7935 W Grandridge Blvd.	Grease Trap
Garfield Mart	30 S Garfield St.	Grease Trap
Graze	8530 W . Gage Blvd.	Shared Interceptor
Great Harvest Bread Co.	8378 W Grandridge Blvd.	Grease Trap
Green Papaya Thai	5601 W. Clearwater Ave.	Interceptor
Guesthouse Inn	5616 W Clearwater Ave	Grease Trap
Hampton Inn	3715 Plaza Way	Interceptor
Hawthorne Court	524 N Ely St.	Grease Trap (2)
Hilton Garden Inn	701 N Young St.	Interceptor
Honey Baked Ham and Café	731 N Columbia Center Blvd. Ste 122	Interceptor (indoor)
Hong's Mongolian Buffet	1218 N. Columbia Center Blvd. Ste. C	Grease Trap
Hop Jacks	4898 W Hildebrand Blvd.	Interceptor
Hubby's Pizza	346 W. Columbia Dr.	Grease Trap

IDK	355 W Columbia Dr.	Grease Trap
IHOP	6511 W. Canal Dr.	Interceptor
Inca	3600 W. Clearwater Ave.	Grease Trap
Indian Cuisine Express	8524 W Gage Blvd.	Interceptor
J's Asian Grill	2632 W. Kennewick Ave. #B	Shared Interceptor
Jack in the Box	4800 W. Clearwater Ave.	Interceptor
Jack in the Box	2722 W. 10th Ave.	Interceptor
Jake's Café	528 S. Ely St.	Grease Trap
Jet Mart Conoco	1001 N Volland St.	Grease Trap
Jimmy Johns	7530 W. Clearwater Ave #120	Shared Interceptor
Jimmy Johns	3107 W. Kennewick Ave.	Grease Trap
Just Joel's	1505 W Kennewick Ave	Grease Trap
Kentucky Fried Chicken	2631 W. Kennewick Ave.	Interceptor
Kiko's Tacos	1014 S. Washington St.	Interceptor
KFC / Taco Bell	901 N. Columbia Center Blvd.	Interceptor
La Placita	5011 W. Clearwater Ave.	Grease Trap
La Posada	3150 W. Clearwater Ave.	Interceptor
La Quinta Inn & Suites	2600 S Quillan Pl.	Grease Trap
Little Caesar's Pizza	2632 W. Kennewick Ave.	Shared Interceptor
Little Randy's	104 W 1st Ave.	Grease Trap
Masala Indian Cuisine	3321 W. Kennewick Ave. #100	Grease Trap
McDonalds	2721 W. Kennewick Ave.	Interceptor
McDonalds	1409 N. Kellogg Ave.	Interceptor
McDonalds	7505 W. Clearwater Ave.	Interceptor
McDonalds	2700 S. Quillan St.	Interceptor
McDonalds	1922 N. Steptoe St.	Interceptor
Mi Linda Sierra	5610 W. Clearwater Ave. Ste. A	Interceptor
Minit Mart	1416 W 27th Ave	Grease Trap
Mongolian & Pho	2607 W. Kennewick Ave.	Grease Trap
MyFroYo Frozen Yogurt	2500 W. Kennewick Ave. STE A	Grease Trap
Old Country Buffet	6821 W. Canal Dr.	Interceptor
Old Country Buffet	1321 N Columbia Center Blvd. #873	Interceptor
Olive Garden	1420 N. Louisiana St.	Interceptor
Original Pancake House	3717 Plaza Way	Interceptor
Osaka Sushi	4101 W. 27th Pl.	Interceptor
Outback Steakhouse	6819 W. Canal Dr.	Interceptor
Pacific Pasta & Grill	7911 W. Grandridge Blvd.	Interceptor
Panaderia Estrella	615 W Columbia Dr.	Grease Trap
Papa John's	2909 S Quillan St. #122	Grease Trap
Papa Murphy's Pizza	2624 W. Kennewick Ave.	Grease Trap
Panda Express	401 S. Ely St.	Interceptor
Parkview Estates	7820 W. 6th Ave	Interceptor
P.F. Chang's	8108 W. Gage Blvd.	Interceptor
Pho Loa Laan Xang	5610 W Clearwater Ave	Grease Trap
Pho Le Vietnamese	320 N. Kellogg St. Ste. A	Interceptor
Pizza Hut	1915 N. Steptoe St.	Interceptor

Pizza Hut	818 Vineyard Dr.	Interceptor
Pizza Hut	7605 W. Deschutes Ave.	Interceptor
Popular Donuts	101 N. Union St.	Grease Trap
Porters Real BBQ	1102 N Columbia Center Blvd.	Interceptor
Proof	924 N Columbia Center Blvd	Interceptor
Quality Inn	7901 W. Quinault Ave.	Grease Trap
Rancho Bakery	420 S. Vancouver St.	Grease Trap
Red Lion Hotel	1101 N. Columbia Center Blvd.	Grease Trap
Red Lion Hotel	602 N. Young St.	Grease Trap
Red Lobster	1120 N. Columbia Center Blvd.	Interceptor
Red Robin	1021 N. Columbia Center Blvd.	Interceptor
Rocket Mart	5304 W Canal Dr.	Interceptor
Ron's Deli & Tacos	1821 S. Washington St.	Grease Trap
Round Table Pizza	3300 W. Clearwater Ave.	Grease Trap
Royal Columbian Retirement	5615 W. Umatilla Ave.	Grease Trap
Samurai Sam's Teriyaki	8530 W. Gage Blvd. Ste. C	Shared Interceptor
Seoul Fusion	5011 W Clearwater Ave Ste A	Grease Trap
Shari's	1200 N. Columbia Center Blvd.	Interceptor
Shanghai Restaurant	3013 W. Clearwater Ave.	Grease Trap
Shiki Sushi & Grill	1408 N Louisiana St.	Shared Interceptor
Skipper's	3307 W. Kennewick Ave.	Grease Trap
Solstice Retirement Living	8264 W Grandridge Blvd.	Interceptor
Some Bagels	810 S. Washington St.	Grease Trap
Sonic Drive-In	8600 W. Gage Blvd.	Interceptor
Spare Time Lanes	711 W Vineyard Dr.	Grease Trap
Splash Down Cove	1350 N Grant St	Grease Trap
SpringHill Suites Marriott	7048 W Grandridge Blvd.	Interceptor
Sterling's	3200 W. Clearwater Ave.	Grease Trap
St. Joseph's Catholic School	901 W 4th Ave	Interceptor
Subway	6607 W. Canal Dr.	Grease Trap
Subway	7504 W. Clearwater Ave	Grease Trap
Subway	12231 W. Clearwater Ave.	Grease Trap
Subway	2604 S. Tweed Ct.	Grease Trap
Subway	2720 S Quillan St.	Interceptor
Subway	2624 W. Kennewick Ave.	Grease Trap
Subway	104 S. Washington St.	Grease Trap
Subway	815 W. Columbia Dr	Grease Trap
Super 8	626 N Columbia Center Blvd.	Grease Trap
Super Mini Mart	2400 W Kennewick Ave	Grease Trap
Sushiya	731 N. C. C. B. Ste. 120	Grease Trap
Sushi Mori	1350 N. Louisiana St.	Grease Trap
Taco Bell	2718 W. Kennewick Ave.	Interceptor
Taco John's	701 Vineyard Dr.	Grease Trap
Taco Time	7520 W. Clearwater Ave.	Shared Interceptor
Teriyaki Grill	7520 W. Clearwater Ave.	Grease Trap
Thai City	1407 N. Young St. Ste. D	Grease Trap

Thai Elephant	6030 W. Clearwater Ave. #A	Grease Trap
Thai Garden	101 S. Union St.	Grease Trap
The Rock Wood Fired Kitchen	4862 W Hildebrand Blvd.	Interceptor
Tip's Thai House	2909 S Quillan St. 182	Grease Trap
Tomatillo	1360 N Louisiana St.	Grease Trap
Tri City Country Club	314 N. Underwood St.	Grease Trap
Tri-Cities Work Training Release	524 E. Bruneau Ave.	Grease Trap
Trios Hospital	3810 Plaza Way	Interceptors (2)
Trios - Ivy Café	900 S. Auburn St.	Grease Trap
Texas Roadhouse	845 N. Columbia Center Blvd.	Interceptor
Village Bistro	5215 W. Clearwater Ave.	Grease Trap
Wendy's	7003 W. Canal Dr.	Interceptor
Wendy's	3115 W. Clearwater Ave.	Grease Trap
Wok King	7011 W. Canal Dr.	Interceptor
Yogurt Beach	910 S. Columbia Center Blvd.	Grease Trap
Yoplicity Frozen Yogurt	4309 W. 27th Pl. #C101	Grease Trap
Yummie Pho	7520 W. Clearwater Ave.	Grease Trap
Z Pizza	4101 w 27th ave	Interceptor
Zips	400 E. Columbia Dr.	Grease Trap
Coffee Shops - SIC #5812		
Bad Andy's Great Coffee	342 W. Columbia Dr.	Grease Trap
Badger Canyon Coffee Co.	12125 W. Clearwater Ave.	Grease Trap
Burlesque Brew	5303 W. Metaline Ave	septic
Cool Blends Espresso	504 E. 1st Ave.	septic
Dutch Bros Coffee	4305 W. Clearwater Ave.	Grease Trap
Dutch Bros Coffee	3 W. Columbia Dr.	Grease Trap
Dutch Bros Coffee	731 N. C. C. B. #132	Grease Trap
Grand Central Coffee	3419 W. Clearwater Ave	Grease Trap
Grindstar Coffee	813 W Columbia Dr.	Grease Trap
Mocha Express	5203 W. Canal Dr.	SEPTIC
Lil' Firehouse Coffee	3708 W. Clearwater Ave	Grease Trap
The Local	8530 W. Gage Blvd.	Shared Interceptor
Mocha Motive	4301 W. 27th Ave.	Grease Trap
Purple Peaches Espresso	1400 W. 27th Ave.	Grease Trap
Roasters Coffee	2000 N. Columbia Center Blvd #B	Grease Trap
Roasters Coffee	22 W Carmichael Dr.	Grease Trap
Roasters Coffee	1072 Edison St	Interceptor
Roasters Coffee	4898 Hildebrand Blvd.	Interceptor
Roasters Coffee	320 N Ely St.	Interceptor
Rockabilly Roasting Co.	101 W. Kennewick Ave.	Grease Trap
Sebastians	4727 W. Clearwater Ave.	Grease Trap
Spurs Coffee	2802 W. 10th Ave.	Grease Trap
Starbucks (Fred Meyer)	2811 W 10th Ave.	Grease Trap
Starbucks	4008 W. 27th Ave.	Interceptor (indoor)
Starbucks	2801 W. Clearwater Ave.	Grease Trap
Starbucks	7600 W. Clearwater Ave.	Grease Trap

Starbucks	6607 W. Canal Dr.	Interceptor (indoor)
Tri-Cities Coffee Co.	604 W. Kennewick Ave.	Grease Trap
Simon Mall - SIC #5812		
Auntie Anne's	1321 N. Columbia Center Blvd., Ste. 202	Grease Trap
Barnes and Noble Café	1321 N. Columbia Center Blvd., Ste. 700	Grease Trap
Bruchi's	1321 N. Columbia Center Blvd., Ste. 425	Shared Interceptor
Carmelcorn	1321 N. Columbia Center Blvd., Ste. 209	Grease Trap
Cinnabon	1321 N. Columbia Center Blvd., Ste. 511	Grease Trap
Dairy Queen	1321 N. Columbia Center Blvd., Ste. 431	Shared Interceptor
Ivar's Seafood	1321 N. Columbia Center Blvd., Ste. 427	Grease Trap
Jo Merola's Pizzeria	1321 N. Columbia Center Blvd.	Shared Interceptor
Mizu Sushi & Roll	1321 N. Columbia Center Blvd., Ste. 907	Interceptor
Myfro Yo Frozen Yogurt	1321 N. Columbia Center Blvd., Ste. 515	Grease Trap
Orange Julius	1321 N. Columbia Center Blvd., Ste. 370	Grease Trap
Panda Express-Mall	1321 N. Columbia Center Blvd., Ste. 429	Shared Interceptor
Wetzel's Pretzels	1321 N. Columbia Center Blvd., Ste. 437	Grease Trap
Rey Fruta	1321 N. Columbia Center Blvd., Ste. 433	Shared Interceptor
Regal Cinema	1321 N. Columbia Center Blvd.	Grease Trap
Simon Property (Mall)	1321 N. Columbia Center Blvd., Ste. 335	Shared Interceptor
Starbucks	1321 N. Columbia Center Blvd. (Food Court)	Grease Trap
Thai Kitchen	1321 N. Columbia Center Blvd., Ste. 435	Shared Interceptor
Twigs Bistro & Martini Bar	1321 N. Columbia Center Blvd., Ste. 901	Interceptor
School Dist. - SIC #8211 (CONTACT KEITH COLEE @ 222-5867)		
Amistad Elementary	930 W. 4th Ave.	Grease Trap
Canyon View Elementary	1229 W. 22nd Pl.	Grease Trap
Cascade Elementary	505 S. Highlands Dr.	Grease Trap (skimmer)
Chinook	4891 W. 27th Ave	Interceptor
Cottonwood	16734 Cottonwood Creek Blvd.	Grease Trap / Septic
Desert Hills Middle	1701 S Clodfelter Rd.	Interceptor
Eastgate Elementary	910 E. 10th Ave.	Grease Trap (Outdoor)
Edison Elementary	201 S. Dawes St.	Interceptor
Fruitland Elementary	201 S. Garfield St.	Grease Trap
Hawthorne Elementary	3520 W. John Day	Grease Trap
Lincoln Elementary	4901 W. 20th Ave.	Grease Trap (skimmer)
Desert Hills Middle	1701 S Clodfelter Rd	Interceptor
Park Middle	1011 W. 10th Ave.	Interceptor
Highlands Middle	425 S. Tweedt St.	Grease Trap (skimmer)
Horse Heaven Hills M.S.	3500 S. Vancouver St.	Grease Trap
Kamiakin High School	600 N. Arthur St.	Interceptor
Kennewick High School	500 S. Dayton St.	Grease Trap
Ridge View Elementary	7001 W. 13th Ave.	Grease Trap
Sage Crest Elementary	6300 W Brinkley Rd	Interceptor
Southridge High School	3520 Southridge Blvd.	Grease Trap

South Gate Elementary	3121 W. 19th Ave.	Grease Trap (skimmer)
Sunset View Elementary	711 Center Park Way	Grease Trap (skimmer)
Tri Tech	5929 W. Metaline Ave.	Grease Trap
Vista Elementary	1701 N. Young St.	Grease Trap
Washington Elementary	105 W. 21st Ave.	Grease Trap
West Gate Elementary	2514 W. 4th Ave.	Interceptor
Grocery Stores - SIC #5411		
Albertsons	5204 W. Clearwater Ave.	Interceptor
City Market	415 S. Rainer St.	NO FOG
Carniceria La Barata	1305 W. 4th Ave.	Grease Trap
Carneceria Tres Pueblos	2203 W. 4th Ave	Grease Trap
Carniceria la Cabana	4311 W Clearwater Ave	Grease Trap
Costco- SW	8505 W. Gage Blvd.	Interceptor
Costco- N	8505 W. Gage Blvd.	Interceptor
Europeas Delights	5602 W. Clearwater Ave. #B	None
Fred Meyer	2811 W. 10th Ave.	Interceptor
Golden Dragon	4727 W. Clearwater Ave.	Interceptor (Not in use-No FOG)
Grocery Outlet	1325 W. 4th Ave.	None
Red Apple Market	902 S. Washington St.	Grease Trap (3)
Safeway	2825 W. Kennewick Ave.	Grease Trap (3)
Target Food Court	1106 N. Columbia Center Blvd.	Grease Trap
Templeman's Market	6205 W. Clearwater Ave.	Grease Trap
Yokes Foods	1410 W. 27th Ave.	Interceptor
Wal-Mart	2720 W. Quillan St.	Interceptor
Winco -North	4602 W. Clearwater Ave.	Interceptor
Winco -South	4602 W. Clearwater Ave.	Interceptor
Taverns, Bars, & Wines - SIC #5813, 2084		
3-City Sports Bar	900 W. Columbia Dr.	Grease Trap
Barley's BrewHub	3320 W Kennewick Ave	Grease Trap
Billy's Bull Pen	4128 W. Clearwater Ave.	Interceptor
Coyote Bob's Casino	3014 W. Kennewick Ave.	Grease Trap
Espo's Sports Bar & Grill	107 Vista Way	Grease Trap
Ice Harbor Brewing	350 Clover Island Dr.	Grease Trap
Ice Harbor Brewing	206 N. Benton St.	Grease Trap
Crave	109 W. Kennewick Ave.	Grease Trap
Lucky Bridge Casino	101 S. Gum St.	Grease Trap
Office Tavern	2625 W. Albany Ave.	Grease Trap
Parkade Bar & Grill	207 W. Kennewick Ave.	Grease Trap
Players Sports Bar & Grill	118 W. Kennewick Ave.	Grease Trap
Roxy Wine Bar	201 W. Kennewick Ave	Grease Trap
Sportspage Tavern	6 S. Cascade St.	Grease Trap
Sun River Vitners	9312 W. 10th Ave Ste. B	Septic
The Keg Tavern	718 W. Canal Dr.	Grease Trap
The Pub	7001 W. Clearwater Ave.	Interceptor

The Tin Hat	425 E. Bruneau Ave.	Grease Trap
The Village	203 N. Dennis St.	NO FOG
Uncle Sam's Saloon	8378 W. Gage Blvd.	Interceptor

Appendix III: Local Limits Development and Calculations

City of Kennewick, Washington

Local Limits Submittal Report

Final

November 2, 2018

1. Purpose

The General Pretreatment Regulations (40 CFR Part 403) require that each Publicly Owned Treatment Works (POTW) with a pretreatment program develop and enforce Technically- Based Local Limits (TBLLs) which will establish the maximum loading of pollutants that can be accepted from industrial users without causing a violation of applicable environmental standards. Local limits are developed and enforced to prevent Pass Through and Interference, protect sludge disposal practices and prevent impacts to the health and safety of workers (40 CFR sections 403.2 and 403.5(c)(1)). Kennewick (City) used the EPA July 2004 Local Limits Development Guidance (EPA 833-R-04-002A) and input from the Washington Department of Ecology (Ecology) as a framework for establishing limits to protect the POTW and environment (40 CFR Section 403.8(f)(4)). The City has an on-going pollutant monitoring program and permit which requires sampling as specified in its National Pollutant Discharge Elimination System (NPDES) Permit (WA0044784) issued to the City's treatment plant located at 416 North Kingwood Street in Kennewick. The State of Washington has been authorized to implement and enforce the Industrial Pretreatment Program under 40 CFR Part 403. The State has established State-required regulations and NPDES permit requirements. The State has issued an Enforcement Order dated November 7, 2017, requiring the City to develop and implement a Pretreatment Program. The local limits are being developed as a requirement of the Enforcement Order.

2. Municipal Organization

The City has an estimated population of 76,410. The City has a Mayor-Council-City Manager form of government comprised of a mayor and six Council Members. The City Manager reports to the Mayor and City Council. The Pretreatment Program is in the Public Works Department and reports directly to the Wastewater Services Supervisor.

To ensure the program modifications are legally-defensible, review and approval by the City Council is required to assure adequate public participation and changes are being adopted into the legal authority consistent with the City's adopted administrative procedures.

The Pretreatment Specialist and Wastewater Services Supervisor coordinates putting together the local limits and draft City Code (Local Limits Submittal). This Local Limits Submittal are routed to the Public Works Director, City Attorney and the City Manager for review and concurrence. The Mayor is briefed on the Local Limits Submittal. Once concurrence is obtained, the Local Limits Submittal is forwarded to the

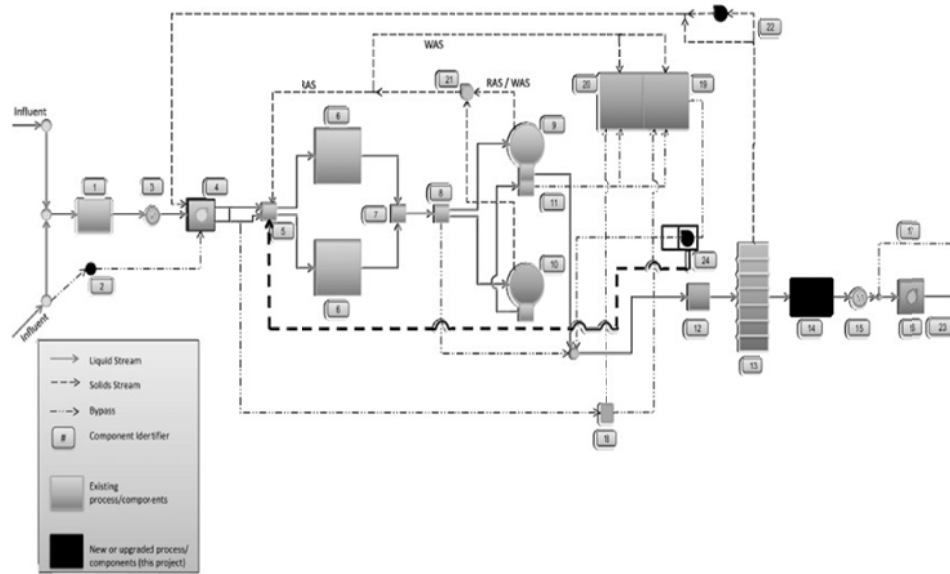
appropriate City Council committee for action. After affirmative action by the assigned City Council committee, the Public Works Director would have the City Clerk place the Ordinance on the City Council Agenda.

The City Council will generally have a first reading/work session and a second reading to allow for the required public participation. The final approval by the City Council would be no less than 30 days after first reading. Submittal of the package to the State for approval would

typically be completed after 1st reading by the City Council. Final approval by the City Council would be as close to the date of State approval as possible. If the City Council approves the Ordinance changes earlier than the State approval, the Ordinance shall include a statement similar to: "This Ordinance shall be effective upon the date of approval of the Local Limits by the State department of Ecology". The City may modify this process as needed.

3. Description of POTW(s)

The Wastewater Treatment Plant is an aerated lagoon with activated sludge treatment system (45 acres for facility). The wastewater is disinfected by UV and discharge made to the Columbia River. The average design flow (summer) is 12.2 mgd and the monthly average dry weather flow is (winter) is 9.3 mgd. The average monthly BOD₅ design loading is 24,500 lbs/day and the maximum monthly BOD₅ influent loading is 26,700 lbs/day. The average monthly TSS design loading is 24,390 lbs/day.



ITEM	DESCRIPTION
1	HEADWORKS
2	INFLUENT BYPASS
3	INFLUENT PARSHALL FLUME
4	INFLUENT PUMP STATION
5	HRT INLET STRUCTURE
6	HRT CELLS NO. 1 AND 2
7	HRT SPLITTER BOX
8	HRT EFFLUENT STRUCTURE
9	INTERMEDIATE CLARIFIER NO. 1
10	INTERMEDIATE CLARIFIER NO. 2
11	ICE 1 OUTLET BOX
12	FLASH MIX/ FLOC BASINS NO. 1 AND 2

ITEM	DESCRIPTION
13	FINAL CLARIFIERS NO. 1-7
14	UV DISINFECTION
15	EFFLUENT PALMER BOWLUS FLUME
16	EFFLUENT PUMP STATION TO OUTFALL
17	GRAVITY DISCHARGE TO OUTFALL
18	LAGOON INLET STRUCTURE (ABANDONED)
19	AERATED SLUDGE LAGOON NO. 1
20	AERATED SLUDGE LAGOON NO. 2
21	IC RAS/ WAS PUMP STATION
22	SECONDARY SLUDGE PUMP STATION (PORTABLE PUMP)
23	OUTFALL TO COLUMBIA RIVER
24	AERATED SLUDGE LAGOON PUMP STATION

Receiving Water:

Secondary treated and disinfected effluent is discharged to the Columbia River at River mile 328 through a multi-port diffuser.

NPDES Permit Limited and Required Monitoring Frequency for Pollutants Relevant to the Local Limits Development

	Influent	Effluent
Flow	Daily Total	Daily Total
Ammonia, Total	N/A	3 per week
Biochemical Oxygen Demand (BOD ₅)	3 per week	30 mg/L average monthly/45 mg/L average weekly.
Nitrate +Nitrite	N/A	Once per quarter
Dioxin	N/A	Once per year during 2018, 2019 and 2020; UV
Nitrogen, Total	N/A	Calculated once per quarter
Oil and Grease	N/A	Once per year at UV Building
Phosphorus, Total	N/A	Once per year
Priority Pollutant Metals, Cyanide and Phenols	N/A	Once per year in 2018, 2020 and 2021
Priority Pollutant VOCs, Acid Extractable and Base-Neutral Organics	N/A	Once per year in 2018, 2020 and 2021
Total Dissolved Solids	N/A	Once per year
Total Kjeldahl Nitrogen (TKN)	N/A	Once per quarter
Total Suspended Solids (TSS)	3 per week	30 mg/L average monthly/45 mg/L average weekly.

Available Dilution (dilution factor)	
Acute Aquatic Life Criteria	37.2
Chronic Aquatic Life Criteria	103
Human Health Criteria - Carcinogen	499
Human Health Criteria - Non-carcinogen	103

4. Collection System and Other Municipal Contributors

The Central Treatment Plant service area encompasses approximately 31 square miles (20,047 acres). There are no outside jurisdictions that discharge to Kennewick.

5. Significant Industrial Users

The City has two Significant Industrial Users (SIUs) that will be permitted: Baker Produce and Lieb Foods. The City is developing local limits for the SIUs and for other permitted non-SIUs (none currently identified). The City's decision to establish local limits for SIUs is being done consistent with the 2004 EPA Local Limits Guidance and 40 CFR Section 403.18(b)(2).

6. Local Limits Process

Local limits are those concentrations or loadings of pollutants that a POTW can accept and prevent Pass Through, Interference, adverse health effects, or a violation of the General and Specific Prohibitions. These limits are adopted by the POTW into their legal authority and apply at the point of discharge from the industrial user into the sewerage system. Local limits are Pretreatment Standards and are based on the Maximum Allowable Industrial Loading (MAIL).

The first step of the process is to review and compile data, supplementing data with additional monitoring where necessary. The POTW develops a list of Pollutants of Concern (POC) to further evaluate. When the final Pollutants of concern are identified, the POTW uses applicable standards and flows to calculate all applicable Allowable Headworks Loading (AHL) for each Standard. The POTW then uses the most stringent AHL, the Maximum Allowable Headworks Loading (MAHL), in calculating local limits.

To calculate the MAIL (or local limit), the POTW typically subtracts out an EPA recommended Safety Factor from the MAHL. The POTW then subtracts out domestic+commercial loadings to obtain the Maximum Allowable Industrial Load (MAIL), which is the regulatory number that EPA approves pursuant to 40 CFR Section 403.18(b). If the City is adopting uniform concentration-based local limits, the City may set aside some of the MAIL or include additional flow in the calculations for expansion of existing industrial users or new industrial users. This "set aside" is at the full discretion of the POTW and may be reallocated without further notice, as long as, the approved MAIL does not change (see 40 CFR Section 403.18 and the 2004 EPA Local Limits Guidance Manual). The City may adopt uniform concentration limits, the MAIL, the adjusted MAIL or a combination of these.

The City's Consultant used a spreadsheet that is consistent with the July 2004 Guidance, including the formulas. All applicable data input for calculations is shown in Section I of this Report. Ecology has published guidance that includes a local limits spreadsheet that the State has indicated is consistent with the July 2004 Local Limits Development Guidance. However, the City has opted to use a more tabular format to calculate local limit to facilitate a better understanding of the mechanics of calculating the limits.

An example local limits calculation is shown in Attachment 1.

A. Legal Authority Language

The following existing City Code at 14.23.20, General Requirements is being revised as follows:

- (5) ~~Local Limits. The following pollutant limits are established to protect against pass through and interference. No permitted industrial user shall discharge wastewater that exceeds the following limits:~~

Pollutant	Symbol	Maximum Allowable Discharge Limit ¹ in mg/L -
Arsenic	As	0.14
Cadmium	Cd	0.155
Chromium	Cr	3.4
Copper	Cu	1.71
Lead	Pb	0.658
Mercury	Hg	0.0216
Molybdenum	Mo	0.34
Nickel	Ni	1.31
Selenium	Se	0.24
Silver	Ag	0.213
Fats, Oils and Grease (FOG)	--	100% and/or 25% of the working capacity of any chamber of the grease
Zinc	Zn	6.93
Tetrachloroethylene (synonyms: tetrachloroethene, perchloroethylene)	—	1.152
Benzene ²	--	0.05
BTEX ^{2,3}	—	0.75

¹ All pollutants shown are total.

² These pollutants and limits generally apply to wastewaters from the cleanup of petroleum or gasoline underground storage tanks. In addition, the pollutants may be required of

~~other users or included in permits where sampling and analysis indicate that the wastewater~~

~~contains concentrations of these pollutants in excess of the stated limits.~~

~~³ This is the sum of measured concentrations for benzene, toluene, ethylbenzene, and xylene.~~

~~The above limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). The Public Works Director may impose mass limitations in addition to (or in place of) the concentration-based limitations above. Where a user is subject to both categorical pretreatment standards and local limits for a given pollutant, the more stringent limit shall apply.~~

New Code Language:

New City Code language for local limits at 14.23.20, General Requirements:

(1)(b)(xxv) Wastewater from food facilities containing free or floating oil and grease, or any discharge containing animal fat or grease by-product in excess of one hundred milligrams per liter (100 mg/L). This limit will not apply if the industrial user has installed an appropriately sized Gravity Grease Interceptor (GGI), is properly operating and maintaining the GGI and implementing all required BMPs for food facilities. Significant Industrial Users discharging more than 100 mg/L may be required to install additional treatment or implement facility specific BMPs.

(5) Specific Discharge Limitations

- (a) No Significant Industrial User (SIU) or other designated non-SIU shall discharge or cause to be discharged, wastewater containing pollutants that exceed the following limits:

Pollutant	Daily Maximum Discharge Limits ⁽¹⁾	Maximum Allowable Industrial Loading (MAIL)
	mg/L	lbs/day
Arsenic	0.12	1.5916
Cadmium	0.328	1.0800
Chromium	4.47	7366.2020
Copper	1.93	25.4997

Pollutant	Daily Maximum Discharge Limits ⁽¹⁾ mg/L	Maximum Allowable Industrial Loading (MAIL) lbs/day
Lead	1.385	9.1289
Mercury	0.106	0.349900
Molybdenum	0.89	2.9297
Nickel	3.02	19.9166
Selenium	0.56	3.7098
Silver	0.76	25.0345
Zinc	4.74	62.5402
Fats, Oil and Grease (FOG)	--	100% and/or 25% of the working capacity of any chamber of the grease interceptor

⁽¹⁾ All Pollutants as Total and in mg/L unless otherwise specified.

⁽²⁾ This MAIL is the total lbs/day that the City may allocate to SIUs and other designated non-SIUs. The City intends to control discharges by applying the Daily Maximum Discharge Limits through Industrial User Wastewater Discharge permits. The City may allocate the MAIL where uniform concentration is not appropriate.

- (b) The following limits shall apply to wastewaters that are discharged from:
 - (i) Groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants;
 - (ii) Discharges where one or more of these pollutants are present; or
 - (iii) Where these pollutants are appropriate surrogates.

It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or wastewater to the POTW that exceeds the following limits:

Pollutant ⁽¹⁾⁽³⁾	Daily Maximum Limit (mg/L)
Benzene	0.050
BTEX ⁽²⁾	0.750

(1) All pollutants shown in the Table are total.

(2) BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.

(3) These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."

- (c) The Public Works Director may establish more stringent pollutant limits, additional site-specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the Public Works Director, such limitations are necessary to implement the provisions of this Chapter.

B. Pollutants of Concern (POC) Evaluation Criteria

The following criteria/data considerations were used to evaluate the initial POC consistent with the 2004 EPA Local Limits Guidance:

1. Pollutants of Concern established by EPA, including Arsenic, Cadmium, Chromium, Copper, Total Cyanide, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver, Zinc, BOD₅, Total Suspended Solids, Ammonia and Phosphorus.
2. Data review of POTW influent, effluent and sludge data (organics, metals and conventional pollutants).
3. POTW influent/effluent Priority Pollutant analyses, as required by the NPDES permit were reviewed.
4. Permit limited pollutants were reviewed and included in the sampling program, as appropriate (e.g. BOD₅ and TSS).
5. Water Quality Standards as specified at WAC 173-201A-240.

6. Inhibition was evaluated. However, no inhibition has been experienced and based upon operations and influent sampling is not expected to be an issue. Consistent with Section 2.3.6. of the 2004 EPA Local Limits guidance, site- specific inhibition studies were not conducted to establish site-specific criteria
7. Sludge disposal standards were evaluated. The City had a report that showed Copper exceeded sludge disposal standards (s not violated any sludge standard for beneficial reuse. The City observed higher metals in the sludge sample dated 8/16/17. This sludge sample showed a Copper level 260% higher than the next highest measurement. The City will increase sludge analyses to identify any results that are atypical of past results.
8. Pollutants that may cause adverse worker health and safety effects were evaluated. No pollutants were identified in sampling results that were an acute threat to worker health and safety.
9. Trucked and Hauled Waste. The POTW does not accept non-domestic trucked and hauled wastewater.

The initial pollutants that were detected and considered potential Pollutants of Concern are shown below and reflect those pollutants recommended by EPA and the State, of concern to the City or otherwise detected in POTW influent or effluent sampling. As allowed for in 40 CFR 403.8(f)(4) and consistent with the 2004 Local Limits Guidance, the City is evaluating some of the pollutants for the need for local limits as noted. Note: Pollutants not shown on the table had all POTW influent and effluent measurements <RL. As a note, the previous local limits were not calculated specific to Kennewick.

Pollutant	Initial Pollutant of Concern?	Comments
Flow	No	Flow is addressed by State in the NPDES permit.
Arsenic, Total	Yes	EPA Recommended
Cadmium, Total	Yes	EPA Recommended
Chromium, Total	Yes	EPA Recommended
Copper, Total	Yes	EPA Recommended
Lead, Total	Yes	EPA Recommended
Mercury, Total	Yes	EPA Recommended
Molybdenum, Total	Yes	EPA Recommended
Nickel, Total	Yes	EPA Recommended
Selenium, Total	Yes	EPA Recommended
Silver, Total	Yes	EPA Recommended
Zinc, Total	Yes	EPA Recommended

Pollutant	Initial Pollutant of Concern?	Comments
BOD ₅	No	The daily POTW influent average BOD ₅ was 249 mg/L (11,262 lbs/day) which is 46% of the average monthly design of 24,500 lbs/day. The maximum monthly average BOD ₅ loading was 12,405 lbs/day or 46% of the Maximum Monthly Average (26,700 lbs/day). If the City surcharges or establishes a permit specific limit for loading, the MAIL that can be allowed is 12,788 lbs/day from all SIUs.
Total Suspended Solids (TSS)	No	The daily POTW influent average TSS was 293 mg/L (13,252 lbs/day) which is 54% of the average monthly design of 24,390 lbs/day. The maximum monthly average TSS loading was 14,597 lbs/day or 55% of the Maximum Monthly Average (26,700 lbs/day). If the City surcharges or establishes a permit specific limit for loading, the MAIL that can be allowed is 10,499 lbs/day from all SIUs.
Ammonia	No	The daily POTW influent average Ammonia was 34.7 mg/L (1,569 lbs/day). The Maximum Allowable Headworks Loading was 6,547 lbs/day (after mixing). The POTW effluent average Ammonia was 9.32 mg/L (436 lbs/day) with an overall 73% mean removal efficiency. The State has not identified Ammonia as having reasonable potential to exceed WQS. If the City surcharges or establishes a permit specific limit for loading, the MAIL that can be allowed is 4,761 lbs/day from all SIUs.
3+4-Methylphenol	No	POTW Influent: 0.072 mg/L. POTW Effluent: 1<RL. No applicable standards.
Antimony	No	POTW Influent average 0.00087 mg/L (n=2, 1 J-flagged). POTW Effluent averages 0.00056 mg/L (n=2, 1 j-flagged). The most stringent WQS is 0.006 mg/L.
bis(2-Ethylhexyl) phthalate	No	POTW influent is 0.00063 mg/L (n=1) or 0.0285 lbs/day. The POTW Effluent is 0.00092 mg/L (n=1). The most stringent WQS is 0.000045 mg/L. Using the EPA default removal efficiency of 72%, the POTW would have to have >1.4028 lbs/day of this pollutant at the headworks before a violation of the aftermix WQS would occur. The POTW influent is
Chloromethane, Methyl Chloride	No	POTW influent is 0.01 mg/L (n=1). The POTW Effluent is 0.00059 mg/L (n=1). There is no applicable WQS.

Pollutant	Initial Pollutant of Concern?	Comments
Cyanide, Total	No	POTW influent is 0.00118 mg/L (n=10, 2<RL, 1-J-Flagged). The POTW Effluent has 0.007 mg/L (n=10, 3<RL,2-J-Flagged)). The most stringent WQS is 0.0052 mg/L. Cyanide is formed during wastewater treatment. The POTW influent is 23% of the most stringent WQS. Cyanide is not a pollutant of concern and no IUs have been identified as using
Diethyl phthalate	No	POTW Influent: 0.0036 mg/L (n=1); POTW Effluent: <RL (n=1). No applicable standards.
Di-n-octyl phthalate	No	POTW Influent: 0.0043 mg/L (n=1); POTW Effluent: <RL (n=1). No applicable standards.
Fats, Oils and Grease	Yes	Maintaining existing limits to protect the sewer system (based upon direct observation).
Hexane	No	POTW Influent: 0.0021 mg/L (n=4, 2<RL, 1-J-Flagged) and POTW effluent: 0.00258 mg/L (n=4,2<RL, 1 J- flagged). , 0.00258 mg/L. No applicable standards. Below published LEL (1.1%/Vol), TLV/TWA 50 ppm
NO2 +NO3	No	POTW Influent: 1.27 mg/L (n=10, 1<RL, 1-J flagged) and POTW effluent of 3.18 mg/L (n=9, 1 j-flagged). No specific limits or standards. Not identified as a pollutant of concern from a reasonable potential evaluation by the State.
Phenol	No	POTW Influent: 0.017 mg/L (n=1) and the POTW effluent was <RL. The most stringent WQS before mixing is 9 mg/L. No potential to violate the WQS.
Phenolics	No	POTW Influent: 0.051 mg/L (n=2) and the POTW effluent was <RL. The most stringent WQS (for phenol) before mixing is 9 mg/L. No potential to violate the WQS. No applicable Standard.
Phosphorus	No	POTW Influent: 4.78 mg/L (n=2) and the POTW effluent was 2.97 mg/L (n=4). No permit limit or WQS for Phosphorus. If the instream WQS was 0.1 mg/L for Phosphorus (MAHL 1408 lbs/day), the current POTW influent loading (216 lbs/day) is 15% of the hypothetical instream WQS after mix.
Pyridine	No	POTW Influent: 0.0012 mg/L (n=1); POTW effluent: <RL (n=1). No applicable standards.
TDS	No	POTW influent: 367 mg/L (n=2); POTW effluent: 441 mg/L (n=4). No applicable permit limits and the State has not identified as a pollutant of concern from the State's reasonable potential evaluation.

Pollutant	Initial Pollutant of Concern?	Comments
TKN	No	POTW influent: 43.6 mg/L (n=10); POTW effluent: 9.77 mg/L (n=10). No applicable permit limits and the State has not identified as a pollutant of concern from reasonable potential evaluation.
Toluene	No	POTW Influent: <RL (n=1) and the POTW effluent was 0.00066 mg/L (n=1). The most stringent WQS before mixing is 0.072 mg/L. The influent and effluent is well below this before mix WQS.
Total Nitrogen (Calculated)	No	POTW influent: 37.95 mg/L (n=2); POTW effluent: 15.35 mg/L (n=2). No applicable permit limits and the State has not identified as a pollutant of concern from a reasonable potential evaluation.

C. Wastewater Treatment Plant Data Summaries for Local Limits

Table I-1 - General Information/Data for Local Limits

POTW Flow for Local Limits (mgd) ⁽¹⁾	5.63
Average SIU Flow (mgd)	0.1838
Permitted SIU Flow for Local Limits (mgd)	0.3700
Flow for Permitted Non-SIU Industrial Users (mgd)	0.025
Total SIU + Other Non-SIU Flows for Local Limits (mgd)	0.3950
Domestic + Commercial Flow (mgd)	5.2362
SIU Permitted Flow not being discharged but allocated through permits (mgd)	0.186
Specific Gravity of Sludge to Disposal (kg/L)	1.062 Estimated
Sludge Flow to Disposal (mgd)	0.011911
% Solids to Disposal (%)	19.8
Sludge Table Based on Disposal Option	3
Acute Dilution Factor:	37.2
Acute Flow Based Upon DF (mgd)	333
Chronic Dilution Factor:	103
Chronic Stream Flow Based Upon DF (mgd)	1040
Hardness for Metals Calculations (mg/L)	78

(1) Average POTW Flow (5.42 mgd) - Average SIU Flow (0.1838 mgd) + permitted SIU and other IU flow (0.395 mgd)

Table I-2 - Applicable Standards for the Local Limits Evaluation

Applicable Standards	POTW Design	State Acute WQS	State Chronic WQS	Human Health Water and Organism	Human Health Organism	Sludge
Pollutant	lbs/day	mg/L	mg/L	mg/L	mg/L	mg/Kg DW
Arsenic		0.360	0.150			41
Cadmium		0.00296	0.00093			39
Chromium		1.4168	0.1689			
Copper		0.01403	0.00956	1.3		1500
Lead		0.05951	0.00232			300
Mercury		0.0021	0.000012	0.00014	0.000150	17
Molybdenum						75 ⁽²⁾
Nickel		1.1494	0.1278	0.15	0.190	100
Selenium		0.02	0.005	0.12	0.480	
Silver		0.002468				
Zinc		0.095	0.086	2.3	2.900	2800

⁽¹⁾ From the State on October 12, 2018: Ecology has declared a policy, in its current Permit Writer's Manual (PWM) July 2018 revision, regarding how to set permit limits for Arsenic. Most, if not all, of the State's rivers have ambient concentrations of Total Arsenic at levels higher than the current inorganic Arsenic Water Quality Criteria for Human Health (0.018 µg/L). Further, the current, approved Environmental Protection Agency (EPA) Method (method 200.8) has a Detection Limit (DL) of 0.10 µg/L that exceeds the criteria for Human Health criteria, effectively precluding determination of compliance with these stringent criteria.

⁽²⁾ From Sludge Table 1, Ceiling Concentrations. POTW is required to meet this limit.

Table I-3 - POTW Influent Loading to the City

Monitoring Data Pollutant	Average POTW Influent mg/L	# obs and Notes	RL Handling	Average POTW Flow mgd	POTW Influent lbs/day
Arsenic	0.0022	n=10, 2<RL	1/2 RL	5.42	0.0995
Cadmium	0.00027	n=10, 3<RL, 4 J-Flagged	1/2 RL	5.42	0.0122
Chromium	0.00284	n=10, 2<RL	1/2 RL	5.42	0.1285
Copper	0.0599	n=10, 1<RL	1/2 RL	5.42	2.7093
Lead	0.0021	n=10, 2<RL	1/2 RL	5.42	0.0950
Mercury	0.000124	n=10, 1<RL	1/2 RL	5.42	0.0056
Molybdenum	0.0288	n=-9, 2<RL	1/2 RL	5.42	1.3026
Nickel	0.0033	n=10, 2<RL	1/2RL	5.42	0.1493
Selenium	0.0017	n=10, 3<RL, 2 J Flagged	1/2 RL	5.42	0.0769
Silver	0.00019	n=10, 3<RL, 4 J-Flagged	1/2 RL	5.42	0.0086
Zinc	0.124	n=10	N/A	5.42	5.6085

Table I-4 - POTW Effluent Loading to the City

Monitoring Data Pollutant	Average POTW Effluent mg/L	# obs and Notes	RL Handling	Average POTW Flow mgd	POTW Effluent lbs/day
Arsenic	0.00200	n=10, 2<RL	1/2 RL	5.61	0.0936
Cadmium	0.00110	n=10, 7<RL, 2 J-Flagged	1/2 RL	5.61	0.0515
Chromium	0.00150	n=10, 3<RL, 3 J-Flagged	1/2 RL	5.61	0.0702
Copper	0.00520	n=10, 2<RL	1/2 RL	5.61	0.2434
Lead	0.00130	n=10, 3<RL, 4 J-Flagged	1/2 RL	5.61	0.0609
Mercury	0.0000520	n=10, 6<RL, 1 J-Flagged	1/2 RL	5.61	0.0024
Molybdenum	0.0334	n=9, 2<RL	1/2 RL	5.61	1.5636
Nickel	0.002	n=10, 2<RL	1/2 RL	5.61	0.0936
Selenium	0.0013	n=10, 3<RL, 4 J-Flagged	1/2 RL	5.61	0.0609
Silver	0.00008	n=10, 10<RL	1/2 RL	5.61	0.0037
Zinc	0.050	n=10, 2<RL	1/2 RL	5.61	2.3548

Table I-5 - POTW Domestic+Commercial Loading to the City

Monitoring Data Pollutant	Domestic+Commercial mg/L	# obs and Notes	RL Handling	Domestic+Commercial Average Flow mgd	Domestic+Commercial Contribution lbs/day
Arsenic	0.0028	n=8, 0<RL	N/A	5.2362	0.1223
Cadmium	0.00034	n=8, 3<RL	1/2 RL	5.2362	0.0149
Chromium	0.0028	n=8, 0<RL	N/A	5.2362	0.1223
Copper	0.1237	n=8, 0<RL	N/A	5.2362	5.4052
Lead	0.0028	n=8, 0<RL	N/A	5.2362	0.1223
Mercury	0.000125	n=8, 0<RL	N/A	5.2362	0.0055
Molybdenum	0.0867	n=8, 0<RL	N/A	5.2362	3.7884
Nickel	0.0031	n=8, 0<RL	N/A	5.2362	0.1355
Selenium	0.0012	n=8, 0<RL	N/A	5.2362	0.0524
Silver	0.00025	n=8, 2<RL	1/2 RL	5.2362	0.0109
Zinc	0.598	n=8, 0<RL	N/A	5.2362	26.1301

Table I-6 – POTW Sludge Data

Monitoring Data Pollutant	Maximum POTW Sludge to Disposal Data mg/Kg DW
Arsenic	34.9
Cadmium	12.2
Chromium	131
Copper	2390
Lead	136
Mercury	5.94
Molybdenum	43.4
Nickel	112
Selenium	46.4
Silver	67.3
Zinc	2270

Table I-7 - Ambient Pollutant Concentration from NPDES Permit Fact Sheet

POLLUTANT	Ambient Pollutant Concentration mg/L
Arsenic	0.0009 ⁽¹⁾
Cadmium	0.000030
Chromium	0.000180
Copper	0.001030
Lead	0.000240
Mercury	0.000001
Molybdenum	Not Reported
Nickel	0.000870
Selenium	0.000500
Silver	0.000009
Zinc	0.003790

- (1) From the State in a October 12, 2018, letter: "The fact sheet for the City's 2018 National Pollutant Discharge Elimination System (NPDES) permit lists an ambient concentration for the Columbia River for Arsenic (total) as 0.0009 mg/L. The proportion of inorganic to total Arsenic ambient concentrations in the Columbia River is unknown at this point."

Table I-8 - Removal Efficiency Calculations Based on Concentration

Removal Efficiency Calculations POLLUTANT	MRE Mean Removal Efficiency %	Literature Removal Efficiency from 2004 EPA Local Limits Guidance - Medial Activated Sludge	Final POTW Removal %
Arsenic	9.1	45	45
Cadmium	-307.4	67	67
Chromium	47.2	82	82
Copper	91.3		91
Lead	38.1	61	61
Mercury	58.1	90.2	90
Molybdenum	-16.0	21	21
Nickel	39.4		39
Selenium	23.5	50	50
Silver	57.9	75	75
Zinc	59.4		59

Removal Efficiency calculations based upon influent and effluent loading due to I&I. EPA literature data was used where most influent and/or effluent data was <MDL and <RL. Mercury removal was EPA data in 2016 Dental Categorical Regulations (90.2% removal).

Table I-9 - Allowable Headworks Loading Calculations based on Concentration

AHL Calculations Pollutant	State Acute WQS	State Chronic WQS lbs/day	Human Health Water and Organism	Human Health Organism lbs/day	Sludge lbs/day	Most Stringent AHL for Common Stds lbs/day	Name of Most Stringent AHL
Arsenic	1845.3359	2366.4648			1.9043	1.9043	Sludge
Cadmium	25.0976	23.8110			1.2166	1.2166	Sludge
Chromium	22242.6429	8182.1519				8182.1519	State Chronic WQS
Copper	422.8638	856.4125	130332.49277		34.3388	34.3388	Sludge
Lead	429.5405	46.5843			10.2791	10.2791	Sludge
Mercury	59.3310	0.9867	12.16001	13.0329	0.3948	0.3948	Sludge
Molybdenum					7.4646	7.4646	Sludge
Nickel	5356.4838	1828.4314	2148.21138	2724.3916	22.2801	22.2801	Sludge
Selenium	110.2692	78.6092	2086.30915	8371.2830	4.1802	4.1802	Sludge
Silver	27.8003					27.8003	State Acute WQS
Zinc	635.3616	1767.9801	49369.69097	62269.883	98.5226	98.5226	Sludge

Table I-10 - Maximum Allowable Industrial Loading (MAIL) Calculation

Pollutant	MAHL lbs/day	Controlling Criteria or Standard for MAHL	Safety Factor %	MAHL minus Safety Factor lbs/day	Subtract out Domestic+Commercial Loadings lbs/day	MAIL Maximum Available Industrial Loading lbs/day
Arsenic	1.9043	Sludge	10	1.7139	1.5916	1.5916
Cadmium	1.2166	Sludge	10	1.0949	1.0800	1.0800
Chromium	8182.1519	State Chronic WQS	10	7363.9367	7363.8144	7363.8144
Copper	34.3388	Sludge	10	30.9049	25.4997	25.4997
Lead	10.2791	Sludge	10	9.2512	9.1289	9.1289
Mercury	0.3948	Sludge	10	0.3553	0.3499	0.3499
Molybdenum	7.4646	Sludge	10	6.7181	2.9297	2.9297
Nickel	22.2801	Sludge	10	20.0521	19.9166	19.9166
Selenium	4.1802	Sludge	10	3.7622	3.7098	3.7098
Silver	27.8003	State Acute WQS	10	25.0203	25.0094	25.0094
Zinc	98.5226	Sludge	10	88.6703	62.5402	62.5402

Table I-11 - Calculation of the Local Limits

Local Limits Pollutant	MAHL lbs/day	MAIL lbs/day	Expansion Factor %	Adjusted POTW Controlled Loading w/ expansion factor lbs/day	Calculated SIU Limits	Units
Arsenic	1.9043	1.5916	75	0.3979	0.12	mg/L
Cadmium	1.2166	1.0800	0	1.0800	0.328	mg/L
Chromium	8182.1519	7363.8144	99.8	14.7276	4.47	mg/L
Copper	34.3388	25.4997	75	6.3749	1.93	mg/L
Lead	10.2791	9.1289	50	4.5645	1.385	mg/L
Mercury	0.394800	0.349900	0	0.3499	0.106	mg/L
Molybdenum	7.4646	2.9297	0	2.9297	0.89	mg/L
Nickel	22.2801	19.9166	50	9.9583	3.02	mg/L
Selenium	4.1802	3.7098	50	1.8549	0.56	mg/L
Silver	27.8003	25.0094	90	2.5009	0.76	mg/L
Zinc	98.5226	62.5402	75	15.6351	4.74	mg/L

The Expansion Factor is set on a pollutant-by-pollutant basis to set aside some loading for new SIUs or expansion of existing SIUs. The Expansion Factor decision is at the full discretion of the City and does not affect the final MAIL that is being adopted.

D. Summary Pollutant Data (POTW Influent, Effluent, Domestic+Commercial)

The pollutants in the following table are as mg/L and total unless otherwise specified. Pollutant data is from samples 2016- 2018. Other priority pollutants now shown were <RL in all POTW influent and effluent samples.

INFLUENT - Pollutant	Average	Maximum	Minimum	Count	# <MDL	J Flag
Influent flow	5.417	8.036	4.032	935	0	0
Influent Peak Flow	9.502	20.708	6.185	827	0	0
Monthly Average flow	9.539	11.069	7.892	28	0	0
3+4-Methylphenol	0.0721	0.0721	0.0721	1	0	0
Ammonia	34.7	35.4	34	2	0	0
Antimony	0.000871	0.0013	0.000442	2	0	0
Arsenic	0.002724	0.005	0.00157	10	2	0
bis(2-Ethylhexyl) phthalate	0.000633	0.000633	0.000633	1	0	0
BOD5	249.1	372	129	402	0	0
Cadmium	0.0012041	0.005	0.000116	10	3	4
Chloromethane	0.0053	0.0053	0.0053	1	0	0
Chromium	0.002844	0.005	0.00151	10	2	0
Copper	0.05989	0.09	0.005	10	1	0
Cyanide	0.01184	0.0352	0.004	10	2	1
Diethyl phthalate	0.00359	0.00359	0.00359	1	0	0
Di-n-octyl phthalate	0.00343	0.00343	0.00343	1	0	0
Hexane	0.002125	0.00436	0.00025	4	2	0
Lead	0.002088	0.005	0.00103	10	2	0
Mercury	0.00012395	0.0005	0.0000226	10	1	0
Molybdenum	0.0288	0.0754	0.0023	9	2	0
Nickel	0.00330	0.005	0.00214	10	2	0

NO2 +NO3	1.27	5	0.0259	10	1	1
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INFLUENT - Pollutant	Average	Maximum	Minimum	Count	# <MDL	J Flag
Phenol	0.0173	0.0173	0.0173	1	0	0
Phenolics	0.0505	0.065	0.036	2	0	0
Phosphorus	4.78	5.43	4.12	2	0	0
Pyridine	0.00123	0.00123	0.00123	1	0	0
Selenium	0.001691	0.005	0.000458	10	3	0
Silver	0.000193	0.0005	0.0001	10	3	0
TDS	367	382	352	2	0	0
TKN	43.56	57.6	29.4	10	0	0
Total Nitrogen	37.95	43.1	32.8	2	0	0
TSS	293	980	208	403	0	0
Zinc	0.1242	0.139	0.11	10	0	0

The pollutants in the following table are as mg/L and total unless otherwise specified. Pollutant data is from samples 2016- 2018.

EFFLUENT - Pollutant	Average	Maximum	Minimum	Count	# <MDL	J Flag
Effluent Flow	5.607	8.112	1.165	935	0	0
Effluent Peak Flow	9.341	22.184	7.122	827	0	0
Ammonia	9.32	27.3	0.09	167	0	0
Antimony	0.000555	0.000606	0.000504	2	0	1
Arsenic	0.00200	0.005	0.00115	10	2	0
bis(2-Ethylhexyl) phthalate	0.00092	0.00092	0.00092	1	0	0
BOD5	6.6	20.4	1.6	399	0	0
Cadmium	0.0011043	0.005	0.000025	10	7	2

EFFLUENT - Pollutant	Average	Maximum	Minimum	Count	# <MDL	J Flag
Chloromethane	0.00059	0.00059	0.00059	1	0	0
Chromium	0.0015289	0.005	0.000404	10	3	3
Copper	0.005243	0.00979	0.00379	10	2	0
Cyanide	0.00695	0.0144	0.004	10	3	2
Hardness	137	137	137	1	0	0
Hexane	0.00258	0.00715	0.00025	4	2	1
Lead	0.0012507	0.005	0.000237	10	3	4
Mercury	0.00005233	0.00025	0.000001	10	6	1
Molybdenum	0.0334	0.0915	0.0011	9	2	0
Nickel	0.00197	0.005	0.00091	10	2	0
NO2 + NO3	3.2	10.2	0.044	9	0	1
O&G	1	1	1	1	0	0
Phosphorus	2.97	5.52	1.23	4	0	0
Selenium	0.001347	0.005	0.000274	10	3	4
Silver	0.00008	0.0005	0.000002	10	10	0
TDS	441.25	587	371	4	0	0
TKN	9.767	25.2	1.2	10	0	0
Toluene	0.00066	0.00066	0.00066	1	0	0
Total Nitrogen	16.35	22	10.7	2	0	0
TSS	6	36	1	401	0	0
Zinc	0.05025	0.0615	0.005	10	2	0

The pollutants in the following table are as mg/L and total unless otherwise specified. Pollutant data is from Domestic+Commercial samples collected in 2017.

Domestic+Commercial - Pollutant	Average	Maximum	Minimum	Count	# <MDL
Antimony	0.000757	0.000757	0.000757	1	0
Arsenic, Total	0.002826	0.0044	0.00225	8	0
Beryllium	0.000025	0.000025	0.000025	1	1
Cadmium, Total	0.000336	0.000764	0.000093	8	3
Chromium, Total	0.002854	0.00393	0.00154	8	0
Copper, Total	0.1237	0.286	0.0802	8	0
Cyanide	0.004300	0.0094	0.001	8	5
Lead, Total	0.002795	0.0117	0.000926	8	0
Mercury, Total	0.000125	0.000678	0.0000205	8	0
Molybdenum, Total	0.086720	0.225	0.00207	8	0
Nickel, Total	0.003146	0.00417	0.00183	8	0
Phenolics	0.049000	0.05	0.048	2	0
Selenium, Total	0.001208	0.00143	0.00102	8	0
Silver, Total	0.000251	0.0005	0.000102	8	2
TDS	520	520	520	1	0
Thallium	0.00002	0.00002	0.00002	1	1
Zinc, Total	0.5976	3.71	0.0958	8	0

The pollutants in the following table are as mg/Kg Dry Weight unless otherwise specified. Pollutant data is from sludge samples collected in 2017. Red font is ½ RL.

Central Treatment Plant, Tacoma				
Sludge Pollutants	Maximum	Count	# <MDL	Limit
Arsenic (mg/Kg)	34.9	4	2	41
Cadmium (mg/Kg)	12.2	4	4	39
Copper (mg/Kg)	131	4	0	1500
Lead (mg/Kg)	2390	4	1	300
Mercury (mg/Kg)	136	4	0	17
Molybdenum (mg/Kg)	5.94	4	1	75*
Nickel (mg/Kg)	43.4	4	1	420
Selenium (mg/Kg)	112	4	1	100
Zinc (mg/Kg)	46.4	4	0	2800

* - Ceiling concentration

E. Analytical and Sampling Methods

1. Analytical Methods and Sample Preservation

All wastewater samples were collected, preserved and analyzed using methods approved pursuant to 40 CFR Part 136 and 40 CFR Part 403, Appendix E and were of such quality as to be legally defensible. The City uses a mix of in-house and external support for analytical work performed under its pretreatment program.

2. Sample Types

POTW influent and effluent samples were collected as required by the NPDES Permit. If sampling for oil and grease, cyanide, pH, sulfides, phenols or volatile organic compounds, the City would use the appropriate sample type as allowed in its NPDES permit.

3. Example Liquid Matrix Sampling Criteria

Pollutant	Sample Type	Sample Hold Time	Sample Preservation
Arsenic	24 hr Composite	6 Months	HNO ₃ to pH <2
Biochemical Oxygen Demand (BOD5)	24 hr Composite	48 Hours	Cool to 6°C
Cadmium	24 hr Composite	6 Months	HNO ₃ to pH <2
Chromium (total)	24 hr Composite	6 Months	HNO ₃ to pH <2
Copper	24 hr Composite	6 Months	HNO ₃ to pH <2
Cyanide	Grab (for Pretreatment Required Sampling)	14 Days	Cool to 6°C, 1:1 NaOH to pH >12
Lead	24 hr Composite	6 Months	HNO ₃ to pH <2
Mercury 1631E	Grab	90 Days	5 mL/L 12N HCl or 5 mL/L BrCl
Mercury 245.1	24 hr Composite	28 Days	HNO ₃ to pH <2
Molybdenum	24 hr Composite	6 Months	HNO ₃ to pH <2
Nickel	24 hr Composite	6 Months	HNO ₃ to pH <2
Phosphorus	24 hr Composite	28 days	Cool to 6°C, 1:1 H ₂ SO ₄ to pH <2
Selenium	24 hr Composite	6 Months	Cool to 6°C, 1:1 HNO ₃ to pH <2
Silver	24 hr Composite	6 Months	HNO ₃ to pH <2
Total Suspended Solids (TSS)	24 hr Composite	7 Days	Cool to 6°C
Zinc	24 hr Composite	6 Months	HNO ₃ to pH <2

4. Chain of Custody (COC)

All samples included a COC for sample identification (sample location) and tracking. COC information and records are maintained at the Environmental Services, Business Operations Division, Environmental Compliance Group for sampling and is provided with each sample report by the City laboratory.

F. Recordkeeping

All records that are the basis for the local limits developed shall be maintained for at least three years beyond when the local limits are no longer implemented and enforced. The records will be kept at the Environmental Services, Business Operations Division, Environmental Compliance Group as a hardcopy and/or in electronic (.pdf) format.

Attachment 1

Example Calculation and Formulas

Process and Formulas used in Calculating Allowable Headworks Loadings (from 2004 EPA Guidance) – Arsenic Example

1. Applicable Allowable Headworks Loadings (AHLs)

Water Quality: $(8.345 * (WQS * (Q_{\text{rechH}_2\text{O}} + Q_{\text{POTW}}) - (Q_{\text{rechH}_2\text{O}} * C_{\text{stream}}))) / (1 -$

$(R_{\text{POTW}}/100))$ WQS: Applicable Water Quality Standard (mg/L): Acute or Chronic as

appropriate

$Q_{\text{rechH}_2\text{O}}$: Receiving Water Dilution Flow (mgd): Acute or Chronic as appropriate. 0 mgd.

Q_{POTW} : POTW flow for local limits (mgd)

C_{stream} : Upstream or Ambient Receiving Water Concentration (mg/L) if specified by State R_{POTW} : Removal Efficiency for POTW (%). Typically, the Mean Removal Efficiency or EPA Literature data typically used.

Rounding may change the values below from that in the submittal.

1. Calculate the AHLs

Water Quality Acute = $(8.345) * (0.36 \text{ mg/L} * (333 \text{ mgd} + 5.63 \text{ mgd}) - (333 \text{ mgd} * 0.0009 \text{ mg/L})) / (1 - (45/100)) = 1845.3359 \text{ lbs/day}$

Water Quality Chronic = $(8.345) * (0.15 \text{ mg/L} * (1040.4 \text{ mgd} + 5.63 \text{ mgd}) - (1040 \text{ mgd} * 0.0009 \text{ mg/L})) / (1 - (45/100)) = 2366.4648 \text{ lbs/day}$

Human Health – Water and Organism only: See footnote on Table I-2.

Sludge AHL = $(8.345 * 41 \text{ mg/Kg} * (\% \text{ solids}/100) * \text{Sludge Flow (mgd)} * (\text{Sp Grav})) / (R_{\text{eff}}/100) = 1.9043 \text{ lbs/day}$

2. Determine MAHL (most stringent AHL) = 1.9043 lbs/day, Sludge.

3. Determine the Maximum Allowable Industrial Loading (MAIL)

MAIL = MAHL * $1 - \text{SF}/100$ - Domestic+Commercial Loading

MAIL = $((1.9043 \text{ lbs/day} * 0.9) - 0.1223 \text{ lbs/day}) = 1.5916 \text{ lbs/day}$

4. Apply Expansion Factor (75%) at the POTW's discretion to obtain an adjusted POTW loading for concentration-based limits.

$$\begin{aligned}\text{Adjusted Loading} &= \text{MAIL} * (1 - (\text{Exp Factor}/100)) \\ &= 1.5916 * 0.75 = 0.3979 \text{ lbs/day}\end{aligned}$$

5. Calculate concentration-based limits

$$\begin{aligned}\text{Local Limits (mg/L)} &= \text{Adjusted IU Loading}/(\text{IU flow for Local Limits (mgd)} * 8.345) \\ &= 0.3979 \text{ lbs/day}/(0.370 \text{ mgd} * 8.345) = 0.12 \text{ mg/L}\end{aligned}$$

Appendix IV: Kennewick Municipal Code: Pretreatment Act

CHAPTER 14.23

KENNEWICK PRETREATMENT ACT

SECTION:

14.23.010: General Provisions
14.23.020: General Requirements
14.23.030: Wastewater Discharge Permit Requirements
14.23.040: Reporting Requirements
14.23.050: Sampling and Analytical Requirements 14.23.060:
Compliance Monitoring
14.23.070: Confidential Information
14.23.080: Publication of Users in Significant Noncompliance 14.23.090:
Administrative Enforcement Remedies
14.23.100: Judicial Enforcement Remedies 14.23.110:
Supplemental Enforcement Action
14.23.120: Affirmative Defenses to Discharge Violations 14.23.130:
Wastewater Treatment Rates
14.23.140: Miscellaneous Provisions

14.23.010: - General Provisions:

- (1) Purpose and Policy. This Chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the City of Kennewick and enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Chapter are:
 - (a) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
 - (b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
 - (c) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows for its use and disposal in compliance with applicable statutes and regulations;
 - (d) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and
 - (e) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

This chapter shall apply to all users of the POTW. The program authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- (2) Administration. Except as otherwise provided herein, the Public Works Director shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Public Works Director may be delegated by the Public Works Director to other city personnel.
- (3) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

- (a) *Act or the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.
- (b) *Applicable Pretreatment Standards* means, for a specific pollutant, the more stringent of a prohibitive discharge standard, local limit or categorical pretreatment standards, and any other applicable local, state or federal standard.
- (c) *Approval Authority* means the State of Washington Department of Ecology.
- (d) *Authorized Representative of the User* means:
 - (i) If the user is a corporation:
 - (A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (B) The manager of one or more manufacturing, production or operation facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initialing and directing 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;
 - (ii) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
 - (iii) If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
 - (iv) The individuals described in subsections (i) through (iii) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the City.
- (e) *Best Management Practices (BMPs)* is a term which means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 403.5(a)(1) and (b) of the Act. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (f) *Biochemical Oxygen Demand (BOD₅)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees Celsius expressed as a concentration (milligrams per liter (mg/L)).
- (g) *Categorical Pretreatment Standard* or *Categorical Standard* means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.
- (h) *Categorical User* means a user covered by one of the EPA's categorical pretreatment standards.
- (i) *City* means the City of Kennewick or the City Council of the City of Kennewick.

- (j) *Color* means the optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.
- (k) *Composite Sample* means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- (l) *Control Authority*. The term refers to the City of Kennewick, Washington.
- (m) *Cooling Water/Noncontact Cooling Water* means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration, to which the only pollutant added is heat.
- (n) *Domestic User (residential user)* means any person who contributes, causes or allows the contribution of wastewater into the City POTW that is of a similar volume and/or chemical makeup as that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 100 gallons per capita per day, 0.2 pounds of BOD per capita and 0.17 pounds of TSS per capita.
- (o) *Environmental Protection Agency (EPA)* means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.
- (p) *Existing Source*. For a categorical industrial user, an "existing source" is any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (q) *Existing User*. For noncategorical users, an "existing user" is defined as any user who is discharging wastewater prior to the effective date of the ordinance codified in this chapter.
- (r) *Grab Sample* means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the wastestream and without consideration of time.
- (s) *Indirect Discharge or discharge* means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches and all constructed devices and appliances appurtenant thereto.
- (t) *Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts its sludge processes, use or disposal; or (3) is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
- (u) *Maximum Allowable Discharge Limit* means the maximum concentration (or loading) of a pollutant allowed to be discharged by a regulated industrial user at any time, determined from the analysis of a discrete or composited sample collected, independent of the wastewater flow rate.
- (v) *Medical Wastes* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

- (w) *NAICS* means a classification pursuant to the North American Industry Classification System used by the United States Office of Management and Budget.
- (x) *New Source* means:
 - (i) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:
 - (A) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (C) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
 - (ii) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (i)(B) or (C) of this definition but otherwise alters, replaces or adds to existing process or production equipment.
 - (iii) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (A) Begun, or caused to begin as part of a continuous on-site construction program:
 - (I) Any placement, assembly, or installation of facilities or equipment; or
 - (II) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.
- (y) *New User* is a user that is not regulated under federal categorical pretreatment standards but applies to the City for a new building permit or occupies an existing building and plans to discharge wastewater to the City's collection system after the effective date of the ordinance codified in this chapter. Any person that buys an existing facility that is discharging nondomestic wastewater will be considered an existing user if no significant changes are made in the manufacturing operation.
- (z) *Pass Through* means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).
- (aa) *Permittee* means a person or user issued a wastewater discharge permit.
- (bb) *Person* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal

entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities.

- (cc) *pH* means a measure of the acidity or alkalinity of a substance, expressed in standard units.
- (dd) *Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity or odor).
- (ee) *Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).
- (ff) *Pretreatment requirements* means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (gg) *Pretreatment Standard* or *Standard*. "Pretreatment Standard" shall mean any regulation containing pollutant discharge limits, promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. This term includes prohibited discharge standards (KMC 14.23.020(1)), categorical pretreatment standards (40 CFR Chapter I, Subchapter N), local limits (KMC 14.23.020(5)) and BMPs established by the City.
- (hh) *Prohibited Discharge Standards* or *Prohibited Discharges* means absolute prohibitions against the discharge of wastewater with specific pollutants or pollutant properties (KMC 14.23.020(1)).
- (ii) *Public Works Director* means the person designated by the City to manage the operation of the POTW and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.
- (jj) *Publicly Owned Treatment Works (POTW)* means a "treatment works," as defined by Section 212 of the Act (33 USC 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the City.
- (kk) *Septic Tank Waste* means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.
- (ll) *Sewage* means human excrement and gray water (household showers, dishwashing operations, etc.).
- (mm) *Sewer* means any pipe, conduit, ditch, or other device used to collect and transport sewage from the generating source.
- (nn) *Shall, May*. "Shall" is mandatory; "may" is permissive.
- (oo) *Significant Industrial User* means:
 - (i) A user subject to categorical pretreatment standards; or
 - (ii) A user that:
 - (A) Discharges an average of 25,000 gallons per day (gpd) or more of processed wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow-down wastewater); or

- (B) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (C) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (iii) Upon a finding that a user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the City may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- (pp) *Slug Load* means any discharge at a flow rate or concentration which could cause a violation of the discharge standards in KMC 14.23.020(1) through (4) or any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.
- (qq) *Stormwater* means any flow that occurs during or follows any form of natural precipitation and results from such precipitation, including snowmelt.
- (rr) *Total Suspended Solids* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid and which is removable by laboratory filtering.
- (ss) *Treatment Plant Effluent* means the discharge from the POTW into waters of the United States.
- (tt) *User or industrial user* means a source of indirect discharge. The source shall not include "domestic user" as defined herein.
- (uu) *Wastewater* means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.
- (vv) *Wastewater Discharge Permit (industrial wastewater discharge permit, discharge permit)* means an authorization or equivalent control document issued by the City to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter.
- (ww) *Wastewater Treatment Plant or Treatment Plant* means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(4) Abbreviations. The following abbreviations shall have the designated meanings:

- (a) *ASPP* - accidental spill prevention plan.
- (b) *BOD* - biochemical oxygen demand.
- (c) *CFR* - Code of Federal Regulations.
- (d) *COD* - chemical oxygen demand.
- (e) *EPA* - U.S. Environmental Protection Agency.
- (f) *FOG* - fats, oil and grease.
- (g) *gpd* - gallons per day.
- (h) *L* - liter.

- (i) *LEL* - lower explosive limit.
- (j) *mg* - milligrams.
- (k) *mg/L* - milligrams per liter.
- (l) *NAICS* - North American Industry Classification System.
- (m) *NPDES* - National Pollutant Discharge Elimination System.
- (n) *O&M* - operation and maintenance.
- (o) *POTW* - publicly owned treatment works.
- (p) *RCRA* - Resource Conservation and Recovery Act.
- (q) *SIC* - Standard Industrial Classifications.
- (r) *SWDA* - Solid Waste Disposal Act (42 USC 6901, et seq.).
- (s) *TSS* - total suspended solids.
- (t) *USC* - United States Code.

14.23.020: - General Requirements:

- (1) Prohibited Discharge Standards.
 - (a) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to a categorical pretreatment standard or any other national, state, or local pretreatment standard or requirement.
 - (b) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (i) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21;
 - (ii) Wastewater having a pH less than 5.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment, unless specifically authorized by the City. In no case shall the discharge have a pH less than 5.0 at any time;
 - (iii) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;
 - (iv) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (v) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius) unless the approval authority, upon the request of the POTW, approves alternate temperature limits;
 - (vi) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - (vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (viii) Trucked or hauled pollutants, except at discharge points designated by the City;

- (ix) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (x) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby causing or contributing to a violation of the City's NPDES permit;
- (xi) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Public Works Director in compliance with applicable state or federal regulations;
- (xii) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the Public Works Director;
- (xiii) Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;
- (xiv) Wastewater that causes or contributes to a failure of a toxicity test conducted on the POTW effluent;
- (xv) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW or otherwise cause pass through or interference;
- (xvi) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter;
- (xvii) Animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, waste paper, wood, plastics, gas, tar asphalt residues, residues from the refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
- (xviii) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits;
- (xix) Any wastewater which, in the opinion of the Public Works Director, can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the Public Works Director (except that no special waiver shall be given from categorical pretreatment standards or a violation of an approved maximum allowable industrial load or that causes or contributes to pass through or interference);
- (xx) The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septage, or other wastewater unless said person has first obtained testing and approval as may be generally required by the City of Kennewick and paid all fees assessed for the privilege of said discharge;
- (xxi) Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA) that will cause or contribute to pass through or interference;

- (xxii) Sewage sludge, except in accordance with the City's NPDES permit, providing that it specifically allows the discharge to surface water of sewage sludge pollutants.
 - (xxiii) The discharge of dry cleaning process wastes, including new and used tetrachloroethylene (synonyms: perchloroethylene, tetrachloroethene), still bottom oil and separator water, is prohibited entirely. Where necessary, the City may require that these wastes be physically prevented from discharging into the sanitary sewer system.
 - (xxiv) At no time shall an emulsifying agent, enzyme, bio-additive, or similar chemical be introduced into the waste stream, grease trap, grease interceptor or any chamber of a grease interceptor, except by City employees or designees for the purpose of maintenance and operations of the POTW.
- (2) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW except as authorized by an industrial user permit and/or this chapter. If the industrial user has a pretreatment facility, all floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility or to sumps or tanks that do not have the potential for a discharge to the POTW before connecting with the POTW. The City may require other industrial users to contain or collect wastewater from floor drains to protect the POTW and meet the objectives of this chapter.
 - (3) Federal Categorical Pretreatment Standards. The national categorical pretreatment standards as amended and promulgated by the EPA pursuant to the Act and as found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471 are hereby incorporated and shall be enforceable under this chapter.
 - (4) State Requirements. State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this chapter or other applicable ordinances.

5) Specific Discharge Limitations

- (a) No Significant Industrial User (SIU) or other designated non-SIU shall discharge or cause to be discharged, wastewater containing pollutants that exceed the following limits:

Pollutant	Daily Maximum Discharge Limits ⁽¹⁾	Maximum Allowable Industrial Loading (MAIL)
	mg/L	lbs/day
Arsenic	0.12	1.5916
Cadmium	0.328	1.0800
Chromium	4.47	7366.2020
Copper	1.93	25.4997

Pollutant	Daily Maximum Discharge Limits ⁽¹⁾ mg/L	Maximum Allowable Industrial Loading (MAIL) lbs/day
Lead	1.385	9.1289
Mercury	0.106	0.349900
Molybdenum	0.89	2.9297
Nickel	3.02	19.9166
Selenium	0.56	3.7098
Silver	0.76	25.0345
Zinc	4.74	62.5402
Fats, Oil and Grease (FOG)	--	100% and/or 25% of the working capacity of any chamber of the grease interceptor

- (1) All Pollutants as Total and in mg/L unless otherwise specified.
- (2) This MAIL is the total lbs/day that the City may allocate to SIUs and other designated non-SIUs. The City intends to control discharges by applying the Daily Maximum Discharge Limits through Industrial User Wastewater Discharge permits. The City may allocate the MAIL where uniform concentration is not appropriate.
- (b) The following limits shall apply to wastewaters that are discharged from:
- (i) Groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants;
 - (ii) Discharges where one or more of these pollutants are present; or
 - (iii) Where these pollutants are appropriate surrogates.

It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or wastewater to the POTW that exceeds the following limits:

Pollutant ⁽¹⁾⁽³⁾	Daily Maximum Limit (mg/L)
Benzene	0.050
BTEX ⁽²⁾	0.750

- (1) All pollutants shown in the Table are total.
 - (2) BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.
 - (3) These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."
- (c) The Public Works Director may establish more stringent pollutant limits, additional site-specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the Public Works Director, such limitations are necessary to implement the provisions of this Chapter.
- (6) City's Right of Revision. The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.
 - (7) Special Agreement. The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the approval authority in accordance with 40 CFR 403.13.
 - (8) Dilution. No user shall ever increase the use of processed water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The Public Works Director may impose mass limitations on users which he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
 - (9) Pretreatment Facilities. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable pretreatment standards and requirements set out in this chapter within the time limitations specified by the EPA, the state, or the Public Works Director, whichever are more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in

no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this chapter.

- (10) **Deadline for Compliance with Applicable Pretreatment Requirements.** Compliance by existing users (categorical users) covered by categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. The City shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for said user are more restrictive than the EPA's categorical pretreatment standards.

New sources and new users shall install and have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in the EPA's categorical pretreatment standards. Any other existing user or a categorical user that must comply with a more stringent local limit, which is in noncompliance with any local limits, shall be provided with a compliance schedule placed in an industrial wastewater permit or registered letter for non-categorical users to ensure compliance within the shortest time feasible.

- (11) **Additional Pretreatment Measures.**

- (a) Whenever deemed necessary, the Public Works Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.
- (b) Each user discharging to the POTW greater than 25,000 gallons per day or greater than five percent of the average daily flow into the POTW, whichever is less, may be required to install and maintain, on its property and at its expense, a suitable storage and flow-control facility to ensure equalization of flow over a 24-hour period. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Public Works Director in specifications with current Uniform Plumbing Code and/or any City Standard Specifications and shall be so located to be easily accessible for cleaning and inspection.

Where installed, all grease, oil and sand traps (or interceptors) shall be maintained by the owner, at his expense, in continuously efficient operation at all times and subject to inspection. In the event the owner fails to properly maintain the grease trap (or interceptor), which, in the opinion of the Director, causes or has the potential to cause clogging of the sewer lines and/or pump stations, the cost of the City, time and material, in cleaning the sewer lines and/or pump stations may be charged to the owner of the grease trap. For the purpose of this paragraph, the owner shall be the person, firm or corporation named on the sewer account. For the purpose of this subsection, a grease interceptor is not in continuous efficient operation and is in violation of this section if the total volume of grease, solids, or food waste at any time displaces more than 25 percent of the effective volume of any chamber of the grease interceptor.

The user shall have a written record of trap and/or interceptor maintenance on site for inspection and all such records shall be available for inspection by the City of Kennewick, and shall be kept in accordance with the recordkeeping requirements of KMC 14.23.040.

Grease trap maintenance will be recorded/reported on a monthly basis; Interceptors will be recorded/reported on their designated cleaning frequency. At the discretion of the Public Works Director, reports may be required to be submitted to the City's Pretreatment Inspector via e-mail, fax, postal mail or electronic form submission when it becomes available.

- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (12) Accidental Spill Prevention Plans/Slug Control Plans. The Public Works Director may require any user to develop and implement an accidental spill prevention plan (ASPP)/slug control plan. Where deemed necessary by the City, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the City for review and approval before implementation. The City shall determine which user is required to develop a plan and require said plan to be submitted within 120 days after notification by the City. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this section.
- (a) Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:
 - (i) Description of discharge practices, including nonroutine batch discharges;
 - (ii) Description of stored chemicals;
 - (iii) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in subsections (1) through (4) of this section; and
 - (iv) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.
 - (b) Users shall notify the City wastewater treatment plant immediately after the occurrence of a slug or accidental discharge of substances regulated by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the City on account thereof under state or federal law.
 - (c) Within five days following an accidental discharge, the user shall submit to the Public Works Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property. Nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.
 - (d) Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.
- (13) Septic Tank Wastes/RV Dump Sites.

- (a) Entities that supply an RV dumping connection to the POTW must secure a permit/permission from the City of Kennewick as authorized in KMC 14.23.030.
- (b) Septic tank waste haulers are not allowed to discharge loads into the POTW and must dispose of their loads as outlined in their permit with the Department of Health and at a Department of Ecology approved facility.
- (c) Fees for RV dump connections will be established as part of the user fee system as authorized in KMC 14.23.140.

14.23.030: - Wastewater Discharge Permit Requirements:

No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Public Works Director; the permit must be enforceable and contain all the elements as required by 40 CFR 403.8(t)(1)(iii)(B). Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

The Public Works Director may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this chapter.

- (1) Wastewater Discharge Permitting—Existing Significant Industrial User (SIU). Any SIU that was discharging wastewater into the POTW prior to the effective date of the ordinance codified in this chapter and that wishes to continue such discharges in the future shall, within 60 days after notification by the Public Works Director, submit a permit application to the City in accordance with subsection (4) of this section and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of the ordinance codified in this chapter except in accordance with a wastewater discharge permit issued by the Public Works Director.
- (2) Wastewater Discharge Permitting—New Source and New User. At least 180 days prior to the anticipated start-up, unless specifically authorized by the Public Works Director, any new source, sources that become a user subsequent to the promulgation of an applicable categorical pretreatment standard and "new users" considered by the City to fit the definition of SIU, shall apply for a wastewater discharge permit and will be required to submit to the City at least the information listed in subsections (5)(a) through (e) of this section. A new source or "new user" cannot discharge without first receiving a wastewater discharge permit from the City. New sources and "new users" shall also be required to include in their application information the method of pretreatment the user intends to use to meet applicable pretreatment standards. New sources and "new users" shall give estimates of the information requested in subsections (5)(d) and (e) of this section.
- (3) Pretreatment Equipment Modification. Before the construction, addition or modification of pretreatment equipment, the user must submit an engineering report to the City and/or WDOE for approval.
- (4) Wastewater Discharge Permitting - Extra Jurisdictional Users. Any existing user located beyond the City limits who is required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application as outlined in subsection (1) of this section. New source and "new users" located beyond the City limits required to obtain a wastewater discharge permit shall comply with subsection (2) of this section.
- (5) Wastewater Discharge Permit Application Contents. All users required to obtain a wastewater discharge permit must submit, at a minimum, the following baseline information. The Public Works Director shall approve a form to be used as a permit application. Categorical users submitting the following information shall have complied with 40 CFR 403.12(b).
 - (a) Identifying Information. The user shall submit the name and address of the facility including the name of the operator and owners;

- (b) Permits. The user shall submit a list of any environmental control permits held by or for the facility;
- (c) Description of Operations. The user shall submit a brief description of the nature, average rate of production and standard industrial classification of the operation(s) carried out by such industrial user, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW; number of employees; hours of operation; each product produced by type, amount, process or processes and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- (d) Flow Measurement.
 - (i) Categorical User. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (A) Regulated or manufacturing process streams; and
 - (B) Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).
 - (ii) Noncategorical User. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the Public Works Director.

The City may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- (e) Measurements of Pollutants.
 - (i) Categorical User.
 - (A) The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.
 - (B) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the categorical pretreatment standard or as required by the City) of regulated pollutants (including standards contained in KMC 14.23.020(1) through (5), as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in KMC 14.23.050.
 - (C) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
 - (D) Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) for a categorical user covered by a categorical pretreatment standard, this adjusted limit, along with supporting data, shall be submitted as part of the application.
 - (ii) Noncategorical User.

- (A) The user shall identify the applicable pretreatment standards for its wastewater discharge.
 - (B) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the City) of regulated pollutants contained in KMC 14.23.020(1) through (5), as appropriate in the discharge. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in KMC 14.23.050.
 - (C) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
 - (D) Where the Public Works Director developed alternate concentration or mass limits because of dilution, this adjusted limit along with supporting data shall be submitted as part of the application.
- (f) Certification. The user shall submit a statement, reviewed by an authorized representative of the user and certified by a qualified professional as outlined in subsection (6) of this section, indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet the applicable pretreatment standards and requirements.
- (g) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the applicable pretreatment standards, the user will provide the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The user's schedule shall conform to the requirements of KMC 14.23.040(4). The completion date in this schedule shall not be later than the compliance date established pursuant to KMC 14.23.020(10).
- (i) Where the user's categorical pretreatment standard has been modified by a removal allowance (40 CFR 403.7), the combined waste stream formula (40 CFR 403.6(e)), and/or a fundamentally different factors variance (40 CFR 403.13) at the time the user submits the report required by this subsection, the information required by subsections (5)(f) and (g) of this section shall pertain to the modified limits.
 - (ii) If the categorical pretreatment standard is modified by a removal allowance (40 CFR 403.7), the combined waste stream formula (40 CFR 403.6(e)), and/or a fundamentally different factors variance (40 CFR 403.13) after the user submits the report required by subsections (5)(f) and (g) of this section, a new report shall be submitted by the user within 60 days after the modified limit is approved.
- (h) The user shall submit any other information as may be deemed necessary by the Public Works Director to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
- (6) Signatory and Certification Requirement. All wastewater discharge permit applications and user reports must be signed by an authorized representative. For the purpose of this section, a responsible officer or manager means:
- (a) A president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary information for control mechanism requirements; and where

authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. This authorization must be made in writing by the principal executive officer or ranking elected official and submitted to the approval authority prior to, or together with, the report being submitted of the user and contain the following certification statement:

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

A duly authorized representative is an individual designated by the responsible officer, manager, sole proprietor or general partner in writing. The written authorization must be submitted to the City and also specifies either an individual or a position having the responsibility of the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company. If an authorization in 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 this section must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

- (7) Wastewater Discharge Permit Issuance Decisions. The Public Works Director will evaluate the data furnished by the user and may require additional information. Within 90 days of receipt of a complete wastewater discharge permit application, the Public Works Director will determine whether or not to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within 90 days of full evaluation and acceptance of the data furnished. The Public Works Director may deny any application for a wastewater discharge permit.

Justifications for decisions made during the permitting process are summarized in an industrial user "fact sheet." A fact sheet briefly sets forth the principal facts and the significant legal, procedural and policy decisions considered in preparing an industrial wastewater permit. The fact sheet contains, at a minimum, the following components:

- (a) Description of industrial user;
 - (b) Discharge information;
 - (c) Basis for permit limits;
 - (d) Special conditions in permit; and
 - (e) Calculation used to derive each limit.
- (8) Wastewater Discharge Permit Contents. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Public Works Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.
- (a) Wastewater discharge permits must contain the following conditions:
 - (i) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

- (ii) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the City and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (iii) Applicable pretreatment standards and requirements, including any special state requirements;
 - (iv) Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law;
 - (v) Requirement for immediate notification to the City where self-monitoring results indicate noncompliance;
 - (vi) Requirement to report a bypass or upset of a pretreatment facility;
 - (vii) Requirement to report immediately to the City all discharges, including slug loadings, that could cause problems to the POTW;
 - (viii) Requirement for the SIU who reports noncompliance to repeat the sampling and analysis and submit results to the City within 30 days after becoming aware of the violation;
 - (ix) A statement of applicable civil, criminal and administrative penalties for violation of pretreatment standards and requirements and any applicable compliance schedule;
 - (x) Requirements to control slug discharges, if determined by the POTW to be necessary.
- (b) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (ii) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
 - (iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - (vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (vii) A statement that compliance with the wastewater discharge 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 wastewater discharge permit;
 - (viii) Any special agreements the Public Works Director chooses to continue or develop between the City and user; and
 - (ix) Other conditions as deemed appropriate by the Public Works Director to ensure compliance with this chapter, and state and federal laws, rules and regulations.

- (9) Wastewater Discharge Permit Appeals. Any person, including the user, may petition the City to reconsider the terms of a wastewater discharge permit within 30 days of its issuance.
- (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - (b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
 - (c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 - (d) If the City fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.
 - (e) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Benton County Superior Court for jurisdiction within two years of the denial of the permit.
- (10) Wastewater Discharge Permit Duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Public Works Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- (11) Wastewater Discharge Permit Modification. The Public Works Director may modify the wastewater discharge permit for good cause including, but not limited to, the following:
- (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (d) Information indicating that the permitted discharge poses a threat to the City's POTW, city personnel, or the receiving waters;
 - (e) Violation of any terms or conditions of the wastewater discharge permit;
 - (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report;
 - (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - (h) To correct typographical or other errors in the wastewater discharge permit; or
 - (i) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
- (12) Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 30 days' advance notice to the Public Works Director and the Public Works Director approves the wastewater discharge permit transfer. The notice to the Public Works Director must include a written certification by the new owner and/or operator which:
- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - (b) Identifies the specific date on which the transfer is to occur; and

- (c) Assumes full responsibility for complying with the existing wastewater discharge permit beginning on the date of transfer.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.

Provided that the above occurs and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing user and be covered by the existing limits and requirements in the previous owner's permit.

- (13) Wastewater Discharge Permit Revocation. Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

- (a) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the City of changed conditions;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the City timely access to the facility premises and records;
- (g) Failure to meet discharge limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of a permitted facility;
- (m) If the City has to invoke its emergency provision as cited in KMC 14.23.090(7); or
- (n) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

- (14) Wastewater Discharge Permit Reissuance. A user who is required to have a wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, in accordance with subsection (5) of this section, a minimum of 180 days prior to the expiration of the user's existing wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who has submitted its re-application in the time period specified herein shall be deemed to have an effective wastewater discharge permit until the City issues or denies the new wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein will be deemed to be discharging without a wastewater discharge permit.
- (15) Pretreatment Equipment Modification. Before the construction, addition or modification of pretreatment equipment, the user must submit an engineering report to the City for approval.
- (16) Public Notice. The City's pretreatment program encourages public involvement of permit development activities by publishing an announcement on the City's official webpage two weeks

prior to the issuance of an industrial wastewater permit. The publication describes the industrial user applying for a permit, the tentative determination of the permit process, and where interested persons can submit written comments and/or review proposed permits and related documents.

If the comments received indicate significant public interest in the proposed permit, or if useful information could be produced thereby, the Public Works Director may hold a public hearing on the application. Public notice regarding any hearing will be circulated at least 30 days in advance of the public hearing on the city's webpage and notifications will be sent to all individuals providing comments that provide contact information.

If a small number of comments are received, the City's pretreatment program will review them and respond in writing, either on an individual basis to each comment or comments in a single "Response to Comment" document issued at the same time as the final permit.

14.23.040: - Reporting Requirements:

- (1) Baseline Monitoring Reports. Categorical users who submit permit applications as described in KMC 14.23.030(5) shall be considered to have complied with requirement in 40 CFR Section 403.12(b) to submit baseline monitoring reports.
- (2) Final Compliance Report (Initial Compliance Report).
 - (a) Within 90 days following the date for final compliance by the significant industrial user with applicable pretreatment standards and requirements set forth in this chapter, in a wastewater discharge permit, or within 30 days following commencement of the introduction of wastewater into the POTW by a new source or new users considered by the City to fit the definition of SIU, the affected user shall submit to the City a report containing the information outlined in KMC 14.23.030(5)(d) through (f).
 - (b) For users subject to equivalent mass or concentration limits established by the City in accordance with procedures established in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.
- (3) Periodic Compliance Report.
 - (a) Any user that is required to have an industrial waste discharge permit and performs self-monitoring shall submit to the City during the months of June and December, unless required on other dates or more frequently by the City, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, users shall sample their discharge at least twice per year.
 - (b) The report shall include a record of the concentrations (and mass if specified in the wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations and shall also include any additional information required by this chapter or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit.
 - (c) Both daily maximum and average concentration (or mass, where required) shall be reported. If a user sampled and analyzed more frequently than what was required by the City or by this chapter, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.

- (d) Any user subject to equivalent mass or concentration limits established by the City or by unit production limits specified in the applicable categorical standards shall report production data as outlined in subsection (2)(b) of this section.
 - (e) If the City calculated limits to factor out dilution flows or nonregulated flows, the user will be responsible for providing flows from the regulated process flows, dilution flows and nonregulated flows.
 - (f) Flows shall be reported on the basis of actual measurement; provided, however, that the City may accept reports of average and maximum flows estimated by verifiable techniques if the City determines that an actual measurement is not feasible.
 - (g) Discharges sampled shall be representative of the user's daily operations and samples shall be taken in accordance with the requirements specified in KMC 14.23.050.
 - (h) The City may require reporting by users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the sewer system.
 - (i) The City may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the City agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by the City for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The City is under no obligation to perform periodic compliance monitoring for a user.
- (4) Compliance Schedule for Meeting Applicable Pretreatment Standards.
- (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (b) No increment referred to in subsection (4)(a) of this section shall exceed nine months.
 - (c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the City including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports.
- (5) Notification of Significant Production Change. Any user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify the City within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.
- (6) Hazardous Waste Notification.
- (a) Any industrial user shall notify the City, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification to the City shall be made within the appropriate time frames specified in subsection (7) or (9) of this section, whichever is shorter. The notification requirement in this section does not apply to pollutants already reported under the self-

monitoring requirements as specified in subsection (1), (2) or (3) of this section. Such notification must include:

- (i) The name of the hazardous waste as set forth at 40 CFR Part 261;
 - (ii) The EPA hazardous waste number;
 - (iii) The type of discharge (continuous, batch, or other);
 - (iv) An identification of the hazardous constituents contained in the wastes;
 - (v) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;
 - (vi) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months;
 - (vii) Certification that the industrial user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical; and
 - (viii) Signatory certification as required by KMC 14.23.030(6).
- (b) Any industrial user shall notify the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of the discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261 and meets the reporting criteria specified at 40 CFR 403.12(p). Notification to the Washington State Department of Ecology and EPA is the responsibility of the industrial user and shall be made as required under 40 CFR 403.12(p). The industrial user shall copy the City on all notifications made to the state and EPA.
- (c) In the case of any new regulation under Section 3001 of the Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the industrial user must notify the City, the EPA Regional Waste Management Waste Division Director, and Washington State Department of Ecology hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (d) This provision does not create a right to discharge any substance not otherwise allowed to be discharged by this chapter, a permit issued hereunder, or any applicable federal or state law.
- (7) Notice of Potential Problems, Including Accidental Spills, Slug Loadings. Any user shall notify the City immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined in KMC 14.23.010(3). The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a slug (or slugs) of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the City under state or federal law.
- (8) Noncompliance Reporting. If sampling performed by a 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 within five days and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. (Where the City has 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:
- (a) The City performs sampling at the user at a frequency of at least once per month; or
 - (b) The City performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

- (9) Notification of Changed Discharge. All users shall promptly notify the City in advance of any substantial change in the volume or character of pollutants in their discharge, including significant regulated or manufacturing process changes, pretreatment modifications and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12(p).
- (10) Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the Public Works Director may require.
- (11) Recordkeeping. Users subject to the reporting requirements of this chapter shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses including documentation associated with BMPs. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the Public Works Director.

14.23.050 - Sampling and Analytical Requirements:

- (1) Sampling Requirements for Users.
 - (a) A minimum of four grab samples must be used for pH (unless performing continuous pH monitoring), cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. The sample must be representative of the discharge and the decision to allow 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 the 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. Composite samples for other parameters unaffected by compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.
 - (b) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four grab samples must be used for pH (unless performing continuous pH monitoring), cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and (h), the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.
 - (c) Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated or manufacturing process if no pretreatment exists or as determined by the City and contained in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with the applicable categorical pretreatment standards. For other SIUs, for which the City has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).

- (d) All sample results shall indicate the time, date and place of sampling and methods of analysis and shall certify that the waste stream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.
- (2) Analytical Requirements. All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
- (3) City Monitoring of User's Wastewater. The City will follow the same procedures as outlined in subsections (a) and (b) of this section.

14.23.060: - Compliance Monitoring:

- (1) Inspection and Sampling. The City shall have the right to enter the facilities of any user to ascertain whether the purpose of this chapter, and any wastewater discharge permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the Public Works Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.
 - (a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Public Works Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
 - (b) The Public Works Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
 - (c) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Public Works Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
 - (d) Unreasonable delays in allowing the Public Works Director access to the user's premises shall be a violation of this chapter.
- (2) Compliance monitoring of grease interceptors will be done by the following method:
 - (a) Liquid column samples will be taken from random sections of all interceptor chambers.
 - (b) The amounts of fats/oils/grease and the sludge at the bottom of the chamber will be measured.
 - (c) The percent of the capacity of the interceptor will be calculated using the average numbers from a minimum of three samples taken.
 - (d) The average must be below 25 percent of the capacity within any chamber of the interceptor.
- (3) Compliance monitoring of grease traps will be done by the following method:
 - (a) Review of maintenance records.
 - (b) Visual inspections of the grease trap and its contents.

- (4) **Monitoring Facilities.** Each user shall provide and operate, at its own expense, a monitoring facility to allow inspection, sampling and flow measurements of each sewer discharge to the City. Each monitoring facility shall be situated on the user's premises except, where such a location would be impractical or cause undue hardship on the user, the City may concur with the facility being constructed in the public street or sidewalk area, provided that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The Public Works Director, whenever applicable, may require the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line, wastewater treatment system).

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

The Public Works Director may require the user to install monitoring equipment as necessary. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

- (5) **Search Warrants.** If the Public Works Director has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this chapter or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Public Works Director shall seek issuance of a search and/or seizure warrant from the Superior Court of Benton County. Such warrant shall be served at reasonable hours by the Public Works Director in the company of a uniformed police officer of the City.
- (6) **Vandalism.** No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this chapter.

14.23.070: - Confidential Information:

Information and data regarding a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from city inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

14.23.080: - Publication of Users in Significant Noncompliance:

The City reserves the right to publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed (by any magnitude)

a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1), multiplied by the TRC (TRC equals 1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, longer-term average, instantaneous limit, or narrative standard) that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city personnel or the general public);
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

14.23.090: - Administrative Enforcement Remedies:

- (1) Notification of Violation. When the Public Works Director finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may serve upon that user a written notice of violation (via certified letter). Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Public Works Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (2) Consent Orders. The Public Works Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections (4) and (5) of this section and shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the user.
- (3) Show Cause Hearing. The Public Works Director may order (via a certified letter) a user who has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Public Works Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least

ten days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

- (4) **Compliance Orders.** When the Public Works Director finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued until adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (5) **Cease and Desist Orders.** When the Public Works Director finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Public Works Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - (a) Immediately comply with all requirements; and
 - (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (6) **Administrative Fine.**
 - (a) When the Public Works Director finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may fine such user in an amount not less than \$500.00 and not to exceed \$10,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
 - (b) Unpaid charges, fines and penalties shall, after 30 calendar days, be assessed an additional penalty of five percent of the unpaid balance, and interest shall accrue thereafter at a rate of one percent per month. A lien against the user's property will be sought for unpaid charges, fines and penalties.
 - (c) Users desiring to dispute such fines must file a written request for the Public Works Director to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Public Works Director shall convene a hearing on the matter within 15 days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.

The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
 - (d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (7) **Emergency Suspensions.** The Public Works Director may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary to stop an

actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Public Works Director may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- (a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Public Works Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The water and waste utilities department shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in subsection (8) of this section are initiated against the user.
- (b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Public Works Director prior to the date of any show cause or termination hearing under subsections (3) and (8) of this section.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

- (8) Termination of Discharge (Nonemergency). In addition to the provisions in KMC 14.23.030(13), any user that violates the following conditions is subject to discharge termination:
 - (a) Violation of wastewater discharge permit conditions;
 - (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
 - (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
 - (e) Violation of the pretreatment standards in KMC 14.23.020.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (3) of this section why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

14.23.100: - Judicial Enforcement Remedies:

- (1) Injunctive Relief. When the Public Works Director finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may petition the Benton County Superior Court through the City's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this program on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (2) Civil Penalties.

- (a) A user who has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the City for a maximum civil penalty of \$10,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
 - (b) The Public Works Director may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of any actual damages incurred by the City.
 - (c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.
 - (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (3) Criminal and Civil Prosecution.
- (a) A user who has willfully or negligently violated any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall have committed a civil infraction subject to a civil penalty as set forth in KMC 1.12.030.

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct two separate times, with the violations occurring at the same location and involving the same or similar sections of the Kennewick Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in KMC 1.12.010 for criminal offenses.
 - (b) A user who has willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall have committed a civil infraction subject to a civil penalty as set forth in KMC 1.12.030. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct two separate times, with the violations occurring at the same location and involving the same or similar sections of the Kennewick Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in KMC 1.12.010 for criminal offenses.
 - (c) A user who knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this chapter, shall have committed a civil infraction subject to a civil penalty as set forth in KMC 1.12.030. In addition, the user shall be subject to:
 - (i) The provisions of 18 USC Section 1001 relating to fraud and false statements;
 - (ii) The provisions of Section 309(c)(4) of the Clean Water Act, as amended governing false statements, representation or certification; and
 - (iii) The provision of Section 309(c)(6) of the Clean Water Act, regarding responsible corporate officers.
- (4) Remedies Nonexclusive. The provisions in KMC 14.23.080 through 14.23.110 of this program are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally

be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

14.23.110: - Supplemental Enforcement Action:

- (1) **Performance Bonds.** The Public Works Director may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this chapter, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Public Works Director to be necessary to achieve consistent compliance.
- (2) **Liability Insurance.** The Public Works Director may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this chapter, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- (3) **Water Supply Severance.** Whenever a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- (4) **Public Nuisances.** A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Public Works Director. Any person(s) creating a public nuisance shall be subject to the provisions of Section 1.12.080 KMC governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

14.23.120: - Affirmative Defenses to Discharge Violations:

- (1) **Upset.**
 - (a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - (b) An upset shall constitute an affirmative defense to an action brought for noncompliance with applicable pretreatment standards if the requirements of subsection (1)(c) of this section are met.
 - (c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and the user can identify the cause(s) of the upset;
 - (ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (iii) The user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
 - (A) A description of the indirect discharge and cause of noncompliance;

- (B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (C) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with applicable pretreatment standards.
- (f) Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (2) Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in KMC 14.23.020(1)(b)(i) through (vii) and (2) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
 - (a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - (b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (3) Bypass.
 - (a) For the purposes of this section:
 - (i) "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - (ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.
 - (b) A user may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (3)(c) and (d) of this section.
 - (c) Notice of Bypass.
 - (i) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass, if possible.
 - (ii) A user shall submit oral notice to the City of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent

reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (d) Bypass Conditions.
 - (i) Bypass is prohibited, and the POTW may take an enforcement action against a user for a bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The user submitted notices as required under subsection (3)(c) of this section.
 - (ii) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection (3)(d)(i) of this section.

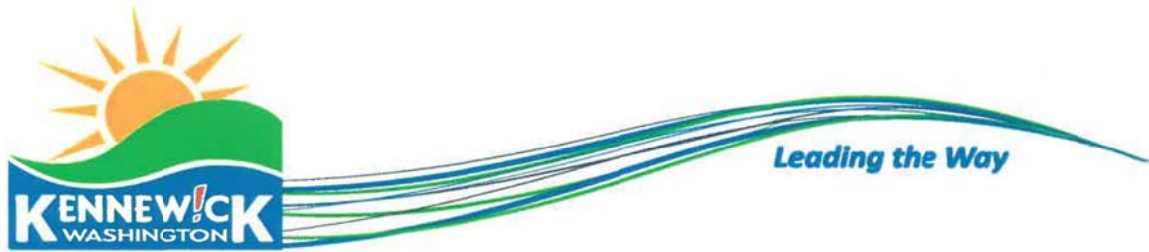
14.23.140: - Miscellaneous Provisions:

- (1) Pretreatment Charges and Fees. The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program which may include:
 - (a) Fees for wastewater discharge permit applications including the cost of processing such applications.
 - (b) Fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users.
 - (c) Fees for reviewing and responding to accidental discharge procedures and construction.
 - (d) Fees for filing appeals.
 - (e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines and penalties chargeable by the City.
 - (f) Annual Permit Fees. Permitted significant industrial users shall be charged 70 percent of the annual permit fee charged by the State of Washington for permitting industrial facilities per Chapter 173-224 WAC.
 - (g) Sampling Fees.
 - (i) The expenses for annual sample analysis required by the user's permit will be charged to the user. For analyses conducted by a third party commercial laboratory, the permittee will be charged the actual fees charged by the laboratory. For analyses conducted by the City laboratory, the permittee will be charged the actual cost of the analyses, not to exceed fees established by locally available commercial laboratories.
 - (ii) Any user establishing a pattern of noncompliance, or having a history of noncompliance, or suspected of being in noncompliance, may require additional monitoring visits as deemed appropriate by the Public Works Director. Any additional analysis performed which detects noncompliance will be billed directly to the user.
 - (h) A discharge authorization shall be \$250.00 for a one-time batch discharge.
 - (i) Permit Transfer Fee: \$250.00.

- (j) Permit Modification Fee: \$500.00. Permit modification fees will only be charged in a case where changes in the user's operation require the modification, or when the user requests a modification.
- (k) High Strength Waste Fees.
 - (i) Users having effluent concentrations of Biochemical Oxygen Demand (BOD) in excess of 240 mg/l and/or Total Suspended Solids (TSS) in excess of 250 mg/l, shall be subject to a high strength waste fee. The rates for high strength waste are based on cost of treatment in the Publicly Owned Treatment Works (POTW).
 - (A) Current costs for treatment of one pound of BOD and TSS is \$0.38 and \$0.33, respectively, and are subject to change to comply with the actual cost of treatment as directed by the Public Works Director.
 - (ii) Calculation of Fees. High strength waste fees are based upon pollutants in excess of thresholds established by the Public Works Director and adopted by the City Council. The fees shall be based upon the total metered water supplied to the premises. The high strength waste fees may be reduced where commercial or industrial wastewater is discharged separately from domestic sanitary wastes or cooling waters and the user provides a meter or other measurement method acceptable to the Public Works Director. For multiple tenant buildings with shared water service, high strength waste fees will be apportioned by class of individual tenants with an estimated volume as a portion of the total sewer bill.
 - (iii) Methodologies for Calculating High Strength Waste Fees. Composite samplers shall be placed at each high strength discharge site and a rolling average shall be developed using concentrations of the ten most recent monthly samples collected. Rolling averages shall be initiated with samples taken over a 30-day period at not less than one sample per week unless otherwise specified by the Public Works Director.
 - (iv) Composite Samplers. All high strength waste dischargers shall be required to provide a secure space for and install a composite sampler provided by the City that will be used for random sampling and development of the high strength waste fees. The composite samplers shall be located in an area accessible by the City during regular business hours and shall be locked to prevent access by anyone except City authorized staff.
 - (v) All fees or charges will be collected by direct billing and are payable within 30 days of billing. Fees past due will be considered a violation of this chapter. Users not paying fees within 60 days of the billing period will be subject to termination of service.
 - (vi) The fees and charges for high strength waste outlined within this subsection (k) shall be indexed annually by the Treasurer to reflect 100 percent of any change from the Consumer Price Index (U.S. Cities - Urban Wage Earners and Clerical Workers - CPI-W) for October, or other comparable index if not published. The Treasurer shall adjust the fees and publish them each December to take effect on all goods and services delivered or contracted after the beginning of each year and all utility bills mailed after the first of each year. In no event shall the cumulative change in rates be less than zero percent nor more than four percent per year. Unit prices shall be to the nearest 1/10¢ and all other charges to the nearest cent.
- (l) RV Dumping Discharge Fee. Users with City approved RV dumping discharge authorization shall be \$600.00 per year and reviewed on an annual basis to assure the cost of maintenance and treatment is being recovered.
- (m) Inspection Fees. Users may be required to pay a \$600.00 per year inspection fee to pay for inspections made by the pretreatment inspector to ensure compliance is being maintained.

- (2) Severability. If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.
- (3) Conflicts. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of the inconsistency or conflict.

Appendix V: City Attorney Statement



November 6, 2018

David B. Bowen
Section Manager
Water Quality Program
Washington State Department of Ecology
1250 Alder Street
Union Gap, WA 98903

Re: City of Kennewick – Statement of City Attorney Regarding City Legal Authority
To Implement Pretreatment Program Per 40 CFR 403.8

Dear Mr. Bowen:

I am the City Attorney for the City of Kennewick (“City”). The following statement is submitted pursuant to the requirements set forth at 40 Code of Federal Regulations (CFR) Section 403.9(b)(1) regarding legal authority for the City to implement a Pretreatment Program.

It is the opinion of the undersigned that Kennewick has authority to carry out the program described in 40 CFR 403.8, based on authority, including, but not limited to RCW 90.48.165 and KMC 14.23, the Kennewick Pretreatment Act.

The following references to the legal authority requirements of 40 CFR 403.8(f)(1) are correlated with appropriate sections of the City’s Ordinance which provide the required authority. Where the authority is not apparent from a reading of the Ordinance provision, an explanation is provided.

General: Sections 14.22.020 and 14.22.030 of the City Sewerage Service Chapter and Section 14.23.010 of the Kennewick Pretreatment Act requires that all connections of lateral or other sewer lines to the sewerage system of the City service area, whether within or without its corporate boundaries shall be made subject to the terms and conditions as the City may prescribe in Chapter 14.22 and 14.23 of the Kennewick Municipal Code.

403.8(f)(1)(i): No new discharge may be made to the City wastewater system without an industrial user first obtaining a Sewer Use Permit (KMC 14.23.030) which may contain various conditions and prohibitions (KMC 14.23.030(2)-(8)). Existing industrial users (those connected to the system prior to June 28, 2012) are required by the Ordinance to obtain a Wastewater Discharge Permit (KMC 14.23.030 (1)). If there has been an increase or change in an industrial

City of Kennewick
210 W. 6th Ave. • PO Box 6108 • Kennewick, WA 99336-0108
Office: (509) 585-4271 Fax: (509) 585-4424

user's contribution to the system KMC 14.23.030(14), the Director may change the conditions of any Wastewater Discharge Permit as circumstances require (KMC 14.23.030(11)).

Per 403.8(f)(1)(ii), in order to require compliance with applicable Pretreatment Standards, the City must be able to require compliance with EPA's listed general prohibitions (403.5(a)), specific prohibitions (403.5(b)), and local limits developed to implement the general and specific standards (403.6). KMC 14.23.020 prohibits any discharge to a sewer which will result in a nuisance, or contamination or pollution of receiving waters. Sections (1)(b)-(5) prohibit discharges which violate any statute, rule, regulation or ordinance of any public agency (including EPA). These Sections empower the City to enforce the general and specific prohibitions contained in 40 CFR 403.5(a) and (b). Local discharge limits have been developed pursuant to 403.5(c) and (d), and they may be imposed by the Director as a permit condition per KMC 14.23.020. National categorical pretreatment standards may also be imposed as a permit condition per KMC 14.23.030(8), which empowers the Director to regulate discharges regulated by EPA.

403.8(f)(1)(iii): The City has control via a permit system authorized by KMC 14.23.030. A permit application form can be obtained either by request or through the City's webpage.

403.8(f)(1)(iv)(A): The Director may, to remedy or avoid a violation of the Pretreatment Ordinance or sewer use permit, require a user to develop a compliance schedule for installation of control technology under KMC 14.23.040(4). Additionally, the Director may require a compliance schedule as a part of the required information under KMC 14.23.030(5)(g) as a condition of obtaining a Wastewater Discharge Permit.

403.8(f)(1)(iv)(B): The Director may require a user to submit all notices and self-monitoring reports required by EPA regulations through authority granted in KMC 14.23.040.

403.8(f)(1)(v): The Director may carry out inspection, surveillance and monitoring procedures under authority granted in KMC 14.23.060.

403.8(f)(1)(vi)(A): The City may seek remedies for noncompliance with pretreatment standards and requirements. As a matter of general law and KMC 14.23.100, the City may seek injunctive relief for noncompliance since any such noncompliance might result in irreparable harm to the treatment plant, to the health and safety of plant workers and to the environment since damages at law would not be an adequate remedy. KMC 14.23.100 provides that a third violation of the same provisions of the code at the same location shall constitute a misdemeanor, punishable as provided in KMC 1.12.010. Additionally, a civil liability is imposed by KMC 14.23.100(3)(a) and (b) for intentional or negligent violation of City's requirements relating to (1) pretreatment of industrial waste which would otherwise be detrimental to the treatment works or its operation, and (2) the prevention of entry of such waste into the collection system or treatment works. The civil liability may equal a sum as set forth in KMC 1.12.030.

David B. Bowen
November 6, 2018
Page 3

403.8(f)(1)(vi)(B): The Director may, under KMC 14.23.090 temporarily suspend a Wastewater Discharge Permit or impose temporary restrictions on discharges where continued discharges

would jeopardize the ability of the treatment system to meet water quality standards, threaten damage to the sewerage system, or cause a nuisance or an unsafe condition to occur.

403.8(f)(1)(vii): Confidentiality requirements are provided for in KMC 14.23.070.

As stated above, the City will implement the requirements of its pretreatment program and apply pretreatment standards to individual industrial users through use of a sewer use permit system, and by direct enforcement of its sewer use ordinance. A description of the exact procedures to be used in implementing the pretreatment program is provided in the City's Pretreatment Program document and associated appendices.

The City intends to ensure compliance with pretreatment standards and requirements through an inspection and sampling program authorized under KMC 14.23.050, which would allow for the determination of noncompliance with discharge limitations and requirements independent of information supplied by the industrial user. The inspection and sampling program is described in the City's Pretreatment Program document and associated appendices.

Those violating permit conditions are subject to a cease and desist order (KMC 14.23.090(5)) and are further subject to having service terminated (KMC 14.23.090(8)) and their permit revoked (KMC 14.23.030(13)). The City is prepared to take such steps as may be necessary to enforce compliance with its ordinance, permits or orders, including but not limited to, court action.

Very Truly Yours,



LISA BEATON
City Attorney

Appendix VI: Wastewater Discharge Permit Application



City of Kennewick
Public Works Department
1010 E Chemical Dr.
Kennewick, WA 99336
(509) 585-4419

WASTEWATER DISCHARGE PERMIT APPLICATION FORM

Note: please read all attached instructions prior to completing this application

SECTION A – GENERAL INFORMATION

1. Facility Name: _____
 - a. Operator Name: _____
 - b. Is the operator identified in the owner of the facility?
☐ Yes ☐ No

If no, please provide the name and contact information for the operator of the facility:

2. Facility _____ Address: _____

3. Business _____ Mailing _____ Address: _____

4. Designated signatory authority of the facility: _____

- a. Name: _____
- b. Title: _____
- c. Address: _____
- d. Phone: _____

5. Facility Contact: _____

- a. Name: _____
- b. Title: _____
- c. Phone: _____

SECTION B – BUSINESS ACTIVITY

1. If your facility employs or will be employing processes in any of the industrial categories or business activities listed below (regardless of whether they generate wastewater, waste sludge, or hazardous wastes) place a check beside the category of business activity (check all that apply).

<input type="checkbox"/>	Aluminum Forming
<input type="checkbox"/>	Asbestos Manufacturing
<input type="checkbox"/>	Battery Manufacturing
<input type="checkbox"/>	Can Making
<input type="checkbox"/>	Canned & Preserved Fruits or Vegetables
<input type="checkbox"/>	Canned or Preserved Seafood
<input type="checkbox"/>	Carbon Black Manufacturing
<input type="checkbox"/>	Cement Manufacturing
<input type="checkbox"/>	Centralized Waste Treatment
<input type="checkbox"/>	Coal Mining
<input type="checkbox"/>	Coil Coating
<input type="checkbox"/>	Concentrated Animal Feeding Operation and Feedlots
<input type="checkbox"/>	Concentration Aquatic Animal Production
<input type="checkbox"/>	Copper Forming
<input type="checkbox"/>	Dairy Products Processing
<input type="checkbox"/>	Electrical, Electrical Components
<input type="checkbox"/>	Electroplating
<input type="checkbox"/>	Explosives Manufacturing
<input type="checkbox"/>	Fertilizer Manufacturing
<input type="checkbox"/>	Ferroalloy Manufacturing
<input type="checkbox"/>	Glass Manufacturing
<input type="checkbox"/>	Grain Mills
<input type="checkbox"/>	Gum & Wood Chemicals Manufacturing
<input type="checkbox"/>	Hospitals
<input type="checkbox"/>	Ink Formulating
<input type="checkbox"/>	Inorganic Chemical Manufacturing
<input type="checkbox"/>	Iron & Steel Manufacturing
<input type="checkbox"/>	Landfill
<input type="checkbox"/>	Leather Tanning & Finishing
<input type="checkbox"/>	Meat/Poultry Products
<input type="checkbox"/>	Metal Finishing
<input type="checkbox"/>	Metal Products and Machinery
<input type="checkbox"/>	Nonferrous Metals Manufacturing
<input type="checkbox"/>	Oil and Gas Extraction
<input type="checkbox"/>	Ore Mining
<input type="checkbox"/>	Organic Chemicals, Plastics, or Synthetic Fibers
<input type="checkbox"/>	Paint Formulating

<input type="checkbox"/>	Paving & Roofing Materials Manufacturing
<input type="checkbox"/>	Pesticide Manufacturing
<input type="checkbox"/>	Petroleum Refining
<input type="checkbox"/>	Pharmaceutical Manufacturing
<input type="checkbox"/>	Phosphate Manufacturing
<input type="checkbox"/>	Photogenic Processing
<input type="checkbox"/>	Plastics molding and forming
<input type="checkbox"/>	Porcelain Enameling
<input type="checkbox"/>	Pulp, Paper, Cardboard
<input type="checkbox"/>	Rubber Manufacturing
<input type="checkbox"/>	Soap & Detergent Manufacturing
<input type="checkbox"/>	Stream Electric Power Generating
<input type="checkbox"/>	Textile Mills
<input type="checkbox"/>	Timber Products
<input type="checkbox"/>	Transportation Equipment Cleaning
<input type="checkbox"/>	Waste Combustors
<input type="checkbox"/>	Other (Describe):

2. Give a brief description of all the operations at this facility including primary products or services (attach additional sheets if necessary):

3. Indicate applicable North American Industry Classification System (NAICS) for all processes:

- a. _____
b. _____
c. _____
d. _____
e. _____

4. Production Rate

Product	Past Calendar Year Amounts per Day		Estimate This Calendar year Amount per Day	
	Average	Maximum	Average	Maximum

SECTION C – WATER SUPPLY

1. Water Sources: (Check as many as applicable)

- ☐ Private Well
☐ Surface Water
☐ Municipal Waster
☐ Other (Specify):

2. Name on the water bill:

Name: _____

Street: _____

City: _____ State: _____ Zip: _____

3. List average water usage on premises (new facilities may estimate)

Type	Average Water Usage (gallon per day)	Estimated (E) or Measured (M)
Contact cooling water		
Non-contact cooling water		
Boiler feed		
Process		
Sanitary		
Air pollution control		
Contained in product		
Plant and equipment washdown		
Irrigation		
Other:		

SECTION D – SEWER INFORMATION

1. For an existing business:

Is the building presently connected to the public sanitary sewer system?

a. Yes: Sanitary sewer account number _____

- b. No: Have you applied for a sanitary sewer hookup? ☐ Yes ☐ No
2. For a new business:
- a. Will you be occupying an existing vacant building? ☐ Yes ☐ No
- b. Have you applied for a building permit if a new facility will be constructed?
☐ Yes ☐ No
- c. Will you be connecting to the public sanitary sewer system? ☐ Yes ☐ No
3. List size, descriptive location, and floor of each discharge pipe or discharge point which connects to the City's sewer system.

Location	Average Flow (GPD)

SECTION E – WASTEWATER DISCHARGE INFORMATION

1. Does (or will) this facility discharge any wastewater other than from restrooms to the City sewer?
☐ Yes (If yes, complete the remainder of the application)
☐ No (If no, skip to section I.)
2. Provide the following information on wastewater flow rate (new facilities estimate).
- a. Hours/Day Discharged (e.g. 8 hours/day)
M _____ T _____ W _____ TH _____ F _____ SAT _____
SUN _____
- b. Peak hourly flow rate (GPD) _____
- c. Maximum daily flow rate (GPD) _____
- d. Annual daily average (GPD) _____
3. If batch discharge occurs or will occur, indicate:
- a. Number of batches discharged per day _____
- b. Average discharge per batch (GPD) _____
- c. Time of batch discharges _____ days of the week at
_____ hours per day
- d. Flow rate _____ gal/min
- e. Percent of total discharge _____

4. Flow Diagram – For each major activity in which wastewater is produced, draw a diagram of the flow of materials, products, water, and wastewater from the start of the activity to its completion. Indicate which processes use water and which generate wastestreams. Include the average daily volume and maximum daily volume of each wastestream. This drawing must be certified by a State Registered Professional Engineer.

5. List average wastewater discharge, maximum discharge, and type of discharge (batch, continuous, both) for each plant process. Include the reference number from the process schematic that corresponds to each process. (New facilities should provide estimates)

Number	Process Description	Average Flow (GPD)	Maximum Flow (GPD)	Type of Discharge (batch, continuous, none)

6. List the average wastewater discharge, maximum discharge, and type of discharge (batch, continuous, both) for each of nonprocess wastewater flows (i.e. cooling tower, blowdown, boiler blowdown)

Number	Nonprocess Description	Average Flow (GPD)	Maximum Flow (GPD)	Type of Discharge (batch, continuous, both)

7. Do you have, or plan to have, automatic sampling equipment or continuous wastewater flow metering equipment at this facility?

Current Flow Metering ☐ Yes ☐ No

Planned Flow Metering ☐ Yes ☐ No

If applicable, please indicate the present or future location of this equipment and describe the equipment below:

8. Are any process changes or expansions planned during the next three years that could alter wastewater volumes or characteristics? Consider production

processes as well as air or water pollution treatment processes that may affect discharge. ☐ Yes ☐ No

If applicable, please describe these changes and their effects on wastewater volume and characteristics.

9. Are any materials or water reclamation systems in use or planned? ☐ Yes ☐ No

If yes, briefly describe the recovery process, substance recovered, percent recovered, and concentration in the spent solution.

SECTION F – CHARACTERISTICS OF DISCHARGE

All current industrial users are required to submit monitoring data on all pollutants that are regulated specific to each process. Use the tables provided in this section to report the analytical results. DO NOT LEAVE BLANKS> For other (non-regulated) pollutants, indicate whether the pollutant is known to be present (P), suspected to be present (S), or not known to be present (0), by placing the appropriate letter in the column for average reported values. Indicate on either the top of each table, or on a separate sheet, the sample location and type of analysis used. Be sure methods conform to 40 CFR Part 136, if they do not, indicate which method was used.

New dischargers should use the table to indicate what pollutants will be present or are suspected to be present in proposed wastestreams.

Pollutant	Detection Level Used	Maximum Daily Value		Average of Analyses		Number of Analyses	Units	
		Conc	Mass	Conc	Mass		Conc	Mass
Acenaphthene								
Acrolein								
Acrylonitrile								
Benzene								
Benzidine								
Carbon Tetrachloride								
1,2,3-Trichlorobenzene								
Hexachlorobenzene								
1,2-Dichloroethane								
1,1,1-Trichloroethane								
Hexachloroethane								
1,1,2-Trichloroethane								
1,1,2,2-Tetrachloroethane								
Chloroethane								
Bis(2-chloroethyl) ether								
17 Bis (chloro methyl) ether								

2-Chloroethyl vinyl ether								
2-Chloronaphthalene								
2,4,6-Trichlorophenol								
Parachlorometa cresol								
Chloroform								
2-Chlorophenol								
1,2-Chlorophenol								
1,2-Dichlorobenzene								
1,3-Dichlorobenzene								
1,4-Dichlorobenzene								
3,3-Dichlorobenzene								
1,1-Dichloroethylene								
1,2-Trans-dichloroethylene								
2,4-Dichloropropane								
1,2-Dichlororpropane								
1,2-Dichloropropylene								
1,3-Dichloropropylene								
2,4-Dimethylphenol								
2,4-Dinitrotoulene								
2,6-Dinitrotoulene								
1,2-Diphenylhydrazine								
Ethylbenzene								
Fluoranthene								
4-Chlorophenyl phenyl ether								
4-Bromophenyl phenyl ether								
Bis (2-chlorlaopropyl) ether								
Bis (2-chloroethoxyl) methane								
Methylene chloride								
Methyl chloride								
Methyl bromide								
Bromoform								

Dichlorobromomethane								
Chlorodibromomethane								
Hexachlorobutadiene								
Isophorone								
Naphthalene								
Nitrobenzene								
Nitrophenol								
2-Nitrophenol								
4-Nitrophenol								
2,4-Dinitrophenol								
4,6-Dinitro-o-cresol								
N-nitrosodimethylamine								
N-nitrodiphenylamine								
N-nitrosodi-n-propylamine								
Pentachlorophenol								
Phenol								
Bis(2-ethylhexyl) phthalate								
Butyl benzyl phthalate								
Di-n-butyl phthalate								
Di-n-octyl phthalate								
Diethyl phthalate								
Dimethyl phthalate								
Benzo(a)anthracene								
Benzo(a)pyrene								
3,4-benzofluranthene								
Benzo(k) fluoranthene								
Chrysene								
Acenaphthylene								
Anthracene								
Benzo(ghi)perylene								
Fluorene								

Phenanthrene								
Dibenzo(a,h)anthracene								
Indeno(1,2,3-cd)pyrene								
Pyrene								
Tetrachloroethylene								
Toulene								
Trichloroethylene								
Vinyl chloride								
Aldrin								
Dieldrin								
Chlorodane								
4,4'-DDT								
4,4'-DDE								
4,4'-DDD								
Alpha-endosulfan								
Beta-endosulfan								
Endosulfan sulfate								
Endrin								
Endrin aldehyde								
Heptachlor								
Hepthaclor epoxide								
Alpha-BHC								
Beta-BHC								
Gamma-BHC								
Delta-BHC								
PCB-1242								
PCB-1254								
PCB-1221								
PCB-1232								
PCB-1248								
PCB-1260								

PCB-1016								
Toxaphene								
(TCDD)								
Asbestos								
Acidity								
Alkalinity								
Bacteria								
BOD ₅								
COD								
Chloride								
Chlorine								
Fluoride								
Hardness								
Magnesium								
NH ₃ -N								
Oil and Grease								
TSS								
TOC								
Kjedahl N								
Nitrate N								
Nitrite N								
Organic N								
Orthophosphate P								
Phosphorous								
Sodium								
Specific Conductivity								
Sulfate (SO ₄)								
Sulfide (S)								
Sulfite (SO ₃)								
Antimony								
Arsenic								

Barium								
Beryllium								
Cadmium								
Chromium								
Copper								
Cyanide								
Lead								
Mercury								
Nickel								
Selenium								
Silver								
Thallium								
Zinc								

SECTION G –PRETREATMENT

1. Is any form of wastewater treatment (see list below) practiced at this facility? ☐

Yes ☐ No

2. Is any form of wastewater treatment (or changes to an existing wastewater treatment) planned for this facility within the next 3 years? ☐ Yes ☐ No

If yes, describe:

3. Treatment devices or processes used or proposed for treating wastewater or sludge (check as many as appropriate).

- ☐ Air flotation
- ☐ Centrifuge
- ☐ Chemical precipitation
- ☐ Chlorination
- ☐ Cyclone
- ☐ Filtration
- ☐ Flow equalization
- ☐ Grease or oil separation, type:
- ☐ Grease trap
- ☐ Grinding filter
- ☐ Grit removal
- ☐ Ion exchange
- ☐ Neutralization, pH correction
- ☐ Ozonation
- ☐ Reverse osmosis
- ☐ Screen
- ☐ Sedimentation
- ☐ Septic tank
- ☐ Solvent separation
- ☐ Biological treatment, type:
- ☐ Rainwater storage or diversion
- ☐ Other chemical treatment, type:
- ☐ Other physical treatment, type:
- ☐ Other, type:

4. Description – describe the pollutant loadings, flow rates, design capacity, physical size, and operating procedures of each treatment facility checked above.

5. Attach a process flow diagram for each existing treatment system. Include process equipment, by-product, disposal method, and design and operating conditions.

6. Describe any changes in treatment or disposal methods planned or under construction for the wastewater discharge to the sanitary sewer. Please include estimated completion dates.

7. Do you have a treatment operator? ☐ Yes ☐ No

If yes, Name: _____ Title: _____

Contact: _____

8. Do you have a manual on the correct operation of treatment equipment? ☐ Yes ☐ No

9. Do you have written maintenance schedules for treatment equipment? ☐ Yes ☐ No

SECTION H – FACILITY OPERATIONAL CHARACTERISTICS

1. Shift Information

Work Days		Mon	Tue	Wed	Thu	Fri	Sat	Sun
Shifts per Work Day								
Employees per Shift	1 st							
	2 nd							
	3 rd							
Shift Start and	1 st							

End Time	2 nd							
	3 rd							

2. Indicate whether the business activity is:
- ☐ Continuous through the year, or
- ☐ Seasonal – circle the months of the year when business activity occurs

Jan Feb Mar Apr May June July Aug Sep Oct Nov Dec

3. Indicate whether the facility discharge is:
- ☐ Continuous through the year, or
- ☐ Seasonal – circle the months of the year when discharge occurs

Jan Feb Mar Apr May June July Aug Sep Oct Nov Dec

4. List types and amount (mass or volume per day) of raw materials used or planned for use (attach list if needed):

5. List types and quantity of chemicals used or planned (attach list if needed). Include copies of manufacturer’s safety data sheets (if available) for all chemicals identified.

<u>Chemical</u>	<u>Quantity</u>

6. Building Layout- Draw scale the location of each building on the premise. Show map orientation and location of all water meters, storm drains, numbered unit processes (from schematic flow diagram), public sewers, and each facility sewer line connected to the public sewers. This drawing must be certified by a State Registered Professional Engineer. A blueprint or drawing of the facilities showing the above items may be attached in lieu of submitting a drawing on this sheet.

SECTION I – SPILL PREVENTION

1. Do you have chemical storage containers, bins, or ponds at your facility? ☐ Yes
☐ No

If yes, please give a description of their location, size, contents, and frequency of cleaning. Also indicate proximity of these containers to a sewer or storm drain.

2. Do you have floor drains in your manufacturing or chemical storage area(s)? ☐ Yes ☐ No (if yes, where do they discharge to?)

3. If you have chemical storage containers, bins, or ponds in the manufacturing area, could an accidental spill lead to discharge to: (check all that apply).

- ☐ An onsite disposal system
☐ Public sanitary sewer system (ex: floor drain)
☐ Storm drain
☐ To ground
☐ Other, specify:
☐ N/A

4. Do you have an accidental spill prevention plan to prevent spills of chemicals from entering the City's collection systems? ☐ Yes (enclose a copy) ☐ No
5. Please describe below any previous spill events and remedial measures taken to prevent their reoccurrence.

SECTION J – BEST MANAGEMENT PRACTICES

1. Describe the types of best management practices (BMPs) you employ to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. BMPs are management and operational procedures such as schedules of

activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

2. Do you have the potential for a slug discharge to the sewer system? ☐ Yes ☐ No
- a. Please describe the type of the potential slug discharge, including quality and content:

- b. Please describe the current mechanisms for prevention of slug discharges:

SECTION K – NON-DISCHARGED WASTE

1. Are any liquid wastes or sludge generated that are not disposed of in the sanitary sewer system?
- ☐ Yes, please describe below
- ☐ No, skip the remainder of Section K

Waste Generated	Quantity (per year)	Disposal Method
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

2. If any of your wastes are sent to an off-site centralized waste treatment facility, identify the waste and the facility.

3. If an outside firm removes any of the above wastes, state the name and address of the waste hauler:

Permit No. (if applicable):

4. Have you been issued any Federal, State, or local environmental permits? ☐ Yes
☐ No

If yes, please list the permits:

SECTION L – AUTHORIZED SIGNATURES

Compliance Certification:

1. Are all Federal, State, or local pretreatment standards and requirements being met on a consistent basis?
☐ Yes ☐ No ☐ Not yet discharging
2. If No, what operational procedures are being considered to bring the facility into compliance?

Provide a schedule for bringing the facility into compliance. Note, if the City issues a permit to the applicant, it may establish a schedule for compliance different than the one submitted by the facility.

<u>Activity</u>	<u>Completion Date</u>

Authorized Representative Statement:

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

Name

Title

Signature

Date

Phone

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE PERMIT APPLICATION

SECTION A – INSTRUCTIONS (GENERAL INFORMATION)

1. Enter the facility's official or legal name. Do not use a colloquial name.
 - a. Operator Name: Give the name, as it is legally referred to, of the person, firm, public organization, or any other entity which operates the facility described in this application. This may or may not be the same name as the facility.
 - b. b. Indicate whether the entity which operates the facility also owns it by marking the appropriate box:
 - i. If the response is "No", clearly indicate the operator's name and address and submit a copy of the contract and/or other documents indicating the operator's scope of responsibility for the facility.
2. Provide the physical location of the facility that is applying for a discharge permit.
3. Provide the mailing address where correspondence from the City may be sent.
4. Provide all the names of the authorized signatories for this facility for the purpose of signing all reports.

SECTION B – INSTRUCTIONS (BUSINESS ACTIVITY)

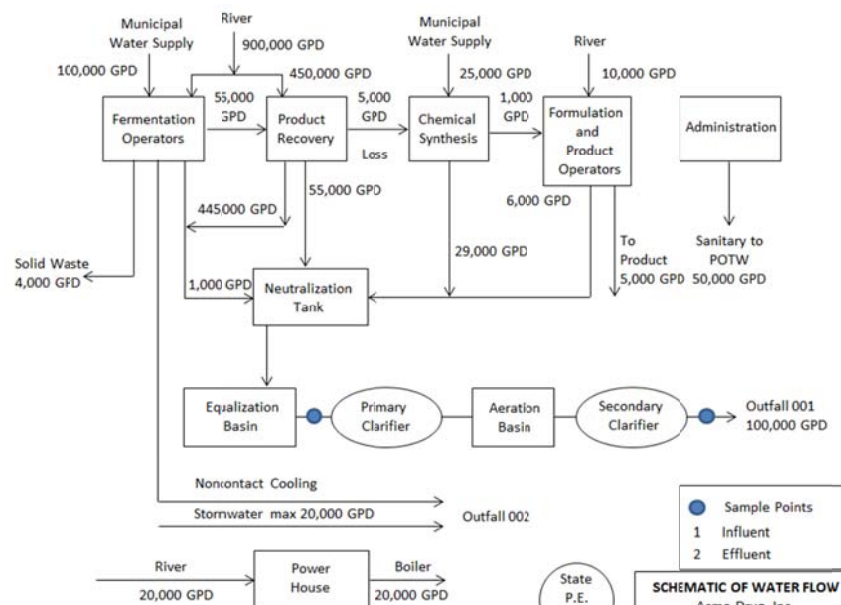
1. Check off all operations that occur or will occur at your facility. If you have any questions regarding how to categorize your business activity, contact the City for technical guidance.
2. Provide a brief narrative description of all operations at this facility.
3. For all processes found on the premises, indicate the NAICS (North America Industry Classification System) code which replaces the Standard Industrial Classification (SIC) system. To determine the NAICS code, see *North American Industry Classification System-United States, 2002* which includes definitions for each industry, tables showing correspondence between 2002 NAICS and 1997 NAICS for codes that changed, and a comprehensive index—features also available on this web site.

SECTION C – INSTRUCTIONS (WATER SUPPLY)

- Provide daily average water usage within the facility. Contact cooling water is cooling water that during the process comes into contact with process materials, thereby becoming contaminated. Non-contact cooling water does not come into contact with process materials. Sanitary water includes only water used in restrooms. Plant and equipment washdown includes floor washdown. If sanitary flow is not metered, provide an estimate based on 15 gallons per day (gpd) for each employee.

SECTION E – INSTRUCTIONS (WASTEWATER DISCHARGE INFORMATION)

- If you answer “no” to this question, skip to Section I. Otherwise, complete the remainder of the application.
- A schematic flow diagram is required to be completed and certified for accuracy by a State registered professional engineer. Assign a sequential reference number to each process starting with No. 1. An example of a drawing is shown below in Figure 1. To determine your average daily volume and maximum daily volume of wastewater flow, you may have to read water meters, sewer meters, or make estimates of volumes that are not directly measurable.



SECTION F – INSTRUCTIONS (CHARACTERISTICS OF DISCHARGE)

Provide the results of sampling and analysis identifying the nature and concentration (or mass, if required) or regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration values (or mass, if required) must be reported. The sample must be representative of daily operations.

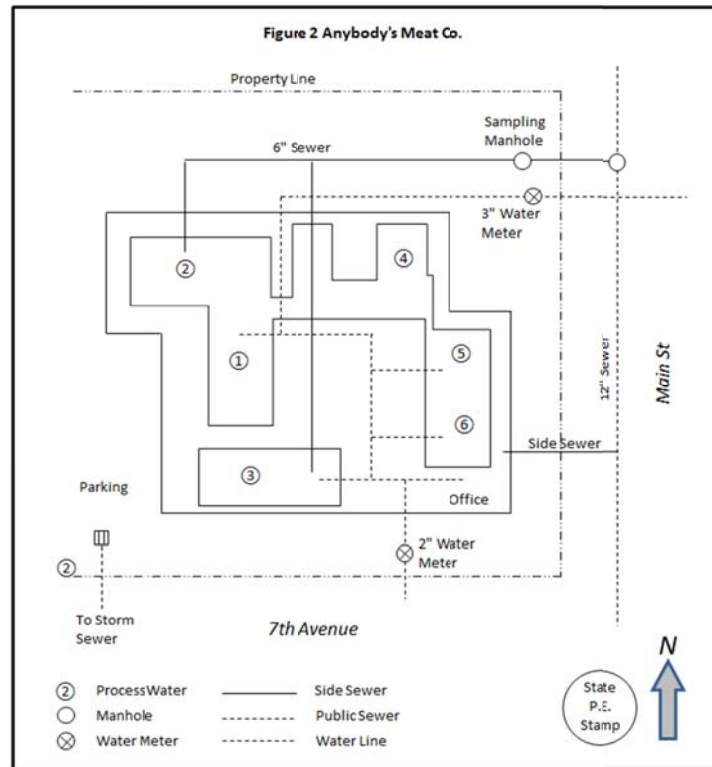
If the user is subject to categorical effluent limits, the user must take a minimum of one representative sample to compile the necessary data. Samples should be taken immediately downstream from pretreatment facilities, if such exists, or immediately downstream from the regulated process, if not pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations. Sampling and analysis must be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Furthermore, the date and place and the methods of analysis must be submitted with the application.

Historical data may be used if the data provides sufficient information to determine the need for industrial pretreatment measures.

SECTION H – INSTRUCTIONS (FACILITY OPERATIONAL CHARACTERISTICS)

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

7. A building layout or plant site plan of the premises is required to be completed and certified for accuracy by a State registered professional engineer. Approved building plans may be substituted. An arrow showing North as well as the map scale must be shown. The location of each existing and proposed sampling location and facility sewer line must be clearly identified as well as all sanitary and wastewater drainage plumbing. Number each unit process discharging wastewater to the public sewer. Use the same numbering system shown in Figure 1, the schematic flow diagram. An example of the drawing required is shown below.



SECTION I – INSTRUCTIONS (SPILL PREVENTION)

- Describe how the spill occurred, what was spilled, when the spill happened, where is occurred, how much was spilled, and whether or not the spill reached the sewer. Also explain what measures have been taken to prevent a reoccurrence or what measures have been taken to limit damage if another spill occurs.

SECTION K – INSTRUCTIONS (NON-DISCHARGED WASTES)

- For wastes not discharged to the Control Authority's (City's) sewer, indicate types of waste generated, amount generated, the way in which the waste is disposed (e.g. incinerated, hauled, etc.), and the location of disposal.
- Onsite disposal system could be a septic system, lagoon, holding pond (evaporative-type), etc.
- Types of permits could be: air, hazardous waste, underground injection, solid waste, NPDES (for discharges to surface water), etc.

Appendix VII: Permit Shell Draft



Significant Industrial User Permit Shell

[Draft]

Permit No. STOXXXXXX

Issuance Date: X

Effective Date: X

Expiration Date: X

Waste Discharge Permit Number STOXXXXXX

Expiration Date: This date must not be more than 5 years past the effective date of the permit to meet federal and state regulations. EPA has set up ICIS with business rules so this requirement is met. Since PARIS data flows to ICIS we must meet the ICIS business rule. ICIS business rules require this date to meet the following example. If the effective date of the permit is June 1st 2014 then the expiration date cannot be greater than May 31st, 2019. It **cannot be** June 1st 2019. Please follow this rule when you issue your permits. We are flowing pretreatment permits to ICIS.

City of Kennewick
Public Works Department
1010 E Chemical Dr.
Kennewick, WA 99336

In compliance with the provisions of the State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington, as amended,
and
the Federal Water Pollution Control Act (The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.,

Permittee Name

Mailing Address

City, State Zip

Is authorized to discharge wastewater in accordance with the special and general conditions which follow.

Facility Address:

Street

City, State Zip

Publicly-Owned Treatment Works (POTW) Receiving Discharge:

City of Kennewick Wastewater Treatment Plant

Industry Type: SIC Code

Signature

Title

City of Kennewick
Public Works Department

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Summary of Permit Report Submittals

Refer to the Special and General Conditions of this permit for additional submittal requirements. The following table is for quick reference only. Enforceable limit requirements are contained in permit narrative.

Permit Section	Submittal	Frequency	First Submittal Date
	Discharge Monitoring Report (DMR)	Monthly, Quarterly, Annual	Enter a specific date
	Reporting Permit Violations	As necessary	
	Operation and Maintenance Manual	1/permit cycle	Date (within 180 days of permit effective date)
	Application for Permit Renewal	1/permit cycle	Date
	Spill Plan	1/permit cycle	Date
	Slug Discharge Control Plan	1/permit cycle	Date
	Solid Waste Control Plan	1/permit cycle	Date
	Notice of Change in Authorization	As necessary	
	Transfer of Permit	As necessary	

Special Conditions

S1. Discharge Limits

All discharges and activities authorized by this permit must comply with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit violates the terms and conditions of this permit.

Beginning on the effective date of the permit and lasting through **date**, the Permittee is authorized to discharge wastewater to the City of Kennewick collection system and POTW subject to the following limits under City of Kennewick Ordinance 14.23:

EFFLUENT LIMITATIONS: Outfall #00X	
Latitude insert using decimal format	Longitude insert using decimal format
Parameter	Allowable Range
Insert Parameters such as BOD, TSS, pH	Enter Limit
The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. This does not apply to pH.	

This permit does not authorize the discharge or disposal of wastewater to any discharge point other than the outfall #00X, as described above, nor to any location other than the City of Kennewick POTW.

S2. Monitoring Requirements

- Permittees must collect grab samples (not composites) for analysis of pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform (including E. coli), and Enterococci (previously known as fecal streptococcus at § 122.26 (d)(2)(iii)(A)(3)), or volatile organics. See 40 CFR 122.21 (g)(7)
- Flow – **Flow monitoring is required** to determine pollutant loading – If flow monitoring is not available then include a compliance schedule to install flow monitoring equipment

A. Wastewater Monitoring

The Permittee must monitor the wastewater and production according to the following schedule (see Appendix A for analytical requirements):

Parameter	Units	Sample Point	Sampling Frequency	Sample Type
Insert parameters such as flow, TSS, BOD, pH	Gallons per month, mg/L	Enter sample point	Monthly, weekly, daily, etc.	Composite, grab

- * Monthly means samples collected once every calendar month
- * Continuous means uninterrupted except for brief lengths of time for calibration, power failure, or unanticipated equipment repair or maintenance. The time interval for the associated data logger must be no greater than 30 minutes.
- * Quarterly sampling periods are January through March, April through June, July through September, and October through December.
- * Weekly means once (1) time per calendar week on a rotational basis Monday-Friday
- * 24-hour composite means a series of at least twenty-four individual samples collected over a 24-hour period at selected intervals, based on an increment of either flow or time, and combined into a single container to be analyzed as one sample
- * Daily means sampled on a calendar day basis
- * Grab means an individual sample collected in less than 15 minutes

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit must conform to the latest revision of the following rules and documents unless otherwise specified in this permit or approved in writing by Ecology.

- Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136
- Standard Methods for the Examination of Water and Wastewater (APHA)

C. Laboratory Accreditation

The Permittee must ensure that all monitoring data required by the City for permit specified parameters is prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC, *Accreditation of Environmental Laboratories*. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. The Permittee must obtain accreditation for conductivity and pH if it must receive accreditation or registration for other parameters.

D. Request for Reduction in Monitoring

The Permittee may request a reduction of the sampling frequency after twelve (12) months of monitoring. The City will review each request and at its discretion grant the request when it reissues the permit or by a permit modification.

The Permittee must:

1. Provide a written request
2. Clearly state the parameters for which it is requesting reduced monitoring
3. Clearly state the justification for the reduction.

E. Flow Measurement

The Permittee must:

1. Select and use appropriate flow measurement devices and methods consistent with accepted scientific practices
2. Install, calibrate, and maintain these devices to ensure the accuracy of the measurements is consistent with the accepted industry standard, the manufacturer's recommendation, and approved O&M manual procedures for the device and the wastestream.
3. Calibrate continuous monitoring instruments weekly unless it can demonstrate a longer period is sufficient based on monitoring records.
4. Use field measurement devices as directed by the manufacturer and establish calibration frequencies for each device or instrument.
5. Maintain calibration records for at least 3 years.

S3. Reporting and Recording Requirements

The Permittee must monitor and report in accordance with the following conditions. Falsification of information submitted to the City of Kennewick is a violation of the terms and conditions of this permit.

A. Self-Monitoring Reports

The report must contain all of the information required by the Code of Federal Regulations, 40 CFR 403.8(f)(2)(iv). Procedures for receiving the SMR are as follows:

1. Date stamp and initial the cover page of the document.
2. Record the date you received the SMR to a spreadsheet with the Industry name.
3. Scan the SMR and save to the appropriate industry folder.

It is important to ensure that all of the information required by 40 CFR 403.8(f)(2)(iv) is present in the SMR. Any missing information can result in an IU receiving a deficiency and lead to the IU needing to resample. The lab report needs to contain the following information:

1. Name of each parameter being analyzed
2. Each parameter needs to include the following:
 - a. Result
 - b. Units
 - c. Detection limit
 - d. Analysis method

- e. Date analyzed
 - f. Name/Initials of analyst
 - g. Type of sample (composite/grab)
 - h. Date sampled
 - i. Time sampled
3. The lab report needs to contain a proper Chain of Custody Form.
4. The SMR cover page needs to include the following:
- a. Due date of SMR
 - b. Company name
 - c. Permit number
 - d. Name of contract lab
 - e. Lab ID of samples
 - f. Date of sampling
 - g. Location of sampling
 - h. Reporting period
 - i. All parameters tested for
 - j. Certification statement
 - k. Signature of authorized representative
 - l. Date of signature
 - m. Printed name

B. Permit Submittals and Schedules

The Permittee must use an approved City Form (unless otherwise specified in the permit) to submit all other written permit-required reports by the date specified in the permit. When another permit condition requires submittal of a paper (hard-copy) report, the Permittee must ensure that it is postmarked or received by the City no later than the dates specified by this permit. Send these paper reports to the City at:

Title
City of Kennewick
Address

C. Records Retention

The Permittee must retain records of all monitoring information for a minimum of three (3) years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the City.

D. Recording of Results

For each measurement or sample taken, the Permittee must record the following information:

1. The date, exact place and time of sampling.
2. The individual who performed the sampling or measurement.
3. The dates the analyses were performed.
4. The individual who performed the analyses.
5. The analytical techniques or methods used.
6. The results of all analyses.

E. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by Condition S2 of this permit, then the Permittee must include the results of such monitoring in the calculation and reporting of the data submitted in the Permittee's DMR.

F. Reporting Permit Violations

The Permittee must take the following actions when it violates or is unable to comply with any permit condition:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.
2. If applicable, immediately repeat sampling and analysis. Submit the results of any repeat sampling to the City within thirty (30) days of sampling

a) Immediate Reporting

The Permittee must report any noncompliance that may endanger health or the environment immediately to the City of Kennewick Public Works Department at the number listed below:

Phone Number

G. Other Reporting

The Permittee must report all instances of noncompliance, not required to be reported immediately or within 24 hours, at the time that monitoring reports for S3.

The Permittee must report a spill of oil or hazardous materials in accordance with the requirements of RCW 90.56.280 and chapter 173-303-145. You can obtain further instructions at the following website: <https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill>

H. Maintaining a Copy of this Permit

The Permittee must keep a copy of this permit at the facility and make it available upon request to City inspectors.

I. Dangerous Waste Discharge Notification

The Permittee must notify the publicly owned treatment works (POTW) in writing of the intent to discharge into the POTW any substance designated as a dangerous waste in accordance with the provisions of WAC 173-303-070. It must make this notification at least 90 days prior to the date that it proposes to initiate the discharge. The Permittee must not discharge this substance until authorized by the POTW.

J. Spill Notification

The Permittee must notify the POTW immediately (as soon as discovered) of all discharges that could cause problems to the POTW, such as process spills and unauthorized discharges (including slug discharges)

S4. Operation and Maintenance Manual

The Permittee must, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operations and Maintenance Manual

The Permittee must:

1. Prepare an Operations and Maintenance (O&M) Manual that meets the requirements of WAC 173-240-150 and submit it to the City for approval by **Date**
2. Review the O&M Manual at least annually.
3. Submit to the City for review and approval substantial changes or updates to the O&M Manual whenever it incorporates them into the manual.
4. Keep the approved O&M Manual at the permitted facility
5. Follow the instructions and procedures of this manual.

B. O&M Manual Components

In addition to the requirements of WAC 173-240-150, the O&M manual must include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset, spill, failure, or demand by the publicly owned treatment works (POTW) treating the discharge.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater.
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (for example, defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)
4. Wastewater sampling protocols and procedures for compliance with the sampling and reporting requirements in the wastewater discharge permit.
5. Minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit.

C. Bypass Procedures

This permit prohibits a bypass, which is the intentional diversion of waste streams from any portion of a treatment facility. The City may take enforcement action against a Permittee for a bypass unless one of the following circumstances (1, 2, or 3) applies.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

This permit authorizes a bypass if it allows for essential maintenance and does not have the potential to cause violations of limits or other conditions of this permit, or adversely impact public health. The Permittee must submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass is unavoidable, unanticipated, and results in noncompliance of this permit.

This permit authorizes such a bypass only if:

- a) Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b) No feasible alternatives to the bypass exist, such as:
 - The use of auxiliary treatment facilities.
 - Retention of untreated wastes.
 - Stopping production.

- Maintenance during normal periods of equipment downtime, but not if the Permittee should have installed adequate backup equipment in the exercise of reasonable engineering judgment to prevent a bypass.
 - Transport of untreated wastes to another treatment facility.
- c) The Permittee has properly notified the City of the bypass as required in Condition S3.G of this permit.
3. If bypass is anticipated and has the potential to result in noncompliance of this permit
- a) The Permittee must notify the City of Kennewick at least thirty (30) days before the planned date of bypass. The notice must contain:
- A description of the bypass and its cause.
 - An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing.
 - A cost-effectiveness analysis of alternatives including comparative resource damage assessment.
 - The minimum and maximum duration of bypass under each alternative.
 - A recommendation as to the preferred alternative for conducting the bypass.
 - The projected date of bypass initiation.
 - A statement of compliance with SEPA.
 - A request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated.
 - Details of the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- b) For probable construction bypasses, the Permittee must notify the City of the need to bypass as early in the planning process as possible. The Permittee must consider the analysis required above during the project planning and design process. The project-specific engineering report or facilities plan as well as the plans and specifications must include details of probable construction bypasses to the extent practical. In cases where the Permittee determines the probable need to bypass early, the Permittee must continue to analyze conditions up to and including the construction period in an effort to minimize or eliminate the bypass.
- c) The City will consider the following prior to issuing an administrative order for this type of bypass:
- If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit
 - If feasible alternative to bypass exist, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
 - If the Permittee planned and scheduled the bypass to minimize adverse effects on the public and the environment

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the City will approve or deny the request. The City will give the public an opportunity to comment on bypass incidents of significant duration, to the extent feasible. The City will approve a request to bypass by issuing an administrative order under KMC14.23.120(3).

S5. Prohibited Discharges

A. General Prohibitions

The Permittee must not introduce into the City of Kennewick collection system pollutant(s) which cause Pass-Through or Interference

B. Specific Prohibitions

In addition, the following must not be introduced into the POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60 degrees C (140 degrees F) using the test methods specified in 40 CFR 261.21
2. Solid or viscous pollutants in amounts, which will cause obstruction to the flow in the POTW resulting in interference
3. Any pollutant (including oxygen-demanding pollutants (BOD₅, etc.), released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the POTW
4. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees C (104 degrees F) unless the approval authority, upon request of the POTW, approves alternative temperature limits
5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems
7. Any trucked or hauled pollutants, except at discharge points designated by the POTW
8. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 10.0, unless the collection and treatment system is specifically designed to accommodate such discharges.

C. Prohibited Unless Approved

Any of the following discharges are prohibited unless approved by Ecology under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or a need to augment sewage flows due to septic conditions):

- 1. Noncontact cooling water in significant volumes.
- 2. Storm water and other direct inflow sources.
- 3. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.

Unless specifically authorized in this permit, the discharge of dangerous wastes as defined in Chapter 173-303 WAC, is prohibited.

S6. Dilution Prohibited

The Permittee must not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, noncontact cooling water, or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limits contained in this permit.

S7. Application for Permit Renewal or Modification for Facility Changes

The Permittee must submit an application for renewal of this permit by Insert Date at least one year prior to expiration date.

The Permittee must also submit a new application or addendum at least one hundred eighty (180) days prior to commencement of discharges, resulting from the activities listed below, which may result in permit violations. These activities include any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility.

S8. Compliance Schedule for Meeting Pretreatment Standards

By the Dates below, the Permittee must complete the following tasks and submit a report describing, at a minimum:

- Whether is completed the task and, if not, the date on which it expects to complete the task.
- The reasons for delay and the steps it is taking to return the project to the established schedule.

	Tasks	Date Due
--	-------	----------

1.	Insert Task	
2.	Insert Task	
3.	Insert Task	

S9. Spill Plan

A. Spill Control Plan Requirements

The Permittee must:

1. Submit to the City an update to the existing spill control plan by **Date**
2. Submit to the City a spill control plan for the prevention, containment, and control of spills or unplanned releases of pollutants by **Date**
3. Review the plan at least annually and update the spill plan as needed
4. Send plan changes to the City
5. Follow the plan and any supplements throughout the term of the permit

B. Spill Control Plan Components

The spill control plant must include the following:

1. A list of all oil and petroleum products and other materials used and/or stored on-site, which when spilled, or otherwise released into the environment, designate as Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070. Include other materials used and/or stored on-site, which may become pollutants or cause pollution upon reaching state's waters.
2. A description of preventative measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
3. A description of the reporting system the Permittee will use to alert responsible managers and legal authorities in the event of a spill.
4. A description of operator training to implement the plan.

The Permittee may submit plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies, which meet the intent of this section.

S10. Slug Load Discharge Plan

A. Slug Discharge Control Plan Submittal and Requirements

The Permittee must:

1. Prepare and submit to the City of Kennewick, a plan to minimize the potential of slug discharges from the facility covered by this permit. The plan and any subsequent revisions become effective 30 days following submission.
2. Review its slug discharge plan and update it as needed
3. Submit all revisions or updates of this plan to the City for review and approval.
4. Keep the current approved plan on the plant site and make it readily available to facility personnel.
5. Follow the approved plan and any approved supplements throughout the term of the permit.
6. Submit an update of the slug discharge control plan, or a certification that it is current by
Date

B. Slug Discharge Control Plan Components

The slug discharge control plan must include the following information and procedures relating to the prevention of unauthorized slug discharges; it must include:

1. A description of a reporting system the Permittee will use to immediately notify facility management, the POTW operator, and appropriate state, federal, and local authorities of any slug discharges, and provisions to provide a written follow-up report within five days.
2. A description of operator training, equipment, and facilities (including overall facility plan) for preventing, containing, or treating slug discharges.
3. Procedures to prevent adverse impact from accidental spills including:
 - a) Inspection and maintenance of storage areas
 - b) Handling and transfer of materials
 - c) Loading and unloading operations
 - d) Control of plant site run-off
 - e) Worker training
 - f) Building of containment structures or equipment
 - g) Measures for containing toxic organic pollutants (including solvents)
 - h) Measures and equipment for emergency response
4. A list of all raw materials, products, chemicals, and hazardous materials used, processed, or stored at the facility; the normal quantity maintained on the premises for each listed material; and a map showing where they are located.
5. A description of discharge practices for batch and continuous processed under normal and non-routine circumstances
6. A brief description of any unauthorized discharges which occurred during the 36-month period preceding the effective date of this permit and subsequent measures taken by Permittee to prevent or to reduce the possibility of further unauthorized discharges.
7. An implementation schedule including additional operator training and procurement and installation of equipment or facilities required to properly implement the plan.

S11. Solid Waste Disposal

A. Solid Waste Handling

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

a) Submittal Requirements

The Permittee Must:

1. Submit a solid waste control plan to the City by **Date**
2. Submit any proposed revision or modification of the solid waste control plan for review and approval at least 30 days prior to implementation
3. Comply with the plan and any modifications
4. Submit an update of the solid waste control plan as needed

b) Solid Waste Control Plan Content

The solid waste control plan must:

1. Follow Ecology's guidance for preparing a preparing a solid waste control plan (<https://fortress.wa.gov/ecy/publications/SummaryPages/0710024.html>) and address all solid wastes generated by the permittee.
2. Include at a minimum a description, source, generation rate, and disposal methods of these solid wastes.
3. Not conflict with local or state solid waste regulations.

General Conditions

G1. Signatory Requirements

All applications, reports, or information submitted to the City must be signed as follows:

1. All permit applications must be signed by either a principal executive officer or ranking elected official.
2. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by the person described above and is submitted to the City of Kennewick at the time of authorization, and
 - b. The authorization specifies either a named individual or any individual occupying a named position.
3. Changes to authorization. If an authorization under paragraph G1.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the City of Kennewick prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section must make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons

directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. Right of Entry

Representatives of the City have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times include normal business hours; hours during which production, treatment, or discharge occurs; or times when the City suspects a violation requiring immediate inspection. Representatives of the City must be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

G3. Permit Actions

This permit is subject to modification, suspension, or termination, in whole or in part by the City for any of the following causes:

1. Violations of any permit term or condition;
2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
3. A material change in quantity or type of waste disposal;
4. A material change in the condition of the waters of the state; or
5. Nonpayment of fees assessed pursuant to KMC14.23.030(13).

The City may also modify this permit, including the schedule of compliance or other conditions; if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. Reporting a Cause for Modification

The Permittee must submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application must be submitted at least one hundred eighty (180) days prior to any

proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. Plan Review Required

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to the City for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities must be constructed and operated in accordance with approved plans.

G6. Compliance with Other Laws and Statutes

Nothing in the permit excuses the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. Transfer of this Permit

This permit is automatically transferred to a new owner or operator if:

1. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the City;
2. A copy of the permit is provided to the new owner and;
3. The City does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to Section 1. Above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the City.

G8. Reduced Production for Compliance

The Permittee must control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency, loss, or failure of its treatment facility until the treatment capacity is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.

G9. Removed Substances

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be re-suspended or reintroduced to the effluent stream for discharge.

G10. Payment of Fees

The Permittee must submit payment of fees associated with this permit as assessed by the City. The City may revoke this permit if the permit fees established under KMC 14.23.140(1)(f) are not paid.

G11. Penalties for Violating Permit Conditions

Any person who is found guilty of willfully violating the terms and conditions of this permit is guilty of a crime, and upon conviction, thereof must be punished by a fine of up to ten thousand dollars and costs or prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs is a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit incurs, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is a separate and distinct violation.

G12. Duty to Provide Information

The Permittee must submit to the City, within a reasonable time, all the information which the City may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to the City of Kennewick upon request, copies of records required to be kept by this permit.

G13. Duty to Comply

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of chapter KMC 14.23 and is grounds for enforcement action; for permit

termination, revocation and reissuance, or modification; or denial of a permit renewal application.

Appendix A

LIST OF POLLUTANTS WITH ANALYTICAL METHODS, DETECTION LIMITS AND QUANTITATION LEVELS

The Permittee must use the specified analytical methods, detection limits (DLs) and quantitation levels (QLs) in the following table for permit and application required monitoring unless:

- Another permit condition specifies other methods, detection levels, or quantitation levels.
- The method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136.

If the Permittee uses an alternative method, not specified in the permit and as allowed above, it must report the test method, DL, and QL on the discharge monitoring report or in the required report.

If the Permittee is unable to obtain the required DL and QL in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit (MDL) and a quantitation limit (QL) to the City with appropriate laboratory documentation.

When the permit requires the Permittee to measure the base neutral compounds in the list of priority pollutants, it must measure all of the base neutral pollutants listed in the table below. The list includes EPA required base neutral priority pollutants and several additional polynuclear aromatic hydrocarbons (PAHs). The Water Quality Program added several PAHs to the list of base neutrals below from Ecology's Persistent Bioaccumulative Toxics (PBT) List. It only added those PBT parameters of interest to Appendix A that did not increase the overall cost of analysis unreasonably.

This appendix was added to the permit in order to reduce the number of analytical "non-detects" in permit-required monitoring and to measure effluent concentrations near or below criteria values where possible at a reasonable cost.

The lists below include convention pollutants (as defined in CWA section 502(6) and 40 CFR Part 122), toxic or priority pollutants as defined in CWA section 307(a)(1) and listed in 40 CFR Part 122 Appendix D, 40 CFR Part 401.15 and 40 CFR Part 423 Appendix A), and nonconventionals. 40 CFR Part 122 Appendix D (Table V) also identifies toxic pollutants and hazardous substances which are required to be reported by dischargers if expected to be present. This permit appendix A list does not include those parameters.

Conventional Pollutants

Pollutant	CAS Number (if available)	Recommended Analytical Protocol	Detection (DL) ¹ µg/L unless specified	Quantitation Level (QL) ² µg/L unless specified
Biochemical Oxygen Demand		SM5210-B		2 mg/L
Biochemical Oxygen Demand, Soluble		SM5210-B ³		2 mg/L
Fecal Coliform		SM 9221E, 9222	N/A	Specified in method-sample aliquot dependent
Oil and Grease (HEM) (Hexane Extractable Material)		1664 A or B	1,400	5,000
pH		SM4500-H ⁺ B	N/A	N/A
Total Suspended Solids		SM2540-D		5 mg/L

Nonconventional Pollutants

Pollutant & CAS (if available)	CAS Number (if available)	Recommended Analytical Protocol	Detection (DL) ¹ µg/L unless specified	Quantitation Level (QL) ² µg/L unless specified
Alkalinity, Total		SM2320-B		5 mg/L as CaCO ₃
Aluminum, Total	7429-90-5	200.8	2.0	10
Ammonia, Total (as N)		SM4500-NH ₃ -B and C/D/E/G/H		20
Barium Total	7440-39-3	200.8	0.5	2.0
BTEX (benzene+toluene+ethylbenzene+m,o,p xylenes)		EPA SW 846 8021/8260	1	2
Boron, Total	7440-42-8	200.8	2.0	10.0
Chemical Oxygen Demand		SM5220-D		10 mg/L
Chloride		SM4500-Cl B/C/D/E and SM4110 B		Sample and limit dependent
Chlorine, Total Residual		SM4500 Cl G		50.0
Cobalt, Total	7440-48-4	200.8	0.05	0.25
Color		SM2120 B/C/E		10 color units

Nonconventional Pollutants

Pollutant & CAS (if available)	CAS Number (if available)	Recommended Analytical Protocol	Detection (DL) ¹ µg/L unless specified	Quantitation Level (QL) ² µg/L unless specified
Dissolved oxygen		SM4500-OC/OG		0.2 mg/L
Flow		Calibrated device		
Fluoride	16984-48-8	SM4500-F E	25	100
Hardness, Total		SM2340B		200 as CaCO ₃
Iron, Total	7439-89-6	200.7	12.5	50
Magnesium, Total	7439-95-4	200.7	10	50
Manganese, Total	7439-96-5	200.8	0.1	0.5
Molybdenum, Total	7439-98-7	200.8	0.1	0.5
Nitrate + Nitrite Nitrogen (as N)		SM4500-NO3-E/F/H		100
Nitrogen, Total Kjeldahl (as N)		SM4500-N _{org} B/C and SM4500NH ₃ – B/C/D/EF/G/H		300
NWTPH Dx ⁴		Ecology NWTPH Dx	250	250
NWTPH Gx ⁵		Ecology NWTPH Gx	250	250
Phosphorus, Total (as P)		SM 4500 PB followed by SM4500-PE/PF	3	10
Salinity		SM2520-B		3 practical salinity units or scale (PSU or PSS)
Settleable Solids		SM2540-F		Sample and limit dependent
Soluble Reactive Phosphorus (as P)		SM4500-P E/F/G	3	10
Sulfate (as mg/L SO ₄)		SM4110-B		0.2 mg/L
Sulfide (as mg/L S)		SM4500-S ² F/D/E/G		0.2 mg/L
Sulfite (as mg/L SO ₃)		SM4500-SO3B		2 mg/L
Temperature (max. 7-day avg.)		Analog recorder or use micro-recording devices		0.2°C

		known as thermistors		
Tin, Total	7440-31-5	200.8	0.3	1.5
Titanium, Total	7440-32-6	200.8	0.5	2.5

Nonconventional Pollutants

Pollutant & CAS (if available)	CAS Number (if available)	Recommended Analytical Protocol	Detection (DL) ¹ µg/L unless specified	Quantitation Level (QL) ² µg/L unless specified
Total Coliform		SM 9221B, 9222B, 92223B	N/A	Specified in method-sample, aliquot dependent
Total Organic Carbon		SM5310-B/C/D		1 mg/L
Total dissolved solids		SM2540 C		20 mg/L

<i>PRIORITY POLLUTANTS</i>	PP #	CAS Number (if available)	Recommended Analytical Protocol	Detection (DL) ¹ µg/L unless specified	Quantitation Level (QL) ² µg/L unless specified
METALS, CYANIDE, & TOTAL PHENOLS					
Antimony, Total	114	7440-36-0	200.8	0.3	1.0
Arsenic, Total	115	7440-38-2	200.8	0.1	0.5
Beryllium, Total	117	7440-41-7	200.8	0.1	0.5
Cadmium, Total	118	7440-43-9	200.8	0.05	0.25
Chromium (hex) dissolved	119	18540-29-9	SM3500-Cr-C	0.3	1.2
Chromium, Total	119	7440-47-3	200.8	0.2	1.0
Copper, Total	120	7440-50-8	200.8	0.4	2.0
Lead, Total	122	7439-92-1	200.8	0.1	0.5
Mercury, Total	123	7439-97-6	1631E	0.0002	0.0005
Nickel, Total	124	7440-02-0	200.8	0.1	0.5
Selenium, Total	125	7782-49-2	200.8	1.0	1.0
Silver, Total	126	7440-22-4	200.8	0.04	0.2
Thallium, Total	127	7440-28-0	200.8	0.09	0.36
Zinc, Total	128	7440-66-6	200.8	0.5	2.5
Cyanide, Total	121	57-12-5	335.4	5	10
Cyanide, Weak Acid Dissociable	121		SM4500-CN-I	5	10

Cyanide, Free Amenable to Chlorination (Available Cyanide)	121		SM4500-CN G	5	10
Phenols, Total	65		EPA 420.1		50

<i>PRIORITY POLLUTANTS</i>	PP #	CAS Number (if available)	Recommended Analytical Protocol	Detection (DL) ¹ µg/L unless specified	Quantitation Level (QL) ² µg/L unless specified
ACID COMPOUNDS					
2-Chlorophenol	24	95-57-8	625	1.0	2.0
2,4-Dichlorophenol	31	120-83-2	625	0.5	1.0
2,4-Dimethylphenol	34	105-67-9	625	0.5	1.0
4,6-dinitro-o-cresol (2-methyl-4,6-dinitrophenol)	60	534-52-1	625/1625B	20.	4.0
2,4 dinitrophenol	59	51-28-5	625	1.5	3.0
2-Nitrophenol	57	88-75-5	625	0.5	1.0
4-Nitrophenol	58	100-02-7	625	1.0	2.0
Parachlorophenol	22	59-50-7	625	1.0	2.0
Pentachlorophenol	64	87-86-5	625	0.5	1.0
Phenol	65	108-95-2	625	2.0	4.0
2,4,6-Trichlorophenol	21	88-06-2	625	2.0	4.0

PRIORITY POLLUTANTS	PP #	CAS Number (if available)	Recommended Analytical Protocol	Detection (DL)¹ µg/L unless specified	Quantitation Level (QL)² µg/L unless specified
VOLATILE COMPOUNDS					
Acrolein	2	107-02-8	624	5	10
Acrylonitrile	3	107-13-1	624	1.0	2.0
Benzene	4	71-43-2	624	1.0	2.0
Bromoform	47	75-25-2	624	1.0	2.0
Carbon Tetrachloride	6	56-23-5	624/601 or SM6230B	1.0	2.0
Chlorobenzene	7	108-90-7	624	1.0	2.0
Chloroethane	16	75-00-3	624/601	1.0	2.0
2-Chloroethylvinyl Ether	19	110-75-8	624	1.0	2.0
Chloroform	23	67-66-3	624 or SM6210B	1.0	2.0
Dibromochloromethane	51	124-48-1	624	1.0	2.0
1,2-Dichlorobenzene	25	95-50-1	624	1.9	7.6
1,3-Dichlorobenzene	26	541-73-1	624	1.9	7.6
1,4-Dichlorobenzene	27	106-46-7	624	4.4	17.6
Dichlorobromomethane	48	75-27-4	624	1.0	2.0
1,1-Dichloroethane	13	75-34-3	624	1.0	2.0
1,2-Dichloroethane	10	107-06-2	624	1.0	2.0
1,1-Dichloroethylene	29	75-35-4	624	1.0	2.0
1,2-Dichloropropane	32	78-87-5	624	1.0	2.0
1,3-dichloropropene(mixed isomers)	33	542-75-6	624	1.0	2.0
Ethylbenzene	38	100-41-4	624	1.0	2.0
Methyl bromide (Bromomethane)	46	74-83-9	624/601	5.0	10.0
Methyl chloride (Chloromethane)	45	74-87-3	624	1.0	2.0
Methylene chloride	44	75-09-2	624	5.0	10.0
1,1,2,2-Tetrachloroethane	15	79-34-5	624	1.9	2.0
Tetrachloroethylene	85	127-18-4	624	1.0	2.0
Toulene	86	108-88-3	624	1.0	2.0
1,2-Trans-Dichloroethylene	30	156-60-5	624	1.0	2.0
1,1,1-Trichloroethane	11	71-55-6	624	1.0	2.0
1,1,2-Trichloroethane	14	79-00-5	624	1.0	2.0

Trichloroethylene	87	79-01-6	624	1.0	2.0
Vinyl chloride	88	75-01-4	624/SM6200B	1.0	2.0
PRIORITY POLLUTANTS	PP #	CAS Number (if available)	Recommended Analytical Protocol	Detection (DL)¹ µg/L unless specified	Quantitation Level (QL)² µg/L unless specified
BASE/NEUTRAL COMPOUNDS (compounds in bold are Ecology PBTs)					
Acenaphthene	1	83-32-9	625	0.2	0.4
Acenaphthylene	77	208-96-8	625	0.3	0.6
Anthracene	78	120-12-7	625	0.3	0.6
Benzidine	5	92-87-5	625	20	40
Benzyl butyl phthalate	67	85-68-7	625	0.3	0.6
Benzo(a)anthracene	72	56-55-3	625	0.3	0.6
Benzo(b)fluoranthene (3,4-benzofluoranthene) ⁷	74	205-99-2	610/625	0.8	1.6
Benzo(j)fluoranthene		205-82-3	625	0.5	1.0
Benzo(k)fluoranthene(11,12-benzofluoranthene) ⁷	75	207-08-9	610/625	0.8	1.6
Benzo(r,s,t)pentaphene		189-55-9	625	1.3	5.0
Benzo(a)pyrene	73	50-32-8	610/625	0.5	1.0
Benzo(ghi)Perylene	79	191-24-2	610/625	0.5	1.0
Bis(2-chloroethoxy)methane	43	111-91-1	625	5.3	21.2
Bis(2-chloroethyl)ether	18	111-44-4	611/625	0.3	1.0
Bis(2-chloroisopropyl)ether	42	39638-32-9	625	0.5	1.0
Bis(2-ethylhexyl)phthalate	66	117-81-7	625	0.3	1.0
4-Bromophenyl phenyl ether	41	101-55-3	625	0.3	0.5
2-Chloronaphthalene	20	91-58-7	625	0.3	0.6
4-Chlorophenyl phenyl ether	40	7005-72-3	625	0.3	0.5
Chrysene	76	218-01-9	610/625	0.3	0.6
Dibenzo (a,h)acridine		226-36-8	610M/625M	2.5	10.0
Dibenzo (a,i)acridine		224-42-0	610M/625M	2.5	10.0
Dibenzo(a-h)anthracene (1,2,5,6-dibenzanthracene)	82	53-70-3	625	0.8	1.6
Dibenzo(a,e)pyrene		192-65-4	610M/625M	2.5	10.0
Dibenzo(a,h)pyrene		189-65-4	625M	2.5	10.0
3,3-Dichlorobenzidine	28	91-94-1	605/625	2.0	14.0
Diethyl phthalate	70	84-66-2	625	1.9	7.6

Dimethyl phthalate	71	131-11-3	625	1.6	6.4
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<i>PRIORITY POLLUTANTS</i>	PP #	CAS Number (if available)	Recommended Analytical Protocol	Detection (DL) ¹ µg/L unless specified	Quantitation Level (QL) ² µg/L unless specified
BASE/NEUTRAL COMPOUNDS (compounds in bold are Ecology PBTs)					
Di-n-butyl phthalate	68	84-74-2	625	0.5	1.0
2,4-dinitrotoluene	35	121-14-2	609/625	1.0	2.0
2,6-dinitrotoluene	36	606-20-2	609/625	1.0	2.0
Di-n-octyl phthalate	69	117-84-0	625	0.3	0.6
1,2-Diphenylhydrazine (as Azobenzene)	37	122-66-7	1625B	5.0	20
Fluoranthene	39	206-44-0	625	0.3	0.6
Fluorene	80	86-73-7	625	0.3	0.6
Hexachlorobenzene	9	118-74-1	612/625	0.3	0.6
Hexachlorobutadiene	52	87-68-3	625	0.5	1.0
Hexachlorocyclopentadiene	53	77-47-4	1625B/625	2.0	4.0
Hexachloroethane	12	67-72-1	625	0.5	1.0
Indeno(1,2,3-cd)Pyrene	83	193-39-5	610/625	0.5	1.0
Isophorone	54	78-59-1	625	0.5	1.0
3-Methyl cholanthrene		56-49-5	625	2.0	8.0
Naphthalene	55	91-20-3	625	0.4	0.75
Nitrobenzene	56	98-95-3	625	0.5	1.0
N-Nitrodimethylamine	61	62-75-9	607/625	2.0	4.0
N-Nitrosodi-n-propylamine	63	621-64-7	607/625	0.5	1.0
N-Nitrosodiphenylamine	62	86-30-6	625	1.0	2.0
Perylene		198-55-0	625	1.9	7.6
Phenanthrene	81	85-01-8	625	0.3	0.6
Pyrene	84	129-00-0	625	0.3	0.6
1,2,4-Trichlorobenzene	8	120-82-1	625	0.3	0.6

<i>PRIORITY POLLUTANT</i>	PP #	CAS Number (if available)	Recommended Analytical Protocol	Detection (DL)¹ µg/L unless specified	Quantitation Level (QL)² µg/L unless specified
DIOXIN					
2,3,7,8-Tetra-Chlorodibenzo-P-Dioxin (2,3,7,8 TCDD)	129	1746-01-6	1613B	1.3 pg/L	5 pg/L

<i>PRIORITY POLLUTANT</i>	PP #	CAS Number (if available)	Recommended Analytical Protocol	Detection (DL)¹ µg/L unless specified	Quantitation Level (QL)² µg/L unless specified
PESTICIDES/PCBs					
Aldrin	89	309-00-2	608	0.025	0.05
alpha-BHC	102	319-84-6	608	0.025	0.05
beta-BHC	103	319-85-7	608	0.025	0.05
gamma-BHC (Lindane)	104	58-89-9	608	0.025	0.05
delta-BHC	105	319-86-8	608	0.025	0.05
Chlordane	91	57-74-9	608	0.025	0.05
4,4'-DDT	92	50-29-3	608	0.025	0.05
4,4'-DDE	93	72-55-9	608	0.025	0.05
4,4'-DDD	94	72-54-8	608	0.025	0.05
Dieldrin	90	60-57-1	608	0.025	0.05
alpha-Endosulfan	95	959-98-8	608	0.025	0.05
beta-Endosulfan	96	33213-65-9	608	0.025	0.05
Endosulfan Sulfate	97	1031-07-8	608	0.025	0.05
Endrin	98	72-20-8	608	0.025	0.05
Endrin Aldehyde	99	7421-93-4	608	0.025	0.05
Heptachlor	100	76-44-8	608	0.025	0.05
Heptachlor Epoxide	101	1024-57-3	608	0.025	0.05
PCB-1242 ⁹	106	53469-21-9	608- Modified	0.05	0.02
PCB-1254	107	11097-69-1	608- Modified	0.05	0.02
PCB-1221	108	11104-28-2	608- Modified	0.05	0.02
PCB-1232	109	11141-16-5	608- Modified	0.05	0.2
PCB-1248	110	12672-29-6	608- Modified	0.05	0.2
PCB-1260	111	11096-82-5	608- Modified	0.05	0.2

PCB-1016 ⁹	112	12674-11-2	608- Modified	0.05	0.2
Toxaphene	113	8001-35-2	608	0.24	0.5

1. Detection level (DL) or detection limit means the minimum concentration of an analyte (substance) that can be measured and reported with a 99% confidence that the analyte concentration is greater than zero as determined by the procedure given in 40 CFR part 136, Appendix B.
2. Quantitation Level (QL) also known as Minimum Level of Quantitation (ML) - The lowest level at which the entire analytical system must give a recognizable signal and acceptable calibration point for the analyte. It is equivalent to the concentration of the lowest calibration standard, assuming that the lab has used all method-specific sample weights, volumes, and cleanup procedures. The QL is calculated by multiplying the MDL by 3.18 and rounding the result to the number nearest to (1,2, or 5) x 10ⁿ, where n is an integer. (64 FR 30417).

ALSO GIVEN AS:

The smallest detectable concentration of analyte greater than the Detection Limit (DL) where the accuracy (precision & bias) achieves the objectives of the intended purpose. (Report of the Federal Advisory Committee on Detection and Quantitation Approaches and Uses in Clean Water Act Programs Submitted to the US Environmental Protection Agency December 2007).

3. Soluble Biochemical Oxygen Demand method note: First, filter the sample through a Millipore Nylon filter (or equivalent) – pore size of 0.45-0.50 µm (prep all filters by filtering 250 ml of laboratory grade deionized water through the filter and discard). Then, analyze sample as per method 5210-B.
4. NWTPH Dx-Northwest Total Petroleum Hydrocarbons Diesel Extended Range – see <http://www.ecy.wa.gov/biblio/97602.html>
5. NWTPH Gx-Northwest Total Petroleum Hydrocarbons Gasoline Extended Range – see <http://www.ecy.wa.gov/biblio/97602.html>
6. 1,3-dichloropropylene (mixed isomers) You may report this parameter as two separate parameters: cis-1,3-dichloropropene (10061-01-5) and trans-1,3-dichloropropene (10061-02-6).
7. Total Benzofluoranthenes – Because Benzo(b)fluoranthene, Benzo(j)fluoranthene co-elute you may report these three isomers as total benzofluoranthenes.
8. Chlordane – You may report alpha-chlordane (5103-71-9) and gamma-chlordane (5103-74-2) in place of chlordane (57-74-9). If you report alpha and gamma-chlordane, the DL/PQLs that apply are 0.025/0.050.
9. PCB 1016 & PCB 1242 – You may report these two PCB compounds as one parameter called PCB 1016/1242.

Appendix VIII: Pretreatment Program Procedures

- A. Notification of Federal, State, and/or Local Standards and Permit Issuance
 - B. Frequency and Evaluation of Self-Monitoring Reports
 - C. Compliance Sampling and Analysis
 - D. Noncompliance Investigations and Enforcement
 - E. Public Participation
 - F. Industrial User Inspections
 - G. Drafting an SIU Permit
 - H. Slug Discharge Control Plan
- I. Procedures for Preparing the Pretreatment Annual Report
 - J. Pretreatment Program Modification



A. Notification of Federal, State, and/or Local Standards and Permit Issuance

1.0 PURPOSE

To outline measures that will be taken to stay informed with newly promulgated standards and communicate these new standards to industrial users.

The national pretreatment program objectives are applied and enforced by:

- General and specific prohibitions
- Categorical pretreatment standards
- Local limits

Industrial Users must be aware which standards apply to them. The control authority is responsible for identifying standards applicable to each IU and applying the most stringent requirements where multiple provisions exist.

2.0 PROCEDURE

2.1 Applicable Pretreatment Standards

The City will be diligent in keeping abreast of newly promulgated pretreatment standards so that these standards can be passed onto Industrial Users. There are several ways that the City will stay informed including: attending pretreatment training, researching online, communicating with surrounding cities, and correspondence with other fully delegated programs.

2.2 Identification of Industrial Users

The City must keep and maintain a list of industrial users. The Industrial Waste Survey is a useful tool to identify and characterize industrial discharges to the POTW plant. To identify new industrial users, all new industries will fill out discharge applications. Through ongoing inspection and monitoring, continual review of business licenses, and communication with other departments, new industries will be identified and requested to provide information on wastewater discharge characteristics.

2.3 Who Needs a Permit:

At a minimum, all Significant Industrial Users (SIUs) must obtain a discharge permit. SIUs will be defined as industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and any other user that discharges an average of 25,000 gallons per day or more of wastewater to the POTW. A new source or “new significant industrial user cannot discharge without first receiving a discharge permit from the City.

2.4 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit, at a minimum, the following baseline information. The Public Works Director shall approve a form to be used as a permit application (see Appendix VI for the Discharge Permit Application Form). At a minimum, the following information is required to be submitted before a permit is issued:

1. Identifying information. This should include the facility name, address, and facility contact name.
2. Permits. The user shall submit any environmental control permits that are currently held.
3. Description of Operations. The user shall include a brief description of the operations carried out at the facility, including raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW. The description must also include the number of employees, hours of operation, rate of production, time and duration of discharges, a schematic process diagram which indicates the points of discharge to the POTW, site plan, floor plan, mechanical and plumbing plans, sewer connection, inspection manholes, and sampling chambers.
4. Flow measurement.
 - a. Categorical User: the user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following processes:
 - i. Regulated or manufacturing process streams
 - ii. Other streams as necessary to allow use of the combined waste stream
 - b. Noncategorical User: the user shall submit information showing the measured daily average and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - i. Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the Public Works Director
 - ii. The City may allow for verifiable estimates of these flows where justified by cost or feasibility considerations
5. Measurement of pollutants.
 - a. Categorical User:
 - i. The user shall identify the applicable pretreatment standards for each regulated manufacturing process

- ii. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants from each manufacturing process. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures in KMC 14.23.050.
 - iii. The user shall take a minimum of one representative sample.
 - iv. Where an alternative concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) for a categorical user covered by a categorical pretreatment standard this adjusted limit, along with supporting data, shall be submitted as part of the application
 - b. Noncategorical User:
 - i. The user shall identify the applicable pretreatment standards for its wastewater discharge
 - ii. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants contained in KMC 14.23.020 as appropriate in the discharge. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlines in KMC 14.23.050.
 - iii. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
 - iv. Where the Public Works Director developed an alternate concentration or mass limits because of dilution, this adjusted limit along with supporting data shall be submitted as part of the application.
- 6. Certification. The user shall submit a statement, reviewed by an authorized representative of the user and certified by a qualified professional indicating whether the applicable pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance or pretreatment is required.
- 7. Compliance schedule. If additional pretreatment is required, the user will provide the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The user's schedule shall conform to the requirement of KMC 14.23.040(4).
- 8. The user shall submit any other information as may be deemed necessary by the Public Works Director to evaluate whether the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
- 9. Signatory requirements. All wastewater discharge permit applications and user reports must be signed by an authorized representative as defined by:
 - a. A president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which

govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with laws and regulations.

The Public Works Director will evaluate the data provided by the user and may require additional information. Within 90 days of receipt of the completed wastewater discharge permit application, the Public Works Director will determine whether or not to issue a permit. The permit shall be issued within 90 days of full evaluation and acceptance of the data furnished. The Director has the authority to deny any application for a wastewater discharge permit. Justifications for decisions made will be summarized in an industrial user “fact sheet.” The fact sheet will contain:

- Description of industrial user
- Discharge information
- Basis for permit limits
- Special conditions in the permit
- Calculation used to derive each limit

2.5 Wastewater Discharge Permit Contents

Wastewater discharge permits shall include conditions reasonable deemed by the Public Works Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. The issued permit must contain the following:

1. A statement that indicates the wastewater discharge permit duration, which in no event shall exceed five years
2. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the City and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit
3. Applicable pretreatment standards and requirement, including state requirements
4. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
5. Requirement for immediate notification to the City where self-monitoring results indicate noncompliance
6. Requirement to report a bypass or upset of a pretreatment facility
7. Requirement to report immediately to the City all discharges, including slug loadings, that could cause problems to the POTW
8. Requirement for the SIU who reports noncompliance to repeat the sampling and analysis and submit results to the City within 30 days after becoming aware of the violation

9. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements and any applicable compliance schedule
10. Requirements to control slug discharges, if determined by the POTW to be necessary

Any person, including any user, may petition the City to reconsider the terms of a wastewater discharge permit within 30 days of its issuance. The appealing party must indicate the provisions objected to, the reasons for this objection and alternate condition, if any, it seeks to place in the wastewater discharge permit. If the City fails to act within 30 days, a request for consideration shall be deemed to be denied.

2.6 Permit Modifications

The Control Authority has the ability to modify permits when there is reasonable cause to do so. Potential reasons to modify a permit include the following:

1. Significant alterations in IU's operations or production volume
2. Variance in amount of type of pollutants discharged
3. New information that has become available after permit issuance
4. New federal, state, or local requirements since the time of permit issuance
5. Correcting technical mistakes, or typographical errors

Should an Industrial User wish to make permit modifications, requests must be made in writing and include reason and facts for the request. Minor modifications to a permit do not need to be subject to public notice, while extensive modifications may require an entire new permit. If only one section of the permit needs to be modified, an addendum can be issued to the existing permit.

2.7 Special Agreement

The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, the user may request a net gross adjustment to a categorical standard. The applicable standard will be calculated on a "net" basis if the following requirements are met (40 CFR 403.15):

- 1) Either:
 - i) The applicable pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or
 - ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters
- 2) Credit for generic pollutants such as BOD, TSS, and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic

measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

- 3) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section.
- 4) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Control Authority may waive the requirement if it finds that no environmental degradation will result.

2.8 Wastewater Discharge Permit - Removal

3. 1) An SIU may petition in writing to request the removal of the Wastewater Discharge Permit. The City will reassess the discharge quantities and constituents of the SIU. From the date the City receives the written request a 90 day period of non-SIU discharges will be required from the SIU. During this period the SIU may be required to perform analytical sampling. Once satisfied, the City will make a determination as to the validity of the request and if warranted provide documentation removing the SIU's permit requirement.



B. Frequency and Evaluation of Self-Monitoring

1.0 PURPOSE

The purpose of this procedure is determining guidelines to establish an IU's Self-Monitoring Frequency and analysis of self-monitoring reports in accordance with 40 CFR 403.8(f)(2)(iv).

At a minimum, each SIU must conduct self-monitoring at least semiannually. The type of sampling and the frequency will be dictated in the wastewater discharge permit. Sampling frequency may be increased due to seasonal variations, history of spills, reliability of treatment facilities, or history of noncompliance.

If self-monitoring indicates a violation, the industrial user must notify the City within 24 hours of becoming aware of the violation. The IU is also required to repeat the sampling and submit the analytical results. If the City has performed the sampling and analysis in lieu of the IU, the City must repeat the sampling and analysis. Exceptions to the resampling are made if:

- The City performs sampling at the IU at least once per month (40 CFR 403.12(g)(2)(i)).
- The City performs sampling at the IU between the time when the initial sampling was conducted and the time when the IU or the City receives the results of this sampling (40 CFR 403.12(g)(2)(ii)).

2.0 PROCEDURE

As outlined in the Kennewick Municipal Code 14.23.040 and 40 CFR 403.12, SIUs have the following reporting requirements.

1. Baseline Monitoring Report – 40 CFR 403.12(b)(1-7), 14.23030(2)

At least 180 days prior to anticipated start-up, unless specifically authorized by the Public Works Director, any new source, sources that become a user subsequent to the promulgation of an applicable categorical pretreatment standard and “new users” considered by the City to fit the definition of SIU, shall apply for a wastewater discharge permit and will be required to submit to the City at least the information listed in subsections (5)(a) through (e) of this section; facility name and address, permits, description of operation, flow, measurement of pollutants.

2. Compliance Schedule Progress Reports – 40 CFR 403.12(c)(1-3), 14.23.040(4)(c)

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

3. 90-Day Compliance Report – 40 CFR 403.12(d), 14.23.040(2)(a)

Within 90 days following the date for final compliance by the significant industrial user with applicable pretreatment standards and requirements set forth in this chapter, in a wastewater discharge permit, or within 30 days following commencement of the introduction of wastewater into the POTW by a new source or new users considered by the City to fit the description of the SIU, the affected user shall submit to the City a report containing the information outlined in KMC 14.23.030(5)(d-f).

4. Periodic Compliance Reports – 40 CFR 403.12(e), 14.23.040(3)(a)

Any user that is required to have an industrial waste discharge permit and performs self-monitoring shall submit to the City during the months of June and December, unless required on other dates or more frequently by the City, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be prescribed within the industrial waste discharge permit. At a minimum, users shall sample their discharge at least twice per year.

5. Notification of Potential Problems including Slug Loadings – 40 CFR 403.12(f), 14.23.040(7)

Any user shall notify the City immediately of all discharges that could cause problems to the POTW, including any slug loadings. The notification shall include the concentration, volume, and corrective action.

6. Non-Compliance Notification and Repeat Sampling Report – 40 CFR 403.12(g)(2), 14.23.040(8)

If sampling performed by a user indicated a violation, the user shall notify the City within 24 hours of becoming aware of the violation. The user shall also repeat the sampling within five days and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation.

7. Periodic Compliance Reports for Non-Categorical SIUs – 40 CFR 403.12(h), 14.23.040(10)

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the Public Works Director may require.

8. Upset Reporting – 40 CFR 403.16, 14.23.120(c)

SIUs must report unintentional and temporary noncompliance to the POTW within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within 5 days). It must include the following information:

- A description of the indirect discharge and cause of noncompliance
- The period (exact dates) of noncompliance and times.
- Steps being taken and/or planned to reduce, eliminate, and prevent the reoccurrence of noncompliance.

9. Bypass Report – 40 CFR 403.17, 14.23.120(3)

If a bypass results in noncompliance, users must submit a report to the City with a description of the bypass and the cause, duration, and steps being taken to reduce, eliminate, and prevent future reoccurrence. IUs can provide oral notice to the City within 24 hours and a written report is required within 5 days. For an anticipated bypass, the IUs must submit notice to the City at least 10 days before the intent to bypass.

10. Notification of Changed Discharge – 40 CFR 403.12(i), 14.23.040(9)

All users shall promptly notify the City in advance of any substantial change in the volume or character of pollutants in their discharge, including significant regulated or manufacturing process changes, pretreatment modifications and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12(p).

11. Notification of Hazardous Wastes Discharge – 40 CFR 403.12(p), 14.23.040(6)

Any industrial user shall notify the City, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification to the City must be made within the appropriate time frames specified in subsection (7) or (9) of this section.

12. Notification of Production Level Change – 40 CFR 403.6(c)(9), 14.23.040(5)

Any user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify the City within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.

13. Notification of Material/Significant Change in the Alternative Limit Calculation – 40 CFR 403.6(e), 14.23.030(g)(i)

An IU must immediately report to the City any material or significant change in the values used in the alternative limit calculation.

2.1 Frequency of Self-Monitoring

The City will utilize table 8-3 of the Industrial Users permitting Guidance Manual to determine monitoring frequency. Refer to the table below to determine the applicable frequency of self-monitoring. The sampling frequencies may be modified by the Public Works Director based on the quality of the POTW effluent.

Industrial Flow (GPD)	Conventional Pollutants, Inorganic Pollutants, cyanide and phenol
0-10,000	1/ month
10,001-50,000	2/ month
50,001-100,000	1/ week
100,000-240,000	2/ week
>240,000	3/ week

2.2 Sampling Location

Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated manufacturing process if no pretreatment exists or as determined by the City and contained in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with the applicable categorical pretreatment standards. For other flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standards.

2.3 Sampling Procedure Requirements

The user must comply with the following procedures when collecting wastewater effluent samples:

1. A minimum of four grab samples must be used for pH (unless performing continuing pH monitoring), cyanide, total phenols, oil and grease, sulfide and volatile organics. For other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. The sample must be representative of the discharge.
2. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four grab samples must be used for pH (unless performing continuous monitoring), cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum.
3. All samples shall indicate the time, date, and place of sampling and methods of analysis and shall certify that the waste stream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user is sampled more frequently than what was required in its wastewater discharge permit, it must submit all results of sampling and analysis of the discharge as part of the self-monitoring report.
4. All pollutant analyses, including sampling techniques, shall be performed in accordance with techniques prescribed in 40 CFR part 136, unless otherwise specified in an applicable categorical pretreatment standard.
5. All monitoring data required by the City of Kennewick for permit specified parameters is prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC, *Accreditation of Environmental Laboratories*. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. The Permittee must obtain accreditation for conductivity and pH if it must receive accreditation or registration for other parameters.

2.4 Receiving SMRs and Checking for Required Information

Record the date the SMR was received and check the document for required information. The report must contain all of the information required by the Code of Federal Regulations, 40 CFR 403.8(f)(2)(iv). Procedures for receiving the SMR are as follows:

4. Date stamp and initial the cover page of the document.
5. Record the date you received the SMR to a spreadsheet with the Industry name.
6. Scan the SMR and save to the appropriate industry folder.

It is important to ensure that all of the information required by 40 CFR 403.8(f)(2)(iv) is present in the SMR. Any missing information can result in an IU receiving a deficiency and lead to the IU needing to resample. The lab report needs to contain the following information:

5. Name of each parameter being analyzed
6. Each parameter needs to include the following:
 - a. Result

- b. Units
 - c. Detection limit
 - d. Analysis method
 - e. Date analyzed
 - f. Name/Initials of analyst
 - g. Type of sample (composite/grab)
 - h. Date sampled
 - i. Time sampled
7. The lab report needs to contain a proper Chain of Custody Form.
8. The SMR cover page needs to include the following:
- a. Due date of SMR
 - b. Company name
 - c. Permit number
 - d. Name of contract lab
 - e. Lab ID of samples
 - f. Date of sampling
 - g. Location of sampling
 - h. Reporting period
 - i. All parameters tested for
 - j. Certification statement
 - k. Signature of authorized representative
 - l. Date of signature
 - m. Printed name

2.5 Handling SMR Deficiencies

The procedures for correcting SMR deficiencies first include recording the deficiency in an industry spreadsheet and writing a brief description of the deficiency so that proper action can be taken. If the deficiency is something missing from the lab report, contact the person in charge at the IU and ask them to contact the lab and obtain the missing information. If the deficiency is something missing from the SMR form, contact the person in charge at the IU and ask them to add the missing information and then resend the form to the City of Kennewick.

2.6 Engineering Reports for Industrial Facilities

Industrial users that plan to construct or modify facilities for pretreatment of wastewater to be discharged to the POTW must submit an engineering report, plans, specifications, and operation and maintenance procedures which fulfill the requirements of WAC Chapter 173-240. Review of the submitted plan shall occur and approval must be received before the facility implements the plan and begins discharging to the POTW.

The review and approval of the submittals shall in no way relieve the user from responsibility to maintain compliance with the discharge conditions to the POTW.



C. Compliance Sampling and Analysis

1.0 PURPOSE

The purpose of this procedure is to set forth guidelines for compliance sampling and analysis according to 40 CFR 136. Pretreatment regulations require POTWs to inspect SIUs and conduct sampling at least once annually. The City will conduct routine sampling of constituents identified in the Industrial Waste Survey at least once annually and assess site-specific issues during inspections to determine if additional routine sampling is necessary.

The City shall have the right to enter the facilities of any user to ascertain whether any wastewater discharge permit is being met and whether the user is complying with all requirements thereof. Users shall allow the Public Works Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.

SAFETY CONSIDERATIONS

There are many potential hazards which must be recognized. Hazards associated with sampling include: working around chemicals/equipment, handling contaminated wastewater, lifting and moving equipment, opening and entering manholes/vaults and flumes. The following Personal Protective Equipment (PPE) shall be used for sampling:

- Steel toe boots
- Latex gloves
- Safety glasses or goggles
- Gas meter (if a sample is collected from a confined space)
- Traffic safety vest for samples collected from manholes in traffic areas
- Traffic cones for samples collected from manholes in traffic areas

2.0 PROCEDURE

Note: the City will follow the same procedures for grab and composite samples as outlined above for self-monitoring by SIUs.

2.1 Sample Preparation

Sampling site(s) and type(s) will determine the equipment needed and the method of collection. Sample prep procedures are as follows:

1. Review sample location where you plan to conduct sampling and determine the equipment needed for each site. Note: sampling location is identified in the industry permit
2. Check the sampling vehicle to make sure it is properly stocked with needed equipment (ex: proper sample containers, pH meter, cooler for transport)
3. Each sample collected must be labeled with: industry name and where sample was collected, type of sample, date of collection, and preservation method, if applicable.
4. Each sample must be transported on ice

2.2 Composite Samples

A composite sample is made up of a number of individual grab samples which are combined based on either time or flow. A time composite sample consists of equal volume grab samples collected at equal time intervals. The use of an automatic sample simplifies this type of collection. The procedure for collecting a composite sample is as follows:

1. Review sampler programming. Determine if the sample collected is representative of a 24 hour period for the industry being sampled.
2. Detach sampler head from base. The glass jar should be relatively full.

3. Using appropriate labeled sample bottles, fill bottles with composite sample.
4. Provide split sample to industry if requested and if sufficient sample exists.
5. Dispose of any excess sample in composite bottle back into monitoring location, do not dispose of sample onto the ground.
6. Secure all samples collected in cooler for transportation to laboratory.

2.3 Grab Samples

A grab sample is defined as an individual sample collected over a period of time not exceeding 15 minutes. A grab sample is collected when:

- Analytical parameters require a grab sample (cyanide, organics, oil and grease, total sulfide, dissolved sulfide, pH and temperature)
- Setting up a sampler is not feasible
- There is unusual flow or short duration
- It is specified in the permit

1. Measuring pH and Temperature

- a. Before conducting a pH reading, make sure the meter has been calibrated before use
- b. Collect a grab sample from waste stream in a clean plastic or stainless steel bucket.
- c. Remove cap from pH probe, rinse probe with potable water and place in grab sample
- d. Record pH and temperature
- e. Rinse pH probe with water and place back in storage solution

2. Collecting an Organic Sample

- a. Collect sample manually using a stainless steel grab bucket or directly into sample container from the flow stream
- b. There must be no air space in the vial container when collecting 624 or 8260
- c. Once collected, place in a sealed plastic bag with travel blank and place the sample on ice.

3. Collecting a Cyanide Sample

- a. Cyanide sample may be collected using a plastic or stainless steel bucket, directly into sample bottle, or by using an automatic sampler
- b. Using a clean bucket, dip the grab bucket into the flow stream and collect a sample
- c. Pour the collected sample into the CN labeled and preserved bottle

2.4 Sample Transport

Once the samples are in the vehicle, it is important to ensure they are secure. Samples should be kept in a secure place, on ice. Transport to laboratory as soon as possible. The chain of custody form should be completed in the field in ink. When delivering the samples to the laboratory or other personnel, you will sign and relinquish the samples to the other person who must then sign the COC to receive the samples.

2.5 Chain of Custody

A chain of custody form will be used to transfer custody of sample to the laboratory. A sample collected as physical evidence needs to be controlled. In order to do this, the following chain of custody procedure must be followed as established.

1. Sample labels will be completed for each sample using permanent ink. The information included on the sample label should contain:
 - a. Sample ID
 - b. Date
 - c. Time sample was taken
 - d. Sampling location
 - e. Sampler initials
2. On the Chain of Custody form, the sample ID number should be recorded along with location, date, time, number of bottles and parameters to be analyzed.
3. Transfer the sample directly to the labeled sample container. Preserve the sample or use pre-preserved sample bottles.
4. Seal the container and place into a plastic bag.
5. Ensure all pertinent data is recorded on the chain of custody form.
6. When transferring the possession of samples, the individual relinquishing and receiving will sign, date, and note the time on the chain of custody form. Keep one copy of the chain of custody form and send one in the sample container.

All samples must contain a unique sample ID. An example of a sample ID could include the month, day, year, followed by a sample number.

2.6 Random Sampling

The City will conduct random inspections, independent of information provided by IUs, to identify occasional and continuing non-compliance with pretreatment standards and local limits. History of noncompliance, SIU effluent variability, and effect of effluent on the WWTP could all be factors that result in additional sampling independent of that provided by IUs. To verify self-monitoring results submitted by the SIU, the POTW must sample all parameters that the industrial user is sampling.

2.7 Sampling and Monitoring Requirements

1. Sampling Location:

Sampling must occur at a location at the end of the process, immediately downstream of any pretreatment facilities. If an IU is subject to only Local Limits, the sample will be taken at the end-of-pipe location where the IU's waste stream enters the POTW's collection system.

2. Sample Collection:

Sample collection and analysis shall be performed according to 40 CFR Part 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants*. Samples should be collected with appropriate technique in labeled bottles with the sample name, date, and time. Different samples must be collected in different methods such as grab samples for pH, temperature, cyanide, sulfide, oil and grease, total phenol, and volatile organics while other pollutants must be collected through 24-hour composite samples. Proper chain of custody procedures must be maintained for compliance sampling by the City as acceptable evidence if court proceedings follow a noncompliance event.

The testing laboratory used by the City is recognized by the Department of Ecology as an accredited laboratory. The laboratory is required to use testing methods outlined in 40 CFR Part 136.

Parameter	Sample Type	Container	Preservative	Holding Time
pH	Grab	Polyethylene or glass	N/A	Analyze immediately
BOD	Composite	Polyethylene or glass	Chilled to $\leq 6^{\circ}\text{C}$	48 hours
TSS	Composite	Polyethylene or glass	N/A	7 days
NH ₃ as N	Composite	Polyethylene or glass	Chilled to $\leq 6^{\circ}\text{C}$	28 days
Oil and Grease	Grab	Glass	Chilled to $\leq 6^{\circ}\text{C}$, HCL or H ₂ SO ₄	28 days
Cyanide	Grab	Polyethylene or glass	Chilled to $\leq 6^{\circ}\text{C}$, NaOH to pH >12	14 days
Metals (total)	Composite	Polyethylene or glass	HNO ₃ to pH <2	6 months
Chromium Hexavalent	Composite	Polyethylene fluoropolymer, or glass	Chilled to $\leq 6^{\circ}\text{C}$	28 days
Boron	Composite	Polyethylene fluoropolymer, or quartz	HNO ₃	6 months
Mercury	Composite	Polyethylene fluoropolymer, or glass	HNO ₃	28 days
Volatile Organics	Grab	Amber glass w/Teflon lid and zero headspace	Chilled to $\leq 6^{\circ}\text{C}$	7 or 14 days depending on organic
Semivolatile Organics	Composite	Amber glass w/Teflon lined lid	Chilled to $\leq 6^{\circ}\text{C}$	7 days for sample prep

2.8 Opportunistic/Demand Sampling

Supplemental to regularly scheduled inspections, the City may initiate demand inspections in response to known or suspected violations, usually identified as a result of reviewing a self-monitoring report, a public complaint, a violation of the POTW's NPDES permit requirements,

POTW operating difficulties, or unusual influent conditions at the POTW. Such instances could be cause for additional sampling to be performed at the SIU.



D. Enforcement Response Plan

1.0 PURPOSE

The purpose of this procedure is to establish uniform guidelines for enforcement response when an SIU is noncompliant. These guidelines will include all of the information as required in 40 CFR 403.8(f)(5):

- Describe how the POTW will investigate instance of noncompliance
- Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of IU violations and the time periods in which responses will take place.
- Identify the person responsible for each type of response
- Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards.

Isolated instances of noncompliance can be met with an informal response and notice letter for violation. However, if the isolated violation threatens public health, environment, damages public or private property, or threatens the integrity of the City's pretreatment program, the City must respond to the violation with an enforceable order.

The City's Municipal Code 14.23.080, Kennewick Pretreatment Act, indicates significant noncompliance of an IU violates one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1).
2. Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1), multiplied by the TRC (TRC equals 1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH).
3. Any other discharge violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, longer-term average, instantaneous limit, or narrative standard) that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health or city personnel or the general public).
4. Any discharge of pollutants that has caused imminent endangerment to the public or environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.
5. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
6. Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with the categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules.
7. Failure to accurately report noncompliance.
8. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

The following list identifies the City staff positions and their responsibilities in noncompliance

1. Pretreatment Specialist:
 - a. Conducts compliance sampling and site inspections
 - b. Screens compliance and monitoring data
 - c. Detects violations or noncompliance
 - d. Reports violations or noncompliance to WWTP Crewleader and Supervisor
 - e. Responds to IUs with informal warnings
2. Utility Operations Supervisor:
 - a. Review and document industrial user reports

- b. Report violations or noncompliance to Utility Operations Manager and Public Works Director
 - c. Issues Notice of Violation letters
 - d. Recommend enforcement actions to the Public Works Director
- 3. Utility Operations Manager:
 - a. Review noncompliance of SIUs
 - b. Review Notice of Violation Letters and fines
 - c. Recommend enforcement actions to the Public Works Director
- 4. Public Works Director:
 - a. Administration and implementation of IPP and compliance of NPDES permit
 - b. Responsible for overall operation and maintenance of POTW
 - c. Issue administrative order
 - d. Conduct show cause hearings
 - e. Initial judicial proceedings
- 5. City Attorney
 - a. Advise on all matters requiring the interpretation of the KMC
 - b. Assist in preparing administrative orders
 - c. Initial criminal and/or civil action
- 6. City Manager
 - a. Review and assess administrative fines
 - b. Approve termination of wastewater service

2.0 PROCEDURE

1. The enforcement process begins with identifying an IU's violation and determining the proper response. The enforcement actions include two main categories; informal and formal enforcement. Informal enforcement is less severe and includes actions such as a telephone call. In general, the City responds to an initial violation informally. If violation persists by the IU, the formal response is initiated, typically with a Notice of Violation Letter. All enforcement responses are sent via certified mail to the IU's business or served by personal delivery.

2. The informal enforcement is conducted by the Pretreatment Specialist. It is generally a phone call seeks to notify the IU of a minor violation, seek an explanation, and to suggest preventative means for a violation. All phone calls must be documented with time, date, name, and summary of the violation. Should formal violations be necessary, the City has a series of steps as documented in KMC 14.23.090: Administrative Enforcement Remedies.

2.1 ADMINISTRATIVE ENFORCEMENT

1) Notice of Violation

A written notice which informs the user that a pretreatment violation has occurred. The main intent of the NOV is to notify the IU of the violation(s) and give them an opportunity to correct

noncompliance. The issuance of a NOV could be used for unpermitted discharges, effluent limit violations, monitoring or reporting violations or missed compliance schedule deadlines.

When the Public Works Director finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may serve upon that user a written notice of violation (via certified letter). Within 30 days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Public Works Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or other enforcement action, without first issuing a notice of violation.

2) Consent Orders

An agreement between the City and the IU, normally containing 3 elements: compliance schedule, stipulation of fine or remedial action, signature from City and IU representatives.

The Public Works Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct noncompliance within a period of time specified by the document. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the user.

3) Show Cause Hearing

A show cause hearing permits the user to appear before the City to explain its noncompliance and to show cause why more severe enforcement actions against the user should not go forward. The findings from the hearing must be carefully documented.

The Public Works Director may order (via certified letter) a user who has violated or continues to violate any provision under this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Public Works Director and show cause why the proposed enforcement action should not be taken. Notice shall be served specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice shall be served by registered mail at least 10 days prior to the hearing. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

4) Compliance Orders

A compliance order directs the user to achieve or restore compliance by a specified date. Compliance orders can be used to require IUs to develop management practices, spill prevention programs, self-monitoring and pretreatment programs.

When the Public Works Director finds that a user has violated or continues to violate any provision in this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued until adequate pretreatment facilities, devices, or other related appurtenances are installed and properly operated. A Compliance shall not be a bar against, or prerequisite for, taking any other action against the user.

5) Cease and Desist Orders

When the IU's discharge causes interference, pass through, or creates an emergency situation, the City issues the cease and desist order to direct a noncompliant IU to cease illegal discharge immediately or to terminate its discharge altogether.

When the Public Works Director finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Public Works Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- a) Immediately comply with all requirements.
- b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or prerequisite for, taking any other action against the user.

6) Administrative Fine

Administrative fines are a monetary penalty assessed by the City for violations of pretreatment standards and requirements. Administrative fines differ from civil penalties which are imposed through court proceedings. Administrative fines are assessed by the City directly and do not require court intervention unless the user contests the action or refuses to pay the fine. Fines are to recapture the full or partial economic benefit of noncompliance and to deter future violation.

- a) When the Public Works Direction finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may fine

such user in an amount not less than \$500.00 and not to exceed \$10,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

- b) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of five percent of the unpaid balance, and interest shall accrue thereafter at a rate of one percent per month. A lien against the user's property will be sought for unpaid charges, fines and penalties.
- c) Users desiring to dispute such fines must file a written request for the Public Works Director to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Public Works Director shall convene a hearing on the matter within 15 days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

7) Emergency Suspension

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

- a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Public Works Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The water and waste utilities department shall allow the user to recommence its discharge when the user has passed, unless the termination proceedings in subsection (8) of this section are initiated against the user.
- b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Public Works Director prior to the date of any show cause or termination hearing under subsections (3) and (8) of this section. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

8) Termination of Discharge (nonemergency)

Termination of service is the revocation of an IU's privilege to discharge industrial wastewater into the City's sewer system. Termination may be accomplished by physical severance of the IU's connection to the sewer collection system, by issuance of an administrative order that compels the user to terminate its discharge, or by a court ruling.

In addition to the provisions in KMC 14.23.030(13), any user that violates the following conditions is subject to discharge termination:

- a) Violation of wastewater discharge permit conditions
- b) Failure to accurately report the wastewater constituents and characteristics of its discharge
- c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge
- d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling
- e) Violation of the pretreatment standards in KMC 14.23.020

Such user will be notified of the proposed termination of discharge and be offered an opportunity to show cause under subsection (3) of this section why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

2.2 JUDICIAL ENFORCEMENT REMEDIES

- 1) Injunctive relief. When the Public Works Direction finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may petition the Benton County Superior Court through the City's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this program on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for the injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the user.
- 2) Civil Penalties.
 - a) A user who has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the City for a maximum civil penalty of \$10,000 per violation, per day. In the case of a monthly or other long-term, average discharge limit, penalties shall accrue for each day during the period of the violation.

- b) The Public Works Director may recover reasonable attorney's fees, court costs and other expenses associated with enforceable activities, including sampling and monitoring expenses and the cost of any actual damages incurred by the City.
 - c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.
 - d) Filing a suit for civil penalties shall not be a bar against, or prerequisite for, taking any other action against a user.
- 3) Criminal and Civil Prosecution
- a) A user who willfully or negligently violated any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall have committed a civil infraction subject to a civil penalty set forth in KMC 1.12.030. Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct two separate times, with the violations occurring at the same location and involving the same or similar sections of the Kennewick Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in KMC 1.12.010 for criminal offenses.
 - b) A user who has willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall have committed a civil infraction subject to a civil penalty as set forth in KMC 1.12.030. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
 - c) A user who knowingly made any false statement, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this chapter, shall have committed a civil infraction subject to a civil penalty as set forth in KMC 1.12.030.
- 4) Remedies Nonexclusive. The provisions in KMC 14.23.080 through 14.23.110 of this program are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.



E. Public Participation

1.0 PURPOSE

This standard operating procedure addresses public notification. The intent of this procedure is:

1. Ensure public notification and participation in the City of Kennewick's Industrial Pretreatment Program
2. To request the public's participation in the City's development of local limits
3. To inform the public of significant non-compliant industrial users
4. To allow the public access to non-confidential data and records
5. Reviewing draft permits

Public access to non-confidential records is crucial to good public relations. Measures should be taken to ensure a climate of openness and transparency. City personnel must understand policies and statutes pertaining to open records, public disclosure, and confidentiality, including an awareness of compliance timelines.

2.0 PROCEDURES

2.1 Public Meetings

Public meetings should be called in order to allow the public to participate in the development of the Industrial Pretreatment Program and the Local Limits. A meeting would allow participants to:

- get answers to questions regarding development of the permit
- receive additional data

The time and location of public meetings would be advertised in a newspaper of general public circulation, on the City's website and on social media networks used by the City.

2.2 Public Notice of Industrial Users in Significant Non-Compliance

The city will publish, at least annually in the largest daily newspaper in the Permittee's service area, a list of all non-domestic users which, at any time in the previous 12 months, were in significant noncompliance as defined in 40 CFR 403.8(f)(2)(vii). The City will send official notice of the action to the Permittee's legal contact prior to publishing notice of the action in the newspaper.

2.3 Criteria for Significant Noncompliance

The City's Municipal Code 14.23.080, Kennewick Pretreatment Act, indicates significant noncompliance of an IU violates one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1).
2. Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1), multiplied by the TRC (TRC equals 1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH).
3. Any other discharge violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, longer-term average, instantaneous limit, or narrative standard) that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health or city personnel or the general public).
4. Any discharge of pollutants that has caused imminent endangerment to the public or environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.

6. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
7. Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with the categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules.
8. Failure to accurately report noncompliance.
9. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

2.4 Considerations for Public Notification by Newspaper

The news release should be used to inform the public of compliance issues. The following are recommendations for writing a news release:

1. Contact information should be provided
2. Online media releases should be as short and concise as possible
3. Information should be localized
4. The release should be proofread
5. The most important facts should appear first
6. Deadlines, editing procedures, and other requirements of the media should be accommodated
7. All staff should be given copies of the release
8. Those mentioned in the release should be notified before it is sent

2.5 Response to Public Inquiries

1. Answer letters and email promptly and acknowledge those that cannot be responded to immediately
2. State information clearly using common words and phrases
3. Respond to all relevant questions
4. Convey a professional image
5. Add a personal touch whenever appropriate
6. Correspond positively
7. Retain a copy of all correspondence for future reference
8. Be consistent with the office's style



F. Industrial User Inspections

1.0 PURPOSE

POTWs are required to inspect all SIUs at least once a year. Additional inspections might be necessary depending on issues such as variability of the effluent, effect of discharge on the POTW and the facility's compliance history. Inspection considerations depend on the type of inspection being performed: scheduled, unscheduled, or on-demand. The purpose of this procedure is to establish guidelines to perform on-site evaluations of Industrial Users connected to the sewer collections system that is treated by the City of Kennewick POTW and comply with requirements of the City's approved treatment system.

The following is a list of reasons for regular IU inspection:

1. Provide current data on an IU
2. Confirm or determine the IU's compliance status
3. Determine completeness and accuracy of the IU's performance records
4. Assess the adequacy of monitoring locations and IU's sampling techniques
5. Assess the adequacy of imposed limitations and pollutants of concern
6. Develop a rapport with the IU

7. Evaluate operation and maintenance and overall performance of the IU's pretreatment system
8. Assess the potential for spills and slug loadings
9. Evaluate the effectiveness of spill plans
10. Reveal issues requiring action
11. Identify noncompliance needing resolution
12. Collect samples
13. Obtain data to support enforcement actions

2.0 PROCEDURE

The procedures for performing on-site evaluations of the Industrial Users are as follows:

2.1 Preparation

1. Prepare for the inspection by reviewing past inspections reports and/or becoming familiarized with the industry.
2. Note items/concerns that need specific attention
3. Review self-monitoring reports and look for unusual levels of pollutant discharge or significant changes in volume
4. Prepare any monitoring and safety equipment needed for the inspection

2.2 Inspection

1. Identify yourself when entering the property for inspection
2. Request a pre-inspection meeting with the authorized representative and explain the purpose of the visit
3. Verify that previously noted deficiencies have been addressed
4. Inquire about changes to any operations, production rates, or nature of discharge since the last inspection
5. Request to see pretreatment records, pH charts, maintenance records, manifests as required by the permit
6. Determine if the potential for slug loading the system has changed. If it has changed, or if the Slug Discharge Control Plan has not been reviewed during the life-cycle of the current permit, determine if the Slug Discharge Control Plan requires an update.
7. Conduct an inspection of the facility.
 - a. Production or manufacturing areas
 - i. Review all the processes that generate wastewater
 - ii. Determine the discharge point for each process
 - iii. Review spill containment
 - b. Pretreatment and monitoring areas
 - i. Review operations and maintenance manual
 - ii. Review in-situ maintenance, calibration, and cleaning logs
 - iii. Check pH of wastewater discharged

- c. Storage and maintenance areas
 - i. Check for floors drains that access the system
 - ii. Review spill logs
 - iii. Verify availability of critical replacement parts
- d. Inspection summary
 - i. Review the issues, questions or observations documented during the inspection with the facility representative
 - ii. Discuss any violations noted, and indicate if written notifications will be made, requiring further actions to be taken by the IU

2.3 Documenting the Inspection

1. Complete inspection report and database entry as soon as possible
2. Submit inspection report, as appropriate, for review. When approved, this will be electronically linked to the database. The original paperwork will be stored for eventual destruction



G. Drafting an SIU Permit

1.0 PURPOSE

The purpose of this procedure is to establish uniform guidelines for drafting and developing an SIU permit. All SIUs in the City of Kennewick must be issued industrial user permits. The SIU is defined in 40 CFR 403.3(v) as:

- All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N
- Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW
- An IU that contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant

2.0 PROCEDURES

1. The City identifies IU's that may be subject to Categorical or Local Limits and notifies the IU to submit a permit application
2. IU submits permit application

3. Application is reviewed by the City of Kennewick. Additional information may be requested if necessary
4. Approval Authority to conduct a site visit to inspect sampling location and accessibility
5. Approval Authority to review permit application
6. Permit for categorical users will reflect federal regulations as well as Local Limits
7. Local Limits apply to those SIUs who are not subject to federal regulations
8. City will complete Permit Fact Sheet consistent with Department of Ecology's permit writer's manual, publication number 92-0109
9. Permit is issued with the following information:
 - a. Permit expiration date (not to exceed 5 years)
 - b. Definition of Terms
 - c. Prohibitions
 - d. Power and Authority of Approval Authority
 - e. Penalties
 - f. Sampling
 - g. Monitoring Requirements that include sample location, pollutants to be monitored, sample type, monitoring frequencies, analytical methods and reporting requirements
 - h. Effluent Limits
 - i. Reporting Requirements
 - j. Standard Permit Requirements
 - k. Specific Permit Requirements
10. Slug Control Measures

The Slug Control Plan addresses measures that will be taken by an industrial user to prevent accidental spills or leaks into the sewer system as well as slug load discharges. The complexity of the plan required to adequately address the topic must be determined on a case-by-case basis.

At a minimum, the following elements should be included in the plan:

- a. Description of discharge practices including non-routine batch discharges
- b. Description of stored chemicals. Procedures for promptly notifying the City of Kennewick of slug discharges as defined under 403.5(b) with procedures for follow-up written notification within five days
- c. Procedures to prevent accidental spills and transfer of materials
- d. Necessary measures for building containment structures or equipment
- e. Consideration should be given to requiring containment areas to be of sufficient capacity to contain the liquid capacity of the tanks which may potentially rupture
- f. Necessary measures for controlling toxic organic pollutants (including solvents)
- g. Any necessary procedures for emergency response which must include immediate notification to the appropriate Publicly Owned Treatment Works (POTW) should an accidental spill, leak, of slug load enter the sewer system

- h. Any necessary follow-up practices to limit the damage suffered by the treatment plant or environment
- 11. If there is no ready access to a representative sampling point, the City should require the permittee to provide such access including, if necessary, installation of sampling manholes. Because the local limits generally apply to the entire discharge from an IU, a sewer manhole at the connection between the industrial facility's sewer pipe and the City's sewer pipe is usually selected as the sampling point. If the manhole contains wastewater discharge from upstream domestic or other IUs connected to the same sewer pipe, the City must identify a more appropriate sampling location.



H. Slug Discharge Control Plan

1.0 PURPOSE

A slug discharge is an accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass-through or in any other way violates the City of Kennewick's POTW regulations, local limits, or permit conditions.

At least once every 2 years, each SIU shall be evaluated to determine whether the user needs an accidental discharge/slug control plan. The user may be required to develop, submit for approval, and implement such a plan.

2.0 PROCEDURE

2.1 Slug Control Plan Components

An accidental discharge/slug control plan should address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges

2. Description of stored chemicals
3. Procedures for immediately notifying the POTW of any accidental or slug discharge with procedures for follow-up written notification within five days
4. Procedures to prevent adverse impact from any accidental or slug discharge, 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, and/or measures and equipment for emergency response

2.2 Notification Procedure:

In case of any discharge that might cause potential problems for the POTW, the user shall immediately notify the City of the incident. The notification must include the location of discharge, type of waste, concentration, volume, and corrective action taken by the user. Within 5 days following the discharge, the user shall submit a detailed report describing the cause of the discharge and measures to be taken to prevent future occurrences.

Below is an example of an accidental spill prevention plan/slug control for SIU's.



ACCIDENTAL SPILL PREVENTION PLAN/SLUG CONTROL PLAN

GENERAL INFORMATION

Facility Name:

Facility Address:

Facility Contact:

Work Phone:

Title:

After Hours Phone:

Emergency Contact:

Work Phone:

Title:

After Hours Phone:

Type of Business/Manufacturer:

Operating Schedule:

Number of Employees:

1st shift:

2nd Shift:

3rd Shift:

A. DESCRIPTION OF PRACTICES

☐ Batch Discharge ☐ Continuous Flow

Describe discharge practices including any non-routine batch discharges your facility may produce:

B. STORED CHEMICALS (Attach list is more space is required)

Chemical Name	Chemical Use	Stored Location
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

SDS Locations:

C. PROCEDURES FOR IMMEDIATELY NOTIFYING THE CITY OF ANY ACCIDNETAL SPILL OR SLUG DISCHARGE

In the event of an accidental spill or slug load that reaches the sanitary sewer or storm drain system, industries are required to immediately notify the City of Kennewick Public Works Department.

Describe your facility’s procedures for immediate notification to the City and five day follow up report in the event of an accidental discharge:

D. SLUG LOAD PREVENTION PROCEDURES

Slug Discharge: Any pollutant, including BOD, released in a non-routine, episodic, or non-customary batch discharge at a flow rate or concentration which has the potential to cause an adverse impact on the municipal wastewater system or a violation of the specific discharge prohibitions.

Describe the procedures your facility has in place to prevent the accidental and slug discharges:

1. Employee training:

2. Containment Structures:

3. Measures for Containing Toxic Organic Pollutants Including Solvents:

4. Loading and Unloading Operations:

5. Handling and Transferring material:

6. Inspections and Maintenance of Storage Areas:

7. Controlling Plant Site Runoff:

8. Measures and Equipment for Emergency Response:

AUTHORIZED REPRESENTATIVE STATEMENT

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

Name:

Title:

Signature:

Date

Phone:



I. Procedures for Preparing the Pretreatment Annual Report

1.0 PURPOSE:

POTWs with approved Pretreatment Programs are required to provide the Approval Authority with a report that describes the program activities annually. The report must satisfy all requirements in 40 CFR 403.12(i). This report outlines all of the pretreatment activities from the previous year including updated industrial users, inspections and enforcement activity, and sampling data.

2.0 PROCEDURE:

The City must submit the first report by September 1st, 2020, and each September 1st thereafter. The first report will detail all of the Pretreatment Program activities that were conducted beginning in May of 2019. It is imperative to keep records managed by a data management system to track industrial users, effluent characteristics, and compliance status so that this information can be easily accessed in preparation of the annual report.

Annual Report Outline to Include the Following:

1. General Information Page: this page will provide basic information on the POTW submitting the report, including the person to contact regarding the information contained in the report.
2. Table of Contents: the report must contain a table of contents which references each section contained in the report by page number.
3. Report Summary: This section provides an overview of the program highlights and substantial modifications to the Pretreatment Program (additional staff hired, changes to sampling or inspection frequency, etc.), and information on any interference or upset. Also discussed in the summary may be any upcoming program changes that are expected.
4. Industrial User Inventory: Information on current Industrial users, including an updated list of industrial user inventory. This section would highlight any new IU's or any deletions of IU's, along with a brief explanation. Industrial users should be classified by SIU or MIU and any classification statuses should be reported in this section. Any new discharge permits issued should be noted as well as a list of industrial users that are expected to be monitored the following year.
5. Monitoring Program: Summary of data collected from the monitoring of IU's, including sampling conducted. Must include trend analyses of data from previous years.
6. Permit Violations and Enforcement: A list of all IU violations and the enforcement action that was taken. This could include facilities that failed to submit monitoring reports on time or are out of compliance with federal, state, or local pretreatment standards. Any additional planned enforcement actions for the future should be noted, such as increased monitoring or inspection requirements.
7. Summary of POTW Pretreatment Monitoring: Municipal WWTP annual testing results, quarterly testing results, and industrial user testing results.
8. Evaluation of Local Limit: When required by a NPDES permit or otherwise necessary to protect plant operations, local limits must be developed or modified.

Procedure for Local Limits Review:

1. Identify maximum daily and maximum monthly average headworks loadings for each Pollutant of Concern (POC) for which a MAHL was calculated.
2. Compare MAHL to the headworks loadings to determine if local limits need to be recalculated or established for additional POCs
3. As sampling is performed quarterly for POCs, assessments will be performed for each quarter.
4. Current loadings should be below the original MAHL and follow the rule of not exceeding the threshold value of 60% of the MAHL
5. EPA recommends the following for Local Limits reevaluation for POCs that do not have established limits:

- a. If the current POC headworks loading exceeds the MAHL: establish a limit for the pollutant, investigate the cause of the elevated loading, increase IU monitoring, consider pollution prevention efforts
 - b. If the current POC headworks loading exceeds the established threshold value for the first time: increase monitoring for the POC or establish a local limit for it
 - c. If the current POC headworks loading exceeds the established threshold value for the second time: establish a local limit and increase POC monitoring
 - d. If the current loading is below the established threshold: review the pollutant's loading as part of its preparation for the next annual report
6. EPA recommends the following for Local Limits reevaluation for POCS that already have established limits:
 - a. If the current POC loading exceeds the MAHL: revise the local limit (unless an investigation reveals that the elevated loading is due to an unusual, one-time event), investigate the cause, increase monitoring, adopt pollution prevention efforts
 - b. If the current POC loading has increased significantly from the previous year (55 to 75 percent of the MAHL): investigate the cause, increase monitoring for the POC, or revise the limit
 - c. If the POC loading is below the established threshold: review the POC's loading when it prepares the next report



J. Pretreatment Program Modification

1.0 PURPOSE

According to 40 CFR 403.18, program modification is necessary whenever there is a significant change in the operation of a POTW Pretreatment Program that differs from the information in the POTW's submission.

Significant changes that would cause a program to be updated include:

- Changes in the treatment plant
- Changes in industrial users
- Changes in domestic contributions
- Changes in state or federal regulations
- New information that reveals the current program does not meet requirements

2.0 PROCEDURE

2.1 Substantial vs Minor Program Modifications

Substantial modifications are required when a significant impact on the operation of the POTW or its pretreatment program occurs. Before substantial modifications can be implemented, there

must be approval from the Approval Authority and they must be public noticed in accordance with 40 CFR 403.11

Substantial modifications include:

1. Modifications that relax POTW legal authorities
2. Modifications that relax local limits, except for modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading of a pollutant that do not increase the total industrial loadings for the pollutant
3. Changes to the POTW control mechanism
4. A decrease in the frequency of self-monitoring or reporting required of industrial users
5. A decrease in the frequency of industrial user inspections or sampling by the POTW
6. Changes to the POTW's confidentiality procedures
7. Other modifications designated as substantial modifications by the Approval Authority

2.2 Submitting Modifications for Approval

Submitting substantial modifications to Approval Authority:

1. Submit draft modifications for preliminary review/comment. This should include a statement for the basis for the desired modification
2. Make changes based on feedback from AA
3. Adopt modifications through local procedures
4. Submit locally-adopted modifications to AA for approval

Submitting Non-substantial Modifications for Approval:

1. Notify the Approval Authority 45 days prior to implementation of non-substantial modifications and provide a written statement for the basis of the change
2. Within 45 days after submission the Approval Authority shall notify the POTW of its decision to approve or disapprove the non-substantial modification
3. If the POTW is not notified within 45 days, they may implement the modification

Appendix IX: Legal References

40 CFR 403.8

403.8 [Pretreatment](#) Program Requirements: Development and Implementation by POTW.

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

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

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

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

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

- (1) Put the POTW on a compliance schedule for the development of a POTW [Pretreatment](#) Program where the addition of [pollutants](#) into a POTW by an [Industrial User](#) or combination of [Industrial Users](#) presents a substantial hazard to the functioning of the [treatment](#) works, quality of the receiving waters, human health, or the environment;
- (2) Coordinate the issuance of a section 201 construction grant with the incorporation into a permit of a compliance schedule for POTW [Pretreatment](#) Program;
- (3) Incorporate a modification of the permit approved under section 301(h) or 301(i) of the [Act](#);
- (4) Incorporate an [approved POTW Pretreatment Program](#) [in](#) the POTW permit; or
- (5) Incorporate a compliance schedule for the development of a POTW [pretreatment](#) program [in](#) the POTW permit.
- (6) Incorporate the removal credits (established under [§ 403.7](#)) [in](#) the POTW permit.

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

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

- (i) Deny or condition new or increased contributions of pollutants, or changes [in](#) the nature of pollutants, to the POTW by [Industrial Users](#) where such contributions do not meet applicable [Pretreatment](#) Standards and Requirements or where such contributions would cause the POTW to violate its [NPDES permit](#);
- (ii) Require compliance with applicable [Pretreatment](#) Standards and Requirements by Industrial Users;
- (iii) Control through Permit, order, or similar means, the contribution to the POTW by each [Industrial User](#) to ensure compliance with applicable [Pretreatment](#) Standards and

Requirements. [In](#) the case of [Industrial Users](#) identified as significant under [§ 403.3\(v\)](#), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such User except as follows.

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

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

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

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

- (1)** Statement of duration (in no case more than five years);
- (2)** Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new [owner](#) or [operator](#);
- (3)** Effluent limits, including [Best Management Practices](#), based on applicable general [Pretreatment](#) Standards [in](#) part 403 of this chapter, categorical [Pretreatment](#) Standards, local limits, and [State](#) and local law;
- (4)** Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the [pollutants](#) to be monitored (including the process for seeking a waiver for a [pollutant](#) neither present nor expected to be present [in](#) the

Discharge [in](#) accordance with § 403.12(e)(2), or a specific waived [pollutant in](#) the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general [Pretreatment](#) Standards [in](#) part 403 of this chapter, categorical [Pretreatment](#) Standards, local limits, and [State](#) and local law;

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

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

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

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

(vi)

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

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

relief and may also use administrative penalty authority when the POTW has sought a monetary penalty which the [Approval Authority](#) believes to be insufficient.

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

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

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

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

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

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

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

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

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

(C) [In](#) the case of [Industrial Users](#) subject to reduced reporting requirements under [§ 403.12\(e\)\(3\)](#), the POTW must randomly sample and analyze the effluent from [Industrial Users](#) and conduct inspections at least once every two years. If the [Industrial User](#) no

longer meets the conditions for reduced reporting [in § 403.12\(e\)\(3\)](#), the POTW must immediately begin sampling and inspecting the [Industrial User](#) at least once a year.

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

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

(B) Description of stored chemicals;

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

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

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

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

(A) Chronic violations of wastewater Discharge limits, defined here as those [in](#) which 66 percent or more of all of the measurements taken for the same [pollutant](#) parameter

during a 6-month period exceed (by any magnitude) a numeric [Pretreatment](#) Standard or Requirement, including instantaneous limits, as defined by [40 CFR 403.3\(l\)](#);

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

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

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

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

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

(G) Failure to accurately report noncompliance;

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

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

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

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

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

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

- (iii) Identify (by title) the official(s) responsible for each type of response;
- (iv) Adequately reflect the POTW's primary responsibility to enforce all applicable [pretreatment requirements](#) and standards, as detailed [in 40 CFR 403.8](#) (f)(1) and (f)(2).
- (6) The POTW shall prepare and maintain a list of its [Industrial Users](#) meeting the criteria [in § 403.3\(v\)\(1\)](#). The list shall identify the criteria [in § 403.3\(v\)\(1\)](#) applicable to each [Industrial User](#) and, where applicable, shall also indicate whether the POTW has made a determination pursuant to [§ 403.3\(v\)\(2\)](#) that such [Industrial User](#) should not be considered a [Significant Industrial User](#). The initial list shall be submitted to the [Approval Authority](#) pursuant to [§ 403.9](#) or as a non-substantial modification pursuant to [§ 403.18\(d\)](#). Modifications to the list shall be submitted to the [Approval Authority](#) pursuant to [§ 403.12\(i\)\(1\)](#).
- (g) A POTW that chooses to receive electronic documents must satisfy the requirements of [40 CFR part 3](#) - (Electronic reporting).

40 CFR 403.15

Net/Gross calculation.

(a) Application. Categorical [Pretreatment](#) Standards may be adjusted to reflect the presence of [pollutants in](#) the [Industrial User's](#) intake water [in](#) accordance with this section. Any [Industrial User](#) wishing to obtain credit for intake [pollutants](#) must make application to the [Control Authority](#). Upon request of the [Industrial User](#), the applicable Standard will be calculated on a "net" basis (*i.e.*, adjusted to reflect credit for [pollutants in](#) the intake water) if the requirements of [paragraph \(b\)](#) of this section are met.

(b) Criteria.

(1) Either:

- (i) The applicable categorical [Pretreatment](#) Standards [contained in](#) 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or
- (ii) The [Industrial User](#) demonstrates that the control system it proposes or uses to meet applicable categorical [Pretreatment](#) Standards would, if properly installed and operated, meet the Standards [in](#) the absence of [pollutants in](#) the intake waters.

(2) Credit for generic [pollutants](#) such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the [Industrial User](#) demonstrates that the constituents of the generic measure [in](#) the User's effluent are substantially similar to the constituents of the generic measure [in](#) the intake water or unless appropriate additional limits are placed on process water [pollutants](#) either at the outfall or elsewhere.

(3) Credit shall be granted only to the extent necessary to meet the applicable categorical [Pretreatment](#) Standard(s), up to a maximum value equal to the influent value.

Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section.

(4) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The [Control Authority](#) may waive this requirement if it finds that no environmental degradation will result.

40 CFR 403.12

Reporting requirements for POTW's and industrial users.

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

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

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

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

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

- (i) Regulated process streams; and
- (ii) Other streams as necessary to allow use of the combined wastestream formula of [§ 403.6\(e\)](#). (See [paragraph \(b\)\(5\)\(iv\)](#) of this section.)

The [Control Authority](#) may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5)Measurement of pollutants.

- (i) The user shall identify the [Pretreatment](#) Standards applicable to each regulated process;
- (ii)[In](#) addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated [pollutants in](#) the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. [In](#) cases where the Standard requires compliance with a Best Management Practice or [pollution](#) prevention alternative, the User shall submit documentation as required by the [Control Authority](#) or the applicable Standards to determine compliance with the Standard;
- (iii) The User shall take a minimum of one [representative sample](#) to compile that data necessary to comply with the requirements of this paragraph.
- (iv) Samples should be taken immediately downstream from [pretreatment](#) facilities if such exist or immediately downstream from the regulated process if no [pretreatment](#) exists. If other wastewaters are mixed with the regulated wastewater prior to [pretreatment](#) the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of [§ 403.6\(e\) in](#) order to evaluate compliance with the [Pretreatment](#) Standards. Where an alternate concentration or mass limit has been calculated [in](#) accordance with [§ 403.6\(e\)](#) this adjusted limit along with supporting data shall be submitted to the [Control Authority](#);
- (v) Sampling and analysis shall be performed [in](#) accordance with the techniques prescribed [in 40 CFR part 136](#) and amendments thereto. Where [40 CFR part 136](#) does not contain sampling or analytical techniques for the [pollutant in](#) question, or where the [Administrator](#) determines that the part 136 sampling and analytical techniques are inappropriate for the [pollutant in](#) question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the [Administrator](#);
- (vi) The [Control Authority](#) may allow the [submission](#) of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial [pretreatment](#) measures;
- (vii) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected [pollutant](#) Discharges to the POTW;

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

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

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

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

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

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

(2) No increment referred to [inparagraph \(c\)\(1\)](#) of this section shall exceed 9 months.

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

(d) Report on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical [Pretreatment Standards](#) or [in](#) the case of a [New Source](#) following commencement of the introduction of wastewater into the POTW, any [Industrial User](#) subject to [Pretreatment Standards and Requirements](#) shall submit to the [Control Authority](#) a report [containing](#) the information described [in](#) paragraphs (b) (4)-(6) of this section. For [Industrial Users](#) subject to equivalent mass or concentration limits established by the [Control Authority in](#) accordance with the procedures [in§ 403.6\(c\)](#), this report shall contain a reasonable measure of the User's long term production rate. For all

other [Industrial Users](#) subject to categorical [Pretreatment](#) Standards expressed [in](#) terms of allowable [pollutant](#) discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

(e) Periodic reports on continued compliance.

(1) Any [Industrial User](#) subject to a categorical [Pretreatment](#) Standard (except a Non-Significant Categorical User as defined [in](#) § 403.3(v)(2)), after the compliance date of such [Pretreatment](#) Standard, or, [in](#) the case of a [New Source](#), after commencement of the discharge into the POTW, shall submit to the [Control Authority](#) during the months of June and December, unless required more frequently [in](#) the [Pretreatment](#) Standard or by the [Control Authority](#) or the [Approval Authority](#), a report indicating the nature and concentration of [pollutants](#) [in](#) the effluent which are limited by such categorical [Pretreatment](#) Standards. [In](#) addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported [in](#) paragraph (b)(4) of this section except that the [Control Authority](#) may require more detailed reporting of flows. [In](#) cases where the [Pretreatment](#) Standard requires compliance with a Best Management Practice (or [pollution](#) prevention alternative), the User shall submit documentation required by the [Control Authority](#) or the [Pretreatment](#) Standard necessary to determine the compliance status of the User. At the discretion of the [Control Authority](#) and [in](#) consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the [Control Authority](#) may modify the months during which the above reports are to be submitted. For [Industrial Users](#) for which EPA or the authorized [state](#), tribe, or territory is the [Control Authority](#), as of December 21, 2020 all reports submitted [in](#) compliance with this section must be submitted electronically by the [industrial user](#) to the [Control Authority](#) or initial recipient, as defined [in](#) 40 CFR 127.2(b), [in](#) compliance with this section and 40 CFR part 3 (including, [in](#) all cases, subpart D to part 3), 40 CFR 122.22, and 40 CFR part 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of part 127, the [Industrial Users](#) for which EPA or the authorized [state](#), tribe, or territory is the [Control Authority](#) may be required to report electronically if specified by a particular control mechanism or if required to do so by [state](#) law.

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

- (i) The [Control Authority](#) may authorize a waiver where a [pollutant](#) is determined to be present solely due to sanitary wastewater discharged from the [facility](#) provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
- (ii) The monitoring waiver is valid only for the duration of the effective period of the Permit or other equivalent individual control mechanism, but [in](#) no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

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

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

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

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

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

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

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

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

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

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

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

(C) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which

approved local limits were developed by a POTW [in](#) accordance with [§ 403.5\(c\)](#) and [paragraph \(d\)](#) of this section;

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

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

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

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

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

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

(g) Monitoring and analysis to demonstrate continued compliance.

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

(2) If sampling performed by an [Industrial User](#) indicates a violation, the User shall notify the [Control Authority](#) within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the [Control Authority](#) within 30 days after becoming aware of the violation. Where the [Control Authority](#) has performed the sampling and analysis [in](#) lieu of the [Industrial User](#), the [Control Authority](#)

[Authority](#) must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

- (i) The [Control Authority](#) performs sampling at the [Industrial User](#) at a frequency of at least once per month; or
- (ii) The [Control Authority](#) performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the [Control Authority](#) receives the results of this sampling.

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

(4) For sampling required [in](#) support of baseline monitoring and 90-day compliance reports required [in](#) paragraphs (b) and (d) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the [Control Authority](#) may authorize a lower minimum. For the reports required by paragraphs (e) and (h) of this section, the [Control Authority](#) shall require the number of grab samples necessary to assess and assure compliance by [Industrial Users](#) with Applicable [Pretreatment](#) Standards and Requirements.

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

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

(h) Reporting requirements for Industrial Users not subject to categorical Pretreatment Standards. The [Control Authority](#) must require appropriate reporting from those [Industrial Users](#) with Discharges that are not subject to categorical [Pretreatment](#) Standards. Significant Non-categorical [Industrial Users](#) must submit to the [Control Authority](#) at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the [pollutants](#) required to be reported by the [Control Authority](#). [In](#) cases where a local limit requires compliance with a Best Management Practice or [pollution](#) prevention alternative, the User must submit documentation required by the [Control Authority](#) to determine the compliance status of the User. These reports must be based on sampling and analysis performed [in](#) the period covered by the report, and [in](#) accordance with the techniques described [in part 136](#) of this chapter and amendments thereto. This sampling and analysis may be performed by the [Control Authority](#) [in](#) lieu of the significant non-categorical [Industrial User](#). For [Industrial Users](#) for which EPA or the authorized [state](#), tribe, or territory is the [Control Authority](#), as of December 21, 2020 all reports submitted [in](#) compliance with this section must be submitted electronically by the [industrial user](#) to the [Control Authority](#) or initial recipient, as defined [in 40 CFR 127.2\(b\)](#), [in](#) compliance with this section and [40 CFR part 3](#) (including, [in](#) all cases, subpart D to part 3), [40 CFR 122.22](#), and [40 CFR part 127](#). Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of part 127, the [Industrial Users](#) for which EPA or the authorized [state](#), tribe, or territory is the [Control Authority](#) may be required to report electronically if specified by a particular control mechanism or if required to do so by [state](#) law.

(i) Annual POTW reports. POTWs with approved [Pretreatment](#) Programs shall provide the [Approval Authority](#) with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved [in](#) the local program. The report required by this section shall be submitted no later than one year after approval of the POTW's [Pretreatment](#) Program, and at least annually thereafter, and must include, at a minimum, the applicable required data [in](#) appendix A to [40 CFR part 127](#). The report required by this section must also include a summary of changes to the POTW's [pretreatment](#) program that have not been previously reported to the [Approval Authority](#) and any other relevant information requested by the [Approval Authority](#). As of December 21, 2020 all annual reports submitted [in](#) compliance with this section must be submitted electronically by the POTW [Pretreatment](#) Program to the [Approval Authority](#) or initial recipient, as defined [in 40 CFR 127.2\(b\)](#), [in](#) compliance with this section and [40 CFR part 3](#) (including, [in](#) all cases, subpart D to part 3), [40 CFR 122.22](#), and [40 CFR part 127](#). Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of part 127, the [Approval Authority](#) may also require POTW [Pretreatment](#) Programs to electronically submit annual reports under this section if specified by a particular permit or if required to do so by [state](#) law.

(1) An updated list of the POTW's [Industrial Users](#), including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list shall identify which [Industrial Users](#) are subject to categorical [Pretreatment](#) Standards and specify which Standards are applicable to each [Industrial User](#). The list shall indicate which [Industrial Users](#) are subject to local

standards that are more stringent than the categorical [Pretreatment](#) Standards. The POTW shall also list the [Industrial Users](#) that are subject only to local Requirements. The list must also identify [Industrial Users](#) subject to categorical [Pretreatment](#) Standards that are subject to reduced reporting requirements under paragraph (e)(3), and identify which [Industrial Users](#) are Non-Significant Categorical [Industrial Users](#).

- (2) A summary of the status of [Industrial User](#) compliance over the reporting period;
- (3) A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period;
- (4) A summary of changes to the POTW's [pretreatment](#) program that have not been previously reported to the [Approval Authority](#); and
- (5) Any other relevant information requested by the [Approval Authority](#).

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

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

- (1) The schedule shall contain increments of progress [in](#) the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW [Pretreatment](#) Program (e.g., acquiring required authorities, developing funding mechanisms, acquiring equipment);
- (2) No increment referred to [in paragraph \(k\)\(1\)](#) of this section shall exceed nine months;
- (3) Not later than 14 days following each date [in](#) the schedule and the final date for compliance, the POTW shall submit a progress report to the [Approval Authority](#) including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. [In](#) no event shall more than nine months elapse between such progress reports to the [Approval Authority](#).

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

- (1) By a responsible corporate officer, if the [Industrial User](#) submitting the reports required by paragraphs (b), (d), and (e) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - (i) a president, secretary, treasurer, or vice-president of the corporation [in](#) charge of a principal business function, or any other [person](#) who performs similar policy- or decision-making functions for the corporation, or
 - (ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the

operation of the regulated [facility](#) including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager [in](#) accordance with corporate procedures.

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

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

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

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

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

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

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

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

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

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

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

(o) Record-keeping requirements.

(1) Any [Industrial User](#) and POTW subject to the reporting requirements established [in](#) this section shall maintain records of all information resulting from any monitoring activities

required by this section, including documentation associated with [Best Management Practices](#). Such records shall include for all samples:

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

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

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

(p)

(1) The [Industrial User](#) shall notify the POTW, the EPA Regional Waste Management Division [Director](#), and [Statehazardous waste](#) authorities [in](#) writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a [hazardous waste](#) under [40 CFR part 261](#). Such notification must include the name of the [hazardous waste](#) as set forth [in 40 CFR part 261](#), the [EPA hazardous waste number](#), and the type of discharge (continuous, batch, or other). If the [Industrial User](#) discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents [contained in](#) the wastes, an estimation of the mass and concentration of such constituents [in](#) the wastestream discharged during that calendar month, and an estimation of the mass of constituents [in](#) the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic [hazardous waste](#). Any notification under this paragraph need be submitted only once for each [hazardous waste](#) discharged. However, notifications of changed discharges must be submitted under [40 CFR 403.12](#) (j). The notification requirement [in](#) this section does not apply to [pollutants](#) already reported under the self-monitoring requirements of [40 CFR 403.12](#) (b), (d), and (e).

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

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

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

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

(q) Annual certification by Non-Significant Categorical Industrial

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

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

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

40 CFR 403.6(e)

National pretreatment standards: Categorical standards.

(e) **Combined wastestream formula.** Where process effluent is mixed prior to [treatment](#) with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the [Control Authority](#) or by the [Industrial User](#) with the written concurrence of the [Control Authority](#). These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the [Control Authority](#) or [Industrial User](#) shall calculate both an alternative daily maximum value using the daily maximum value(s) specified [in](#) the appropriate categorical [Pretreatment](#) Standard(s) and an alternative consecutive

sampling day average value using the monthly average value(s) specified in the appropriate categorical [Pretreatment](#) Standard(s). The [Industrial User](#) shall comply with the alternative daily maximum and monthly average limits fixed by the [Control Authority](#) until the [Control Authority](#) modifies the limits or approves an [Industrial User](#) modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated [pollutant](#). An [Industrial User](#) must immediately report any such material or significant change to the [Control Authority](#). Where appropriate new alternative categorical limits shall be calculated within 30 days.

40 CFR Part 136

Guidelines establishing test procedures for the analysis of pollutants

40 CFR 136.1

Applicability

(a) The procedures prescribed herein shall, except as noted in §§ 136.4, 136.5, and 136.6, be used to perform the measurements indicated whenever the waste constituent specified is required to be measured for:

- (1) An application submitted to the [Director](#) and/or reports required to be submitted under [NPDES](#) permits or other requests for quantitative or qualitative effluent data under parts 122 through 125 of this chapter; and
- (2) Reports required to be submitted by dischargers under the [NPDES](#) established by parts 124 and 125 of this chapter; and
- (3) [Certifications](#) issued by [States](#) pursuant to section 401 of the [Clean Water Act](#) (CWA), as amended.

(b) The procedure prescribed herein and in part 503 of title 40 shall be used to perform the measurements required for an application submitted to the [Administrator](#) or to a [State](#) for a sewage [sludge](#) permit under section 405(f) of the [Clean Water Act](#) and for recordkeeping and reporting requirements under part 503 of title 40.

(c) For the purposes of the [NPDES](#) program, when more than one test procedure is approved under this part for the analysis of a pollutant or pollutant parameter, the test procedure must be sufficiently sensitive as defined at 40CFR 122.21(e)(3) and 122.44(i)(1)(iv).

40 CFR 136.6

Method modifications and analytical requirements.

(a) Definitions of terms used in this section -

- (1) **Analyst** means the [person](#) or laboratory using a test procedure (analytical method) in this part.
- (2) **Chemistry of the method** means the reagents and reactions used in a test procedure that allow determination of the analyte(s) of interest in an environmental sample.
- (3) **Determinative technique** means the way in which an analyte is identified and quantified (e.g., colorimetry, mass spectrometry).

(4)Equivalent performance means that the modified method produces results that meet or exceed the QC acceptance criteria of the approved method.

(5)Method-defined analyte means an analyte defined solely by the method used to determine the analyte. Such an analyte may be a physical parameter, a parameter that is [not](#) a specific chemical, or a parameter that may be comprised of a number of substances. Examples of such analytes include temperature, oil and grease, total suspended solids, total phenolics, turbidity, chemical oxygen demand, and biochemical oxygen demand.

(6)QC means “quality control.”

(b)Method modifications.

(1) If the underlying chemistry and determinative technique in a modified method are essentially the same as an approved Part 136 method, then the modified method is an equivalent and acceptable alternative to the approved method provided the requirements of this section are met. However, those who develop or use a modification to an approved (Part 136) method must document that the performance of the modified method, in the matrix to which the modified method will be applied, is equivalent to the performance of the approved method. If such a demonstration cannot be made and documented, then the modified method is [not](#) an acceptable alternative to the approved method. Supporting documentation must, if applicable, include the routine initial demonstration of capability and ongoing QC including determination of precision and accuracy, [detection limits](#), and matrix spike recoveries. Initial demonstration of capability typically includes analysis of four replicates of a mid-level standard and a method [detection limit](#) study. Ongoing quality control typically includes method blanks, mid-level laboratory control samples, and matrix spikes (QC is as specified in the method). The method is considered equivalent if the quality control requirements in the reference method are achieved. Where the laboratory is using a vendor-supplied method, it is the QC criteria in the reference method, [not](#) the vendor's method, that must be met to show equivalency. Where a sample preparation step is required (*i.e.*, digestion, distillation), QC tests are to be run using standards treated in the same way as the samples. The method user's Standard Operating Procedure (SOP) must clearly document the modifications made to the reference method. Examples of allowed method modifications are listed in this section. If the method user is uncertain whether a method modification is allowed, the Regional ATP Coordinator or [Director](#) should be contacted for approval *prior* to implementing the modification. The method user should also complete necessary performance checks to verify that acceptable performance is achieved with the method modification *prior* to analyses of compliance samples.

(2)Requirements. The modified method must meet or exceed performance of the approved method(s) for the analyte(s) of interest, as documented by meeting the initial and ongoing quality control requirements in the method.

(i)Requirements for establishing equivalent performance. If the approved method [contains](#) QC tests and QC acceptance criteria, the modified method must use these QC tests and the modified method must meet the QC acceptance criteria with the following conditions:

(A) The analyst may only rely on QC tests and QC acceptance criteria in a method if it includes wastewater matrix QC tests and QC acceptance criteria (e.g., matrix spikes) and both initial (start-up) and ongoing QC tests and QC acceptance criteria.

(B) If the approved method does [not](#) contain QC tests and QC acceptance criteria or if the QC tests and QC acceptance criteria in the method do [not](#) meet the requirements of this section, then the analyst must employ QC tests published in the “equivalent” of a Part 136 method that has such QC, or the essential QC requirements specified at 136.7, as applicable. If the approved method is from a compendium or VCSB and the QA/QC requirements are published in other parts of that organization's compendium rather than within the Part 136 method then that part of the organization's compendium must be used for the QC tests.

(C) In addition, the analyst must perform ongoing QC tests, including assessment of performance of the modified method on the sample matrix (e.g., analysis of a matrix spike/matrix spike duplicate pair for every twenty samples), and analysis of an ongoing precision and recovery sample (e.g., laboratory fortified blank or blank spike) and a blank with each batch of 20 or fewer samples.

(D) If the performance of the modified method in the wastewater matrix or reagent water does [not](#) meet or exceed the QC acceptance criteria, the method modification may [not](#) be used.

(ii) Requirements for documentation. The modified method must be documented in a method write-up or an addendum that describes the modification(s) to the approved method prior to the use of the method for compliance purposes. The write-up or addendum must include a reference number (e.g., method number), revision number, and revision date so that it may be referenced accurately. In addition, the organization that uses the modified method must document the results of QC tests and keep these records, along with a copy of the method write-up or addendum, for review by an auditor.

(3) Restrictions. An analyst may [not](#) modify an approved [Clean Water Act](#) analytical method for a method-defined analyte. In addition, an analyst may [not](#) modify an approved method if the modification would result in measurement of a different form or species of an analyte. Changes in method procedures are [not](#) allowed if such changes would alter the defined chemistry (*i.e.*, method principle) of the unmodified method. For example, phenol method 420.1 or 420.4 defines phenolics as ferric iron oxidized compounds that react with 4-aminoantipyrine (4-AAP) at pH 10 after being distilled from acid solution. Because total phenolics represents a group of compounds that all react at different efficiencies with 4-AAP, changing test conditions likely would change the behavior of these different phenolic compounds. An analyst may [not](#) modify any sample collection, preservation, or holding time requirements of an approved method. Such modifications to sample collection, preservation, and holding time requirements do [not](#) fall within the scope of the flexibility allowed at [§ 136.6](#). Method flexibility refers to modifications of the analytical procedures used for identification and measurement of the analyte only and does [not](#) apply to sample collection, preservation, or holding time procedures, which may only be modified as specified in [§ 136.3\(e\)](#).

(4) Allowable changes. Except as noted under [paragraph \(b\)\(3\)](#) of this section, an analyst may modify an approved test procedure (analytical method) provided that the underlying reactions and principles used in the approved method remain essentially the same, and provided that the requirements of this section are met. If equal or better performance can be obtained with an alternative reagent, then it is allowed. A laboratory wishing to use these modifications must demonstrate acceptable method performance by performing and documenting all applicable initial demonstration of capability and ongoing QC tests and

meeting all applicable QC acceptance criteria as described in § 136.7. Some examples of the allowed types of changes, provided the requirements of this section are met include:

- (i) Changes between manual method, flow analyzer, and discrete instrumentation.
- (ii) Changes in chromatographic columns or temperature programs.
- (iii) Changes between automated and manual sample preparation, such as digestions, distillations, and extractions; in-line sample preparation is an acceptable form of automated sample preparation for CWA methods.
- (iv) In general, ICP-MS is a sensitive and selective detector for metal analysis; however isobaric interference can cause problems for quantitative determination, as [well](#) as identification based on the isotope pattern. Interference reduction technologies, such as collision cells or reaction cells, are designed to reduce the effect of spectroscopic interferences that may bias results for the element of interest. The use of interference reduction technologies is allowed, provided the method performance specifications relevant to ICP-MS measurements are met.
- (v) The use of EPA Method 200.2 or the sample preparation steps from EPA Method 1638, including the use of closed-vessel digestion, is allowed for EPA Method 200.8, provided the method performance specifications relevant to the ICP-MS are met.
- (vi) Changes in pH adjustment reagents. Changes in compounds used to adjust pH are acceptable as long as they do [not](#) produce interference. For example, using a different acid to adjust pH in colorimetric methods.
- (vii) Changes in buffer reagents are acceptable provided that the changes do [not](#) produce interferences.
- (viii) Changes in the order of reagent addition are acceptable provided that the change does [not](#) alter the chemistry and does [not](#) produce an interference. For example, using the same reagents, but adding them in different order, or preparing them in combined or separate solutions (so they can be added separately), is allowed, provided reagent stability or method performance is equivalent or improved.
- (ix) Changes in calibration range (provided that the modified range covers any relevant regulatory limit and the method performance specifications for calibration are met).
- (x) Changes in calibration model. (A) Linear calibration models do [not](#) adequately fit calibration data with one or two inflection points. For example, vendor-supplied data acquisition and processing software on some instruments may provide quadratic fitting functions to handle such situations. If the calibration data for a particular analytical method routinely display quadratic character, using quadratic fitting functions may be acceptable. In such cases, the minimum number of calibrators for second order fits should be six, and in no case should concentrations be extrapolated for instrument responses that exceed that of the most concentrated calibrator. Examples of methods with nonlinear calibration functions include chloride by SM4500-Cl-E-1997, hardness by EPA Method 130.1, cyanide by ASTM D6888 or OIA1677, Kjeldahl nitrogen by PAI-DK03, and anions by EPA Method 300.0.

(B) As an alternative to using the average response factor, the quality of the calibration may be evaluated using the Relative Standard Error (RSE). The acceptance criterion for

the RSE is the same as the acceptance criterion for Relative Standard Deviation (RSD), in the method. RSE is calculated as:

$$\% \text{RSE} = 100 \times \sqrt{\frac{\sum_{i=1}^n \left[\frac{x'_i - x_i}{x_i} \right]^2}{(n-p)}}$$

Where:

x'_i = Calculated concentration at level i

x_i = Actual concentration of the calibration level i

n = Number of calibration points

p = Number of terms in the fitting equation (average = 1, linear = 2, quadratic = 3)

(C) Using the RSE as a metric has the added advantage of allowing the same numerical standard to be applied to the calibration model, regardless of the form of the model.

Thus, if a method [states](#) that the RSD should be $\leq 20\%$ for the traditional linear model through the origin, then the RSE acceptance limit can remain $\leq 20\%$ as [well](#). Similarly, if a method provides an RSD acceptance limit of $\leq 15\%$, then that same figure can be used as the acceptance limit for the RSE. The RSE may be used as an alternative to correlation coefficients and coefficients of determination for evaluating calibration curves for any of the methods at part 136. If the method includes a numerical criterion for the RSD, then the same numerical value is used for the RSE. Some older methods do [not](#) include any criterion for the calibration curve - for these methods, if RSE is used the value should be $\leq 20\%$. Note that the use of the RSE is included as an alternative to the use of the correlation coefficient as a measure of the suitability of a calibration curve. It is [not](#) necessary to evaluate both the RSE and the correlation coefficient.

(xi) Changes in equipment such as equipment from a vendor different from the one specified in the method.

(xii) The use of micro or midi distillation apparatus in place of macro distillation apparatus.

(xiii) The use of prepackaged reagents.

(xiv) The use of digital titrators and methods where the underlying chemistry used for the determination is similar to that used in the approved method.

(xv) Use of selected ion monitoring (SIM) mode for analytes that cannot be effectively analyzed in full-scan mode and reach the required sensitivity. False positives are more of a concern when using SIM analysis, so at a minimum, one quantitation and two qualifying ions must be monitored for each analyte (unless fewer than three ions with intensity greater than 15% of the base peak are available). The ratio of each of the two qualifying ions to the quantitation ion must be evaluated and should agree with the ratio observed in an authentic standard within ± 20 percent. Analyst judgment must be applied to the evaluation of ion ratios because the ratios can be affected by co-eluting compounds present in the sample matrix. The signal-to-noise ratio of the least sensitive ion should be at least 3:1. Retention time in the sample should match within 0.05 minute of an authentic standard analyzed under identical conditions. Matrix interferences can cause minor shifts in retention time and may be evident as shifts in the retention times of the internal standards. The total scan time should be such that a minimum of eight scans are obtained per chromatographic peak.

(xvi) Changes are allowed in purge-and-trap sample volumes or operating conditions. Some examples are:

(A) Changes in purge time and purge-gas flow rate. A change in purge time and purge-gas flow rate is allowed provided that sufficient total purge volume is used to achieve the required minimum detectable concentration and calibration range for all compounds. In general, a purge rate in the range 20-200 mL/min and a total purge volume in the range 240-880 mL are recommended.

(B) Use of nitrogen or helium as a purge gas, provided that the required sensitivities for all compounds are met.

(C) Sample temperature during the purge [state](#). Gentle heating of the sample during purging (e.g., 40 °C) increases purging efficiency of hydrophilic compounds and may improve sample-to-sample repeatability because all samples are purged under precisely the same conditions.

(D) Trap [sorbent](#). Any trap design is acceptable, provided that the data acquired meet all QC criteria.

(E) Changes to the desorb time. Shortening the desorb time (e.g., from 4 minutes to 1 minute) may [not](#) affect compound recoveries, and can shorten overall cycle time and significantly reduce the amount of water introduced to the analytical system, thus improving the precision of analysis, especially for water-soluble analytes. A desorb time of four minutes is recommended, however a shorter desorb time may be used, provided that all QC specifications in the method are met.

(F) Use of water management techniques is allowed. Water is always collected on the trap along with the analytes and is a significant interference for analytical systems (GC and GC/MS). Modern water management techniques (e.g., dry purge or condensation points) can remove moisture from the sample stream and improve analytical performance.

(xvii) If the characteristics of a wastewater matrix prevent efficient recovery of organic pollutants and prevent the method from meeting QC requirements, the analyst may attempt to resolve the issue by adding salts to the sample, provided that such salts do [not](#) react with or introduce the target pollutant into the sample (as evidenced by the analysis of method blanks, laboratory control samples, and spiked samples that also contain such salts), and that all requirements of [paragraph \(b\)\(2\)](#) of this section are met. Samples having residual chlorine or other halogen must be dechlorinated prior to the addition of such salts.

(xviii) If the characteristics of a wastewater matrix result in poor sample dispersion or reagent deposition on equipment and prevent the analyst from meeting QC requirements, the analyst may attempt to resolve the issue by adding an inert surfactant that does [not](#) affect the chemistry of the method, such as Brij-35 or sodium dodecyl sulfate (SDS), provided that such surfactant does [not](#) react with or introduce the target pollutant into the sample (as evidenced by the analysis of method blanks, laboratory control samples, and spiked samples that also contain such surfactant) and that all requirements of paragraph (b)(1) and (b)(2) of this section are met. Samples having residual chlorine or other halogen must be dechlorinated prior to the addition of such surfactant.

(xix) The use of gas diffusion (using pH change to convert the analyte to gaseous form and/or heat to separate an analyte [contained](#) in steam from the sample matrix) across a hydrophobic semi-permeable membrane to separate the analyte of interest from the sample matrix may be used in place of manual or automated distillation in methods for

analysis such as ammonia, total cyanide, total Kjeldahl nitrogen, and total phenols. These procedures do [not](#) replace the digestion procedures specified in the approved methods and must be used in conjunction with those procedures.

(xx) Changes in equipment operating parameters such as the monitoring wavelength of a colorimeter or the reaction time and temperature as needed to achieve the chemical reactions defined in the unmodified CWA method. For example, molybdenum blue phosphate methods have two absorbance maxima, one at about 660 nm and another at about 880 nm. The former is about 2.5 times less sensitive than the latter. Wavelength choice provides a cost-effective, dilution-free means to increase sensitivity of molybdenum blue phosphate methods.

(xxi) Interchange of oxidants, such as the use of titanium oxide in UV-assisted automated digestion of TOC and total phosphorus, as long as complete oxidation can be demonstrated.

(xxii) Use of an axially viewed torch with Method 200.7.

(c) The permittee must notify their permitting authority of the intent to use a modified method. Such notification should be of the form “Method xxx has been modified within the flexibility allowed in [40 CFR 136.6](#).” The permittee may indicate the specific paragraph of § 136.6 allowing the method modification. Specific details of the modification need [not](#) be provided, but must be documented in the Standard Operating Procedure (SOP) and maintained by the analytical laboratory that performs the analysis.

40 CFR 136.7

Quality assurance and quality control.

The permittee/laboratory shall use suitable QA/QC procedures when conducting compliance analyses with any part 136 chemical method or an alternative method specified by the permitting authority. These QA/QC procedures are generally included in the analytical method or may be part of the methods compendium for approved Part 136 methods from a consensus organization. For example, Standard Methods [contains](#) QA/QC procedures in the Part 1000 section of the Standard Methods Compendium. The permittee/laboratory shall follow these QA/QC procedures, as described in the method or methods compendium. If the method lacks QA/QC procedures, the permittee/laboratory has the following options to comply with the QA/QC requirements:

(a) Refer to and follow the QA/QC published in the “equivalent” EPA method for that parameter that has such QA/QC procedures;

(b) Refer to the appropriate QA/QC section(s) of an approved part 136 method from a consensus organization compendium;

(c)

(1) Incorporate the following twelve quality control elements, where applicable, into the laboratory's documented standard operating procedure (SOP) for performing compliance analyses when using an approved part 136 method when the method lacks such QA/QC procedures. One or more of the twelve QC elements may [not](#) apply to a given method and may be omitted if a written rationale is provided indicating why the element(s) is/are inappropriate for a specific method.

- (i) Demonstration of Capability (DOC);
 - (ii) Method [Detection Limit](#) (MDL);
 - (iii) Laboratory reagent blank (LRB), also referred to as method blank (MB);
 - (iv) Laboratory fortified blank (LFB), also referred to as a spiked blank, or laboratory control sample (LCS);
 - (v) Matrix spike (MS) and matrix spike duplicate (MSD), or laboratory fortified matrix (LFM) and LFM duplicate, may be used for suspected matrix interference problems to assess precision;
 - (vi) Internal standards (for GC/MS analyses), surrogate standards (for organic analysis) or tracers (for radiochemistry);
 - (vii) Calibration (initial and continuing), also referred to as initial calibration verification (ICV) and continuing calibration verification (CCV);
 - (viii) Control charts (or other trend analyses of quality control results);
 - (ix) Corrective action (root cause analysis);
 - (x) QC acceptance criteria;
 - (xi) Definitions of preparation and analytical batches that may drive QC frequencies; and
 - (xii) Minimum frequency for conducting all QC elements.
- (2) These twelve quality control elements must be clearly documented in the written standard operating procedure for each analytical method [not containing](#) QA/QC procedures, where applicable.

40 CFR 403.12(i)

(i) **Annual POTW reports.** POTWs with approved [Pretreatment](#) Programs shall provide the [Approval Authority](#) with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved [in](#) the local program. The report required by this section shall be submitted no later than one year after approval of the POTW's [Pretreatment](#) Program, and at least annually thereafter, and must include, at a minimum, the applicable required data [in](#) appendix A to [40 CFR part 127](#). The report required by this section must also include a summary of changes to the POTW's [pretreatment](#) program that have not been previously reported to the [Approval Authority](#) and any other relevant information requested by the [Approval Authority](#). As of December 21, 2020 all annual reports submitted [in](#) compliance with this section must be submitted electronically by the POTW [Pretreatment](#) Program to the [Approval Authority](#) or initial recipient, as defined [in](#) [40 CFR 127.2\(b\)](#), [in](#) compliance with this section and [40 CFR part 3](#) (including, [in](#) all cases, subpart D to part 3), [40 CFR 122.22](#), and 40 CFR part 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of part 127, the [Approval Authority](#) may also require POTW [Pretreatment](#) Programs to electronically submit annual reports under this section if specified by a particular permit or if required to do so by [state](#) law.

- (1) An updated list of the POTW's [Industrial Users](#), including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list shall identify which [Industrial Users](#) are subject to categorical [Pretreatment](#) Standards and specify which Standards are applicable to each [Industrial User](#). The list shall indicate which [Industrial Users](#) are subject to local standards that are more stringent than the categorical [Pretreatment](#) Standards. The POTW shall also list the [Industrial Users](#) that are subject only to local Requirements. The list must also identify [Industrial Users](#) subject to categorical [Pretreatment](#) Standards that are subject to reduced reporting requirements under paragraph (e)(3), and identify which [Industrial Users](#) are Non-Significant Categorical [Industrial Users](#).
- (2) A summary of the status of [Industrial User](#) compliance over the reporting period;
- (3) A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period;
- (4) A summary of changes to the POTW's [pretreatment](#) program that have not been previously reported to the [Approval Authority](#); and
- (5) Any other relevant information requested by the [Approval Authority](#).

40 CFR 403.18

Modification of POTW [pretreatment](#) programs.

(a) General. Either the [Approval Authority](#) or a POTW with an [approved POTW Pretreatment Program](#) may initiate program modification at any time to reflect changing conditions at the POTW. Program modification is necessary whenever there is a significant change [in](#) the operation of a POTW [Pretreatment](#) Program that differs from the information [in](#) the POTW's [submission](#), as approved under [§ 403.11](#).

(b) Substantial modifications defined. Substantial modifications include:

- (1) Modifications that relax POTW legal authorities (as described [in § 403.8\(f\)\(1\)](#)), except for modifications that directly reflect a revision to this part 403 or to 40 CFR chapter I, subchapter N, and are reported pursuant to [paragraph \(d\)](#) of this section;
- (2) Modifications that relax local limits, except for the modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading of a [pollutant](#) that do not increase the total industrial loadings for the [pollutant](#), which are reported pursuant to [paragraph \(d\)](#) of this section. Maximum Allowable Industrial Loading means the total mass of a [pollutant](#) that all [Industrial Users](#) of a POTW (or a subgroup of [Industrial Users](#) identified by the POTW) may discharge pursuant to limits developed under [§ 403.5\(c\)](#);
- (3) Changes to the POTW's control mechanism, as described [in § 403.8\(f\)\(1\)\(iii\)](#);
- (4) A decrease [in](#) the frequency of self-monitoring or reporting required of industrial users;
- (5) A decrease [in](#) the frequency of [industrial user](#) inspections or sampling by the POTW;
- (6) Changes to the POTW's confidentiality procedures; and

(7) Other modifications designated as substantial modifications by the [Approval Authority](#) on the basis that the modification could have a significant impact on the operation of the POTW's [Pretreatment](#) Program; could result [in](#) an increase [in](#) [pollutant](#) loadings at the POTW; or could result [in](#) less stringent requirements being imposed on [Industrial Users](#) of the POTW.

(c) Approval procedures for substantial modifications.

(1) The POTW shall submit to the [Approval Authority](#) a statement of the basis for the desired program modification, a modified program description (see [§ 403.9\(b\)](#)), or such other documents the [Approval Authority](#) determines to be necessary under the circumstances.

(2) The [Approval Authority](#) shall approve or disapprove the modification based on the requirements of [§ 403.8\(f\)](#) and using the procedures [in](#) [§ 403.11\(b\)](#) through (f), except as provided [in](#) paragraphs (c) (3) and (4) of this section. The modification shall become effective upon approval by the [Approval Authority](#).

(3) The [Approval Authority](#) need not publish a notice of decision under [§ 403.11\(e\)](#) provided: The notice of request for approval under [§ 403.11\(b\)\(1\)](#) [states](#) that the request will be approved if no comments are received by a date specified [in](#) the notice; no substantive comments are received; and the request is approved without change.

(4) Notices required by [§ 403.11](#) may be performed by the POTW provided that the [Approval Authority](#) finds that the POTW notice otherwise satisfies the requirements of [§ 403.11](#).

(d) Approval procedures for non-substantial modifications.

(1) The POTW shall notify the [Approval Authority](#) of any non-substantial modification at least 45 days prior to implementation by the POTW, [in](#) a statement similar to that provided for [in](#) [paragraph \(c\)\(1\)](#) of this section.

(2) Within 45 days after the [submission](#) of the POTW's statement, the [Approval Authority](#) shall notify the POTW of its decision to approve or disapprove the non-substantial modification.

(3) If the [Approval Authority](#) does not notify the POTW within 45 days of its decision to approve or deny the modification, or to treat the modification as substantial under [paragraph \(b\)\(7\)](#) of this section, the POTW may implement the modification.

(e) Incorporation in permit. All modifications shall be incorporated into the POTW's [NPDES permit](#) upon approval. The permit will be modified to incorporate the approved modification [in](#) accordance with [40 CFR 122.63\(g\)](#).

40 CFR 403.11

Approval procedures for POTW [pretreatment](#) programs and POTW granting of removal credits.

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

(a) Deadline for review of submission. The [Approval Authority](#) shall have 90 days from the date of public notice of any [Submission](#) complying with the requirements of [§ 403.9\(b\)](#) and,

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

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

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

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

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

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

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

(iii) All written comments submitted during the 30 day comment period shall be retained by the [Approval Authority](#) and considered [in](#) the decision on whether or not to approve the [Submission](#). The period for comment may be extended at the discretion of the [Approval Authority](#); and

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

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

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

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

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

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

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

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

