

**Wyoming Department of Environmental Quality  
Water Quality Division  
WYPDES (Wyoming Pollutant Discharge Elimination System) Program**

STATEMENT OF BASIS

RENEWAL

APPLICANT NAME: Cheyenne Board of Public Utilities

MAILING ADDRESS: PO Box 1469  
Cheyenne, WY 82003-1469

FACILITY LOCATION: Dry Creek Water Reclamation Facility, which is located in NW Section 6 of T13N R65W, Laramie County. The wastewater will be discharged to Crow Creek (Class 2C water), South Platte River Basin. Lat: 41.12715187, Long: 104.7084016

PERMIT NUMBER: WY0022934

**CHANGES SINCE PUBLIC NOTICE:** DEQ included chronic whole effluent toxicity (WET) testing and effluent limits into this permit. This was in response to comments from U.S. EPA Region 8, and it was determined that chronic WET requirements were appropriate for this permit because of discharge occurring to Class 2C water where no dilution is available during certain periods of the year.

**BACKGROUND:** The wastewater treatment system at the Dry Creek Reclamation facility consists of four screw pumps that supply wastewater to a two stair screen. Grit is removed by a single grit pump and classifier. Flow feeds into four primary clarifiers, then through two parallel anoxic basins, used to convert nitrates to nitrogen gas. Wastewater then flows into two parallel Integrated Fixed-film/Activated Sludge biological treatment reactors. Three secondary clarifiers provide final clarification. Disinfection is through two parallel channels with three UV units in series in each channel. The treatment capacity of the system is 10.5 million gallons per day (MGD), however, with an expected average flow rate of 5.5 MGD.

**CHANGES FROM THE PREVIOUS PERMIT:** The newly-revised Chapter 1, Wyoming Water Quality Rules and Regulations specify instream standards for E. coli bacteria, which replace fecal coliform standards. The permit conditions reflect a primary contact recreation E. coli standard of 126 colonies/100 ml monthly average during the April 1 through September 30 season, and 576 colonies /100 ml daily maximum. The 576 colonies/100 ml is based on the "infrequently used full body contact standard" per Chapter 1, the default for most Wyoming waters. During the October 1-March 31 season, the E. coli standard is based on the monthly average standard for secondary contact recreation of 630 colonies/100 ml. This permit includes a 16 month interim effluent limit period to allow to the facility to research if the current wastewater treatment system can meet the E. coli limits and make adjustments if necessary to meet E. coli limits. The interim effluent limit period ends September 30, 2009, at the end of the non-recreation season. Section 5 of Chapter 1 allows for interim effluent limits to allow facilities windows of opportunity to meet new standards. Monthly monitoring, at a minimum, of E. coli is required during the interim effluent limit period, but more frequent sampling may be necessary to determine if the facility can meet the new limits.

**EFFLUENT LIMITS:** In developing effluent limits, all federal and state regulations and standards have been considered and the most stringent requirements incorporated into the permit. Permit limits are based on technology-based standards and water-quality based standards, as described below.

**TECHNOLOGY BASED LIMITS:**

The permit requires immediate compliance with National Secondary Treatment Standards, Wyoming Water Quality Standards. The limits for total suspended solids include a monthly average limit of 30 mg/l and 85% removal, are based upon National Secondary Treatment Standards. This permit includes a carbonaceous biochemical oxygen demand (CBOD) limit of 25 mg/l, monthly average. The U.S. EPA allows CBOD limits in lieu of biochemical

oxygen demand (BOD) limits, per 40 CFR 133.102(a)(4) in cases where nitrification is occurring in the treatment. Values for pH shall remain between 6.5 and 9.0, based on Chapter 1, Wyoming Water Quality Rules and Regulations.

**WATER QUALITY BASED LIMITS:**

Because the dilution factor provided by Crow Creek is negligible relative to the volume of the discharge, end-of-pipe effluent limits for E. coli, total residual chlorine, and ammonia will be set equal to the instream standards for those constituents, per Chapter 1, Wyoming Water Quality Rules and Regulations. Zero dilution is assumed.

The instream standards for total residual chlorine are 0.011 mg/l, chronic standard, and 0.019 mg/l, acute standard. The limit for total residual chlorine will be set at 0.011 mg/l. Although the permittee utilizes ultraviolet light for disinfection, the permit includes a total residual chlorine limit for the event emergency chlorination is required for meeting E. coli or fecal coliform effluent limits.

Chapter 1 sets instream standards for ammonia based on pH and temperature of the receiving water and discharge water combined. As previously mentioned, the dilution provided by the receiving water is assumed to be zero, so that the ammonia effluent limits are determined by the discharge parameters alone, not considering mixing with the receiving water. The permittee provided abundant pH and temperature data of the discharge, by which the ammonia effluent limits are determined, as follows. The instream standards for June through October are based on a median discharge pH of 7.1 and maximum temperature of 22° C. The chronic instream standard for these conditions is 3.50 mg/l, and the acute instream standard is 32.8 mg/l. For the November through May time period, the instream standards are based on a maximum temperature of 16° C and a median discharge pH of 7.0 which results in a chronic instream standard of 5.37 mg/l and an acute instream standard of 36.1 mg/l. Note the table below:

Dry Creek WWTF Information				
Season	Median pH	Max Temperature	Chronic Instream Standard (Class 2C waters)	Acute Instream Standard (Class 2C waters)
June-October	7.1	22	3.50	32.8
November-May	7.0	16	5.37	36.1

The effluent limits for ammonia, are 3.50 mg/l, June through October, and 5.37 mg/l, November through May, monthly averages. The effluent limits are delineated between the November through May, and June through October time periods based on water temperature data which show definite cooler water - warmer water seasons respectively during these months.

**WHOLE EFFLUENT TOXICITY (WET) TESTING AND LIMITS:**

The proposed permit contains “Whole Effluent Toxicity” (WET) effluent and self-monitoring requirements. On a quarterly basis, the effect of the effluent on two aquatic species (*Ceriodaphnia* and Fathead Minnows), must be tested. At a 100% effluent concentration, there may be no more than 50% mortality to either species. This protocol is known as acute toxicity testing.

**MAJOR DISCHARGER:** Since the plant discharges more than 1 MGD, it is classified as a “major” discharger. The permit will be submitted to the U.S. Environmental Protection Agency, Region 8 for review.

**ANTIDegradation, IMPAIRMENT REVIEW:** The discharge of wastewater and the effluent limits that are established in this permit have been reviewed to ensure that the levels of water quality necessary to protect the designated uses of the receiving waters are maintained and protected. An antidegradation review has been conducted and verifies that the permit conditions, including the effluent limitations established, provide a level of protection to the receiving water consistent with the antidegradation provisions of Wyoming surface water quality standards. A review was completed to the status of the receiving water on the 303(d) list as a waterbody that cannot support designated uses. The review revealed that the receiving water is included on this list for ammonia and fecal coliform impairment for an undetermined distance above and below Cheyenne. Because effluent limits are set equal to instream standards for ammonia and fecal coliform, the impacts of the Dry Creek wastewater facility on Crow Creek are being addressed.

**INDUSTRIAL PRETREATMENT PROVISIONS:** The permit also contains the industrial pretreatment requirements of the U.S. Environmental Protection Agency. Those requirements are intended to ensure that industrial discharges to the plant do not cause an upset of the system or violation of the effluent limits that are established in this permit.

Self monitoring of effluent quality and quantity is required on a regular basis with reporting of results monthly. The permit is scheduled to expire on May 31, 2013.

Roland Peterson  
Water Quality Division  
Department of Environmental Quality  
Drafted: March 10, 2008

AUTHORIZATION TO DISCHARGE UNDER THE  
WYOMING POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, (hereinafter referred to as "the Act"), and the Wyoming Environmental Quality Act,

Cheyenne Board of Public Utilities

is authorized to discharge from the Dry Creek Water Reclamation Facility treatment facilities located in

Lat: 41.12715187, Long: 104.7084016, Laramie County

to receiving waters named

Crow Creek (Class 2C water), South Platte River Basin

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II and III hereof.

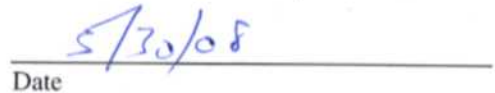
This permit shall become effective on June 1, 2008.

This permit and the authorization to discharge shall expire May 31, 2013 at midnight.

  
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John F. Wagner, Administrator  
Water Quality Division

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John V. Corra  
Director - Department of Environmental Quality

  
\_\_\_\_\_  
Date

PART I

A. EFFLUENT LIMITATIONS - SEE ANY ADDITIONAL REQUIREMENTS UNDER PART III

**INTERIM EFFLUENT LIMITS:** Effective June 1, 2008 and lasting through September 30, 2009, the quality of effluent discharged by the permittee shall, at a minimum, meet the limitations set forth below. The permittee is authorized to discharge from outfall serial number(s) 001.

1. Such discharges shall be limited as specified below:

<u>Parameter</u>	<u>Effluent Concentration</u>		
	<u>Monthly Average</u> (b)	<u>Weekly Average</u> (b)	<u>Daily Maximum</u> (b)
Carbonaceous Biochemical Oxygen Demand (CBOD), mg/l	25	40	80
CBOD, % Removal	85	N/A	N/A
Fecal Coliform, colonies/100 ml (b)	200	N/A	400
Total Suspended Solids (TSS) , mg/l	30	45	90
Total Suspended Solids, % Removal	85	N/A	N/A
Total Residual Chlorine, mg/l	N/A	N/A	0.011
Ammonia, total as N, mg/l, June through October	3.50	N/A	8.75
Ammonia, total as N, mg/l, November through May	5.37	N/A	13.43

pH shall remain between 6.5 and 9.0 (a)

Samples taken to determine compliance with the effluent limitations specified above shall be taken at the outfall from the final treatment unit and prior to admixture with diluent waters or the receiving stream.

- (a) Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.
- (b) Monthly Average, Weekly Average and Daily Maximum are defined in Part I.C.3.

There shall be no discharge of floating solids or foam in other than trace amounts. Nor shall the discharge have a visible sheen or cause formation of a visible sheen or visible deposits on the bottom or shoreline of the receiving water.

All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, stream beds, ditches, or other waters of the state at the point of discharge. Discharges shall not occur in such a manner that will result in violations of Water Quality Rules and Regulations, Chapter 1, Section 15. In addition, there shall be no deposition of substances in quantities which could result in significant aesthetic degradation, or degradation of habitat for aquatic life, plant life or wildlife; or which could adversely affect public water supplies or those intended for agricultural or industrial use.

**FINAL EFFLUENT LIMITS:** Effective October 1, 2009 and lasting through May 31, 2013, the quality of effluent discharged by the permittee shall, at a minimum, meet the limitations set forth below. The permittee is authorized to discharge from outfall serial number(s) 001.

2. Such discharges shall be limited as specified below:

<u>Parameter</u>	<u>Effluent Concentration</u>		
	<u>Monthly Average (b)</u>	<u>Weekly Average (b)</u>	<u>Daily Maximum (b)</u>
Carbonaceous Biochemical Oxygen Demand (CBOD), mg/l	25	40	80
CBOD , % Removal	85	N/A	N/A
E. coli, colonies/100 ml, Oct through April	126	N/A	576
E. coli, colonies/100 ml, May through Sept	630	N/A	630
Total Suspended Solids (TSS) , mg/l	30	45	90
TSS, % Removal	85	N/A	N/A
Total Residual Chlorine, mg/l	N/A	N/A	0.011
Ammonia, total as N, mg/l, June through October	3.50	N/A	8.75
Ammonia, total as N, mg/l, November through May	5.37	N/A	13.43

pH shall remain between 6.5 and 9.0 (a)

Samples taken to determine compliance with the effluent limitations specified above shall be taken at the outfall from the final treatment unit and prior to admixture with diluent waters or the receiving stream.

- (a) Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.
- (b) Monthly Average, Weekly Average and Daily Maximum are defined in Part I.C.3.

There shall be no discharge of floating solids or foam in other than trace amounts. Nor shall the discharge have a visible sheen or cause formation of a visible sheen or visible deposits on the bottom or shoreline of the receiving water.

All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, stream beds, ditches, or other waters of the state at the point of discharge. Discharges shall not occur in such a manner that will result in violations of Water Quality Rules and Regulations, Chapter 1, Section 15. In addition, there shall be no deposition of substances in quantities which could result in significant aesthetic degradation, or degradation of habitat for aquatic life, plant life or wildlife; or which could adversely affect public water supplies or those intended for agricultural or industrial use.

**B. SELF-MONITORING REQUIREMENTS**

1. Effective June 1, 2008 and lasting through September 30, 2009, the permittee shall monitor this discharge(s) as shown below:

<u>Parameter</u>	<u>Frequency (a)</u>	<u>Sample Type (b)</u>
Fecal Coliform, colonies/100 ml	Twice Weekly	Grab
E. coli, colonies/100 ml	Monthly	Grab
pH, units	Twice Weekly	Grab
Total CBOD, mg/l (c)	Twice Weekly	Composite
CBOD, % Removal**	Twice Weekly	Calculate
Total Flow, MGD	Twice Weekly	Continuous
Total Residual Chlorine, mg/l (d)	Daily	Grab
TSS, mg/l (c)	Twice Weekly	Composite
TSS, % Removal**	Twice Weekly	Calculate
Ammonia, mg/l	Twice Weekly	Composite

\*\* Compliance with percent removal requirements is based on twice weekly sampling. More frequent sampling, as per Part III.A.1 of the permit, is optional.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outfall from the final treatment unit and prior to admixture with diluent water or the receiving stream.

- (a) If the discharge occurs on an intermittent basis, samples shall be collected during the period when that intermittent discharge occurs.
- (b) See "definitions" under the Monitoring and Reporting portion of this permit.
- (c) In addition to monitoring the final discharge, influent samples shall be taken and analyzed for this parameter at the same frequency as required for this parameter in the discharge.
- (d) Monitor only if chlorine is used in the wastewater treatment process.

1. Effective October 1, 2009 and lasting through May 31, 2013, the permittee shall monitor this discharge(s) as shown below:

<u>Parameter</u>	<u>Frequency (a)</u>	<u>Sample Type (b)</u>
E. coli, colonies/100 ml	Twice Weekly	Grab
pH, units	Twice Weekly	Grab
Total CBOD, mg/l (c)	Twice Weekly	Composite
CBOD, % Removal**	Twice Weekly	Calculate
Total Flow, MGD	Twice Weekly	Continuous
Total Residual Chlorine, mg/l (d)	Daily	Grab
TSS, mg/l (c)	Twice Weekly	Composite
TSS, % Removal**	Twice Weekly	Calculate

<u>Parameter</u>	<u>Frequency (a)</u>	<u>Sample Type (b)</u>
Ammonia, mg/l	Twice Weekly	Composite

\*\* Compliance with percent removal requirements is based on twice weekly sampling. More frequent sampling, as per Part III.A.1 of the permit, is optional.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outfall from the final treatment unit and prior to admixture with diluent water or the receiving stream.

- (a) If the discharge occurs on an intermittent basis, samples shall be collected during the period when that intermittent discharge occurs.
- (b) See "definitions" under the Monitoring and Reporting portion of this permit.
- (c) In addition to monitoring the final discharge, influent samples shall be taken and analyzed for this parameter at the same frequency as required for this parameter in the discharge.
- (d) Monitor only if chlorine is used in the wastewater treatment process.

2. Effluent Limitations (Toxic Pollutants)

Effective June 1, 2008, there shall be no acute or chronic toxicity discharge from outfall number 001.

3. Whole Effluent Testing (Acute)

Starting in 2008, the permittee shall conduct quarterly acute static replacement toxicity tests on an effluent sample of the discharge. The effluent shall be obtained from the sample required for the chronic toxicity tests as noted in Part IA4 of this permit.

The replacement static acute toxicity tests shall be conducted in accordance with the procedures set out the latest procedures set forth in 40 CFR 136.3 and the "Region VIII EPA NPDES Acute Test Conditions - Static Renewal Whole Effluent Toxicity Tests". In the case of conflicts, 40 CFR 136.3 will prevail. The permittee shall conduct the acute 48-hour static toxicity test using *Ceriodaphnia dubia* and an acute 96-hour static replacement toxicity test using *Pimephales promelas*.

Acute toxicity occurs when 50 percent or more mortality is observed for either species at any effluent concentration. If more than 10 percent control mortality occurs, the test is not valid. The test shall be repeated until satisfactory control survival is achieved. If acute toxicity occurs, an additional test shall be conducted within two (2) weeks of the date of when the permittee learned of the test failure. If only one (1) species fails, retesting may be limited to this species. Should toxicity occur in the second test, testing shall occur once a month until further notified by the permit issuing authority.

Quarterly test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the end of the reporting calendar quarter (e.g., whole effluent results for the calendar quarter ending March 31, shall be reported with the DMR due April 28, with the remaining reports submitted with DMRs due each July 28, October 28 and January 28). The format for the report shall be consistent with the latest revision of the "Region VIII Guidance for Acute Whole Effluent Reporting", and shall include all chemical and physical data as specified.

If the results for four consecutive quarters of testing indicate no acute toxicity, the permittee may request the permit issuing authority to allow a reduction to quarterly acute toxicity testing on only one species on an alternating basis. The permit issuing authority may approve or deny the request based on the results and

other available information without an additional public notice. If the request is approved, the test procedures are to be the same as specified above for the test species.

4. Whole Effluent Testing (Chronic)

Starting in calendar year 2008, the permittee shall, at least once during the six month period from January through June, and at least once during the six month period from July through December, conduct chronic short term toxicity tests on the final effluent. If only two samples are taken, the interval between samples shall be at least three months.

If chronic toxicity is detected, an additional test shall be conducted within two (2) weeks of the date of when the permittee learned of the test failure. The need for any additional samples shall be determined by the permit issuing authority.

The chronic toxicity tests shall be conducted in accordance with the procedures set out in the latest revision of "Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", EPA/600/4-91/002 and the "Region VIII EPA NPDES Chronic Test Conditions - Static Renewal Whole Effluent Toxicity Test". In the case of conflicts, the Region VIII procedure will prevail. Test species shall consist of *Ceriodaphnia dubia* and *Pimephales promelas*. A multi dilution test consisting of five (5) concentrations and a control is required. If test acceptability criteria is not met for control survival, growth, or reproduction, the test shall be considered invalid. Chronic toxicity occurs when, during a chronic toxicity test, the 25% inhibition concentration (IC<sub>25</sub>) calculated on the basis of test organism survival and growth or survival and reproduction, is equal to 100 percent effluent concentration.

Test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the end of the calendar period during which the whole effluent test was run (e.g., results for the first half of the year shall be reported with the DMR due July 28, with the remaining report submitted with DMRs due each January 28). The format for the report shall be consistent with the latest revision of the "Region VIII Guidance for Chronic Whole Effluent Reporting", and shall include all chemical and physical data as specified.

If the results for four consecutive whole effluent testing results indicate no chronic toxicity, the permittee may request the permit issuing authority to allow the permittee to reduce testing frequency, and/or reduce testing to one species on an alternating basis, and/or modify testing to the acute test program. The permit issuing authority may approve, partially approve or deny the request based on results and other available information. If approval is given, the modification will take place without a public notice.

5. Toxicity Reduction Evaluation (TRE)  
Toxicity Identification Evaluation (TIE)

Should acute toxicity and/or chronic toxicity be detected in the permittee's discharge, a TIE-TRE shall be undertaken by the permittee to establish the cause of the toxicity, locate the source(s) of the toxicity, and develop control of, or treatment for the toxicity. Failure to initiate, or conduct an adequate TIE-TRE, or delays in the conduct of such tests, shall not be considered a justification for noncompliance with the whole effluent toxicity limits contained in Part I.C.1. of this permit. A TRE plan needs to be submitted to the permitting authority within 45 days after confirmation of the continuance of effluent toxicity.

6. Chronic Toxicity Limitation-Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include chronic whole effluent toxicity limitations if any other information or data are developed indicating that chronic whole effluent toxicity limits are needed as required under 40 CFR 122.44 (d). Also see Part IV.P. of this permit for additional whole effluent toxicity reopener provisions.

If acceptable to the permit issuing authority, and if in conformance with current regulations, this permit may be reopened and modified to incorporate TRE conclusions relating to additional numerical limitations, a modified compliance schedule, and or modified whole effluent protocol.

C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by, the permit issuing authority. Sludge samples shall be collected immediately prior to the disposal practice at a location representative of the sludge.

2. Reporting

Effluent monitoring results obtained during the previous one month(s) shall be summarized and reported on a Discharge Monitoring Report Form. If the permit requires whole effluent toxicity (WET) (biomonitoring) testing, WET test results must be reported on the most recent version of EPA Region 8 Guidance for Whole Effluent Reporting. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part II.A.11.), and submitted to the state water pollution control agency at the following address postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on July 28, 2008.

Wyoming Department of Environmental Quality-Water Quality Division Herschler Building, 4 West 122 West 25th Street Cheyenne, WY 82002 Telephone: (307) 777-7781	Policy, Enforcement Management and Environmental Justice Program (ENF-PJ) ATTN: NPDES Enforcement U.S. EPA, Region 8 1595 Wynkoop St. Denver, CO 80202-1129 Telephone: (303) 293-1622
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If no discharge occurs during the reporting period, "no discharge" shall be reported. If discharge is intermittent during the reporting period, sampling shall be done while the facility is discharging.

3. Definitions

Concentration Values

- a. Daily Maximum (mg/l) - The highest single reading from any grab or composite sample collected during the reporting period.
- b. Monthly Average (mg/l) - The arithmetic mean (geometric mean in the case of fecal coliform and E. coli) of all composite and/or grab samples collected during a calendar month.
- c. Weekly Average (mg/l) - The arithmetic mean (geometric mean in the case of fecal coliform and E. coli) of all composite and/or grab samples collected during any week. A week begins at 12:01 am Sunday morning and ends at 12:00 midnight Saturday evening.

Quantity Values

- d. Daily Maximum - The highest single daily quantity reading (see Calculations below) recorded during the reporting period.
- e. Monthly Average - The arithmetic mean (geometric mean in the case of fecal coliform and E. coli bacteria) of all the daily quantity readings (see Calculations below) recorded during a calendar month.
- f. Weekly Average - The arithmetic mean (geometric mean in the case of fecal coliform and E. coli bacteria) of all the daily quantity readings (see Calculations below) recorded during a week. A week begins at 12:01 am Sunday morning and ends at 12:00 midnight Saturday evening.

Flow Values

- g. Daily Flow - The flow volume recorded on any single day. The daily flow volume may be determined by using an instantaneous reading (if authorized by this permit) or a continuous recorder.
- h. Monthly Average Flow - The arithmetic mean of all daily flow values recorded during a calendar month.
- i. Weekly Average Flow - The arithmetic mean of all daily flow values recorded during a week. A week begins at 12:01 am on Sunday morning and ends at 12:00 midnight Saturday evening.

Calculations

- j. Daily Quantity (kg/day) - The quantity, in kilograms per day, of pollutant discharged on a single day. The Daily quantity shall be calculated by multiplying the composite or grab sample concentration value for that day in milligrams/liter (mg/l) times the flow volume (in millions of gallons per day - MGD) for that day times 3.78. If a flow volume reading for the day the sample is collected is not available, the average flow volume reading for the entire reporting period shall be used.
- k. Daily Quantity (#/day) - The quantity, in number per day, of bacteria or other pollutants discharged on a single day. The number per day shall be calculated by multiplying the composite or grab sample result for that day, in number per 100 milliliters (#/100 ml), times the flow volume (in millions of gallons per day - MGD) times  $3.78 \times 10^7$ . If a flow volume reading for the day the sample is collected is not available, the average flow volume reading for the entire reporting period shall be used.
- l. Geometric Mean - Calculated in accordance with the procedure described in the most recent edition of "Standard Methods for the Examination of Water and Wastewater".

Miscellaneous

- m. A "composite" sample, for monitoring requirements, is defined as a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.
- n. An "instantaneous" measurement for monitoring requirements is defined as a single reading, measurement, or observation.
- o. "MGD", for monitoring requirements, is defined as million gallons per day.

- p. "Net" value, if noted under Effluent Characteristics, is calculated on the basis of the net increase of the individual parameter over the quantity of that same parameter present in the intake water measured prior to any contamination or use in the process of this facility. Any contaminants contained in any intake water obtained from underground wells shall not be adjusted for as described above and, therefore, shall be considered as process input to the final effluent. Limitations in which "net" is not noted are calculated on the basis of gross measurements of each parameter in the discharge, irrespective of the quantity of those parameters in the intake waters.
- q. A "pollutant" is any substance or substances which, if allowed to enter surface waters of the state, causes or threatens to cause pollution as defined in the Wyoming Environmental Quality Act, Section 35-11-103.

4. Test Procedures

Test procedures for the analysis of pollutants, collection of samples, sample containers, sample preservation, and holding times, shall conform to regulations published pursuant to 40 CFR, Part 136, unless other test procedures have been specified in this permit.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date and time of sampling;
- b. The dates and times the analyses were performed;
- c. The person(s) who performed the analyses and collected the samples;
- d. The analytical techniques or methods used; and
- e. The results of all required analyses including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine the results.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.

7. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the administrator at any time. Data collected on site, copies of Discharge Monitoring Reports and a copy of this WYPDES permit must be maintained on site during the duration of activity at the permitted location.

8. Penalties for Tampering

The Act provides that any person who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two (2) years per violation, or both.

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PART II

A. MANAGEMENT REQUIREMENTS

1. Changes

The permittee shall give notice to the administrator of the Water Quality Division as soon as possible of any physical alterations or additions to the permitted facility. Notice is required when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29 (b); or
- b. The alteration or addition could change the nature or increase the quantity of pollutants discharged.

2. Noncompliance Notification

- a. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- b. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Quality Division, Wyoming Department of Environmental Quality at (307) 777-7781.
- c. For any incidence of noncompliance, including noncompliance related to non-toxic pollutants or non-hazardous substances, a written submission shall be provided within five (5) days of the time that the permittee becomes aware of the noncompliance circumstance.

The written submission shall contain:

- (1) A description of the noncompliance and its cause;
  - (2) The period of noncompliance, including exact dates and times;
  - (3) The estimated time noncompliance is expected to continue if it has not been corrected; and
  - (4) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.
- d. The following occurrences of unanticipated noncompliance shall be reported by telephone to the Water Quality Division, Watershed Management Section, WYPDES Program (307) 777-7781 as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances.
    - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
    - (2) Any upset which exceeds any effluent limitation in the permit; or

- (3) Violation of a maximum daily discharge limitation for any toxic pollutants or hazardous substances, or any pollutants specifically identified as the method to control a toxic pollutant or hazardous substance listed in the permit.
- e. The administrator of the Water Quality Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Quality Division, WYPDES Program (307) 777-7781.
- f. Reports shall be submitted to the Wyoming Department of Environmental Quality at the address in Part I under Reporting and to the Planning and Targeting Program, 8ENF-PT, Office of Enforcement, Compliance, and Environmental Justice, U.S. EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129.
- g. The permittee shall report all instances of noncompliance that have not been specifically addressed in any part of this permit at the time the monitoring reports are due.

3. Facilities Operation

The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Bypass of Treatment Facilities

- a. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- b. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this section. Return of removed substances to the discharge stream shall not be considered a bypass under the provisions of this paragraph.
- c. Notice:
  - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice at least 60 days before the date of the bypass.

- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.A.2.
- d. Prohibition of bypass.
  - (1) Bypass is prohibited and the administrator of the Water Quality Division may take enforcement action against a permittee for a bypass, unless:
    - (a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
    - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (c) The permittee submitted notices as required under paragraph c. of this section.
- e. The administrator of the Water Quality Division may approve an anticipated bypass, after considering its adverse effects, if the administrator determines that it will meet the three conditions listed above in paragraph d. (1) of this section.

6. Upset Conditions

- a. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improper designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph c. of this section are met.
- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required under Part II.A.2; and
  - (4) The permittee complied with any remedial measures required under Part II.A.4.

- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

7. Removed Substances

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters or intake waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state.

8. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. In accordance with a schedule of compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities; or
- b. If such alternative power source as described in paragraph a. above is not in existence and no date for its implementation appears in Part I, take such precautions as are necessary to maintain and operate the facility under its control in a manner that will minimize upsets and insure stable operation until power is restored.

9. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal act and the Wyoming Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the administrator of the Water Quality Division advance notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.

10. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

11. Signatory Requirements

All applications, reports or information submitted to the administrator of the Water Quality Division shall be signed and certified.

- a. All permit applications shall be signed as follows:
  - (1) For a corporation: by a responsible corporate officer;
  - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
  - (3) For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected official.

- b. All reports required by the permit and other information requested by the administrator of the Water Quality Division shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described above and submitted to the administrator of the Water Quality Division; and
  - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- c. If an authorization under paragraph II.A.11.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph II.A.11.b must be submitted to the administrator of the Water Quality Division prior to or together with any reports, information or applications to be signed by an authorized representative.
- d. Any person signing a document under this section shall make the following certification:
- "I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

B. RESPONSIBILITIES

1. Inspection and Entry

If requested, the permittee shall provide written certification from the surface landowner(s), if different than the permittee, that the administrator or the administrator's authorized agent has access to all physical locations associated with this permit including well heads, discharge points, reservoirs, monitoring locations, and any waters of the state.

The permittee shall allow the administrator of the Water Quality Division or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- d. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the federal act, any substances or parameters at any location.

2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the regional administrator of the Environmental Protection Agency and the administrator of the Water Quality Division. The administrator of the Water Quality Division shall then provide written notification to the new owner or controller of the date in which they assume legal responsibility of the permit. The permit may be modified or revoked and reissued to change the name of the permittee and incorporate such other requirements as described in the federal act.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the federal act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Wyoming Department of Environmental Quality and the regional administrator of the Environmental Protection Agency. As required by the federal act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the federal act.

4. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the federal act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Changes in Discharge of Toxic Substances

Notification shall be provided to the administrator of the Water Quality Division as soon as the permittee knows of, or has reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (1) One hundred micrograms per liter (100 µg/l);
- (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or
- (4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (1) Five hundred micrograms per liter (500 µg/l);
- (2) One milligram per liter (1 mg/l) for antimony;
- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or
- (4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).

6. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. As long as the conditions related to the provisions of "Bypass of Treatment Facilities" (Part II.A.5), "Upset Conditions" (Part II.A.6), and "Power Failures" (Part II.A.8) are satisfied then they shall not be considered as noncompliance.

7. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

8. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the federal act.

9. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to any applicable state or federal law or regulation. In addition, issuance of this permit does not substitute for any other permits required under the Clean Water Act or any other federal, state, or local law.

10. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringement of federal, state or local laws or regulations.

11. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

12. Duty to Provide Information

The permittee shall furnish to the administrator of the Water Quality Division, within a reasonable time, any information which the administrator may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the administrator, upon request, copies of records required by this permit to be kept.

13. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or any report to the administrator of the Water Quality Division, it shall promptly submit such facts or information.

14. Permit Action

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

15. Permit Fees

Once this permit has been issued, the permittee will be assessed a \$100.00 per-year permit fee by the Water Quality Division. The fee year runs from January 1st through December 31st. This permit fee will continue to be assessed for as long as the permit is active, regardless of whether

discharge actually occurs. This fee is not pro-rated. If the permit is active during any portion of the fee year, the full fee will be billed to the permittee for that fee year. In the event that this permit is transferred from one permittee to another, each party will be billed the full permit fee for the fee year in which the permit transfer was finalized. See the Wyoming Environmental Quality Act §35-11-312 for further information.

PART III

A. OTHER REQUIREMENTS

1. Percentage Removal Requirements

The arithmetic mean of the Total CBOD, and the Total Suspended Solids concentrations for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the concentrations for influent samples collected at approximately the same times during the same period (85 percent removal). This is in addition to the concentration limitations on Total CBOD, and Total Suspended Solids. In the case of stabilization pond treatment systems, this section does not apply to the parameter Total Suspended Solids.

2. Violations Resulting from Overloading

Should there be a violation of any conditions of this permit, the Wyoming Department of Environmental Quality has the authority under Sections 35-11-901 and 35-11-902 of the Wyoming Environmental Quality Act to proceed in a court of competent jurisdiction to restrict or prohibit further connections to the treatment system covered by this permit by any sources not utilizing the system prior to the finding that such a violation occurred.

3. Discharge Duration

If the rate of discharge is controlled, that rate and duration of discharge shall be reported.

4. Flow Measurement

At the request of the administrator of the Water Quality Division, the permittee must be able to show proof of the accuracy of any flow measuring device used in obtaining data submitted in the monitoring report. The flow measuring device must indicate values of within plus or minus ten (10) percent of the actual flow being measured.

5. Sewer Overflow Located Prior to Waste Treatment Facility

Overflow structures shall be maintained and operated in such a manner that no discharge shall occur except to prevent health hazards, severe property damage or loss of treatment capacity.

Such overflows shall satisfy Wyoming water quality standards and/or any appropriate federal or state effluent limitations. Following documentation of specific water quality standard or effluent standard violations resulting from such overflows, specific numerical effluent limitations, or the requirement for elimination of the overflow structures, may be included upon reissuance or revision of this permit.

6. Compliance with Construction Grant

In the case of publicly owned treatment works, the permittee shall comply with those terms of any construction grant implementing the provisions of Section 201(b) through (g) of the Clean Water Act.

7. 208(b) Plans

This permit may be modified, suspended or revoked to comply with the provisions of any 208 (b) plan certified by the Governor of the State of Wyoming.

8. Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary) or other appropriate requirements if one or more of the following events occurs:

- a. The state water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit;
- b. A total maximum daily load (TMDL) and/or watershed management plan is developed and approved by the state and/or the Environmental Protection Agency which specifies a wasteload allocation for incorporation in this permit;
- c. A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit;
- d. There have been substantial changes (or such changes are planned) in sewage sludge use or disposal practices; applicable management practices or numerical limitations for pollutants in sludge have been promulgated which are more stringent than the requirements in this permit; and/or it has been determined that the permittee's sewage sludge use or disposal practices do not comply with existing applicable state or federal regulations.
- e. The limits established by the permit no longer attain and/or maintain applicable water quality standards;
- f. The permit does not control or limit a pollutant that has the potential to cause or contribute to a violation of a state water quality standard.
- g. If new applicable effluent guidelines and/or standards have been promulgated and the standards are more stringent than the effluent limits established by the permit.
- h. If an Interstate Memorandum of Cooperation exists, effluent limits may be incorporated into this permit or existing limits may be modified to ensure that the appropriate criteria, water quality standards and assimilative capacity are attained.

9. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or

d. If necessary to comply with any applicable effluent standard or limitation issued or approved under Sections 301 (b) (2) (C) and (D), 304 (b) (2) and 307 (a) (2) of the federal act, if the effluent standard or limitation so issued or approved:

- (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (2) Controls any pollutant not limited in the permit.

10. Toxicity Limitation - Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include a new compliance date, additional or modified numerical limitations, a new or different compliance schedule, a change in the whole effluent protocol or any other conditions related to the control of toxicants if one or more of the following events occur:

- a. Toxicity was detected late in the life of the permit near or past the deadline for compliance;
- b. The TRE results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion;
- c. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits and the permit issuing authority agrees that numerical controls are the most appropriate course of action;
- d. Following the implementation of numerical controls on toxicants, the permit issuing authority agrees that a modified whole effluent protocol is necessary to compensate for those toxicants that are controlled numerically;
- e. The TRE reveals other unique conditions or characteristics which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.

11. Severability

The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit, shall not be affected thereby.

12. Penalties for Falsification of Reports

The federal act provides that any person who knowingly makes any false statement, representation or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than two years per violation or both.

B. INDUSTRIAL PRETREATMENT PROGRAM (CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS)

1. The Permittee shall operate an industrial pretreatment program in accordance with the following permit requirements developed pursuant to Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and the approved pretreatment program submitted by the Permittee. The pretreatment program was approved on **March 28, 1986** and has subsequently incorporated substantial modifications as approved by the Approval Authority. The approved pretreatment program, and any approved modifications thereto, is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

a. 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. The records shall be maintained and updated as necessary;

b. The Permittee shall sample and inspect each Significant Industrial User (SIU) at least once per calendar year (40 CFR Section 403.8(f)(2)(v)). This is in addition to any industrial self-monitoring activities;

c. The Permittee shall evaluate, at least every two years, whether each Significant Industrial User needs a plan to control slugs or spills or needs to update such a plan. Where needed, the Permittee shall require the SIU to prepare or update, and then implement the plan. Where a slug prevention plan is required, the Permittee shall ensure that the plan contains at least the minimum elements required in 40 CFR Section 403.8(f)(2)(v);

d. The Permittee shall investigate instances of non-compliance with Pretreatment Standards and requirements indicated in reports and notices required under 40 CFR Section 403.12, or indicated by analysis, inspection, and surveillance activities.

e. The Permittee shall enforce all applicable Pretreatment Standards and requirements and obtain remedies for noncompliance by any industrial user;

f. The Permittee shall control, through the legal authority in the approved pretreatment program, the contribution to the POTW by each industrial user to ensure compliance with applicable Pretreatment Standards and requirements. In the case of industrial users identified as significant under 40 CFR Section 403.3(t), this control shall be achieved through permit, order, or similar means and shall contain, at a minimum, the following conditions:

- (1) Statement of duration (in no case more than five (5) years);
- (2) Statement of non-transferability without, at a minimum, prior notification to the Permittee and provision of a copy of the existing control mechanism to the new owner or operator;
- (3) Effluent limits based on applicable Pretreatment Standards, Categorical Pretreatment Standards, local limits, and State and local law;
- (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable Pretreatment Standards in 40 CFR Part 403, Categorical Pretreatment Standards, local limits, and State and local law; and,

- (5) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond deadlines mandated by federal statute or regulation.
  - g. The Permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program as required by 40 CFR Section 403.8(f)(3);
  - h. The approved program shall not be substantially modified by the Permittee without the approval of the EPA. Substantial and non-substantial modifications shall follow the procedures outlined in 40 CFR Section 403.18;
  - i. The Permittee shall develop, implement, and maintain an enforcement response plan as required by 40 CFR Section 403.8(f)(5); and
  - j. The Permittee shall notify all Industrial Users of the users' obligations to comply with applicable requirements under Subtitles C and D of the Resource Conservation and Recovery Act (RCRA) as required by 40 CFR Section 403.8(f)(2)(iii).
2. The Permittee shall establish and enforce specific local limits to implement the provisions of 40 CFR Section 403.5(a) and (b), as required by 40 CFR Section 403.5(c). The Permittee shall continue to develop these limits as necessary and effectively enforce such limits.

In accordance with EPA policy and with the requirements of 40 CFR sections 403.8(f)(4) and 403.5(c), the Permittee shall determine if technically based local limits are necessary to implement the general and specific prohibitions of 40 CFR sections 403.5(a) and (b).

This evaluation should be conducted in accordance with the latest revision of the "EPA Region VIII Strategy for Developing Technically Based Local Limits", and after review of the "Guidance Manual on the Development and implementation of Local Discharge Limitations Under the Pretreatment Program" December 1987. 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 approvable form based upon the findings of the technical evaluation within two-hundred and seventy (270) days from the effective date of this permit.

3. The Permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR Part 122 Appendix D (NPDES Application Testing Requirements) Table II at least **once per year** and the toxic pollutants in Table III at least **every quarter**. If, based upon information available to the Permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant in a quantity or concentration known or suspected to adversely affect POTW operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least **once per quarter** on both the influent and the effluent.

Along with the Permittee's pretreatment annual report, the Permittee will submit a list of compounds included in Table V that are suspected or known to be present in its influent wastewater. This determination shall be based on a review of the Permittee's pretreatment program records. The state and/or Approval Authority may review and comment on the list and the list may be revised if, in the opinion of the state and/or Approval Authority the list is incomplete. The Permittee will perform **once-per-quarter** analysis on the influent for the revised list of compounds for which there are acceptable testing procedures.

Where the pollutants monitored in accordance with this section are reported as being above the method detection limit, the results for these pollutants shall be reported in the Permittee's pretreatment annual report.

The Permittee shall analyze the treatment facility sludge (biosolids) prior to disposal, for the presence of the toxic pollutants listed in 40 CFR Part 122 Appendix D (NPDES Application Testing Requirements) Table III at least once per year. If the Permittee does not dispose of biosolids during the calendar year, the Permittee shall certify to that in

the Pretreatment Annual Report and the monitoring requirements in this paragraph shall be suspended for that calendar year.

The Permittee shall review the pollutants in 40 CFR Part 122, Appendix D, tables II and V. If any of the pollutants in these tables were above detection in the influent samples during the previous 2 years or last 2 analyses, whichever is greater, the Permittee shall sample and analyze its sewage sludge for these pollutants. The Permittee shall perform this evaluation and analysis at least once per year.

The Permittee shall use sample collection and analysis procedures as approved for use under 40 CFR Part 503.

The Permittee shall report the results for these pollutants in the Permittee's pretreatment annual report.

All analyses shall be in accordance with test procedures established in 40 CFR Part 136. Where analytical techniques are not specified or approved under 40 CFR Part 136, the Permittee shall use its best professional judgement and guidance from the State and the Approval Authority regarding analytical procedures. All analytical procedures and method detection limits must be specified when reporting the results of such analyses. Sampling methods shall be those defined in 40 CFR Part 136, 40 CFR Part 403, as defined in this permit, or as specified by the Approval Authority. Where sampling methods are not specified, the influent and effluent samples collected shall be composite samples consisting of at least twelve (12) aliquots collected at approximately equal intervals over a representative 24-hour period and composited according to flow. Where automated composite sampling is inappropriate, at least four (4) grab samples shall be manually taken at equal intervals over a representative 24-hour period, and composited prior to analysis using approved methods.

4. The Permittee shall prepare annually a list of industrial users which during the preceding twelve (12) months have significantly violated Pretreatment Standards or requirements. This list is to be published annually in the largest newspaper in the Permittee's service area as required by 40 CFR Section 403.8(f)(2)(vii).

In addition, on or before March 28, the Permittee shall submit a pretreatment program annual report to the Approval Authority and the state which contains the following information:

- a. An updated list of all Significant Industrial Users as defined at 40 CFR 403.3(t). For each Significant Industrial User listed the following information shall be included:
  - (1) All applicable Standard Industrial Classification (SIC) codes and categorical determinations, as appropriate. In addition, a brief description of the industry and general activities;
  - (2) Permit status. Whether each Significant Industrial User has an unexpired control mechanism and an explanation as to why any SIUs are operating without a current, unexpired control mechanism (e.g. permit);
  - (3) A summary of all monitoring activities performed within the previous twelve (12) months. The following information shall be reported:
    - (a) Total number of Significant Industrial Users inspected; and
    - (b) Total number of Significant Industrial Users sampled.
- b. For all industrial users that were in Significant Non-Compliance during the previous twelve (12) months, provide the name of the violating industrial user, indicate the nature of the violations, the type and number of actions taken (warning letter, notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. If the industrial user was put on a schedule to attain

compliance with effluent limits, indicate the date the schedule was issued and the date compliance is to be attained. Determination of Significant Non-Compliance shall be performed as defined at 40 CFR Section 403.8(f)(2)(vii).

A summary of all enforcement actions not covered by the paragraph above conducted in accordance with the approved Enforcement Response Plan.

- c. A list of all Significant Industrial Users whose authorization to discharge was terminated or revoked during the preceding twelve (12) month period and the reason for termination;
  - d. A report on any Interference, Pass Through, upset or permit violations known or suspected to be caused by non-domestic discharges of pollutant and actions taken by the Permittee in response;
  - e. Verification of publication of industrial users in Significant Non-Compliance;
  - f. Identification of the specific locations, if any, designated by the Permittee for receipt (discharge) of trucked or hauled waste;
  - g. Information as required by the Approval Authority or state on the discharge to the POTW from the following activities:
    - (1) Ground water clean-up from underground storage tanks;
    - (2) Trucked or hauled waste; and,
    - (3) Groundwater clean-up from RCRA or Superfund sites.
  - h. A description of all changes made during the previous calendar year to the Permittee's pretreatment program that were not submitted as substantial or non substantial modifications to EPA.
  - i. The Permittee shall evaluate actual pollutants loadings against the approved Maximum Allowable Headworks Loadings (MAHLs). Where the actual loading exceeds the MAHL, the Permittee shall immediately begin a program to either revise the existing local limit and/or undertake such other studies as necessary to evaluate the cause(s) of the exceedence. The Permittee shall provide a summary of it's intended action.
  - j. Other information that may be deemed necessary by the Approval Authority.
5. The Permittee shall prohibit the introduction of the following pollutants into the POTW:
- a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR Section 261.21;
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;
  - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;

- d. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
  - e. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
  - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and,
  - i. Any specific pollutant which exceeds a local limitation established by the POTW in accordance with the requirements of 40 CFR Section 403.5(c) and (d).
  - j. Any other pollutant which may cause Pass Through or Interference.
6. The Permittee shall provide the pretreatment Approval Authority with adequate notice of any substantial change in the volume or character of pollutants being introduced into the treatment works by any Significant Industrial User introducing pollutants into the treatment works at the time of application for the discharge permit. For the purposes of this section, "substantial change" shall mean a level of change which has a reasonable probability of affecting the Permittee's ability to comply with its permit conditions or to cause a violation of stream standards applied to the receiving water.
- Adequate notice shall include information on: (1) the quality and quantity of effluent to be introduced into the treatment works, and (2) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the publicly owned treatment works.
7. Section 309(f) of the Act provides that EPA may issue a notice to the POTW stating that a determination has been made that appropriate enforcement action must be taken against an industrial user for noncompliance with any Pretreatment Standards and requirements. The notice provides the POTW with thirty (30) days to commence such action. The issuance of such permit notice shall not be construed to limit the authority of the permit issuing authority or Approval Authority.
8. The state and the Approval Authority retains, at all times, the right to take legal action against the industrial contributor for violations of a permit issued by the Permittee, violations of any Pretreatment Standard or requirement, or for failure to discharge at an acceptable level under national standards issued by EPA under 40 CFR, chapter I, subchapter N. In those cases where a permit violation has occurred because of the failure of the Permittee to properly develop and enforce Pretreatment Standards and requirements as necessary to protect the POTW, the state and/or Approval Authority shall hold the Permittee responsible and may take legal action against the Permittee as well as the Indirect Discharger(s) contributing to the permit violation.