Pretreatment Audit Report

City of Laramie
WY-0022209
Laramie, Colorado

December 16, 2021 to December 29, 2021

Prepared by:

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Pretreatment Audit Summary Table

City of Laramie Pretreatment Audit Report
WY-0022209
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<table>
<tr><th>Pretreatment Audit Findings</th><th>Pretreatment Requirement and Corrective Action</th></tr>
<tr><td colspan="2">Section 4.0 – Municipal Ordinance and Intergovernmental Agreements</td></tr>
<tr><td>1. 40 C.F.R. § 403.8(f)(1) states, “The POTW shall operate pursuant to legal authority enforceable in Federal, State, or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Clean Water Act (Act) and any regulations implementing those sections.”

The City of Laramie provided its Pretreatment legal authority found in its municipal ordinance, Title 13, Division VI, Chapter 13.78-Wastewater Treatment and Disposal to the EPA for review. Based on the EPA’s review, the City’s municipal ordinance provides a framework to implement the Pretreatment Regulations in the POTW’s service area, with the following exceptions (as identified in the attached legal authority review):
Upset Provisions – (40 CFR 403.16)
o The upset provisions apply only to IUs subject to categorical Pretreatment Standards. The language in Section 13.78.070(J) of the municipal ordinance needs to be modified to the following (correction identified in <u>italicized and underlined font</u>):
▪ “For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with <u>categorical</u> pretreatment standards because of factors beyond the reasonable control of the industrial 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.”</td><td><u>Pretreatment Requirements</u>
40 C.F.R. § 403.8(f)(1)
40 C.F.R. § 403.16
<u>Corrective Action Item</u>
Update the municipal ordinance to align with the Federal Pretreatment Regulations, as identified in the attached legal authority review checklist.</td></tr>
</table>

Section 7.0 – Industrial User Inventory and Characterization	
2. The Pretreatment Regulations state in 40 C.F.R. §403.8(f)(2) that a POTW shall develop and implement procedures to ensure compliance with requirements of a Pretreatment Program. The City has not developed an IU Identification and Characterization procedure.	**<u>Pretreatment Requirements</u>** 40 C.F.R. §403.8(f)(2) **<u>Corrective Action Item</u>** Develop an IU Inventory and Characterization procedure that identifies current methods and procedures the City uses to identify and characterize IUs in the service area of its POTW and to notify these IUs of applicable Pretreatment Standards. The procedure should also include methods that the City uses to maintain the IU inventory for new IUs moving into its service area or changes to existing IUs, based on current conditions at the IU.
3. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(2)(*i-iii*), require an approved Pretreatment program to: • "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." • "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". • "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 C.F.R. 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." The City provided a current IU inventory of the IUs	**<u>Pretreatment Requirements</u>** 40 C.F.R. §403.8(f)(2) 40 C.F.R. § 403.8(f)(2)(i-iii) **<u>Corrective Action Item</u>** Develop a complete IU inventory of the City's service area; characterize these IUs using available Pretreatment tools such as drive-by inspections, waste surveys, facility inspections or sampling activities; and notify these IUs of applicable Pretreatment Standards.

in its service area for EPA to review. It appears that the current IU inventory is not complete of all IUs. The IU inventory appears to contain all food service establishments subject to the oil and grease interceptor sector control program and automotive facilities/car washes/machine shops subject to the sand oil interceptor sector control program. However, the IU inventory does not appear to be comprehensive for other IUs in the City's service area. For example, the City needs to ensure it identifies all dental facilities in its service area, characterize these dental facilities and ensure the dental facilities subject to the Dental Amalgam Rule in 40 C.F.R. Part 441 are in compliance with the provisions in this Rule. EPA identified three dentists who may be subject to the Dental Amalgam Rule and had not been evaluated (see section 13.4).	
Section 8.0 – Control Mechanism (Permit) Evaluation and Permit Specific Issues	
4. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(2)(ii) require the City to "Identify the character and volume of pollutants contributed to the POTW." The SIU inspection reports include minimal descriptions of the facility's unit operations and do not provide specific and current information to adequately characterize the facility's process, potential for spills and slug discharges and current discharge practices.	**Pretreatment Requirements** 40 C.F.R. § 403.8(f)(2)(ii) **Corrective Action Item** Provide more detail regarding the SIU's chemical storage/handling/transfer, process/unit operations, wastestream generation from these unit operations, wastestream management or wastewater treatment, sampling procedures to provide a current characterization, including an evaluation of slug discharge potential and process or treatment plant changes.
5. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(2)(vii) require the City to "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices." 40 C.F.R. § 403.8(f)(2)(vii) requires the city to implement its Enforcement Response Plan (ERP). The self-monitoring report (SMR) check-in sheets are a useful tool for the City to evaluate if the report is complete and complies with permit conditions. However, the City should ensure these checklists are specific to the permit limits and reporting	**Pretreatment Requirements** 40 C.F.R. § 403.8(f)(2)(vii) 40 C.F.R. § 403.8(f)(5) City of Laramie Enforcement Response Plan **Corrective Action Item** Ensure all enforcement remedies, including phone calls are documented and including supporting information such time/date of phone call, IU representative and a summary of the call, including any remedies to mitigate

requirements for the SIU. According to the Pretreatment Coordinator, the SMR check-in sheets were being used to document phone calls as an enforcement response to violations identified while reviewing SMRs. The SMR check-in sheets do not have a defined place to document this enforcement response. EPA identified multiple SMR check-in sheets that had "phone call" written on them, but there were no details regarding who made the phone call, the date of the call, the purpose of the call, or other information that documents the requirements of the City's ERP are being met.	the violation or required follow up actions by the IU. **<u>Recommended Action:</u>** It is recommended the SMR check-in sheets not be used to document enforcement actions related to identifying permit violations unless they are updated ensure all relevant information in the ERP is documented.
6. Based on EPA's review of the City SIU permit template, the following updates and modifications need to be made to ensure the permit template aligns with the permit conditions found in 40 CFR 403.8(f)(1)(iii)(B)(1) of the Federal Pretreatment Regulations and incorporated in §13.78.070(A) of the municipal ordinance. In addition, the permits currently issued to SIUs in the service area must be modified to ensure permit conditions consistent with the City's ordinance. a. Statement of Non-transferability found in Section D.8 of the permit template is not equivalent with 13.78.070(3) of the ordinance. Section D.4 of the permit template states the following and the ordinance language is identified in italicized and underlined font: "Wastewater discharge permits are issued to a specific user for a specific operation at a specific location. A wastewater discharge permit is void if it is assigned or transferred; or if the permittee is sold or leased to a new owner or new user, or is moved to different premises, without ~~the advance approval of the superintendent in writing~~, *<u>at a minimum, prior notification the POTW and provision of a copy of the existing control mechanism to the new owner or operator</u>*. A wastewater discharge permit may not be used for a new or changed process or operation without the advance approval of the superintendent in writing." b. The permit template does not include a requirement to notify for potential problems including slug discharges as required in Section	**<u>Pretreatment Requirements</u>** 40 C.F.R. § 403.8(f)(1)(iii)(B)(1) City of Laramie Municipal Ordinance, Section 13.78.070(A) **<u>Corrective Action Item</u>** Update the permit template and modify the current SIU permits to implement these permit conditions found in the City's municipal ordinance.

13.78.050(13) of the ordinance. The permit needs to be updated to include the notification, identified below: "Reports of Potential Problems. i. In the case of any discharge, including, but not limited to, accidental discharges, discharge of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendents 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. ii. Within five 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 any person or property; nor shall such notification relieve the user of any fines, penalties, or other liability, which may be imposed pursuant to this chapter. iii. 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 Section 17.78.050. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure. iv. Significant industrial users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge." c. Specific prohibitions in Section D.15 of the permit template are not equivalent to the specific	

prohibitions found in 13.78.050(3) of the ordinance.	
7. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(2)(vii) require the City to "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices." 40 C.F.R. § 403.8(f)(2)(vii) requires the city to implement its Enforcement Response Plan (ERP). Alsco had a violation of the total petroleum hydrocarbons (TPH) permit limit of 250 mg/L on January 25, 2021. The data from the January 25, 2021 sampling event resulted in a TPH result of 606 mg/L. Although the SMR check-in sheet includes an identification of a phone call , based on a review of the Pretreatment records, there was no documentation of the phone call as an enforcement response by the City of Laramie. It was unclear what the purpose of the phone call was.	**<u>Pretreatment Requirements</u>** 40 C.F.R. § 403.8(f)(2)(vii) 40 C.F.R. § 403.8(f)(5) City of Laramie Enforcement Response Plan **<u>Corrective Action Item</u>** Ensure any enforcement remedies are documented in the records with supporting information or provide an adequate enforcement response to Alsco's TPH violation on January 25, 2021, according to its ERP.
8. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(2)(vii) require the City to "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices." 40 C.F.R. § 403.8(f)(2)(vii) requires the city to implement its ERP. It appears that Antea failed to sample or provide measurement data for the pollutants limited in its permit (BTEX, benzene, TPH, LEL, flow and pH) for the 1st quarter compliance period of 2020. Although the SMR check-in sheet includes an identification of a phone, based on a review of the Pretreatment records, there was no documentation of the phone call as an enforcement response by the City of Laramie. It was unclear what the purpose of the phone call was.	**<u>Pretreatment Requirements</u>** 40 C.F.R. § 403.8(f)(2)(vii) 40 C.F.R. § 403.8(f)(5) City of Laramie Enforcement Response Plan **<u>Corrective Action Item</u>** Ensure any enforcement remedies are documented in the records with supporting information or provide an adequate enforcement response to Antea's failure to sample for permit-limited parameters in the 1st quarter of 2020, according to its ERP.
9. The Pretreatment regulations at 40 CFR 403.8(f)(2)(v) require the City to "Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year." This is required for all permit-limited	**<u>Pretreatment Requirements</u>** 40 C.F.R. § 403.8(f)(2)(v) **<u>Corrective Action Item</u>** Ensure the City samples or records data for all pollutants limited in Antea's permit.

pollutants in order to identify noncompliance. Based on a review of the Pretreatment records, there is not documentation that the City monitored or recorded LEL during control authority monitoring events conducted in 2020 and 2021 at Antea.	
10. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(2)(vii) require the City to "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices." The City has established seven outfalls in the UW permit. Section F.6.a of the UW permit states that the records of sampling and analysis shall include "The date, **exact place**, method, and time of sampling or measurements, and sampling preservation." The self-monitoring reports submitted by the University of Wyoming include lab reports are not consistently labeled to represent the outfall sampling event and therefore do not include the "exact place."	**Pretreatment Requirements** 40 C.F.R. § 403.8(f)(2)(vii) **Corrective Action Item** Ensure the University of Wyoming self-monitoring reports include the exact place of sampling (outfall #) on reports and laboratory data sheets to ensure the submitted data is matched up with the appropriate outfall.
11. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(2)(vii) require the City to "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices." 40 C.F.R. § 403.8(f)(2)(vii) requires the city to implement its Enforcement Response Plan (ERP). The University of Wyoming had a violation of the selenium (Se) permit limit of 0.017 mg/L on June 24, 2021. The data from the June 24, 2021 sampling event resulted in a Se result of 1.07 mg/L. Although the SMR check-in sheet includes an identification of a phone call, based on a review of the Pretreatment records, there was no documentation of the phone call as an enforcement response by the City of Laramie. It was unclear what the purpose of the phone call was. Based on EPA's review of the City's ERP, this violation significantly above the Se local limit that was developed to protect the POTW and the environment may be defined as a severe violation "that threatens or causes danger to the environment" and should be enforced with a notice of violation as a minimum instead of a phone. In addition, the City needs to evaluate this	**Pretreatment Requirements** 40 C.F.R. § 403.8(f)(2)(vii) 40 C.F.R. § 403.8(f)(2)(viii) 40 C.F.R. § 403.8(f)(5) City of Laramie Enforcement Response Plan **Corrective Action Item** Provide an adequate enforcement response for the Se violation on June 24, 2021 of this magnitude, according to the City's ERP. In addition, the Se violation of this magnitude needs to be evaluated for SNC. If this Se violation is determined to be in SNC, then provide an adequate enforcement response according to its ERP and publish the University of Wyoming in the newspaper for SNC.

evaluation to determine if this results in SNC, which is another Pretreatment violation.	
12. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(2)(vii) require the City to "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices." 40 C.F.R. § 403.8(f)(2)(vii) requires the city to implement its Enforcement Response Plan (ERP). The University of Wyoming had a violation of the mercury (Hg) permit limit of 0.0002 mg/L on June 18, 2021. The data from the June 18, 2021 sampling event resulted in a Hg result of 0.00022 mg/L. Based on a review of the Pretreatment records, there was no record of an enforcement response by the City of Laramie.	**Pretreatment Requirements** 40 C.F.R. § 403.8(f)(2)(vii) 40 C.F.R. § 403.8(f)(5) City of Laramie Enforcement Response Plan **Corrective Action Item** Provide an adequate enforcement response for the Hg violation on June 18, 2021, according to the City's ERP.
13. The Pretreatment regulations in 40 C.F.R. §403.8(f)(2)(vii) require a POTW to "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12 [IU compliance reports], or indicated by analysis, inspection, and surveillance activities [control authority monitoring]. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions." Adequate receipt and tracking of self-monitoring reports and notifications to ensure these are received within the due date required by the permit and such receipt is documented are important ensure enforceability of noncompliance. The City did not date stamp the biannual self-monitoring reports submitted by Trihydro and due on July 20, 2020, January 20, 2021 and July 20, 2021. Therefore, EPA was not able to determine if these reports were received within the permit-required due dates.	**Pretreatment Requirements** 40 C.F.R. § 403.8(f)(2)(vii) **Corrective Action Item** Ensure all reports, notifications and other correspondence required by permit due dates are date stamped or the received date is otherwise documented.
14. The Pretreatment regulations at 40 CFR 403.8(f)(2)(v) require the City to "Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance	**Pretreatment Requirements** 40 C.F.R. § 403.8(f)(2)(v) **Corrective Action Item** Ensure all pollutants limited in the Trihydro

with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year." This is required for all permit-limited pollutants in order to identify noncompliance. Based on a review of the Pretreatment records, there is no documentation that the City sampled Trihydro at outfall 21 in 2020.	permit are sampled or data recorded.
15. The Pretreatment regulations in 40 C.F.R. §403.8(f)(2)(vii) require a POTW to "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12 [IU compliance reports], or indicated by analysis, inspection, and surveillance activities [control authority monitoring]." 40 C.F.R. § 403.8(f)(2)(vii) requires the city to implement its Enforcement Response Plan (ERP). The Trihydro permit requires the facility to report the results of continuous LEL monitoring but the none of the 2020 and 2021 self-monitoring reports reviewed include LEL data.	**Pretreatment Requirements** 40 C.F.R. § 403.8(f)(2)(vii) 40 C.F.R. § 403.8(f)(5) City of Laramie Enforcement Response Plan **Corrective Action Item** Require Trihydro to report 2020 and 2021 LEL data or provide an enforcement response for the failure to report, according to the City's ERP.
Section 10.0 – Control Authority Compliance Monitoring	
16. As required in 40 C.F.R. § 403.8(f)(2), the POTW shall "develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program." The development and implementation of a sampling plan or procedures ensures the POTW is appropriately and consistently performing sampling or monitoring events, as well as providing enforceable data that is representative of the discharge conditions at the facility. The sampling plan should include the following: • purpose and objective of the sampling program, • specific sampling protocols at each facility sampling location to ensure representative sampling, and • appropriate QA/QC procedures to ensure legally defensible data. The City developed a sampling plan contained in two documents, Sampling Collection for SIU.doc and QA QC Protocol.PDF. These documents provide a general overview of the sampling equipment and techniques to ensure the sample data is valid and	**Pretreatment Requirements** 40 C.F.R. § 403.8(f)(2) 40 CFR 403.8(f)(2)(vii) **Corrective Action Item** Update the sampling plan to include appropriate QA/QC such as equipment blanks, trip blanks, sample duplicates, matrix spikes, control standards to ensure the sampling and analytical techniques are in control and comply with 40 CFR 136. In addition, the sampling plan should be evaluated to ensure the site-specific sampling protocols at the SIUs that are representative and current, based on the SIU's wastewater discharge for the production day.

enforceable. However, the sampling does not address appropriate QA/QC to ensure the sampling and analytical techniques are in control. 40 CFR 403.8(f)(2)(vii) requires a POTW to ensure sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. QA/QC procedures ensure the data generated from sampling activities is enforceable.	
Section 11.0 – Enforcement	

17. The City submitted its ERP to the EPA for review, prior to the audit. Based on the EPA's review, the ERP needs to be updated to include the following, in accordance with 40 C.F.R. § 403.8(f)(5)(i-iv): (*Note: the Laramie ERP Review checklist will be enclosed with the audit report*)
• Describe how the POTW will investigate instances of noncompliance.
  • The City needs to address the implementation procedures utilized to investigate instances of noncompliance which includes procedures for IU inventory/inspection, permitting, self-monitoring reporting/notification, control authority monitoring, and compliance evaluation and SNC determinations.
• 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. The City needs to establish escalating enforcement responses it will take for the following types of IU violations:
  • SNC criteria for violations of permit limits or Pretreatment Standards or Requirements
  • Reporting Violations or Deficiencies/Late Reports needs to be modified to include all required reports and notifications. (BMRs, 90-day compliance reports, self-monitoring compliance reports, compliance schedule reports), including SNC criteria. SNC criteria needs to be updated to include reports
	Pretreatment Requirements
	40 C.F.R. § 403.8(f)(5)
	Corrective Action Item
	Modify the enforcement response plan to be in compliance with 40 C.F.R. § 403.8(f)(5)(i-iv) of the Pretreatment Regulations.

that are more than 45 days late, pursuant to §13.78.040-SNC definition, #6. • Tampering with monitoring equipment/methods • Recordkeeping • Refusal of Entry • Trucked and Hauled Waste enforcement remedies • Sector control programs and BMPs • SNC Narrative Criteria found in §13.378.040-Significant Noncompliance definition, #3. “Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) that the POTW determines has caused Interference or Pass Through (including endangering the health of POTW personnel or the general public).” • SNC Narrative Criteria found in §13.78.040-Significant Noncompliance definition, #4. “Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority.” • SNC Narrative Criteria found in §13.78.040-Significant Noncompliance definition, #5. “Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.” • SNC Narrative Criteria found in §13.78.040-Significant Noncompliance definition, #7. “Failure to accurately report noncompliance.” • SNC Narrative Criteria found in §13.78.040-Significant Noncompliance definition, #8. “Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local	

Pretreatment program." • Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards. • Based on EPA's review, the City's ERP needs to be updated to include the City Attorney and their authority/delegation to provide civil penalties, criminal prosecution, judicial actions and injunctive relief.	

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Figures

Tables

1.0 Introduction

The U.S. Environmental Protection Agency, Region 8 (EPA) conducted a remote audit of the Pretreatment program, administered by the City of Laramie, WY (City) from December 16, 2021 through December 29, 2021. The remote Pretreatment audit was held in lieu of an on-site audit in response to concerns related to the COVID-19 pandemic. The remote inspection, hosted on the MS-Teams platform, started on December 16, 2021, at 8 a.m. with an opening interview. Pretreatment records were reviewed, and a closing conference was held on December 29, 2021, at 1 p.m. during which the EPA presented the preliminary observations, conclusions, and findings from the audit.

Participants in the audit included:

City of Laramie, WY

David Schillinger	Pretreatment Coordinator
Bill Schott	Wastewater Treatment Plant Supervisor

EPA:

Al Garcia	Region 8 Pretreatment Coordinator

The primary purpose of the EPA audit was to evaluate the Pretreatment program administered and implemented by the City. In addition, the audit served as a forum for the EPA and the City to discuss issues related to the implementation of the Pretreatment program and for the EPA to provide outreach and training to the City.

The EPA Pretreatment audit consisted of an evaluation of the following:

- The City's legal authority codified in its municipal ordinance; Title 13, Division VI, Chapter 13.78-Wastewater Treatment and Disposal.
- Development and implementation of the City's local limits.
- The City's resources to implement the Pretreatment program in its service area.
- Implementation policies and templates developed by the City.
- Review and evaluation of the Pretreatment programmatic activities and records maintained for the permitted Significant Industrial Users (SIUs).
- Due to the remote nature of the Pretreatment audit, site inspection of selected SIUs and IUs in the service area were not completed.
- Discussion of the Pretreatment Regulations and implementation.

The following sections of the report highlight the findings, corrective actions, and recommended actions of the audit. The action items to correct program deficiencies and meet regulatory requirements are identified in the Pretreatment Audit Summary Table, beginning on page 2 of this report. Specific actions to clarify and strengthen program implementation are provided as recommendations within the body of the audit report.

2.0 Publicly Owned Treatment Works (POTW) Information

The City owns and operates a Publicly Owned Treatment Works (POTW) located at 2778 Banner Road, Laramie, WY 82073. The POTW serves the boundary of the City of Laramie. There are no outside contributing jurisdictions to the City. The service area for the POTW is shown in Figure 1 and the Google Earth view of the City's POTW is shown in Figure 2.

Due to the pandemic and the necessity for a remote audit, a POTW tour was not completed.

2.1 NPDES Permit

The City's NPDES permit #WY-0022209 issued by the Wyoming Department of Environmental Quality (WYDEQ) effective on August 1, 2019 and expiring on July 31, 2024 contain provisions for an EPA-approved Pretreatment program in Part III.C.2.d.

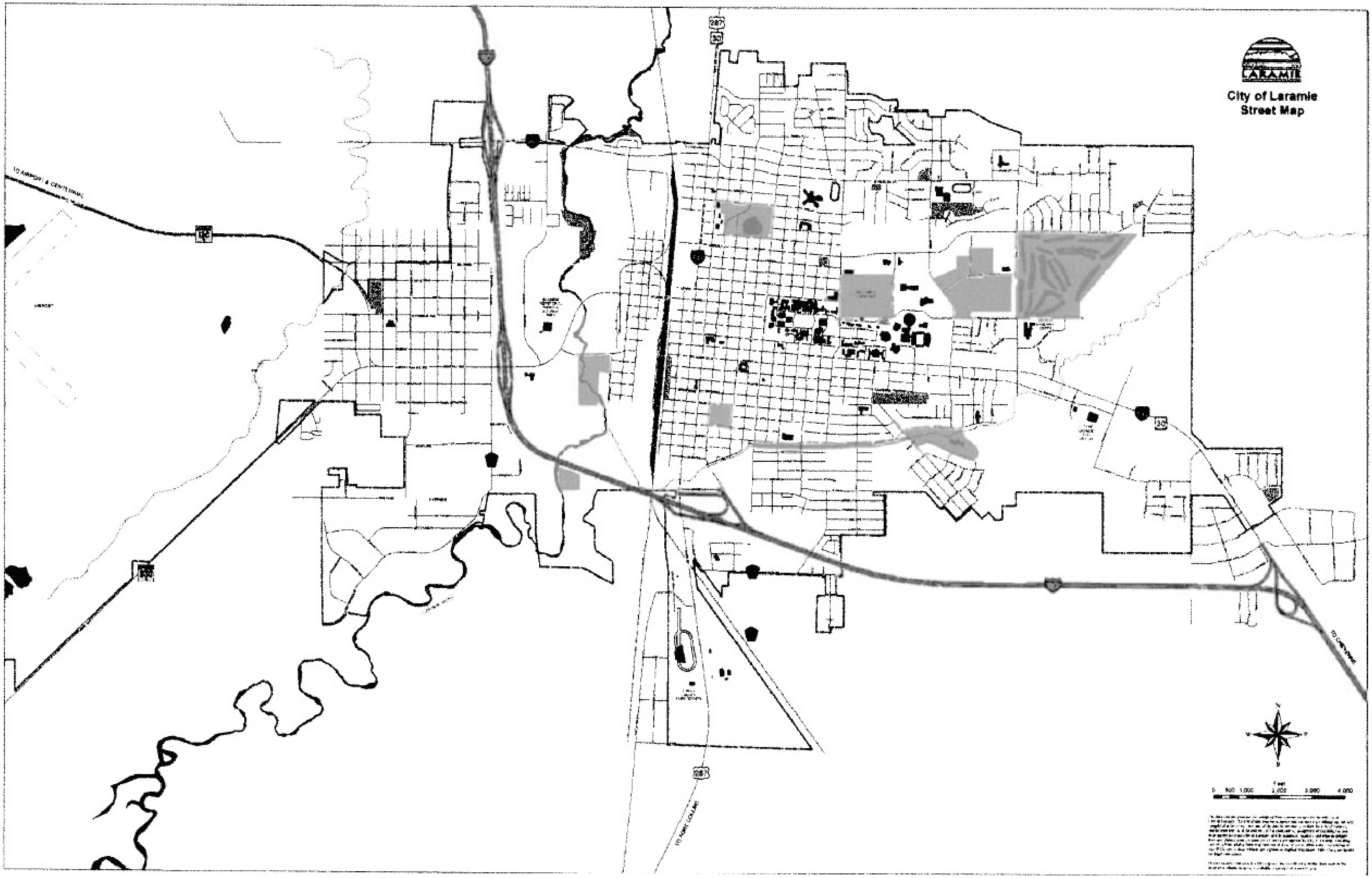
LARAMIE
City of Laramie
Street Map
TO CHEYENNE
TO FORT COLLINS
287
30

Figure 2 – City of Laramie Google Earth View

3.0 Resources

3.1 Resources Regulatory Background

The Pretreatment Regulations found in 40 C.F.R. § 403.8(f)(1-6) include POTW Pretreatment requirements and procedures to implement an approved Pretreatment program. These requirements and procedures include the legal authority and the implementation procedures of the Pretreatment program (permitting, inspections, sampling, industrial waste survey, receipt of IU reporting and notification, record-keeping, slug discharge control, data evaluation and enforcement for non-compliance). In addition, the Pretreatment Regulations found in 40 C.F.R. § 403.8(f)(3) state that the POTW shall have sufficient resources and qualified personnel to carry out the authorities and implementation procedures of the Pretreatment program.

A Pretreatment program, in compliance with the criteria listed in the Pretreatment Regulations, requires adequate and qualified staffing to implement the Pretreatment program in its service area. The resources required for each implementation activity depend largely on the size of the service area, number of IUs/SIUs/sector control programs, and Pretreatment program policies. A compliant program also requires a consistent funding mechanism to ensure the program is adequately funded and equipped to fully implement the program.

3.2 Evaluation of the City's Resources and Funding

The City reported in its calendar year 2020 Pretreatment annual report that it commits 1.75 FTE to implementing the programmatic activities of the Pretreatment regulations. The Pretreatment Coordinator devotes 0.9 FTE to implementing the Pretreatment program and also performs on-call operational duties. The Pretreatment Coordinator is also provided support from the Laboratory Technician, the Collections crew and the Wastewater Supervisor. The City's resources and budget commitment appears to be adequate to implement the City's Pretreatment program effectively.

It appears that the Pretreatment Coordinator was handed the responsibilities of implementing the programmatic activities of the Pretreatment program from the previous Pretreatment Coordinator with minimal transfer of institutional knowledge. The Pretreatment Coordinator and the Wastewater Treatment Plant Supervisor are attempting to minimize the loss of institutional knowledge by reviewing historical records, procedures, and correspondence to ensure a smooth transition. The EPA is available to help with training and outreach assistance to the Pretreatment personnel. In addition, there are opportunities for training and peer communication with the Colorado Industrial Pretreatment Coordinators Association (CIPCA) and Region 8 Pretreatment Association (R8PA) organization within Region 8.

The City stated in the audit that its Pretreatment program is budgeted $119,000. The budget is a line item within the wastewater treatment plant budget. An additional $18,000 is used from the wastewater treatment plant budget for analytical services. The wastewater treatment plant budget is funded by the City's Enterprise Fund, generated from residential and non-residential users in the service area. The City appears to be well equipped to implement the Pretreatment program and has a dedicated field pickup truck, portable HACH automatic samplers, manhole lifts/risers, service carts, and personal protective equipment.

Based on EPA's review of the City's implementation of its Pretreatment program, it appears that the City's current resources and budget is adequate to implement all programmatic activities of the Pretreatment, such as the industrial user inventory and characterization, permit management, field activities, and the dental amalgam program.

3.3 Examples of Available Pretreatment Training/Resources

This is not a comprehensive list of all Pretreatment related training/resources available. The City is encouraged to seek out training and resources that will support its Pretreatment program implementation. EPA is also available to the City for Pretreatment training opportunities.

The Region 8 Pretreatment workshop provided by R8PA provides training sessions directly related to Pretreatment implementation, updates to upcoming regulations and policies, and networking opportunities.

The EPA provides "Pretreatment 101" webinar training designed to provide consistent national training to local and state Pretreatment programs. The webinar series is located at https://www.epa.gov/npdes/national-pretreatment-program-events-training-and-publications#training. Archived presentations may be downloaded, and a schedule of future training opportunities is located at the website.

An additional resource available is the Pretreatment Coordinators Group discussion forum, found at the following website:

https://groups.io/g/Pretreatment/topics

4.0 Municipal Ordinance and Intergovernmental Agreements

4.1 Legal Authority Background

40 C.F.R. § 403.8(f)(1) of the Pretreatment Regulations states:

"The POTW shall operate pursuant to legal authority enforceable in Federal, State, or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Clean Water Act (Act) and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law.

At a minimum, this legal authority shall enable the POTW to:

i. Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit;

ii. Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;

iii. Control through Permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under §403.3(v), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such User…

iv. Require (A) the development of a compliance schedule by each Industrial User for the installation of technology 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 §403.12.

v. 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 a Discharge source or treatment system is located or in which records are required to be kept under §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 Act;

vi. (A) Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. All POTW's shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of $1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements.

(B) Pretreatment requirements which will be enforced through the remedies set forth in paragraph (f)(1)(vi)(A) of this section, will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations in this part. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Approval Authority shall have authority to seek judicial relief and may also use administrative penalty authority when the POTW has sought a monetary penalty which the Approval Authority believes to be insufficient.

vii. Comply with the confidentiality requirements set forth in §403.14."

The provisions in 40 C.F.R. § 403.8(f)(1)(i-vii) do not provide local Pretreatment programs with legal authority, but they do establish the minimum requirements for the local municipality to implement the Pretreatment program. A POTW's legal authority is derived from State law. Therefore, State law must confer the minimum legal authority required by the Pretreatment Regulations on a POTW.

To apply the regulatory authority provided by State law, it is necessary for the POTW to establish local regulations to legally implement and enforce pretreatment requirements. A POTW's legal authority is typically established in a sewer use ordinance as part of the municipality's code, or in the case of a sanitation district, its Rules and Regulations. The EPA's 2007 *Model Pretreatment Ordinance* provides a template for POTWs that are required to develop pretreatment programs and can be found at the following website:

https://www3.epa.gov/npdes/pubs/pretreatment_model_suo.pdf

4.2 City of Laramie Municipal Ordinance

EPA approved the City's Pretreatment program on July 26, 1996. According to records maintained by EPA, the City updated its legal authority (municipal ordinance) on July 8, 1998 to incorporate a total petroleum hydrocarbons prohibition and to include letters of violation as an enforcement remedy, on July 18, 2000 to update local limits, on December 25, 2004 to update the mercury and selenium local limits, on October 24, 2008 to incorporate the Pretreatment Streamlining Regulations, and on October 26, 2015 to provide corrections to the legal language.

The City provided its Pretreatment legal authority found in its municipal ordinance, Title 13, Division VI, Chapter 13.78-Wastewater Treatment and Disposal to the EPA for review. Based on the EPA's review, the City's municipal ordinance provides a framework to implement the Pretreatment Regulations in the POTW's service area, with the following exceptions (as identified in the attached legal authority review):

- *Upset Provisions – (40 CFR 403.16)*
  - The upset provisions apply only to IUs subject to categorical Pretreatment Standards. The language in Section 13.78.070(J) of the municipal ordinance needs to be modified to the following (correction identified in *<u>italicized and underlined font</u>*):
    - "For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with *<u>categorical</u>* pretreatment standards because of factors beyond the reasonable control of the industrial 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."

4.3 Inter-Jurisdictional or Governmental Agreements (IGA)

4.3.1 IGA Regulatory Background

A POTW's authority to implement and enforce its approved Pretreatment program is directly related to its regulatory jurisdiction. The POTW's authority is established in ordinance or Rules and Regulations, which are in effect for its service area. Local entities with connectors, or outside jurisdictions to the service area that contribute wastewater, must establish legally binding mechanisms to ensure that all IUs in these outside contributing jurisdictions are subject to enforceable Pretreatment standards and requirements, as required in §403.8(f)(1).

40 C.F.R. § 403.8(f)(1)(i) states, "The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. *Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law.*" [*Emphasis added*]

The local entity that implements the Pretreatment program must either obtain this authority for itself through an IGA or ensure that the outside contributing jurisdiction has both the authority and the obligation to implement and enforce the Pretreatment Standards and Requirements against every IU that discharges to the POTW.

4.3.2 Evaluation of the City's IGAs with Outside Contributing Jurisdictions

According to information gathered during the audit, there are no outside jurisdictions contributing wastewater to the City's POTW.

5.0 Local Limits

5.1 Local Limits Regulatory Background

40 C.F.R. § 403.8(f)(4) of the Pretreatment Regulations require POTWs that are developing pretreatment programs to develop and enforce specific limits on prohibited discharges or demonstrate that the limits are not necessary. 40 C.F.R. § 403.5(c)(1) states, "Each POTW developing a POTW Pretreatment Program pursuant to §403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a)(1) and (b) of this section [*general and specific prohibitions*]. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits." [*Clarification and emphasis added*].

The National Pretreatment Program consists of three types of national pretreatment standards established by regulation that apply to industrial users. These include prohibited discharge standards, categorical standards, and local limits. Prohibited discharge and categorical standards are developed by the EPA to establish nationwide Pretreatment Standards. Prohibited discharge standards, comprised of general and specific prohibitions found in 40 C.F.R. 403.5(a) and (b) of the Pretreatment Regulations, apply to all IUs regardless of the size or type of operation. Categorical standards are uniform, technology-based standards that apply to specific process wastewater discharges from industrial categories. These categorical standards are found at 40 C.F.R. Parts 405 through 471.

The EPA's promulgation of categorical standards does not relieve a POTW from its obligation to evaluate the need for and to develop local limits to meet the general and specific prohibitions in the Pretreatment Regulations. Because specific prohibitions and categorical standards provide only general protection against pass through and interference, local limits based on POTW-specific conditions may be necessary. Local limits are developed by POTWs to enforce the specific and general prohibitions, as well as any state and local regulations.

An EPA-approved Pretreatment program is required to develop local limits that are protective of the POTW, the collection system, and the POTW's site-specific standards. These site-specific standards may be NPDES permit effluent limits, biosolids limits, environmental criterion, worker health and safety standards or other local standards.

The EPA recommends that POTWs establish their local limits based on the maximum allowable headworks loading (MAHL) calculated for each pollutant of concern. The MAHL approach enables the POTW to calculate local limits considering the portion of the MAHL that is controllable (non-domestic discharges from IUs) from the uncontrollable portion (domestic sources, background concentrations, etc.). A pollutant's MAHL is determined by first calculating its Allowable Headworks Loading (AHL) for each POTW's site-specific standard or environmental criterion. Local limit development uses a mass-balance approach to determine the AHLs for a POTW based on the environmental and treatment plant criteria.

An AHL is the estimated maximum loading of a pollutant that can be received at a POTW's headworks, that should not cause a POTW to violate a treatment plant limit or environmental criterion. An AHL is developed to prevent interference or pass through. An AHL is calculated for each applicable POTW site-specific standard: pass through, sludge contamination, air quality standards, and the various forms of interference (i.e. biological treatment inhibition, sludge digestion inhibition). The AHLs for each pollutant of concern (POC) are calculated based on the various suitable environmental criteria, plant flow rates, and plant removal efficiency. After calculating a series of AHLs for each POC, the lowest AHL is chosen as the MAHL.

MAHLs estimate the maximum combined loadings that can be received at the POTW's headworks from all sources. Maximum allowable industrial loadings (MAIL), developed by the POTW, represent the amount of pollutant loadings the POTW can receive from controlled sources (i.e., industrial users, some commercial sources, and some hauled waste) that the POTW chooses to control through local limits. Local limits can take many forms based on how MAILs are allocated by the POTW. The designation and implementation of these MAILs, including the allocation of loadings to SIUs, are left to each POTW. The POTW should provide a reasonable method of allocating the MAIL to the SIUs while ensuring the implementation procedures do not exceed the calculated MAHL. Typically, the POTWs allocate the MAIL as a uniform concentration-based or a mass limit to each SIU.

The local limits should be based on the following:

- Sampling of the service area to develop a representative data set collected for local limits (e.g., influent, effluent, biosolids, commercial, residential, industrial, trucked/hauled waste),
- Evaluation of the current POTW standards/criteria (including, but not limited to: NPDES permit limits/conditions, water quality standards, biosolids standards),
- Identification of the POTW removal efficiency and pollutant partitioning,.
- Evaluation of data to ensure it is current and representative of current conditions,.
- Identification of pollutants of concern,
- Calculations of loadings and determination of MAHL,
- Development of local limits and allocation methods.

5.2 Local Limits Requirements Established in the City's NPDES Permits

The City's NPDES permit issued by the WYDEQ and effective on August 1, 2019 include local limit requirements in Part III, C. The local limits requirements are as follows:

"The Permittee shall establish and enforce specific local limits to implement the general and specific prohibitions found in 40 CFR 403.5(a) and (b). The Permittee shall continue to develop these limits as necessary and effectively enforce such limits."

5.3 The EPA Evaluation of the City's Local Limits

5.3.1 Technically-based Local Limits

The City's current local limits were approved by EPA on October 26, 2015 and are incorporated in Section 13.78.050(4)(a) of the municipal ordinance.

The local limits applicability language Section 13.78.050(4)(a) is as follows:

"Maximum total allowable industrial concentration that can be accepted at the POTW in accordance with guidance established by federal law is limited to:"

Table 1 – City of Laramie Local Limits – SIU Concentration-based limits

Pollutant	Symbol	Daily Maximum (mg/L)
Arsenic, Total	As	3.151
Cadmium, Total	Cd	0.061
Chromium, Total	Cr	1.160
Chromium, VI	Cr VI	0.486
Chromium III	Cr III	0.673
Copper, Total	Cu	1.603
Lead, Total	Pb	0.296
Mercury, Total	Hg	0.002
Molybdenum, Total	Mo	3.443
Nickel, Total	Ni	3.733
Selenium, Total	Se	0.017
Silver, Total	Ag	1.006
Zinc, Total	Zn	8.568

5.3.2 Numeric Ordinance Limits

In addition to the established technically-based local limits, the City has incorporated the following numeric ordinance limits in Section 13.78.050(4)(a) of the municipal ordinance. These numeric ordinance limits are not site-specific and have not undergone the rigor of approval/public participation for the technically-based local limits:

- BTEX – 750 µg/L
- Benzene – 50 µg/L
- pH – > 5.0 and < 12.0
- Flashpoint – > 140 °F or 60 °C
- Lower Explosive Limit (each explosive compound) – 5.0%

- Total Petroleum Hydrocarbons – 250 mg/L

5.3.3 Dilution Prohibition

The City has incorporated a prohibition on dilution in Section 13.78.050(10) of the municipal ordinance to ensure the IUs are appropriately managing their regulated wastestreams to meet compliance with an applicable Pretreatment Standard or Requirement established by the City:

"Prohibition against Dilution as Treatment. Dilution prohibited as substitute for treatment. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Control Authority may impose mass limitations on Industrial Users, which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate."

The dilution prohibition language in Section 13.78.050(10) meets the requirement in 40 CFR Part 403.6(d) of the Pretreatment Regulations.

5.4 Local Limits Technical Evaluation-Regulatory Background

40 C.F.R.§ 122.44(j)(2)(ii) of the NPDES regulations require POTWs to provide a written technical evaluation of the need to revise local limits following permit issuance or reissuance. The technical evaluation is a detailed re-evaluation of data, criteria, conditions, and assumptions on which local limits are based to determine whether any significant changes affecting the local limits have occurred. Chapter 7 of the *Local Limits Development Guidance Manual*, EPA-833-R-04-002A, July 2004 provides guidance on completing the technical evaluation of local limits.

The Annual Pretreatment Reports submitted to the EPA provide the POTW with an opportunity to perform reviews for exceedances of the established MAHL for the POCs, on an annual basis. The POTW compares both the maximum and average influent data for the reporting year against the MAHL to determine if there were any exceedances. In addition, the POTW is required to report biosolids data to determine if there were any changes or concerns with the biosolids loadings. An exceedance of the established MAHL may be indicative of a change in the service area, changes to the POTW operations or changes to domestic or non-domestic loadings and may indicate a need to recalculate the local limits. However, the annual review may not have addressed conditions that can change over time, such as operating conditions, environmental criteria/standards, data, or assumptions that may make local limits no longer appropriate, protective or legally-defensible.

As a follow-up to MAHL exceedances listed on the annual report and as required during a permit reissuance, a POTW should compare its current conditions and requirements with those that existed when the local limits were developed. The EPA recommends that POTWs determine if re-calculating existing local limits, or developing MAHLs for new pollutants of concern, is necessary in response to the following criteria:

1. Removal Efficiencies
   a. Modification to the POTW or new POTW brought online.
   b. Changes in POTW processes or operations that have affected the POTW removal efficiencies.
2. Total POTW or IU Loading
   a. Significant changes to flow to the POTW.
   b. Significant changes to loadings to the POTW due to new IUs, changes in loadings at existing IUs or significant growth in the service area.
   c. Significant changes in loadings from SIUs in the service area.
3. Limiting Criteria
   a. New or revised NPDES permit limits.
   b. New or revised biosolids standards.
   c. Changes in EPA or State Criteria (acute and chronic water quality standards for the receiving waters, reuse water quality criteria) at the time of local limit development to existing criteria.
4. Sludge Characteristics or Method of Disposal
   a. Changes in loadings to biosolids.
   b. Changes in biosolids disposal methods.
5. Background Concentrations of Pollutants in Receiving Water

5.5 Technical Evaluation of the City's Local Limits

Part III.(C) of the City's NPDES permit issued by the WYDEQ includes the following requirements for a technical evaluation of the local limits:

"In accordance with 40 CFR 122.44(j)(2)(ii), a technical evaluation of the need to develop or revise local limits shall be submitted to the Approval Authority within 12 months of the effective date of this permit.

This evaluation should be conducted in accordance with EPA's "Local Limits Development Guidance" July 2004. Where the Permittee determines that revised or new local limits are necessary, the Permittee shall submit the proposed local limits to the Approval Authority in an approvable form in accordance with 40 CFR 403.18."

The City's NPDES permit issued by the WYDEQ provided a deadline of August 1, 2020, to submit a technical evaluation of the City's current local limits. The City submitted the draft technical evaluation for EPA to review on January 22, 2020, which meets the deadline requirements of the NPDES permit. EPA will review the submitted technical evaluation of the City's local limits and provide any relevant comments.

5.6 Permit or Site-Specific Limits

Local municipalities implementing the Pretreatment program should have the ability to establish site or permit-specific limits as deemed necessary to be protective of the POTW. This is a beneficial authority because situations or projects may occur in the service area that the municipality may want to provide control to protect the POTW. However, the current limits in the ordinance may not address the pollutant of concern.

The EPA considers the development of any local limit, whether codified in the municipal ordinance/rules and regulations or developed on a site-specific situation (i.e., permits-specific limit) to be a program modification under 40 C.F.R §403.18 (53 FR 40579, Final Rule, General Pretreatment Regulations for Existing and New Sources, October 17, 1988). The development of any local limit is required to follow the approval and public notice provisions, both at the local level and by submitting to the EPA.

40 C.F.R §403.5(c)(3) of the Pretreatment Regulations states, "Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond." The EPA recommends that POTWs conduct public participation in the local limits process (whether codified in the municipal ordinances/rules and regulations or new limits developed in a permit) as openly as possible. This may involve notifying the SIUs/IUs and other affected parties of the proposed limits or announcing a 30-day public comment period. This would allow sufficient time for the public to participate, which is a fundamental goal of the Clean Water Act in Section 101(e).

The City has established the ability to develop site or permit-specific limits in Sections 13.78.050(4)(a) and 13.78.050(9) of its municipal ordinance. Section 13.78.050(9) states the following:

"City's Right to Revise. The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if necessary or convenient to promote the objectives of this chapter."

Section 13.78.050(4)(a) states the following:

"Any other specific pollutants identified by the city may also have specific effluent permit limitations set by the city to restrict their discharge into the system. The superintendent may set such limits."

Based on the EPA's review of the Pretreatment records, the City has not established site-specific limits in the SIU permits.

6.0 Pretreatment Operating Procedures

6.1 Regulatory Background

40 C.F.R. §403.8(f)(2) of the Pretreatment Regulations states, "The POTW shall *develop and implement* procedures to ensure compliance with the requirements of a Pretreatment Program." [*emphasis added*] The Pretreatment Regulations identify these minimum procedures in 40 C.F.R. §403.8(f)(2)(i-viii) to include the following **implementation** activities, summarized below:

- Identify and locate all possible IUs that might be subject to the Pretreatment program,

- Obtain information describing the character and volume of wastes discharged by IUs,
- Notify IUs of all applicable Pretreatment standards and other applicable State or Federal standards or requirements,
- Review self-monitoring reports and other notices submitted by IUs,
- Randomly sample and analyze effluents from IUs,
- Evaluate whether each SIU needs a slug discharge control plan,
- Investigate instances of noncompliance with Pretreatment standards and requirements,
- Comply with public participation requirements.

The requirements listed in 40 C.F.R. §403.8(f)(2) include the **development** of procedures. Adequate and updated standard operating procedures (SOPs) provide the following benefits to a Pretreatment program:

- Develop the baseline knowledge of the Pretreatment Regulations and establish the framework for program implementation,
- Adequately implement the authorities established in the municipal ordinance and ensure consistency in program implementation,
- Retain institutional and historical knowledge developed within the POTW's program, and
- Provide a valuable training resource for new or inexperienced staff members.

Ultimately, the benefits of valid SOPs to the Pretreatment program are increased efficiency, along with improved data comparability, credibility, and legal defensibility. In addition, the development of written SOPs and templates allow the EPA to determine if the procedures adequately implement the legal authority developed in the municipal ordinance/rules and regulations as required in 40 C.F.R. §403.8(f):

"A POTW Pretreatment program must be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented."

6.2 Standard Operating Procedures (SOPs)

EPA evaluated the City's procedures and templates during the audit to ensure these meet the requirements listed in 40 C.F.R.§ 403.8(f)(2). As previously discussed, developing SOPs are beneficial for the City's Pretreatment program but most importantly, to ensure adequate implementation of the authorities established in the municipal ordinance and ensure consistency in program implementation. EPA considers the Industrial User Inventory and Characterization, Sampling Plan/QA-QC, and the Enforcement Response Plan to be priority and required SOPs to ensure consistent implementation of the City's legal authority. EPA evaluated these priority SOPs and provides comments in the following sections within this audit report:

- Industrial User Inventory and Characterization Procedures (*discussed in* §*7.0*),

- Sampling Plan, Site-Specific Sampling Protocol, Quality Assurance and Quality Control (*discussed in §10.0*), and
- Enforcement Response Plan and Data Compliance Evaluation (*discussed in §11.0*).

According to information gathered during the audit, the City recently underwent a transition from the previous Pretreatment Coordinator. EPA is available to help with this transition and recommends the City evaluate the need to develop Pretreatment procedures, as it develops current implementation practices.

6.3 Templates

Templates and checklists are also critical to a Pretreatment program to ensure consistent and appropriate implementation of the Pretreatment regulations. The City has developed a permit application for discharging facilities and an SIU permit template. The permit application appears to provide adequate information and data for the City to develop an appropriate control mechanism. The evaluation of the permit template is included in §8.4 of this audit report.

6.4 Records and Data Management

6.4.1 Regulatory Background

The recordkeeping requirements of the Pretreatment program are established in 40 C.F.R. §403.12(o)(1-3):

"(1) Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:

> (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples.
>
> (ii) The dates analyses were performed.
>
> (iii) Who performed the analyses.
>
> (iv) The analytical techniques/methods use; and
>
> (v) The results of such analyses.

(2) Any Industrial User or POTW subject to the reporting requirements established in this section (including documentation associated with Best Management Practices) shall be required to retain for a minimum of 3 years, any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director and the Regional Administrator (and POTW in the case of an Industrial User). This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Director or the Regional Administrator.

(3) Any POTW to which reports are submitted by an Industrial User pursuant to paragraphs

(b), [baseline monitoring reports] (d), [90-day compliance reports] (e), [categorical industrial user monitoring reports] and (h) [significant industrial user monitoring reports] of this section shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Director and the Regional Administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the POTW Pretreatment Program or when requested by the Director or the Regional Administrator."

6.4.2 Recordkeeping and Data Management Procedures

Based on information gathered during the audit, the Pretreatment Coordinator maintains the SIU permit and IU records in their office. The records are maintained for at least five years and are digitized to maximize record space. Due to the Covid-19 pandemic and the remote nature of the audit, the physical recordkeeping and organization was not observed by EPA.

6.5 Receipt of Discharge Monitoring Reports and Notifications

The Pretreatment regulations in 40 C.F.R. §403.8(f)(2)(vii) require a POTW to "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12 [IU compliance reports], or indicated by analysis, inspection, and surveillance activities [control authority monitoring]." This requires the POTW to ensure adequate receipt and tracking of self-monitoring reports and notifications, have procedures to evaluate the data and information contained within these reports and notices, and determine compliance with the Pretreatment standards (e.g., permit limits and conditions).

The SIU self-monitoring reports, notifications and other reports submitted are date stamped by hand as received. The City uses SMR check-in and technical review criteria (TRC) checklists to determine compliance with the permit's narrative conditions and numeric limits. Based on a review of the Pretreatment records documented in §8.4 of this audit report, it does not appear that the City is consistently evaluating the self-monitoring reports for compliance, however, the City needs to consistently date stamp documents received from SIUs and IUs to ensure the date received is recorded.

6.6 Management of Confidential Records

40 C.F.R. § 403.14 of the Pretreatment Regulations establishes the public availability of the Pretreatment records and the provisions to establish confidential business information (CBI). The City has incorporated the public availability and confidentiality requirements in Section 13.32.105 of the municipal ordinance:

"Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of the information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When a confidentiality claim is asserted, the information shall be treated as confidential until a determination is made by the superintendent. Effluent data shall not be made confidential.

When the user furnishing a report satisfies the POTW that the user has made the demonstration required by Section 13.78.050, the portions of any report which might disclose trade secrets or secret processes shall not be available for inspection except by the city, state or EPA for uses related to this chapter. Confidential portions of a report shall be available for use by the city, state or EPA in judicial review or enforcement proceedings involving the person or user furnishing the report. Effluent data will not be recognized as confidential information. Right of entry, inspection, and sampling. Representatives of the POTW, the state, and the EPA, upon showing proper identification, shall be permitted to enter and inspect the premises of any user who may be subject to the requirements of this chapter to determine whether the user is in compliance with all requirements of this chapter, wastewater contribution permit, or order. Industrial users shall allow representatives of the POTW, the state, and the EPA access to all premises at all times under the circumstances for the purposes of inspection, sampling, examining or copying records and the use of digital photos during inspections and monitoring in the performance of their duties. The EPA, state and city shall have the right to install on the user's property devices, equipment, and access locations necessary or convenient to conduct sampling and monitoring. Where a user has security or safety measures in force, the user shall make arrangements in advance at the user's expense so that EPA, state, and city personnel are permitted to enter the premises for the purposes expressed in this section. The POTW shall inspect and sample the effluent from each significant industrial user at least once per year."

According to information gathered during the audit, the City has not received confidential business information.

7.0 Industrial User Inventory and Characterization

7.1 Regulatory Background

The Pretreatment Regulations state in 40 C.F.R. § 403.8(f)(2)(*i-iii*) that a POTW shall develop and implement procedures to ensure compliance with requirements of a Pretreatment Program. [These requirements are summarized after the regulation language in **bold** and *italics* font].

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." ***This requires a POTW to develop and maintain an inventory of IUs in the service area***.

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." ***This requires a POTW to characterize the IUs in the inventory of the service area.***

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 C.F.R. 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." ***These procedures must include the notification of IUs of applicable Pretreatment Standards and other applicable requirements.***

The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(6) state, "The POTW shall prepare and maintain a list of its non-domestic or Industrial Users meeting the criteria in §403.3(v)(1). The list shall identify the criteria in §403.3(v)(1) applicable to each Industrial User and, where applicable, shall also indicate whether the POTW has made a determination pursuant to §403.3(v)(2) that such Industrial User should not be considered a Significant Industrial User. The initial list shall be submitted to the Approval Authority pursuant to §403.9 or as a non-substantial modification pursuant to §403.18(d).

Approved Pretreatment programs are required by the Pretreatment Regulations to understand their service area and outside contributing jurisdictions, by developing and maintaining an inventory of IUs. In addition, the Pretreatment Regulations require a Pretreatment program to characterize the IUs listed on the inventory and notify the IU of their status under the Pretreatment program. For example, the following characterizations may apply to an IU, based on information received from questionnaires, drive-by or facility inspections:

- The IU is not characterized as significant, based on volume and characteristic of the discharged wastewater.
- The IU is characterized as significant and issued a permit.
- The IU is not characterized as significant, but loadings need to be controlled using BMPs in a source control program.
- The IU is generating wastewaters that are significant but is characterized as a zero-discharging facility.

The **Industrial Waste Inventory and Characterization** or industrial waste survey (IWS)/ IU inventory procedures are an important component to an effective Pretreatment program because this is a POTW's first exposure to the IUs, allows the POTW to determine if an IU is significant, notify the IU of its status under the Pretreatment regulations, and determine the appropriate type of control mechanisms for these facilities to protect the POTW and collection system.

7.2 Industrial User Identification and Characterization Procedure

The City has not developed an IU Identification and Characterization procedure. 40 C.F.R. §403.8(f)(2) of the Pretreatment Regulations require the City to "develop and implement procedures" that "enable the POTW" to comply with these Pretreatment Program requirements. The City needs to develop an IU Inventory and Characterization procedure that identifies current methods and procedures the City uses to identify and characterize

IUs in the service area of its POTW and to notify these IUs of applicable Pretreatment Standards. The procedure should also include methods that the City uses to maintain the IU inventory for new IUs moving into its service area or changes to existing IUs. The maintenance of the IU inventory needs to ensure the information and records on the IUs are based on current conditions at the IU.

7.3 Industrial User Database of the City's Service Area

According to information gathered during the audit, the City has weekly meetings with the Engineering department to discuss new IUs coming into its service area and to review current building plans. The City collaborates with the Building department and requires a waste survey to be completed during the building permit application process. The City receives the waste survey and has to provide a signature on the plan review checklist for the facility to proceed in this process.

The City provided a current IU inventory of the IUs in its service area for EPA to review. It appears that the current IU inventory is not complete of all IUs. The IU inventory appears to contain all food service establishments subject to the oil and grease interceptor sector control program and automotive facilities/car washes/machine shops subject to the sand oil interceptor sector control program. However, the IU inventory does not appear to be comprehensive for other IUs in the City's service area. For example, the City needs to ensure it identifies all dental facilities in its service area, characterize these dental facilities and ensure the dental facilities subject to the Dental Amalgam Rule in 40 C.F.R. Part 441 are in compliance with the provisions in this Rule. EPA identified three dentists who may be subject to the Dental Amalgam Rule and had not been evaluated (see section 13.4).

40 C.F.R. § 403.8(f)(2)(*i-iii*) of the Pretreatment regulations require the City to identify and locate all IUs in its service area, identify the character and volume of pollutants contributed by these IUs based on current information, and notify these IUs of applicable Pretreatment Standards and Requirements. The City is required to develop a complete IU inventory of its service area, characterize these IUs using available Pretreatment tools such as drive-by inspections, waste surveys, facility inspections or sampling activities and notify these IUs of applicable Pretreatment Standards.

EPA recommends the City collaborate with the Fire Department because they are in the facilities in the service area and may provide additional information regarding potential for significant process/wastewater generation or spill/slug potential in the service area.

The EPA currently provides "Pretreatment 101" webinar training, and a training for "Industrial User Inventory and Characterization Procedures," provided in September 2010, is archived at the following website:

https://www.epa.gov/npdes/national-pretreatment-program-events-training-and-publications#pretreat101

8.0 Control Mechanism (Permit) Evaluation and Permit Specific Issues

8.1 Regulatory Background

POTWs are required to issue control mechanisms to IUs identified through IU Inventory and Characterization procedures as SIUs. Individual permits or general control mechanisms authorize the discharge of wastewater to a POTW upon condition that the discharger complies with the permit limitations and conditions. An SIU permit is effective for only a limited period and should be revocable by the issuing authority at any time for just cause. In addition, the POTW's legal authority will typically include a provision that forbids the discharge of industrial wastewater from a SIU without a current permit.

The Pretreatment Regulations establish the required permit conditions in 40 C.F.R. § 403.8(f)(1)(iii)(B)(1-6) that include the following minimum elements:

1. Statement of duration (in no case more than five years);
2. Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
3. Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law;
4. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law;
5. Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
6. Requirements to control Slug Discharges, if determined by the POTW to be necessary.

The reporting and notification requirements in permit condition #4 above are found in 40 C.F.R. § 403.12 of the Pretreatment Regulations and include the following:

- Baseline Monitoring Reports – 403.12(b)
- Compliance Schedule Progress Reports – 403.12(c)
- 90-Day Compliance Reports – 403.12(d)
- CIU Periodic Compliance Reports – 403.12(e)
- Notice of Potential Problems, including Slug Loading – 403.12(f)
- Notification of Changes Affecting Slug Discharge Potential – 403.8(f)(2)(vi)
- 24-Hour Non-Compliance Notification – 403.12(g)
- SIU Periodic Compliance Reports – 403.12(h)
- Notification of Changed Discharge – 403.12(j)
- Notification of Hazardous Waste Discharge – 403.12(p)
- Notification of Bypass – 403.17

Under general principles of administrative law, permit applicants and other interested parties may challenge the POTW's permit decisions, including the permit limitations and conditions and the POTW's authority to issue the permit. The POTW must ensure that it has the requisite legal authority to impose Pretreatment Standards and Requirements in SIU permits and that it exercises its authority in a consistent and non-arbitrary manner. The local ordinance must clearly provide the POTW with the following authorities to support the permit requirements found in 40 C.F.R. § 403.8(f)(1)(iii):

- Authority to regulate all Industrial Users contributing wastewater to the POTW
- Authority to require and issue permits, orders, or other control mechanisms, including:
  - Authority to require Industrial Users to submit all data that the POTW deems relevant to permit decisions and provisions for public access to data.
  - Authority to enter, inspect, and sample to verify information supplied by the Industrial User as well as to assess the Industrial User's compliance status.
  - Authority to incorporate local limits, including BMPs (if applicable).
  - Authority to incorporate federal and state Pretreatment Standards and Requirements.
  - Authority to require self-monitoring, record keeping, reporting, and notifications by the permittee.
  - Authority to develop other appropriate permit conditions.
- Authority to enforce sewer use ordinance and discharge permit violations.
- Authority to require the development of a slug discharge control plan.

The POTW is required to establish the legal authority to require an IU to complete and file a permit application, with current information, to receive an initial or reissued permit. A permit application enables the POTW to obtain the information necessary to characterize the facility, to evaluate the quality and quantity of wastewater discharged, or projected to be discharged for a new facility, and to determine the applicable Pretreatment Standards and controls. The permit application serves as the formal request from the IU to discharge to the POTW and is required to be signed by a responsible corporate officer of the IU, as defined in 40 C.F.R. § 403.12(l) of the Pretreatment Regulations. In addition to the permit application, the POTW should evaluate, if available, historic IU effluent data, compliance reports, previous inspection reports, Safety Data Sheets, etc.

Throughout the permit drafting process, the POTW should carefully and thoroughly document each step in a permit rationale or statement of basis. A statement of basis is a document that provides a justification of the permit conditions and limits based on a characterization of the IU, its wastewater discharge, and the applicable Pretreatment Standards and Requirements. The statement of basis should include a description of the facility's production, process(es), wastewater generation/management, and discharge locations to adequately characterize the facility. The statement of basis should also identify the appropriate Federal, State, and Local Pretreatment Standards, based on the IU's characterization; and should provide justification for permit conditions and requirements, such as pollutants of concern, monitoring/reporting frequencies, representative sampling types, notification requirements, slug discharge control, operation and maintenance requirements, etc.

The statement of basis facilitates defending any challenges that the permit terms and conditions were developed arbitrarily or capriciously and provides the required documentation in the permit record of any relief from otherwise applicable requirements (i.e., pollutants not expected to be present, equivalent limits, decisions on general control mechanisms, decisions on Non-Significant Categorical Industrial User (NSCIU) classification, and decisions on reduced monitoring requirements). In addition, the statement of basis can serve as a resident document to preserve institutional knowledge and continuity for new or different staff members.

The EPA updated the IU Permitting Guidance Manual, 833-R-12-0001A in September 2012. This guidance manual supports the implementation of the permit conditions found in 40 C.F. R. § 403.8(f)(1)(iii)(B)(1-6) of the Pretreatment Regulations. The guidance manual is intended to provide both new and experienced permit writers with conceptual support and specific examples to strengthen their permit development expertise. The guidance manual references technical guidance developed by the EPA regarding local limits, enforcing Pretreatment Standards and Requirements, controlling hauled waste, information regarding compliance inspections and sampling, and BMPs.

The IU Permitting Guidance Manual can be found at the following website:

https://www.epa.gov/sites/production/files/2015-10/documents/industrial_user_permitting_manual_full.pdf

8.2 The EPA's Evaluation of the City's Permitting Legal Authority

EPA evaluated the City's municipal ordinance to ensure it provides an adequate framework to require permit coverage, to deny or condition non-domestic wastewater contributions and to establish adequate permit conditions.

- Section 13.78.060(B) – establishes the requirement for SIUs to obtain a wastewater discharge permit.
- Section 13.78.060(B)(1) – establishes the requirement for existing IUs to provide a permit application at least 90 days before the expiration of the permit.
- Section 13.78.060(B)(1)– contains the permit application contents.
- Sections 13.78.050(5) and 13.78.060(B)(8) – establishes the authority for the City to deny or conditions wastewaters discharged to the public sewers.
- Section 13.78.070(A)(1-21) – establishes the permit conditions to prevent Passthrough or Interference and to protect the POTW, worker health and safety, biosolids and the receiving stream water quality.

8.3 Permit Template Overview

The City has developed a permit template and provided it to EPA for evaluation to ensure it complies with the permit conditions found in 40 C.F.R. § 403.8(f)(1)(iii)(B)(1-6) of the Pretreatment Regulations. Based on EPA evaluation, the SIU permit needs to be updated to comply with the permit conditions found in the Pretreatment Regulations. These corrective action items to update the permit template to align with the permit conditions in the Federal Pretreatment Regulations and adopted by the City in its municipal ordinance are documented in the enclosed City of Laramie Permit Template Review and are included in section 8.4.2 below.

8.4 Specific Permit Record Findings

The City has identified five IUs that have been issued a permit under the Pretreatment program as significant industrial users, subject to the City's local limits. Findings from the EPA's review of the Pretreatment records, including the facility inspection report, statement of basis, permit, compliance evaluation, and enforcement records are listed below:

8.4.1 Permit records Overview

1. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(2)(ii) require the City to "Identify the character and volume of pollutants contributed to the POTW." The SIU inspection reports include minimal descriptions of the facility's unit operations and do not provide adequate characterization of the facility. The SIU inspection reports need to include more detail regarding the SIU's chemical storage/handling/transfer, process/unit operations, wastestream generation from these unit operations, wastestream management or wastewater treatment, sampling procedures to provide a current characterization, including an evaluation of slug discharge potential and process or treatment plant changes.
2. Fact sheets or permit rationales should include an adequate justification of all permit conditions, including most stringent permit limits based on an evaluation of all Pretreatment Standards, seasonal discharge flow volume for the SIU, representative monitoring type/frequencies based on the SIU's wastewater discharge and recent compliance history, slug discharge/spill potential, reporting frequency and reportable data (min/max pH and daily average and total monthly flow for every month in the reporting period), toxic organic management plan (TOMP) requirement (Metal Finishers), adequacy of best management practices plan (BMPP), and slug discharge control plan based on current conditions.
3. The self-monitoring (SMR) check-in sheets are a useful tool for the City to evaluate if the report is complete and complies with permit conditions. However, the City should ensure these checklists are specific to the permit limits and reporting requirements for the SIU.
    a. According to the Pretreatment Coordinator, the SMR check-in sheets were being used to document phone calls as an enforcement response to violations identified while reviewing SMRs. The SMR check-in sheets do not have a defined place to document this enforcement response. EPA identified multiple SMR check-in sheets that had "phone call" written on them, but there were no details regarding who made the phone call, the date of the call, the purpose of the call, or other information that documents the requirements of the City's ERP are being met. It is recommended the SMR check-in sheets not be used to document enforcement actions related to identifying permit violations unless they are updated ensure all relevant

information in the ERP is documented. Otherwise, the documentation for enforcement remedies such as phone calls need to be included in the records and need to include relevant information such time/date of phone call, IU representative and a summary of the call, including any remedies to mitigate the violation or required follow up actions by the IU.

b. The monitoring periods and the reporting due dates for the SIU permits should be established for each permit. Below is an example table to specify compliance monitoring periods and compliance report dues dates based on quarterly monitoring and reporting and a due date on the 20th of the month following each quarter:

Compliance Monitoring Period	Due Date
January through March	April 20
April through June	July 20
July through September	October 20
October through December	January 20

8.4.2 Permit Template

2. Based on EPA's review of the City SIU permit template, the following updates and modifications need to be made to ensure the permit template aligns with the permit conditions found in 40 CFR 403.8(f)(1)(iii)(B)(1) of the Federal Pretreatment Regulations and incorporated in §13.78.070(A) of the municipal ordinance. In addition, modify the permits currently issued to SIUs in the service area to ensure permit conditions consistent with the City's ordinance. (Note: The permit template updates are identified in the attached City of Laramie Permit Template Review Checklist.)

a. Modify the Statement of Non-transferability found in Section D.8 of the permit template to implement permit conditions consistent with 13.78.070(3) of the ordinance. Section D.4 of the permit template states the following and the ordinance language is identified in <u>*italicized and underlined font*</u>: "Wastewater discharge permits are issued to a specific user for a specific operation at a specific location. A wastewater discharge permit is void if it is assigned or transferred; or if the permittee is sold or leased to a new owner or new user, or is moved to different premises, without ~~the advance approval of the superintendent in writing~~, <u>*at a minimum, prior notification the POTW and provision of a copy of the existing control mechanism to the new owner or operator*</u>. A wastewater discharge permit may not be used for a new or changed process or operation without the advance approval of the superintendent in writing."

b. The permit template does not include a requirement to notify for potential problems including slug discharges as required in Section 13.78.050(13) of the ordinance. The permit needs to be updated to include the notification, identified below:

i. Reports of Potential Problems.
ii. In the case of any discharge, including, but not limited to, accidental discharges, discharge of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendents 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.
iii. Within five 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 any person or property; nor shall such notification relieve the user of any fines, penalties, or other liability, which may be imposed pursuant to this chapter.
iv. 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 Section 17.78.050. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
v. Significant industrial users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

c. Specific prohibitions in Section D.15 of the permit template are not equivalent to the specific prohibitions found in 13.78.050(3) of the ordinance. The permit template needs to be modified to incorporate the specific prohibitions in the ordinance.

8.4.3 Alsco

1. Alsco had a violation of the total petroleum hydrocarbons (TPH) permit limit of 250 mg/L on January 25, 2021. The data from January 25, 2021 sampling event resulted in a TPH result of 606 mg/L. Although the SMR check-in sheet includes an identification of a phone call, based on a review of the Pretreatment records, there was no documentation of the phone call as an enforcement response by the City of Laramie. It was unclear what the purpose of the phone call was. The City needs to ensure any enforcement remedies are documented in the records with supporting information or provide an adequate enforcement response to this violation, according to its ERP.

8.4.4 Antea

1. It appears that Antea failed to sample or provide measurement data for the pollutants limited in its permit (BTEX, benzene, TPH, LEL, flow and pH) for the 1st quarter compliance period of 2020. Although the SMR check-in sheet includes an identification a phone call, based on a review of the Pretreatment records, there was no documentation of the phone call as an enforcement response by the City of Laramie. It was unclear what the purpose of the phone call was. The City needs to ensure any enforcement remedies are documented in the records with supporting information or provide an adequate enforcement response to this violation, according to its ERP.
2. The Pretreatment regulations at 40 CFR 403.8(f)(2)(v) require the City to "Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year." This is required for all permit-limited pollutants in order to identify noncompliance. Based on a review of the Pretreatment records, there is not documentation that the City monitored or recorded LEL during control authority monitoring events conducted in 2020 and 2021. The City needs to ensure it samples or records data for all pollutants limited in the SIU's permit to independently identify noncompliance.

8.4.5 Ivinson Memorial Hospital

1. The inspection reports for the Ivinson Memorial Hospital include minimal descriptions of the facility's unit operations and do not provide specific and current information to adequately characterize the facility's potential for spills and slug discharges and current discharge practices, the reports need to include more detail regarding the SIU's chemical storage/handling/transfer, process/unit operations, wastestream generation from these unit operations, wastestream management or wastewater treatment, sampling procedures to provide a current characterization, including an evaluation of slug discharge potential.

8.4.6 University of Wyoming (UW)

1. The City has established seven outfalls in the UW permit. As a result, the SMRs submitted by the UW include many lab reports that are not consistently labeled to represent the outfall sampling event. Section F.6.a of the UW permit states that the records of sampling and analysis shall include "The date, **exact place**, method, and time of sampling or measurements, and sampling preservation." The UW SMRs need to include outfall # on reports and laboratory data sheets to ensure the submitted data is matched up with the appropriate outfall and the exact place of sampling is documented.
2. The UW had a violation of the selenium (Se) permit limit of 0.017 mg/L on June 24, 2021. The data from June 24, 2021 sampling event resulted in a Se

result of 1.07 mg/L. Although the SMR check-in sheet includes an identification of a phone call, based on a review of the Pretreatment records, there was no documentation of the phone call as an enforcement response by the City of Laramie. It was unclear what the purpose of the phone call was. Based on EPA's review of the City's ERP, this violation significantly above the Se local limit that was developed to protect the POTW and the environment may be defined as a severe violation "that threatens or causes danger to the environment" and should be enforced with a notice of violation as a minimum instead of a phone. The City needs provide an adequate enforcement response to this violation, according to its ERP.

   a. In addition, the City needs to evaluate this evaluation to determine if this results in SNC, which is another Pretreatment violation. If this results in SNC, then the City needs to provide an adequate enforcement response, according to its ERP.

3. The UW had a violation of the mercury (Hg) permit limit of 0.0002 mg/L on June 18, 2021. The data from June 18, 2021 sampling event resulted in a Hg result of 0.00022 mg/L. Based on a review of the Pretreatment records, there was no record of an enforcement response by the City of Laramie. The City needs to provide an adequate enforcement response to this violation, according to its ERP.

8.4.7 Trihydro

1. The Pretreatment regulations in 40 C.F.R. §403.8(f)(2)(vii) require a POTW to "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12 [IU compliance reports], or indicated by analysis, inspection, and surveillance activities [control authority monitoring]. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions." Adequate receipt and tracking of self-monitoring reports and notifications to ensure these are received within the due date required by the permit and such receipt is documented are important ensure enforceability of noncompliance. The City did not date stamp the biannual self-monitoring reports due on July 20, 2020, January 20, 2021 and July 20, 2021. Therefore, EPA was not able to determine if these reports were received within the permit-required due dates. Ensure the City consistently date stamps all reports, notifications and other correspondence required by permit with due dates.
2. The Pretreatment regulations at 40 CFR 403.8(f)(2)(v) require the City to "Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year." This is required for all permit-limited pollutants in order to identify noncompliance. Based on a review of the Pretreatment records, there is not documentation that the City sampled outfall 21 in 2020. The City needs to ensure it samples or records data for all pollutants

of concern limited in the SIU's permit.

3. The Pretreatment regulations in 40 C.F.R. §403.8(f)(2)(vii) require a POTW to "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12 [IU compliance reports], or indicated by analysis, inspection, and surveillance activities [control authority monitoring]." The Trihydro permit requires the facility to report the results of continuous LEL monitoring but the none of the 2020 and 2021 SMRs reviewed include LEL data. The City needs to require Trihydro to report this data or provide an enforcement response for the failure to report, according to its ERP.

9.0 Significant Industrial User Facility Inspections

9.1 Regulatory Background

The General Pretreatment Regulations at 40 C.F.R. § 403.8(f)(1)(v) states that the POTW shall have the legal authority to:

"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 a Discharge source or treatment system is located or in which records are required to be kept under §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 Act;"

40 C.F.R. § 403.8(f)(2)(v) of the Pretreatment Regulations requires the POTW to inspect its SIUs at least once per year. 40 C.F.R. § 403.8(f)(2)(ii) require the City to "Identify the character and volume of pollutants contributed to the POTW." 40 C.F.R. § 403.8(f)(2)(vii) establishes the standard of evidence collection during sampling or inspection activities:

"Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions."

Typically, an inspector is the only representative from the POTW that regularly appears at the IU's facility and significantly represents the POTW's role as a responsible public agency, observing the actions and evaluating the performance of the regulated industry.

9.2 Right of Entry

The City has established the authority for right of entry in §13.78.050(17)of the municipal ordinance:

"Representatives of the POTW, the state, and the EPA, upon showing proper identification, shall be permitted to enter and inspect the premises of any user who may be subject to the requirements of this chapter to determine whether the user is in compliance with all requirements of this chapter, wastewater contribution permit, or order. Industrial users shall allow representatives of the POTW, the state, and the EPA access to all premises at all times under the circumstances for the purposes of inspection, sampling, examining or copying records and the use of digital photos during inspections and monitoring in the performance of their duties. The EPA, state and city shall have the right to install on the user's property devices, equipment, and access locations necessary or convenient to conduct sampling and monitoring. Where a user has security or safety measures in force, the user shall make arrangements in advance at the user's expense so that EPA, state, and city personnel are permitted to enter the premises for the purposes expressed in this section."

The municipal ordinance adequately establishes the right of entry authority for the City, as required in 40 C.F.R. § 403.8(f)(1)(v) of the Pretreatment Regulations.

9.3 Facility Inspection Records – Background

40 C.F.R.§ 403.8(f)(2)(vii) of the Pretreatment Regulations requires the POTW to meet the criterion for evidence collection "with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions." This is performed during facility inspections by adequate documentation in the inspection report of the observations, surveillance, inspections, sampling performed, and analysis gathered during facility inspections. A complete and well-developed inspection report that provides a current characterization of the facility will benefit the POTW's Pretreatment program for programmatic decisions such as categorical determinations, slug discharge/spill potential, changes at the facility that may affect the current permit conditions, sampling frequencies, etc.

As discussed in §2.11.2 of the *Industrial User Inspection and Sampling Manual for POTW*s, EPA-831B17001, January 2017, the inspection report generated from the facility inspections should accomplish the following three objectives: 1) organize and coordinate all information in a comprehensive, usable manner for use by the POTW's compliance personnel; 2) identify areas that may require follow-up activity; and 3) provide significant background information on the facility that can be reviewed prior to conducting subsequent inspections at the facility. The quality of this documentation will, to a large degree, determine how effective these follow-up activities will be at the facility. The information in the inspection report must be presented in a clear, concise, and well-organized manner.

The Industrial User Inspection and Sampling Manual for POTWs describes the information necessary to characterize a facility in §§2.10.3 and 2.12. The manual also discusses the records to review at a facility to help determine the facility's compliance in §2.10.8. It is important for Pretreatment programs to capture the following information during facility inspections to characterize the facility, and document facility changes to ensure the SIU's permit addresses current conditions:

- Chemical storage areas, including potential spill concerns during chemical receiving and transfer/handling.

- Process tanks or processing areas – detailed descriptions of the process including tank contents, capacities.
- Wastestream generation from the process areas and disposal/discharge practices – frequency of discharge rinse water tanks, whether spent chemical solutions tanks discharged to the POTW or hauled off site, proximity to floor/trench drains, slug discharge control and spill containment measures, etc.
- Wastestream management (treatment, recycling, hauling off site, evaporation, etc.).
- Waste treatment system.
- Wastestream or hazardous waste storage areas, including potential spill concerns.
- Discharge monitoring points.
    - Evaluation of the sampling/monitoring protocols to determine if these are appropriate to provide representative data of the wastewaters regulated by the permit.

A facility inspection of a permitted SIU should include a review of relevant records used to support compliance with the permit conditions and that may not be reported in the self-monitoring compliance reports such as pH and continuous flow monitoring records, tank change out logs, analytical reports, waste manifests, operation and maintenance logs, etc. A detailed facility inspection report with descriptions of tank contents, capacities, generated wastestreams, plumbing, and management of the wastestreams will benefit the POTW to establish the baseline for the year and to determine if any changes will impact the permit conditions/limits or associated documents such as the slug discharge control plan, spill plan, treatment system operation manual or sampling protocol.

During the Pretreatment audit, the EPA discussed inspection procedures with the City, including EPA's procedures. The EPA performs facility inspections by gathering verbal information in an opening conference, then performing a walkthrough to visually confirm the information gathered during the opening interview. The EPA structures its information gathering by following the raw materials/chemical supply through the unit operations and ultimately to the finished product or service. A closing conference is performed to gather follow-up information, review records, and to provide preliminary conclusions to the facility.

9.4 Evaluation of the City's Inspection Reports/Records

The EPA evaluated the inspection reports and other records related to the facility inspection for the SIU annual facility inspection. As discussed in § 8.4.1(1) of this audit report, the SIU inspection reports provides minimal characterization of the facility and needs to be improved to include information regarding the facility's chemical storage/handling, process, (sources, flow volume and types of discharges) wastewater generation, slug discharge potential, waste treatment methods, sampling procedures, and review of records in the annual inspection report. The inspection reports should also include digital photos to further support information gathered during the inspection.

9.5 Notification of Applicable Pretreatment Standards

The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(2)(*iii*) require the City to notify IUs of applicable Pretreatment Standards and Requirements. Based on the EPA's review of the inspection records, it appears that the City is providing notification to the SIUs regarding the applicable Pretreatment Standards and applicable corrective action items as a follow-up to the facility inspections.

9.6 Facility Inspections

Due to the Covid-19 pandemic and the remote Pretreatment audit, there were no onsite facility inspections completed.

10.0 Control Authority Compliance Monitoring

10.1 Regulatory Background

40 C.F.R. § 403.8(f)(1)(v) of the Pretreatment Regulations requires the POTW to have the legal authority to "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." Further, 40 C.F.R. § 403.8(f)(2)(v) require a POTW to "Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year."

The standard to which POTWs are held for purposes of evidence collection during a Control Authority monitoring event is outlined in 40 C.F.R. § 403.8(f)(2)(vii): "Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence which is admissible in enforcement proceedings or judicial actions."

In addition, a POTW is required to ensure the Control Authority monitoring events are based on representative conditions at the monitoring point, to ensure that these sampling events are legally defensible and of the same quality as required for self-monitoring events. 40 C.F.R. § 403.12(g)(3) of the Pretreatment Regulations require, "The reports …must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period."

An enforceable sample must be representative of the nature and character of the discharges during the reporting period and is required to be representative in composition to that in the larger volume of wastewater being discharged. A POTW is required to implement a Control Authority monitoring program that meets the compliance monitoring requirements of the Pretreatment Regulations, provides representative data for compliance determinations, and that would be legally defensible in court, if such an enforcement action is taken by the POTW. In addition, representative and legally defensible data helps the

POTW support other program objectives such as local limits evaluation, and permit development or reissuance.

10.2 Sampling Plan and Protocols

As required in 40 C.F.R. § 403.8(f)(2), the POTW shall "develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program." The development and implementation of a sampling plan or procedures ensures the POTW is appropriately and consistently performing sampling or monitoring events, as well as providing enforceable data that is representative of the discharge conditions at the facility. The sampling plan should include the following:

- purpose and objective of the sampling program,
- specific sampling protocols at each facility sampling location to ensure representative sampling, and
- appropriate QA/QC procedures to ensure legally defensible data.

10.2.1 Site-Specific Sampling Protocols

The sampling protocols must include specific procedures used at each facility to ensure adequate and representative sampling protocols. The development of the sampling protocols will ensure the sampling events are performed in accordance with appropriate standards and procedures and produce quality data that is legally defensible.

At a minimum, the specific sampling protocols at each sampling location should include the following:

- Sampling locations – should include all monitoring points included in the SIU's permit, including the use of digital photos for each monitoring point.
- Type of sample – the POTW is required to ensure the sampling event is representative of the SIU's discharge, as required by 40 C.F.R. §403.12(g)(3). The type of sample will be dependent on the parameter to be sampled and discharge characteristics. The type of sample could include specifications for use of automatic samplers (including programming to provide representative sampling) or manual sampling techniques.
- Type of Flow Measurement – if applicable
- Parameters for Analysis – based on the SIU's permit
- Sample Volume
- Type of Sample Containers
- Sample Preservation Techniques
- Sample Identification and Chain of Custody Procedures
- QA/QC Procedures

10.2.2 Quality Assurance/Quality Control (QA/QC)

QA and QC are tools which are necessary in a sampling program to maintain a level of quality, such as legally defensible data, in the measurement, documentation, and interpretation of sampling data. The QA/QC procedures are used to obtain data that are both precise (degree of closeness between two or more samples) and accurate (degree of closeness between the results obtained from the sample analysis and the true value that should have been obtained). Proper implementation of QA/QC procedures will result in an increase in the POTW's confidence in the validity of the reported analytical data.

The QA/QC procedures used to ensure data collected is valid and legally defensible include, but are not limited to the following:

- equipment maintenance/calibration,
- proper sampling bottles, proper sampling techniques that are adequate and representative of the discharge from the facility,
- field blanks, equipment blanks, method blanks, standards, blind duplicates, and
- ensuring sampling personnel are adequately trained.

10.3 The EPA Evaluation of the City's Control Authority Monitoring

10.3.1 SOPs

The City developed a sampling plan contained in two documents, Sampling Collection for SIU.doc and QA QC Protocol.PDF. These documents provide a general overview of the sampling equipment and techniques to ensure the sample data is valid and enforceable. The City needs to update the sampling plan to include appropriate QA/QC such as equipment blanks, trip blanks, sample duplicates, matrix spikes, control standards to ensure the sampling and analytical techniques are in control and compliance with 40 CFR 136. 40 CFR 403.8(f)(2)(vii) requires a POTW to ensure sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. QA/QC procedures ensure the data generated from sampling activities is enforceable. In addition, the sampling plan should be evaluated to ensure the site-specific sampling protocols at the SIUs that are representative and current, based on the SIU's wastewater discharge for the production day.

10.3.2 City's Control Authority Monitoring

Based on the EPA's review of the Pretreatment records, the City samples the permitted SIUs at least once per year and with a few exceptions identified in Section 8.0, meets the Control Authority monitoring frequency required in 40 C.F.R. § 403.8(f)(2)(v).

11.0 Enforcement

11.1 Regulatory Background

The EPA establishes the regulatory requirement to develop and implement an Enforcement Response Plan (ERP) in 40 C.F.R. § 403.8(f)(5)(i-iv) of the Pretreatment Regulations. The regulations state:

"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."

The development and implementation of an ERP is an important component of an effective Pretreatment Program. Although a successful Pretreatment program should provide outreach to facilities in the service area regarding the applicability of the Pretreatment Standards and compliance with these standards, in many situations, enforcement is the necessary driving force that makes the Pretreatment program functional.

The ERP establishes a framework for POTWs to formalize procedures for investigating and responding to instances of IU noncompliance and to ensure that POTWs enforce against IUs objectively, consistently, and equitably. A well-developed ERP should help the POTW decide what resources are needed to enforce the Pretreatment Standards/Requirements and assist in dealing with IU violations. In addition, the ERP will provide notice to the IUs regarding the POTW's responsibility to respond to violations of Pretreatment Standards/Requirements.

11.2 Enforcement Legal Authority

The EPA evaluated the City's enforcement authority and remedies found in its municipal ordinance.

1. Civil/Criminal penalties established in §§13.78.120(15) and 13.78.120(16)(a)
2. Injunctive relief provisions established in §13.78.120(B)(1)
3. Authority to enforce against falsification/tampering established in §13.78.120(16)(b)
4. Notice of violations authority established in §13.78.120(1)
5. Administrative orders authority established in §13.78.120(4)
6. Administrative penalty authority established in §13.78.120(1)
7. Show cause hearing provisions in §13.78.120(3)
8. Suspensions of service provisions in §§13.78.120(8)(a) and 13.78.120(10)
9. Permit termination provisions established in §13.78.120(9)
10. Publication of IUs in significant noncompliance in §13.78.040

11.3 Enforcement Response Plan

The City submitted its ERP to the EPA for review, prior to the audit. Based on the EPA's review, the ERP needs to be updated to include the following, in accordance with 40 C.F.R.

§ 403.8(f)(5)(i-iv) (*Note: The Laramie ERP Review checklist is enclosed with the audit report*):

- Describe how the POTW will investigate instances of noncompliance.
    - The City needs to address the implementation procedures utilized to investigate instances of noncompliance which includes procedures for IU inventory/inspection, permitting, self-monitoring reporting/notification, control authority monitoring, and compliance evaluation and SNC determinations.
- 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.
    - The City needs to establish escalating enforcement responses it will take for the following types of IU violations:
        - SNC criteria for violations of permit limits or Pretreatment Standards or Requirements
        - Reporting Violations or Deficiencies/Late Reports needs to be modified to include all required reports and notifications (BMRs, 90-day compliance reports, self-monitoring compliance reports, compliance schedule reports), including SNC criteria. SNC criteria needs to be updated to include reports that are more than 45 days late, pursuant to §13.78.040-SNC definition, #6.
        - Tampering with monitoring equipment/methods
        - Recordkeeping
        - Refusal of Entry
        - Trucked and Hauled Waste enforcement remedies
        - Sector control programs and BMPs
        - SNC Narrative Criteria found in §13.378.040-Significant Noncompliance definition, #3. "Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) that the POTW determines has caused Interference or Pass Through (including endangering the health of POTW personnel or the general public)."
        - SNC Narrative Criteria found in §13.78.040-Significant Noncompliance definition, #4. "Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority."
        - SNC Narrative Criteria found in §13.78.040-Significant Noncompliance definition, #5. "Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance."
        - SNC Narrative Criteria found in §13.78.040-Significant Noncompliance definition, #7. "Failure to accurately report

noncompliance."

- SNC Narrative Criteria found in §13.78.040-Significant Noncompliance definition, #8. "Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program."

- Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards.
  - Based on EPA's review, the City's ERP needs to be updated to include the City Attorney and their authority/delegation to provide civil penalties, criminal prosecution, judicial actions and injunctive relief.

11.4 Compliance Evaluation

Based on EPA's review described in §8.4 of this audit report, it appears that the City is consistently evaluating compliance in the self-monitoring reports or notices of violation, with a few exceptions.

11.5 SNC Calculations and Public Participation

40 C.F.R. § 403.8(f)(2)(viii) of the Pretreatment Regulations require a POTW to comply with the public participation requirements in the enforcement of National Pretreatment Standards. These procedures shall include a provision for at least annual public notification in a newspaper of general circulation, that provides meaningful public notice within the jurisdictions served by the POTW, of IUs which, at any time during the previous 12 months, were in SNC with applicable Pretreatment requirements. The SNC determinations are both calculation of numeric Pretreatment Standards, as listed in 40 C.F.R. § 403.8(f)(2)(viii)(A-D) and determination of violations of the narrative Pretreatment Standards, as listed in 40 C.F.R. § 403.8(f)(2)(viii)(E-H).

The City stated that it performs SNC calculations or determinations with every self-monitoring compliance report as necessary and during SMR evaluations.

12.0 Trucked and Hauled Waste

12.1 Regulatory Background

In addition to receiving wastes through the collection system, many POTWs accept trucked and hauled wastes. As stated in 40 C.F.R. § 403.1(b)(1), pollutants from nondomestic sources that are transported to the POTW by truck or rail are also subject to the Pretreatment Regulations. They may also be subject to categorical Pretreatment Standards. Therefore, hauled wastes from CIUs or hauled waste that otherwise qualifies the discharger as an IU must be regulated in accordance with the requirements of the Pretreatment Regulations, including any applicable requirements for permitting and inspecting the generating facility. Hauled wastes, like wastes received through the collection system, have the potential to negatively affect the POTW, making regulatory control of the wastes necessary.

Most wastewaters hauled or trucked to a POTW are domestic septage, typically from homes outside the POTW's service area, but compatible in nature. Because such discharges are predominantly compatible wastes, treatment at a POTW is the most appropriate disposal method. The biosolids regulations at 40 C.F.R. § 503.9(f) define domestic septage as the liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar system that holds only domestic sewage. Domestic septage does not include liquid or solid material removed from any system that receives either commercial wastewater or industrial wastewater, and it does not include grease removed from a restaurant grease trap.

The POTW cannot know for certain the nature and concentration of the trucked wastes and the impact on the POTW without implementing some type of control or surveillance program. Unlike discharges from IUs directly connected to the POTW, the makeup of a load of hauled waste is virtually unknown without some type of monitoring, be it visual or analytical. Even compatible loads of domestic septage can cause problems for a POTW due to high strength or discharge rate. Domestic septage can be partially digested, higher in metals concentrations than normal domestic wastes, or contain small amounts of household contaminants (e.g., cleaners). Similarly, disinfectants used in portable toilets have the potential to affect POTW operations.

Receipt of hauled hazardous waste (as defined in Resource Conservation and Recovery Act (RCRA)) might not only affect POTW operations but also could subject the POTW to additional reporting requirements. The Domestic Sewage Exclusion, specified in 40 C.F.R. § 261.4(a)(1)(ii), provides that hazardous wastes mixed with domestic sewage and under control of the Pretreatment program are exempt from the RCRA waste regulations. However, hazardous wastes received by truck or rail (or dedicated pipe) at the treatment plant are not exempt from the regulations. POTWs that accept hazardous wastes from those sources are subject to *permit by rule* status under RCRA [40 C.F.R. § 270.60(c)] provided that certain requirements are met. The POTW must be in compliance with all its NPDES permit requirements and the waste must comply with all federal, state, and local pretreatment requirements.

12.2 Legal Authority

The City has adopted the Federal specific discharge prohibitions for trucked and hauled wastes found in 40 C.F.R. § 403.5(b)(8) of the Pretreatment Regulations. This is incorporated by the City in §13.78.050(3)(c)(l) of the municipal ordinance:

"No person shall introduce truck or tanker-hauled waste of any nature into the POTW or the city's wastewater collection system except at a location designated by the superintendent, and with such notice as the superintendent shall require. The superintendent may require evidence of the source and quality of hauled wastes and may prohibit the introduction of hauled waste into the POTW and the city's wastewater collection system. The superintendent may adopt procedures for the protection of the POTW which include but are not limited to, requiring waste disposal manifests and an annual license or permit required to be obtained by each waste hauler under reasonable standards. Any waste hauler who is aggrieved by a licensing or permit decision of the superintendent may appeal the decision to the city council. The superintendent may establish and amend a schedule of charges sufficient to cover the costs of accepting and treating truck or tanker-hauled waste. The city council may change the schedule of charges from time to time by minute action."

12.3 Trucked and Hauled Waste Disposal Location and Control Mechanisms

The City accepts septage and pit toilet trucked and hauled waste. The City currently allows six hauled waste companies to transport and discharge trucked waste at its POTW during controlled business hours. The waste haulers are required to provide waste manifests for each load and the City will take a pH sample. According to information gathered during the audit, the City receives about 10 truckloads/day from Monday through Friday. The capacity of the trucks are typically 2,000 gallons. EPA recommends the City evaluate RV dump station in the service area of the POTW to ensure they are adequately controlled and do not accept or receive illicit trucked waste.

13.0 Best Management Practices – Sector Control Programs

13.1 Regulatory Background

BMPs are defined in 40 C.F.R. § 403.3(e) as "schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 C.F.R. § 403.5(a)(1) [General Prohibitions] and (b) [Specific Prohibitions]. 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."

40 C.F.R. § 403.5(c)(4) states, "POTWs may develop Best Management Practices (BMPs) to implement paragraphs (c)(1) [develop limits to implement the general/specific prohibitions] and (c)(2) [develop and enforce specific effluent limits for industrial users that contribute pollutants that may result in Interference and Pass-Through] of this section. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act." The regulations establish that BMPs are enforceable Pretreatment Standards.

13.2 Authority in Rules and Regulations

The City established the authority to implement BMPs in its Rules and Regulations as follows:

- BMP definition in §13.78.040.
- BMPs established as a permit condition in §13.78.070(A)(3).
- BMP recordkeeping requirements in §13.78.050(L).
- BMPs established as an SNC criterion in §13.78.040-SNC Definition.

13.3 Sector Control Programs

13.3.1 Oil and Grease Sector Control Program

The City has identified its food service establishments subject to its oil and grease interceptor sector control program and car washes/automotive service facilities/machine shops subject to its sand interceptor sector control program. Both the oil and grease interceptor and sand interceptor sector control programs are based on BMPs to ensure appropriately-sized technology (grease and sand interceptors) are installed, the technology is operated/maintained and records are maintained. The haulers for these IUs submit pump schedules and other records to ensure the interceptors are maintained. The City should continue to evaluate its implementation of the oil and grease BMP-based sector control programs (grease interceptors-FOG and sand interceptors-POG) to ensure the oil and grease loadings to the collection system are minimized.

13.4 Dental Amalgam BMP Sector Control Program

The Dental Amalgam Rule, found in 40 C.F.R. Part 441, was promulgated as a final rule with new source dental facilities required to be in compliance with the Pretreatment Standards as of July 14, 2017, and existing source dental facilities required to be in compliance as of June 14, 2020. Compliance with the rule requires the installation of an ISO1143 amalgam separator or equivalent device, and compliance with the following two BMPs:

- Prohibition on the use of oxidizing or chlorine-containing line cleaners; and
- Ensuring all amalgam process wastewater including chair-side traps, screens, vacuum pump filters, dental tools, cuspidors or collection devices are treated through the amalgam separator.

In addition, the new and existing dental facilities are required in 40 C.F.R. § 441.50 of the Dental Amalgam Rule to provide a report that characterizes the dental facility and certifies compliance. The new source dental facilities are required to be in compliance upon discharge and submit a one-time compliance report within 90 days of startup.

The City has identified 8 dental facilities in its industrial waste survey and has received one-time compliance reports within the deadline required by the rule. Based on a Google Maps search conducted by EPA during the audit, the following dental offices do not have records for compliance with the 2017 Dental Amalgam Rule:

- Dr. Larry Foianini – 3529 Grand Avenue
- Dr. Richard Jones – 204 McCollum St, Suite 104
- Dr Robert Edwards – 502 South 4th Street

The City provided a follow-up email on January 13, 2022, with information related to inspection of these dental offices and discovered that the Edwards dental office on 502 South 4th Street and the Jones dental office on 204 McCollum St, Suite 104 are permanently closed. The Foainini dental office on 3529 Grand Avenue is closed and a new oral and maxillofacial surgery practice, not subject to the Dental Amalgam Rule and the one-time compliance report, is currently at this location. According to the January 13, 2022 email, the City updated its IU inventory to include this new information gathered during its follow-up inspections.