

Data Quality for Local Limits, Interjurisdictional Agreements and an IU Permitting Challenge

**CIPCA Workshop
October 9, 2013**

Curt McCormick
CWA Consulting Services, LLC.
Curt@POTW.com (303)-904-6049
www.POTW.com

Dental Regs/Effluent Guidelines Plan

POTW.com comments will be provided to Pretreatment Newsletter subscribers when EPA publishes. Subscribe for free at: www.POTW.com

Important that all POTWs and states provide comments on the anticipated Dental Regulations. BIG impact.



POTW Decisions

40 CFR §403.8(f)(4): The POTW shall develop local limits as required in 40 CFR §403.5(c)(1), or demonstrate that they are not necessary.

This citation clearly indicates that the POTW must make decisions. The regulations, preambles and EPA/state guidance drive local limits for the basic metals but, beyond that, the POTW must make reasonable decisions.



Local Limits

Local Limits: Those concentrations or loadings of pollutants that a POTW can accept and prevent Pass Through, Interference, adverse health effects, or a violation of the General and Specific Prohibitions. These limits are adopted by the POTW into their legal authority. These limits apply at the point of discharge into the POTW from the non-domestic user.

Local limits are Pretreatment Standards.



The only Regulatory Number: MAIL

MAIL: Maximum Allowable Industrial Loading. The loading that will be allocated to regulated users (e.g. SIUs, commercial, etc.).

40 CFR 403.18(b)(2): Maximum Allowable Industrial Loading means the total mass of a pollutant that all Industrial Users of a POTW (or a subgroup of Industrial Users identified by the POTW) may discharge pursuant to limits developed under § 403.5(c); [Emphasis Added]



POTW Rights, Responsibilities, and Liability

Local limits development is based upon Guidance. this includes EPA's 2005 Local Limits Guidance. The guidance provides discussions of what a POTW may consider during a local limits evaluation. Guidance is not enforceable by a regulatory agency. It is like a "recommendation".

In local limits development, almost everything is a POTW decision. The POTW assumes the risk by the decisions it makes.

Remember: The POTW, not EPA or the state, will have to defend local limits if challenged. The State and EPA are typically prohibited by their attorneys from providing testimony for the POTW in a third party lawsuit. Their approval of your local limits is not a validation that the data and assumptions used by the POTW are without error.



State/EPA Review and Approval

The Approval Authority makes the following decisions:

1. Are the local limits and the assumptions documented and reasonable (technically-based)? This does not mean all local limits are necessary calculated (or prohibited discharge limits).
2. Will the approval assure the Objectives of the 403 regulations are implemented?



Local Limits- the MAHL and MAIL

The AA is approving the entire local limits package (calculations, data, MAIL, MAHL), as well as, the legal authority. Local limits that result in less stringent MAILs are substantial modifications.

If you change the MAIL and make it more stringent, it may be a non-substantial modification (40 CFR §403.18) but would still require the POTW to take it through the City Council/Board process (1st reading, 2nd reading, approval with a 30 day public comment period is incorporated).

Remember, if you are going to enforce something and potentially issue penalties (take someone's property), without affording public notice and opportunity to comment.



Discretion

A POTW should only use discretion where a POTW decision is required. Where a standard or other requirement is established by EPA or the state, the POTW should use the standard or requirement and not exercise discretion.

Yes, there is case law out there that establishes liability when a POTW does not use applicable standards or reasonable decisions when calculating local limits.



Statute of Limitations vs. Record Retention

40 CFR §403.12(o): 3 years Record Retention vs. 5 Year U.S. Codes (28 USC 2462) Statute of Limitations for Prosecuting Environmental Violations.

This is important because local limits will be in-place for longer than 3 or 5 years. Remember, that when you are thinking about trashing supporting documentation for your old local limits, the records retention "clock" begins once that local limit is no longer in effect.

You are going to have to keep records used in the development of local limits for at least 3 years beyond that time the local limits are no longer in effect.



Local Limits

Everything you do in developing local limits, ask the following questions:

Are my assumptions documented and reasonable?

Do the local limits protect against Pass Through, Interference and protect health and safety?

Can I implement these limits and requirements with available resources (may require additional work at the local level)?



Local Limits Do Not and Can Not:

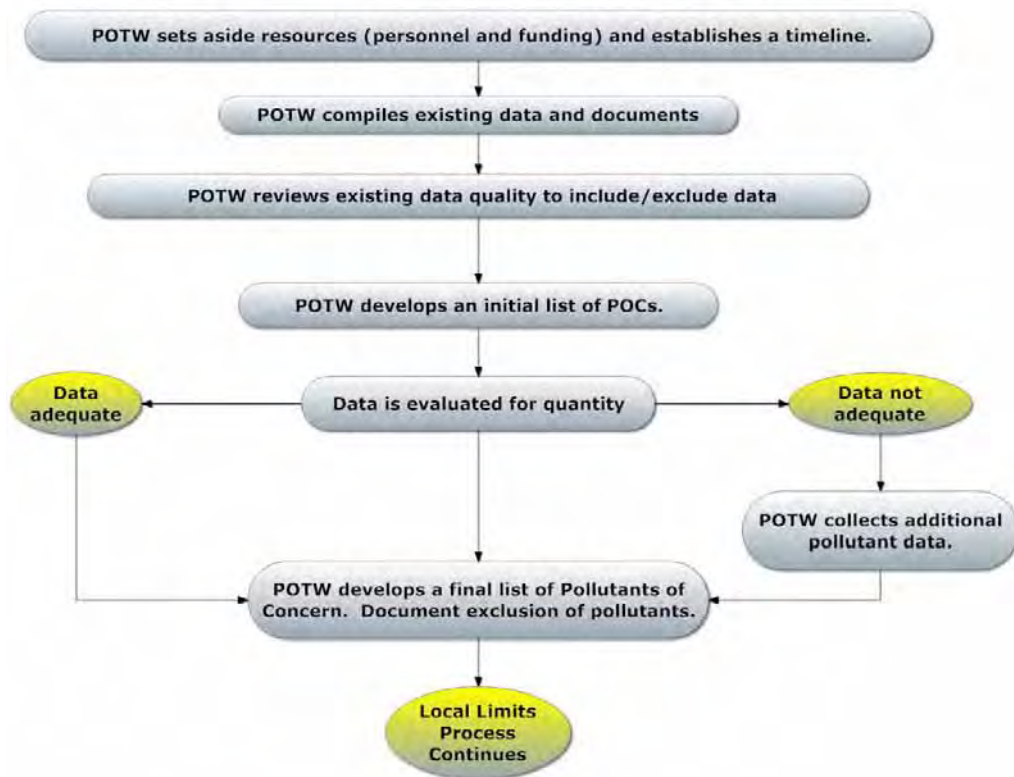
Prevent or control spills and slug loads.

Be effective at stopping illegal discharges.

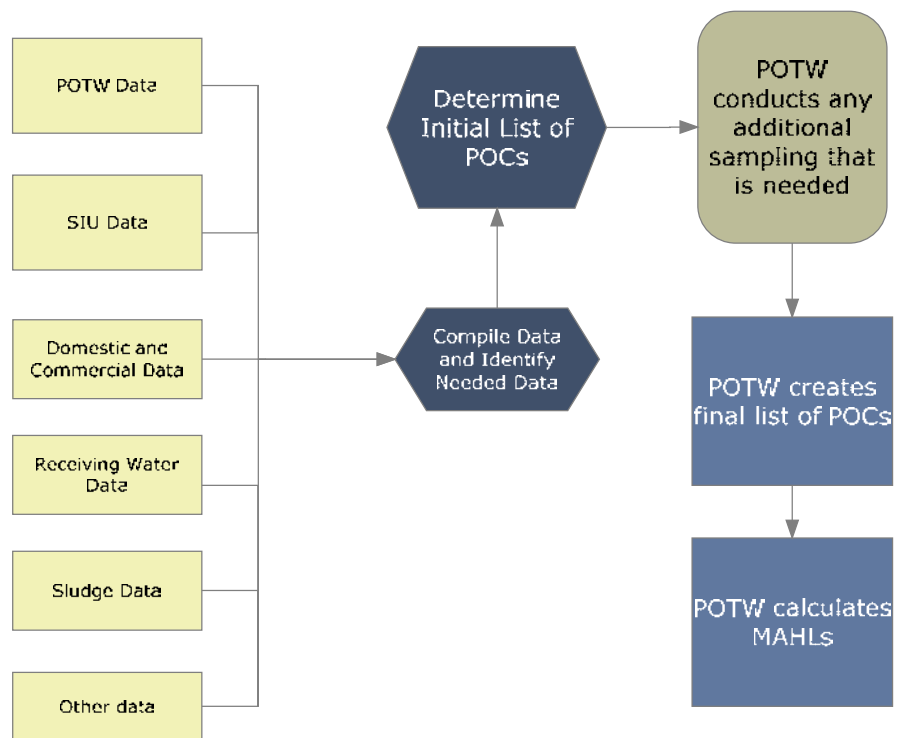
Be waived, allowing for Pass Through and/or Interference.



The Initial Steps In Local Limits Development



Flow Chart for Compiling Data



Typical Analytical Data for Local Limits

POTW Influent

POTW Effluent

Domestic+Commercial Data

Sludge Data

Trucked and Hauled Waste Data

SIU Flow Data



NPDES Permit Rationale/Waste Load Evaluation/Reasonable Potential

You will use this the most. This part of the permit is critical to review for EPA/state approved POTW and receiving water data.

When setting local limits, you cannot deviate from the NPDES permit (and permit rationale).



Inhibition

If your POTW has not experienced inhibition, there is nothing further that needs to be done in this area.

If your POTW has experienced inhibition due to discharges from an industrial user in the last 5 years, you need to evaluate inhibition for the pollutant that was the cause.

Site specific data for inhibition would be developed, if needed. EPA's data in the guidance manual is not useful or recommended (unless any of the data in the guidance manual was from your POTW).

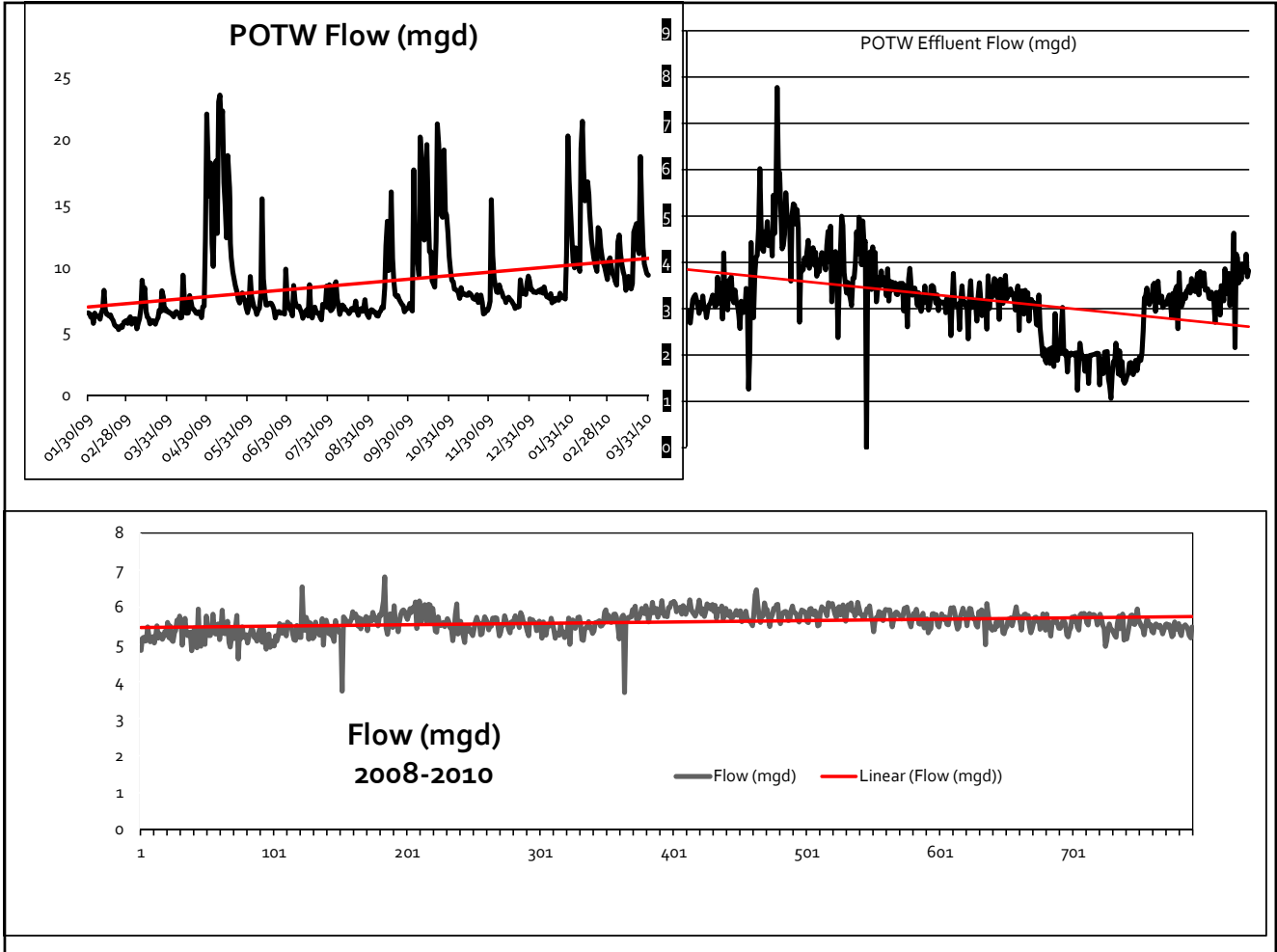


POTW Design: BOD and TSS

The design of the treatment works: Hydraulic, BOD and TSS.

These number need to be accurate if developing local limits for BOD and TSS. A treatment plant may be treating more BOD and TSS than the design manual says it can. If this is the case, it is worthwhile to get an engineering design evaluation so accurate capacity is reflected in the NPDES permit.





Clean Sampling

Clean sampling procedures should always be used for NPDES compliance monitoring, local limits development (POTW influent, effluent, residential and commercial sampling).

Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels. July 1996.



Domestic + Commercial data

This is where to spend money collecting data. Most POTWs will not be setting local limits for the commercial sector, so this data comes “off-the-top” when doing local limits.

Local Limits: (MAHL) – (SF) – (Domestic + Commercial)

This data has the **biggest** potential to impact local limits. Bad data can result in <MDL discharge local limits for SIUs.

If the domestic + commercial loading for a pollutant is high, there will be no flexibility when calculating limits. Evaluate data representativeness **each time** data is received. Do not wait until you are ready to calculate limits. If high loadings are observed, evaluate sampling location and potential sources.



Data Assumptions for <MDL Data - Options

$\frac{1}{2}$ the MDL (EPA allows). Do not do this where you used a poor detection limit method for mercury (i.e. 245.1).

$\frac{1}{2}$ of the lowest measured value (used more where less than $\frac{1}{2}$ of the data is <MDL).

$(MDL) * (1 - \# \text{ of non-detects} / \text{number of detects})$ - Virginia

There are some fairly complicated models used for NPDES permitting. In Local Limits, EPA uses the Safety Factor to compensate for any errors associated with assumptions.



Compiling Data into a Spreadsheet

INFLUENT	Average	Maximum	Minimum	Count	# <MDL
alpha-BHC	0.00002	0.00004	0.000001	5	5
Ammonia	16	27.5	4.5	216	0
Antimony (total) mg/L	0.020	0.03	0.0005	14	13
Arsenic (total) mg/L	0.002	0.00343	0.00025	14	2
Beryllium (total) mg/L	0.0003	0.0003	0.0003	14	14
beta-BHC	0.000019	0.000025	0.000002	5	5
bis (2-ethylhexyl) phthalate	0.01438	0.0356	0.005	4	2
BOD5	345			349	0

Include columns for Average, Maximum, Minimum, Count, # <MDL

Remember to document how you handle <MDL values



Sources of Data to Define the Initial Pollutants of Concern

For pollutants that are detected, compile all data into tables as follows:

1. POTW flow and conventional pollutants.
2. POTW influent (metals/organics)
3. POTW effluent (metals/organics)
4. Residential + Commercial (where you are not developing local limits for commercial users.
5. Sludge data

INFLUENT	Average	Maximum	Minimum	Count	# <MDL
alpha-BHC	0.00002	0.00004	0.000001	5	5
Ammonia	16	27.5	4.5	216	0
Antimony (total) mg/L	0.020	0.03	0.0005	14	13
Arsenic (total) mg/L	0.002	0.00343	0.00025	14	2
Beryllium (total) mg/L	0.0003	0.0003	0.0003	14	14
beta-BHC	0.000019	0.000025	0.000002	5	5
bis (2-ethylhexyl) phthalate	0.01438	0.0356	0.005	4	2
BOD5	345			349	0

Include columns for Average, Maximum, Minimum, Count, # <MDL

Remember to document how you handle <MDL values



Data Quality Issues from the Laboratory

Analytical data is the basis for your limits. Problems with the data can undermine the validity of your local limits.

Review:

1. MDLs (not bad reporting limits)
2. Methods (40 CFR Part 136 approved)
3. Lab decisions on data (GC of pesticides, the lab may take the higher of the primary and secondary (confirmation) columns where difference is >40%. That can result in a very elevated number being reported.
4. Accuracy/Precision of the numbers (review QA/QC numbers)
5. Chain-of-Custody completely and appropriately filled out
6. Analytical Data is outside of the "expected" concentration.



Analytical Method: Mercury by EPA 245.1				Prep Method: E245.1P			
Tech: RKO				% Moisture:			
Analyst: RKO				Date Prep: Mar-26-12 14:20			
Seq Number: 884430				SUB: AZ0765			
Parameter	Cas Number	Result	RL	Units	Analysis Date	Flag	Dil
Mercury	7439-97-6	<0.000100	0.000100	mg/L	03/27/12 16:41		1
Analytical Method: Metals, Total, by EPA 200.7				Prep Method: E200.7P			
Tech: MLI				% Moisture:			
Analyst: MKO				Date Prep: Mar-28-12 14:05			
Seq Number: 884577				SUB: AZ0765			
Parameter	Cas Number	Result	RL	Units	Analysis Date	Flag	Dil
Cadmium	7440-43-9	<0.00500	0.00500	mg/L	03/28/12 19:03		1
Chromium	7440-47-3	0.0217	0.0100	mg/L	03/28/12 19:03		1
Copper	7440-50-8	0.109	0.0200	mg/L	03/28/12 19:03		1
Lead	7439-92-1	<0.0100	0.0100	mg/L	03/28/12 19:03		1
Molybdenum	7439-98-7	<0.0100	0.0100	mg/L	03/28/12 19:03		1
Nickel	7440-02-0	0.0223	0.0100	mg/L	03/28/12 19:03		1
Silver	7440-22-4	<0.0200	0.0200	mg/L	03/28/12 19:03		1
Zinc	7440-66-6	0.385	0.0300	mg/L	03/28/12 19:03		1
Analytical Method: Metals, Total, by EPA 200.8				Prep Method: E200.8P			
Tech: MLI				% Moisture:			
Analyst: MKO				Date Prep: Mar-29-12 13:30			
Seq Number: 884669				SUB: AZ0765			
Parameter	Cas Number	Result	RL	Units	Analysis Date	Flag	Dil
Arsenic	7440-38-2	0.00581	0.00200	mg/L	03/29/12 21:53		1
Selenium	7782-49-2	0.00274	0.00200	mg/L	03/29/12 21:53		1

Analytical Method 608

Prep Method	608	Prep Batch	25568	Final Vol/Wt		1060 ml	Date/Time Prepped	07/28/09 14:20
Compound	Initial Vol/Wt	1000 ml	Result	Units	MQL	DF	Date/Time Analyzed	Analytical By Batch
Aldrin	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
alpha-BHC	0.0109	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
beta-BHC	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
delta-BHC	0.00566 Q	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
gamma-BHC	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
Chlordane	< 0.0200	µg/L	0.0200	µg/L	0.0200	1	08/04/09 15:55	DPC 40437
Chlorpyrifos	< 0.00700	µg/L	0.00700	µg/L	0.00700	1	08/04/09 15:55	DPC 40437
4,4'-DDD	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
4,4'-DDE	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
4,4'-DDT	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
Dieldrin	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
Endosulfan I	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
Endosulfan II	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
Endosulfan sulfate	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
Endrin	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
Endrin aldehyde	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
Endrin Ketone	0.0226 Q	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
Heptachlor	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
Heptachlor epoxide	< 0.00400	µg/L	0.00400	µg/L	0.00400	1	08/04/09 15:55	DPC 40437
Toxaphene	< 0.0300	µg/L	0.0300	µg/L	0.0300	1	08/04/09 15:55	DPC 40437

Footnote "Q" on analytical reports for pesticides. When analyzing the sample, the sample passes through 2 GC columns. The first one is the primary (quantification) column. The second column is the confirmation column. When the difference between these is greater than 40%, they flag it and report the highest value. The POTW should get both measured concentrations. The pollutant is between these two concentrations.

Analytical Method 625									
Prep Method	625	Prep Batch	28298	Sample Vol/Wt		1060 mL	Date/Time Prepped	02/17/10 9:39	
Compound	EPA MDL	Default Vol/Wt	1000 mL	Result	Units	MRL	DF	Date/Time Analyzed	Analytical By Batch
2-Chlorophenol	3.3 µg/L	< 10.0	µg/L		10.0	1	02/19/10 21:52	MJ	43406
2,4-Dichlorophenol	2.7 µg/L	< 10.0	µg/L		10.0	1	02/19/10 21:52	MJ	43406
2,4-Dimethylphenol	2.7 µg/L	< 10.0	µg/L		10.0	1	02/19/10 21:52	MJ	43406
4,6-Dinitro-o-cresol	ND	< 50.0	µg/L		50.0	1	02/19/10 21:52	MJ	43406
2,4-Dinitrophenol	42 µg/L	< 50.0	µg/L		50.0	1	02/19/10 21:52	MJ	43406
2-Nitrophenol	3.6 µg/L	< 20.0	µg/L		20.0	1	02/19/10 21:52	MJ	43406
4-Nitrophenol	2.4 µg/L	< 50.0	µg/L		50.0	1	02/19/10 21:52	MJ	43406

Laboratory using poor Method Reporting Limits (not meeting 40 CFR Part 136 MDLs). The POTW has to evaluate whether or not this is a problem (does not meet Part 136 methods). MDL changes due to matrix interference must be documented by lab.

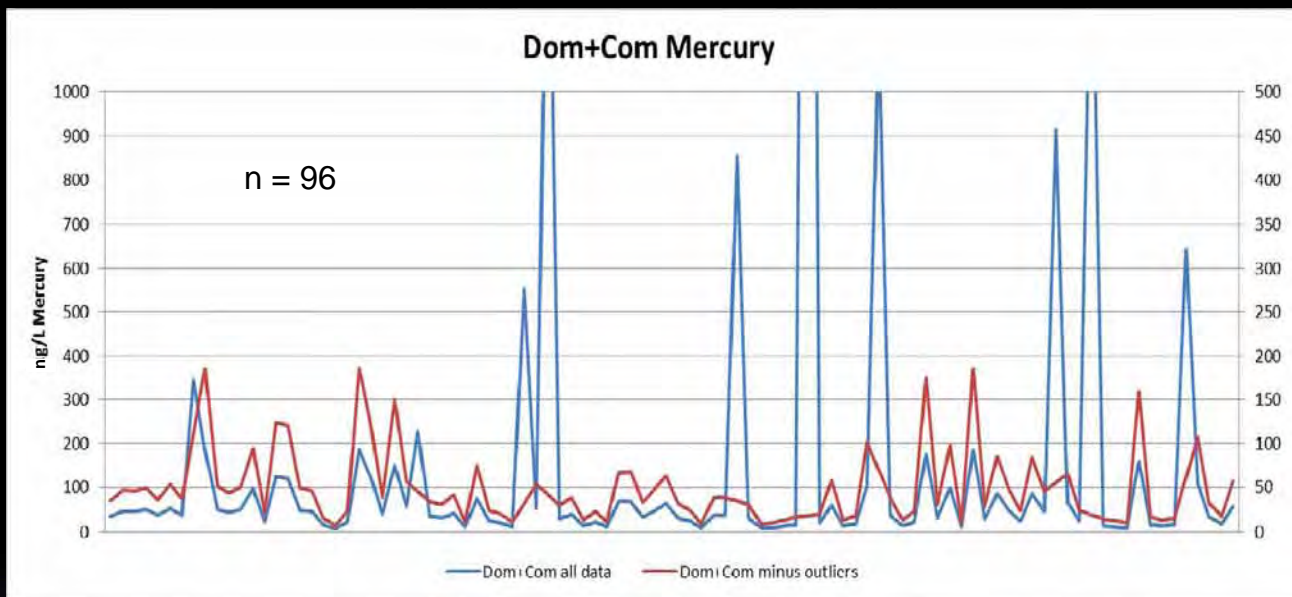
The Method Detection Limit for these pollutants is shown in red font.



Bad Analytical Data Not Identified by Lab or POTW				
Sample Date	Cr(VI) Influent mg/L	Cr-Total Influent mg/L	Cr(VI) Effluent mg/L	Cr-Total Effluent mg/L
Aug 2012	<0.013	0.004	<0.013	0.001
December 2012	<0.014	0.005	<0.014	<0.005
March 2013	0.297	<0.005	<0.66	<0.005
April 2013	<0.68	<0.005	<0.66	<0.005
August 2013	0.058	0.007	<0.013	<0.005
December 2013		<0.005	0.638	<0.005
March 2014	0.039	<0.01	0.019	<0.01

Evaluating Outlier Data

1. Eliminate data that is not representative. This includes data that may be a result of a slug load or non-representative analytical data. These type of data will bias the local limits.
2. Use statistical tests (e.g. Generalized ESD Test, Grubbs test, etc.). However you eliminate outliers have a rationale.
3. Most useful when the data set is >10 observations (more is always better).
4. If the data is "real", the POTW needs to identify the source/cause!



Grubbs Test: $Z = \frac{(\text{Mean} - \text{Observation})}{\text{Standard Deviation}}$

Note: Grubbs Test used for example. It may not be appropriate for your data!

Sources of Data to Define the Initial Pollutants of Concern

For pollutants that are detected, compile all data into tables as follows:

1. POTW flow and conventional pollutants.
2. POTW influent (metals/organics)
3. POTW effluent (metals/organics)
4. Residential + Commercial (where you are not developing local limits for commercial users.
5. Sludge data

INFLUENT	Average	Maximum	Minimum	Count	# <MDL
alpha-BHC	0.00002	0.00004	0.000001	5	5
Ammonia	16	27.5	4.5	216	0
Antimony (total) mg/L	0.020	0.03	0.0005	14	13
Arsenic (total) mg/L	0.002	0.00343	0.00025	14	2
Beryllium (total) mg/L	0.0003	0.0003	0.0003	14	14
beta-BHC	0.000019	0.000025	0.000002	5	5
bis (2-ethylhexyl) phthalate	0.01438	0.0356	0.005	4	2
BOD5	345			349	0

Include columns for Average, Maximum, Minimum, Count, # <MDL

Remember to document how you handle <MDL values



INTERGOVERNMENTAL AGREEMENT (IGA)

AKA

INTERJURISDICTIONAL AGREEMENT (IJA)

AKA

MULTIJURISDICTIONAL AGREEMENT (MJA)

AKA

**INDUSTRIAL PRETREATMENT PROGRAM SEWER
SERVICE AGREEMENT**



Regulatory Requirement

40 CFR Section 403.8(f)(1)

The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of **contracts or joint powers agreements** which the POTW is authorized to enact, enter into or implement, and which are authorized by State law.



Reference Material

Guidance Manual for Multijurisdictional Pretreatment Programs,
June 1994. USEPA.



Jurisdiction

Jurisdiction encompasses both the legal/geographical boundary and the regulatory powers of a municipality. Municipalities that take wastewater from other jurisdictions must have an Intergovernmental (IGA) or Interjurisdictional Agreement (IJA).

Industrial users that discharge wastewater that is transported to the POTW through a collection system and that are located outside of the POTW with the approved pretreatment program are "extrajurisdictional industrial users".



Legal Implications

Municipalities with other jurisdictions (e.g. sewer districts, developments, etc.) must establish legal authority and procedures to ensure that all extrajurisdictional industrial users are subject to enforceable pretreatment standards and requirements. The municipality must directly control these industrial users or delegate some or all pretreatment responsibilities to the jurisdiction through a legally enforceable IGA.

The municipality with the Approved Pretreatment Program remains liable for all deficiencies in implementation and enforcement of the pretreatment program.

Concepts

Many POTWs that have the Approved Pretreatment Program find that it is not preferable to delegate pretreatment program responsibilities to another jurisdiction unless there is extensive oversight specified in the IGA.

The municipality should always develop a "Pretreatment Program-Only Agreement" with each jurisdiction. Incorporating pretreatment program requirements into an overall wastewater services agreement will make modifying the pretreatment program part difficult since most managers do not want to open the entire services agreement.



Common Law

Most municipalities only have the authority to enforce in their city limits or legal jurisdiction under state law. Some POTWs and special sewer districts have authority to regulate all users that discharge to a sewer system.

Some POTWs adopt separate regulations that allow implementation and enforcement against any industrial user that discharges to the POTW (but a question under State law still could be a problem).

Other POTWs may use a contract with an IU that says the IU agrees to accept a permit and be regulated under the POTW's legal authority (note: The contract is not used as a permit). Not a preferable approach.

Common Law

Most commonly, municipalities require jurisdictions with industrial users adopt an equivalent legal authority and specifically provide notice that responsibility to implement and enforce all or part of the program has been delegated to the municipality with the Approved Pretreatment Program.



Interjurisdictional Agreements: Content

The minimum elements are:

1. Designation of responsibilities for the contributing jurisdiction without the approved pretreatment program.
2. Authorizes approved pretreatment program to enforce where the contributing jurisdiction fails to do so.
3. Jurisdiction adopts Ordinance/Rules and Regulations, ERP and other SOPs that are no less stringent than the approved program's legal authority.



Interjurisdictional Agreements: Content

The minimum elements are (continued):

4. IUs must meet local limits of the approved program and, if the contributing jurisdiction has its own POTW and can accept wastewater from the industrial user, the most stringent local limits shall be met.
5. Access and transfer of records from contributing jurisdiction to approved program, including permits, monitoring results, inspections, and/or enforcement actions.
6. Specific notice in contributing jurisdiction legal authority that the approved pretreatment program has the right to enter and inspect industrial users.



Interjurisdictional Agreements: Content

The minimum elements are (continued):

7. What happens in case of a breach of the IGA by the contributing jurisdiction.
8. If the area is residential only, the IGA should state this and indicate that if industrial users begin discharging, the IGA shall be reopened and a new agreement addressing implementation and enforcement of the pretreatment program shall be included.
9. Procedures for the contributing jurisdiction to adopt changes to its legal authority and procedures when the approved program updates its program.

Interjurisdictional Agreements: Content

The minimum elements are (continued):

10. CWACS Recommended: In the event that an action or lack of action by the contributing jurisdiction in the contributing jurisdiction's service area causes the approved pretreatment program to violate any condition of its NPDES permit and the approved pretreatment program is fined by the EPA or the State for such violation, then the contributing jurisdiction shall be fully liable for the total amount of the fine assessed against the approved pretreatment program by EPA and/or the State plus legal costs.



Interjurisdictional Agreements: Content

The minimum elements are (continued):

11. CWACS Recommended: The approved pretreatment program may take an emergency action, whenever it deems necessary, to halt or prevent any discharge which presents, or may present, an imminent danger to the health or welfare of the POTW, or which causes or may contribute to Pass Through, Interference, or operations of the POTW. The approved program will provide informal notice to the contributing jurisdiction.

Note: This emergency authority for the approved pretreatment program needs to be incorporated into the contributing jurisdictions legal authority.



INDUSTRIAL USER PERMITTING CHALLENGE

WE WILL CALL THIS A HYPOTHETICAL SITUATION







Background

1. The property (Complex) is owned by the Wastewater Company (private corporation).
2. The Wastewater Company owns the sewer lines and provides pH treatment for wastewater.
3. The 5 IUs that discharge (some are Categorical):
 - a. Inorganic Chemicals
 - b. Inorganic Chemicals
 - c. Hydrated Lime Mfg
 - d. Nonferrous Metals
 - e. Steam Power Electric Company
4. The Complex is under County jurisdiction. The County has no sewers on this property and therefore, is out of the picture. The County does have an IGA with the City but does not implement here.

Background

5. The City has permitted the Wastewater Company as a non-Categorical Significant Industrial User because the Company owns the sewer system and provides pH treatment and the flows to the IU are >25,000 gpd.
6. The Agreement between the City and the Wastewater Company is for domestic wastewater discharge only (6-14-72).
7. The City IU permit regulates discharge of domestic + industrial waste from the Wastewater Company. All permits issued to the Wastewater Company prior to 7-1-10 specified domestic waste only to be discharged. The latest permit included reference to industrial waste. The City applies local limits to the discharge.

Background

8. The discharge by the Wastewater Company has shown pH violations ($\text{pH} < 5$ and $\text{pH} > 12.5$), high NH_3 , Mercury exceeding local limits, intermittent high nitrate and reporting and notification violations. Other metals show periodic elevated concentrations as compared to that typical of other POTWs.
9. The Wastewater Company argues that only domestic wastewater from the industrial users is discharged and that the pH failures are due to interference with pH probes (no data provided to demonstrate this).
10. No discreet sampling points for all 5 industrial users (sewer manholes may contain multiple "*domestic*" discharges from different IUs).
11. The City believes the Wastewater Company and is not sure how to proceed even though everyone agrees that the discharge by the Wastewater Company is not domestic only.

What are the Top Issues with this Real Scenario?

1. Jurisdiction?
2. Legal Authority to Regulated Domestic Only Wastewater?
3. Applying Local Limits to domestic wastewater discharge?
4. Categorization of Wastewater Company?
5. Regulation of the industrial users?
6. Lack of escalating enforcement?

Any Others? Venture a Guess?



Conclusions

County should implement its IGA with the City. However, the wastewater is going to the City, so the City has to react.

City must enforce its Ordinance for pH.

City must issue a discharge permit prohibiting the discharge of non-domestic waste and require monitoring (no local limits) for the domestic-only discharge.

Wastewater Company is NOT covered by Centralized Waste Treatment (40 CFR Part 437): CWT excludes waste delivered by pipeline for treatment except by waste consolidators and where covered waste is comingled with CWT waste.

Each Industrial User must be regulated individually and the Wastewater Company by permit for domestic only.

City must enforce its program.

The End

Questions?

Curt McCormick
CWA Consulting Services, LLC.
Curt@POTW.com (303)-904-6049
www.POTW.com