

## Section 1

### Town of Braselton Industrial Pretreatment Program

#### Background, Legal Authority and Introduction

##### 1.1 Background

##### 1.2 Introduction

This document has been prepared for implementation of the Town of Braselton's Industrial Pretreatment Program. This is the program description required pursuant to DNR Rule 391-3-6-.09 and 40 Code of Federal Regulations Section 403.9(b)(3). The Industrial Pretreatment Program (IPP) is a component of the Federal Clean Water Act (CWA), 33 U.S.C. § 1351 et seq. and Georgia Water Quality Control Act (GWQCA), O.C.G.A. §§ 12-5-20 et seq. which provides for the implementation and enforcement of pretreatment requirements, standards and limitations, and the issuance of permits to industrial users (IUs) of the Town of Braselton wastewater treatment facility located at 1545 Josh Pirkle Road, Braselton, Georgia (Facility). This regulation of industrial discharges addresses and incorporates provisions of 40 Code of Federal Regulations (C.F.R.) Part 403 and DNR Rules Section 391-3-6-.09, and is intended to serve three main purposes. These are:

- To prevent the introduction of pollutants into publicly-owned treatment works (POTW or Wastewater Treatment Facility) which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge.
- To prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works.
- To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

##### 1.3 Document Layout

The specific sections of this document are summarized below:

#### **Section 1 - Background, Legal Authority and Introduction (this section)**

Provides a general introduction to the Industrial Pretreatment Program.

#### **Section 2 - Industrial User Information**

Contains information obtained through an industrial user survey. Includes characterization of users.

#### **Section 3 - Local Limits**

The pretreatment regulations require that municipalities perform a technical analysis to determine if it is necessary to adopt discharge limitations that are more stringent or broader in scope than existing state and federal criteria. This analysis was performed for the Town Braselton and local industrial limits for pollutants of concern were developed.

#### **Section 4 - Enforcement Response Plan**

The regulations require that local governments take enforcement actions against industries that violate the requirements of the pretreatment program. These enforcement actions include notices of violation, consent orders, civil litigation, criminal prosecution and termination of sewer service. This section presents a formal enforcement response plan that will be used as guide for Braselton personnel when taking enforcement action against a violator.

#### **Section 5 - Program Implementation**

This section includes proposed procedures to verify compliance by industrial users and program staffing requirements.

#### **Section 6 - Industrial Pretreatment Ordinance**

A proposed ordinance is included to update the Braselton's Sewer Use Ordinance to be in accordance with the pretreatment regulations.

It should be emphasized that this is not a final document. The Pretreatment Program should be reviewed regularly and modified as necessary. Technical review of local discharge limits must be undertaken every five years. Other aspects of the program should be modified to be made more effective as the Braselton gains experience with management of the program. It should also be emphasized that the resources and manpower that the Braselton must dedicate to the program will continue to increase as regulations get more stringent and the Braselton's industrial user base continues to grow.

## Section 2

### Town of Braselton Industrial Pretreatment Program

#### Industrial User Information

#### 2.4 Industrial User Survey

#### 2.5 Characterization of Industrial Users

The criteria used to determine which industrial users (IUs) are classified as “significant” under the program is included in 40 CFR Part 403.3(t):

- 1) Does user contribute  $\geq 5\%$  of the average dry weather hydraulic or organic capacity of the Facility?
- 2) Does user have a process discharge  $\geq 25,000$  gallons per day?
- 3) Is user subject to categorical pretreatment standards established at 40 CFR Part 400 et seq.
- 4) Does user have a potential to inhibit or upset the POTW treatment plant processes?
- 5) Does user have a potential to cause a violation of the treatment plant’s NPDES permit or water quality criteria?
- 6) Does user have a potential to limit sludge disposal options?
- 7) Does user have a reasonable potential to violate any pretreatment standards or requirements, including toxic pollutants (as defined by Section 307 of the Clean Water Act) in their discharge?

A positive response to any of these criteria will result in being an IU. The surveys indicate that as of the date of submittal of this document, the Town has 2 significant industrial users that will require discharge permits and periodic monitoring. These industries and the reason they are significant are shown below:

King’s Delight Poultry

Mayfield Dairy

#### 2.6 Industrial Waste Survey Update

The industrial waste survey will be updated as needed but not less frequently than every 12 months to identify new industries and changes in existing users. New industries will be identified:

- by notification from the Town that a new industry has applied for a business permit and/or a sewer account,
- by visual inspection of the industrial parks to note new construction or changes in tenants, and
- by review of building plans from new industries.

Changes in existing users will be ascertained:

- by notification by the users,
- through annual inspections, review of monitoring records and unannounced visits,
- by visual inspection of the industrial parks to note new construction or changes in facilities, and
- by review of water records for the last 12 months.

The Town Engineer is identified as the Pretreatment Coordinator for the purpose of this IPP. The Pretreatment Coordinator (PC) will work closely with Town personnel to identify industrial users that become subject to categorical standards, to classify industrial users as significant when needed, and to identify industrial users potentially subject to the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq. EPA maintains schedules for promulgation of new categorical standards and these will be reviewed periodically in order to notify industrial users.

## Section 3

### Town of Braselton's Industrial Pretreatment Program

#### Local Discharge Limits

#### 3.1 Wastewater System Background Data

#### 3.2 Background

The National Pretreatment Program was established pursuant to Section 307 of the CWA and O.C.G.A. § 12-5-30, to regulate the introduction of pollutants from nondomestic sources into wastewater facilities such as the Town of Braselton's facility. Regulated discharges include those which will interfere with the operation of a POTW, including interference with its sludge digestion processes, sludge use or disposal; which will pass through the treatment works; or which are otherwise incompatible with such works, or which have categorical pretreatment standards set forth in 40 C.F.R. Parts 400-471 and other provisions as may be added from time to time. In addition, the program is intended to improve opportunities to reclaim municipal and industrial wastewaters and sludges (see 40 CFR 403.1 and 403.2). To accomplish these objectives, the National Pretreatment Program relies on a pollution control strategy with three elements:

- **National Categorical Standards**

National technology-based standards developed by EPA Headquarters, setting industry-specific effluent limits and found at 40 C.F.R. Parts 400-471 and other provisions as may be added from time to time.

- **Prohibited Discharge Standards:**

- + **General Prohibitions (403.5[a])**

National prohibitions against pollutant discharges from any nondomestic user which cause pass-through or interference;

- + **Specific Prohibitions (403.5[b])**

National prohibitions against pollutant discharges from any nondomestic user causing: (1) fire or explosion hazard; (2) corrosive structural damage; (3) interference due to flow obstruction; (4) interference due to flow rate or concentration; and (5) interference due to heat.

- **Local Limits:**

Enforceable local requirements developed by POTWs to address Federal standards as well as State and local regulations.

The rationale behind this three-part strategy is first, that categorical standards provide nationally uniform effluent limits affording a technology-based degree of environmental protection for discharges from particular categories of industry. Second, the prohibited discharge standards recognize the site-specific nature of the problems they are intended to address at sewage treatment works and provide a broader baseline level of control that applies to all IUs discharging to any POTW, whether or not the IUs fall within particular industrial categories. Third, local limits are specific requirements developed and enforced by individual POTWs implementing the general and specific prohibitions, and also going beyond them as necessary to meet State and local regulations.

### **3.3 Pretreatment Regulations**

EPA developed the General Pretreatment Regulations (40 CFR Part 403) to implement the requirements of Sections 307 and 402 of the CWA. As discussed briefly earlier, the General Pretreatment Regulations establish general and specific prohibitions which are implemented through local limits. The regulations relating to each of these elements are set forth below:

- **A. General Prohibitions**

40 C.F.R. Section 403.5(a)(1) General prohibitions. A user may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to each user introducing pollutants into a POTW whether or not the source is subject to other National Pretreatment Standards or any National, State or local Pretreatment Requirements.

- + **Definition of Pass Through**

The term “Pass Through” means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation). 40 C.F.R. Section 403.3(n).

- + **Definition of Interference**

The term “Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with current statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations).

40 C.F.R. Section 403.3(i).

- **B. Specific Prohibitions**

In accordance with Section 403.5(b) the following pollutants shall not be introduced into a POTW:

- (1) Pollutants which create a fire or explosion hazard in the POTW;
- (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;
- (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
- (4) Any pollutant, including oxygen demanding pollutants (BOD, Etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
- (5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the EPD, upon request of the POTW, approves alternate temperature limits.

- **C. Implementation**

40 C.F.R. Section 403.5(c) of the General Pretreatment Regulations requires the implementation of the General and Specific Prohibitions through the local limits process under two specific circumstances:

1. POTWs with local pretreatment programs “shall develop and enforce specific limits to implement the prohibitions listed in 403.5(a) and (b).”
2. All other POTWs shall, “in cases where pollutants contributed by User(s) result in Interference or Pass Through and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which together with appropriate changes in the POTW Treatment Plant’s Facilities or operation, are necessary to ensure renewed or continued compliance with the POTW’s NPDES permit or sludge use or disposal practices.”

### **3.4 Relationship of Local Limits to Categorical Standards**

Categorical standards and local limits are distinct and complementary types of pretreatment standards. As suggested earlier, categorical standards are developed to achieve a nationally-uniform degree of water pollution control for selected industries and pollutants. Local limits are

intended to prevent site-specific plant and environmental problems resulting from any nondomestic user.

In many cases, POTWs may impose local limits which regulate categorical industries more stringently and/or for more pollutants than are regulated in the applicable categorical standard to afford additional plant or environmental protection. In this case, the local limit supersedes the categorical standard as the applicable pretreatment standard. As a corollary, however, a less stringent local limit does not relieve a categorical industry from its obligation to meet the Federal standard.

With this understanding in mind, Table 3.2 highlights major differences between categorical standards and local limits. Generalizations that may be drawn from this table are that local limits are broader in scope, may be more diverse in form, and draw upon POTW discretion and judgment for development.

### 3.5 Overview of the Local Limits Process

An overview of the local limits development process is presented in Figure 3.4. Local limits development requires the use of site-specific data to identify pollutants of concern which might reasonably be expected to be discharged in quantities sufficient to cause plant or environmental problems. The process involves identifying pollutants of concern through characterizing industrial discharges, monitoring POTW influent, effluent and sludge, reviewing pollutant effects on plant operations and reviewing environmental protection criteria.

**Table 3.2  
Comparison of Features Associated with  
Categorical Standards and Local Limits**

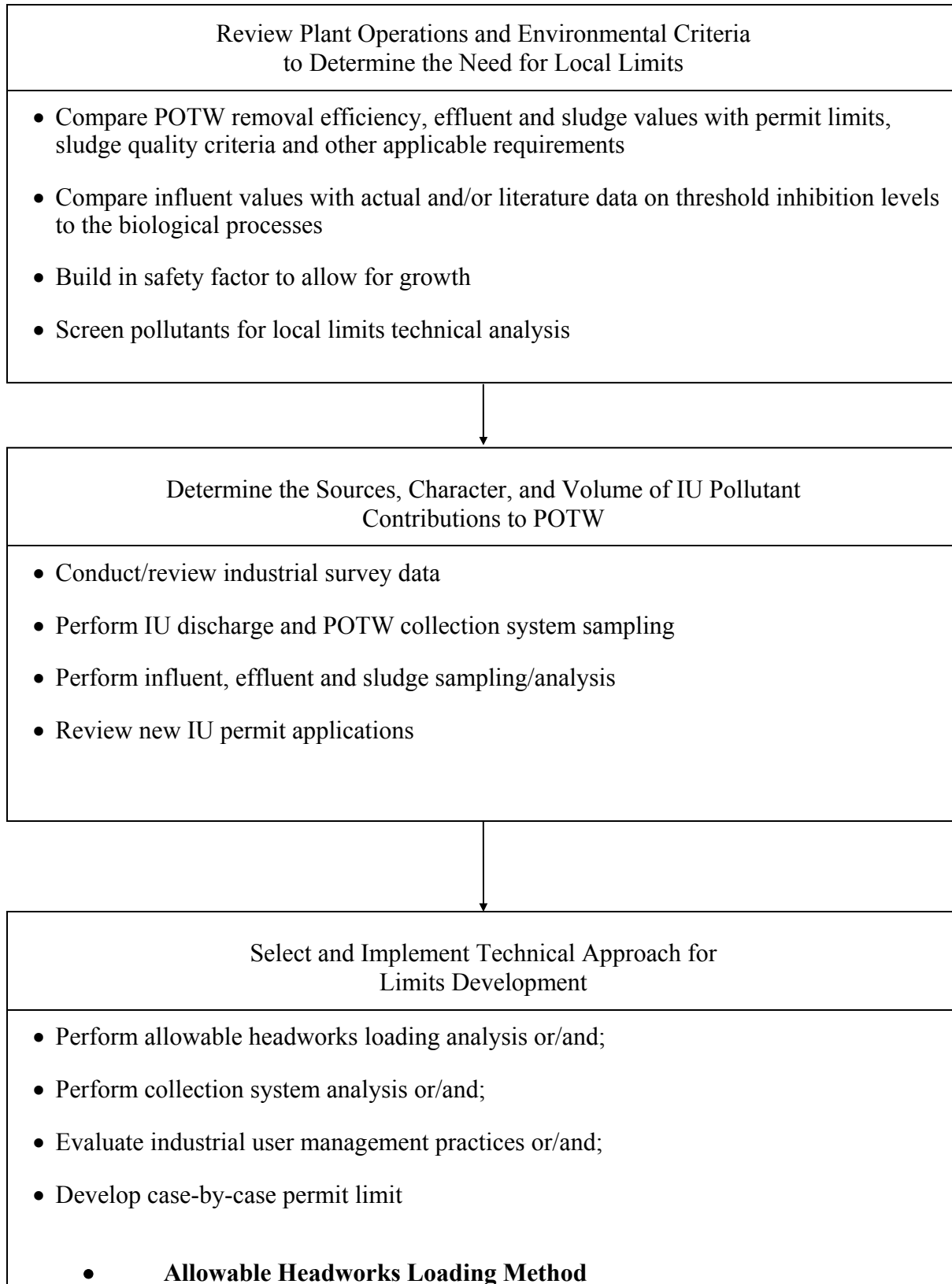
FEATURE	CATEGORICAL STANDARDS	LOCAL LIMITS
<u>Agency Responsible for Development</u>	EPA	Wastewater treatment facility /Pretreatment Coordinator
<u>Potential Sources Regulated</u>	Industries specified in Clean Water Act (CWA), Georgia Water Quality Control Act, or by EPA	All nondomestic users as deemed necessary by Pretreatment Coordinator
<u>Objective</u>	Categorical Pretreatment Standards; Prohibition on Pass-Through or Interference; Baseline requirement	Local environmental and plant objectives; meeting applicable conditions and limitations.



<u>Pollutants Regulated</u>	Primarily priority pollutants listed under Section 307 of CWA, although not limited to priority pollutants	Potentially any pollutants - priority or non-priority
<u>Basis</u>	Technology (BAT or NSPS) or Management Practice (e.g., solvent management plan)	Any technically-based method including: Allowable headworks loading method Toxicity reduction evaluation Technology-based Management practice; water quality based standards
<u>Applicability</u>	Apply to particular regulated wastestreams within certain industrial subcategories	Apply to all nondomestic users either uniformly or case-by-case
<u>Type of Limit</u>	Several: production-based or concentration-based numerical limits, discharge prohibition, or management practice plan requirements	Several: production-based or concentration-based numerical limits, discharge prohibition, or management practice plan requirements
<u>Point of Application</u>	Usually end of regulated process	Usually at point of discharge to collection system

Once the pollutants of concern and the sources discharging them have been identified, it is necessary to then select the most effective technical approach for limits development. As is shown in Figure 3.4, several methods are available depending on the nature of the potential problem. Each approach is described briefly below:

**Figure 3.4  
Overview of the Local Limits Process**



In this procedure, a POTW converts environmental and plant protection criteria into maximum allowable headworks loadings that, if received, would still enable the POTW to meet environmental limits and avoid plant interference. Allowable headworks loadings are calculated by the POTW on a pollutant-by-pollutant basis for each plant process and environmental objective relevant to the POTW. For example, the maximum amount of zinc which can safely be received by the plant without inhibiting sludge digestion is calculated, as well as the maximum zinc load which would allow for compliance with the POTW's NPDES permit limits. This procedure is performed for each criteria and the resulting loadings are compared. The lowest value (mass loading) for each pollutant is identified and serves as the basis for identifying the need for a local limit. If the allowable headworks loading for a particular pollutant is well above the loading currently received by a POTW, a local limit may not be necessary. However, if POTW influent loadings approach or exceed the allowable headworks loading, a limit will have to be established.

- **Collection System Approach**

Using this approach, a POTW can identify pollutants which may cause air releases, explosive conditions, or otherwise endanger worker health and safety. These pollutants can then be controlled by numeric local limits and/or industrial user management practice plans. This approach requires system sampling and analysis to identify pollutants present in the collection system. Pollutants detected in the collection system are evaluated to determine their propensity to change from a liquid phase to a gaseous phase. This screening evaluation is performed using the Henry's Law Constant for each pollutant, a measure of the compound's equilibrium in water. For those pollutants shown to volatilize, comparisons are then made with worker health exposure criteria, threshold limiting values (TLVs), and lower explosive limits (LELs) (the minimum concentration in air which will combust or explode). Where threshold limiting values or lower explosive limits are predicted to be exceeded as a result of a pollutant discharge, the need for further monitoring to confirm the problem and, if appropriate, a local limit or management practice plan is indicated. The use of flashpoint limits (the minimum temperature at which the combustion of a compound will propagate away from an ignition source) to prevent the discharge of ignitable wastes is also recommended.

- **Industrial User Management Practice Plans**

This approach embodies several methods a POTW may use to reduce industrial user pollutant discharges by requiring IU's to develop management practice plans for handling of chemicals and wastes. The methods available are particularly effective for control of episodic or highly variable discharges such as spills, and batch and slug discharges. To accomplish this approach, a POTW takes steps to understand an industrial user's operations by monitoring discharges, inspecting facilities, and reviewing industrial user (IU) reports. Depending on the nature of the discharge problem, the POTW then requires the IU to develop and implement a management plan as an enforceable pretreatment requirement to reduce or eliminate the impacts associated with the discharge. Appropriate management plans may address spill prevention and containment, chemical management practices (e.g., chemical substitution, recycling, and chemical segregation) and best

management practices addressing housekeeping practices. A management practice plan requirement can be viewed as a type of narrative local limit. POTWs may include numeric local limits as a part of, or in addition to, industrial user management practices to enhance their effectiveness.

- **Case-by-Case Permitting**

In this approach a POTW sets numeric local limits based on removals which can be achieved with available technology(ies) which are known to be economically affordable. POTW engineers establish specific limits based on their best professional judgment making use of data on removal efficiencies and economic achievability for pollution control from comparable industries/discharges. This approach is particularly suitable where effects data for specific pollutants is not sufficient to use other approaches, but where a degree of control is indicated as a result of observable effects (e.g., toxicity testing, fishkills, plant inhibition, etc.)

Some of these approaches are suited to specific problems and pollutants (e.g., pass-through is best addressed by the allowable headworks loading method). Others can be used in conjunction with each other (e.g., allowable headworks loading method with industrial user management practices). The technical approach used by a POTW to develop local limits is principally a local decision, provided that the resulting limits are enforceable and scientifically-based.

### **3.6 Updating Local Limits**

Local limits development is not a one-time event. Local limits will, as appropriate, be periodically reviewed and revised as necessary to respond to changes in Federal or State regulations, environmental protection criteria, plant design and operational criteria, and the nature of industrial contributions to the POTW influent. To the extent that a POTW can anticipate changes and develop appropriately protective local limits, the need to revise a particular local limit in the future may be reduced. For example, if a POTW knows or can anticipate that economic growth is occurring in its service area, it should factor in a growth margin so that all of the allowable headworks loading is not used up by existing industrial users. Otherwise, additional industrial hook-ups would be prohibited and/or local limits would have to be modified.

Similarly, if a POTW anticipates changing its sludge disposal practices in the near future, the POTW should develop local limits now which are protective of any more restrictive sludge use. By use of foresight, POTWs can extend the validity of their local limits to the projected term of an IU permit (typically one to five years). Effective planning will eliminate frequent local limits modifications which may tax resources and weaken IU compliance efforts.

The Town will, as appropriate, evaluate the need to update local limits when there are changes in:

(1) the limiting criteria on which local limits are based, and/or (2) the flow rate and characteristics of industrial contributions (including connection of additional industrial users). Examples of potential changes that would affect criteria used in deriving local limits include:

- Changes in facility permit limits to include additional or more restrictive toxic pollutant limits, including organic pollutants;
- Changes in water quality limits including toxicity requirements; Changes in sludge disposal standards or facility disposal methods;
- Modifications to the treatment plant, causing changes in the process removal efficiencies and tolerance to inhibition from pollutants;
- Availability of additional site-specific data pertaining to pollutant removal efficiencies and/or process inhibition.

Potential changes in industrial contributions include:

- Connection to the POTW of new industrial users;
- Addition of new processes at existing industrial users;
- Shutdown of industrial users or discontinuation of process discharges;
- Changes to existing industrial user processes, including chemical substitutions, expected to alter pollutant characteristics and loadings to the POTW;
- Alteration of pretreatment operations.

The industrial user survey will be reviewed periodically, as appropriate, to determine if any of the above factors have substantially changed. Upon conducting such a review the Town may update its existing local limits as necessary and/or develop new local limits to cover additional pollutants. Any such changes in local limits are considered to be a modification of the Pretreatment Program, and will be submitted to EPD for approval.

### **3.7 Ongoing Monitoring Program**

The Town currently has an ongoing monitoring program for assessing IU contributions to the wastewater treatment facility. The Town has identified specific pollutant parameters requiring analysis. IUs are required to sample for specific pollutants at frequencies set forth in Sewer Use Agreements between the IU and the Town. The provisions of Sewer Use Agreements will be incorporated into pretreatment permits upon the GEPDs approval of the Town's IPP. The Town periodically takes samples of IU contributions to the wastewater treatment facility and independently analyses the samples to ensure the accuracy of analysis performed by IUs. From time to time, the Town will conduct sampling at locations in the sewer collection system to determine the source of specific pollutants or to ensure appropriate operation and maintenance of pretreatment facilities.

### **3.8 Identifying Sources and Pollutants of Concern**

In addition to the sources identified above, the Town plans to conduct activities for the development of local limits including identifying areas of concern, gathering requisite data on the sources and pollutants of concern, and calculating local limits. The following steps are involved:

- **Step 1**

Identify the concerns to be addressed through local limits development in order to meet Federal, State and local requirements;

- **Step 2**

Identify the sources and pollutants which should be limited in order to address those concerns as follows:

- + Characterizing industrial discharges
- + Review of applicable environmental protection criteria and pollutant effects data
- + Monitoring of IU discharges, POTW collection system and treatment plant.

- **Step 3**

Calculate local limits for the identified pollutants of concern. Analysis will include but is not limited to the following pollutants: arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver and zinc. In addition, if sludge is to be land applied, the analysis must include molybdenum and selenium.

### **3.9 Concerns to Be Addressed**

A POTW's local limits must, at a minimum, be based on meeting the statutory and regulatory requirements as expressed in the Clean Water Act and General Pretreatment Regulations and any applicable State and local requirements. The types of concerns that a POTW is likely to be required to address as a result of Federal, State or local requirements include the following:

- Water quality protection
- Sludge quality protection
- Operational problems
- Worker health and safety

The following discusses each of these concerns in some detail.

- **Water Quality Protection**

Local limits will, as necessary, be designed and established so as to meet applicable limitations, including any water quality based effluent limitations, in applicable NPDES and/or GWQCA permits for the Town's wastewater treatment facility.

- **Sludge Protection**

Local limits will prohibit IU discharge in amounts that cause violation of applicable sludge disposal or use regulations, or restrict the POTW from using its chosen sludge disposal or use option.

- **Operational Problems**

Receipt of some industrial wastes may interfere with the wastewater treatment facility operations, resulting in operational problems or in an exceedence of permit limitations or in extreme cases a violation of permit conditions calling for specific removal efficiencies to be achieved and for the plant to be well-operated and maintained. Moreover, some discharges of pollutants, while not causing permit violations or violations of sludge disposal regulations, can nevertheless disrupt POTW operations, increase POTW operation and maintenance costs, and may cause violations of specific prohibitions. For example, IU discharges that inhibit the POTW's biological treatment systems result in reduced POTW efficiency and, as a result, increased operating costs. At worst, process inhibition may necessitate reseeded and stabilization of the treatment unit. In addition, process inhibition or upset may result in the production of sludges that require either special treatment before disposal, or disposal in a manner not generally practiced by the POTW. This would be considered interference. In many cases it is necessary to develop local limits to resolve these problems.

- **Worker Health and Safety**

Flammable/explosive and/or fume toxic pollutants discharges to Wastewater Treatment Facilities can pose a threat to the health and safety of Wastewater Treatment Facility workers. Local limits will, as appropriate, be used to regulate the discharge of flammable/explosive and/or fume toxic pollutants. Wastewater Treatment Facility workers may be susceptible to the inhalation of toxic gases that form or accumulate in collection systems. The vapors of volatile organic compounds (VOCs) are of major concern since they may be both toxic and carcinogenic, and may produce both acute and chronic health effects over various periods of exposure. Also of concern are the hazards associated with the toxic gases produced when certain inorganic discharges mix in the collection system. Acidic discharges, when combined with certain nonvolatile substances such as sulfide and cyanide, can produce toxic gases/vapors that are hazardous to humans (e.g., hydrogen sulfide and hydrogen cyanide gases).

In response to the potential hazards to human health associated with toxic vapors Wastewater Treatment Facilities may establish local limits based on the maximum recommended VOC levels in air. Explosion and fire hazards comprise an additional health and safety concern for Wastewater Treatment Facility workers. Accumulation of volatile substances from IUs in the treatment works can produce an influent that ignites or explodes under the proper conditions, potentially injuring Wastewater Treatment Facility workers. Fire and explosion hazards are regulated under the specific prohibitions of 40 CFR 403.5(b). Development of local limits for

those pollutants which pose fire or explosion hazards from IUs to Wastewater Treatment Facilities may be used to supplement the specific prohibitions. At this time it is felt that the prohibitions of the Sewer Use Ordinance, as presented in Section Four, are sufficient to address concerns about worker health and safety.

### **3.10 Evaluation of Braselton's Need to Establish Local Limits**

The Town of Braselton has infrequently experienced exceedences of particular pollutant parameters limited in the Town's wastewater treatment facility permit. The Town has experienced significant problems in terms of excessive biochemical oxygen demand (BOD) from one IU facility involved in poultry processing. The Town has required this facility to implement additional pretreatment technology to reduce BOD loading and placed the facility under a sewer use agreement including graduated stipulated penalties in order to bring the facility into compliance with the Town's sewer use ordinances.

This facility may require the development of local limits. Currently, the Town is unaware of other facilities requiring local limits.

### **3.11 Local Headworks Limits**

Maximum allowable headworks loadings (MAHLs) are the upper limit of pollutant loading at which a POTW will not violate any applicable criteria. MAHLs are the basis for local limits. In accordance with EPA's *Local Limits Development Guidance*, (Draft Aug. 2001), MAHLs are established by

1. Calculating wastewater treatment facility removal efficiencies for each pollutant of concern
2. Calculating allowable headworks loadings (AHLs) for each environmental criterion
3. Designating as the MAHL the most stringent AHL for each pollutant of concern.

Following this approach, the Town has established the following local limits:

Nickel equal or less than 5 mg/l  
Zinc equal or less than 5 mg/l  
Chromium (+3) equal or less than 10 mg/l  
Chromium (+6) equal or less than 0.05 mg/l  
Chlorine residual equal or less than 0.5 mg/l  
Cyanides - none allowed  
Cyanates - none allowed  
Isocyanates - none allowed

### **3.12 Allocation of Allowable Loadings**



The MAHLs calculated above present the maximum combined loadings that can be received at the POTW's headworks from all sources. Since only some of these sources are considered controllable, the calculation of MAHLs is intended to regulate the discharges from only these controllable sources, while accounting for the contribution from the uncontrollable sources.

The following pollutants are limited in terms of concentration, and based upon the Town's assessment of the likely sources of these pollutants, the Town has determined that the following concentration-based allocations are appropriate for IUs using the Town's wastewater treatment facility.

Nickel equal or less than 5 mg/l  
Zinc equal or less than 5 mg/l  
Chromium (+3) equal or less than 10 mg/l  
Chromium (+6) equal or less than 0.05 mg/l  
Chlorine residual equal or less than 0.5 mg/l  
Cyanides - none allowed  
Cyanates - none allowed  
Isocyanates - none allowed

With respect to mass, or loading based pollutants, the Town has experienced problems only with respect to BOD. Based upon an assessment of entities discharging to the Town of Braselton's wastewater treatment facility, the Town has determined that the following allocation of BOD is appropriate:

BOD5            250 mg/l

Under current conditions, the Town's wastewater treatment facility is able to effectively treat wastewater containing BOD at or below this level. Limitations on loading (mass) will be allocated as a factor of flow in case specific permitting decisions. See *Guidance Manual on the Development and Implementation of Local Discharge Limitations under the Pretreatment Program*. U.S. Environmental Protection Agency - Office of Water Enforcement and Permits (EPA 833-B87-202, Dec. 1987).

## Section 4

### Enforcement Response Plan

#### 4.1 Background

The purpose of this section is to present a plan for enforcement actions to deal with Industrial User noncompliance. The Town will, in accordance with applicable state and federal regulations, identify violations, respond with appropriate action and follow up those violations with escalated levels of enforcement, if needed, to ensure compliance.

#### 4.2 Overview of Enforcement Actions

The Town begins its enforcement process by identifying an industrial user's potential exceedence or violation. Once a violation is identified, the Town must determine whether the violation should be considered significant or nonsignificant. Significant noncompliance (SNC) is defined in 40 CFR 403.8 as a violation that meets one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Town determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Wastewater Treatment Facility personnel or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Wastewater Treatment Facility's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within thirty days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or

- (h) Any other violation(s) which the Town determines will adversely affect the operation or implementation of the local pretreatment program.

The six-month period stated under criteria (a) and (b) above may be taken as a “rolling” six-month time frame which equals the current day minus six months.

If the violation is significant, the Town must determine the most appropriate response. This response should be proportionate to the violation’s severity, promote compliance in a timely manner, and be authorized under State law and the Town’s sewer use ordinance or regulations.

This section provides an overview of six types of enforcement responses. Which response, or combination of responses to use depends on the violation’s severity, its duration, its effect on the environment and the treatment plant, and the user’s compliance history as well as its good faith in taking correction action. The six enforcement responses described in this section are:

- Notice of violation
- Consent Order
- Injunctive Relief
- Civil litigation
- Criminal prosecution
- Termination of sewer service

#### **4.3 Notice of Violation**

The most common form of a Notice of Violation (NOV) is an official communication from the Town to the noncompliant industrial user which informs the user that a pretreatment violation has occurred. The NOV is an appropriate initial response to nonsignificant violations. In case of significant noncompliance, a NOV may also be issued prior to issuing a consent order or pursuing other remedies. The NOV’s purpose is to notify the industrial user of the violation(s); it may be the only response necessary in cases of infrequent and generally minor violations. The NOV can be used as a vehicle to assess administrative fines or to impose compliance schedules but for purposes of this discussion the NOV is defined in its basic function: to inform industrial users that a pretreatment violation has taken place. If the user does not return to compliance following receipt of the NOV, the Town should proceed to more stringent enforcement measures.

##### When to Issue NOVs

The NOV is issued for relatively minor or infrequent violations of pretreatment standards and requirements. Although it may lack the deterrent effect of an administrative fine or criminal indictment, a NOV can nevertheless be an effective response for several reasons. First, the NOV provides the industrial user with an opportunity to correct noncompliance on its own initiative

rather than according to a schedule of actions determined by the Town, and thus fosters a cooperative environment between the industrial user and the Town. Second, the NOV documents the initial attempts of the Town to resolve the noncompliance. Should circumstances require the Town to subsequently take a more stringent approach, the NOV establishes that the Town escalated its response according to its enforcement response plan, rather than reacting to the noncompliance with arbitrary or unnecessarily harsh enforcement. Finally, by providing the Town with an inexpensive and prompt response to violations, the NOV demonstrates to the regulated community the viability of the Town's enforcement program.

Table 4-1 details several instances where the issuance of a NOV is considered an appropriate enforcement response. While this list is not all-inclusive, it indicates the categories of violation which are properly addressed by NOVs.

Table 4-1

**Violations Which May Be Addressed by a Notice of Violation**

1. Unpermitted Discharges
  - Failing to file permit renewal application but continuing to comply with expired permit
  - Reported spill with no known adverse effects
2. Effluent Limit Violations
  - Reported spill with no known adverse effects
3. Monitoring and Reporting Violations
  - Inadvertently using incorrect sample collection procedures
  - Failing to submit more frequent self-monitoring information
  - Failing to properly sign or certify monitoring reports
  - Failing to notify of slug load, which has no known adverse effects
  - Filing late report, including compliance schedule reports (less than 30 days)

How to Issue NOVs

4. Missed Compliance Schedule Deadlines

- Missing interim or final deadline by 90 days or less

Since NOVs are official communications, they should be issued on Town of Braselton letterhead. A NOV may take the form of a letter to the industrial user or a preprinted form with the particular offense(s) written (or typed) in the blanks provided.

Typically, a more detailed NOV contains the following minimum findings of fact:

- The Town is charged with constructing, maintaining, and regulating the use of the sewer system and treatment works
- To protect the sewer system and treatment works, the Town administers a pretreatment program
- Under this program, the industrial user was issued a permit
- The permit contained numerical limits on the quality of pollutants which the industry could discharge as well as self-monitoring requirements and other duties
- On (date), pollutant analysis showed that the quantity of (pollutant) exceeded the permit limitation, etc.

A sample NOV appears at the end of this section.

#### Recommendations for NOV Issuance

The NOV will be written and delivered to the IU within 15 days upon detection of the violation or exceedence, as appropriate. The NOV should either be hand-delivered to the industrial user by Town personnel or be sent to the industrial user via certified mail, return receipt requested.

Authenticated copies of NOVs may serve as evidence in judicial proceedings. A copy of each NOV, signed by the responsible Town official, will be placed in the industrial user's file, along with the certified mail receipt or similar statement by the person who delivered it. In addition, the Director will be informed of the NOV issuance.

If the user does not return to compliance, the Town may escalate to more stringent enforcement responses, as appropriate, rather than repeatedly issuing NOVs which do not result in a return to compliance.

#### **4.4 Consent Orders**

Consent Orders (COs) are enforcement documents which direct industrial users to undertake or to cease specified activities. The terms of CO's must be negotiated with industrial users. Consent orders are recommended as the first formal response to significant noncompliance (unless judicial proceedings are more appropriate), and may incorporate compliance schedules, administrative fines, and termination of service orders. An example of a CO appears at the end of this section.

#### Common Elements of Consent Orders

The following elements are common to all COs:

Title. The title should specify the type of order being issued, to whom it is being issued, summarize the purpose(s) of the order, contain an identification number, and be printed on the letterhead of the Town.

Legal authority. The authority under which the order is issued, i.e., Sec. 20-116 of the Sewer Use Ordinance.

Finding of noncompliance. All violations must be carefully described, including the date(s), the specific permit conditions/ordinance provisions violated, and any damages attributable to the violation.

Ordered activity. All orders should clearly set out all ordered activity including installation of treatment technology, additional monitoring, appearance at a show cause hearing, etc.

Milestone dates for corrective actions. Where compliance schedules are used, all progress or “milestone” dates must be clearly established, including due dates for any required written reports.

Administrative Fines. Administrative fines will be used as an escalated enforcement response, as appropriate, particularly when NOV’s have not prompted a return to compliance. The amount of the will be proportionate to the economic benefit enjoyed by the industrial user from the noncompliance and the harm caused by the violation, and will be determined on a case-by-case basis (based upon well-defined criteria) and following a schedule of fines (also based upon well-defined criteria).

Standard clauses. Clause(s) which provide that: (1) compliance with the terms and conditions of the CO will not be construed to relieve the user of its obligation to comply with applicable Federal, State or local law; (2) violation of the CO itself may subject the user to all penalties available under the sewer use ordinance; (3) no provision of the order will be construed to limit the Town’s authority to issue supplementary or additional orders or take other action deemed necessary to implement its pretreatment program; and (4) the provisions of the order shall be binding upon the user, its officers, directors, agents, employees, successors, assigns, and all persons, firms, and corporations acting under, through, or on behalf of the user.

A consent order is appropriate when the user assumes responsibility for its noncompliance and is willing (in good faith) to correct its cause(s). The user need not admit the noncompliance in the text of the order. Thus, signing the order is neither an admission of liability for purposes of civil litigation nor a plea of guilty for purposes of criminal prosecution. However, the Town must make sure that the consent order prohibits future violations and provides for corrective action on the part of the industry.

In determining the terms to include in the consent order, the Town may take a user's extenuating circumstances (e.g., financial difficulties, technical problems, and other impediments to necessary corrective action) into consideration.

The consent order should address every identified (and potential) deficiency in the user's compliance status at the time of the order. Typical detail needed in a consent decree to address deficiencies are as follows:

1. Obtain the services of a licensed professional engineer specializing in wastewater pretreatment to design a pretreatment system;
2. Submit plans of the proposed pretreatment system to the Town for review and approval;
3. Install a pretreatment system;
4. Achieve compliance with the limits established in the Town's ordinance within six months;
5. Pay an appropriate fine of up to \$5000 per day per violation for each day the user failed to comply with any of the requirements or deadlines contained in the order, on written demand of the Town;
6. Notify the Town and State of any failure to comply with deadlines set forth in the order, within one working day after expiration of the deadline, in writing, and describe the reason(s) for the failure, additional amounts of time to complete the necessary work, and steps to be taken to avoid further delays.

#### **4.5 Civil Litigation**

Civil litigation is the formal process of filing lawsuits against industrial users to secure court ordered action to correct violations and to secure penalties for violations including the recovery of costs to the Wastewater Treatment Facility of the noncompliance. It is normally pursued when the corrective action required is costly and complex, or when the industrial user is considered to be recalcitrant and unwilling to cooperate, such as by refusing to negotiate and enter into a consent order. The term "civil litigation" also includes enforcement measures which require involvement or approval by the courts, such as injunctive relief and settlement agreements. Civil litigation is similar to criminal prosecution in that it requires the full cooperation of the Town Attorney and may result in court trials of industrial users and assessment of penalties. However, civil litigation is conducted for different purposes and requires a less stringent burden of proof in order for the Town to prevail.

#### **4.6 Criminal Prosecution**

Criminal prosecution is the formal process of charging individuals and/or organizations with intentional violations of ordinance provisions that are punishable, upon conviction, by fines and/or imprisonment. The purposes of criminal prosecution are to punish noncompliance established through court proceedings and to deter future noncompliance. Criminal offenses are traditionally defined as either felonies or misdemeanors.

Misdemeanors are generally punishable by fines of up to \$1,000 or imprisonment for less than 1 year. Felonies carry fines greater than \$1,000 and imprisonment for more than one year. Most offenses punishable under local sewer use ordinances such as tampering with monitoring equipment, falsifying self-monitoring reports, or failing to report illegal discharges are misdemeanors.

There are two elements to a crime: (1) an act in violation of the law; and (2) criminal intent. Acts which might themselves be characterized as “criminal” may not result in prosecution if the prosecutor cannot prove intent or criminal negligence. In other words, the industrial user either must have intended to break the law or was so indifferent to the nature and implications of its act that it could be deemed criminally negligent. Unless a prosecutor can prove both of these elements, criminal prosecution is not a viable enforcement option.

The decision to pursue criminal prosecution should be made in consultation with the Town Attorney and, where appropriate, County Solicitor and/or District Attorney.

#### **4.7 Termination of Sewer Service**

The provision of sewer service to IUs is a service provided by the Town that may be terminated at any time upon the Town’s prerogative. Termination of service is the revocation of an industrial user’s privilege to discharge industrial wastewater into the Town’s sewer system. Termination may be accomplished by physical severance of the industry’s connection to the collection system, by issuance of a notice terminating service, by termination, revocation, or modification of an applicable pretreatment permit, or an administrative order which compels the user to terminate its discharge, or by a court ruling. However, since termination of service may force industries to halt production and may force closure (if discharge privileges are not reinstated), the Town must carefully consider all of the legal and operational implications of termination before using this enforcement response. No contract or other agreement between the Town and an IU will act to preclude termination of sewer service. Further, the Town may modify IU permits so as to require reduction in the flow of discharges to the wastewater treatment system.

#### **4.8 Enforcement Response Guide**

Table 4-2 presents a guide for assisting Town personnel in making enforcement responses to industrial user violations. This guide identifies types of violations, indicates initial and follow-up responses and designates personnel and time frames for these responses. The enforcement guide is used as follows:

1. Locate the type of noncompliance in the first column and identify the most accurate description of the violation.
2. Assess the appropriateness of the recommended response(s) in column two. First offenders or users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response.



3. Apply the enforcement response to the industrial user. Specific corrective action or other responses required of the industrial user, if any. Column three indicates personnel to take each response and the time frame in which that response should be taken.
4. Follow-up with escalated enforcement action if the industrial user's response is not received or violation continues.

The Town should remember to maintain all supporting documentation regarding the violation and its enforcement actions in the industrial user's file.

Description of Terms

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

CO	Consent Order
TA	Town Attorney
Civil Litigation	Civil action against the industrial user seeking equitable relief, monetary penalties and actual damages.
Criminal Prosecution	Pursuing punitive measures against an individual and/or organization through a court of law.
Fine	Monetary penalty assessed by Town officials. Fines should be assessed by the Pretreatment Coordinator or the Town Clerk.
IU	Industrial User
Meeting	Informal compliance meeting with the IU to resolve recurring noncompliance.
NOV	Notice of Violation
PC*	Pretreatment Coordinator (Town Engineer)
SV	Significant Violation
S	Superintendent of Town Water and Wastewater Department

\* May act as acting Director.

**4.9 Emergency Response Procedures**

Braselton Wastewater treatment facility personnel utilize immediate response procedures to be put into effect in emergency situations. Personnel managing the Industrial Pretreatment Program should also be familiar with these procedures. Every effort must be made to track down the source of toxic discharges or slug loadings that cause emergency situations at the wastewater treatment plant.

The following procedures should be utilized for the investigation of industrial user non-compliance:

Screening IU Reports

Industrial user self monitoring reports should be reviewed within one week of receipt. All sampling parameters should be compared to a listing of allowable pollutant concentrations to determine if violations have occurred. See section 5 for report review procedures.

#### Conducting and Screening results of Wastewater Treatment Facility Sampling

All industrial users should be sampled at least once per year for all parameters included in the permit. See section 5 for sampling procedures.

Influent, effluent and sludge at the Town's treatment plant should also be sampled at least once per year. The results of these test should be reviewed within two weeks of receipt. Pollutants that are found to be in excess of normal concentrations should be listed and an investigation should be made of industries that might be expected to discharge such pollutants.

#### Investigation of Public Complaints

Public complaints should be investigated within two days of receipt. If the public complaint includes information regarding a noncomplaint industrial user, an unannounced inspection of that industry should be carried out immediately.

**Table 2**  
**Town of Braselton**  
**Industrial Wastewater Pretreatment Program**  
**Enforcement Response Guide**

<b>UNAUTHORIZED DISCHARGES (No permit)</b>				
	<b>NONCOMPLIANCE</b>	<b>NATURE OF THE VIOLATION</b>	<b>ENFORCEMENT RESPONSES</b>	<b>PERSONNEL</b>
1.	Unpermitted discharge	IU unaware of requirement; no harm to Wastewater Treatment Facility/environment	Phone call; NOV with application form	PC
		IU unaware of requirement; harm to Wastewater Treatment Facility	- CO with fine; NOV - Civil litigation	PC, TA
		Failure to apply continues after notice by the Wastewater Treatment Facility	- Civil litigation; NOV - Criminal prosecution - Terminate service	S, PC, TA
2.	Nonpermitted discharge (Failure to renew)	IU has not submitted application within 10 days of due date	Phone call; NOV	PC
<b>DISCHARGE LIMIT VIOLATIONS</b>				
	<b>NONCOMPLIANCE</b>	<b>NATURE OF THE VIOLATION</b>	<b>ENFORCEMENT RESPONSES</b>	<b>PERSONNEL</b>
1.	Exceedence of local, State or Federal Standard (permit limit)	Isolated, not significant	Phone call; NOV	PC
		Isolated, significant (no harm)	CO to develop spill; NOV prevention plan and fine.	PC

		Isolated, harm to Wastewater Treatment Facility or environment	- CO with fine; NOV - Civil litigation	S, PC, TA
		Recurring, no harm to Wastewater Treatment Facility/environment	CO with fine; NOV	S, PC
		Recurring; significant (harm)	- CO with fine; NOV - Civil litigation - Terminate service	S, CM TA
<b>MONITORING AND REPORTING VIOLATIONS</b>				
	<b>NONCOMPLIANCE</b>	<b>NATURE OF THE VIOLATION</b>	<b>ENFORCEMENT RESPONSES</b>	<b>PERSONNEL</b>
1.	Reporting violation	Report is improperly signed or certified	Phone call or NOV	PC
		Report is improperly signed or certified after notice by Town	CO; NOV	PC
		Isolated, not significant (e.g. 5 days late)	Phone call; NOV	PC
		Significant (e.g., report 30 days or more late)	CO to submit with fine per each additional day; NOV	PC
		Reports are always late or no reports at all	- CO with fine; NOV - Civil litigation	S, TA
		Failure to report spill or changed discharge (no harm)	NOV	PC
		Failure to report spill or changed discharge (results in harm)	- CO with fine; NOV - Civil litigation	S, TA
		Repeated failure to report spills	- CO with fine; NOV - Terminate service	S, TA

		Falsification	- Criminal prosecution - Terminate service	S, TA
2.	Failure to monitor correctly	Failure to monitor all pollutants as required by permit	NOV to CO	PC, TA
		Recurring failure to monitor	- CO with fine; NOV - Civil litigation	S, TA
3.	Improper sampling	No evidence of intent	NOV	PC, TA
		Evidence of intent	- Criminal prosecution - Terminate service	S, TA
4.	Failure to install monitoring equipment	Delay of less than 30 days	NOV	PC, TA
		Delay of 30 days or more	CO to install with fine for each additional day; NOV	PC
		Recurring violation of CO	- Civil litigation; NOV - Terminate service	S, TA
5.	Compliance Schedules (in permit)	Missed milestone by less than 30 days, or will not affect final milestone	NOV or CO with fine	PC, TA
		Missed milestone by less than 30 days, or will affect final milestone (good cause for delay)	CO with fine	S
		Missed milestone by less than 30 days, or will affect final milestone (no good cause for delay)	- CO; NOV - Civil litigation - Terminate service	S, TA
		Recurring violation or violation of schedule in CO	- Civil litigation; NOV - Terminate service	S, TA
<b>OTHER PERMIT VIOLATIONS</b>				

	<b>NONCOMPLIANCE</b>	<b>NATURE OF THE VIOLATION</b>	<b>ENFORCEMENT RESPONSES</b>	<b>PERSONNEL</b>
1.	Wastestreams are diluted in lieu of treatment	Initial violation	CO with fine; NOV	CA, PC
		Recurring	- CO with fine; NOV - Terminate service	S, TA
2.	Failure to mitigate noncompliance or halt production	Does not result in harm	NOV	PC, TA
		Does result in harm	- CO with fine; NOV - Civil litigation	PC, TA
3.	Failure to properly operate and maintain pretreatment facility	See No. 2 above		PC
<b>VIOLATIONS DETECTED DURING SITE VISITS</b>				
	<b>NONCOMPLIANCE</b>	<b>NATURE OF THE VIOLATION</b>	<b>ENFORCEMENT RESPONSES</b>	<b>PERSONNEL</b>
1.	Entry Denial	Entry denied or consent withdrawn. Copies of records denied	Obtain warrant and return to IU's facility	PC, TA
2.	Illegal Discharge	No harm to Wastewater Treatment Facility or environment	CO with fine; NOV	PC, TA
		Discharges causes harm or evidence of intent or negligence	- CO with fine; NOV - Civil litigation - Criminal prosecution	PC, TA
		Recurring, violation of CO	Terminate service	PC, TA
3.	Improper Sampling	Unintentional sampling at incorrect location	NOV	PC
		Unintentionally using incorrect sample type	NOV	PC

		Unintentionally using incorrect sample collection techniques	NOV	PC
4.	Inadequate record keeping	Inspector finds files incomplete to missing (no evidence of intent)	NOV	PC, TA
		Recurring	CO with fine	PC, TA
5.	Failure to report additional monitoring	Inspection finds additional files	NOV	PC, TA
		Recurring	CO with fine	PC, TA

**TIMEFRAMES FOR RESPONSES**

A.	All violations should be identified and documented within five days of receiving compliance information.
B.	Initial enforcement responses [involving contact with the industrial user and requesting information on corrective or preventative actions(s)] will occur within 15 days of 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 of significant compliance.

**Figure 4-1  
Example Notice of Violation**

**TOWN OF BRASELTON  
WATER AND WASTEWATER DEPARTMENT  
INDUSTRIAL PRETREATMENT PROGRAM**

**NOTICE  
OF  
VIOLATION**

IN THE MATTER OF

[NAME OF INDUSTRY]

[ADDRESS]

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Town under Section 20-116 of the Town's Sewer Use Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 16 of the Town's Sewer Use Ordinance.

FINDINGS

1. The Town of Braselton is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Town of Braselton administers a pretreatment program.
3. Under this pretreatment program, [Name of Industry] was issued a discharge permit.
4. The discharge permit issued to [Name of Industry] contained numerical limits on the quality of pollutants which [Name of Industry] could discharge and self monitoring requirements.
5. On [Date], pollutant analysis revealed that the quantity of [pollutant] exceeded the permit limitation.



NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, [NAME OF INDUSTRY] IS HEREBY NOTIFIED THAT:

1. It is in violation of its discharge permit and the sewer use ordinance of the Town of Braselton.
2. It is required to immediately implement corrective actions and submit to the Town within 30 days of this notice a description of corrective actions taken.

Signed: \_\_\_\_\_  
Pretreatment Coordinator

**Figure 4-2  
Example Consent Order**

**TOWN OF BRASELTON  
WATER AND WASTEWATER DEPARTMENT  
INDUSTRIAL PRETREATMENT PROGRAM**

<b>CONSENT ORDER</b>
--------------------------

IN THE MATTER OF

[NAME OF INDUSTRY]

[ADDRESS]

AGREEMENT

WHEREAS, the Town of Braselton Water and Wastewater Department pursuant to the powers, duties and responsibilities vested in and imposed upon the Town by provisions of Section 20-116 of the Town's Sewer Use Ordinance, has conducted an ongoing investigation of [Industry] and has determined that:

1. The Town of Braselton owns and operates a wastewater treatment plant which is adversely impacted by discharges from industrial users, including [Industry], and has implemented a pretreatment program to control such discharges.
2. [Industry] has consistently violated the pollutant limits in its wastewater discharge permit as set forth in Exhibit 1, attached hereto.
3. Therefore, to ensure that [Industry] is brought into compliance with its permit limits at the earliest possible date, IT IS HEREBY AGREED AND ORDERED, BETWEEN [Industry] AND THE WASTEWATER SUPERINTENDENT FOR THE TOWN OF BRASELTON, that [Industry] shall:
  - a. By [Date 1], obtain the services of a licensed professional engineer specializing in wastewater treatment for the purpose of designing a pretreatment system which will bring [Industry] into compliance with its wastewater discharge permit.
  - b. By [Date 2], submit plans and specifications for the proposed pretreatment system to the Town for review.

- c. By [Date 3], install the pretreatment system in accordance with the plans and specifications submitted in item b above.
- d. By [Date 4], achieve compliance with the limits set forth in Exhibit 1.
- e. [Industry] shall pay \$[Fine Amount] per day for each and every day it fails to comply with the schedule set out in items a-d above.

**Figure 4-2  
Example Consent Order**

4. In the event [Industry] fails to comply with any of the deadlines set forth, [Industry] shall, within one (1) working day after expiration of the deadline, notify the Town in writing. This notice shall describe the reasons for [Industry]'s failure to comply, the additional amount of time needed to complete the remaining work, and the steps to be taken to avoid future delays. This notification in no way excuses [Industry] from its responsibility to meet any later milestones required by this Consent Order.
5. Compliance with the terms and conditions of this Consent Order shall not be construed to relieve [Industry] of its obligation to comply with its wastewater discharge permit which remains in full force and effect. The Town reserves the right to seek any and all remedies available to it for any violation cited by this order.
6. Violation of this Consent Order shall constitute a further violation of the Town's Sewer Use Ordinance and subjects [Industry] to all penalties available under the Sewer Use Ordinance.
7. Nothing in this Consent Order shall be construed to limit any authority of the Town to issue any other orders or take any other action which it deems necessary to protect the wastewater treatment plant, the environment or the public health and safety.

SIGNATORIES

FOR [INDUSTRY]

\_\_\_\_\_  
[NAME and Title]

\_\_\_\_\_  
Date

FOR THE TOWN OF BRASELTON

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**Section 5**

## Program Implementation

### 5.1 Control Mechanism

The control mechanism by which Braselton will regulate industrial users will be by a combination of the Sewer Use Ordinance and individual permits. Permits will be issued to those industrial users that are classified as significant industrial users according to 40 CFR 403.3(t) as explained later in this section. Potential industrial users must first submit a permit application to the Town to obtain permission to connect or continue to discharge into the Town's sewer system.

#### 5.1.1 Review of Permit Application

When requested to do so by the Town, all significant industrial users shall complete and file with the Town an application for a permit accompanied by a fee as set by the Town from time to time. Existing users shall apply for a discharge permit within sixty (60) days of notification by the Town that a discharge permit is required. Proposed new users shall make application not less than ninety (90) days prior to connecting to or contributing to the Town Wastewater System. A sample permit application is included here as Figure 5.1.

The Pretreatment Coordinator (PC) will be responsible for issuing application forms to new users and to ensure that existing users submit a new, completed application within the time frame stated above. The form must be returned to the Pretreatment Coordinator.

The Pretreatment Coordinator shall be responsible for the following steps after receipt of a completed application:

- 1) Reviewing the completed application for completeness. If any information is missing or is incomplete, the Coordinator must contact the IU to obtain the additional information;
- 2) Forwarding the application to the Town Engineer for reviewing for accuracy, classifying the IU and determining if a permit will be required. If necessary, the Town Engineer will prepare a proposed permit (including determining discharge limits, need for slug control and/or spill prevention plans, monitoring requirements, etc.) and will return it to the PC, and
- 3) Informing the IU of its classification.

The Town Engineer will also assist the Coordinator in any of these tasks as needed.

#### 5.1.2 Classification of Industrial User

After review of the completed application, the Town Engineer will make a preliminary determination as to whether the user is considered a significant industrial user or not, whether it falls under a categorical standard and whether it is potentially subject to the Resource Conservation and Recovery Act (RCRA). The criteria used to determine if the IU should be classified as a SIU is included in 40CFR403.3(t) and is repeated here:

- 1) Does user contribute  $\geq 5\%$  of the average dry weather hydraulic or organic capacity of the Wastewater Treatment Facility?

- 2) Does user have a process discharge of >25,000 gallons per day?
- 3) Is user subject to categorical pretreatment standards?
- 4) Does user have a potential to inhibit or upset the Wastewater Treatment Facility treatment plant processes?
- 5) Does user have a potential to cause a violation of the treatment plant's NPDES permit or water quality criteria?
- 6) Does user have a potential to limit sludge disposal options?
- 7) Does user have a reasonable potential to violate any pretreatment standards or requirements, including toxic pollutants (as defined by Section 307 of the Clean Water Act) in their discharge?

If the user is considered to be an SIU, a proposed permit will be prepared and delivered to the IU. The permit will be prepared by the Town Engineer and will follow the guidelines established in EPA's publication titled "*Industrial User Permitting Guidance Manual*." Some important issues to address during preparation of the permit include:

- Local limits must be compared to categorical standards, if applicable, and the most stringent limit included in the permit.
- If the IU combines the regulated discharge or discharges with domestic-type wastewater or other non-regulated stream, then the combined wastestream formula (CWF) must be applied. This is because categorical limits apply to process wastewater discharge only ("end-of-process") and dilution is not allowed as a method to reduce pollutant concentration.
- Production-based categorical standards must be applied when called for in the part of Title 40 of the Code of Federal Regulations that applies to the categorical IU in question. EPA has issued categorical standards that are: (1) concentration-based, (2) production-based, and (3) both. The Town Engineer will refer to EPA's publication "*Guidance Manual for the Use of Production-Based Pretreatment Standards and the Combined Wastestream Formula*" for determination of equivalent concentration limits where production-based standards must be applied.
- If a user is not in compliance with proposed limits when a permit is issued, a compliance schedule will be incorporated in the permit. Compliance schedules will also be a part of enforcement actions such as consent orders, if required.
- The Town must require all significant industrial users to report at least once per month.
- The Town will require all significant industrial users to sample for all parameters in the permit at least twice per year.

A permit preparation checklist is included in this section as Figure 5.1a. A sample permit is also included here as Figure 5.2. A fact sheet showing all decisions made must be prepared and filed with the permit application. This fact sheet is very important in case the classification is challenged by the user or the public and to show that the determination was developed in a reasonable, non-arbitrary manner and in accordance with proper procedures. A sample fact sheet is included in EPA's publication "*Industrial User Permitting Guidance Manual*".

If the user is not considered a SIU, the IU will be notified in writing that it is regulated by the Sewer Use Ordinance.

## **5.2 Compliance Reporting and Verification Procedures**

The following policies and procedures will be used to ensure that industrial user compliance is properly reported and verified.

### **5.2.1 Receipt and Analysis of Industrial User Reports**

Pretreatment Program personnel will follow procedures to insure that industrial user reports are received in accordance with the schedule included in the permit and that the reports are reviewed promptly and thoroughly upon receipt from the user.

- **Tracking System**

A tracking system will be utilized to track whether reports are being received as scheduled. A simple tracking system will be used in the beginning composed of a dedicated calendar with report dates written in. The Pretreatment Coordinator will check this calendar every day. At some time in the future the Town may develop a computer database program using Microsoft Excel's database capabilities to store reporting data and this program could include a warning system to notify personnel when reports are due.

- **Personnel Responsibilities**

The Pretreatment Coordinator will have primary responsibility for review of industrial user reports. Review of reports will be initiated within one week of receipt and should be completed in less than one week after starting the review.

- **Review Procedures**

The following is a list of items to be considered when reviewing industrial user reports:

Proper certification of the report. The reviewer must check that the report is certified in accordance with permit requirements.

Comparison of reported values with permit requirements. All reported values must be compared with a listing of allowable limits under the user's permit. It is recommended

that the values be entered into a computer spreadsheet that compares the reported values with the permit limits.

Verify that sampling dates are within the reporting period. The reviewer must verify that the dates of all samples are given and that these dates are within the period covered by the report.

Comparison with compliance schedules. The reviewer must check the permit for compliance schedules and ensure that the report describes whether these are being met or not.

Comparison with Town sampling data. Where the Town has performed sampling that may be coincident with the industry's sampling, these values must be compared.

Determine if verification sampling is needed. The reviewer may determine that verification sampling should be performed if reported data does not appear consistent with the Town's knowledge of the industry.

Determine the need for enforcement action. If the report indicates that the user is not in compliance with the permit, a Notice of Violation should be sent. If the report shows evidence of a continuing violation, more serious enforcement action may be necessary. Consult the Enforcement Response Plan to determine the proper response.

### **5.3 Inspections of Industrial Users**

Periodic inspections of industrial users are an important part of the Industrial Wastewater Control Program. Pretreatment regulations require that all significant users be inspected at least once a year. Also, at least one inspection per year should be unannounced. The Pretreatment Coordinator and Superintendent will consult EPA's manual titled *Guidance for Conducting a Pretreatment Compliance Inspection* for guidance before, during and after conducting each inspection. The annual inspection should at least cover the following items:

- Manufacturing facility
- Chemical storage areas
- Hazardous waste generation
- Spill prevention and control
- Pretreatment facilities
- Industrial user sampling procedures
- Laboratory procedures
- Monitoring and haulers records



## Record keeping

A sample letter notifying IUs of an inspection visit is included here as Figure 5.2a and a sample inspection form that the Town may use is shown as Figure 5.3.

### 5.4 Sampling of Industrial Users

Periodic sampling of industrial users is also an important part of the Industrial Pretreatment Program. Pretreatment regulations require that all significant users be sampled at least once a year. Also, at least one sampling inspection per year should be unannounced. The following minimum procedures should be followed for performing sampling inspections.

Scope of pollutants to sampled for. The industrial effluent should be sampled for all parameters listed in the user's permit.

Closed cup flashpoint test. Where the Town has reason to suspect the user to be discharging materials that could create a fire or explosion hazard in the sewer system, a closed-cup flashpoint test should be performed using the test methods specified in 40 CFR 261.21. The Sewer Use Ordinance requires the closed cup flashpoint not be less than 60°C.

Sample types. Where appropriate, composite samples should be used to sample for compliance with categorical standards. However, grab samples should be used for cyanide, pH, residual chlorine, total phenol, oil and grease, sulfide and volatile organics.

Quality assurance. Personnel should use accepted procedures for quality assurance in sampling. All samples must be properly labeled and a chain of custody form similar to the ones the Town has been using must accompany each sample. Chain-of-custody procedures must be followed strictly and must include:

- date and time sample was taken
- signature of all persons handling the sample
- date and time that sample changed hands
- type of sample
- preservatives added to sample
- analytical methods used
- security measures employed.

A sample chain of custody form is included in this section as Figure 5.4 for the Town's use. Samples must be analyzed in accordance with 40 CFR 136. Some typical sample preservation and holding periods are shown in Table 5-1.

Table 5-1  
Sample Preservation and Holding  
Periods for Selected Parameters

<b>Parameter</b>	<b>Preservative</b>	<b>Maximum Holding Period</b>
BOD	Refrigeration at 4°C	6 hours
COD	2 mL H <sub>2</sub> SO <sub>4</sub> /L	7 days
Cyanide, total	NaOH to pH>12	24 hours
Metals, total	5 mL HNO <sub>3</sub> /L	6 months
Metals, dissolved	3mL + 1HNO <sub>3</sub> /L filtrate	6 months
Giland Grease	2 mL H <sub>2</sub> SO <sub>4</sub> /L at 4°C	24 days
pH	Determine on site	None
Phenols	1.0 g CuSO <sub>4</sub> /L + H <sub>3</sub> PO <sub>4</sub> to pH 4.0	24 hours
Solids	None	7 days

### 5.4.1 Emergency Sampling

If an unusual condition is noted in the collection system, plant influent or in the WWTP treatment units, such as odor, color, foam, pH, etc., a sample of the influent is taken immediately and analyzed for pH, temperature, and COD. Normally only a few industrial users, and more than likely the significant IUs, have the potential to seriously affect Wastewater Treatment Facility operations. Therefore, either the Superintendent or the Pretreatment Coordinator (PC) will contact by telephone all the SIUs to see if any of them has made changes or has had upsets or spills that could have affected their discharge into the sewer.

if no problems have been reported by SIUs, the PC may still wish to test recent samples from the industrial users where continuous samplers have been installed. The PC usually maintains samplers that monitor the discharge of some of the SIUs continuously (grab samples every 15 minutes is typical). Tests that should be run include pH and COD. If unusual color or odor is detected in the samples, additional tests may be necessary, depending on the nature of the damage caused in the collection system or the WWTP. It is important to document all events starting with the time when the unusual occurrence is first noticed.

If necessary, enforcement action is taken using the Enforcement Response Guide.

## 5.5 **Program Resources**

In order for the industrial pretreatment program to be effective, it is essential that the Town dedicate adequate resources for the program. These resources include personnel, equipment and funding for contract laboratory services. The following is a description of the staffing and equipment proposed to be provided for the program.

### 5.5.1 Organization and Staffing

Figure 5.5 shows an organizational chart of the staff currently involved in the management and operation of the industrial wastewater control program.

Staffing responsibilities for specific program activities are as follows:

Technical Review - Technical review of industrial user reports will be performed by the Pretreatment Coordinator. Assistance will be provided by the Town Engineer as needed.

Permit Preparation - This will be done by the Town Engineer. Assistance will be provided by the Pretreatment Coordinator.

Inspections - Inspections will be performed by the Pretreatment Coordinator. Other staff members may also participate in inspections.

Sampling - Sampling will be performed by the Town Engineer with assistance from WWTP staff.

Laboratory Analysis - Most laboratory analyses will be performed by a contract laboratory. Analyses for pH will be performed on site by the person doing the sampling. Occasional analyses for BOD, COD and suspended solids may be performed at the WWTP laboratory.

Legal Assistance - Legal assistance will be provided by the Town Attorney.

Enforcement - Minor enforcement activities will be carried out by the Pretreatment Coordinator. More serious enforcement activities will require action by the Town, including the Town Attorney. See the Enforcement Response Guide.

Clerical Duties - Most of these duties will be handled by the Pretreatment Coordinator and the Superintendent.

Overall Program Administration - The Town has ultimate responsibility for program administration. Most administrative activities are delegated to the Pretreatment Coordinator.

A list of tasks and time required of each personnel category is included in Table 5.2. The percentage of time that each person is expected to dedicate to the pretreatment program is as follows:

Town Clerk .....	0.6%
Town Attorney.....	1.7%
Town Engineer/Pretreatment Coordinator.....	50%
Supervisor .....	<u>5%</u>
Total.....	57.3%

Therefore, 0.57 full time equivalents must be dedicated to the program.

#### 5.5.2 Equipment

The following equipment is available for use by program personnel to carry out the required activities of the program:

- 1 Truck-1998 GMC half ton utility truck
- Safety equipment for road hazards-orange cones and vests, etc.
- 1 Gas detector-Passport Personal Alarm
- Copper testing kit-powder pillows for HACH DR 2000
- Chromium testing kit-powder pillows for HACH DR 2000
- Zinc testing kit- powder pillows for HACH DR 2000
- 1 HACH DR 2000 spectrophotometer

#### 5.5.3 Annual Operating Costs

#### 5.5.4 Source of Revenue

The Town of Braselton will use as its source of revenue the water and sewer fees assessed by the Town.