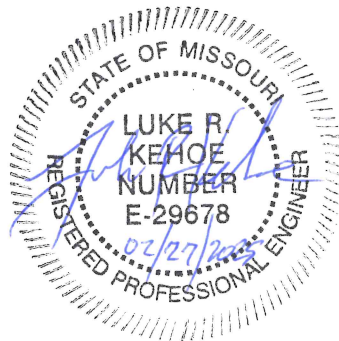


Rules, Rates, and Regulations Pretreatment Chapter



June 2024

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1 GENERAL PROVISIONS

1.1 Purpose and Policy

This chapter sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the Duckett Creek Sanitary District (DCSD) and enables DCSD to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this chapter are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) that will interfere with its operation;
- B. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the POTW; and
- E. To enable DCSD to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This chapter shall apply to all Users of the POTW. The chapter authorizes the issuance of individual wastewater discharge permits or general permit; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and establishes User reporting requirements.

1.2 Administration

Except as otherwise provided herein, the District shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the District may be delegated by the District to a duly authorized DCSD employee.

1.3 Abbreviations

The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD – Biochemical Oxygen Demand

BMP – Best Management Practice

BMR – Baseline Monitoring Report

CFR – Code of Federal Regulations

CIU – Categorical Industrial User

COD – Chemical Oxygen Demand

CSR – Code of State Regulations

DCSD – Duckett Creek Sanitary District

Director – The Executive Director of the Duckett Creek Sanitary District or his designee

EPA – U.S. Environmental Protection Agency

gpd – gallons per day

IU – Industrial User

MAIL – Maximum Allowable Industrial Loading

mg/l – milligrams per liter

MSOP – Missouri State Operating Permit

NSCIU – Non-Significant Categorical Industrial User

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

SIU – Significant Industrial User

SNC – Significant Noncompliance

TSS – Total Suspended Solids

U.S.C. – United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

Act or “the Act.” means the Federal Water Pollution Control Act Amendments of 1972 (commonly referred to as the Clean Water Act) and any amendments thereto; as promulgated by the U.S. Environmental Protection Agency pursuant to the Act.

Approval Authority. Missouri Department of Natural Resources

Authorized Representative or Duly Authorized Representative of the User.

- (1) If the User is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to DCSD.

Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days as determined by Standard Methods and expressed in milligrams per liter (mg/L).

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

Chemical Oxygen Demand or COD. Shall be defined in accordance with, and shall be measured as prescribed in, the latest edition of "Standard Methods for the Examination of Water and Wastewater".

Control Authority. The District

Cooling Water. Means:

- (1) Uncontaminated Cooling Water: Water used for cooling purposes only which has no direct contact with any raw material, intermediate or final product and which does not contain a level of contaminants detectably higher than that of the intake water; or
- (2) Contaminated Cooling Water: Water used for cooling purposes which may become contaminated through the use of any water treatment chemicals used for corrosion inhibitors or biocides, by direct contact with process materials and/or wastewater, or contains a level of contaminants detectably higher than that of the intake water. Includes contact cooling water and may include non-contact cooling water.

Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Daily Discharge. The "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

District. Duckett Creek Sanitary District.

Disruption. A deleterious impact (caused by a discharge either alone or in combination with other discharges) on the structure, function, operation or maintenance of the POTW (including as increase in maintenance requirements or a risk of harm to persons), or on the ability to beneficially reuse biosolids, recycled water, or any products produced by the POTW.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Existing Source. Any source of discharge that is not a “New Source.”

Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

Industrial User/Discharger. Means the source of indirect discharge to the POTW from any non-domestic source.

Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of DCSD’s MSOP permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limit. Specific discharge limits developed and enforced by DCSD upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

New Source. Means

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under

section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - i) any placement, assembly, or installation of facilities or equipment; or
 - ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Pass Through. A discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of DCSD's MSOP permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government, or any other legal entity whatever, which is recognized by law as the subject of rights and duties.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the

POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Process Water. Process water means any water that, during manufacturing or processing, comes into contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this chapter.

Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by DCSD. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage. See Wastewater.

Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) 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
 - (c) Is designated as such by DCSD on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (3) The District may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (a) The Industrial User, prior to DCSD's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (b) The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and

- (c) The Industrial User never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, DCSD may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this chapter. 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 a Disruption, Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total Categorical Wastewater. The sum of all wastewater from wastestreams regulated by a categorical pretreatment standard found in 40 CFR Parts 400 through 471.

Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

User. Any person that has previously discharged or currently discharges wastewater into the infrastructure managed by the Duckett Creek Sanitary District, thereby utilizing its services and contributing to its wastewater collection system.

Wastewater. Water which carries or contains pollutants or contaminants such as ground garbage, human and animal excretions and other liquid wastes from any source (residential, commercial or industrial).

Wastewater Treatment Facility. Any facility, method or process which removes, reduces or renders less obnoxious pollutants or water contaminants released from any source. It is also any device or system for the storage, treatment, recycling, and reclamation of municipal wastewater, domestic wastewater, or liquid industrial wastes. These include intercepting sewers, outfall sewers, wastewater collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as stand-by treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues (bio solids) resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, and being a part of the sewer system.

2 GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

The following requirements for the use of the sanitary sewer system shall be observed. Violations of these requirements will result in the discontinuance of service to the Customer and/or charges for damages. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof water runoff, sub-surface drainage, uncontaminated cooling water or unpolluted industrial process water to any of the District's sanitary sewer mains.
- B. No person shall discharge or cause to be discharged any of the following described waters or wastes to the District's sanitary sewer mains.
 - (1) Any liquid or vapor having a temperature higher than 140 degrees Fahrenheit (60 degrees Celsius).
 - (2) Any water or waste which may contain more than 100 milligrams per liter (mg/L) by weight, of fat, oil or grease.
 - (3) Any water or waste which may contain more than 25 milligrams per liter (mg/L) by weight, of soluble oils.
 - (4) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (5) Any garbage that has not been properly shredded.
 - (6) Any ashes, cinders, grit, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any solid or viscous substance capable of causing an obstruction to the flow in the sewers or other disruption or interference with the proper operation of wastewater facilities.
 - (7) Any waters or wastes having a pH lower than 5.5 or higher than 11.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, humans or animals.
 - (8) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the wastewater treatment plant.
 - (9) Any waters or wastes containing Biochemical Oxygen Demand (BOD) or suspended solids (S.S.) of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant, except as discussed in 2.020.06, herein.

2.2 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the District may impose equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the District may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the District shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section.

- (1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the District. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

- (2) Criteria

- (a) Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - (b) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - (c) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
 - (d) Credit shall be granted only if the Industrial User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The District may waive this requirement if it finds that no environmental degradation will result.
- E. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- F. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- G. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the District within two (2) business days after the Industrial User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any Industrial User not notifying the District of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

2.3 State Pretreatment Standards

Industrial Users must comply with Missouri Pretreatment Standards codified at Missouri Department of Natural Resources Code of State Regulations (CSR) 10 CSR 20-6.100 General Pretreatment Regulations.

2.4 Local Limits

- A. The District is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing the following pollutants in a manner that causes the maximum allowable industrial loading (MAIL) at the POTW listed below to be exceeded.

701 lbs/day BOD

0.17 lbs/day selenium

2,048 lbs/day TSS

The above limits apply at the point where the wastewater is discharged to the POTW. All limits for metallic substances are for total metal unless indicated otherwise.

- C. The District may assign additional numeric limits as deemed necessary.
- D. The District may develop Best Management Practices (BMPs), by chapter or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 2.1.

2.5 DCSD's Right of Revision

The District reserves the right to establish, by chapter or in individual wastewater discharge permits or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this chapter. See section 2.020.01 of DCSD's Rules, Regulations and Rates for more information of Rights of Revision.

2.6 Dilution

No Industrial User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The District may impose mass limitations on Industrial Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

3 PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Industrial Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this chapter within the time limitations specified by EPA, the State, or the District, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the Industrial User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this chapter.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the District may require Industrial Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams,

and such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of this chapter.

- B. The District may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. Any water or waste which may contain more than 100 milligrams per L (mg/L) by weight, of fat, oil, or grease is prohibited [see section 2.020.04 of DCSD's Rules, Regulations and Rates]. All interception units shall be of a type and capacity approved by the City's or County's specific regulations, shall comply with the City's or County's Oil and Grease Management chapter, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with the City's or County's Oil and Grease Management chapter if applicable, cite by the User at their expense.
- D. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Discharge Control Plans

The District shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The District may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the District may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the District of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the District, and at such times as are established by the District. Such waste shall not violate Section 2 of this chapter or any other requirements established by the District. the District may require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.
- B. The District may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The District may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The District also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

- C. Industrial waste haulers may discharge loads only at locations designated by the District. No load may be discharged without prior consent of the District. The District may collect samples of each hauled load to ensure compliance with applicable Standards. The District may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

4 INDIVIDUAL WASTEWATER DISCHARGE PERMITS AND GENERAL PERMITS

4.1 Wastewater Analysis

When requested by the District, a User must submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The District is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 Individual Wastewater Discharge Permit and General Permit Requirement

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the District, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this chapter may continue to discharge for the time period specified therein.
- B. The District may require other Users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this chapter.
- C. Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this chapter. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge and General Permitting: Existing Connections

Any Industrial User required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the District for an individual wastewater discharge permit or a general permit in accordance with Section 4.5 of this chapter, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this chapter except in accordance with an individual wastewater discharge permit or a general permit issued by the District.

4.4 Individual Wastewater Discharge and General Permitting: New Connection

Any Industrial User required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with Section 4.5 of this chapter, must be filed at least one-hundred and eighty (180) days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge and General Permit Application Contents

- A. All Industrial Users required to obtain an individual wastewater discharge permit or a general permit must submit a permit application. Industrial Users that are eligible may request a general permit under Section 4.6. The District may require Industrial Users to submit all or some of the following information as part of a permit application:
- (1) Identifying Information
 - (a) The name and address of the facility, including the name of the operator and owner.
 - (b) Contact information, description of activities, facilities, and plant production processes on the premises;
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations.
 - (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (d) Type and amount of raw materials processed (average and maximum per day);
 - (e) 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;
 - (4) Time and duration of discharges;
 - (5) The location for monitoring all wastes covered by the permit;
 - (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in Section 2.2C (40 CFR 403.6(e)).
 - (7) Measurement of Pollutants.
 - (a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District, of regulated pollutants in the discharge from each regulated process.
 - (c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this chapter. Where the

Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.

- (e) Sampling must be performed in accordance with procedures set out in Section 6.11 of this chapter.
 - (8) 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 based on Section 6.4 B [40 CFR 403.12(e)(2)].
 - (9) Any request to be covered by a general permit based on Section 4.6.
 - (10) Any other information as may be deemed necessary by the District to evaluate the permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the Industrial User for revision.

4.6 Wastewater Discharge Permitting: General Permits

- A. At the discretion of the District, the District may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
- (1) Involve the same or substantially similar types of operations;
 - (2) Discharge the same types of wastes;
 - (3) Require the same effluent limitations;
 - (4) Require the same or similar monitoring; and
 - (5) In the opinion of the District, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
- B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 6.4 B for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the District has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 6.4B.
- C. The District will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 4.6A(1) to (5) and applicable State regulations, and a copy of the Industrial User's written request for coverage for three (3) years after the expiration of the general permit.
- D. The District may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula (Section 2.2C) or Net/Gross calculations (Section 2.2 D).

4.7 Application Signatories and Certifications

- A. All wastewater discharge permit applications, Industrial User reports and certification statements must be signed by an Authorized Representative of the Industrial User and contain the certification statement in Section 6.14 A.
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the District prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the District pursuant to 1.4 GG(3) must annually submit the signed certification statement in Section 6.14 B.

4.8 Individual Wastewater Discharge and General Permit Decisions

The District will evaluate the data furnished by the Industrial User and may require additional information. Within one-hundred and eighty (180) days of receipt of a complete permit application, the District will determine whether to issue an individual wastewater discharge permit or a general permit. The District may deny any application for an individual wastewater discharge permit or a general permit.

5 INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE

5.1 Individual Wastewater Discharge and General Permit Duration

An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit or a general permit may be issued for a period less than five (5) years, at the discretion of the District. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire

5.2 Individual Wastewater Discharge Permit and General Permit Contents

An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the District to prevent Disruption, Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Individual wastewater discharge permits and general permits must contain:
 - (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 5.5 of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B.
 - (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - (7) Requirements to control Slug Discharge, if determined by the District to be necessary.
 - (8) Any grant of the monitoring waiver by the District (Section 6.4 B) must be included as a condition in the Industrial User's permit [or other control mechanism].
- B. Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (5) The unit charge or schedule of Industrial User charges and fees for the management of the wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 - (7) A statement that compliance with the individual wastewater discharge permit or the general permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit or the general permit; and
 - (8) Other conditions as deemed appropriate by the District to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.

5.3 Permit Issuance Process

- A. Public Notification. The District will publish in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on a Web page, a notice to issue a pretreatment permit, at least thirty (30) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.
- B. Permit Appeals. The District shall provide public notice of the issuance of an individual wastewater discharge permit or a general permit. Any person, including the Industrial User, may petition the District to reconsider the terms of an individual wastewater discharge permit or a general permit within thirty (30) days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the individual wastewater discharge permit or a general permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit or a general permit.
- (3) The effectiveness of the individual wastewater discharge permit or a general permit shall not be stayed pending the appeal.
- (4) If the District fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit or a general permit, not to issue an individual wastewater discharge permit or a general permit, or not to modify an individual wastewater discharge permit or a general permit shall be considered final administrative actions for purposes of judicial review.
- (5) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit or general permit decision must do so by filing a complaint with the Circuit Court of St. Charles County, Missouri within one (1) year.

5.4 Permit Modification

- A. The District may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - (2) To address significant alterations or additions to the Industrial User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (4) Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, or the receiving waters;
 - (5) Violation of any terms or conditions of the individual wastewater discharge permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 - (8) To correct typographical or other errors in the individual wastewater discharge permit; or
 - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5
- B. The District may modify a general permit for good cause, including, but not limited to, the following reasons:
 - (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - (2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (3) To correct typographical or other errors in the individual wastewater discharge permit; or

- (4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

5.5 Individual Wastewater Discharge Permit and General Permit Transfer

Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least one hundred eighty (180) days advance notice to the District and the District approves the individual wastewater discharge permit or the general permit coverage transfer. The notice to the District must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or coverage under the general permit void as of the date of facility transfer.

5.6 Individual Wastewater Discharge Permit and General Permit Revocation

The District may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the District of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the District of changed conditions pursuant to Section 6.5 of this chapter;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the District timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or the general permit or this chapter

Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to an Industrial User are void upon the issuance of a new individual wastewater discharge permit or a general permit to that Industrial User.

5.7 Individual Wastewater Discharge Permit and General Permit Reissuance

An Industrial User with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this chapter, a minimum one hundred eighty (180) days prior to the expiration of the Industrial User's existing individual wastewater discharge permit or general permit.

5.8 Regulation of Waste Received from Other Jurisdictions

- A. If another sanitary district or municipality, or User located within another sanitary district or municipality, contributes wastewater to the POTW, the District shall enter into an intergovernmental agreement with the contributing sanitary district or municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the District shall request the following information from the contributing sanitary district or municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing sanitary district or municipality;
 - (2) An inventory of all Users located within the contributing sanitary district or municipality that are discharging to the POTW; and
 - (3) Such other information as the District may deem necessary.
- C. An intergovernmental agreement, as required by paragraph A, above, shall contain the following conditions:
 - (1) A requirement for the contributing sanitary district or municipality to adopt a sewer use chapter which is at least as stringent as this chapter and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this chapter. The requirement shall specify that such chapter and limits must be revised as necessary to reflect changes made to the District's Rules and Regulations or Local Limits;
 - (2) A requirement for the contributing municipality to submit a revised Industrial User inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing sanitary district or municipality; which of these activities will be conducted by the District; and which of these activities will be conducted jointly by the contributing sanitary district or municipality and the District;
 - (4) A requirement for the contributing sanitary district or municipality to provide the District with access to all information that the contributing sanitary district or municipality obtains as part of its pretreatment activities;
 - (5) Limits on the nature, quality, and volume of the contributing sanitary district's or municipality's wastewater at the point where it discharges to the POTW;
 - (6) Requirements for monitoring the contributing sanitary district or municipality's discharge;
 - (7) A provision ensuring the District access to the facilities of Industrial Users located within the contributing sanitary district or municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the District; and
 - (8) A provision specifying remedies available for breach of the terms of the intergovernmental agreement.

6 REPORTING REQUIREMENTS

6.1 Baseline Monitoring Report

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the District a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the District a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Industrial Users described above shall submit the information set forth below.
 - (1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6).
 - (2) Measurement of pollutants.
 - (a) The Industrial User shall provide the information required in Section 4.5 A (7) (a) through (d).
 - (b) The Industrial User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the Industrial User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - (d) Sampling and analysis shall be performed in accordance with Section 6.10;
 - (e) The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - (f) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW
 - (3) Compliance Certification. A statement, reviewed by the Industrial User's Authorized Representative as defined in Section 1.4 C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

- (4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this chapter.
- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this chapter and signed by an Authorized Representative as defined in Section 1.4C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this chapter:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The Industrial User shall submit a progress report to the District no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the Industrial User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the District.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to such Pretreatment Standards and Requirements shall submit to the District a report containing the information described in Section 4.5A(6) and (7) and 6.1(B)(2) of this chapter. For Industrial Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2, this report shall contain a reasonable measure of the Industrial User's long-term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the Industrial User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14 A of this chapter. All sampling will be done in conformance with Section 6.11.

6.4 Periodic Compliance Reports

- A. Except as specified in Section 6.4.C, all Significant Industrial Users must, at a frequency determined by the District submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the Industrial User must submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the Industrial User.

- B. The District may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User 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 Industrial User. This authorization is subject to the following conditions:
- (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
 - (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The Industrial User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.5A(8).
 - (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - (4) The request for a monitoring waiver must be signed in accordance with Section 1.4C, and include the certification statement in 6.14 A (40 CFR 403.6(a)(2)(ii)).
 - (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 - (6) Any grant of the monitoring waiver by the District must be included as a condition in the Industrial User's permit. The reasons supporting the waiver and any information submitted by the Industrial User in its request for the waiver must be maintained by the District for three (3) years after expiration of the waiver.
 - (7) Upon approval of the monitoring waiver and revision of the Industrial User's permit by the District, the Industrial User must certify on each report with the statement in Section 6.14 C below, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.
 - (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the Industrial User's operations, the Industrial User must immediately: Comply with the monitoring requirements of Section 6.4 A, or other more frequent monitoring requirements imposed by the District, and notify the District.
 - (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- C. The District may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Missouri Department of Natural Resources, where the Industrial Industrial User's total categorical wastewater flow does not exceed any of the following:
- (1) 500 gallons per day,
 - (2) For BOD 0.07 pounds per day and for TSS 0.2048 pounds per day; and

- (3) For selenium 0.000017 pounds per day.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 9 of this chapter. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the District, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- D. All periodic compliance reports must be signed and certified in accordance with Section 6.14 A of this chapter.
- E. All wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that sample results are unrepresentative of its discharge.
- F. If an Industrial User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the procedures prescribed in Section 6.11 of this chapter, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each Industrial User must notify the District of any significant changes to the Industrial User's operations or system which might alter the nature, quality, or volume of its wastewater at least one hundred eighty (180) days before the change.

- A. The District may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this chapter.
- B. The District may issue an individual wastewater discharge permit or a general permit under Section 5.7 of this chapter or modify an existing wastewater discharge permit or a general permit under Section 5.4 of this chapter in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the Industrial User shall immediately telephone and notify the District of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the Industrial User.
- B. Within five (5) days following such discharge, the Industrial User shall, unless waived by the District, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this chapter.
- C. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers

shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

- D. Significant Industrial Users are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the District as the District may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the District within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. Resampling by the User is not required if the District performs sampling at the User's facility at least once a month, or if the District performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling, or if the District has performed the sampling and analysis in lieu of the Industrial User.

6.9 Notification of the Discharge of Hazardous Waste

- A. Any User who commences the discharge of hazardous waste shall immediately (within 12 hours) notify the District, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than twelve (12) hours after the discovery of discharge. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this chapter. The notification requirement in this Section does not apply to pollutants already reported by Industrial Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this chapter.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the District, the EPA Regional Waste Management Waste Division Director, and State

hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- D. In the case of any notification made under this Section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable Federal or State law.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties approved by EPA.

6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in Section B and C below, the Industrial User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Recordkeeping

Industrial Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the Industrial User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the Industrial User or the District, or where the Industrial User has been specifically notified of a longer retention period by the District.

6.14 Certification Statement

- A. Certification of Permit Applications, Industrial User Reports and Initial Monitoring Waiver— The following certification statement is required to be signed and submitted by Industrial Users submitting permit applications in accordance with Section 4.7; Industrial Users submitting baseline monitoring reports under Section 6.1 B (5); Industrial Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Industrial Users submitting periodic compliance reports required by Section 6.4 A–D, and Industrial Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the District pursuant to 1.4 GG(3) and 4.7 C must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C. This certification must accompany an alternative report required by the District:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ___, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- (a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 GG (3);

- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information

C. Certification of Pollutants Not Present

Industrial Users that have an approved monitoring waiver based on Section 6.4 B must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the Industrial 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 wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A.

7 COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The District shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this chapter and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the District ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. See section 2.020.08 of DCSD's Rules, Regulations and Rates for additional details related to right of entry.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the District shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The District shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The District may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the District and shall not be replaced. The costs of clearing such access shall be born by the User.
- E. Unreasonable delays in allowing the District access to the User's premises shall be a violation of this chapter.

7.2 Search Warrants

If the District has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the District may seek issuance of a search warrant/right to inspect and enter from the Circuit Court of St. Charles County, Missouri.

8 CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general permits, and monitoring programs, and from the District's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the MSOP program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

9 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The District shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, Disruption, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of the local pretreatment program.

10 ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the District finds that a User has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may serve upon that User a written Notice of Violation. Within five (5) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall, upon demand by the District, be submitted by the User to the District. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The District may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this chapter and shall be judicially enforceable.

10.3 Show Cause Hearing

The District may order a User which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the District and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the 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 fourteen (14) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

When the District finds that a User has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When the District finds that a User has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the District may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations 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 User.

10.6 Administrative Fines

- A. When the District finds that a User has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may fine such User in an amount not to exceed \$1,000. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of eighteen percent (18%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1.5%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the District to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the District may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The District may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions

The District may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The District may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the District may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The District may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this chapter are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this chapter.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this chapter, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit or general permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this chapter.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this chapter why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the User.

11 JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the District finds that a User has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may petition the Circuit Court of St. Charles County, Missouri through the District's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this chapter on activities of the User. The District

may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User, such as our action for damages. The District may also recover its attorney fees, cost, and expert witness fees incurred in such actions.

11.2 Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution

- A. A User who willfully or negligently violates any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction under State or Federal laws, be guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than six (6) months, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction under State or Federal laws, be guilty of a misdemeanor and be subject to a penalty of at least ten thousand dollars (\$10,000) or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law or Federal law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, individual wastewater discharge permit, or general permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction under State or Federal laws, be punished by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than six (6) months, or both.
- D. In the event of a second conviction under State or Federal laws, a User shall be punished by a fine of not more than fifty thousand dollars (\$50,000) per violation, per day, or imprisonment for not more than two (2) years, or both.
- E. The liabilities which shall be imposed pursuant to any provision of this Chapter upon persons violating the provisions of any standard, rule, limitation, or regulation adopted by the District pursuant thereto shall not be imposed due to any violation caused by an act of God, war, strike, riot, or other catastrophe.

11.4 Remedies Nonexclusive

The remedies provided for in this chapter are not exclusive. The District may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the District's enforcement response plan. However, the District may take other action against any User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any noncompliant User.

12 SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Penalties for Late Reports

A penalty of up to \$1,000 shall be assessed to any User for each day that a report required by this chapter, a permit or order issued hereunder is late, beginning five days after the date the report is due. Higher penalties may also be assessed where reports are more than 30-45 days late. Actions taken by the District to collect late reporting penalties shall not limit the District's authority to initiate other enforcement actions that may include penalties for late reporting violations.

12.2 Performance Bonds

The District may decline to issue or reissue an individual wastewater discharge permit or a general permit to any User who has failed to comply with any provision of this chapter, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the District to be necessary to achieve consistent compliance.

12.3 Liability Insurance

The District may decline to issue or reissue an individual wastewater discharge or a general permit to any User who has failed to comply with any provision of this chapter, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.4 Payment of Outstanding Fees and Penalties

The District may decline to issue or reissue an individual wastewater discharge permit or a general permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this chapter, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder.

12.5 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this chapter, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

12.6 Public Nuisances

A violation of any provision of this chapter, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the District. Any person(s) creating a public nuisance shall be

subject to the provisions of Missouri and Federal law governing such nuisances, including reimbursing the District for any costs incurred in removing, abating, or remedying said nuisance.

12.7 Informant Rewards

The District may pay up to one thousand dollars \$1,000 for information leading to the discovery of noncompliance by a User. In the event that the information provided results in a civil penalty or an administrative fine levied against the User, the District may disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed one thousand dollars (\$1,000).

12.8 Contractor Listing

Industrial Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the District. Existing contracts for the sale of goods or services to the District held by a Industrial User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the District.

13 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

- A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the User can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The User has submitted the following information to the District within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this chapter or the specific prohibitions in Sections 2.1(B)(3) through (7) of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Disruption, Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Disruption, Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the District was regularly in compliance with its MSOP permit, and in the case of Disruption or Interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass

- A. For the purposes of this Section,
 - (1) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.
- C. Bypass Notifications
 - (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the District, at least ten (10) days before the date of the bypass, if possible.
 - (2) A User shall submit oral notice to the District of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. Bypass

- (1) Bypass is prohibited, and the District may take an enforcement action against a User for a bypass, unless
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The User submitted notices as required under paragraph (C) of this section.
- (2) The District may approve an anticipated bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

14 WASTEWATER TREATMENT RATES – [RESERVED]

15 MISCELLANEOUS PROVISIONS

15.1 Pretreatment Charges and Fees

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by the District to address IU noncompliance; and
- F. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the District.

15.2 Severability

If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

16 EFFECTIVE DATE

This chapter shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

[End of Pretreatment Chapter]

Attachment A

Enforcement Response Plan

Enforcement Response Plan



June 2024

The following represents the enforcement response plan (ERP) utilized by Duckett Creek Sanitary District (DCSD), as Control Authority, to track the compliance of industrial users discharging to the POTW and enforce the pretreatment program requirements. This plan describes how the Control Authority identifies and responds to occurrences of non-compliance with pretreatment requirements found in the DCSD's Rules, Regulations and Rates Pretreatment Chapter. Per Section 1.1 of DCSD's Rules, Regulations and Rates Pretreatment Chapter, DCSD has the ability and requirement to enforce pretreatment program requirements.

All users discharging non-domestic waste to the District are subject to the provisions of the ERP. The ERP does not preclude DCSD from taking any, all, or any combination of actions against a non-compliant industrial user. The ERP designates several enforcement options for each type (or pattern) of non-compliance to provide direction for appropriate enforcement response and to provide for consistent enforcement for similar violations and circumstances.

1) Noncompliance with the Pretreatment Program

Violation of any pretreatment requirements, including (but not limited to) Local Limits, Categorical Pretreatment Limits, sampling, analysis, and reporting requirements, as well as failure to meet compliance schedules and regulatory deadlines are considered instances of noncompliance for which the industrial user is liable for enforcement.

2) Publishing List of Industrial Users with Significant Violations

Instances of Significant Non-Compliance (SNC) are industrial user violations defined in DCSD's Rules, Regulations and Rates Pretreatment Chapter.

40 CFR Section 403.8 (f) (2) (viii) requires that the Control Authority publish, at least annually, in the largest daily newspaper located in the municipality serviced by the Control Authority, a list of industrial users that were significantly violating applicable pretreatment standards and requirements during the previous 12 months.

3) Enforcement Responses

The following shall be the actions to cover enforcement responses appropriate in relation to the nature and severity of the violation and the degree of noncompliance. It also shall provide for a uniform application of enforcement responses to comparable levels and types of violations:

- A. Effluent Limits – Table 1
- B. Sampling and Monitoring – Table 2
- C. Reporting – Table 3
- D. Compliance Schedules – Table 4
- E. Field Inspections or Investigations – Table 5
- F. Miscellaneous – Table 6
- G.

4) Time Frame for Responses and Personnel Responsible

- A. All violations will be identified and documented within five (5) days of receiving compliance information. The Operation Supervisor would be responsible for this enforcement action.
- B. Initial enforcement responses involving contact with the industrial user and requesting information on corrective or preventative action(s) will occur within 15 days of violation detection. The Operation Supervisor would be responsible for this enforcement action.
- C. Follow up actions for continuing or reoccurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a

- compliance schedule. The Operation Supervisor would be responsible for this enforcement action.
- D. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service. The Director of Engineering and Operations would be responsible for this enforcement action.
 - E. All violations meeting the criteria for significant noncompliance (SNC) will be addressed with an enforceable order within 30 days of the identification of significant noncompliance. The Director of Engineering and Operations would be responsible for this enforcement action.

Table 1. Effluent Limits

Noncompliance	Nature of Violation (s)	Range of Enforcement Responses	Responsible Official
Exceedance of Local Limits, National Categorical Effluent Standards, or other discharge limitations (interim or final).	1. Infrequent or isolated minor violations, less than 25% over limit	1. Letter of violation with final response due within 10 days	OS
	2. Repeated or chronic violations for a single parameter	1. Letter of violation with final response due within 10 days 2. Issue compliance schedule 3. Administrative penalty if resulted in environmental harm (Tier 2)	OS OS, ED DEO, ED
	3. Infrequent or isolated Technical Review Criteria (TRC) violation for single parameter.	1. Letter of violation with final response due within 10 days 2. Issue compliance schedule 3. Administrative penalty if resulted in environmental harm (Tier 2)	OS OS, ED DEO, ED
	4. Repeated or chronic TRC violations for multiple parameters	1. Administrative penalty (Tier 3) 2. Issue compliance schedule 3. Compliance meeting 4. Suspension of sewer service	DEO, ED OS, ED OS, DEO, ED DEO, ED
	5. Any other violation(s) that result in SNC	1. Administrative penalty (Tier 3) 2. Issue compliance schedule 3. Compliance meeting 4. Suspension of sewer service	DEO, ED OS, ED OS, DEO, ED DEO, ED

OS = Operation Supervisor

DEO = Director of Engineering and Operations ED

= Executive Director

*30-Day Repeat Sampling (Section 6.8 of the District's Rules, Regulations, and Rates Pretreatment Chapter)

The Duckett Creek Sanitary District shall determine:

- Whether repeat sampling is still required; and
- The responsible party for collecting the repeat sample.

Through the letter of violation or similar communication, the Duckett Creek Sanitary District shall inform the IU of its decision and any needed actions to fulfill this requirement.

Table 2. Sampling and Monitoring

Noncompliance	Nature of Violation (s)	Range of Enforcement Responses	Responsible Official
Improper sampling	1. Unintentional sampling at incorrect location, by incorrect method, or using incorrect techniques and/or procedures.	1. Phone call	OS
		2. Letter of violation requiring immediate correction	OS
	2. Intentional (or frequent unintentional) sampling at incorrect location, by incorrect method, or using incorrect techniques and/or procedures.	1. Administration penalty (Tier 3) 2. Compliance meeting 3. Suspension of sewer service 4. Show cause hearing 5. Judicial action and civil penalties	OS, DEO OS, DEO, ED DEO, ED DEO DEO, ED
Failure to sample or monitor	1. Isolated or infrequent occurrence	1. Phone call 2. Letter of violation with response due within 10 days	OS OS
	2. Chronic or frequent occurrences, constitutes SNC	1. Administrative penalty (Tier 2) 2. Compliance meeting 3. Suspension of sewer service 4. Show cause hearing 5. Judicial action and civil penalties	DEO, ED OS, DEO, ED DEO, ED DEO DEO, ED
Failure to conduct repeat effluent analysis within 30 days of a violation	1. Isolated or infrequent occurrence	1. Phone call 2. Letter of violation with response due within 10 days	OS OS
	2. Frequent or continued occurrences, constitutes SNC	1. Administrative penalty (Tier 2) 2. Compliance meeting 3. Suspension of sewer service 4. Show cause hearing 5. Judicial action and civil penalties	DEO, ED OS, DEO, ED DEO, ED DEO DEO, ED
Other sampling or monitoring deficiencies	1. Isolated or infrequent	1. Phone call 2. Letter of violation 2. Issue compliance schedule	OS OS OS, DEO
	2. Chronic or frequent occurrences or deficiencies that continue to remain uncorrected for 30 days or more, constitutes SNC	1. Administrative penalty (Tier 3) 2. Compliance meeting 3. Suspension of sewer service 4. Show cause hearing 5. Judicial action and civil penalties	DEO, ED OS, DEO, ED DEO, ED DEO DEO, ED

Table 3. Reporting

Noncompliance	Nature of Violation (s)	Range of Enforcement Responses	Responsible Official
Falsification of sampling or monitoring data	1. Any instance constitutes SNC	1. Show cause hearing 2. Judicial action and civil penalties 3. Suspension of sewer service	DEO DEO DEO, ED
Failure to provide required reports (including any follow-up reports)	1. Isolated or infrequent occurrence	1. Phone call 2. Letter of violation with response due within 10 days 3. Issue compliance schedule	OS OS OS, ED
	2. Chronic or frequent occurrences	1. Administrative penalty (Tier 2) 2. Compliance meeting 3. Suspension of sewer service 4. Show cause hearing 5. Judicial action and civil penalties	DEO, ED OS, DEO, ED DEO, ED DEO DEO, ED
Failure to notify of effluent limit violation(s) within 24-hours (includes accidental discharges and bypasses)	1. Isolated or infrequent occurrence	1. Phone call 2. Letter of violation with response due within 10 days	OS OS
	2. Frequent or continued violation, constitutes SNC	1. Administrative penalty (Tier 2) 2. Compliance meeting 3. Suspension of sewer service 4. Show cause hearing 5. Judicial action and civil penalties	DEO, ED OS, DEO, ED DEO, ED DEO DEO, ED
	3. Known environmental or POTW damage results, constitutes SNC	1. Show cause hearing 2. Judicial action and civil penalties 3. Suspension of sewer service	DEO DEO, ED DEO, ED
Reported slug load or spill (or failure to report slug load or spill).	1. Isolated occurrence with no known damage or harm to POTW	1. Letter of violation	OS
	2. Isolated occurrence with known interference, pass-through or damage, constitutes SNC	1. Letter of violation 2. IU liable for expense, loss or damage caused by discharge 3. Suspension of sewer service	OS DEO, ED DEO, ED
	3. Reoccurring, constitutes SNC	1. IU liable for expense, loss or damage caused by discharge 2. Suspension of sewer service 3. Show cause hearing 4. Judicial action including civil penalty	DEO, ED DEO, ED DEO DEO, ED
Minor reporting deficiencies (i.e. improperly completed, not certified, late, missing parameters)	1. Isolated or infrequent occurrence	1. Phone call	OS
	2. Chronic or frequent occurrences or deficiencies that continue to remain uncorrected for 30 days or more, constitutes SNC	1. Letter of violation with response due within 10 days 2. Administrative penalty (Tier 3) 3. Compliance meeting 4. Suspension of sewer service 5. Show cause hearing 6. Judicial action and civil penalties	OS DEO, ED OS, DEO, ED DEO, ED DEO DEO, ED
Other reporting deficiencies	1. Isolated or infrequent occurrence	1. Phone call 2. Issue compliance schedule	OS OS, ED
	2. Chronic or frequent occurrences or deficiencies that continue to remain uncorrected for 30 days or more, constitutes SNC	1. Letter of violation with response due within 10 days 2. Administrative penalty (Tier 3) 3. Compliance meeting 4. Suspension of sewer service 5. Show cause hearing 6. Judicial action and civil penalties	OS DEO, ED OS, DEO, ED DEO, ED DEO DEO, ED

Table 4. Compliance Schedules

Noncompliance	Nature of Violation (s)	Range of Enforcement Responses	Responsible Official
Reporting false information	1. Any instance constitutes SNC	1. Suspension of sewer service 2. Show cause hearing 3. Judicial action and civil penalties	DEO, ED DEO DEO, ED
Missed interim date	1. Will not cause late final date or interim date	1. Phone call	OS
	2. Will result in other missed interim dates, violation for valid cause	1. Letter of violation with final response, detailing valid cause of missed date, due within 10 days	OS
	3. Will result in other missed interim dates no valid cause, constitutes SNC	1. Administrative penalty (Tier 1) 2. Issue compliance schedule 3. Compliance meeting 4. Show cause hearing 5. Judicial action and civil penalties	DEO, ED OS, ED OS, DEO, ED DEO DEO, ED
Missed final date	1. 90 days or more outstanding failure or refusal to comply without valid cause	1. Administrative penalty (Tier 3) 2. Compliance meeting 3. Suspension of sewer service 4. Show cause hearing 5. Judicial action and civil penalties	DEO, ED OS, DEO, ED DEO, ED DEO DEO, ED
Failure to install monitoring equipment	1. Chronic SNC	1. Issue compliance orders that require monitoring using outside contract if necessary with minimal time to install equipment 2. Administrative penalty (Tier 3) 3. Show cause hearing 4. Judicial action and civil penalties	OS, ED DEO, ED DEO DEO, ED

Table 5. Field Inspections or Investigations

Noncompliance	Nature of Violation (s)	Range of Enforcement Responses	Responsible Official
Entry delay or denial	1. Entry delayed beyond 15 minutes	1. Immediate verbal notification 2. Letter of violation 3. Administrative penalty (Tier 3)	OS OS DEO, ED
	1. Entry denied	1. Obtain warrant 2. Show cause hearing 3. Suspension of sewer service 4. Administrative penalty (Tier 3)	OS, DEO, ED DEO DEO, ED DEO, ED
Inadequate records or failure to provide records	1. File review reveals incomplete or missing records with evidence of intent	1. Immediate verbal notification 2. Letter of violation	OS OS
	2. File review reveals incomplete or missing records with no evidence of intent	1. Administration penalty (Tier 3) 2. Compliance meeting 3. Suspension of sewer service 4. Show cause hearing 5. Judicial action and civil penalties	DEO, ED OS, DEO, ED DEO, ED DEO DEO, ED
Diluted waste streams in lieu of treatment	1. Isolated, one-time occurrence	1. Letter of violation	OS
	2. Re-occurring waste stream dilution violations	1. Administration penalty (Tier 3) 2. Compliance meeting 3. Suspension of sewer service 4. Show cause hearing 5. Judicial action and civil penalties	DEO, ED OS, DEO, ED DEO, ED DEO DEO, ED
Failure to properly operate and/or maintain pretreatment facility	1. No evidence of intent	1. Letter of violation requiring immediate correction	OS
	2. Evidence of negligence or intent	1. Administration penalty (Tier 3) 2. Issue compliance schedule 3. Compliance meeting 4. Suspension of sewer service 5. Show cause hearing 6. Judicial action and civil penalties	DEO, ED OS, ED OS, DEO, ED DEO, ED DEO DEO, ED

FOR REFERENCE

Noncompliance	Nature of Violation (s)	Range of Enforcement Responses	Responsible Official
Discharge without administrative approval	1. Any instance	1. Administrative penalty (Tier 3) 2. Issuance of A.O.	DEO, ED OS
		3. Compliance meeting 4. Notice of suspension of sewer service 5. Judicial action and civil penalties	OS, DEO, ED DEO, ED DEO, ED
Failure to take corrective action or halt discharge (including during an operational upset)	1. Isolated occurrence with no known damage or harm to POTW	1. Letter of violation	OS
	2. Chronic, or know damage or harm to POTW	1. Administrative penalty (Tier 3) 3. Compliance meeting 4. Notice of suspension of sewer service 5. Show cause hearing 6. Judicial action and civil penalties	DEO, ED OS, DEO, ED DEO, ED DEO DEO, ED
Failure to comply with any other requirement contained in an Administrative Order	3. Any instance	1. Letter of violation requiring immediate correction 2. Administrative penalty (Tier 3) 3. Issuance of A.O. 4. Compliance meeting 5. Notice of suspension of sewer service 6. Show cause hearing 7. Judicial action and civil penalties	OS DEO, ED OS OS, DEO, ED DEO, ED DEO DEO, ED

FOR REFERENCE

INDUSTRIAL PRETREATMENT PROGRAM IMPLEMENTATION PROCEDURES



June 2024

FOR REFERENCE

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FOR REFERENCE

ACRONYMS AND ABBREVIATIONS

BOD	Biochemical Oxygen Demand
CIU	Categorical Industrial User
DCSD	Duckett Creek Sanitary District
DOD	Dissolved Oxygen
IPP	Industrial Pretreatment Program
IU	Industrial User
MAHL	Maximum Allowable Headworks Loading SIU
	Significant Industrial User
TSS	Total Suspended Solids

1. INTRODUCTION

This document is intended to serve as resource for Duckett Creek Sanitary District (DCSD) as they implement their state approved Industrial Pretreatment Program (IPP).

2. RESOURCES AVAILABLE FOR IPP IMPLEMENTATION

As of **MONTH YEAR**, MDNR approved DCSD's IPP with operation now carried out at the District level. Below is a summary of the resources that DCSD has available for this program implementation.

2.1 DCSD Organization

DCSD has three main roles delegated for addressing IPP issues related to enforcement and implementation. These roles consist of the Operation Supervisor, Operations Lead, Director of Engineering and Operations, and Executive Director. The Operation Supervisor will deal with many of the day-to-day tasks such as IU permitting, addressing IU concerns, and managing IU monitoring data. For additional day-to-day support the Operations Lead can step in when needed. If certain issues need elevated support, then the Director of Engineering and Operations and Executive Director will assist as needed. All legal matters will be dealt with the District's attorney.

2.2 Equipment

DCSD owns two automatic samplers which will be used to collect influent and effluent WWTP samples. DCSD will use its internal laboratory for analysis of ammonia, biochemical oxygen demand (BOD), dissolved oxygen (DO), pH, and total suspended solids (TSS). Samples for the remaining analytes will be sent to a laboratory accredited by the NELAC Institute (NHI) for wastewater material fields. All parameters are analyzed using a 40 CFR Part 136 approved method by the NHI accredited laboratory. The laboratory selected by DCSD for this testing is:

- Pace Analytical Services, LLC
2331 West Altorfer Driver
Peoria, IL 61615

Phone: (309) 692-9688

Fax: (309) 692-9689

2.3 Funding

DCSD received a cost estimate from Pace for annual sampling events for both IUs and the domestic sites, the total estimated cost is \$26,491. DCSD accounted for the time and sub-contractor fees that will be needed on a yearly basis which is summarized in **Tables 1 and 2**. These costs have been built into the upcoming fiscal year's budget.

FOR REFERENCE

Table 1. Annual IPP Toxic POCs Laboratory Analysis Cost Summary

Parameter	Cost Per Sample	# of Samples at WWTPs	# of Samples at Domestic Background Sites	# of Samples at Industrial Sites
Aluminum, Total	\$11.60	7	4	0
Arsenic, Total	\$11.60	4	4	0
Cadmium, Total	\$11.60	4	4	2
Chromium, Total	\$11.60	4	4	2
Chromium IV, Dissolved	\$51.50	4	4	0
Copper, Total	\$11.60	12	4	2
Cyanide, Total	\$39.10	5	4	2
Iron, Total	\$11.60	7	4	0
Lead, Total	\$11.60	5	4	2
Mercury, Total	\$34.20	4	4	0
Molybdenum, Total	\$11.60	4	4	0
Nickel, Total	\$11.60	8	4	2
Selenium, Total	\$11.60	16	4	2
Silver, Total	\$11.60	0	0	2
Zinc, Total	\$11.60	12	4	2
TOTAL COST		\$1,501	\$1,010	\$264

Table 2. Annual IPP Conventional POCs Laboratory Analysis Cost Summary

Parameter	Cost Per Sample	# of Samples at WWTPs	# of Samples at Domestic Background Sites	# of Samples at Industrial Sites
Ammonia as N	\$31.40	80	0	2
Biochemical Oxygen Demand	\$46.60	224	0	2
Nitrite + Nitrate	\$45.00	26	0	0
Nitrogen, Total Kjeldahl	\$43.90	26	0	0
Oil & Grease	\$52.40	26	0	0
Phosphorus, Total	\$43.70	29	0	0
Total Suspended Solids	\$20.00	224	0	2
Total Toxic Organics	\$574.00	0	0	2
TOTAL COST		\$22,372	\$0	\$1,344

Cost recovery tools for the IPP program include various penalty costs. Section 11 and 12 of DCSD's Rules and Regulations Pretreatment Chapter summarize the different types of penalties and the costs associated with them.

3. INDUSTRIAL USER ASSESSMENT

During the July 2023 limits evaluation, an industrial user (IU) survey was sent out to facilities based on commercial water account records. After the survey data was analyzed, only two users were identified as significant industrial users (SIUs), which included A Square Systems and Synergetics. A SIU was based on the criteria set by US EPA which is listed below.

A SIU:

- is subject to categorical pretreatment standards (CIUs) under 40 CFR Part 403.6 and 40 CFR chapter I, subchapter N, except those designated as NSCIUs; or
- discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
- contributes a process waste stream that makes up five percent or more of the average dry-weather hydraulic or organic capacity of the POTW treatment plant; or
- is designated as such by the POTW on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement [in accordance with 40 CFR Part 403.8(f)(6)].

Synergetics will not be classified as a SIU because they have been approved by MDNR to be classified as a non-significant categorical industrial user (NSCIU). Synergetics has decommissioned the plating process which reduced their process wastewater to below 100 gallons per day (GPD). On June 20, 2023, MDNR approved the reclassification request for Synergetics to be a NSCIU. This agreement is contingent on Synergetics not discharging process wastewater in excess of 100 GPD.

3.1 Procedure for Updating Industrial Waste Survey

DCSD must submit an updated list of its IUs to MDNR on an annual basis per 40 CFR 403.12(i). US EPA recommends the following methods to POTWs in order to maintain a proper record of IUs in their collection system:

- A requirement that new industries fill out applications for discharge when they apply for business licenses,
- Communications with other city departments (i.e., water, utilities, health and safety, and building departments) concerning new industries in the POTW service area,
- Continual review of business license records or other standard listings of industrial firms, such as Chamber of Commerce rosters or the telephone directory,
- Ongoing inspection and monitoring activities,
- Periodic expiration of permits and subsequent reapplication by permit holders, and/or
- Periodic mailing of a survey questionnaire to the industry accompanied by a request to update the information.

FOR REFERENCE

For DCSD's previous local limit's justification report they identified IU's based on water consumption and send out industrial waste surveys, which can be found in Appendix A, and then assess all IUs against the four SIU criteria. The fourth criteria specifies that the IU has reasonable potential for adversely affecting the POTW, which could be factors such as use of emerging contaminants or a new manufacturing technique. This technique for identifying IUs can be used on an annual basis, in addition to any of the US EPA recommended methods provided above.

If a user is identified as a SIU, then DCSD will add them to their list of IPP facilities and issue them a permit. IU Permits should include local limits and any applicable federal categorical standards, a template can be found in Appendix B.

3.2 Notification of IUs Regarding Appropriate Standards or Limitations

Anytime local limits or federal categorical standards are updated, DCSD will send out a memo to all IUs within their IPP. IUs are also responsible for monitoring changes to applicable federal regulations. Updates to the federal regulations can be tracked on MDNR's Wastewater Pretreatment website under the "Public Notices/ Public Comments" section.

3.3 Sampling and Inspection Procedures

DCSD will conduct independent sampling of all IUs within their program to ensure the IU's self-monitoring reports are representative and accurate. DCSD plans to sample each industry annually but will adjust sampling frequencies if issues that need further investigation present themselves. All SIUs are required to be inspected and sampled by DCSD at least once each year (40 CFR 403.8(2)(v)). IUs will be sampled for all local limit parameters and any applicable categorical standards.

DCSD will carry out IU inspections on an annual basis, unless additional are needed. The Operations Supervisor and Operations Lead will be the primary DCSD staff to complete the IU inspections. An inspection checklist is provided in Appendix C.

3.4 Reviewing Self-Monitoring Data

DCSD's Operation Supervisor will be responsible for receiving and screening all data received from industrial users. All industrial users' permits will require them to follow a self-monitoring frequency and send paper copies of all laboratory results to the DCSD mailing address. The Operation Supervisor will review the results against the limits that apply to the user (e.g. local limits, categorical standards, etc.) and determine if any further actions need to be taken. In instances where the limits are exceeded, the Operation Supervisor will refer to the Enforcement Response Plan to take the necessary actions.

4. ANNUAL INTERNAL REVIEW OF HEADWORKS LOADING

DCSD will conduct an annual internal review of the headworks loading at each District WWTP. This review will be done by gathering all influent data from the WWTP, domestic, and IU sampling to estimate the overall WWTP influent loading. Parameters will be individually scanned to ensure there are no anomalies in the datasets. If anomalies are observed DCSD will use its discretion to conduct additional sampling if needed. The calculated loading values will be compared to the WWTP capacity and to evaluate the plant(s) continue to operate within the design and confirm worker and environmental safety are protected.

FOR REFERENCE

APPENDIX A

Industrial Waste Survey Template

FOR REFERENCE

NONDOMESTIC/INDUSTRIAL USER SURVEY FORM

Duckett Creek Sanitary District, O'Fallon, Missouri

Note: Each item must be answered. If not applicable to your business, please indicate N/A.

SECTION 1. FACILITY CONTACT INFORMATION

Company Name			Facility Telephone Number		
Mailing Address			Facility Address (If different)		
City	State	Zip	City	State	Zip
Name of Person Completing Survey			Telephone Number		
Title			Email Address		

SECTION 2. GENERAL INFORMATION

2.1 Primary Type of Business: _____

2.2 Narrative description of the manufacturing, production, or service your firm conducts (auto repair, machine shop, electroplating, warehousing, painting, printing, food processing, etc.):

2.3 Standard Industrial Classification Number (SIC Code) for your facility:

Primary: _____ Secondary: _____ Others: _____

FOR REFERENCE

NONDOMESTIC/INDUSTRIAL USER SURVEY FORM

Duckett Creek Sanitary District, O'Fallon, Missouri

SECTION 3. CHEMICAL STORAGE

- 3.1 List the type and quantity of chemicals used (e.g., raw products) or generated (e.g., as a waste) and indicate if they are discharged into the facility's sanitary sewer:

Material	Type of chemical (Raw product or waste)	Quantity Stored (gal or lbs)	Type of Storage (drums, etc.)	Discharged to sanitary sewer?

Note: If you use trade name(s) or proprietary chemicals that do not list contents on the package, indicate the trade name(s) and manufacturer's name at this time.

- 3.2 Are Material Safety Data Sheets (MSDSs) available for the chemicals listed above? _____

- 3.3 Chemicals used and/or stored on premises are stored ☐ Inside ☐ Outside ☐ N/A

SECTION 4. WATER USAGE AND DISPOSAL

- 4.1 Please indicate water sources for any water used at facility (check any that apply):

Water Source	Used at Facility	
Public Water Supply	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Private Well	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other: _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- 4.2 Water Account Numbers: _____

- 4.3 Average total public water supply usage (from past 12 months water bill): _____gpd

- 4.4 Average water usage for manufacturing (or service) process: _____gpd

- 4.5 Is your facility connected to a sanitary sewer? ☐ Yes ☐ No

- 4.6 Does this facility discharge any wastewater other than domestic wastewater (e.g., restrooms) to the City sewer? ☐ Yes ☐ No

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Page 2 of 4

NONDOMESTIC/INDUSTRIAL USER SURVEY FORM

Duckett Creek Sanitary District, O'Fallon, Missouri

4.7 Indicate the types of wastes (other than sanitary) that this facility discharges to the sanitary sewer.

- | | |
|--|--|
| <input type="checkbox"/> Cooling water | <input type="checkbox"/> Boiler blow down |
| <input type="checkbox"/> Chemicals | <input type="checkbox"/> Oil and/or grease |
| <input type="checkbox"/> Pesticides | <input type="checkbox"/> Solvents |
| <input type="checkbox"/> Equipment/Vehicle/Tanker Cleaning | <input type="checkbox"/> Laundry Wastes |
| <input type="checkbox"/> Rinse Waters | <input type="checkbox"/> Food Processing |
| <input type="checkbox"/> Photo Finishing Wastes | <input type="checkbox"/> Medical Wastes |
| <input type="checkbox"/> Acids or Bases | <input type="checkbox"/> Radioactive Wastes |
| <input type="checkbox"/> Polychlorinated Biphenyls | <input type="checkbox"/> Stripping Compounds |
| <input type="checkbox"/> Equipment Cooling | <input type="checkbox"/> Other; Specify: _____ |

4.8 Does this facility generate hazardous or special waste? ☐Yes ☐No

4.9 Does this facility have an oil-water separator? ☐Yes ☐No

4.10 Please list and provide a description of any wastewater treatment processes associated with this facility:

4.11 Medical Facilities Only:

4.11.1 Are medicines (prescription or over-the-counter) disposed of with domestic wastewater (e.g., down the sink or toilet)? ☐Yes ☐No ☐Unknown

4.11.2 Do you process/develop film/photos on-site? ☐Yes ☐No

If Yes is indicated above, is silver recovered? ☐Yes ☐No

SECTION 5. SCHEDULE OF OPERATIONS FOR FACILITY

For typical operations, please complete the following information. Seasonal fluctuations can be listed in parenthesis.

- 5.1 Number of Employees: _____
- 5.2 Shifts per Day: _____
- 5.3 Hours per Day: _____
- 5.4 Days per Week: _____
- 5.5 Weeks per Year: _____

NONDOMESTIC/INDUSTRIAL USER SURVEY FORM

Duckett Creek Sanitary District, O'Fallon, Missouri

SECTION 6. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Authorized Representative*

Date

Name/Title

Telephone Number

* Surveys must be signed as follows: Corporations, by a principal executive officer of at least the level of vice president; partnership, by a general partner; sole proprietorship, by the proprietor, (ref: 40 CFR part 403.12(l))

DISCLOSURE: Title 40 of the Code of Federal Regulations Part 403 Section 403.14 requires information provided in this questionnaire identifying the nature and frequency of discharge to be available to the public without restriction. Requests for confidential treatment of other information shall be governed by procedures specified in 40 CFR part 2 and applicable State Law. Should a discharge permit be required for your facility, the information in this questionnaire may be used to issue the permit.

Internal Use Only:

Form sent on: _____

Form Received on: _____

FOR REFERENCE

APPENDIX B

Industrial User Permit Template

FOR REFERENCE

Permit No. YY-##

INDUSTRIAL DISCHARGE PERMIT

In accordance with the provisions of the Duckett Creek Sanitary District's Rules and Regulations Pretreatment Chapter,

[Industrial User's Name] [IU]
[Address Street]

[IU Address City, State, Zip]

is hereby authorized to discharge industrial wastewater from the above identified facility and through the outfalls identified herein into the Duckett Creek Sanitary District's sanitary sewer system in accordance with the conditions set forth in this permit.

Noncompliance with any term or condition of this permit shall constitute a violation of Duckett Creek Sanitary District's Rules and Regulations.

This permit shall become effective on [MONTH DAY, YEAR] and shall expire at midnight on [MONTH DAY, YEAR].

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements in Section 5.7 of the Duckett Creek Sanitary District's Rules and Regulations Pretreatment Chapter a minimum of 90 days prior to the expiration date.

By: _____
David A Banks, Operations Supervisor

Issued this # day of [MONTH, YEAR]

FOR REFERENCE

**DUCKETT CREEK SANITARY DISTRICT INDUSTRIAL
DISCHARGE PERMIT**

[Industrial User's Name] [Industrial User's
Contact Name] [IU Address Street]

[IU Address City, State, Zip]

RE: Issuance of Industrial Discharge Permit to [Industrial User's Name] by Duckett Creek Sanitary District Permit No. YY-##.

Your application for an industrial discharge pretreatment permit has been reviewed and processed in accordance with Duckett Creek Sanitary District's Rules and Regulations Pretreatment Chapter.

The enclosed permit covers the wastewater as discharged from [designated outfall ###] in this permit at the facility located at [IU Address] into the Duckett Creek Sanitary District's sanitary sewer system. All discharges from this facility and actions and reports relating thereto shall be in accordance with the terms and conditions of this permit.

If you wish to appeal or challenge any conditions imposed in this permit, a petition shall be filed for modification or reissuance of this permit in accordance with the requirements of Sections 5.4 and 5.7 of Duckett Creek Sanitary District's Rules and Regulations Pretreatment, within 90 days of your receipt of this correspondence. Pursuant to Duckett Creek Sanitary District's Rules and Regulations, failure to petition for reconsideration of the permit within the allotted time is deemed a waiver by the permittee of their right to challenge the terms of this permit.

By: _____

Operations Supervisor

FOR REFERENCE

PART 1 – EFFLUENT LIMITATIONS

A. Outfall Description

During the period [MONTH DAY, YEAR] to [MONTH DAY, YEAR] the permittee is authorized to discharge process wastewater to the Duckett Creek Sanitary District's (DCSD) sanitary sewer system from the outfall(s) listed below.

Description of outfall:

[NUMBER]

[Description]

B. Effluent Limitations – Local Limits

During the period [MONTH DAY, YEAR] to [MONTH DAY, YEAR] the discharge from outfall [###] shall not exceed the following effluent limitations.

	EFFLUENT LIMITATIONS	
Parameter	Daily maximum (units)	Monthly Average (units)

C. Effluent Limitations – Categorical Standards – ~~RESERVED~~ 40 CFR XXXX

During the period [MONTH DAY, YEAR] to [MONTH DAY, YEAR] the discharge from outfall [###] shall not exceed the following effluent limitations, as required by the Federal Categorical Standards at 40 CFR XXX – Name of Standard.

	EFFLUENT LIMITATIONS	
Parameter	Daily maximum (units)	Monthly Average (units)

D. Prohibited Discharge

The permittee shall not discharge wastewater containing any of the following substances from any outfall:

1. Any liquid or vapor having a temperature higher than 140 degrees Fahrenheit (60 degrees Celsius).

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2. Any water or waste which may contain more than 100 milligrams per liter (mg/L) by weight, of fat, oil or grease.
3. Any water or waste which may contain more than 25 milligrams per liter (mg/L) by weight, of soluble oils.
4. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
5. Any garbage that has not been properly shredded.
6. Any ashes, cinders, grit, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any solid or viscous substance capable of causing an obstruction to the flow in the sewers or other interference with the proper operation of wastewater facilities.
7. Any waters or wastes having a pH lower than 5.5 or higher than 11.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, humans or animals.
8. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the wastewater treatment plant.
9. Any waters or wastes containing Biochemical Oxygen Demand (BOD) or suspended solids (S.S.) of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.

E. Compliance with Other Laws

All discharges shall comply with all other applicable laws, regulations, standards, and requirements contained in Section 2 of the DCSD's Rules and Regulations Pretreatment Chapter and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including the Resource Conservation and Recovery Act (RCRA) and any other such laws, regulations, standards, or requirements that may become effective during the term of this permit.

F. Sampling for Total Toxic Organics

If TTO sampling is required, in lieu of sampling for TTO's, the permittee may certify based on compliance after having submitted a solvent management plan to DCSD, the certification statement may read: "Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation (or pretreatment standard) for total toxic organics (TTO), I certify that the best of my knowledge and belief no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management/spill control plan submitted to the permitting authority."

FOR REFERENCE

PART 2 – MONITORING REQUIREMENTS

A. Monitoring Parameters – Local Limits

From the period beginning on the effective date of the permit until [MONTH DAY, YEAR], the permittee shall monitor outfall [###] for the following parameters, at the indicated frequency:

Sample Parameter (units)	Measurement Location	Frequency	Sample Type

B. Monitoring Parameters – Categorical Standards – RESERVED 40 CFR XXXX

From the period beginning on the effective date of the permit until [MONTH DAY, YEAR], the permittee shall monitor outfall [###] for the following parameters, at the indicated frequency:

Sample Parameter (units)	Measurement Location	Frequency	Sample Type

C. Handling of Samples

All handling and preservation of collected samples and laboratory analyses of samples shall be performed in accordance with 40 CFR Part 136 and amendments thereto unless specified otherwise in the monitoring conditions of the permit.

PART 3 – REPORTING REQUIREMENTS

A. Monitoring Reports

Monitoring results obtained shall be summarized and reported on an Industrial User Monitoring Report Form semi-annually. The reports are due on July 15 and January 15 of each year. The first report is due on [MONTH DAY, YEAR]. The report shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analyses were performed including measured maximum and average daily flows.

B. Permittee Frequent Monitoring

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by EPA or as specified in this permit, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and results shall be reported in the semi-annual report submitted to DCSD.

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C. Automatic Resampling

If the results of the permittee's wastewater analysis indicates that a violation of this permit has occurred, the permittee must:

1. Inform DCSD of the violation within 24 hours; and
2. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days of the first violation.

D. Accidental Discharge Report

1. The permittee shall notify the DCSD immediately upon the occurrence of an accidental discharge of substances prohibited by Section 2.1 of the DCSD's Rules and Regulations Pretreatment Chapter or any slug loads or spills that may enter the public sewer. During normal business hours (M-F 8:00 a.m. - 4:30 p.m.) DCSD should be notified by telephone at 636-441-1244. At all other times, DCSD should be notified by telephone at 636-447-4944. The notification shall include location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, State or Federal laws.

Within five days following an accidental discharge, the permittee shall submit to the DCSD a detailed written report. The report shall specify:

- a. Description and cause of the upset, slug load or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.
- b. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
- c. All steps taken or to be taken to reduce, eliminate and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.

E. Report Submittal

All reports required by this permit shall be submitted electronically via email to the DCSD via:

ipp@duckettcreek.com

PART 4 – SPECIAL CONDITIONS

A. Reopener Clause

This permit may be modified in the future due to the following:

- I. This permit may be reopened and modified to incorporate any new or revised requirements contained in a National Categorical pretreatment standard promulgated for [insert categorical ## if applicable, delete if not applicable].

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- II. This permit may be reopened and modified to incorporate any new or revised requirements resulting from the DCSD's re-evaluation of its local limits.
- III. This permit may be reopened and modified to incorporate any new or revised requirements developed by the DCSD as are necessary to ensure POTW compliance with applicable sludge management requirements promulgated by EPA (40 CFR 503).
- IV. This permit may be reopened and modified to incorporate any new or revised requirements resulting from the DCSD's re-evaluation of the allowable effluent limits.

PART 5 – STANDARD CONDITIONS

A. General Conditions and Definitions

1. Severability

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

2. Duty to Comply

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

4. Permit Modification

This permit may be modified for good causes including, but not limited to the following:

- a. To incorporate any new or revised Federal, State or local pretreatment standards of requirements;
- b. Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;
- c. A change in any condition in either the industrial user or the Sanitary District that requires either a temporary or permanent reduction or elimination of the authorized discharge;

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- d. Information indicating that the permitted discharge poses a threat to the DCSD's collection and treatment systems, Sanitary District personnel or the receiving waters;
- e. Violation of any terms or conditions of the permit;
- f. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
- g. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13;
- h. To correct typographical or other errors in the permit;
- i. To reflect transfer of the facility ownership and/or operation to a new owner/operator; or
- j. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Permit Termination

This permit may be terminated for the following reasons:

- a. Falsifying self-monitoring reports;
- b. Tampering with monitoring equipment;
- c. Refusing to allow timely access to the facility premises and records;
- d. Failure to meet effluent limitations;
- e. Failure to pay fines;
- f. Failure to pay sanitary sewer service charges; or
- g. Failure to meet compliance schedules.

6. Permit Appeals

The permittee may petition to appeal the terms of this permit within thirty (30) days of the notice.

This petition must be in writing; failure to submit a petition for review shall be deemed to be a waiver of the appeal. In its petition, the permittee must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

The effectiveness of this permit shall not be stayed pending a reconsideration by the DCSD Board of Trustees. If, after considering the petition and any arguments put forth by the Director of Engineering and Operations, the DCSD Board of Trustees determines that reconsideration is proper, it shall remand the permit back to the Director of Engineering and Operations for reissuance. Those permit provisions being reconsidered by the DCSD Board of Trustees shall be stayed pending reissuance.

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A DCSD Board of Trustees decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review. The permittee seeking judicial review of the DCSD Board of Trustees' action must do so by filing a complaint with the Circuit Court for St. Charles County within the state of statute limitations as prescribed by the State of Missouri.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State, or local laws or regulations.

8. Limitation on Permit Transfer

Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the DCSD Director of Engineering and Operations:

- a. The permittee must give at least thirty (30) days advance notice to the Director.
- b. The notice must include a written certification by the new owner which:
 - 1) States that the new owner has no immediate intent to change the facility's operations and processes;
 - 2) Identifies the specific date on which the transfer is to occur; and
 - 3) Acknowledges full responsibility for complying with the existing permit.

9. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit an application for a new permit at least 90 days before the expiration date of this permit.

10. Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a. The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit.
- b. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

11. Dilution

The permittee shall not increase the use of potable or process water or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

12. Definitions

- a. Daily Maximum - The maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass,

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- the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- b. Composite Sample - A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.
 - c. Grab Sample - An individual sample collected in less than 15 minutes, without regard for flow or time.
 - d. Instantaneous Maximum Concentration - The maximum concentration allowed in any single grab sample.
 - e. Cooling Water -
 - 1) Uncontaminated: Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the intake water.
 - 2) Contaminated: Water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.
 - f. Monthly Average - The arithmetic mean of the values for effluent samples collected during a calendar month or specified 30 day period (as opposed to a rolling 30 day window).
 - g. Weekly Average - The arithmetic of the values for effluent samples collected over a period of seven consecutive days.
 - h. Bi-Weekly - Once every other week.
 - i. Bi-Monthly - Once every other month.
 - j. Upset - Means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.
 - k. Bypass - Means the intentional diversion of wastes from any portion of a treatment facility.
 - l. POTW - Publicly Owned Treatment Works. Also stated as a DCSD Wastewater Treatment Plant

13. General Prohibitive Standards

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The permittee shall comply with all the general prohibitive discharge standards in section 2.1 of the DCSD's Rules and Regulations Pretreatment Chapter. Namely, the industrial user shall not discharge wastewater to the sewer system:

- a. Any liquid or vapor having a temperature higher than 140 degrees Fahrenheit (60 degrees Celsius).
- b. Any water or waste which may contain more than 100 milligrams per liter (mg/L) by weight, of fat, oil or grease.
- c. Any water or waste which may contain more than 25 milligrams per liter (mg/L) by weight, of soluble oils.
- d. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- e. Any garbage that has not been properly shredded.
- f. Any ashes, cinders, grit, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any solid or viscous substance capable of causing an obstruction to the flow in the sewers or other interference with the proper operation of wastewater facilities.
- g. Any waters or wastes having a pH lower than 5.5 or higher than 11.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, humans or animals.
- h. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the wastewater treatment plant.
- i. Any waters or wastes containing Biochemical Oxygen Demand (BOD) or suspended solids (S.S.) of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.

14. Compliance with Applicable Pretreatment Standards and Requirements

Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, State and Federal pretreatment standards and requirements including any such standards or requirements that may become effective during the term of this permit.

B. Operation and Maintenance of Pollution Controls

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

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2. Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility or pollution control systems, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment and control facility and systems are restored or an alternative method of treatment or control is provided. The requirement applies, for example, when the primary source of power of the treatment facility or pollution control systems fail or are reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of Treatment Facilities or Pollution Control Systems

- a. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist.
- b. The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.
- c. Notification of bypass:
 - 1) Anticipated bypass. If the permittee shall know in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the DCSD.
 - 2) Unanticipated bypass. The permittee shall immediately notify the DCSD and submit a written notice to the POTW within 5 days of the unanticipated bypass occurrence. This report shall specify:
 - i. A description of the bypass, and its cause, including its duration and estimated volume;
 - ii. Whether the bypass has been corrected; and
 - iii. The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course treatment or control of wastewaters shall be disposed of in accordance with section 405 of the Clean Water Act and Subtitles C and D or the Resource Conservation and Recovery Act.

C. Monitoring and Records

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected and

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maintained to ensure their accuracy. Monitoring points shall not be changed without notification to and the approval of DCSD.

2. Flow Measurements

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of the devices. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

3. Analytical Methods to Demonstrate Continued Compliance

All sampling and analysis required by this permit shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, otherwise approved by EPA, or as specified in this permit.

4. Additional Monitoring from the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures identified in Section C.3, the results of this monitoring shall be included in the permittee's self-monitoring reports.

5. Inspection and Entry

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

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, operations regulated or required under this permit;
- d. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any locations; and
- e. Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored or be discharged to the DCSD's collection system.

6. Retention of Records

- a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for

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continuance monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended at any time if requested by DCSD.

- b. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by DCSD shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
- c. All Material Safety Data Sheets (MSDS) for all process chemicals used within the premises shall be retained for the duration of this permit.

7. Record Contents

Records of sampling and analyses shall include:

- a. The date, exact place, time, methods of sampling or measurements, and sample preservation techniques or procedures;
- b. Who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. Who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

8. Falsifying Information

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

D. Additional Reporting Requirements

1. Planned Changes

The permittee shall give advance notice to the DCSD at least 90 days prior to any facility expansion, production increase, or process modifications which results in new or substantially increased discharges or a change in the nature of the discharge.

2. Anticipated Noncompliance

The permittees shall give advance notice to the DCSD of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Automatic Resampling

If the results of the permittee's wastewater analysis indicate a violation has occurred, the permittee must notify the DCSD, within 24 hours of becoming aware of the violation and repeat the sampling and pollutant analysis and submit, in writing, the results of this repeated analysis within 30 days after becoming aware of the violation.

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4. Duty to Provide Information

The permittee shall, within one week furnish to DCSD any information which DCSD may request to assist in determining whether cause exists for modifying, revoking a reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also, upon request, furnish to DCSD within one-week copies of any records required to be kept by this permit.

5. Signatory Requirements

All applications, reports, or information submitted to the DCSD must contain the following certification statement and be signed as required in Sections (a), (b), (c) or

(d) below:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- a. By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - 1) A president, vice president, secretary, or treasurer, of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or;
 - 2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship, respectively.
- c. The principal executive officer or director having responsibility for the overall operation of the discharging facility if the Industrial User submitting the reports is a Federal, State or local government entity, or their agents.
- d. By a duly authorized representative of the individual designated in paragraph (a), (b), or (c);
 - 1) 1. the authorization is made in writing by the individual described in paragraph (a), (b), or (c);

FOR REFERENCE

- 2) the authorization specifies either an individual or a position having responsibility for overall operation of the facility from which the Industrial Discharge originates, such as plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - 3) the written authorization is submitted to the DCSD.
- e. If an authorization under paragraph (d) of this section is no longer accurate because of different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of paragraph (d) of this section must be submitted to the DCSD prior to or together with any reports to be signed by an authorized representative.

6. Operating Upsets

Any permittee that experiences an upset in operations that places the permittee in a temporary state of noncompliance with the provisions of either this permit or with Section 13.1 of the DCSD's Rules and Regulations Pretreatment Chapter shall inform DCSD within 24 hours of becoming aware of the upset at 636-441-1244 during regular working hours of 8:00 a.m. - 4:30 p.m. M-F; or 636-447-4944 and advise whomever is on-call after regular working hours.

A written follow-up report of the upset shall be filed by the permittee with DCSD within five days.

The report shall specify:

- a. Description of the upset, the cause(s) thereof and the upset's impact on the permittee's compliance status;
- b. Duration of noncompliance, including exact dates and times of noncompliance, and if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset.

The report must also demonstrate that the treatment facility or pollution control system was being operated in a prudent and workmanlike manner.

A documented and verified operating upset shall be affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event.

7. Annual Publication

A list of all industrial users which were subject to enforcement proceedings during the twelve (12) previous months shall be annually published by DCSD in the largest daily newspaper within its service area. Accordingly, the permittee is apprised that noncompliance with this permit may lead to an enforcement action and may result in publication of its name in an appropriate newspaper in accordance with this section.

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8. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under Sections 11.2 and 11.3 of the DCSD's Rules and Regulations Pretreatment Chapter or State or Federal laws or regulations.

9. Penalties for Violations of Permit Conditions

Section 11.2 of the DCSD's Rules and Regulations Pretreatment Chapter provides that any person who violates a permit condition is subject to a maximum civil penalty of

\$1,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to criminal penalties of a fine of not more than \$10,000 violation, or by imprisonment for not more than six (6) months, or both. The permittee may also be subject to sanctions under State and/or Federal law.

10. Recovery of Costs Incurred

In addition to civil and criminal liability, the permittee violating any of the provisions of this permit or Sections 10, 11 or 12 of the DCSD's Rules and Regulations Pretreatment Chapter or causing damage to or otherwise inhibiting the DCSD wastewater disposal system shall be liable to the DCSD for any expense, loss, cleaning, repair, or replacement work, or other damage caused by such violation or discharge.

Refusal to pay the assessed costs shall constitute a separate violation of Section 12 of the DCSD's Rules and Regulations Pretreatment Chapter.

FOR REFERENCE

APPENDIX C

Industrial User Inspection Template

FOR REFERENCE

Industrial User Inspection Checklist

I. General Inspection Information			
Name of Industry:			
Date of Visit:	Visit Start Time:	Visit End Time:	
Inspection Type/ Purpose:	<input type="checkbox"/> Scheduled	<input type="checkbox"/> Unscheduled	<input type="checkbox"/> Enforcement
	<input type="checkbox"/> Complaint	<input type="checkbox"/> New Company	<input type="checkbox"/> Follow-up
	<input type="checkbox"/> Permit Renewal	<input type="checkbox"/> Spill/Slug	
Name of inspectors/affiliation:			
Printed Name:		Signature/Date:	
Last Inspection Date:			
Inspected By:			
Did the previous inspection identify deficiencies that the industrial user was required to correct? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, were the deficiencies corrected? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain:			
List all observed noncompliance issues and any corrective action that has been taken, or is planned:			
Provide the name(s) and title(s) of industry representative(s)			
Printed Name/Title	Phone number	Email	
Signature:		Date:	
II. General Facility Information			
Physical address of industry:			
Mailing address of industry:			
IU Permit Number:	Permit Exp.Date:	IU Classification (s):	NAICS Code(s):
Is the industrial user permit on file at the facility? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If the facility is a CIU, is it correctly categorized? <input type="checkbox"/> Yes <input type="checkbox"/> No			Explain:
Nature of operation and reason for industrial user classification:			
Number of employees:	Number of shifts:	Hours of operation/days per week:	
Are there scheduled shut down periods? <input type="checkbox"/> Yes <input type="checkbox"/> No		When:	
Is there seasonal production? <input type="checkbox"/> Yes <input type="checkbox"/> No		When:	
Number of wastewater discharge points to the POTW:			
All discharge points accounted for? <input type="checkbox"/> Yes <input type="checkbox"/> No		If no, explain:	
III. Production/Process Areas			
Comprehensive process description (identify raw materials, processes used, products produced/amount of finished product, and wastes and their destination; attach a process diagram if available) or if in City's file, so reference:			

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Describe any substantial changes in manufacturing processes (changes that have occurred and changes that are planned):
Production and flows verified for Production-Based CIUs? <input type="checkbox"/> Yes <input type="checkbox"/> No
Has there been any production or flow changes since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes to either, has production or flow increased or decreased greater than 20% <input type="checkbox"/> Yes <input type="checkbox"/> No
Did the industrial user report changes in process(es) to the POTW? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Describe the condition of process area(s):
Describe any housekeeping concerns:
Do floor drains/troughs lead to the POTW? <input type="checkbox"/> Yes <input type="checkbox"/> No
Are incompatible process/raw materials separated? <input type="checkbox"/> Yes <input type="checkbox"/> No
Are pipes labeled/color coded with directional flow arrows for easy identification? <input type="checkbox"/> Yes <input type="checkbox"/> No
Are temporary hoses in place as part of production? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is a comprehensive piping diagram available at the facility? <input type="checkbox"/> Yes <input type="checkbox"/> No
Are process tanks labelled? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are storage tanks labelled? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is the industrial user meeting its best management practices requirements? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
How often is the production area cleaned?
What chemicals are used in the cleaning of the production area?
Is the wastewater generated from cleaning the production area discharged to the POTW? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<i>Attach a schematic description of the production process(es) at the facility (or if in City's file, so reference).</i>
IV. Wastewater Production
Water source(s):
Water usage:
Is water consumption balanced with wastewater production? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain:
Waste stream flow(s) discharged to the POTW (describe and include flow when available):
Production process(es):
Contact cooling water:
Boiler blowdown/makeup:
Evaporation (loss):
Non-contact cooling water:
Lawn maintenance/Irrigation (loss):
Are there any diversion meters in use (credit given for water used in final product, evaporation or lawn care)? <input type="checkbox"/> Yes <input type="checkbox"/> No
Sanitary:
Wastewater hauled offsite (include names of haulers and destination):
Other:

FOR REFERENCE

Sanitary: (gpd)	Process: (gpd)	Combined: (gpd)
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Describe any substantial changes in wastewater flow (changes that have occurred and changes that are planned):

Did the industrial user report changes in wastewater flow to the POTW? ☐ Yes ☐ No ☐ N/A

Is dilution of the wastewater stream occurring, or is there any potential for dilution? ☐ Yes ☐ No

Attach a comprehensive schematic of wastewater production and wastewater discharge points to the POTW's system or if in City's file, so reference.

V. Pretreatment System

Does the industrial user treat its process wastewater prior to discharge to the POTW? ☐ Yes ☐ No ☐ N/A

Type of pretreatment system (Describe and include comprehensive schematic description if available or if in City's file, so reference):

Check which of the following are utilized for pretreatment prior to discharge to sanitary sewer:

<input type="checkbox"/> Dissolved air floatation	<input type="checkbox"/> Membrane Tech.	<input type="checkbox"/> Ion Exchange	<input type="checkbox"/> Biological Treatment
<input type="checkbox"/> Centrifugation	<input type="checkbox"/> Flow Equalization	<input type="checkbox"/> Ozonation	<input type="checkbox"/> Chlorinating
<input type="checkbox"/> Chemical Precipitation w/Clarifier	<input type="checkbox"/> Oil/Water Separation	<input type="checkbox"/> Reverse Osmosis	<input type="checkbox"/> Grit Removal
<input type="checkbox"/> Sludge Filter Press	<input type="checkbox"/> Grease Trap	<input type="checkbox"/> Rotary Macro Screen	<input type="checkbox"/> Solvent Distillation
<input type="checkbox"/> pH Adjustment	<input type="checkbox"/> Sand Trap	<input type="checkbox"/> Sedimentation	<input type="checkbox"/> Silver Recovery
<input type="checkbox"/> Belt/Disk/Rope Oil Skimmer	<input type="checkbox"/> CN Destruct	<input type="checkbox"/> Hex Cr Reduction	<input type="checkbox"/> Segregation of Streams
<input type="checkbox"/> Surfactants	<input type="checkbox"/> Work Tank Agitation	<input type="checkbox"/> De-Foaming	<input type="checkbox"/> Chelating Agents

<input type="checkbox"/> Continuous flow	<input type="checkbox"/> Batch	<input type="checkbox"/> Combined
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Condition/operation of pretreatment system:	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor
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Explain condition rating:

Are equipment maintenance records maintained and available for review? ☐ Yes ☐ No ☐ N/A

Are equipment calibration records available, and are calibration frequencies adequate? ☐ Yes ☐ No ☐ N/A

Does the industrial user have a critical spare parts inventory? ☐ Yes ☐ No ☐ N/A

Is the detention time/mixing time in the pretreatment system adequate? ☐ Yes ☐ No ☐ N/A

Is the pH monitoring system working properly? ☐ Yes ☐ No ☐ N/A

Does the industrial user have a continuous pH monitoring system? ☐ Yes ☐ No ☐ N/A

Is the pretreatment system operator trained and certified? ☐ Yes ☐ No ☐ N/A

Is there an operator for each shift? ☐ Yes ☐ No ☐ N/A

Has the system experienced operational/upset problems since the last inspection? ☐ Yes ☐ No ☐ N/A
Describe:

VI. Slug/Spill Controls, Best Management Practices

FOR REFERENCE

Who has the authority to halt the discharge from the facility should a spill or slug discharge occur?																				
How are employees informed of whom to call at the POTW in case of a spill or slug discharge?																				
Is the facility required to implement a slug discharge control plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A																				
If a slug plan is not currently required, should one be? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Explain:																				
Is the slug discharge control plan appropriate for current conditions? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A																				
Does the permit require or allow BMPs? <input type="checkbox"/> Required <input type="checkbox"/> Allowed <input type="checkbox"/> Voluntary <input type="checkbox"/> N/A																				
<p>Types of BMPs</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Installation of treatment <input type="checkbox"/> Prohibitions on certain practices, activities or discharges <input type="checkbox"/> Requirements for operation and maintenance of treatment units <input type="checkbox"/> Timeframes associated with key activities <input type="checkbox"/> Compliance certification, reporting and records retention <input type="checkbox"/> Slug discharge control plan <input type="checkbox"/> Solvent management plan <input type="checkbox"/> Other: </div>																				
Description of Required BMPs:																				
Description of Allowed BMPs:																				
Description of Voluntary BMPs:																				
<p>P2 Equipment/Practices in use:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"><input type="checkbox"/> Overflow Alarms</td> <td style="width: 50%; padding: 5px;"><input type="checkbox"/> Aqueous Cleaning Solutions</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Fog/Halo Spray Rinsing</td> <td style="padding: 5px;"><input type="checkbox"/> Countercurrent Cascade Rinsing</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Dragout Collection Trays</td> <td style="padding: 5px;"><input type="checkbox"/> Seal-Less Pumps</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Air Jets/Curtains</td> <td style="padding: 5px;"><input type="checkbox"/> Horizontal Work Tank Negative Air Blankets</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Electrolytic Recovery</td> <td style="padding: 5px;"><input type="checkbox"/> Cartridge or Membrane Filtration</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Aqueous Paint Stripping Solutions</td> <td style="padding: 5px;"><input type="checkbox"/> Bead/Powder Blast Paint Removal</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Biocide Addition to Lengthen Coolant Life</td> <td style="padding: 5px;"><input type="checkbox"/> Centrifugation of Machining Coolant</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Flow Restrictors</td> <td style="padding: 5px;"><input type="checkbox"/> Overspray Recycle</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> In-Situ Recycle (Ion Exchange, Reverse Osmosis)</td> <td style="padding: 5px;"><input type="checkbox"/> Conductivity Probes</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Dead/Stagnant Rinse Tanks</td> <td style="padding: 5px;"><input type="checkbox"/> Evaporation</td> </tr> </table>	<input type="checkbox"/> Overflow Alarms	<input type="checkbox"/> Aqueous Cleaning Solutions	<input type="checkbox"/> Fog/Halo Spray Rinsing	<input type="checkbox"/> Countercurrent Cascade Rinsing	<input type="checkbox"/> Dragout Collection Trays	<input type="checkbox"/> Seal-Less Pumps	<input type="checkbox"/> Air Jets/Curtains	<input type="checkbox"/> Horizontal Work Tank Negative Air Blankets	<input type="checkbox"/> Electrolytic Recovery	<input type="checkbox"/> Cartridge or Membrane Filtration	<input type="checkbox"/> Aqueous Paint Stripping Solutions	<input type="checkbox"/> Bead/Powder Blast Paint Removal	<input type="checkbox"/> Biocide Addition to Lengthen Coolant Life	<input type="checkbox"/> Centrifugation of Machining Coolant	<input type="checkbox"/> Flow Restrictors	<input type="checkbox"/> Overspray Recycle	<input type="checkbox"/> In-Situ Recycle (Ion Exchange, Reverse Osmosis)	<input type="checkbox"/> Conductivity Probes	<input type="checkbox"/> Dead/Stagnant Rinse Tanks	<input type="checkbox"/> Evaporation
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<input type="checkbox"/> In-Situ Recycle (Ion Exchange, Reverse Osmosis)	<input type="checkbox"/> Conductivity Probes																			
<input type="checkbox"/> Dead/Stagnant Rinse Tanks	<input type="checkbox"/> Evaporation																			
Are BMPs installed correctly? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A																				
If Yes, does the BMP require installation of further treatment technology? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Explain:																				
Does facility have its own EMS or a similar version? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A																				

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Is the facility ISO 14001 certified? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Corrective actions necessary? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Explain:		
VII. Chemical Storage		
Chemical storage area (identify the chemicals that are maintained on site and how they are stored):		
Any floor drains? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Any spill control measures? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Can chemicals reach floor drains if spilled? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is chemical containment needed? <input type="checkbox"/> Yes <input type="checkbox"/> No		
How often are floors washed?	What chemicals are used?	
How often is equipment washed?	What chemicals are used?	
Does the facility have the potential for a slug discharge? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is the facility required to have a slug control program? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is the slug discharge control plan available onsite? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is the slug discharge control plan still adequate? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Has the facility had any past slug discharges? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Are signs posted to inform employees about improper discharge practices? <input type="checkbox"/> Yes <input type="checkbox"/> No		
VIII. Sludge Generation		
If the facility generates sludge or hauls regulated wastes, please complete the following information. <i>(If not, go to next section)</i>		
Sludge dewatering method (plate/frame filter, belt press, rotating drum vacuum, centrifuge, indexing paper filters, etc.):		
Amount generated (55 gal barrel [bbl])/mo):		
Where does the liquid from dewatering go?		
Sludge Storage (bbl):	Shipment frequency:	Manifests available? <input type="checkbox"/> Yes <input type="checkbox"/> No
Sludge hauler(s):	Disposal location(s):	
Is the sludge generated characterized as a hazardous waste? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, are hauling manifests available? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is any sludge sent off as a valuable raw material? <input type="checkbox"/> Yes <input type="checkbox"/> No		
IX. Hazardous Waste Generation		
Is hazardous waste generated? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is hazardous waste discharged to the POTW? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Manner of hazardous waste disposal:		
Are hazardous wastes drummed and labeled? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Are hazardous wastes held onsite for more than 180 days? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Does the industrial user have hazardous waste manifests? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Any other problems associated with hazardous waste? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain:		
X. Solid Waste Production		
Are solid wastes (other than sludge) produced during manufacturing process? <input type="checkbox"/> Yes <input type="checkbox"/> No		

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Describe the types and approximate volumes of solid waste produced:

Solid waste disposal method(s):

XI. Monitoring, Recordkeeping, Reporting

Monitoring

Description of sample location:

Are there any concerns regarding the cleanliness or location of the sampling point? ☐ Yes ☐ No

Explain:
<i>Record Keeping</i>
All information kept for 3 years? <input type="checkbox"/> Yes <input type="checkbox"/> No
All required information available, current and complete? <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Reporting</i>
Are there any violations that were not reported to the POTW? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain:
Have bypasses been reported?
Have upsets been reported (CIUs)?
XII. Waste streams Verification/Combined Waste stream Formula
Can flow be measured at all sampling locations? <input type="checkbox"/> Yes <input type="checkbox"/> No
Are flows measured at each sampling location? <input type="checkbox"/> Yes <input type="checkbox"/> No
What type of measuring device is used?
How often are the flow measuring device(s) calibrated?
Is there a calibration log for the flow meter? <input type="checkbox"/> Yes <input type="checkbox"/> No
Are dilution waste streams present at the sample location? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is the CWF used at the facility? <input type="checkbox"/> Yes <input type="checkbox"/> No
How are the flows determined?
Is the facility using dilution to meet its effluent limits? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain:
Should the facility be using the CWF? <input type="checkbox"/> Yes <input type="checkbox"/> No
Are there any new flows that need to be considered in the application of the CWF? <input type="checkbox"/> Yes <input type="checkbox"/> No
Are there any dilution flows that have not been accounted for? <input type="checkbox"/> Yes <input type="checkbox"/> No
XIII. Notes