



Sumner – Bonney Lake Joint Pretreatment Program

Program Manual

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To obtain a copy of appendices referenced in this manual, please contact the Sumner-Bonney Lake Joint Pretreatment Program at (253) 299 – 5713 or by email at sblpretreatment@sumnerwa.gov.

CHAPTER 1

INTRODUCTION

1. INTRODUCTION

The Sumner Wastewater Treatment Facility provides treatment of wastewater generated by residential, commercial, and industrial sewer users within the Cities of Sumner and Bonney Lake service areas. The Sumner Wastewater Treatment Facility (WWTF) is a City of Sumner owned asset. The City of Sumner owns capacity rights to 2.8 MGD. The City of Bonney Lake owns capacity rights to 3.3 MGD.

The WWTF has met the federal threshold for requiring a locally administered Pretreatment Program by having reached a designated capacity of greater than 5.0 Million Gallons Per Day (MGD) and receives wastewater from one or more Significant Industrial Users (SIU). Accordingly, federal rules at 40 CFR 403.8(b) compel the WWTF NPDES (WA0023353) Permittee to develop a pretreatment program meeting state and federal requirements, and to assume such responsibilities. State laws at 90.48.165 RCW and rules at WAC 173-216-150 allow the Washington Department of Ecology (ECY) to delegate pretreatment program authority and responsibility where rules at WAC Chapter 173-208 "Grant of Authority Sewerage Systems" are met. ECY has determined to decline to exercise to authority and responsibility for this program.

As a condition of the WWTF's NPDES Permit, the Cities of Sumner and Bonney Lake are jointly responsible for developing and administering an approved Industrial Pretreatment Program for all sewer users contributing Non-Domestic wastewater into the sewer service areas contributing to the WWTF. Through agreement, the City of Sumner will carry out the delegated Industrial Pretreatment Program (IPP) responsibilities, as the Control Authority, in accordance with the Sumner - Bonney Lake Joint Pretreatment Program Regulations and the procedures in this Pretreatment Program Manual.

1.1 JOINT PRETREATMENT PROGRAM MISSION AND OBJECTIVES

1.1.1 Program Mission Statement

Joint Pretreatment Program Mission Statement: The mission of the Joint Pretreatment Program (JPP) is to protect the publicly owned sewer collection system infrastructure and Sumner Wastewater Treatment Facility by working proactively with local businesses to ensure understanding of and compliance with pretreatment standards, to support economic non-residential development in an environmentally responsible manner and in accordance with the Clean Water Act.

This mission is in-keeping with the mission statements of the Cities of Sumner and Bonney Lake.

Sumner Mission Statement: The mission of the City of Sumner is to provide needed and valued services that promote our sense of community.

Bonney Lake Mission Statement: The mission of the City of Bonney Lake is to be a balanced community with a residential character that conserves natural amenities while supporting a diverse mix of economic

activities. The community provides places for children and residents to meet and socialize, and is a center for diverse cultural and social opportunities such as theater, art, social organization meetings and celebrations. The City promotes a safe, attractive and healthful living environment for residents' various physical, educational, economic and social activities while maintaining an adequate tax base to provide a high level of accountable, accessible, and efficient local government services. The City of Bonney Lake is an active participant in interlocal and regional services and planning organizations.

1.1.2 Program Objectives

The Cities fully supports and incorporates Environmental Protection Agency (EPA) and the Washington Department of Ecology (ECY) pretreatment objectives as established in EPA's general pretreatment regulations in 40 CFR Part 403 – General Pretreatment Regulations for Existing and New Sources of Pollution.

The Sumner – Bonney Lake Joint Pretreatment Program seeks to achieve the following objectives:

- Protect the health and safety of the Public, and City Employees.
- Prevent and limit the introduction pollutants or materials that would cause damage to the collection system or cause blockages and overflows.
- Prevent the introduction of pollutants that could interfere with the WWTF treatment process, which cause pollutants to pass through the treatment facility into receiving waters of the White and Puyallup Rivers
- Ensure compliance with local JPP Pretreatment Regulations, the State of Washington and EPA mandated Pretreatment Regulations.
- Improve opportunities to recycle and reclaim municipal and industrial wastewaters and biosolids
- Encourage community development by seeking innovative and collaborative solutions to wastewater issues.
- Endeavor to regulate fairly, use common-sense, and develop reasonable standards that protect public health, public infrastructure and water quality.

1.2 AGENCY ROLES AND RESPONSIBILITIES

1.2.1 The Sumner Wastewater Treatment Facility

The Sumner Wastewater Treatment Facility (WWTF) is a regional sewage treatment plant that treats sewage from the City of Sumner and the City of Bonney Lake. The facility is an activated sludge wastewater treatment plant that includes anaerobic digestion and ultraviolet disinfection. The Sumner - Bonney Lake Joint Pretreatment Program's service area for which it has program jurisdiction, is shown in Appendix G *The Joint Pretreatment Program Jurisdiction Map*. The Joint Pretreatment Program (JPP) applies to all connected facilities in the sewer service area.

1.2.2 The City of Sumner

The City of Sumner (Sumner) is the primary permittee named in the Sumner Wastewater Treatment Facilities NPDES Permit. Sumner owns and operates 15 square miles of sewer lines, and 16 sewage pump stations. Sumner owns and is responsible for the operation of the regional treatment plant. c

1.2.3 The City of Bonney Lake

The City of Bonney Lake (Bonney Lake) is the secondary Permittee named on the Sumner Wastewater Treatment Facility's NPDES Permit. Bonney Lake owns and operates 97 miles of sewer pipe and 25 sewage

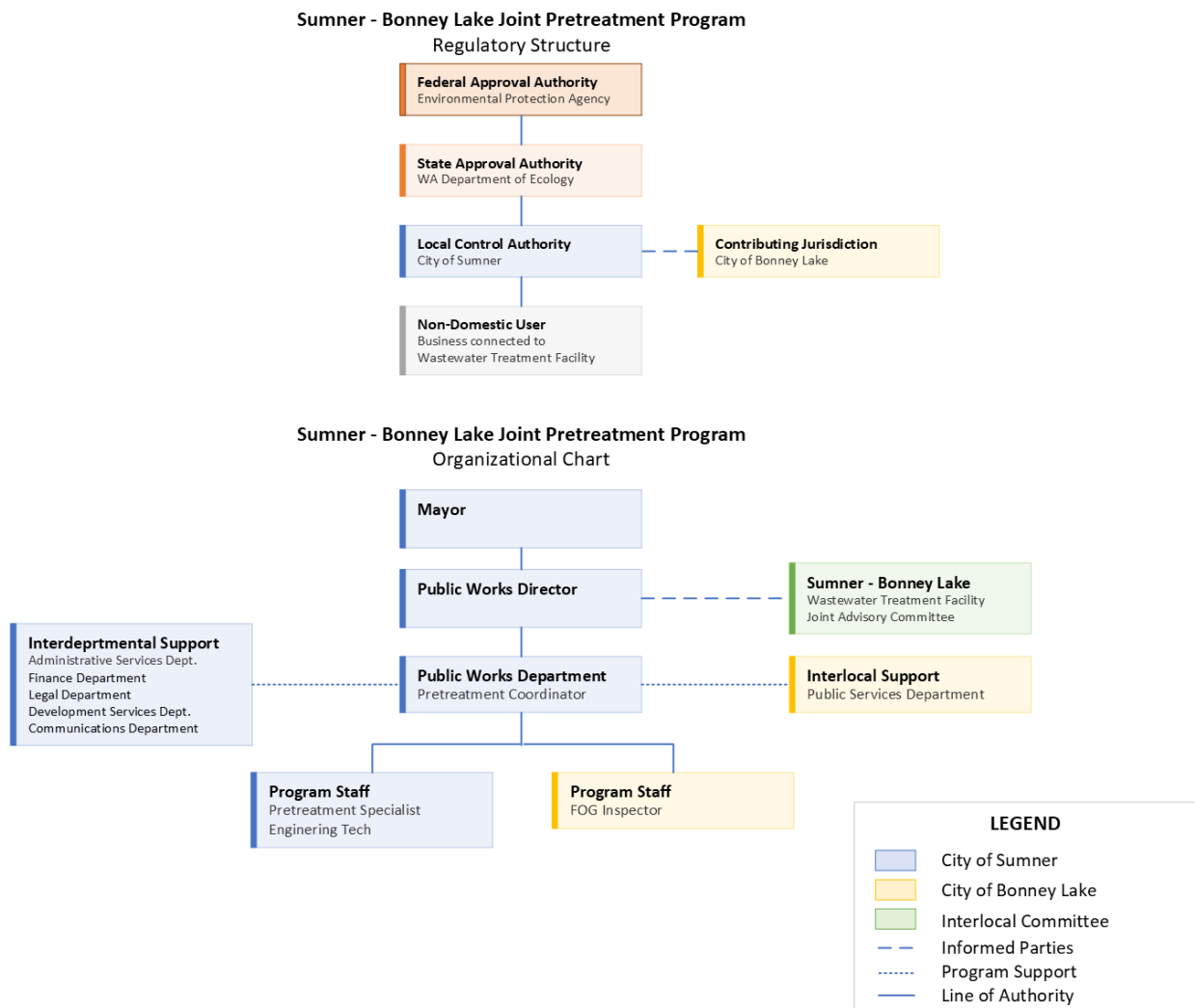
pump stations. Bonney Lake is responsible for assisting JPP Staff with the implementation and enforcement of the JPP and Pretreatment Regulations within its jurisdiction. A Point of Contact is assigned to assist with program areas that require Contributing Jurisdiction support. Program areas that require Contributing Jurisdiction support are identified in the procedures contained in this manual.

1.3 PROGRAM IMPLEMENTATION: ORGANIZATION AND FUNDING

1.3.1 Organization Chart and Descriptions

Figure 1.1 depicts the Regulatory Structure and Organization Chart for the Joint Pretreatment Program.

Figure 1.1 Sumner – Bonney Lake Joint Pretreatment Program Regulatory Structure and Organization Chart



The Sumner – Bonney Lake Joint Pretreatment Program is fully administered by the City of Sumner. The City of Sumner Public Works Director reports to the City of Sumner Administrator and oversees the Sumner Public Works Department. The City Public Works Director is the Signatory Authority for the JPP. The JPP is established within the Public Works Department, and the Sumner Pretreatment Coordinator reports to the City Engineer.

The Pretreatment Coordinator is responsible for the development and execution of all the JPP elements, including but not limited to coordination of permitting, sampling, inspections, enforcement, and reporting, including development and submittal of the annual program report. JPP Staff closely coordinate with personnel within the Public Works and Development Services Department, as well as directly with Contributing Jurisdiction Staff from comparable departments, as needed.

1.3.2 Program Funding

Funding for pretreatment programs can come from a variety of sources, including fully from the regulated industries, fully from general sewer rates (e.g., spread out amongst all customer classes), and everything in between. It will be difficult to fund the Pretreatment Program solely from the regulated industries, since the fees would be very expensive when spread out only between the SIUs, and there is not sufficient information regarding the oversight necessary for the MIUs. One option would be to increase fees for other facilities that typically are required to implement pretreatment, including restaurants, dentists, automotive facilities, etc. However, this may not be desirable at this time due to the impacts on businesses, many still recovering from the COVID-related downturn. Thus, the JPP will initially fund the Pretreatment Program primarily from general sewer rates, with minor fees imposed for direct cost reimbursement. The Sumner – Bonney Lake Joint Pretreatment Program is considering completing a strength-based rate study in the near future. This study will also look at whether it is appropriate to recover additional costs from the businesses regulated by the new pretreatment program.

1.4 LEGAL AUTHORITY

Federal and State regulations allow for the delegation of legal and regulatory authority and responsibility to establish and implement a local pretreatment program. The Joint Pretreatment Program was developed based on the legal authority and procedures described in this section. This authority and these procedures will be fully and effectively exercised and implemented at all times and in each sewer service area under the jurisdiction of the JPP.

1.4.1 Federal Requirements

The United States Environmental Protections Agency (EPA) establishes pretreatment program requirements in the Code of Federal Regulations (CFR) 40 CFR 403.8(f) – *POTW Treatment Requirements, (1)-(6)*.

The elements that must be present in a locally approved program are listed below and described further in this section. For each item, the relevant federal citation from 403.8(f)(1) –(6) is included in parentheses.

- Legal Authority (1)(i)-(vii)
- Procedures (2)(i)-(viii)
- Funding (3)
- Local Limits (4)
- Enforcement Response Plans (5)(i)-(iv)
- Significant Industrial Users (6)

1.4.1.1 Legal Authority

As stated in 40 CFR 403.8(f)(1) – *Legal Authority*, in part, “a POTW shall operate pursuant to legal authority enforceable in federal, state, or local courts, which authorizes or enables the POTW to apply and enforce the requirements of sections 307(b) and (c), and 402(b) (8) of the [Clean Water] Act and any regulations

implementing those actions.” At a minimum, this legal authority must enable the Control Authority to implement the following enforcement measures:

- i. Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Non-Domestic Users (NDUs) where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its National Pollutant Discharge Elimination System (NPDES) permit.
- ii. Require compliance with applicable pretreatment standards and requirements by NDUs.
- iii. Control through permit, order, or similar means, the contribution to the POTW by each NDU to ensure compliance with applicable pretreatment standards and requirements.
- iv. Require: (A) The development of a compliance schedule by each NDU for the installation of technology required to meet applicable pretreatment standards and requirements; And (B) the submission of all notices and self-monitoring reports from NDUs as necessary to assess and assure compliance by NDU with pretreatment standards and requirements, including but not limited to the reports required in 40 CFR 403.12 - *Reporting Requirements for the POTWs and Industrial Users*.
- v. Carry out inspection, surveillance, and monitoring procedures necessary to determine, independent of information supplied by Non-Domestic Users, compliance or non-compliance with applicable pretreatment standards and requirements by NDUs. Representatives of the Control Authority shall be authorized to enter any premises of any Non-Domestic User in which a discharge source or treatment system is located or in which records are required to be kept under 40 CFR 403.12 (o) - *Record Keeping Requirements* to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Clean Water Act.
- vi. (A) Obtain remedies for non-compliance by any NDU with any pretreatment standard and requirement. The Control Authority shall be able to seek injunctive relief for non-compliance by Non-Domestic Users with pretreatment standards and requirements. The Control Authority shall also have the authority to seek or assess penalties for each violation by NDUs of pretreatment standards and requirements, in amounts provided for in the Pretreatment Regulations and as authorized by law. (B) Implement pretreatment requirements, to be enforced through the remedies set forth in 40 CFR 403.8(f)(1)(vi)(A), that will include but not be limited to the duty to allow or carry out inspections, entry, or monitoring activity; any rules regulations, or orders issued by the Control Authority; any requirements set forth in individual control mechanisms issued by the Control Authority; or any reporting requirements imposed by the Control Authority for the Pretreatment Regulations. The Control Authority shall have authority and procedures (after informal notice to the discharger) to halt or prevent immediately and effectively any discharge of pollutants to the POTW that reasonably appears to present an imminent endangerment to the health or welfare of persons. The Control Authority shall also have authority and procedures (which shall include notice to the affected nondomestic users and an opportunity to respond) to halt or prevent any discharge to the POTW that presents or may present an endangerment to the environment or that threatens to interfere with the operation of the POTW. The Washington Department of Ecology shall have authority to seek judicial relief and may also use administrative penalty authority when the control authority has sought a monetary penalty that the Department of Ecology believes to be insufficient.
- vii. Comply with the confidentiality requirement set forth in 40 CFR 403.14 – *Confidential*

1.4.1.2 Procedures

The Control Authority is required to develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures, referenced in 40 CFR 403.8(f)(2), must enable the Control Authority the following:

- i. Identify and locate all possible Non-Domestic Users that might be subject to the Sumner Bonney Lake Joint Pretreatment Program. Any compilation, index or inventory, of Non-Domestic Users made under this paragraph shall be made available to the Regional Administrator or State Director upon request.
- ii. Identify the character and volume of pollutants contributed to the POTW by the Non-Domestic Users identified in 40 CFR 403.8(f)(2)(i) – *Procedures*. This information shall be made available to the Regional Administrator or State Director upon request.
- iii. Notify Non-Domestic Users identified under 40 CFR 403.8(f)(2)(i) of applicable pretreatment standards and any applicable requirements under section 204(b) and 405 of the Clean Water Act and subtitles C and D of the Resource Conservation and Recovery Act (RCRA).
- iv. Receive and analyze notices submitted by NDUs in accordance with 40 CFR 403.12 – *Reporting Requirements for POTWs and Industrial Users*.
- v. Randomly sample and analyze the effluent for NDUs and conduct surveillance activities in order to identify, independent of information supplied by NDUs, occasional and continuing non-compliance with pretreatment standards.
- vi. Investigate instances of non-compliance with pretreatment standards and requirements, as indicated in the reports and notices required under 40 CFR 403.12, or indicated by analysis, inspection, and surveillance activities described in 40 CFR 403.8(f)(2)(v). 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.
- vii. Comply with the public participation requirements of 40 CFR Part 25 – Public Participation in Programs Under RCRA, the Safe Drinking Water Act, and the Clean Water Act in enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification in the largest daily newspaper(s) of general circulation that provide meaningful public notice within the jurisdiction(s) served by the POTW, of Significant Industrial Users that were in Significant Non-Compliance (SNC) with applicable pretreatment requirements at any time during the previous 12 months.

1.4.1.3 Program Organization and Funding

In accordance with 40 CFR 403.8(f)(3) – *Funding*, the Control Authority must have sufficient resources and qualified personnel to carry out the authorities and procedures described in 40 CFR 403.8(f)(1) – *Legal Authority* and (2) – *Procedures*. (See 40 CFR 403.9(b) – *Contents of POTW Program Submission*).

The Control Authority’s program organization and funding description is described above in section 1.3.

1.4.1.4 Local Limits

In accordance with 40 CFR 403.8(f)(4) – *Local Limits*, the Control Authority must develop local limits as required in 40 CFR 403.5(c)(1) - *When Specific Limits Must Be Developed by POTW*, or demonstrate they are not necessary.

The Control Authority has determined that Local Limits must be applied to Significant Industrial Users, and that they may be applied to any Non-Domestic User in lieu of BMPs. The Control Authority may

otherwise apply Local Limits to Non-Domestic Users if determined appropriate. Current Local Limits can be found in the Pretreatment Regulations.

1.4.1.5 Enforcement Response Plan

In accordance with 40 CFR 403.8(f)(5) – *The POTW shall develop and implement an enforcement response plan*, the POTW is required to have an Enforcement Response Plan (ERP). This plan must contain detailed procedures indicating how a POTW will investigate and respond to Non-Domestic User non-compliance. The plan must contain the following elements, at a minimum:

- i. Description of how the POTW will investigate instances of non-compliance.
- ii. Description of the types of escalating enforcement response the POTW will take in response to all anticipated types of Non-Domestic User violations and the time periods within which responses will take place.
- iii. Identity (by title) of the official(s) responsible for each type of response.
- iv. Description that adequately reflects the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8(f)(1) – *Legal authority* and (f)(2) – *Procedures*.

The Control Authorities ERP is contained in Chapter 6 of this manual.

1.4.1.6 Significant Industrial Users

In accordance with 40 CFR 402.8(f)(6) – *Maintain a List of Significant Industrial Users (SIU)*, JPP Staff shall prepare and maintain a list of its Non-Domestic Users meeting the criteria in 40 CFR 403.3(v)(1) – *Significant Industrial User*. The list must identify the criteria in 40 CFR 403.3(v)(1) applicable to each Non-Domestic User and, where applicable, indicate whether the Control Authority has made a determination pursuant to 40 CFR 403.3(v)(3) that such Non-Domestic User should not be considered an SIU. The initial list shall be submitted to the Approval Authority pursuant to 40 CFR 403.9 – *POTW pretreatment programs and/or authorization to revise pretreatment standards: Submission for approval or as a non-substantial modification pursuant to 40 CFR 403.18(d) – Approval procedures for non-substantial modifications*. Modifications to the list shall be submitted to ECY pursuant to 40 CFR 403.12(i) – *Annual POTW reports, (1)*.

The Control Authority regulates SIU as defined in the Pretreatment Regulations. All SIU that discharge process water to the POTW will be controlled by the Control Authority through permits. JPP Staff will notify affected users of pretreatment requirements, require submittal of reports from the SIUs, thoroughly review user survey forms, permit applications, and issue permits as necessary.

1.4.2 State Requirements

The state pretreatment requirements are found in the following rules:

- WAC 173-208 – Grant of authority sewerage systems
- WAC 173-216 – State waste discharge permit program
- WAC 173-220 – National Pollutant Discharge Elimination System permit program
- WAC 173-240 – Submission of plans and reports for construction of wastewater facilities

Pretreatment requirements are also found in the Sumner WWTF NPDES Permit. The state requirements include federal requirements, as well as additional requirements described below. A copy of the permit is provided in Appendix F.

It is the Control Authority's intent that all dischargers of non-domestic wastewater into the POTW adhere to applicable federal, state, and local requirements, including the following:

- Wastewater surveys and, when requested, industrial wastewater discharge applications shall be completed and signed (WAC 173-216-040 – Application for a permit)
- Engineering plans and specifications shall be reviewed and approved before wastewater pretreatment systems are constructed (WAC 173-216-040(2) – Authorization required)
- All systems related to non-domestic discharge shall meet all known, available, and reasonable methods of prevention, control and treatment (AKART) requirements (WAC 173-216-050(3) – Discharges not subject to permits)
- Except for certain parameters, if wastewater sampling is required, all samples shall be analyzed by a state certified laboratory (WAC 173-216-125 – Monitoring)
- Discharge restrictions and prohibitions of dangerous waste will be applied as required by WAC 173-303 – Dangerous waste regulations (WAC 173-216-060 – Prohibited discharges)
- Regulations to prevent prohibited discharges into a POTW will also be applied
- Local Limits will apply to all SIUs and may apply to Non-Significant Non-Domestic Users if the Control Authority deems it appropriate
- The Control Authority will publish notices for new and modified wastewater discharge permits and see comments from interested and potentially interested persons (WAC 173-216-090 – Public Notice)

Washington's Department of Ecology (ECY) has delegated the responsibility for the Pretreatment Program to the Control Authority. The Sumner Bonney Lake Joint Pretreatment Program is approved and overseen by ECY and Administered by the Control Authority as described in this manual.

In accordance with federal and state regulations, ECY requires the Control Authority to demonstrate in its pretreatment program that it has the following elements in place:

- The legal authority to apply and enforce the requirements of the program
- Procedures to ensure compliance with the requirements of the program
- Sufficient resources and qualified personnel to carry out the authorities and procedures of the program
- A set of local limits that applies to the discharge of specified pollutants from Non-Domestic Users
- An Enforcement Response Plan
- Maintenance of a current listing of all NDU, to include SIU, MIU and DEU

1.4.3 Local Requirements

The local authority for the Sumner - Bonney Lake Joint Pretreatment Program is established in the Pretreatment Regulations, Appendix D. The Pretreatment Regulations are adopted as the local sewer use ordinance by each municipal agency that contributes non-domestic wastewater, and as such the Pretreatment Regulations are applicable to all wastewater discharges to and Users of the Sumner Wastewater Treatment Facility.

CHAPTER 2

USER IDENTIFICATION, CLASSIFICATION and NOTIFICATION PROCEDURES

2. USER IDENTIFICATION, CLASSIFICATION AND NOTIFICATION PROCEDURES

This chapter describes the procedures that the Sumner Bonney Lake Joint Pretreatment Program (JPP) uses to identify and locate all possible sources of non-domestic waste (Non-Domestic Users or, in context of federal regulations, IUs) and to categorize them for regulation in the JPP.

2.1 FEDERAL REQUIREMENTS

The federal requirement for the Control Authority to identify and locate all possible Non-Domestic Users that maybe subject to a pretreatment program is contained in 40 CFR 403.8(f)(2)(i). Any compilation, index, or inventory of non-domestic discharges made under this paragraph shall be made available to the Regional Administrator or [State] Director upon request (Code of Federal Regulations (CFR) 40 CFR 403.8(f)(2)—Procedures (i)).

2.2 STATE AND LOCAL REQUIREMENTS

Pretreatment requirements are included in the Sumner Wastewater Treatment Facility's (WWTF) National Pollution Discharge Elimination System (NPDES) permit; this permit is included in this manual as Appendix F. The pretreatment section of the WWTF's NPDES permit require all areas served by the WWTF be diligently monitored to locate and maintain an accurate inventory of all sources of non-domestic wastewater discharged to the POTW. The JPP uses continuing and periodic survey processes to accomplish these tasks.

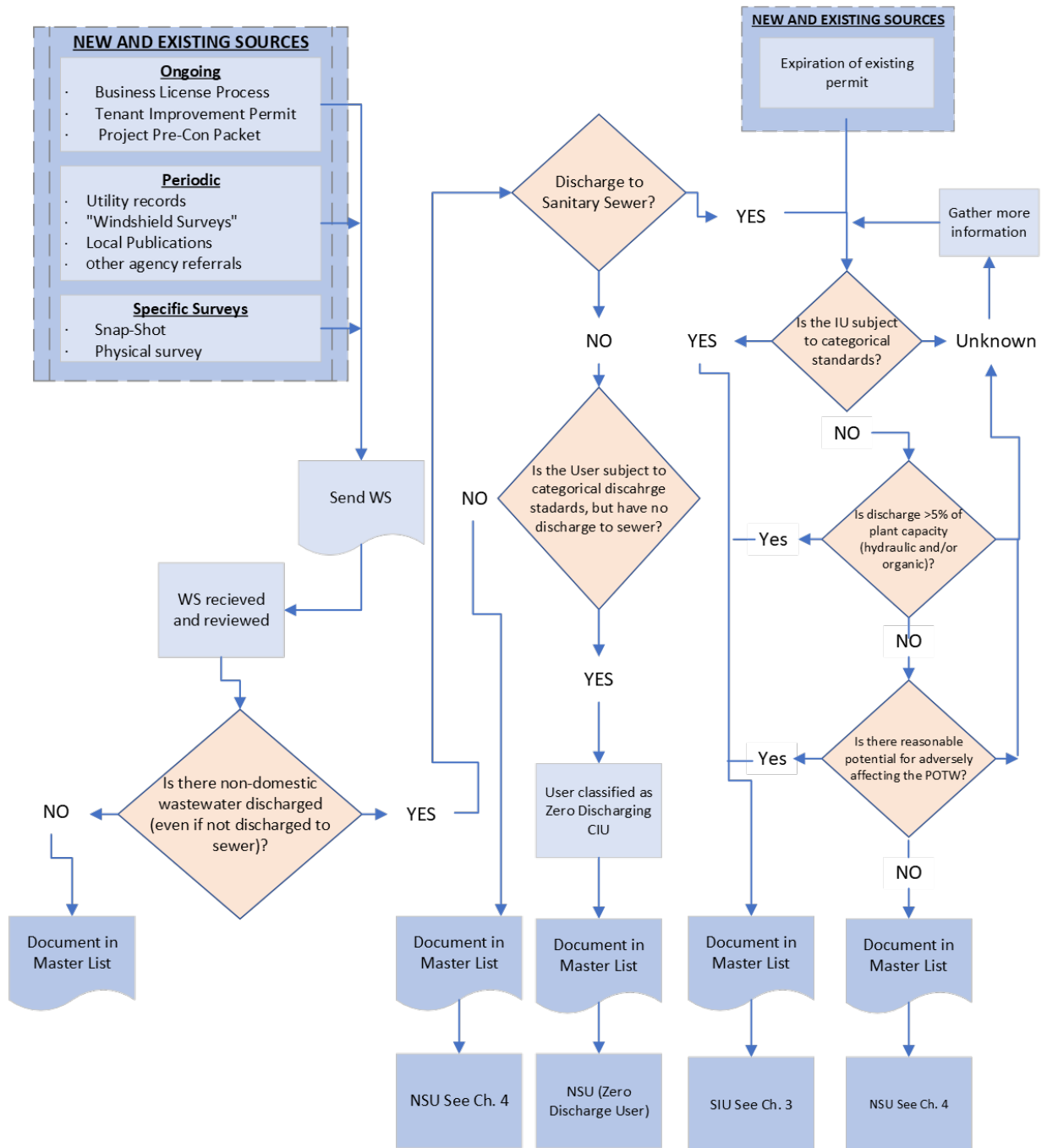
State rules set forth in WAC 173-220-150(f)—Other terms and conditions, (see Appendix B — State Regulation for Pretreatment) similarly require a POTW to provide notice to ECY of any introduction of pollutants into the POTW from dischargers that are subject to Section 301 or Section 306 of the Federal Water Pollution Control Act (the Act). These dischargers are Non-Domestic Users for which categorical standards have been developed or previously identified Non-Domestic Users whose discharges change in a way that causes any substantial changes in the volume or character of pollutants being introduced into the POTW.

Section 5.0 of the Sumner Bonney Lake Joint Pretreatment Program Pretreatment Regulations requires all Non-domestic Users of the POTW to complete a survey form as a condition of initial and continued wastewater discharge, in order to satisfy the federal and state requirements described above. Non-Domestic Users are required to fully disclose the information requested regarding their business processes and wastewater discharge and return the form to the Control Authority within the specified time period. The JPP uses the survey form, as well as any additional information gathered through email, phone calls, site visits, or other means, to identify and classify Non-Domestic Users.

2.3 PROCEDURE

The JPP follows the procedures shown in Figure 2-1 and described herein to identify and locate existing and potential Non-Domestic Users and categorize them as either Significant (SIU) or Non-Significant (NSU) Industrial Users.

Figure 2-1 Survey of Non-Domestic User Flow Chart



2.4 IDENTIFICATION OF USERS

The following types of Users must be identified:

- New sources of potential non-domestic discharges
- Existing sources that were not previously known or evaluated
- Sources that have requested special discharges

Existing Non-Domestic Users with permits, or other control documents, and existing Non-Domestic Users previously identified are periodically surveyed to determine whether they should be categorized as an SIU or NSU.

2.4.1 Ways to Identify, Locate and Survey Users

The following methods are used to identify, locate, and survey Non-Domestic Users:

2.4.1.1 Ongoing Surveys. Ongoing survey efforts are systematic activities to obtain information from all Contributing Jurisdictions about new or modified businesses that plan to discharge non-domestic wastewater to the WWTF. POTW inter-agency coordination is critical to the success of ongoing surveys. Such ongoing surveys are conducted by the following entities or methods:

2.4.1.1.1 Business License Process

Joint Pretreatment Program Non-Domestic Wastewater Survey (WS) form will be collected during the Business Licensing Process for all Contributing Jurisdictions. The WS will have instructions for completing the form and JPP Staff contact information for questions. Procedures for processing Non-Domestic Wastewater Survey are detailed in Table 2-2, *Procedures for Receiving and Analyzing Ongoing Non-Domestic Wastewater Surveys*.

2.4.1.1.2 Tenant Improvement Process

A JPP Non-Domestic Wastewater Survey form will be collected during any Tenant Improvement (TI) Permitting Process by permitting staff from the agency issuing the TI Permit. Businesses will be required to return this completed form to receive a Final Occupancy Permit. The WS will have instructions for completing the form, Joint Pretreatment Program contact information, and JPP Staff will enter information received into the Master List of surveyed Non-Domestic Users. JPP staff will follow procedures for reviewing a Non-Domestic Wastewater Survey detailed in Chapter 3 for an SIU and Chapter 4 for NSU, of this manual.

2.4.1.1.3 Referrals

Referrals from ECY, or other municipal and regulatory agencies will be processed directly through JPP staff and referring agency.

Procedures listed in Table 2-2 will be followed.

Table 2-2 Procedures for Receiving and Analyzing Ongoing Non-Domestic Wastewater Surveys	
Business Submits Survey	The business requesting use of sanitary sewer submits the completed WS to JPP Staff by mailing the original form to the address listed on the form. JPP staff reviews a list of Business License applications for each agency on a monthly basis and contacts the new, or existing sewer, customer if a completed WS is not received.
Date Stamp Receipt of Survey	Surveys sent directly to JPP Staff will be marked as received by JPP Staff with a date stamp or handwritten date. Surveys submitted to Business License or Permitting staff will be marked as received with a date stamp or handwritten date.
Administrative Completeness	JPP Staff review submitted Non-Domestic Wastewater Surveys for completeness, accuracy, and a signature from an authorized representative. The JPP tracks which potential Non-Domestic Users have not submitted or adequately completed the survey information by contacting the potential Non-Domestic Users representatives by phone, email, written correspondence, or other means. Surveyed potential Non-Domestic Users' information is entered into the pretreatment database to update and maintain the Master Survey List.
User Identification Determination	JPP staff review Non-Domestic Wastewater Survey forms and any other information submitted by or requested from the potential Non-Domestic User, in order to determine if the potential Non-Domestic User is in fact a Non-Domestic User or a Domestic Equivalent User. If determined to be a Non-Domestic User, they are notified in writing that they are subject to the requirements for Non-Domestic Wastewater discharge authorization under the Joint Pretreatment Program.

2.4.1.2 Periodic Survey Updates. Periodic survey updates are concentrated efforts to locate existing Non-Domestic Users discharging to the POTW that potentially could be CIUs, SIUs, or NSUs. The updates involve confirming survey information on file for selected businesses or obtaining new survey results from businesses not previously surveyed. Periodic survey updates may include physical surveys and treatment plant-specific surveys. Physical surveys may include the following steps:

- Conduct a review of non-domestic discharges deduced from utility billing records, surveillance of an industrial area for visual signs of a potential discharger (“windshield survey”), or other sources, such as business license records, companies discussed in local publications, fire department emergency management plans, and business directories
- Collect new survey forms from newly identified and selected Non-domestic Users
- Update the master list of surveyed

2.4.1.2.1 Specific Surveys.

If the JPP determines that the POTW appears to be having problems that are potentially related to a non-domestic source category, a survey looking for a specific business sector or type of waste may be implemented. Specific surveys may include the following types:

- Physical area surveys of a user sector or region, on an as-needed basis
- Periodic snap-shot surveys on an as-needed basis

2.4.2 Special Discharge

Special discharges are wastewaters that are generated from special projects, typically construction-site activities, development projects, environmental cleanup, or other maintenance activities, that are one-time occurrences, or are otherwise limited in frequency, duration, and volume. A request for a special discharge authorization is made by completing a Special Wastewater Discharge Application (Appendix M). These discharges are authorized through the issuance of a control document called a Special Discharge Authorization, which is described in Chapter 4.

For construction or development projects, the potential for a special discharge will be determined during the project's pre-construction meeting. JPP staff will be provided a list of projects that may require the issuance of an SDA and be given the opportunity to participate in project pre-con meetings. This includes, but is not limited to, projects that include, or when groundwater level considerations indicate a potential need for, any of the following activities:

- Dewatering of Site for any purpose
- Hydrostatic Pressure Testing
- Water Distribution line disinfection
- Stormwater Retention

2.4.3 Existing Users Whose Permits are Due to Expire

Existing Non-domestic Users with non-domestic wastewater discharge permits, or other control documents, are surveyed by reviewing discharge applications (for renewal) as described in Chapter 3 and Chapter 4.

2.5 Data Collection and Review

2.5.1 Non-Domestic Wastewater Screening Form

- Once a potential new Non-Domestic User (or an existing Non-Domestic User not previously surveyed) has been identified, the potential Non-Domestic User is informed by mail or other means where to locate and complete Non-Domestic Wastewater Screening form (Appendix H). An Environmental Screening Form is included in the development review forms packet if non-domestic wastewater is planned for discharge to the POTW. If the Non-Domestic User is a potential SIU, the Non-Domestic Wastewater Survey step may be skipped, and the Non-Domestic User may be notified to complete a Non-Domestic Wastewater Discharge Permit Application (Appendix I).
- JPP staff reviews submitted screening form for completeness, accuracy, and a signature from an authorized representative. The Joint Pretreatment Program tracks which potential Non-Domestic Users have not submitted or adequately completed the survey information by contacting Non-Domestic Users representatives by phone, email, written correspondence, or other means.

2.5.2 Master Survey List

- Surveyed Non-Domestic Users' information is entered into the pretreatment database to update and maintain the Master Survey List. The Master Survey List may also be generated from the database as an Excel file, as needed
- Copies of completed survey forms and applications with signatures from authorized representatives are filed and maintained in pretreatment program files

2.6 USER CLASSIFICATION AND NOTIFICATION

JPP staff review Non-Domestic Wastewater Screening forms and any other information submitted by or requested from the potential Non-Domestic User, in order to determine if the potential Non-Domestic User is an SIU or NSU. If Non-Domestic Users are existing or potential SIUs, they are notified in writing that they are required to submit a non-domestic wastewater discharge permit application and are subject to the requirements and procedures described in Chapter 3.

- CIUs will be identified in the survey, including SIC codes
- The following will be reviewed when classifying Non-Domestic Users:
 - Categorical standards found in federal regulations 40 CFR parts 405 – 479
 - EPA's Introduction to the National Pretreatment Program (2011)
 - EPA's Industrial User Permitting Guidance Manual (2012)
 - Washington Department of Ecology's Guidance Manual for Performing an Industrial User Survey (2011)

If there are questions about the categorization of CIUs, the Approval Authority (ECY) will be consulted.

If Non-Domestic Users are not existing or potential SIUs then they are categorized as NSUs and are they are notified in writing that they are required to submit a non-domestic wastewater discharge authorization application and are subject to the requirements and procedures described in Chapter 4. If subject to a control document, then the Non-Domestic User is notified of this determination in writing.

CHAPTER 3

PROCEDURES FOR SIGNIFICANT INDUSTRIAL USERS

3. PROCEDURES FOR SIGNIFICANT INDUSTRIAL USERS

The procedures in this chapter apply to Non-Domestic Users who have been classified as a Significant Industrial Users (SIU), per the User Identification and Classification procedures described in Chapter 2.3 of this manual. SIU are issued wastewater discharge permits (permits) and are subject to the following requirements and procedures detailed in this chapter:

- Wastewater discharge permit process
- Self-monitoring reports and other notices
- Accidental Discharge / Slug Discharge Control Plan Requirements
- Significant Non-compliance criteria

3.1 SIGNIFICANT INDUSTRIAL USER CLASSIFICATION

EPA established a classification system to categorize Non-Domestic Users based on the volume and character of wastewater discharged to the POTW. Sumner Bonney Lake Joint Pretreatment Program (JPP) Staff determine if a Non-Domestic User is designated as significant (SIU) or categorical (CIU) per the following definitions:

- Categorical Industrial User: A Non-Domestic User subject to a Categorical Pretreatment Standard or categorical standard, which is a regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C Section 1317) which apply to a specific category of Non-Domestic Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 – 471
- Significant Industrial User: Except as provided in paragraph (3) below, a SIU is:
 - A Non-Domestic User subject to Categorical Pretreatment Standards; or
 - A Non-Domestic User that:
 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 2. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 3. Is designated as such by the JPP on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment

standard or requirement, based on type of facility, flow volume, and/or known or suspected pollutants in discharge.

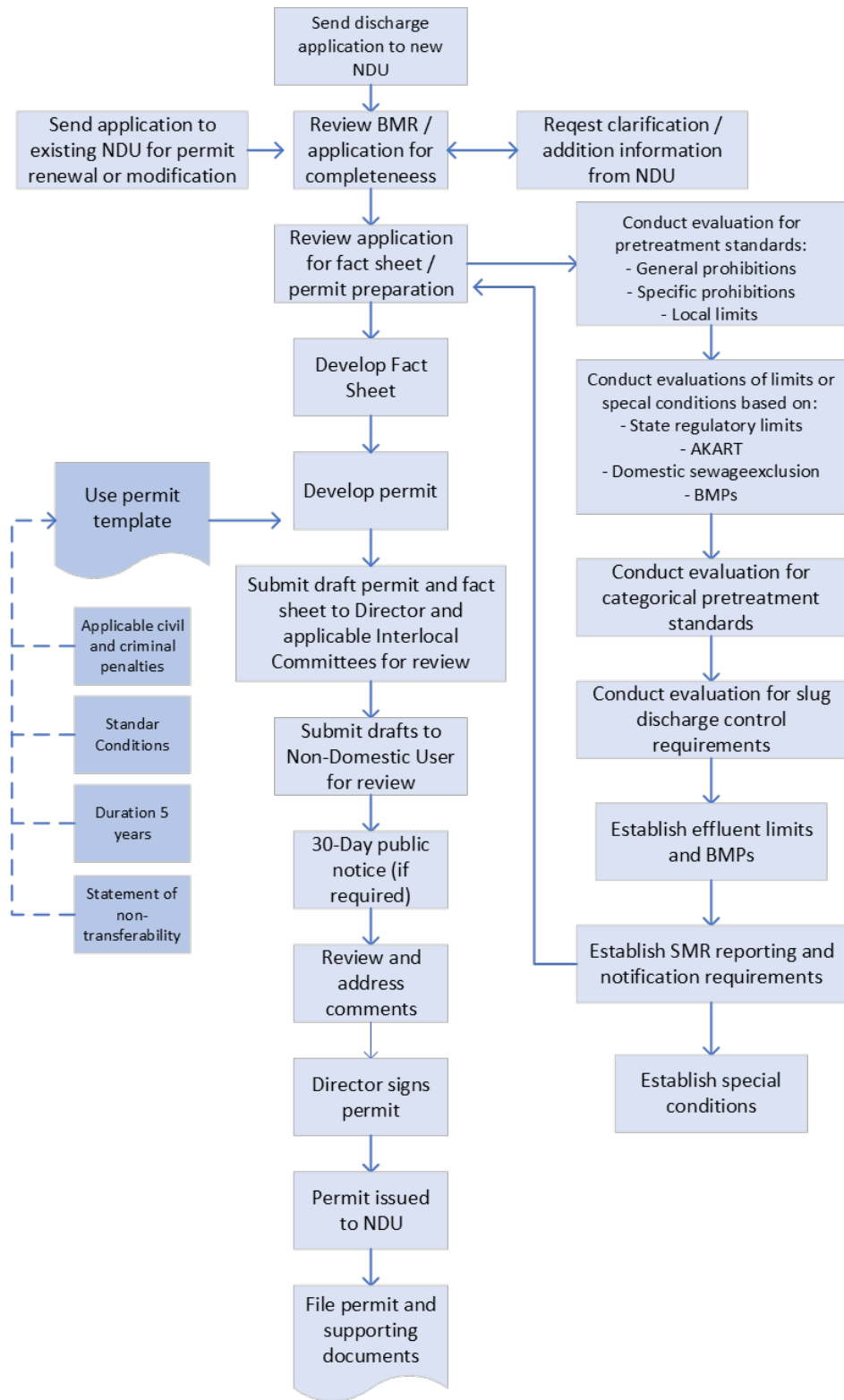
Upon finding that a Non-Domestic User meeting the criteria above is not a CIU and has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority at any time, on its own initiative or in response to a petition received from a Non-Domestic User, and in accordance with procedures in 40 CFR 403.8(f)(6), including review by Ecology, determine that such Non-Domestic User should not be considered an SIU.

JPP Staff maintains a list of all SIU, which is included in the annual report submitted to the Washington Department of Ecology (ECY).

3.2 WASTEWATER DISCHARGE PERMIT PROCESS

Wastewater discharge permit requirements are described in Section 5 of the Pretreatment Regulations. Wastewater discharge permit issuance information is contained in Section 6 of the Pretreatment Regulations. An overview of the wastewater discharge permit process is shown below in Figure 3.1 and described in Table 3.1. Further details are provided in subsequent sections of this chapter.

Figure 3-1. Procedures for Issuance of Permits to Significant Industrial Users



3.2.1 Wastewater Discharge Permit Application Review

The permit is the mechanism used to control an SIU's contribution to the POTW. SIU are required to submit a Non-Domestic Wastewater Discharge Permit Application (Appendix I). JPP Staff review permit applications for completeness and may request additional information or send back an application if it does not meet the requirements specified in Section 5 of the Pretreatment Regulations. JPP Staff may also conduct site visits or inspections, and/or conduct sampling as needed to verify conditions prior to finalizing application review.

The JPP Staff conduct the following steps when reviewing a permit application:

- Checks that all sections are complete. The term “not applicable” or “N/A” should be used by the existing or potential Non-Domestic User to show that items were considered but not pertinent to the Non-Domestic User
- Checks that the information provided in the application is sufficient to conduct an effective review of the Non-Domestic User's operations and discharge to POTW
- Checks that an authorized person(s) signed and dated the certification statements
- If the permit application is incomplete, contacts a representative of the Non-Domestic User and requests additional information. Contact may be made by phone, by written communication, by electronic communication, or in person.
- If extensive corrections to the permit application are necessary, requires the existing or potential Non-Domestic User to complete a new application
- Conducts a facility inspection to verify information contained in the application
- If an existing or potential Non-Domestic User fails to return a permit application or to provide required information, contacts the Non-Domestic User to obtain the information

SUI subject to Categorical Pretreatment Standards may also be required to submit a Baseline Monitoring Report with the permit application. Submittal requirements for Baseline Monitoring Reports are found in Section 6 of the Pretreatment Regulations.

3.2.2 Wastewater Discharge Permit Development

Upon completion of permit application review, JPP Staff will develop and issue a permit to the SIU. The permit includes conditions that are determined necessary to prevent pass-through or interference in the POTW and implement the objectives of the Pretreatment Regulations.

Permit terms and contents are stated in Section 5 of the Pretreatment Regulations. The permit template is included in Appendix P.

3.2.2.1 Wastewater Discharge Permit Content

Permits will contain the following requirements and conditions, as appropriate:

- A cover page that includes the following information:
 - Assigned permit number
 - Non-Domestic User Name and address
 - A statement authorizing the SIU to discharge industrial wastewater to the POTW in compliance with the Pretreatment Regulations; applicable federal, state, or local laws or regulations; and the terms set forth in the permit
 - Issuance date

- Permit effective date
- Reapplication date
- Expiration date (not to exceed five years from the effective date)
- An authorized signature from the Director or designee
- Limits on the average and/or maximum rate of discharge and time of discharge and/or requirements for flow regulation and equalization
- Requirements to install pretreatment technology, and pollution controls or to construct appropriate containment devices to reduce, eliminate, or prevent the introduction of pollutants into the POTW, ground or stormwater
- Requirements to pay charges or fees for discharge to the POTW including high strength charges
- Requirements to pay system development charges for increases in authorized flow
- Requirements to install discharge flow metering devices
- Submittal of engineering plans and reports whenever a new or increased discharge or change in the nature of the discharge is proposed
- Requirements for the development and implementation of best practices, waste minimization and other plans to reduce the amount of pollutants discharged to the POTW
- Requirements to install and maintain inspection and sampling facilities and equipment, including flow measurement devices
- Requirements for the submission of periodic self-monitoring or special notification reports
- Self-monitoring report certification signature requirements
- Representative sampling certification signature requirements
- Requirements to maintain facility operations and maintenance logs and records
- A statement that compliance with the permit does not relieve the Non-Domestic User of responsibility for compliance with all applicable federal and state pretreatment standards, including those that become effective during the term of the permit
- Requirements for notification to JPP Staff when violations are detected
- Requirements for the response and notification of spills, slug load discharges, pretreatment system upsets, or any other unauthorized discharge to the POTW
- Requirement for prior notification of change in the character and volume of discharge, including if the change affects the potential for a slug discharge
- 24-hour notification of violation and resample requirement
- Requirement for prior notification of discharge of hazardous and dangerous wastes
- Provisions for the publication of significant non-compliance violations
- Requirement for the retention of records that are required by permits
- Provision for reports of confidential information
- Requirements for sampling frequency, location and type (grab or composite), and to conform to 40 CFR Part 136 - Guidelines Establishing Test Procedures for the Analysis of Pollutants, for all sampling and analytical methods used to meet monitoring requirements. For pollutants not contained in 40 CFR Part 136, requirements to use validated procedures or methods as directed in 40 CFR 403.12(b)(5) – Measurement of pollutants, (vi)
- Requirements to dispose of sludge and spent chemicals in accordance with CWA Section 405, RCRA subtitles C and D, applicable state dangerous waste regulations in chapter 173-303 WAC –

Dangerous waste regulations, solid waste regulations in chapter 173-304 WAC – Minimum functional standards for solid waste handling, and local solid and hazardous waste regulations

- Provisions for the revocation of the permit
- Prohibitions against falsifying information or tampering with monitoring equipment
- Procedures for the modification or revision of permit
- Potential civil and criminal penalties for non-compliance
- Compliance schedules or progress reports (if applicable)
- Other conditions as deemed appropriate by the Control Authority to ensure compliance with the Pretreatment Regulations, and state and federal laws, rules and regulations

For each SIU, JPP Staff prepares a fact sheet that contains the basis for CIU or SIU designation and the rationale for how the permit conditions and limits were derived. The fact sheet template is included in Appendix Q.

Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) for a CIU covered by a Categorical Pretreatment Standard this adjusted limit along with supporting data shall be submitted as part of the application.

3.2.2.2 Special Considerations When Developing Wastewater Discharge Permits

3.2.2.2.1 AKART

AKART (all known available, reasonable methods of prevention, control, and treatment) has been interpreted as a technology-based approach to limiting pollutants from wastewater discharges that requires an engineering judgment and an economic judgement. JPP Staff uses guidance in ECY's Water Quality Program Permit Writer's Manual (Publication No. 92-109) as appropriate to pretreatment when evaluating discharges subject to AKART.

Any one of the following conditions may trigger an AKART evaluation when reviewing permit applications:

- The discharge is a new source
- A SIU is proposing new or changed processes that affect the characteristics of discharge
- A SIU is proposing a production increase that requires an upgrade of a pretreatment system
- A SIU is not consistently meeting effluent limits or conditions of the permit related to effluent

The requirement to apply AKART may be included in a Non-Domestic User's permit.

3.2.2.2.2 Best Management Practices (BMPs)

BMPs include a broad range of activities, practices, prohibitions, treatment requirements, operational requirements, and other controls that may be applied in lieu of, or in addition to, pretreatment standards and conditions in a Non-Domestic User's permit. If determined during the permit / control document development phase, that a BMP is required, it shall be established as a pretreatment standard, and the Non-Domestic User's permit or control document shall include requirements to follow BMP's, report on BMP's (when applicable) and to maintain proper records of BMPs. If during any point after a Non-Domestic User is given authorization to discharge to sanitary sewer, it is determined that BMP's should be established as a standard, the Non-Domestic User will be notified that such BMP's must be applied. An addendum to the existing discharge permit or control document will be generated. In cases where a local limit requires compliance with a BMP, the permit must include a requirement for the Non-Domestic User to submit documentation to demonstrate compliance with the BMP.

Requirements for BMPs may be derived from:

- Categorical Pretreatment Standards (e.g. solvent management plans, pollutant management plans, toxic organic management plans, pollution prevention plans)
- EPA, Ecology or other governmental agency BMPs guidance documents
- Industry sector guidance documents
- Best Professional Judgement

3.2.2.2.3 Best Professional Judgement

JPP Staff may rely on known industry practices, experience and other knowledge to establish BMP requirements and other permit conditions that are designed to reduce threats to the POTW.

3.2.2.2.4 Domestic Sewage Exclusion

The process of evaluating discharge of hazardous and dangerous wastes is described in this chapter in Section 3.3.4.6 “Notification of Dangerous Waste Discharge (Domestic Sewage Exclusion)”. Written authorization from both the Director and ECY is required prior to these discharges. The authorization may be included in a Non-Domestic User’s permit.

3.2.2.2.5 Engineering Reports, Plans and Specifications, and O&M Manuals

The requirement to submit engineering reports and plans and specifications prior to the new construction or modification of pretreatment facilities in accordance with Chapter 173-240 WAC – *Submission of plans and reports for construction of wastewater facilities* may be included as a requirement in a Non-Domestic User’s permit. Also, the requirement to submit O&M manuals prior to the completion of the construction of pretreatment facilities in accordance with WAC 173-240-150 – *Operations and maintenance manual* may be included as a requirement in a Non-Domestic User’s permit.

JPP Staff rely on information provided in permit application, notifications from Non-Domestic Users, and other means of gathering information, such as facility inspections, to establish the requirement in permits to submit these reports.

3.2.2.2.6 Permits by Rule

An SIU will have a [dangerous waste] Permit by Rule pursuant to WAC 173-303-802(5) – *Totally enclosed treatment facilities or elementary neutralization or wastewater treatment units*, provided that:

- The SIU has a permit with the JPP and is in compliance with the terms and conditions of the permit, and
- The source of wastewater, its volume and characteristics, and whether the waste stream is a batch or continuous discharge are noted in the permit application and
- The SIU meets any of the following conditions:
 - Operates a totally enclosed treatment system;
 - An elementary neutralization unit that treats state-only dangerous wastes generated on or off site;
 - It treats federally regulated hazardous waste on site, or
 - It operated a wastewater treatment unit that treats state-only dangerous wastes on or off site

3.2.2.2.7 Monitoring Waiver

At the request of a Non-Domestic User, and at the discretion of the Director, or designee, sampling for pollutants not expected to be present may be waived. The JPP may authorize a CIU to forego sampling of a pollutant if the CIU has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the CIU. This provision is not applicable to:

- Monitoring required for a baseline monitoring report or 90-day compliance report a required under 40 CFR 403.12(b) and 40 CFR 403.12(d)
- Any certification process established in a Categorical Pretreatment standard

The permit may include the process to be used to request a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance, or a specific waived pollutant in the case of an individual permit.

Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge must include new sampling showing (continued) absence of the pollutant in the raw wastewater and satisfying Section 7 of the Pretreatment Regulations.

Per Section 7 of the Pretreatment Regulations, the Director may authorize a Categorical Industrial User to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard when it is not present in raw wastewater provided that:

1. The CIU submits a request for the waiver with the permit application or reapplication;
2. The CIU analyzes a sample (or samples) representative of all wastewater from all processes before any treatment and included all results with the request;
3. The CIU demonstrated through source water and untreated process water sampled results that the pollutant never exceeds intake water levels. (Pollutants simply reduced by treatment to background levels are ineligible for the waiver.)
4. The CIU shows, where non-detectable sample results are returned as provided in subsection (b) or (c) above, that they used the method from 40 CFR Part 136 with the lowest detection level;
5. The Authorized Representative of the User signs the request using the certification statement:
6. The CIU includes in routine monitoring reports, a statement certifying that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User; and
7. The CIU reports and immediately resumes the monitoring, which would otherwise have been required upon discovering that a waived pollutant is present or expected to be present based on changes to the Non-Domestic User's operations.

Non-Domestic Users with an approved monitoring waiver must also include the following certification statement in each report. This statement certifies that there has been no increase in the pollutant in its waste stream due to activities of the Non-Domestic User:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR ____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the

level of ____ [list pollutant(s) in the wastewater due to activities at the facility since filing of the last periodic report under Section 6 under title Periodic Compliance Reports.]”

3.2.2.2.8 Equivalent Mass Limits In lieu of Concentration-Based Limits

The Sumner WWTF IPP may establish equivalent mass limits in lieu of concentration-based limits for industries wanting to adopt water-saving techniques. This provision applies to the following categorical industries:

40 CFR 458	Carbon Black Manufacturing
40 CFR 444	Commercial Waste Combustors Point Source Category
40 CFR 469	Electrical and Electronic Components
40 CFR 418	Fertilizer Manufacturing
40 CFR 426	Glass Manufacturing
40 CFR 415	Inorganic Chemicals
40 CFR 425	Leather Tanning
40 CFR 433	Metal Finishing
40 CFR 443	Paving and Roofing Materials
40 CFR 419	Petroleum Refining
40 CFR 439	Pharmaceutical Manufacturing
40 CFR 428	Rubber Manufacturing
40 CFR 423	Steam Electric Power Generating
40 CFR 422	Transportation Equipment Cleaning

To qualify for an equivalent limit, the CIU must submit information with its permit application or permit modification request that meets the requirements of the Pretreatment Regulations and 40 CFR Part 403. Once the CIU has submitted the required information, JPP Staff will review the request and the accompanying data. The decision to use mass-based limits instead of concentrations limits is at the discretion of the Director, not the CIU.

Using the submitted data, JPP Staff will determine the CIU's actual average daily flow rate from the regulated processes. The equivalent mass limit will be determined by multiplying the applicable pretreatment standard by the CIU's actual average daily flow rate, and the appropriate unit conversion factor. The methods and calculations used to derive the mass limit calculations will be documented and made publicly available. The equivalent mass limit will be incorporated into the CIU's wastewater discharge permit.

Once the equivalent mass limit is in place, the CIU must comply with all other applicable pretreatment requirements. JPP Staff will verify compliance with applicable pretreatment requirements during facility

inspections, and review of discharge monitoring reports. Applicable requirements include, but are not limited to:

- Inspection of the control technology used to achieve compliance
- Inspection of the continuous reading flow meter
- Verification that production rates do not vary by more than 20 percent from the production rates used as the basis for the equivalent mass limits
- Inspection of the water conservation measure that made the facility eligible for receiving the equivalent mass limit

3.2.2.2.9 Equivalent Concentration-based Limits in lieu of Flow-Based Standards

The Joint Pretreatment Program may establish equivalent concentration-based limits in lieu of limits for flow-based standards. This provision applies to the following categorical industries:

40 CFR 414 Organic Chemicals, Plastics, and Synthetic Fibers

40 CFR 455 Pesticide Chemicals

40 CFR 419 Petroleum Refining

To qualify for an equivalent concentration-based limit, the CIU must submit with its permit application, or permit modification request information demonstrating that equivalent concentration-based limits are not currently being, or will not be, met through the use of dilution or by-pass as a substitute for treatment. This can be accomplished by comparing the CIU's production-to-flow ratios to that of other facilities within its industry, or by requesting an explanation of why the CIU uses its current level of process water. However, if the CIU mixes process effluent prior to treatment with wastewater other than those generated by the regulated process, information regarding the pollutant concentrations at the sample prior to mixing must be submitted.

JPP Staff will approve or reject the application after verifying and documenting that the CIU meets the above requirements. If approved, the equivalent concentration-based limits will be derived by multiplying the average daily flow rate of the CIU's regulated process wastewater by the appropriate concentration-based categorical standard. Once the limits have been determined, the equivalent concentration-based limits and appropriate flow monitoring requirements will be incorporated into the CIU's permit.

JPP Staff will verify compliance with these limits by evaluating flow data in monthly reports. A change in flow caused by dilution will be a violation of these limits. If the CIU fails to comply with the requirements, JPP Staff will revise the CIU's permit to require the CIU comply with flow-based mass limits for the Categorical Pretreatment Standards.

3.2.3 Administrative Components of the Wastewater Discharge Permit Issuance Process

Administrative conditions are included in permits and provide the following procedural requirements and timelines:

3.2.3.1 Wastewater Discharge Permit Modification

The Control Authority may modify or revise the terms and conditions in a permit for just cause, including any of the following reasons:

- Whenever the limitations or requirements for the Pretreatment Regulations are modified

- To incorporate special conditions resulting whenever a special order is issued
- Whenever the EPA promulgated a new pretreatment standard
- Whenever the SIU files a written request with the JPP, submitted in accordance with the Pretreatment Regulations
- To reduce threats to the Sumner WWTF POTW
- To address permit violations
- To incorporate revision or grant a variance pursuant to 40 CFR 403.13
- To correct errors in a permit
- To reflect transfer of facility ownership and/or operation

3.2.3.2 Petition for review – Permit issuance and modification

Any person may petition the Director to reconsider the permit within 30 days of its issuance or denial. The permit shall remain valid during the review period and if the Director doesn't act within 30 days, the petition is considered denied. Parties seeking judicial review must file a complaint with the Superior Court for Pierce County within 30 days of final administrative action.

3.2.3.3 Wastewater Discharge Permit Transfer

Permits are not transferable without the written approval of the Director. Permits may be assigned to a new owner and/or operator with 30 days of advance notice and upon Director approval. Failure to provide advance notice shall cause the permit to expire as of the date of facility assignment.

3.2.3.4 Wastewater Discharge Permit Revocation

Permits may be revoked by the Director in accordance with the Pretreatment Regulations, including for any reasonable threat of harm to the POTW or its processes or for any violation.

3.2.3.5 Wastewater Discharge Permit Expiration

Permits expired by the date set forth in the permit; or upon notification of permanent cessation of operations (cessation for a period exceeding 12 months shall be considered permanent); or upon assignment of business ownership without advanced notice and Director approval. All issued permits are void upon the effective date of new permits.

An SIU that has submitted its re-application within 120 days prior to the expiration date of the existing permit is deemed to have an effective permit until the Control Authority issues (or denies) the new permit.

3.2.3.6 Wastewater Discharge Permit Re-Issuance

Existing Non-Domestic Users required to obtain a new permit shall apply for permit re-issuance at least 120 days prior to the expiration of the existing permit.

3.3 REQUIRED SELF-MONITORING REPORTS AND OTHER NOTICES

Reporting requirements are contained in Section 7 of the Pretreatment Regulations. This section describes the types and contents of reports and notifications required for SIUs and the procedures for receiving and analyzing them.

3.3.1 Required Self-Monitoring Reports

The JPP requires SIU to submit one or more of the following self-monitoring reports:

- Baseline Monitoring reports (BMR)

- Final Compliance Reports
- Ongoing Self-Monitoring Reports (SMRs)

3.3.1.1 *Baseline Monitoring Reports*

Baseline Monitoring reports are required for all CIU and included in the SIU permit application. The JPP requires Baseline Monitoring Reports be submitted from SIU for the following reasons:

- New Sources Becoming Subject to Categorical Pretreatment Standards

Non-Domestic Users that wish to begin discharging wastewater to the WWTF from operations subject to Categorical Pretreatment Standards after EPA has published the Standards (Called New Sources), shall submit to JPP Staff a baseline monitoring report that contains the information in 40 CFR 403.12(b)(1) – (5) at least 120 days prior to commencement of discharge. New Non-Domestic Users shall also include in the baseline report information on the method of pretreatment that the source may be used for the information required in 403.12.(b)(4) and (5) (40 CFR403.12(b) – Reporting requirements for industrial Users upon effective date of Categorical Pretreatment Standard)

- Existing users Becoming Subject to New Categorical Pretreatment Standards

Existing Non-Domestic Users and Non-Domestic Users scheduled to discharge to the POTW that are subject to a newly promulgated Categorical Pretreatment Standard shall submit to the JPP a baseline monitoring report that contain the information in 40 CFR 403.12(b)(1) – (7) within 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4) – *Final decision*, whichever is later (40 CFR 403.12(b))

3.3.1.2 *Final Compliance Report on Compliance with Categorical Pretreatment Standard Deadline*

Ongoing self-monitoring reports include the following:

1. **Periodic Reports on Continued Compliance.** Any Non-Domestic User subject to a Categorical Pretreatment Standard (CIU) after the compliance date of that standard or, in the case of a new source, following commencement of discharge to the WWTF, shall submit to the Director at least twice per year (or as specified in the user permit) a report indicating the nature and concentration of pollutants in the effluent that are limited by the permit. The report shall contain a record of measured or estimated average and maximum daily flows for regulated process streams (40 CFR 403.12(e) - *Periodic reports on continued compliance*).
2. **SIU Self-Monitoring Reports.** All SIU, excluding CIU, must submit a report to the Director at least twice per year (or as specified in the Non-domestic Users permit) a description of the flow, nature, and concentration of the pollutants that require monitoring as specified in the permit (40 CFR 403.12(h) - *Reporting requirements for non-CIU industrial users not subject to categorical pretreatment standards*).

3.3.2 Requirements of Self-Monitoring Reports for Demonstration of Continued Compliance

All required self-monitoring reports shall contain the results of sampling and analysis of the discharge of permitted wastewater to the POTW, including the flow and the nature and concentration (or production and mass when requested by the JPP) of pollutants contained therein that are limited by applicable pretreatment standards (40 CFR 403.12(g) - *Monitoring and analysis to demonstrate continued compliance*). The JPP requires a frequency of monitoring by Non-Domestic Users necessary to assess and ensure compliance with applicable pretreatment standards and requirements. Monitoring frequencies and parameters are included in the non-domestic user permits.

Self-monitoring reports are evaluated for the following components:

- If sampling performed by the Non-Domestic User indicates a violation, the Non-Domestic User shall :
 - Verbally notify the Control Authority within 24 hours of becoming aware of the violation;
 - Provide a written report within five days that includes a summary of the cause of the violation and the preventative measures implemented; and
 - Repeat the sampling and submit the results of the repeat analysis to the JPP within 30 days of becoming aware of the violation
- Data submitted by Non-Domestic Users shall be representative of conditions occurring during the reporting period
- Data submitted by Users shall be representative of conditions occurring during the reporting period
- The reports must be based upon data obtained through appropriate sampling and analysis, including:
 - Grab samples shall 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-composite or grab sampling is authorized by the JPP. When time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge.
 - For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4), discreet grab sample must be used for pH , cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical data does not exist. For facilities for which historical sampling data are available, the JPP may authorize a lower minimum number of samples
 - All analyses shall be performed in accordance with procedures contained in 40 CFR Part 136 - *Guidelines Establishing Test Procedures for the Analysis of Pollutants* and amendments thereto or with any other test procedures approved by the EPA administrator
 - All required laboratory analysis shall be performed by a lab accredited per chapter 173-50 WAC - *Accreditation of environmental laboratories*. This requirement does not apply to field pH measurements, field conductivity measurements, field turbidity measurements, flow, temperature, and settleable solids measurements; or for parameters which are used solely for the Non-Domestic Users internal process control

- If a Non-Domestic User monitors any regulated pollutant at the appropriate sampling location more frequently, than required by the JPP, using the procedures prescribed in 40 CFR 403.12(g)(5), the results of the monitoring shall be included in self-monitoring reports

3.3.3 Procedures for Receipt and Analysis of Self-Monitoring Reports

JPP Staff receives Non-Domestic User self-monitoring reports on an ongoing basis. JPP staff tracks Non-Domestic User report submissions in the pretreatment data management system.

The procedures for receiving and analyzing compliance reports are identified in Figure 3-2 and described in Table 3-2.

Figure 3-2 Procedures for Receiving and Analyzing Baseline, Ongoing, Self-Monitoring, and Final Compliance Reports

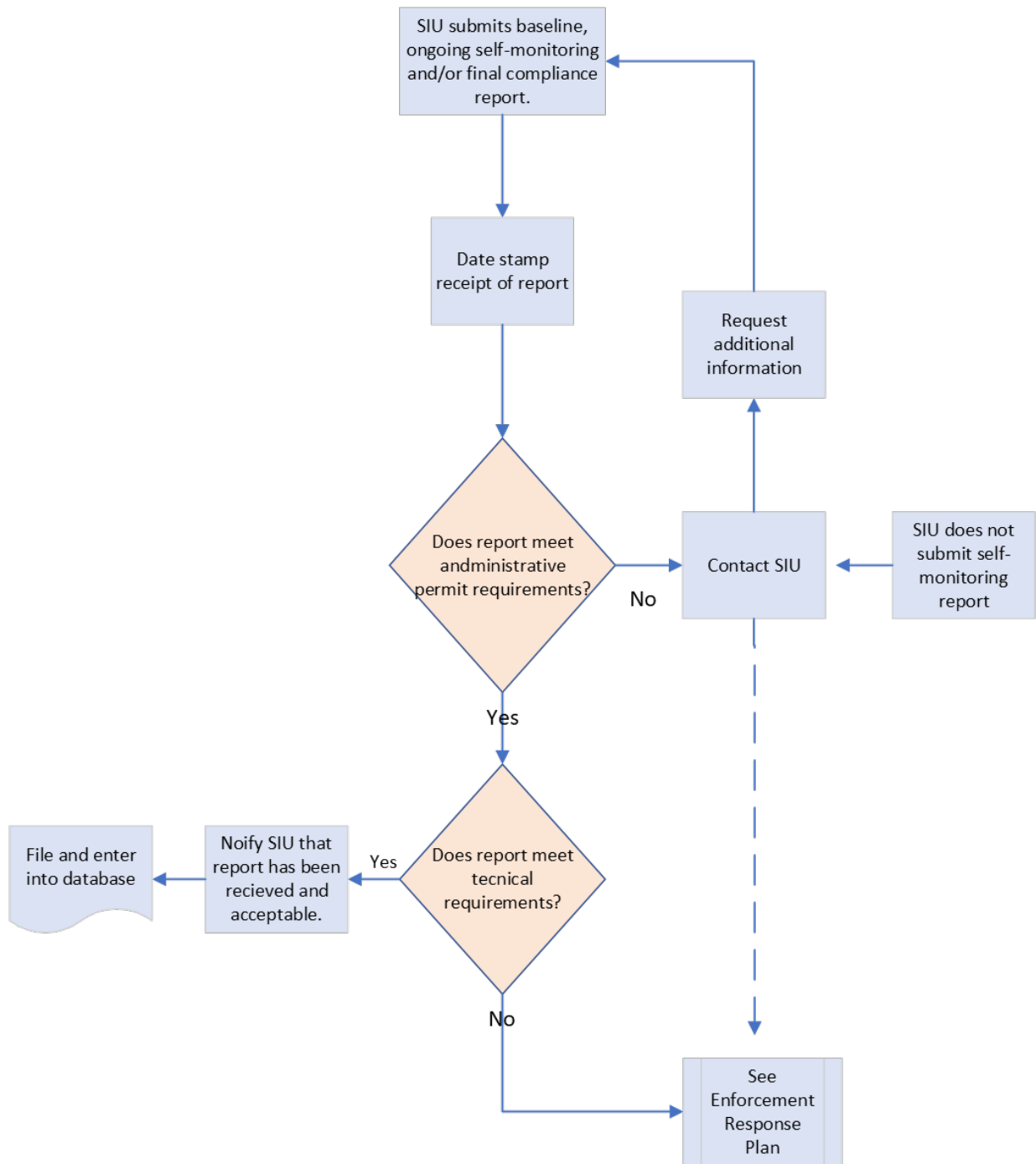


Table 3-2 Procedures for Receiving and Analyzing Monitoring Reports	
SIU Submits Report to JPP Staff	The SIU submits the appropriate baseline monitoring, on-going self-monitoring, or final compliance reports to JPP Staff identified within permit. JPP Staff contacts the SIU if a scheduled report is not received.
Date Stamp Receipt of Report	JPP Staff documents the receipt of the report with a date stamp or handwritten date.
Administrative Completeness	<p>JPP Staff reviews the report and checks it for administrative completeness, including:</p> <ul style="list-style-type: none"> • Proper report used • Entries complete • Proper signature(s) obtained • Monitoring period dates included on report • Appropriate laboratory reports and related attachments submitted <p>If additional information is needed to complete a report, JPP Staff notifies the SIU and requests the submission of updated and/or additional information.</p>
Technical Completeness	<p>JPP Staff conduct a technical review of the report to determine the SIU's compliance with the following requirements:</p> <ul style="list-style-type: none"> • Sample(s) are: <ul style="list-style-type: none"> ○ Taken within the designated reporting period ○ Taken at the designated sampling location ○ Representative of discharge during the reporting period • Monitoring data shall be prepared by a laboratory accredited under the provisions of WAC Chapter 173-216-123 – <i>Monitoring</i>) • Samples and analytical methods shall meet the requirements of 40 CFR Part 136 – <i>Guidelines for Establishing Test Procedures for the Analysis of Pollutants</i> • All required parameters shall be sampled and analyzed • Results for all sampling during the reporting period shall be reflected in the monitoring report • Analytical results shall meet the permit limits • Other required information on the report shall meet permit limits and conditions
Compliance Evaluation	If the report meets administrative and technical requirements, then the report and attachments are placed in the SIU's files and entered into the data management system. If the report does not meet requirements, JPP staff notifies the SIU to conduct monitoring or other action and to submit the results to the JPP within no more than 30 days of the discovery of the violation. JPP Staff conducts enforcement as described in Enforcement Response Plan (ERP), in Chapter 6 of this manual. The monitoring report and attachments are placed in the SIU's files.
Enforcement Response Plan	Enforcement actions for all non-compliance conditions, including permit limit exceedances, late reports, and violations of permit conditions shall be described in the ERP.

3.3.4 Other Reports and Notice Requirements and Review Procedures

Other reports and notices that may be required of SIU and procedures for review, are as follows:

3.3.4.1 Compliance Schedule for Meeting Categorical Pretreatment Standards

SIU are required to develop a compliance schedule if additional pretreatment and/or O&M is required to meet applicable Categorical Pretreatment Standards. The schedule shall contain increments of progress in the form of dates for commencement and completion of major events leading to the construction and operation of additional pretreatment. No increment shall exceed 9 months. Progress reports must be submitted to the WWTF IPP within 14 days following each date in the schedule (403.12(c) - *Compliance Schedule for meeting Categorical Pretreatment Standards*).

3.3.4.2 Notification of Potential Problems, Including Slug Loading

All SIU shall notify the Control Authority immediately of all discharges that could cause problems for the POTW, including any slug loadings that are specifically prohibited as defined in 40 CFR 403.5(a)(1) – General Prohibitions, and (b) Specific Prohibitions (40 CFR 403.12(f) – *Notice of potential problems, including slug loading*).

The procedures for SIU to notify the Control Authority of discharges that could cause problems at the POTW are included in permits, as described in section 3.2.2.1 of this Chapter. Such notification requirements and the procedures used to evaluate these notices are described in further detail below in section 3.4 - Accidental Discharge/Slug Discharge Control Plan Requirements.

3.3.4.3 Notification of Change in Volume or Character of Pollutants in Discharge

SIU shall promptly notify the JPP at least 30 days in advance of any substantial change in the volume or character of pollutants and their discharge, including listed or characteristic hazardous waste for which the SIU has submitted initial notification under 40 CFR 403.12 - Reporting Requirements for POTW's and Industrial Users (p) (40 CFR 403.12(j) – *Notification of changed discharge*).

Upon receipt of a notification, JPP Staff will evaluate the information to determine the volume and character of the proposed discharge. If the information is insufficient, JPP Staff may require the SIU to submit a new permit application (or a supplement to the previous application). In such cases, JPP staff will review the information using the procedures described above in section 3.1.1 - Wastewater Discharge Permit Application Review.

3.3.4.4 Notification of Facility Changes that Affect Accidental Discharge/ Slug Discharge Control Plan

All SIU shall immediately notify the Control Authority of changes at the facility that affect the potential for a slug discharge (40 CFR 403.8(f)(2) – *Procedures, (vi)*).

Upon receipt of a notification, JPP Staff may require the SIU to modify its Accidental Discharge / Slug Discharge Control Plan using the procedure set forth in section 3.4 - Accidental Discharge Slug Discharge Control Plan Requirements.

3.3.4.5 Notification of Hazardous Waste Discharge

If an SIU proposes to dispose of any material into the POTW system that, if otherwise disposed of, would be considered hazardous waste under 40 CFR Part 261 – Identification and Listing of Hazardous Waste, the SIU must notify the JPP, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing and receive approval from all entities prior to discharging such materials. Such

notification must include the name of the hazardous waste and set forth in 40 CFR Part 261, the hazardous waste number, and the type of discharge (continuous, batch or other) (40 CFR 403.12 (p)).

JPP Staff will evaluate these notifications using the steps described in the section below – *Notification of Dangerous Waste Discharge (Domestic Sewage Exclusion)*.

3.3.4.6 Notification of Dangerous Waste Discharge (Domestic Sewage Exclusion)

If an SIU proposes to dispose of wastes that exhibit the dangerous waste characteristics for toxicity, ignitability, corrosivity, or reactivity or that meet the state dangerous waste criteria for toxic dangerous waste or persistent dangerous waste pursuant to WAC 173-303-100 – *Dangerous Waste Criteria*, the SIU must notify the JPP and ECY in writing and receive written approval from both agencies prior to discharging such materials (WAC 173-216-060 – *Prohibited Discharges*, (1) (WAC 173-303-071(3) – *Exclusions*, (a)(ii)(D)).

The JPP conducts a review of the notification to determine whether the following conditions have been met:

- The waste discharge shall not be specifically prohibited under 40 CFR Part 403.5 – *National Pretreatment Standards: Prohibited Discharges*
- The waste discharge prior to mixing with domestic waste shall not:
 - Exhibit dangerous waste characteristic for ignitability, corrosivity, reactivity, or toxicity, as defined in WAC 1763-303-090 – *Dangerous waste characteristics*, or
 - Meet the state dangerous waste criteria for toxicity or persistence, as defined in WAC 173-303-100 – *Dangerous waste criteria*, unless the waste will be treatable in the POTW where it will be received
- The SIU shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree that has been determined to be economically practical
- If the submittal conditions are met, the SIU must receive written authorization prior to discharging hazardous or dangerous wastes. If the submittal conditions are not met, the WWTF IPP notifies the SIU.

3.3.4.7 Engineering Reports, Plans and Specifications, and O&M Manual

SIU shall submit to the JPP engineering reports and plans and specifications prior to new construction or modification of pretreatment facilities that affect the facilities' capacity to treat existing or new pollutants. The SIU should submit these documents to the JPP at least 60 days before time approval is desired (WAC 173-240-130 – *Engineering Report* and WAC 173-240-140 – *Plans and Specifications*).

SIU shall prepare a detailed O&M Manual prior to completing construction of pretreatment facilities. The manual must be submitted to the JPP for review and approval (WAC 173-240-150 – *Operation and Maintenance Manual*).

The JPP conducts a review of the engineering report and plans and specifications submittals to determine whether they adequately address the applicable elements in WAC 173-240-130 – *Engineering Report* and 140 – *Plans and Specifications*. If any elements is not adequately addressed, JPP Staff will notify the SIU.

If the engineering report and plans and specifications submittals are determined to adequately address the applicable elements, the JPP will inform the SIU.

3.4 ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLAN REQUIREMENTS

This section describes the procedures for evaluating an SIU's potential for slug discharges, requiring a written accidental discharge/slug discharge control plan (AD/SDCP) or other action when needed, and reviewing an AD/SDCP to determine whether the plan contains the required elements to control discharges effectively.

A slug discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, that have a reasonable potential to cause interference or pass through or in any other way violate the Pretreatment Regulations or the WWTF's NPDES permit.

3.4.1 Criteria for Requiring an Accidental Discharge/Slug Discharge Control Plan

All SIU are required to develop and maintain AD/SDCP in accordance with a schedule established by the JPP. Other actions to control slug discharges may be required or authorized by the JPP.

AD/SDCP submittals are required for the following Non-Domestic Users:

- New SIUs
- Existing facilities that have notified the JPP of changes affecting their potential for slug discharge
- Existing facilities that require an update to their AD/SDCP as a result of a review of a renewal permit application, a review of an existing AD/SDCP, an inspection, or a review of any other information that causes the JPP determine that a facility needs an updated plan.

JPP staff will notify SIU that are required to prepare AD/SDCP by issuing a compliance notice that directs an SIU to complete and submit the required AD/SDCP, by a specific date, to the JPP for approval. The JPP may provide a checklist and a template to aid the SIU in preparing the plan.

3.4.2 Accidental Discharge/Slug Discharge Control Plan Content

AD/SDCP must contain at a minimum, the following elements:

- Description of discharge practices, including non-routine batch discharges
- Description of stored chemicals
- Notification procedures for immediate verbal notification and follow-up written notification within 5 days to the Control Authority of slug discharges, including any discharge that would violate any prohibitions of 40 CFR 403.5(a)(1) – *General Prohibitions* and (b) – *Specific Prohibitions*. SIU are required to post, visibly throughout their facility, the list of individuals, including JPP Staff and the appropriate Contributing Jurisdiction Point of Contact (POC), to be contacted in the event of a spill or slug discharge
- Procedures to prevent adverse impact from accidental spills, including description of the following:
 - Inspection and maintenance of storage areas
 - Handling and transfer of material
 - Loading and unloading operations
 - Control of facility site run-off
 - Worker training
 - Building of containment structures or equipment
 - Measures for containing toxic organic pollutants (including solvents)

- Measures and equipment for emergency response
- Steps that SIU facility personnel will take in response to spills in an effort to remove the material or minimize adverse impact to the POTW
- The JPP may require other elements in the plan or other action to control slug discharges

3.4.3 Review and Approval of Accidental Discharge/Slug Control Plans

Upon receipt of an AD/SDCP, JPP Staff will review it for completeness using the AD/SDCP Checklist and Template (Appendix V). JPP Staff will then review the plan contents with respect to the information provided in the SIU permit, fact sheet, facility drawings, inspection reports, and other information to determine whether the plan sufficiently addresses the required elements listed in chapter 3.4.2- *Accidental Discharge Slug Discharge Control Plan Content*. JPP Staff will prepare comments and any request for further information during the review.

If an AD/SDCP is incomplete, JPP Staff will send written comments and questions for further information and require the SIU to submit the updated AD/SDCP, by a specific date, for JPP approval.

Upon approval of an AD/SDCP, JPP staff will send the SIU a written approval letter stating that the plan meets the AD/SDCP requirements of 40 CFR 403.8(f)(2) - *Procedures*. The approved AD/SDCP will be placed in the SIU file, and the approval date will be entered into the data management system.

The requirements for developing and maintaining an updated AD/SDCP are included in each SIU permit.

3.4.4 Spill Reporting

SIU permits require SIU to report any spills to the POTW. SIU must verbally notify the Control Authority at the earliest possible time (no later than 24 hours) and follow-up with written correspondence within 5 days.

Initial notification must include the following information, as applicable:

- The facility contact information, including name of person, facility name, and facility address
- Date and time when discharge began
- Identity of material discharge to sewer and its known hazards
- Concentrations of pollutants or materials, if known
- Volume or volumetric flow rate of material(s) discharge to sewer
- pH of sewer discharge from facility, if known
- Any other known hazards of sewer discharge (e.g., indicate whether toxic or flammable gas meter alarms were triggered)
- Response action underway to stop or mitigate discharge to sewer

Written follow-up reports of spill must include the following information:

- Facility contact information, including name of person, facility name, and facility address
- Date and time when discharge began and ceased
- Date and time of notification
- Names of WWTF IPP staff and POTW personnel notified
- Identity of material(s) discharge to sewer and its (their) known hazards
- Concentration of pollutants or materials, if known

- Volume or volumetric flow rate of material(s) discharged to sewer
- pH of sewer discharge from facility, if known
- Any other known hazards of sewer discharge (e.g., indicate whether toxic or flammable gas meter alarms were triggered)
- Indication of whether samples of discharge were taken and any available analytical or laboratory results
- Actions taken to stop or mitigate discharge
- Analysis of elements in the AD/SDCP related to the spill event and recommendations for improvements in management practices or engineering controls

The notification items are included on the report of industrial release to sewer form, which is attached to the AD/SDCP Checklist and Template in Appendix V.

The JPP Staff review the information collected from the verbal and written notifications and takes action in accordance with the ERP, Chapter 6 - *Enforcement Response Plan*. Records and reports from these notifications are placed in the SIU's file.

3.5 SIGNIFICANT INDUSTRIAL USER NON-COMPLIANCE

The JPP investigates SIU non-compliance and initiates enforcement proceedings in accordance with the procedures in the *Enforcement Response Plan*.

3.5.1 Publication of Significant Non-Compliance

The Control Authority is required to publish annually a list of the Significant Industrial Users that, at any time during the previous 12 months, were in significant non-compliance with applicable pretreatment standards and requirements. The notices are published in the Enumclaw Courier Harold, which is a major newspaper of general circulation that serves all areas within the program's jurisdiction. Significant Non-Compliance is defined in Section 10 of the Pretreatment Regulations. Records of publications are maintained in pretreatment files and copies of public notes are included in annual report submitted to ECY.

The following criteria for Significant Non-Compliance applied to all SIU:

- Any violation of a pretreatment standard or requirement, including numerical limits, narrative standards, and prohibitions, that the Director determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of the POTW personnel or the general public
- Any discharge of pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of emergency authority to halt or prevent such discharge
- Any violation(s), including BMP's that the Director determines will adversely affect the operation of or implementation of the Local Program
- Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a rolling six- month period exceed, by any magnitude and numeric pretreatment standard or requirement, including instantaneous limits of the Pretreatment Regulations

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- Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a rolling six- month period equal or exceed the product of the numeric pretreatment standard or requirement (including instantaneous limits, as defined by Pretreatment Regulations), multiplied by the applicable criteria. Applicable criteria or 1.4 of biochemical oxygen demand (BOD); total suspended solid (TSS); fats, oils, and grease; and 1.2 for all other pollutants except pH
- Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance
- Failure to provide any required report (including initial and periodic monitoring reports, reports on initial compliance, and reports on meeting compliance schedules) within 45 days after the due date
- Failure to report non-compliance accurately

CHAPTER 4

PROCEDURES FOR NON-SIGNIFICANT NON-DOMESTIC USERS

4. PROCEDURES FOR NON-SIGNIFICANT NON-DOMESTIC USERS

The procedures in this chapter apply to Non-Domestic Users who have been classified as Non-Significant Non-Domestic Users (NSU), per the User Identification and Classification procedures described in Chapter 2 Section 3 of this program manual. Joint Pretreatment Program (JPP) Staff locate and identify Non-Significant Non-Domestic Users and categorize them based on the presence, nature and characteristics of their wastewater discharge. Non-Domestic Users who are not classified as Significant Industrial Users (SIUs) are subject to the requirements and procedures in the chapter.

4.1 NON-DOMESTIC USER CHARACTERIZATION AND CONTROL DOCUMENT DETERMINATION

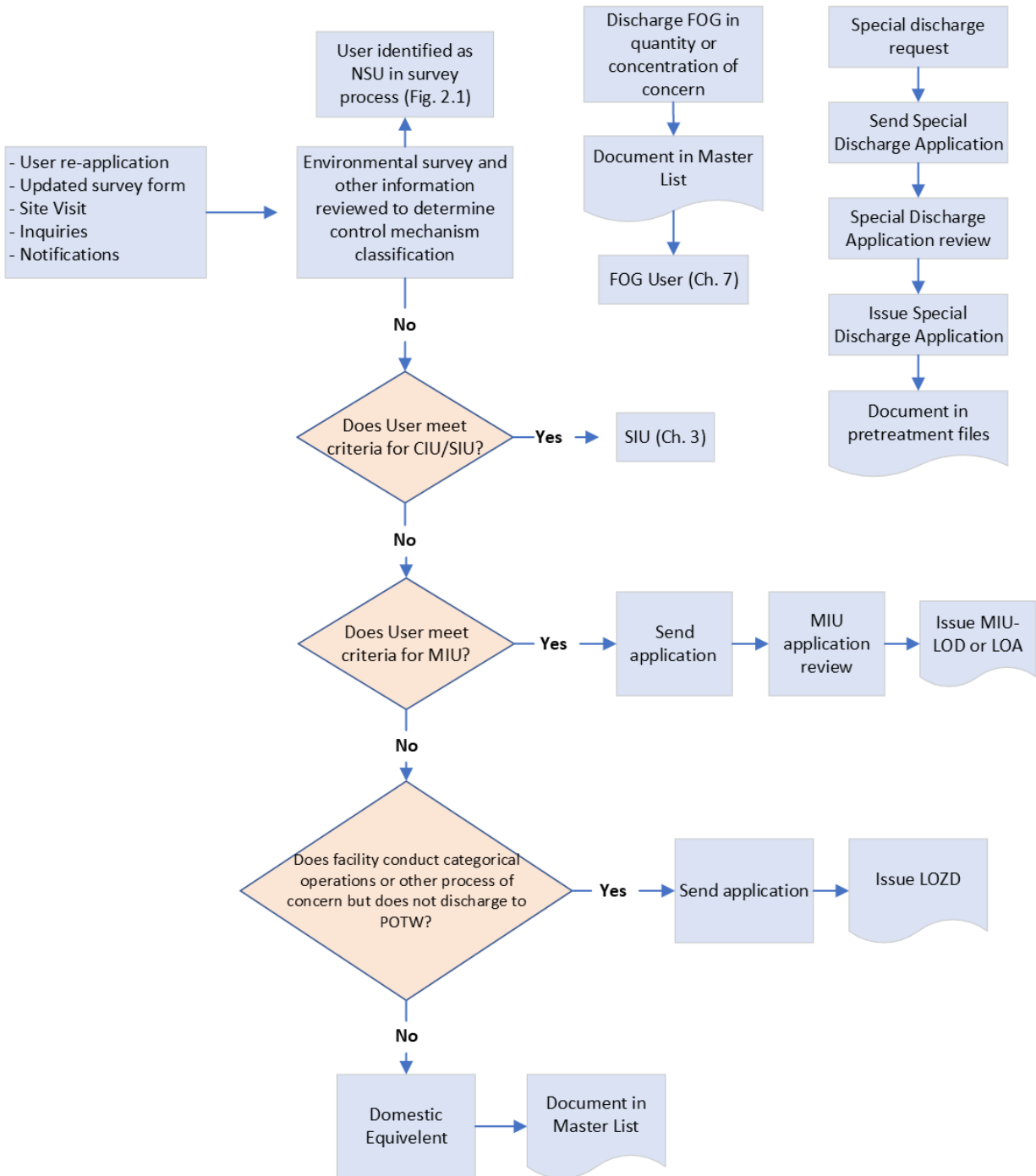
JPP Staff review information submitted by NSUs in order to identify the character and volume of the pollutants in the Non-Domestic Users' discharge and categorize Non-Domestic Users into the appropriate control mechanism category. If, during the process of evaluating the information, JPP staff find new or changed industrial discharges that classify the Non-Domestic User as an SIU, the Non-Domestic User will be issued a permit for the procedures in Chapter 3 and will be managed as an SIU.

After reviewing information provided from required non-domestic wastewater surveys, notifications, follow-up inquiries, applications, and site visits, JPP Staff classify NSUs into the appropriate category. NSU categories and their associated control documents are shown below in Table 4-1.

Category	Control Document
Minor Industrial User (MIU)	Letter of Discharge (MIU-LOD)
Non-Discharging Minor Industrial User (NDMIU)	Letter of Authorization (LOA)
Non-Discharging Categorical Industrial User (NDCIU)	Letter of Zero Discharge (LOZD)
Special Discharges	Special Discharge Authorization (SDA)
Fats, Oils, and Grease (FOG) User <ul style="list-style-type: none"> • Food Service Establishment (FSE) • Auto Related Business (ARB) 	Letter of Discharge (FOG-LOD) (FOG Program; see Chapter 7)

The NSU classification process is depicted in Figure 4-1, and the control document development and issuance processes for each NSU category are described in the following section of this chapter.

Figure 4.1 Classification Procedure for Non-Significant Industrial Users (NSU)



4.2 MINOR INDUSTRIAL USERS

Minor Industrial Users (MIU) are Non-Domestic Users that do not otherwise qualify as SIU and are identified as having the potential to discharge wastewater that, when taken into account with the wastewater of other Non-Domestic Users, has the potential to have a significant impact on the POTW; or Non-Domestic Users that may warrant such classification on the basis of other factors, including but not limited to, the following:

- Whether the Non-Domestic User is operating or required to operate a complex pretreatment system that requires the submission of an engineering report per chapter WAC 173-240-*Construction of wastewater facilities*. Complex pretreatment systems are generally considered those that require operator interface for process steps and or process controllers involving process monitoring and feedback signals. They generally do not include passive oil/water separators, passive filtration systems, or passive pH neutralization system
- Whether the Non-Domestic User discharges wastewater that could contain a high concentration or mass load of a pollutant of concern in the case of a failure of a pretreatment system, BMP, or other management practices
- Whether the Non-Domestic User stores and uses chemicals and materials of concern that warrant the submittal of an accidental discharge slug discharge control plan, or a similar spill control plan or measures
- Whether other factors specific to a Non-Domestic User that is of concern to the POTW appear to warrant the JPP staff's consideration

4.2.1 Minor Industrial User Discharge Application Content

A Non-Domestic User classified as a potential MIU must submit a completed Letter of Discharge (LOD) Application (Appendix K) to the JPP Staff at least 30 days prior to the proposed date of discharge; a Non-Domestic User with an existing permit or other controlled document must submit an application at least 30 days prior to the expiration date. This time period is used for the JPP Staff review, control document preparation, and, if necessary, review of engineering reports. The JPP Staff may require a longer review period in cases of unforeseen circumstances.

A completed LOD application must contain all of the information requested on the form, including the following:

- Identifying information
- Name and physical address of the facility
- Name of the operator/facility manager and owner and the name and address of the point of contact
- Description of activities, facilities, and plant production processes on the premises
- A list of any environmental control permits held by or for the facility
- A description of operations and facilities including the following:
 - A brief description of the operations, average rate of production and industrial classification (Standard Industrial Classification [SIC] or North American Industrial Classification [NAICS] codes) of the operation(s) conducted on site
 - The number and type of employees and proposed or actual hours of operation
 - The type, amount, rate of production, and profit is used for each product produced

- The type and amount of raw materials used (average and maximum rates)
- The raw materials and chemicals to be routinely stored at the facility (including products in rail cars and tank trucks located on site)
- The types of waste generated on a routine and periodic basis
- The times and durations when waste will be discharged
- A schematic process diagram showing each process step, waste stream, treatment step, internal recycle, and point of discharge to the POTW. This diagram should identify which streams are subject to categorical standards
- Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge
- The sampling locations and provisions for monitoring discharges
- Whether plans for wastewater facilities under chapter WAC 173-240 - *Submissions of plans and reports for construction of wastewater facilities (i.e., engineering report, plans and specifications; and an operations and maintenance manual)* have been developed and what their approval status is

4.2.2 Minor Industrial User Discharge Application Review

The JPP staff conducts the following steps when reviewing a discharge application:

- Check that all sections are complete. The term “not applicable” or “N/A” should be used by the potential or existing Non-Domestic User to show that items were considered but not pertinent to the potential or existing Non-Domestic User
- Checks that the information provided in the application is sufficient to allow an effective review of the potential or existing Non-Domestic User operations and discharge to the POTW
- Checks that the appropriate person(s) sign and dated the certification statement
- If the application is incomplete, contacts are representative of the potential or existing Non-Domestic User and request additional information. Contact may be made by phone, written communication, or electronic communication or in person
- If extensive corrections to the application are necessary, sometimes requires the potential or existing Non-Domestic User to complete a new application
- At times, conducts a facility inspection to verify information contained in the application
- If a potential or existing Non-Domestic User fails to return an application or to provide required information, contacts the Non-Domestic User to obtain the information

4.2.3 Letter of Discharge

Upon completing review of the Non-Domestic User LOD Application, JPP Staff will prepare a Letter of Discharge (LOD). The LOD is a written authorization for an MIU to discharge wastewater to the POTW in compliance with the Pretreatment Regulations and any applicable provisions of federal or state laws and regulations. The LOD includes the identity of the wastewater stream subject to the control mechanism and any applicable monitoring, reporting or BMP requirements to control and prevent pollutants from discharge to the POTW.

An LOD may include the following:

- Best Management Practices (BMP) or other procedures designed to minimize or eliminate pollutants from the discharge to the POTW
- Requirements to maintain records related to BMP operations
- Requirements to operate and maintain pretreatment devices designed to contain or control pollutants from discharge to the POTW
- Sampling and monitoring requirements
- Spill control measures
- Submission of periodic or routine self-monitoring report and/or certifications of compliance with conditions of the LOD

4.2.3.1 Letter of Discharge Process

Table 4-2 outlines the procedures for issuing LOD control mechanisms.

Table 4-2 Procedures for Issuing Letter of Discharge Control Mechanisms	
Review LOD Application	The process of reviewing LOD applications is described in Section 4.2.2 – MIU Discharge Application Review. Other information may be used as necessary to determine what conditions and requirements to include in the LOD.
Develop LOD	Using the LOD template, JPP Staff prepare an LOD control document. See Appendix R – Letter of Discharge Template.
Conduct Internal Review of Draft LOD	The JPP Staff review the LOD to confirm Non-Domestic User, facility address, and mailing address. Staff also reviews the LOD conditions to determine that they are adequate and appropriate for the Non-Domestic User.
Director Signs LOD	JPP Staff submits the final control mechanisms to the Director or designee for an authorization signature.
Inter-agency Review of LOD	JPP Staff provide a copy of the LOD to the appropriate department of the POTW that owns the collection system that the Non-Domestic User discharges into for review
Issue LOD to Non-Domestic User	JPP Staff issues a copy of the LOD to the Non-Domestic User
Filed LOD and Supporting Documents	Copies of the LOD, environmental survey, and any technical administrative evaluations are stored in a controlled file storage area.

4.3 Non-Discharging Minor Industrial Users

Non-Discharging Minor Industrial Users (NDMIU) are Non-Domestic Users that store, handle, or manage volumes of liquid or sludge that is not discharged to the POTW. Additionally, they have been identified by JPP Staff as having the potential to discharge wastewater that, when taken into account with the wastewater of other Non-Domestic Users, has the potential to have a significant impact on the POTW; or Non-Domestic Users that may warrant such classification on the basis of other factors, including but not limited to, the following:

- Whether the Non-Domestic User stores, handles, or manages volumes of liquids or sludge that warrant the submittal of an accidental discharge slug discharge control plan, or a similar spill control plan or measures

- Whether other factors specific to a Non-Domestic User that is of concern to the POTW appear to warrant JPP Staff consideration

JPP Staff may perform annual or biannual site visits to confirm zero discharge status.

4.3.1 Non-Discharging Minor Industrial User Application Content

NSU that may be subject to the Letter of Authorization (LOA) are identified through review of the non-domestic wastewater survey form, notifications, follow-up inquiries, and site visits. If additional information is necessary, businesses may also be sent a LOD application with instructions and given a due date or time period for submitting the completed application.

The completed application may contain the following:

- Name and address of the business, including the local contact name and, if applicable, site owners name and address
- Business type and owner information
- Designation of type or classification of business
- The liquid products, raw materials, and chemicals used and/or routinely stored at the facility
- The volume and character of liquid product, raw materials, and chemicals
- Information on removal or disposal procedures, and/or practices performed to prevent discharge to sanitary sewer
- Certification statement reviewed by an authorized representative of the business

4.3.2 Non-Discharging Minor Industrial User Application Review

Upon receipt of the non-domestic wastewater survey and/or LOD application, JPP Staff review them for completeness and accuracy of the information provided. JPP Staff conduct the following steps when reviewing a BMP application:

- Checks that the pertinent sections are complete
- Checks that the applicant checked the box indicating that the facility discharges only domestic wastewater
- Checks that the information provided in the application is sufficient to allow an effective review of the NDMIU operations and potential for discharge to the POTW
- Checks that the appropriate person(s) signed and dated the Certification Statement
- If the application is incomplete contacts the representative of the NDMIU and requests additional information. Contact may be made by phone, written communication, or electronic communication or in person
- If extensive corrections to the application are necessary, requests the NDMIU to complete a new application
- Conducts a facility inspection to verify information contained in the application
- If a user fails to return an application or to provide required information, contacts NDMIU to obtain the information

4.3.3 Letter of Authorization

The LOA is a written control document that allows the facility to discharge only domestic waste to the POTW. The LOA template is included as Appendix U. The LOA requires the facility to operate in compliance

with the Pretreatment Regulations and any applicable provisions of federal or state laws and regulations. The LOA may contain conditions with which the facility must comply that include but are not limited to, the following:

- No liquid products, raw materials, and/or chemicals shall discharge to sanitary sewer
- Best Management Practices (BMPs) prevent disposal to POTW, including drains plumbed to the POTW
- Spill control measures
- Periodic (annual at a minimum) certifications of no non-domestic discharge to POTW and that the NDMIU is in compliance with the MLOZD

4.3.3.1 Letter of Authorization Issuance Process

Table 4-3 outlines procedures for issuing LOA control mechanisms.

Table 4-3 Procedures for Issuing Letter of Authorization Control Mechanisms	
Review Survey or LOD Application	The process of reviewing LOD applications is described in Section 4.3.2 – Letter of Authorization. Other information may be used as necessary to determine what conditions and requirements to include in the LOA.
Develop LOA	Using the LOA templated, JPP Staff prepares a LOA control mechanism. See Appendix U –Letter of Authorization Template.
Conduct Internal Review of Draft LOA	The JPP Staff reviews the LOA to confirm Non-Domestic User, facility address, and mailing address. Staff also reviews the LOA conditions to determine that they are adequate and appropriate for the Non-Domestic User.
Director Signs LOA	JPP Staff submits the final control mechanisms to the Director or designee for an authorization signature.
Inter-agency Review of LOA	JPP Staff provide a copy of the LOA to the appropriate department of the POTW that owns the collection system that the Non-Domestic User discharges into for review
Issue LOA to Non-Domestic User	JPP Staff issue a copy of the LOA to the Non-Domestic User
File LOA and Supporting Documents	Copies of the LOA, non-domestic wastewater survey, and any technical administrative evaluations are stored in a controlled file storage area.

4.4 NON-DISCHARGING CATEGORICAL INDUSTRIAL USER

If JPP Staff have determined that a facility generates wastewater subject to a Categorical Pretreatment Standard or conducts other operations of concern but does not discharge or does not have the potential to discharge any process wastewater to the POTW, the facility is classified as a Non-Discharging Categorical Industrial User. JPP Staff may perform biennium site visits to confirm zero discharge status.

4.4.1 Letter of Zero Discharge Application

NSUs that may be subject to the LOZD are identified through review of the environmental survey form, notifications, follow-up inquiries, and site visits. If additional information is necessary, businesses may

also be sent a LOZD application with instructions and given a due date or time period for submitting the completed application.

The completed application may contain the following:

- Name and address of the business, including the local contact name and, if applicable, site owners name and address
- Business type and owner information
- Designation of type or classification of business
- The liquid products, raw materials, and chemicals used and/or routinely stored at the facility
- The volume and character of liquid product, raw materials, and chemicals
- Information on removal or disposal procedures, and/or practices performed to prevent discharge to sanitary sewer
- Certification statement reviewed by an authorized representative of the business

4.4.2 Letter of Zero Discharge Application Review

Upon receipt of the environmental survey and/or LOZD application, JPP Staff review them for completeness and accuracy of the information provided. JPP Staff conduct the following steps when reviewing a BMP application:

- Checks that the pertinent sections are complete
- Checks that the applicant checked the box indicating that the facility discharges only domestic wastewater
- Checks that the information provided in the application is sufficient to allow an effective review of the NDCIUs operations and potential for discharge to the POTW
- Checks that the appropriate person(s) signed and dated the Certification Statement
- If the application is incomplete contacts the representative of the NDCIU and requests additional information. Contact may be made by phone, written communication, or electronic communication or in person
- If extensive corrections to the application are necessary, requests the NDCIU to complete a new application
- Conducts a facility inspection to verify information contained in the application
- If a user fails to return an application or to provide required information, contacts NDCIU to obtain the information

4.4.3 Letter of Zero Discharge

The LOZD is a written control document that allows the facility to discharge only domestic waste to the POTW. The LOZD template is included in Appendix S. The LOZD requires the facility to operate in compliance with the WWTF Pretreatment Regulations and any applicable provisions of federal or state laws and regulations. The LOZD may contain conditions with which the facility must comply that include but are not limited to, the following:

- No process wastewater shall be discharged to POTW
- Controls to prevent process wastewater from reaching the POTW, including drains plumbed to sanitary sewer
- Spill control and response measures

- Annual certifications that process wastewater is not being discharged to the POTW and that the NDCIU is in compliance with the LOZD

4.4.3.1 *Letter of Zero Discharge Process*

Table 4-4 outlines procedures for issuing LOZD control mechanisms.

Table 4-4 Procedures for Issuing Letter of Zero Discharge Control Mechanisms	
Review LOZD Application	The process of reviewing LOZD applications is described in Section 4.4.2 – Letter of Zero Discharge Application Review. Other information may be used as necessary to determine what conditions and requirements to include in the LOZD.
Develop LOZD	Using the LOZD templated, JPP Staff prepares a LOZD control mechanism. See Appendix S –Letter of Zero Discharge Template.
Conduct Internal Review of Draft LOZD	The JPP Staff review the LOZD to confirm Non-Domestic User, facility address, and mailing address. Staff also reviews the LOZD conditions to determine that they are adequate and appropriate for the Non-Domestic User.
Director Signs LOZD	JPP Staff submit the final control mechanisms to the Director or designee for an authorization signature.
Inter-agency Review of LOZD	JPP Staff provide a copy of the LOZD to the appropriate department of the POTW that owns the collection system that the Non-Domestic User discharges into for review
Issue LOZD to Non-Domestic User	JPP Staff issues a copy of the LOZD to the Non-Domestic User
File LOZD and Supporting Documents	Copies of the LOZDs, environmental survey, and any technical administrative evaluations are stored in a controlled file storage area.

4.5 SPECIAL DISCHARGE AUTHORIZATIONS

Special discharges are wastewaters that are generated from special projects, typically construction-site activities, development projects, environmental cleanup, or other maintenance activities, that are one time occurrences, or are otherwise limited in frequency, duration, and volume.

4.5.1 Special Discharge Application Content

When a wastewater generator requests a special discharge to the POTW, JPP staff sends the generator a Special Discharge Application (see Appendix M - Special Wastewater Discharge Application).

The completed Special Wastewater Discharge Application should include the following:

- Name and address of the generator and name, address, and contact information of agent
- Proposed transporter of the wastewater
- Site location, source, and process generating water
- Volume of wastewater, typically in gallons
- Date(s) and frequency of discharge
- Wastewater characteristics
- Non- hazardous waste evaluation

- Results of sampling and analysis identifying the nature and concentration of pollutants in the wastewater. Methods of analysis and the time, date, and location of sampling shall be reported. A certification that such sampling is representative of wastewater and expected pollutant discharges shall be included in the application

The JPP Staff may request additional information, as necessary.

4.5.2 Special Discharge Application Review

Upon receipt of an application, JPP Staff reviews it for completeness and accuracy of the information provided. JPP Staff conducts the following steps when reviewing an application for a special discharge application:

- Checks that all requested sections are complete
- Checks that the information provided in the application, including laboratory and other waste characterization data, is sufficient to allow an effective review of the applicants operations and proposed discharge to POTW
- Checks that the appropriate persons signed and dated the certification statements
- If the survey is incomplete, contacts a representative of the applicant and requests additional information. Contact may be made by phone, written communication, or electronic communication or in person
- If extensive corrections to the application are necessary sometimes requires the applicant to complete a new application form
- At times, conducts a facility or site inspection to verify information contained in the application
- Coordinates with WWTF staff on timing and flow rates to ensure hydraulic loading is acceptable at proposed discharge point

4.5.3 Special Discharge Authorization

The Special Discharge Authorization authorizes the named generator to discharge wastewater to the POTW in compliance with the Pretreatment Regulations and any applicable provisions of federal or state laws and regulations. The authorization may contain conditions with which the Non-Domestic User must comply, including, but not limited to the following:

- Discharge of only listed or authorized wastewater streams to the POTW
- Authorized discharge dates and times
- Designated discharge location
- Notification and inspection requirements prior to discharge
- Maximum discharge flow rates
- Pretreatment requirements
- Sampling requirements
- Record discharge volumes, dates, and times
- Reporting
- Notification requirements

4.5.3.1 Special Discharge Authorization Process

Table 4-5 outlines the procedure for issuing Special Discharge Authorizations.

Table 4-5 Procedures for Issuing Special Discharge Authorization Control Mechanisms	
Review SDA Application	The process of reviewing SDA applications is described in Section 4.5.2 – Special Discharge Authorization Application Review. Other information may be used as necessary to determine what conditions and requirements to include in the SDA.
Develop SDA	Using the SDA templated, JPP Staff prepare a SDA control document. See Appendix T – Special Discharge Authorization Template.
Conduct Internal Review of Draft SDA	The JPP Staff review the SDA to confirm Non-Domestic User, facility or site address, and mailing address. Staff also reviews the SDA conditions to determine that they are adequate and appropriate for the Non-Domestic User.
Director Signs SDA	JPP Staff submit the final control document to the Director or designee for an authorization signature.
Inter-agency Review of SDA	JPP Staff provide a copy of the SDA to the appropriate department of the POTW that owns the collection system that the Non-Domestic User discharges into for review.
Issue SDA to Non-Domestic User	JPP Staff issue a copy of the SDA to the Non-Domestic User
File SDA and Supporting Documents	Copies of the SDAs, non-domestic wastewater survey, and any technical administrative evaluations are stored in a controlled file storage area.

4.6 Fats, Oil, and Grease Users

FOG Users are those users who are determined to have the potential to introduce wastewater containing fats, oils, and grease (FOG) in quantities and concentrations that could cause blockage and other issues in the POTW. These Users typically include Food Service Establishments (FSE), as well as Auto Related Businesses (ARB), including those that perform auto repair services and have vehicle washing facilities or covered fueling stations on site.

FOG Users are managed through the WWTF FOG Program. Requirements and procedures that apply to FOG Users are described in Chapter Seven.

4.6 REQUIRED SELF-MONITORING REPORTS, CERTIFICATION OF ZERO DISCHARGE, AND OTHER NOTICES

Reporting requirements are detailed in Section 7 of the Pretreatment Regulations. This section describes the types and contents of reports and notifications required for Non-Significant Non-Domestic Users and the procedures for receiving and analyzing them.

4.6.1 Minor Industrial User Required Self-Monitoring Reports

The JPP Staff may require NSUs to submit initial or on-going self-monitoring reports. All required self-monitoring reports shall contain the results of sampling and analysis of the discharge of permitted wastewater to the POTW, including the flow and the nature and concentration (or production and mass when requested by the Joint Pretreatment Program) of pollutants contained therein that are limited by applicable pretreatment standards (40 CFR 403.12(g) - *Monitoring and analysis to demonstrate continued compliance*). The IPP requires a frequency of monitoring by Non-Domestic Users necessary to assess and

ensure compliance with applicable pretreatment standards and requirements. Monitoring frequencies and parameters are included in the MIU’s LOD.

4.6.1.1 Procedures for Receipt and Analysis of Minor Industrial User Self-Monitoring Reports

JPP Staff receive MIU self-monitoring reports on an ongoing basis. JPP Staff track MIU self-monitoring report submissions in the pretreatment data management system.

The procedures for receiving and analyzing MIU self-monitoring reports are described in Table 4-6.

Table 4-6 Procedures for Receiving and Analyzing Self-Monitoring Reports	
MIU Submits Report to WWTP IPP	The MIU submits the appropriate self-monitoring compliance reports to the JPP Staff identified within permit. JPP Staff contact the MIU if a scheduled report is not received.
Date Stamp Receipt of Report	JPP Staff document the receipt of the report with a date stamp or handwritten date.
Administrative Completeness	JPP Staff review the report and checks it for administrative completeness, including: <ul style="list-style-type: none"> • Proper report used • Entries complete • Proper signature(s) obtained • Monitoring period dates included on report • Appropriate laboratory reports and related attachments submitted If additional information is needed to complete a report, JPP Staff notify the MIU and requests the submission of updated and/or additional information.
Technical Completeness	JPP Staff conducts a technical review of the report to determine the MIU’s compliance with the following requirements: <ul style="list-style-type: none"> • Sample(s) are: <ul style="list-style-type: none"> ○ Taken within the designated reporting period ○ Taken at the designated sampling location ○ Representative of discharge during the reporting period • Monitoring data shall be prepared by a laboratory accredited under the provisions of WAC Chapter 173-216-123 – <i>Monitoring</i>) • Samples and analytical methods shall meet the requirements of 40 CFR Part 136 – <i>Guidelines for Establishing Test Procedures for the Analysis of Pollutants</i> • All required parameters shall be sampled and analyzed • Results for all sampling during the reporting period shall be reflected in the self-monitoring report • Analytical results shall meet the permit limits • Other required information on the report shall meet permit limits and conditions
Compliance Evaluation	If the report meets administrative and technical requirements, then the report and attachments are placed in the MIU’s files and entered into the data management system. If the report does not meet requirements, JPP Staff notify the MIU to conduct monitoring or other action and to submit the results to JPP Staff within no more than 30 days of the discovery of the violation. JPP Staff

	conduct enforcement as described in Enforcement Response Plan (ERP), Chapter 6. The monitoring report and attachments are placed in the MIU's files.
Enforcement Response Plan	Enforcement actions for all non-compliance conditions, including permit limit exceedances, late report, and violations of permit conditions shall be described in the Enforcement Response Plan (ERP), Chapter 6.

4.6.2 Certification of Zero Discharge

The JPP may require Non-Discharging Minor Industrial Users and Non-Discharging Categorical Industrial Users to submit an annual certification that process wastewater, or otherwise, is not being discharged to the POTW and that the facility is in compliance with the control document.

4.6.2.1 Procedures for Receipt and Analysis of Certification of Zero Discharge

JPP Staff receives Certification of Zero Discharge (CZD) annually from any Non-Discharging Non-Domestic User. JPP Staff track CZD submissions in the pretreatment data management system.

The procedures for receiving and analyzing CZD are described in Table 4-7.

Table 4-7 Procedures for Receiving and Analyzing Certification of Zero Discharge	
NSU Submits Report to WWTP IPP	The NSU submits the Certification of Zero Discharge to the JPP Staff identified within the LOZD. JPP Staff contact the NSU if a scheduled report is not received.
Date Stamp Receipt of Report	JPP Staff document the receipt of the report with a date stamp or handwritten date.
Administrative Completeness	JPP Staff review the report and checks it for administrative completeness, including: <ul style="list-style-type: none"> • Proper report used • Operational or production information required by control document is included • Proper signature(s) obtained If additional information is needed to complete a report, JPP Staff notify the NSU and requests the submission of updated report and/or additional information.
Compliance Evaluation	If the report meets administrative requirements, then the report and attachments are placed in the NSU's files and entered into the data management system. If the report does not meet requirements, JPP Staff notify the NSU to conduct monitoring or other action and to submit the results to JPP Staff within no more than 30 days of the discovery of the violation. JPP Staff conduct enforcement as described in Enforcement Response Plan (ERP), Chapter 6. The monitoring report and attachments are placed in the MIU's files.
Enforcement Response Plan	Enforcement actions for all non-compliance conditions, including permit limit exceedances, late report, and violations of permit conditions shall be described in the Enforcement Response Plan (ERP), Chapter 6.

4.6.3 Special Discharge Report

The Joint Pretreatment Program may require Special Wastewater Discharge generators to submit a report at the completion of the discharge event. This report may be required to include the following information:

- Certification that the special discharge was is in compliance with the control document
- Date(s) and frequency of special discharge
- Total volume discharged to the POTW
- Any monitoring measurements required within the control document

4.6.3.1 Procedures for Receipt and Analysis of Special Discharge Report

JPP Staff receive Special Discharge Report(SDR) at the completion of any special discharge event. JPP Staff track SDR submissions in the pretreatment data management system.

The procedures for receiving and analyzing SDR are described in Table 4-8.

Table 4-8 Procedures for Receiving and Analyzing Special Discharge Report	
Wastewater Generator Submits Report to WWTP IPP	The wastewater generator submits the Special Discharge Report to the JPP Staff identified within the SDA. JPP Staff contact the wastewater generator if a report is not received.
Date Stamp Receipt of Report	JPP Staff document the receipt of the report with a date stamp or handwritten date.
Administrative Completeness	JPP Staff review the report and checks it for administrative completeness, including: <ul style="list-style-type: none"> • Proper report used • Operational or production information required by control document is included • Proper signature(s) obtained If additional information is needed to complete a report, IPP staff notifies the wastewater generator and requests the submission of updated report and/or additional information.
Compliance Evaluation	If the report meets administrative requirements, then the report and attachments are placed in the Special Discharge Authorizations files and entered into the data management system. If the report does not meet requirements, IPP staff notifies the wastewater generator to conduct monitoring or other action and to submit the results to the JPP within no more than 30 days of the discovery of the violation. JPP Staff conduct enforcement as described in Enforcement Response Plan (ERP), Chapter 6. The report and attachments are placed in the SDA files.
Enforcement Response Plan	Enforcement actions for all non-compliance conditions, including permit limit exceedances, late report, and violations of permit conditions shall be described in the Enforcement Response Plan (ERP), Chapter 6.

4.6.3 Device Maintenance or Clean-Out Report

FOG Users may be required to submit a Device Maintenance or Clean-Out Report. FOG Users are managed through the Joint Pretreatment Program. Requirements and procedures that apply to FOG Program reporting are described in Chapter Seven.

4.7 ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLAN REQUIREMENTS

This section describes the procedures for evaluating an NSU's potential for slug discharges, requiring a written accidental discharge/slug discharge control plan (AD/SDCP) or other action when needed, and reviewing an AD/SDCP to determine whether the plan contains the required elements to control discharges effectively.

A slug discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, that has a reasonable potential to cause interference or pass through or in any other way violate the Pretreatment Regulations or the Sumner WWTF's NPDES permit.

4.7.1 Criteria for Requiring an Accidental Discharge/Slug Discharge Control Plan

NSU may be required to develop and maintain AD/SDCP in accordance with appropriate control document at a schedule established by the JPP. Other actions to control slug discharges may be required or authorized by the Control Authority.

AD/SDCP submittals may be required for the following Non-Domestic Users:

- NSU
- Existing facilities that have notified the JPP of changes affecting their potential for slug discharge
- Existing facilities that require an update to their AD/SDCP as a result of a review of a renewal discharge application, a review of an existing AD/SDCP, an inspection, or a review of any other information that causes the JPP to determine that a facility needs an updated plan.

Sumner WWTF IPP staff will notify NSU that are required to prepare AD/SDCP by issuing a compliance notice that directs an NSU to complete and submit the required AD/SDCP, by a specific date, to the IPP for approval. JPP Staff may provide a checklist and a template to aid the NSU in preparing the plan.

4.7.2 Accidental Discharge/Slug Discharge Control Plan Content

AD/SDCP must contain at a minimum, the following elements:

- Description of discharge practices, including non-routine batch discharges, if applicable
- Description of stored chemicals, liquid products, or process wastewater / sludge
- Notification procedures for immediate verbal notification and follow-up written notification within 5 days to JPP Staff and POTW personnel of slug discharges, including any discharge that would violate any prohibitions of 40 CFR 403.5(a)(1) – General prohibitions and (b) – Specific Prohibitions. If an AD/SDCP is required, the NSU is required to post, visibly throughout their facility, the list of individuals, including JPP Staff and POTW personnel, to be contacted in the event of a spill or slug discharge
- Procedures to prevent adverse impact from accidental spills, including description of the following:
 - Inspection and maintenance of storage areas
 - Handling and transfer of material

- Loading and unloading operations
 - Control of facility site run-off
 - Worker training
 - Building of containment structures or equipment
 - Measures for containing toxic organic pollutants (including solvents)
 - Measures and equipment for emergency response
 - Steps that NSU facility personnel will take in response to spills in an effort to remove the material or minimize adverse impact to the POTW
- The JPP may require other elements in the plan or other action to control slug discharges

4.7.3 Review and Approval of Accidental Discharge/Slug Control Plans

Upon receipt of an AD/SDCP, JPP Staff will review it for completeness using the AD/SDCP Checklist and Template (Appendix V). JPP Staff will then review the plan contents with respect to the information provided in the NSU control document application, facility drawings, and other information to determine whether the plan sufficiently addresses the required elements listed in chapter 4.7.2-*Accidental Discharge Slug Discharge Control Plan Content*. JPP Staff will prepare comments and any request for further information during the review.

If an AD/SDCP is incomplete, JPP Staff will send written comments and questions for further information and require the NSU to submit the updated AD/SDCP, by a specific date, for JPP approval.

Upon approval of an AD/SDCP, JPP Staff will send the NSU a written approval letter stating that the plan meets the AD/SDCP requirements of 40 CFR 403.8(f)(2) - *Procedures*. The approved AD/SDCP will be placed in the NSUs file, and the approval date will be entered into the data management system.

The requirements for developing and maintaining an updated AD/SDCP are included in each NSU control document.

4.7.4 Spill Reporting

NSU control documents may require a NSU to report any spills that enter the POTW. NSU must verbally notify JPP Staff at the earliest possible time (no later than 24 hours) and follow-up with written correspondence within 5 days.

Initial notification must include the following information, as applicable:

- The facility contact information, including name of person, facility name, and facility address
- Date and time when discharge began
- Identity of material discharge to sewer and its known hazards
- Concentrations of pollutants or materials, if known
- Volume or volumetric flow rate of material(s) discharge to sewer
- pH of sewer discharge from facility, if known
- Any other known hazards of sewer discharge (e.g., indicate whether toxic or flammable gas meter alarms were triggered)
- Response action underway to stop or mitigate discharge to sewer

Written follow-up reports of spill must include the following information:

- Facility contact information, including name of person, facility name, and facility address
- Date and time when discharge began and ceased
- Date and time of notification
- Names of JPP Staff and POTW personnel notified
- Identity of material(s) discharge to sewer and its (their) known hazards
- Concentration of pollutants or materials, if known
- Volume or volumetric flow rate of material(s) discharged to sewer
- pH of sewer discharge from facility, if known
- Any other known hazards of sewer discharge (e.g., indicate whether toxic or flammable gas meter alarms were triggered)
- Indication of whether samples of discharge were taken and any available analytical or laboratory results
- Actions taken to stop or mitigate discharge
- Analysis of elements in the AD/SDCP related to the spill event and recommendations for improvements in management practices or engineering controls

The notification items are included on the Report of Industrial Release to Sewer form, which is attached to the AD/SDCP Checklist and Template in Appendix V.

The JPP Staff review the information collected from the verbal and written notifications and takes action in accordance with the *Enforcement Response Plan*, Chapter 6. Records and reports from these notifications are placed in the NSU's file.

3.5 NON-SIGNIFICANT USER NON-COMPLIANCE

JPP Staff investigate NSU non-compliance and initiates enforcement proceedings in accordance with the procedures in Chapter 6 – *Enforcement Response Plan*.

3.5.1 Publication of Significant Non-Compliance

The Control Authority may publish annually a list of the Non-Domestic Users that, at any time during the previous 12 months, were in significant non-compliance with applicable pretreatment standards and requirements. The notices are published in a major newspaper of general circulation in the area in which the POTW is located. Significant Non-Compliance is defined in Section 10 of the Pretreatment Regulations. Records of publications are maintained in pretreatment files and copies of public notes are included in annual report submitted to the Ecology.

The following criteria for significant noncompliance apply to all NSU:

- Any violation of a pretreatment standard or requirement, including numerical limits, narrative standards, and prohibitions, that the Director determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of the POTW personnel or the general public
- Any discharge of pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of emergency authority to halt or prevent such discharge
- Any violation(s), including non-compliance with BMPs that the Director determines will adversely affect the operation of or implementation of the Local Program

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- Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a rolling six- month period exceed, by any magnitude and numeric pretreatment standard or requirement, including instantaneous limits of the Pretreatment Regulations
- Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a rolling six- month period equal or exceed the product of the numeric pretreatment standard or requirement (including instantaneous limits, as defined by Pretreatment Regulations), multiplied by the applicable criteria. Applicable criteria or 1.4 of biochemical oxygen demand (BOD); total suspended solid (TSS); fats, oils, and grease; and 1.2 for all other pollutants except pH
- Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance
- Failure to provide any required report (including initial and periodic monitoring reports, reports on initial compliance, and reports on meeting compliance schedules) within 45 days after the due date
- Failure to report non-compliance accurately

CHAPTER 5

COMPLIANCE MONITORING PROCEDURES

5. COMPLIANCE MONITORING PROCEDURES

This chapter describes the procedures used by Sumner / Bonney Lake Joint Pretreatment Program (JPP) Staff to inspect Non-Domestic User facilities, sample and analyze Non-Domestic User discharges and conduct surveillance activities and investigations in order to determine ongoing compliance with pretreatment standards and requirements. The following elements of compliance monitoring are addressed in this chapter:

- Facility Inspection Procedures
- Sampling Procedures
- Illicit Discharge Investigations

The procedures in this chapter are based on the guidance provided in EPA's *"Industrial User Inspection and Sampling Manual"* (2017), which will be consulted as needed for additional background and information. All inspection and sampling documents are included in the Appendices section of this manual.

5.2 Facility Inspection Procedures

5.2.1 Purpose of Facility Inspections

The JPP conducts Non-Domestic User inspections to determine compliance with applicable pretreatment standards and requirements and the conditions specified in the Non-Domestic User permit or control document.

Inspections may be conducted for any of the following reasons:

- Identify and categorize industrial processes that may be subject to federal, state, or local pretreatment standards
- Verify information noted in the Non-Domestic Wastewater Survey, Wastewater Discharge Application or Fact Sheet
- Observe the operational status of pretreatment equipment and related records and logs
- Observe condition of discharge locations
- Observe collection of, and/or collect, a sample of wastewater discharge
- Inspect sampling and monitoring facilities to determine whether samples collected are representative of discharge and whether dilution streams are present
- Determine compliance with standards regarding Prohibited Discharge and Bypass
- Evaluate the accuracy of self-monitoring reports and Non-Domestic User compliance with special conditions of their wastewater discharge permit or control document
- Verify the completeness and accuracy of performance and compliance records

- Update Non-Domestic Wastewater Survey information
- Evaluate the potential for spills and confirm the adequacy of a Spill Prevention/Slug Control Plan or other spill mitigation measures
- Develop a working rapport with Non-Domestic User representatives

5.2.2 Types of Inspections

JPP staff may conduct scheduled or unscheduled inspections.

5.2.2.1 Scheduled Inspections

Scheduled inspections take place when the authorized representative of the Non-Domestic User is contacted beforehand, and the inspection is mutually scheduled. Notice should be provided to the authorized representative of the Non-Domestic User a minimum of 24 hours prior to the desired time of the scheduled inspection, but not more than two weeks prior to the intended inspection date. This type of inspection should be conducted when a detailed and thorough review of the industry is necessary. It may be necessary for the authorized representative of the Non-Domestic User to be present so that the Non-Domestic User records may be reviewed and JPP Staff can be accompanied or assisted on the tour of the facility. JPP Staff will provide the 12-month inspection and sampling schedule to the Contributing Jurisdiction POC.

The procedure for conducting inspections is shown in Figure 5-1 and described in Table 5-1

5.1 Procedures for Conducting Scheduled Inspections of Non-Domestic Users

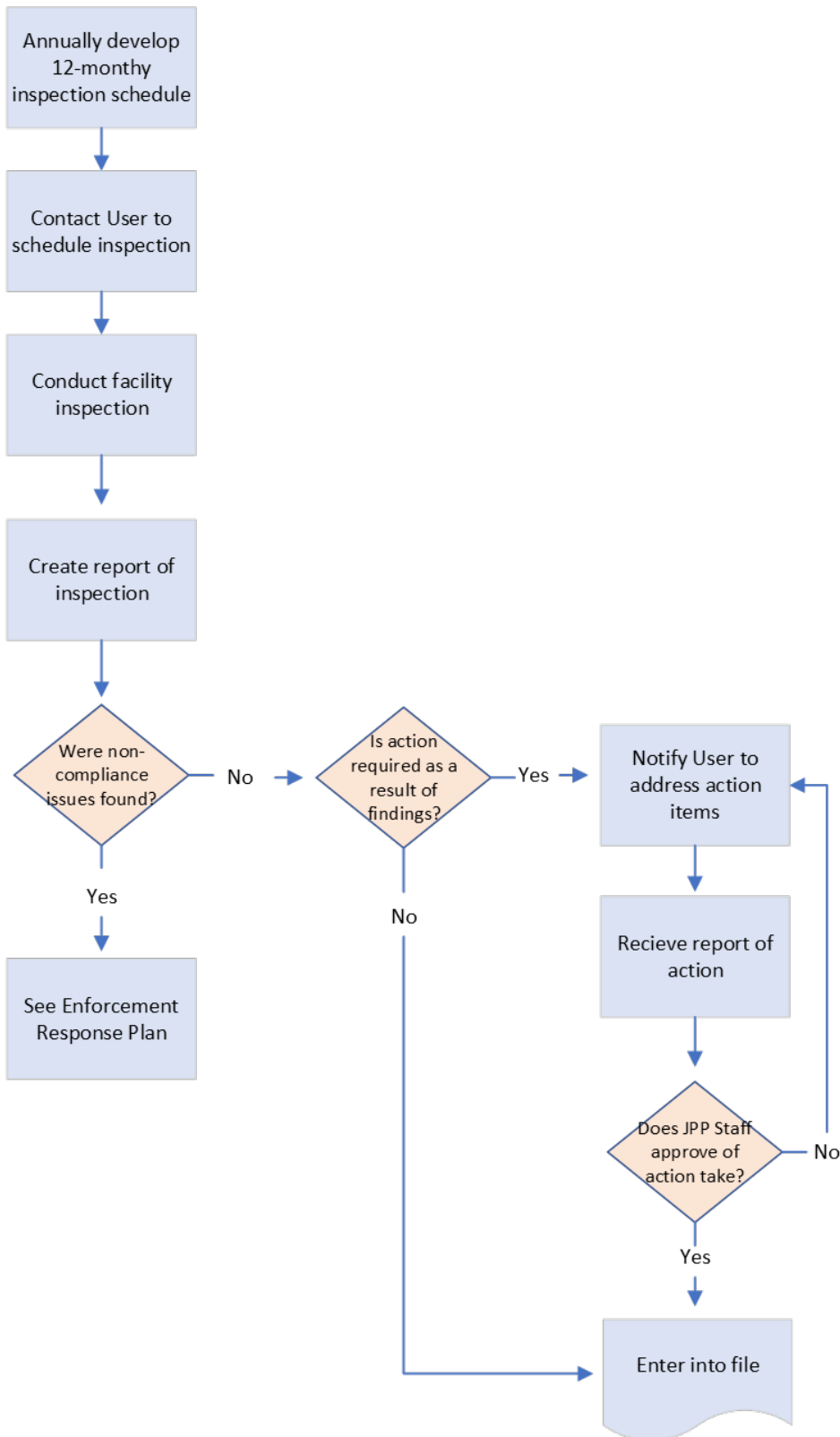


Table 5-1 Procedures for Conduction Scheduled Inspections of Industrial Users	
Develop Schedule	JPP Staff develop a 12-month inspection schedule at the beginning of each calendar year. SIUs are inspected at least twice per year; other NSU are inspected at a frequency based upon JPP discretion. Non-Discharging Categorical Industrial Users shall be inspected at least once per year to confirm zero discharge status.
Prepare for Inspection	<p>Following the 12-month inspection schedule, JPP Staff contact the Non-Domestic User representative to schedule an inspection.</p> <p>Prior to conducting an inspection, JPP Staff review the Non-Domestic Users file.</p> <p>At a minimum, the following items are reviewed:</p> <ul style="list-style-type: none"> • Current permit and fact sheet • The status of any compliance schedule • Compliance history and status • Results of recent sampling and inspection • Completeness of permit file • Name of authorized representative or other contact • Required safety and security measures • The Non-Domestic User pretreatment requirements
Conduct Facility Inspection	JPP Staff conduct inspections of Non-Domestic User facility. See example checklist in Appendix Y – Sampling and Analysis Guidance. For denial of entry procedures, see Appendix X - Inspection Entry Procedures. For confidential business information procedures, see chapter 8 of this program manual.
Create Report of Inspection	The JPP Staff summarize findings and documents the inspection using the inspection report template. See Appendix W-Facility Inspection Report Form.
Is Action Required as a Result of Findings?	If action is determined to be necessary, the Non-Domestic User is directed to address action items and provide a response within a specified time. If JPP Staff does not approve of actions taken, additional action may be required until the issue is resolved. All written correspondence is maintained in the Non-Domestic User's file.
Were Non-Compliance Issues Found?	If non-compliance issues are found during the inspection, the JPP initiates enforcement action in accordance with the ERP.
File Inspection Report	Dates of inspection are entered into the pretreatment database. Inspection reports are uploaded to the database and placed in Non-Domestic Users files.

5.2.2.2 *Unscheduled Inspections*

Unscheduled inspections may take place when JPP Staff suspect or determine, based upon the results of monitoring the Non-Domestic User, results of self-monitoring received from the Non-Domestic User, or information received from other sources, that the Non-Domestic User is potentially in non-compliance, or that there is some other concern that justifies an unscheduled site visit. For instance, an unscheduled inspection may be conducted if JPP Staff has an any reason to believe that the Non-Domestic User is not meeting pretreatment standard standards and requirements or that the Non-Domestic User is not meeting the conditions in terms of the Non-Domestic User document; or that prior notice of the

inspection to the Authorized Representative of the Non-Domestic User may interfere with obtaining the required information. Unscheduled inspections will also be performed as needed in response to emergency situations, such as an accidental discharge, slug discharge, or spill. JPP Staff will notify the Contributing Jurisdiction POC when an unscheduled inspection is required for Non-Domestic Users within their service area.

The frequency of performing this type of inspection is unpredictable. Unscheduled inspections will follow the procedures described in Figure 5-1 and Table 5-1, except that prior notice will not be given to the Non-Domestic User, or the Non-Domestic User may be notified less than 24 hours in advance, depending on circumstances.

JPP Staff will document an unscheduled inspection by creating a written report and may use the *Facility Inspection Report Form* template or an abbreviated form. If action is required or enforcement response is necessary, JPP staff will follow the applicable steps shown in Figure 5-1 and described in Table 5-1.

5.3 Sampling Procedures

Sampling and analysis are performed in accordance with the methods and protocols prescribed in 40 CFR Part 136 (and amendments there too) and with the utmost care to produce documentation, data and evidence that could be admissible in enforcement proceedings or in judicial actions. Analytical reports shall be prepared by laboratories accredited under the provisions of WAC 173-50 - *Accreditation of environmental laboratories*.

Sampling and analysis of wastewater may be done independently or in conjuncture with a Non-Domestic User inspection, and like inspections may be scheduled or unscheduled. Typically, sampling will occur at the time of a Non-Domestic User scheduled inspection. Sampling visits that are in response to known or suspected problems or in response to a complaint may be unannounced. JPP staff reviews laboratory results to determine compliance with permit conditions and takes appropriate enforcement actions if necessary, following the procedures in the ERP.

Additional information regarding sampling and analysis is included in Appendix Y - Sampling and Analysis Guidance.

Sampling procedures are shown in Figure 5-2 and described in Table 5-2.

Figure 5.2 Sampling Procedures for Industrial User Wastewater Discharge

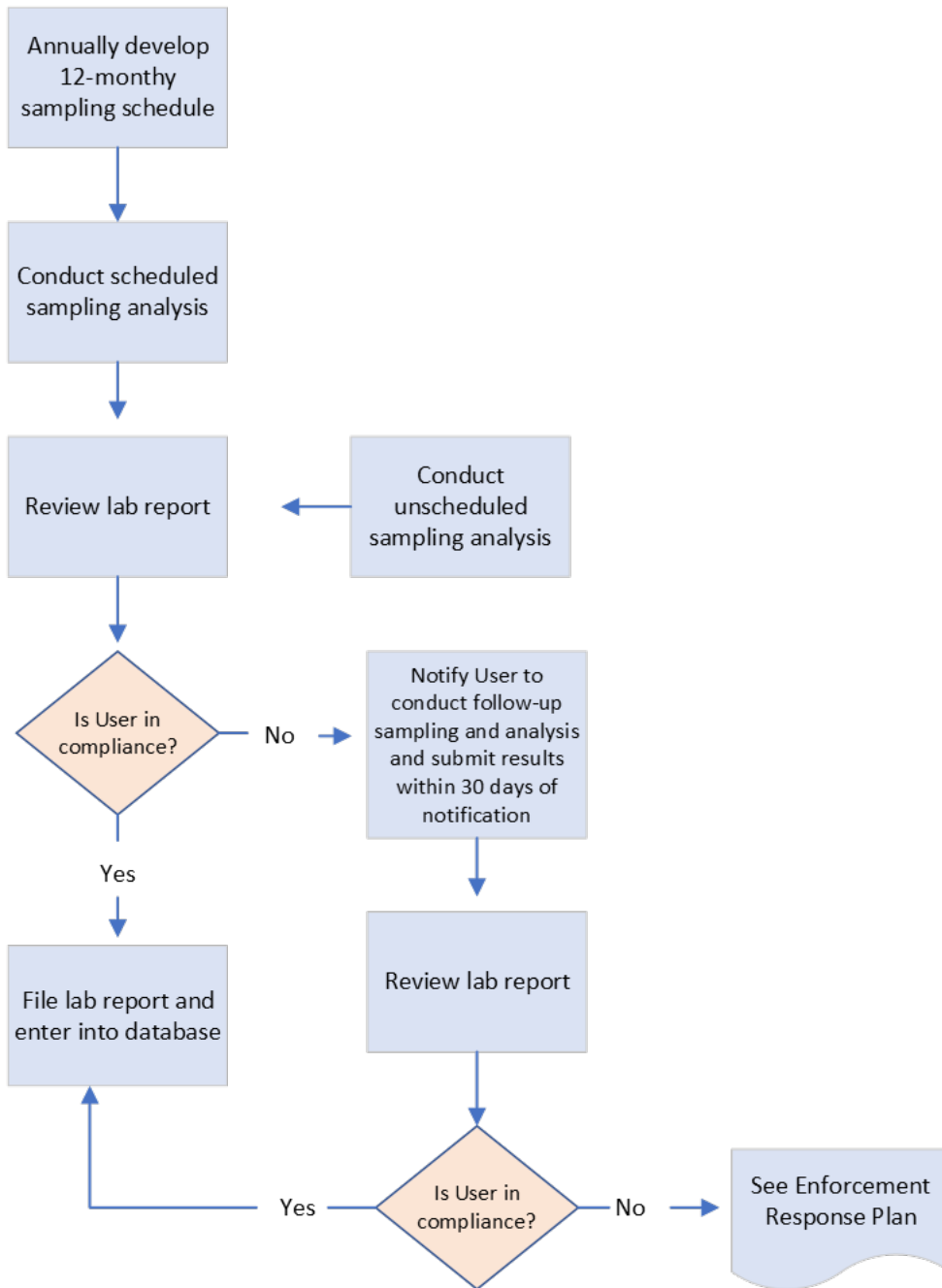


Table 5-2 Sampling Procedures for Industrial Wastewater Discharge	
Develop Sampling Schedule	JPP Staff develop a 12-month sampling schedule at the beginning of each calendar year, in conjunction with the annual inspection schedule. Sampling may or may not be conducted at time of inspection the sampling schedule is not shared with the Non-Domestic User. SIU are sampled at least once per year; other Non-Domestic Users are sampled at a frequency based on the JPP Staffs discretion.
Conduct scheduled sampling and analysis	Following the 12-month sampling schedule, JPP Staff conduct scheduled monitoring and analysis of Non-Domestic User discharges. Sampling and analytical methods shall be performed in accordance with the techniques prescribed in 40 CFR Part 136- <i>Guidelines for establishing test procedures for the analysis of pollutants</i> (and amendments there too). Appropriate chain of custody forms and quality assurance / quality control procedures shall be used for all sampling and analysis. Sample analysis shall be completed by a certified laboratory meeting the requirements of WAC 173-50 - <i>Accreditation of environmental laboratories</i> .
Review Lab Report	JPP Staff review laboratory reports to determine whether they have met the following criteria: <ul style="list-style-type: none"> • All required parameters were analyzed • Appropriate sampling and preservation methods were used • Appropriate analytical methods were used • Chain of Custody (COC) was maintained, and COC form is attached and complete • Minimum reporting limits are acceptable to determine compliance • QA/QC control data are provided to ensure valid analytical results • Special notes in the laboratory report have been reviewed and addressed JPP Staff review the laboratory's report against the Non-Domestic Users permit or control document to determine compliance
File Laboratory Data	JPP Staff enter the analytical results into the pretreatment database. The laboratory report is placed in the Non-Domestic User file.
Respond to Non-Compliance	If JPP Staff determine that the Non-Domestic User is exceeding effluent limits, JPP Staff notify the Non-Domestic User to conduct follow-up sampling and analysis and provides result within 30 days of JPP Staff notification. Enforcement action is taken in accordance with the ERP. When the follow-up sampling and analysis results are received, JPP Staff review the laboratory report against the Non-Domestic User permit or control mechanism to determine compliance. If the Non-Domestic User is not in compliance with effluent limits or conditions, that enforcement action is taken in accordance with the ERP.
Conduct Unscheduled and Investigative Sampling and Analysis	JPP Staff may conduct unscheduled sampling and analysis of Non-Domestic Users as part of investigative analysis or for any reason. JPP Staff may conduct sampling and analysis at a sewer location immediately downstream of a Non-Domestic Users facility if the discharge of processed wastewater is suspected.

5.4 Illicit Discharge Investigations

In response to any complaints, or in cases where a slug discharge is suspected or pollutant or hazard is detected in the POTW, an investigation will be conducted to try to locate and identify the source and stop discharge. These investigations may involve sampling and/or inspections of the Non-Domestic User. Any inspections and sampling conducted as a part of an Illicit Discharge Investigation will follow the procedures described in the previous sections of this chapter.

Samples may be collected from the wastewater system and analyzed for a suite of parameters in an effort to determine what specific chemicals or constituents may be present. Non-Domestic Users discharges may also be independently sampled and analyzed for the suspected pollutants, to determine if a Non-Domestic Users discharge could be the source. The pretreatment database may be consulted to identify any Non-Domestic Users who are known dischargers of the suspected or identified pollutant. If many discharges could be responsible or no potential discharge is found, samples may be collected from key manholes to find the likely proximity or origin of the pollutant. Locations of key manholes are stored in the pretreatment database and identified in GIS. JPP Staff may conduct ongoing monitoring at key manholes or other locations in the wastewater system downstream of Non-Domestic User, independent of illicit discharge investigation, to continually assess Non-Domestic User compliance.

In the case of hazardous or dangerous discharges, public and worker health and safety are the highest concern, and so every effort should be made to stop or eliminate the discharge immediately, even if it jeopardizes further investigation or future enforcement action.

JPP Staff follow the procedures detailed in Enforcement Response Plan, Chapter 6, to document any instances of non-compliance and determine appropriate enforcement actions in response to illicit discharge.

CHAPTER 6

ENFORCEMENT RESPONSE PLAN

6. ENFORCEMENT RESPONSE PLAN

6.1 Introduction

6.1.1 Purpose of the Enforcement Response Plan

This Enforcement Response Plan (ERP) outlines the enforcement policies and procedures that are required for the administration of the Sumner Bonney Lake Joint Pretreatment Regulations. It contains detailed procedures for discovering and investigating instances of Non-Domestic User (NDU) non-compliance and provides guidance for determining appropriate response to specific violations. The ERP ensures that enforcement actions are applied consistently and reflect the seriousness, frequency, and persistence of each pretreatment violation, as required by federal and state pretreatment requirements and the Pretreatment Regulations. Enforcement mechanisms may be combined and/or escalated above those listed in the ERP to ensure compliance with the Pretreatment Regulations and to meet the goals of the Sumner Bonney Lake Joint Pretreatment Program.

The ERP is intended to be used by Joint Pretreatment Program staff in implementing the program and does not create any rights or obligations nor should it be used or relied upon by any other person for any purpose.

6.1.2 Enforcement Philosophy

The Sumner - Bonney Lake Joint Pretreatment Program (JPP) intends to work proactively with every Non-Domestic User to achieve compliance with pretreatment requirements. As described in the procedures in this manual, Non-Domestic Users are continuously identified and informed of applicable pretreatment standards, and their obligations to meet requirements as a condition of their wastewater discharge. Non-Domestic Users are expected to work proactively to maintain compliance with applicable pretreatment requirements. While it is customary practice for JPP staff to provide technical assistance to our customers, the Sumner Bonney Lake JPP further promotes compliance by promptly addressing non-compliance consistently and impartially, using the enforcement mechanisms described in this chapter.

Since Non-Domestic Users are subject to varying levels of oversight, the JPP must be able to enforce the Pretreatment Regulations under different circumstances. JPP staff will use a range of escalating enforcement mechanisms, as defined in this ERP and in the Enforcement Response Matrix (Appendix Z), to address Non-Domestic User non-compliance. The JPP's enforcement philosophy is progressive - problems are addressed at the lowest practical level, with the facts of the violation determining the enforcement response.

All instances of non-compliance will be thoroughly investigated and documented per federal and state pretreatment requirements, the JPP Pretreatment Regulations, and the procedures in this ERP. All

violations will be met with an appropriate response from JPP staff that reflects the nature of violations, enforcement philosophy and program goals.

6.1.3 Agency Coordination

All Contributing Jurisdictions have committed to ensuring that the Sumner Bonney Lake Joint Pretreatment Program is effectively and consistently administered within their jurisdictions. JPP staff coordinate as needed on enforcement actions. All enforcement responses are initiated and carried out by the Control Authority, through the Joint Pretreatment Program. JPP staff are responsible for fully documenting violations, conducting investigations, providing reports, and determining and executing the appropriate enforcement response. When enforcement is required for Non-Domestic Users outside of the Control Authorities service area the JPP Contributing Jurisdiction Point of Contact (POC) is notified in advance of enforcement actions. If non-compliance warrants an immediate or emergency response, all POCs for all effected Contributing Jurisdictions will be contacted immediately so that the appropriate action can be effectively coordinated.

Joint Pretreatment Program POCs are encouraged to contact JPP staff if non-compliance is suspected or detected in their jurisdiction. All referrals from POCs are thoroughly investigated and documented per the procedures in this chapter, and a report of the results of the investigation is provided to each effected agency.

6.2 FINDING NON-COMPLIANCE

Instances of Non-Domestic User non-compliance with effluent discharge requirements may be discovered through review of self-monitoring reports, sampling data, site inspections, third party complaints, or self-reported by the Non-Domestic User. Administrative violations, such as late reports or failure to meet compliance schedules, are normally found by tracking due dates and Non-Domestic User submittal deadlines. Other violations are found from JPP staff conducting inspections and other surveillance activities such as investigative analysis, when non-compliance is suspected.

The following records and activities are reviewed and monitored to identify instances of non-compliance:

6.2.1 Self-Monitoring Reports

Non-Domestic User Self-Monitoring Reports are reviewed per the procedures detailed in Chapter 3.3 of this manual. Sampling results are also examined for compliance with sampling protocol, effluent limits, compliance schedule milestone requirements, and or any other reporting requirements. JPP staff notes any instances of non-compliance. This is considered and compared with the Non-Domestic User historical compliance record and the criteria for Significant Non-Compliance, as defined in Section 8 of the Pretreatment Regulations and described in Chapters 3 and 4 of this manual. The Enforcement Response Matrix is then used to determine the appropriate enforcement response. All enforcement responses are initiated within 30 days from the stamped date of the report unless there are extenuating circumstances.

6.2.2 Independent Sampling

The Joint Pretreatment Program conducts, at a minimum, annual independent sampling of all Significant Industrial User (SIU) discharges. Other Non-Domestic Users may be sampled as determined necessary by JPP staff. Industrial sampling and analysis results are compared with the Non-Domestic User effluent limits. Any instance of non-compliance is noted and compared with the Non-Domestic Users historical compliance record and the criteria for Significant Non-Compliance. The Enforcement Response Matrix is

then consulted to determine the appropriate enforcement response. Enforcement responses are initiated within 30 days from the receipt of lab reports unless extenuating circumstances exist.

6.2.3 Inspection of Non-Domestic User Facilities

The JPP inspects SIU at least semi-annually. Other Non-Domestic User are inspected as determined necessary by the JPP. Inspections may reveal non-compliance with federal, state, and local pretreatment standards and requirements and with permit conditions. JPP staff notes any instances of non-compliance and compares it with the Non-Domestic User historical compliance record, then consults the Enforcement Response Matrix to determine the appropriate enforcement response. Enforcement responses are initiated within 30 days from the discovery of the violation unless extenuating circumstances exist.

6.2.4 Non-Domestic User Compliance Database

Administrative and effluent violations may also be found by maintaining and evaluating the Non-Domestic User compliance data in the pretreatment database. The database provides a record of the compliance data for each permitted or monitored NDU. The data are evaluated routinely for administrative and effluent violations and are particularly helpful in determining reoccurring or ongoing non-compliance. Any instance of non-compliance is noted and compared with the Non-Domestic Users historical compliance record. The Enforcement Response Matrix is consulted to determine the appropriate enforcement response. Enforcement responses are initiated within 30 days from the discovery of the violation unless extenuating circumstances exist.

6.2.5 Analysis, Complaints, and Spill Notifications

Non-compliance may be discovered as a result of investigative analysis, third party complaints, spill (or other unauthorized discharge) notifications, or illicit discharge investigations as described in Chapter 5 of this manual. JPP staff notes any instances of non-compliance and compares it with the Non-Domestic Users historical compliance record, then consults the Enforcement Response Matrix to determine the appropriate enforcement response. Enforcement responses are initiated within 30 days from the discovery of the violation unless extenuating circumstances exist.

6.3 INVESTIGATING NON-COMPLIANCE

JPP staff investigations must be sufficiently detailed to determine if a violation has occurred and if so, to determine the nature and extent of the non-compliance. Before the enforcement response is selected, a thorough investigation of non-compliance will be conducted. JPP staff will document a complete chronology of events, circumstances, and activities related to a violation.

Documentation shall include clear and factual data, records, observation reports, and statements regarding the nature and circumstances of the violation; current and previous Non-Domestic User enforcement actions; observed degree of awareness by the Non-Domestic Users of the violation, including indications of intent and/or negligence; and the Non-Domestic Users response to the violation. The documentation may be in the form of telephone conversation records, event logs, electronic correspondence, memoranda confirming conversations, meeting memoranda or minutes, sample records, inspection reports, photographs, statements from witnesses, and any relevant correspondence. JPP staff will review and evaluate the documentation of non-compliance (and if necessary, review the information with legal counsel) to verify that any enforcement action will be legally defensible, based on the nature and quality of evidence.

6.4 ENFORCEMENT RESPONSE

The Joint Pretreatment Program will consider all relevant facts and documentation when selecting an enforcement action for Non-Domestic User non-compliance. The Enforcement Response Matrix details escalating responses for each kind of violation. As stated above, the JPP enforcement philosophy is to proactively work with Non-Domestic Users to maintain compliance, and to employ enforcement mechanisms in a timely manner, when necessary, to address violations, and ensure a return to compliance.

6.4.1 Factors in Selecting an Enforcement Response

The following factors are investigated and documented by the JPP staff, and are taken into consideration when selecting an appropriate enforcement mechanism:

6.4.1.1 *Frequency and/or Duration of Violation*

The Non-Domestic User compliance history (generally six months prior to violation) will be reviewed to determine if the violation is an isolated occurrence, or a reoccurring or ongoing violation. More frequent violations will usually be met with a more serious response than initial violations.

6.4.1.2 *Good Faith Effort*

If a Non-Domestic User appears to be attempting in good faith to comply with pretreatment requirements, enforcement action may be approached on a more cooperative level. The Clean Water Act (CWA) establishes the expectation of good faith as follows:

The Act requires industry to take extraordinary efforts if the vital and ambitious goals of the Congress are to be met. This means that business as usual is not enough. Prompt, vigorous, and in many cases, expensive pollution control measures must be initiated and completed as promptly as possible. In assessing good faith of a discharger, the discharger is to be judged against these criteria. Moreover, it is an established principle, which applies to this act, that administrative and judicial review are sought on the dischargers own time. (Legislative History of the Clean Water Act No. 95-14, Vol. 3 p. 463.)

A Non-Domestic Users actions in response to an incident and in addressing non-compliance will be evaluated using this standard.

Escalated enforcement actions will be taken against a Non-Domestic User that does not act in good faith, or if the non-compliance is a flagrant, willful violation of the Pretreatment Regulations. These kinds of violations may include, but are not limited to, filing false reports, denying access to premises or records, discharging through unauthorized connections, tampering with sampling or metering devices, deliberately circumventing pretreatment facilities, or continuing a prohibited discharge in violation of an order to cease.

6.4.1.3 *Severity of the Violation*

Violations that are more severe in nature will be met with an escalated enforcement response. In some cases, and initial instance of non-compliance may warrant a more severe response, particularly if the violation caused POTW Interference or Pass Through or Imminent Endangerment, as described in the sections below.

6.4.1.3.1 POTW Interference and Pass Through

Non-Domestic User non-compliance that causes Interference with the treatment process or Pass Through of a pollutant shall be considered an instance of Significant Non-Compliance (SNC). Such violations should be addressed through administrative enforcement action and penalties to ensure that adequate treatment and compliance are achieved promptly. In some cases, injunctive measures will also be appropriate.

6.4.1.3.2 Imminent Endangerment

The discharge of pollutants that caused Imminent Endangerment to human health, welfare or the environment or require the Joint Pretreatment Program's Control Authority to exercise its emergency authority to halt or prevent such a discharge shall be considered an instance of SNC. Such violation should be addressed through administrative and/or judicial enforcement action and penalties to ensure that adequate treatment and compliance are achieved promptly. In some cases, injunctive measures will also be appropriate.

6.5 INITIAL ENFORCEMENT RESPONSE

Initial enforcement responses are developed and administered by JPP staff. The Contributing Jurisdiction POC will be notified of any initial enforcement actions taken against a Non-Domestic User within its jurisdiction.

6.5.1 Education and Outreach (E&O)

Education and Outreach (E&O) is typically the first response, prior to formal enforcement, for Non-Domestic Users who have not been issued a control document. Because Non-Domestic User are subject to varying degrees of oversight, the initial response in most cases is for JPP staff to clearly describe to the Non-Domestic User what their obligations are with regard to the Pretreatment Regulations and to provide information about BMP's, pretreatment device maintenance or other measures. Education and Outreach is appropriate when the violation is minor and unintentional, and no harm has occurred to the POTW, it's workers, or the environment. It may be used to seek an explanation, to encourage increased diligence, and/or to notify the Non-Domestic User that subsequent violations of the same type will result in an escalated response.

Education and Outreach may take the following forms:

- Record of Communication (Appendix BB): Documentation of verbal (phone call or site visit) or e-mail communication for Non-Domestic User file
- Correction Notice (Appendix CC): Written notification to Non-Domestic Users, provided at the time of inspection or site visit or shortly thereafter, requiring correction of non-compliance within a specified time period (less than two weeks), including but not limited to:
 - Routine grease removal device or other pretreatment device cleaning and reporting requirements
 - Other minor issues that can be corrected quickly, without requiring building or plumbing permits or other modifications or coordination
- Report of Non-Compliance (RONC) (Appendix DD): Written notification to Non-Domestic User requiring correction of more complex issues that may require a long time period (greater than two weeks) to complete, including but not limited to:

- Grease removal device or other pretreatment device maintenance (e.g., baffle repair, device replacement, fixture connections, or other issues that require building and plumbing permits and coordination with service providers)
- Required updates to record or other documentation, including pretreatment device operation manuals and spill response plans
- Requirement to install a pretreatment device

6.5.2 Initial Notices to Permitted Non-Domestic Users

Initial notices will be sent to permitted Non-Domestic User to address initial or infrequent non-compliance issues that are not severe in nature. Initial notices may include but are not limited to:

- Record of Communication (Appendix BB): Documentation of verbal (phone call or site visit) or email communication for Non-Domestic User file
- Report of Effluent Violation (ROEV) (Appendix EE): Documentation of isolated effluent violation(s) found on Self-Monitoring Reports or through JPP sampling efforts. The ROEV describes the effluent violation(s), cites the reference for the violation, and lists corrective actions and response due dates
- Facility Inspection Report (Appendix W): Documentation of non-compliance found during facility inspections. For recorded non-compliance, the inspection report includes descriptions of non-compliance, cites the permit or regulation reference for the non-compliance, lists corrective action and specific response due dates.

6.5.3 Letter of Non-Compliance

The Letter of Non-Compliance (LONC) (Appendix FF) is used when a more structured response is required due to unusual, repeated, ongoing, or escalated non-compliance. The LONC describes the non-compliance, cites the permit, control document, or regulation reference for the non-compliance, lists corrective action, and specifies response due dates. The LONC also includes a statement that additional enforcement action may be pursued if corrected corrective actions are not accomplished as scheduled. The LONC will also state that compliance with the requirements of the letter neither excuses the current or prior violations, nor prevents collection of penalties or damages at a later time.

6.5.4 Compliance Review Meeting

JPP staff may conduct a Compliance Review Meeting (CRM) with a Non-Domestic User if E&O or initial enforcement action does not resolve non-compliance, or in cases of escalated or ongoing violations. The purpose of these meetings is to promote better cooperation, stress the importance of coordinating or correcting non-compliance, and explain consequences of continued failure to act, including more severe enforcement actions.

During the meetings, JPP staff will describe the violation, including permit, control document, or regulatory citations, relevant compliance history, expected corrective actions, and responses due dates. The Non-Domestic User will be provided an opportunity to suggest corrective actions that will effectively resolve the non-compliance.

JPP staff will take notes at the meeting and prepare a report (Appendix GG - Compliance Review Meeting Report) that includes a description of the violation, highlights of discussion topics, action items, and response due dates.

The CRM is designed to accomplish the following tasks:

- Introduce all those present including names, titles, and contact information
- Discuss the objective of the Sumner Bonney Lake Joint Pretreatment Program and the requirements applicable to the Non-Domestic User
- Review the Non-Domestic Users violations and potential impacts of the violation
- Review the JPPs enforcement policies and practice
- Explain the JPPs authority to seek remedies
- Establish a compliance schedule for the Non-Domestic User, as appropriate

Follow-up to the CRM may include the following steps:

- JPP staff prepares a CRM Report describing the discussion and results of the CRM. The report is forwarded to the Non-Domestic User and effected Contributing Jurisdiction POC, and a copy is put in the Non-Domestic Users file
- Follow-up inspections and review meetings may be scheduled and conducted to ensure compliance schedule deadlines are met
- If no progress is made within 30 days of the compliance date specified during the meeting, enforcement may be escalated per the Enforcement Response Matrix
- JPP staff will record all conversations, contacts, notices, and meetings with Non-Domestic User representatives

CRMs will generally be conducted by JPP staff, with the effected Contributing Jurisdiction POC notified of and invited to the CRM. The Non-Domestic User may request to appear with legal representation; in such cases, the meeting may only be conducted with the Control Authority Attorney or designee in attendance. A CRM is not a prerequisite for other enforcement action or terminating service.

6.6 ADMINISTRATIVE ENFORCEMENT REMEDIES

Administrative enforcement remedies will be developed by JPP staff and will be reviewed as needed by the Control Authority Attorney. Contributing Jurisdiction POC will be notified of administrative enforcement actions. A Joint Pretreatment Program Compliance meeting will be held semi-annually; this meeting will be attended by JPP staff and all POCs.

6.6.1 Notice of Violation

JPP staff may serve a written Notice of Violation (NOV) (Appendix HH) to a Non-Domestic User that has violated an effluent limit, or any provision of the Pretreatment Regulations, including terms and requirements of the Non-Domestic User permit, control document, or pretreatment standard. An NOV is always prepared when a Non-Domestic Users violations meet the criteria for Significant Non-Compliance (SNC), as defined in Section 8 of the Pretreatment Regulations.

The NOV includes statements of facts and evidence found during the investigation of non-compliance, findings of violations, citations from the Pretreatment Regulations, permit/control document, and assessed administrative fine. The Nov prescribes specific corrective actions and compliance schedules for the Non-Domestic User and includes a contingency for additional enforcement action to be pursued if corrective actions are not accomplished as scheduled. The NOV also makes it clear that compliance with the requirements of the NOV neither excuses prior violations nor prevents collection of penalties or

damages at a later time. The Control Authority has the authority to issue administrative fines up to \$10,000 per day for each violation. Any administrative fine associated with pretreatment violations must reflect the seriousness, frequency, and persistence of each and every violation. The penalty amount will be such that it deters the violator from making future violations. Except under very extenuating circumstances approved by the control authority director, or for late reports, the minimum administrative fine shall be \$100.

As specified in the Pretreatment Regulations the JPP may assess an administrative fine of \$100 to a Non-Domestic User for each day that a report required by the Pretreatment Regulations, a permit/control document, or an administrative order is past its due date. The JPP may assess a penalty of \$100 a day for each day that a discharger with grease removal device (e.g., FOG User) is not in compliance with the routine maintenance scheduled as authorized in the Pretreatment Regulations.

Generally, the JPP will consider seeking administrative fines when certain effluent or administrative violations occur as described below.

6.6.1.1 Effluent Violations

The following effluent violations may warrant administrative fines:

- Exceedance of effluent limitations that have either of the following characteristics:
 - Meet the criteria for SNC (use rolling quarterly period for chronic and technical review criteria violations)
 - Are recurring or ongoing violations of limits and other pretreatment standards
- Unpermitted discharges that do either of the following:
 - Continue after notice to the Non-Domestic User
 - Continue after expiration, termination, or revocation of permit
- Waste diluted in lieu of treatment
- Intentional unauthorized bypass of any part of a pretreatment facility
- Any slug load that does either of the following:
 - Causes the Sumner WWTF to violate any part of its NPDES Permit
 - Cause actions by POTW workers to mitigate the slug loads adverse impact

6.6.1.2 Administrative Violations

The following administrative violations may warrant administrative fines:

- Reporting violations, including:
 - Failure to correct report with missing or incomplete information within 30 days of being made aware of the discrepancy
 - Failure to report spill, violation, or change to discharge
 - Failure to implement and report additional monitoring
- Recurring violations, include:
 - Failure to monitor correctly
 - Improper sampling
 - Missed milestones and an enforcement compliance schedule
 - Inadequate record-keeping

- Failure to start construction, complete construction, or achieve compliance within 90 days of the date specified in an enforceable order
- Failure to mitigate non-compliance or halt production when becoming aware of non-compliance in progress
- Failure to comply with a requirement to cease discharge
- Failure to provide free access to JPP staff
- Any instance of SNC
- Falsification of any report or data
- Failure to comply with a NOV or Administrative Order
- Any other situation in which administrative fines are necessary or legal action is contemplated

6.6.2 Consent Order

The Joint Pretreatment Program is authorized to negotiate consent orders or other voluntary compliance agreements with any Non-Domestic User that has violated an effluent limit, any provision of the Pretreatment Regulations, including pretreatment standards, administrative orders, or terms and requirements of the Non-Domestic User permit/control document. Such agreements shall include specific actions to take to be taken by the Non-Domestic User to correct the non-compliance within a time period specified in the document. Such orders must be constructed in a judicially enforceable manner and have the same force and effect as Compliance Orders and Cease and Desist Orders provide in the Pretreatment Regulations. Use of a Consent Order shall not be a bar against, or prerequisite for, taking any other action against the Non-Domestic User.

6.6.3 Compliance Order

A Compliance Order is a type of Administrative Order that directs a Non-Domestic User to come into compliance with provisions of the Pretreatment Regulations within a specific time period. These provisions may include the following:

- Pretreatment Standards or requirements of a permit/control document or order
- Installation and proper operation of adequate treatment facilities
- Other measures that the JPP finds as reasonably necessary. (Such measures may include self-monitoring and management practices designed to minimize pollutants discharged to the POTW).

A Compliance Order may not extend the deadline for compliance established for pretreatment standard or requirement. If the Non-Domestic User does not return to compliance within the time period specified in the Compliance Order, sanitary sewer service may be discontinued. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the Non-Domestic User.

6.6.4 Cease and Desist Order

When JPP staff finds that a Non-Domestic User has violated, or continues to violate, any provision of the Pretreatment Regulations, including pretreatment standards, or any limits or conditions of a wastewater discharge permit, control document, or any order, the Director of the Control Authority may issue an order to cease and desist such violations and direct the Non-Domestic user to take the following steps:

1. Immediately comply with all requirements.

2. Take such appropriate remedial or preventive action as necessary to address properly a continuing or threatened violation, including halting operation and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the Non-Domestic User.

6.6.5 Emergency Suspension of Service

The Pretreatment Regulations authorize the Director of the Control Authority to suspend a Non-Domestic User's actual or threatened discharge under the circumstances identified in the following subsections. A Non-Domestic User notified of a suspension of service shall immediately stop or eliminate its contribution to the POTW. If the Non-Domestic User fails to act accordingly, the Control Authority may take actions as deemed necessary to protect the public and its interest in the POTW, including severing the sanitary sewer connection, turning off the pump stations downstream, and partnering with local agency law enforcement.

6.6.5.1 *Danger to Health or Welfare of Persons*

If the Control Authority believes that an actual or potential discharge will present a substantial danger to the health or welfare of persons, it may suspend the discharge. The Control Authority must first provide informal notice to the Non-Domestic User, typically via a phone call or message to a Non-Domestic Users facility representative. Other means of effective communication may be used.

6.6.5.2 *Interference of Environmental Danger*

If the Control Authority believes that an actual or potential discharge threatens to interfere with the operation of the POTW or presents a danger to the environment, it may suspend the discharge. The Control Authority must first provide to the Non-Domestic User an opportunity to respond.

The notification is typically with a phone call to a Non-Domestic User's facility representative and documented using the Record of Communication form (Attachment__ – *Record of Communication*). The representatives' response and proposed actions, if any, shall be considered in following through. Other means of communication may be used.

6.6.6 Termination of Discharge Permit (Permit Revocation)

Termination of Discharge/Permit Revocation is an appropriate response to Non-Domestic Users that have not responded adequately to previous enforcement actions.

As provided in the Pretreatment Regulations, the Control Authority Director may revoke a wastewater discharge permit, or control document, or disallow a discharge if the Non-Domestic User violates any of the following conditions.

6.6.6.1 *Unpermitted Discharge*

The Control Authority may take such action if a Non-Domestic User discharges non-domestic wastewater without a permit or control document when one of the following circumstances applies:

- The appropriate permit or control document has not been requested
- The appropriate permit or control document has not yet been issued
- The permit or control documents has been denied or revoked based on provisions of the Pretreatment Regulations

6.6.6.2 *Other Permit Violations*

The Control Authority may take such action in the response for Non-Domestic User violations of permit or other control documents terms and conditions including any of the following:

- Exceeding any permit or control document limit
- Failing to meet other pretreatment standards or requirements
- Violating any prohibition
- Failing to properly monitor and report discharges or changed conditions

6.6.6.3 *Refusal of Access*

Refusal of reasonable access to the Non-Domestic User's premises for the purposes of inspection, monitoring, or sampling (whether or not the Non-Domestic User is subject to a permit or control document) may prompt the Control Authority to disallow or revoke a Non-Domestic User's permit.

6.6.6.4 *Violation of Ordinance*

The Control Authority may take such action if a Non-Domestic User violates the pretreatment standards and requirements of the Pretreatment Regulations, including failure to satisfy Environmental Survey requirements.

6.7 JUDICIAL ENFORCEMENT REMEDIES

Enforcement response may require orders, penalties, and restraints that are issued by the Superior Court of Pierce County, Washington. In all such cases, the Control Authority will coordinate with the Control Authority Attorney, and POTW staff and legal counsel. The Court will be petitioned through the Control Authority.

General description and steps used in formal enforcement actions are given below.

6.7.1 *Injunctive Relief*

The Control Authority may seek injunctive relief when a Non-Domestic User has violated or continues to violate an effluent limit on any provision of the Pretreatment Regulations, including pretreatment standards, administrative orders, or terms and requirements of the Non-Domestic User permit (or control document).

The need for injunctive relief will be determined by the Director or Designee in consultation with the Control Authorities Attorney, and will be considered as an appropriate enforcement response in three general situations:

- Emergency situations where injunctive relief is necessary to halt or prevent discharges that threaten to harm human health or the environment or to interfere with the with any Contributing Jurisdictions POTW
- Instances when efforts to restore compliance through cooperation and administrative actions with the Non-Domestic User have failed and action is necessary to enforce program requirements
- Instances when a violation of the Pretreatment Regulations, administrative orders, or terms and requirements of the Non-Domestic Users permit (or control document) are deemed serious enough to warrant seeking injunctive relief or monetary penalties beyond civil penalties for violations

In any civil action, JPP Staff will prepare facts, data, and evidence that support the violations at issue and will provide the information to the Control Authority Attorney.

When taking injunctive relief the Control Authority Attorney must petition the Superior Court of Pierce County for issuance of a temporary or permanent injunction that restrains or compels the specific performance of the Non-Domestic Users wastewater discharge permit (or control document), administrative orders, or other requirements imposed by the current regulations, including pretreatment standards. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the Non-Domestic User.

6.7.2 Civil Penalties

The Control Authority has the authority to issue civil penalties of a minimum of \$100 up to \$10,000 per day for each violation. Any civil penalty associated with pretreatment violations must reflect the seriousness, frequency, and persistence of each and every violation. The penalty amount will be such that it deters the violator from making future violations. Except under very extenuating circumstances approved by the Director, or for fines for late reports, the minimum symbol penalty shall be \$100. Generally, the Control Authority will consider seeking civil penalties for the following effluent and administrative violations.

6.7.2.1 Effluent Violations

The following effluent violations may warrant imposition of civil penalties:

- Exceedance of effluent limits that have either of the following characteristics:
 - Meet the criteria for Significant Non-Compliance
 - Are reoccurring or ongoing violations of limits and other pretreatment standards
- Unpermitted discharges that do either of the following:
 - Continue after notice to the Non-Domestic User
 - Continue after expiration, termination, or revocation of permit
- Waste diluted in lieu of treatment
- Intentional Bypass of any part of the pretreatment facility
- Any slug load that does either of the following:
 - Causes the POTW to violate any part of its NPDES permit
 - Causes actions by POTW workers to mitigate the slug loads adverse impact

6.7.2.2 Administrative Violations

The following administrative violations may warrant imposition of civil penalties:

- Reporting violation:
 - Failure to correct report with missing or incomplete information within 30 days of being made aware of the discrepancy
 - Failure to report spill, violation, or changed discharge
 - Failure to implement and report additional monitoring
- Reoccurring failure to monitor correctly
- Reoccurring improper sampling
- Reoccurring missed milestones in an enforceable compliance schedule

- Failure to start construction, complete construction, or achieve compliance within 90 days of the date specified in an enforceable order
- Failure to mitigate non-compliance or halt production after being made aware of non-compliance
- Failure to comply with a requirement to cease discharge
- Reoccurring failure to properly operate and maintain pretreatment facility
- Failure to provide free access to JPP staff
- Reoccurring inadequate record keeping
- Any instance of Significant Non-Compliance
- Falsification of any report or data
- Failure to comply with a Notice of Violation or Administrative Order
- Any other situation in which administrative fines are necessary or legal action is contemplated

6.7.2.3 *Criminal Actions*

Willful non-compliance could harm the public or POTW's personnel and it could cause serious damage to the POTW and the environment. The Control Authority is authorized to refer for criminal prosecution to the appropriate authorities suspected violations that constitute a criminal offence per the Control Authorities Pretreatment Regulations. In considering the development of certain criminal cases, JPP staff will seek assistance from the Control Authority Attorney, and Contributing Jurisdiction Attorney as necessary and appropriate.

Several factors will be considered when determining which violations should be referred for possible criminal actions. These factors include the following:

- apparent willfulness of the violation
- Apparent knowledge of the violation
- Nature and seriousness of the offense
- Compliance history of the violator
- Adequacy of the facts
- Other remedies already exercised through civil or administrative enforcement actions

Example violations for which criminal punishment may be appropriate include the following:

- Chronic occurrences of non-compliance interfering with POTW operations
- Falsification of data
- Tampering with data, records, samples, or sampling equipment
- Failure to provide timely notice of slug discharges
- Willfully or negligently violating any provision of the Pretreatment Regulations, wastewater discharge permit, control document, and or any other pretreatment standard or requirement
- Willfully or negligently introducing any substance into the POTW that causes an instance of Pass-through or Interference
- Willfully or negligently introducing any substance into the POTW that causes personal injury or property damage

- Knowingly making false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to the Pretreatment Regulations, wastewater discharge permit, control documents, or order issued

The Control Authority fully intends to work with the state and federal authorities in the pursuit of any and all criminal enforcement actions.

6.8 TIMELINES FOR ENFORCEMENT RESPONSES

Enforcement actions will be conducted according to the Enforcement Response Matrix and the general timelines outlined below, depending on the appropriate response. In order to facilitate adherence to these time frames, all compliance reports shall be reviewed, and an evaluation of compliance status made promptly, upon receipt by JPP staff.

6.8.1 Initial Enforcement Response

If non-compliance warrants a formal enforcement response, an action will typically be taken within 30 days from the date a violation by a Non-Domestic User is identified, as follows:

Within five calendar days of identifying a violation:

- Non-Domestic User notified via telephone call
- Violation noted in Non-Domestic Users file

Within 15 business days of identifying a violation:

- Report of Non-Compliance (RONC) mailed or hand delivered

Within 30 business days of identifying a violation:

- Report of Effluent Violation (ROPV) mailed or hand delivered
- Letter of Non-Compliance (LONC) sent by certified mail or hand delivered
- Compliance Order sent by certified mail or hand delivered
- Notice of Non-Compliance Review Meeting sent by certified mail or hand delivered

Violations that pose an imminent threat to human health, the environment or the POTW will receive an immediate response, up to and including emergency suspension of service (see Section 4.4.3.5).

6.8.2 Follow-Up Enforcement Responses

After an initial enforcement response has been taken, a follow-up action will be conducted by JPP staff to ensure the initial response produced the desired result. Follow-up actions may include communication with the Non-Domestic User (verbal or email) and/or facility inspections. If the non-compliance has been addressed, the follow up action may be a confirmation letter sent to the Non-Domestic User and documented in the Non-Domestic Users file, outlining and the corrective actions taken and their return to compliance

If the follow-up enforcement is necessary, a response will be initiated within 30 business days from any required compliance date specified in the initial action. The follow-up enforcement response will be an escalated action from the initial response, as detailed in the enforcement response matrix.

6.9 ADMINISTRATIVE HEARING

Any affected Non-Domestic User shall have the right to an administrative hearing to appeal the Control Authorities determination to take any of the following actions:

- Issue or deny a Non-Domestic User a wastewater discharge permit or other control document
- Impose particular conditions or requirements in a Non-Domestic Users wastewater discharge permit or other control document
- Suspend Non-Domestic Users wastewater service or wastewater discharge permit or other control document
- Terminate the Non-Domestic Users wastewater service or wastewater discharge permit or other controlled documents
- Modify the Non-Domestic Users wastewater discharge permit or other control document
- Issue a Notice of Violation
- Require annual publication of the User for Significant Non-Compliance
- Issue a compliance order
- Impose civil penalties
- Assess damages and cost against the Non-Domestic User
- Impose any other discretionary action upon the Non-Domestic User, or deny any discretionary action requested of the of the Director by the Non-Domestic User, if such action or omission directly affects the Non-Domestic User
- Take any other action with respect to the Non-Domestic User which requires the opportunity for hearing by state law or constitutional right

6.9.1 Show Cause Hearing

The Control Authority may order a Non-Domestic User that has violated or continues to violate any provision of the Pretreatment Regulations, a wastewater discharge permit, order, pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Non-Domestic User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and request that the Non-Domestic User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 5 business days prior to the meeting. Such notice may be served on any authorized representative of the Non-Domestic User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Non-Domestic User.

6.10 FINE AND PENALTY DETERMINATION AND ASSESSMENT PROCESS

Monetary fines and penalties may be considered for any Non-Domestic User non-compliance or violation and will always assessed in cases of Significant Non-Compliance. The purpose of assessing monetary penalties is to accomplish the following

- Provide for fair and equitable treatment of all Non-Domestic User
- Provides swift resolution of non-compliance
- Deter future violations by providing an incentive for Non-Domestic Users to remain in compliance
- Remove any economic benefit a Non-Domestic User gains over its competitors by not complying

6.10.1 Agency Coordination

JPP staff will investigate all instances of non-compliance and make a recommendation for monetary penalties, using the “Determination of Administrative Fine / Civil Penalty Form” (Appendix II). The Director or Designee will review all calculations before the recommended penalty with Contributing Jurisdiction Representatives.

JPP staff, in agreement with the Director, may recommend suspending some portion of a fine or civil penalty based on based upon good faith effort and compliance history of the Non-Domestic User. The Control Authority may also refund a portion of a fine or civil penalty as an incentive for a Non-Domestic User to remain in compliance with the Pretreatment Regulations and/or conditions of a wastewater discharge permit or other control document.

6.10.2 Factors for Determining Monetary Penalties

The following factors will be evaluated when assessing administrative fines and civil penalties:

- Whether the violation resulted in:
 - A public health risk
 - Environmental harm or damage
- Whether the violation resulted from:
 - A willful or knowing act of the Non-Domestic User
 - Improper operation or inadequate maintenance of equipment and facilities
- Whether the Non-Domestic User:
 - Was acting in good faith
 - Was responsive providing notification to JPP representatives
 - Is responsive in correcting the violation
 - Gained economic benefit from the non-compliance
 - Has a history of non-compliance
- Whether the facility failed to obtain necessary permits and or approvals to operate prior to the time of the violation
- Whether the Non-Domestic User or an interested party gained economic benefit from the non-compliance
- Whether a similar or related violation occurred within the last six months

These factors will be considered, along with other relevant data and information, in determining the amount of the fine or penalty. Instances of non-compliance or violations that may result in monetary penalties are indicated on the Enforcement Response Matrix.

The “Determination of Administrative Fine / Civil Penalty Form” (Appendix II) is used to determine the recommended monetary penalty. All violations are listed on the form and rated using gravity criteria. Total rating points are used to obtain a recommended penalty for each violation, which is then multiplied by the duration (number of days) of the violation to obtain the total recommended penalty for each violation. The sum of penalties for all violations is the total recommended fine penalty

6.10.2.1 Notice of Violation Preparation

An NOV (Appendix HH) is required to be issued with every monetary penalty period in completing the NOV citation, it is important to identify the maximum fine the user could have been assessed. The

maximum fine is calculated by multiplying the number of violations by the number of days by the maximum fine of \$10,000 per day per violation. Any amount considered for the cost recovery is additional to the maximum penalty period the maximum penalty shall be noted on the "Administrative Fine and Civil Penalty Calculation Form" and in the NOV.

6.10.3 Cost Recovery

The Control Authority or will seek recovery of cost for damage in addition to any fines, civil penalties, and/or criminal penalties imposed for non-compliance. Reimbursement may be granted for damage to the POTW, labor and administrative cost associated with mitigating or investigating any non-compliance, and any penalties or requirements imposed by regulatory agencies due to the non-compliant discharge.

The Director or Designee will determine the total of the direct expenses and cost of damages to the POTW(s) and submit this total to the Control Authority Attorney for collection. Reimbursement will be assessed separately and without consideration for penalties already imposed. The charges assessed will recover all cost incurred by any Contributing Jurisdiction; such costs may include but not be limited to:

- Fines levied against the Control Authority or any Contributing Jurisdiction by any regulatory agency as a result of the Pass-through or Interference
- Costs of litigation and/or settlement of any third-party lawsuits brought against any Contributing Jurisdiction and/or individual employee of any Contributing Jurisdiction as a result of the Pass-through or Interference
- Cost of time and materials to remediate any environmental damage or other problems caused by the Pass-through or Interference

6.10.4 Criminal Penalties

Criminal penalties for Non-Domestic Users are imposed by the courts. The Director will consult the Control Authority Attorney in any circumstances that may involve the imposition of criminal penalties. The Control Authority Attorney will determine if any aspects of the non-compliance, the Non-Domestic Users compliance history, and the nature of the criminal conduct may have bearing on criminal penalties. If any of these aspects apply, the Control Authority Attorney will present them to the Director or Designee through any standing committees, and the case will be referred to the Approval Authority (Ecology) and the EPA Criminal Investigations Division for possible criminal prosecution.

CHAPTER 7

PROCEDURES FOR FOG USERS

7. PROCEDURES FOR FOG USERS

The procedures in this chapter apply to Non-Domestic Users who have been classified as FOG Users, a specific category of Non-Significant User (NSU), per the User Identification and Classification procedure defined in Chapter 2.3.3. JPP staff locate and identify FOG Users and categorize them based on the type of business and the nature and characteristics of their wastewater discharge. Users who are not classified as Significant Industrial Users (SIU) and meet the criteria for classification as FOG Users are subject to the requirements and procedures in this Chapter.

7.1 FOG USER IDENTIFICATION

FOG Users are those users who are determined to have the potential to introduce wastewater containing fats, oils, and grease (FOG) in quantities and concentrations that could cause blockage and other issues in the POTW. These Users typically include Food Service Establishments (FSE), as well as Auto Related Businesses (ARB), including those that perform auto repair services and have vehicle washing facilities or covered fueling stations on site.

FOG Users are typically identified during the development review and Tenant Improvement (TI) processes, through review of the Non-Domestic Wastewater Survey (Appendix H). FSE are also required to submit an FSE Survey (Appendix N). Existing FSE are periodically sent an FSE survey to update business information records.

7.1.1 Environmental and FSE Survey Content Review

Joint Pretreatment Program staff review Non-Domestic Wastewater and FSE surveys for completion and to determine applicable requirements. Non-Domestic Wastewater Surveys are reviewed as described in the procedures in Chapter 2. Information gathered from Non-Domestic Wastewater Surveys is typically sufficient for identifying FOG Users and determining applicable pretreatment requirements. JPP Staff may contact the Non-Domestic User for additional information if needed.

Restaurants or other facilities with commercial food service (schools/daycares, churches, community centers, etc.) are also required to submit an FSE survey. A completed FSE survey will contain the following information:

- Facility name, address, and contact information
- Type of establishment and menu information
- Number and type of fixture connections (sinks, floor drains, ovens, fryers, etc.)
- Grease Removal Device (GRD) type, size, and cleaning frequency

7.2 PRETREATMENT DEVICE REQUIREMENTS

Properly designed, installed, and maintained grease removal devices are critical in preventing FOG from entering the wastewater system. FOG Users are required to install grease removal devices, as described in Section 4 of the Pretreatment Regulations. There are two primary types of grease removal devices: grease interceptors (GIs) and oil/water separators (OWS). All devices must be installed such that they are accessible for monitoring and inspection by JPP staff.

Grease Interceptors (GI) - Grease interceptors are installed to coalesce and separate the grease from the kitchen wastewater before it enters the wastewater system. They are installed in the collection system downstream of the kitchen of FSEs. GIs are required to be installed exterior to the building. GIs proposed to be installed on the interior of the building are reviewed on a case-by-case basis. Interior devices may be approved only in instances where there are limitations on accessible locations and accessibility for an exterior GI, and/or an adequately sized device can be installed properly inside the building.

Required for: FSEs (FOG Users with commercial food service, including schools, churches, daycares, community centers, health care facilities, etc.)

Oil Water Separators (OWS) - OWS are installed to remove all free and dispersed non emulsified oil and settleable solids before it enters the wastewater system. They are installed in the collection system downstream of vehicle maintenance, washing and fueling areas. They may be installed exterior to the building, or in approved locations within the shop or maintenance Bay.

Required for: automotive-related businesses (ARB), including vehicle washing facilities and covered fueling stations

7.2.1 Grease Removal Device Design: Plan Review

JPP Staff review facility proposals, including site and plumbing plans and device specifications, to authorize the installation of GIs and OWS and connections to POTW.

JPP Staff checks for the following requirements when reviewing a plan submittal:

- Devices are designed and sized per the Uniform Plumbing Code (UPC)
- All fixtures, equipment, and drain lines that may be a source of FOG are connected to the device
 - For FSE, connections typically include all fixtures, equipment and drain lines in the food preparation and clean up areas, including:
 - All sinks in dishwashing areas, including pre-rinse, pre-wash sinks, food prep sinks, and hand wash sinks
 - Two or three compartment sinks
 - Wok stoves
 - Self-cleaning stove ventilation and/or exhaust hood
 - Kitchen floor drains and floor sinks
 - Mop sinks
 - Dishwasher connections to GIs are evaluated on a case-by-case basis. Dishwashers should be connected to the GI if they can be located such that their potential to adversely impact the GI operation from discharging detergents or other emulsifying agents is minimized

- Drain lines have permanently fixed screens with maximum ¼-inch openings to prevent the pass-through of larger solids to the GI
- No commercial food grinders and garbage disposals are allowed
- Grease waste only (no sanitary waste) is conveyed to the device
- A monitoring manhole is installed downstream of the device
- Proposed device meets applicable design specifications and is specified on plan submittal
- Device is located such that it will be easily accessible for inspection, cleaning and maintenance, and meet the specifications identified in Section 3 of the Pretreatment Regulations.

7.2.2 Grease Removal Device Installation

JPP Staff inspect GI and OWS installations to ensure device is installed properly and according to the approved plans and specifications. An exfiltration test must be performed by the FOG User on all concrete devices, prior to issuing approval.

JPP Staff inspect and verify the following, prior to approving installation of device:

- The installed device is of the same type (manufacturer and model) on the approved plans
- The device has been installed correctly (in approved location, with inlet and outlet following direction of flow)
- The approved fixtures are connected to the device
- For concrete devices, the device passes an exfiltration test
 - The device is filled with water and allowed to stand for 24 hours
 - The device is refilled if necessary, then the water level is marked and recorded by the inspector and device is allowed to stand for an additional 24 hours
 - At the end of the 24-hour period, the inspector notes any change to water level. If there is no measurable loss (less than 1/8"), the device is acceptable and is to remain full of water for the initial service. If the water loss is greater than 1/8", the device must be drained and repaired

The installation inspection is documented electronically using a mobile form that is linked to the pretreatment database. The inspection form is used to generate a unique identification number and an electronic record for the facility, which is used for ongoing monitoring and inspections of the FOG User's device.

7.2.3 Grease Removal Device Cleaning and Maintenance

In order to properly function, GIs and OWS must be maintained regularly and in conformance with manufacturer recommendations. The requirements for device cleaning and maintenance are described in Section Three of the Pretreatment Regulations. Proper device maintenance requires it to be emptied completely and cleaned thoroughly on a regular, ongoing basis. Any repairs must be completed as needed in a timely manner. Enzymes, bacteria, chemicals, and other products are prohibited in GIs. Any FOG waste removed from a device is not allowed to be disposed of in the POTW.

Cleaning and maintenance of grease removal devices is the responsibility of the FOG User. The service interval for each device will vary based on multiple factors, including service history/frequency, loading, and device condition. The device must be serviced frequently enough to ensure adequate pretreatment, and to prevent FOG from entering the collection system. JPP staff may establish and require a routine

maintenance schedule for any FOG User to ensure compliance with the Pretreatment Regulations. The 25% Rule Compliance Assessment, described below, may be used to determine the appropriate schedule. FOG Users are required to allow access to device for the purpose of inspection and/or to verify compliance with the regulations.

7.2.4 Best Management Practices (BMPs)

Best Management Practices (BMPS) are provided to FOG Users and posted on the Cities website, to notify FOG Users of applicable pretreatment requirements and to provide guidance on achieving and maintaining compliance. These BMPs contain established industry standards and kitchen practices intended to reduce FOG in wastewater and prolong the life of the grease removal device. FOG Users are expected to implement BMPs as appropriate in their facility and JPP staff verify compliance with BMPs at the time of inspection.

7.3 FOG USER INSPECTIONS

JPP Staff inspect FOG Users on an ongoing, routine basis to ensure that:

- Devices are being properly cleaned on an appropriate schedule
- Devices are in good working order
- All FOG-generating fixtures are connected to the device
- No sanitary waste is discharged to the device
- BMPs are implemented and followed, as appropriate

Routine inspections are typically unannounced. Re-inspections for non-compliance are usually unannounced. However, a re-inspection may be scheduled with the FOG User and/or service provider when needed to confirm repair or replacement of device, or completion of other device maintenance.

The frequency for routine inspections is determined for FOG User, based on the type of device and previous compliance history. FOG User compliance is evaluated on an annual basis, and inspection frequencies are increased or decreased based on the prior year's compliance data. FOG User information, including inspection frequencies, schedules, and records, are maintained in the pretreatment database.

7.3.1 FOG User Inspection Procedure

JPP Staff conduct the following steps when performing an inspection of a FOG User:

- Assess the condition of the device (check for leaks, corrosion or other indicators of device needing maintenance)
- Assess and measure levels of grease and solids inside the device (total of floating solids/grease and solids must be less than 25% of total volume for gravity interceptors and OWS, as determined by the 25% Rule Compliance Assessment, described below)
- Verify baffles are present inside device and assess condition (if applicable)
- Inspect the outlet tee for signs of FOG exiting the device
- Inspect the monitoring manhole or downstream manhole, if non-compliance is detected
- Review cleaning, pumpout and/or maintenance records
- Record inspection findings on mobile device using inspection form in pretreatment database
- Discuss inspection results with FOG User, including the required cleaning schedule to maintain compliance

- If FOG User is non-compliant, explain actions needed to return to compliance timelines for completion and re-inspection

7.3.1.1 25% Rule Compliance Assessment

To assess compliance with the 25% Rule, an inspector probes the contents of the device, to determine the depth of the FOG layer on top and the sediment layer on the bottom of the device and calculates the combined depth of these two layers. If the combined depth is greater than 25% of the height of the total water column, the interceptor is considered non-compliant.

JPP Staff may also use the 25% Rule to establish a FOG User’s routine maintenance schedule. To determine the appropriate cleaning frequency, the device contents should be checked at a regular interval appropriate for the size and type of the device, to determine when the device is ready to be pumped. Then, the pumping schedule should be adjusted to that frequency to ensure future, adequate pretreatment.

7.4 FOG USER NON-COMPLIANCE

Inspections may result in a determination of non-compliance for the following reasons:

- Device needs cleaning (grease and solids exceed 25% volume for gravity grease interceptors and OWS, and /or evidence that FOG is bypassing device)
- Device need maintenance replacement (device is leaking and/or lid does not seal, evidence of corrosion inside device, baffles are broken or missing, or other issues that impair GRD’s ability to separate FOG from wastewater)

7.4.1 FOG User Compliance Enforcement

JPP Staff work proactively with the FOG User to provide information on the importance of proper FOG management and device cleaning and maintenance, and to address non-compliance in a timely manner. JPP staff may also use the Enforcement Response Plan (Chapter 6) as needed to escalate responses in instances where FOG Users do not meet the timelines and/or do not return to compliance. Required corrective actions and timelines for addressing non-compliance are described in the Enforcement Response Matrix (Appendix Z – Enforcement Response Matrix) and summarized in Table 7.1 below.

Table 7.1 FOG User Non-Compliance Corrective Action and Timelines

Reason for Non-Compliance	Required Corrective Action	Timeline for Initial Inspection	Re-Inspection timeline and type of inspection
Device needs cleaning	FOG User to schedule cleaning and send report to JPP staff	14 calendar days	Within 30 days; unannounced
Device needs repair/replacement	FOG User to schedule maintenance and notify JPP Staff of expected completion date	7 calendar days to schedule maintenance; timeline for completion will be dependent upon type of repair needed	Upon completion of maintenance; scheduled

As authorized in Section 12 of the Pretreatment Regulations, a FOG User may be assessed a penalty of one hundred dollars (\$100) for each day that the FOG User is out of compliance with the routine maintenance schedule, prior to or in addition to any other enforcement action.

7.5 PREFERRED PUMPER PROGRAM

FOG Users are encouraged to use Preferred Pumpers whenever possible to ensure regular servicing and inspection of grease removal devices. The Preferred Pumper Program (PPP) is a regional network of pretreatment and FOG staff and grease removal device service providers. Pumpers who participate in the program agree to clean and maintain devices to an approved standard, and to provide advance notice of scheduled cleanings. They also perform an inspection of the device at the time of pumpout and provide a report to the User and JPP staff with information on levels of FOG and solids, as well as any needed maintenance or repairs. These pumpout reports are recorded in the pretreatment database and are used by JPP Staff to coordinate see inspections during pumpouts, determine appropriate cleaning frequencies, and identify devices in need of repair.

More information about the Preferred Pumper Program, including a list of approved pumpers, can be found at www.preferredpumper.org.

CHAPTER 8

GENERAL PROGRAM POLICIES AND PROCEDURES

8. GENERAL PROGRAM POLICIES AND PROCEDURES

This chapter describes general program policies and procedures that apply to the Joint Pretreatment Program (JPP) program-wide, and/or are applicable for all Non-Domestic Users. The procedures described in this chapter include the following:

- Information Management
- Public Review Information
- Program Modification Procedures
- Education and Training

8.1 INFORMATION MANAGEMENT

The Joint Pretreatment Program utilizes an information management software to assist with storage and retrieval of data and tracking activities. The primary Pretreatment Program is managed in the SwiftComply Pretreatment Module and the FOG Program is managed in the SwiftComply FOG Module. These modules are CROMERR ready and meet all EPA-specific technology requirements.

The following is entered into the Pretreatment or FOG Database:

- Non-Domestic Wastewater Survey information, including a Master List of all Non-Domestic Users and their industrial classifications, where applicable
- Permit and control document information for each Non-Domestic User
- Self-Monitoring Reports and other User submittals
- Certification statements, including annual certification of zero discharge from NDCIUs
- Inspection reports, including facility inspections of FOG Users
- Sampling and monitoring data
- Non-Domestic User notifications and correspondence

Reports are generated as necessary from the database to facilitate ongoing monitoring of deadlines for submittals, reports and other required actions.

8.2 PUBLIC REVIEW INFORMATION

8.2.1 Release of Records

All records maintained by the Joint Pretreatment Program are available for public record review except where such records are protected by law. A Public Records Request can be made to any City employee during work hours. This request must be for identifiable records, not just information. Public records are

classified as records created or received by the agency that provides proof or evidence of agency business or action, regardless of physical form or characteristic. All records requests, no matter the format (verbal, written, ect.), should be forwarded to the Sumner City Clerk for fulfillment. This must be done as soon as possible as the City must respond within 5 business days of receiving the request to avoid penalties against the City. The JPP will honor the requests consistent with the City of Sumner disclosure guidelines. In cases where the request requires considerable staff time or costs, the City of Sumner may charge a reasonable fee, or such a fee may be required, consistent with the City of Sumner's public records policies.

8.2.2 Confidential Information

Section 8 of the Pretreatment Regulations describes requirements related to confidential information. Information and data on a Non-Domestic User obtained from reports, questionnaires, permit application, permits, and monitoring programs, as well as from JPP inspection and sampling activities, shall be available to the public without restriction. However, if the City of Sumner determines the release of such information would divulge information, process, or methods of production entitled to protection as trade secrets under applicable state laws or the information is otherwise not subject to disclosure, then the Director will promptly notify the Non-Domestic User that that information will be made available to the public for review in accordance with the notice and the City of Sumner's public records policies. However, the information shall be made available immediately upon request to governmental agencies for users related to this document, the NPDES program, and enforcement proceedings involving the person furnishing the report. Information that is deemed confidential will be separated from the remainder of the permit file and kept in a secured location. Access will be limited to JPP staff, the Director, and the City of Sumner Attorney. Access to the information by other parties will be upon approval of the City of Sumner Attorney.

Wastewater constituents and characteristics and other "effluent data," as defined by 40 CFR Part 2.302-*Special rules governing certain information obtained under the Clean Water Act*, will not be recognized as confidential information and will be available to the public without restriction.

8.2.3 Records Retention

The Pretreatment Coordinator and affected Non-Domestic Users will retain all pretreatment records and reports in accordance with the Secretary of State's Local Government General Records Retention Schedule in the Washington State Archives and record-keeping requirements under EPA and Ecology regulations. The period may be extended if an enforcement action has been initiated or by request of the Control Authority, the EPA, or Ecology at any time.

8.3 PROGRAM MODIFICATIONS

The Control Authority or Washington Department of Ecology may initiate pretreatment program modifications at any time to reflect changing conditions of the POTW. Program modifications are necessary whenever there is a significant change in the operation of the Sumner / Bonney Lake Joint Pretreatment Program that differs from the information in the JPP submission as approved. Substantial modifications and non-substantial modifications shall be processes as described in this section.

All substantial and non-substantial program modifications proposed by the Sumner Bonney Lake Joint Pretreatment program must be submitted to ECY for approval. All proposed modifications are also reviewed by the Sumner Bonney Lak Joint Advisory Committee and Council Members of the Cities.

Modification submittals must include at least the following:

- A detailed description of the proposed modification and rationale for the change
- A local determination whether the proposed modification is substantial or non-substantial
- A redline copy of revised legal authority that shows deletions (for example, as strike-through) and additions (for example, as bold font), as well as copy of the revised legal authority in its final format
- A copy of the new forms/procedures affected by the modification
- Any additional documentation required by Ecology after its initial review of the package
- A copy of the any public notices and affidavits of publication
- A concise description of the substantive issues, if any, that were raised during the public comment process, together with a brief explanation regarding how these issues were resolved or avoided in the final proposal

Any submittal should be sent by certified mail to ensure ECY receipt and to document the start review periods. Notice can also be accomplished using e-mail provided that the original email is managed according to Washington State Records Law. In either case, the review period begins upon receipt of the submittal by Ecology.

Once a proposed modification has been approved by ECY, it is presented to the Sumner Bonney Lake Joint Advisory Committee and the Sumner City Council for adoption.

8.3.1 Substantial Modifications

Substantial modifications include any of the following:

- Modifications that relax POTW legal authorities (as described in 40 CFR 403.8(f)(1) – Legal Authority), except for modifications that directly reflect a revision to 40 CFR Part 403-General Pretreatment Regulations for existing and New Sources of Pollution or to 40 CFR Chapter I, subchapter N- Effluent Guidelines and Standards, and are reported pursuant to 40 CFP 403.18(d) – Modification of POTW pretreatment programs
- Modifications that relax local limits, except for the modification to local limits for pH and reallocation of the maximum allowable industrial loading of a pollutant that do not increase the total industrial loading for the pollutant, which are reported pursuant to 40 CFR 403.18(d)
- Changes to the Joint Pretreatment Programs control mechanism, as described in 40 CFR 403.8(f)(1)(iii)
- A decrease in the frequency of self-monitoring or reporting requirements for Non-Domestic Users
- A decrease in the frequency of Non-Domestic User inspections or sampling requirements by the Control Authority
- Changes to the City of Sumner’s confidentiality procedures
- Other modifications designated as substantial modifications by Ecology on the basis that the modification could have a significant impact on the operation of the JPP, could result in an increase in pollutant loadings at the POTW; or could result in less stringent requirements being imposed on IUs of the POTW

8.3.1.1 Approval Procedure for Substantial Modifications

The Control Authority shall submit to ECY a statement of the basis for the desired program modification, a modified program description pursuant to 40 CFR 403.9(b)-Contents of POTW program submission, or such other documents ECY determines to be necessary under the circumstances. This is referred to as a submission.

The Control Authority shall submit to ECY three copies of the submission.

Within 60 days after receiving the submission, ECY shall make a preliminary decision of whether the submission meets the requirement of 40 CFR 403.9(b)-Contents of POTW program submission. If ECY makes the preliminary decision that the submission meets the requirements, ECY shall take the following actions:

- Notify the Control Authority that the submission has been received and is under review
- Commence the public notice and evaluation activities set forth in 40 CFR 403.11- Approval procedures for POTW pretreatment programs and POTW granting of removal credits (see below)
- Ecology shall approve or disapprove the modification based on the pretreatment program requirements of 40 CFR 403.8(f) – POTW pretreatment requirements and using the procedures cited in 40 CFR 403.11(b) through (f), except as provided by the following:
 - ECY shall have 90 days from the date of public notice of any submission that ECY determined meets the requirements of 40 CFR 403.9(b) to review the submission. Ecology may have up to an additional 90 days to complete the evaluation of the submission if the public comment period is extended beyond 30 days or if a public hearing is required. In no event, however, shall the time for evaluation for the submission meeting the requirements of 40 CFR 403.9(b) exceed a total of 180 days from the date of public notice of the submission meeting the requirements of 40 CFR 403.9(b)
- Within 20 workdays after making a determination that the submission meets the requirements of 40 CFR 403.9(b), ECY shall issue a public notice of request for approval of the submission pursuant to the requirements in 40 CFR 403.11(b)-Public notice and opportunity for hearing. Notices required by 40 CFR 403.11 may be performed by the Control Authority provided that ECY finds that the POTW notice otherwise satisfies the requirements of 40 CFR 403.11
- At the end of the 30 day (or extended) comment period and within the 90 day (or extended) period, ECY shall approve or deny the submission based on the evaluation and taking into consideration comments submitted during the comment period and the record of the public hearing, if held
- Where ECY denies the request, ECY shall notify the Control Authority and each person who has requested individual notice. The notification shall include suggested modifications. ECY may allow the Control Authority additional time to bring the submission into compliance with applicable requirements
- The modification may not be approved by ECY if, following the 30-day (or extended) evaluation period and any hearing the EPA Region 10 Administrator submits in writing objections to the approval of the submission. A copy of the EPA Region 10 Administrator's objections shall be provided to the Control Authority and to each person who requested individual notice

- ECY shall cause to be published a notice of approval or disapproval of the submission in the same newspaper that published the original notice of request for approval of the submission. ECY need not publish a notice of decision provided that the following are true:
- The notice of request for approval states that the request will be approved if no comments are received by a date specified in the notice
- No substantive comments are received
- The request is approved without change

8.3.2 Non-Substantial Modifications

Non-substantial modifications include changes to the JPP documents, including this manual and appendices, that do not qualify as substantial modifications described in Section 2.3.2.1 Examples of Non-Substantial Modifications include, but are not limited to, the following:

- Corrections to spelling and grammatical errors
- Contact information updates, such as telephone numbers or agency addresses
- Updates to Control Authority or Contributing Jurisdiction agency logos on forms and other documents
- Formatting of documents, provided that it does not affect the substantive content
- Questions, statements, or items that are added to forms

8.3.2.1 Approval Procedure for Non-Substantial Modifications

The Control Authority shall notify ECY of any non-substantial modification at least 45 days prior to implementation. The notification should include the basis for the desired program modification, a modified program description, or such other documents ECY determines to be necessary under the circumstances.

Within 45 days after the Control Authority's notification, ECY shall notify the Control Authority of its decision to approve or disapprove the non-substantial modification.

If ECY does not notify the Control Authority within 45 days of the Control Authority's notification of its decision to approve or disapprove, or to treat the modification as substantial, the Control Authority may implement the modification.

8.3.3 Modifications to the Sumner Wastewater Treatment Facility's National Pollutant Discharge Elimination System Permits

All modifications shall be incorporated into the Sumner WWTF's NPDES permits upon approval. The permit will be modified to incorporate the approved modification in accordance with 40 CFR 122.63(g)-Minor Modifications of Permits.

8.4 Education and Training

All JPP Staff are thoroughly and properly trained on all aspects of the program, prior to initiating or completing any work independently. Staff attend relevant conferences and trainings on an ongoing basis, to stay up to date on regulatory issues and federal and state program updates.

JPP staff are in regular contact with other pretreatment personnel both regionally and nationally, through formal interagency groups as well as informal communication. Staff are encouraged to reach out to colleagues in the pretreatment network to maintain relationships and share information. Staff also

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maintain open and ongoing communication with the Approval Authority for the program, the Washington Department of Ecology. Questions that cannot be answered by this manual, program leadership or state and federal guidance, should be referred to the ECY Regional or State Pretreatment Coordinator.