

Date: October 15, 2019

To: David Bowen  
Section Manager

Through: James Leier *J.L.*  
Technical Unit Supervisor

From: Donna L. Smith *DS.*  
Senior Water Quality Compliance Specialist

The purpose of this memo is to recommend approval of the City of Yakima Modified Pretreatment Program through the issuance of Administrative Order of approval DE #16866 to the City. A requirement to implement and enforce the modified program will be added, by minor modification, to the City of Yakima NPDES permit No. WA0024023.

The National Pretreatment Program was designed to be developed, implemented and enforced primarily by the municipal entities that own or operate wastewater treatment facilities. The General Pretreatment Regulations, set out at 40 Code of Federal Regulations (CFR) Part 403, establish uniform federal requirements that apply to wastewater treatment facilities that meet the definition of "Publicly Owned Treatment Works" (POTW) and to the industrial users that discharge to them. The City of Yakima received its delegated authority on June 1, 2003. The original delegation was for the service area within the Yakima city limits. The Regional Wastewater Treatment Plant also receives wastewater from the City of Union Gap and Terrace Heights Sewer District including the City of Moxee.

The purpose of the modification is to include the City of Union Gap and Terrace Heights Sewer District including City of Moxee under the City of Yakima pretreatment authority.

Each pretreatment program is evaluated for completeness according to the criteria set out in the General Pretreatment Regulations. An approved program must contain six general elements. They are:

1. Legal Authority to implement and enforce program requirements through a sewer use ordinance or similar authority.
2. Local Discharge Limits developed using site-specific data in order to protect the collection system, treatment plant, POTW employees, sludge reuse and disposal practices and the receiving water.
3. Industrial User Inventory to provide current information on the sources, nature and volume of industrial discharges.
4. Control Mechanism such as permits to ensure that industrial users comply with pretreatment standards and requirements.
5. Compliance Monitoring procedures including inspections, sampling of industrial users, and data management.
6. Enforcement Response Plan to facilitate swift and effective enforcement against industrial users violating the sewer use ordinance and/or control mechanism conditions.

Review of the modified program focused primarily upon the legal authorities, interagency agreements and municipal codes of each participating entity to ensure that the proper rules and authorities are in place and that applicable federal, and state laws and regulations are enforceable.

The City has been diligently proceeding with developing its modified program, as described below.

- Over the past several years, the City of Yakima has held numerous meetings with the other entities and has developed interagency agreements. Featured most prominently is the 3-Party Wholesale Service Agreement between City of Yakima, City of Union Gap and Terrace Heights Sewer District, finalized in November, 2014.
- Development by each entity, municipal codes reflecting the requirements of the pretreatment program, including local limits.
- On November 19, 2018, Ecology issued Administrative Order No. 16086 requiring development of the modified program and the submittal of the Request for Pretreatment Delegation by June 1, 2019.
- City of Yakima submitted its Request for Pretreatment Delegation on May 23, 2019. The final submittal adequately addresses the six general elements and more specifically, the legal authorities, interagency agreements and municipal codes of each participating entity to ensure that the proper rules and authorities are in place and that applicable federal, and state laws and regulations are enforceable .
- Public Notice of the proposed modified delegation was published in the Yakima Herald Republic on September 2, 2019 and September 9, 2019. The 30 day comment period ended on October 9, 2019. No comments were received.

After the delegation order is issued, City of Yakima and Ecology will issue a joint letter to the effected permittees announcing the delegation and advising them of the changes in permit status.

Based upon the above information, I recommend that Ecology approve City of Yakima's Pretreatment Delegation Modification, that we issue Administrative Order DE#16866 approving the modified program and that the City's NPDES permit be modified to reflect this approval.