AGENDA
SHAWNEE MUNICIPAL AUTHORITY
March 17, 2014 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

1. Consider approval of Consent Agenda:

   a. Minutes from the March 3, 2014 meeting.

   b. Acceptance of Industrial Pre-Treatment Documents.

2. New Business

   (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

3. Administrative Reports

4. Adjournment

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

Shawnee Municipal Authority **1. a.**

Meeting Date: 03/17/2014

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the March 3, 2014 meeting.

Attachments

Minutes

THE TRUSTEES OF THE SHAWNEE MUNICIPAL AUTHORITY OF THE CITY OF SHAWNEE, COUNTY OF POTTAWATOMIE, STATE OF OKLAHOMA, MET IN REGULAR SCHEDULED SESSION IN THE COMMISSION CHAMBERS AT CITY HALL, 9TH AND BROADWAY, SHAWNEE, OKLAHOMA, MONDAY, MARCH 3, 2014, DURING THE BOARD OF CITY COMMISSIONERS MEETING AT 6:30 P.M., PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW. UPON ROLL CALL, A QUORUM WAS DECLARED WITH THE FOLLOWING MEMBERS IN ATTENDANCE:

PRESENT: Stephens, Agee, Harrod, Mainord, Hall, Winterringer, Smith
ABSENT: None

Call to Order

Declaration of a Quorum

AGENDA ITEM NO. 1: Consider approval of Consent Agenda

a. Minutes from the February 18, 2014 meeting

A motion was made by Trustee Harrod, seconded by Trustee Hall, to approve the Consent Agenda item No. 1(a). Motion carried 7-0.

AYE: Harrod, Hall, Winterringer, Smith, Stephens, Agee, Mainord
NAY: None

AGENDA ITEM NO. 2: Discussion and consideration and possible action of a contract with Shawnee TV to continue the recycling public education effort with Central Disposal to educate our citizens on our new city wide recycling program.

A report was given by Todd Adcock, with Central Disposal. The first day of curbside recycling was today and even with the ice and snow the pickup happened. It was a little slow and the trucks were running late, but all that were at the curb were sorted and picked up.

Commissioner Stephens asked about customers having additional bins and where to recycle cardboard and glass.

Mr. Adcock advised the contract, at this time, allows for only one recycling bin. There is the possibility this could be changed with a contract amendment at

July 1, 2014. The number of recycling bins and the additional cost for each bin would be determined at that time. As far as recycling of glass and cardboard, these items can be taken to the transfer station on 45th Street. Only residents inside the city limits will be allowed to deposit their recycling at that point as part of the solid waste/recycling contract with the City of Shawnee Municipal Authority.

If any resident would like to exchange their larger poly-cart for the smaller poly-cart, they can contact Central Disposal at 405 275 0900. Central Disposal will then report the change to Utility Billing and a decrease in the cost will be made.

Commissioner Agee inquired about any expected drop off rate of usage after the initial start-up. Central Disposal is planning to monitor monthly, at the beginning, and advertise to remind residents again in the Fall.

A motion was made by Trustee Stephens, seconded by Trustee Winterringer, to approve a contract with Shawnee TV to continue the recycling public education effort with Central Disposal to educate our citizens on our new city wide recycling program. Motion carried 7-0.

AYE: Stephens, Winterringer, Smith, Agee, Harrod, Mainord, Hall
NAY: None

AGENDA ITEM NO. 3: Consider Bids:

a. Repair and Restoration of the River Bank Failure
Contract No. SMA-14-03 (Award)

BIDDER	**AMOUNT**
Onyx Services, Inc.	$239,750.00
Brewer Construction Okla., LLC	$203,799.00
Cimarron Construction Okla., LLC	$196,944.00
CP-3 Enterprises, Inc.	$154,628.60
Reed Dozing & Contracting	$244,400.00
RRY Services, LLC	$179,506.10
Downey Contracting, LLC	$284,930.00

Public Works Director Steve Nelms announced that seven bids were received and after review and consideration it was staff's recommendation to award the bid to CP-3 Enterprises of Oklahoma City, Oklahoma in the total amount of $154,628.60.

A motion was made by Trustee Harrod, seconded by Trustee Hall, to accept staff's recommendation and award the bid to CP-3 Enterprises, Inc. in the total amount of $154,628.60. Motion carried 7-0.

AYE: Harrod, Hall, Winterringer, Smith, Stephens, Agee, Mainord
NAY: None

AGENDA ITEM NO. 4: New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

There was no new business.

AGENDA ITEM NO. 5: Administrative Report, including but not limited to:

a. Information for the Commissioners/Trustees regarding recycling (Was addressed under agenda item no. 2)

AGENDA ITEM NO. 6: Consider an Executive Session to discuss potential claims, litigation or other options regarding encroachment into City's utility service area by other entities and discussion of retention of outside council; as authorized by 25 O.S. §307(B)(4).

A motion was made by Trustee Harrod, seconded by Trustee Smith, to enter into Executive Session to discuss potential claims, litigation or other options regarding encroachment into City's utility service area by other entities and discussion of retention of outside council; as authorized by 25 O.S. §307(B)(4). Motion carried 7-0.

AYE: Harrod, Smith, Stephens, Agee, Mainord, Hall, Winterringer
NAY: None

COMMISSION/TRUSTEES ENTERED INTO EXECUTIVE SESSION AT 7:05 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION/TRUSTEES RECONVENED FROM EXECUTIVE SESSION AT 8:40 P.M. WITH ALL MEMBERS PRESENT

AGENDA ITEM NO. 7: Consider matters discussed in Executive Session regarding potential claims, litigation or other options regarding encroachment

into City's utility service area by other entities and retention of outside counsel; as authorized by 25 O.S. §307(B)(4).

A motion was made by Trustee Hall, seconded by Trustee Harrod, to engage the services of Modrall Sterling in connection with resolving encroachment into territory. Motion carried 6-1.

AYE: Hall, Harrod, Mainord, Winterringer, Smith, Stephens
NAY: Agee

A motion was made by Trustee Hall, seconded by Trustee Harrod, to engage Barbara Rauch for consulting service. Motion carried 7-0.

AYE: Hall, Harrod, Mainord, Winterringer, Smith, Stephens, Agee
NAY: None

AGENDA ITEM NO. 8: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:45 p.m.)

_____
WES MAINORD
CHAIRMAN

ATTEST:

_____
DONNA MAYO, DEPUTY CITY CLERK
SECRETARY

Shawnee Municipal Authority **1. b.**

Meeting Date: 03/17/2014

Industrial Pre Treatment Documents

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acceptance of Industrial Pre-Treatment Documents.

Attachments

Memo Industrial PreTreatment

DEQ Approval Letter

Industrial Pre-Treatment Documents

Steve Nelms
Utility Director
405-273-1960

Lyndsay Pickens
Administrative Assistant
Phone: 405-273-1960
Fax: 405-878-1550

Mayor
WES MAINORD

111 S. Kickapoo, Shawnee, OK 74801

Greg Price
Plant Manager
405-878-1662

Brad Schmidt
Maintenance Manager
405-878-1513

Commissioners
Pam Stephens
Linda Agee
James Harrod
Keith Hall
John Winterringer
Steve Smith

MEMORANDUM

To: Brian McDougal, City Manager.
From: Steve Nelms, Utility Director
CC: Mayor and City Commission Cindy Sementelli, Finance Director
Date: 3/13/2014
Re: SMA Industrial Pretreatment Document Changes (March 17th Agenda)

Nature of the Request: Staff is asking that the City Commission accept the Industrial Pretreatment Document Changes within the new Industrial Pretreatment Document. The New Industrial Document has been approved and accepted by ODEQ Industrial Pretreatment Division. According to ODEQ this document cannot be implemented as an official working document until the City Commission Approves it.

Staff Analysis, Considerations: Until the City Commission has accepted the changes within the Industrial Pretreatment Document Staff cannot implement the changes. Please see attached document with changes.

Recommendation: SMA Staff and ODEQ Staff are requesting that the City Commission accept the changes in the Industrial Pretreatment Document. Please see attached ODEQ recommendation.

Budget Consideration: N/A

STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

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April 5, 2013

Jim Bierd, Utility Director
City of Shawnee
P.O. Box 1448
Shawnee, Oklahoma 74802

Re: City of Shawnee Industrial Pretreatment Program Modification Request
OPDES Permit Number OK0026051; State Facility S-20548 / Pretreatment File

Dear Mr. Bierd:

Public Notices of the City of Shawnee Industrial Pretreatment Program (IPP), including a Sewer Use Ordinance incorporating the TBLL and additional changes to incorporate 40 CFR 403 "Streamlining" regulations accepted for public notice by DEQ on October 15, 2012, and the public notice documentation received by DEQ from the City of Shawnee on November 27, 2012, have been published and all comment periods have closed. No significant adverse comments were received.

On approval of the IPP by City Council, please submit to DEQ for final approval and incorporation into your OPDES permit a minimum of three (3) copies of the complete IPP including the adopted and executed Amending Ordinance. One of the three (3) copies of the DEQ Approved Pretreatment Program will be returned for your formal records; if you would like to receive additional approved copies, please adjust the number of the submittal accordingly.

Questions or comments may be directed to me as follows: e-mail: roshini.nambiar@deq.ok.gov, Fax (405) 702-8101 or Telephone (405) 702-8132.

Sincerely,

Roshini Nambiar

Roshini Nambiar, Municipal Pretreatment Coordinator
Municipal Wastewater Enforcement Section
Water Quality Division

RN/ PR/md

cc: Rudy Molina, U.S. EPA Region 6
Greg Price, Interim Plant Manager, City of Shawnee
David Golden, Regional Manager, ECLS, DEQ

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INDUSTRIAL PRETREATMENT PROGRAM DOCUMENT

For the City of Shawnee

Revised by Gregory Price

March 5th, 2012

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INDUSTRIAL PRETREATMENT PROGRAM
CITY OF SHAWNEE, OKLAHOMA

I. INTRODUCTION

A. PRETREATMENT OBJECTIVES

The 1972 amendments to the Federal Water Pollution Control Act (PL92-500) provided the first real mechanism by which industrial waste dischargers would eventually come under certain pretreatment standards. The regulations that have been developed and promulgated since then provide for the control of industrial wastes introduced into publicly owned treatment works (POTWs). The control of these wastes is accomplished through the development of an Industrial Pretreatment Program. The objectives of an Industrial Pretreatment Program include the following:

1. Prevent the introduction of pollutants into the POTW which will interfere with the treatment operations and/or the use or disposal of the municipal sludge;
2. Prevent the introduction of pollutants into the POTW which will pass through the treatment works or be incompatible;
3. Improve the feasibility of recycling and reclaiming municipal and industrial wastewaters and sludges;
4. Enforce applicable Federal Categorical Standards and requirements; and
5. Generally, to reduce the health and environmental risk of pollutants discharged to POTWs.

B. PRETREATMENT AUTHORITY

Congress first approved national water quality legislation in 1948 and has periodically updated it since that time. Several major pieces of legislation were enacted during the 1970's to assist EPA in the task of environmental control in the United States. Even with the passage of PL92-500 in 1972, Congress clearly anticipated that review, course corrections, and fine tuning of the Act would be required.

On February 2, 1977, the EPA proposed a rule that would establish mechanisms and procedures for enforcing national pretreatment standards to control the introduction of non-domestic wastes into POTWs. These proposed regulations set forth the overall national policy for the establishment and enforcement of pretreatment standards for existing and new sources under Sections 307(b) and (c) of the Federal Water Pollution Control Act as amended by the Clean Water Act. On June 26, 1978, EPA promulgated this regulation (40 CFR, Part 403) and it became effective on August 25. 1978. These General Pretreatment Regulations replaced the previous Pretreatment Standards (40 CFR, Part 128).

The Pretreatment Regulations apply to municipalities whether or not the POTW is federally funded. All local authorities operating POTWs with total flows in excess of 5 MGD and which receive industrial wastes from sources subject to the national pretreatment standards are required to establish Industrial Pretreatment Programs. The establishment and enforcement of the local Industrial Pretreatment Program are conditions of the NPDES permit.

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C. STATEMENT OF LOCAL AUTHORITY

On June 6, 1983, the City of Shawnee adopted Ordinance No. 1167NS, which was incorporated into the Code of the City of Shawnee, Oklahoma as Article IV of Chapter 26 of the Code (see Appendix A). Article IV of Chapter 26 of the Code was amended on September 21, 1992. This provides the authority for the City to implement the changes in the Industrial Pretreatment Program contained in this document as well as enforce changes in the Federal regulations dealing with pretreatment. This legal authority enables the City to:

1. Deny or condition new or increased contributions, or changes in the nature of pollutants.
2. Issue wastewater discharge permits to significant industrial users.
3. Require compliance with applicable Pretreatment Standards and Requirements. Require schedules for the installation of technology to meet applicable Pretreatment Standards and Requirements.
4. Require self-monitoring and reporting by industrial users.
5. Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance with applicable Pretreatment Standards and Requirements.
6. Obtain remedies for noncompliance by any industrial user with any Pretreatment Standard or Requirement.

D. EXISTING INDUSTRIAL PRETREATMENT PROGRAM

The City of Shawnee, (The City), has carried out the Industrial Pretreatment Program requirements as set forth in the Clean Water Act of 1977, (Public Law 95-217), or (The Act). The Industrial Pretreatment Program was structured as described in 40 CFR Part 403. The Industrial Pretreatment Program, which was originally approved in 1983 has carried out the intent of the regulations.

E. MODIFICATION TO PROGRAM

Due to changes in the department responsible for the management of the program and changes in Federal regulations, modifications to the City's Industrial Pretreatment Program are being made. Modifications include rewriting certain paragraphs and sections of the Pretreatment Program Document, revised technically based local limits, and changes/additional program personnel.

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II. TECHNICAL PROGRAM DEVELOPMENT

A. TREATMENT FACILITIES

The City of Shawnee, Oklahoma operates two separate wastewater treatment facilities to handle both domestic and non-domestic wastewaters generated within the City limits. The two plants, designated as the Northside Treatment Plant and the Southside Treatment Plant, are secondary treatment facilities. A brief discussion of each plant follows:

1. NORTHSIDE TREATMENT PLANT

The Northside Treatment Plant was built in 1982 at a cost of $5.2 million. The capacity of the plant was increased to 3.0 million gallons per day capacity by a $3,500,000 project completed in June, 1997. The plant received wastewater on October 1982. For the first six months the average daily flow was 600,000 gallons. The plant currently treats an average of 1.59 MGD of wastewater each day. It serves the residential area north of the Shawnee Ridge and the major industries in the northern part of the City

Currently the plant utilizes two final clarifiers, two aeration basins, two sludge digesters, chlorine basin and chemical building. The grit removal system and mechanical bar screen remove large objects from the waste stream. Influent is treated by a conventional diffused air activated sludge secondary treatment system and aerobic sludge digestion. The effluent is chlorinated during summer months and de-chlorinated prior to discharge with sulfur dioxide. The effluent is discharged into the North Canadian River. The plant is capable of treating up to 3.0 MGD.

2. SOUTHSIDE TREATMENT PLANT

The Southside Treatment Plant serves the area south of the ridge line that divides the city. This includes the central business district and the major residential areas of the City.

The Southside Treatment Plant is a trickling filter type plant that was modified in 1991 with the addition of aerated grit removal equipment, new comminutors, modifications to the primary and intermediate clarifiers, an additional final clarifier and digesters. It has a design capacity of 3.0 MGD. A ten million gallon capacity storm water holding pond was also constructed to handle inflows from the collection system. The peak capacity of the Southside Treatment Plant is 5.18 MGD. The effluent is chlorinated during summer months and de-chlorinated prior to discharge with sulfur dioxide.

Currently, hauled waste is accepted at the Southside Treatment Plant.

B. INHIBITION/PASS-THROUGH

Annually, composite samples of the influent and effluent are taken at both treatment facilities. Sampling techniques set forth in 40 CFR Part 136 of the Federal Regulations are followed. Approved handling and transportation techniques are also used. The composite samples are analyzed for toxic pollutants listed in 40 CFR 122 Appendix D Table II on a yearly basis and Table III on a semiannual basis. The results of the most recent analyses are included in the Appendix C.

In addition to the analysis of priority pollutants, influent and effluent samples are analyzed for BOD_5, TSS, and pH on a regular basis by plant personnel.

As a requirement of the NPDES permits biomonitoring is performed annually at both plants.

C. SLUDGE DISPOSAL

Land application of sludge is current method of sludge disposal. The City has a sludge disposal plan approved by the Oklahoma State Department of Health. Additional land application site(s) have been approved and are being utilized.

D. INDUSTRIAL USER SURVEY

Developing and maintaining a list of all significant and potentially significant non-domestic users is essential in implementing and maintaining a successful pretreatment effort. A master list of non-domestic users was developed by the City of Shawnee in January 1983 and approved by EPA on April 1, 1983. In order to identify users or potential users of the POTW the City conducts an ongoing industrial user survey.

The industrial users identified are any industry that falls in one or more of the 34 Natural Resource Defense Council (NRDC) Consent Decree industrial categories, or any industry that may use one or more of the 65 toxic groups listed in the NRDC Consent Decree. Any industrial user that falls under Title 40 chapter I of the Federal Regulations or that has the potential to impact the POTW is also included in the survey process. The sources used to compile the list of industrial users of the Shawnee POTWs are:

- Shawnee Chamber of Commerce Industrial Profile
- Local telephone directory
- City water records
- City building and plumbing permit records
- Oklahoma Department of Commerce Publications
- Past industrial monitoring
- Past IU Surveys

E. PRESENT PERMITTED USERS

Industry	Categorical	Process
AL-KO Kober	No	Trailer Axle Fabrication
Georg Fischer Central Plastics LLC	Yes	Plastic Fabrication
Crystal Works	Yes	Crystal Fabrication
Eaton Corporation	Yes	Hydraulic Motor Manufacturing
Exxon Mobil Corporation	No	Plastic Wrap Manufacturing
TDK Ferrites Corporation	No	Magnet Manufacturing
Wolverine Tube Inc	Yes	Copper Casting, Molding & Forming
GE Oil & Gas Pressure Control	Yes	Machine valve/wellhead equipment

F. TECHNICALLY BASED LOCAL LIMITS

The City of Shawnee is determined to ensure that the specific, technically based local limits of the Industrial Pretreatment Program are adequate to protect the environment from any adverse effects related to non-domestic discharges into each treatment facility. This is one of the specific reasons for this modification to the existing Industrial Pretreatment Program.

1. OBJECTIVES

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A plan to reassess the Specific Local Limits was developed and implemented as a part of the Shawnee Industrial Pretreatment Program. This Plan was designed to meet the following objectives:

a. To develop Local Limits that will protect the water quality of the North Canadian River.

b. To develop Local Limits that will permit the continued land application of sludge from each POTW.

c. To develop Local Limits that will prevent the interference of POTW operations.

d. To develop Local Limits that will protect worker health and safety.

e. To develop Local Limits that will protect air quality.

f. To develop Local Limits that are legally defensible.

g. To develop Local Limits to ensure continued compliance with NPDES Permit requirements.

2. LOCAL LIMITS DEVELOPMENT

The document setting forth the development of technically based local limits is included with this document.

a. In October of 2009, Mehlburger Brawley, Engineering Corporation out of Oklahoma City, was hired to develop new Local Limits.

b. Conventional pollutants will be allocated to significant industries in the wastewater discharge permit as determined to be necessary by the proper Pretreatment staff.

c. On January 15, 2010 the Oklahoma Department of Environmental Quality approved the new Local Limits.

d. The new Local Limits are a part of this revised Program Document.

e. The following are the new local pollutant limits:

Pollutant	Limit
Arsenic	0.329 mg/l
Cadmium	0.443 mg/l
Chromium	10.00 mg/l
Copper	9.873 mg/l
Cyanide	4.835 mg/l
Lead	3.495 mg/l
Mercury	0.241 mg/l
Molybdenum	5.169 mg/l
Nickel	7.118 mg/l
Selenium	1.170 mg/l
Silver	12.80 mg/l
Zinc	8.211 mg/l

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III. IMPLEMENTATION PROCEDURES

A. INDUSTRIAL USER PERMIT PROCESS

The General Pretreatment Regulations, 40 CFR 403.8 (f)(1)(iii) require Control Authorities with approved Industrial Pretreatment Programs to control industries through a permit or similar means to ensure compliance with pretreatment standards and requirements. In cases where an industrial user is significant, an individual control mechanism must be issued to that user. The City of Shawnee will ensure the contribution of each industrial user will be in compliance with applicable pretreatment regulations and standards through the use of discharge permits (see Appendix D).

The use of discharge permits alone will not ensure compliance with the above mentioned Federal regulations. However, through the ability to act upon and effectively enforce the terms of the discharge permit, the City will be able to control discharges to its wastewater treatment plants.

1. PERMIT APPLICATION

In order to obtain the above mentioned wastewater discharge permit, an industrial user must complete a permit application, (see Appendix E).

New significant industrial users planning to connect to the City's sanitary sewer system must complete the application at least ninety (90) days prior to discharging. An application for renewal must be filed with the City at least ninety (90) days prior to the expiration of an existing wastewater discharge permit.

2. PERMIT DETERMINATION

The Utility Director will review the completed permit application and any supplemental information requested from the industrial user. This may include the following information:

- Pollutants present.
- Concentration of pollutants.
- List of raw materials.
- Flow data.

The Utility Director will determine within thirty (30) days of receipt of the application whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The Utility Director may deny any application for a wastewater discharge permit. If the Utility Director decides that a wastewater discharge permit will be issued, the industrial user will be notified by letter.

3. PERMIT REVIEW AND APPEAL

Once the draft permit is complete, it is sent to the industrial user by certified mail. The user is advised to contact the City in writing within thirty (30) days to discuss the issuance to the permit. This allows the industrial user time to review the discharge permit and request changes before the permit becomes effective. The City may contact the user prior to the effective date if no correspondence has been received from the user. However, the City is under no obligation to contact the user before such date. Meetings may be held with the user to discuss the discharge permit or less complex issues may be handled by telephone.

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Once the permit becomes effective, the industrial user has the right to appeal. The appeal must be made within thirty (30) days of the effective date of the permit.

B. WASTEWATER DISCHARGE PERMIT CONTENTS

The wastewater discharge permit shall clearly set forth the standards and regulations to which each industrial user must comply. It shall contain, at a minimum, the following information:

1. POLLUTANTS TO BE REGULATED

After determining what pollutants are present, the Utility Director decides which pollutants require regulation. Effluent limits contained in the permit should include:

- National prohibited discharges, 40 CFR 403.5(a) and (b).
- Categorical pretreatment standards, 40 CFR Parts 405-471.
- Local limits, Section 26-407 of the City Code.

Section 403.5(a) and (b) of the General Pretreatment Regulations establishes general and specific prohibitions that apply to all non-domestic users that discharge to the City's sanitary sewer system. Section 25-109 of the Code gives the City enforcement of these general and specific prohibitions.

Categorical pretreatment standards are technology-based standards for a selected group of industries, established by EPA under the authority of the Clean Water Act. If the industrial user is subject to categorical pretreatment standards, the Utility Director must include effluent limits based on these standards in the wastewater discharge permit. The following guidelines are used to determine categorical pretreatment standards:

- Determine the proper category and subcategory for the industrial processes operated by the permittee.
- Identify all regulated, unregulated, and diluted wastestreams.
- Identify appropriate sampling locations.

Categorical standards apply directly to the regulated wastestream or at the end of the pretreatment of the regulated wastestream. When the designated sampling location described in the permit contains a regulated wastestream and one or more other wastestreams (dilution, regulated, or unregulated), then the Combined Wastestream Formula must be used to calculate appropriate effluent limits based on the categorical pretreatment standards.

Effluent limits based on both daily maximum and the monthly average categorical pretreatment standards must be included in the permit.

Limitations on all pollutants regulated by the categorical pretreatment standards must be included in the permit, even though the industrial user may not discharge all of the regulated pollutants. Note, however, that some of the categorical regulations allow the use of indicator pollutants or allow exemptions from monitoring for certain pollutants.

The City has the option of converting production-based categorical pretreatment standards to equivalent mass or equivalent concentration limits.

Categorical pretreatment standards establish the compliance dates by which industrial users covered by the standards must be in compliance.

The City of Shawnee has established technically based local limits for a number of pollutants. The Utility Director will include only those pollutants and their limits

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that are known to be, or believed to be present in the discharge. At his discretion, the Utility Director may also include limits for conventional pollutants in the wastewater discharge permit.

In implementing its Industrial Pretreatment Program, the City is required to enforce the applicable pretreatment standard, (i.e., Federal, State, or local), whichever is more stringent. The Utility Director will determine which limits apply, local or categorical. This is determined by choosing the limit that is numerically more stringent. One factor to consider is that categorical pretreatment standards apply at the end of the process while local limits apply at the discharge point to the sewer system. This may involve the use of the combined wastestream formula when determining discharge limits.

2. MONITORING REQUIREMENTS

Once an industrial user's effluent limits are developed, monitoring requirements must be established. To prevent and minimize problems, monitoring requirements should be clearly stated in the permit. The following items should be addressed:

a. Sampling Location - In determining the appropriate sampling location(s) the following guidelines should be applied:

- Sampling location(s) must coincide with the point(s) at which the effluent limits apply.
- Sampling location(s) must produce a sample representative of the nature and volume of the industrial user's effluent.
- Sampling location must be safe, convenient, and accessible to the industrial user and the City.

If there is no ready access to a representative sampling point, the City can require the industrial user to provide such access by the installation of a sampling manhole.

b. Sample type - The permit shall specify the sample collection method for each pollutant to be monitored. In general, two types of samples may be taken, grab or composite. The permit shall specify the type of composite sample, time or flow. The Utility Director shall determine what sample type is to be taken based on the following guidelines:

- Type of discharge, batch or continuous.
- Length of discharge, number of hours.
- Pollutants requiring grab sample.
- Volume of the discharge.

c. Pollutants to be monitored - The permit shall require the industrial user to self-monitor for all pollutants limited by specific numerical values in the wastewater discharge permit. In order to comply with the reporting requirements of 40 CFR 403.12(e) of the General Pretreatment Regulations, industrial users subject to categorical pretreatment standards are required to monitor and report the analytical results for all regulated pollutants. Other reporting requirements may include pollutants that are known to be present in the user's discharge that have a specific discharge limit listed in the Section 26-407 of the City Codes. Flow measurement or an estimate of flow is also required.

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At the present time, the City's Industrial Pretreatment Program personnel perform all monitoring required by the wastewater discharge permits. At the discretion of the Utility Director, this may be changed in the future and all permitted industrial users will be given thirty (30) days' notice to make arrangements for self-monitoring.

d. Monitoring Frequency - The City requires a minimum self-monitoring frequency of twice per year for all categorical and significant industrial users. The permit shall require the industrial user to self-monitor at the frequency determined to be necessary to ensure compliance. As noted above, the City may perform all monitoring required by the permit in lieu of self-monitoring by the industrial user.

e. Reporting Frequency - The City requires a minimum reporting frequency of twice per year for all categorical and significant industrial users. Self-monitoring compliance reports shall be submitted by the dates specified below:

Reporting Period	**Report Due**
October 1 to March 30	April 30
April 1 to September 30	October 31

If an industrial user is issued a discharge permit during the reporting period, the Utility Director will determine when the first monitoring report is due.

When the City performs the required sampling in lieu of the industrial user, the industrial user will not be required to submit the compliance certification. When the City collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.

3. ANALYTICAL METHODS

The General Pretreatment Regulations, 40 CFR 403.12, require that all analyses to determine compliance with categorical pretreatment standards be performed in accordance with 40 CFR Part 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act*, and amendments, or with any other test procedures approved by EPA. A statement to that effect shall be included in the wastewater discharge permit.

4. DURATION

A statement of the duration of the permit is found on Page 1 of each permit. The following guidelines should be applied when determining the duration of a permit.

- Permits to new industrial users should be no more than two years in duration.
- Permits to production based categorical users should be one year in duration.
- Permits to septic waste haulers should be one year in duration.
- No permits shall be issued for more than five years.

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5. TRANSFERABILITY

The following statement of transferability is found in Sec. 26-335. It reads as follows: A wastewater discharge permit may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 30 days' advanced notice to the administrator and the administrator approves the transfer of the wastewater discharge permit. The notice to the administrator must include a written certification by the new owner and/or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

(2) Identifies the specific date on which the transfer is to occur.

(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

6. FINES AND CIVIL PENALTIES

The following statement of applicable civil and criminal penalties for violations of the pretreatment standards and requirements shall be included in the wastewater discharge permit

> Chapter 26-264 of the City Code provides that: "Any user who is found to have violated this article; a wastewater discharge permit; or any prohibition, limitation or requirement contained in this article or any other pretreatment standard or requirement shall be fined up to $1,000.00, including costs for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this section, the city may recover reasonable technical and administrative costs, punitive damages, attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit against the user found to have violated this article or the orders, rules, regulations and permits issued under this article.

C. REPORTING REQUIREMENTS FOR INDUSTRIAL USERS

There are several reporting requirements for industrial users contained in 40 CFR 403.12 of the General Pretreatment Regulations. This section provides a description of each of the reporting requirements and the signatory and certification requirements for the reports.

All reports required under the Pretreatment Standards and Regulations or the wastewater discharge permits, applications and other requested information shall be submitted to the City of Shawnee at the following address.

Special Projects Manager

City of Shawnee

P.O. Box 1448

Shawnee, Oklahoma 74802-1448

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1. BASELINE MONITORING REPORTS

As the first step in applying categorical pretreatment standards, the City must have basic data about any industrial user subject to these standards. As a part of the permit application, all industrial users that are subject to categorical standards must submit a report containing the information outlined in Section 403.12(b) of the General Pretreatment Regulations within 180 days after the effective date of the standard. This report is commonly referred to as the Baseline Monitoring Report (BMR). If a category determination has been requested, the BMR is not due until 180 days after a final administrative decision has been made concerning the industry's inclusion in the category. The BMR must contain the following items of information:

a. Name and address of the facility and name of the operator and owner.

b. List of environmental control permits held by or for the facility.

c. Description of operations, including the average rate of production and Standard Industrial Classification (SIC) codes.

d. Flow measurements.

e. Pollutant measurements.

f. Certification by a qualified professional, and reviewed by a representative of the industrial user, of whether applicable pretreatment standards are being met and, if not, a description of the additional operation and maintenance (O&M) or pretreatment facilities that are needed to comply with the standards.

g. A schedule by which the industrial user will provide the additional O&M or pretreatment needed to comply with the applicable pretreatment standards.

If an industrial user has already submitted the specific information listed in 40 CFR 403.12, including the schematic process diagram indicating discharge points, etc., in a permit application and this information is still current, it need not be reproduced and resubmitted in the BMR.

2. REPORT ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

The purpose of this report is to notify the City that compliance with the applicable categorical pretreatment standards has been achieved. If the facility is in noncompliance, the report will specify how compliance will be achieved. Reports are due within 90 days of the date for final compliance with applicable pretreatment standards. For new users, the compliance report is due within 90 days following commencement of wastewater discharge to the POTW. Information required in the report includes:

a. Nature and concentration of all pollutants regulated by categorical pretreatment standards.

b. Average and maximum daily flow for regulated manufacturing processes.

c. Compliance status, if noncompliant, additional measures needed to achieve compliance.

d. Certification of validity of information.

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3. PERIODIC COMPLIANCE REPORTS

The purpose of the report is to provide the City with current information on the discharge of pollutants to the POTW from categorical and significant industrial users. The reports are due every April and October after the final compliance date or after the commencement of a discharge for a new user. The information required in the report includes:

a. Nature and concentration of all regulated pollutants.

b. Average and maximum daily flows discharged to the POTW for the reporting period.

c. For industries subject to production-based standards an actual average production rate for the reporting period.

d. Where mass based units are used a measure of the mass pollutants discharged.

e. For industries subject to equivalent mass or concentration limits pursuant to 403.6(c), a reasonable measure of the long term- production rate.

f. Sampling information: date, time, place, method of sampling, (i.e., grab, composite), sample preservation, and person performing sampling.

g. Analyses information: date performed, who performed analyses, and analytical method used.

h. Certification statement and signature requirement as stated in the discharge permit.

i. If pollutants are monitored more frequently than outlined in wastewater discharge permit, according to sampling location, sample type, and according to 40 CFR 136, the results of such analysis shall be included in the periodic compliance report as outlined in the wastewater discharge permit.

j. Certification of validity of information provided.

k. Additional information as required by the City.

4. NOTICE OF SLUG LOADING

The purpose of this report is to alert the City to the potential hazards of the discharge. Notification of the POTW shall be immediately after the occurrence of slug load, or any other discharge that may cause problems to the POTW. The City shall be notified by telephone: for the Northside Wastewater plant call 273-0508, for the Southside Wastewater plant call 273-4917. Pretreatment staff shall also be contacted at 273-1960, or after hours: 273-0890. The notification shall include location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken.

Within five days following of an accidental discharge, the industrial user shall submit to the Utility Director, unless waived by the Utility Director, a detailed written report. The report shall specify:

a. Description and cause of the upset, slug load or accidental discharge, the cause thereof, and impact of the user's compliance status. The description should also include the location of the discharge, type, concentration and volume of waste.

b. Duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.

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c. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset; slug load, accidental discharge, or other conditions of noncompliance.

5. NONCOMPLIANCE NOTIFICATION

The purpose of this report is to alert the City of a known violation and potential problems that may occur. Notification to the Utility Director shall occur within 24 hours of becoming aware of the violation. The user shall repeat the sampling and pollutant analysis and submit, in writing, the results of the second analysis within thirty (30) days of the first violation.

6. NOTIFICATION OF CHANGED DISCHARGE

The purpose of this report is to notify the City of anticipated significant changes in the wastewater characteristics and flow that may affect the POTW. This notification shall be made at least ten days before the change. The Utility Director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 26-326 of the Code. No industrial user shall implement the planned changed condition(s) until and unless the Utility Director has responded to the industrial user's notice. For purposes of this requirement an increase in flow of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

7. MORE FREQUENT MONITORING

If the industrial user monitors any pollutant(s) more frequently than required by the wastewater discharge permit, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved EPA or as specified by the wastewater discharge permit, the results of such monitoring shall be included in any calculations of actual daily maximum. Such increased monitoring frequency shall also be indicated in the self-monitoring report.

8. HAZARDOUS WASTE NOTIFICATION

As required by 40 CFR 403.12(p), all industrial users are required to notify the city, the EPA. Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into a POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than 10 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user; an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, an estimation of the mass of constituents the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements.

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Dischargers are exempt from the requirements of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 961-33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of waste or listing any additional substance as a hazardous a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substances within ninety (90) days of the effective date of such regulations.

In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

9. CERTIFICATION AND SIGNATORY REQUIREMENTS

Pursuant to 40 CFR 403.12(l), baseline monitoring reports, 90 day compliance reports and periodic compliance reports from categorical industrial users must be signed by an authorized representative of the industrial user and contain a certification attesting to the integrity of the information reported. The City also requires that the application and reports from significant industrial users contain the same certification. The application and reports shall be signed as follows:

a. By a responsible corporate officer, if the industrial user submitting the report is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

   1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or:

   2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million, if authorized to sign documents in accordance with corporate procedures.

b. By a general partner or proprietor, if the Industrial User submitting the report is a partnership or sole proprietorship respectively.

c. The principal executive officer or director having responsibility for the overall operation of the discharge facility, if the Industrial User submitting the reports is a Federal, State, or local governmental entity, or their agents.

d. By a duly authorized representative of the individual designated in paragraph (a), (b), or (c) of this section if:

   1) the authorization is made in writing by the individual described in paragraph (a), (b), or (c):

   2) the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial Discharge originates, such as the position of plant manager, operator of a well, or a well field Supervisor, or a position of equivalent

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responsibility, or having overall responsibility for environmental matters for the company: and

3) the written authorization is submitted to the City.

4) If an authorization under paragraph (d) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of paragraph (d) of this section must be submitted to the City of Shawnee prior to or together with any reports to be signed by an authorized representative.

This responsible corporate officer must include the following certification, as contained in 40 CFR 403.6(a)(2)(ii), in the reports submitted to the City of Shawnee.

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

D. SURVEILLANCE AND MONITORING ACTIVITIES

The General Pretreatment Regulations require inspections and sampling of industrial users to ensure compliance with all applicable pretreatment regulations. In accordance with 40 CFR Section 403.8(f)(2)(v), the City of Shawnee will conduct the following surveillance and monitoring activities:

1. Industrial Pretreatment Program personnel will randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with Pretreatment Standards and Regulations.

2. Industrial Pretreatment Program personnel will inspect and sample the effluent from each Significant Industrial User at least once per year;

3. The City of Shawnee Pretreatment personnel will evaluate once, When the Permittee applies for a new or renewed permit, whether each Industrial User needs an accidental discharge/slug control plan. As noted previously, the City's Industrial Pretreatment Program personnel presently perform all monitoring required by the wastewater discharge permits. At the discretion of the Utility Director, this may be changed in the future and all permitted industrial users will be given thirty (30) days notice to make arrangements for self-monitoring.

The Enforcement Response Plan that accompanies this document contains complete documentation of the inspection activities that are essential to the implementation and enforcement of the Industrial Pretreatment Program of the City of Shawnee.

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The following areas are covered in the section of the Enforcement Response Plan:

1. Purpose of inspections.
2. Types of inspections.
3. Frequency of inspections.
4. Content of an industrial inspection.
5. Inspection Personnel.
6. Inspection procedures.

E. SLUG CONTROL PLAN

The City of Shawnee Pretreatment personnel will evaluate when the Permittee (within a year of the Industrial User being designated as significant) applies for a new or renewed permit, whether each Industrial User needs an accidental discharge/slug control plan. Any changes made by the Industrial User may be considered for re-evaluation of the Slug Control Plan if the City feels necessary. The City can revise the control mechanism as needed. In order to properly evaluate the potential for slug discharges the following areas will be evaluated:

1. Storage of chemicals, (containment area)
2. Location of stored chemicals in relationship to drains, manholes, and other entries to the sanitary sewer
3. Past history of slug discharges
4. Standard operating procedures policy, (handling of chemicals, operator training, loading and unloading practices)
5. Spill Control and Counter-measure Plan.

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IV. PROCEDURES FOR DEVELOPING COMPLIANCE

The City established requirements for industrial user pollution control, monitoring, and reporting by the use of discharge permits. Pollution control requirements reflected Federal categorical standards, general pretreatment standards, and local limits. The discharge permit enables the City to monitor and control discharges to its sewer system, to implement its Industrial Pretreatment Program, and meet the goals of the General Pretreatment Regulations. In order to administer the Industrial Pretreatment Program efficiently, the City has developed a system to respond to noncompliance by the industrial user. The system involves obtaining and evaluating information on industrial user compliance. Below is a summary of the process:

A. INDUSTRIAL USER INVENTORY DATA

The foundation of a compliance tracking and enforcement system is a complete and accurate compilation of the pertinent data of all industrial discharges to the City's Wastewater Plant. For this system, the City maintains files on each user that includes the name, location, permit number, effluent limits, basis for limits (categorical standard or local limit), volume of discharge, permit status, compliance dates, industrial category, and SIC Code.

The files contain all information received through facility inspections, industrial user surveys, permit renewal applications, self monitoring reports, and the information received from all other sources regarding the industrial user. Compliance screening will be conducted as set out in Section F below. Industrial user data may be organized in Excel and/or Access and Incode software.

B. COLLECTION OF INFORMATION

Any industrial user subject to a categorical pretreatment standard or which is determined to be a significant industrial user, as defined in Section 26-261 of the Code, is required to submit semi-annual reports to the City indicating the nature and concentration, of pollutants in its effluent. These reports are due in April and October of each year. All self-monitoring reports must be signed and certified in accordance with Section 26-365 of the Code. If the above mentioned self-monitoring report is deficient or late the industrial user will be notified by the Utility Director in the form of a Notice of Violation. The NOV will be issued to the industrial user within five (5) days of the date the report was received, or the date the report was due, which ever is applicable.

Other information exists that should be consulted routinely to update or add information. The Industrial Pretreatment Program personnel may monitor water and sewage billings, consult building permit records, and violations of Article IV Chapter 26 of the City Code or violations of a wastewater discharge permit in order to identify changes that have occurred and may affect the wastewater contribution to the City's wastewater plants. The Utility Director is responsible for the receipt, processing and review of the data. It is the responsibility of the Utility Director to make decisions concerning inspections, meetings with the representatives of the industrial user, or enforcement action.

C. RETENTION OF RECORDS

The City and the industrial users must maintain all records of monitoring activities and results for at least three years. This period is to be extended during the course of unresolved litigation or when requested by the Utility Director.

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D. DISPENSING INFORMATION

In addition to collecting data, the City needs to dispense certain information. Industrial users will be notified of applicable pretreatment standards and hazardous waste disposal requirements under the Solid Waste Disposal Act (42 U.S.C. 6901). All industrial users requested to complete an industrial user survey or application for a wastewater discharge permit are given a copy of Article IV of Chapter 26 of the City Code and a copy of the Resource Conservation and Recovery Act. Industrial users are apprised of their compliance status, changes in pretreatment regulations, the results of inspections and other pertinent information through phone calls and reports. Industrial users are informed of the City's strategy and its general response to noncompliance through group meetings with all permitted users.

The City also makes an effort to inform the public of progress of the Industrial Pretreatment Program. As required by regulation 40 CFR 403.8(f)(2)(vii), the City of Shawnee publishes a list of industrial users in significant noncompliance in the Shawnee News Star (or current local newspaper). In addition, the development of local limits is also published in the newspaper with a request for public comments.

E. SAMPLING AND INSPECTION OF INDUSTRIAL USERS

As noted previously, the Enforcement Response Plan that accompanies this document contains complete documentation of the inspection activities that are essential to the implementation and enforcement of the Industrial Pretreatment Program of the City of Shawnee. The City's plan for inspecting industrial users includes a checklist and procedures for inspections and ensures that the results of each visit are documented in a written report. Industrial users are advised of any deficiencies found during the inspection.

Also noted previously, the City's Industrial Pretreatment Program personnel presently perform all monitoring required by the wastewater discharge permits.

F. COMPLIANCE SCREENING

The compliance screening process involves reviewing all available information to sort out noncomplying discharges, compliance with schedules, reporting requirements (including slug discharge notices), and applicable pretreatment standards. The Utility Director will review all above mentioned information.

The screening process will verify that the reports are submitted on schedule, cover the proper time period, include all information required, and are properly signed and certified. The Utility Director shall compare parameters reported, the number of measurements for each parameter, the method of analysis, the sampling procedures, the discharge concentration (or mass per day), and other information supplied by the industrial user with the requirement in the industrial user's permit. Any discrepancy is a violation that the industrial user will be required to correct.

The compliance screening process also includes notifying an industrial user when certain types of noncompliance are found. This is done by the use of a Notice of Violation issued by the Utility Director. Industrial users are required to respond to an NOV within ten days of receiving the notice. In addition to requirements set forth in the NOV, industrial users are required to advise the City in writing within thirty (30) days as to why the violation has occurred and plans for preventing the violation from occurring again.

G. ENFORCEMENT RESPONSE PLAN

This modification to the Industrial Pretreatment Program of the City of Shawnee includes the development of an Enforcement Response Plan. The adoption of the Enforcement Response Plan will enhance the Industrial Pretreatment Program of the

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City of Shawnee by improving coordination among Industrial Pretreatment Program personnel and by providing documented procedures to enforce the Industrial Pretreatment Program.

The following areas are covered in detail in the accompanying Enforcement Response Plan:

1. COLLECTION AND REVIEW OF COMPLIANCE DATA.

2. ENFORCEMENT EVALUATION.

3. ENFORCEMENT ACTIONS

The City of Shawnee will use a range of enforcement actions as permitted by the City code and State Statutes. These actions include the following.

a. Informal Enforcement Actions - These enforcement actions include informal notices and meetings, notices of violation and notices or orders to show cause.

b. Formal Enforcement Actions - These enforcement actions include administrative orders and compliance schedules, citations and fines, termination of service, civil suit and criminal prosecution.

c. Approval Authority and/or Public Interventions - The Approval Authority has a responsibility to ensure that the City of Shawnee effectively implements its approved pretreatment program.

4. ENFORCEMENT RESPONSE GUIDE

The Enforcement Response Guide sets forth the time frames for enforcement actions and the appropriate enforcement action for violations of the Industrial Pretreatment Program.

5. GLOSSARY OF TERMS

The Enforcement Response Plan includes a glossary of terms relevant to enforcement.

6. DEFINITION OF SIGNIFICANT NONCOMPLIANCE.

The Enforcement Response Plan includes the definition of significant noncompliance taken from 40 CFR Part 403.8 (f)(2)(viii).

7. MODEL ENFORCEMENT DOCUMENTS

Model enforcement documents included in the Enforcement Response Plan include the following:

a. Notice of Violation

b. Show Cause Order

c. Compliance Order

d. Consent Order

e. Cease and Desist Order

f. Inspection Checklist

g. Slug Control Evaluation Form

Other enforcement and program documents will be developed as needed to ensure the success of the Industrial Pretreatment Program.

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H. ANNUAL REPORT

As required in 40 CFR 403.12(i) and addressed in NPDES Permit No. OK00026051 & No. OK0037993, the City of Shawnee is required to submit an annual report in December of each year. At a minimum, the report shall contain:

A list of Industrial Users which, during the preceding twelve months, have, (in accordance with the General Pretreatment Regulations), significantly violated pretreatment requirements. This list is to be published in the Shawnee New Star (or current local newspaper) during the month of December.

1. In addition, during the month of December, the City shall submit an updated Industrial Pretreatment Program status report to ODEQ containing the following information:
    a. An updated list of all significant industrial users including the following information for each industrial user:
    b. Standard industrial Classification (SIC) code and Categorical determination;
    c. Control document status. Whether the user has an effective control document, and the date such document was last issued, reissued or modified, (indicate which industrial users were added to the system (or newly identified) within the Previous 12 months).
    d. A summary of all monitoring activities performed within the previous 12 months. The following information shall be reported:
        i) total number of inspections performed;
        ii) total number of sampling visits made.
    e. Status of compliance with both effluent limitations and reporting requirements. Compliance status shall be defined as follows:
        i) Compliant (C) - no violations during the previous 12 month period;
        ii) Non-compliant (NC) - one or more violations during the previous 12 months but does not meet the criteria for significant violation;
        iii) Significant Violation (SV) - in accordance with EPA Region 6 Criteria for Significant Violation.
    f. For significantly violating industrial users, indicate the nature of the violations, the type and number of actions taken (notice of violation, administrative order, criminal or civil suit, fires or penalties collected, etc.) If any industrial user was on a schedule to attain compliance with effluent limits, indicate the date the schedule was issued and the date compliance is to be attained.
    g. A list of all significant industrial users whose authorization to discharge was terminated or revoked during the preceding 12 month period and the reason for termination.
2. A list of all significant industrial users whose authorization to discharge was terminated or revoked during the proceeding 12 month period and the reason for the termination.
3. A report on any interference, pass through, upset or NPDES permit violation known or suspected to be caused by industrial contributors and actions taken by the permittee in response.
4. The results of all influent, effluent and sludge analyses performed pursuant to Part II (A)(3) of the NPDES permits.

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5. A copy of the newspaper publication of the significantly noncompliant industrial users giving the name of the newspaper and the date published.
6. The monthly average water quality based effluent concentration necessary to meet the state water quality standards as developed in the technically based local limits.

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V. CONFIDENTIALITY PROCEDURES

The following procedures will be followed to protect information deemed to be proprietary by an industrial user.

A. REQUEST FOR INFORMATION

1. City means the City of Shawnee.
2. Record means any document, writing, photograph, sound or magnetic recording, document, or other similar thing by which information has been preserved, from which the information can be retrieved and copied, and over which the City has possession or control. It may include copies of the records of other governmental agencies. The term includes informal writings, (such as drafts), and also includes information preserved in a form that must be translated or deciphered by machine in order to be intelligible to humans. The term includes documents and the like that were created or acquired by the City, its predecessors, its elected officials, and its employees by use of government funds or in the course of transacting official business. However, the term does not include materials that are the personal records of a City official or employee. Nor does the term include materials by organizations that are readily available to the public, such as books, journals, and periodicals, available through reference libraries, even if such materials are in the City's possession.
3. Request means a request to inspect or obtain a copy of one or more records.
4. Requester means any person who has submitted a request to the City.
5. Review refers to the process of examining documents located in response to a request to determine whether any portion of any document located is permitted to be withheld.
6. Duplication refers to the process of making a copy of a document necessary to respond to a request. Such copies can take the form of paper copy, audio-visual materials, or machine readable documentation. The copy provided must be in a form that is reasonably usable by requester.

B. POLICY ON DISCLOSURE OF CITY RECORDS

1. The City will make the fullest possible disclosure of records to the public, consistent with the rights of individuals to privacy, the right of persons in business information entitled to confidential treatment, and the need for the City to promote frank internal policy deliberations and to pursue its official activities without undue disruption.
2. All nonexempt City records shall be available to the public upon request regardless of whether any justification or need for such records has been shown by the requester.

C. WHERE REQUESTS FOR CITY RECORDS SHALL BE FILED

A request for records may be filed in writing with:

City Clerk

P.O. Box 1448

Shawnee, Oklahoma 74802-1448

Or made in person at City Hall, Ninth and Broadway, Shawnee, Oklahoma, between the hours of 8:00 am to 5:00 p.m.

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Records pertaining to the Industrial Pretreatment Program are maintained by the

Special Projects Manager

111 S. Kickapoo

Shawnee, Oklahoma 74802-1448

D. ACTION BY INDUSTRIAL PRETREATMENT PROGRAM PERSONNEL

Whenever Industrial Pretreatment Program personnel become aware of a request, the Utility Director or designated person shall:

1. Locate the records as promptly as possible, or take action to obtain better description of records if not found
2. Determine which of the requested records will be disclosed and which will be withheld and why.

E. INITIAL DENIAL OF REQUESTS

1. An initial denial of a request may be issued for the following reasons:
   a. A provision of this part, a statutory provision, or court order requires that the information not be disclosed.
   b. Requires initial denial because a third person must be consulted in connection with a business confidentiality claim.
2. All initial denials will be made with the advice and approval of the City Attorney.

F. REVIEW OF BUSINESS CONFIDENTIALITY

1. Information accepted by the city as confidential shall not be transmitted to any person of the general public until:
   a. Business is notified of request, and approval for release is granted.
   b. In order to make the determination of the validity of the confidentiality claim, the following documents will be forwarded to the City Attorney:
      - A copy of the information in question;
      - A description of the circumstances and date of the City's acquisition;
      - Name of the City employee most familiar with the information;
      - Name, address, telephone number of business which asserts an applicable business confidentiality claim;
      - A copy of each applicable claim of confidentiality and a description of when and how each claim was asserted;
      - A copy of any request for release of the information;
      - A copy of the business's comments on whether the information is entitled to confidential treatment;
      - Copies of other correspondence which pertain to the matter;
   c. The City Attorney will be responsible for making the final administrative determination of whether or not business information covered by a business confidentiality claim is entitled to confidential treatment. The determination will be made within ten days of receiving the above mentioned information. The determination will be submitted in writing to the Utility Director and the business making the claim.

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VI. RESOURCES

A. PERSONNEL

Personnel of the Utility Department are responsible for the day to day implementation and operation of the Industrial Pretreatment Program. Below is a list of Utility Department personnel directly involved with the Industrial Pretreatment Program and their responsibilities and functions:

1. The Utility Director is responsible for the management of the Industrial Pretreatment Program. At this level, he has access to the Mayor, City Manager, City Attorney and all other key department heads as necessary. He is responsible for maintaining contact with EPA and ODEQ in order to remain knowledgeable with changes in Federal pretreatment regulations and/or categorical standards. He may participate in inspections, follow-up review, and other functions as needed.
2. The Special Projects Manager is responsible for maintenance of the data files, monthly reports, monitoring and notification for non-compliance, writing permits and dealing with Industries. The Special Projects Manager is also responsible for maintaining contact with EPA and DEQ in order to remain knowledgeable with changes in Federal pretreatment regulations and/or categorical standards. He may also, participate in inspections, follow-up review, and other functions as needed. When problems occur that cannot be satisfactorily resolved at this level, he/she will inform the Utility Director and/or his designee.
3. The Pretreatment Supervisor is responsible for the collection and handling of compliance and monitoring samples, inspections and surveillance of industries, ordering supplies and equipment for the Pretreatment Program and assisting the Special Projects Manager with other items as necessary.
4. The Northside Treatment Plant Supervisor is responsible for the daily operation of the treatment plant. He monitors the daily inflow to the plant in an effort to prevent upsets and/or pass through. In the event of a slug load, he contacts the Special Projects Manager so steps can be taken to determine the source and nature of the inflow.
5. The Southside Treatment Plant Supervisor is responsible for the daily operation of the treatment plant. The Supervisor monitors the daily inflow to the plant in an effort to prevent upsets and/or pass through. In the event of a slug load, the Supervisor contacts the Special Projects Manager so steps can be taken to determine the source and nature of the inflow.

In addition to the personnel of the Shawnee Municipal Authority, other City personnel contribute to the implementation of the pretreatment program. Below is a summary of personnel involved as well as an estimate of the number of man-hours per year each employee contributes to the program:

Position	% Time	Hours/Year
City Manager	1.59%	10
City Attorney	3.18%	20
Utility Director	15.92%	100
Special Projects Manager	39.65%	249
Pretreatment Supervisor	33.28%	209
Administrative Assistant	6.37%	40

B. EQUIPMENT

Each wastewater treatment plant has a laboratory complete with the equipment and supplies necessary to provide testing for the normal week-to-week analysis of conventional pollutants, as required by the NPDES permits. Other analytical requirements are handled by contract with a certified laboratory. At present, Accurate Labs of Stillwater, Oklahoma is performing the testing for all metal, priority pollutants, and other necessary analyses. Huther and Associates of Dallas Texas performs biomonitoring testing required under the NPDES permits.

C. FUNDING

Adequate funding for the Industrial Pretreatment Program of the City of Shawnee, which is implemented and managed by the Utility Department, is available from the Shawnee Municipal Authority, a municipal trust of the City of Shawnee. The City will recover a portion of the necessary costs by charging permit fees, lab and sampling fees that are based on the monitoring requirements for each industry.

D. EPA CHECKLISTS

EPA checklists for program modification and legal authority are found in the Appendix F.

E. ATTORNEY'S STATEMENT AND FUNDING RESOLUTION

A copy of the City Attorney's statement is found in Appendix C. The funding resolution from the City Commission is found in the Appendix B.

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APPENDIX A

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APPENDIX F

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Enforcement Response Plan

For the City of Shawnee

Revised by Gregory Price

March 5th, 2012

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I. ENFORCEMENT RESPONSE PLAN

A. BENEFITS

The adoption of the enforcement response plan will enhance the industrial pretreatment program of the City of Shawnee.

1. It will improve coordination among industrial pretreatment staff by establishing the enforcement responsibilities of each individual involved in the program.
    a) Each person involved in the program will review the enforcement response plan in order to understand the importance of his/her assigned responsibilities.
    b) This will enable the staff involved in the program to perform these responsibilities decisively when enforcement actions are necessary.
2. Adherence to the enforcement response plan will enhance the City's reputation as a responsible public agency concerned with the protection of the environment.
    a) The plan will enable the City to react consistently to similar instances of noncompliance.
    b) When the City follows documented procedures in enforcing the industrial pretreatment program, industries will not view the City's enforcement actions as subjective, arbitrary, or unreasonable.
    c) By consistently observing the provisions of the enforcement response plan the regulated community will be alert to the consequences of noncompliance.

B. STAFF

The industrial pretreatment program requires the participation of a large number of City personnel which includes, but is not limited to the following:

1. City Manager,
2. City Attorney,
3. City Engineer, or designated representative,
4. Utility Director, or designated representative,
5. POTW Supervisors and Operators,
6. Special Projects Manager, Pretreatment Supervisor, and other staff as required.

The following City personnel are directly responsible for enforcement of the industrial pretreatment regulations in the manner set forth in this enforcement response plan:

1. City Manager,
2. City Attorney,
3. Utility Director, or designated representative, and
4. The Special Projects Manager and Pretreatment Supervisor assigned to the program.

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II. REVIEW OF COMPLIANCE DATA

A. PURPOSE

A thorough review of all available information involving industrial dischargers is necessary to sort out noncomplying dischargers for appropriate enforcement response. This review must detect and document violations in a manner that ensures that the results are admissible as evidence in judicial proceedings.

B. DATA COLLECTION

Compliance data is collected by the following means

1. Self-monitoring by the industrial user which findings are reported to the City.
2. Inspections and direct sampling by the City.
3. Reports from the public, which will be thoroughly investigated.

At the present, the City performs most, if not all the sampling to determine compliance with the regulations.

C. REVIEW PROCESS

The review process must identify **all** violations, including non-discharge violations. The initial review will assess, as appropriate, the following:

1. Compliance with schedules.
2. Reporting requirements (including "slug" discharge notices).
3. Applicable industrial pretreatment standards.
4. Compliance with all discharge parameters.

The Special Projects Manager, or designated representative, under the supervision of the Utility Director, will review and screen all data submitted regarding industrial dischargers.

1. The data review process will verify that all reports are submitted on schedule, cover the proper time period, include all information required, and are properly signed and certified.
2. On-site inspection reports will be reviewed to determine if a violation of the regulations has been discovered.
3. The data review process will compare the parameters reported, the number of measurements for each parameter, the method of analysis, the sampling procedures, the discharge concentration (or mass per day), and other information supplied by the industrial user or as reported from the analytical laboratory with the requirements of the industrial user's discharge permit when applicable.
4. All alleged violations (including those arising from inspections and private complaints) will be identified and recorded in a violation summary for each industrial user. This includes even those violations where the decision is made to take "no enforcement action."
5. The Special Projects Manager will maintain a log of the compliance history for each industrial user. Notice will also be given to appropriate enforcement personnel of the noncompliance. This notification is necessary to allow the City to determine its enforcement response in a timely manner.

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III. ENFORCEMENT EVALUATION

A. PURPOSE

All violations and discrepancies identified during the data review process will be reviewed and evaluated to determine the appropriate enforcement response based on the nature of the violation. This determination is often a matter of common sense.

B. BASIS OF EVALUATION

The following criteria will be considered when determining the appropriate enforcement response:

1. Magnitude of the Violation
   a) Nonsignificant violations that warrant an informal response.
   b) Significant noncompliance as defined in the General Pretreatment Regulations that warrants a formal response.
2. Duration of the Violation
   a) An isolated instance of noncompliance may warrant informal response.
   b) Violations (regardless of magnitude) which continue over prolonged periods of time warrant escalated enforcement actions.
3. Effect on the Receiving Water
   a) Any violation which results in environmental harm warrants a severe and immediate enforcement response.
   b) Environmental harm should be presumed whenever an industry discharges a pollutant into the sewer system which:
      (1) Passes through the POTW,
      (2) Causes a violation of the POTW's NPDES permit, (including water quality standards), or
      (3) Has a toxic effect on the receiving waters (i.e., fish kill).
4. Effect on the POTW
   a) A plant upset that requires notification to EPA and ODEQ.
   b) A violation that has a negative impact on the POTW, the collection system, or plant personnel should be met with a severe and immediate enforcement response.
   c) The enforcement response should include cost recovery in addition to civil penalties.
5. Compliance History of the Industrial User
   a) Compliance history is an important factor for deciding which of the designated enforcement responses apply to a particular violator.
   b) A pattern of recurring violations (even of different program requirements) may indicate either that the user's treatment system is inadequate or that the industrial user has a casual interest in compliance with the program.
   c) Industrial users exhibiting recurring compliance problems shall be dealt with strongly to ensure that consistent compliance is achieved.

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6. Good Faith of the Industrial User

   a) The IU's "good faith" in correcting an incidence of noncompliance is a factor in determining the appropriate enforcement response.

   b) "Good faith" is defined as the IU's honest intention to remedy its noncompliance coupled with actions which support this intention.

   c) "Good faith" does not eliminate the necessity of an enforcement action. However, the "good faith" of an IU will permit less stringent enforcement responses.

   d) "Good faith" is typically demonstrated by cooperation and completion of corrective measures in a timely manner.

7. Economic Benefit of Noncompliance

   a) The economic benefit of noncompliance is defined as the difference between the costs of on time compliance and delayed compliance.

   b) The economic benefits on noncompliance realized by an industrial user can be measured by:

      (1) The earnings that the firm would expect by delaying the purchase of pretreatment equipment and investing in more projects.

      (2) The annual cost savings and earnings on avoided costs during the period of noncompliance.

      (3) Any competitive advantage gained over competitors already in compliance.

   c) The EPA Guidance Manual for POTWs to Calculate the Economic Benefit of Noncompliance will be utilized by industrial pretreatment program personnel to determine penalties to be assessed to noncompliant industrial users.

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IV. ENFORCEMENT ACTIONS

A. PURPOSE

In order to achieve a maximum degree of compliance by industrial users, the City of Shawnee will use a range of enforcement actions as permitted by the City Code and State Statutes. These actions range from a simple reminder call to significant criminal and civil penalties. The purpose of this section is to describe the range of available responses.

B. INFORMAL ENFORCEMENT ACTIONS

1. Informal notice — This is the least coercive enforcement action and may consist of a telephone call or a reminder letter to an appropriate official (e.g., plant manager or environmental coordinator) of an industrial user.
    a) Such a call or letter may be used to notify an industry of a minor violation and seek an explanation, to suggest the exercise of more due care, and/or to notify the "violator" that subsequent violations of the same type may be dealt with more severely.
    b) Such informal notice may be used to correct minor, inadvertent noncompliance and to demonstrate that the City will note and follow-up all instances of noncompliance.
2. Informal meeting — If a telephone call does not produce compliance or an adequate explanation of the reason for the noncompliance, a meeting between industrial pretreatment staff and industry representatives may produce the desired results.
    a) At such a meeting, industrial pretreatment staff may emphasize the importance of maintaining compliance.
    b) If the informal meeting is unsuccessful in obtaining the industry's commitment to comply, staff may inform the industrial user's representative of stronger enforcement actions that may be taken.
    c) Industrial pretreatment staff shall maintain a record of all informal contacts, notices and meetings with representatives of industrial users in the violation summary.
3. Notice of Violation (NOV), or Warning letter — This action may be taken when industrial pretreatment staff observe a violation of pretreatment standards or requirements and expects the noncompliance to be corrected and explained.
    a) The NOV or warning letter may also require specific corrective actions and schedules to which the industrial user shall adhere and a statement that additional enforcement actions may be pursued if corrective actions are not accomplished as scheduled.
    b) The NOV or letter shall make it clear that compliance with the requirements of the letter does not excuse previous violations.
    c) Such NOVs or warning letters shall be sent by certified mail with return receipt requested. Copies shall be maintained in the industrial user's file. Certified mail will bring the notice to the serious attention of the appropriate industry official and the return receipt will serve as proof that notice was received in the event that more formal enforcement action is required.
4. Notices or Orders to Show Cause — Industrial pretreatment staff may consider meetings with the industrial user's officials or issue an Administrative Order to

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"show cause" to the industrial user prior to taking formal action and/or to discontinuing service.

a) Industrial pretreatment staff shall present the facts which are believed to demonstrate noncompliance and the industrial representative is asked to "show cause" why the City should not initiate formal action or discontinue sewer service.

b) This hearing is not a prerequisite to taking a formal enforcement action or to discontinuing sewer service, as described below.

C. FORMAL ENFORCEMENT ACTIONS

1. Consent Orders (COs) and Compliance Schedules—This is an order issued by the City and agreed to by the IU to perform tasks that will identify and remedy violations of requirements of the City Code.

   a) Such action may be used to place an industrial user on an enforceable schedule to comply with pretreatment standards (e.g., install and/or operate and maintain treatment facilities), including appropriate interim limits.

   b) Industrial pretreatment staff shall review proposed AOs with the Utility Director prior to issuance.

2. Administrative Orders (AOs), and Compliance Schedules — This is an order issued without notice or opportunity for prior hearing, requiring compliance with standards or other requirements of the City Code.

   a) Such action may be used to place an industrial user on an enforceable schedule to comply with pretreatment standards (e.g., install and/or operate and maintain treatment facilities), including appropriate interim limits.

   b) Industrial pretreatment staff shall review proposed AOs with the Utility Director prior to issuance.

3. Citations and Fines — A citation to appear in Municipal Court is a method that the City may use to enforce the industrial pretreatment program.

   a) Industrial pretreatment staff will issue a citation which states the nature of the violation and the date by which the industrial user in violation is to appear in Municipal Court.

   b) The Municipal judge may assess a fine up to the maximum of $1,000.00 as permitted under Oklahoma State law for violation of an industrial pretreatment ordinance.

   c) The amount of fine recommended by industrial pretreatment staff will depend on the nature of the violation. Calculations will take into consideration the magnitude of the violation, the duration of the violation, the effect on the receiving stream, the effect on the POTW, the compliance history and good faith of the industrial user, and the economic benefit the industrial user realized as a result of its noncompliance.

4. Termination of Service — The Utility Director shall order the termination of service to halt immediately an actual or threatened discharge that is believed to represent an endangerment to the public health, the environment, or the POTW.

5. Civil Suit for Injunctive Relief — The civil suit for injunctive relief may be used when the industrial user is unlikely to successfully execute the steps that the Utility Director believes to be necessary to achieve or maintain compliance, when the violation is serious enough to warrant court action to deter future violations, or when

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the danger presented by an industrial user's noncompliance does not permit lengthy negotiation or a settlement.

a) Industrial pretreatment staff shall collect pertinent information sufficient to prove the violations at issue and turn the information over to the City Attorney for case filling.

b) The City Attorney will ask the court to order the discharger to take specific actions (e.g., comply with industrial pretreatment requirements) or to refrain from specific actions (e.g., cease a prohibited discharge).

c) If the City is able to show irreparable harm to the POTW operation, its workers, or the receiving stream as a result of an ongoing industrial user's violation and is likely to succeed on the merit of the case, a court may issue a temporary restraining order or preliminary injunction restraining the industrial user from violating standards pending the outcome of the suit.

d) Injunctive court relief may require such actions as the installation of facilities needed to come into compliance or cessation of prohibited discharges.

6. Criminal Prosecution — If the Utility Director believes that any person is guilty of willfully or negligently violating industrial pretreatment standards, or is guilty of knowingly making false statements regarding any report, application, record, or other document required by the industrial pretreatment regulations, he may seek the assistance of the Approval Authority to seek criminal punishment of such individual or individuals.

   a) Several factors shall be considered to determine when violations should be addressed through criminal actions. These factors include:

      (1) The willfulness of the violation,

      (2) Negligence of the industrial user,

      (3) The nature and seriousness of the offense,

      (4) The adequacy of the evidence, and

      (5) The adequacy of penalties and sanctions available through civil or administrative enforcement actions.

   b) For criminal cases, there must be proof beyond a reasonable doubt that the violation occurred through the "willful or negligent action" of the industrial user.

   c) Examples of criminal violations include:

      (1) Falsification of data,

      (2) Tampering with results or equipment,

      (3) Willful or negligent failure to provide notice of slug discharges, or

      (4) Willful violation of a permit.

   d) All suspected instances of criminal violation should be evaluated. Many cases of willful or negligent noncompliance could seriously damage the POTW and the environment. Such acts should be punished severely when adequate proof exits.

7. Approval Authority and/or Public Interventions — The Approval Authority has a responsibility to ensure the City of Shawnee is effectively implementing its approved industrial pretreatment program, including timely and appropriate enforcement of industrial pretreatment requirements.

   a) In this role, the Approval Authority will routinely review the overall performance

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of the City in monitoring industrial users and enforcing regulations where violations are identified.

b) The Approval Authority will evaluate performance based on POTW self-monitoring data, written enforcement response plans, audits, inspections and industrial pretreatment program reports. The Approval Authority will discuss the evaluation with the City.

c) If an industrial user's noncompliance persists after notification by the City, the Approval Authority may proceed to enforce directly against the industrial user and/or the City, if the City has not taken timely action or has failed to impose adequate sanctions.

d) The City and the Approval Authority may jointly decide what action by the Approval Authority is preferable in a given situation.

e) The EPA retains authority to take its own enforcement action if it deems action by either the State or the City is inappropriate.

f) Section 505 of the Act allows citizens to file suit against a City that has failed to implement its approved program as required by its NPDES permit. A citizen may sue the City to obtain judicial enforcement of that approved program.

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APPLYING THE ENFORCEMENT RESPONSE GUIDE

D. TIME FRAMES FOR ENFORCEMENT ACTIONS

If an enforcement action is to be effective, it must be timely. Therefore, the review and evaluation of compliance data is a high priority. The following time frames will be used for enforcement actions required by this plan and the industrial pretreatment regulations.

1. Violations observed by program staff will receive immediate attention.
2. All violations will be identified and documented within five days of receiving compliance information.
3. Initial enforcement responses (involving contact with the IU and requesting information on corrective or preventative action(s)) will occur within 15 days of the violation detection.
4. Follow up actions for continuing or recurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
5. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
6. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of significant noncompliance.

E. SELECTION OF ENFORCEMENT RESPONSE

When a violation has been detected and evaluated, program staff shall select the appropriate option as set forth in the Enforcement Response Guide. The enforcement response guide shall be used as follows:

1. Locate the type of noncompliance in the first column and identify the most accurate description of the violation in the second column.
2. Consider the following factors in deciding whether to use a more or less stringent response:
    a) Good faith of the industrial user.
    b) Compliance history of the industrial user.
    c) Previous success of enforcement actions taken against the IU.
    d) Effect of the violation on the receiving waters.
    e) Effect of the violation on the POTW.
3. Select appropriate actions from column three and apply the enforcement response.
    a) Use model documents to notify industrial user of enforcement action taken.
    b) Specify corrective action or other responses required of the industrial user.
4. Follow up with escalated enforcement action if the industrial user's response is not received within the specified time frame and/or the violations continues.
5. Maintain all supporting documentation regarding the violation and the enforcement action taken in the industrial user's file.

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V. ENFORCEMENT RESPONSE GUIDE

A. DESCRIPTION OF TERMS

Terms and abbreviations used in the enforcement response guide are defined below:

- AO — Administrative Order
- CA — The City Attorney
- CE — The City Engineer, or designated representative.
- Civil Action — Civil litigation against an IU seeking equitable relief, monetary penalties and actual damages.
- CO—Consent Order
- Criminal Investigation — The gathering and preparation of evidence for criminal prosecution.
- Criminal Prosecution — Pursuing punitive measures against an individual and/or organization through a court of law.
- Fine — Monetary penalty assessed by municipal officials.
- IU — Industrial User
- Meeting — Informal compliance meeting with representatives of an IU to resolve incidents of noncompliance.
- NOV — Notice of Violation
- SPM — Special Projects Manager assigned to the industrial pretreatment program.
- PS — Pretreatment Supervisor
- UD — Utility Director, or designated representative
- Show Cause — A formal meeting requiring the representatives of an IU to appear and demonstrate why the City should not take a proposed enforcement action. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
- Superintendent — The Superintendent of Water Treatment and Water Quality.
- TRC — Technical Review Criteria. (TRC=1.4 times permit limit for BOD5, TSS, fats, oil and grease, and 1.2 times permit for all other pollutants except pH).

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UNAUTHORIZED DISCHARGES

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	STAFF
1. Unpermitted discharge	IU unaware of requirement; no harm to POTW/environment	Phone call; NOV with application form	SPM, PS
	IU unaware of requirement; harm to POTW	CO, AO	SPM, PS
		Civil Action	UD, CA
	Failure to apply continues after NOV	Civil Action	UD, CA
		Criminal investigation	UD, CA
		Terminate service	UD, CA
2. Nonpermitted discharge (failure to renew)	IU has not submitted application within 10 days of due date	Phone call, NOV	SPM, PS

VIOLATION OF DISCHARGE LIMIT

1. Local limit or Federal Standard Exceeded	Isolated, not significant, less than TRC	Phone call, NOV	SPM, PS
Local limit or Federal Standard Exceeded	Any sample exceeds permit limit	Resample for contaminant that busted limit within 30 days	SPM, PS
	Isolated, significant, greater than TRC, (no harm)	CO, AO	SPM, PS
	Isolated, harm to POTW or environment	Show cause order	SPM, UD
		Civil action	UD, CA
	Recurring, less than TRC, no harm to POTW/environment	CO, AO	SPM, PS
	Recurring, significant, greater than TRC, (harm to POTW or environment)	CO, AO	SPM, PS
		Show cause order	UD, CA
		Civil action	UD, CA
		Terminate service	UD, CA

MONITORING AND REPORTING VIOLATIONS

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1. Reporting violation	Report is improperly signed or certified	Phone call or NOV	SPM, PS
	Report is improperly signed or certified after notice by POTW	CO, AO Show cause order	SPM, PS UD, CA

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MONITORING AND REPORTING VIOLATIONS (Continued)

NONCOMPLIANCE		NATURE OF VIOLATION	ENFORCEMENT RESPONSES	STAFF
1.	Reporting violation (continued)	Isolated, not significant (e.g., 5 days late)	Phone call or NOV	SPM, PS
		Significant (e.g., report 30 days or more late)	CO, AO	SPM, PS
		Reports are always late or no reports submitted	CO, AO	SPM, PS
			Show cause order	UD, CA
			Civil action	UD, CA
		Failure to report spill, changed, or slug discharge (no harm)	NOV	SPM, PS
		Failure to report spill, changed, or slug discharge (results in harm)	CO, AO	SPM, PS
			Civil action	UD, CA
		Repeated failure to report spills or slug discharges	Show cause order	UD, CA
			Terminate service	UD, CA
		Falsification	Criminal investigation	UD, CA
			Terminate service	UD, CA
2.	Failure to monitor correctly	Failure to monitor all pollutants as required by permit	NOV, CO, or AO	SPM, PS
		Recurring failure to monitor	CO, AO	SPM, PS
			Civil action	UD, CA
3.	Improper sampling	Evidence of intent	Criminal investigation	UD, CA
			Terminate service	UD, CA
4.	Failure to install monitoring equipment	Delay of less than 30 days	NOV	SPM, PS
		Delay of 30 days or more	AO to install	SPM, PS
		Recurring, violation of AO	Civil action	UD, CA
			Criminal investigation	UD, CA
			Terminate service	UD, CA

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MONITORING AND REPORTING VIOLATIONS (Continued)

	NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	STAFF
5.	Compliance schedules (in permit)	Missed milestone by less than 30 days, or will not affect final milestone	NOV, CO, or AO	SPM, PS
		Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	CO, AO	SPM, PS
		Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	Show cause order	SPM, PS
			Civil action	UD, CA
			Terminate service	UD, CA
		Recurring violation or violation of schedule in AO	Civil action	UD, CA
			Criminal investigation	UD, CA
			Terminate service	UD, CA

OTHER PERMIT VIOLATIONS

1.	Waste streams are diluted in lieu of treatment	Initial violation	CO, AO	SPM, PS
		Recurring	Show cause order	SPM, PS
			Terminate service	UD, CA
2.	Failure to mitigate noncompliance or halt production	Does not result in harm	NOV	SPM, PS
		Results in harm	CO, AO	SPM, PS
			Civil action	UD, CA
3.	Failure to properly operate and maintain pretreatment facility	Does not result in harm	NOV	SPM, PS
		Results in harm	CO, AO	SPM, PS
			Civil action	UD, CA

VIOLATIONS DETECTED DURING SITE VISITS

1.	Entry denial	Entry denied or consent withdrawn, Copies of records denied	Obtain warrant and return to IU	SPM, PS

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VIOLATIONS DETECTED DURING SITE VISITS (Continued)

	NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	STAFF
2.	Illegal discharge	No harm to POTW or environment	CO, AO	SPM, PS
		Discharge causes harm or evidence of intent/negligence	Civil action	UD
			Criminal investigation	UD
		Recurring violation of AO	Terminate service	UD
3.	Improper sampling	Unintentional sampling at incorrect location	NOV	SPM, PS
		Unintentionally using incorrect sample type	NOV	SPM, PS
		Unintentionally using incorrect sample collection techniques	NOV	SPM, PS
4.	Inadequate record keeping	Files incomplete of missing (no evidence of intent)	NOV	SPM, PS
		Recurring	AO	SPM, PS
5.	Failure to report additional monitoring	Inspection finds additional files	NOV	SPM, PS
		Recurring	AO	SPM, PS

TIME FRAMES FOR RESPONSES

A. All violations will be identified and documented within five days of receiving compliance information.

B. Initial enforcement responses (involving contact with the IU and requesting information on corrective or preventative action(s)) will occur within 15 working days of the violation detection.

C. Follow up actions for continuing or recurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.

D. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification

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VI. INSPECTION OF INDUSTRIAL USERS

A. PURPOSE

The on-site inspection of industrial users is an important function of the Shawnee Industrial Pretreatment Program. Industrial user inspections provide:

A method to check the accuracy and completeness of the industrial user compliance records.

1. A basis for determining the need for compliance monitoring at the industry.
2. Communication with industrial users.
3. A means of maintaining current date on industrial users and determining the user's compliance status.
4. An opportunity to evaluate pretreatment facilities.
5. A means to evaluate the adequacy of the user's self-monitoring and reporting requirements.
6. An opportunity to assess the potential for spills.
7. An opportunity to evaluate the industrial user's operation and maintenance activities pertaining to industrial pretreatment.

Current information and data on industrial users is necessary to identify potential problems and provide a foundation for reviewing and revising local limits and/or other permit requirements for industrial users. Inspections provide the information needed to plan and implement monitoring activities. Inspections also provide information concerning changes in existing procedures at the industrial facility and can show a trend of a change that necessitates a modification or monitoring schedules, or even necessary revisions of the industrial user's discharge permit.

B. TYPES OF INSPECTIONS

Three types of industrial user inspections are utilized:

1. Scheduled—Scheduled on-site inspections are planned in advance by the Superintendent and short prior notice is given to the industry. The purposes of the scheduled on-site inspections are to:
   a) Collect information to evaluate compliance with local, state and federal pretreatment standards and requirements.
   b) Identify changes in industrial processes that may affect the quality of the industrial discharge and subsequent permit limitations.
   c) Maintain a cooperative as well as a regulatory presence with the industrial community.
   d) Update the industrial user data base.
   e) Verify self-monitoring reports submitted by the industrial user.
   f) Scheduled on-site inspections will be utilized to evaluate new industrial user being considered for permitting by the City.
2. Unscheduled—Unscheduled surveillance inspections represent a random spot check to evaluate industry compliance. The purposes of unscheduled inspections are the same as those of scheduled visits. However, no advance notice is given to the industry.
   a) Normally, the unscheduled inspection will be performed in conjunction with sampling

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activities.

b) These inspections may occur as often as once per week when a discharger is suspected of non-compliance.

3. Demand—Demand inspections are usually performed in response to a complaint or an emergency situation. Demand inspections will also be initiated in response to changes in treatment plant influent characteristics or upset or interference of treatment plant processes. These inspections will:

   a) Determine the nature, duration, and hazard of the discharge.

   b) Provide samples to verify the source and constituents of the discharge.

   c) Ascertain the necessary corrective actions needed to correct or halt the discharge.

   d) Initiate corrective actions, if needed.

   e) Document information needed for follow-up compliance or enforcement activities.

   In addition, personnel performing demand inspections in response to an emergency will:

   a) Notify other agencies (local, state, and federal) as applicable.

   b) Make all information on the industry available to the person or agency in charge of the response effort.

   c) Stay in direct contact with the Superintendent for special equipment, remedial actions, injunctions, legal opinions, or other high level decisions.

   d) Collect and adequately document all information required for enforcement or litigation procedures to be pursued at a later date.

C. FREQUENCY OF INSPECTIONS

The frequency of scheduled and unscheduled industrial inspections will be determined by the Superintendent of Water Production and Water Quality. Significant industrial users will receive a minimum of one scheduled on-site inspection per year. The overall factors to be considered in scheduling inspections include:

1. Past performance and compliance by an industrial user.
2. Flow and constituents of the industrial user's discharge.
3. Extent and number of problems in the collection system and at the treatment plant which are the result of industrial waste discharges.
4. Number and significance of industrial users.
5. Available manpower and finances.
6. Quality of the industrial user data base.
7. Proposed methods to update the data base.
8. New or additional pretreatment standards and requirements.
9. Seasonal production schedules by an industry.

D. CONTENT OF AN INDUSTRIAL INSPECTION

The following information will be collected and documented on an industrial discharger during a scheduled on-site inspection. The most recently completed Industrial Waste Survey Questionnaire

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and/or Baseline Monitoring Report (BMR) on file for an industry will contain this information, and copies will be used by the inspector at the time of the inspection for update and/or verification. If the industry is new and/or is being added to the inventory, a questionnaire or BMR will be completed for records at the discretion of the inspector.

1. Industry name.
2. Site address.
3. Correspondence address.
4. Contact name, title and telephone number.
5. Year the industry was established on site.
6. Number of employees per shift.
7. Applicable Standard Industrial Classification (SIC) Codes.
8. A schematic of the water flow through the industry and the location of all wastewater discharge lines that flow to the sanitary sewer system; the schematic should also include the layout of major plant features.
9. A description of each discharge (including any batch discharges), including the amount , chemical nature, frequency and destination of each discharge.
10. A description of process flow diagram of each major product line and process utilized within the plant, particularly processes which may be subject to Federal Categorical Pretreatment Standards.
11. A detailed description and appropriate sketches of existing pretreatment facilities, including operating data, if available.
12. A list of pollutants of interest at the plant. The list should be divided into two categories:
    a) The pollutants that come into contact with the water that is discharged to the sanitary sewer system, and
    b) Pollutants that do not come into direct contact, but have a potential to enter the wastewater due to spills, machinery malfunctions, etc.
13. Identification of appropriate sampling locations.
14. Availability of sampling results performed by the industry.
15. Proximity of chemical storage to floor drains and whether floor drains discharge to storm or sanitary sewers.
16. A description of spill control practices the industry uses. Information about past spills, unusual discharges or temporary problems with any of the process units that may affect the wastewater discharge should be included.
17. A description of air pollution control equipment that may generate a waste stream, pollutants which are likely to be found in the waste stream and the discharge or disposal method or location.
18. A description of how waste residuals (solids) are handled, stored and/or disposed.
19. A description of proposed or recent changes to the industry's processes that would affect the discharge characteristics or sampling locations.
20. A description of any operational problems or shut downs of pretreatment facilities.

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21. Identification of specific hazards and establishment of procedures to ensure safety of POTW personnel while at the industrial facility.
22. Other information as may be necessary

In addition, an inspection will be utilized to check the industrial user's self-monitoring procedures and equipment (as applicable) in order to ensure that data obtained are proper and accurate. Items to be checked and documented in this regard include:

1. The user's sampling location(s) includes all the effluent from process and/or nonprocess wastewater system(s).
2. The sampling location specified in the permit is adequate for the collection of a representative sample of the wastewater discharge.
3. The user's sampling technique is adequate to assure the collection of a representative sample.
4. The user's permit sampling and monitoring requirements will yield representative samples.
5. The parameters specified in the users permit are adequate to cover all pollutants of concern that may be discharged by the permittee.

E. INSPECTION PERSONNEL

On-site industrial user inspections will be performed by the Utility Director, or his designated representative, and/or the Special Projects Manager and/or the Pretreatment Supervisor.

F. INSPECTION PROCEDURES

The appendix contains the Industrial Pretreatment Program Inspection Checklist which will be utilized for each scheduled inspection.

1. Preparation for an on-site industrial user inspection includes, but is not limited to the following:
   a) Determine the need for inspection of the industry by review of the IU's discharge permit.
   b) Review existing files for available information about the industry. Existing information such as plant layouts, process flow diagrams, pretreatment facilities, etc. should be taken along during the inspection for verification.
   c) Contact the industrial user to establish a convenient date and time to perform the inspection. In some instances, no advance notice should be given.
2. At the site, establish contact with the appropriate representative(s) for a pre-inspection meeting/discussion to:
   a) Provide an overview of the industrial pretreatment program and explain the purpose of the visit.
   b) Emphasize that any process information necessary for the inspection report which the industry feels is proprietary can be handled as confidential information. Effluent data is public information subject to public access through appropriate means.
   c) Describe the information necessary for the inspection. Offer the representative the opportunity to review the inspection report form.
3. Request a complete tour of the facility including the production area and pretreatment facilities. Obtain all information necessary to complete the inspection checklist.
4. Complete the inspection report as soon as possible after the site visit to aid in its accuracy. Sign and date the final report upon completion.

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a) Determine if the industry is in compliance with applicable pretreatment standards and whether any further action is required.

b) Provide the industry with a copy of the final report.

c) If no follow-up activities are required, the report may be filed

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