TABLE OF CONTENTS

The Technically Based Local Limits can be found in the Brigham City Technically Based Local Limits binder with the following information included in the binder:

Pretreatment Program
Section 1

The following information can be found in this section:

Introduction
Legal Authority
Program Management Procedures
Development of Local Limits
Financial Program and Resources
Summary

FLOW CHARTS

None

FORMS

None

Additional guidance can be found in the following EPA Guidance Manuals:

- **POTW Pretreatment Program Development**

INTRODUCTION

The General Pretreatment Regulations as promulgated by the US Environmental Protection Agency in 40 CFR Part 403 require that Brigham City (City) develop and implement a pretreatment program. The objectives of the National Pretreatment Program are:

1. To prevent the introduction of pollutants into publicly owned treatment works (POTWs) that interfere with the operation of the facility, including the use or disposal of municipal sludge,

2. Prevent the introduction of pollutants into POTWs that pass through, interfere, or are otherwise incompatible with the treatment works, and

3. To improve opportunities to recycle and reclaim municipal wastewaters and sludges.

To meet the National objectives, this program was developed in accordance with the pretreatment program requirements and the program submission requirements both of which are found in 40 CFR Part 403. Integral to these are the National Pretreatment Standards for prohibited discharges and categorical industries. The prohibited standards provide specific prohibitions of nondomestic pollutants that shall not be discharged into the POTW. The standards for categorical industries present limitations for specific pollutants which may be discharged into the POTW by industrial users. The City is responsible to identify industrial users subject to the current Categorical Standards found in 40 CFR Chapter I Subchapter N and the National Prohibited Discharge Standards. This pretreatment program has been developed and will operate effectively to control these discharges and identify such users.

LEGAL AUTHORITY

The City has developed Wastewater/Pretreatment Standards which provides for the implementation of this program. These Standards are included in Section 2. A copy of the Attorney's Statement endorsing the legal authority of the City to implement this program in its entirety is included in the Appendix to Section 8.

PROGRAM MANAGEMENT PROCEDURES

The Pretreatment Program Management procedures are found in Section 3 of the manual. Included in this section are subsections dealing with identifying, classifying and permitting industrial users (IU), inspecting, monitoring, and notifying permitted IUs, control of potential slug loads, and enforcement of permit violations. The Program procedures are divided such that the user of this manual would be able to easily find needed information.

DEVELOPMENT OF LOCAL LIMITS

Section 4 contains development information on local limits.
A separate document has been developed to cover this complex subject.

FINANCIAL PROGRAM AND RESOURCES

The User Charge System which pays for the POTW operations is discussed in Section 5. Also discussed in this section are two methods that may be instituted to assist in paying for the pretreatment program.

SUMMARY

It should be noted that the Brigham City Pretreatment Program is essentially a compilation of Sections and Subsections each addressing an area of the program. For the Program to be implemented correctly, a complete understanding of each Section or Subsection is needed. This program should enable the City to meet all the statutory requirements of the Federal and Utah State Regulations promulgated as of October, 2007, protect the operation of the POTW, and protect the water quality of the receiving waters.

Pretreatment Program
Section 3-A

Industrial User Identification, Initial Inspection and Base Line Monitoring Program

The following information can be found in this section:

Purpose
Legal Authority
Program

Industrial Waste Survey Development
Preliminary IU Inspection
SIU Baseline Monitoring Reports
Gathering Additional/Missing Information
Industrial Waste Survey Updates
Changes to Existing Users

FLOW CHARTS

Industrial Waste Survey Development

FORMS

Preliminary Pretreatment Inspection Report
Industrial User Questionnaire and Baseline Monitoring Report

Additional guidance can be found in the following EPA Guidance Manuals:

- **Industrial User Permitting Guidance Manual**
- **POTW Pretreatment Program Development**

PURPOSE

The purposes of the Industrial User (IU) Identification, Initial Inspection and Baseline Monitoring Section are:

1. Develop a comprehensive industrial waste survey of all commercial and industrial connections to the wastewater system.

2. Provide an initial inspection of all commercial and industrial connections with the intent to identify those that may be significant industrial users (SIU).

3. Obtain accurate baseline monitoring reports from all potential SIU's to use in deciding whom to permit.

4. Provide a means to continuously update the industrial waste survey.

LEGAL AUTHORITY

The following legal authority is cited for this section:

1. United States Code of Federal Regulations 40 CFR 403.8(f)(2)(v) which requires the City to have the legal authority to inspect and monitor all IUs.

2. Brigham City Pretreatment Standards Sections 6 & 7. These sections authorize the inspection of and completion of a questionnaire and BMR for potential industrial users.

PROGRAM

Identification and investigation of all commercial and industrial connections are necessary as the basis of an effective industrial pretreatment program. It is important for the City to find all commercial and industrial users and to correctly catalog those that are significant. All commercial and industrial connections should be inspected to determine their impact on the POTW and those that could possibly be classified as SIU's would be required to complete baseline monitoring reports. Following are detailed steps to complete this function.

Industrial Waste Survey Development

The Industrial Waste Survey involves the identification and preliminary inspection of all commercial and industrial connections to the POTW System. This would include evaluation of each commercial and industrial connection to determine potential for impact. Some connections that would need further investigation beyond a preliminary evaluation are as follows:

1. Does the IU meet the definition of an SIU as given below?

   (a) Industrial users subject to Categorical Pretreatment Standards as specified in 40 CFR part 400 to 499; or
   (b) Any other IU that

(i) Discharges an average of 25,000 gpd or more of process wastewater (excluding sanitary wastewater, noncontact cooling water and boiler blowdown water),

(ii) Contributes a process waste stream that makes 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW, or

(iii) Is designated as significant by the City on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation.

As part of (iii) above, does the IU have the potential to impact any of the following:

(a) Sludge quality or beneficial reuse of sludge.

(b) Receiving water quality by discharging something which would pass through the POTW and cause a violation of its water quality standards.

(c) UPDES permit compliance by discharging something which would cause a permit violation.

(d) POTW operations by discharging something which would inhibit or upset the treatment processes.

2. Does the IU use, store or discharge in significant quantities any hazardous chemicals as stipulated in 40 CFR Part 261?

3. Does the IU have the potential to discharge compatible pollutants such as organic wastes producing a high BOD, TSS, and/or oil and grease in significant quantities that could overload the POTW or cause a process upset?

4. Does the IU that have high water consumption that does not reflect the number of employees?

The flow chart contains the steps taken in the Industrial Waste Survey development. Sources to look at which will help to identify commercial and industrial connections are as follows:

1. Brigham City and Box Elder County which are included in the WWTP area should be contacted to obtain current lists of all business licenses within their jurisdiction.

2. Brigham City and Box Elder County should also provide access to recent building permits for review against the business license list.

3. Other sources of information on IU's connected to the POTW system would include the local Chamber of Commerce, newspaper or yellow page advertising, or requests for water connections.

4. Once the combined list of businesses is developed, a physical review or reconnaissance of all industrial areas in the City should be conducted by POTW staff to verify that all industries have been found.

The above information will be provided to the Pretreatment Personnel on a continual basis and will be reviewed when received and an inspection will be completed within 14 day of receiving the information.

From the sources given above, a Master IU index should be developed, listing all commercial or industrial connection to the POTW. The Master IU index will be included in an excel document with the following information included: name of the IU, location of the facility, SIC code or type of business, number of employees, wastewater flow rate or water consumption rate, whether the discharge is direct, indirect or septic tank, and if the discharge has sanitary process wastes or both.

Preliminary IU Inspection

Concurrent with the development of the Master IU Index, the City will begin inspection of all business or commercial connections on the Index to decide their status under the Pretreatment Program. A form titled Preliminary Pretreatment Inspection Report is provided at the end of this section for this purpose. The Preliminary Pretreatment Inspection is the time to eliminate the majority of the connections to the POTW system from further evaluation. Specifically, those which discharge domestic wastewater only and have little or no potential to spill or discharge toxic chemicals into the system are noted as such and no further pretreatment consideration given them. Unless modifications to the business occur in the future, domestic only discharges would be eliminated from further investigation. The remaining IUs which have the potential to impact the POTW system would be investigated further. Any business which has the potential to be an SIU would be requested by the City to fill out a Baseline Monitoring Report. This would include all categorical industries, as well. Industries which store hazardous chemicals but do not discharge them to the system, should be evaluated under the slug control program and possibly issued a "no discharge" permit.

SIU Baseline Monitoring Reports

All BMR's should be sent to IU that are found during the inspection were additional information and a permit may be needed. The BMR should be sent certified mail or hand delivered with the person receiving the BMR signing for it. A letter should be sent with the BMR indicating that the BMR must be completed within 30 days or the City may take further action. All BMR's should be evaluated in detail by the City to determine if they are significant or categorical. If the IU is classified as such, a Permit shall be issued based on information provided in the application questionnaire. If the IU is not significant or categorical, the reviewer should then look at the need to control the industry by use of a grease, oil, and sand interceptor permit or a no discharge permit. The exact permitting determination is included later in Section III-B of this manual.

At the end of this section is a report entitled "Industrial User Application Questionnaire and Baseline Monitoring Report (BMR)." This form will serve several purposes as outlined hereafter. The first purpose of the BMR form is as an application questionnaire to be completed by all industries which are suspected to be categorical or significant industrial users. The form should be completed entirely using recent test data for existing facilities and estimated data for new facilities. For categorical industries, the completed report will also serve as the Baseline Monitoring Report. The form should, secondly, be used as a follow up inspection and in-person site questionnaire. This approach facilitates a more critical evaluation of the industry. The BMR could also be used as the basis of the 90 day compliance report for new facilities. All categorical industries are required to fill out such a form. Finally, the BMR form could be used as a follow up questionnaire should any of the existing facilities change their wastewater or production process or as a reapplication questionnaire for permit renewal. Should a BMR be returned incomplete, the form should either be resubmitted to the IU for completion or completed at the time of any follow up inspection. Once a BMR is submitted a full inspection, form can be found in Section 3-E., should be completed at the facility the will assist in determining if a permit is needed and to gather information for the development of the permit and fact sheet.

Gathering Additional/Missing Information

If the City has questions regarding the information from the BMR then an inspection should be completed to clear up all questions. If the questions are regarding sampling information provided in the BMR the City should complete its own sampling of the IU discharge or gather information regarding the potential discharge by the IU.

The City should make sure that the IU is aware that the BMR must be completed in order to discharge wastewater. If the IU does not complete the BMR then the City should meet with the IU and indicate that the information is required to be completed. If an IU does not complete or refuses to complete the BMR within the required time frame required of the IU, the City should follow the ERP.

Industrial Waste Survey Updates

The industrial waste survey should be updated continuously in order to find any new or overlooked SIUs. The procedure used in the original survey and shown in the Flow Chart should be repeated at least quarterly in order to find any new SIUs.

Ongoing identification will be greatly aided by the City requiring signatory approval, by the Pretreatment Coordinator, from all building permit issuance departments located within the City's jurisdiction for all new or remodeled commercial or industrial building permits. Most SIUs entering an area will require at least some building changes. This process should be managed efficiently to avoid delay complaints.

Yearly the Pretreatment Coordinator will review the local yellow pages in the service area to review and visit businesses that were not previously inspected.

Quarterly the Pretreatment Coordinator will drive-by industrial areas in the service area to review and visit businesses that were not previously inspected.

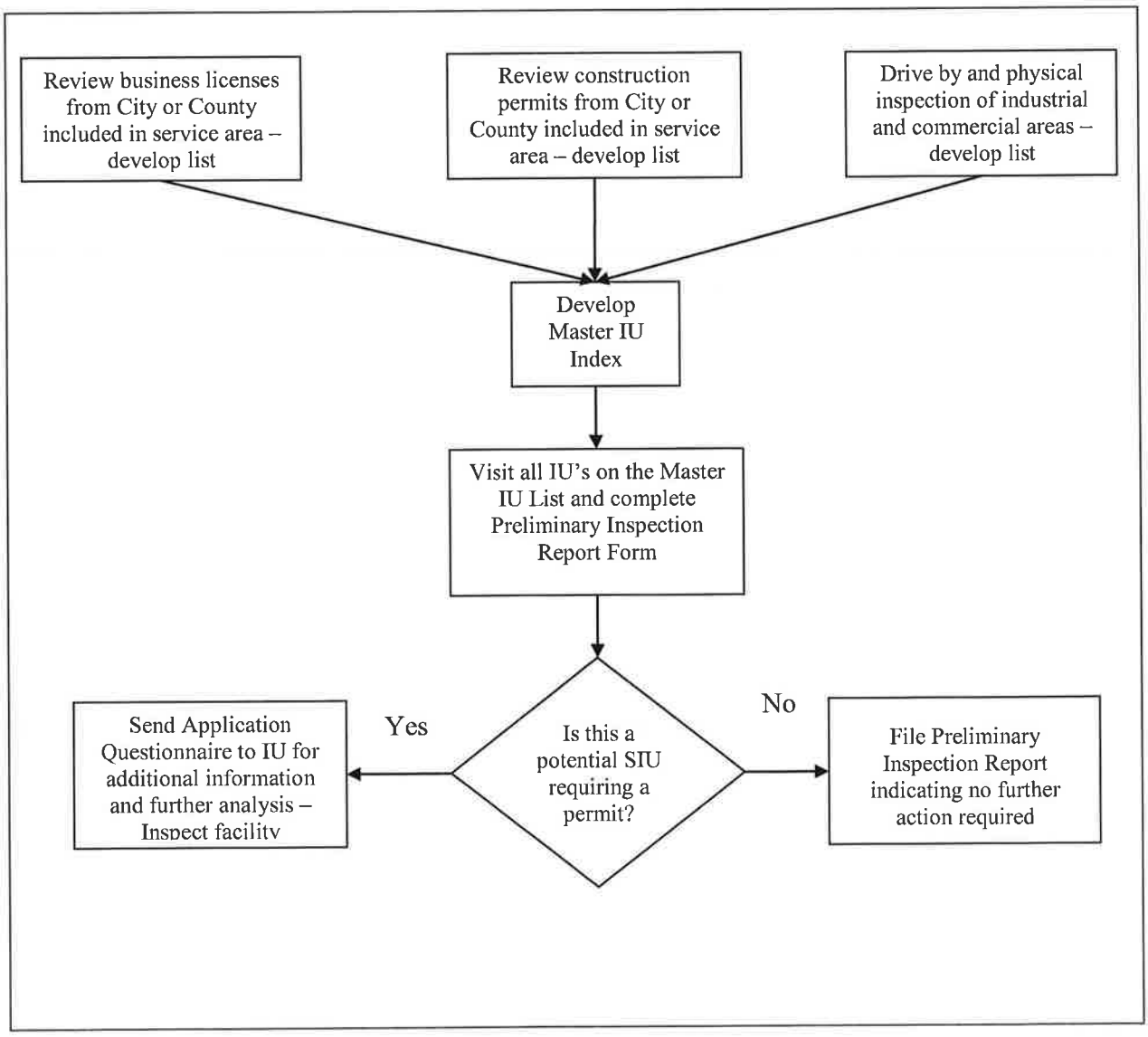
Billing records will be reviewed by the Pretreatment Coordinator yearly. This will ensure that IUs are not overlooked. This will also aid in ensuring existing users are evaluated to ensure IUs are making notifications as needed regarding process changes.

Coupling review of all new business licenses, with sign off of construction permits insures the survey will always be updated and accurate.

Changes to Existing Users

The City will re-inspect users based on potential to impact the POTW or become a SIU. At a minimum these users will be inspected once a year, the frequency of these inspections will be included in the Master IU Index. The inspection will be completed using the Preliminary Pretreatment Inspection Report. Once the inspection is completed the information will be compared to past inspections to verify if conditions have changed. Also these users will be notified, in writing via certified mail, of their requirements to notify the City of any process changes that could require the IU to be permitted or could impact the POTW. At a minimum this notification will be sent every other year. If a IU is found that did not notify the City of a process change the ERP will be followed to resolve the failure to notify the City.

INDUSTRIAL WASTE SURVEY DEVELOPMENT



Brigham City
7-19-11
Preliminary Pretreatment
Inspection Report

Inspection Date: _____ Inspection Time: _____

Name of Business: _____

Address: _____

Description of Business: _____

Person Contacted: _____ Phone Number: _____

WASTEWATER CHARACTERISTICS

Domestic Wastewater Only Yes or No

If No, complete the following Wastewater Composition Analysis:

Pollutant	Wastewater Source	Quantity (gpd)	Concentration (mg/L)

Is a Grease trap installed? Yes No
Is it operational? Yes No

Is the business storing and/or discharging any priority pollutants? Yes No
Is this a categorical industry (with or without a discharge) ? Yes No
Does the Industry discharge more than 25,000 gpd of process water? Yes No

(If the answer to any of the above 3 questions is yes, a Baseline Monitoring Report must be completed.)

OFFICE ANALYSIS

Does this industry need to fill out an Application Questionnaire/BMR ? Yes No

Justification: _____

_____

_____

_____ _____
Inspector Title

Pretreatment Program

INDUSTRIAL USER APPLICATION QUESTIONNAIRE and BASELINE MONITORING REPORT

	APPLICATION QUESTIONNAIRE
	BASELINE MONITORING REPORT
	90 DAY COMPLIANCE REPORT
	REAPPLICATION QUESTIONNAIRE

NAME OF OWNER
CONTACT PERSON
NAME OF OPERATOR
FACILITY NAME
PHONE (__)

ADDRESS
INDUSTRIAL CATEGORY
SUBCATEGORY (IES)

[NOTE: This form is being used as an IU questionnaire, as a baseline monitoring report developed based on historical data for operating facilities, or on anticipated operation for new or modified facilities and/or as a 90 day compliance report for new facilities. For new IU's, the form will have to be filled out twice. Once as an application with anticipated information, and once as the 90 day report with actual information and required sampling results.]

See 40 CFR 403.12 of the General Pretreatment Program Regulations for additional information.

Brigham City
7-19-11
Application Questionnaire
BMR

Baseline Monitoring Report Information

1) Briefly describe the nature of the operation, products produced and the manufacturing processes employed by your operation. (See 40 CFR 403.12 (b) (3))

Is production process batch or continuous? _____If batch, how often?
What are your hours of operations?

Shift Designation	Shift Starting time	Shift Ending Time	Number of Employees Per Shift
Shift 1			
Shift 2			
Shift 3			
		Total Employees	

2) Production Rate:

Production Process	Applicable SIC Code	Average Production ( ) units/time	Maximum Production ( ) units/time

3) Facility Diagram: Please attach a copy of your facility flow schematic diagram identifying all the regulated processes that generate wastewater. Identify the location of all pretreatment facilities and all the points of discharge to the sanitary sewer system (into the POTW).

4) Wastewater Flow Measurement: (See 40 CFR 403.12 (b) (4))

Regulated Process	Daily Average Flow gallons/day	Daily Maximum Flow gallons/day	Flow Determination (E) Estimated; (M) Measured

Non-Regulated Processes	Daily Average Flow gallons/day	Daily Maximum Flow gallons/day	Flow Determination (E) Estimated; (M) Measured
Sanitary Wastewater			

Total Average Flow _____ Total Maximum Flow

5) Measurements of Pollutants: Attach the most recent six months of results from the sampling analysis conducted during normal working hours of all regulated process streams. The samples taken must be representative of normal work cycles and the expected pollutant discharges to the POTW. Samples must be taken immediately downstream from the 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.

If the information is for the renewal of a permit or permitting of a new user of the POTW, sampling and analysis must comply with 40 CFR 136 or approval from the POTW to use alternative sampling and/or analytical techniques must be requested and approved by the POTW prior to sampling. If the information is for a new un-permitted user, the new user may obtain information from a similar discharging user with similar pretreatment and production that the new user anticipates for the sampling requirements. For each regulated pollutant identified, include the following information. For the BMR and the 90-day compliance reports, additional sampling maybe required see 40 CFR 403.12 (g)(4). Sampling information must be submitted for all regulated pollutants in the users discharge for each regulated process.

a. Sample type (i.e., flow proportioned, composite, grab)
b. Frequency of samples
c. Time, date and location of sampling event
d. Method of analysis
e. Comparison of results with applicable pretreatment standards
f. If alternate limits (i.e., combined waste stream formula) are calculated, include the limit and all supporting data.
g. Name and address of Certified Environmental Laboratory performing analysis.

6) Wastewater Residuals: Does your facility generate any solid waste sludge as a byproduct of wastewater treatment for any of the regulated processes listed in Question 4 above?
___ Yes ___ No

If "Yes" please provide, on a separate attachment, a listing of the type of waste material generated, the approximate quantities per month and the method of disposal of the listed material.

7) Certification: Are both the National Categorical Pretreatment Standards for your industry and other local pretreatment standards being met on a consistent basis at this facility? (See 40 CFR 403.12 (b) (6))
___ New ___ Yes ___ No If "Yes" go on to Question 9. If "No" identify the standard (s) not being met consistently: _____

8) If the answer to Question 7 is "No" will additional pretreatment and/or operation and maintenance be required for this facility to meet either the National Categorical Pretreatment Standards or other local POTW standards? (See 40 CFR 403.12 (c) (6) and (2))
___ New ___ Yes ___ No If "No" give the reason for noncompliance:
_____

_____

If "Yes" attach a description of the required pretreatment and/or operation and maintenance to achieve compliance, and include the shortest schedule of dates for the commencement and completion of the major events leading to the construction and operation of these additional pretreatment systems. The events listed should include such items as hiring a consultant, development of preliminary plans, final design of the system, executing contracts for purchase of equipment and or construction, commencement of construction, completion of construction, and full operational status. The period between listed compliance dates must not exceed nine (9) months.

9) List any other environmental control permits (identifying the agency issuing the permit) held by this facility: (See 40 CFR 403.12 (b) (2))

Permit Type & Number	Issuing Agency
_____	_____

10) Will chemicals be used or stored on site? _____ Yes _____ No

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

Signature of Official

Date

Pretreatment Program
Section 3-B

User Classification Program

The following information can be found in this section:

Purpose
Legal Authority
Program

Preliminary Inspection Classification
No Further Action Group
Questionnaire/BMR Classification Group

Questionnaire/BMR Classification Group
Significant Industrial Users
Categorical Industrial Users
Non-Categorical Industrial Users
Grease, Oil and Sand Interceptor
No Discharge

FLOW CHARTS

None

FORMS

None

Additional guidance can be found in the following EPA Guidance Manuals:

- **POTW Pretreatment Program Development**

PURPOSE

The purpose of the User Classification Program is to allow the City to classify Industrial Users by user type so as assist in the development of the industrial waste survey and identification process as contained in Tab 3A and also the permitting process.

LEGAL AUTHORITY

Brigham City Pretreatment Standards, Sections 4 & 5.

PROGRAM

Preliminary Inspection Classification

During the preliminary inspection process the City will be required to make a decision as to the need for the IU to complete an Application Questionnaire/BMR. From this process the IUs will be classified into two groups. These groups are:

No Further Action Group

By far the largest group, these IUs have very little or no potential to impact the POTW. Included in this group are those which only discharge sanitary or domestic waste. Also included are IUs which discharge small amounts of process water from non-categorical processes which are compatible in nature, or contain no toxic or hazardous substances. Once identified and classified, this group of users requires no further action by the POTW. This group of users will be listed on the Master IU Index with the frequency the City will inspection the IU. Also these users will be notified, in writing via certified mail, of their requirements to notify the City of any process changes that could require the IU to be permitted or could impact the POTW.

Application Questionnaire/BMR Group

This group includes those IUs which require further investigation or evaluation and are required to complete the Application Questionnaire/BMR Form.

Once the preliminary inspection phase has been accomplished for each batch of IUs being evaluated, those requiring further investigation can be reviewed. The completion of the Questionnaire/BMR will lead into the further evaluation process.

Should a BMR be returned incomplete, the form should either be resubmitted to the IU for completion or completed at the time of any follow up inspection. Once a BMR is submitted a full inspection, form can be found in Section 3-E., should be completed at the facility the will assist in determining if a permit is needed and to gather information for the development of the permit and fact sheet.

Questionnaire/BMR Classification

From the City's analysis of the Application Questionnaire/BMRs the IUs will be classified into the following groups for permitting:

SIGNIFICANT INDUSTRIAL USERS

Categorical Industrial Users (CIU)

CIUs are those industrial users which are controlled by Federal statue found in 40 CFR 403 to 471. These IU's have specific discharge requirements that must be met. In addition, these IU's must be evaluated against the local limits developed by the City. The more stringent of these two limits shall apply.

Non-Categorical Industrial Users (NIU)

This group of users include all those IUs which are not categorical but meet the definition of an SIU and must be permitted under the program. As a reminder, the SIU definition includes:

> Discharges an average of 25,000 gpd or more of process wastewater (excluding sanitary wastewater, noncontact cooling water and boiler blowdown water),
>
> Contributes a process waste stream that makes 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW, or
>
> Is designated as significant by the City on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation.
>
> > After finding an IU meets one of the three criteria above and the SIU has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6). If such a SIU is found, the determination by the City will be submitted to the Division of Water Quality (DWQ) and the SIU will be included on annual reports, submitted to the DWQ, with a notation that the SIU is not permitted. The City will also include SIU on the masterlist as not permitted.

Also included in this group would be IUs which could impact sludge beneficial reuse, receiving water quality, POTW operations by causing pass through or interference, or those which could cause the POTW to violate its UPDES permit. Permit limits for this group would be based on the local limits established by the City and on POTW treatment plant capacity.

The following industrial users will be permitted, if found discharging to the POTW, for a minimum of two years to ensure that the IU is meeting Pretreatment Standards: industrial laundries, transportation service facilities, barrel re-claimers, waste energy plants, photo developers, cardboard carton manufacturers, and food, dairies, and cheese processors.

The following users will be evaluated for the need to be permitted based on storage and potential to discharge waste that could impact the POTW: dry cleaners, hospitals, research labs, or auto body shops.

Grease, Oil and Sand Interceptor Industrial Users (GOSI-IU)

GOSI-IUs are those discharges which require a grease, oil or sand interceptor to prevent discharges which may cause collection line blockages. For example, this type of IU may be a car wash, or a food preparation business. This user, it is assumed would, pose little or no threat to the POTW if an interceptor is installed and operated correctly. Obviously, the quantity of discharge is important in classifying an IU in this group. If the quantity of discharge is very small, a grease discharger would pose no greater threat than a residential unit. From a legal standpoint, if an industry is classified as a GOSI-IU, all other similar IUs having similar operations should also be classified the same. This approach avoids the problem of capricious or arbitrary implementation. For example, if some car washes are deemed to be problems and need permits, all car washes with similar operations should then be permitted. The GOSI-IU control mechanism is the cleaning frequency for the interceptor. This should be based on the needs of the specific IU.

Septage Hauler Industrial User

Septage haulers are businesses which discharge septage into the POTW. The business may not be physically located in the City's geographical boundary. However, a permit must be obtained for the business to discharge wastes to the POTW. This is needed to comply with the Federal requirement to control trucked or piped hazardous wastes. Each load delivered by the septage hauler would have to be manifested for proper tracking. The permitting and manifesting process would also facilitate proper cost recovery.

Zero Discharge Permitted Industrial User

This classification is for IUs who need to be controlled to ensure that no discharge of process water occurs. Some examples of such IUs would be (1) categorical industries who have no wastewater discharge, (2) all dry cleaners when perchloroethylene is seen at the POTW headwork and needs to be controlled, or (3) IUs who store toxic or hazardous chemicals, who have no process discharge, but have a pathway, such as a floor drain, to the POTW system. The reason for issuing the zero discharge permit is to provide an effective enforcement means should it ever be needed.
Completion of the classification process leads directly into the permitting process explained in the next section.

Pretreatment Program
Section 3-C

Permitting Procedures and User Permitting Program

The following information can be found in this section:

- **Purpose**
- **Legal Authority**
- **Program**
  - **Permitting System**
  - **Types of Permits**
    - **Permit Cover Sheet**
    - **Exhibit 1 – Specific Permit Conditions**
    - **Exhibit 1- Addendum Compliance Schedule**
    - **Exhibit 2 – General Permit Conditions**
  - **Permitting Notes**
  - **Permit Development and Issuance Procedures**

FLOW CHARTS

- **Flow Chart 3C-1 Industrial User Permitting Program**

FORMS

- **Industrial Wastewater Discharge Permit**
- **Exhibit 1 – Specific Permit Conditions – SIU**
- **Exhibit 1 – Specific Permit Conditions – Grease, Oil, Sand Interceptors**
- **Exhibit 1 – Specific Permit Conditions – Zero Discharge**
- **Exhibit 1 – Addendum – Specific Conditions – Compliance Schedule**
- **Exhibit 2 – General Permit Conditions**

Additional guidance can be found in the following EPA Guidance Manuals:

- **Industrial User Permitting Guidance Manual**
- **Pretreatment Compliance Monitoring and Enforcement Guidance**
- **Use of Production-Based Standards and the Combined Wastestream Formula**
- **POTW Pretreatment Program Development**
- **Reporting and Evaluating POTW Noncompliance with Pretreatment Requirements**
- **The Development and Implementation of Local Discharge Limitations Under the Pretreatment Program**
- **Implementing Total Toxic Organics (TTO) Pretreatment Standards**
- **Guidance Manual for Control of Slug Loadings to POTWs**
- **NPDES Best Management Practices Guidance Document**

- **Region 10's the Development of an Accidental Spill Prevention Program**
- **Implementing RCRA Permit by Rule Requirements at POTWs**

PURPOSE

The purpose of the User Permitting Program is to allow the City to control Industrial Users (IUs) by means of a wastewater discharge permit as required by Federal Code. The permit will require the IU to comply with any applicable limits as established by the Federal Government, the State of Utah, through the development of local limits (found in Tab 4 of this document) or the Pretreatment Standards (found in Tab 2 of this document).

LEGAL AUTHORITY

The City has the authority to issue permits based on the following:

1. United States Code of Federal Regulations, 40 CFR Part 403.8(f)(1)(iii).
2. Brigham City Pretreatment Standards, Section 5.

PROGRAM

Permitting System

The permitting system follows the User Classification system as presented in Section 3B. Specifically, the City will use the class of each discharger to determine who to permit and how the permit should be developed. Flow Chart 3C-1 shows the decisions to make in evaluating each IU considered for a permit. The flow chart is easily followed by the evaluator.

Once an IU is found that is in need of a permit, a permit will be issued within 60 days or justification will be given as to why a permit will not be issued. If a significant industrial user (SIU) is not issued a permit justification will be documented and the SIU will be added to the IWS and submitted on the annual report as a SIU that is not permitted. The SIU will be included on the SIU master list as not permitted.

Types of Permits

Blank IU Wastewater Discharge Permit formats and fact sheet are included at the end of the program for use by the City. The format of the permit is as follows:

Fact Sheet

The fact sheet should summarize the decisions that were made during the permitting process. The fact sheet briefly sets forth the significant factual, legal, methodological, and policy questions considered in preparing the permit. The fact sheet should include the following information: brief description of the industrial user, type and quantity of the discharge, basis for the permit limits, information regarding the special conditions in the permit, rationale for the pollutants selected and limits developed, and information regarding how the limits were derived. The fact sheet will be kept in the permit file.

Information regarding monitoring criteria can be found in Tab 3-D. The determinations of the monitoring criteria should be summarized in the Fact Sheet.

Permit Cover Sheet

This sheet is the actual permit format used for all permits issued. The form identifies the IU, authorizes the IU to discharge in accordance with the Wastewater/Pretreatment Standards and Exhibits 1 and 2 included with the permit, Identifies the effective date of the permit, the date when the permit expires and is executed and signed by the pretreatment coordinator.

Exhibit 1 - Specific Permit Conditions

There are four different Exhibit 1 - Specific Permit Condition sections. These correspond to the permit classifications and are as follows:

1. Significant Industrial Users
   a. Categorical Industrial Users
   b. Non-categorical Industrial Users

2. Grease, Oil and Sand Interceptor Industrial Users

3. Zero Dischargers

Based on the type of user, the corresponding Exhibit 1 would be used and the blanks filled in as appropriate.

Exhibit 1 - Addendum Compliance Schedule

Should the IU require additional pretreatment facilities or require significant modification to existing facilities, a compliance schedule may need to be established. This should be done in accordance with Section 6.2 of the Standards. The compliance schedule should include dates of significance as identified in the model Exhibit 1 - Addendum section included.

Exhibit 2 - General Permit Conditions

The general conditions contained in Exhibit 2 are the same for all permit types and would be included in all permits.

Permitting Notes

The following advisory notes are included as advisory only:

(1) Grease, Oil and Sand Interceptor (GOSI) permits and Zero Discharge permits are optional for use by the City. They should be applied if and when needed.

(2) If used, GOSI and Zero Discharge permits should be applied to all users with similar discharge characteristics.

(3) Permit discharge limits are developed by using the Code of Federal Regulations for categorical standards and local limits which include the POTW Plant capacity. Arbitrary or undocumented limits should never be placed in permits.

(4) Self monitoring frequencies are found in the Pretreatment Program Manual Section 3-D.

(5) In all CIU/SIU permitting cases, it is desirable for permit limits, sampling, and reporting to be based on specific regulated process limits. In some cases when this cannot be accomplished, EPA regulations allow for the use of the following techniques:

A. Combined Waste Stream Formula
This formula allows for the establishment of permit limits from combined regulated processes. Should it be used, the Pretreatment Coordinator should refer to detailed available EPA explanations for its use.

B. Flow Weighted Average
This allows for the use of a flow weighted average in establishment of permit limits.

C. Production Based Standards
Some categorical user limits are established based on production units and should be evaluated under such criteria.

(6) For CIU all applicable standards will be included in the permit for the specific category. If additional documentation is necessary the information will be included in the permit file to allow for optional conditions for the specific category.

(7) Spill controls will be included in permits based on spill potential and chemicals stored and used at the facility. Within one year and every other year there after, each SIU will be evaluated for the need to implement a spill plan. If a spill plan is required the permit will be changed with requirements to implement a spill plan. The required spill plan may include the following at a minimum:

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.

(8) BMPs are management and operational procedures that are intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge

point. BMPs are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions list in Section 2.1 B. of the Standards. 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.

BMPs may be Pretreatment Standards in two different circumstances. The first is when the BMPs are categorical Pretreatment Standards established by EPA. These are discussed in more detail below. The second is when a POTW establishes BMPs as local limits to implement the general and specific prohibitions.

If the POTW chooses to use BMPs instead of numeric limits where determination of compliance with numeric limits is infeasible, or as a supplement to numeric limits, as appropriate, to meet the requirements of the Clean Water Act. BMPs may be appropriate for regulating releases when the types of pollutants vary greatly over time, when chemical analyses are impracticable, where discharges are episodic in nature, and when other discharge control options are inappropriate (e.g., requirements for photoprocessors to use silver recovery systems or for dental facilities to follow BMPs to control mercury). Additional examples of BMPs used for the control of commercial sources of wastewater can be found in "Appendix W - Best Management Practices Mini-Case Studies" of "Local Limits Development Guidance Appendices," EPA 833-R-04-002B, July 2004.

(9) Permittees should be in compliance but if the permittee is not in compliance a compliance schedules should be included in the permit. Compliance schedules are to address known or suspected problems by requiring the IU to undertake a specific activity in order to reduce the quantity of pollutants currently discharged or to prevent the discharge of new or additional pollutants. A compliance schedule is a means of establishing milestones and deadlines for carrying out specific actions required of an IU. A compliance schedule could include installation of wastewater technology/pretreatment of industrial wastewater or the submission of a spill plan.

It is recommended that the Fact Sheet include information regarding the compliance schedule, such as, a brief outline of the activities required. The permit should include the requirements of the compliance schedule and specific target dates.

A. A compliance schedule cannot extend the Federal compliance period for categorical pretreatment standards or allow an IU to violate prohibited standards.

B. A compliance schedules should be included in the permit for the permittee to come into compliance with pretreatment standards.

1. When a compliance schedule is included in a permit the permittee should submit periodic compliance reports. The report should include milestones, progress made, delays and reasons for those delay and steps taken to return to the schedule established in the permit.

2. Compliance reports are required to be signed by the permittee and include the certification statement.

C. Compliance schedules may require that the permit be public noticed, review the permit and Pretreatment Standards to ensure that requirements of public noticing are met.

D. The permit writer should work with the permittee to develop the compliance schedule timeline.

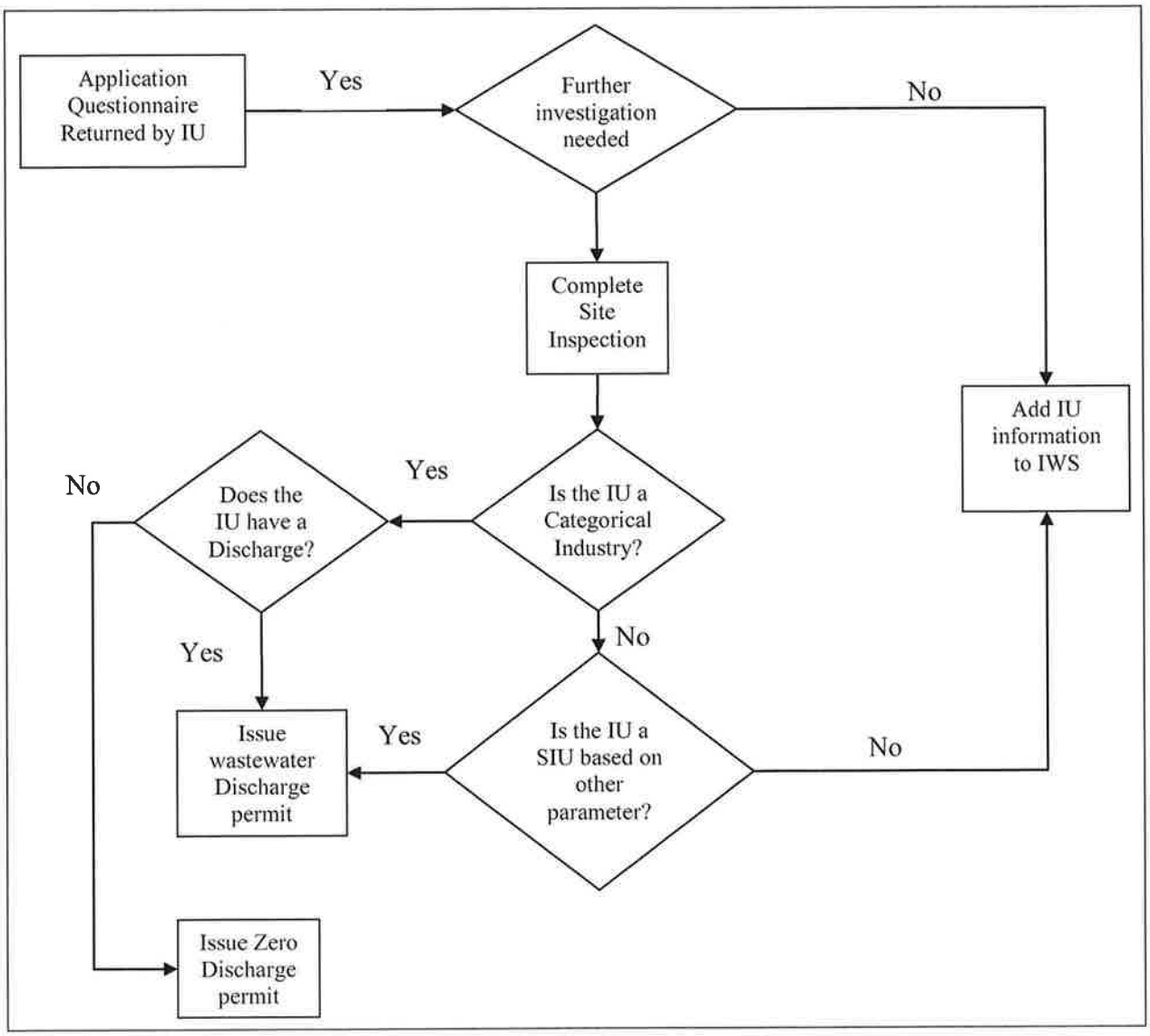
E. If the permittee does not meet a compliance milestone or if compliance is not met then the enforcement response plan should be followed for further action.

Permit Development and Issuance Procedures

All industries classified as a SIU shall be issued an individual pretreatment permit. If the industry is categorical, the industry will be required to meet all categorical standards promulgated by the Federal government. In addition, local limits as appropriate will be applied. The following procedures will be followed when issuing a pretreatment permit.

1. The draft permit and a statement of basis will be developed by the Pretreatment Coordinator and submitted to the industry for review. In general, the permit will follow the draft permit, if it deviates from the draft permit it will be public noticed for 30 days. The industry will have 6 working days to review the permit and comment before the public notice occurs or the permit is issued to the permittee.
2. Should the industry submit any specific comments, the pretreatment Coordinator will review such comments and respond to the Industry within 10 days.
3. A revised final permit will be issued within 15 days from the date the City sent the IU its respond to the IUs comments on the draft permit.
4. Should the industry wish to protest the permit a formal protest letter must be received within10 days after the receipt of the final permit. Protests will be handled in accordance with procedures outline in the Standards.

PERMITTING PROCEDURE



PERMIT

Industrial User Pretreatment Permit
To Discharge Wastewater Under the
Industrial Pretreatment Program

Permit Number	40 CFR Category(if Applicable)

In accordance with the provisions of the Brigham City Pretreatment Standards. The following Industry, hereafter referred to by name or as the permittee:

Industry name, permittee:
Facility Located at Street Address
City
State, Zip

is hereby authorized to discharge wastewater from the facility located at the above listed address and through the outfalls identified herein into the Brigham City POTW,

in accordance with effluent limitations, monitoring requirements, and all other conditions set forth in this Permit. This permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards, or requirements under local, State and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit. Noncompliance with any term or condition of this permit shall constitute a violation of the Brigham City code.

Effective date, this permit and the authorization to discharge shall become effective at midnight on this date:.
Expiration date, this permit and the authorization to discharge shall expire at midnight on this date:

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with section 5 of the Pretreatment Standards, a minimum or 90 days prior to the expiration date.

Date	Signature	Title

PART I SPECIFIC CONDITIONS

1.1 PERMIT Authorization Statement

1.) The Permittee is hereby authorized to discharge wastewater in accordance with the effluent limitations, monitoring requirements, and all other conditions set forth in this Permit into the Brigham City POTW from the outfalls listed below.

Describe the outfall(s):

Outfall ,_____	Description

IUP, Part 1.4:

Effluent Limits and Monitoring Requirements

The Permittee may discharge from this specific Pipe number according to these specific dates, effluent limits, and monitoring requirements

IU name => _____

PERMIT # => _____

Pipe # => _____

40 CFR # => _____

if not applicable put N/A

Effective date for these Limits => _____

Expiration date for these Limits => _____

THE LIMITS ON THIS PAGE ARE, (Check one below):

LIMITS for ENTIRE permit period =>	
INTERIM Limits for period # 1 =>	
INTERIM Limits for period # 2 =>	
FINAL Limits Page =>	

	Parameter	Concentration Limits				Mass Limits					
		Daily Max	Monthly Average	Daily Min	Units	Daily Max	Monthly Average	Units	Sampling Frequency	Sample Collection Method (C or G)	Required Laboratory Detection Level
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											
21											
22											
23											

1.5 Definitions and Limit notes:

In addition to the definitions in the City Pretreatment Standards the following definitions and requirements apply:

A. **Composite Samples** shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:

1. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;

2. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;

3. Constant sample volume, time interval between samples proportional to flow
(i.e., sample taken every "X" gallons of flow); and,

4. Continuous sample volume, with sample collection rate proportional to flow rate.

C. **Daily Monitoring**

Daily Monitoring as specified in this PERMIT shall mean each day of discharge. Monitoring is not required on days where no discharge occurs.

D. **Grab sample**, A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

E. **Instantaneous measurement**

An Instantaneous measurement for the monitoring requirements is defined as a single reading, observation, or measurement.

PART 2 GENERAL CONDITIONS

2.1. Representative Sampling

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

2.2. Reporting

a.) Monitoring results obtained by the permittee shall be reported on forms specified by Brigham City, postmarked no later than the twentieth day of the month following the month in which the samples were taken. If no discharge occurs during a reporting period (herein defined as each calendar month) in which a sampling event was to have occurred, a form with the phrase "no discharge" shall be submitted. The report shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analysis were performed during the calendar month preceding the submission of each report including measured maximum and average daily flows. Copies of these and all other reports required herein shall be signed and certified with the certification statement in the wastewater Pretreatment Standards by the IU`s authorized representative and submitted to the City at the following address:

Raymond Poulson
Waste Treatment Manager
PO Box 1005
Brigham City Utah, 84302

b.) If the sampling performed by the permittee indicates a violation, the permittee shall notify the City within 24 hours of becoming aware of the violation. The permittee shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. Initial notice may be given by contacting the wastewater department at 1-435-723-3146.

c.) The permittee shall report any issues of non-compliance with permit conditions within 24 hours of becoming aware of the issue.

2.3 Test Procedures

All handling and preservation of collected samples and test procedures for the analysis of samples shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto unless specified otherwise in the monitoring conditions of this permit. The analysis must be completed by a State Certified lab or by a lab approved by the Waste Treatment Manager.

2.4 Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and results shall be reported in the monthly report submitted to the City. Such increased monitoring frequency shall also be indicated in the monthly report. The City may require more frequent monitoring or the monitoring of other pollutants not required in this permit by written notification. All monitoring records including those that do not meet the above analytical methods shall be made available for review by the control authority.

2.5 Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the City Code and is grounds for possible enforcement action or grounds for the permit to be revoked.

2.6 Duty to Mitigate - Prevention of Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health, the POTW, the waters receiving the POTW's discharge, or the environment; including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

2.7 Facilities Operation, Bypass

The permittee shall at all times maintain in good working order and operate as efficiently as possible, all control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Permittee may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs A and B of this Section.

A. Bypass Notifications

1. If permittee knows in advance of the need for a bypass, it shall submit prior notice to the Waste Treatment Manager, at least ten (10) days before the date of the bypass, if possible.

2. Permittee shall submit oral notice to the Waste Treatment Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Permittee 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 Waste Treatment Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

B. Bypass

1. Bypass is prohibited, and the Waste Treatment Manager may take an enforcement action against Permittee 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 Permittee submitted notices as required under paragraph A of this section.

2. The Waste Treatment Manager may approve an anticipated bypass, after considering its adverse effects, if the Waste Treatment Manager determines that it will meet the three conditions listed in paragraph B 1 of this Section.

2.8 Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutants from such materials from entering the sewer system and in a accordance with section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act. The permittee is responsible for assuring its compliance with any requirements regarding the generation, treatment, storage, and/or disposal of "Hazardous waste" as defined under the Federal Resource Conservation and Recovery Act.

2.9 Upset Conditions

An "upset" means an exceptional incident in which there is an unintentional and temporary noncompliance with the effluent limitations of this permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.

An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (A), below, are met.

A. A Permittee who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the Permittee can identify the cause(s) of the Upset;
2. 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

3. The Permittee has submitted the following information to the Waste Treatment Manager within twenty-four (24) hours of becoming aware of the Upset, if this information is provided orally, a written submission must be provided within five (5) 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.

2.10 Right of Entry

The permittee shall allow the staff of the Brigham City Public Works Department, and/or their authorized representatives, upon the presentation of credentials:

A. To enter upon the permittee's premises where a real or potential discharge is located or in which records are required to be kept under the terms and conditions of this permit; and
B. Have access to and copy records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.
C. The Waste Treatment Manager 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.
D. 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 Waste Treatment Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
E. Delays in allowing the Waste Treatment Manager access to the User's premises shall be a violation of this permit.
F. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the Waste Treatment Manager's requirements and all applicable local construction standards and specifications. Such facilities shall be constructed and maintained in a manner that enables the Waste Treatment Manager to perform independent monitoring activities.

2.11 Availability of Records and Reports

The permittee shall retain records of all monitoring information, including all calibration and maintenance records as well as copies of reports and information used to complete the application for this permit for at least three years. This period may be extended by request of the Control Authority at any time. All records that pertain to matters that are subject to any type of enforcement action shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Except for data determined to be confidential under the Wastewater Pretreatment Standards, all reports prepared in accordance with terms of this permit shall be available for public inspection at the City. As required by the Wastewater Pretreatment Standards, effluent data shall not be considered confidential.

2.12 Duty to Provide Information

The permittee shall furnish to the Director of Public Works or his/her designees, within the given timeframe, any information which the Director, his/her designee, may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine

compliance with this permit. The permittee shall also furnish, upon request, copies of records required to be kept by this permit.

2.13 Signatory Requirements

All reports or information submitted pursuant to the requirements of this permit must be signed and certified by the Authorized Representative as defined under the Wastewater Pretreatment Standards. If the designation of an Authorized Representative 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 Wastewater Treatment Manager prior to or together with any reports to be signed by an authorized representative. Reports and information shall be certified as follows:

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

2.14 Toxic Pollutants

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Federal Clean Water Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit may be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

2.15 Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under the Brigham City Wastewater Pretreatment Standards or State or Federal Laws or regulations.

2.16 Federal and/or State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal and/or State law or regulation.

2.17 Penalties

The Wastewater Pretreatment Standards provides that any person who violates a permit condition is subject to a civil penalty not to exceed $10,000 dollars per day, per violation. 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.

Under state law under certain circumstances it is a crime to violate terms, conditions, or requirements of pretreatment permits. It is a crime to knowingly make any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance. These crimes are enforced at the prosecutorial discretion of the local District Attorney, the State Attorney General's office and/or Federal Attorney.

2.18 Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of the permit.

2.19 Transferability

This permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without approval of the Waste Treatment Manager. Permittee shall gives at least 60 days advance notice to the Waste Treatment Manager. The notice to the Waste Treatment Manager must include a written certification by the new owner 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. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

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

2.20 Property Rights

This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

2.21 Severability

The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

2.22 Permit Modification, Revocation, Termination

This permit may be modified, revoked and reissued or terminated with cause in accordance to the requirements of the City and State of Utah Code or implementing regulations. Cause may include non-compliance with permit conditions.

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

2.23 Re-Application for Permit Renewal

The permittee is responsible for filing an application for reissuance of this permit at least 90 days prior to its expiration date.

2.24 Dilution Prohibition

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

2.25 Reports of Changed Conditions

The permittee shall give notice to the City of any planned significant changes to the permittee's operations or system which might alter the nature, quality, or volume of its wastewater at least 180 days before the change. The permittee shall not begin the changes until receiving written approval from the City. Also see Part II, 30 below for additional reporting requirements for spill/slug issues.

Significant changes may include but are not limited to
(a) increases or decreases to production;
(b) increases in discharge of previously reported pollutants;
(c) discharge of pollutants not previously reported to the City;
(d) new or changed product lines;
(e) new or changed manufacturing processes and/or chemicals; or
(f) new or changed customers.

2.26 Construction

No construction of pretreatment facilities or additions thereto shall be begun until Final Plans and Specifications have been submitted to the City and written approval has been issued.

2.27 Reopener

The permit shall be modified or, alternatively, revoked and reissued to comply with any applicable effluent standard or limitation for the control of any pollutant shown to contribute to toxicity of the WWTP effluent or any pollutant that is otherwise limited by the POTW discharge permit. The permit as modified or reissued under this paragraph may also contain any other requirements of State or Federal pretreatment regulations then applicable.

2.28 Categorical Reopener

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 302(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

1.) contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
2.) controls any pollutant not limited in this permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

2.29 General Prohibitive Standards

The permittee shall not introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.

2. Wastewater which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0

3. Wastewater which will cause structural damage to the POTW, but in no case, discharges with a pH higher than 12.5.

4. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference.

5. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at such volume or strength as to cause Interference in the POTW.

6. Heat in amounts, which will inhibit biological activity in the POTW, resulting in Interference, but in no case, heat in such quantities that the influent to the sewage treatment works exceeds 104 ° F (40 ° C).

7. Petroleum oil, non biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.

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

9. Any trucked or hauled pollutants, except at discharge points designated by the Waste Treatment Manager in accordance with the Wastewater Pretreatment Standards.

10. Hazardous waste as defined under 40 CFR Part 261 in accordance with Section 6.9 of the Wastewater Pretreatment Standards.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.30 Potential Problems

A. The permittee shall provide protection from accidental and slug discharges of prohibited materials and other substances regulated by this permit. The permittee shall also notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in the Wastewater Pretreatment Standards.

B. Additionally, the permittee shall notify by telephone the City immediately of all discharges that could cause problems to the POTW including any slug loadings. If the permittee experiences such a discharge, they shall inform the City immediately upon the first awareness of the commencement of the discharge. Notification shall include location of the discharge, type of waste, concentration and volume if known and corrective actions taken by the permittee. A written follow-up report thereof shall be filed by the permittee within five (5) days, unless waived by the City.

C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees to call in the event of a discharge described in paragraph A, above Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

PART 3 SPECIAL CONDITIONS

NOTE TO PERMIT WRITERS
CHOOSE applicable Special Condition
MAKE any needed adjustments
REMOVE rest, Including "Note to Permit Writer"

3.1 Slug/Spill Control Measures

NOTE TO PERMIT WRITER: REQUIRED STREAMLINING CHANGE in Part III, 1: 403 now requires POTW that require SIUs to implement any slug/spill control measures, to list those measures in the PERMIT. Additionally, 403 allows POTWs to require the traditional Slug/Spill Control Plan or to require any specific other measure. For example, the POTW might require one or more of the following "example measures."

1. Submit Slug/Spill Control Plan in accordance with Section 3.3 of the Wastewater Pretreatment Standards Implement Upon POTW Approval
2. Implement approved Slug/Spill Control Plan
3. Implement POTW Approved (Insert Name of SIU's Plan/SOP/Other Document)

4a. Submit plans for installation of berms around XXX, with alarms to detect spills and an SOP of operation.

4b. Complete installation of berms and alarms and commence implementation of approved SOP.

5. Plug Floor Drains in _(list areas here)__.

These or any other "measures" the POTW wants to require would be listed in the blanks in the Suggested Special Condition below, with any applicable due dates.

In addition to the requirements in Part II, 30, the Permittee shall complete installation and/or commence implementation, operation, and/or maintenance of the following specific protection Measures, Activities, Plans. Etc. (Items without specific completion dates, or marked as "Continuous." must be performed for the entire duration of the permit):

NOTE TO PERMIT WRITER: Compliance schedule information should be included here as needed.

These or any other "measures" the POTW wants to require would be listed in the blanks in the Suggested Special Condition below, with any applicable due dates.

Description of Measure, Activity, Plan, etc.	Required Completion/ Implementation Date

The permittee shall provide updates to the Control Authority as required by Part II, 30, of this permit. Modifications to the measures shall be approved by the Control Authority prior to installation/implementation. If a measure fails, the Control Authority shall be notified within 24 hours.

3.2 Flow Measurement Requirements
(For SIUs with discharge flow meters)

The permittee shall maintain appropriate discharge flow measurement devices and methods consistent with approved scientific practices to ensure the accuracy and reliability of measurements of the volume of monitored discharges. Devices installed shall be a continuous recording flow meter capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. The devices shall be installed, calibrated, and maintained to ensure accuracy. At the time of issuance of the permit, this method consists of _____.

The meter shall be calibrated every _____ (enter time period). Modifications to the flow metering equipment shall be approved by the Control Authority prior to installation. If a required flow measurement device fails, the Control Authority shall be notified within 24 hours.

OR:

3.2 Flow Measurement Requirements
(For SIUs currently without discharge flow meters)

a.) Temporary Flow Measurement Method
Until such time as discharge flow measurement devices for individual regulated pipes are required by the Control Authority, the permittee shall record the water meter reading providing water to the facility at the beginning and end of each composite sample collection time period, convert this to an estimate of the daily discharge flow for each pipe, and report this value on the discharge monitoring report form.

b.) Installation of Discharge Flow Measurement Devices
If required by any of the following:
the Control Authority,
Submit Plans to Control Authority by _____
Complete Installation by _____
Use of production based Effluent Limits
Use of Mass based Effluent Limits

Use of Combined Wastestream Formula Effluent Limits

the permittee shall install appropriate discharge flow measurement devices and methods consistent with approved scientific practices to ensure the accuracy and reliability of measurements of the volume of monitored discharges. Devices installed shall be a continuous recording flow meter capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. The devices shall be installed, calibrated, and maintained to ensure accuracy. If a required flow measurement device fails, the Control Authority shall be notified within 24 hours. Modifications to the flow metering equipment shall be approved by the Control Authority prior to installation.

3.3 Total Toxic Organics (TTO) Definition

"TTO", or Total Toxic Organics, is the sum of the concentrations of the toxic organic compounds listed in 40 CFR _____ that are found in the permittee's process discharge at a concentration greater than 0.01 mg/l.

3.4 Total Toxic Organics (TTO) Certification

In lieu of monitoring for TTO, the permittee may, upon submitting to the City one sample showing TTO compliance and a toxic organic management plan, make the following certification every six months:

"Based upon my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for total toxic organics (TTO), I certify that, to the best of my knowledge, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the City."

NOTE TO PERMIT WRITER: If SIU decides not to submit certification, the POTW must perform TTO analysis at least once per year. Wording below addresses this, in particular requiring the July through December certification to be submitted before the end of December (we suggest the 15th or maybe earlier), so that the POTW will actually have time to collect the TTO sample before the end of December. Also the permittee must sample twice a year for TTOs…Must sure the entire list is sampled for the CIU. Note wording about billing is OPTIONAL.

At a minimum, the certification statements are due by _____ of each year covering the January through June six month period, and December _____of each year covering the July through December six month reporting period. If the certification is not submitted for both periods within _____ days of the respective due dates, the Control Authority shall collect TTO samples before December 31 and the permittee may be billed for the cost of the TTO sampling and/or analysis.

3.5 Toxic Organic Management Plan

Within ninety days of the issuance of this permit, the permittee shall develop and submit to the Control Authority a toxic organic management plan.

3.6 Production Records
(for Categorical Industrial Users Covered by Production Based Categorical Standards only)

The permittee shall keep records of the number of off-pounds of metal processed each day of production for each core and ancillary operation covered by 40 CFR _____. These records shall be submitted to the Control Authority by _____ and _____ (enter as dates), and shall cover the previous six month report period (January through June and July through December). Additionally, the applicable daily production data shall be recorded in all submittals of sampling data.

Additionally, the permittee shall notify the [POTW Director] within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. 40 CFR 403.6(c)(9).

3.7 Combined Wastestream Formula Flow Condition
(for Categorical Industrial Users only)

Regulated Categorical Process Flow:
The permittee shall have available flow monitoring equipment at such locations as necessary to measure the total daily volume of wastewater discharged that is covered by 40 CFR _____. This flow monitoring equipment shall also be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes, however it is not required that it be continuous recording. At the time of issuance of the permit, this method consists of _____

_____

and the frequency shall be _____ and data shall be collected and reported as required in Part II, 1-4 of this PERMIT. Modifications to the flow metering equipment shall be approved by the Control Authority prior to installation.

NOTE TO PERMIT WRITER: The following are OPTIONAL STREAMLINING CONDITIONS

3.8 Monitoring Waiver Parameters

Monitoring by the permittee and the Control Authority has been waived for the following parameters in accordance with section 6.4 B of the Wastewater Ordiancne.

Parameter Name	40 CFR _____ Standards

The permittee shall provide the following certification with each report required by Part II, 2, of this PERMIT, but in no case less than once every six months.

"Based upon my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standards for 40 CFR _____, I certify that, to the best of my knowledge, there has been no increase in the level of _____ in the wastewaters due to the activities at the facility since filing of the [[[last monitoring report]]] [[[last periodic report under 40 CFR 403.12(e)(1).]]]"

In the event that a waived parameter is found to be present or is expected to be present based on changes that occur in the permittee's operations, the permittee shall immediately notify the Control Authority and sample for the parameter within _____days of the notification.

A. PERMIT Basic Information

Receiving POTW name:	POTW NPDES#:
PERMIT name:	PERMIT Number:
PERMIT Effective date:	Pipe Numbers, list all regulated pipes:
PERMIT expiration date:	PERMIT 40 CFR#, if applicable:

Other relevant information:

B. PERMIT History. A Complete Permit History is required:

Effective Date	Renewal or Modification	Description of changes over previous PERMIT.

If the permittee is under a compliance schedule include information on why the compliance schedule is necessary and include a table outlining the compliance requirements in part I of the permit.

C. PERMIT Survey & Application form

Attach a completed copy of the Industrial User Wastewater Survey & Application Form

D. IU Inspection form
Attach a copy of an Industrial User Inspection Form completed by the City within the past 12 months.

E. Permitted facilities The Permittee is hereby authorized to continue operation of and discharge wastewater from the following treatment or pretreatment facilities. These facilities must correspond to the treatment units listed on both the application and inspection forms.

IU Treatment Units	
List all Treatment Units:	Descriptions:

If required by the City the permittee shall construct and operate additional pretreatment units as needed to meet final effluent limitations.

F. Schematic and Monitoring Locations:

The facility schematic and description of monitoring location(s) given below must show enough detail such that someone unfamiliar with the facility could readily find and identify the monitoring location(s) and connection to the sewer. Include and identify all regulated pipes.

G. RATIONALE FOR LIMITATIONS:

As listed on the PERMIT Limits Page(s), PART I, Section F of the PERMIT.

RATIONALE #1:

Review of IU Monitoring Data. with no Over Allocation situation:

The following pollutants were assigned numerical limits in this PERMIT based on a review of monitoring data for the permittee to determine what ranges of concentrations are currently being discharged. To account for sample variability a factor was applied to the monitoring data to determine the permit limit. Permit limits assigned by the Local PERMIT Control Authority can not results in an Over Allocation situation for any pollutants.

RATIONALE #2a:

Categorical Industrial Limits, with no Over Allocation situation:
Check here if Combined Wastestream Formula (CWF) or other categorical limits calculations were used. If used, Please attach calculations: (see CWF Spreadsheet, Appendix 6-F)

Were used (attach calculations)	
Were not used	

The following pollutants were assigned numerical limits in this PERMIT based on the categorical regulations. These limits do not result in over allocations.

RATIONALE #3a:

Over Allocation Prevention, with IU pollutant reduction:

The following pollutants were assigned numerical limits in this PERMIT based on allocating the Maximum Allowable Industrial Loading (MAIL) determined with the Headworks Analysis (HWA) among all Industrial Users. The total loading of each pollutant from all permitted discharges does not exceed the MAIL. These limits do not result on over allocations.

RATIONALE #3b:

Interim Limits for IU pollutant reduction:

The following pollutants were assigned interim numerical limits in this PERMIT to allow time for the industry to come compliance with final limits that will not in over allocations.

RATIONALE #4:

4.) Other Rationale for Limitations:

The following rationale was used for developing PERMIT Limits.

Parameter	Rationale

RATIONALE #5a:

Non-Categorical Parameters where No Limit needed or assigned in an PERMIT:

The following pollutants were not assigned numerical limits in this PERMIT because the loadings for these pollutants from this IU were less than 5% of the MAHL. The loading of these pollutants from this IU is considered insignificant at this time.

Pollutant	Avg SIU mg/l	Avg SIU lbs/day	5% MAHL, lbs/day
Flow			

RATIONALE #5b:

Categorical Parameters with Waived Monitoring:

Monitoring is waived for the following categorical parameters (attach documentation of waiver justification).

Pretreatment Program
Section 3-D

Self Monitoring And Reporting Requirements

The following information can be found in this section:

Purpose
Legal Authority
Program

Self-Monitoring Program
Reporting Requirements
Monitoring Procedures
Signature Requirements
Notice Requirements
Notification of Change Requirements

FLOW CHARTS

None

FORMS

Self-Monitoring Report

Additional guidance can be found in the following EPA Guidance Manuals:

- **POTW Pretreatment Program Development**

PURPOSE

Industrial self monitoring requirements are provided in order to aid in monitoring and tracking compliance with applicable pretreatment standards. This attachment is prepared to provide guidance in the development of self monitoring frequencies, in the preparation of self monitoring reports and the requirements of notification by the permittee. The information presented is intended to be in accordance with 40 CFR 403. Should any conflict arise, the federal code will govern.

LEGAL AUTHORITY

U.S. Code of Federal Regulations, Title 40, Sections 136, U.S. Government Printing Office, Washington, D.C. 20402, 1994.

U.S. Code of Federal Regulations, Title 40, Sections 400-699, (two volumes), U.S. Government Printing Office, Washington, D.C. 20402, 1994.

U.S. Code of Federal Regulations, Title 40, Section 403.8 (f) (2) (vi)

PROGRAM

Self-Monitoring Program

Each Industrial User is required to have samples of their discharge analyzed according to the requirements of their permit. The permittees are required to submit information and data that is representative of conditions during the reporting period. The initial frequency of sampling should be based on Table I. Sampling results should be submitted to the City on a Self-monitoring Report form. As a monitoring history is established, the frequency of sampling can be either increased or decreased as discussed below under Monitoring Criteria. The sampling procedures used by the Industrial User should be reviewed by the City during the inspection of the Industrial User (see *Inspection Report,* **Inspection Program**). The factors discussed under Monitoring Criteria and Chain-of Custody, in Tab 3-E, apply to the Self-Monitoring Program.

All analysis must be completed in accordance with 40 CFR Part 136 and by a lab that is certified by the State or approved by the City.

Self monitoring must be done in accordance with approved procedures. The following information is provided to assist in developing standards for such monitoring.

> Self Monitoring Location:
> Self monitoring should take place at the end of process stream or at the discharge to the City's collection system. Specific sampling location will be determined by the Pretreatment Coordinator working with the industrial user.
>
> Self Monitoring Frequency:
> See Table I for general monitoring frequency. The frequency assigned for self monitoring may be reduced or increased based on determinations and information regarding the following: the ability of the wastewater treatment plant to treat the pollutant, compliance history and other factors that may be a concern for the City.

The person who collects the sample should be trained in the methods of sample collection.

Chain-Of-Custody Requirements

A *Chain of Custody Record* shall be completed for each sample taken. At the time the sample is turned over to the laboratory, the *Chain of Custody Record* shall be signed by the person relinquishing the sample and receiving the sample. One copy of the *Chain of Custody Record* shall be filed in the User's File under Sampling and Reporting and two copies should be given to the person receiving the sample. Upon receiving the results from the laboratory, a copy of the *Chain of Custody Record* should be included. This copy should also be filed in the User's File under Sampling and Reporting.

Quality Control/Quality Assurance for Sampling

Quality Assurance - Quality assurance for sampling is to insure the quality of the sampling equipment and field measurements. The elements of Quality Assurance for sampling include the following:

- Required analytical methodology for each regulated pollutant.
- Documentation or justification of selected analytical and sampling methods.
- Number of samples for analysis of Quality Control.
- Procedures to calibrate and maintain equipment.
- Performance evaluation of the following areas:
    - Qualification of sampling personnel
    - Determining the best sampling site
    - Sampling techniques
    - Flow measurement
    - Completeness of data, data records, processing, and reporting.
    - Calibration of equipment
    - Use of QC samples to evaluated validity of data
    - Training of personnel involved with handling data

Quality Control - Quality Control demonstrates and documents the Quality Assurance. Following are procedures to be used for Quality Control:

- Calibration plan of all equipment
- Documentation in a QC notebook including:
    - Equipment specification
    - Calibration dates
    - Calibration expiration date
    - Maintenance due date
- Collection of the following types of QC samples:
    - Duplicate samples
    - Equipment blank
    - Field blank
    - Preservation blanks

Quality Control/Quality Assurance for Laboratories

QA/QC procedures for laboratories are part of the specific laboratory's Standard Operating Procedures. The QA/AC procedures should be available from the laboratory and reviewed by the

Pretreatment Coordinator to assure a high quality of reliability in the laboratory results. The following types of samples should be collected to determine the confidence in the validity of reported analytical data:

- Duplicate Samples
- Method Blanks
- Split Samples
- Spiked Samples

Further discussion of Quality Assurance and Quality Control can be found in the document, *Industrial User Inspection And Sampling Manual for POTW's,* April, 1994, U.S. EPA, Washington, D.C. 20406.

Reporting

Sampling data shall be recorded on the Sampling Report Form. Results shall be submitted to City within thirty days of the end of the sampling period in accordance with Section 9.2 of the Pretreatment Standards. The Self-monitoring sampling data shall be evaluated by the Pretreatment Coordinator for Violations and Surchargeable constituents. The permittee is required to submit all monitoring results for the reporting period. If reports are only required twice a year the reports are to be submitted by the permittee to the City on June 28th and December 28th each year.

Monitoring Safety

The main safety concern involved in monitoring is confined space entry. Confined space is "a space which by design has limited openings for entry and exit, unfavorable natural ventilation which could contain or produce dangerous air contaminants, and which is not intended for continuous employee occupancy." A manhole is a confined space and should not be entered unless there are no other alternatives in obtaining a sample. Prior to entering a manhole or other confined space the regulations published by OSHA should be consulted.

Below are several other safety concerns that should be considered when monitoring:

1. Protective gloves should be used when taking a sample.
2. Proper collection equipment should be used to avoid falling.
3. Care should be taken when on the Industrial User's premises.
4. Any safety equipment should be used as required by the Industrial User or deemed appropriate by the sampler, e.g. hard hat, protective eyewear, etc.

Signature Requirements

Authorized or Duly Authorized Representative of the User.

Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who

performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that 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 individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly 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 Wastewater Treatment Manager.

Notice Requirements

The IU is required to notify the City within 24 hours of a violation and resample the parameter that was violated within 30 days of being notified of the violation.

Notification of Change Requirements

The IU is required to notify the City within 45 days prior to a change at the facility that may impact the spill potential by the IU. The Governing Authority must evaluate the change and determine if the permit and/or submitted spill/slug plan must be changed in order to protect the POTW from a potential slug discharge. If the City deems the change warrant a change to the permit the permit will be changed within 30 days to reflect the requirements to protect the POTW from a slug discharge.

A SIU that has limits that are determined by production rate must contact the Governing Authority within 45 day prior to a change at the facility regarding the production rate that may impact the permit limit. Such a change would include a increase or decrease of 20% the amount of the production rate that the permit limits were based upon to develop the permit limits. If the City deems the increase or decrease significant and the production will continue at the changed rate then the City will change the permit limits within 30 days to reflect the new production rates.

Table I
Frequency of Monitoring

CONVENTIONAL, METAL, INORGANIC,
CYANIDE AND PHENOL

Flow, *(gallons per day)*	Frequency
0 to 10,000	2 per Year
10,001 to 50,000	Quarterly
50,001 to 100,000	Monthly
100,001 to 240,000	2 per Month
240,001 to 1,000,000	Weekly
1,000,001 to 1,500,000	2 per Week
1,500,001 to 2,500,000	3 per Week
2,500,001 to 3,500,000	5 per Week
Over 3,500,000	Daily

ORGANICS

Flow, *(gallons per day)*	Frequency
0 to 25,000	2 per year
25,001 to 75,000	4 per year
75,001 to 250,000	1 per month
over 250,000	2 per month

Brigham City

Self-Monitoring Report Form

Industry Name: _____
Date of Sample: _____ Time of Sample: _____
Sampling Location: _____
Sample taken by: _____
Type of Sample: _____
Sample Results:

Parameter	Units	Results
Flow_____	(gpm, mgd, or cfs)	
B.O.D.5	mg/l	
Suspended Solids (TSS)	mg/l	
Oil and Grease (O&G)	mg/l	

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 information submitted. Based on my inquiry of the person or people who manage the system, or those people directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

_____ _____
(Signature of Authorized Representative) *(Date)*

Brigham City
Sampling and Chain-Of-Custody Record

SAMPLE NUMBER:_____ SAMPLE DATE: _____ SAMPLE TIME: _____

COMPANY/FACILITY: _____

LOCATION: _____

SAMPLE SITE: _____

SAMPLER(S): _____ _____

SIGNATURE(S): _____ _____

ANALYSES TO BE PERFORMED

State "g" for grab and "c" for composite sample

CONVENTIONAL POLLUTANTS:

pH [ ] Conductivity [ ] BOD [ ] COD [ ] Oil & Grease [ ] Total Solids [ ] TDS [ ] TSS [ ]

NON-CONVENTIONAL POLLUTANTS: Ammonia [ ] Cyanide [ ] Phenol [ ]

METALS:

Arsenic	[ ]	Iron	[ ]	Thallium	[ ]	OTHERS	
Barium	[ ]	Lead	[ ]	Tin	[ ]	_____	[ ]
Beryllium	[ ]	Mercury	[ ]	Titanium	[ ]	_____	[ ]
Cadmium	[ ]	Molybdenum	[ ]	Vanadium	[ ]	_____	[ ]
Chromium	[ ]	Nickel	[ ]	Zinc	[ ]	_____	[ ]
Copper	[ ]	Selenium	[ ]	Zirconium	[ ]	_____	[ ]
Gold	[ ]	Silver	[ ]				[ ]

ORGANICS: VOC [ ] A/E [ ] B/N [ ] Pesticides [ ] BTEX [ ] Benzene [ ] TOC [ ]
TOX [ ] TPH [ ] Flashpoint [ ] PCB's [ ] TTO [ ]

PRESERVATIVES USED: _____

ANALYTIC METHODS USED: _____

SECURTIY MEASURES EMPLOYED: _____

_____

CHAIN OF CUSTODY

SAMPLE RELINQUISHED BY: _____ Title: _____

SAMPLE RECEIVED BY: _____ Title: _____

Date:_____ Time: _____

SAMPLE RELINQUISHED BY: _____ Title: _____

SAMPLE RECEIVED BY: _____ Title: _____

Date:_____ Time: _____

SAMPLE RELINQUISHED BY: _____ Title: _____

SAMPLE RECEIVED BY: _____ Title: _____

Date:_____ Time: _____

Pretreatment Program
Section 3-E

Brigham City Monitoring, Sampling, Tracking and Chain-of-Custody Procedures

The following information can be found in this section:

Purpose
Legal Authority
Program

Brigham City's Monitoring Program
Monitoring Criteria
- Parameters to Sample
- Location of Sample
- Type of Sample
- Volume of Sample
- Frequency of Sample
- Chain-of-Custody Requirements
- Quality Control/Quality Assurance for Sampling
- Quality Control/Quality Assurance for Laboratories

Tracking System
Monitoring Safety
Field Procedures
Exceedance in the City's Sample Event of the Users Discharge

FLOW CHARTS

None

FORMS

Confined Space Entry Form
Sampling Requirements - Conventional
Sampling Requirements - Organics
Frequency of Monitoring
Chain-of-Custody
Tracking of Industrial Users

Additional guidance can be found in the following EPA Guidance Manuals:

- **POTW Pretreatment Program Development**

PURPOSE

The following procedures have been established in sampling and monitoring industrial users. These procedures are intended to provide for uniform and representative sampling of industrial users and to allow for adequate documentation of sample handling to ensure procedural adequacy should court action ever be required.

Following are the purposes of the **Monitoring and Reporting Program:**

1. Provide data from which compliance with Pretreatment Standards and conditions can be determined.
2. Verify information received by the Industrial Users independently
3. Provide data for support of enforcement actions.
4. Verify correction of problems.
5. Maintain information on Industrial Users
6. Provide for research and development of potential changes at Industrial Users facilities.

LEGAL AUTHORITY

U.S. Code of Federal Regulations, Title 40, Sections 136, U.S. Government Printing Office, Washington, D.C. 20402, 1994.

U.S. Code of Federal Regulations, Title 40, Sections 400-699, (two volumes), U.S. Government Printing Office, Washington, D.C. 20402, 1994.

40 CFR 403.8(f)(1)(v), 40 CFR 403.8(f)(2)(iv), 40 CFR 403.8(f)(2)(v)

PROGRAM

The **Monitoring Program** has the following components:

1. City Monitoring
2. Evaluate the Analysis of the Monitoring
3. Monitoring Criteria
4. Monitoring Safety

Brigham City's Monitoring Program

The City should monitor an Industrial User's discharge at least once a year sampling all pollutants regulated by the permittee's permit. Samples should be taking per the requirements of the permit; therefore the Pretreatment Coordinator will have access to a composite sampler. Depending on the factors discussed below under Monitoring Criteria, the frequency may be increased. Industrial Users should not be notified of the sampling event. With at least one sample per year being unscheduled and unannounced, this sample should not occur during an inspection. The cost of the City's monitoring should be assessed to the Industrial User.

The Pretreatment Coordinator will collect the samples and will be trained in the methods of sample collection need for all permitted Industrial Users.

The discussion of Monitoring Criteria should be applied to City's and the permittees monitoring.

Monitoring Criteria

The following are the factors to consider in both the permittees monitoring and City's Monitoring:

1. Parameters to Sample
2. Location of Sample
3. Type of Sample
4. Volume of Sample
5. Frequency of Sample
6. Chain-Of-Custody
7. Quality Assurance/Quality Control for Sampling (QA/QC)
8. Quality Assurance/Quality Control for Laboratories (QA/QC)

Parameters to Sample

Generally, the sampling requirements for any specific parameter will be included in the IU's Pretreatment Permit. The following is general guidance on sampling.

Categorical Industries

The parameters to be monitored depend on the type of industry. For Categorical Industries, the parameters to be monitored are found in 40 CFR 403 - 471.

Local Limits

The parameters for which local limits have been established are listed in the City's wastewater standards or Industrial Pretreatment Program. These pollutants are sampled depending on the expected concentrations of the pollutants to be discharged.

Conventional Pollutants

The conventional pollutants are those for which Industrial Users will be surcharged if their concentrations exceed a certain quantity. There are also concentrations over which conventional pollutants cannot be discharged. These limits are given in the City's wastewater standards.

Location of Sample

The following should be considered in selecting the Sampling Location:

1. The site should be chosen such that a representative sample can be taken usually just prior to the point of where the discharge enters the public sewer.

2. When a discharger is subject to two or more categorical standards, each must be sampled prior to the point where they combine.

3. If possible, a sampling point should be chosen where flow measurements can be taken.

4. For all Categorical and Significant Industrial Users, the Pretreatment Coordinator shall determine the sampling point and prepare a specific sampling procedure.

5. The City can gain access to the sampling point without notification of the permittee, if possible. At no time may the permittee limit the City's ability to take a sample per the requirements of the permit.

Once selected, the sampling point should be specified in the permit.

Type of Sample

The following are three types of samples which may be used:

I. Composite
   Equal volume
   Flow-proportioned

II. Grab

Preference should be given to the use of flow proportioned composite samples were possible as per 40 CFR 403.12. Nonflow proportioned composite samples may be used where the District determines that proportioned samples cannot be feasibly obtained. Grab samples should be used for the following reason:

1. For the following parameters:

pH	cyanide	total phenol
oil and grease	sulfide	volatile organics
temperature	toxicity	Chrome +6

2. for Batch Discharges,
3. for flows which have constant waste characteristics,
4. for characterizing extremes of flow and wastewater quality,
5. for samples which cannot be held for a long time, and
6. for industries suspected of discharging slug loads.

Hints for composite sampling

1. When using automatic samplers, intervals should be one hour or less.
2. When discrete samples are grabs, intervals should be two hours and a minimum of four grabs should be taken.
3. Discrete composite samples should be flow-proportioned.
4. Sample must be representative of operations.

Volume of Sample

The volume of the sample to be taken depends upon the type if tests required. Consideration also needs to be given to the type of container, preservation and holding time. Table I gives this information for primary pollutants metals and non-organics and Table II gives the information for Organic pollutants. All sample volumes should be sufficient to meet the requirements of 40 CFR Part 136 and amendments thereto.

The laboratory which analyzes the samples should be consulted for specific information on sampling. The laboratory will be either a State certified lad or a lab approved by the Division of Water Quality to take sample per the requirements of the City's UPDES permit.

Frequency of Sample

The frequency of sampling by the City depends on the parameter to be sampled, the flow of the Industry, and the compliance history of the Industry.

Table III shows the frequency of samples taken as a function of the parameters to be sampled and the flow of the Industry. The Table is not the only factor in determining the frequency of samples the permit writer should also consider the quantity of discharge, quality of discharge, and enforcement history of the permittee. The permit writer shall use the same factors in determining the frequency of monitoring for all SIUs.

Chain-Of-Custody Requirements

A *Chain of Custody Record* shall be completed for each sample taken. At the time the sample is turned over to the laboratory, the *Chain of Custody Record* shall be signed by the person relinquishing the sample and receiving the sample. One copy of the *Chain of Custody Record* shall be filed in the User's File under Sampling and Reporting and two copies should be given to the person receiving the sample. Upon receiving the results from the laboratory, a copy of the *Chain of Custody Record* should be included. This copy should also be filed in the User's File under Sampling and Reporting.

Quality Control/Quality Assurance for Sampling

Quality Assurance - Quality assurance for sampling is to insure the quality of the sampling equipment and field measurements. The elements of Quality Assurance for sampling include the following:

- Required analytical methodology for each regulated pollutant.
- Documentation or justification of selected analytical and sampling methods.
- Number of samples for analysis of Quality Control.
- Procedures to calibrate and maintain equipment.
- Performance evaluation of the following areas:
    - Qualification of sampling personnel
    - Determining the best sampling site
    - Sampling techniques

- Flow measurement
- Completeness of data, data records, processing, and reporting.
- Calibration of equipment
- Use of QC samples to evaluated validity of data
- Training of personnel involved with handling data

Quality Control - Quality Control demonstrates and documents the Quality Assurance. Following are procedures to be used for Quality Control:

- Calibration plan of all equipment
- Documentation in a QC notebook including:
  - Equipment specification
  - Calibration dates
  - Calibration expiration date
  - Maintenance due date
- Collection of the following types of QC samples:
  - Duplicate samples
  - Equipment blank
  - Field blank
  - Preservation blanks

Quality Control/Quality Assurance for Laboratories

QA/QC procedures for laboratories are part of the specific laboratory's Standard Operating Procedures. The QA/AC procedures should be available from the laboratory and reviewed by the Pretreatment Coordinator to assure a high quality of reliability in the laboratory results. The following types of samples should be collected to determine the confidence in the validity of reported analytical data:

- Duplicate Samples
- Method Blanks
- Split Samples
- Spiked Samples

Further discussion of Quality Assurance and Quality Control can be found in the document, *Industrial User Inspection And Sampling Manual for POTW's,* April, 1994, U.S. EPA, Washington, D.C. 20406.

Tracking System

When information is received from a permittee it will be tracked in the Tracking of Industrial User Excel Spreadsheet. When an inspection or compliance sample is completed the information will also be tracked in the Tracking of Industrial User Excel. It will be the Pretreatment Coordinator's responsibility to enter the information into the Tracking of Industrial User Excel Spreadsheet. Each permittee will have its own spreadsheet. The Tracking of Industrial User Excel spreadsheet will be used to determine the following:

1. Date when compliance sample is performed
2. Dates when self-monitoring reports are due
3. Dates when inspections will be performed
4. Date when the Discharge Permit expires
5. Application due dates
6. Application received date
7. Permit effective date
8. Determining SNC
9. Sampling data provided from the IU to the POTW will be tracked and compared with permit limits.

SNC will be determined quarterly, by the Pretreatment Coordinator. If the permittee is in SNC the Pretreatment Coordinator will inform City management and proceed per the requirements of the enforcement response plan.

Monitoring Safety

The main safety concern involved in monitoring is confined space entry. Confined space is "a space which by design has limited openings for entry and exit, unfavorable natural ventilation which could contain or produce dangerous air contaminants, and which is not intended for continuous employee occupancy." A manhole is a confined space and should not be entered unless there are no other alternatives in obtaining a sample. Prior to entering a manhole or other confined space the regulations published by OSHA should be consulted.

Any time a manhole or other confined space is to be entered, permission should be received by the person in charge of the City wastewater program. The *Confined Entry Space Form* should be completed and approved by the Supervisor.

Below are several other safety concerns that should be considered when monitoring:

1. Protective gloves should be used when taking a sample.
2. Proper collection equipment should be used to avoid falling.
3. Care should be taken when on the Industrial User's premises.
4. Any safety equipment should be used as required by the Industrial User or deemed appropriate by the sampler, e.g. hard hat, protective eyewear, etc.

Field Procedures

Field procedures are detailed in the Brigham City Quality Assurance Manual. The standard operating procedures in sections 10 and 11 apply to field procedures.

Emergency Sampling

Even in emergency conditions Brigham City personnel will follow the standard operating procedures for sampling and analysis found in the Quality Assurance Manual. By following the procedures and using the proper forms the sample results will be reliable and useful in tracking compliance.

Exceedance in the City's Sample Event of the Users Discharge

If an exceedance occurs in a sample taken by the City, the Pretreatment Coordinator will contact the User and indicate if the User or the City will be taking the resample. The resample must be taken either by the City or the User within 30 days of the City being aware of the exceedance. The Pretreatment Coordinator may at the time of notification of the exceedance require the User to submit a report indicating what was occurring at the time of the exceedance.

Brigham City

Confined Space Entry Form

DATE_____

TYPE OF STRUCTURE ENTERING

LOCATION

1.	Structure pumped out	____	____	____
2.	Structure ventilated	____	____	____
3.	All valves off or hoses disconnected	____	____	____
4.	All valves tagged, dated and signed	____	____	____
5.	Explosive vapors less than 20%of LEL*	____	____	____
6.	Oxygen content 19.5% minimum	____	____	____
7.	Drive mechanisms locked out and tried	____	____	____
8.	Hydrogen sulfide less than 10 ppm	____	____	____
9.	Protective equipment and rescue devices:			
	a. Harness on person entering	____	____	____
	b. Lifeline attached to harness	____	____	____
	c. Rescue lifeline tied off	____	____	____
	d. SCBA** on employee entering	____	____	____
	e. Five (5) minute escape capsule with employee entering	____	____	____
	f. Harness on watcher	____	____	____
	g. Spare lifeline by watcher	____	____	____
	h. Extra SCBA for watcher	____	____	____
	i. Alarm horn or radio by watcher	____	____	____
10.	Emergency procedure explained and understood	____	____	____
11.	Residence time and conditions established	_____		

_____

The structure has been properly prepared. Personnel involved know the safety procedure and have been duly informed.

Person(s) entering _____

Watchperson(s) _____

_____

(signatures)

* LEL - **L**ower **E**xplosive **L**evel

** **S**elf **C**ontained **B**reathing **A**pparatus

BRIGHAM CITY

Table I
Sampling Requirements

PARAMETER	CONTAINER	PRESERVATION	MAXIMUM HOLDING TIME	VOLUME OF SAMPLE, (ml)
B.O.D.	polyethylene, glass	4°C, 40°F	48 hours	100 to 500
C.O.D.	polyethylene, glass	4°C, 40°F, HNO_3 to pH<2	28 days	50 to 100
T.S.S.	polyethylene, glass			50 to 1,000
Oil & Grease	glass	4°C, 40°F HNO_3 to pH<2	28 days	3,000 to 5,000
METALS				
Chromium IV	polyethylene, glass	4°C, 40°F	24 hours	100 to 1,000
Mercury	polyethylene, glass	HNO_3 to pH<2	28 days	100 to 1,000
All other metals	polyethylene, glass	HNO_3 to pH<2	6 months	100 to 1,000
Nitrate	polyethylene, glass	4°C, 40°F	48 hours	10 to 100
Nitrate-Nitrite	polyethylene, glass	4°C, 40°F HNO_3 to pH<2	28 days	50 to 100
Phenols	glass	4°C, 40°F HNO_3 to pH<2	28 days	800 to 4,000

BRIGHAM CITY

Table II
Sampling Requirements[1]
(Organics)

PARAMETER	CONTAINER	PRESERVATION	MAXIMUM HOLDING TIME	VOLUME OF SAMPLE (ml)
PURGEABLE HALOCARBONS Benzyl Chloride, Bromodichloromethane, Bromoform, Bromomethane, Carbon tetrachloride, Chlorobenzene, Chloroethane, 2-Chloroethylvinyl ether, Chloroform, 4-Chlorophenylphenyl ether, Dibromochloromethane, 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, Dichlorodifluoromethane,1,1-Dichloroethane, 1,2-Dichloroethane, 1,1-Dichloroethene, trans-1,2-Dichloroethene,1,2-Dichloropropane, cis-1,3-Dichloropropene, trans-1,3-Dichloropropene, Epichlorohydrin, Methylene Chloride, 1,1,2,2,-Tetrachloroethene, Tetrachloroethene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, richlorofluoromethane, Vinyl Chloride	Glass, Teflon-lined septum	4°C, 40°F 0.008% $Na_2S_2O_3$ (Should only be used in the presence of residual chlorine)	14 days	40
PURGEABLE AROMATIC HYDROCARBONS Benzene, Ethylbenzene, Toluene	Glass, Teflon-lined septum	4°C, 40°F 0.008% $Na_2S_2O_3$ (Should only be used in the presence of residual chlorine) HCl to pH =2 *(Samples receiving no pH adjustment must be analyzed within seven days)*	14 days	40
Acrolein, Acrylonitrile	Glass, Teflon-lined septum	4°C, 40°F 0.008% $Na_2S_2O_3$ *(Should only be used in the presence of residual chlorine)* HCl to pH = 4-5 *(The pH adjustment is not required if acrolein will not be measured. Samples for acrolein receiving no pH adjustment must be analyzed within 3 days of sampling)*	14 days	1000

PARAMETER	CONTAINER	PRESERVATION	MAXIMUM HOLDING TIME	VOLUME OF SAMPLE (ml)
PHENOLS 4-Chloro-3-methylphenol, 2-Chlorophenol, trans-1,2-Dichlorophenol, 2,4-Dimethylphenol, 2,4-Dinitrophenol, 2-Methyl-4,6, Dinitrophenol, 2-Nitrophenol, 4-Nitrophenol, Pentalchlorophenol, Phenol, 2,4,6-Trichlorophenol,	Glass, Teflon lined cap	4°C, 40°F 0.008% $NaSO_3$ *(Should only be used in the presence of residual chlorine)*	7 days until extraction, 40 days after extraction	1000
BENZIDINES Benzedine, 3,3-Dichlorobenzedine	Glass, Teflon lined cap	4°C, 40°F 0.008% $NaSO_3$ (Should only be used in the presence of residual chlorine)	7 days until extraction	1000
PHTHALATE ESTERS Benzyl Butyl Phthalate, Bis(2-ethylhexyl) phthalate, Diethyl phthalate, Dimethyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate	Glass, Teflon lined cap	4°C, 40°F	7 days until extraction, 40 days after extraction	1000
NITROSAMINES N-Nitrosodimethylamine, N-Nitrosodi-n-propylamine, N-Nitrosodiphenylamine	Glass, Teflon lined cap	4°C, 40°F, store in dark, 0.008% $NaSO_3$ *(Should only be used in the presence of residual chlorine)*	7 days until extraction, 40 days after extraction	1000
PCB's PCB-1026, PCB- 1221, PCB-1232, PCB-1242, PCB-1248, PCB-1254, PCB-1260	Glass, Teflon lined cap	4°C, 40°F	7 days until extraction, 40 days after extraction	1000
NITROAROMATICS and ISOPHORONE 2,4-Dinitrotoluene, 2,6-Dinitrotoluene, Isophorone, Nitrobenezene	Glass, Teflon lined cap	4°C, 40°F, store in dark, 0.008% $NaSO_3$ *(Should only be used in the presence of residual chlorine)*	7 days until extraction, 40 days after extraction	1000
POLYNUCLEAR AROMATIC HYDROCARBONS Acenaphthene, Acenaphthylene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(ghi)perylene, Benzo(k)fluoranthene, Chrysene, Dibenzo(a,h)anthracene, Fluoranthene, Fluorene, Ideno(1,2,3-cd)pyrene, Naphthalene, Phenanthrene, Pyrene	Glass, Teflon lined cap	4°C, 40°F, store in dark, 0.008% $NaSO_3$ *(Should only be used in the presence of residual chlorine)*	7 days until extraction, 40 days after extraction	1,000

PARAMETER	CONTAINER	PRESERVATION	MAXIMUM HOLDING TIME	VOLUME OF SAMPLE (ml)
HALOETHERS Bis(2-chloroethoxy)methane, Bis(2-chloroethyl) ether,4-Bromophenylphenyl ether, 2-Chlorophenol, 2,2-oxybis(1-chloropropane)	Glass, Teflon lined cap	4°, 40°F, 0.008% $NaSO_3$ *(Should only be used in the presence of residual chlorine)*	7 days until extraction, 40 days after extraction	1,000
CHLORINATED HYDROCARBONS 2-Chloronapthalene, 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, Hexachlorobenzene, Hexachlorobutadiene, Hexachlorocyclopentadiene, Hexachloroethane, 1,2,4-Trichlorobenzene	Glass, Teflon lined cap	4°, 40°F,	7 days until extraction, 40 days after extraction	1000
TCDD 2,3,7,8-Tetrachlorodibenzo-p-dioxin	Glass, Teflon lined cap	4°, 40°F, store in dark, 0.008% $NaSO_3$ *(Should only be used in the presence of residual chlorine)*	7 days until extraction, 40 days after extraction	1000
PESTICIDES	Glass, Teflon lined cap	4°, 40°F, pH = 5-9 *(The pH adjustment may be performed upon receipt at the laboratory and may be omitted if the samples are extracted within 72 hours of collection. For the analysis of aldrin, add 0.008% $NaSO_3$)*	7 days until extraction, 40 days after extraction	1000
RADIOLOGICAL	Glass, Teflon lined cap	HNO_3 to pH<2	6 months	1000

[1]40 CFR Part 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act*, October 26, 1984.

Table III
Frequency of Monitoring

CONVENTIONAL, METAL, INORGANIC,
CYANIDE AND PHENOL

Flow, *(gallons per day)*	Frequency
0 to 50,000	1 per Year
50,001 to 240,000	2 per Year
240,001 to 1,000,000	3 per Year
1,000,001 to 2,500,000	Quarterly
Over 2,500,000	Monthly

ORGANICS

Flow, *(gallons per day)*	Frequency
0 to 25,000	2 per year
25,001 to 75,000	4 per year
75,001 to 250,000	1 per month
over 250,000	2 per month

BRIGHAM CITY

Self-Monitoring Report Form

Industry Name: _____
Date of Sample: _____ Time of Sample: _____
Sampling Location: _____
Sample taken by: _____
Type of Sample: _____
Sample Results:

Parameter	Units	Results
Flow_____	(gpm, mgd, or cfs)	
B.O.D.5	mg/l	
Suspended Solids (TSS)	mg/l	
Oil and Grease (O&G)	mg/l	

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 information submitted. Based on my inquiry of the person or people who manage the system, or those people directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

_____ _____
(Signature of Authorized Representative) *(Date)*

GOVERNING ENTITY
Sampling and Chain-Of-Custody Record

SAMPLE NUMBER:_____ SAMPLE DATE: _____ SAMPLE TIME: _____

COMPANY/FACILITY: _____

LOCATION: _____

SAMPLE SITE: _____

SAMPLER(S): _____ _____

SIGNATURE(S): _____ _____

ANALYSES TO BE PERFORMED

CONVENTIONAL POLLUTANTS:
pH [ ] Conductivity [ ] BOD [ ] COD [ ] Oil & Grease [ ] Total Solids [ ] TDS [ ] TSS [ ]

NON-CONVENTIONAL POLLUTANTS: Ammonia [ ] Cyanide [ ] Phenol [ ]

METALS:

Arsenic	[ ]	Iron	[ ]	Thallium	[ ]	OTHERS	
Barium	[ ]	Lead	[ ]	Tin	[ ]	_____	[ ]
Beryllium	[ ]	Mercury	[ ]	Titanium	[ ]	_____	[ ]
Cadmium	[ ]	Molybdenum	[ ]	Vanadium	[ ]	_____	[ ]
Chromium	[ ]	Nickel	[ ]	Zinc	[ ]	_____	[ ]
Copper	[ ]	Selenium	[ ]	Zirconium	[ ]	_____	[ ]
Gold	[ ]	Silver	[ ]				[ ]

ORGANICS: VOC [ ] A/E [ ] B/N [ ] Pesticides [ ] BTEX [ ] Benzene [ ] TOC [ ]
TOX [ ] TPH [ ] Flashpoint [ ] PCB's [ ] TTO [ ]

PRESERVATIVES USED: _____

ANALYTIC METHODS USED: _____

SECURTIY MEASURES EMPLOYED: _____

_____

CHAIN OF CUSTODY

SAMPLE RELINQUISHED BY: _____ Title: _____

SAMPLE RECEIVED BY: _____ Title: _____

Date:_____ Time: _____

SAMPLE RELINQUISHED BY: _____ Title: _____

SAMPLE RECEIVED BY: _____ Title: _____

Date:_____ Time: _____

SAMPLE RELINQUISHED BY: _____ Title: _____

SAMPLE RECEIVED BY: _____ Title: _____

Date:_____ Time: _____

Pretreatment Program
Section 3-F

Inspection Program

The following information can be found in this section:

Purpose
Legal Authority
Program

Scheduled Inspections
Unannounced Inspections
Demand Inspections
Frequency of Inspection
Industrial User Inspection Procedures

FLOW CHARTS

None

FORMS

Inspection Checklist
Inspection Report

Additional guidance can be found in the following EPA Guidance Manuals:

- **POTW Pretreatment Program Development**

PURPOSE

The following is the purpose of the **Reinspection Program**:

1. Determine whether Industrial Users are complying with Pretreatment Rules and Regulations.
2. Confirm suspected discharge violations.
3. Provide information to support enforcement action.
4. Verify correction of problems.
5. Maintain information on Industrial User.

LEGAL AUTHORITY

Brigham City Industrial Pretreatment Standards.

U.S. Code of Federal Regulations, Title 40, Sections 400-699, (two volumes), U.S. Government Printing Office, Washington, D.C. 20402, 1994

PROGRAM

There are three types of inspections:

1. Scheduled
2. Unannounced
3. Demand

Scheduled Inspections

These inspections are coordinated and planned with the Industrial User. A phone call should be made a month in advance to set up a time for the inspection. A letter should be sent immediately with a reminder phone call made two weeks prior to the inspection. Initial inspections are of the scheduled variety.

Unannounced Inspections

This type of inspection is done with no warning to the Industrial User. Its purpose is to verify compliance with Industrial Pretreatment Standards during normal operation periods. Every Significant Industrial User will have one such inspection a year.

Demand Inspections

Demand inspections are done for one or more of the following reasons:

1. In response to known or suspected compliance problems.
2. Identify sources of slug loads.
3. Verification of corrective procedures required by the City.

Frequency of Inspection

For any Industrial User which may be permitted, an initial inspection will be conducted. Any Industrial User which is permitted will be inspected at least annually. At the Pretreatment Coordinator's discretion, any of the following circumstances could result in an Industrial User being inspected more frequently:

1. Quantity, type or concentration of pollutants.
2. History of non-compliance.
3. Causing or suspicion of causing upsets, pass-throughs, sludge contamination or operational problems at the City's treatment facility.
4. Inability of the City to verify compliance with pretreatment standards.

A non-permitted Industrial User should be inspected at any time when the Pretreatment Coordinator feels that its may need permitting.

Scheduled and unannounced inspections should be planned at the beginning of each year.

Industrial User Inspection Procedures

The pretreatment inspector has many responsibilities both before and after an inspection. The *Inspection Checklist* details the entire inspection procedure from pre-inspection activities to post-inspection activities. The *Inspection Checklist* should be completed for each inspection performed. The inspection report form will be used for all inspections except the preliminary inspection.

As a note due to streamlining changes each SIU will be inspected within one year of becoming a SIU and every other year there after, with the intent to evaluate the need to implement a spill plan. If a spill plan is required the permit will be changed within 90 days to include the requirements to implement a spill plan. The permit writer may require all requirements to be implement or those that apply to the user this information will be included in the fact sheet with the permit writes justification for the implementation of the spill plan.

BRIGHAM CITY

Inspection Checklist

Industrial User: _____ Inspection Date: _____

Address: _____ Time: _____

Inspector: _____

Type of Inspection: *SCHEDULED* *UNSCHEDULED* *DEMAND*

PRE-INSPECTION ACTIVITIES

1. If the type of inspection is SCHEDULED, make a phone call to the Industrial User one month prior to the inspection. _____

2. If the type of inspection is *SCHEDULED,* send a letter to Industrial User one month prior to the inspection. _____

3. If the type of inspection is *SCHEDULED,* make a reminder phone call to the Industrial User two weeks prior to the inspection. _____

4. Does the permittee have a Slug Discharge Control Program? _____

   If no when was the permittee last evaluated for the need to have a Slug Discharge Control Program? _____

   And will the permittee be evaluated during this inspection for the need to incorporate a Slug Discharge Control Program into the permit? _____

5. Review the Industrial Pretreatment Permit and Application. _____
   (Note: Check on application for sources, types and quantities of pollutants)

   Questions for the Industrial User pertaining to the permit: _____
   _____
   _____

6. Review self-monitoring data.
   Questions for the Industrial User pertaining to the self-monitoring data: _____
   _____
   _____

7. Review District's monitoring data.
   Questions for the Industrial User pertaining to the District's monitoring data:
   _____
   _____

8. Review previous *Inspection Checklists* and *Inspection Monitoring Reports*.
Questions for the Industrial User pertaining to the *Inspection Checklists* and *Inspection Monitoring Reports*: _____
_____
_____

9. Will any safety equipment be needed for the inspection?
_____

10. Will a sample be taken? _____
What parameters will be sampled?

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

What equipment will be needed for sampling?

_____	_____
_____	_____

INSPECTION DAY ACTIVITIES

11. Be sure that all safety equipment is loaded in vehicle. _____
12. Be sure that all of the sampling equipment is loaded in vehicle. _____
13. Be sure proper credentials are in-hand. _____

INSPECTION ACTIVITIES (*This section should be reviewed prior to the inspection and checked off after the inspection).*

14. Present credentials to the Industrial User contact person. _____
15. If entry is denied, contact District Manager/Engineer. _____
16. Prior to the inspection review the following items with the Industrial User:
    a. Purpose of Inspection _____
    b. Information to be collected _____
    c. Confidentiality issues _____
    d. Intent to work cooperatively with Industrial User _____
    e. Review upper portion of *Inspection Report* with Industrial User _____
    f. Request of plant tour _____
17. Complete *Inspection Report.* _____
18. Tour Facility. *(Parts of the Inspection Report should be completed during the tour).* _____
19. Discuss any question discovered during the inspection with the contact person.
_____

POST-INSPECTION ACTIVITIES

20. Review *Inspection Report* for accuracy and any violations. _____
21. Call Industrial User with any questions. _____
22. Initiate Enforcement Action for any violations. _____
23. File Inspection Checklist and Inspection Report User's File. _____
24. Send copy of Inspection Report to Industrial User. _____

INDUSTRAIL USER PRETREATMENT
INSPECTION REPORT
BRIGHAM CITY

Inspectors: _____ Date: _____ Time: _____

Officials Contacted: _____ Permit No. _____

Title: _____ Renewal Date: _____

Phone Number: _____

Company Name: _____ Company Number: _____

Location: _____

_____

Officials on inspection: _____

Others on inspection: _____

Description of facility: _____

_____

_____

_____

Number of Staff:

Shift 1 Number of Employees: _____ Shift Hours: _____

Shift 2 Number of Employees: _____ Shift Hours: _____

Shift 3 Number of Employees: _____ Shift Hours: _____

40 CFR _____ Section _____ SIC Code _____

Reason for inspection: Annual _____ Semi-Annual _____ Complaint _____

New processes _____ Closure _____ New personnel _____

If complaint explain: _____

_____

_____

Date of BMR submittal: _____ Date of 90-Day report: _____

Changes in process since last inspection: _____

_____

_____

_____

Verification of production rates: _____

_____

Water usage:

YES NO Is there a discharge flow meter? When was it last calibrated? _____

Process Discharge: _____

Product Usage: _____

Other: _____

Other: _____

Total: _____

Is the discharge Continouos or batch?

YES NO Is sludge generated?

If yes, how is the sludge disposed of?

YES NO Any wastewater discharged to surface waters?

If yes, the UPDES permit number: _____

YES NO Is the combined wastestream formula used?

Identification of sources of water: _____

_____

_____

Types of discharge: _____

_____

_____

Evaluation of pretreatment facilities: _____

_____

_____

_____

Evaluation of self-monitoring equipment and techniques: _____

_____

_____

_____

YES NO Does the facility have a slug/spill plan?

If no, is there a need for a plan?

Why/why Not? _____

_____

_____

If yes, is the plan effective? _____

_____

_____

YES NO Is the POTW phone number available and posted in appropriate areas?

YES NO Is there appropriate secondary containment for stored liquids?

Does the plan contain:

YES NO A description of discharge practices?

YES NO A description of stored chemicals?

YES NO Procedures to prevent adverse impact from accidental spills?

YES NO Follow up practices?

YES NO Has to facility had a spill? If yes, comments: _____

_____

_____

_____

_____

Manufacturing facilities: _____

_____

_____

_____

Chemical storage: _____

_____

_____

_____

Chemical spill prevention areas: _____

_____

_____

_____

YES NO Does the facility generate or store hazardous waste? _____

If yes complete the questions regarding hazardous waste if no skip to the next section.

Hazardous waste storage areas: _____

_____

_____

_____

Handling procedures for hazardous waste: _____

_____

_____

_____

Disposal methods: _____

_____

_____

_____

YES NO Are employees properly trained to handle hazardous waste and other chemicals stored at the facility?

Comments: _____

_____

YES NO Are there floor drains in chemical area?

Comments: _____

_____

_____

Name and title of person responsible of chemicals and training: _____

_____

_____

_____

SIU procedures:

Review sampling: _____

_____

_____

_____

Yes No Are Laboratory Procedures being completed per the requirements of the permit?

If no what is occurring: _____

_____

_____

Name of lab being used and/or the name and number of person doing lab procedures in house: _____

_____

YES NO Were sampling records reviewed?

YES NO Were monitoring records reviewed?

Comments: _____

_____

_____

Was RCRA information given to and/or discussed with the IU? _____

_____

YES NO Is the facility in compliance? Comments: _____

_____

_____

_____

If yes complete the next set of check if no skip to next section

What is the final compliance date? _____

Has the facility submitted all reports as needed? Comments: _____

_____

_____

_____

Monitoring Location:

YES NO Sample taken:

Condition of sampling/monitoring site: _____

_____

_____

_____

YES NO Is any industrial waste and/or sludge being hauled off site?

If yes complete the next set of questions if no skip to next section.

How is the waste and/or sludge being hauled off? Include permit number if waste is permitted by Solid and Hazardous waste: _____

_____

YES NO Were record reviewed regarding the waste being hauled off site?

Deficiencies: _____

_____

_____

_____

_____

Time line given to the facility to correct deficiencies: _____

_____

_____

_____

Date of letter sent regarding deficiencies: _____

Reply to letter: _____

Inspection to check if deficiencies have been corrected: _____

Where deficiencies corrected in the time given to the IU: _____

Pretreatment Program
Section 3-G

Industrial User Notification Procedure

The following information can be found in this section:

PURPOSE

The purpose of the **Industrial User Notification Procedure** is to have a definite procedure of notifying Industrial Users of necessary information pertinent to the Industrial Pretreatment Program or other Federal Programs.

LEGAL AUTHORITY

U.S. Code of Federal Regulations, Title 40, Section 403.8 (f) (2) (iii) and 403.12 (p) (1), U.S. Government Printing Office, Washington D.C. 20402, 1994.

PROGRAM

RCRA Requirements

The City is required to notify Industrial Users of requirements of the Resource Conservation and Recovery Act (RCRA). Therefore, Brigham City will notify all industrial users which may handle hazardous wastes a copy of the *RCRA Information Brochure.*

Hazardous Waste Notification

The Industrial User is required to notify the City of the potential to discharge hazardous wastes into the wastewater system. During the preliminary inspection of the Industrial User, a copy of the *Industrial User Notification Requirements* fact sheet will be given to the Industrial User to complete.

Notification Procedure

The following is the procedure to be taken in notifying Industrial Users:

1. The Pretreatment Coordinator will maintain a record of each Industrial User's address.

2. When the need to disseminate information arises, the Pretreatment Coordinator will prepare a general mailing.

3. The Pretreatment Coordinator will determine which Industrial Users are to receive the mailing.

4. Responses should be tracked and filed by the Pretreatment Coordinator.

Industrial User Notification Requirements
(Hazardous Wastes Discharged to
Wastewater Treatment System)

Industrial User: _____

Address: _____

Discharges of less than 100 kilograms per calendar month:

Hazardous Waste	EPA Hazardous Waste Number	Type of Discharge*

**Continuous, batch or other.*

Brigham City
04-11-2011

Discharges of more than 100 kilograms per calendar month:

Hazardous Waste	EPA Hazardous Waste Number	Type of Discharge*	Hazardous Constituents (HC)	Discharges in Coming Year *(mg/l)*	*(lbs)*

*Continuous, batch or other

Pretreatment Program
Section 3-H

Slug Discharge Control Program

The following information can be found in this section:

PURPOSE

Brigham City has developed this Slug Discharge Control Program in order to provide:

1. An orderly means of identifying potential sources of slug discharges.

2. A control program at those industrial users (IU) which will reduce the exposure of the City to any impact from a slug discharge.

3. An organized response should a slug load enter the POTW system.

LEGAL AUTHORITY

United States Code of Federal Regulations 40 CFR 403.8(f)(2)(vi).

Brigham City Wastewater Pretreatment Standards Sections 2.1(D) and 3.2.

PROGRAM

The Slug Discharge Control Program is provided to identify and control potential sources of slug discharges. It will also outline the response the POTW will implement in order to avoid or reduce the impact of the slug load on the POTW, the receiving water, and maintain the beneficial reuse of sludge produced at the facility.

Slug Discharger Identification Procedure

IUs which exhibit a reasonable potential for slug discharges will be required to complete an "Industrial User Slug Potential Survey". A copy of this form is included at the end of this program. Based on the review of the IUs completed surveys, all IUs will be classified into one the following categories:

1. Low-Risk Facilities do not require controls.

2. Medium-Risk Facilities should be required to undertake some preventative measures.

3. High-Risk Facilities will be required to develop and implement a facility-specific Slug Discharge Control Plan.

The IU will be notified of its high-risk classification and required to notify the City if plant conditions and/or risk factors change.

IU Slug Control Program

The nine general elements of IU Slug Control Plans will be briefly explained below.

General Information:
General information should include a brief description of the IU, discharge practices, applicable pretreatment standards, and description of previous slugs and corrective actions.

Facility Layout and Flow Diagrams:
Each Plan should include detailed drawings of the facility showing the following:

- General layout of the facility
- Areas occupied by manufacturing or commercial activities; property boundaries, drainage of rainwater, and connections to the city's sanitary sewer and storm drains
- Hazardous materials process and storage areas; waste handling, storage, and treatment facilities
- Loading and unloading areas
- Floor drains, pipes and channels which lead away from potential leak or spill areas (identify by coding footnotes, or narratives describing drainage patterns)
- Flow diagram(s) showing chemical and wastewater flow including piping and instrumentation, flow rates, tanks and tank capacities, treatment systems, and final destinations of flows.

Material Inventory:
The facility should provide sufficient data on all materials of concern used and stored at the facility. Descriptions of the material handled, the location of these materials, descriptions of containment, transfer and transport, as well as any additional comments should be provided.

Spill and Leak Prevention Equipment:
This section of the IU's Slug Control Plan should identify all existing equipment and/or systems that the IU has in place or will shortly obtain to both prevent and contain spills. If equipment needs to be purchased, the expected purchase dates should be provided.

Operations and Maintenance Procedures:
The operation and maintenance procedures designed to minimize spills at a facility are as important as the selection and installation of the equipment. Many operation and maintenance procedures are considered common-sense, but should still be adequately explained in the Plan.

Emergency Response Equipment and Procedures:
Information that should appear in this section of the IU Plan includes an inventory of available IU emergency response equipment and a detailed description of emergency response procedures. Each IU Plan should contain a detailed description of procedures to be followed in responding to a hazardous spill at the facility. These procedures should be consistent with the ones established in the facility's OSHA Emergency Action Plan, as required by 29 CFR 1910.38.

Slug Reporting:
Procedures for reporting and documenting spills and slug discharges should be described in the Plan. At a minimum, the IU follow-up report should include:

- The time, date, and cause of the incident;
- The impact of the spill on the City and the environment;
- Extent of injury and/or damage;

- A description of clean-up, treatment, and disposal; and
- How other incidents of this type can be avoided in the future.

Training Program:
The IU's Plan should contain an outline of the employee's training program. Specialized training should also be provided to each employee or group of employees that handle potentially hazardous chemicals.

A "Slug Control Plan Review Checklist" has been provided a the end of the program to assist in the review of the IUs control plan.

Brigham City Slug Response Program

Slugs may occur despite the implementation of a well-designed Industrial User Slug Control Plan. Identification of a slug discharge event may come from any of several sources such as remote early warning system, notification from the IU source, an individual or agency, or by visual or other observations of influent wastewaters. The following procedure shall be followed after identification of a slug discharge that has or will enter the City's wastewater system.

System Priorities:

1. The protection of employee health and safety.
2. The protection of plant operations.
3. The protection of the receiving stream and the beneficial reuse of sludge.

Notification:

The person receiving notification of the spill should make sure that the following people are notified:

Brigham City Responsible Individual in Charge
Local Fire Department - Emergency Response Coordinator
Phone Numbers _____

[Appropriate] County Environmental Health Department
Phone Numbers _____

Utah Division of Water Quality
Day (801) 536-4300
Night (801) 231-1769

Department of Environmental Quality
24 Hour emergency number
(801) 536-4123

U.S. EPA Region VIII 24 Hour Hot Line
(303) 293-1788

These phone numbers should be prominently posted in the workplace.

Record Keeping:
Good record keeping is an important element of the response program since records may provide useful information for future slug situations.

Response Measures:

1. Take necessary steps to protect worker safety including full use of protective equipment and clothing. DO NOT COMPROMISE WORKER SAFETY IF NATURE OR CONTENT OF SLUG LOAD IS UNKNOWN - ASSUME IT IS HAZARDOUS AND TAKE APPROPRIATE PRECAUTIONS!
2. Take steps necessary to protect POTW microbiology, including, if necessary, bypass of treatment plant.
3. Perform clean up activities as directed by the Fire Department's Emergency Response Coordinator. Note that the Emergency Response Coordinator is in charge of any cleanup activities within the local area.

Tracking

Upon detection, and while the response measures are underway, the slug loading source should be tracked by checking pump stations and manholes upstream from the first detection point up to the discharge point.

Sampling and Analysis

The investigation of a slug should include sampling and analysis of the discharged material in the collection system or at the plant site. Identifying the slug material is essential to identify the slug source and determining the method of clean-up.

Penalties

The City has the authority to enforce civil or criminal penalties against any IU that violates the prohibited discharge standards or requirements as established under the City's pretreatment program.

Program Review

After the slug incident is concluded, the City will review its Slug Control Program. Any problems encountered by the City during response or follow-up activities will be analyzed to indicate deficiencies in the City's program. Corrective measures can then be devised to improve the Program.

Brigham City
Slug/Spill Potential Survey
Date ___/___/___

Industrial User:
Address:
Industry Contact: _____ Title:
Work Phone:_____ Emergency Phone:

1. Does your company have a Spill Control or Slug Control Plan? If so, attach a copy and only fill out the information not found in the attached Plan.

2. Workdays:
MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY SUNDAY

3. Shifts, Number per Workday 1. _____ 2. _____ 3. _____
Employees per Shift _____ _____ _____
Starting Time _____ _____ _____
Ending Time _____ _____ _____

If information varies between workdays, please explain:
_____
_____

4. Give a brief description of all operations at this facility:
_____
_____

5. Identify all categorical pretreatment standards applicable to this facility:
_____
_____

6. Describe the processes which discharge wastewater:
_____
_____

7. Is the wastewater discharge:

CONTINUOUS? _____ BATCH? _____

Frequency of Batch per Period, (e.g. 1/week): _____
Volume per Batch: _____

List Constituents of Discharge and Discharge Volumes of Each:

Constituents	Volumes

8. Describe any previous spill events for this facility and corrective actions taken to prevent future spills:

_____

_____

9. Describe procedures to be followed in response to a spill at the facility:

_____

_____

10. Describe any Spill Prevention and Response Training given to employees:

_____

_____

11. Materials stored on site:

Material	Quantity	Constituents

12. Do drains exist in proximity to the storage area? _____ _____
YES NO

13. Describe the containment structures around storage and transportation areas:

_____

_____

14. Attach drawing showing the facility and process flow diagrams.

{For City use only: Does this industry need a slug/spill plan?_____ }

Brigham City
Slug/Spill Control Plan Review Checklist
Date ___/___/___

Name of I.U._____

		ACCEPTABLE YES	NO
1.	GENERAL INFORMATION		
	IU Name and Address	___	___
	IU Contact	___	___
	Discharge Practices	___	___
	Security Provisions	___	___
2.	FACILITY LAYOUT FLOW DIAGRAMS		
	General Layout	___	___
	Manufacturing	___	___
	Storage	___	___
	Transportation	___	___
	Disposal areas	___	___
3.	MATERIAL INVENTORY		
	Types	___	___
	Volumes	___	___
4.	SPILL AND LEAK PREVENTION EQUIPMENT		
	Inventory	___	___
	Location	___	___
5.	OPERATIONS AND MAINTENANCE PROCEDURES		
	Operations and Maintenance Procedures	___	___
6.	EMERGENCY RESPONSE EQUIPMENT AND PROCEDURES		
	Inventory	___	___
	Procedures	___	___
7.	SLUG REPORTING		
	Procedures for notifying the City	___	___
8.	TRAINING PROGRAM		
	Proper training provided for employee	___	___

Refer to *Control of Slug Loadings to POTWs, Guidance Manual*, page 2-28 to 2-41 for specifics on each of the elements in the Slug Control Plan.

Brigham City

Slug Discharge Report

Industrial User (if known)_____ Date of Slug Load_____
Telephone number_____Time_____
Slug Response Evaluation

Who made the notification of the Slug Load?

Briefly summarize the response effort.

Control

Containment

Disposal

Remedial Actions

Describe the investigation (if any) into the incident.

What was the effect of the incident on the Treatment Facility? *(Documentation of pass-through, interference, damages to the plant, and any other problems)*

What actions are to be taken toward the Industrial User? *(Change in risk factor, modification to slug control plan, enforcement action, and compliance schedules)*

Pretreatment Program
Section 3-I

Brigham City Enforcement Response Plan

The following information can be found in this section:

Purpose
Legal Authority
Program

Enforcement Violations
Enforcement Actions
Responsible Part

FLOW CHARTS

Flow Diagram for Evaluating Enforcement
Time Frame for Response to Enforcement Action

FORMS

Enforcement Response Guide
Discharge Limit Violations
Unauthorized Discharges
Monitoring and Reporting Violations
Other Permit Violations
Violations Detected During Site Visit

Telephone Log
Enforcement Incidence Form
Enforcement Response Annual Review

Additional guidance can be found in the following EPA Guidance Manuals:

- **EPA Guidance for Developing Control Authority Enforcement Response Plans (1989)**
- **EPA Pretreatment Compliance Monitoring and Enforcement Guidance (1986)**

PURPOSE

The purpose of the **Enforcement Response Plan** is to ensure that Users of the wastewater treatment facilities comply with pretreatment standards and requirements set forth in the Pretreatment Program.

LEGAL AUTHORITY

United States Code of Federal Regulation, Parts 401, 403, 403.8(f)(5).
Utah Code Annotated, 1953, Section 17.
Brigham City Industrial Pretreatment Program Standards

PROGRAM

The **Enforcement Response Plan** sets forth a Plan of Action for the City to follow in the event that the Rules, Regulations, Laws or permits which apply to the Industrial Pretreatment Program are violated. The types of violations which are likely to occur are presented in Table I, *Enforcement Response Guide* along with suggested responses. Figure I, *Flow Diagram for Evaluating Enforcement* gives the subsequent types of action available should the initial Enforcement Action fail to resolve the violation. Time constraints for Enforcement Actions are found in Figure II, *Timeframe for Responses*.

It is important that the City is consistent in its application of its Enforcement Actions so that the City avoids criticism.

There are three elements to consider in the Enforcement Response Plan:

1. **Enforcement Violation** - A violation by the Industrial User which triggers the **ENFORCEMENT RESPONSE PLAN**.

2. **Enforcement Action** - An action taken by the City in response to an Enforcement Violation.

3. **Responsible Party** - The person in the City who is responsible for a particular Enforcement Action.

Enforcement Violations

Violations can be divided into five main groups as listed below. Each of the groups has several types within it. Following is an outline of the Violations:

I. Unauthorized Discharge

   a. Unpermitted Discharges - An Industrial User fails to obtain a discharge permit (harm or no harm).
   b. Non-permitted Discharges - An Industrial User fails to renew a discharge permit.

II. Discharge Limit Violation

a. Isolated exceedence of permit limit (no harm)
b. Isolated exceedence of permit limit (harm)
c. Recurring exceedence of permit limit (no harm)
d. Recurring exceedence of permit limit (harm)
e. Reported slug load (harm)
f. Reported slug load (no harm)
g. Other - describe:_____

III. Nondischarge Violations

a. Report is over 30 days late
b. Report is not signed or certified correctly
c. Falsification of data
d. Failure to monitor for all regulated pollutants
e. Improper sampling procedures
f. Failure to install monitoring equipment
g. Failure to complete or submit progress reports in a compliance schedule.

IV. Other Permit Violations

a. Dilution of waste streams.
b. Failure to mitigate noncompliance.
c. Failure to properly operate and maintain pretreatment facility.

V. Violations discovered during a visit

a. Entry denial
b. Unpermitted discharge point
c. Inadequate record keeping
d. Failure to report additional monitoring

Enforcement Actions

The City has a wide variety of actions to take in responding to the Enforcement Violations. The Enforcement Actions vary in severity and depend on the severity of the Violation. Depending on the response of the Industrial User to the initial Enforcement Action a more severe action could follow. Following are the types of Enforcement Actions:

I. Telephone Call/Personal Conversation

Telephone calls are intended to provide an immediate form of notification for relatively minor violations. Calls to an industrial user shall be directed at the violation observed and corrective action planned by the industrial user. Notes of the telephone call shall be written and the time, date, and person contacted shall be recorded and filed in the IU's file.

II. Notice-of-Violation Letter

The Notice of Violation (NOV) letter is sent to inform the industry of relative minor or infrequent violations of pretreatment standards and requirements. The letter is either hand-delivered or sent by certified mail. The NOV explains the violation and provides the Industrial User with a chance to respond and rectify the problem. The NOV also provides a means of documenting previous verbal communications concerning the issue.

III. Publish in Newspaper

Any Industrial User which is in Significant Non-Compliance (see Summary of Significant Non-Compliance, Monitoring Chapter) will have its name along with the relevant violation published in the **Box Elder News Journal.** All such notices should be published by February 28th each year for Industrial Users in Significant Non-Compliance for the previous year.

IV. Show Cause Hearing

Should either a call or letter fail to bring about timely rectification of a violation, the City will order a show cause hearing to allow the industrial user to show why the City should not proceed with more stringent enforcement action. The hearing is to be conducted in accordance with guidance given in the City Wastewater Rules and Regulations. The results of a show cause hearing could result in no additional action or one of four possible increasing enforcement actions.

V. Consent Agreement

The consent agreement is the least stringent outcome of a show cause hearing. Essentially the agreement will be a negotiated plan for the industry to return to pretreatment permit compliance. The agreement may include compliance schedules, pass-through of additional costs from the City to the industry and the imposition of fines for violations. Generally consent agreements work with cooperative industries.

If the consent agreement includes a compliance schedule the compliance schedule must include compliance date of any schedule that exceeds 3 months. The compliance reports must be submitted with information regarding how a schedule is moving forward to achieve compliance with the agreement. Compliance schedules will not be allowed for more than two years and reports will be due every 3 months with any schedule.

VI. Compliance Order

The Compliance Order allows the Superintendent to direct the user come into compliance within a specified time and explains the adverse legal effects of continued violations. Compliance Orders may contain other requirements such as additional self-monitoring and management practices designed to minimize flows.

VII. Cease and Desist Orders

Cease and Desist Order - This order requires the Industrial User to cease activities which are causing or contributing to a permit violation. Generally a specific time frame for action is specified. The Cease and Desist Order may include the recovery from the industrial user of additional costs being accrued by the City.

VIII. Civil Litigation

Civil Litigation is the formal process whereby the City files a lawsuit against the industrial user to secure court ordered action to correct violations and to secure penalties for the violations including recovery of the costs to the City for the noncompliance. Civil litigation also includes enforcement measures which require involvement or approval by the courts, such as injunctive relief.

IX. Referral To State

For violations of such a nature where criminal prosecution may become necessary, the City will refer these to the State of Utah for further action.

X. Termination Of Service

When violations are of such a severe nature that they pose a human health threat, threaten the environment, cause the City to violate its NPDES permit or where no other actions have succeeded, the City will terminate the sewer service to the Industrial User.

XI. Penalty Calculations

An important part of the Enforcement Response Program is the assessment of Financial Penalties. The penalty for any pretreatment violation should be based on the economic benefit gained by the violator. P-Ben is a computer model used to calculate penalties for industrial users and should be used in the event of a financial penalty.

An appropriate penalty may be based on the magnitude of the violation, the duration of the violation, effects on the POTW or receiving water, compliance history of the user and good faith of the user.

The City has the option of using one of several of Enforcement Actions. The Enforcement Action chosen depends on several factors:

1. Severity of Violation

2. History of Violations

3. Cooperation of the Industrial User

Responsible Party

The type of Enforcement Action dictates which of the City personnel will address the violation. Following is an outline of those responsibilities:

I. The Pretreatment Coordinator is responsible for administrative action of violations when they first occur and are of a less sever nature. He/she needs to monitor the particular Enforcement Action regardless of the Responsible Party.

   a. Telephone calls.
   b. Informal meetings
   c. Issuance of Notices of Violation

II. The Superintendent has the responsibility to monitor the Pretreatment Coordinators actions and to initiate the following enforcement actions:

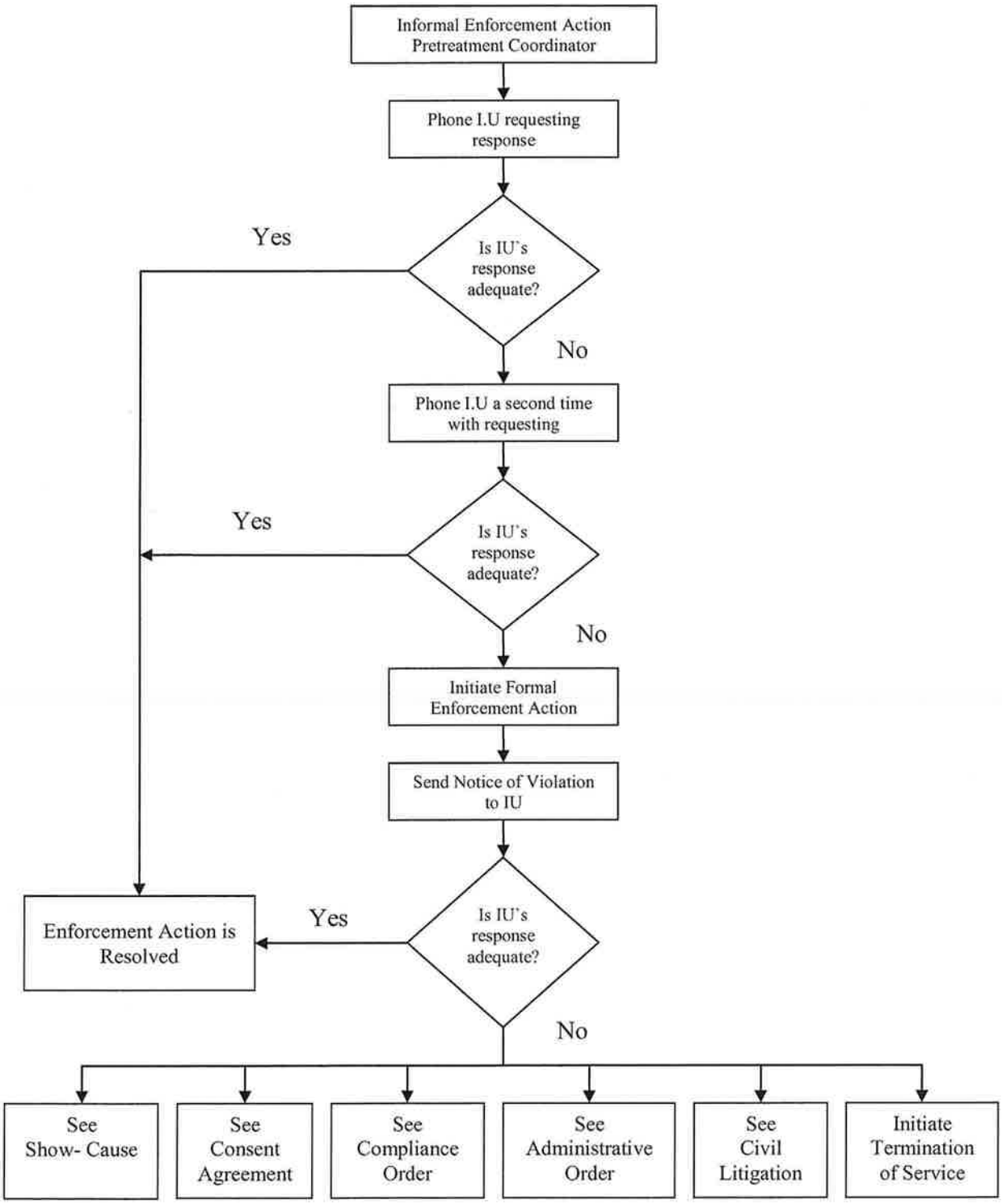
   a. Show Cause Hearing
   b. Consent Agreements
   c. Administrative Orders
   d. Referrals to the Attorney for Civil Litigation
   e. Referral to the State for Criminal Action

III. The Attorney for the City will provide legal consultation as requested by the Superintendent on consent agreements and administrative orders and will take the lead on all civil litigation referred to him/her.

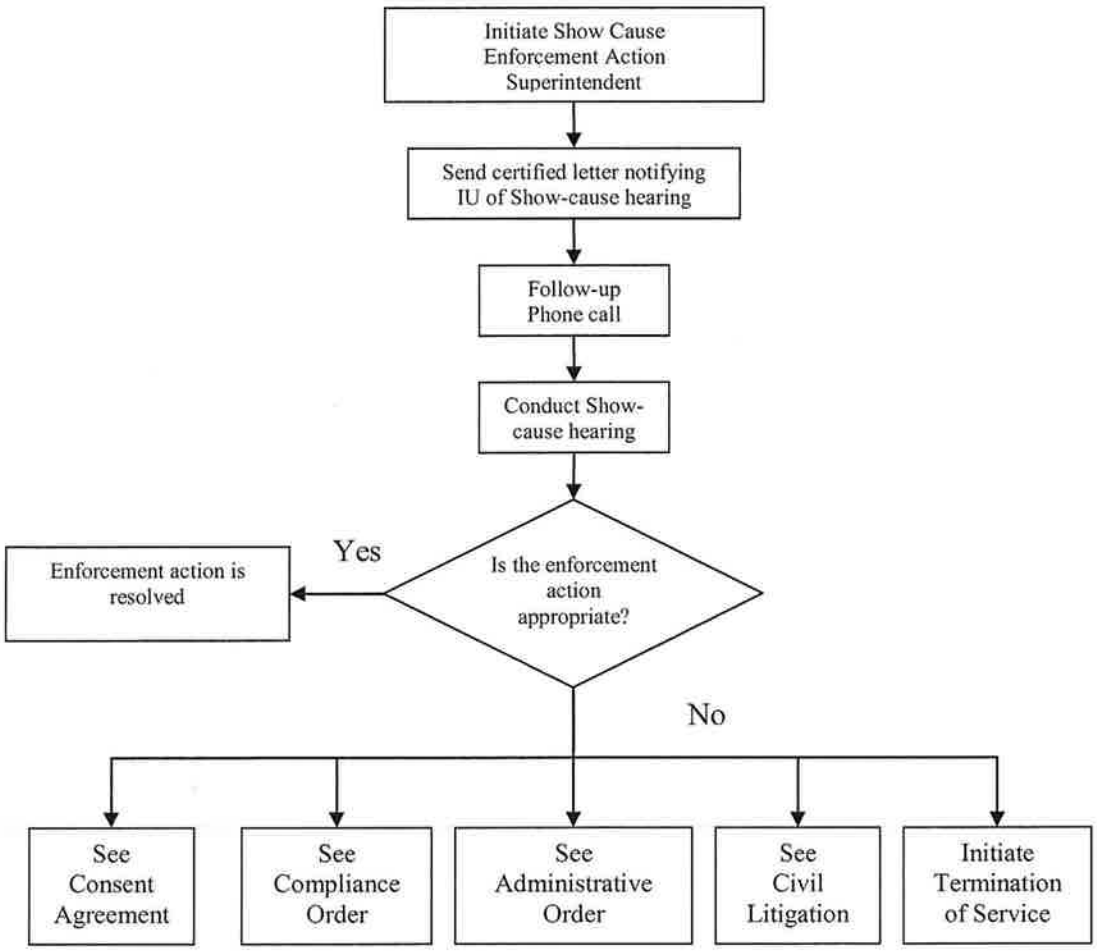
Table I

Unauthorized Discharges	Discharge Limit Violations	Monitoring and Reporting Violations	Other Permit Violations	Violations Detected During Visit
Unpermitted Discharge	Exceedance of Permit	Reporting	Dilution of Wastestreams	Entry Denial
Nonpermitted Discharge		Failure to Monitor Correctly	Failure to Mitigate Non-Compliance	Illegal Discharge
		Improper Sampling	Failure to Properly Operate & Maintain Pretreatment Facility	Improper Sampling
		Failure to Install Monitoring Equipment	Failure to comply with requirements of a BMP	Inadequate Recordkeeping
		Compliance Schedules		Failure to Report Additional Monitoring
		Failure to notify of changes at the facility		Failure to Report a change at the Facility that affects a permit condition, slug discharge or permit limit
		Failure to notify regarding change that could affect permit conditions		

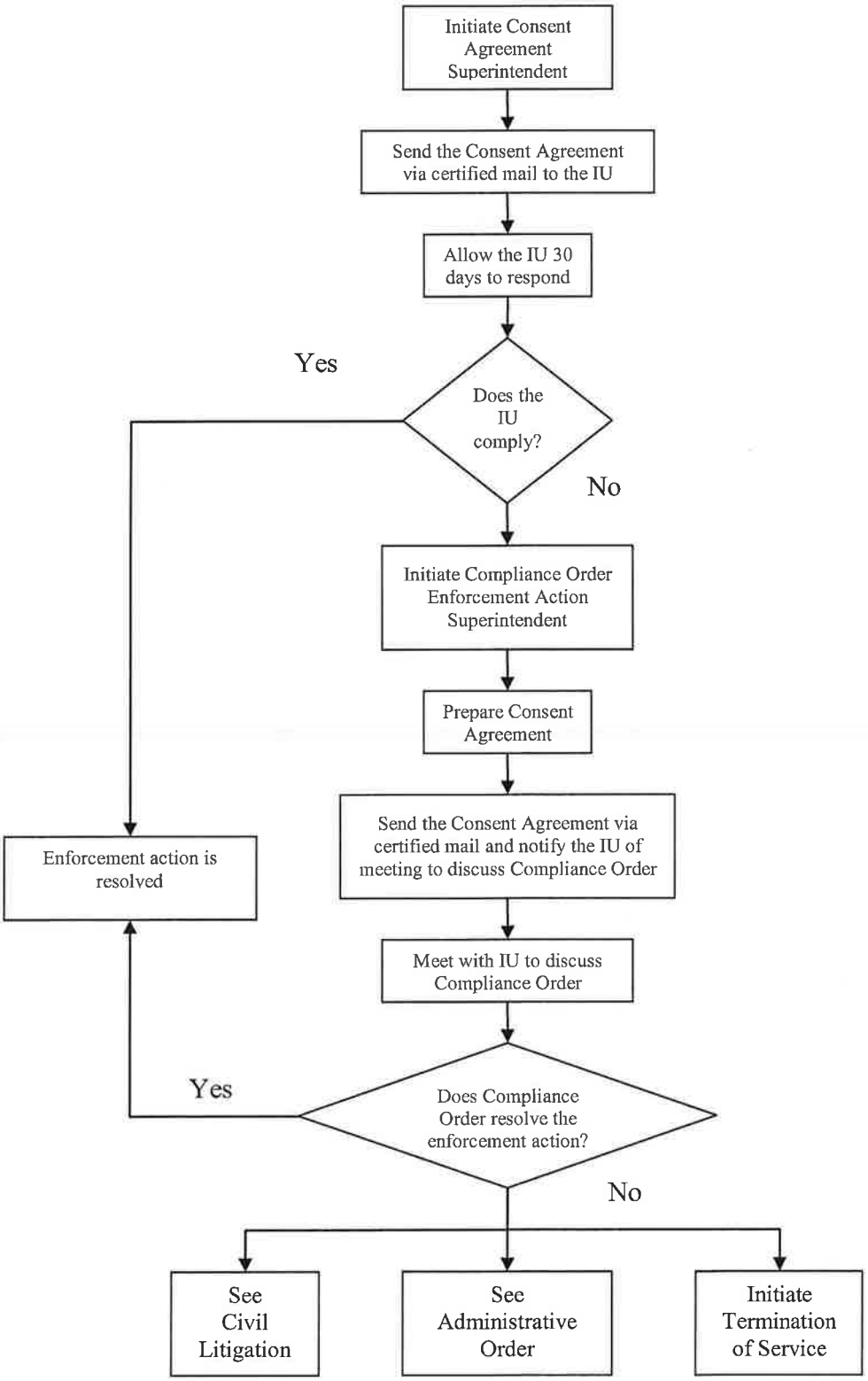
Flow Diagram for Evaluating Enforcement



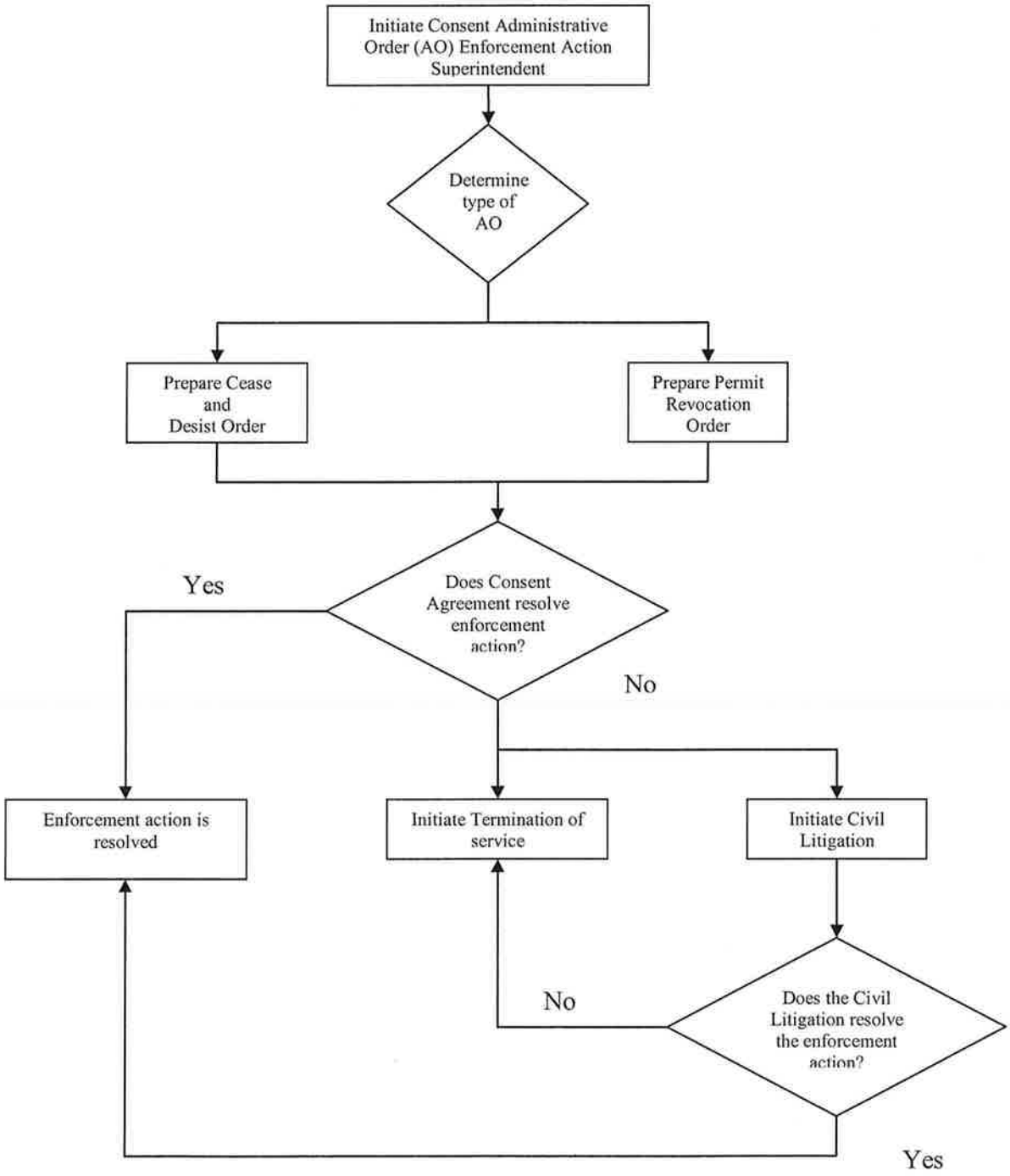
Flow Diagram for Evaluating Enforcement
Show Cause Enforcement Action



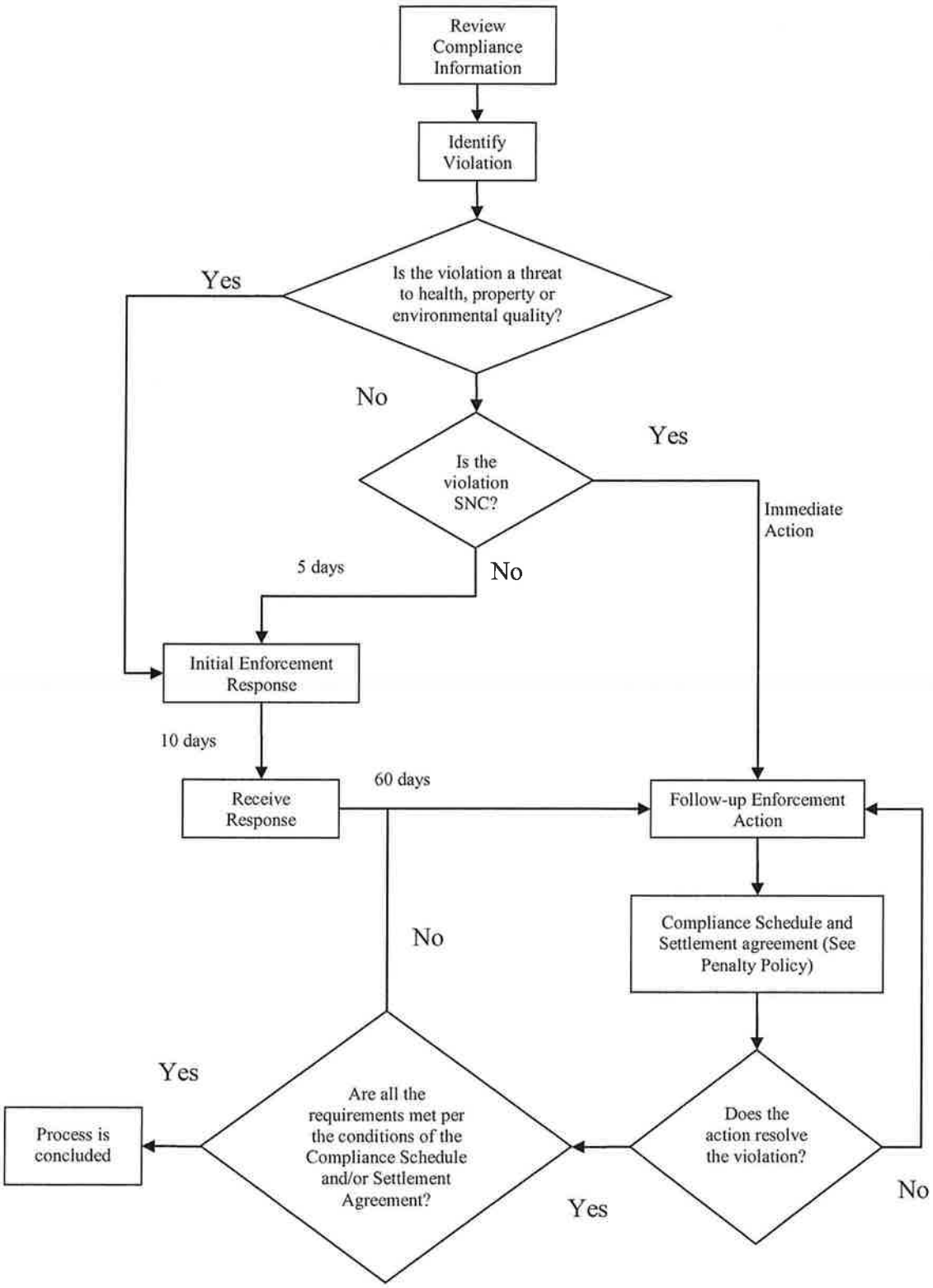
Flow Diagram for Evaluating Enforcement
Consent Agreement/Compliance Order Enforcement Action



Flow Diagram for Evaluating Enforcement
Administrative Order/Civil Litigation Enforcement Action



Flow Diagram for Evaluating Enforcement
Time Frame for Responses to Enforcement Actions



Enforcement Response Guide
Discharge Limit Violations

Exceedance of Local or Federal Standard

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Isolated, not significant	Phone call	Pretreatment Coordinator	7
	Notice of Violation		7-14
Isolated, significant	Compliance Order w/ penalty	Superintendent	14
Isolated, harm to Treatment Plant or Environment	Show Cause Hearing	Superintendent	14
	Civil Action w/ penalty	Attorney	30
Recurring, no harm to Treatment Plant or Environment, not SNC	Show Cause Hearing Compliance Schedule	Superintendent	30
	Administrative Order w/ penalty and Compliance Schedule		
Recurring, SNC	Show Cause Hearing	Superintendent	14-30
	Compliance Order w/ penalty and Compliance Schedule	Attorney	30
	Civil Action w/ statutory penalty	Superintendent and attorney	30
	Termination of Service	Superintendent	0-30

Enforcement Response Guide
Unauthorized Discharges

Unpermitted Discharge

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
IU unaware of requirements – No harm to treatment plant or environment	Phone call	Pretreatment Coordinator	7
	Notice of Violation		7-30
IU unaware of requirements – Harm to treatment plant or environment	Administrative Order	Superintendent	30
	Civil Action	Attorney	
Failure to apply continues after notice by the CA	Show Cause Hearing w/ penalty	Superintendent	14-30
	Civil Action w/ penalty	Attorney	30
	Criminal Investigation	Attorney or Refer to DEQ/EPA	30
	Termination of Service	Superintendent	0-30
IU has not submitted application w/in 30/45 days of due date	Notice of Violation	Pretreatment Coordinator	7
	Termination of Service	Superintendent	0-30

Enforcement Response Guide
Monitoring and Reporting Violations

Reporting Violations

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Report is improperly signed or certified	Phone call	Pretreatment Coordinator	7
	Notice of Violation		7-14
Report is improperly signed or certified after notice by CA	Notice of Violation	Pretreatment Coordinator	7-14
	Show Cause Hearing	Superintendent	30
Isolated, not significant, (for example five days late)	Phone Call	Pretreatment Coordinator	7
	Notice of Violation	Superintendent	7-14
Significant, (for example 30/45 days or more late)	Show Cause Hearing	Superintendent	30
	Compliance Order w/ penalty	Superintendent	30
Reports are always late or no reports at all Enforcement Response	Show Cause Hearing	Superintendent	7-14
	Administrative Order w/ penalty	Superintendent	30
	Civil Action	Attorney	30
Failure to report spill or changed discharged, (no harm)	Notice of Violation	Pretreatment Coordinator	7-14
Failure to report spill or changed discharged, (results in harm)	Show Cause Hearing	Superintendent	7-14
	Compliance Order w/ penalty	Superintendent	30
	Civil Action	Attorney	30
Repeated failure to report spills	Show Cause Hearing w/ penalty	Superintendent	30
	Administrative Order Cease and Desist	Superintendent	14
	Termination of Service	Superintendent	0-30
Falsification of data, reports, application, etc.	Criminal Investigation	Attorney or Refer to DEQ/EPA	30
	Termination of Service	Superintendent	0-30

Enforcement Response Guide
Monitoring and Reporting Violations

Failure to monitor correctly

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Failure to monitor all pollutants as required by permit	Notice of Violation	Pretreatment Coordinator	7-14
Recurring failure to monitor	Show Cause Hearing	Superintendent	30
	Compliance Order w/ penalty	Superintendent	30
	Civil Action	Attorney	30

Improper Sampling

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Evidence of Intent	Criminal Investigation	Attorney or Refer to DEQ/EPA	7-30
	Termination of Service	Superintendent	0-30

Failure to install monitoring equipment

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Delay of less than 30 days	Notice of Violation	Pretreatment Coordinator	7-14
Delay of more than 30 days without cause	Compliance Order w/ penalty	Superintendent	30
	Civil Action	Attorney	30
Recurring violation of Administrative Order	Civil Action	Attorney	30
	Criminal Investigation	Attorney or Refer to DEQ/EPA	7-30
	Termination of Service	Superintendent	0-30

Enforcement Response Guide
Monitoring and Reporting Violations

Compliance Schedules

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Missed milestone by less than 30 days, or will not affect final milestone	Notice of Violation	Pretreatment Coordinator	7
Missed milestone by more than 30/45 days, or will affect final milestone (good cause for delay)	Notice of Violation	Pretreatment Coordinator	7
	Compliance Order	Superintendent	7-14
Missed milestone by more than 30/45 days, or will affect final milestone (no good cause for delay)	Show Cause Hearing	Superintendent	30
	Compliance Order w/ penalty	Superintendent	30
	Civil Action	Attorney	30
Recurring violation or violations of schedule in Administrative Order	Civil Action	Attorney	30
	Criminal Investigation	Attorney or Refer to DEQ/EPA	7-30
	Termination of Service	Superintendent	0-30

Waste Streams are Diluted in lieu of Treatment

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Initial Violation	Notice of Violation	Pretreatment Coordinator	7-14
Recurring Violations	Show Cause Hearing	Superintendent	30
	Adminitrative Order w/ penalty Cease and Desist	Superintendent	30
	Termination of Service	Superintendent	0-30

Failure to mitigate noncompliance or halt production

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Does not result in harm	Notice of Violation	Pretreatment Coordinator	7-14
Does result in harm	Compliance Order w/ penalty	Superintendent	30
	Civil Action w/ penalty	Attorney	30
	Termination of Service	Superintendent	0-30

Enforcement Response Guide
Monitoring and Reporting Violations

Failure to properly operate and maintain pretreatment facility

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Does not result in harm	Notice of Violation	Pretreatment Coordinator	7-14
Does result in harm	Compliance Order w/ penalty	Superintendent	30
	Civil Action w/ penalty	Attorney	30
	Termination of Service	Superintendent	0-30

Failure to notify POTW of changes at the IU facility

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Does not result in harm	Notice of Violation	Pretreatment Coordinator	7-14
Does result in harm	Compliance Order w/ penalty	Superintendent	30
	Civil Action w/ penalty	Attorney	30
	Termination of Service	Superintendent	0-30

Enforcement Response Guide
Violations Detected During
Inspection or Visit

Entry Denial

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Entry denied or consent withdrawn	Obtain warrant and return to IU	Pretreatment Coordinator	0-3
Access to or copies of records denied	Obtain warrant and return to IU	Pretreatment Coordinator	0-3

Illegal Discharge

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
No harm to Treatment Plant or environment	Notice of Violation	Pretreatment Coordinator	7-14
	Compliance Order w/ Compliance Schedule	Superintendent	30
Discharge causes harm to Treatment Plant or environment	Show Cause Hearing w/ penalty	Superintendent	30
	Civil Action w/ penalty	Attorney	30
	Termination of Service	Superintendent	0-30
Evidence of Intent/Negligence	Criminal Investigation	Attorney or Refer to DEQ/EPA	7-30
	Termination of Service	Superintendent	0-30
Recurring violation of Administrative Order	Termination of Service	Superintendent	0-30

Improper Sampling

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Unintentionally sampling at incorrect location, using incorrect sample type and/or using incorrect sample collection techniques	Notice of Violation	Pretreatment Coordinator	7-14
Intentionally and/or recurring; sampling at incorrect location, using incorrect sample type and/or using incorrect sample collection techniques	Show Cause Hearing w/ penalty	Superintendent	30
	Criminal Investigation	Attorney or Refer to DEQ/EPA	7-30
	Termination of Service	Superintendent	0-30

Enforcement Response Guide
Violations Detected During
Inspection or Visit

Inadequate Recordkeeping

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Inspector finds files incomplete or missing (no evidence of intent)	Notice of Violation	Pretreatment Coordinator	7-14
Recurring; Inspector finds files incomplete or missing	Show Cause Hearing	Superintendent	30
	Compliance Order w/ penalty	Superintendent	30
	Termination of Service	Superintendent	0-30
Inspector finds files incomplete or missing (with evidence of intent to conceal information from CA)	Criminal Investigation	Attorney or Refer to DEQ/EPA	7-30
	Termination of Service	Superintendent	0-30

Failure to report additional monitoring

Violation	Enforcement Action	Responsible Personnel	Time Goal (Days)
Inspector finds additional files	Notice of Violation	Pretreatment Coordinator	7-14
Recurring failure to report all monitoring	Show Cause Hearing	Superintendent	30
	Compliance Order w/ penalty	Superintendent	30
	Termination of Service	Superintendent	0-30
Inspector finds additional files and/or monitoring with evidence of intent to conceal information from CA	Criminal Investigation	Attorney or Refer to DEQ/EPA	7-30
	Termination of Service	Superintendent	0-30

Failure to Notify POTW of change at the IU facility

Violation	**Enforcement Action**	**Responsible Personnel**	**Time Goal (Days)**
Does not result in harm	Notice of Violation	Pretreatment Coordinator	7-14
Does result in harm	Compliance Order w/ penalty	Superintendent	30
	Civil Action w/ penalty	Attorney	30
	Termination of Service	Superintendent	0-30

Brigham City
Telephone Log

Phone Call From: _____ Phone number: _____

Date of Call: _____ Time of Call: _____ Time Call ended: _____

Industry Contacted: _____ Person that took call: _____

Conversation Summary: _____

Resolution: _____

Required Action: _____

Left Message (Summary of message left: _____

Brigham City
Enforcement Incidence Form

Name of IU: _____

Address: _____

Description of Violation: _____

_____

_____

_____

_____

_____

Type of Enforcement	Date	User Response	Date	Adequate Response (Yes/No)

Name of Industry	Violation	Enforcement Action	Date of Resolution	SNC, if yes publication date

Pretreatment Program
Section 3-J

Penalty Calculation Guidance

The following information can be found in this section:

Purpose
Legal Authority
Program
Penalty Policy

FLOW CHARTS

None

FORMS

None

Additional guidance can be found in the following EPA Guidance Manuals:

- **POTW Pretreatment Program Development**

PURPOSE

The purpose of this penalty calculation guidance is to provide the City with a uniform and equitable approach to enforcement and development of penalties.

LEGAL AUTHORITY

United States Code of Federal Regulations 40 CFR 403.

Brigham City Pretreatment Standards, Sections 10 and 11.

PROGRAM

In accordance with Section 10.6 of the City's Pretreatment Standards, the Wastewater Treatment Manager may assess any industrial user up to $10,000 per day per violation as an administrative fine for noncompliance with pretreatment limits, standards, reporting requirements and any other requirement stipulated in an IU's discharge permit. In order to meet the purposes and goals established by EPA for the imposition of penalties, the City used the Region VIII "Penalty Calculation Guidance for Publicly Owned Treatment Works Implementing the Industrial Pretreatment Program" as guidance for its penalty policy.

PENALTY POLICY

Introduction

This policy is intended to assist the City in determining an appropriate minimum acceptable penalty for violations of the Pretreatment Program requirements. The range for the actual penalty to be paid by a violating industrial user will range from the statutory maximum penalty to the calculated minimum acceptable amount. The methods described by this guidance are applicable for both administratively and judicially imposed penalties.

The information regarding the penalty is not available to the public until both parties have finalized the negotiations. The negotiation process and documents discussed during negotiations are not public information. Only finalized compliance orders and/or penalty documents are available to the public. All other documents must be kept per the confidential documents requirements of the pretreatment program. If negotiations regarding a compliance order and/or penalty can not be completed the matter should be taken before a court of competent jurisdiction.

Purpose of Penalties

The purpose of penalty assessments are: deterrence, fair and equitable treatment of the regulated community, and swift resolution of environmental problems.

Maximum Penalty Calculation

The initial calculation of a penalty assessable for the Pretreatment Program violations should be as estimate of the maximum statutory amount that could be sought through a court action against the industrial user. The maximum amount of the industrial users liability is normally calculated by identifying the number of days that a limitation was violated and multiplying that number by

the statutory maximum penalty per day per violation. Each limitation which was violated should be counted separately with monthly average violations being for the number of days in the month that the violation occurred. Therefore a violation of a monthly average or thirty day average is considered thirty days of violations.

Establishing the minimum penalty

Generally, both the POTW and the industrial user will wish to avoid extended arguments and the possibility of litigation over an appropriate penalty. Consequently, the POTW needs to establish a minimum penalty amount which represents a reasonable and defensible penalty that fulfills the purpose of penalties as stated above. Calculation of the minimum penalty figure consists of a summation of two basic components, the economic benefit component (where applicable) and the gravity component. In some cases, this calculated figure might then be adjusted for a variety of factors that will be discussed in this policy.

I. The Economic Benefit Component

A violator may realize an economic benefit from the cost savings of delaying some expenditures necessary for timely compliance. In addition, a violator may have improperly avoided other expenditures which would have been made if the industrial user responsibly met its requirements per the Pretreatment Program.

A. Benefit from delayed costs

An industrial user may improperly derive economic gain by delaying the expenditures necessary to achieve compliance with a pretreatment standard. By deferring the one-time cost of the system until an enforcement action is taken, a facility has been able to use the money for other purposes during the period of noncompliance. Violations which can result in savings by deferring required expenditures include:

- Failure to install equipment needed to meet discharge standards
- Failure to implement process changes needed to eliminate pollutants from products or waste streams.
- Improper storage of waste where proper storage is still required to achieve compliance.
- Failure to obtain necessary permits for discharge, where such permits, would probably be granted.

B. Benefit from avoided costs

For some kinds of violations, an industrial user might have never spent the money required to achieve compliance. Violations where costs have been improperly avoided might include:

- Operation and maintenance (O&M) costs for equipment that the violator failed to install.
- Costs associated with the proper O&M of existing control equipment where improper O&M practices are identified.

- Failing to employ sufficient number of adequately trained staff.
- Failing to establish or follow precautionary methods required by regulations or permits
- Failing to conduct necessary testing and reporting

C. Benefit from competitive advantage

For most violations, removing the economic savings realized from delaying compliance will usually be sufficient to negate any competitive advantage the violator gained from noncompliance. However, in some cases, the violator may have gained an additional advantage during the period of noncompliance if the violator was able to improve its market share of goods and services as a result of costs savings. It is difficult to estimate the profits made from transactions which may not have occurred it the party had complied. Often, these estimates will be based on expertise in the industry rather than quantifiable data.

D. Calculating Economic Benefit

Calculation of the economic savings from delayed compliance can be accurately determined through a series of present value calculations and a comparison of the cash flows that should have been incurred if the expenditures were properly made and the cash flows that actually will be made once the required pollution control systems are installed and operating. The economic benefits of noncompliance (BEN) computer model can be downloaded and used to complete the calculations.

II. The Gravity Component

A. Purpose of the Gravity Component

As noted, above, the penalty to achieve deterrence, should not only remove any economic benefit of noncompliance, but also include an amount reflecting the seriousness of the violation. This latter amount is referred to as the "gravity component." In many cases the gravity component substantially exceeds the economic savings component.

Assigning a dollar figure to represent the gravity of a violation may be seen as a subjective process. Nevertheless, a determination of the relative seriousness of different violations can be fairly determined in most cases. Linking the dollar amount of the gravity component to objective factors can be a useful way of insuring that violations of approximately equal seriousness are treated the same and encourages swift resolution of environmental problems.

B. Gravity Factors

The following gravity weighting factors should be considered for each month during which there were one or more violations:

- Significance of the Violation – This factor is to reflect the degree of the exceedence of the most significant effluent violation each month and should be weighted more heavily for toxic pollutants.
- Health and Environmental Harm – The penalty should be increased if the violations present actual or potential harm to human health, the POTW or to the environment.
- Number of Violations – This factor allows consideration of the total number of violations each month including all violations of the permit effluent limitations, monitoring and reporting requirements, and standard and special conditions.
- Duration of Noncompliance – This factor allows consideration of continuing, long-term violations of effluent limitations or other permit conditions. Generally, violations which continue for three or more months are considered long-term violations.

III. Administrative Cost
IV. Cost of Damages

Adjusting the Penalty Figure

The gravity penalty figure for settlement purposes should then be calculated based on the following formula: GRAVITY PENALTY = PENALTY + ADJUSTMENTS - ECONOMIC AND LEGAL CONSIDERATIONS

PENALTY: Violations are grouped into four main penalty categories based upon the nature and severity of the violation. A penalty range is associated with each category. The following factors will be taken into account to determine where the penalty amount will fall within each range:

A. History of compliance or noncompliance. History of noncompliance includes consideration of previous violations and degree of recidivism.
B. Degree of willfulness and/or negligence. Factors to be considered include how much control the violator had over and the foreseeability of the events constituting the violation, whether the violator made or could have made reasonable efforts to prevent the violation, whether the violator knew of the legal requirements which were violated, and degree of recalcitrance.
C. Good faith efforts to comply. Good faith takes into account the openness in dealing with the violations, promptness in correction of problems, and the degree of cooperation with the State.

Category A - $5,000 to $10,000 per day. Violations with high impact on public health and the environment to include:

1. Discharges which result in documented public health effects and/or significant environmental damage.

2. Any type of violation not mentioned above severe enough to warrant a penalty assessment under category A.
3. Violations which caused, either alone or in conjunction with a discharge or discharges from other sources, an exceedance of the MAHL
4. Violations which caused, either alone or in conjunction with a discharge or discharges from other sources, an exceedance of the City's discharge permit.
5. pH violations considered less than or equal to 2 and more than 13 SU.

Category B - $2,000 to $7,000 per day. Major violations of the Utah Water Pollution Control Act, associated regulations, permits or orders to include:

1. Discharges which likely caused or potentially would cause (undocumented) public health effects or significant environmental damage.
2. Creation of a serious hazard to public health or the environment.
3. Illegal discharges containing significant quantities or concentrations of toxic or hazardous materials.
4. Any type of violation not mentioned previously which warrants a penalty assessment under Category B.
5. Violations which likely caused or could have caused, either alone or in conjunction with a discharge or discharges from other sources, an exceedance of the MAHL
6. Violations which likely caused or could have caused, either alone or in conjunction with a discharge or discharges from other sources, an exceedance of the City's discharge permit.
7. Effluent violations greater than 2.5 the permit limit other than those meeting another criteria.
8. pH violations considered less than 5 but greater than 2 SU.

Category C - $500 to $3,000 per day. Violations of the Utah Water Pollution Control Act, associated regulations, permits or orders to include:

1. Significant excursion of permit effluent limits. (over 1.4 to 2.5 x the limit for conventional pollutants and over 1.2 to 2.5 x the limit for other pollutants. Unless the POTW believes or has proof that the MAHL was violated due to this discharge or the POTW also violates its permit during the violation of the IU permit.)
2. Substantial non-compliance with the requirements of a compliance schedule.
3. Substantial non-compliance with monitoring and reporting requirements.
4. Illegal discharge containing significant quantities or concentrations of non toxic or non hazardous materials.
5. Any type of violation not mentioned previously which warrants a penalty assessment under Category C.

Category D - up to $1,000 per day. Minor violations of the Utah Water Pollution Control Act, associated regulations, permits or orders to include:

1. Minor excursion of permit effluent limits (less than1.4 x the limit for conventional pollutants and less than 1.2 x the limit for other pollutants. Unless

the POTW believes or has proof that the MAHL was violated due to the violation or the POTW also violates its permit during the violation of the IU permit.)

2. Minor violations of compliance schedule requirements.
3. Minor violations of reporting requirements.
4. Illegal discharges not covered in Categories A, B and C.
5. Any type of violations not mentioned previously which warrants a penalty assessment under category D.

Alternative Payments

DWQ has accepted various environmentally beneficial expenditures in settlement of a case by crediting the violator for investing in the environmental project. In general, the regulated community has been receptive to this "alternative payment" practice and several useful projects have been accomplished with such funds. Below are listed some of the conditions of doing a project:

- No credits can be given for activities that currently are or will be required under current law or are likely to be required in the foreseeable future.
- The project's environmental benefit should be to the general public rather than to the source or any governmental unit.
- The project cannot be something the violator is reasonable expected to do as part of sound business practices.
- Completion of the project should require minimal POTW oversight
- The violator cannot gain positive press, tax and it can not benefit the violator
- The BEN cannot be used for a project and must be collected within 30 day of finalizing the compliance schedule.

Conclusion

The assessment of penalties is an essential element of a regulatory program necessary to preserve the credibility of the Pretreatment Program. Through an examination of the factors outlines by this guidance, a POTW can determine a penalty which provides:

- A deterrent against future noncompliance by the industrial user,
- Fair and equitable treatment of the regulated community, and
- Swift resolution of environmental problems.

The calculation of penalties will include the maximum amount allowed for by ordinance and the economic benefit analysis provided in the guidance. Should the economic benefit analysis exceed the maximum allowed by ordinance, the City will consider referral of the violation to the State for enforcement so that an appropriate penalty can be obtained.

The Penalty for reporting and sampling violations where no significant economic component is determined and where no harm to workers or the environment has taken place shall be as follows:

Reporting Violation	$500 per 30 days or fraction thereof that the report is late past the initial 45 day grace period.

Sampling Violation by Omission	The cost of the missed test based on the average of three commercial laboratories plus $250 for each sampling violation where samples were required but not taken for each permit defined sampling period. If harm to the environment is suspected based on City sampling or other indicators, the penalty shall be significantly greater.

Pretreatment Program
Section 3-K

Newspaper Notification Procedure

The following information can be found in this section:

Additional guidance can be found in the following EPA Guidance Manuals:

- **POTW Pretreatment Program Development**

PURPOSE

The purpose of the newspaper notification procedure is to provide guidance for the City in publishing the required notice annually of industrial users who are in significant non-compliance with applicable limits.

LEGAL AUTHORITY

United States Code of Federal Regulations 40 CFR 403.12.

Brigham City Pretreatment Standards, Sections 9.

PROGRAM

Who to Publish

The City is required to publish an annual notice of all industrial users who are in significant non-compliance (SNC) during any year. Section 9 of the City Standards covers the requirements of for evaluating significant non-compliance. The criteria for such a determination are given below:

1. Chronic Violations: Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

2. TRC Violations: Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for the same pollutant parameter during a 6-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, multiplied by the applicable TRC criteria (TRC=1.4 for BOD, TSS, fats, oils and grease, and TRC=1.2 for all other pollutants except pH);

3. Discharge Violations: Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

4. Endangerment: 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 Comply: 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 Report: Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance; or

8. Other Violations: Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

For items one and two above, EPA has provided specific guidance as to how to evaluate the six month period for SNC. A copy of this January 17, 1992 guidance is included at the end of this section.

Publication Information

The City must present specific information in the publication. For this purpose, a model Public Notice has been included at the end of this section. The model contains blanks at the end of the form to fill in with those industrial users which have been in SNC. The blanks should include the following information:

1. Name of industry in SNC.

2. Type of criteria which caused the SNC classification.

3. Duration of SNC.

4. Current Status of the industrial user

The notice should be sufficient for the general public to identify significant violators and the type of violations experienced.

Publication Requirement

The notice publication will be done by February 28th of the year following the year being noticed. The notice should be published in the newspapers with the largest daily circulation in the area served by the City.

PUBLIC NOTICE

Noncompliance with Industrial Pretreatment Standards

The Federal Clean Water Act established the National Pretreatment Program to control the discharge of toxic and hazardous waste into the sanitary sewer system operated by the Publicly Owned Treatment Works (POTWs). Under a delegation from EPA, Brigham City has been given the responsibility for applying and enforcing the pretreatment standards for industrial users served by the City.

Pursuant to the requirements of the National Pretreatment Program, Brigham City must annually publish a list of industrial users within its service area that have either demonstrated a pattern of noncompliance with applicable pretreatment standards or had a significant noncompliance incident over the previous 12 months. Reasons for significant noncompliance include:

1. Chronic Violations: Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

2. TRC Violations: Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all wastewater measurements taken for the same pollutant parameter during a 6-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, multiplied by the applicable TRC criteria (TRC=1.4 for BOD, TSS, fats, oils and grease, and TRC=1.2 for all other pollutants except pH);

3. Discharge Violations: Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

4. Endangerment: 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 Comply: 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 Report: Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance; or

8. Other Violations: Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

This notice has been issued to meet the requirement to inform the public.

Period covered by this notice: January 1, ____ to December 31, ____.

During this period the following Industries were found to be in significant non-compliance with applicable standards:

1. IU's Name, Address and list the applicable SNC standards that were violated.
2. IU's Name, Address and list the applicable SNC standards that were violated.
3. IU's Name, Address and list the applicable SNC standards that were violated.

More information can be obtained by contacting:

Name:
Pretreatment Coordinator
Brigham City
Address:

Telephone:

Determination of Industrial User (IU) Significant Noncompliance (SNC)

1. The POTW (in conjunction with the Approval Authority) must establish its "Pretreatment Year."

2. At the end of each quarter, POTWs and States should evaluate their IU's compliance status for the two criteria which are evaluated on a six month time frame (i.e., the "A" and "B" criteria - 403.8(f)(2)(vii)(A) and (B)) as illustrated below. The example below assumes a " Pretreatment Year" equal to the calendar year.

FIRST EVALAUTION PERIOD

End of previous "Pretreatment Year" | Beginning of the current "Pretreatment Year."

Oct.	Nov.	Dec.	Jan.	Feb.	Mar.

SECOND EVALUATION PERIOD

Jan.	Feb.	Mar.	Apr.	May	Jun

THIRD EVALUATION PERIOD

Apr.	May	Jun.	Jul.	Aug.	Sep

FOURTH EVALUATION PERIOD

Jul.	Aug.	Sep.	Oct.	Nov.	Dec

3. At the end of the first quarter (March 30th in our example), the POTW must evaluate the data from an industrial user for the previous six months (e.g., beginning with October 1 of the previous "Pretreatment Year" as in our example). Likewise, the POTW must evaluate six months of data at the end of each subsequent quarter (e.g., June 30th, September 30th, and December 31st).

4. At the end of the "Pretreatment Year," the POTW must summarize the compliance status of its industrial users over the reporting period and report on this compliance status to the Approval Authority. The POTW must publish all industrial users which were identified in SNC during the "Pretreatment Year," unless the IU was previously published for violations which occurred solely in the last quarter of the previous "Year."

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 17 1992

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Determining Industrial User Significant Noncompliance - One Page Summary

FROM: Mark D. Charles, Chief Mark D. Charles
RCRA and Pretreatment Enforcement Section

TO: Regional Pretreatment Coordinators, Regions I-X

During a recent Pretreatment Coordinator's conference call with Headquarters pretreatment staff, a suggestion was made to prepare a one page visual summary of how to determine Significant Noncompliance (SNC) for Industrial Users (IUs). This request was made in response to the Agency's policy memorandum explaining the correct procedure for applying the SNC definition to IUs. As a result of that request, we have prepared such a visual summary and are now making it available for distribution to your Approved States and POTWs.

The summary presents a chronological example of the steps which a Control Authority should follow when evaluating the compliance status of an industrial user vis-a-vis the SNC definition. The example assumes a "Pretreatment Year" (or "Year") equal to the calendar year and brackets the "Year" with heavy black lines to separate it from the previous and subsequent "Years."

The example illustrates the rolling quarters concept by presenting the six month evaluation periods for SNC determination as coupled quarters. For the purpose of the attached example, the end of each relevant quarter (i.e., the date on which the SNC determination should be made) is March 30th, June 30th, September 30th, and December 31st. As outlined in the policy memorandum, the POTW must publish all IUs which were identified in SNC during the "Year," unless the IU was previously published for violations which occurred solely in the last quarter of the previous "Year."

If you have any questions regarding this summary or the application of the definition in general, please feel free to call Lee Okster of my staff at (FTS) 260-8329.

cc: Jeff Lape

INDEX
Section 3-L

Education and Index of Reference Manuals

The following information can be found in this section:

PURPOSE

The purpose of this section is to ensure that pretreatment personnel are able to meet the response abilities of the Pretreatment Program.

LEGAL AUTHORITY

The City is required to have sufficient resources and qualified personnel to carry out the authorities and procedures described in 40 CFR Part 403.8(f)(1) and (2) based on the following:

United States Code of Federal Regulations, 40 CFR Part 403.8(f)(3).

PROGRAM

The Pretreatment Coordinator will attend the Region 8 Pretreatment Workshop and other technical trainings and workshops to assist in being educated and keeping abreast of existing and newly promulgated standards and requirements. The Pretreatment Coordinator will review the Federal Register for changes to Pretreatment Standards. This review will include reading and making comments to EPA and the State regarding the changes to Pretreatment Standards, as needed. If there is an indirect discharging IU in the City's service area, which could be impacted by the change in the Federal Register, the Pretreatment Coordinator will make the IU aware of the change and the potential impacts to the IU. The Pretreatment Coordinator will send a letter to impacted IU and if needed meet with the IU to explain the changes. The letter will be sent to the IU within 7 days of the Pretreatment Coordinator knowing of the change in the Federal Register.

The Pretreatment Coordinator will review information sent by the State and EPA Pretreatment Coordinators and make comments as needed.

The Pretreatment Coordinator will research information regarding new local regulatory programs for non-domestic users, where problems are identified or control is needed to comply with Pretreatment regulations and the POTW's UPDES permit requirements.

The Pretreatment Coordinator will review influent and effluent of the POTW to ensure that all pollutant of concerns have been identified and research ways to ensure the POTW stays incompliance with its UPDES permit.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Aluminum Forming Point Source Category. EPA Report No. 440/1-84/073-VOL-1. June 1984.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Aluminum Forming Point Source Category. EPA Report No. 440/1-84/073-VOL-2. June 1984.

U. S. EPA Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Textile, Friction Materials and Sealing Devices Segment of the Asbestos Manufacturing Point Source Category. EPA Report No. 440/1-74/035-A. December 1974.

U.S. EPA Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Building, Construction. and Paper Segment of the Asbestos

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Battery Manufacturing Point Source Category. EPA Report No. 440/1-84/067-VOL-1. September 1984.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Battery Manufacturing Point Source Category. EPA Report No. 440/1-84/067-VOL-2. September 1984.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Battery Manufacturing Point Source Category EPA Report No. 440/182/067-B. October 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Builders Paper and Roofing Felt Segment of the Builders Paper and Board Mills Point Source Category. EPA Report No. 440/1-74/026-A. May 1974.

U. S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Apple. Citrus and Potato Processing Segment of the Canned and Preserved Fruits end Vegetables Point Source Category. EPA Report No. 440/1-74/027-A. March 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring and Abalone Segment of the Canned and Preserved Fish and Seafood Processing Industry Point Source Category. EPA report No. 440/1-75/041-A. September 1975.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for Performance for the Catfish, Crab, Shrimp, and Tuna Segments of the Canned and Preserved Seafood Processing Industry Point Source Category. EPA Report No. 440/1-74/020-A. June 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Cement Manufacturing Point Source EPA Report No. 440/1-74/005-A. January 1974.

U.S. EPA. Development Document for Final Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Coal Mining Point Source Category. EPA Report No. 440/1-82/057. October 1982.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Coal Mining Point Source Category. EPA Report No. 440/1-81/057-B. January 1981.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Canmaking Subcategory of the Coil Coating Point Source Category. EPA Report No. 440/1-83/071. April 1984.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Coil Coating Point Source Category. EPA Report No. 440/1-82/071. November 1982.

U.S. EPA. Development for Effluent Limitations Guidelines and Standards for the Coil Coating Point Source Category. EPA Report No. 440/1-83/071-B. March 1983.

U. S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Copper Forming Point Source Category. EPA Report No. 440/1-84/074. March 1984.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Dairy Product Processing Point Source Category. EPA Report No. 440/1-74/021-A. May 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category. EPA Report No. 440/1-83/075-B. February 1983.

U.S. EPA. Development Document for Effluents and Standards for the Electrical and Electronic Components Point Source Category. EPA Report No. 440/l-82/075B. July 1982.

U.S. EPA. Development Document for Existing Source Pretreatment Standards for the Electroplating Point Source Category. EPA Report No. 440/l-79/003.
August 1979.

U.S. EPA. Development Document for Effluent limitations Guidelines and New Source Performance Standards for the Copper, Nickel, Chromium, and Zinc Segment of the Electroplating Point Source Category. EPA Report No. 440/l-74/003-A. March 1974.

U.S. EPA. Development Document for Effluent limitations Guidelines and New Source Performance Standards Feedlots Point Source Category EPA Report No. 440/1-74/004-A. January 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category. EPA Report No. 440/l-74/008-A. February 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Basic Fertilizer Chemicals Segment of the Fertilizer Manufacturing Point Source Category. EPA Report N0. 440/1-75/042-A. January 1975.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Basic Fertilizer Chemicals Segment of the Fertilizer Point Source Category. EPA Report No. 440/l-74/011-A. March 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Pressed and Blown Glass Segment of the Glass Manufacturing Point Source Category. EPA Report No. 440/l-75/034-A. January 1975.

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U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Secondary Aluminum Smelting Subcategory of the Aluminum Segment of the Nonferrous Metals Manufacturing Point Source Category. EPA Report No. 440/1-74/019-A. March 1974.

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U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Plastics Molding and Forming Point Source Category. EPA Report No. 440/l-84/069. December 1984.

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U.S. EPA. RCRA Orientation Manual. EPA Report No. 530-SW-86-001. January 1986.

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INDEX
Section 3-M

Notification of Changes and Public Notification

The following information can be found in this section:

PURPOSE

The purpose of this section is to ensure that pretreatment personnel inform the public and interested groups regarding changes and/or modifications to the pretreatment program.

LEGAL AUTHORITY

Brigham City Municipal Code

PROGRAM

The Pretreatment Coordinator will submit information regarding changes to the program to all SIU permitted by the program either via e-mail with confirmation that the permittee received the information or via certified mail. The Pretreatment Coordinator will also follow procedures per the City/District procedure and State procedures for public noticing and approval of changes and/or modifications to the pretreatment program which would include local limits.

Changes to the sewer use ordinance and/or local limits will be reviewed by the Pretreatment Coordinator and then public noticed for 30 days then receive final approval for adoption by the City Council. During the public notice the public will be give the ability to comment regarding the changes to the SUO or local limits. When comments are received the Pretreatment Coordinator will respond to the comments and notify the Division of Water Quality regarding the comments that were received during the City's public notice period.

The Governing Agency shall make an effort to involve the public in all areas of the industrial pretreatment program. Public participation shall be required for approval of the program and for any subsequent changes in the standards or program. All public notices and meetings dealing with the pretreatment program or ordinance shall be done in accordance with the Open and Public Meetings Requirements found in Title 53-4 of the Utah Code. The public shall be allowed to comment and respond on any proposed changes. Comments received shall be included in the minutes as stipulated in the State Code, and an official response given. Any major changes in the local limits will also be available for public review and comment.

INDEX
Section 3-N

Confidential Information
and
Data Requests

This section will be followed by Brigham City and/or other jurisdiction(s).

The following information can be found in this section:

PURPOSE

The purpose of this section is to ensure that information that is provide to the Governing Agency that indicates it is confidential is correctly classified confidential and then kept confidential.

LEGAL AUTHORITY

Brigham City Municipal Code

PROGRAM

The industrial will be required to stamp all pages that are considered confidential and provide verification from the attorney general's office that the pages stamped "confidential" are considered confidential business information. Information regarding discharge and the development of permit limitations are not considered confidential; this information will be made available, if requested, within 5 working days of the request. Confidential information will be kept in file folders or computer directories labeled as confidential information to ensure the information is not released to the public. The confidential files will be locked and the permit file will indicate that there is an additional confidential file that contains additional information. Only the portions of the report which disclose tread secrets or secret processes shall not be made available for inspection by the public. These portions of reports will be labeled as confidential information with instructions to discuss any use or request for the information with the Pretreatment Coordinator.

The public may request any information regarding an industrial user that is not considered confidential. When a request is made for information regarding an industrial user the pretreatment coordinator will ensure that the information is not confidential and then the request for information will either be sent or will be denied. The time goal to complete this process will be within 15 working days of receiving a request for information.

Changes to the sewer use ordinance and/or local limits will be approved by the Pretreatment coordinator and then public noticed for 30 days then receive final approval for adoption by the City Council. During the public notice perior the public will be given the ability to comment regarding the changes to the SUO or local limits. When comments are received the Pretreatment Coordinator will respond to the comments and notify the Division of Water Quality regarding the comments that were received during the public notice period.

All information regarding users 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.

Pretreatment Program
Section 3-O

Optional Sampling Waiver Procedures for Pollutants Not Present

The following information can be found in this section:

Purpose
Legal Authority
Program

FLOW CHARTS

None

FORMS

None

Additional guidance can be found in the following EPA Guidance Manuals:

- **Pretreatment Streamlining Rules Fact Sheet 6.0: Optional Sampling Waiver for Pollutants Not Present**

PURPOSE

The purpose of the Pollutant not Present is to allow the City to have procedures in place to allow users to not sample for pollutant that are not present at the user's facility and will not be in the effluent of the user. The user must not have, use or generate the pollutant in order for the pollutant to be considered a pollutant not present.

LEGAL AUTHORITY

40 CFR 403.8 (f)(2)(v) & 40 CFR 403.12 (e)

Brigham City Wastewater Pretreatment Standards.

PROGRAM

It is at the discretion of the City to allow a waive to be used instead of sampling for a pollutant that the categorical industrial user (CIU) has demonstrates to the City's satisfaction that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water without any increase in the pollutant due to the CIU's activities. For this section the phrase "pollutant neither present nor expected to be present" will be abbreviated by using "pollutant is not present".

The sampling waiver may be implemented at CIUs facility's that comply with the requirements and demonstrate that a particular pollutant is not present. The Governing Agency may suggest that the waiver be applied or the CIU may request that the waiver conditions be applied to the permit. The CIU must demonstrate that a particular pollutant is not present above the intake water from the categorical process. The waive will not be allowed for pollutants that are added only in negligible amounts, not for pollutants that are added but not reasonably expected to violate the applicable Pretreatment Standard.

Implementing the Waiver User Requirements

The CIU must sample for at least two years prior to allowing the waiver to be applied. The analysis must be the most sensitive for the pollutant that the waiver will be used for. If the pollutant is present but is assumed to be in the intake water then a water sample must be taken and analyzed at least once. For the waiver the process wastewater must be sampled prior to treatment, the samples will be for the pollutants that the CIU would like the pollutant is not present waiver to be applied too. The pollutants will be sampled at least twice a year for two years at the same time the effluent samples are taken for the permit requirements. The samples of the process wastewater prior to treatment must be representative of all wastewater from all processes, including any seasonal or other variability in the discharge. The CIU must request the waiver in writing and supply all information to verify that the waiver is justified to be implemented by the CIU the information must be sent with the certification statement and signature as required for all permit reports. Note that where the data prior to treatment shows that the pollutant is present at levels above concentrations in the background intake water, the CIU's sampling waiver request will be denied.

Implementing the Waiver Governing Agency Requirement

The Governing Agency must determine if the information supplied by the CIU meets the requirements to apply the pollutant is not present option to the permit. The Governing Agency will notify the CIU within

45 days of the Governing Agency's determination. If the determination is that additional information is needed to allow the pollutant is not present option the Governing Agency will indicate the additional information that is required of the CIU to allow the pollutant is not present option which may be additional sampling of the intake water, effluent, or the wastewater before pretreatment or other information that the Governing Agency deems necessary to allow or not allow the pollutant is not present option before modifying the permit. If the Governing Agency finds the information warrants the permit to be changed and the waiver added the Governing Agency will indicate to the CIU in writing the steps that will be taken to change the permit and forms that will be required to be completed once the permit it changed.

Assuming that the CIU has followed the requirements for requesting the sampling waiver, the Governing Agency must determine whether to grant the sampling waiver. The regulations do not in any way require the Governing Agency to grant the sampling waiver at any time. If the Governing Agency does not believe that the CIU has demonstrated to its satisfaction that a pollutant is not present, the Governing Agency cannot grant the waiver. Even where the CIU has demonstrated that a specific pollutant is not present, the Governing Agency has the discretion to require monitoring.

The Governing Agency will base its decision on the materials submitted by the CIU as well as its own historical familiarity with the facility's participation in the pretreatment program. The Governing Agency might want to review information contained in the CIU's control mechanism applications, baseline and periodic monitoring reports, and data obtained through facility inspections.

Technical Evaluation by Governing Agency

The CIU's technical evaluation should include a facility-wide accounting of raw materials, products, by-products, and other chemicals with the potential to be discharged. The CIU should either conduct its own analysis of each raw material or chemical used on-site, or obtain a certificate of analysis from the manufacturer of the material demonstrating the absence of the pollutant. The evaluation must include materials not necessarily used in the manufacturing operation, such as chemicals used in equipment cleaning, cooling towers, boilers, and wastewater treatment. Although wastewater treatment chemicals are used to reduce the levels of pollutants in the CIU's discharge, analysis of the chemicals can show significant levels of contaminants that can be added to the wastewater stream. Additional information, such as intermediate products, final products, and by-products generated in the process must be considered as well; therefore, the CIU must have a detailed knowledge of chemicals used or generated in its facility and perform a detailed evaluation of its operations.

The CIU may submit material safety data sheets (MSDSs) as evidence that a particular pollutant is not present in the raw materials or other chemicals it uses at its facility. However, while MSDSs are a valuable tool in this demonstration, they do not identify all the pollutants present in a given material. Therefore, the MSDS cannot be relied on exclusively to determine whether a pollutant is present or not.

Note that determining whether a pollutant is present should be on the basis of not only whether the pollutant is in the process wastestream, but also whether a pollutant has the potential to enter the wastestream. Therefore, the CIU must evaluate the potential for the pollutant to enter the wastestream through spills and other potentially infrequent events in addition to whether the pollutant would be routinely expected to enter the wastestream or could be a by-product of pollutants in the wastestream.

Permit and Reporting Requirement

Once the waiver is allowed the Governing Agency must change the permit conditions to allow the pollutant is not present option to be allowed until such change is made the CIU must continue to sample all parameters per the requirements of the permit. Once the permit is change the CIU will be required to submit a report in accordance with 40 CFR 403.12 (g)(6) in June and December each year. If the permittee would like to continue to be allowed the waiver the CIU must reapply each permit cycle for the pollutant is not present waiver. If permit conditions change the permittee must notify the Governing Agency 60 day prior to the change and the permit must be changed to require the pollutant to be sampled. If the CIU fails to notify the Governing Agency that a pollutant waiver is no longer valid then the ERP must be followed to resolve the issue.

The control mechanism must be specific as to the sampling requirements being waived, the applicable categorical Pretreatment Standard(s), and the pollutants for which the monitoring waiver has been granted. The control mechanism must also include the following specific requirements to make the sampling waiver effective:

1. The requirement for the CIU to submit a certification, on each report where the CIU would have ordinarily submitted sampling data for the pollutant(s) not present if not for the waiver, that there has been no increase in the pollutant(s) in its wastestream due to the activities of the User; and

2. The requirement to immediately resume monitoring, at least semiannually, and notify the CA if the pollutant waived from sampling is subsequently found *to be present* or is *expected to be* present.

In addition, the control mechanism still must include all applicable categorical Pretreatment Standards, even those Standards for which monitoring has been waived.

The Governing Agency may require that sampling requirements will be required at a frequency of less than twice a year this information will be incorporated into the permit with any reduced sampling of less than twice a year requiring a waiver be submitted to that period of time. In addition, if the CIU elects to monitor the pollutant is not present then that information must be submitted to the Governing Agency with the waiver requirement that are required in the permit.

In addition the waiver for pollutant is not present cannot be used in place of any certification process established in categorical Pretreatment Standard, such as the certification process for total toxic organic pollutants under the metal finishing regulations. Nor does the waiver supersede requirements that are specific to the categorical pretreatment standards – for example, monitoring requirements for the pharmaceutical industry can be reduced only by the waiver procedures to a frequency of once per year and cannot be waived entirely.

Documentation by Governing Agency

The Governing Agency will document the reasons for authorizing the waiver and maintain any information submitted by the CIU in support of the waiver. This information will be maintained for at least 3 years after the expiration of the control mechanism in which the waiver is granted [40 CFR 403.12(e)(2)(iv)].

Sampling by Governing Agency

The Governing Agency will sample the effluent at least once after the waiver has been approved during the term of the CIU's permit to confirm that no changes have occurred and that the sampling waiver is still appropriate.

Waivers from New Users

The waiver will not be accepts from new users until two years of compliance data can be gathered by the CIU and the Governing Agency. The waiver can not be applied to baseline monitoring reports or 90 day compliance report requirements.

Brigham City
Pretreatment Program
Section 4

Local Limits

This section will be implemented by Brigham City and/or other jurisdiction(s).

The following information can be found in this section:

Purpose
Legal Authority
Program

FLOW CHARTS

None

FORMS

Local Limits Evaluation
Trend Graphs
Model Local Limits Development Guidance Binder (Separate)

Additional guidance can be found in the following EPA Guidance Manuals:

- **Local Limits Development Guidance**
- **Region VIII Technically Based Local Limits Development Strategy**

PURPOSE

The purpose of this section is to provide the information necessary to evaluate the need to develop and/or revise technically based local limits.

LEGAL AUTHORITY

United States Code of Federal Regulations 40 CFR 403.

Brigham City Pretreatment Program Standards.

PROGRAM

The POTW should annually evaluate the effectiveness of the pretreatment program by completing the Local Limits Evaluation and the Trend Graphs included in this section.

If the results of the Local Limits Evaluation indicate a need to develop technically based local limits, the U.S. EPA Region VIII guidance strategy, located in the Model Local Limits Development Guidance Binder, should be followed.

The technical based local limits can be found in the Brigham City technically based local limits binder.

LOCAL LIMITS EVALUATION

The following evaluation will determine if there is a need for the POTW to develop technically based local limits. If there is a need, you should proceed by following the U.S. EPA Region VIII Technically Based Local Limits Development Strategy located in the Model Local Limits Development Guidance binder.

Please answer each question for the preceding calendar year (Jan 1 to Dec 31).

(Year)

1. Worker Health and Safety

Were there any fires or explosions in your publicly owned treatment works (POTW)? (Yes/No)
Briefly describe each incident. If one or more, was anyone injured?

Did any workers pass out or otherwise become affected by fume toxicity while working in or around the sewer system? (Yes/No)

Were any sewer lines <u>not</u> entered due to fume toxicity? (Yes/No)
Briefly explain any episodes involving worker health and safety caused by toxic fumes from industrial discharges.

Based on your responses to the questions asked, is there a need to technically develop local limits based on worker health and safety? (Yes/No)

If so, which parameters do you intend to study?

If so, when will the local limit development be completed?

2. Biosolids

Do your biosolids usually meet 40 CFR 503, Table 3 (Clean Sludge) limits? (Yes/No)

What is your preferred biosolids disposal method?

What percentage of the biosolids could not meet your preferred disposal method?

What alternative method was used?

Which parameters caused the use of alternative disposal methods?
(Optional - Graph concentrations)

Based on your responses to the questions asked, is there a need to technically develop local limits based on biosolids quality? (Yes/No)

If so, which parameters do you intend to study?

If so, when will the local limit development be completed?

Would you like to reduce biosolids disposal costs by improving quality? (Yes/No)

If so, will consistently meeting 40 CFR 503, Table 3 numbers facilitate this goal? (Yes/No)

3. Biomonitoring

Ceriodaphnia sp.

Using 100% effluent, what was the lowest percent pass observed?

What was the average percent pass observed from all *Ceriodaphnia* sp. tests?
(Optional - Graph % pass)

Fathead Minnow

Using 100% effluent, what was the lowest percent pass observed?

What was the average percent pass observed from all *fathead minnow* tests?
(Optional - Graph % pass)

Was accelerated biomonitoring necessary because of failures? (Yes/No)

Please briefly explain any toxicity observed and corrective actions taken.

Based on your responses to the questions asked, is there a need to technically develop local limits based on biomonitoring? (Yes/No)

Has a Toxicity Identification Evaluation and/or a Toxicity Reduction Evaluation been completed? (Yes/No)

If so, which parameters caused the toxicity.

If so, when will the local limits development be completed?

4. Utah Pollution Discharge Elimination System (UPDES)

Did the POTW violate any of its UPDES permit effluent limits? (Yes/No)

If so, which limits?

Briefly explain any effluent violations experienced and corrective actions taken.

Based on your responses to the questions asked, is there a need to technically develop local limits based on UPDES permit limits? (Yes/No)

If so, which parameters do you intend to study?

If so, when will the local limit development be completed?

5. Publicly Owned Treatment Works (POTW)

Were any sewer lines replaced due to corrosive discharges from industrial or commercial users? (Note: this does not include normal replacement of old lines, repairs for other reasons, or lines corroded from hydrogen sulfide gas.) (Yes/No)

If so, how many feet were replaced? (feet)

Were any public sewer lines obstructed by solid or viscous, non-domestic pollutant discharges? (Yes/No)

Has the average monthly flow exceeded the design flow of the POTW? (Yes/No)

If yes, how many times this year?

Did the average monthly BOD_5 loading or TSS loading exceed the design loading of the POTW? (Yes/No)

How many exceedances this year? BOD_5

TSS

Has the POTW experienced a decrease in efficiency in any unit process or other operational problem which may be caused by process inhibition due to non-domestic discharges? (Yes/No)

If so, which unit process?

What is the suspected inhibitor?

Has any pollutant passed through the POTW into the receiving water without receiving adequate treatment? This may include conventional pollutants, metals, organics, pathogens, visible oil or foam, or something else. (Yes/No)

If so, what was it, and describe the situation briefly.

Based on your responses to the questions asked, is there a need to technically develop local limits based on the POTW's design limitations? (Yes/No)

If so, which parameters do you intend to study?

If so, when will the local limit development be completed?

6. Overall

Are there any additional factors which might cause you to reevaluate or develop local discharge limits?

If so, please explain.

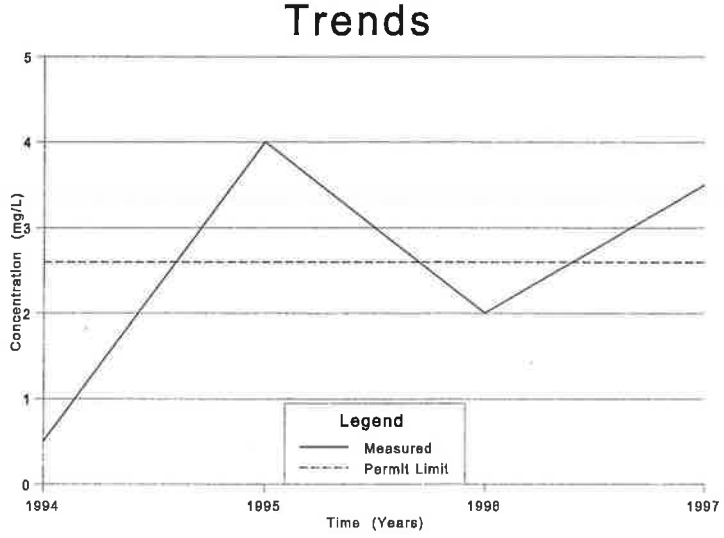
TREND GRAPHS

A compilation of historical data is possible by making copies of the evaluation form and filling out a form for each year. This previously collected information can be plotted on the accompanying graph to aid in measuring the pretreatment programs effectiveness, maximum allowable headworks loading rates, compliance trends, etc.

Accurate yearly evaluations will allow a proactive approach to local limits development. Rather than waiting for a serious problem to arise, find trends in the data and try to avoid noncompliance. The observed trends will also lend credence to a decision not to revise local limits at the time of permit renewal.

Over time the slope of the line on the graph could indicate an overall improved quality (decreasing line), constant quality (straight line) or degrading quality (increasing line). A separate graph could be developed for each pollutant.

A trend graph is created by placing the concentration, percent pass, number of violations, etc. on the y axis and time on the x axis. Also plot the goal or limit. The time period could be the last five years, all data since the last permit renewal, all data available, or any other appropriate time interval. An example trend graph is shown below.



Trend graphs for biosolids could track the amount of a metal detected in the biosolids. They could also be developed for biomonitoring results, UPDES permit limited parameters, concentrations of pollutants at the POTW, or a number of other sets of data.

The trend graph information is in an excel document and will be submitted with the annual report if the maximum allowable headworks load is exceeded.