# RESOLUTION NO. R-12-2017

## A RESOLUTION OF EAGLE MOUNTAIN CITY, UTAH, ADOPTING AN INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM

WHEREAS, the City Council of Eagle Mountain City, Utah finds it is in the public interest to adopt an industrial wastewater pretreatment program;

NOW THEREFORE, BE IT RESOLVED by the Eagle Mountain City Council that:

1. The Eagle Mountain City Industrial Wastewater Pretreatment Program, attached to this Resolution as Exhibit A, be adopted.

2. This Resolution shall be effective on the date it is adopted.

ADOPTED by the City Council of Eagle Mountain City this 5th day of August, 2017.

EAGLE MOUNTAIN CITY, UTAH

John Painter, Mayor

ATTEST:

Fionnuala B. Kofoed, MMC
City Recorder

CORPORATE SEAL
EAGLE MOUNTAIN
EST. 1996
STATE OF UTAH

## CERTIFICATION

The above Resolution was adopted by the City Council of Eagle Mountain City on this 5th day of August, 2017.

| Those voting aye: | Those voting nay: |
|---|---|
| ☑ Adam Bradley | ☐ Adam Bradley |
| ☑ Colby Curtis | ☐ Colby Curtis |
| ☑ Stephanie Gricius | ☐ Stephanie Gricius |
| ☑ Benjamin Reaves | ☐ Benjamin Reaves |
| ☐ Tom Westmoreland | ☐ Tom Westmoreland – Excused |

Fionnuala B. Kofoed, MMC
City Recorder

# Exhibit A

# EAGLE MOUNTAIN CITY

# INDUSTRIAL PRETREATMENT PROGRAM

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**Updated: July 2017**

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**The Technically Based Local Limits can be found in Eagle Mountain 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

Based on the current size of Eagle Mountain's waste water treatment facilities, the General Pretreatment Regulations as promulgated by the US Environmental Protection Agency in 40 CFR Part 403 do not require that Eagle Mountain develop, submit and implement a pretreatment program. Eagle Mountain seeks to implement the program so that they are prepared for growth and future industrial users that may come to the city. The City also wishes to address the intent of a current industry to become a combined waste treatment facility discharging into the City's collection system. The objectives of the Eagle Mountain Pretreatment Program are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation or contaminate the resulting sludge;

B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or the atmosphere, or otherwise be incompatible with the Publicly Owned Treatment Works;

C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

D. To promote reuse and recycling of wastewater and sludge from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable Eagle Mountain to comply with its Utah Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

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. Eagle Mountain 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

Eagle Mountain has developed 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 Eagle Mountain to implement this program in its entirety is included in 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 Eagle Mountain 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 Eagle Mountain to meet all the statutory requirements of the Federal and State of Utah pretreatment regulations, protect the operation of the POTW, and protect the water quality of the receiving waters.

**Section 2**
**Eagle Mountain**
**Wastewater/Pretreatment Standards**

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# EAGLE MOUNTAIN WASTEWATER PRETREATMENT STANDARDS

## SECTION 1—GENERAL PROVISIONS

### 1.1 Purpose and Policy

These standards set forth uniform requirements for Users of the Publicly Owned Treatment Works for Eagle Mountain City and enables Eagle Mountain to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* (CFR) Part 403) and the Utah Administrative Code R317-8-8. The objectives of these standards are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation or contaminate the resulting sludge;

B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or the atmosphere, or otherwise be incompatible with the Publicly Owned Treatment Works;

C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

D. To promote reuse and recycling of wastewater and sludge from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable Eagle Mountain to comply with its Utah Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

These standards shall apply to all Users of the Publicly Owned Treatment Works. The standards authorize the issuance of individual wastewater discharge permits; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; require User reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### 1.2 Administration

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of these standards. Any powers granted to or duties imposed upon the Superintendent may be delegated by the City to a duly authorized Eagle Mountain employee.

## 1.3 Abbreviations

The following abbreviations, when used in these standards, shall have the designated meanings:

BMP – Best Management Practice
BMR – Baseline Monitoring Report
BOD – Biochemical Oxygen Demand
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
CWA – Clean Water Act
EPA – U.S. Environmental Protection Agency
FOG – Fats, Oils and Grease
FOGS – Fats, Oils, Grease and Sand
gpd – gallons per day
IU – Industrial User
mg/l – milligrams per liter
NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
UPDES – Utah Pollutant Discharge Elimination System
U.S.C. – United States Code

## 1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in these standards, shall have the meanings hereinafter designated.

A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq. and any subsequent amendments thereto.

B. Approval Authority means the State of Utah, Department of Environmental Quality, Division of Water Quality (DWQ) or its successor agency.

C. 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 Superintendent.

D. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B. BMPs may also include, but are not limited to, 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 shall be considered local limits and Pretreatment Standards for the purposes of these standards and Section 307(d) of the Act, 40 CFR 403.5(c)(4) and R317-8-8.

E. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

H. Eagle Mountain. Eagle Mountain City or the City Council of Eagle Mountain.

I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

J. Control Authority. Eagle Mountain.

K. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

M. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

N. Existing Source. Any source of discharge that is not a "New Source."

O. 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.

P. Hazardous Waste as defined in 40 CFR 261.3 and this reference is incorporated herein and made a part hereof.

Q. Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act. An indirect discharge is the introduction of pollutants into the POTW from any nondomestic source.

R. Instantaneous Limit. The maximum or minimum concentration (or load) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete, grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

S. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, both:

(1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and

(2) therefore, is a cause of a violation of Eagle Mountain's UPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

T. Local Limit. Specific discharge limits developed to protect the POTW in accordance with 40 CFR 403.5 and enforced by Eagle Mountain upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Section 2.1 A and B. The technical based local development documents are kept on file at the City office and can be reviewed if requested.

U. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

V. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

W. Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

X. New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the

existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Y. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Z. Pass Through. A discharge which exits the POTW into Waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Eagle Mountain's UPDES permit, including an increase in the magnitude or duration of a violation.

AA. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

BB. pH. A measure of the acidity or basicity of a solution, expressed in standard units.

CC. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological

materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

DD. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

EE. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

FF. Pretreatment Standards or Standards. Pretreatment Standards shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users, which includes but is not limit to prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

GG. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of these standards.

HH. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by Eagle Mountain. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

II. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

JJ. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

KK. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

(1) An Industrial User subject to categorical Pretreatment Standards; or

(2) An Industrial User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
(c) Is designated as such by Eagle Mountain on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(3) Eagle Mountain may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to Eagle Mountain's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
(b) The Industrial User annually submits the certification statement required in Section 6.14 B, together with any additional information necessary to support the certification statement; and
(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, Eagle Mountain may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

LL. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of these standards. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

MM. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

NN. Superintendent. The person designated by Eagle Mountain to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by these standards**.** The term also means a Duly Authorized Representative of the Superintendent.

OO. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

PP. User or Industrial User. A source of indirect discharge.

QQ. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

RR. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SS. Water of the State means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition (Section 19-5-102 of the Utah Code).

## SECTION 2—GENERAL SEWER USE REQUIREMENTS

### 2.1 Prohibited Discharge Standards

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions. In addition to prohibitions in City Code section 13.20.510. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

(2) Pollutants which will cause corrosive structural damage to the POTW.

(3) Solid or viscous pollutants in amounts which will cause obstruction of the flow in the POTW resulting in Interference;

(4) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW, see Section 3.4 of these standards;

(9) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(10) Artesian well water, swimming pool drainage, condensate, and deionized water, unless specifically authorized by the Superintendent;

(11) Sludges, screenings, or other residues from the pretreatment of industrial wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit;

(12) Any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

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.

2.2 National Categorical Pretreatment Standards

A. National Categorical Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories have been established by EPA in 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated.

B. Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).

D. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with Section 2.2G and 2.2H.

E. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

F. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that Eagle Mountain convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. Eagle Mountain may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2G(1)(a) through 2.2G(1)(e) below.

(1) To be eligible for equivalent mass limits, the Industrial User must:

a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(2) An Industrial User subject to equivalent mass limits must:

a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

c. Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2G(1)(c) of this Section. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2G(1)(a) of this Section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Superintendent:

a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for

the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.6. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.

G. The Superintendent may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Superintendent.

H. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in Section 2.2 in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

I. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

J. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent 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. Any User not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

## 2.3 State Pretreatment Standards

Users must comply with State Pretreatment Standards codified at R317-8-8.

## 2.4 Local Limits

A. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

B. Local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations as stated in 2.4 D. The development documents for local limits are kept at the Superintendent's office and can be reviewed if requested.

C. The Superintendent may develop Best Management Practices (BMPs), by standards or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 2.1.

D. No person shall discharge wastewater containing pollutants in excess of the specific local limits as established by the City from time to time. The local limits are developed and implemented per the requirements of 40 CFR 403.

## 2.5 Eagle Mountain's Right of Revision

Eagle Mountain reserves the right to establish, by standards or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of these standards. In addition, the Director of Public Works is authorized to temporarily or permanently revoke or suspend issuance of any type of permit at any time in order to protect the POTW from Pass Through or Interference in order to maintain compliance with any UPDES permit requirement or pretreatment program requirement. The Director shall also have the right to deny new or increased contributions or to set additional conditions on such contributions to protect the POTW, including limits that may be more stringent than the approved local limits.

## 2.6 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

## SECTION 3—PRETREATMENT OF WASTEWATER

### 3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with these standards and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of these standards within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to Eagle Mountain under the provisions of these standards.

### 3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of these standards.

B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided in accordance with city code section 13.20.520.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

E. Sampling manholes shall be located in an area to allow for ease of cleaning, sampling and inspection by the User and the City. If located in a parking area parking shall not be allowed on the sampling manhole.

### 3.3 Accidental Discharge/Slug Discharge Control Plans

The Superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Superintendent may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

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

B. Description of stored chemicals;

C. Procedures for immediately notifying the Superintendent of any accidental or Slug Discharge, as required by Section 6.6 of these standards; and

D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

## 3.4 Hauled Wastewater

A. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate Section 2 of these standards or sections 13.20.470 and 13.20.480 of the City code. The Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits.

B. The Superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these standards.

C. The Superintendent may collect samples of each hauled load to ensure compliance with applicable Standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

## SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

### 4.1 Wastewater Analysis

When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information. If the User changes or adds a process the User is required to update the information provided to the Superintendent [30] days prior to the process being changed or added.

### 4.2 Individual Wastewater Discharge Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of these standards may continue to discharge for the time period specified therein.

B. The Superintendent may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of these standards.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of these standards and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of these standards. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

### 4.3 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of these standards and who wishes to continue such discharges in the future, shall, within forty-five (45) days after said date, apply to the Superintendent for an individual wastewater discharge permit in accordance with Section 4.5 of these standards, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of these standards except in accordance with an individual wastewater discharge permit issued by the Superintendent.

### 4.4 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit in accordance with Section 4.5 of these standards, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. All permittees that will be continuing to discharge are required to complete an application ninety [90] days prior to the permit expiring. the Superintendent may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

a. The name and address of the facility, including the name of the operator and owner.

b. Contact information for the authorized representative and the duly authorized representative for the facility, and

c. The description of activities, facilities, and plant production processes on the premises;

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

c. Number and type of employees, hours of operation, and proposed or actual hours of operation;

d. Type and amount of raw materials processed (average and maximum per day);

e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2 C. (40 CFR 403.6(e)).

(7) Measurement of Pollutants.

a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process.

c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of these standards. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with procedures set out in Section 6.11 of these standards.

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4 B.

(9) Any other information as may be deemed necessary by the Superintendent to evaluate the permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

C. Based on information provided by the permittee, in 4.5 A., Eagle Mountain will within 30 day determine if additional information is needed, a permit is not necessary or if a permit will be required to be issued before the IU discharge is allowed to the POTW.

D. Should any of the information requested or supplied be considered by the User to be of a confidential nature, the User should request confidential status in accordance

with Section 8 of these standards. Information regarding sampling and analysis of the discharge is not considered confidential information.

4.6 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative, see 1.4 C., of the User and contain the certification statement in Section 6.14 A.

B. 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 written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.

C. A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to 1.4 KK(3) must annually submit the signed certification statement in Section 6.14 B.

4.8 Individual Wastewater Discharge Permit Decisions

The Superintendent will evaluate the data furnished by the User and may require additional information. Within forty-five (45) days of receipt of a complete permit application, the Superintendent will determine whether to issue an individual wastewater discharge permit. The Superintendent may deny or conditionally approve any application for an individual wastewater discharge permit.

## SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

### 5.1 Individual Wastewater Discharge Permit Duration

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

### 5.2 Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits must contain:

(1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to Eagle Mountain in accordance with Section 5.5 of these standards, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

(5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B.

(6) A statement of applicable administrative, civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(7) Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.

(8) Requirements to report to the Superintendent any slug discharge.

(9) Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit, see Section 6.4 B for additional requirements.

(10) Requirements to notify the Superintendent of changes to the industrial users discharge (30) day prior to the change. The Superintendent may deny or conditional approve the change prior to the user making the change at the facility that may impact the discharge at the facility to the POTW.

B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit and

(8) Other conditions as deemed appropriate by the Superintendent to ensure compliance with these standards, and State and Federal laws, rules, and regulations.

## 5.3 Permit Issuance Process

A. Public Notification. The Superintendent will issue public notice of any draft permits which require public notice in accordance with Eagle Mountain City requirements. The notice will indicate a location where the draft permit may be reviewed and an

address where written comments may be submitted.

B. Permit Appeals.

(1) The Superintendent shall provide public notice of the issuance of an individual wastewater discharge permit.

(2) Any person, including the User, may petition the Superintendent to reconsider the terms of an individual wastewater discharge permit within twenty (20) days of notice of its issuance.

(3) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(4) In its petition, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.

(5) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.

(6) If the Superintendent fails to act within forty-five (45) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(7) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the Utah Fourth District Court within the period required by the State Statute of Limitations.

5.4 Permit Modification

A. The Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, the treatment of sludge, or the receiving waters;

(5) Violation of any terms or conditions of the individual wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the individual wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

5.5 Individual Wastewater Discharge Permit Transfer

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Superintendent and the Superintendent approves the individual wastewater discharge permit transfer. The notice to the Superintendent 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;

C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit; and

D. The conditions of the permit will not change.

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

5.6 Individual Wastewater Discharge Permit Revocation

A. the Superintendent may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 6.5 of these standards;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports

(5) Falsifying certification statements;

(6) Tampering with monitoring equipment;

(7) Refusing to allow the Superintendent timely access to the facility premises and/or records;

(8) Failure to meet effluent limitations;

(9) Failure to pay fines;

(10) Failure to pay sewer charges;

(11) Failure to meet compliance schedules;

(12) Failure to complete a wastewater survey or the wastewater discharge permit application or reapplication;

(13) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(14) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or these standards.

B. Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

5.7 Individual Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of these standards, a minimum of sixty (60) days prior to the expiration of the User's existing individual wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the Superintendent may deem necessary.

C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as these standards and Local Limits, including required Best Management Practices (BMPs) which are at least as stringent as those set out in Section 2.4 of these standards. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to Eagle Mountain's standards or Local Limits;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;

(4) A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the Superintendent access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

## SECTION 6—REPORTING REQUIREMENTS

### 6.1 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) All information required in Section 4.5A (1) a., Section 4.5A (2), Section 4.5A (3), and Section 4.5A (6).

(2) Measurement of pollutants.

a. The User shall provide the information required in Section 4.5 A (7) a. through d.

b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

d. Sampling and analysis shall be performed in accordance with Section 6.10 and 6.11;

e. The Superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and

f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4 C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required for the User to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of these standards.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of these standards and signed by an Authorized Representative as defined in Section 1.4C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1 B.(4) of these standards:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The User shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Superintendent a report containing the information described in Section 4.5 A(6) and (7) and 6.1 B(2) of these standards. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14 A of these standards. All sampling will be done in conformance with Section 6.11.

6.4 Periodic Compliance Reports

A. Except as specified in Section 6.4.C, all Significant Industrial Users must, at a frequency determined by the Superintendent submit no less than twice per year (June and December or on dates specified in the permit) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User

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

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

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted

for each subsequent individual wastewater discharge permit. See Section 4.5A(8).

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with Section 1.4C, and include the certification statement in 6.14 A (40 CFR 403.6(a)(2)(ii)).

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

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

(7) Upon approval of the monitoring waiver and revision of the User's permit by the Superintendent, the Industrial User must certify on each report with the statement in Section 6.14 C below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 6.4 A, or other more frequent monitoring requirements imposed by the Superintendent, and notify the Superintendent.

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

C. Eagle Mountain may reduce the requirement for periodic compliance to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the [EPA/State], where the Industrial User's total categorical wastewater flow does not exceed any of the following:

(1) 120 gallons per day as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches in which case total daily flow shall be monitored

(2) or 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 2.4 of these standards.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 9 of these standards. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Superintendent, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with Section 6.14 A of these standards.

E. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

F. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent, using the procedures prescribed in Section 6.11 of these standards, the results of this monitoring shall be included in the report.

G. Users that send electronic (digital) documents to Eagle Mountain to satisfy the requirements of this Section must: meet Eagle Mountain, Utah and Federal requirements for IU submittal of electronic reports.

H. The user may not be required to submit reports as stated above if:

(1) Eagle Mountain performs all the required sampling and analyses,
(2) The User does not sample the discharge and
(3) The flow information is collected by Eagle Mountain.

6.5 Reports of Changed Conditions

A. Each User must notify the Superintendent of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change, including changes that may affect slug discharges to the POTW.

(1) The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of these standards.

(2) The Superintendent may issue an individual wastewater discharge permit under Section 5.7 of these standards or modify an existing wastewater discharge permit

under Section 5.4 of these standards in response to changed conditions or anticipated changed conditions.

B. the Superintendent may approve, deny or conditionally approve the change based on the affects the change may have on the POTW and/or the Pretreatment Program.

6.6 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately notify either in person or via a phone conversation with the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

B. Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these standards**.**

C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who 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.

D. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if Eagle Mountain performs sampling at the User's facility at least once a month, or if Eagle Mountain performs sampling at the User between the time when the initial sampling was

conducted and the time when the User or Eagle Mountain receives the results of this sampling, or if Eagle Mountain has performed the sampling and analysis in lieu of the Industrial User. If Eagle Mountain performs the sampling and analysis and a violation occurs, in lieu of the User performing the sampling and analysis, then Eagle Mountain will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

6.9 Notification of the Discharge of Hazardous Waste

A. Discharge of hazardous waste to the POTW is prohibited.

6.10 Analytical Requirements

A. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application, report, permit or other requirement by these standards shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA.

B. All laboratory samples collected for these standards shall be analyzed by a laboratory that is either certified by the Utah Bureau of Laboratory Improvements or approved by the Superintendent.

6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by Eagle Mountain, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by Eagle Mountain,

as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 6.4, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Recordkeeping

A. Users subject to the reporting requirements of these standards shall retain, and make available for inspection and copying:

(1) All records of information obtained pursuant to any monitoring activities required by these standards,

(2) any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and

(3) documentation associated with Best Management Practices established under Section 2.4 C.

B. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

C. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or Eagle Mountain, or where the User has been specifically notified of a longer retention period by the Superintendent.

6.14 Certification Statements

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4 A–D, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

> 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.

B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to 1.4 KK(3) and 4.7 C must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C. This certification must accompany an alternative report required by the Superintendent:

> Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:
>
> (a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 KK (3);
>
> (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.
>
> This compliance certification is based on the following information.
>
> _____

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4 B must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

> Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A.

## SECTION 7—COMPLIANCE MONITORING

### 7.1 Right of Entry: Inspection and Sampling

The Superintendent shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of these standards and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and/or the performance of any additional duties. Monitoring and inspections shall be conducted at a frequency as determined by Eagle Mountain and may be announced or unannounced.

A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Superintendent shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

C. The Superintendent may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated per the manufacturer's requirements to ensure their accuracy.

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 Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the User.

E. Unreasonable delays in allowing the Superintendent access to the User's premises shall be a violation of these standards.

F. Eagle Mountain may use a camera to photograph areas of the facility as necessary for carrying out the duties of the IPP including, but not limited to, documentation of the User's compliance status and for reinforcement of written reports. The User shall be allowed to review copies of the photographs for confidentiality claims.

### 7.2 Search Warrants

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these standards, or that there is a need to inspect and/or sample as part of a routine inspection and

sampling program of Eagle Mountain designed to verify compliance with these standards or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Superintendent may seek issuance of a search warrant from the fourth district court for Utah County.

## SECTION 8—CONFIDENTIAL INFORMATION

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

## SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

B. 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 six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 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);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. 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;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

## SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

### 10.1 Notification of Violation

When the Superintendent finds that a User has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may serve upon that User a written Notice of Violation. Within thirty (30) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### 10.2 Consent Orders

The Superintendent may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of these standards and shall be judicially enforceable.

### 10.3 Show Cause Hearing

The Superintendent may order a User which has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least twenty (20) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### 10.4 Compliance Orders

When the Superintendent finds that a User has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are

installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When the Superintendent finds that a User has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Fines

A. When the Superintendent finds that a User has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may fine such User in an amount not to exceed [$10,000]. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of fifteen (15) percent (%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half (1.5) percent (%)] per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within fourty-five (45) days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions

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

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of these standards are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of these standards.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension of a permit and/or discharge to the POTW.

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of these standards, any User who violates the following conditions is subject to discharge termination:

A. Violation of individual wastewater discharge permit conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of access to the User's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the Pretreatment Standards in Section 2 of these standards.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of these standards why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.

## SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

### 11.1 Injunctive Relief

When the Superintendent finds that a User has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may petition the fourth district court for Utah County through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by these standards on activities of the User. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

### 11.2 Civil Penalties

A. A User who has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to Eagle Mountain for a maximum civil penalty of $10,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Eagle Mountain.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

### 11.3 Criminal Prosecution

A. A User who willfully or negligently violates any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a felony, punishable by a fine of not more than $10,000 per violation, per day, or imprisonment for not more than fifteen (15) years, or both.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a felony and be subject to a penalty of up to $5,000, or be subject to imprisonment for not more than five (5) years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to these standards, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these standards shall, upon conviction, be punished by a fine of not more than $2,500 per violation, per day, or imprisonment for not more than one (1) year, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not more than $5,000 per violation, per day, or imprisonment for not more than five (5) years, or both.

11.4 Remedies Nonexclusive

The remedies provided for in these standards are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

## SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

### 12.1 Penalties for Late Reports

A penalty of $500 shall be assessed to any User for each day that a report required by these standards, a permit or order issued hereunder is late, beginning five days after the date the report is due. Actions taken by the Superintendent to collect late reporting penalties shall not limit the Superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.

### 12.2 Performance Bonds

The Superintendent may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of these standards, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to Eagle Mountain, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

### 12.3 Liability Insurance

the Superintendent may decline to issue or reissue an individual wastewater discharge to any User who has failed to comply with any provision of these standards, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

### 12.4 Payment of Outstanding Fees and Penalties

The Superintendent may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of these standards, a previous individual wastewater discharge permit, or order issued hereunder.

## SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

### 13.1 Upset

A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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

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

(1) An upset occurred and the User 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 User has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment

is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Bypass

A. For the purposes of this Section,

(1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow any bypass to occur which does not cause 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 (C) and (D) of this Section.

C. Bypass Notifications

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

(2) A User shall submit oral notice to the Superintendent 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 User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

(1) Bypass is prohibited, and the Superintendent may take an enforcement action against a User for a bypass, unless

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The User submitted notices as required under paragraph (C) of this section.

(2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

## SECTION 14—WASTEWATER TREATMENT RATES - [RESERVED]

## SECTION 15—MISCELLANEOUS PROVISIONS

### 15.1 Pretreatment Charges and Fees

Eagle Mountain may adopt reasonable fees for reimbursement of costs of setting up and operating the Pretreatment Program, which may include:

A. Fees for wastewater discharge permit applications including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;

C. Fees for reviewing and responding to accidental discharge procedures and construction;

D. Fees for filing appeals;

E. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by the Superintendent to address IU noncompliance; and

F. Other fees as Eagle Mountain may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these standards and are separate from all other fees, fines, and penalties chargeable by Eagle Mountain.

### 15.2 Severability

If any provision of these standards is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

## SECTION 16—EFFECTIVE DATE

These standards shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

**Pretreatment Program**
**Section 3-A**

# Industrial User Identification, Initial Inspection and Base Line Monitoring Program

**The following information can be found in this section:**



**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 Eagle Mountain to have the legal authority to inspect and monitor all IUs.

2. Eagle Mountain Wastewater and 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 Eagle Mountain 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 Eagle Mountain 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. The City Planning department and Utah County will be contacted to obtain current lists of all business licenses within the service area.

2. The planning department and the 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 Eagle Mountain 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, Eagle Mountain 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 POTW 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, unless the IU is a CIU. 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 Eagle Mountain 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 45 days or Eagle Mountain may take further action. All BMR's should be evaluated in detail by Eagle Mountain 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 (inspection form can be found in Section 3-E.) should be completed at the facility. The inspection 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 Eagle Mountain 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 Eagle Mountain should complete its own sampling of the IU discharge or gather information regarding the potential discharge by the IU.

Eagle Mountain 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, Eagle Mountain 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 Eagle Mountain requiring signatory approval, by the Pretreatment Coordinator, from all building permit issuance departments located within Eagle Mountain'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 locally advertised businesses 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.

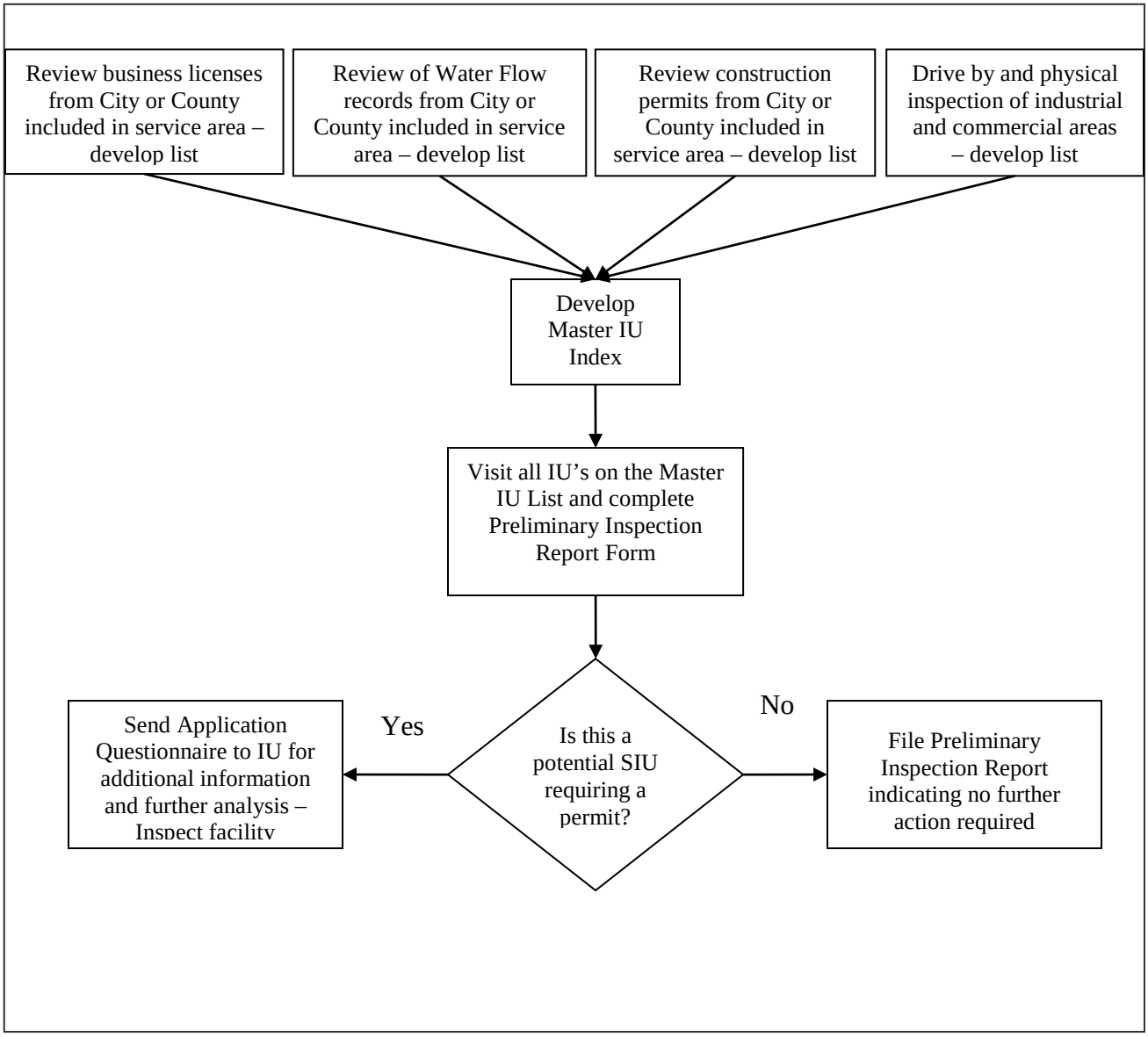
Water billing records will be reviewed by the Pretreatment Coordinator yearly. This will ensure that IUs are not overlooked. This will also aid in ensuring existing users are evaluated to ensure IUs are making notifications as needed regarding process changes.

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

Changes to Existing Users

Eagle Mountain 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 to Eagle Mountain 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 Eagle Mountain of a process change the ERP will be followed to resolve the failure to notify Eagle Mountain.

**INDUSTRIAL WASTE SURVEY DEVELOPMENT**



Eagle Mountain Pretreatment Program
August 2017
Preliminary Pretreatment
Inspection Report

Inspection Date: _____ Inspection Time: _____

Name of Business: _____

Address: _____

Description of Business: _____

Person Contacted: _____ Phone Number: _____

**WASTEWATER CHARACTERISTICS**

Is the facility connected to the public sanitary sewer system or will it be connected? Yes No
Does the facility now or in the future plan to discharge wastewater other than from restrooms? Yes No
If Yes, 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 there a sampling manhole 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

**INDUSTRIAL USER APPLICATION QUESTIONNAIRE and BASELINE MONITORING REPORT**

| | |
|---|---|
| | APPLICATION QUESTIONNAIRE |
| | BASELINE MONITORING REPORT |
| | 90 DAY COMPLIANCE REPORT |
| | REAPPLICATION QUESTIONNAIRE |

**[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.
**Complete all fields indicate none or not applicable where appropriate rather than leaving a field blank**

SECTION 1 CONTACT INFORMATION
BUSINESS NAME _____
NAME OF OWNER _____
FACILITY ADDRESS _____
_____
MAILING ADDRESS _____
_____
BILLING ADDRESS _____
_____

Identify the name and contact information of the person who has designated legal signatory authority for this business and can act on matters relating to an industrial wastewater discharge permit.
CONTACT NAME _____
TITLE _____
MAILING ADDRESS _____
_____
PHONE NUMBER _____
EMAIL ADDRESS _____

Identify the name and contact information of the designated site contact person who is normally at the business and can be contacted by Eagle Mountain for matters relating to industrial wastewater.
CONTACT NAME _____
TITLE _____
MAILING ADDRESS _____
_____
PHONE NUMBER _____
EMAIL ADDRESS _____

Identify the name and contact information of the management firm or owner of the building or real property that this business occupies.

CONTACT NAME _____

TITLE _____

MAILING ADDRESS _____

_____

PHONE NUMBER _____

EMAIL ADDRESS _____

SECTION 2 CATEGORICAL INDUSTRIES

Circle any industrial processes or activities that your facility will engage in from the list below regardless of whether the process or activity will generate wastewaters, sludges, or solid wastes.

| CATEGORY | 40 CFR PART | CATEGORY | 40 CFR PART |
|---|---|---|---|
| Aluminum Forming | **467** | Battery Manufacturing | **461** |
| Carbon Black Manufacturing (New Sources Only) | **458** | Centralized Waste Treatment | **437** |
| Coil Coating | **465** | Copper Forming | **468** |
| Electrical & Electronic Components | **469** | Electroplating | **413** |
| Concentrated Animal Feeding Operations (New Sources Only) | **412** | Fertilizer Manufacturing (New Sources Only) | **418** |
| Glass Manufacturing (New Sources Only) | **426** | Grain Mills (New Sources Only) | **406** |
| Ink Formulating (New Sources Only) | **447** | Inorganic Chemicals Manufacturing | **415** |
| Iron & Steel Manufacturing | **420** | Leather Tanning & Finishing | **425** |
| Metal Finishing | **433** | Metal Molding & Casting | **464** |
| Nonferrous Metals Forming and Metal Powders | **471** | Nonferrous Metal Manufacturing | **421** |
| Oil & Gas Extraction | **435** | Organic Chemicals, Plastics & Synthetic Fibers | **414** |
| Paint Formulating (New Sources Only) | **446** | Paving & Roofing (Tars and Asphalt) | **443** |
| Petroleum Refining | **419** | Pesticide Chemicals | **455** |
| Pharmaceuticals Manufacturing | **439** | Porcelain Enameling | **466** |
| Pulp, Paper & Paperboard | **430** | Rubber Manufacturing (New Sources Only) | **428** |
| Soap & Detergent Manufacturing (New Sources Only) | **417** | Steam Electric Power Generating | **423** |
| Timber Products Processing | **429** | Transportation Equipment Cleaning | **442** |
| Waste Combustors | **444** | | |

SECTION 4 INDUSTRIAL CATEGORIES

List all Standard Industrial Classification (SIC) codes and North American Industry Classification System (NAICS) codes that are applicable for the facility

| | | |
|---|---|---|
| A. | B. | C. |
| D. | E. | F. |

SECTION 5 GENERAL INFORMATION

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

Is the production process batch or continuous? _____ If batch, how often?

Is the facility activity continuous throughout the year? Yes No If no indicate the schedule for facility operation.

Does the facility have wastewater treatment equipment? Yes No

Does the facility have an operations and maintenance manual for the equipment? Yes No

Does the facility have a wastewater operator? Yes No

If yes provide contact information

CONTACT NAME _____

TITLE _____

MAILING ADDRESS _____

_____

PHONE NUMBER _____

EMAIL ADDRESS _____

Facility Operating hours information:

| Day | Hours worked | Shift 1 Start Time | Shift 1 End Time | Shift 2 Start Time | Shift 2 End Time | Shift 3 Start Time | Shift 3 End Time | Number of Employees per Shift | Total Employees |
|---|---|---|---|---|---|---|---|---|---|
| Sunday | | | | | | | | | |
| Monday | | | | | | | | | |
| Tuesday | | | | | | | | | |
| Wednesday | | | | | | | | | |
| Thursday | | | | | | | | | |
| Friday | | | | | | | | | |
| Saturday | | | | | | | | | |
| Holiday or other exceptions | | | | | | | | | |

SECTION 6 PRODUCTION INFORMATION
Indicate the rate each product. Attach additional sheets if necessary

| Product Name (Brand or Generic) | Applicable SIC Code | Previous Year Average Production Indicate (units/time) | Previous Year Maximum Production Indicate (units/time) | Current Year Average Production Indicate (units/time) | Current Year Average Production Indicate (units/time) |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |

SECTION 7 FACILITY AND PROCESS DIAGRAMS
Attach a copy of the facility flow schematic diagram identifying all the processes that generate wastewater. Provide a process flow diagram for each process that generates wastewater showing the flow of materials, products, water and wastewater from the start of the activity to its completion. Provide facility diagrams including the location of all wastewater treatment or pretreatment facilities and all the points of discharge to the sanitary sewer system. Facility diagrams must indicate the pollutant loadings, flow rates, design capacities, physical size, and operating procedures for each treatment device and system. Identify any materials reclamation or water reclamation systems in use or planned with details on the recovery processes and flow diagrams for each process. Attach as many sheets as are needed for the diagrams.

SECTION 8 CHEMICALS
List types and quantities of chemicals used or planned to be used in or at the facility. Include the amount of each chemical to be stored on site. Include copies of Material Safety Data Sheets for all chemicals identified. Chemicals include oils, solvents, refrigerants, fuels, cleaners, manufacturing raw materials, etc: Provide a detailed list on additional sheets. Identify on a facility map the size, type, and location of chemical storage containers including but not limited to above ground or underground tanks, drums, bins, ponds, and pipes. Show sewer or storm drains including floor drains in the proximity of chemical containers.
Attach a copy of any spill prevention and response plan designed to prevent the spills of chemicals or slug discharges from entering the sanitary sewer system or from impacting an onsite disposal system, storm drain or the soil on the site. If a plan has not been prepared submit a statement indicating why one is not necessary.

SECTION 9 WATER SUPPLY.
Indicate sources of water used by this business including details such as account numbers

Private Wells
Surface Water
Municipal Utility (specify)
Other (specify)

List average water use (for new facilities anticipated water use) for the facility

| Type of use | Measured (gallons/day) | Estimated (gallons/day) |
|---|---|---|
| Contact cooling water | | |

| | | |
|---|---|---|
| Non-contact cooling water | | |
| Boiler feed water | | |
| Process water | | |
| Sanitary flow (toilets) | | |
| Air pollution control | | |
| Retained in product | | |
| Plant and equipment washdown | | |
| Irrigation and lawn watering | | |
| Other (specify) | | |
| Total | | |

SECTION 10 WASTEWATER DISCHARGE INFORMATION

Is the facility connected to the public sanitary sewer system or will it be connected? Yes No

Does the facility now or in the future plan to discharge wastewater other than from restrooms?
Yes No
If Yes, list the size, location and flow of each service line that connects to the sewer system.

| Pipe size (inches) | Descriptive Location of Connection Point | Average Flow (gallons per day) |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Is a Grease trap installed? Yes No

Is it operational? Yes No

Is there a sampling manhole Yes No If yes identify the location

Is the business storing and/or discharging any priority pollutants? Yes No

Provide information on the days and hours that flow will be discharged

| Day | Flow discharge hours/day | Discharge times | Maximum hourly flow rate | Maximum daily flow rate | Average daily flow rate | Number of batch dischages | Average gallons per batch |
|---|---|---|---|---|---|---|---|
| Sunday | | | | | | | |
| Monday | | | | | | | |
| Tuesday | | | | | | | |
| Wednesday | | | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Thursday | | | | | | | |
| Friday | | | | | | | |
| Saturday | | | | | | | |
| Holiday or other exceptions | | | | | | | |

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 Wastewater Flow

Total Maximum Wastewater Flow

SECTION 11 MEASUREMENT OF POLLUTANTS

Does (or will) this facility use any of the toxic organics that are listed under the TTO standard of any applicable categorical pretreatment standards published by the EPA? Yes No
Has a toxic organics management plan been developed for this facility? Yes No (If yes attach a copy)
Does the facility have (or plan to have) automatic sampling or continuous wastewater flow metering equipment? Yes No

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.

In addition to the sampling information the pollutant reporting table on the following pages must be submitted by each new user and by current industrial users for each permit renewal application.

Pollutant Reporting Table

Do not leave any blanks in the pollutant present field. Indicate what pollutants will be present or are suspected to be present in the waste streams or proposed waste streams. Place a (P) for expected to be present, (S) for suspected to be present, or an (O) for will not be present in the pollutant present column.

| **Pollutant** | **Pollutant Present P=Known to be present S=Suspected to be present O=Will not be present** | **Detection method used** | **Maximum Detected Value (specify units)** |
|---|---|---|---|
| Acenaphthene | | | |
| Acrolein | | | |
| Acrylonitrile | | | |
| Benzene | | | |
| Benzidine | | | |
| Carbon Tetrachloride | | | |
| Chlorobenzene | | | |
| 1, 2, 4-Trichlorobenzene | | | |
| Hexachlorobenzene | | | |
| 1, 2-Dichloroethane | | | |
| 1, 1, 1-Trichloroethane | | | |
| Hexachloroethane | | | |
| 1, 1-Dichloroethane | | | |
| 1, 1, 2-Trichloroethane | | | |
| 1, 1, 2, 2-Tetrachloroethane | | | |
| Chloroethane | | | |
| Bis (2-chloroethyl) ether | | | |
| 17 Bis (chloromethyl) ether | | | |
| 2-Chloroethyl vinyl ether | | | |
| 2-Chloronaphthalene | | | |
| 2, 4, 6-Trichlorophenol | | | |
| Parachlorometa cresol | | | |
| Chloroform | | | |
| 2-Chlorphenol | | | |
| 1, 2-Dichlorobenzene | | | |
| 1, 3-Dichlorobenzene | | | |
| 1, 4-Dichlorobenzene | | | |
| 3, 3-Dichlorobenzidine | | | |
| 1, 1-Dichloroethylene | | | |
| 1, 2-Trans-dichloroethylene | | | |
| 2, 4-Dichloropheno | | | |
| 1, 2-Dichloropropane | | | |
| 1, 2-Dichloropropylene | | | |
| 1, 3-Dichloropropylene | | | |

| | | | |
|---|---|---|---|
| 2, 4-Dimethylphenol | | | |
| 2, 4-Dinitrotoluene | | | |
| 2, 6-Dinitrotoluene | | | |
| 1, 2-Diphenylhydrazine | | | |
| Ethylbenzene | | | |
| Flouranthene | | | |
| 4-Chlorphenyl phenyl ether | | | |
| 4-Bromophenyl phenyl ether | | | |
| Bis (2-chlorisopropyl) ether | | | |
| Bis (2-chloroethoxy) methane | | | |
| Methylene Chloride | | | |
| Methyl Chloride | | | |
| Methyl Bromide | | | |
| Bromoform | | | |
| Dichlorobromomethane | | | |
| Chlorodibromomethane | | | |
| Hexachlorocyclopentadiene | | | |
| Isophorone | | | |
| Naphthalene | | | |
| Nitrobenzene | | | |
| Nitrophenol | | | |
| 2-Nitrophenol | | | |
| 4-Nitrophenol | | | |
| 2, 4-Dinitrophenol | | | |
| 4, 6-Dinitro-o-cresol | | | |
| N-nitrosodimethylamine | | | |
| N-nitrosodiphenylamine | | | |
| N-nitrosodi-n-propylamine | | | |
| Pentachlorophenol | | | |
| Phenol | | | |
| Bis (2-ethylhexyl) phthalate | | | |
| Butyl benzyl phthalate | | | |
| Di-n-butyl phthalate | | | |
| Di-n-octyl phthalate | | | |
| Dimethyl phthalate | | | |
| Benzo (a) anthracene | | | |
| Benzo (a) pyrene | | | |
| 3, 4-benzoflouranthene | | | |
| Benzo (k) flouranthene | | | |
| Chrysene | | | |

| | | | |
|---|---|---|---|
| Acenaphthylene | | | |
| Anthracene | | | |
| Benzo (ghi) perylene | | | |
| Flourene | | | |
| Phenanthrene | | | |
| Dibenzo (a,h) anthracene | | | |
| Indeno (1, 2, 3-cd) pyrene | | | |
| Pyrene | | | |
| Tetrachloroethylene | | | |
| Toluene | | | |
| Trichloroethylene | | | |
| Vinyl Chloride | | | |
| Aldrin | | | |
| Dieldrin | | | |
| Chlordane | | | |
| 4, 4’-DDT | | | |
| 4, 4’-DDE | | | |
| 4, 4’-DDD | | | |
| Alpha-endosulfan | | | |
| Beta-endosulfan | | | |
| Endosulfan sulfate | | | |
| Endrin | | | |
| Endrin aldehyde | | | |
| Heptachlor | | | |
| Heptachlor epoxide | | | |
| Alpha-BHC | | | |
| Beta-BHC | | | |
| Gamma-BHC | | | |
| Delta-BHC | | | |
| PCB-1242 | | | |
| PCB-1254 | | | |
| PCB-1221 | | | |
| PCB-1232 | | | |
| PCB-1248 | | | |
| PCB-1260 | | | |
| PCB-1016 | | | |
| Toxaphene | | | |
| (TCDD) | | | |
| Asbestos | | | |
| Acidity | | | |
| Alkalinity | | | |
| Bacteria | | | |

| | | | |
|---|---|---|---|
| BOD5 | | | |
| COD | | | |
| Chloride | | | |
| Chlorine | | | |
| Flouride | | | |
| Hardness | | | |
| Magnesium | | | |
| NH3-N | | | |
| Oil and Grease | | | |
| TSS | | | |
| TOC | | | |
| Kjeldahl N | | | |
| Nitrate N | | | |
| Nitrite N | | | |
| Organic N | | | |
| Orthophosphate P | | | |
| Phosphorous | | | |
| Sodium | | | |
| Specific Conductivity | | | |
| Sulfate (SO4) | | | |
| Sulfide (S) | | | |
| Sulfite (SO3) | | | |
| Antimony | | | |
| Arsenic | | | |
| Barium | | | |
| Beryllium | | | |
| Cadmium | | | |
| Chromium | | | |
| Copper | | | |
| Cyanide | | | |
| Lead | | | |
| Mercury | | | |
| Nickel | | | |
| Selenium | | | |
| Silver | | | |
| Thallium | | | |
| Zinc | | | |

SECTION 12 WASTEWATER RESIDUALS

Does your facility generate any solid waste sludge as a byproduct of wastewater treatment for any of the processes shown in your process diagrams? ___ 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.

SECTION 13 COMPLIANCE INFORMATION

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 SECTION 14. If "No" identify the standard (s) not being met consistently:

_____

If the answer to the above Question 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.

SECTION 14 OTHER PERMITS

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 |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

SECTION 15 CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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.

| | |
|---|---|
| Name | Title |
| Signature | Date |
| Email address | Phone Number |

**Pretreatment Program**
**Section 3-B**

# User Classification Program

**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 User Classification Program is to allow Eagle Mountain 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

Eagle Mountain Wastewater/Pretreatment Standards, Sections 6 & 7.

## PROGRAM

### Preliminary Inspection Classification

During the preliminary inspection process Eagle Mountain 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 Eagle Mountain will inspection the IU. Also these users will be notified, in writing via certified mail, of their requirements to notify Eagle Mountain 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 Eagle Mountain 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 Eagle Mountain. The more stringent of these two limits shall apply.

Non-Categorical Industrial Users (NC-IU)

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 Ordinance. 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 Eagle Mountain 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, Eagle Mountain 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 Eagle Mountain 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.

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 Eagle Mountain 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 Eagle Mountain'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. The Eagle Mountain WWTP currently does not accept hauled wastes.

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 Eagle Mountain 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 Sewer Use Ordinance (found in Tab 2 of this document).

## LEGAL AUTHORITY

Eagle Mountain 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. Eagle Mountain Wastewater/Pretreatment Standards, Section 5.

## PROGRAM

### Permitting System

The permitting system follows the User Classification system as presented in Section 3B. Specifically, Eagle Mountain 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 45 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.

### Types of Permits

Blank IU Wastewater Discharge Permit formats are included at the end of the program for use by Eagle Mountain. 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 Ordinance 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 by the pretreatment coordinator and signed by the mayor.

Exhibit 1 - Specific Permit Conditions

There are three 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 Eagle Mountain. 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 thereafter, 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) and Eagle Mountain's Standards Section 6.6 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 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 Sewer Use Ordinance to ensure that requirements of public noticing are met.

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

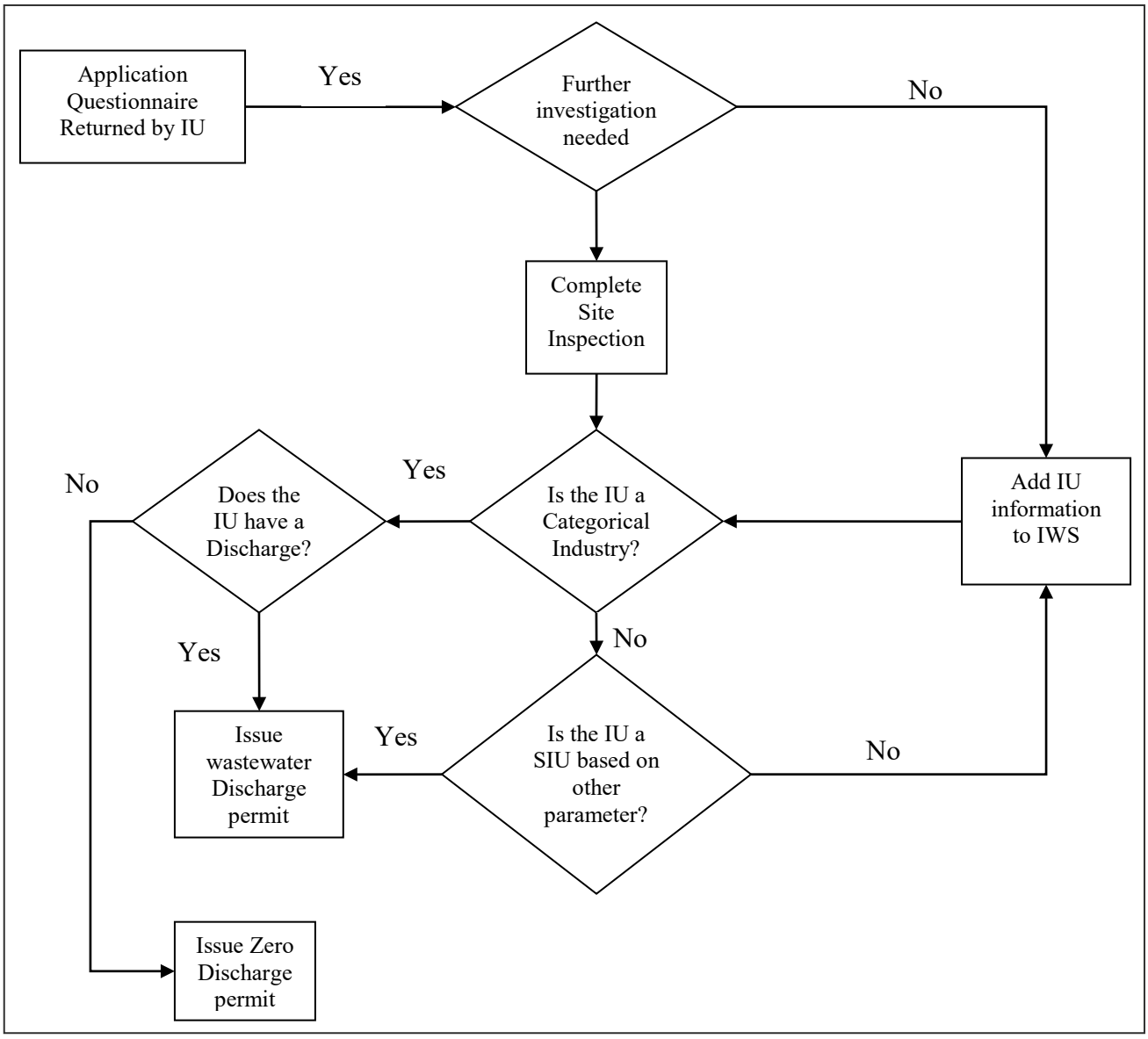
E. If the permittee does not meet a compliance milestone or if compliance is not met then the enforcement response plan should be followed for further action.

**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 10 working days to review the permit and comment.
2. Should the industry submit any specific comments, the pretreatment Coordinator will review such comments and respond to the Industry within 10 working days.
3. A revised final permit will be issued within 15 days from the date Eagle Mountain sent the IU its response to the IUs comments on the draft permit.
4. Should the industry wish to protest the permit a formal protest letter must be received within 20 days after the receipt of the final permit. Protests will be handled in accordance with procedures outline in the Ordinance.

**PERMITTING PROCEDURE**



**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 Eagle Mountain 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 Eagle Mountain 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 Eagle Mountain.

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 Eagle Mountain'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 Eagle Mountain.

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.

All analysis required by the permit must be completed in accordance with 40 CFR 136 and by a lab that is certified by the State or approved by Eagle Mountain.

**Reporting**

Sampling data shall be recorded on the Sampling Report Form. Results shall be submitted to Eagle Mountain within thirty days of the end of the sampling period in accordance with Part 6 of the Section 2 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.

**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 [or general permit {optional}] 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 Superintendent.

**Notice Requirements**

The IU is required to notify Eagle Mountain 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 Eagle Mountain within 45 days prior to a change at the facility that may impact the spill potential by the IU. Eagle Mountain 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 Eagle Mountain 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 Eagle Mountain within 45 days prior to a change at the facility regarding the production rate that may impact the permit limit. Such a change would include an increase or decrease of 20% the amount of the production rate that the permit limits were based upon to develop the permit limits. If Eagle Mountain deems the increase or decrease significant and the production will continue at the changed rate, then Eagle Mountain 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 |

**EAGLE MOUNTAIN**

**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)*

# EAGLE MOUNTAIN
## 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**

# Eagle Mountain Monitoring, Sampling, Tracking and Chain-of-Custody Procedures

**The following information can be found in this section:**

**Purpose**
**Legal Authority**
**Program**

EAGLE MOUNTAIN'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 Eagle Mountain'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. Eagle Mountain Monitoring
2. Evaluate the Analysis of the Monitoring
3. Monitoring Criteria
4. Monitoring Safety

### Eagle Mountain's Monitoring Program

Eagle Mountain 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 Eagle Mountain'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 Eagle Mountain's and the permittees monitoring.

**Monitoring Criteria**

The following are the factors to consider in both the permittees monitoring and Eagle Mountain'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 Eagle Mountain's wastewater ordinance 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 Eagle Mountain**'s** 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. Eagle Mountain can gain access to the sampling point without notification of the permittee, if possible. At no time may the permittee limit Eagle Mountain'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. Non-flow 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 reasons:

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 Eagle Mountain's UPDES permit.

Frequency of Sample

The frequency of sampling by Eagle Mountain 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 Spreadsheet. 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

SNC will be determined quarterly, by the Pretreatment Coordinator. If the permittee is in SNC the Pretreatment Coordinator will inform 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 Eagle Mountain 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**

The pretreatment program should develop field procedures for the Pretreatment Coordinator and/or Samplers to follow.

**Emergency Sampling**

The pretreatment program will develop emergency sampling procedures for the Pretreatment Coordinator and/or Samplers to follow. These procedures should assist in assisting the samplers to complete samples during noncompliance or spill/slug at industrial users. Also assist in tracking of issues of unreported spills/slugs by all POTW staff.

**Exceedance in Eagle Mountain's Sample Event of the Users Discharge**

If an exceedance occurs in a sample taken by Eagle Mountain, the Pretreatment Coordinator will contact the User and indicate if the User or Eagle Mountain will be taking the resample. The resample must be taken either by Eagle Mountain or the User within 30 days of Eagle Mountain 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.

# Eagle Mountain

## 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

**EAGLE MOUNTAIN**

**Table I**
**Sampling Requirements**

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

**EAGLE MOUNTAIN**

**Table II**
**Sampling Requirements[1]**
**(Organics)**

| PARAMETER | CONTAINER | PRESERVATION | MAXIMUM HOLDING TIME | VOLUME OF SAMPLE (ml) |
|---|---|---|---|---|
| PURGEABLE HALOCARBONS<br>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, Trichlorofluoromethane, Vinyl Chloride | Glass, Teflon-lined septum | 4°C, 40°F<br>0.008% $Na_2S_2O_3$<br>(Should only be used in the presence of residual chlorine) | 14 days | 40 |
| PURGEABLE AROMATIC HYDROCARBONS<br>Benzene, Ethylbenzene, Toluene | Glass, Teflon-lined septum | 4°C, 40°F<br>0.008% $Na_2S_2O_3$<br>(Should only be used in the presence of residual chlorine)<br>HCl to pH =2<br>*(Samples receiving no pH adjustment must be analyzed within seven days)* | 14 days | 40 |
| Acrolein, Acrylonitrile | Glass, Teflon-lined septum | 4°C, 40°F<br>0.008% $Na_2S_2O_3$<br>*(Should only be used in the presence of residual chlorine)*<br>HCl to pH = 4-5<br>*(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<br>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 | 4ºC, 40ºF<br>0.008% $NaSO_3$<br>(*Should only be used in the presence of residual chlorine)* | 7 days until extraction, 40 days after extraction | 1000 |
| BENZIDINES<br>Benzedine, 3,3-Dichlorobenzedine | Glass, Teflon lined cap | 4ºC, 40ºF<br>0.008% $NaSO_3$<br>(Should only be used in the presence of residual chlorine) | 7 days until extraction | 1000 |
| PHTHALATE ESTERS<br>Benzyl Butyl Phthalate, Bis(2-ethylhexyl) phthalate, Diethyl phthalate, Dimethyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate | Glass, Teflon lined cap | 4ºC, 40ºF | 7 days until extraction, 40 days after extraction | 1000 |
| NITROSAMINES<br>N-Nitrosodimethylamine, N-Nitrosodi-n-propylamine, N-Nitrosodiphenylamine | Glass, Teflon lined cap | 4ºC, 40ºF,<br>store in dark,<br>0.008% $NaSO_3$<br>*(Should only be used in the presence of residual chlorine)* | 7 days until extraction, 40 days after extraction | 1000 |
| PCB's<br>PCB-1026, PCB- 1221, PCB-1232, PCB-1242, PCB-1248, PCB-1254, PCB-1260 | Glass, Teflon lined cap | 4ºC, 40ºF | 7 days until extraction, 40 days after extraction | 1000 |
| NITROAROMATICS and ISOPHORONE<br>2,4-Dinitrotoluene, 2,6-Dinitrotoluene, Isophorone, Nitrobenezene | Glass, Teflon lined cap | 4ºC, 40ºF,<br>store in dark,<br>0.008% $NaSO_3$<br>*(Should only be used in the presence of residual chlorine)* | 7 days until extraction, 40 days after extraction | 1000 |
| POLYNUCLEAR AROMATIC HYDROCARBONS<br>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 | 4ºC, 40ºF,<br>store in dark,<br>0.008% $NaSO_3$<br>*(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<br>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,<br>0.008% $NaSO_3$<br>*(Should only be used in the presence of residual chlorine)* | 7 days until extraction,<br>40 days after extraction | 1,000 |
| CHLORINATED HYDROCARBONS<br>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,<br>40 days after extraction | 1000 |
| TCDD<br>2,3,7,8-Tetrachlorodibenzo-p-dioxin | Glass, Teflon lined cap | 4°, 40°F,<br>store in dark,<br>0.008% $NaSO_3$<br>*(Should only be used in the presence of residual chlorine)* | 7 days until extraction,<br>40 days after extraction | 1000 |
| PESTICIDES | Glass, Teflon lined cap | 4°, 40°F,<br>pH = 5-9<br>*(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,<br>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 |

**EAGLE MOUNTAIN**

**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)*

**Eagle Mountain**
**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 or "c" composite**

**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

EAGLE MOUNTAIN *Industrial Pretreatment Program Standards* Section 7

*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 Rules and Regulations 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 District.

**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 Eagle Mountain's treatment facility.
4. Inability of Eagle Mountain 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 could 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.

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.

# EAGLE MOUNTAIN

## 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
# EAGLE MOUNTAIN

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**

*Eagle Mountain City Pretreatment Program Standards*

*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**

Eagle Mountain is required to notify Industrial Users of requirements of the Resource Conservation and Recovery Act (RCRA). Therefore, Eagle Mountain will provide to 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 Eagle Mountain 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.

# Eagle Mountain

## INDUSTRIAL USER NOTIFICATION REQUIREMENTS 40 CFR 403.12(p)

The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. Industrial users shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.120). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of40 CFR403.12(b), (d), and (e).

Dischargers are exempt from the requirements of paragraph 40 CFR 403.12(p)(1) of this section if during a calendar month they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under section 3001 of Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

In the case of any notification made under paragraph 40 CFR 403.12(p), the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

# RCRA INFORMATION BROCHURE

This brochure is designed to give you an understanding of the Resource Conservation and Recovery Act (RCRA) and how the Act affects you as an industry that generates or transports "hazardous" wastes. The brochure's intent is to provide you with basic guidance about applicable RCRA provisions. However, due to the Act's technical complexity, its staggered deadline for program implementation and compliance, and the potential for your State hazardous waste management program requirements to differ from Federal regulation, questions will undoubtedly arise that require assistance beyond the brochure's scope. Questions or problems not completely addressed here should be referred to your State solid waste management office or the appropriate EPA Regional office.

Congress enacted the Resource Conservation and Recovery Act in 1976 (and subsequently amended it in 1978, 1980, and 1984) to define a Federal role in solid waste and resource management and recovery. The Act's primary goals are: (1) to protect human health and the environment from hazardous and other solid wastes; and (2) to protect and preserve natural resources through programs of resource conservation and recovery. Its principal regulatory focus is to control hazardous waste. To this end, RCRA mandates a comprehensive system to identify hazardous wastes and to trace and control their movement from generation through transport, treatment, storage, and ultimate disposal.

Extensive hazardous waste regulations have been promulgated under RCRA's authority. These regulations are codified under 40 CFR Parts 260, 261, 262, 263, 264, 265, 266, and 270. Specifically, RCRA provisions are focused in the following way:

- Part 260: General
- Part 261: Hazardous waste identification and listing
- Part 262: Hazardous waste generators
- Part 263: Hazardous waste transporters
- Part 264-265: Owners and operators of hazardous waste facilities
- Part 266: Special requirements
- Part 270: Hazardous waste permits.

This brochure briefly outlines 40 CFR Parts 261, 262, and 263.

## HOW TO DETERMINE IF YOUR WASTE IS HAZARDOUS

As part of a comprehensive program to regulate hazardous wastes from "cradle to grave," Section 3001 of RCRA directs EPA to establish ways to determine what waste materials are considered hazardous for regulatory purposes. The Section 3001 regulations are codified in 40 CFR Part 261. In addition, 40 CFR Part 262 requires solid waste generators to determine whether their are hazardous.

If your business generates any material which is discarded or disposed of, you must determine if that material is a "solid waste," according to the regulatory definition. In January 1985, EPA proposed its final definition of solid waste. According to this definition, "solid waste" is any material that is abandoned or being disposed of, burned, or incinerated -- or stored, treated, or accumulated before or in lieu of these activities. The term includes essentially all forms of waste (i.e., solids, liquids, semisolids, or contained gaseous substances).

In addition, most recycled material are now considered solid wastes by EPA, depending on both the recycling activity itself and the nature of the recycled material. The following four types of recycling activities are potentially subject to RCRA regulation:

- Uses which actually constitute ultimate disposal (for example, land spreading of wastewater treatment sludges for fertilizer)
- Burning waste or waste fuels for energy recovery or using wastes to produce a fuel
- Reclamation -- regeneration of wastes or the recovery of material from wastes
- Speculative accumulation -- either accumulating wastes that are potentially recyclable but for which no recycling (or no feasible recycling) market exists, or accumulating wastes before recycling unless 75 percent of the accumulated material is recycled during a one-year period.

Five categories of recycled (termed secondary) materials also fall under this solid waste definition:

- Spent material -- materials that have been used and no longer serve the purpose for which they were originally produced without being regenerated, reclaimed, or otherwise reprocessed. Examples include spent solvents and spent acids.

- Sludges -- residues from pollution control processes, such as wastewater treatment sludges and air emission control wastes.

- By-products -- residual materials resulting from industrial, commercial, mining, and agricultural operations that are not primary products, are not produced separately, and are not fit for a desired end use without substantial further processing. Examples are process residues from manufacturing or mining processes, such as distillation, column residues or mining slags.

- Commercial chemical products -- products listed in 40 CFR Part 261.33 when they are recycled in ways that differ from their normal use.

- Scrap metal -- metal parts discarded after consumer use or that result from metal processing operations. Examples include scrap automobiles and scrap radiators.

Some materials, however, are NOT considered solid wastes under RCRA, including domestic sewage or any mixture of domestic sewage and other wastes that pass through a sewer system to a POTW. Also excluded are wastes regulated under other Federal laws, such as industrial wastewater discharge directly to public waters (which must be properly permitted) and many nuclear or radioactive materials (regulated by the Department of Energy and/or the Nuclear Regulatory Commission).

There are two ways to know if your waste is regulated as a hazardous waste under Federal law:

- If it exhibits one or more of the following four characteristics -- ignitability, corrosivity, reactivity, and toxicity (based on EPA extraction procedures) -- it is considered a characteristic waste under RCRA.

- If it (or any part of it) is listed in 40 CFR 261.31-261.33, it is commonly called a listed waste in RCRA regulations. EPA developed these lists of hazardous wastes based on what was known about specific chemicals and wastestreams. Whether or not a waste is hazardous according to the characteristic wastes criteria, if your firm's waste appears on any of the lists, it is considered a listed hazardous waste. Thus, your firm must comply with the notification requirements of RCRA Section 3010 and with the requirements outlined in 40 CFR 262-266 and 270-271 (described below). Most listed substances are considered toxic; however, some

wastes or substances appear on the list solely because they exhibit one or more of the characteristics of hazardous waste.

Whether a waste is regulated as a hazardous waste may also depend on two other factors. First, as 1984 RCRA amendments go into effect, some new wastes that previously were not regulated will come under hazardous waste regulations. Second, some States apply their own hazardous waste regulations to wastes in addition to those listed in Federal regulations. Thus, if you are in doubt about whether your waste is regulated under Federal or State hazardous waste regulations, your should contact the State hazardous waste agency or EPA Regional office.

## RCRA REQUIREMENTS APPLICABLE IF YOUR INDUSTRY GENERATES HAZARDOUS WASTE

Section 3002 of RCRA gives EPA authority to regulate generators of hazardous waste in order to protect human health and the environment. These regulations, in 40 CFR 262, specify hazardous waste management procedures for generators, including recordkeeping, labeling, use of appropriate containers, information reporting, and use of shipping manifests. Basic requirements for generators of hazardous waste are explained below.

These requirements for hazardous waste generators are also affected by whether EPA considers your facility to be a "small quantity generator." As of August 5, 1985, EPA distinguishes three classes of small quantity generators for regulatory purposes:

- Those generating between 100 and 1,000 kilograms of nonacutely hazardous waste per calendar month
- Those generating up to 100 kilograms of nonacutely hazardous waste per calendar month
- Those generating less than one kilogram of acutely hazardous waste per calendar month.

In general, the latter two classes of small quantity generators are subject to less stringent requirements than establishments producing large quantities of hazardous waste. The small quantity generator exclusion is discussed in more detail below. If you have questions about how these regulations apply, contact your State hazardous waste agency or EPA Regional office.

## Notify EPA

If your facility generates, transports, treats, stores, or disposes of hazardous wastes and is not exempt from regulation, you must notify EPA or an authorized State and obtain an identification number. Most small quantity generators are not required to notify EPA. It is important to note that many States have regulations that differ from Federal requirements. If your business is involved in hazardous waste activities, you should contact the appropriate State agency to determine which regulations are applicable to you.

The RCRA Amendments of 1984 extend notification requirements to industries covered by the Domestic Sewage Exemption, that is industries which discharge "solid and dissolved materials in domestic sewage" that would be defined as "hazardous waste" were they not mixed with domestic sewage and discharged to sewers. EPA has yet to formally implement this expanded notification requirement. If you fall under this exemption, you should periodically contact your State or EPA Region to keep abreast of these impending notification requirements.

## Off-Site Disposal of Hazardous Wastes

If you generate, transport, treat, store or dispose of any hazardous wastes (and your waste activities are not exempt from regulation), you must comply with applicable Federal, State, and local hazardous waste management requirements, both when the waste remains on your premise and when it is transported off-site. Basic requirements for the off-site disposal of hazardous wastes include:

- **Obtain EPA Identification Number** -- Most Federally regulated generators and transporters of hazardous waste must have EPA identification numbers. An EPA identification number is required prior to any transportation, treatment, storage, or disposal of hazardous waste. A generator must not deliver hazardous waste to any transporter or TSDF without an EPA identification number.

- **Complete Manifests** -- Generators of hazardous waste are required to prepare a manifest containing the following information for each load of hazardous waste transported:

  - Generator name, address, telephone number and EPA identification number

  - Transporter name and EPA identification number

  - Name, address, and EPA identification number of permitted facilities receiving waste

  - Description of hazardous wastes transported

  - Waste quantities, types and number of containers

  - Certification for proper packaging, marking, labeling and transportation

  - Waste minimization certification

  - Manifest document number.

  Upon delivery of waste to the transporter, the generator should sign and date the manifest, have the transporter sign the manifest, retain one copy, and provide the transporter with all remaining copies. A generator who does not receive, within 35 days, a manifest copy signed by the facility designated to receive the waste must contact the transporter or designated facility to determine what happened to the waste. A generator who has not received, within 45 days, a signed manifest copy must submit an exception report to the EPA Region.

  It is important to remember that, before transporting any hazardous waste off-site, a generator must comply with packaging, labeling, marking, and placarding requirements. RCRA pretransport requirements generally incorporate U.S. Department of Transportation regulations, described in 49 CFR Part 171-172. In addition, all generators must keep records of any test results, waste analyses, or other determinations made in accordance with 40 CFR Part 262.11 for at least three years.

- **Prepare Biennial Report** -- Generators that ship hazardous wastes off-site must prepare and submit a report to the appropriate EPA Region by March 1 of each even-numbered year. This report covers hazardous waste generator activities during the previous odd-numbered calendar year. Some States require annual reports.

## Exceptions and Exemptions to RCRA Regulations for Generators

If the wastes your business generates would normally be subject to hazardous waste regulations, they may be exempt in three specific circumstances:

- Domestic Sewage Exemption. In order to regulate hazardous waste generators under 40 CFR 261.4(a), materials which would normally be subject to hazardous waste regulations are exempt because they are not defined as "solid waste." Thus, the domestic sewage exception covers:

  - "Untreated sanitary wastes that pass through a sewer system"

  - Any mixture of domestic sewage and other wastes that passes through a sewer system to a POTW for treatment.

- On-site Treatment or Disposal Exemption. RCRA regulations contain a broad exemption for the on-site treatment and storage of wastewaters, including the following types of facilities:

  - **Wastewater Treatment Units** -- Devices which: (1) are part of a wastewater treatment facility subject to regulation under Sections 307 or 402 of the Clean Water Act (i.e., direct dischargers of wastewaters); (2) receive and treat or store hazardous influent wastewater, or generate and accumulate a hazardous wastewater treatment sludge, or treat or store hazardous wastewater treatment sludge; and (3) meet the EPA definition of a tank.

  - **Totally Enclosed Treatment Facilities** -- Facilities to treat hazardous waste which are directly connected to an industrial production process, and constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. EPA states that "a totally enclosed treatment facility" must: (1) be completely contained on all sides, (2) pose negligible potential for escape of constituents to the environment, (3) be connected directly by pipeline or similar totally enclosed device to an industrial production process. The Agency also indicated that effluent discharged to a POTW is exempt from RCRA regulation. However, it is subject to pretreatment regulations.

  - **Elementary Neutralization Units** -- Devices used for neutralizing waste defined as hazardous solely because it is corrosive and which meets the definitions of tank, container, transport vehicle or vessel in 40 CFR 260.10.

The treatment and storage exception cited above does not apply to any on-site facility which does not qualify as a wastewater treatment unit, a totally enclosed treatment facility, or an elementary neutralization unit. Consequently, open storage facilities (e.g., waste pile or surface impoundments) and on-site disposal operations (e.g., landfills, land application, or incineration) are governed by storage and disposal facility requirements and RCRA permitting requirements.

RCRA is designed to provide stringent regulations for open facilities, such as surface impoundments, which are more likely to result in a release of hazardous wastes, while providing somewhat more flexible regulation of enclosed or semi-enclosed systems (e.g., treatment tanks, etc.) which tend to pose less risk to the environment. The RCRA Amendments of 1984 strengthen Federal regulatory authority over all of these systems. EPA is in the process of revision regulations for these systems and developing standards for corrective action for them. For more complete and current information, you should contact your State hazardous waste agency or EPA Region.

- Small Quantity Generator Exclusion. EPA does not currently regulate generators of small quantities of hazardous waste as stringently as it regulates generators of larger quantities. Small quantity generators are exempt from notification, generator, transporter, TSDF, and RCRA permitting requirements. The Agency now divides small quantity generators into three classes:

  - Generators of less than one kilogram per month of acutely hazardous waste

  - Generators of less than 100 kilograms per month of nonacutely hazardous waste

  - Generators of between 100 and 1,000 kilograms per month of nonacutely hazardous waste.

  The first two classes of hazardous waste generators are required only to perform a hazardous waste determination, store, treat, or dispose of hazardous waste on-site in accordance with regulations, or ensure its delivery to an authorized hazardous or nonhazardous treatment, storage, or disposal facility.

  The third class of generators, those who generate between 100 and 1,000 kilograms of hazardous waste per month, while still exempt from the bulk of RCRA requirements, are now required to accompany all off-site shipments of hazardous waste with a single copy of the Uniform Hazardous Waste Manifest (EPA Forms 8700-22 and 8700-22 A) or the State equivalent. This form must contain the following information:

- Name and address of the waste generator

- U.S. Department of Transportation description of the waste, including shipping name, hazard class, and identification number (UN/NA)

- Number and type of containers

- Quantity of waste in the shipment

- Name and address of the facility designated to receive the waste.

Although EPA does not regulate small quantity generators as stringently as large quantity generators, several States have small quantity generator requirements. Thus, if you have any questions about requirements for hazardous waste management, you should contact the State hazardous waste agency or EPA.

## RCRA REQUIREMENTS APPLICABLE IF YOUR INDUSTRY TRANSPORTS HAZARDOUS WASTE

EPA, the U.S. Department of Transportation, and many States regulate transportation of hazardous waste in order to protect human health and the environment from hazardous waste releases. EPA's regulatory authority for transporters is based on Section 3003 of RCRA. EPA and the Department of Transportation have jointly set standards for hazardous waste transportation, which are described in 40 CFR Parts 262 and 263, and 49 CFR Parts 171 and 172. These standards include recordkeeping, labeling, and manifest requirements, as well as the requirement to transport hazardous wastes only to permitted facilities for treatment, as designated on hazardous waste shipping manifests. Hazardous waste transporters hauling wastes to POTW collection systems or treatment plants must ensure that these wastes meet all local, State, and Federal pretreatment standards, in addition to RCRA requirements.

### Notification to EPA and EPA Identification Number

If your firm transports hazardous waste, you must notify EPA or an authorized State hazardous waste agency and obtain an EPA identification number. Transporters must not move hazardous wastes without an EPA identification number. EPA Regional Offices have special procedures to issue provisional identification numbers to generators and transporters of hazardous waste under emergency or other unusual circumstances when it becomes necessary to transport the waste to an authorized hazardous waste management facility. In emergency

situations, the transporters should telephone the EPA Regional Office and obtain a provisional identification number and additional instructions.

## Manifests and Reports

Transporters may not accept hazardous waste from generators unless each load is accompanied by a completed manifest. The manifest must accompany the hazardous waste at all times. Upon delivery of the hazardous waste to another transporter or designated facility, transporters must:

- Have the transporter or owner/operator of the designated facility sign and date the manifest
- Retain one copy of the manifest and give the remaining copies to the transporter or facility accepting the waste.

## Transporter or Generator Agreements With Designated Facilities

In many cases, treatment, storage, and disposal facilities (including POTWs) will accept deliveries of hazardous waste only if they have agreements with transporters and/or generators. These agreements may designate types, strengths, and quantities of hazardous waste which the facility will accept, limit conditions of waste to be accepted (for example, “no liquid hazardous wastes”), designate times and locations for accepting deliveries, and designate treatment, storage, or disposal fees. Hazardous waste transporters are legally responsible for delivery of the entire quantity of hazardous waste accepted from a generator or another transporter to the facility designated by the manifest, or to designated alternate facilites. Before accepting any consignment of hazardous waste for transportation, you should make sure that the treatment, storage, or disposal facility designated on the manifest or an alternate designated facility will accept delivery of your waste.

**Pretreatment Program**
**Section 3-H**

# Slug Discharge Control Program

**The following information can be found in this section:**

## PURPOSE

Eagle Mountain 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 Eagle Mountain 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).

Eagle Mountain 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 Eagle Mountain 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 Eagle Mountain 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.

**Eagle Mountain 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 Eagle Mountain'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:

Eagle Mountain Responsible Individual in Charge
Local Fire Department – Unified Fire Authority
Emergency Response Coordinator
Phone Number 801-794-3970

Utah County Environmental Health Department
Phone Number 801-851-7525

Utah Division of Water Quality
Day (801) 536-4300
Night (801) 536-4123

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**

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

**Program Review**

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

**Eagle Mountain**
**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 Eagle Mountain use only: Does this industry need a slug/spill plan?_____ }

**Eagle Mountain**
**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 Eagle Mountain | ___ | ___ |
| 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.

**Eagle Mountain**

**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**

# Eagle Mountain Enforcement Response Plan

**The following information can be found in this section:**



**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) and 405.
Utah Code Annotated, 1953, Section 17.
Eagle Mountain Industrial Pretreatment Program Ordinance

**PROGRAM**

The **Enforcement Response Plan** sets forth a Plan of Action for Eagle Mountain 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 Eagle Mountain is consistent in its application of its Enforcement Actions so that Eagle Mountain 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 Eagle Mountain in response to an Enforcement Violation.

3. **Responsible Party** - The person in Eagle Mountain 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**

Eagle Mountain 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 Daily Herald Newspaper. 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, Eagle Mountain will order a show cause hearing to allow the industrial user to show why Eagle Mountain should not proceed with more stringent enforcement action. The hearing is to be conducted in accordance with guidance given in Eagle Mountain 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 Eagle Mountain 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 Eagle Mountain.

VIII. Civil Litigation

Civil Litigation is the formal process whereby Eagle Mountain 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 Eagle Mountain 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, Eagle Mountain 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 Eagle Mountain to violate its NPDES permit or where no other actions have succeeded, Eagle Mountain 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.

Eagle Mountain 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 Eagle Mountain 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:

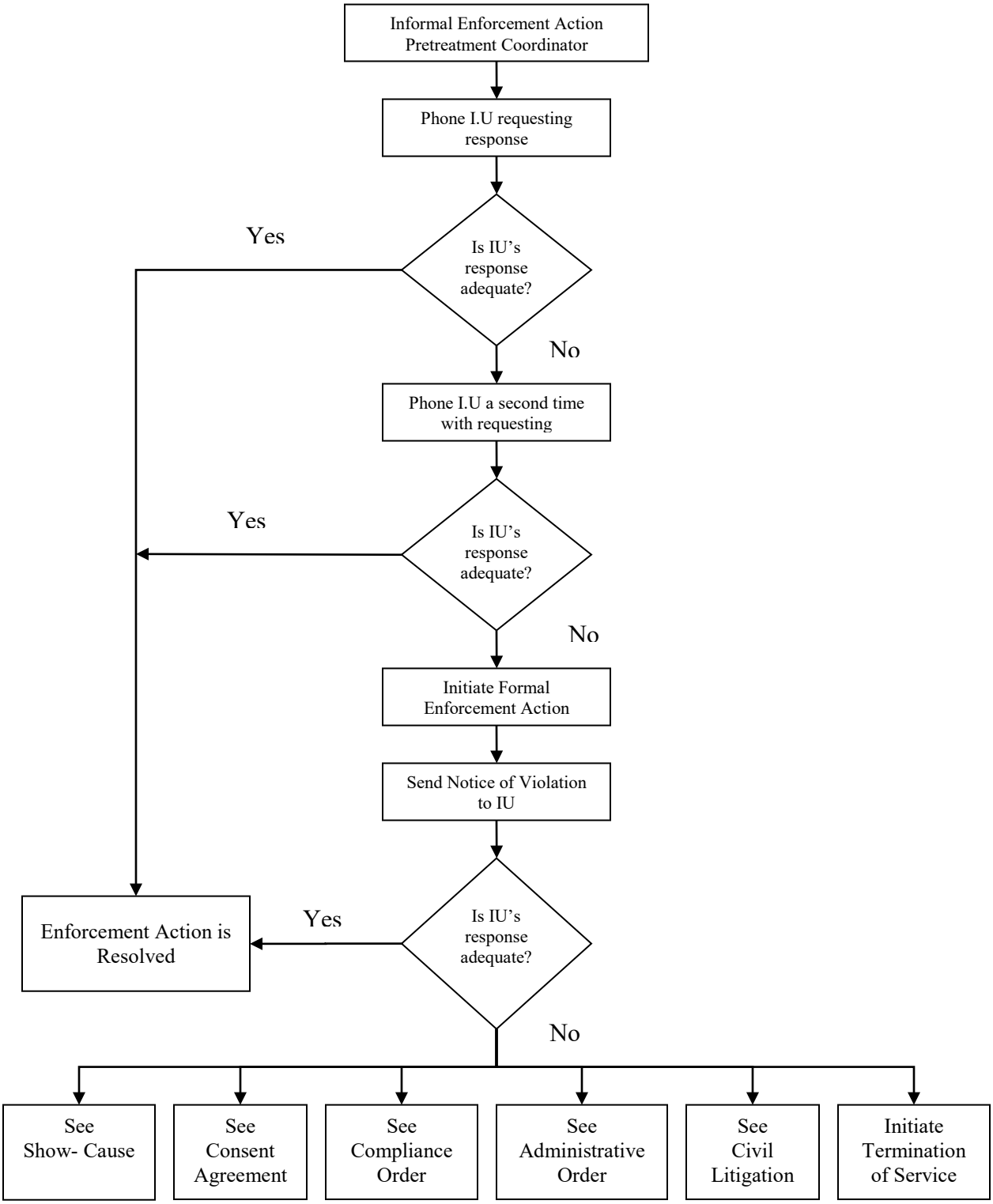
   a. Show Cause Hearing
   b. Consent Agreements
   c. Administrative Orders
   d. Referrals to the Attorney for Civil Litigation
   e. Referral to the State for Criminal Action

III. The Attorney for Eagle Mountain 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**

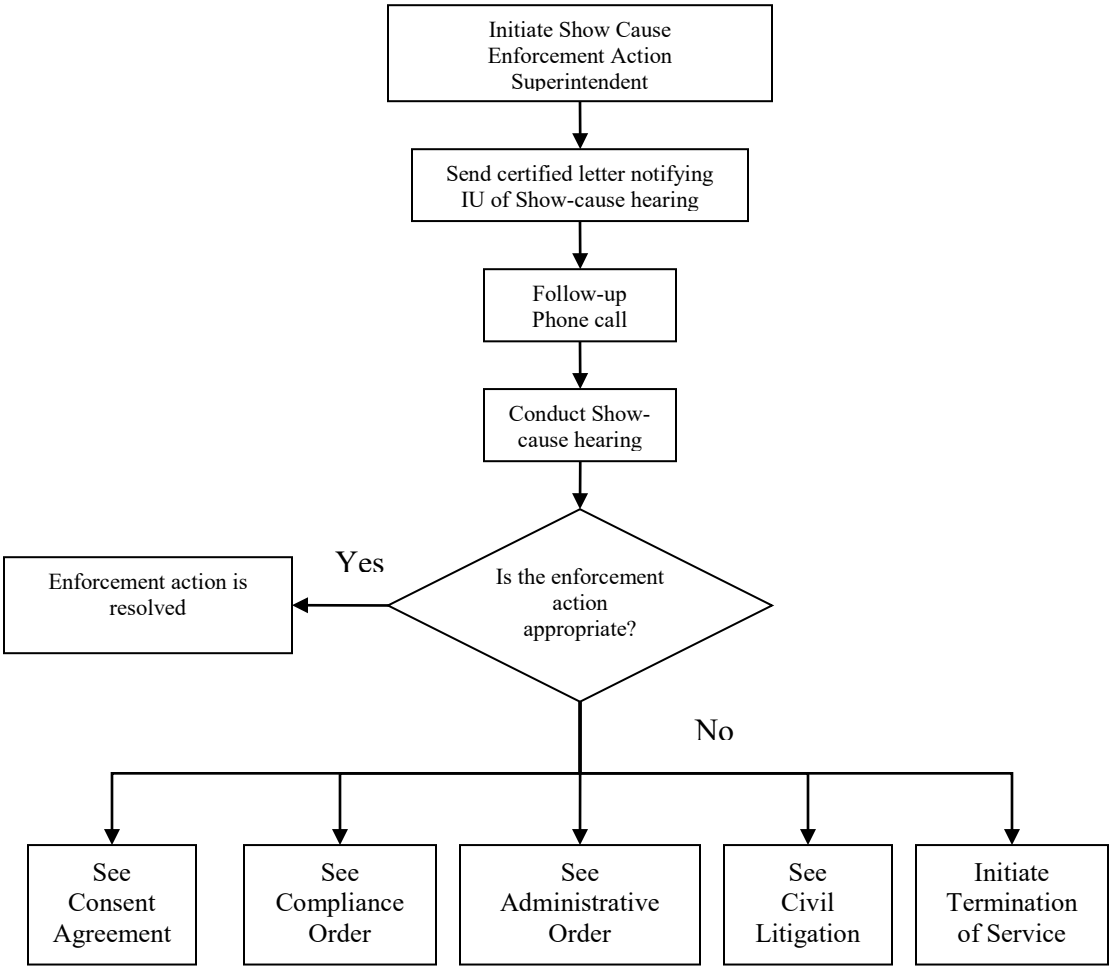
| Unauthorized Discharges | Discharge Limit Violations | Monitoring and Reporting Violations | Other Permit Violations | Violations Detected During Visit |
|---|---|---|---|---|
| Unpermitted Discharge | Exceedance of Permit | Reporting | Dilution of Wastestreams | Entry Denial |
| Nonpermitted Discharge | | 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 related to streamlining | | |

**Flow Diagram for Evaluating Enforcement**

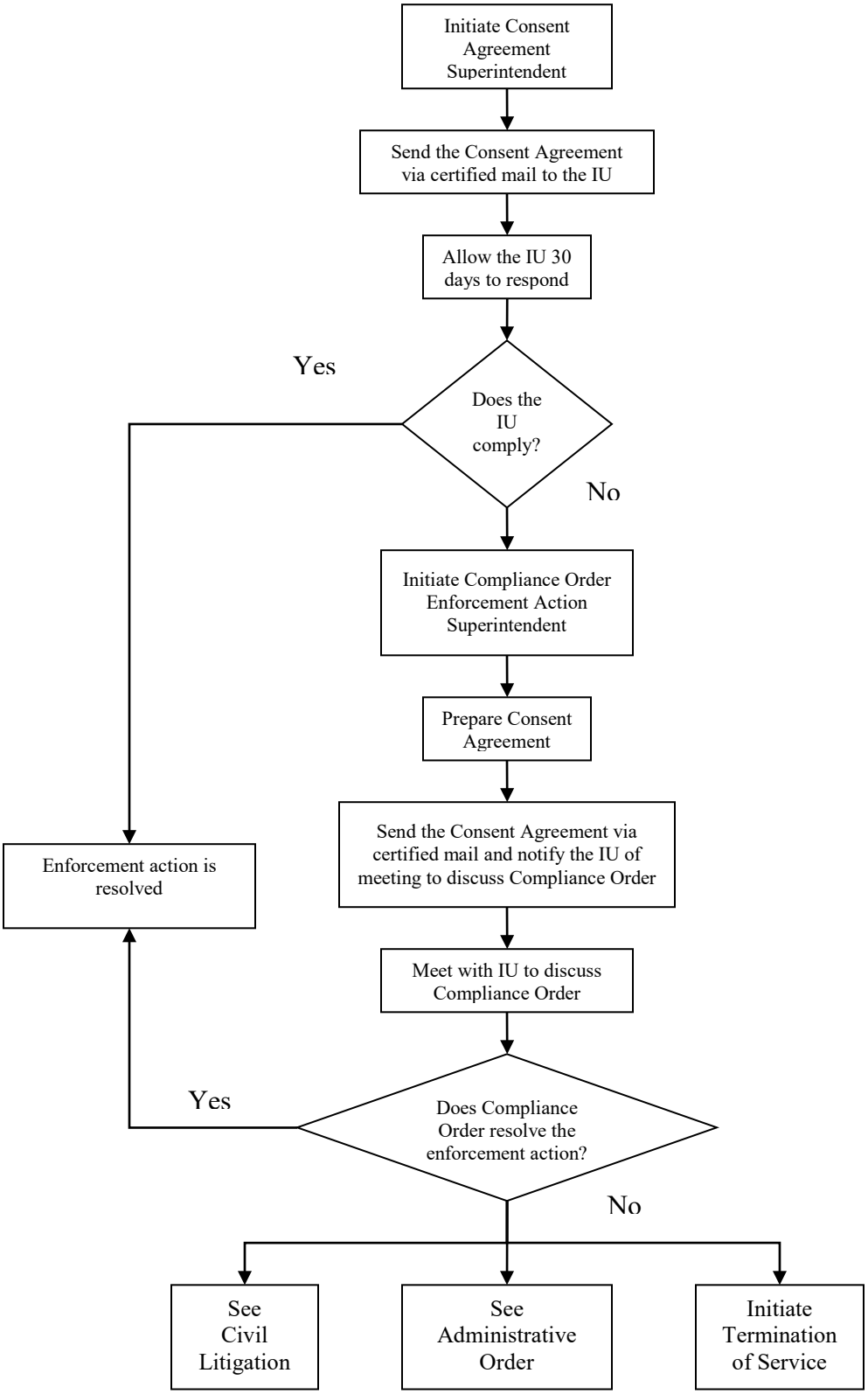


**Flow Diagram for Evaluating Enforcement**

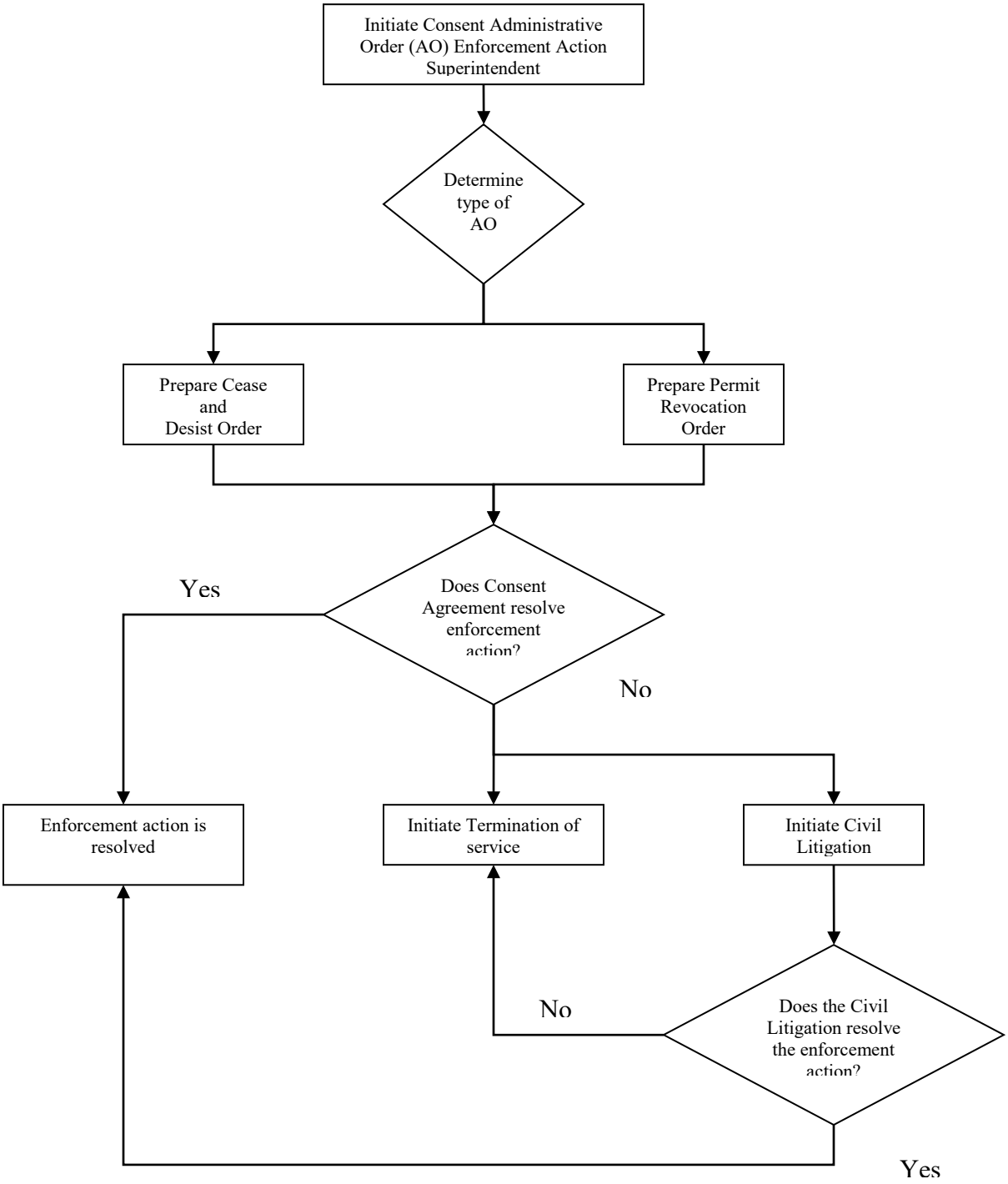
Show Cause Enforcement Action



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

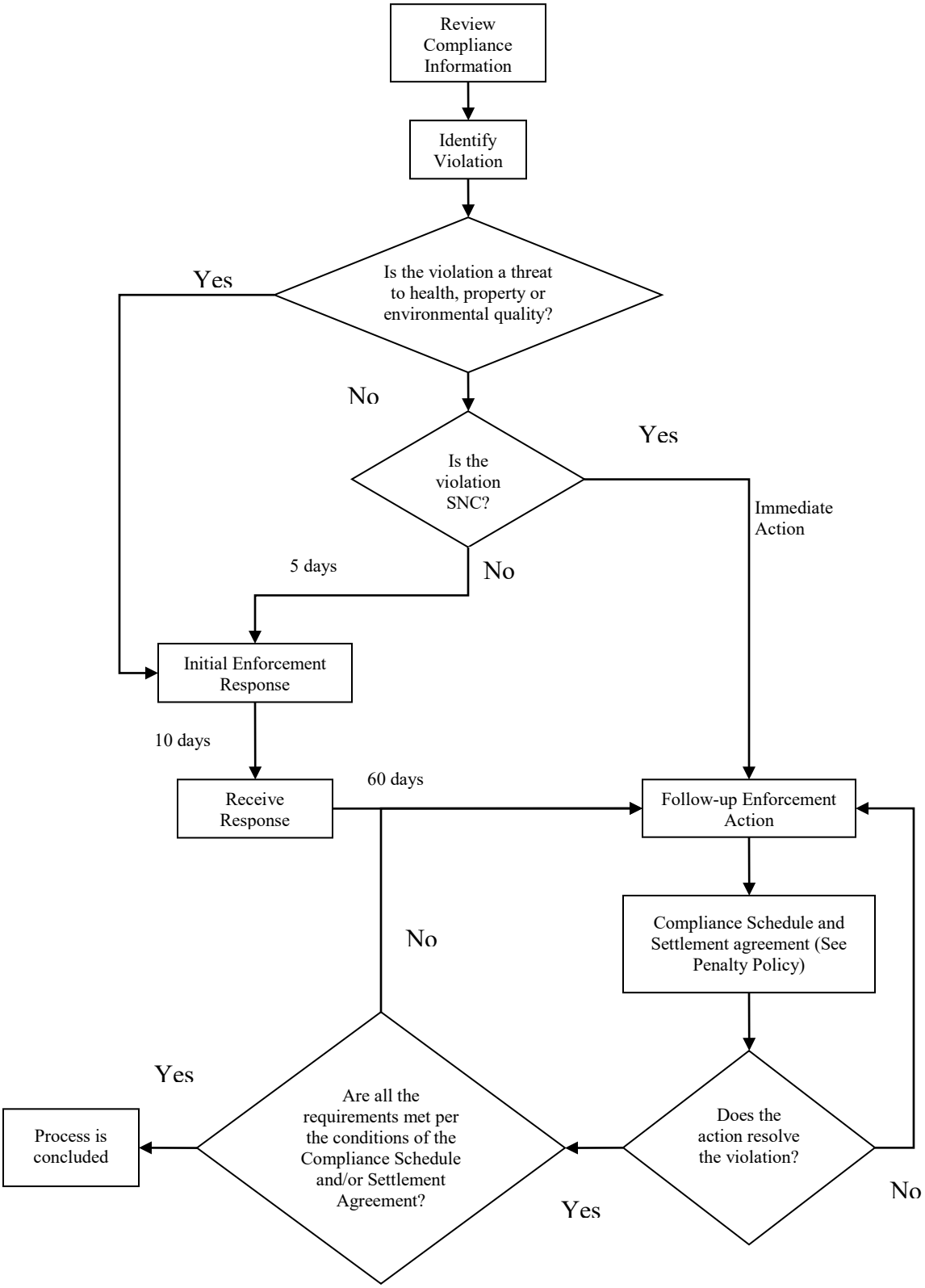


**Flow Diagram for Evaluating Enforcement**
Administrative Order/Civil Litigation Enforcement Action



**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 | Attornery | |
| 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 |

Eagle Mountain
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: _____

_____

_____

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_____

Required Action: _____

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_____

Left Message (Summary of message left: _____

_____

_____

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_____

Eagle Mountain
Enforcement Incidence Form

Name of IU: _____

Address: _____

Description of Violation: _____

_____

_____

_____

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_____

| Type of Enforcement | Date | User Response | Date | Adequate Response (Yes/No) |
|---|---|---|---|---|
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| Name of Industry | Violation | Enforcement Action | Date of Resolution | SNC, if yes publication date |
|---|---|---|---|---|
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**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 Eagle Mountain with a uniform and equitable approach to enforcement and development of penalties.

## LEGAL AUTHORITY

United States Code of Federal Regulations 40 CFR 403.

Eagle Mountain Ordinance, Sections 10 and 11.

## PROGRAM

In accordance with Section 10.6 of Eagle Mountain's Ordinance, the Superintendent 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, Eagle Mountain 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 Eagle Mountain 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 the Utah County Fourth District Court.

### Purpose of Penalties

The purposes 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 user’s 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 Eagle Mountain's discharge permit.
5. pH violations considered less than 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 Eagle Mountain'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 or equal to 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, Eagle Mountain 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 5-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 Eagle Mountain 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 Eagle Mountain 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.

Eagle Mountain Wastewater/Pretreatment Standards, Sections 9.

**PROGRAM**

**Who to Publish**

Eagle Mountain is required to publish an annual notice of all industrial users who are in significant non-compliance (SNC) during any year. Section 9 of Eagle Mountain Ordinance 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 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 Eagle Mountain 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 Eagle Mountain'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 Eagle Mountain 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**

Eagle Mountain 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 Eagle Mountain.

**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, Eagle Mountain has been given the responsibility for applying and enforcing the pretreatment standards for industrial users served by Eagle Mountain.

Pursuant to the requirements of the National Pretreatment Program, Eagle Mountain 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 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 Eagle Mountain 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 Eagle Mountain'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 Eagle Mountain 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:

Eagle Mountain Pretreatment Coordinator: Matt Goodrich
Email Address: mgoodrich@emcity.org
Telephone: 801-789-6685

**INDEX**
**Section 3-L**

**Education, Guidance**
**and**
**References**

**The following information can be found in this section:**

**PURPOSE**

The purpose of this section is to provide additional resources that help the pretreatment personnel to responsibly implement the Pretreatment Program.

**LEGAL AUTHORITY**

Eagle Mountain 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 regarding the changes to Pretreatment Standards, as needed. If there is an indirect discharging IU in Eagle Mountain'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 in compliance 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.
http://yosemite.epa.gov/water/owrccatalog.nsf/065ca07e299b464685256ce50075c11a/d287fcd185d4b81f85256b0600723413!OpenDocument

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.
http://yosemite.epa.gov/water/owrcCatalog.nsf/065ca07e299b464685256ce50075c11a/6fc6865a804bf71085256b0600723414!OpenDocument

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.
http://yosemite.epa.gov/water/owrccatalog.nsf/065ca07e299b464685256ce50075c11a/212b9be5203973bc85256c6b00583a48!OpenDocument

U.S. EPA Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Building, Construction. and Paper Segment of the Asbestos
http://nepis.epa.gov/Exe/ZyNET.exe/10004CFZ.txt?ZyActionD=ZyDocument&Client=EPA&Index=Prior%20to%201976&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=pubnumber%5E%22440174017A%22&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=pubnumber&IntQFieldOp=1&ExtQFieldOp=1&XmlQuery=&File=D%3A%5CZYFILES%5CINDEX%20DATA%5C70THRU75%5CTXT%5C00000000%5C10004CFZ.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=10&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=p%7Cf&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page

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.
http://nepis.epa.gov/Exe/ZyNET.exe/40000TL3.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1981+Thru+1985&Docs=&Query=440184067A%20or%20Battery%20or%20Manufacturing%20or%20Point%20or%20Source%20or%20Category%20or%20September%20or%20volume&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=pubnumber%5E%22440184067A%22&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=pubnumber&IntQFieldOp=1&ExtQFieldOp=1&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C81thru85%5CTxt%5C00000002%5C40000TL3.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=10&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=p%7Cf&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL

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.
http://yosemite.epa.gov/water/owrccatalog.nsf/e673c95b11602f2385256ae1007279fe/df222a05a1e7d50685256b0600723411!OpenDocument

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.
http://yosemite.epa.gov/water/owrccatalog.nsf/9da204a4b4406ef885256ae0007a79c7/0db708908756cd1285256c6b005a70bf!OpenDocument

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. http://cfpub.epa.gov/ols/catalog/advanced_display.cfm?&FIELD1=SUBJECT&INPUT1=Papers&TYPE1=EXACT&LOGIC1=AND&COLL=&SORTFIELD=YR&SORTORDER=DESC&item_count=45

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.

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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**

The Eagle Mountain Pretreatment Program Standards provide the City with the authority to modify the program. Any substantial changes including modification of the standards in Section 2 or the local limits must be properly noticed.

**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 City 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 approved by the City Council 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 Standards set forth in Section 2 of the program 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 Eagle Mountain's public notice.

Eagle Mountain 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 ordinance 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. Since the local limits are part of the ordinance, any major changes in these will also be available for public participation.

**INDEX**
**Section 3-N**

**Confidential Information**
**and**
**Data Requests**

**This section will be followed by Eagle Mountain**

**The following information can be found in this section:**

**PURPOSE**

The purpose of this section is to ensure that information that is provided to Eagle Mountain that indicates it is confidential is correctly classified confidential and then kept confidential.

**LEGAL AUTHORITY**

Eagle Mountain pretreatment program

**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 locked file cabinets and properly labeled folders to ensure the information is not released to the public. Only the portions of the report which disclose trade secrets or secret processes shall not be made available for inspection by the public.

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. This process will be completed within 45 working days of receiving a request for information.

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 Eagle Mountain 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)

Eagle Mountain Wastewater/Pretreatment Standards

**PROGRAM**

It is at the discretion of Eagle Mountain to allow a waiver to be used instead of sampling for a pollutant that the categorical industrial user (CIU) has demonstrates to Eagle Mountain'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. Eagle Mountain 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 Eagle Mountain Requirement**

Eagle Mountain must determine if the information supplied by the CIU meets the requirements to apply the pollutant is not present option to the permit. Eagle Mountain will notify the CIU within 45 days of

Eagle Mountain's determination. If the determination is that additional information is needed to allow the pollutant is not present option Eagle Mountain 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 Eagle Mountain deems necessary to allow or not allow the pollutant is not present option before modifying the permit. If Eagle Mountain finds the information warrants the permit to be changed and the waiver added Eagle Mountain 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, Eagle Mountain must determine whether to grant the sampling waiver. The regulations do not in any way require Eagle Mountain to grant the sampling waiver at any time. If Eagle Mountain does not believe that the CIU has demonstrated to its satisfaction that a pollutant is not present, Eagle Mountain cannot grant the waiver. Even where the CIU has demonstrated that a specific pollutant is not present, Eagle Mountain has the discretion to require monitoring.

Eagle Mountain 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. Eagle Mountain 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 Eagle Mountain**

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 Eagle Mountain 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 Eagle Mountain 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 Eagle Mountain 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.

Eagle Mountain 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 Eagle Mountain 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 Eagle Mountain**

Eagle Mountain 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 Eagle Mountain**

Eagle Mountain 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 accepted from new users until two years of compliance data can be gathered by the CIU and Eagle Mountain. The waiver can not be applied to baseline monitoring reports or 90-day compliance report requirements.

**Pretreatment Program**
**Section 3-P**

# Dental Amalgam Program

**The following information can be found in this section:**



## FLOW CHARTS

**None**

## FORMS

**None**

**PURPOSE**

The purpose of the Dental Amalgam Program is to assist Eagle Mountain in tracking compliance with the EPA rule. Dental offices that place or remove amalgam must have an amalgam separator. 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 441

Eagle Mountain Industrial Pretreatment Standards

**PROGRAM**

The Industrial Pretreatment Coordinator shall identify dental offices in the service area. New facilities must immediately comply with the rule within 90 days. Existing offices must comply by July 14, 2020.

§441.50 Reporting and recordkeeping requirements.
(a) Dental Dischargers subject to this part must comply with the following reporting requirements in lieu of the otherwise applicable requirements in 40 CFR 403.12(b), (d), (e), and (g).
(1) One-Time Compliance Report deadlines. For existing sources, a One-Time Compliance Report must be submitted to the Control Authority no later than October 12, 2020, or 90 days after a transfer of ownership. For new sources, a One-Time Compliance Report must be submitted to the Control Authority no later than 90 days following the introduction of wastewater into a POTW.
(2) Signature and certification. The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of 40 CFR 403.12(l).
(3) Contents. (i) The One-Time Compliance Report for dental dischargers subject to this part that do not place or remove dental amalgam as described at §441.10(f) must include the: facility name, physical address, mailing address, contact information, name of the operator(s) and owner(s); and a certification statement that the dental discharger does not place dental amalgam and does not remove amalgam except in limited circumstances.
(ii) The One-Time Compliance Report for dental dischargers subject to the standards of this part must include:
(A) The facility name, physical address, mailing address, and contact information.
(B) Name(s) of the operator(s) and owner(s).
(C) A description of the operation at the dental facility including: The total number of chairs, the total number of chairs at which dental amalgam may be present in the resulting wastewater, and a description of any existing amalgam separator(s) or equivalent device(s) currently operated to include, at a minimum, the make, model, year of installation.
(D) Certification that the amalgam separator(s) or equivalent device is designed and will be operated and maintained to meet the requirements specified in §441.30 or §441.40.
(E) Certification that the dental discharger is implementing BMPs specified in §441.30(b) or §441.40(b) and will continue to do so.
(F) The name of the third-party service provider that maintains the amalgam separator(s) or equivalent device(s) operated at the dental office, if applicable. Otherwise, a brief description of the practices

employed by the facility to ensure proper operation and maintenance in accordance with §441.30 or §441.40.
(4) Transfer of ownership notification. If a dental discharger transfers ownership of the facility, the new owner must submit a new One-Time Compliance Report to the Control Authority no later than 90 days after the transfer.
(5) Retention period. As long as a Dental Discharger subject to this part is in operation, or until ownership is transferred, the Dental Discharger or an agent or representative of the dental discharger must maintain the One-Time Compliance Report required at paragraph (a) of this section and make it available for inspection in either physical or electronic form.
(b) Dental Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form, for a minimum of three years:
(1) Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) or equivalent device(s), and a summary of follow-up actions, if needed.
(2) Documentation of amalgam retaining container or equivalent container replacement (including the date, as applicable).
(3) Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam retaining containers.
(4) Documentation of any repair or replacement of an amalgam separator or equivalent device, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).
(5) Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form the manufacturers operating manual for the current device.

**Eagle Mountain**
**Pretreatment Program**
**Section 4**

# Local Limits

**This section will be implemented by Eagle Mountain**

**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.

Eagle Mountain Standards

**PROGRAM**

To date Eagle Mountain does not have local limits and an evaluation of the need for limits has indicated that local limits are not necessary. This is partially due to the fact that there are not industrial users and also due to the non-discharging nature of the waterwater treatment facility.

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 Eagle Mountain 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.

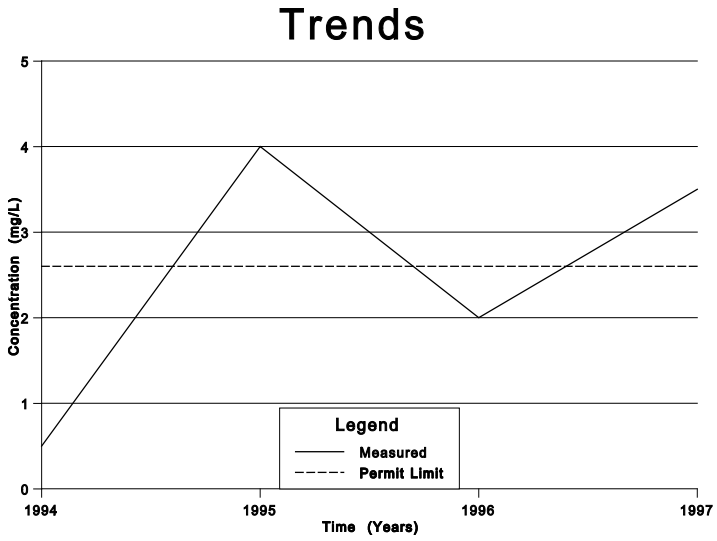
## TREND GRAPHS

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.

# Eagle Mountain
# Pretreatment Program
# Section 5

## Financial Management

**The following information can be found in this section:**

- **Purpose**
- **Program**
  - **Finance**
  - **Budget**
  - **Cost Recovery System**
    - **Basic Service Fee**
    - **Surcharges**
    - **Pretreatment Charges**
- **FLOW CHARTS**
  - **None**
- **FORMS**
  - **Program Budget**
  - **Calculation of User Fees Local Limits Evaluation**

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

## PURPOSE

The purpose of the **Financial Management Program** is to ensure that adequate financial resources are available to support the Industrial Pretreatment Program.

## PROGRAM

### Personnel

The size of staff needed to manage the Industrial Pretreatment Program varies with several factors including size of the system, number of industrial users, number of permitted industrial users, number of industries sampled and whether they are sampled by POTW personnel or do their own sampling, and the number of Significant Industrial Users. This is more fully discussed in the **Other Considerations** section.

There should be one FTE (Full Time Equivalent) per 5 to 15 permits issued. Additional FTEs will be needed to assist with assessing user fees, unpermitted programs (such as FOG programs and mercury control programs) and non-residential customers. The industrial pretreatment staff salaries and expenses are part of the Budget and will be financed as described in the Cost Recovery System.

Eagle Mountain has allocated 15% of the Wastewater Treatment Plant Supervisor's time toward the pretreatment program. This individual will also have the title of pretreatment coordinator. Additionally Eagle Mountain will use consultant services as necessary to manage the program.

### Budget

At such time when the budget for Eagle Mountain wastewater department is being prepared, the Pretreatment Coordinator should complete the *Program Budget* and submit it to the Superintendent.

For this budget year the City has allocated $10,000 for the program.

### Cost Recovery System

It is the policy of Eagle Mountain to assess all costs of the collection and treatment of wastewater to the users in an equitable way. This includes costs incurred by the Industrial Pretreatment Program. *Calculation of User Fees* presents a simplified approach to allocating the treatment costs among residential, commercial and industrial users.

#### User Fees

User fees are assessed to all users which discharge wastewater to Eagle Mountain's wastewater collection system. The fees are designed to cover the actual costs of maintaining and replacing both the collection and treatment systems. The sewer use charge system (UCS) is based on a minimum fixed charge for each residential user with a variable charge for each commercial and industrial user based on the quantity or strength of individual wastewater generated.

Residential users are single family dwellings, or multiple family dwellings, where water is metered to each unit separately. An equivalent residential unit (ERU) is equal to the number of gallons of wastewater discharged monthly from one residential user. The flow of the wastewater is calculated using the winter water usage as defined by the average monthly water usage from the period of November through February of each year. The average use for these four months is used as the monthly average for the next twelve-month period beginning in July. The quantity of water discharged from one equivalent residential unit averages approximately [12,000] gallons/month.

Any user not classified as a residential user shall be classified as a commercial or industrial user and shall pay for their wastewater service based on usage of the system. The fees are calculated using a ratio of the commercial or industrial user's discharge strength and volume to one ERU strength and volume.

Any discharge of high strengths toxic wastes as defined in the Industrial Pretreatment Ordinance shall be assessed a user fee on a case-by-case basis.

User fees will be assessed for any wastewater discharge which needs to be pumped in order to reach the treatment system. The user fee imposed will cover actual maintenance, replacement, and electrical costs incurred by Eagle Mountain to accommodate the discharge.

Seasonal demands are defined as discharges from connections where the flow exceeds the yearly average by more than 25%. The user fee for seasonal demands shall be based on the capacity of the wastewater system which must be present year round in order to service the seasonal flow. The analysis and user fee determination for all seasonal dischargers will be determined on a case-by-case basis and shall be approved by Eagle Mountain Wastewater Manager.

Pretreatment Charges

The general costs of the Industrial Pretreatment Program will be borne by all the users of the wastewater system and will be included in the Basic Service Fee.

Charges for permits and inspections and other aspects of the Industrial Pretreatment Program will be assessed to the individual users based on the fees listed in the City fee schedule or specific fees determined in permits or enforcement actions.

**EAGLE MOUNTAIN**
**Sample Program Budget**

**EXPENSES:**

LABOR:

| | | |
|---|---|---|
| Pretreatment Coordinator | $_____ | |
| District Manager | $_____ | |
| Attorney | $_____ | $_____ |

EQUIPMENT:

| | | |
|---|---|---|
| Sampling | $_____ | |
| Safety | $_____ | |
| Flow Measuring | $_____ | |
| Manhole Modifications | $_____ | $_____ |

VEHICLES:

| | | |
|---|---|---|
| Depreciation | $_____ | |
| Gasoline | $_____ | |
| Maintenance | $_____ | $_____ |

OUTSIDE SERVICES:

| | | |
|---|---|---|
| Consulting | $_____ | |
| Laboratory | $_____ | $_____ |

DEPRECIATION:

| | | |
|---|---|---|
| _____ | $_____ | |
| _____ | $_____ | |
| _____ | $_____ | $_____ |

OTHERS:

| | | |
|---|---|---|
| Training/Travel | $_____ | |
| _____ | $_____ | |
| _____ | $_____ | $_____ |

**TOTAL EXPENSES:** $_____

**CAPITAL EXPENDITURES**:

| | | |
|---|---|---|
| _____ | $_____ | |
| _____ | _____ | |

**TOTAL CAPITAL EXPENDITURES**: $_____

# EAGLE MOUNTAIN

## Calculation of User Fees

User fees are listed in the City's fee schedule and include surcharge rates for BOD, TSS and Ammonia. The City may add or modify fees as necessary to meet the needs of the program.

Monthly costs are calculated based on the flow and load according to the fee schedule. The following page is a sample calculation sheet.

**[This table to be completed by Eagle Mountain staff responsible for billing. The first seven items must be entered by the Superintendent. The three heavily shaded boxes are filled in with sampling results. The user fee is calculated in the lightly shaded box.]**

| Industrial and Commercial User Calculation | |
|---|---|
| | |
| Basic Sewer Charge for one residential customer | $9.59 |
| | |
| Lower threshold limit for flow | 12000 |
| Lower threshold limit for BOD | 200 |
| Lower threshold limit for TSS | 250 |
| | |
| Allocation of total costs to flow | 60% |
| Allocation of total costs to BOD | 20% |
| Allocation of total costs to TSS | 20% |
| | |
| Measured monthly flow for the connection | **13,000** |
| Measured monthly BOD for the connection | **0** |
| Measured monthly TSS for the connection | **0** |
| | |
| **Total User Fee for the connection** | **$9.59** |

**Pretreatment Program**
**Section 6**
**Master IU Index**

The industrial user index will be continuously updated. Initial inspections are made to determine the significance of each business license for additional development.

- **The Index is maintained in the attached spreadsheet.**

**Eagle Mountain**
**Pretreatment Program**
**Section 7**

# Other Considerations

**The following information can be found in this section:**

**Purpose**
**Legal Authority**
**Program**

**POTW Design Information**
**Sludge Management**
**Multijurisdictional Situations**
**Eagle Mountain Organization**
**Pretreatment Equipment**

**Pretreatment Equipment**

**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 section is to provide the Superintendent with a specific source of needed information in order to aid in the management of Eagle Mountain pretreatment program.

## LEGAL AUTHORITY

United States Code of Federal Regulations 40 CFR 403 and 503.

Eagle Mountain Ordinance.

## PROGRAM

### POTW Design Information

The attached design sheet includes design information for the Eagle Mountain wastewater treatment facility.

### Sludge Management

Eagle Mountain must evaluate the need to technically evaluate the need to develop local discharge limits for protection of many treatment operations including the beneficial reuse of the POTW sludge.

Eagle Mountain currently disposes of solids by wasting to TSSD or by landfilling. Sludge management practices should be in accordance with 40 CFR Part 503 and the POTWs sludge permit. For beneficial reuse of sludge, all efforts should be employed to comply with Table III values for pollutant concentrations. The Region VIII biosolids manual should be used in conjunction with this section.

### Multijurisdictional Situations

If Eagle Mountain agrees to service users outside its jurisdiction, it will need to obtain an agreement with each political subdivision that it services. This agreement will call for the implementation of Eagle Mountain pretreatment program within the political subdivision by an exact or similar ordinance. In addition, the following items should be addressed in the agreement:

1. Who is to identify industrial users?

2. Who will issue permits?

3. Who will provide inspection and sampling in accordance with the program requirements?

4. Who will review all reports submitted?

5. Who will notify IU's of violations and take appropriate enforcement action as required in accordance with the Enforcement Response Plan.

The agreement should allow Eagle Mountain to take over enforcement action against any IU should the contributing jurisdiction fail to do so in an effective and timely manner.

In accordance with section 5.8 of the Ordinance, Eagle Mountain may also issue a permit to the contributing jurisdiction requiring it to comply with all requirements of the pretreatment program directly.

**Eagle Mountain Organization**

Eagle Mountain's pretreatment program is part of the wastewater department. The department superintendent is also the program superintendent. The wastewater foreman is also the pretreatment coordination. The responsibilities listed below for each position associated with pretreatment are included in the work completed by or delegated by the personnel listed. Pretreatment tasks which should be assigned to specific positions and included in the position descriptions are as follows:

| | | |
|---|---|---|
| 1. | Development and Maintenance of Industrial User Survey | Pretreatment Coordinator |
| 2. | Technical Review of IU Applications | Pretreatment Coordinator |
| 3. | Site Inspection of IU Facilities | Pretreatment Coordinator |
| 4. | Permit Preparation | Pretreatment Coordinator |
| 5. | Permit Review | Superintendent |
| 6. | Issuance of Permit and Signature Authority | Pretreatment Coordinator |
| 5. | Inspections | Pretreatment Coordinator |
| 6. | Sampling/Chain of Custody | Pretreatment Coordinator |
| 7. | Laboratory Analysis | Contract lab |
| 8. | Legal Assistance and Advice | City Attorney |
| 9. | Clerical Duties | Pretreatment Coordinator |
| 10. | Enforcement Responsibilities | Pretreatment Coordinator |
| 11. | Overall Program Management/Administration | Pretreatment Coordinator |

It is anticipated that the personnel assigned are adequate for the implementation of the pretreatment program. As the number of industrial users increases there will be a need to hire additional personnel. In general there should be one FTE per 5 to 15 permits issued. Additional FTEs will be needed to assist with assessing user fees, unpermitted programs (such as FOG programs and mercury control programs) and non-residential customers.

**Pretreatment Program Equipment**

Some or all of the following recommended equipment should be available for implementation of the pretreatment program.

Eagle Mountain should substitute the actual list of available equipment here.

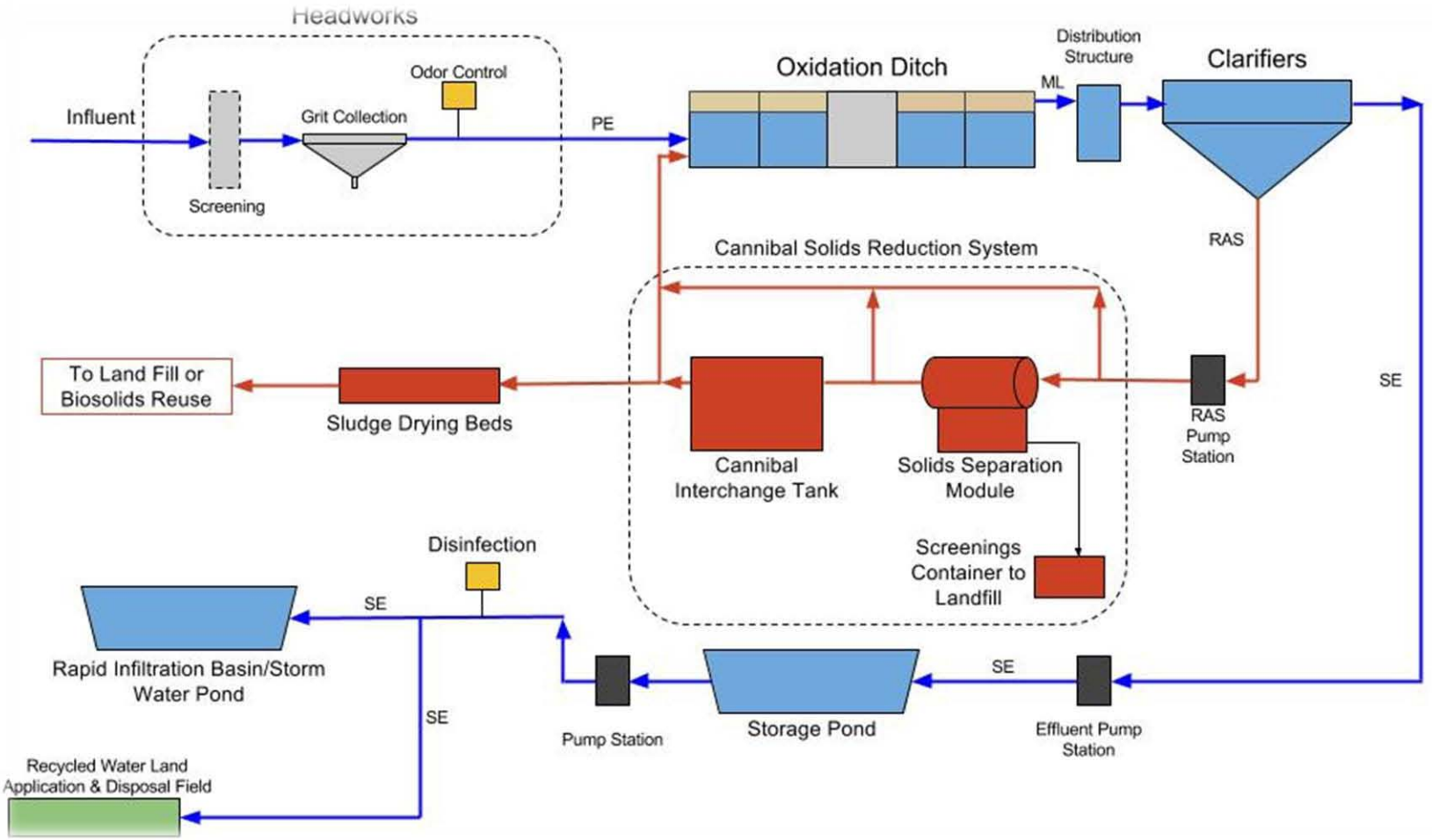
Sampling Equipment

1. Sampling Van or Truck with appropriate equipment
2. Automatic Composite Samplers
3. Flow Meters
4. Gas Detectors for Confined Space Access
5. Confined Space Safety Equipment
6. Self Contained Breathing Apparatus
7. Manhole Access Tripod
8. Safety Equipment and Protective Clothing

Analytical Equipment

1. Portable pH Meters
2. Portable Oxygen Meters
3. Conventional Pollutant Analysis Equipment
4. Gas Chromatograph
5. GC/MS
6. Atomic Adsorption Spectrophotometer

It should be noted that some of the analytical equipment may be located at Eagle Mountain in-house laboratory or at a contract laboratory.


Headworks
Influent
Odor Control
Grit Collection
Screening
PE
Oxidation Ditch
Distribution Structure
ML
Clarifiers
RAS
Cannibal Solids Reduction System
To Land Fill or Biosolids Reuse
Sludge Drying Beds
Cannibal Interchange Tank
Solids Separation Module
RAS Pump Station
SE
Screenings Container to Landfill
Disinfection
SE
Rapid Infiltration Basin/Storm Water Pond
SE
Pump Station
Storage Pond
SE
Effluent Pump Station
Recycled Water Land Application & Disposal Field

| Design Parameter | Units | Design Value Phase 1 | Design Value Phase 2 |
|---|---|---|---|
| **General** | | | |
| Average Design Flow | MGD | 1.2 | 2.4 |
| Peak Design Flow | MGD | 2.4 | 4.8 |
| Influent BOD5 Load | mg/l | 210 | 210 |
| Influent TSS Load | mg/l | 210 | 210 |
| Influent TKN Load | mg/l | 40 | 40 |
| **Lift Station** | | | |
| **Submersible Pumps** | qty | 2 | 3 |
| Pump Horsepower | each | 20 | 20 |
| Pump Capacity | MGD | 2.4 | 4.8 |
| **Headworks** | | | |
| **Influent Grinder** | qty | 1 | 2 |
| Grinder Horsepower | each | 5 | 5 |
| Grinder Capacity | MGD | 2.5 | 2.5 |
| **Influent Screen** | qty | 1 | 2 |
| Screen Horsepower | each | 1 | 1 |
| Screen Capacity | MGD | 2.5 | 2.5 |
| **Washer Compactor** | qty | 1 | 2 |
| Washer Compactor Horsepower | each | 2 | 2 |
| Washer Compactor Capacity | MGD | 2.5 | 2.5 |
| **Grit Removal (Vortex Type)** | qty | 1 | 2 |
| Grit Removal Horsepower | each | 0.75 | 0.75 |
| Grit Removal Capacity | MGD | 2.5 | 2.5 |
| **Grit Pump** | qty | 1 | 2 |
| Grit Pump Horsepower | each | 10 | 10 |
| Grit Pump Capacity | MGD | | |
| **Classifier (Screw Conveyor)** | qty | 1 | 1 |
| Classifier Horsepower | each | 1 | 1 |
| **Odor Control Exhaust Fan** | qty | 1 | 1 |
| Odor Control Horsepower | each | 3 | 3 |
| **Secondary Treatment w/Denitrification** | | | |
| **Orbal System w/ Anaerobic Zone** | MGD | 1.2 | 2.4 |
| **Aerators in Outer Ring (Future)** | qty | - | 3 |
| Outer Aerators Horsepower | each | - | 30 |
| Discs per Outer Aerator | qty | - | 36 |
| **Aerators in Center Ring** | qty | 3 | 4 |
| Center Aerators Horsepower | each | - | - |
| Discs per Center Aerator | qty | 36 | 36 |

| | | | |
|---|---|---|---|
| **Aerators in Inner Ring** | qty | 3 | 4 |
| Inner Aerators Horsepower | each | 60 | 60 |
| Discs per Inner Aerator | qty | 36 | 36 |
| **Mixer in Anoxic Zone** | qty | 1 | - |
| Mixer Horsepower | each | 3 | - |
| **Secondary Clarifier** | qty | 2 | 3 |
| Clarifier Type | - | circ. center feed | circ. center feed |
| Clarifier Diameter | feet | 60 | 60 |
| Clarifier Horsepower | each | 0.5 | 0.5 |
| **RAS Pumps (Centrifugal)** | qty | 2 | 3 |
| RAS Pumps Horsepower | each | 15 | 15 |
| RAS Pumps Capacity | MGD | 1.8 | 1.8 |
| **Solids Separation Module** | | | |
| **Screen** | qty | 1 | 1 |
| Screen Horsepower | each | 1.5 | 1.5 |
| Screen Capacity | MGD | 2.4 | 2.4 |
| **Oil Lubrication Pump** | qty | 1 | 1 |
| Pump Power, Watts | each | 50 W, 110 V 60Hz | 50 W, 110 V 60Hz |
| Pump Capacity | - | 6 C0-In/Min | 6 C0-In/Min |
| **Screw Press** | qty | 1 | 1 |
| Press Horsepower | each | 5 | 5 |
| Press Capacity | MGD | 53 FT3/HR | 53 FT3/HR |
| **Cyclone Feed Pump** | qty | 1 | 1 |
| Pump Horsepower | each | 5 | 5 |
| Pump Capacity | - | 64 GPM @ 30 PSI | 64 GPM @ 30 PSI |
| **Cannibal** | | | |
| **Mixer** | qty | 1 | 2 |
| Mixer Horsepower | each | 15 | 15 |
| Decanter | qty | 1 | 2 |
| **Effluent Pump Station** | | | |
| **Vertical Turbine Pumps** | qty | 2 | 3 |
| Pump Horsepower | each | 15 | 15 |
| Pump Capacity | MGD | 2.4 | 2.4 |
| **Disposal Pump Station** | | | |
| **Vertical Turbine Pumps** | qty | 2 | 3 |
| Pump Horsepower | each | 15 | 15 |
| Pump Capacity | MGD | 2.4 | 2.4 |
| **Disinfection** | | | |
| **Vertical Turbine Pumps** | qty | 1 | 1 |
| Pump Horsepower | each | 2 | 2 |

**Pretreatment Program**
**Section 8**
**Attorney's Statement**

I am the attorney for Eagle Mountain, and the following Statement is submitted pursuant to the requirements contained in 40 CFR 403.9(b)(1) regarding the legal authority for Eagle Mountain to implement its pretreatment program.

It is my opinion that Eagle Mountain has adequate authority to carry out the program described in 40 CFR 403.8 based upon the authority granted to Eagle Mountain pursuant to the provisions of Utah Administrative Code R317-8-8 and Section 10-1-202 of the Utah Code Annotated, 1953, as amended, and as implemented by Eagle Mountain Wastewater/Pretreatment Ordinance as revised and amended _____.

The following references to the legal authority requirements of 40 CFR 403.8(f)(1) and (2) are correlated with the appropriate sections of Eagle Mountain Wastewater/Pretreatment Ordinance and Pretreatment Program:

403.8(f)(1)(i)

A permit is required prior to the time that an industrial user is allowed to connect to Eagle Mountain's system pursuant to Section 5.1 of the Ordinance. The permitting procedure is described in Section 3-C of the Pretreatment Program of Eagle Mountain. Permits issued by Eagle Mountain contain restrictions and conditions in accordance with the pretreatment program and specifically Chapter 5 of the Ordinance. Permit transfers are prohibited, unless approved in advance by the Superintendent under Section 5.5 and discharge permits are issued for a specified period of not to exceed five years. Permits may be modified under Section 5.4 upon enactment of national categorical pretreatment standards and are further subject to modification by Eagle Mountain where just cause exists. Eagle Mountain's enablement to issue permits to deny or condition new or increased contributions of pollutants is found in Title 19, Chapter 5 of the Utah Code Annotated, 1953, as amended. Specifically, the provisions of Section 19-5-115(10) provide that any political subdivision of the State of Utah may enact and enforce ordinances or rules for the implementation of Chapter 5 of Title 19 which are not inconsistent with that chapter. Sections 10-1-201 and 10-8-14(2) of the Utah Code Annotated, 1953, as amended, authorizes Eagle Mountain construct, maintain and operate sewer collection and treatment systems and to adopt regulations for the orderly operation of Eagle Mountain and generally to do all things and perform, or caused to be performed, all acts that are necessary or desirable in the conduct of its affairs and in the operation of the properties of Eagle Mountain including its treatment facilities. Eagle Mountain may require pretreatment of industrial and commercial wastes and sewage that would otherwise place an undue burden on the collection system or the treatment facilities of Eagle Mountain. By ordinance, Eagle Mountain has adopted ordinances enacting the Wastewater/Pretreatment Ordinance of Eagle Mountain as updated and revised to _____ in order to comply with the requirements of 40 CFR 403.8. The authority of the cities/counties/districts to adopt such an ordinance is found in Utah Administrative Code R317-8-8 and Section 10-1-202 of the Utah Code Annotated, 1953of the Utah Code Annotated, 1953, as amended. All operative provisions are contained in the Wastewater/Pretreatment Ordinance and respective Sections of Eagle Mountain's Pretreatment Program.

403.8(f)(1)(ii).

The authority to require industrial users to comply with national pretreatment standards, prohibitive discharge standards and local limits is based upon exactly the same sources as Eagle Mountain's authority to deny or condition new or increased contributions of pollutants. The sources of authority are set forth in the preceding paragraphs.

403.8(f)(1)(iii).

Eagle Mountain will control, through permit, the contributions to its treatment plant by each significant industrial user. Eagle Mountain's enablement to enter into such permits is found in Title 19, Chapter 5, the Utah Code Annotated, 1953, as amended. Permits will be issued by Eagle Mountain pursuant to the provisions of Eagle Mountain's Wastewater Pretreatment and Ordinance adopted by Resolution of the City Council of Eagle Mountain on _____.

403.8(f)(1)(iv).

A user who is not in compliance with the requirements of the Wastewater and Pretreatment Ordinance concerning pretreatment standards is required to be in compliance within a stated time in order to enjoy the continued use of Eagle Mountain's facilities. Compliance is required under the terms of the Permit and the Wastewater/Pretreatment Ordinance. Compliance reports are required under Section 6 of the Ordinance. Chapters 6 and 7 pertaining to reporting and monitoring for industrial users provides requirements for sampling, self-monitoring, compliance schedules, submission of technical reports and the maintenance of appropriate records. Section 3-D of Eagle Mountain's Pretreatment Program contains self-monitoring requirements and procedures. Enabling authority for these rules, regulations and the related permit are set forth in the preceding paragraphs.

403.8(f)(1)(v).

Authority to conduct all inspections, surveillance, or monitoring procedures necessary to determine compliance with applicable pretreatment standards and regulations is provided in Eagle Mountain's Ordinance and in the applicable sections of Eagle Mountain's Pretreatment program. Provisions relating to monitoring, inspections, etc., are contained in Chapter 7 of the Wastewater/Pretreatment Ordinance of Eagle Mountain. Sources of enabling authority are set forth in the preceding paragraphs. The control mechanism to assure pretreatment standards will be met is the permit issued by Eagle Mountain to industrial users.

403.8(f)(1)(vi).

Eagle Mountain may seek legal and equitable remedies for non-compliance with its pretreatment standards and requirements in accordance with the provisions of Chapters 10, 11, and 12 of the Wastewater/Pretreatment Ordinance and pursuant to Eagle Mountain's Enforcement Response Plan contained within Section 3-G of Eagle Mountain's Pretreatment Program. An injunction, including a temporary restraining order, will be available for violation of the pretreatment requirements pursuant to Utah

Rules of Civil Procedures 65A. In addition to the foregoing, pursuant to Section 10.8 of the Wastewater/Pretreatment Ordinance Eagle Mountain may terminate, or cause to be terminated sewage treatment service to any user for a violation of any provisions of the Wastewater/Pretreatment Ordinance. Violators are punishable by a fine of $1,000.00 or more per day per violation in accordance with Chapter 10.6 of Eagle Mountain Ordinance. Title 19, Chapter 5 provides enabling authority which may be used by Eagle Mountain through the state in seeking civil penalties not to exceed $10,000.00 per day and criminal fines not exceeding $25,000.00 per day against any person who willfully or with gross negligence, discharges pollutants in violation of the provisions of Title 19, Chapter 5 or violates any conditions or limitations included in a permit issued pursuant thereto, etc. Section 10.7 of the Wastewater/Pretreatment Ordinance allows Eagle Mountain to suspend sewer service to stop an actual or threatened discharge which does or may present an endangerment to person or the environment or interference with Eagle Mountain's facilities or a violation of its UPDES Permit. Damages are also available at common law for persons injuring the property and facilities of Eagle Mountain.

403.8(f)(1)(vii).

Confidentiality requirements are met in Section 8 of the Wastewater/Pretreatment Ordinance.

403.8(f)(2)(i).

Eagle Mountain will implement the Pretreatment Program Requirements set forth in 40CFR 403.8 by issuing a discharge permit to all significant industrial users now connected or proposing to connect to the system and by identifying users which are subject to the pretreatment program through inspections, etc. The industrial waste survey is contained in Section 3-A of Eagle Mountain's Pretreatment Program. Industrial user identification, review and permit development procedures are contained in Sections 3-A, 3-B, and 3-C of the Program.

403.8(f)(2)(ii).

Each industrial user, when obtaining a permit, is required pursuant to Section 4 of the Wastewater/Pretreatment Ordinance, to identify the character and volume of pollutants contributed to Eagle Mountain's facilities by such industrial user. Disclosure includes the quantity and quality characteristics of the discharge together with the quality and specific nature of any pollutants in the discharge which are limited by any federal, state or local pretreatment standards or requirements. Monitoring and testing by the industrial user or Eagle Mountain may also provide for the identification of character and volume of pollutants contributed by such industrial users.

403.8(f)(2)(iii).

Provisions of the discharge permit issued to each industrial user and the permit conditions contained in Section 5.3 of the Wastewater /Pretreatment Ordinance, requires notification of each industrial user of the applicable pretreatment standards and requirements. Under Section 10.1 of the Ordinance, Industrial users are notified of any violations of their

wastewater discharge permit or any limitations or requirements contained in the Wastewater/Pretreatment Ordinance. The RCRA notification procedures are contained in Section 3-F of the Pretreatment Program along with other [Eagle Mountain] notification procedures. The RCRA notice requirement is also set forth in the industrial wastewater discharge permit.

403.8(f)(2)(iv).

Each industrial user is required to comply with self-monitoring requirements and procedures contained in Section 3-D of the Pretreatment Program and to submit appropriate self-monitoring and compliance reports as provided in the Permit, Program, and the Wastewater/"Pretreatment Ordinance.

403.8(f)(2)(v).

Eagle Mountain [Superintendent] and his representatives have authority to conduct random sampling and to analyze effluent from industrial users and to conduct surveillance inspection activities in order to identify, independent of information supplied by the industrial user, occasional and continuing non-compliance with pretreatment standards. Section 7.1 of the Wastewater/Pretreatment Ordinance allows Eagle Mountain [Superintendent] or his representatives ready access at all reasonable time to all parts of the premises for the purpose of conducting such monitoring and inspections. Failure to allow admission to the premises may result in sewer services to those premises being discontinued pursuant to Section 10.8.

403.8(f)(2)(vi).

Eagle Mountain's Superintendent investigates non-compliance as recorded by the reports provided by industrial users. Non-compliance may be indicated by analysis, inspection and surveillance activities of Eagle Mountain. Sampling and chain of custody procedures are contained in Section 3-D of Eagle Mountain's Pretreatment Program. Inspection and sampling provisions are contained Section 7 of the Wastewater/Pretreatment Ordinance.

403.8(f)(2)(vii).

Participation, including annual publication of users violating the standards is provided through Eagle Mountain's newspaper notification procedure contained in Section 3-I the Pretreatment Program and in accordance with the provisions of Section 9 of the Wastewater/Pretreatment Ordinance which provides that a list of users significantly violating any pretreatment requirements or standards during the previous twelve months be published annually in the newspaper with the largest general circulation within the boundaries of Eagle Mountain.

Very truly yours,

BY:
Attorney for Eagle Mountain

Dated: _____