I. National Database Information			
Inspection Date:	02/17/2021-02/23/2021	**NPDES ID Number:**	CO0036757
Entry/Exit Time:	9:00 am / 4:30 pm	**Inspection ID:**	202102_CO0036757

II. Facility Location Information	
Name:	City of Northglenn
Location:	5445 Weld County Road #2, Brighton, Colorado 80603
Mailing Address:	12301 Claude Court, Northglenn, Colorado 80241

III. Contact Information		
	Name, Title	**Affiliation**
Facility Representatives:	Kent Kisselman, Public Works Director (present for closing conference)	City
	Tami Moon, Environmental Manager	City
	John Slattery, Industrial Pretreatment and Backflow Program Specialist (present for opening conference)	City
Regulatory Inspectors:	Kristin Ratajczak, Physical Scientist (lead)	EPA
	Stephanie Meyers, Life Scientist	EPA

IV. Industrial User (IU) Characterization		
IUs currently identified by the Control Authority (CA)	**IU Type**	
1	**Significant Industrial Users (SIUs = CIUs + non-categorical)**	
	1	**Discharging Non-Categorical SIUs (as defined by the CA)** **Describe:** B&B Blending
	0	**Categorical Industrial Users (CIUs)**
	0	**Middle Tier CIUs**
	0	**Zero-Discharging SIU with Categorical Process**
0	**Non-significant CIU (NSCIU)** **Describe:** There were no NSCIUs at the time of the inspection.	
0	**Other Regulated IUs (e.g. permitted IUs)** **Describe:** There were no other permitted IUs at the time of the inspection.	
0	**Waste Haulers** **Describe:** There were no permitted waste haulers at the time of the inspection.	

V. IU Files Reviewed			
#	**IU Name**	**Permit Type**	**IU inspected during PCI?**
1	B&B Blending	Discharging non-categorical SIU (as defined by the CA)	Yes

VI. Inspection Summary

Due to the COVID-19 pandemic, this pretreatment compliance inspection (PCI) was conducted remotely, via the Microsoft Teams platform with the City of Northglenn (City) uploading program records to OneDrive.

Upon beginning the opening conference, the U.S. Environmental Protection Agency (EPA) inspectors, Kristin Ratajczak and Stephanie Meyers (jointly referred to as inspectors), met with the City's representatives, Ms. Tami Moon and Mr. John Slattery. Ms. Ratajczak explained the inspectors were fully credentialed and offered contact information to the City for confirmation. The inspectors discussed the purpose and format of the inspection and interviewed the City representatives about the City's approved pretreatment program. The City owns and operates one wastewater treatment facility (WWTF or POTW) that is subject to pretreatment regulations and operates pursuant to NPDES permit number CO0036757 (the Permit); the Northglenn WWTP. Throughout the inspection, the inspectors evaluated the City's pretreatment program by referring to and completing bound or electronic checklists with questions reflecting the federal regulatory requirements at 40 C.F.R. §403.

The inspectors proceeded to review records from January 2019 to December 2020, as well as the recent permit renewal, issued in 2021 for B&B Blending (B&B or facility). During the file review, the inspectors also performed a review of the adequacy of the City's legal authority, procedures, and enforcement response plan (ERP) with respect to federal regulatory requirements. A summary of preliminary findings was discussed with Ms. Moon and Mr. Kent Kisselman at the conclusion of the inspection and is provided in Part VII, below. On March 10, 2021, the EPA sent an email to the City with the preliminary findings from the inspection.

As a component of the PCI, the inspectors also performed a remote inspection of B&B on March 29, 2021, with City participation. Findings related to the B&B inspection were summarized during a closing conference held on March 29, 2021, and the EPA sent an email communicating the preliminary findings on April 12, 2021. The inspection report for B&B was finalized and disseminated on April 26, 2021, and B&B was instructed to work with the City to complete corrective actions. Findings from the B&B inspection are summarized at the end of this report.

Report Review and Signature		
Drafter Name	Address/Phone Number	Date
Kristin Ratajczak	**U.S. EPA Region 8** **1595 Wynkoop Street** **8ENF-W-NW** **Denver, Colorado 80202**	**05/12/2021**
	303-312-6310	
Reviewer Name	Address/Phone Number	Date
Stephanie Meyers	**U.S. EPA Region 8** **1595 Wynkoop Street** **8ENF-W-NW** **Denver, Colorado 80202**	**5/14/2021**
	303-312-6938	
Supervisor Signature/Name	Address/Phone Number	Date
X MICHAEL BOEGLIN Digitally signed by MICHAEL BOEGLIN Date: 2021.05.17 08:58:49 -06'00'	**U.S. EPA Region 8** **1595 Wynkoop Street** **8ENF-W-NW** **Denver, Colorado 80202**	**See signature block**
Michael Boeglin	**303-312-6250**	

VII. Findings Summary Table		
Finding Number – Title from Table VIII, Evaluation	**Corrective Action(s)**	**Recommendation(s)**
IU Characterization		
Finding 1 – The City could not produce an inventory of IUs in the service area.	X	
Finding 2 – The City could not produce characterization information for IUs in the service area.	X	
Finding 3 – The City had not maintained a list of dental dischargers or ensured that required reports were submitted by all dental dischargers subject to 40 C.F.R. §441.	X	
Finding 4 – The City did not have a procedure in place to update and maintain information previously provided by existing IUs.	X	
Control Mechanism Evaluation		
Finding 5 – Standard permit conditions were incorrectly implemented by reference to the City's ordinance.	X	
Finding 6 – The 2021 industrial discharge permit did not require the facility to report results of additional monitoring.	X	
Finding 7 – The 2021 industrial discharge permit requirements related to allowable bypasses did not align with federal regulations.	X	
Finding 8 – The 2021 industrial discharge permit did not require sampling to be representative of the reporting period.	X	
Finding 9 – The 2021 industrial discharge permit required grab sampling for mercury.	X	
Finding 10 – The 2021 industrial discharge permit included an upper pH limit that was not in the City's ordinance.	X	
Finding 11 – The 2021 industrial discharge permit inaccurately defined slug discharges and did not contain slug discharge control plan requirements.	X	
Finding 12 – The conditions in the permit rationale were inconsistent with requirements in the 2021 industrial discharge permit.		X
Finding 13 – The most recent permit application submitted by B&B did not describe current conditions at the facility.		X
Application of Pretreatment Standards and Requirements: Slug Discharge Control Plans		
Finding 14 – B&B was classified as an SIU, though the facility appeared to be subject to regulation as a CIU.	X	
Finding 15 – Slug discharge evaluation records were not available and the SDCP for B&B did not appear protective of the POTW.	X	X
Compliance Monitoring		
Finding 16 – The City was not completing annual compliance monitoring at B&B.	X	

VII. Findings Summary Table		
Finding Number – Title from Table VIII, Evaluation	**Corrective Action(s)**	**Recommendation(s)**
Finding 17 – The City did not adhere to approved methods or requirements set forth in the industrial discharge permit during its 2019 sampling event at the facility.	X	
Finding 18 – The City was reviewing reports submitted electronically to evaluate compliance but was not compliant with the Cross-Media Electronic Reporting Rule.	X	
Finding 19 – The date of receipt for SMRs submitted via mail was not reliably recorded.	X	
Finding 20 – SMRs submitted by B&B did not contain all information required by the industrial discharge permit.	X	
Finding 21 – B&B did not clean its sand/oil separator in November 2019 as required by the industrial discharge permit.	X	
Finding 22 – B&B did not collect a sample to analyze purgeable organics following an LEL excursion as required by the industrial discharge permit.	X	
Finding 23 – B&B used an incorrect sample collection method for mercury in September 2020.	X	
Finding 24 – B&B did not provide all required information to the POTW following an unanticipated bypass of its treatment system.	X	
Finding 25 – B&B did not review flow records daily or provide timely notification of an exceedance of the flow limit to the City.	X	
Enforcement		
Finding 26 – The inspectors were unable to verify whether the ERP was submitted to the EPA for approval as a program modification.	X	
Finding 27 – The City did not provide documentation to indicate whether noncompliant facilities regulated under the FOG program had returned to compliance.	X	
Finding 28 – An enforcement response was not issued to B&B for exceeding the industrial discharge permit limit for LEL.	X	
Finding 29 – An enforcement response was not issued to B&B for failure to provide all required data on its SMRs.	X	
Finding 30 – An enforcement action was not issued to B&B for its failure to clean out its sand/oil separator in November 2019.	X	
Finding 31 – An enforcement action was not issued to B&B for its failure to collect a purgeable organics sample following an LEL excursion.	X	
Finding 32 – An enforcement action was not issued to B&B for using an incorrect sample collection method for mercury analysis in September 2020.	X	

VII. Findings Summary Table		
Finding Number – Title from Table VIII, Evaluation	**Corrective Action(s)**	**Recommendation(s)**
Finding 33 – An enforcement response was not issued to B&B for its failure to provide all required information to the POTW following an unanticipated bypass.	X	
Finding 34 – An enforcement action was not issued to B&B for its failure to provide timely notification of noncompliance to the City.	X	
Finding 35 – The City did not issue an appropriate enforcement response to B&B following its slug discharge of blue dye.	X	
Finding 36 – A penalty action was not issued to B&B following its slug discharge of soap to the POTW.	X	
Finding 37 – The City did not publish B&B in the newspaper for the SNC described in Finding 35.	X	
Additional Evaluations		
Finding 38 – The City was not devoting adequate resources to the implementation of the pretreatment program.	X	
Finding 39 – The City's ordinance requires revision to align with federal regulations.	X	
Finding 40 – The intergovernmental agreement with the City of Thornton requires revision to delegate pretreatment authority to the City.	X	
Finding 41 – The City had not updated its local limits since 2010.	X	
Finding 42 – The City had not investigated recurring slug loads that disrupted POTW operations.	X	
Finding 43 – Data submitted in the annual report to the EPA was inaccurate.	X	
Finding 44 – The facility's SDCP did not meet the requirements in 40 CFR §403.8(f)(2)(vi).	X	
Finding 45 – Raw chemicals and finished product were stored without secondary containment.	X	
Finding 46 – The facility experienced an unanticipated bypass in October 2019 that did not meet criteria for an allowable bypass in 40 CFR §417.		X
Finding 47 – The facility was not monitoring flow at the regulated outfall.	X	
Finding 48 – The facility was not collecting the correct sample type for compliance.	X	
Finding 49 – Flow monitoring records were not being reliably reviewed within the timeframe required by the permit.	X	
Finding 50 – Chemical waste was being stored outside without stormwater protections.		X
Finding 51 – Stormwater protection controls in the facility's parking lot were not being tested.		X

VIII. Evaluation

A. Control Authority (CA) Pretreatment Program Modification

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

40 C.F.R. §403.18 requires the City to submit program modifications to the EPA if it wants to change its approved pretreatment program. The City's pretreatment program was approved on August 5, 1986 and has subsequently incorporated substantial modifications as approved by the EPA. The EPA approved the last modifications to the City's pretreatment program on December 11, 2015, which included an update to the City's ordinance language.

B. IU Characterization

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

The City had procedures in place to utilize several sources of information to identify IUs in the service area, to include reviewing tax lists and zoning information. Additionally, the industrial pretreatment program (IPP) staff were involved with the Development Review Committee. Through these processes, Industrial Waste Questionnaires (IWQs) were sent to all new IUs. At the time of the PCI, the City indicated that returned IWQs were reviewed and filed manually. City procedures dictated that a second IWQ should be sent to IUs that present a pretreatment concern, in which additional information would be requested to further characterize the IU's practices prior to considering a site inspection. At the time of the inspection, no IWQs from the previous two years had required a second IWQ, as determined by the City.

In addition to identifying IUs that may require permitting, the City had two sector control programs to control IU discharges: the FOG/POG program, which regulated the best management practices of grease interceptors and sand/oil separators as well as the dental amalgam program, which regulated the best management practices of dental amalgam separators. The IU identification procedures above were also used to identify IUs that may be subject to regulation under these sector control programs.

<u>Finding 1 – The City could not produce an inventory of IUs in the service area.</u>
The EPA conducted a pretreatment compliance audit (PCA) on December 18-19, 2017 (the 2017 PCA), during which the City produced an inventory of approximately 850 IUs in the service area. At the time of the PCI, inspectors requested the City's IU inventory; however, the City could not produce a list of IUs, indicating the previously developed database could no longer be accessed.

<u>Pretreatment Requirements</u>
40 C.F.R. §403.8(f)(2)(i-ii) requires the POTW to develop and implement procedures to identify and locate all possible IUs which might be subject to the Pretreatment Program and identify the character and volume of pollutants contributed to the POTW by IUs.

40 C.F.R. §403.8(f)(6) requires the POTW to prepare and maintain a list of IUs, identify the criteria applicable to IUs, and indicate whether the POTW has made a determination that such IU should not be considered an SIU.

Corrective Action
Identify IUs in the service area. In response to the EPA, indicate how the City will correct this finding.

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

The City developed a process for identifying the character and volume of pollutants discharged by IUs, as described in B.1, above; however, it did not appear that the procedure had been implemented.

Finding 2 – The City could not produce characterization information for IUs in the service area.
Citing the inability to access the previously developed IU inventory as described in Finding 1, the City could not produce characterization information of IUs in the service area. However, this is a recurring finding, as 2017 PCA report indicated that the City had not characterized and classified IUs in the service area.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(i-ii) requires the POTW to develop and implement procedures to identify and locate all possible IUs which might be subject to the Pretreatment Program and identify the character and volume of pollutants contributed to the POTW by IUs.

40 C.F.R. §403.8(f)(6) requires the POTW to prepare and maintain a list of IUs, identify the criteria applicable to IUs, and indicate whether the POTW has made a determination that such IU should not be considered an SIU.

Corrective Action
Identify the character and volume of pollutants contributed to the POTW by IUs and identify criteria applicable to IUs. In response to the EPA, indicate how the City will correct this finding.

Finding 3 – The City had not maintained a list of dental dischargers or ensured that required reports were submitted by all dental dischargers subject to 40 C.F.R. §441.
The Dental Amalgam Rule, found in 40 C.F.R. §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 July 14, 2020. Compliance with the rule requires installation of an ISO1143 amalgam separator or equivalent device and compliance with the following two best management practices: 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, 40 C.F.R. §441.50 requires new and existing dental facilities to provide a one-time compliance report that characterizes the dental facility and certifies compliance. Based on records provided during the PCI, the City developed an inventory of dental facilities in the service area in 2016 and 2017 but did not continue to update the information. While one-time

compliance reports were collected from some of the dental facilities on the inventory, the following four dental facilities had not submitted reports: Denali Dental (11401 Washington Street); Jeremy J Zeigler DMD (11310 Huron Street, Suite 201); Karver Dental Arts (11160 Huron Street, Suite 103); and Bluebird Family Dentistry (421 W 104th Avenue, Suite 201).

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(i-ii) requires the POTW to develop and implement procedures to identify and locate all possible IUs which might be subject to the Pretreatment Program and identify the character and volume of pollutants contributed to the POTW by IUs.

40 C.F.R. §403.8(f)(6) requires the POTW to prepare and maintain a list of IUs, identify the criteria applicable to IUs, and indicate whether the POTW has made a determination that such IU should not be considered an SIU.

Corrective Action

Identify dental dischargers in the service area and maintain the list of facilities. Ensure one-time compliance reports are submitted by all dental dischargers subject to 40 C.F.R. §441. In response to the EPA, indicate how the City will correct this finding.

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

As described in Findings 1 and 2, the City could not produce an IU inventory or characterization information at the time of the PCI.

Finding 4 – The City did not have a procedure in place to update and maintain information previously provided by existing IUs.

During the PCI, the City indicated the previously developed IU inventory described in B.1 had not been accessed since 2018, following staff turnover; therefore, the inventory had not been updated or maintained in at least three years.

In addition, inspectors observed that while the City had a procedure in place to require all new IUs to complete IWQs, there was no such developed procedure to regularly update the information previously submitted by existing IUs.

Pretreatment Requirements

40 C.F.R. §403.8(f)(6) states, "The POTW shall prepare and maintain a list of its 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)."

Part I.7.a.ii of the Permit states, "Industrial user information shall be updated at a minimum of once per year or at that frequency necessary to ensure that all Industrial Users are properly permitted and/or controlled as necessary for the permittee to fully implement the pretreatment program. The records shall be maintained and updated as necessary;"

Corrective Action

Develop and implement a procedure to maintain the IU inventory and update information for existing IUs. In response to the EPA, indicate how the City will correct this finding.

C. Control Mechanism Evaluation

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

Yes. At the time of the inspection, the City had one SIU in the service area, which was regulated through an individual permit.

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

- **a. Contact info**
- **b. Production processes**
- **c. Types of wastes generated**
- **d. Location for monitoring**
- **e. Any request for waiver for pollutants not present per** §403**.12(e)(2)**

At the time of the PCI, the City had not issued general control mechanisms.

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

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

At the time of the PCI, the City had not issued general control mechanisms.

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

- **a. Statement of duration (5 years max)**
- **b. Statement of non-transferability**
- **c. Applicable effluent limits (local limits, categorical standards, BMPs)**
- **d. Self-monitoring requirements**

- **Identification of pollutants to be monitored**
- **Sampling frequency**
- **Sampling locations/discharge points**
- **Appropriate sample types**
- **Reporting requirements**
- **Record-keeping requirements**

e. **Statement of applicable civil and criminal penalties**
f. **Compliance schedules**
g. **Notice of slug loading or potential problems at POTW**
h. **Notification of spills, bypasses, upsets, etc.**
i. **Notification of significant change in discharge**
j. **24-hour notification of effluent violation**
k. **Submit resampling results within 30-days**
l. **Slug discharge control plan requirement, if required by POTW**
m. **Certification statements**
n. **Sampling/analysis requirements (Part 136 or alternative)**
o. **Reporting of additional sampling**
p. **90-day compliance report**

Inspectors reviewed the permit files for B&B. Findings related to required permit conditions are listed below.

Finding 5 – Standard permit conditions were incorrectly implemented by reference to the City's ordinance.

B&B operated pursuant to industrial discharge permit 10963 Leroy Drive-001-2021 (2021 industrial discharge permit); this permit renewal became effective on January 1, 2021 and was not altered from the previous permit iteration. The 2021 industrial discharge permit implemented many standard conditions by reference to the City's ordinance, rather than specifying the applicable requirements directly in the control mechanism. The following references contained in 2021 industrial discharge permit require revision:

1. Part II.A and Part II.E of the 2021 industrial discharge permit referenced section 16-15-23 of the City's ordinance to implement reporting requirements. Section 16-15-23 of the City's ordinance discusses requirements for the following: periodic compliance reports for SIUs; baseline monitoring reports for CIUs; 90 days compliance reports for CIUs; 24-hour notification of violations and 30-day resampling requirements; slug and spill plans; reports of potential problems, including slugs and spills; reports for non-significant IUs; signatory certification; compliance schedules; change in discharge or operations; and notification of hazardous waste discharge. It's unclear which requirements the City implemented in the permit;
2. Part II.E.6 of the 2021 industrial discharge permit referenced sections 16-15-2(a)(3) and 16-15-10(b)(15) of the City's ordinance to implement certification statement requirements; however, section 16-15-2(a)(3) defines the term, "Authorized Representative," and section 16-15-10(b)(15) does not exist in the City's ordinance. The sections of the City's ordinance that discusses certification statement requirements includes sections 16-15-10(e)(10) and 16-15-23(h);
3. Part III.A of the 2021 industrial discharge permit referenced section 16-15-7 of the City's ordinance to implement general and specific discharge prohibitions; in addition to general and

specific discharge prohibitions, the section of the City's ordinance also discusses local limits. General and specific prohibitions should be specified directly in the permit; alternatively, section 16-15-7(a-b) should be referenced to clarify the general and specific prohibitions;

4. Part III.B-D of the 2021 industrial discharge permit referenced section 16-15-20 of the City's ordinance to implement standard conditions including the requirement to notify the City of changes in discharge, hazardous waste discharge, and potential problems; however, this section is reserved and does not contain any requirements. These standard conditions are discussed in sections 16-15-23(j), 16-15-23(k), and 16-15-23(f), respectively;
5. Part III.F.2 of the 2021 industrial discharge permit referenced section 16-15-2(a)(55) of the City's ordinance to define significant noncompliance (SNC); however, this section of the ordinance defines the term "POTW." SNC is defined in section 16-15-2(a)(62) of the City's ordinance;
6. Part III.F.3.c of the 2021 industrial discharge permit referenced section 16-15-28 of the City's ordinance to implement the City's authority to revoke the industrial discharge permit; however, this section is reserved. The City's authority to revoke industrial discharge permits is discussed in section 16-15-13 or the ordinance; and
7. Part III.M of the 2021 industrial discharge permit referenced section 16-15-11 of the City's ordinance to implement the City's authority to modify the industrial discharge permit; however, section 16-15-11 discusses permit conditions. Industrial discharge permit modifications are discussed in section 16-15-12 of the City's ordinance.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

Corrective Action
Revise the industrial discharge permit template and the industrial discharge permit issued to B&B to accurately specify required standard conditions. In response to the EPA, indicate how the City will correct this finding.

Finding 6 – The 2021 industrial discharge permit did not require the facility to report results of additional monitoring.
40 C.F.R. §403.12(g)(6) requires IUs to report the results of additional monitoring conducted at the appropriate sampling location using approved methods. This standard condition was not included in the 2021 industrial discharge permit.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

40 C.F.R. §403.12(g)(6) states, "If an Industrial User subject to the reporting requirement in paragraph (e) or (h) of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in paragraph (g)(5) of this section, the results of this monitoring shall be included in the report."

Corrective Action
Revise the industrial discharge permit template and the industrial discharge permit issued to B&B to align with federal regulations. In response to the EPA, indicate how the City will correct this finding.

Finding 7 – The 2021 industrial discharge permit requirements related to allowable bypasses did not align with federal regulations.
Part I.E. of the 2021 industrial discharge permit required the facility to provide a written report five days after an unanticipated bypass that includes the following details: a description of the bypass, and its cause, including duration; whether the bypass has been corrected; and the steps being taken or to be taken to reduce, eliminate and prevent a recurrence. Additional details are required in 40 C.F.R. §403.17 following an unanticipated bypass, including the exact dates and times of the bypass and if the bypass has not been corrected, the anticipated time it is expected to continue.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

40 C.F.R. §403.17(c) states, "(1) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten days before the date of the bypass. (2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours."

Corrective Action
Revise the industrial discharge permit template and the industrial discharge permit issued to B&B to align with federal regulations. In response to the EPA, indicate how the City will correct this finding.

Finding 8 – The 2021 industrial discharge permit did not require sampling to be representative of the reporting period.
Part I.B of the 2021 industrial discharge permit required samples and measurements to be representative of normal operating conditions. This language does not align with federal regulations which require data to be representative of conditions occurring during the reporting period, whether operating conditions are normal or not.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

40 C.F.R. §403.12(g)(3) states that 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.

Corrective Action

Revise the industrial discharge permit template and the industrial discharge permit issued to B&B to ensure reported data are representative of the reporting period. In response to the EPA, indicate how the City will correct this finding.

Finding 9 – The 2021 industrial discharge permit required grab sampling for mercury.

Table 1 in Part I.D of the 2021 industrial discharge permit required the facility to monitor mercury using a grab sample; however, no documentation was available to indicate a grab sample was representative of the facility's discharge. The City should ensure that samples collected at B&B are representative of the facility's discharge. Federal regulations require mercury to be collected as a composite unless a grab is shown to be representative and documentation is provided.

Pretreatment Requirements

40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

40 C.F.R. 403.12(g)(3) states, "Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities."

40 C.F.R. §403.12(g)(5) requires that sampling be performed in accordance with the techniques approved in 40 C.F.R. §136.

Corrective Action

Revise the industrial discharge permit template and the industrial discharge permit issued to B&B to require composite sampling for mercury. Alternatively, provide documentation that a grab sample is representative of the facility's discharge. In response to the EPA, indicate how the City will correct this finding.

Finding 10 – The 2021 industrial discharge permit included an upper pH limit that was not in the City's ordinance.

Part I.B of the 2021 industrial discharge permit required the pH of the facility's discharge to be between 5.5 and 12.0; however, the pH upper limit was not found in the City's ordinance. The 2021 industrial discharge permit did not go through a public notice period to implement a site-specific upper pH limit.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

40 C.F.R. §403.8(f)(1)(B)(3) requires control mechanisms to contain effluent limits based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law.

Corrective Action
Revise the industrial discharge permit template and the industrial discharge permit issued to B&B to contain with applicable limits. In response to the EPA, indicate how the City will correct this finding.

Finding 11 – The 2021 industrial discharge permit inaccurately defined slug discharges and did not contain slug discharge control plan requirements.
Part I.B of the 2021 industrial discharge permit specified certain types of discharges that the City considered slug loads, including: flow discharges greater than 15 gallons per minute for a duration of a combined total of four hours or longer in any given 24-hour period; all flammable liquids in excess of one gallon; and any toxic organic substances in excess of one gallon. 40 C.F.R §403.8(f)(2)(vi) defines slug discharge as any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. The permit requirements for slug discharges from B&B should align with federal regulations.

Additionally, the 2021 industrial discharge permit did not require the facility to control slug discharges nor did it specify the components of a slug discharge control plan (SDCP) as defined in 40 C.F.R §403.8(f)(2)(vi). Following review of facility records and the remote inspection of B&B, inspectors determined the facility presented significant slug discharge potential. This finding was also included in the 2017 PCA report. The requirement to control slug discharges and maintain an adequate SDCP should be added to the industrial discharge permit.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

40 C.F.R. §403.8(f)(2)(vi) requires the POTW to, "Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, a Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are

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

Corrective Action
Ensure facilities are evaluated for slug discharge potential. Revise the industrial discharge permit template and the industrial discharge permit issued to B&B to contain slug discharge definitions that align with federal regulations, as well as requirements to control slug discharges and develop an SDCP. In response to the EPA, indicate how the City will correct this finding.

Finding 12 – The conditions in the permit rationale were inconsistent with requirements in the 2021 industrial discharge permit.
The rationale provided with the 2021 industrial discharge permit contained the following inconsistencies with the requirements of the industrial discharge permit:

1. Section 8 of the permit rationale stated quarterly monitoring is required, while the 2021 industrial discharge permit required semiannual monitoring;
2. Section 8.4 of the permit rationale required BOD and TSS monitoring, but these parameters were not required to be monitored in the 2021 industrial discharge permit;
3. Section 8.3 of the permit rationale specifies that the facility is required to monitor four toxic organics, including chloroform, ethylbenzene, xylene, and toluene. The 2021 industrial discharge permit did not specify which toxic organics the facility is required to monitor; and
4. Sections 2 and 7 of the permit rationale stated B&B is a non-significant Industrial User, in conflict with other records, in which B&B was classified as an SIU.

Inconsistencies between the industrial discharge permit and the associated rationale could contribute to confusion from the facility and noncompliance with the 2021 industrial discharge permit conditions.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

40 C.F.R. §403.8(f)(1)(B)(3) requires control mechanisms to contain effluent limits based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law.

40 C.F.R. §403.8(f)(1)(iii)(B)(*4*) requires SIU permits to contain, "Self-monitoring, sampling, reporting,

notification and recordkeeping requirements."

Recommendation
Section 11.1 of the Industrial User Permitting Guidance Manual 833-R-12-001A September 2012 states, "The basis for decisions made during the permitting process are generally summarized in a document commonly referred to as the permit fact sheet. The fact sheet briefly sets forth the significant factual, legal, procedural, and policy questions considered in preparing the permit. In addition, the fact sheet should summarize the findings of review of the application, inspections, and other materials necessary to describe the rationale for the conditions imposed in the control mechanism. The fact sheet should be kept attached to a copy of the permit in the Control Authority's files."
https://www.epa.gov/sites/production/files/2015-10/documents/industrial_user_permitting_manual_full.pdf
The EPA recommends the City clearly document current permitting decisions.

Finding 13 – The most recent permit application submitted by B&B did not describe current conditions at the facility.
In the December 8, 2020 permit renewal application submitted by B&B, the facility responded, "Refer to permit," to questions related to applicable SIC codes, production rates, building plans and layouts, monitoring locations, pH adjustment processes, and parameters monitored. The City should evaluate the facility's submittals and require complete answers, in order to base the industrial discharge permit on current conditions.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

Recommendation
Chapter 2 of the Industrial User Permitting Guidance Manual 833-R-12-001A September 2012 states, "The Control Authority should require the existing permittee to submit a complete application with updated information in a timely manner in order to continue its authorization to discharge." Additionally, guidance specific to recommended permit application contents can be found in Chapter 4.
https://www.epa.gov/sites/production/files/2015-10/documents/industrial_user_permitting_manual_full.pdf. The EPA recommends the City require updated information with every permit application iteration.

D. Application of Pretreatment Standards and Requirements

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

Finding 14 – B&B was classified as an SIU, though the facility appeared to be subject to regulation as a CIU.
As described in section VI of this report, inspectors conducted a remote inspection of B&B on March 29, 2021 and the report was shared with the facility and the City on April 26, 2021.

At the time of the PCI, the City had classified B&B as a Significant Industrial User (SIU), due to the facility's reasonable potential for adversely affecting the POTW's operations. The facility discharged wastes incompatible with the City's POTW operations on four occasions since 2019; on September 5, 6, and 17, 2019, the facility discharged residual material containing high concentrations of blue dye that could not be removed by the City's treatment process, resulting in the POTW discharging blue effluent to Big Dry Creek. Additionally, on February 23, 2021, the facility released a 1400-gallon slug discharge of off-spec soap to the City's POTW, resulting in foaming at one of the City's lift stations that persisted for three days.

While the site history supports the conclusion that B&B presents reasonable potential to adversely affect the POTW's operations, the facility also appeared to be a categorical industrial user (CIU) subject to 40 CFR §417.166 – Manufacture of Liquid Detergents Pretreatment Standards for New Sources, based on information gathered during the remote inspection of the facility. This subpart is applicable to operations including blending and packaging of liquid detergents and includes blending of previously manufactured intermediates. Manufacture of specialty cleaners are excepted from the regulation. In addition to products exempt from the regulation such as specialty cleaners and polishes, B&B manufactures soaps and detergents, via blending of previously manufactured intermediates.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii) requires the POTW to control through permit, order, or similar means, the contribution to the POTW by each Significant Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.
40 C.F.R. §403.8(f)(1)(iii)(B)(*3*) requires that permits include effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part §403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law.

40 C.F.R. §403.8(f)(2)(iii) requires that Industrial Users be notified of applicable Pretreatment Standards.

Corrective Action
Revise the 2021 industrial discharge permit to identify the facility as a CIU and apply categorical pretreatment standards. Review reporting requirements for CIUs in 40 C.F.R. §403.12 to evaluate whether the facility has provided all required information. In response to the EPA, indicate how the City will correct this finding.

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

While B&B had an SDCP in place at the time of the PCI, the City was not able to produce records of its evaluation of the facility's slug discharge potential. Additionally, the SDCP in place did not appear protective of the POTW. The City should ensure slug discharge potential is evaluated and documented for permittees and review submitted SDCPs to ensure they are current and protective of the POTW.

Finding 15 – Slug discharge evaluation records were not available and the SDCP for B&B did not appear protective of the POTW.
The City could not produce documentation that a slug discharge evaluation was completed at B&B.

As described in Finding 14, B&B discharged a slug of off-spec soap to the POTW on February 23, 2021. As a component of the City's resulting enforcement response, the facility was required to revise the SDCP, which was provided to the EPA on March 23, 2021 in draft form. The SDCP was missing the following components: a description of stored chemicals; procedures for immediately notifying the POTW of slug discharges, including accurate contact information; and procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, and worker training. Additionally, the draft SDCP proposed that facility representatives would seek approval from the City for sewer disposal for off-spec products, rather than arrange off-site disposal; however, the City's ordinance prohibits slug discharges categorically.

In addition, information gathered during the remote inspection of B&B conducted on March 29, 2021 indicated that the SDCP was not protective of the POTW and did not discuss production areas determined by inspectors to present significant slug discharge potential. As detailed in Finding 45, raw chemicals and finished products were stored without secondary containment or berms in close proximity to floor drains.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(vi) states, "Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, a Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
(A) Description of discharge practices, including non-routine batch Discharges;
(B) Description of stored chemicals;
(C) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under §403.5(b) with procedures for follow-up written notification within five days;
(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response."

Section 16-15-7(b) of the City's ordinance contains specific prohibitions applicable to IUs and Section 16-15-7(b)(10) prohibits slug discharges.

Corrective Action
Require revisions to B&B's SDCP to meet specifications in the City's ordinance and federal regulations. In response to the EPA, indicate how the City will correct this finding.

Recommendation
The EPA has published a Guidance Manual for Control of Slug Loading to POTWs, dated January 1991. https://www3.epa.gov/npdes/pubs/owm021.pdf
The EPA recommends the City review this guidance manual and implement it in its pretreatment program activities.

E. Compliance Monitoring

1. Has the CA inspected and independently sampled each SIU at least once a year? Middle tier CIUs at least once every two years? Sample once during term of CIU control mechanism if CIU sampling waived for pollutants not present? (40 C.F.R. §403.8(f)(2)(v), §403.12(e)(2))

No. The City was not able to produce records to indicate that compliance monitoring was being performed annually.

Finding 16 – The City was not completing annual compliance monitoring at B&B.
During the PCI, inspectors requested records of inspections conducted at B&B; however, the City could not produce documentation to indicate annual inspections occurred in 2018, 2019, or 2020 at B&B. The City inaccurately reported in its annual report to the EPA that the facility had been inspected each year.

Additionally, available records indicated the City did not sample B&B's effluent in 2020. During the PCI, the City indicated they attempted to coordinate effluent sampling at the facility, but B&B Blending refused, citing COVID-19 concerns; however, the City later corrected this assertion, stating that the facility did not refuse entry. The City inaccurately reported in its annual report to the EPA that the facility's effluent had been sampled each year.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(v) requires the 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…"

40 C.F.R. §403.12(i) requires POTWs to report data on the pretreatment program annually.

40 C.F.R. §403.12(m) requires the POTW's annual report to be signed by a duly authorized employee and 40 C.F.R. §403.12(n) stipulates that reports submitted under the section are subject to the provisions 18 U.S.C. section 1001 relating to fraud and false statements; the provisions of sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and the provisions of section 309(c)(6) regarding responsible corporate officers.

Corrective Action 1
Ensure SIUs are inspected and independently sampled at least once per year. In response to the EPA, indicate how the City will correct this finding.

Corrective Action 2
Ensure accurate information is submitted to the EPA. In response to the EPA, indicate how the City will correct this finding.

2. Has the CA used proper sampling and analysis procedures (40 C.F.R. §136) and inspection procedures? Were the procedures done with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions?
(40 C.F.R. §403.8(f)(2)(v) and (vii), 40 C.F.R. §403.12(g)(5))

The City sampled the effluent from B&B in 2019. Records from the 2019 sampling event indicated procedures were not completed with sufficient care to produce admissible evidence.

Finding 17 – The City did not adhere to approved methods or requirements set forth in the industrial discharge permit during its 2019 sampling event at the facility.
Records of the City's June 5, 2019 compliance monitoring sampling event at B&B indicated the following deficiencies:

1. The City did not monitor for all parameters listed in the industrial discharge permit, omitting pH, flow, lower explosive limit (LEL), and molybdenum;
2. The City collected the sample for mercury using composite sampling methods. While this is the correct sampling method per 40 C.F.R. §136.3, the Industrial discharge permit required mercury be collected as a grab sample. The City should adhere to the sample collection methods specified in the industrial discharge permit for compliance monitoring activities;
3. The chain-of-custody (COC) completed by the City did not specify the preservation method for the collected samples. 40 C.F.R §403.12(g)(3) requires the sampling and analytical methods, including preservation, to adhere to those specified in 40 C.F.R. §136.3; these details should be included on COCs so adherence to the method can be evaluated;
4. The laboratory report for the June 5, 2019 compliance monitoring sampling event noted that samples collected for VOC analysis contained headspace in the container. Section 9.1 of EPA method 624.1 requires the sampler to, "fill the sample bottle just to overflowing in such a manner that no air bubbles pass through the sample as the bottle is being filled. Seal the bottle so that no air bubbles are entrapped in it;" and
5. The laboratory report for the June 5, 2019 compliance monitoring sampling event indicated samples were received at the lab at 7.5 ˚C upon laboratory receipt. For samples required to be kept cool for adequate preservation, 40 C.F.R. §136.3 requires they be kept at 6 ˚C.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(v) requires the 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…"

40 C.F.R. §403.8(f)(2)(vii) states, "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."

40 C.F.R §403.12(g)(3) requires the sampling and analytical methods, including preservation, to adhere to those specified in 40 C.F.R. §136.3.

Table 1 of the Industrial discharge permit specified the monitoring requirements applied to the facility as shown below.

Table 1: Outfall 01

Pollutant	Daily Maximum Limit [2] (mg/L unless otherwise noted)	Monitoring Frequency	Sample Type[7]
Arsenic, Total (As)	0.25	Semiannually	Composite
Cadmium, Total (Cd)	0.17	Semiannually	Composite
Chromium, Total (Cr)	0.68	Semiannually	Composite
Copper, Total (Cu)	0.86	Semiannually	Composite
Lead, Total (Pb)	5.82	Semiannually	Composite
Mercury, Total (Hg)	0.0007	Semiannually	Grab
Molybdenum, Total (Mo)	0.62	Semiannually	Composite
Nickel, Total (Ni)	3.64	Semiannually	Composite
Selenium, Total (Se)	0.076	Semiannually	Composite
Silver, Total (Ag)	0.26	Semiannually	Composite
Zinc, Total (Zn)	8.07	Semiannually	Composite
Method 624 Purgeable Organic Compounds,[1] (µ/L)	--	Semiannually and coupled with any LEL excursion of 5%	Grab
Flow, Daily Total (gal)	--	Daily	Measured Total
Flow Rate, (gpm)	See note[3]	Continuous[5][6]	Instantaneous
Lower Explosive Limit (LEL)	5% [4]	Continuous[5][6]	Instantaneous
pH, Standard Units (S.U.)	Greater than or equal to 5.5 and less than 12.0	Monthly	Grab

Corrective Action
Perform sampling pursuant to requirements in industrial discharge permits, approved analytical methods, and federal regulations. Ensure sufficient care is taken in order to produce admissible evidence. In response to the EPA, indicate how the City will correct this finding.

3. Has the CA kept records for three years including the following?
   a. Periodic compliance reports and other reports/notices
   b. All monitoring records including: sample date, place, method, time, personnel; analysis date, personnel, method; results
   c. BMP compliance documentation
   d. Other monitoring records
   (40 C.F.R. §403.12(o))

Based on the files reviewed during the inspection, it appeared the records specified in 40 C.F.R.

§403.12(o) were being kept for at least three years.

4. Has the CA evaluated, at least once per year, whether NSCIUs continue to meet the criteria of an NSCIU? (40 C.F.R. §403.8(f)(2)(v)(b), §403.3(v)(2))

At the time of the PCI, the City had not identified any NSCIUs in the service area.

5. Has the CA required, received, and analyzed reports and other notices from SIUs?
   a. Self-monitoring reports
   b. Baseline Monitoring Reports (BMRs) and 90-day compliance reports
   c. Compliance schedules reports
   d. Notice of slug loading or potential problems at POTW
   e. Notification of spills, bypasses, upsets, etc.
   f. Notification of significant change in discharge
   g. 24-hour notification of effluent violation
   h. Resampling results within 30-days
   i. Other reports/notifications required by the CA
   (40 C.F.R. §403.8(f)(2)(iv))

The City did not identify the issues described in the findings below.

Finding 18 – The City was reviewing reports submitted electronically to evaluate compliance but was not compliant with the Cross-Media Electronic Reporting Rule.
The 2021 industrial discharge permit required the facility to submit semiannual self-monitoring reports (SMRs). B&B sent SMRs via mail and electronically, but for purposes of compliance, the City evaluated electronic SMRs. In order to receive reports electronically for compliance evaluations, the City must be compliant with the Cross-Media Electronic Reporting Rule (CROMERR).

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(iv) requires POTWs to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

40 C.F.R. §403.12 (r) states, "A POTW that chooses to receive electronic documents must satisfy the requirements of 40 CFR part 3 - (Electronic reporting)."

40 C.F.R. §3 is the CROMERR regulation that sets performance-based, technology-neutral standards for systems that states, tribes, and local governments use to receive electronic reports from facilities they regulate under EPA-authorized programs and requires program modifications or revisions to incorporate electronic reporting.

Corrective Action
Ensure hard-copy submittals are reviewed for purposes of evaluating compliance. In response to the EPA, indicate how the City will correct this finding.

Finding 19 – The date of receipt for SMRs submitted via mail was not reliably recorded.
While the City was evaluating data submitted electronically to determine compliance as detailed in Finding 18, hard-copy SMRs were also received by the City; however, SMRs submitted via mail were not stamped with the date of receipt. Inspectors were unable to evaluate the timeliness of SMR submittals received by the City.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(iv) requires POTWs to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

Corrective Action
Ensure the date of receipt for IU reports submitted via mail is recorded, to allow for the evaluation of reporting timeliness. In response to the EPA, indicate how the City will correct this finding.

Finding 20 – SMRs submitted by B&B did not contain all information required by the industrial discharge permit.
The SMRs submitted in 2019 and 2020 did not include the analytical method, sample collection times, or analysis times for pH analysis; therefore, adherence to the methods approved in 40 C.F.R. §136 could not be confirmed. Additionally, the industrial discharge permit required the facility to submit copies of pH log sheets, but no logs were submitted by the facility. The City did not identify this violation.

In addition, the COCs submitted in conjunction with the 2019 and 2020 SMRs did not include sample collection times for composite samples; rather B&B recorded "various" for the composite sample collection times. 40 C.F.R. §403.12(o)(1)(i) requires facilities to record the exact time of sample collection. The City did not identify this violation.

See Section VIII.F of this report for the associated ERP finding and corrective action.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(iv) requires POTWs to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

40 C.F.R. §403.12(o)(1)(i) states, "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."

Part II.E.1 of the industrial discharge permit requires the facility to submit pH records as a copy of the log sheet used to record such measurements and calibrations.

Part II.E.2 of the industrial discharge permit requires the facility to report, "The date, exact place, method, and time of sampling and the names of the person(s) taking the samples, the date(s) analyses were performed, who performed the analyses, the analytical techniques/methods used and the results of such analyses."

Corrective Action

Review reports submitted by SIUs, to ensure the facility is providing all information required by the industrial discharge permit and that which is necessary to evaluate whether it is adhering to sampling techniques prescribed in 40 C.F.R. §136 and 40 C.F.R. §403. In response to the EPA, indicate how the City will correct this finding.

Finding 21 – B&B did not clean its sand/oil separator in November 2019 as required by the industrial discharge permit.

Part I.F.1 of the Industrial discharge permit requires the facility to have the sand/oil interceptor pumped out monthly. B&B did not have the sand/oil interceptor pumped out in November 2019. The City did not identify this violation.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(iv) requires POTWs to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

Part I.F.1 of the industrial discharge permit requires the facility to have the sand/oil separator cleaned on a monthly basis.

Corrective Action

Review reports submitted by SIUs, to ensure the facility is compliant with the industrial discharge permit. In response to the EPA, indicate how the City will correct this finding.

Finding 22 – B&B did not collect a sample to analyze purgeable organics following an LEL excursion as required by the industrial discharge permit.

On March 9-13, 2020, B&B measured the LEL at greater than 50%, exceeding the industrial discharge permit limit of 5% for two consecutive readings or 10% for a single reading. B&B notified the City of the excursion on March 10, 2020, attributing the exceedances to meter corrosion. The industrial discharge permit required the facility to sample purgeable organics following an LEL excursion, but this requirement was not completed. The City did not identify this violation.

Pretreatment Requirements

40 C.F.R. §403.8(f)(2)(iv) requires POTWs to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

Table 1 in the industrial discharge permit requires the facility to monitor purgeable organics semiannually and coupled with any LEL excursion of 5%.

Corrective Action
Review reports submitted by SIUs, to ensure the facility is compliant with the industrial discharge permit. In response to the EPA, indicate how the City will correct this finding.

Finding 23 – B&B used an incorrect sample collection method for mercury in September 2020.
On September 10, 2020, B&B collected a sample for mercury as a composite; however, Table 1 in Part I.D of the industrial discharge permit required mercury samples to be collected as a grab sample. The City did not identify this violation.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(iv) requires POTWs to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

Table 1 in the industrial discharge permit requires the facility to collect a grab sample for mercury analysis.

Corrective Action
Review reports submitted by SIUs, to ensure the facility is compliant with the industrial discharge permit. In response to the EPA, indicate how the City will correct this finding.

Finding 24 – B&B did not provide all required information to the POTW following an unanticipated bypass of its treatment system.
On October 24, 2019, B&B experienced an unanticipated bypass of the pretreatment system. The City was notified of the bypass on October 25, 2019, but a written submission five days after the facility became aware of the bypass was not provided. Details such as whether the bypass was unavoidable or if there were feasible alternatives to the bypass were not provided in the initial notification to the City, though required by 40 C.F.R. §403.17(d). The City did not identify this violation.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(iv) requires POTWs to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

40 CFR §403.17(c)(2) requires that, "An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours."

40 CFR §403.17(d)(1) stipulates that bypass is prohibited unless the following criteria are met:

"(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
(iii) The Industrial User submitted notices as required under paragraph (c) of this section."

Corrective Action
Review reports submitted by SIUs, to ensure the facility is compliant with requirements in 40 C.F.R. §403. In response to the EPA, indicate how the City will correct this finding.

Finding 25 – B&B did not review flow records daily or provide timely notification of an exceedance of the flow limit to the City.
On July 24-27, 2020, B&B measured flows exceeding 15 gpm for more than four hours, in violation of the flow limit in the industrial discharge permit. B&B Blending did not notify the City until January 7, 2021 of this excursion. The City did not identify this violation.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(iv) requires POTWs to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

Footnote 3 in Part I.D. of the industrial discharge permit states, "Any discharge >15 gpm for a duration of a combined total of four (4) hours or longer in any given 24-hour period, shall be a slug discharge violation pursuant to Section 16-15-23 of the Code. The violation shall be reported within 24 hours of the Permittee becoming aware of the violation."

Footnote 6 in Part I.D. of the industrial discharge permit requires the facility to "review records daily for LEL and Flow to identify any violation(s) and report to the City within the twenty-four (24) hour notification period."

Corrective Action
Review reports submitted by SIUs, to ensure the facility is compliant with the industrial discharge permit. In response to the EPA, indicate how the City will correct this finding.

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

From June 17-26, 2019, B&B reported elevated LEL readings that exceeded the limit in the industrial discharge permit of <5%. The facility was required to resample within 30 days and demonstrated a return to compliance on July 28, 2019.

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

At the time of the PCI, B&B was the only permitted IU and submitted SMRs on a semiannual basis.

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

At the time of the PCI, B&B was the only permitted IU and submitted SMRs on a semiannual basis.

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

Yes. Reports reviewed were signed and certified.

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

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

F. Enforcement

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

Inspectors were provided with the City's ERP in three parts: 2006 ERP; 2014 ERP SOP; and 2014 ERG (jointly referred to as the ERP). Inspectors reviewed the three enforcement response components and the findings below are based on the guidance provided in the three ERP documents collectively, as there did not appear to be conflicting guidance in the iterations. Inspectors also reviewed the ERP for adequacy and associated findings are integrated in the following section as appropriate.

However, the inspectors could not determine whether any of the ERP documents were submitted to the EPA for approval as program modifications.

Finding 26 – The inspectors were unable to verify whether the ERP was submitted to the EPA for approval as a program modification.
Records available to the EPA, including electronically submitted program modification requests and annual reports submitted by the City, did not indicate that the ERP was submitted to the EPA for approval as a program modification.

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

40 C.F.R. §403.18 specifies the requirements for a POTW seeking to modify its approved pretreatment program.

Corrective Action
Provide documentation that the ERP was approved by the EPA as a program modification, or if the modification was determined to be non-substantial, provide the notification submitted to the EPA of the planned modification. If documentation is not available, submit the ERP to the EPA for approval as a program modification, per the requirements in 40 C.F.R. §403.18. In response to the EPA, indicate how the City will correct this finding.

Finding 27 – The City did not provide documentation to indicate whether noncompliant facilities regulated under the FOG program had returned to compliance.
Grease trap inspections in 2020 were completed by contractor support, provided by Ramsey Environmental. The City estimated about one third of facilities were noncompliant at the time of their inspection. Notices of Violation (NOVs) were reportedly issued to noncompliant facilities, pursuant to the ERP, which specifies the enforcement response for failures to properly operate and maintain pretreatment equipment or facilities. At the time of the PCI however, it was unclear if the facilities had since returned to compliance.

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

Corrective Action
Evaluate whether previously noncompliant facilities subject to the FOG/POG program have returned to compliance following the 2020 inspections. Take additional enforcement actions in accordance with the City's ERP if ongoing noncompliance is detected. In response to the EPA, indicate how the City will correct this finding.

Finding 28 – An enforcement response was not issued to B&B for exceeding the industrial discharge permit limit for LEL.
Table 1 of the industrial discharge permit limits LEL at the facility to less than 5%; footnote 4 in Part I.D of the industrial discharge permit further explains that, "Pursuant to Section 16-15-7(b)(1) of the Code, no two successive readings on an explosion hazard meter at the point of discharge shall be more than five percent (5%), nor any one reading more than ten percent (10%), of the Lower Explosive Limit (LEL) of the meter." From June 17-26, 2019, B&B exceeded the industrial discharge permit limit for LEL, with LEL readings ranging from 6% to 42%. For isolated exceedances that do not meet SNC criteria, the City's ERP indicated the enforcement response should be a phone call or personal visit.

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

Corrective Action
Take an enforcement action against B&B in accordance with the City's ERP for the instance of noncompliance listed above. In response to the EPA, indicate how the City will correct this finding.

Finding 29 – An enforcement response was not issued to B&B for failure to provide all required data on its SMRs.
The SMRs submitted in 2019 and 2020 did not include the analytical method, sample collection times, or analysis times for pH analysis; therefore, adherence to the methods approved in 40 C.F.R. §136

could not be confirmed. Additionally, the 2021 industrial discharge permit required the facility to submit copies of pH log sheets, but no logs were submitted by the facility. In addition, the COCs submitted in conjunction with the 2019 and 2020 SMRs did not include sample collection times for composite samples; rather B&B recorded "various" for the composite sample collection times. While the City ERP indicates the enforcement response for inadequate recordkeeping should be an NOV or NOV with a fine, the ERP does not address reporting deficiencies and should be amended to include such violations.

Pretreatment Requirements

40 C.F.R. §403.8(f)(5) requires the City to implement its ERP and specifies the POTW's ERP shall, "at a minimum:

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

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

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

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

Section 16-15-6(e)(1) of the City's ordinance states the City has the authority to, "Take enforcement and issue fines and penalties for violations of this Article…"

Section 16-15-10(d) of the City's ordinance states, "Any violation of the terms and conditions of an Industrial discharge permit, failure to apply for a permit as required, or discharging without a required permit shall be deemed a violation of this Article and subjects the industrial user to enforcement by the City."

Corrective Action 1

Take appropriate enforcement actions against B&B, as allowable under the City's ordinance, for the instances of noncompliance listed above. In response to the EPA, indicate how the City will correct this finding.

Corrective Action 2

Amend the ERP to include a description of escalating enforcement responses the City will take in response to all anticipated types of industrial user violations. Submit the revised ERP to the EPA for approval pursuant to program modification requirements specified in 40 C.F.R. §403.18.

Finding 30 – An enforcement action was not issued to B&B for its failure to clean out its sand/oil separator in November 2019.

Part I.F.1 of the industrial discharge permit requires the facility to have the sand/oil interceptor pumped out monthly. B&B did not have the sand/oil interceptor pumped out in November 2019. The City's ERP indicates the enforcement response should be an NOV for failure to properly operate and maintain pretreatment equipment that does not result in harm to the POTW, public, or the environment.

Pretreatment Requirements

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

Corrective Action
Take an enforcement action against B&B in accordance with the City's ERP for the instance of noncompliance listed above. In response to the EPA, indicate how the City will correct this finding.

Finding 31 – An enforcement action was not issued to B&B for its failure to collect a purgeable organics sample following an LEL excursion.
On March 9-13, 2020, B&B measured the LEL at greater than 50%, exceeding the industrial discharge permit limit of 5% for two consecutive readings or 10% for a single reading. B&B notified the City of the excursion on March 10, 2020, attributing the exceedances to meter corrosion. The industrial discharge permit required the facility to sample purgeable organics following an LEL excursion, but this requirement was not completed. The City's ERP indicates the enforcement response should be an NOV for failure to monitor correctly and failure to monitor for all pollutants required by the permit.

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

Corrective Action
Take an enforcement action against B&B in accordance with the City's ERP for the instance of noncompliance listed above. In response to the EPA, indicate how the City will correct this finding.

Finding 32 – An enforcement action was not issued to B&B for using an incorrect sample collection method for mercury analysis in September 2020.
On September 10, 2020, B&B collected a sample for mercury as a composite; however, Table 1 in Part I.D of the industrial discharge permit required mercury samples to be collected as a grab sample. Files reviewed did not indicate this violation was identified by the City. The City's ERP indicates the enforcement response should be an NOV for unintentional improper sampling and use of an improper sample type.

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

Corrective Action
Take an enforcement action against B&B in accordance with the City's ERP for the instance of noncompliance listed above. In response to the EPA, indicate how the City will correct this finding.

Finding 33 – An enforcement response was not issued to B&B for its failure to provide all required information to the POTW following an unanticipated bypass.
On October 24, 2019, B&B experienced an unanticipated bypass of the pretreatment system. The City was notified of the bypass on October 25, 2019, but a written submission five days after the facility became aware of the bypass was not provided. Details such as whether the bypass was unavoidable or if there were feasible alternatives to the bypass were not provided in the initial notification to the City, though required by 40 C.F.R. §403.17(d). The City's ERP does not address reporting deficiencies and should be amended to include such violations.

Pretreatment Requirements
40 C.F.R. §403.8(f)(5) requires the City to implement its ERP and specifies the POTW's ERP shall, "at a

minimum:
(i) Describe how the POTW will investigate instances of noncompliance;
(ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
(iii) Identify (by title) the official(s) responsible for each type of response;
(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR §403.8 (f)(1) and (f)(2)."

Section 16-15-6(e)(1) of the City's ordinance states the City has the authority to, "Take enforcement and issue fines and penalties for violations of this Article…"

Section 16-15-10(d) of the City's ordinance states, "Any violation of the terms and conditions of an Industrial discharge permit, failure to apply for a permit as required, or discharging without a required permit shall be deemed a violation of this Article and subjects the industrial user to enforcement by the City."

Corrective Action 1

Take an appropriate enforcement action against B&B, as allowable under the City's ordinance, for the noncompliance listed above. In response to the EPA, indicate how the City will correct this finding.

Corrective Action 2

Amend the ERP to include a description of escalating enforcement responses the City will take in response to all anticipated types of industrial user violations. Submit the revised ERP to the EPA for approval pursuant to program modification requirements specified in 40 C.F.R. §403.18.

Finding 34 – An enforcement action was not issued to B&B for its failure to provide timely notification of noncompliance to the City.

On July 24-27, 2020, B&B measured flows exceeding 15 gpm for more than four hours, in violation of the flow limit in the industrial discharge permit. B&B Blending did not notify the City until January 7, 2021 of this excursion. While the City's ERP includes enforcement responses for failure to report a spill or change in discharge, the ERP does not address failures to notify the City of excursions within 24 hours and should be amended to include such violations.

Pretreatment Requirements

40 C.F.R. §403.8(f)(5) requires the City to implement its ERP and specifies the POTW's ERP shall, "at a minimum:
(i) Describe how the POTW will investigate instances of noncompliance;
(ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
(iii) Identify (by title) the official(s) responsible for each type of response;
(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR §403.8 (f)(1) and (f)(2)."

Section 16-15-6(e)(1) of the City's ordinance states the City has the authority to, "Take enforcement and issue fines and penalties for violations of this Article…"

Section 16-15-10(d) of the City's ordinance states, "Any violation of the terms and conditions of an Industrial discharge permit, failure to apply for a permit as required, or discharging without a required permit shall be deemed a violation of this Article and subjects the industrial user to enforcement by the City."

Corrective Action 1
Take an appropriate enforcement action against B&B, as allowable under the City's ordinance, for the noncompliance listed above. In response to the EPA, indicate how the City will correct this finding.

Corrective Action 2
Amend the ERP to include a description of escalating enforcement responses the City will take in response to all anticipated types of industrial user violations. Submit the revised ERP to the EPA for approval pursuant to program modification requirements specified in 40 C.F.R. §403.18.

Finding 35 – The City did not issue an appropriate enforcement response to B&B following its slug discharge of blue dye.
On September 5, 6, and 17, 2019, B&B discharged concentrated blue dye to the City sewer system in lieu of proper disposal. The POTW was unable to remove the dye and the City discharged blue effluent to Big Dry Creek. Review of the SDS for the dye, Blue Lace 2321, indicated the dye was toxic to aquatic life with long lasting effects and should not be discharged to the sewer system. Section 16-15-7(b)(11) of the City's ordinance prohibits the discharge of waste containing dye waste. Additionally, Part I.B.1 of the Permit states that, "all wastewater flows contributed in the service area may be accepted by the City of Northglenn for treatment at the permittee's wastewater treatment plant provided that such acceptance does not cause or contribute to an exceedance of the throughput or design capacity of the treatment works or the effluent limitations in Part I.A, or constitute a substantial impact to the functioning of the treatment works, degrade the quality of the receiving waters, or harm human health, or the environment." Because B&B's discharge caused the POTW to degrade the quality of the receiving waters, this violation appears to have caused pass through as defined in 40 C.F.R. §403.3(p). Per 40 C.F.R §403.8(f)(2)(vii)(C), B&B's discharge of blue dye appears to meet the criteria for SNC. On September 23, 2019, the City issued an NOV to B&B; however, the City's ERP indicates the enforcement response should be a show cause order, administrative order with fine, or civil action for an isolated SNC excursion that caused harm to the POTW, environment, or public. As stipulated in 40 C.F.R. §403.8(f)(2)(vii), the City was also bound to publish B&B in the newspaper.

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

40 C.F.R. §403.8(f)(2)(viii) states, "Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR §403.3(l);
(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR §403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR §403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
(E) 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;
(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
(G) Failure to accurately report noncompliance;
(H) 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."

Part I.B.1 of the Permit states that, "all wastewater flows contributed in the service area may be accepted by the City of Northglenn for treatment at the permittee's wastewater treatment plant provided that such acceptance does not cause or contribute to an exceedance of the throughput or design capacity of the treatment works or the effluent limitations in Part I.A, or constitute a substantial impact to the functioning of the treatment works, degrade the quality of the receiving waters, or harm human health, or the environment."

Corrective Action

Take an appropriate enforcement action against B&B in accordance with the City's ERP for the noncompliance listed above. Comply with the public participation requirements in 40 C.F.R. §403.8(f)(2)(viii) 40 CFR §25. In response to the EPA, indicate how the City will correct this finding.

Finding 36 – A penalty action was not issued to B&B following its slug discharge of soap to the POTW.

On February 23, 2021, B&B discharged 1,400 gallons of soap to the City, causing foaming at the POTW that persisted for three days and caused the City to dedicate additional resources to manually operate its impacted lift station, manage clean up from a manhole, and cease its discharge to Big Dry Creek. Following the PCI, the City notified the EPA of the enforcement responses issued to B&B which included an administrative order and court summons. The City also determined that the slug discharge met the criteria of SNC. In addition, the City indicated its intention to issue a penalty to recur costs associated with the slug discharge, in accordance with the ERP; however, the EPA has not been made aware of whether a penalty was issued.

<u>Pretreatment Requirements</u>
40 C.F.R. §403.8(f)(5) requires the City to develop and implement its ERP.

40 C.F.R. §403.8(f)(2)(viii) states, "Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:
(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR §403.3(l);
(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR §403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR §403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
(E) 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;
(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
(G) Failure to accurately report noncompliance;
(H) 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."

<u>Corrective Action</u>
Take an appropriate penalty action against B&B in accordance with the City's ERP for the noncompliance listed above. Comply with the public participation requirements in 40 C.F.R. §403.8(f)(2)(viii) 40 CFR §25. In response to the EPA, indicate how the City will correct this finding.

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

Though written procedures reviewed did not discuss the practical implementation of SNC evaluations, the City provided the EPA with an SNC checklist, that would result in sufficient SNC evaluation if used regularly; however, at the time of the PCI, the City did not evaluate numeric and narrative criteria SNC on a quarterly basis.

Finding 37 – The City did not publish B&B in the newspaper for the SNC described in Finding 35.
As detailed in Finding 35, B&B was in SNC during the six-month period from June 1, 2019-December 31, 2019. The City did not provide public notice of the slug discharge of blue dye from B&B.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(viii) states, "Comply with the public participation requirements of 40 C.F.R.§25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements."

Corrective Action
Pursuant to public participation requirements found at 40 C.F.R. §403.8(f)(2)(viii) and 40 C.F.R §25, provide public notice of the SNC at B&B occurring during the six-month period from June 1, 2019-December 31, 2019. Ensure the public is notified of any additional violations determined to meet the criteria for SNC. In response to the EPA, indicate how the City will correct this finding.

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

No compliance schedules were developed or in effect in the IU files reviewed.

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

As detailed in Finding 14, B&B appears to be a CIU, though it was not identified as such by the City. Applicable categorical standards have not been applied to the facility and the EPA was unable to evaluate the facility's compliance with applicable standards.

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

As detailed in Finding 14, B&B appears to be a CIU, though it was not identified as such by the City. Applicable categorical standards have not been applied to the facility and the EPA was unable to evaluate the facility's compliance with applicable standards.

G. Additional Evaluations

Finding 38 – The City was not devoting adequate resources to the implementation of the pretreatment program.

40 C.F.R. §403.8(f)(3) requires POTWs to have sufficient resources and qualified personnel to carry out the authorities and procedures of the pretreatment program. In the 2018 and 2019 annual reports, the City reported that 0.5-1.0 FTE, respectively as dedicated to program implementation; however, at the time of the PCI the City was dedicating approximately 0.1 FTE to implementation of its approved pretreatment program. The reduction in FTE allocation was reportedly due to increased emphasis placed on the backflow prevention program, and the City indicated its intention to rededicate 0.5 FTE in 2022. This resource allocation does not appear adequate. The City should ensure sufficient resources are consistently dedicated to pretreatment program implementation.

Pretreatment Requirements

40 C.F.R. §403.8(f)(3) states, "The POTW shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in paragraphs (f) (1) and (2) of this section. In some limited circumstances, funding and personnel may be delayed where (i) the POTW has adequate legal authority and procedures to carry out the Pretreatment Program requirements described in this section, and (ii) a limited aspect of the Program does not need to be implemented immediately (see § 403.9(b))."

Corrective Action

Ensure adequate resources are devoted to the implementation of the approved pretreatment program. In response to the EPA, indicate how the City will correct this finding.

Finding 39 – The City's ordinance requires revision to align with federal regulations.

During the 2017 PCA, the items below were documented as requiring updates to the ordinance in order to align with federal pretreatment regulations. During the PCI, inspectors observed the previously required updates to the ordinance had not been completed. The City's ordinance should be updated to address the following:

1. Modify Existing Source definition - §16-15-2(a)(24)– replace "promulgation" with "proposal" in definition to align with federal regulations;
2. Modify POTW definition - §16-15-2(a)(55) to add "The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works;" and
3. Authority to deny 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.

Pretreatment Requirements

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 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…"

Corrective Action
Update the ordinance to align with federal regulations. Submit revisions to the EPA for approval as a program modification pursuant to 40 C.F.R. §403.18. In response to the EPA, indicate how the City will correct this finding.

Finding 40 – The intergovernmental agreement with the City of Thornton requires revision to delegate pretreatment authority to the City.
The City entered into an intergovernmental agreement (IGA) with the City of Thornton, dated July 14, 1994, to provide sewer service to a contributing jurisdiction to the City, the Thornton Enclaves. The IGA does not appear to delegate authority to implement the pretreatment program to the City for industrial users in the Thornton Enclaves. This finding was also identified during the 2017 PCA. The IGA should be updated to delegate pretreatment authority to the City in the Thornton Enclaves.

Pretreatment Requirements
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 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…"

Corrective Action
Update the IGA with the City of Thornton to delegate pretreatment authority to the City. Submit the revised IGA to the EPA for approval as a program modification pursuant to 40 C.F.R. §403.18. Alternatively, provide documentation that there are no IUs in the Thornton Enclaves that contribute non-domestic pollutants to the POTW. In response to the EPA, indicate how the City will correct this finding.

Finding 41 – The City had not updated its local limits since 2010.
The Permit was reissued to the City in 2019 and became effective on January 1, 2020. 40 CFR §122.44(j)(2)(ii) and Part I.7.c of the Permit require the City to submit a technical evaluation of the need to revise local limits following permit reissuance. As of the date of the PCI, the City had not submitted a technical evaluation of the need to revise local limits. The City should complete the technical evaluation and submit it to the EPA for review and approval.

Pretreatment Requirements
40 C.F.R. 403.8(f)(4) states, "The POTW shall develop local limits as required in § 403.5(c)(1), or demonstrate that they are not necessary."

40 CFR §122.44(j)(2)(ii) requires POTWs to, "Provide a written technical evaluation of the need to revise local limits under 40 CFR 403.5(c)(1), following permit issuance or reissuance."

Part I.7.c of the Permit states, “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. 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. In accordance with 40 CFR 122.44(j)(2)(ii), the permittee shall submit to the Division and Approval Authority a technical evaluation of the need to revise or develop local limits in accordance with 40 CFR 403.5(c) and a local limits package if a technical evaluation reveals that development or revision of local limits is necessary. The evaluation shall include, but not be limited to, a consideration of any new or revised numeric and practice-based effluent limits in this permit.”

Corrective Action
Submit a technical evaluation of the need to revise or develop local limits in accordance with 40 C.F.R. §403.5(c) and a local limits package if a technical evaluation reveals that development or revision of local limits is necessary to the EPA for review and approval. In response to the EPA, indicate how the City will correct this finding.

Finding 42 – The City had not investigated recurring slug loads that disrupted POTW operations.
Beginning in 2019, the City began receiving a slug at the POTW once or twice per year, characterized by a high COD load, sweet odor, and sheen. The elevated COD consumes the dissolved oxygen at the POTW, disrupting with the treatment process. To compensate, the City increases aeration at the plant. Though the slug flows to the headworks for less than one day, the City indicated the POTW is affected by the slug for one to two weeks. At the time of the PCI, the City indicated that approximately three of these slug loads had been received at the POTW though no violations of the Permit had occurred as a result. Though the City had been able to respond effectively in their treatment process to prevent Permit violations, resources had not been dedicated to investigating the slug loads, nor had samples been collected during a slug event to characterize the slug beyond the COD concentration.

Pretreatment Requirements
40 C.F.R. 403.8(f)(2)(i-ii) requires POTWs to develop and implement procedures 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;” and, “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;”

40 C.F.R. §403.8(f)(2)(vii) requires POTWs to develop and implement procedures to, “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.”

Corrective Action
If the City experiences additional slug loads in the future, investigate the elevated COD load to evaluate whether the source is an uncontrolled industrial user or the result of illegal dumping. In response to the EPA, indicate how the City will correct this finding.

Finding 43 – Data submitted in the annual report to the EPA was inaccurate.
In preparation for the PCI, inspectors reviewed data submitted by the City to the EPA. In addition to the inaccuracy described in Finding 16, the following inconsistencies were observed in the City's annual reports submitted in 2018 and 2019:

1. The reported local limits for chromium and mercury did not align with those in the ordinance, as detailed in the table below.

Data Source	Chromium local limit, mg/l	Mercury local limit, mg/l
Annual Report	4.09	0.007
Ordinance	0.68	0.0007

2. The City identified B&B as a CIU on some tabs, and an SIU on others. As detailed in Finding 14, it appears the facility should be identified as a CIU.
3. The flow reported for B&B for 2018 and 2019 was 1300 gpd. The actual flow reported by the facility in 2019 was approximately 2256 gpd. The SIU flows should be based on current data.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(v) requires the 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…"

40 C.F.R. §403.12(i) requires POTWs to report data on the pretreatment program annually.

40 C.F.R. §403.12(m) requires the POTW's annual report to be signed by a duly authorized employee and 40 C.F.R. §403.12(n) stipulates that reports submitted under the section are subject to the provisions 18 U.S.C. section 1001 relating to fraud and false statements; the provisions of sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and the provisions of section 309(c)(6) regarding responsible corporate officers.

Corrective Action
Ensure accurate data, based on current conditions, is reported on annual reports submitted to the EPA. In response to the EPA, indicate how the City will correct this finding.

The following findings were identified during EPA's remote inspection of B&B, conducted on March 29, 2021. The full report for the remote inspection conducted of B&B is enclosed.

Finding 44 – The facility's SDCP did not meet the requirements in 40 CFR §403.8(f)(2)(vi).
As a component of the City's enforcement response to the slug discharge that occurred on February 23, 2021, the facility was required to revise the SDCP, which was in draft form at the time of the

inspection. The plan was missing the following components: a description of stored chemicals; procedures for immediately notifying the POTW of slug discharges, including accurate contact information; and procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, and worker training. Additionally, the draft SDCP proposed that facility representatives would seek approval from the City for sewer disposal for off-spec products, rather than arrange off-site disposal; however, the facility's industrial discharge permit prohibits slug discharges categorically.

Pretreatment Requirements

According to the requirements of 40 CFR §403.8(f)(2)(vi), the POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to, "Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, a Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

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

Corrective Action

Update the SDCP to include all requirements of 40 CFR §403.8(f)(2)(vi) and remove inclusions proposing to seek approval for discharge of off-spec products. Provide the City with a copy of the updated SDCP and a description of how this corrective action was accomplished.

Finding 45 – Raw chemicals and finished product were stored without secondary containment.

Throughout the facility, raw chemicals were stored without secondary containment or berms in close proximity to floor drains, as shown in photos 1358, 1359, 1360, 1364, 1370, 1372, 1373, 1376, 1377, 1378, 1379, and 1380. With the exception of one drain in the H3 occupancy, floor drains in the H2, H3, and H4 occupancies were equipped with gate valves that default to a closed position, that are opened regularly at timed intervals to allow wastewater to flow to the central wastewater sump. However, the SDCP did not specify procedures that employees should observe in order to identify slug discharges and prevent slugs from flowing to the central wastewater sump.

In addition, floor drains in the F1 occupancy were unprotected and finished product was stored nearby without secondary containment (photos 1380, 1382, 1385, and 1387). In the event of a spill, finished product would flow directly to the onsite wastewater treatment system, presenting significant slug discharge potential. The drains in the F1 occupancy are not needed for blending operations.

Pretreatment Requirements

According to the requirements of 40 CFR §403.8(f)(2)(vi), the POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to, "Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, a Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

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

Corrective Action

Add secondary containment, berms, or other spill prevention engineering controls in occupancies storing raw chemicals. In the F1 occupancy, add secondary containment or permanently close the floor drains to nullify potential for spilled final product to flow to the central wastewater sump. Provide photos of the corrective actions to the City. Update the SDCP to include details for identification of potential slug discharges and procedures for ensuring slug discharges do not enter the central wastewater sump. Provide the City with a description of how these corrective actions were accomplished.

Finding 46 – The facility experienced an unanticipated bypass in October 2019 that did not meet criteria for an allowable bypass in 40 CFR §417.

Due to a broken pipe and valve malfunction, an unanticipated bypass occurred at the facility on October 24, 2019. The facility provided notification to the City via email on October 25, 2019; however, this notification did not adhere to the requirements to notify the control authority orally in 40 CFR §417(c); also, a written submission was not submitted five days later as required. Additionally, based on information provided by the facility during the inspection, the bypass was not unavoidable to prevent loss of life, personal injury, or severe property damage, as required for an allowable bypass in 40 CFR §417(d)(1).

Pretreatment Requirements

40 CFR §403.17(c)(2) requires that, "An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours."

40 CFR §403.17(d)(1) stipulates that bypass is prohibited unless the following criteria are met:
"(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
(iii) The Industrial User submitted notices as required under paragraph (c) of this section."

Recommendation

Submit required notifications for all future instances of bypass and take actions to prevent bypass of the onsite wastewater treatment system. Provide the City with a description of how the facility will ensure regulatory requirements are met in the future.

Finding 47 – The facility was not monitoring flow at the regulated outfall.

Part 1.A of the permit identifies that the regulated outfall as located at the monitoring manhole immediately downstream of the sand/oil separator and requires monitoring to occur at that location. During the inspection, facility representatives described sampling procedures for compliance with the permit, indicating that the final flow measurement was taken following polishing and prior to discharge to the sand/oil separator. The sand/oil separator provides the final step of wastewater treatment prior to entering the City's sewer system. Flow measurements taken prior to discharge from the sand/oil separator were not representative of the flow rate discharged to the sewer system.

Pretreatment Requirements

40 CFR §403.8(f)(1)(iii)(B)(4) requires that control mechanisms establish, "self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law."

40 CFR §403.12(g)(3) requires data reported by industrial users to be representative of conditions occurring during the reporting period.

Corrective Actions
Collect samples and measurements in compliance with the industrial discharge permit, that are representative of the facility's discharge. Provide the City with a description of how this corrective action was accomplished.

Finding 48 – The facility was not collecting the correct sample type for compliance.
To conduct sampling for compliance with the permit, B&B indicated the standard practice was to collect aliquots every hour to create a time-proportioned composite. Part 1.D. of the permit requires the facility to collect flow-proportioned composite samples to ensure the sample is representative of discharge.

Pretreatment Requirements
40 CFR §403.8(f)(1)(iii)(B)(4) requires that control mechanisms establish, "self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with § 403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law."

40 CFR §403.12(g)(3) requires reports, "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. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate."

Corrective Action
Collect samples and measurements in compliance with the industrial discharge permit, that are representative of the facility's discharge. Provide the City with a description of how this corrective action was accomplished.

Finding 49 – Flow monitoring records were not being reliably reviewed within the timeframe required by the permit.
During the inspection, B&B representatives indicated that flow monitoring records were reviewed, at a minimum, semiannually, in preparation for reporting self-monitoring data to the City. Part 1.D of the permit requires the facility to review flow records daily, in order to report excursions within 24 hours.

Pretreatment Requirements
40 CFR §403.12(g)(2) requires industrial users to notify the control authority within 24 hours of becoming aware of a violation.

Corrective Action
Review flow measurements daily and report observed excursions within 24 hours, in compliance with the permit. Provide the City with a description of how this corrective action was accomplished.

Finding 50 – Chemical waste was being stored outside without stormwater protections.
Facility representatives indicated they were coordinating with a waste hauler to ship chemical waste offsite for disposal. At the time of the inspection, totes of chemical waste had been stored outside for approximately 60 days in preparation for pickup, without cover or secondary containment (photo 1388).

Recommendation
The EPA recommends stormwater controls, such as covers, constructed of storm-resistant material, and secondary containment be installed if the facility elects to continue storing chemical waste outdoors. Provide the City with photos of the corrective actions taken and a description of how this recommendation was accomplished.

Finding 51 – Stormwater protection controls in the facility's parking lot were not being tested.
Page 3 of the facility's SDCP indicated that, in the event of an overflow of fire suppression material, the parking lot was designed for use as an emergency retention pond, and equipped with an automated gate valve to ensure stormwater protection; however, the gate valves had not been tested to the facility representatives' recollection. However, the SDCP references additional facility plans, including a plan titled, "Inspection of Storage Areas." Page 1 of this plan indicates that facility representatives regularly check the stormwater protection gate valve.

Recommendation
The EPA recommends the gate valve in the parking lot stormwater outfall be tested to ensure it is in working order. Ensure facility plans are maintained and represent current practices and update plans as needed. Provide the City with a description of how these recommendations were accomplished.