NPDES Inspection Report - Stormwater Industrial

National Database Information	
Inspection Date: 8/24/2023	Inspection Type: Industrial Stormwater
Entry/Exit Time: 10:53 am / 11:45 pm	NPDES ID Number: NDU000106
SIC Code: 4212, 1794 and 1389. Provided by the facility in their July 24, 2023 response to EPA's May 24, 2023, Section 308 information request.	Inspection ID: 202308_NDU000106
Lead Inspector and affiliation: Akash Johnson / EPA Region 8	
Inspector and affiliation: Brit Rustad / EPA Region 8	

Facility Location Information	
Site/Facility Name and Location: Mongoose Trucking & Hot Shot, LLC 302 2nd Ave NE, Parshall, ND 58770	Email Report to: Eric Sundberg esundberg@slawsoncompanies.com

Contact Information	
Facility Contacts:	Name/Title
	Robert (Bobby) Deman / General Manager / primary lead and present during the inspection
Owner, operator, and permittee information: The site is owned by Alameda Oilfield Services Trust according to the facility's July 24, 2023 response to EPA's May 24, 2023 Section 308 information request. The site is operated by Mongoose Trucking & Hot Shot, LLC according to the facility's July 24, 2023 response to EPA's May 24, 2023 Section 308 information request.	

Permit Information	
Is the permit on site and available? unpermitted	Date NOI Submitted: unpermitted
Effective Date: unpermitted	Expiration Date: unpermitted
Latitude: 47.95678 N	Longitude: -102.12738 W
Receiving Water(s): East Fork Little Shell Creek, if a discharge were to occur	Impairments: Did not evaluate
Regulatory Inspector's source of information: Facility representative, facility observations, facility's July 24, 2023 response to EPA's May 24, 2023 Section 308 information request, sent by facility.	

Areas Evaluated During Inspection		
Permit	Self-Monitoring Program	**Pollution Prevention**
Records	Compliance Schedule	**Stormwater**
Facility Site Review	Laboratory	No Exposure
Effluent/Receiving Waters	**Operations and Maintenance**	Other:
Flow Measurement	Sludge Handling/Disposal	Other:

NPDES Inspection Report - Stormwater Industrial

Report Review and Signature		
Drafter Name	Address/Phone Number	Date
BRIT RUSTAD Digitally signed by BRIT RUSTAD Date: 2023.10.11 08:15:17 -06'00' **Brit Rustad**	**U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202 303-312-6885**	**8/28/2023**
Reviewer Name	Address/Phone Number	Date
Akash Johnson	**U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202 303-312-6067**	**9/1/2023**
Supervisor Signature/Name	Address/Phone Number	Date
EMILIO LLAMOZAS Digitally signed by EMILIO LLAMOZAS Date: 2023.10.11 07:52:46 -06'00' **Emilio Llamozas**	**U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202 303-312-6407**	**10/3/2023**

Inspection Narrative and Site Description

On August 24, 2023, U.S. Environmental Protection Agency (EPA) inspectors Brit Rustad and Akash Johnson conducted an inspection of the Mongoose Trucking & Hot Shot, LLC (Mongoose Trucking) facility, located at 302 2nd Ave NE, Parshall, North Dakota (facility), to evaluate compliance with applicable Clean Water Act (CWA) and National Pollutant Discharge Elimination System (NPDES) requirements, including evaluating the facility's potential to discharge stormwater from industrial activities. The EPA sent Mongoose Trucking a Clean Water Act Section 308 information request (308 information request) pursuant to the facility on May 24, 2023, to which a response was received on July 24, 2023. The inspection was announced 2 days prior to the inspection.

The inspection began at approximately 10:53 AM, when the EPA inspectors met with Robert (Bobby) Deman, the General Manager for Mongoose Trucking, at the facility office. The group then drove to the nearby facility maintenance shed and storage yard. The EPA inspectors presented their credentials and had a brief opening conference on site to explain the purpose of the inspection. The inspectors then walked the facility and asked Bobby questions to help the inspectors evaluate what activities occur on site and what runoff conditions look like after a precipitation event. Throughout the inspection, the inspectors noted their observations in notebooks. Photographs taken during the inspection are included in the attached photo log.

The facility's primary operation is to transport produced water from oilfield operations. They also provide hydrovacing, hot shot and other basic oil field tucking services. In addition, there is an onsite indoor maintenance shop for general equipment and vehicle maintenance and an outdoor fueling station. According to information provided by Bobby during the inspection and in a follow-up phone call, all produced water is disposed of offsite rather than stored on site, including any process water found in the scrubbers on the trucks. In their response to the 308 information request, Mongoose Trucking indicated facility operations fall under SIC codes 4212, 1794 and 1389. Bobby guessed the

Inspection Narrative and Site Description

trucking area had been expanded to the east roughly 3 years earlier to accommodate more truck parking, and indicated the expansion remained on Mongoose Trucking property.

The facility site walk began by walking the interior of the maintenance shop and observing equipment and vehicle maintenance practices as well as materials storage (photos 506-508). Bobby indicated that all spills are cleaned up immediately and that the in-ground oil change pit does not discharge but is pumped out when full. After the shop, inspectors walked along the west side of the shop and observed numerous used oil totes stacked outside on top of secondary containment (photo 509). Bobby stated used oil is typically stored onsite for eventual use in the oil heater inside the maintenance shop during colder parts of the year, and is not typically hauled offsite.

Next inspectors viewed the swale along the west side of the shop to evaluate for site runoff (photo 511). No water was seen at the time of the inspection even though it had rained the night before, however there was evidence that water had flowed through the swale at some point. Inspectors proceeded to inspect the berm that had been constructed on the south side of the facility (photos 512-513). There were a few low lying areas where runoff had ponded but dissipated and there was no evidence of overtopping.

Next the inspectors observed the eastern perimeter berm where the majority of site runoff is concentrated. There was a large muddy area against the central portion of the eastern berm where runoff had ponded (photo 518) in the recent precipitation event, but it appeared runoff had been held onsite by the perimeter berm. The topographic map provided in the 308 information request response indicates a low point where flow arrows pass through the berm at this point, but the berm was intact at the time of the inspection. There was sediment deposition on the east side of the berm, outside of the perimeter control, indicating runoff may have left the site at this location in the past (photos 515-516). An erosion rill as well as deposited aggregate from the parking area could be seen extending from the perimeter berm approximately 5-10 feet in the direction of the East Fork of Little Shell Creek, which was roughly 30-50 feet east of the berm. Inspectors next walked the northern perimeter and finally the fuel island (photos 520-521).

After the inspection of the facility, the inspectors held a closing conference with Bobby onsite where they discussed observations and answered any questions.

Finding 1:

It appears stormwater discharges associated with industrial activity may have been previously discharged from the facility, as evidenced by sediment deposition on the east side of the berm, outside of the perimeter control (photos 515-516), and the topographic map provided by Mongoose Trucking in their July 24, 2023 response to the EPA's May 24, 2023 308 information request, which depicts a low point where flow arrows pass through the berm at the facility's eastern perimeter.

At the time of the inspection, the eastern berm appeared intact.

Inspection Narrative and Site Description
Statutory Requirement: In order to restore and maintain the integrity of the nation's waters, section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into waters of the United States, unless authorized by certain other provisions of the CWA, including section 402 of the CWA, 33 U.S.C. § 1342. Section 402 of the CWA, 33 U.S.C. § 1342, establishes a National Pollutant Discharge Elimination System (NPDES) program, under which the EPA, and states with authorization from the EPA, may permit discharges of pollutants into navigable waters, subject to specific terms and conditions. **Regulatory Requirement:** 40 C.F.R. § 122.26(b)(14) defines "storm water discharge associated with industrial activity," which includes some of the SIC codes associated with operations at the facility. **Corrective Action:** Provide the EPA with an explanation for Mongoose Trucking's topographic map with flow arrows indicating that runoff can pass through the east berm. Additionally, explain the presence of an erosion rill and sediment plume on the opposite side of the east berm (photos 515-516). Lastly, explain the facility's procedure for removal of impounded stormwater runoff during large events in the southeast corner of the site. Should the facility discharge stormwater associated with the industrial activities outlined in 40 C.F.R. § 122.26(b)(14) or Appendix D of the EPA's Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity (accessible here: https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp), authorization to discharge in accordance with the conditions of the MSGP is required. Ensure no such discharges occur from the facility or obtain MSGP coverage before stormwater discharges occur. **Finding 2:** During the inspection there were numerous totes, filled with used oil, stored outside and exposed to stormwater. There was some secondary containment below the totes but their capacity was not calculated at the time of the inspection. **Recommendation:** It is recommended that any sources of potential pollution either have their exposure to stormwater minimized by being stored inside or have adequate secondary containment to prevent accidental spills or leaks.

I. National Database Information			
Inspection Date:	9/25/23 to 9/27/23	**NPDES ID Number:**	CO0039624
Entry/Exit Time:	2:00 pm / 8:45 am	**Inspection ID:**	202309_CO0039624
Inspection Type:	Pretreatment Compliance Inspection (PCI)		

II. Facility Location Information	
Name:	City of Montrose (City)
Location:	3315 N Townsend Ave., Montrose, Colorado 81401
Mailing Address:	Same as above

III. Contact Information		
	Name, Title	**Affiliation**
Facility Representatives:	Hyrum Webb, Wastewater Treatment Plant Lead Operator	City
Regulatory Inspectors:	Emilio Llamozas, Inspector	EPA
	Stephanie Passarelli, Inspector	EPA

IV. Industrial User (IU) Characterization		
IUs currently identified by the Control Authority (CA)	**IU Type**	
0	**Significant Industrial Users (SIUs = CIUs + non-categorical)**	
	0	**Discharging Non-Categorical SIUs (as defined by the CA)**
	0	**Categorical Industrial Users (CIUs)**
	0	**Middle Tier CIUs**
0	**Non-significant CIU (NSCIU)**	
1	**Zero-Discharging with Categorical Process** Ross Reels (anodizing) expected to begin operations in December 2023.	
0	**Other Regulated IUs (e.g. permitted IUs)** **Describe:** N/A	
0	**Waste Haulers** **Describe:** N/A The Montrose Wastewater Treatment Plant does not accept hauled waste.	

V. IU Files Reviewed			
#	**IU Name**	**Permit Type**	**IU inspected during PCI?**
1	Ross Reels Machining	Industrial User	Yes
2	San Juan Fabrication	Industrial User	Yes
3	Primal Pet Group / Prairie Dog Pet Products	Industrial User	Visited facility, but did not perform an inspection.

VI. Inspection Summary
On September 6, 2023, inspector, Emilio Llamozas contacted Hyrum Webb with the City of Montrose (City) to schedule a Pretreatment Compliance Inspection (PCI) of the City's pretreatment program. On September 20, 2023, the City uploaded program and industrial user records to an EPA OneDrive location so the EPA inspectors could review some files prior to the PCI. On September 25, 2023, upon arrival to the City's office, the EPA inspectors, Emilio Llamozas and Stephanie Passarelli, met with the City's representative, Hyrum Webb, Wastewater Treatment Plant Lead Operator. The inspectors presented their inspector credentials and provided business cards to Mr. Webb. The inspectors discussed the purpose and format of the inspection and interviewed the City's representative about the City's pretreatment program. The City owns and operates a wastewater treatment plant (WWTP) that is subject to the pretreatment regulations. The NPDES permit number for the City's WWTP is CO0039624. The NPDES permit was issued by Colorado Department of Public Health and Environment (CDPHE). The EPA directly oversees the implementation of pretreatment programs in Colorado. The City does not have any contributing jurisdictions. In the future, there is a possibility of the City accepting wastewater from the West Montrose Sanitation District. The inspectors indicated that a Intergovernmental Agreement (IGA) on the implementation of the pretreatment program would be needed between the City and West Montrose Sanitation District, if the City decided to accept the wastewater from West Montrose Sanitation District. Throughout the inspection, the inspectors evaluated the City's pretreatment program by referring to and completing a checklist with questions reflecting the federal regulatory requirements at 40 C.F.R. §403. The inspectors then reviewed the Industrial User's files and documents referenced in Part V, above. During the interview and file review, the inspectors also performed a limited cursory review of the adequacy of the City's procedures, and enforcement response plan (ERP) with respect to federal regulatory requirements. On September 26 and 27, 2023, a summary of preliminary findings was discussed with Mr. Webb and is summarized in Part VII, below. On October 13, 2023, the EPA sent an email to the City with the preliminary findings from the inspection. The email also included EPA Pretreatment Guidance Documents and Resources that were requested during the inspection. On October 31, 2023, the City provided a response to the October 13, 2023, preliminary findings email. The City's October 31, 2023, response is incorporated in the inspection report below.

Report Review and Signature		
Drafter Name	Address/Phone Number	Date
EMILIO LLAMOZAS Digitally signed by EMILIO LLAMOZAS Date: 2023.12.27 11:43:45 -07'00'	**U.S. EPA Region 8** **1595 Wynkoop Street** **8ENF-W-NW** **Denver, Colorado 80202**	**12/21/2023**
Emilio Llamozas	**303-312-6407**	
Reviewer Name	Address/Phone Number	Date
Stephanie Passarelli	**U.S. EPA Region 8** **1595 Wynkoop Street** **8ENF-W-NW** **Denver, Colorado 80202**	**12/22/2023**
	303-312-6803	
Supervisor Signature/Name	Address/Phone Number	Date
EMILIO LLAMOZAS Digitally signed by EMILIO LLAMOZAS Date: 2023.12.27 11:49:04 -07'00'	**U.S. EPA Region 8** **1595 Wynkoop Street** **8ENF-W-NW** **Denver, Colorado 80202**	**12/27/2023**
Emilio Llamozas	**303-312-6407**	

VII. Findings Summary Table		
Finding Number – Title from Evaluation	**Corrective Action(s)**	**Recommendation(s)**
IU Characterization		
Finding 1. The City was not implementing its industrial waste survey procedure.	X	X
Finding 2 - The City has not updated or maintained the dental amalgam program inventory as part of their industrial waste survey procedure.	X	
Finding 3 - The City had not fully evaluated Prairie Dog Pet Products to determine if an industrial user permit was required.	X	
Enforcement		
Finding 4 – The ERP did not account for all anticipated types of non-compliance scenarios including significant non-compliance (SNC).	X	

VII. Findings Summary Table		
Finding Number – Title from Evaluation	**Corrective Action(s)**	**Recommendation(s)**
Finding 5 – General Provision 5 of the City's ERP did not align with the requirements in 40 C.F.R. 403.8(f)(5).	X	
Additional Evaluations		
Finding 6 – The City did not have a permanent Pretreatment Coordinator.	X	
Finding 7 – The tumbler soap at Ross Reels was stored without secondary containment on the trench drains that discharges to the City.	No further action needed at this time.	
Finding 8 – Ross Reels new anodizing facility needs to apply for a zero discharge industrial user permit.	X	

III. Evaluation

A. Control Authority (CA) Pretreatment Program Modification

1. When was the last program modification? Did the CA notify the EPA of program modifications? (40 C.F.R. §403.18)

The City's pretreatment program was approved by EPA on September 30, 1985. 40 C.F.R. §403.18 requires the City to submit program modifications to the EPA if it wants to change its approved pretreatment program. Since the initial approval of the pretreatment program, the City has incorporated substantial modifications as approved by the EPA. The EPA approved the last modifications to the City's pretreatment program on July 31, 2020. The modifications included updates to the City's ordinance and new local limits.

B. IU Characterization

1. Describe the procedure for identifying and locating IUs that might be subject to the pretreatment program. Has the CA identified and located all applicable IUs (non-categorical SIUs, CIUs, NSCIUs, etc.)? (40 C.F.R. §403.8(f)(2)(i))

The City indicated that their industrial waste survey procedure requires the City's Finance Department to provide a list of new businesses to the Pretreatment Coordinator. The Pretreatment Coordinator would then send Industrial Waste Survey Questionnaires to the new businesses. The Industrial Waste Survey Questionnaire requires the facility to complete the questionnaire within 10 business days and provide it back to the Pretreatment Coordinator. After receiving and reviewing the completed questionnaires, the Pretreatment Coordinator would then classify each industrial user and notify them of applicable pretreatment requirements. The City developed two checklists to helped them categorize industrial users. The checklists are called "Industry Classification Checklist" and an

"Industry Classification Checklist Assistance." The City indicated that it can also conduct inspections of the potential industrial users to get additional information. In 2022 the City indicated it performed 19 non-SIU inspections. If an industrial user is required to get a permit, the City provides a permit application to the facility. The facility would then complete the permit application and submit it to the City. The City would in turn issue an industrial user permit to the facility with the applicable pretreatment requirements.

The City also has a pretreatment website at the following address:
https://www.cityofmontrose.org/161/Industrial-Pretreatment-Program

The website indicates "According to the Code of Federal Regulations, the city of Montrose is charged with knowing what businesses are in Montrose, regardless of the types of waste they generate. All businesses are required to complete a simple questionnaire. Additional follow-ups will be scheduled for certain types of businesses."

Finding 1. The City was not implementing its industrial waste survey procedure.

The City was not implementing its industrial waste survey procedure which requires the City to:
a. Identify and locate possible industrial users which might be subject to the POTW pretreatment program;
b. Identify the character and volume of pollutants contributed to the POTW by the industrial users identified above;
c. Notify industrial users of applicable pretreatment standards.

The City representative indicated that the City had not been implementing the procedure described above since the previous Pretreatment Coordinator left the City on June 21, 2023 and are looking for trainings in this area. During the inspection, the City representative requested guidance materials on conducting an industrial waste survey. On October 13, 2023, the EPA sent an email to the City with an example of an industrial waste survey procedure from another City.

The City also indicated that two new breweries and one distillery (Storm King Distillery) had moved into the service area, but no industrial user permits were required by the City. The City also indicated that a new distillery called Shelter Distillery was under construction and expected to begin operations in 2024.

During the inspection and in the preliminary findings email, the inspectors requested the following:
1. Finance Department records of new businesses for the years from January 1, 2020 to October 1, 2023.
2. City's documentation for why Shelter Distillery would not need an industrial user discharge permit.
3. The shutdown date for the Summit Laundry and Linen Services previously located at 124 Apollo Road in Montrose, Colorado.
To date the EPA has not received these documents.

On October 31, 2023 the City sent an email indicating that they learned from the Building/Planning Department, and Engineering Department that they are sending Industrial Waste Survey

Questionnaires to any potential business coming to the City who have the potential to adversely affect the wastewater treatment plant, or collection system. They have not provided the Industrial Waste Survey Questionnaires to banks, retail stores, and other similar business. Businesses that were given the Industrial Waste Survey Questionnaires sometimes were sent along to the WWTP/Pretreatment Coordinator for further determination.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(i) states, "The POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:
(i) Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the Regional Administrator or Director upon request;
(ii) Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified under paragraph (f)(2)(i) of this section. This information shall be made available to the Regional Administrator or Director upon request;
(iii) Notify Industrial Users identified under paragraph (f)(2)(i) of this section, of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status."

Corrective Action 1

Implement the City's procedure to identify and locate all possible industrial users which might be subject to the POTW's Pretreatment Program. Ensure that the Finance Department is providing the list of new business to the Pretreatment Coordinator. Ensure that the Industrial Waste Survey Questionnaires are provided to new businesses and that the businesses are completing and providing the completed questionnaires back to the City for review. In your response to the EPA, indicate how the City will correct this finding.

Provide the following documents to the EPA:
1. Finance Department records of new businesses for the years from January 1, 2020 to October 1, 2023.
2. City's documentation for why Shelter Distillery would not need an industrial user discharge permit.
3. The shutdown date for the Summit Laundry and Linen Services.

Recommendation 1

It is recommended that the City coordinate with its Fire Department on identification of new industrial users since the Fire Department is responsible for conducting commercial fire safety inspections of industrial and commercial facilities once a year.

Finding 2 - The City has not updated or maintained the dental amalgam program inventory as part of their industrial waste survey procedure.

Dental facilities in the service area were identified by the City and surveys sent out in 2018; however, routine management and follow up of dental facilities is needed. A review of the dental amalgam program records indicated that several one-time compliance reports were not complete, new dental facilities to the service area had not been identified, and classification and notification of pretreatment standards had not been completed. For example, Montrose Family Dental indicated in their one-time compliance report that they had not installed their amalgam separator. The City needs to follow-up with Montrose Family Dental to ensure that the amalgam separator was installed and certification is received. Follow-up is also needed for identified dental facilities highlighted in yellow in Attachment 1 to confirm compliance or ensure certification has been received. In addition, the City should review new dental facilities to the service area also highlighted in yellow in Attachment 1, and request submittal of a one-time compliance report including the date of startup to ensure the City can classify them as new or existing sources to the dental amalgam rule.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(i) states, "The POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:

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

40 C.F.R. Part 441.50(a)(1) requires existing dental dischargers to submit a one-time compliance report to the control authority no later than October 12, 2020, to include the contents listed in 40 C.F.R. Part 441.50(3).

40 C.F.R. Part 441.50(a)(5) requires dental dischargers to maintain its one-time compliance report as long as it's subject to regulation or until ownership is transferred.

Corrective Action 2

Implement the City's procedure to identify and locate all possible industrial users including dental dischargers, which might be subject to the POTW's Pretreatment Program. Ensure that dental dischargers submit the one-time compliance report. Provide an update of the dentists identified Attachment 1 (highlighted in yellow) and which ones have submitted the one-time compliance report. Indicate if Montrose Family Dental has installed an amalgam separator at their facility and the date of installation. In your response to the EPA, indicate how the City will correct this finding.

Finding 3 - The City had not fully evaluated Prairie Dog Pet Products to determine if an industrial user permit was required.

Prairie Dog Pet Products located at 1850 Launa Drive, Montrose, Colorado, 81401, had not been fully evaluated by the City to determine if an industrial user permit was required. The facility completed an Industrial Waste Survey Questionnaire on March 17, 2022. The City performed inspections of the facility on May 24, 2022 and September 14, 2022. The May 24, 2022 inspection report indicated that an industrial wastewater discharge permit application would need to be completed. However, there was no permit application in the Prairie Dog Pet Products file.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(i) states, "The POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:
(i) Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the Regional Administrator or Director upon request;
(ii) Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified under paragraph (f)(2)(i) of this section. This information shall be made available to the Regional Administrator or Director upon request;
(iii) Notify Industrial Users identified under paragraph (f)(2)(i) of this section, of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status."

Corrective Action 3
Perform a follow-up inspection of Prairie Dog Pet Products and determine if the facility has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement thus needing an industrial user discharge permit. In your response to the EPA, indicate how the City will correct this finding.

2. **Has the CA identified the character and volume of pollutants contributed to the publicly owned treatment works (POTW) by IUs subject to the pretreatment program? (40 C.F.R. §403.8(f)(2)(ii))**

No, see Findings 1 through 3 above for more information.

3. **Has the CA prepared and maintained a list of SIUs, defined in §403.3(v)(1), along with the applicable SIU criteria? Does the list indicate whether the CA has made a determination that an SIU is a Non-Significant Categorical Industrial User, as defined in §403.3(v)(2), rather than an SIU? Have modifications to the list been submitted with annual reports? (40 C.F.R. §403.8(f)(6))**

The City has maintained a list of SIUs. During the July 2018 EPA audit the City had three permitted SIUs (Star Chicken Co. LLC, Kinikin Processing, LLC and Russell Stover Chocolates). On August 29, 2018 the City terminated the Kinikin Processing LLC permit because the City did not public notice and did not have local limits for the parameters in the previously issued Kinikin Industrial User Permit (Ammonia, BOD, Fecal Coliform, Oil and Grease, total suspended solids or total residual chlorine limits). The City indicated that it would continue to characterize the facility to determine if a permit was needed. At the time of the 2023 EPA inspection, the City indicated that it had not required a new industrial user permit from Kinikin Processing. On April 11, 2019 the City terminated the Star Chicken Co. LLC industrial user permit due to the business discontinuing operations in Montrose, Colorado. On April 29, 2021 the City terminated the industrial user permit for Russell Stover Chocolates because the facility closed down. The City submitted the SIU list to the EPA during the 2022 Pretreatment Annual Report and this EPA pretreatment inspection. The list indicated that the City did not have any SIUs. Currently, the City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

C. Control Mechanism Evaluation

1. Has the CA issued individual or general control mechanisms to all SIUs? (40 C.F.R. §403.8(f)(1)(iii))

N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

2. Do the applications for general control mechanism contain all of the following? (40 C.F.R. §403.8(f)(1)(iii)(A)(2))

- **a. Contact info**
- **b. Production processes**
- **c. Types of wastes generated**
- **d. Location for monitoring**
- **e. Any request for waiver for pollutants not present per §403.12(e)(2)**

N/A. The City does not issue general control mechanisms.

3. Are general control mechanisms only issued for IUs where all of the following is true? (40 C.F.R. §403.8(f)(1)(iii)(A)(1))

- **a. Involve same/substantially similar types of operations**
- **b. Discharge the same type of waste**
- **c. Same effluent limitations**
- **d. Same or similar monitoring**
- **e. There are no CIU production-based standards, CIU mass limits, combined wastestream formula, or net/gross calculations**

N/A. The City does not issue general control mechanisms.

4. Do both individual and general control mechanisms include the following, where applicable? (40 C.F.R. §403.8(f)(1)(iii)(B))

- **a. Statement of duration (5 years max)**
- **b. Statement of non-transferability**

c. **Applicable effluent limits (local limits, categorical standards, BMPs)**
d. **Self-monitoring requirements**
    - **Identification of pollutants to be monitored**
    - **Sampling frequency**
    - **Sampling locations/discharge points**
    - **Appropriate sample types**
    - **Reporting requirements**
    - **Record-keeping requirements**
e. **Statement of applicable civil and criminal penalties**
f. **Compliance schedules**
g. **Notice of slug loading or potential problems at POTW**
h. **Notification of spills, bypasses, upsets, etc.**
i. **Notification of significant change in discharge**
j. **24-hour notification of effluent violation**
k. **Submit resampling results within 30-days**
l. **Slug discharge control plan requirement, if required by POTW**
m. **Certification statements**
n. **Sampling/analysis requirements (Part 136 or alternative)**
o. **Reporting of additional sampling**
p. **90-day compliance report**

N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

D. Application of Pretreatment Standards and Requirements

1. Does the CA apply all applicable pretreatment standards? (40 C.F.R. §403.8(f)(1)(ii) and §403.8(5))

N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

2. Has the CA evaluated the need for SIUs to develop slug discharge control plans? (40 C.F.R. §403.8(f)(2)(vi))

N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

E. Compliance Monitoring
1. Has the CA inspected and independently sampled each SIU at least once a year? Middle tier CIUs at least once every two years? Sample once during term of CIU control mechanism if CIU sampling waived for pollutants not present? (40 C.F.R. §§403.8(f)(2)(v), 403.12(e)(2), 403.12(e)(2)) N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.
2. Has the CA used proper sampling and analysis procedures (40 C.F.R. §136) and inspection procedures? Were the procedures done with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions? (40 C.F.R. §403.8(f)(2)(v) and (vii), 40 C.F.R. §403.12(g)(5)) N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.
3. Has the CA kept records for three years including the following? **a. Period compliance reports and other reports/notices** **b. All monitoring records including: sample date, place, method, time, personnel; analysis date, personnel, method; results** **c. BMP compliance documentation** **d. Other monitoring records** **(40 C.F.R. §403.12(o))** It appeared that records were generally kept for at least three years.
4. Has the CA evaluated, at least once per year, whether NSCIUs continue to meet the criteria of an NSCIU? (40 C.F.R. §§403.8(f)(2)(v)(b), 403.3(v)(2)) N/A. The City does not have any non-significant categorical industrial users (NSCIUs).
5. Has the CA required, received, and analyzed reports and other notices from SIUs? **a. Self-monitoring reports** **b. Baseline Monitoring Reports (BMRs) and 90-day compliance reports** **c. Compliance schedules reports** **d. Notice of slug loading or potential problems at POTW** **e. Notification of spills, bypasses, upsets, etc.** **f. Notification of significant change in discharge** **g. 24-hour notification of effluent violation** **h. Resampling results within 30-days**

i. **Other reports/notifications required by the CA (40 C.F.R. §403.8(f)(2)(iv))**

N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

6. **Have SIUs monitored to demonstrate continued compliance and re-sampling after violation(s)? (40 C.F.R. §403.12(g)(1) & (2))**

N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

7. **Has the CA ensured CIUs report on all regulated pollutants at least once every 6 months? (40 C.F.R. §403.12(e)(1) & (g)(1))**

N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

8. **Has the CA ensured non-categorical SIUs self-monitor and report at least once every 6 months with a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority? (40 C.F.R. §403.12(h) & (g)(1))**

N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

9. **Has the CA required self-monitoring reports from CIUs to be signed and certified? (40 C.F.R. §403.12(b)(6), 403.12(l))**

N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

10. **Has the CA received notification of hazardous waste discharges? (40 C.F.R. §403.12(j) & (p))**

No notifications were received according to the files reviewed, nor was there any indication that a notification should have been received.

F. Enforcement
1. **Has the CA implemented its enforcement response plan (ERP)? (40 C.F.R. §403.8(f)(5))**

The inspectors were provided with the City's ERP called "Enforcement Response Plan." The City indicated that currently there are no SIUs in the service area so no enforcement actions have been taken in recent years. The EPA inspectors reviewed the ERP and identified two findings that are described below:

Finding 4 – The ERP did not account for all anticipated types of non-compliance scenarios including significant non-compliance (SNC).

The City's ERP provides enforcement responses for three types of violations namely: (1) Emergency violations, (2) Non-emergency discharge violations and (3) Noncompliance with non-discharge related pretreatment program requirements. The ERP needs to be updated to account for additional anticipated non-compliance scenarios and potential violations including SNC violations and the corresponding escalating enforcement response. Additional guidance for developing ERPs can be found at: https://www.epa.gov/system/files/documents/2021-07/owm0015.pdf. Pages 4-8 through 4-12 has examples of anticipated non-compliance scenarios including SNC violations.

Pretreatment Requirements

40 C.F.R. §403.8(f)(5) states, "The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

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

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

(iii) Identify (by title) the official(s) responsible for each type of response;

(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2)."

Corrective Action 4

Update the ERP to account for all possible non-compliance scenarios including SNC. Please note that changes to the ERP are substantial modifications that need to be sent to Region 8's Pretreatment Coordinator for approval (See 40 C.F.R. §403.18). In your response to the EPA, provide more specific timing for the process of updating the ERP.

Finding 5 – General Provision 5 of the City's ERP did not align with the requirements in 40 C.F.R. 403.8(f)(5).

General Provision #5 in the ERP indicated that this Enforcement Response Plan constitutes guidelines for the use of City personnel only and may be deviated from as deemed appropriate by the City in any situation. This section of the ERP needs to be deleted because it does not meet the requirements of 40 C.F.R. 403.8(f)(5).

Pretreatment Requirements

40 C.F.R. §403.8(f)(5) requires the City to implement its ERP.

40 C.F.R. §403.8(f)(5) states, "The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

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

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

(iii) Identify (by title) the official(s) responsible for each type of response;

(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2)."

Corrective Action 5

Update the ERP by deleting provision 5. Please note that changes to the ERP are substantial modifications that need to be sent to Region 8's Pretreatment Coordinator for approval (See 40 C.F.R. §403.18). In your response to the EPA, provide more specific timing for the process of updating the ERP.

2. Does the CA evaluate both numeric and narrative criteria for significant non-compliance (SNC) annually and publish a list of IUs in SNC?
(40 C.F.R. §403.8(f)(2)(viii))

N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

3. Has the CA developed IU compliance schedules?
(40 C.F.R. §403.8(f)(1)(iv)(A))

N/A. Compliance schedules have not been developed for any SIUs.

4. Has the CA ensured CIU compliance within 3 years of standards effective date (or less than 3 years where required by standard)?
(40 C.F.R. §403.6(b))

N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

5. Has the CA ensured CIUs submit complete baseline monitoring reports and 90-day compliance reports within the required time frames?
(40 C.F.R. §403.12(b) & (d))

N/A. The City indicated that currently there are no SIUs in the service area. The City is in the process of issuing a zero discharge permit to the new Ross Reels anodizing facility.

G. Additional Evaluations

Finding 6 – The City did not have a permanent Pretreatment Coordinator.

The City's Pretreatment Coordinator left the City on June 21, 2023. Currently, Hyrum Webb, the Lead Wastewater Operator, is filling in as the Pretreatment Coordinator until the City can hire a permanent replacement. The Pretreatment Coordinator position is crucial to the implementation of the City's pretreatment program. The Pretreatment Coordinator permanent position should be filled as soon as possible.

Pretreatment Requirements

40 C.F.R. §403.8(f)(3) states, "The POTW shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in paragraphs (f) (1) and (2) of this section."

Corrective Action 6

Ensure that the POTW has sufficient resources and qualified personnel to carry out the pretreatment authorities and procedures in 40 C.F.R. §403.8(f)(1) and (2). In your response to the EPA, indicate how the City will correct this finding.

Finding 7 – The tumbler soap at Ross Reels was stored without secondary containment on the trench drains that discharges to the City.

Ross Reels stores the tumbler soap (Roto Brite) next to the tumbler (photo 566). The tumbler soap container was stored without secondary containment next to the trench drain that sends wastewater to the centrifuge which discharges to the City sewer. Therefore, there is a potential for a slug discharge from the tumbler soap if there was a spill or leak from the tumbler soap container. On October 13, 2023, Mr. Lugard sent an email response indicating that secondary containment was installed on the tumbler soap and provided a photo of the secondary containment.

Pretreatment Requirements

According to the requirements at 40 C.F.R. §403.8(f)(2)(vi), the POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to, "Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, a Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch

Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(A) Description of discharge practices, including non-routine batch Discharges;
(B) Description of stored chemicals;
(C) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under §403.5(b) with procedures for follow-up written notification within five days;
(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response."

Corrective Action 7

On October 13, 2023, Mr. Lugard sent an email response indicating that secondary containment was installed on the tumbler soap and provided a photo of the secondary containment. No additional response is required at this time.

Finding 8 – Ross Reels new anodizing facility needs to apply for a zero discharge industrial user permit.

Ross Reels is building a new anodizing facility. The new anodizing facility located at 1331 Mayfly Drive, Suite G-104, Montrose, Colorado and is expected to begin operations by the end of December 2023. Ross Reels indicated that the anodizing process will be a zero-discharge process because the wastewater will be treated in an evaporator and the solids will be disposed off-site.

On November 8, 2023, Mr. Lugard sent an email to the EPA indicating that the Ross Reels manufacturing facility located at 1101 Mayfly Drive and the future anodizing facility located at 1331 Mayfly Drive Suite G104 are two noncontiguous business parcels and two noncontiguous buildings. Mr. Lugard indicated that he would submit a zero discharge wastewater permit application to the City for the future Ross Reels anodizing facility.

Since the Ross Reels machining (1101 Mayfly Drive) and the future anodizing (1331 Mayfly Drive, Suite G-104) operations occur at two different noncontiguous locations, they are considered two different facilities. The anodizing facility (1331 Mayfly Drive, Suite G-104) meets the applicability criteria for metal finishing found at 40 CFR 433.10(a). Ross Reels plans to apply for a zero-discharge water permit from the City, since the facility is not planning to discharge their wastewaters to the City. The machining facility (1101 Mayfly Drive) does not meet the applicability criteria for metal finishing found at 40 CFR.10(a) because the facility does not perform any of the six metal finishing core operations.

Ross Reels is required to submit an industrial user permit application to the City for the new anodizing facility as required by the City Ordinance Section 3-6-6.

<u>Pretreatment Requirements</u>

The City's Pretreatment Ordinance Sec. 3-6-6. states, "Industrial wastewater discharge permits

(A) Industrial Wastewater Discharge Permits Required. All Significant Industrial Users proposing to connect to or discharge wastewater into the POTW shall apply for and obtain an Industrial Wastewater Discharge Permit from the City. An existing Significant Industrial User that has filed a timely wastewater Industrial Wastewater Discharge Permit application in accordance with these Regulations may continue to discharge if authorized by the City.

(B) New Industrial Users; Applying for an Industrial Wastewater Discharge Permit. Any Industrial User required to obtain an Industrial Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must apply for and obtain such permit prior to the beginning or recommencing of such discharge. The Industrial User shall file a wastewater Industrial Wastewater Discharge Permit application on forms provided by the City containing the information specified in Subsection (F) below. The completed application for the Industrial Wastewater Discharge Permit must be filed at least 90 days prior to the date upon which any discharge will begin or recommence. An Industrial Wastewater Discharge Permit application containing incomplete or inaccurate information will not be processed and will be returned to the Industrial User. The City may issue a wastewater Industrial Wastewater Discharge Permit at any time after receipt of the completed wastewater Industrial Wastewater Discharge Permit application.

(C) Existing Industrial Users; Applying for an Industrial Wastewater Discharge Permit Re-issuance. An Industrial User with an expiring an Industrial Wastewater Discharge Permit shall apply for a new Permit by submitting a complete wastewater Industrial Wastewater Discharge Permit application at least 90 days prior to the expiration of the Industrial User's existing Permit. The Industrial User shall file a wastewater Industrial Wastewater Discharge Permit application on forms provided by the City containing the information specified in Subsection (F) below. An Industrial Wastewater Discharge Permit application containing incomplete or inaccurate information will not be processed and will be returned to the Industrial User. An Industrial User with an existing Industrial Wastewater Discharge Permit that has filed a complete and timely application may continue to discharge, as approved in writing by the City, through an administrative extension of the existing permit if the delay in permit issuance is not due to any act or failure to act on the Industrial User's part.

(D) Other Industrial Users. The City may require other Industrial Users to apply for and obtain an Industrial Wastewater Discharge Permit, permit or other control mechanism to carry out the purposes of these Regulations. The City may issue an Industrial Wastewater Discharge Permit, a zero-discharge permit or other control mechanism, including, but not limited to, authorizations to discharge and letters authorizing discharge as determined to be appropriate."

Corrective Action 8

Require Ross Reels (anodizing) to submit an industrial user permit application to the City for the new anodizing facility. On November 29, 2023 the City sent an industrial user permit application to Ross Reels for its new anodizing facility. Mr. Lugard indicated that they would complete the industrial user permit application and send it to the City. He also indicated that the goal is to have the anodizing facility operational by December 21, 2023. Review the permit application once it is received and issue the appropriate permit for the facility based on the information submitted in the permit application. In your response to the EPA, indicate how the City will correct this finding.