

Industrial Pretreatment Program Salem, Oregon



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The City of Salem has developed technically based local limits for arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, selenium, silver, and zinc using the computer modeling program, DEQ Local Limits Workbook and Spreadsheet. We also used the EPA document “Local Limits Development Guidance” as guidelines for the evaluation process. Initially the local limits were developed in 1991 but did not receive final approval from EPA and DEQ until 1995. The current local limits were developed in late 2006 and adopted in early 2007.

The City of Salem followed the public participation policy as required under 40 CFR Part 403 in adopting the current local limits. A public hearing was advertised in the largest local newspaper and all affected industries were notified

The master copy of the local limits evaluation and documentation is maintained separate from this pretreatment manual. The local limits document describes the data used and the rationale used for determining the various components used in the modeling program

A non-tabulated version of the local limits evaluation is included in this part of the pretreatment manual for review purposes only.

The City of Salem has developed a local limit for pH in the range 6.5 to 10.0. Since the issue of applicable enforcement actions and the lack of an relevant definition of significant non-compliance for pH, Environmental Services has developed its own pH policy.

The following pH Policy Chart lays out the applicable pH ranges and explains the level of violation and required enforcement action for each violation step. The chart explains in detail when SNC is reached.

In general the actions in chart are based on three things; the level the pH is out of range, the duration the pH is out of range, and the frequency of violations. The pH policy allows for limited excursion in the range of 5.0 to 6.5 and 10.0 to 11.5 for up to 15 minutes otherwise a violation has occurred and enforcement action must be taken. The pH policy encompasses almost every level of enforcement action listed in the Enforcement Response Plan of this document.

Salem Revised Code Chapter 74 Tab D

Salem Revised Code Chapter 74 addresses the specifics of the City of Salem’s Pretreatment Program and all applicable regulations.

Salem Revised Code Chapter 73 Tab E

Salem Revised Code Chapter 73 addresses the specific rules governing discharges to the environment and the storm sewer system.

Code of Federal Regulations Part 403 General Pretreatment Rules ... Tab F

The general pretreatment rules as promulgated by the Federal Government are enforced by the City of Salem.

Code of Federal Regulations Applicable Categorical Standards Tab G

The applicable categorical standards promulgated by the Federal Government and enforced by the City of Salem.

Significant Industrial User Permit Applications Tab H

Permit application used for Significant Industrial Users. The permit application used by the City of Salem was designed to be used as a Baseline Monitoring Report and all applicable information is obtained by completing this application form. Also included is a Permit Renewal Application which is an abbreviated form used for existing SIU’s to renew their permit when there are little or no changes to the previous full application that was submitted.

Significant Industrial User Permits Tab I

This permit form is used for Significant Industrial Users. The permit form includes all required elements of an industrial user permit. In addition any special conditions and/or compliance schedule issues are also addressed in the permit form.

Final Compliance Report Tab J

The Final Compliance Report as required under 40 CFR Part 403.12(d) is used by the City of Salem.

ASPP/SCP and TOMP/TTO Information Tab K

An Accidental Spill Prevention Plan/Slug Control Plan must be completed by all permitted industries. A Toxic Organics Management Plan and Total Toxic Organics certification must be completed by all applicable businesses.

Septic Haulers Program Forms Tab L

The City of Salem issues a separate permit to septic haulers. The permit application acquires the necessary information to regulate these haulers as “Other Industrial Users”. The septic hauler permit specifies all of the conditions under which a hauler is allowed to deliver and discharge septage waste to the City. The City of Salem only accepts domestic source septage wastes and maintains a list of approved septic tanks.

Grease Handlers Program Forms Tab M

The City of Salem surveys all food handlers to determine their grease handling practices and to determine necessary compliance issues to prevent sewer line blockages and sewer system overflows.

Significant Industrial User Inspection Forms Tab N

These forms are used for inspections at permitted industries. The full facility inspection form is used in the City’s word processing application to standardize biannual compliance inspections performed at permitted industries.

General Business Inspection Forms Tab O

These forms are used for inspections at non-permitted industries. The first page is used for all industries and as needed a second page is used according to the business type. Currently the business types requiring a second page are; restaurants, photo/printing, auto service businesses. A special form is used for business re-inspections.

Violation Forms Tab P

Citations and warnings are the only pre-printed violation forms used by the City. These are printed on 3 part NCR paper, one copy is issued to the business at the time of the violation and the second copy is kept in the business file, and the third copy is an extra. Notices of Violation, Compliance Orders, Penalties, and Cease and Desist Orders are issued in letter format, samples are included.

Phone Documentation Forms Tab Q

A standard telephone conversation documentation form is used for all phone conversations.

Chain of Custody Form\Lab Results Form Tab R

A standard chain of custody form is used for all compliance samples taken at industries. A copy of the form used by Willow Lake Lab to report sample results.

Billing Forms Tab S

When it is necessary to bill an industry for spill response, the Job Order form is filled out and used to track all charges and generate the necessary bill.

Survey Forms Tab T

Industrial survey forms are generated, as needed, to canvas an industrial category. A sample form used for the photographic industry is included.

Other Control Mechanisms Tab U

Sample copies of additional control mechanisms are included. These are used to regulate “zero discharge” industries, or when a full wastewater discharge permit is not required.

Industry Fact Sheet Tab V

A standard industry fact sheet is generated for each permitted industry prior to discharge to the POTW. All fact sheets include the same information about an industry. Fact sheets include industry/permit information, an industry description, categorical regulatory information, discharge limits and the rationale used to develop these limits, industry sampling point description, monitoring and reporting requirements, special permit conditions, process description, and a description of the pretreatment system used.

Database Chronological Reports Tab W

Several computerized forms and reports are generated to track industry permits, inspections, required reports, violations, compliance schedules, and sampling data. Sample copies are included.

BMP/RCRA Notification Documents Tab X

Best Management Practices and the Federal RCRA notification forms are sent to various business categories to insure compliance with pretreatment regulations.

Miscellaneous Forms Tab Y

This report a numerical count of all inspected industries sorted by their Standard Industrial Classification Codes (SIC) and their North American Industrial Classification System Codes (NAICS).

Annual Pretreatment Report TAB Z

A copy of the latest Annual Pretreatment Report submitted to DEQ.

Introduction

This manual provides information on Salem's industrial pretreatment program. Areas covering identification, permitting, inspections, monitoring, and enforcement are addressed. This information is to be used as a guide by staff entrusted with implementing the pretreatment program for the City of Salem. General program functions and duties are discussed; however, special situations not directly dealt with in this guide may develop which will require handling on an individual basis.

It is anticipated this manual will need periodic review and updating to keep current with changing regulations. However, the basic procedural information and methods of implementation should remain valid.

I. Definitions

For the purpose of this publication terms used will have the following interpretation:

ASPP is an acronym for Accidental Spill Prevention Plan which is required of all permitted industries to eliminate or minimize accidental or slug discharges of pollutants into the sewer system. ASPP's are required withing 60 days of notification and must be updated if necessary with each biannual report.

Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

BMP is an acronym for Best Management Practices.

CFR is an acronym for Code of Federal Regulations.

Categorical Industrial User means those industries which must comply with national categorical pretreatment standards are identified in the Code of Federal Regulations (CFR). In Salem, these dischargers include metal finishers, latex manufacturing, and electronic crystal manufacturers. Discharge permits are issued in accordance with Federal, State and Local regulations. Sampling for the pollutants of concern is performed monthly at most categorical industrial users. Less frequent sampling may be performed if an industry discharge is consistent, but no industry is sampled less than twice annually. More frequent testing is done if discharge problems occur or process changes have occurred which affect the effluent. These changes may include significant production increases/decreases, products processed, or chemicals used in the process. Individual "accidents" due to worker error or equipment malfunction may also result in an increase in discharge monitoring. Sampling may be accomplished by taking a grab sample or by installing a composite sampler to automatically collect samples.

Dischargers of Other Prohibited Nonhazardous Materials the City treats dischargers of other prohibited materials on a case-by-case basis. Nonhazardous materials would not pose the threat of a hazardous material discharge; but, due to their nature, they could interfere with the proper function of the collection or treatment system. Substances listed in SRC 74.050 include

liquid, solid, or viscous substances, or gases that, by their nature or quantity, can either singly or by interaction, create interferences in the POTW or pose a pass through problem.

When these dischargers are discovered, it is the duty of ECS to investigate and follow up. They are required to identify, assess, and achieve corrections to the problem.

Discharger of Potentially Hazardous Materials can be discovered through the City's routine business surveys, through the plans review process, from reports by concerned citizens, from reports by City sewer crews, or by referral from other governmental agencies. Information is forwarded to ECS for follow-up. ECS make personal contact with the reporting party to verify the information. ECS then make contact with the potential discharger and initiates sampling/monitoring to confirm the potential for a hazardous waste discharge.

Enforcement measures are instigated as needed. Potentially hazardous waste dischargers may require a permit as a significant industrial user depending on the results of the sampling/monitoring program. If a hazardous discharge is a one-time accidental occurrence, the situation is handled in a timely manner to safeguard the POTW, public health, and the environment. If needed, future random checking is done to insure the problem does not recur.

ESD is an acronym for Environmental Services Division.

ECS is an acronym for Environmental Compliance Specialist.

EPA is an acronym for Environmental Protection Agency.

Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), c, or (d) of the Act.

Institutional User means a user that has large volumes of domestic-type waste of uniform strength, but has the potential to discharge other nondomestic wastes. Institutional users in Salem include a university, a public hospital, State owned institutions, and a Federal boarding high school. Sampling done at institutional sites is used to determine sewer service charges. Sampling frequency varies with the individual users depending on the volume of wastewater discharged and the uniformity of the wastewater. If anything unusual is noted in the samples, ECS are notified by the laboratory and additional monitoring takes place.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State

sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Local limits are specific prohibitions or limits on pollutants or pollutant parameters for wastewater discharged to the sanitary sewer, developed by the POTW as required by 40 CFR 403.5, to prevent pass through and/or interference in the POTW or which may result in the POTW violating its NPDES permit requirements.

National Pretreatment Standard, Pretreatment Standard, or Standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to Sec. 403.5.

Noncompliance is any violation of the SRC 74, any conditions specified in the user's wastewater discharge permit or other control mechanism, order, or other requirement issued pursuant to the City's ordinance. Examples of noncompliance includes but are not limited to, the violation of effluent limits, missed reporting deadlines, and inspection or monitoring deficiencies.

Other Industrial User means septic waste haulers. Septic haulers are issued discharge permits which limit the type of wastes they can discharge into the City's sanitary sewer system. Only septage from domestic sources is accepted. Approval to discharge domestic septage from a commercial entity must be obtained prior to delivery of the load. Haulers are billed according to the volume discharged. Grab samples are collected on a random basis to determine the nature of the wastes haulers are contributing to the POTW.

Pass Through means a Discharge which 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 the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Pretreatment means 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 discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Sec. 403.6(d) of CFR. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Sec. 403.6(e) of CFR.

Pretreatment requirements means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

Publicly Owned Treatment Works or POTW means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the

Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

SCP is an acronym for Slug Control Plan which is required of all permitted industries to eliminate or minimize accidental or slug discharges of pollutants into the sewer system. SCP's are required withing 60 days of notification and must be updated if necessary with each biannual report.

Significant Industrial User means:

- (1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
- (2) Any other industrial user that: 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); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

Upon a finding that an industrial user meeting the criteria above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 403.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

In Salem, food processors are included in this group. They are subject to local discharge limits for pollutants of concern and are issued discharge permits. These dischargers are required to install and maintain appropriate monitoring, sampling, and pretreatment equipment. Daily samples are collected during the processing season and service charges are based on the analysis of these samples.

Significant Non-compliance (SNC) are violations which meet one or more of the following criteria:.

- (1) Sixty-six percent or more of wastewater measurements taken during a six-month period exceed the discharge limit for the same pollutant by any amount.
- (2) Thirty-three percent or more of wastewater measurements taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

- (3) Any other discharge violation that the city believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city personnel or the general public).
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or environment or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- (6) Failure to provide, within 30 days after the due date, any required reports including baseline monitoring reports, 90-day compliance reports, periodic monitoring reports, and reports on compliance with compliance schedules.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation which the city has reason to believe is significant.

Slug means any pollutant, including BOD, released in a non-routine, episodic nature, including but not limited to, an accidental spill or non-customary batch discharge at a flow rate or concentration which has the potential to cause interference or pass through or in any other way cause an adverse impact on the municipal wastewater system or in any other way violate the POTW's regulation's, local limits, or permit conditions of discharge prohibitions in SRC 74.050 through SRC 74.100.

II. Program Authority

The authority for implementing a pretreatment program regulating industrial discharges is mandated by rules adopted on Federal, State, and local levels including:

- (1) The Code of Federal Regulations, 40 CFR, Part 403 which outlines national pretreatment regulations. The responsibility to implement National Pretreatment Standards is established in the Federal Water Pollution Control Act, and amended in 1977 by the Clean Water Act. These standards were developed to control pollutants that pass through, or interfere with, treatment processes at Publicly Owned Treatment Works (POTW), or which could contaminate sewage sludge.
- (2) The National Pollution Discharge Elimination Systems (NPDES) permit issued to POTW's in Oregon by the Department of Environmental Quality (DEQ) require the development and implementation of industrial pretreatment programs, to safeguard POTW's, from any interferences or pass through of pollutants.
- (3) Salem Revised Code (SRC) Chapter 74, establishes local pretreatment standards and limits based on Federal and State requirements. In addition to the SRC, Departmental Policies No. WW 4-3 and WW 4-4, outline the City's industrial waste pretreatment and inspection programs. An industrial and institutional pretreatment grants program was

implemented by departmental policy WW 1-11. This policy allows the City to participate with users in developing cost effective treatment systems which will decrease wastewater flows and loadings to the POTW.

Implementation of the pretreatment program is handled through the Public Works Department's, Environmental Services Division (ESD) of Willow Lake Wastewater Treatment Plant. The Environmental Compliance Manager and the Environmental Compliance Specialists (ECS) are the individuals who maintain the program.

III. Identification of Industrial Users

Users requiring a discharge permit are identified in several ways including the following:

A. Business Survey

On an ongoing basis ECS canvases areas of the city once every five years. Information gathered is kept on file as well as in a computer database. SIC identification numbers are assigned following the inspection. Pretreatment requirements are made as needed. As the need is identified, business survey forms are generated for a particular industry group and mailed out to collect information that may result in the issuance of a control mechanism for this particular industry type.

B. Plans Review Process

When building a new facility or remodeling an existing facility, building permits must be acquired from the City of Salem and Marion County. Each week ECS review the building plans submitted to the City and County in conjunction with the issuance of building permits. Requirements for pretreatment are made during this plans review process to assure pretreatment facilities will be included in the structure prior to occupancy. ECS attends the final inspection of the facility. If pretreatment requirements are not met the inspector does not sign off on the final inspection, effectively blocking use of the building until the requirements are met. Additionally, City plumbing, building, and fire inspectors are aware of pretreatment concerns and inform ESD of facilities they inspect that may need waste treatment. If Environmental Services does not already have current information on the business an inspection is performed. Sampling and permitting may be done depending on the nature of the business and findings of the ECS. The coordinated effort of City inspection personnel allows for more thorough coverage of business throughout Salem.

C. Water User Information

A list of customers using more than 20,000 gallons of water per day is generated from Customer Services records. This is used to identify businesses that may require a survey or followup inspection. The list includes the address and business or owner name used for the city water account billing.

D. Business Community Familiarity

Familiar with the community and existing businesses helps the inspector identify users subject to regulation as SIU's. Users can be identified by checking local listings in telephone books and newspapers for specific business types. The Chamber of Commerce can provide information about businesses in the area as well as the size of the operation. The local economic development office, SEDCOR, can provide information about businesses planning to locate in the area. Trade and professional groups can provide information regarding group members located in the community. These sources should be able to provide at least an address or telephone number that inspectors can use to make contact with the business.

E. State Fire Marshal Computer Database

Industries are required to report certain chemical and storage information to State and local fire marshals as part of the fire protection program. Environmental Services can access the State Fire Marshal database to identify chemical users. The type, quantity, and location of chemicals used or stored at a facility is listed. The local Department of Environmental Quality (DEQ) office can provide information showing any business listed as exempt, small, or large quantity generators under RCRA reporting requirements. A review of this information can help locate previously unidentified chemical users or be used as a cross reference to verify information provided to the City during any previous contact.

F. City Field Crew/Citizen Complaints

ECS investigate complaints from citizens, neighbors, and employees reporting instances of improper discharges, chemical handling or disposal, and other nuisance situations. Responding to complaints helps find users with small or mobile operations, including users who operate out of residential settings. A growing public awareness of environmental pollution has prompted many people to complain about operations they view as being polluting. Public awareness and refusal to stand for contamination of public use or private living areas has greatly increased the public participation in reporting and stopping instances of wrongful chemical use, handling, waste disposal, and illegal dumping.

IV. Identification and Characterization of Pollutants

Users are required under SRC 74.110 to provide pretreatment of wastes to comply with the most stringent Federal, or local pretreatment requirements applicable to their discharge. A permit is required prior to discharging wastes to the treatment system. Information needed for permit issuance includes the constituents and characteristics of the proposed wastewater as determined by an approved analytical laboratory. All sampling and analysis must be performed in accordance with 40 CFR, Part 136 or other EPA approved analytical methods. Information

regarding average daily and peak flow rates, including provisions for any seasonal variation, are required in the permit application. These requirements are outlined in SRC 74.260.

Users can be required to construct and maintain waste monitoring facilities including flow measurement and sampling, SRC 74.130 and 74.140. ECS inspect the facilities of users to determine compliance with pretreatment and discharge limits, SRC 74.480. The City will sample each permitted industrial user at least twice annually. Dischargers required to provide flow metering must have their meters calibrated twice annually by a qualified technician. A copy of the meter calibration must be provided to the City and becomes part of the business's permanent file.

The City will collect and test waste samples from regulated industrial users following procedures in 40 CFR, Part 136. These samples are collected monthly from industries subject to the Metal Finishing standards. Other SIU's are sampled on a 5 month cycle to insure twice annually sampling. Industrial Users subject to sewer billing based on flow and strength are sampled daily during each day of operation. Self-monitoring is not required in Salem, although if a business has additional sampling done by an approved method results are to be submitted to the City and are considered when calculating compliance status. Split samples can be provided if the user requests allowing the business to have a qualified analytical lab of their choice run the sample using approved 40 CFR, Part 136 methods. Results of split samples are compared. If results do not correlate, additional sampling and investigation will follow to determine the cause of any discrepancy and insure the accuracy of sampling techniques and analysis.

Salem does not require all industrial users to submit a standard industrial survey form,. instead, ECS perform business inspections of industrial users. During a visit the ECS checks waste streams that discharge to the sewer system as well as disposal methods for nonsewered wastes. An ESD inspection form is completed to document the findings of the inspection. Waste samples may be taken if the ECS believes anything other than domestic waste is being discharged. Depending on the findings of the initial inspection and results of samples taken, the business may be required to apply for a wastewater discharge permit and implement pretreatment requirements. Permanent files are maintained at the ESD office and include inspection forms, any laboratory reports, photographs, and other information regarding the business.

V. Industrial User Notification of Applicable Regulations

Permitted categorical and significant industrial dischargers are informed of applicable discharge standards as outlined in their discharge permit. Non-significant dischargers are informed of local discharge requirements during general business survey inspections. Additionally information is provided to non-significant dischargers on a case by case basis as requested, this is done by sending them copies of SRC sections and information on current local limits and the City's pH Policy. Some groups, such as laundries and radiator shops, are inspected due to the potential hazards contained in their wastes. In these instances, ECS visits applicable businesses, completes inspection forms for each business and collects waste samples if findings in the inspection warrant. Standard letters are sent to the businesses addressing the concerns the City has with their waste and stating applicable restrictions for the discharge.

Businesses constructing new facilities or remodeling existing facilities are required to submit plans to the City and County for building permits. ECS review the plans submitted and any business generating a nondomestic waste has pretreatment requirements stamped directly on the plans so pretreatment can be included in the original facility design. Further contact is made with the company during this planning process to inform the business of Salem's discharge ordinances. New facilities requiring a permit are required to apply for a permit a minimum of 90 days prior to connection to the POTW (SRC 74.250). Before a new or remodeled facility can begin operation, it must pass a final inspection. ECS are included in this final inspection phase and will not pass the inspection until the facility satisfies all pretreatment and discharge requirements.

Dischargers involved in an accident or spill situation where a regulated product is released are informed of all applicable regulations upon arrival of the inspector to the discharge site. Immediate action may be taken by emergency responders to contain the spill or protect it from entering the storm or sanitary sewer. Where health or life safety hazards exist, emergency action may be taken to limit or reduce the immediate dangers. The spiller or responsible party is notified of the situation, informed of the hazards or regulations being violated and given the option of handling cleanup and remediation or hiring outside sources to perform this work. If City personnel handle abatement at the request of the spiller, a bill for all applicable costs will be submitted to the spiller for payment. The spiller is required to submit a written report of the incident within five days. Additionally a Job Order Number is setup with the City's Finance Department to track costs and generate a bill for services performed and materials used. It also informs the spiller that they are required to notify the State DEQ of the release. Additional permitting, pretreatment, and compliance actions will be determined by the ECS depending on the type of release (product and/or amount); where, how, and why it was discharged; and the facility from which it was released (fixed site versus mobile vehicle).

VI. Industrial User Permitting

A. Permit Issuance

All significant industrial users as regulated by Federal Pretreatment Standards 40 CFR Part 403, proposing to connect to, or to discharge to the POTW, shall obtain a wastewater discharge permit before connecting to the POTW (SRC 74.220). Additionally any new or existing industry which becomes subject to newly promulgated pretreatment standards will be required to apply for a wastewater discharge permit.

SRC Chapter 74 allows for the regulation of dischargers who may contribute pollutants which could pass through, or interfere with, the treatment process of the POTW, or which could contaminate sewage sludge.

Significant industrial users are those designated as categorical users, or any significant industrial user who discharges 25,000 gallons per day or more, those contributing 5 percent or more of dry weather hydraulic or organic capacity to the POTW, or those whose wastes may adversely affect treatment at the POTW, or cause pass through.

ECS are responsible for the drafting and issuance of permits. The specialists can amend or add to the permits if the permittees process changes during the permit period or if Federal, State, or local regulations go into effect altering the treatment standards the discharger must follow.

Businesses requiring a permit must complete and return a Wastewater Discharge Permit Application. Permits are initially issued for a period of one year. Permit renewals are issued for a period of one to five years, based on the compliance status of the industry. Tracking of renewals is accomplished with the database maintained by ESD.

Permit applications must be signed by an authorized representative of the establishment (SRC 74.270) and will contain the information listed in (SRC 74.260).

When an application is received, ECS reviews it for completeness and accuracy. If more information is needed, the ECS will contact the applicant by telephone or in writing to request the information. When all information is received, a meeting is scheduled with the business to further discuss the permit and perform an initial inspection or schedule an inspection for a later date. During the inspection, verification of information presented in the application is made, including checking accuracy of flow patterns and wastes introduced to the discharge.

The applicant is required to submit laboratory results of wastewater constituents with the application. Sampling by City inspectors will be done when the facility begins discharging to confirm waste content and insure compliance with effluent standards.

After receiving a completed application and fee, the City will either issue a discharge permit to the applicant or inform them of rejection of their application. Permits are issued through the Environmental Services Division and authorized by the Environmental Compliance Manager.

Special conditions may be included in the permit to cover requirements specific to a particular business not included elsewhere in the permit.

All applications, inspection and sampling records, telephone conversation sheets, and any other information pertaining to a permitted business is kept on file at the ESD office. The ECS handling the business will write a brief fact sheet for the permittee and include this sheet in the permanent file. Information included on the fact sheet includes type of business, brief description of products or processes, wastes generated, and a description of pretreatment requirements. It also includes a listing of any special conditions and effluent discharge limitations. If any special calculations or justifications are used to determine categorical status or discharge limits, this information is also included in the industry fact sheet.

B. Permit Application Content

Permit applications require the disclosure of specific information by the discharger about their operation and wastes streams. The information required includes:

1. Name, address, and location of the facility.
2. The SIC number according to the Standard Industrial Classification Manual.
3. Wastewater constituents and characteristics determined by a certified laboratory. Sampling and analysis shall be performed according to methods approved by EPA. New users must provide their best estimate of probable wastewater characteristics, constituents, concentrations, and flows.
4. Time and duration of discharge.
5. Average daily and peak wastewater flows including anticipated variations.
6. Site, floor, and mechanical plans with details showing sewers, sewer connections, and appurtenances by size, location, and elevation.
7. Description of activities, facilities, and processes. This includes all materials which could be discharged, including clean-up chemicals and wash down water. The description should also list each product produced by type, amount, and rate of production.
8. The nature and concentration of any pollutant discharged that is subject to City, State, or Federal pretreatment standards. A statement regarding whether pretreatment standards are being met is required along with an action plan to insure compliance if standards are not being met.
9. The schedule by which the discharger will provide additional optimum pretreatment, or operation and maintenance.
10. Number and type of employees, hours of plant operation, and proposed and actual hours of operation of the pretreatment system.
11. Type and amount of raw materials, including chemicals, which are used that may be discharged to the sewer system.
12. Requirement to submit an updated ASPP/SCP, or in the case of a new industry complete a new ASPP/SCP and submit it with the application.

13. Any information specific to the industry that could affect the nature of the discharge to the POTW and thus impact the wastewater treatment plant operation.

Specific conditions may be included in individual permits to cover unique circumstances specific to that particular operation.

The permits also require that notification be made to the City when any new wastewater constituents are discharged or changes in volume or character of wastewater exceed 20%. Notice is also required for any discharge of a slugload, whether due to mechanical malfunction, employee error, or an accident.

C. Permit Contents

A wastewater permit shall include such conditions deemed reasonably necessary by the director to prevent pass through or interference and to implement the objectives of this chapter.

Wastewater permits shall, at a minimum, contain:

1. A statement of permit duration;
2. A statement the permit is nontransferable;
3. Effluent limits applicable to the industrial user, including Best Management Practices, based on applicable pretreatment standards in 40 CFR Part 403, categorical pretreatment requirements, local limits, and state and local law;
4. Monitoring, sampling, reporting, notification, and record keeping requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
5. Statement of applicable penalties for violation of pretreatment standards, pretreatment requirements, and compliance schedules; and
6. Requirements to control spills or slug discharges as determined necessary by the POTW, including conditions for emergency suspension of the permit, or conditions thereof.

Permits may contain:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Limits on the instantaneous daily and monthly average, and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;

3. Requirements for the installation of pretreatment technology or construction of appropriate containment devices or other similar technologies or devices designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
4. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. Specifications for monitoring programs, which may include designation of sampling locations and frequency of sampling; the number, types, and standards for tests; and reporting schedules;
8. Requirements for immediate reporting of any instance of noncompliance and for automatic re-sampling and reporting within 30 days of such noncompliance where monitoring indicates a violation;
9. Compliance schedules for meeting pretreatment standards and pretreatment requirements;
10. Requirements for submission of periodic monitoring or special notification reports;
11. Requirements for maintaining and retaining plant records relating to wastewater discharge pursuant to SRC 74.450 and 74.460, and affording the director or his access thereto;
12. Requirements for prior notification and approval by the director of any introduction of new wastewater pollutants or any change in the volume or character of wastewater prior to introduction in the municipal wastewater system;
13. Requirements for prior notification to and approval by the director of any change in the manufacturing and/or pretreatment process;
14. Requirements for immediate notification of excessive, accidental, or slug discharges, or other discharge which may cause any problems to the municipal wastewater system;
15. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards and pretreatment requirements, including those which become effective during the term of the permit; and

16. Other conditions deemed appropriate by the director to ensure compliance with this chapter; state and federal laws, rules, and regulations; and the terms of the permit.

D. Permit Renewal and Modifications

Permit renewal applications must be applied for a minimum of 90 days prior to the expiration of the users' existing permit, as outlined in (SRC 74.340). The ECS reviews the permit application, comparing it to any previous applications, noting any changes. The industry file is also reviewed to check for any changes or problems experienced since issuance of the previous permit. If conditions warrant, modifications are made to the permit. If modifications require the discharger to install, upgrade, or change pretreatment devices, a reasonable amount of time is allowed for these changes (SRC 74.300).

Permit durations may vary from a maximum of five (5) years to a minimum of one (1) year. The duration is based on the compliance status of the business, which is reviewed each time a permit is due for renewal. Permits are issued on a calendar year basis.

Within nine months of the promulgation of new categorical standards adopted by EPA, the wastewater discharge permits of affected users must be changed to require compliance with such standards within the time frame prescribed by the standards. If the new categorical standards are made for existing permitted industries, the affected user must submit a compliance schedule and disclose the nature and concentration of the newly regulated pollutant to the City within 180 days. If the new categorical standards affect previously unregulated industries, these industries must apply for permits within 180 days.

VII. Industrial User Reporting

Significant Industrial Users are subject to the reporting requirements outlined in 40 CFR 403.12. The following industrial user reports are required as explained below:

A. Baseline Monitoring Report

The City of Salem has incorporated all information required in a Baseline Monitoring Report into the permit application required of all permitted significant industrial users. This must be completed within 180 days of the effective date of a categorical pretreatment standard. It is also required within 90 days of the commencement of discharge for new sources. It is also required 90 days prior to the expiration of a existing permit for renewal of the permit. The Permit Application/Baseline Monitoring Report includes all of the information required in 40 CFR 403.12 and SRC 74.350.

B. Final Compliance Report

Within 90 days following the date for final compliance with applicable pretreatment standards or in the case of a new source, and/or within 90 days of commencement of discharge to the POTW, industrial users subject to pretreatment standards shall submit a 90 day final compliance report. The final compliance report shall be in accordance with 40 CFR 403.12 and indicate the industrial users compliance with applicable categorical pretreatment standards.

C. Periodic Compliance Report

Permitted industrial users are required by SRC 74.370 to submit biannual compliance reports on June 1 and December 1 of each year. The report shall contain results of sampling and state if pretreatment standards are being met. Progress being made on required pretreatment changes is to be addressed as well as discussion of any problems experienced. The ECS receives the user's report and compares it to information kept in the business file. If an industrial user is already on a compliance schedule, the ECS will check that scheduled completion dates are being met. ECS are assigned specific permitted industries and are responsible to monitor their businesses to insure all follow-up inspections and compliance actions are completed in a timely manner and that all enforcement deadlines are met.

D. Compliance Schedule Report

If an industrial user is subject to a compliance schedule to meet pretreatment standards a report on their progress must be submitted no later than 14 days following each compliance schedule deadline. The report must include whether or not the industry complied with the deadline, and if not, the date on which they expect to comply. The report must also indicate the reason for the delay and steps taken to get back on schedule. No more than 9 months shall be allowed between progress reports.

E. Notification Regarding Discharge Limit Violations

Since the City of Salem performs sample collection and analysis for its regulated industrial users, the City is already aware of the compliance status regarding discharge limits. As a result the City does not require a 24 hour notice of noncompliance or a 30 day violation re-sampling report. If an industrial user performs any self monitoring on their behalf these reports would apply.

F. Notice of Accidental Spill or Slug Load

All categorical and non-categorical users shall immediately notify the POTW of any discharge that could cause problems to the POTW, which includes any slug loadings as defined in 40 CFR 403.5. All permitted industries are required to have on file an updated Accidental Spill Prevention Plan (ASPP).

G. Other Notices Regarding Changes at the Industry

Industrial users must also notify the POTW regarding changes in discharge type, applicable production rates, changes of the authorized signatory, or changes in ownership. Most of this information is updated formally when the periodic reports are submitted in June and December.

All non-categorical industrial users are subject to the same reporting requirements detailed above except the discharge limits are local limits rather than categorical limits. The City does perform collection and analysis of samples from non-categorical users.

VIII. Inspection of Industrial Users

In accordance with SRC 74.480 the City inspects the facilities of all permitted industrial users to determine compliance with this chapter.

Salem Revised Code Chapter 74, as well as Departmental policy WW-4-3, provides guidelines for performing inspections. The inspections are to be conducted in a concise, professional manner by ECS employing the following general procedures:

A. Type of Inspections

ECS perform more than one type of inspection, inspections include:

1. Survey

A survey is conducted as an initial screening generally done when canvassing an area. Basic information gathered includes the business name, address, date, type of business, SIC number, if chemicals are used or are present, and if a permit is required. This information is recorded in the field. Upon return to the office, the ECS enters the information into the computer database. If chemicals are used or are disposed of, if a permit or pretreatment is needed, or if the business is a categorical user, the ECS arranges for a more complete inspection visit.

2. Complaints

When receiving a nonemergency complaint, the ECS first needs to determine if a problem exists. Information similar to that gathered during a survey is covered, but with the main focus being on the specific complaint. Documentation is collected as needed. If a problem is found, the ECS will require that corrective action be taken by the responsible party. If the problem is found at a permitted user's facility and relates to pretreatment equipment and requirements, a Field Notice of Violation is issued and the date of required correction is set. If an accidental release to the sanitary sewer or environment has occurred, the ECS will also

require the spiller to report the incident and actions taken in written form within five days. If the inspector is dispatched to respond to a spill a job order form will be completed to record the event and document costs incurred by the City, if appropriate. In the case of a spill or release, the spiller or the spiller's business is designated the responsible party and is responsible for all cleanup and related costs and corrective action to prevent recurrence (SRC 73.165).

3. Full Facility Inspection

A full facility inspection is an in-depth tour of an existing permitted facility, the initial inspection of a new facility, or the initial inspection of an unpermitted user who the ECS feels may need to be permitted. Preparation for this type of inspection is covered later in this section and includes steps to be taken prior to, during, and after the inspection. The full facility inspection can be either an announced or unannounced inspection, refer to the following table for required frequency.

Announced Inspection

Contact the designated business representative to schedule an appointment for the inspection. Usually the business is informed during a scheduled inspection that an unannounced inspection will occur in the future. The procedures followed are the same for each type of inspection, with the exception of prescheduling a date and time.

Review past records and be familiar with any problems that have occurred, or changes that were anticipated, since last inspection.

Be familiar with any changes in local, State, or Federal regulations that may have an affect on the business's wastewater discharge.

Have new inspection forms ready.

If samples are to be taken, have sampling containers ready. Notify testing laboratory so they will be expecting samples and can process them in a timely manner. Use chain-of-custody forms.

Insure any field test equipment is calibrated and working properly (such as pH meters). If pictures are taken, make sure camera is ready.

Have employee identification and business cards available so they may be used when introducing yourself to the business. This is especially important if past contact has not already been established.

Plan schedule so you can arrive for meeting at proper time.

Unannounced Inspection

Same process as announced inspections, however no prior appointment is made. There are permitted industries in Salem that require advance notice of an inspection because of security measures required at correctional facilities.

B. Inspection Frequency

Minimum inspections and sampling schedule:

Classification	Minimum Sampling	Announced Inspection	Unannounced Inspection
Significant Industrial Users	twice/year	once/year	once/year
Other Industrial Users	as needed	every 5 years	

C. Procedures Prior to the Inspection

1. Become familiar with facility.

- a. Review facility plans if available.
- b. Review permit, if a permitted industry.
- c. Review file for previous contacts/problems/information.
- d. Is facility a categorical, significant, or other type of business?
- e. Given the type of business, what might be discharged (grease, oil, other chemicals, grit, vegetable matter, etc.)?
- f. Is any form of pretreatment/equipment in place (screens, pH neutralization/monitoring, settling, heavy metals precipitation, etc.)?
- g. Who is the business contact person?

2. Inspection/Sampling Equipment.

- a. Calibrate pH meter.
- b. Clean sampling equipment.
- c. Check that you have enough sample containers of the proper type for the samples to be taken.

- d. Insure sample containers contain necessary preservative if required.
- e. Check for chain-of-custody forms.
- f. Is ice chest needed for transporting sample?
- g. If the sampler is battery powered, are batteries charged and do the batteries have sufficient power to operate for the length of time you wish to sample?
- h. Do you need any special adaptor wires to connect batteries to sampler?
- i. Do you need an extension cord for sampler?
- j. Is an on-site power supply available?
- k. Will the sampler be secure in the area you wish to leave it?

D. Denial of Entry

If entry is denied, the ECS must insure he or she is speaking to the appropriate contact person or ask to have that person notified and inform them entry has been denied. The ECS must properly identify himself or herself as a City representative, showing his or her City identification card as well as business card, and making sure the reason for the visit is clearly stated. When contact with the appropriate person is made, the ECS can remind the person that allowing facility access is required under SRC 74.480 and if access is denied the user could be subject to enforcement actions as outlined in SRC Chapter 74 and 40 CFR 403.

At no time should the inspector threaten the individuals involved or engage in any verbal or physical assault. The inspector should withdraw from the facility and notify his supervisor of the situation. A police officer and/or supervisor may be dispatched to accompany the inspector to gain facility access. Every reasonable attempt to allow cooperation by the facility representative should be afforded.

Enforcement actions, as outlined in the Enforcement Response Guide of this manual, will be initiated if needed.

E. Procedures During the Inspection

- 1. Some facilities require all visitors to sign a visitor's log book stating the date, time, organizational affiliation, and whom you wish to contact. The ECS should comply with the business's wishes in use of a visitor's log;

however, the ECS should not sign any other waiver or hold harmless type of liability form.

2. Make contact with the business representative you are to deal with during the inspection. If the primary contact person is unavailable, ask for the alternate person, business owner, manager, or other individual having authority in the operation. Inform the contact person you have arrived to perform a facility inspection.
3. Discuss any previous concerns or changes noted in file or observed during previous inspections.
4. Determine if any new operations, procedures, products, or chemicals have been employed since the last inspection (get overview of process/chemical use if inspecting a previously uninspected business).
5. Determine if any new disposal methods have been implemented since the last inspection (such as recycling rather than disposing of solvents).
6. Determine if any physical changes have been made to the facility since the last inspection (such as building expansions, changes in process areas, and changes in plumbing).
7. Determine if any changes are anticipated in the near future.
8. Tour the facility, noting whether the location of such items as operations and drains are the same as indicated in the business file.
9. Inspect any pretreatment processes, noting whether they are functioning properly.
10. Take a grab sample if needed to confirm compliance with discharge limits.
11. Inform the business representative of any potential changes in discharge regulations which could require action by the company.
12. Review the inspection with the representative, answering questions and clarifying information. Discuss any problem areas and establish date for compliance if required.
13. Encourage the representative to contact you any time changes are made or problems are experienced that will affect their effluent.

Checklist Questions

a. What is the type of business?

- Is it regulated under Federal categorical standards?
- Is it a City-permitted business?
- Is it a significant industrial user based on the volume or possible content of the wastewater?

b. What type of process wastes are generated?

- Does the process waste discharge to the sanitary sewer?
- If there is no discharge to the sanitary sewer, is there any discharge to storm drains?
- Is there on-site solids or sludge removal?
- If wastes are removed from the process, who removes the wastes, how much is removed, how often is it removed, and is the removal contractor licensed?

c. Is This a New or Existing Operation?

- If this is an existing business, have there been previous inspections and sampling performed?
- If previously inspected or sampled, were there any violations or problems found?
- Does the business have a current discharge permit?
- Does a permit need to be issued, renewed or revised?

d. Where do Process Wastes Originate?

- How do the wastes pass through the business?
- Are the process wastes separate from the domestic wastes?
- Is pretreatment of process wastes required?
- Is the required pretreatment accomplished?

- Have sampling results indicated any violations of pretreatment standards?
- Does the pretreatment equipment operate properly?
- Are personnel trained and equipped to maintain pretreatment equipment?
- Do employees understand how equipment is to work and what standards need to be kept (i.e., pH range)?
- Is maintenance done and are records kept?
- Is equipment calibration done as required?
- Are records kept and available for review?
- Are other unregulated waste streams being discharged?
- Is there dilution of the process waste stream by side streams?
- Are production-based standards applicable?
- Is the production level within reported range?

e. What Chemicals or Waste Products May be Contained in the Discharge Stream?

- Are any waste products listed toxic?
- Is the company required to complete a state Fire Marshal “Form R”?
- What is their hazardous waste generator status?
- Are any TTO (Total Toxic Organic) solvents used or disposed of?
- What quantity of products or chemicals are kept on site at any given time?
- Has an ASPP/SCP (Accidental Spill Prevention Plan/Slug Control Plan) been written?
- Have employees been trained what to do in case of an accidental spill? Who do they notify? Are the numbers posted?

- Is the spill plan up-to-date?
- Where are products used and stored?
- In an accident, can products run directly into the storm or sanitary sewers via floor drains or exterior lot drains?
- What actions can be taken to limit harm of an accidental discharge?

f. Identify Sampling Site to Monitor Process Waste.

- Is flow from regulated process only, not diluted with other process or sanitary waste?
- Will a grab or composite sample be needed to assure a sample representative of the waste?
- Is site accessible to the inspector?
- Can a sampler be set up by the inspector if necessary?

g. Does Waste Flow Match Plumbing Blueprints?

- Have any changes or modifications been done in the facility that have altered the flow pattern?
- Have waste flows been confirmed by dye testing (especially important where new owner occupies an old, existing facility)?
- Is any discharge to the storm sewer allowed?

h. For an Existing Business That has Been Previously Inspected.

- Are any new products being processed?
- Has the volume processed increased or decreased from last inspection?
- Are production increases or cutbacks expected in the future?
- Have any changes in chemicals used or processes occurred that may change the constituents of the discharge?

- Have any problems been experienced?
- Are records kept and available for review by the ECS?

F. Procedures After the Inspection

1. Make sure any samples that were collected are delivered promptly to the lab for analysis. Have the chain-of-custody form completed and ready for the lab to receive.
2. Complete the inspection report, noting any changes made or expected, or problems experienced. If a notice of violation was issued, make sure the date for reinspection or correction of the problem was established and that reinspection will be done.
3. If a violation was found, the business must respond, in writing, within five working days. They must explain what caused the problem, what corrective action was taken, how long the discharge occurred, and what measures are or will be taken to insure the violation will not recur. The ECS will note when this report is due and contact the business if it is not received.
4. Upon receipt of sample analysis, review results to insure compliance with discharge limits. Log results on the business's chronology sheet. Calculate the six-month revolving average to see if industry is in compliance. Resample within 24 hours of receipt of results indicating noncompliance.
5. Write a letter to the business, forwarding sample analysis results and discussing discharge compliance status. If results indicate noncompliance, inform business of such. A phone call may be made to the business prior to sending a letter, to inform them of the problem and initiate corrective action in a prompt manner. Follow up with a written Notice of Violation if needed.
6. Place copies of all inspection sheets, pictures, lab analysis, letters, and phone conversation sheets in appropriate business file which are kept for permanent record.
7. Follow up with any noncompliance actions initiated to insure problems are rectified in an expedient manner. If the business was in noncompliance, they must submit a written report within five working days outlining actions taken to return to compliance. Continue inspections and sampling until they show compliance.

IX. Sampling of Industrial Users

The purpose of a sampling inspection is to collect a sample from the user that will be analyzed to determine if the user is in compliance with discharge limits. This inspection is of shorter duration than a full facility inspection. The inspection will focus on the process area. The ECS will inquire if any problems have occurred, if there are any product or process changes, or if any new chemicals are used or disposed of. They will also note and discuss any problems found with the pretreatment equipment. The sample will be taken and transported to the City laboratory for analysis. The laboratory will furnish the test results to the inspector. Upon receipt of these results, the inspector will determine the compliance status of the discharger and decide if further action is needed.

The City will identify the pretreatment standards applicable to each permitted users regulated process. The City performs the appropriate analysis to identify the nature and concentration (or mass where required), of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations (or mass, where required) are recorded. The ECS insures that samples are representative of daily operations. If the users permit regulates cyanide, total phenols, oil and grease, sulfide, or volatile organics a minimum of four grab samples must be used to determine their compliance status. A single grab sample can be used to determine the users compliance status if it can be documented that it is representative of the discharge. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. Flow-proportional composite sampling may be waived for any industrial user that demonstrates that representative samples can be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples. 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 user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order 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. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the 40 CFR Part 136 sampling or analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator. The control authority 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. 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.

A. Sampling Location

Samples must be representative of the nature and volume of the dischargers effluent. The sampling point selected must insure such representation

(CFR 403.7). The sample location must coincide with the point to which effluent limits apply. In the case of Federal categorical limits, this point is the discharge from the specific process regulated. Local limits apply to all production, manufacturing, or processing operations waste, excluding domestic sewage.

The sampling point must be safe and accessible to ECS and business personnel.

If any other regulated, unregulated, or dilution flows enter the permitted effluent stream prior to sampling a combined waste stream formula must be used to allow for these side streams, (CFR 403.6).

B. Type of Sample

1. Automatic Composite Samples

Permitted dischargers having a continuous flow are required to install and maintain flow proportional composite samplers as well as flow meters. Automatic composite samplers need to take a minimum of 50 samples per operating day totaling at least two liters in volume.

2. Grab Samples

Grab samples are collected from batch dischargers where pretreatment occurs in a batch tank system and discharge is periodic.

Grab samples are also used to check discharge at a specific time such as in the case of a suspected slug load being released.

Grab samples are used when the parameters being tested cannot adequately be measured with a composite sample. Oil and grease, pH, temperature, cyanide, sulfide, some volatile organics, and total phenols are examples of tests requiring a grab sample.

C. Sample Handling

Samples will be collected and handled as required in 40 CFR, Parts 136 and 403.

Composite samples collected by a discharger's automatic sampler must be refrigerated at a temperature of two to seven degrees Celsius per SRC 74.140(d). Samples are collected each morning by a City sample collector, placed in an insulated carrier with an ice pack, and delivered to the City laboratory for analysis.

Grab samples taken on site are likewise handled as required in 40 CFR 136. The City laboratory provides the appropriate type and size of sample container needed for the sample being taken. Any chemical preservatives required are placed in the sample container by the laboratory when the containers are first

given to sample collection personnel. Ice chests are available for use if refrigeration of samples is required. pH is checked on site when the sample is taken.

Chain-of-custody forms are used as previously discussed in this manual.

Samples are transported to the laboratory as soon after collection as possible. Notification is given the laboratory when any unscheduled sample is being brought in to allow lab staff to prepare for receiving the sample.

D. Quality Assurance, Control, Analytical Techniques

The testing laboratory operated by the City of Salem is a State-certified drinking water laboratory. The laboratory is required to use testing methods outlined in 40 CFR 136 or methods approved by the Environmental Protection Agency (EPA). The laboratory is responsible to maintain ongoing quality assurance, quality control programs to insure the accuracy of tests performed.

Salem has chosen to perform the routine sampling and analysis required to determine compliance with discharge limits as allowed in (40 CFR 403.12). Split samples are taken if the discharger or the City chooses to have duplicate tests run to verify the results.

Field blanks are used when required for specific tests such as for volatile organic carbon. Duplicate samples are used in the testing laboratory as part of their quality assurance, quality control program, again to verify testing methods and results.

E. Chain-of-Custody Record

This is used to document the possession and handling of a sample from the time of collection through the time of disposal. It is used to document samples taken for regulatory compliance, or if any legal repercussions are anticipated. It is necessary to have an accurate written record documenting samples taken that may form the basis of legal action or enforcement.

The person collecting the sample fills out the chain-of-custody form at the time of sampling. The chain-of-custody follows the sample as it is transported and ultimately received at the testing lab. Any person having possession of the sample must appropriately sign the form when receiving the sample as well as sign when the sample is transferred out of their possession. Upon arrival at the laboratory, authorized laboratory personnel sign that the sample has been received.

If a sample arrives at the laboratory in damaged condition, the lab then notifies the collector of any discrepancy. Another sample can be collected if the integrity of the sample is in question. The chain-of-custody record is retained and becomes part of the report of analysis documentation.

F. Calibration of Sampling Equipment

Prior to use, sampling equipment should be checked, cleaned, and calibrated to insure proper operation. This check is best made before going out in the field. Finding out a sampler battery is dead or a meter will not zero when you are on site can waste valuable time returning for replacement parts. If equipment used during monitoring produces unreliable results, the confidence the business being checked has in the pretreatment program may be diminished.

Due to the diversity of equipment used in sampling, detailed instructions covering care and calibration of each piece will not be covered in this manual. Suffice it to say it is each ECS responsibility to insure proper equipment cleaning, calibration, and maintenance in accordance with the manufacturer's instructions specific for each piece of equipment used.

X. Public Participation

All records maintained by ESD staff regarding the pretreatment program are available for public review. Those wishing the information need only contact the ESD office and make the request. The only exception to this is information kept in a confidential files not available for public view due to the proprietary nature of the information. These confidential files are allowed in 40 CFR 403.14. If this information is requested, it is handled in accordance with 40 CFR Part 2 (Public Information).

All pretreatment codes and local limits are also available upon the request of the interested party. At the time changes are made to the local limits public notification is made in the largest local newspaper and a public hearing is held in accordance with 40 CFR Part 403.

The public is notified at least once annually of industrial users found to be in significant noncompliance with applicable pretreatment requirements by publishing the name of the offending industry in the largest local newspaper, as per (40 CFR 403.8). The nature of the violation, as well as corrections made, are stated.

XI. Resources and Staffing

A. Duties of an Environmental Compliance Specialist

A major assignment of the Environmental Compliance Specialists (ECS) is implementation of the industrial waste pretreatment program. Duties include inspection and sampling of dischargers, drafting and issuance of permits including assigning special discharge conditions as needed, and maintenance of files containing copies of all permits, correspondence, test results, violations, and all contact or inspections made. ECS review all building plans submitted for building permits to help identify new dischargers or changes in facilities of existing users. They also respond to complaints of improper waste disposal or discharge to determine if violations have occurred. If a violation is found, the ECS initiates corrective or enforcement action to insure compliance is

maintained. Accurate records and documentation must be kept which would withstand legal scrutiny if needed. They perform ongoing monitoring of existing waste dischargers as well as canvassing assigned areas looking for new users.

In order to effectively carry out these functions, the ECS must be familiar with Federal, State, and local discharge regulations, being able to interpret and apply these written regulations to practical field applications. ECS must maintain clear communication with dischargers so requirements are implemented in a uniform and timely manner. They must be able to use and maintain field equipment as well as be knowledgeable of approved sampling, sample handling and documentation, and testing methods. When doing field work, the inspector must be aware of potential health or safety hazards and use appropriate protective equipment and measures to safeguard himself and others from harm.

All of these activities must be performed in an efficient and ongoing effort to meet the requirement of an effective pretreatment program.

B. Conduct of an Environmental Compliance Specialist

ECS represent the City and are the liaison between businesses and the City. ECS must conduct themselves in a tactful, courteous, and diplomatic manner while at the same time firmly enforcing pretreatment requirements and restrictions. The goal of maintaining a cooperative work relationship with regulated business is a priority of inspectors. A professional attitude must be established to build credibility in the inspector and likewise the entire pretreatment program.

The ECS must be familiar with Federal, State, and local regulations and be able to answer questions regarding pretreatment requirements. If questions arise where the ECS is unsure of the answer, this should be stated, rather than possibly misleading an industry with faulty information. Offers to check for the correct information and relay it to the business at a later time can be made as long as the ECS can follow through with the task in a timely manner.

ECS can offer general information regarding acceptable pretreatment methods without endorsing specific products or brands. Likewise any derogatory comments about products, persons, or other businesses should be avoided.

ECS should not accept any product “samples” or other benefits that might be construed as an attempt to gain favorable treatment for the business from the ECS. If offers are rendered, the ECS should inform the person making the offer, firmly but politely, that such offers would be considered a conflict of interest and as such could not be accepted.

C. Field Gear and Equipment

1. Tools:

Machete	Wooden Stakes
Barricade Tape	Absorbent Pads, Booms, Pillows
Masking Tape	Tape Measure
Ropes	Rubber Boots
Camera	Hydrant Wrench
Flashlight	Neutralizers
Screwdriver	Lime
Wrench	Absorbents
Pliers	Patching Materials
Hammer	Oil Emulsifier
Manhole Cover Hook	Corks and Other Plugging Devices
Shovels	Small Sledge Hammer
Brooms	Gas Detection Equipment
Mobile Radio	Buckets and Other Containment Items
Cellular Phone	City Maps and Contact Lists
Handheld Radio	

2. Sampling:

Sample Cups	Sampling Pole
Automatic Samplers	Sample containers
Ice chest	

3. Meters:

Portable pH Meter	AIM 3250 Gas Monitor
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4. Documentation:

Chain-of-Custody Forms	Sample Labels
Violation Notices	Inspection Forms

5. Reference Manuals

Emergency Response Guidebook Farm Chemical Handbook

6. Protective Clothing:

Hard Hat Safety Goggles	Reflective Vest
Fire Boots	Various Gloves
Rain Suit	

7. Safety Equipment:

First Aid Kit
Cartridge Respirator

Traffic cones

Enforcement Response Plan

A. Introduction

The Enforcement Response Plan was developed to provide a uniform application of enforcement responses based on the nature and severity of the violation. The Enforcement Response Plan is meant to allow a range of responses to a violation within the requirements of the Federal Clean Water Act, Salem Revised Code Chapter 74, Wastewater Discharge Permit Conditions and the City's pH Policy. It is not intended to provide a specific response to every violation that could be encountered.

B. Enforcement Authority

Legal authority for a pretreatment program is mandated by (40 CFR 403.8). Provisions governing the City's pretreatment program are covered in SRC Chapter 74. Authority requiring pretreatment, monitoring, and inspection are outlined in this chapter. In addition, provisions to identify, verify, track, and determine compliance status are presented.

C. City Code Provisions

City Code provides for the following authority:

1. To deny or place conditions on the discharge of pollutants to the POTW by industrial users where pretreatment standards are not met, or where discharges could cause the POTW to violate its NPDES permit.
2. To require compliance with pretreatment standards.
3. To issue discharge permits as a control mechanism to meet pretreatment standards.
4. To inspect and monitor a facility and to review facility's records to ensure compliance with required pretreatment standards.
5. To require compliance schedules or self-monitoring to insure discharge limits are met.
6. To issue citations, assess civil penalties, or seek injunctive relief for noncompliance.

Evidence needed to verify that a problem exists is obtained by inspection, monitoring, and sampling. Comparing the City's business files to the business records of a discharger can also be a useful way of tracking changes in an industry's processing if violations are suspected. Authority to access business records are stipulated in (SRC 74.450).

By Code, Salem can charge the responsible party for costs incurred to clean or repair the POTW if a discharge was made that damaged, impaired, or obstructed the system. An industry's discharge permit can be revoked for violating permit conditions or applicable State or Federal regulations.

In severe cases where a situation exists that has caused, or is likely to cause, a violation of the City's NPDES permit, a cease and desist order can be issued limiting any discharge until the situation is corrected. If the cease and desist order is not followed, the City can turn off water service to the facility, as well as stop wastewater from leaving the facility. If services are stopped, the business must then apply to reconnect in accordance with City regulations prior to the restart of these services.

A civil penalty of \$1000 per violation per day may be issued for permit or discharge violations. Each day the violation continues is deemed a separate and distinct offense. In addition to any civil penalties, a violation of this City Code is considered an infraction or misdemeanor and thus subject to the issuance of a citation resulting in fines up to \$250 per offense. The ECS must be a sworn officer to issue citations.

D. Identifying Violations

The discovery of violations, other than when the discharger reports a problem, can occur in a number of ways. Using monitoring equipment, the POTW's staff can detect any abnormalities in the plant influent and then inform ESD .

Remote pH monitoring systems can be installed in the collection system. Information provided by these remote sensors help identify the area of the city from which an abnormal discharge was made. Using this information, ECS can survey the area to locate a discharger.

City sewer crews doing routine maintenance in the collection system may uncover a prohibited discharge such as signs of grease or oil in the line or unusual odors. When problems are found, an ECS investigates. Sewer and storm drain maps are used to backtrack the flow through the system and help the ECS identify the source of the discharge.

Citizen complaints are another source for potential discharge violations. Any complaint regarding discharges to waterways, drainage ditches, and storm drains, or the presence of noxious odors are investigated by an ECS.

Other agencies notify ESD when spills occur. The police and fire departments involve ESD in responses where discharges occur which may enter either the storm or sanitary sewer system as runoff due to accidents or fire.

When a violation is found, the discharger is expected to take a proactive approach to alleviate the problem. If the discharger is unable or unwilling to abate the problem, provisions in the City Code allow the City to mitigate the problem and bill the discharger or responsible party for costs incurred. When a violation occurs, the responsible party must submit a written report within five working days, outlining the incident, how and why it happened, and what provisions are being taken to ensure the event does not happen again.

E. Verification of Offense

If a business is alleged to be in violation of City Code and facing the potential of fines or other enforcement, it is essential that care be taken to verify and support these allegations. The ECS in charge of the investigation must accurately document each event. Written records must be kept, including supporting evidence such as photographs, copies of monitoring charts, reports from other City crews and complaints from neighbors. Any sampling that is done must conform to approved sampling methods. Analysis of the sample must be done in a timely manner using approved laboratory methods. 40 CFR 136, the Manual of Methods For Chemical Analysis of Water and Wastes, EPA-600/4-79-020, and Standard Methods are the references used for sampling and testing in Salem. Familiarity with these standards are essential for all ECS.

Samples must be taken from an appropriate area to ensure the sample is representative of the discharge. Safety precautions need to be exercised by the ECS collecting the sample. The ECS is required to use appropriate safety and personal protective equipment. If conditions necessitate taking a sample from a manhole in a public right-of-way, the ECS will use the emergency lighting on their vehicle to facilitate collecting the sample. If emergency lighting is not adequate to facilitate sample collection then the City's standard Traffic Control Manual must be used to set up signs and traffic cones and employ the assistance of a flagger.

When samples are collected, the standard chain-of-custody form must be used to insure sample integrity from the point of sampling to the release to laboratory personnel. In the laboratory, records of the tests run, the methods used, and the technician performing the test must also be kept. Accuracy and documentation are important in tracking and verifying noncompliance.

F. Tracking

When problems occur it is necessary to track the incident and to keep accurate records for future reference. Records documenting incidents can be a source of information in helping the ECS solve future problems.

Permanent files are maintained in the ESD office. The files contain permits, inspection sheets, laboratory results of samples taken along with telephone conversation sheets, letters, picture, historical information on the existing business and possibly the property itself. Records are kept permanently.

After completion of a field inspection, the ECS will update the file with the inspection sheet. Notes will be made if sampling was done, as well as any changes or problems found during the inspection. Copies of all correspondence with the business are also kept on file.

EPA's computer program PCME is used only to calculate SNC for sample results, all other database tracking is performed using Visual FoxPro. Sample results, records of inspections, required reporting, violations issued, and compliance schedules are maintained in this computer database.

The computer database tracks when new permits need to be issued to existing business as well as when routine sampling must be performed. The ECS reviews this data to help plan out compliance and enforcement activities and to insure required actions are not overlooked.

Each ECS is responsible for tracking compliance by reviewing lab results of samples taken, following through with permit issuance, along with monitoring corrective activities when problems occur.

The computer database is also used to complete the annual reporting requirements to the Department of Environmental Quality.

G. Levels of Enforcement Response

1. Phone Call

This informal response is the initial action taken for minor reporting deficiencies, missed deadlines, and other minor noncompliance issues. Phone calls are usually followed up by additional enforcement actions. A written record of the phone call is kept on record which contains the date, time, City contact, name of the company, company contact and title, general topic, details discussed, agreements reached, and signature of person logging the phone call. This is not generally considered a level of enforcement but it is a step in the process of certain issues.

2. Warning

This is a written warning issued by Environmental Compliance Specialists in the field. This warning is issued to the offending business during an inspection and at the time the violation is noted. The warning includes the name and address of the business, date and time of the violation, statement

of identified problem, ordinance citation, corrective action required and date corrections are required. This is also the first level of enforcement action for a pH violation. This warning is used only for violations that present no harm to the POTW. A warning shall be issued immediately upon verification of a violation.

3. Notice of Violation

This Notice of Violation (NOV) is in the form of a written letter to the violating industry. This is the initial level of enforcement action for missed deadlines on required reports, discharge parameter violations, repeated warnings and other violations that represent no immediate harm to the POTW. The NOV includes the nature of the violation citing appropriate permit or ordinance sections. It also includes required actions and completion dates if applicable. This enforcement action is the second level taken for a pH violation. The NOV shall be issued within 5 days of the identification and verification of a violation.

4. Citation

This level of enforcement action is taken for repeated field violations and when the industry fails to correct a problem in a timely manner. This is also the third level of enforcement action for a pH violation, it may also be the first level of enforcement action for pH violations of a given level of severity as outlined in the City's pH Policy. The citation is intended to be an incentive, through fines, to achieve compliance. This level of enforcement action is taken when there is a potential for harm to the POTW. Citations can be issued by Environmental Compliance Specialists. A citation is normally issued immediately upon verification of a violation but can be issued within 5 days of the violation.

5. Consent Orders

The director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with an industrial user to resolve issues of noncompliance. Such orders shall include the specific action to be taken by the industrial user to correct noncompliance within a time period specified in the order.

6. Compliance Orders

When the director finds an industrial user has violated or continues to violate any provision of this chapter, or a permit or order issued hereunder, or any pretreatment standard or pretreatment requirement, the director may issue an order discontinuing the industrial user's sewer service unless compliance is obtained within a time certain stated in the order.

7. Publication of Industrial Users in SNC

Pursuant to Salem Revised Codes the City annually publishes the names of industrial users in significant noncompliance of pretreatment standards for the previous twelve months. SNC standards are also set forth in the City's pH Policy. The names are published in the areas largest daily newspaper the Statesman Journal.

8. Civil Penalties

Civil penalties may be issued along with Compliance Orders. As with the citation described above, it is intended as an incentive to gain compliance. Civil penalties are based on the number of days a violation occurs, and the benefit gained by being out of compliance. Civil penalties can be assessed for violations of the City's pH Policy. Civil penalties normally are assessed within 30 days of the determination date that a violation warrants civil penalties but longer periods will be allowed due to the length of time it takes to verify a penalty is necessary.

9. Injunctive Relief

In addition to other relief, the city attorney may petition for the issuance of temporary or permanent injunction to restrain a violation, or compel specific performance, of the terms and conditions of the wastewater permit, order, pretreatment standard or pretreatment requirement, or other provision of SRC Chapter 74.

10. Cease and Desist Order/Emergency Suspension

A cease and desist order is issued when a violation or noncompliance issue threatens the health and welfare of the POTW and/or the employees working there in. This order is hand delivered **and** sent via certified mail. In the case of extreme hazards or threats to the POTW a termination of the discharge may be performed by the City before the order is delivered to the industry. In this case a verbal order may be issued. Normally a cease and desist order will be issued immediately upon determination the violation threatens the health and welfare of the POTW or employees working in the POTW.

11. Permit Revocation

An industrial wastewater permit may be revoked for the reasons stated in SRC 74.570. Industrial users shall be notified of proposed termination and be offered an opportunity to appear and show cause why the permit should not be revoked. Termination of a permit shall not be a bar to, or a prerequisite for, taking any other enforcement action against the user.

12. Termination of Services/Water Supply Severance

When an industry fails to respond to a compliance order, does not adhere to a compliance schedule, and citations and civil penalties have little or no affect on compliance, the City may proceed to terminate water and sewer services to a violating industry. This action must be taken in conjunction with the City’s legal department and it will involve the Environmental Compliance Manager, Public Works Director and the City’s Legal Counsel.

H. Factors In Selecting The Appropriate Response

The level of response to a violation generally is spelled out in the Code of Federal Regulations, Salem Revised Code, Wastewater Discharge Permit conditions, and the City’s pH Policy. In some situations the next level of response can be based on past compliance history and “good faith” intentions on the part of the industry. To be considered as acting in good faith an industry must take extraordinary efforts to be in compliance. The industry must make prompt, vigorous, and possibly costly steps to comply. Doing business as usual is not showing “good faith”. The enforcement matrix included with this enforcement response guide indicates the minimal level of enforcement for a given violation and indicates all levels of response that can be used to gain compliance. The City will escalate through the various levels of response to gain compliance if the initial and subsequent actions are ineffective.

XII. Timeliness of Enforcement Actions

The period of time before an enforcement action is taken after a violation is identified varies with the action. The following list is used to identify the intended time lines under ideal conditions, but longer periods may be necessary due to the amount of investigation and verification needed to determine a violation has occurred.

Warning	Notice of Violation	Citation	Administrative Order	SNC Publish	Civil Penalty	Criminal Penalty	Cease and Desist Order	Terminate Service
Immediate	5 days	5 days	30 days	Annually	30 days	90 days	Immediate	5 days

XIII. Enforcement Response Plan Matrix

Violation	Action								
	Warning	Notice Of Violation	Citation	Compliance Order	SNC Publish Name	Civil Penalties	Permit Revocation	Cease and Desist Order	Terminate Services
The City's Response Time After Identifying a Violation	Immediate	5 days	5 days	30 days	Annually	30 days	90 days	Immediate	5 days
Personnel Level To Initiate Enforcement Action	EC Specialist	EC Specialist	EC Specialist	PW Director	EC Manager	EC Manager	EC Manager	PW Director	PW Director
Discharge Violations									
A. Discharging without a permit									
B. More than 33% of samples exceed TRC (SNC)									
C. More than 66% of samples exceed discharge limit (SNC)									
D. pH violation (see attached pH policy)									
Inspection Violations									
A. Entry denied to City personnel									
B. Illegal Discharge									
C. Failure to maintain records									
D. Failure to maintain equipment									
E. Failure to install required equipment									
F. Failure to correct cause of spill or slug discharge									
Reporting Violations									
A. Intentional falsification of records or reports									
B. Failure to report slug discharges									
C. Failure to report spills									
D. Failure to meet report due dates									
E. Exceed report due dates by more than 30 days (SNC)									
Violation	Action								

	Warning	Notice Of Violation	Citation	Compliance Order	SNC Publish Name	Civil Penalties	Permit Revocation	Cease and Desist Order	Terminate Services
The City's Response Time After Identifying a Violation	Immediate	5 days	5 days	30 days	Annually	30 days	90 days	Immediate	5 days
Personnel Level To Initiate Enforcement Action	EC Specialist	EC Specialist	EC Specialist	PW Director	EC Manager	EC Manager	EC Manager	PW Director	PW Director
F. Submit improperly signed or certified reports									
G. Failure to meet compliance schedule dates									
H. Exceed compliance schedule dates more than 90 days (SNC)									
I. Failure to renew a permit									
Other Violations									
A. Intentional tampering with discharge samples									
B. Intentional tampering with monitoring equipment									
C. Intentional altering of records or reports									
EC Specialist = Environmental Compliance Specialist EC Manager = Environmental Compliance Manager PW Director = Public Works Director									

The shaded box indicates the first level of enforcement action for a given violation, enforcement action can escalate upwards from there.