

ATTACHMENT J

PRETREATMENT PROGRAM DEVELOPMENT REQUIREMENTS

Within 270 days of the effective date of the permit, the Permittee shall submit a completed pretreatment program to the Director for approval. The proposed pretreatment program must satisfy the requirements of 40 CFR § 403.8 and the permittee's request for approval must conform to the requirements of 40 CFR § 403.9. Additionally, the submittal should be consistent with **Pretreatment Program Development and Approval Standard Requirements** attached below.

1. A pretreatment program submitted for approval shall contain the following:
 - a. Development of specific effluent limits (local limits) for Industrial User(s), and all other users, as appropriate, which together with appropriate changes in the POTW Treatment Plant's Facilities or operation, are necessary to ensure continued compliance with the POTW's NPDES permit or sludge use or disposal practices. Specific local limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond. Within 270 days of the effective date of this permit, the permittee shall prepare and submit a written technical Local Limit report to the EPA. As part of this report, the permittee shall assess how the POTW performs with respect to influent and effluent of pollutants, water quality concerns, sludge quality, sludge processing concerns/inhibition, biomonitoring results, activated sludge inhibition, worker health and safety and collection system concerns. The Permittee shall carry out the Local Limits report in accordance with EPA's Local Limit Development Guidance (July 2004).
 - b. An evaluation by the City Solicitor, or a public official acting in a comparable capacity, of the legal authority of the permittee to apply and enforce the requirements of Sections 307(b), 307(c) and 402(b)(8) of the CWA. In accordance with 40 CFR Section 403.8(f)(1), this evaluation shall specifically address the permittee's authority to:
 - (1) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants to the POTW by industrial users;
 - (2) Require compliance with applicable pretreatment standards and requirements by industrial users;
 - (3) Control, through permit, contract, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements;
 - (4) Require (A) the development of a compliance schedule by each industrial user for the installation of facilities required to meet applicable pretreatment standards and

- requirements and (B) the submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including but not limited to the reports required in 40 CFR Section 403.12;
- (5) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which an effluent source or treatment system is located or in which records are required to be kept under 40 CFR Section 403.12(o) to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under Section 308 of the CWA; and
 - (6) Obtain remedies including injunctive relief (such as discharge termination) and assessment of penalties for non-compliances with any pretreatment standard or requirement or for violation of any of the program requirements set forth in subparagraphs (1) through (5) above.
- c. Where the City Solicitor or comparable public official finds that the permittee does not have the authority outlined above, the permittee shall identify what additional authority is needed and submit a plan and schedule for obtaining it by the program submittal date;
2. The pretreatment program submitted for approval shall contain the following:
- a. An evaluation of staffing needs and funding to implement its pretreatment program. An estimate of personnel needed to 1) establish and track schedules of compliance, 2) receive and analyze monitoring reports, 3) conduct independent sampling and analysis as necessary, 4) investigate instances of non-compliance, 5) take enforcement actions, and 6) comply with the public participation requirement of 40 CFR Section 403.8(f)(2)(viii), shall be included. The discussion of funding shall include a description of the sources of funding and an estimate of the program costs;
 - b. A discussion of its pretreatment strategy for all of the industries identified. The permittee shall identify the manner in which it will implement the program requirements set forth in 40 CFR Section 403.8, including the means by which pretreatment standards will be applied to individual users (e.g., by Order, Permit, Ordinance, Contract, etc.). This discussion shall include an enforcement response plan to assure industry compliance with local pretreatment requirements, federal prohibited discharge standards, federal categorical pretreatment standards, and the industrial reporting requirements of 40 CFR Sections 403.12(b)-(h);
 - c. The design of a monitoring program which will implement the requirements of 40 CFR Sections 403.8 and 403.12, and in particular those requirements referenced in 40 CFR Sections 403.8(f)(1)(iv-v), 403.8(f)(2)(iv-vii), and 403.12(h-j)(1)-(n);

- d. A list of additional monitoring equipment required by the POTW to implement the pretreatment program and, a description of municipal facilities to be constructed, if any, for monitoring or analysis of industrial wastes; and
 - e. Specific POTW effluent limitations (local limits) for pollutants introduced into the POTW by industrial users which may pass through the POTW of interfere with the operation of performance of the works as required by 40 CFR Section 403.5(c) and 403.8(f)(4).
3. The Permittee's complete pretreatment program is subject to revisions by EPA during the term of this permit and prior to renewing this permit under Section 301(h) of the CWA.

Pretreatment Program Development and Approval Standard Requirements

Within 270 days of the effective date of the permit, the permittee shall submit to EPA an approved Industrial Pretreatment Program consistent with the requirements of 40 CFR 403.8(f). The Industrial Pretreatment Program submission shall consist of the following chapters:

Chapter 1 - Organization and Multi-jurisdiction Implementation

This chapter would describe the overall program structure as well as contain descriptions of the treatment plants, collection systems, and the service area including political boundaries.

Chapter 2 - Legal Authority

This chapter would contain a sewer use ordinance and all multi-jurisdictional agreements consistent with requirements of 40 CFR 403.8(f)(1). The sewer use ordinance shall be submitted as a final draft ready for adoption and implementation pending EPA approval.

Chapter 3 - Local Limits

This chapter would contain the technical basis for the local limits. It will include the analyses necessary to determine the maximum headworks loadings for the wastewater treatment plant and the maximum pollutant levels protective of the collection system, as well as the method of allocating allowable loadings to the users, a schedule of public hearings and outreach, and the ordinance adoption procedures. (This chapter must contain a survey quantifying the zinc loading discharged to the treatment plant both from domestic and non-domestic sources, and an overall control strategy for minimizing zinc loadings into the wastewater treatment plants.) Local limitations can be numerical concentrations, mass loading limits or best management practices, but must be carried out in accordance with EPA's Local Limit Development Guidance (July 2004).

Chapter 4 - Identification of Non-domestic Users

This chapter would contain the procedures used on-going updates to the Industrial Pretreatment Program. This chapter would also include the current inventory of industrial users, by non-domestic sewer connection, and of any zero-discharging categorical industrial users (if applicable) who comply with their Federal standards by not discharging process wastewaters.

The inventory must indicate the following for each industrial user and zero-discharging categorical industrial user:

1. Whether it qualifies as a significant industrial user;
2. The average and peak flow rates;

3. The SIC code;
4. The pretreatment-in-place, and;
5. The local permit status.

Chapter 5 - Permits and Fact Sheets

This chapter would describe the permitting procedures and include a fact sheet and final draft permit for each significant industrial user to be issued upon approval of the local limits and revised ordinance by EPA. The fact sheets must indicate the following for each significant industrial user:

1. The industry name, address, owner or plant manager;
2. The permit expiration date (not to exceed five years in duration);
3. A description of the facility including the products made or services provided, building names, the process in each building, and when current operations began;
4. The identification of each sewer connection;
5. A description of the contributing waste streams that comprise each identified non-domestic discharge into the sewers;
6. The pretreatment-in-place for each identified non-domestic discharge to the sewers;
7. The classification by Federal point source category and the reasons justifying this classification;
8. The applicable Federal categorical pretreatment standards (adjusted if necessary to account for dilution), supporting production data (if necessary), and the compliance sampling point(s) where the standards apply;
9. The pollutants of concern and the compliance sampling point(s) where the local limits apply;
10. A site map indicating the locations of all compliance sampling point(s), sewer connections, and sewer laterals;
11. The sampling frequency by regulated pollutant for each compliance sampling point, and the supporting statistical rationale, to ensure that the sampling is representative of the wastewater discharge variability over the reporting period;
12. The sampling protocol by regulated pollutant for each compliance sampling point to ensure that the samples collected to determine compliance with Federal standards are representative of the sampling day's discharge.

Chapter 6 - Compliance Monitoring

This chapter would describe the industrial user self-monitoring program and the POTWs oversight monitoring program. The compliance monitoring program must ensure that all sampling is representative over the reporting period and that each sample collected to determine compliance with Federal standards is representative of the sampling day's discharge. The compliance monitoring

program must also set analytical detection limits that are sufficiently below Federal standards and local limits to allow the determination of non-compliance.

Chapter 7 - Enforcement

This chapter would establish the enforcement response plan to be used to address, at a minimum, each of the following types of violations:

1. Isolated and chronic violations of permit effluent limits;
2. Violations of permit effluent limits that result in any adverse impacts upon the treatment works such as pass-through, interference, sludge contamination, sewer line degradation, explosive or inflammability risks, or worker health and safety risks;
3. Failure to self-monitor or report;
4. The bypassing of pretreatment necessary to comply with permit effluent limits;
5. Dilution as a substitute for treatment necessary to comply with Federal categorical pretreatment standards;
6. The bypassing of compliance sampling or the tampering with sampling equipment;
7. Willful or negligent violations.

Chapter 8 - Resources

This chapter would cover the budget, staffing and equipment needs of the pretreatment program.

Chapter 9 - Public Participation and Confidentiality

This chapter would describe the administrative procedures required under 40 CFR 403.8(f)(1)(vii) and 403.8(f)(2)(viii).