

TO: Nick Williams, City Manager, City of Stephenville

FROM: Rebekka Maier, IPP Programs Manager, Jacobs

COPY Johnny Davis, Project Manager, Jacobs

DATE: December 08, 2020

SUBJECT: Sewer Use Ordinance Modifications for FMC & Superior Powder Coating

Introduction

The federal government created the National Pretreatment Program in 1978 because publicly owned treatment works (POTWs) were failing to meet the goals of the Clean Water Act, largely for lack of control over what was discharged into the POTWs by industry. The resulting “General Pretreatment Regulations,” found in 40 CFR 403, require municipalities to create and enforce local programs to regulate industrial discharges to their POTWs. A program must:

- Identify the “industrial users” connected to the system and the nature of their discharges.
- Establish a system of technically based local limits designed to protect the local sewage conveyance and treatment technologies.
- Establish the necessary legal authority to regulate industry (an ordinance).
- Identify a funding mechanism for the program.
- Create procedures for permitting, monitoring, and enforcement.

The most recent major revision to the Federal General Pretreatment Regulations, known as “Streamlining,” took effect in 2006. Some of the new regulations call for mandatory changes and some allow optional changes. The optional changes are generally those intended to offer opportunities to reduce the regulatory burden on industry. These are considered “less strict” than the pre-streamlining regulations.

The state of Texas is one of the states to which the EPA has delegated its industrial pretreatment program oversight responsibility. Texas has its own set of regulations, under Texas Administrative Code Title 30 Part 1 Chapter 315 that comply with the Federal General Pretreatment Regulations. After the implementation of “Streamlining” nationally, the states were expected to have their local cities do the same.

Below is a list of all the regulations in 40 CFR 403 that are new that would apply to the industry that will be changes in the upcoming ordinance and in the existing written procedures manual to update these documents. This memo provides a narrative of the proposed changes. The City will be adopting the modified sewer use ordinance as they have been approved by TCEQ.

Recommended & Required Changes

The following is a simple bulleted summary of the recommended and required actions of Chapter 50 and the program manual. The TCEQ Checklists include a more detailed list of the Recommended, Required and Optional Streamlining changes.

- **REQUIRED:** Sampling for Pollutants not Present 40 CFR 403.8(f)(2)(v) and 40 CFR 403.12(e)(2).
- **DEFINITION REQUIRED & FULL BMP OPTION RECOMMENDED:** Best Management Practices 40 CFR 403.5, 403.8(f), 403.12(b), 403.12(e), and 403.12(h)
- **REQUIRED:** Accidental Discharge/Slug Discharge Control 40 CFR 403.8(f)(1)(iii)(B)(6) and 40 CFR 403.8(f)(2)(vi)
- **RECOMMENDED:** Equivalent Concentration Limits for Flow Based Standards 40 CFR 403.6(c)(6)
- **REQUIRED:** Use of Grab and Composite Samples 40 CFR 403.12(b),(d),(e),(g), and (h)
- **REQUIRED:** Significant Noncompliance Criteria 40 CFR 403.8 (f) (2) (viii)
- **REQUIRED:** EPA has revised its requirements for a person qualified to sign and certify user reports to the Control Authority. The definition of an authorized representative is changed to the users are also now allowed to provide their designation of an authorized representative along with their first submitted report rather than having to have done it before hand. 40 CFR 403.12(l)
- **REQUIRED:** EPA now prescribes signatory requirements for POTW or Control Authority reporting to the Approval Authority (TCEQ in our case) to make it consistent with other parts of 40 CFR. It identifies an acceptable representative by his or her responsibility rather than by title, which can vary from facility to facility. 40 CFR 403.6 (a)(2)(ii)
- **REQUIRED:** All significant industrial users are now required to report all results of sampling done at compliance points using approved methods, including those in excess of the sample frequency required by their industrial discharge permits. There is a clarification added in 40 CFR 403 to a requirement that industrial users notify the Control Authority upon any change in the character or quantity of their discharge. The new regulation states that the notification must go to both the POTW and the Control Authority in cases where the two are not the same entity. 40 CFR 403.8 (f) (1) (iii) (B) (4), 40 CFR 403.8 (f) (2) (vi), 40 CFR 403.12 (b), (d), (e)(1), (h), & (o)
- **OPTIONAL & RECOMMENDED:** Equivalent Mass Limits for Concentration Limits 40 CFR 403.6 (c)(5)
- **OPTIONAL & RECOMMENDED:** NSCIU's §403.3(v)(2)(ii) §403.12(q), §403.3(v)(2)
- **OPTIONAL & RECOMMENDED:** The "Middle Tier" categorical user. 40 CFR 403.12 (e)(3)