



Oregon Department of Environmental Quality

INDUSTRIAL PRETREATMENT PROGRAM: Language to Use When a Program is Required

Industrial pretreatment program permit conditions specify requirements applicable to POTWs with Department approved pretreatment programs.

For permittees that are currently required to comply with Schedule E, Pretreatment Program Activities, the Department's pretreatment staff has determined that an approved program was necessary due to the types and/or numbers of industries discharging to the facility. **Please do not use this schedule in a permit for the first time without consulting the Department's Pretreatment Coordinator.**

SCHEDULE E

Pretreatment Activities

The permittee shall implement the following pretreatment activities:

1. Program Administration

The permittee shall conduct and enforce its Pretreatment Program, as approved by the Department, and comply with the General Pretreatment Regulations (40 CFR Part 403). The permittee shall secure and maintain sufficient resources and qualified personnel to carry out the program implementation procedures described in this permit as required by 40 CFR § 403.8(f)(3).

2. Legal Authorities

The permittee shall adopt all legal authority necessary to fully implement its approved pretreatment program and to comply with all applicable State and Federal pretreatment regulations. The permittee must also establish, where necessary, contracts or agreements with contributing jurisdictions to ensure compliance with pretreatment requirements by industrial users within these jurisdictions. These contracts or agreements shall identify the agency responsible for all implementation and enforcement activities to be performed in the contributing jurisdictions. Regardless of jurisdictional situation, the permittee is responsible for ensuring that all aspects of the pretreatment program are fully implemented and enforced.

3. Industrial Waste Survey

The permittee shall update its inventory of industrial users at a frequency and diligence adequate to ensure proper identification of industrial users subject to pretreatment standards, but no less than once per year. The permittee shall notify these industrial users of applicable pretreatment standards in accordance with 40 CFR § 403.8(f)(2)(iii).

4. National Pretreatment Standards

The permittee shall enforce categorical pretreatment standards promulgated pursuant to Section 307(b) and (c) of the Act, prohibited discharge standards as set forth in 40 CFR § 403.5(a) and (b), or local limitations developed by the permittee in accordance with 40 CFR § 403.5(c), whichever are more

stringent, or are applicable to any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

5. Local Limits

The permittee shall perform a technical evaluation of the need to revise local limits within 18 months after permit re-issuance unless the Department authorizes or requires, in writing, an alternate time frame. Locally derived discharge limitations shall be defined as pretreatment standards under Section 307(d) of the Act and must conform to 40 CFR §403.5(c), §403.8(f)(4). Technically based local limits shall be developed in accordance with the procedures established by the Department, and the USEPA's Local Limits Guidance.

6. Control Mechanisms

The permittee shall issue an individual control mechanism to all Significant Industrial Users except where the permittee may, at its discretion, issue a general control mechanism as defined by 40 CFR §403.8(f)(1)(iii); or certification in lieu of a control mechanism for Non-Significant Categorical Industrial Users (NSCIUs) as defined by § 403.3(v)(2), and Non-Discharging Categorical Industrial Users (NDCIUs). All individual and general control mechanisms must be enforceable and contain, at a minimum, the requirements identified in 40 CFR § 403.8(f)(1)(iii)(B); and, may contain equivalent concentration and mass based effluent limitations where appropriate under § 403.6(c)(5) and (6). Unless a more stringent definition has been adopted by the permittee, the definition of Significant Industrial User shall be as stated in 40 CFR § 403.3(v).

7. Compliance Monitoring:

Industrial User Sampling and Inspection

The permittee shall randomly sample and analyze the effluent from Industrial Users at a frequency commensurate with the character, consistency, and volume of the discharge and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. The permittee shall conduct a complete facility inspection; and, sample the effluent from each Significant Industrial User at least once a year at a minimum, unless otherwise specified below:

(a) Where the permittee has authorized the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard in accordance with §403.12(e)(2), the permittee must sample for the waived pollutant(s) at least once during the term of the Categorical Industrial User's control mechanism. In the event that the permittee subsequently determines that a waived pollutant is present or is expected to be present in the Industrial User's wastewater based on changes that occur in the User's operations, the permittee must immediately begin at least annual effluent monitoring of the User's Discharge and inspection.

(b) Where the permittee has determined that an Industrial User meets the criteria for classification as a Non-Significant Categorical Industrial User, the permittee must evaluate, at least once per year, whether an Industrial User continues to meet the criteria in §403.3(v)(2).

(c) In the case of Industrial Users subject to reduced reporting requirements under §403.12(e)(3), the permittee must randomly sample and analyze the effluent from Industrial Users and conduct inspections at least once every two years. If the Industrial User no longer meets the conditions for reduced reporting in §403.12(e)(3), the permittee must immediately begin sampling and inspecting the Industrial User at least once a year.

Industrial User Self Monitoring and Other Reports

The permittee shall receive and analyze self-monitoring and other reports submitted by industrial users as required by §403.8(f)(2)(iv) and §403.12(b),(d),(e),(g) and (h). Significant Industrial User reports must include Best Management Practice (BMP) compliance information per §403.12(b), (e), (h), where appropriate.

Industrial User Monitoring in Lieu of Self-Monitoring

Where the permittee elects to conduct monitoring of an industrial user in lieu of requiring self-monitoring, the permittee shall gather all information which would otherwise have been submitted by the user. The permittee shall also perform the sampling and analyses in accordance with the protocols established for the user; and, must follow the requirements in 40 CFR §403.12(g)(2) if repeat sampling is required as the result of any sampling violation(s).

Sample Collection and Analysis

Sample collection and analysis, and the gathering of other compliance data, shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Unless specified otherwise by the Director in writing, all sampling and analyses shall be performed in accordance with 40 CFR §136, or 40 CFR §503 for biosolids analytes.

8. Slug Control Plans

The permittee is required to evaluate whether each Significant Industrial User needs a slug control plan or other action to control Slug Discharges. Industrial Users identified as significant after October 14, 2005, must be evaluated within 1 year of being designated a Significant Industrial User. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the permittee's regulations, local limits or conditions of this Permit. The results of such activities shall be available to the Approval Authority upon request. The permittee shall require Significant Industrial Users to immediately notify the permittee of any changes at its facility affecting potential for a Slug Discharge. If the permittee determines that a slug control plan is needed, the requirements to control Slug Discharges shall be incorporated into the significant industrial user's control mechanism, and the plan shall contain, at a minimum, the following elements:

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

9. Enforcement

The permittee shall identify all violations of the industrial user's permit or local ordinance. The permittee shall investigate all such instances of industrial user noncompliance and shall take all necessary steps to return users to compliance. The permittee's enforcement actions shall follow its

approved Legal Authorities (i.e. Ordinance, etc.) and Enforcement Response Plan developed in accordance with 40 CFR § 403.8(f)(5).

10. Public Participation (significant noncompliance)

The permittee shall publish annual notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the permittee of industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this requirement, an industrial user is in significant noncompliance if it meets one or more of the criteria listed in 40 CFR 403.8(f)(2)(viii).

11. Data and Information Management

The permittee must develop and maintain a data management system designed to track the status of the industrial user inventory, discharge characteristics, and compliance. In accordance with 40 CFR § 403.12(o), the delegated program shall retain all records relating to pretreatment program activities for a minimum of three years, and shall make such records available to the Department and USEPA upon request. The permittee shall also provide public access to information considered effluent data under 40 CFR Part 2.

12. Annual Pretreatment Program Report

The permittee shall submit a complete report to the Department on or before March 31 that describes the pretreatment program activities during the previous calendar year pursuant to 40 CFR §403.12(i). The content and format of this report shall be as established by the Department. Reports submitted to the DEQ by the permittee must be signed by a principal executive officer, ranking elected official or other duly authorized employee. The duly authorized employee must be an individual or position having responsibility for the overall operation of the facility or the Pretreatment Program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the Approval Authority prior to or together with the report being submitted.

13. Pretreatment Program Modifications

The permittee shall submit in writing to the Department a statement of the basis for any proposed modification of its approved program and a description of the proposed modification in accordance with 40 CFR § 403.18. No substantial program modifications may be implemented by the delegated program prior to receiving written authorization from the Department. This Schedule incorporates, by reference, all substantial and non-substantial pretreatment program modifications approved by the Department prior to NPDES permit re-issuance.

14. Implementation of 2005 EPA Streamlining Amendments to 40CFR403

The permittee shall complete implementation of the required portions of the 2005 EPA streamlining amendments within twelve months after the permit reissuance unless the Department authorizes or requires in writing an alternate time frame.

Last updated: 10/2010