UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
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JAN 0 3 2014

Ref: 8ENF-W-NP

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jim Hughes
Water Reclamation Division Manager
Cheyenne Board of Public Utilities
PO Box 1469
Cheyenne, WY 82003

Re: Pretreatment Compliance Inspection Permit No: WY0022934 & WY0022381

Dear Mr. Hughes:

Enclosed is a copy of the Evaluation and Summary from the Environmental Protection Agency's (EPA's) Pretreatment Compliance Inspection conducted at the Cheyenne Board of Public Utilities' Dry Creek Water Reclamation Facility and Crow Creek Water Reclamation Facility on September 9-10, 2013. Inspection findings are summarized in part VIII of the report titled "Evaluation." They are also listed by title in part VII of the report titled "Findings Summary Table." Within thirty (30) days of receipt of this report, please provide the EPA with a summary of corrective actions taken to address each of the findings identified in the report and any information that may change the findings. This summary should be sent to:

Stephanie Gieck (8ENF-W-NP)
U.S. EPA Region 8
Office of Enforcement, Compliance
and Environmental Justice
1595 Wynkoop Street
Denver, CO 80202

Please contact me at 303-312-6362 if you have any questions regarding this letter or the enclosed report.

Sincerely,

Stephanie Gieck
NPDES Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice

Enclosures: Pretreatment Compliance Inspection Report
2 Water Compliance Inspection Reports (Form 3560)

Pretreatment Compliance Inspection Report

I. National Database Information			
Inspection Date(s):	9/9/13-9/10/13	**NPDES ID Number:**	WY0022934 & WY0022381
Entry Time:	9:00 AM	**Exit Time:**	3:40 PM

II. Facility Location Information		
Name:	Cheyenne Board of Public Utilities (BOPU) Dry Creek Water Reclamation Facility (WRF) (WY0022934) Crow Creek Water Reclamation Facility (WY0022381)	
Location:	Dry Creek WRF 8911 Campstool Rd. Cheyenne, WY 82003	Crow Creek WRF 4403 Livingston Ave. Cheyenne, WY 82003
Mailing Address:	PO Box 1469, Cheyenne, WY 802003	

III. Contact Information			
	Name, Title	**Affiliation**	**Telephone**
Facility Representatives:	Natalie Dunn, Industrial Pretreatment Coordinator	BOPU	307-637-0866
	Phil Clark, Compliance Supervisor	BOPU	307-635-3163
	Jim Hughes, Water Reclamation Division Manager	BOPU	307-635-3163
Regulatory Inspectors:	Stephanie Gieck, Environmental Scientist	EPA	303-312-6362
	Natasha Davis, Life Scientist	EPA	303-312-6225

IV. Industrial User (IU) Characterization		
IUs currently identified by the Control Authority (CA)	**IU Type**	
9	**Significant Industrial Users (SIUs = CIUs + non-categorical)**	
	6	**Discharging Non-Categorical SIUs (as defined by the CA)**
	2	**Categorical Industrial Users (CIUs)**
	0	**Middle Tier CIUs**
	0	**Zero-Discharging SIU with Categorical Process**
	1	**Zero-Discharging Non-Categorical SIU**
0	**Non-significant CIU (NSCIU)**	
0	**Other Regulated IUs (e.g. permitted IUs)** **Describe:** N/A	
15-20	**Waste Haulers** **Describe:** N/A. The Crow Creek WRF accepts hauled oil and grease and oil/water separator waste into a drying bed, which is not discharged to the rest of the WRF system. The Dry Creek WRF accepts septic waste.	

V. IU Files Reviewed			
#	IU Name	Permit Type	IU inspected during PCI?
1	Wal-Mart Distribution Center (Wal-Mart)	Significant Industrial User (SIU)	No
2	Emerald Foam Control (Emerald)	SIU	No
3	LT Environmental at Wyoming Forestry (LTE)	SIU	No
4	F.E. Warren Air Force Base (AFB)	SIU	No
5	Frontier Refinery (Frontier)	CIU (40 CFR 419 Subpart B, new source)	No
6	APW Wyott Corporation (APW Wyott)	CIU (40 CFR 433, existing source)	No

VI. Inspection Summary

Upon arrival, the EPA inspectors, Stephanie Gieck and Natasha Davis, met with the Cheyenne Board of Public Utilities (BOPU) contacts, Natalie Dunn, Phil Clark, and Jim Hughes, and presented their credentials. The inspectors discussed the purpose and format of the inspection and interviewed the facility contacts about the BOPU's pretreatment program. The inspectors then reviewed the files referenced in part V, above. During the interview, file review and review of documents after the inspection, the EPA also performed a limited evaluation of the adequacy of the BOPU's legal authority, resources, and procedures. A summary of the preliminary findings was discussed with the BOPU contacts at a closing conference on 9/10/13.

VII. Findings Summary Table		
Finding Number – Title from Table VIII, Evaluation	Corrective Action(s)	Recommendation(s)
B.2.a – The industrial waste survey procedure does not include revisiting IUs in the future to assess changes.	X	X
C.4.a – SIU permits had a statement of non-transferability that was inconsistent with the ordinance and the General Pretreatment Regulations.	X	
C.4.b – Domestic wastewater is regulated at Walt-Mart and AFB.	X	
C.4.c – Selenium has been over-allocated in the SIU permits.	X	X
C.4.d – All the hexavalent chromium has been allocated to the AFB.		X
C.4.e – The pH limit in the AFB, LTE, and Wal-Mart permits was not consistent with BOPU's ordinance.	X	
C.4.f – SIU permits conflict on whether limits are applied as instantaneous or average limits, and the BOPU's Resolution with local limits does not specify how limits are applied.	X	

VII. Findings Summary Table		
Finding Number – Title from Table VIII, Evaluation	**Corrective Action(s)**	**Recommendation(s)**
C.4.g – The APW Wyott permit does not require CN monitoring at least twice per year.	X	
C.4.h – Flow reporting requirements in the ordinance and permits for categorical SIUs was not consistent with the General Pretreatment Regulations.	X	
C.4.i – Reporting requirements in SIU permits are not specific.	X	
C.4.j – SIU permits with pounds per day limits do not require flow data for the day on which parameters are sampled.	X	
C.4.k – The Frontier and AFB permits include a penalty authority above what the BOPU currently is authorized to seek.	X	
C.4.l – The APW Wyott permit requires monitoring through December 2013 but could be extended beyond this data.	X	X
C.4.m – The Frontier permit requires an incorrect sampling methodology.	X	
D.2.a – Slug plan evaluation is not documented.		X
E.1.a – No inspections were conducted by the BOPU in 2011 at the SIUs.	X	
E.2.a – Not all information to demonstrate 40 C.F.R. §136 requirements were met are documented.	X	
E.2.b – COC forms show a gap in possession.	X	X
E.3.a – BOPU's sampling form does not have spaces for multiple collections times.		X
E.5.a – APW Wyott failed to sample CN in 2012.	X	X
E.5.b – APW Wyott signed the December 2012 periodic compliance report before the end of December.	X	
E.5.c – APW Wyott is not using the sample method required by the SIU permit, and LTE did not create records of the sample method.	X	
E.5.d – LTE is using daily average flow to calculate the selenium pounds per day, which is not accurate.	X	
E.5.e – Procedures do not allow for accurate determination of when some SIU reports were submitted.	X	X
E.5.f – Self-monitoring records submitted with monthly reports indicated 40 C.F.R. §136 methods may not have been met or are not clear.	X	
E.6.a – LTE submitted resampling results more than 30 days after becoming aware of copper and zinc violations due to BOPU providing misinformation.	X	X
F.1.a – ERP time frames were not met for the 8/22/13 NOV issued to LTE.	X	

F.1.b – An AFB BOD violation was not enforced upon according to the ERP.	X	
F.1.c – LTE was not enforced upon for being in SNC for zinc and copper.	X	
F.1.d – Unidentified SIU violations in SIU reports were not enforced upon according to the ERP.	X	
F.2.a – The SNC procedure does not evaluate narrative criteria.	X	
F.2.b – SNC has not been evaluated frequently enough to ensure publication of industrial users within 12 months.	X	X
G.1 – The current ordinance does not have sufficient penalty authority to meet the General Pretreatment Regulations.	X	
G.2 – Updates to and development of SIU permit statement of basis is recommended		X
G.3 – Resources may not be sufficient to implement the pretreatment program.		X

VIII. Evaluation

A. Control Authority (CA) Pretreatment Program Modification

1. When was the last program modification? Did the CA notify the EPA of program modifications? (40 C.F.R. §403.18)

The BOPU's pretreatment program was working on updates to its ordinance and local limits.

B. IU Characterization

1. Describe the procedure for identifying and locating IUs that might be subject to the pretreatment program. Has the CA identified and located all applicable IUs (non-categorical SIUs, CIUs, NSCIUs, etc.)? (40 C.F.R. §403.8(f)(2)(i))

The BOPU's pretreatment program had a database with industrial users (IUs). Last year, every IU in the database received a basic industrial waste survey, because it was unclear how updated the list of IUs was from the previous Industrial Pretreatment Coordinator. Approximately 60% of the surveys were completed and returned. If necessary, a phone call follow-up was done or a follow-up survey was sent to gather more information on grease traps, oil-water separators, and other non-domestic wastewater. For those IUs that did not respond, BOPU is following up with the IUs.

New IUs are identified through various sources, including the internet and phone book. The Cheyenne Engineering Department also sends the BOPU notifications of any new sewer connection inquiries, and the BOPU coordinates with the Cheyenne plumbing inspector to stay informed on IUs with plumbing construction. In addition, the Industrial Pretreatment Coordinator attends biweekly meetings with other departments within the BOPU of Cheyenne where various changes for properties or business are reviewed by all departments. Changes to properties or businesses could include zoning changes, new business licenses, and building permits.

2. Has the CA identified the character and volume of pollutants contributed to the publicly owned treatment works (POTW) by IUs subject to the pretreatment program?
(40 C.F.R. §403.8(f)(2)(ii))

The BOPU has a process for identifying the character and volume of pollutants contributed by IUs, as described in B.1, above. The BOPU's IU database includes information such as the name, location, whether an inspection is needed, a categorization of the discharge and type of business, and any concerns.

Finding B.2.a – The industrial waste survey procedure does not include revisiting IUs in the future to assess changes.
The BOPU industrial waste survey procedure does not include a method for checking back with IUs that were previously identified to assess changes to the service area missed by the initial identification procedure. Such changes could include a change in operations by an IU, IUs may move out, and IUs may move into the service area without going through the formal business or building department process required by the BOPU of Cheyenne. Not reevaluating IUs could cause the BOPU to need to start over with its survey process as it recently did by sending out surveys to all IUs.

Pretreatment Requirements
40 CFR §403.8(f)(2)(i-ii) requires the BOPU to, "(i) Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the Regional Administrator or Director upon request; [and]

(ii) Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified under paragraph (f)(2)(i) of this section. This information shall be made available to the Regional Administrator or Director upon request."

Corrective Action B.2.a
Update the IU identification procedure to include a method for revisiting IUs in the future.

Recommended Action B.2.a
IUs could be revisited by using a combination of basic and more in depth surveys, phone calls, and inspections, among other methods. Inspections could be targeted based on the types of operations previously identified at an IU and the potential for adding regulated processes. For example, metal shops could be inspected for the addition of metal finishing operations (40 C.F.R. §433) or a soap, shampoo and lotion mixing company could be inspected for changes in the types of products they produce that may be regulated under the pharmaceutical category (40 C.F.R. §439).

3. **Has the CA prepared and maintained a list of SIUs, defined in 403.3(v)(1), along with the applicable SIU criteria? Does the list indicate whether the CA has made a determination that an SIU is a Non-Significant Categorical Industrial User, as defined in 403.3(v)(2), rather than an SIU? Have modifications to the list shall been submitted with annual reports?**
(40 C.F.R. §403.8(f)(6))

The BOPU has a list of SIUs and other IUs in its database, and a list of SIUs has been submitted to the EPA annually. The EPA did not identify any additional SIUs beyond those identified by the BOPU. No SIUs have been reclassified as Non-Significant Categorical Industrial Users.

C. Control Mechanism Evaluation

1. **Has the CA issued individual or general control mechanisms to all SIUs?**
(40 C.F.R. §403.8(f)(1)(iii))

Yes. All SIUs reviewed had been issued an individual control mechanism (permit).

2. **Do the applications for general control mechanisms (i.e. general permits) contain all of the following?**
(40 C.F.R. §403.8(f)(1)(iii)(A)(2))

   a. **Contact info**
   b. **Production processes**
   c. **Types of wastes generated**
   d. **Location for monitoring**
   e. **Any request for waiver for pollutants not present per 403.12(e)(2)**

N/A. The BOPU has not issued general control mechanisms.

3. **Are general control mechanisms only issued for IUs where all of the following is true?**
(40 C.F.R. §403.8(f)(1)(iii)(A)(1))

   a. **Involve same/substantially similar types of operations**
   b. **Discharge the same type of waste**
   c. **Same effluent limitations**
   d. **Same or similar monitoring**
   e. **There are no CIU production-based standards, CIU mass limits, combined wastestream formula, or net/gross calculations**

N/A. The BOPU has not issued general control mechanisms.

4. Do both individual and general control mechanisms include the following, where applicable? (40 C.F.R. §403.8(f)(1)(iii)(B))

a. Statement of duration (5 years max)
b. Statement of non-transferability
c. Applicable effluent limits (local limits, categorical standards, BMPs)
d. Self-monitoring requirements
- **Identification of pollutants to be monitored**
- **Sampling frequency**
- **Sampling locations/discharge points**
- **Appropriate sample types**
- **Reporting requirements**
- **Record-keeping requirements**

e. Statement of applicable civil and criminal penalties
f. Compliance schedules
g. Notice of slug loading or potential problems at POTW
h. Notification of spills, bypasses, upsets, etc.
i. Notification of significant change in discharge
j. 24-hour notification of effluent violation
k. Submit resampling results within 30-days
l. Slug discharge control plan requirement, if required by POTW
m. Certification statements
n. Sampling/analysis requirements (Part 136 or alternative)
o. Reporting of additional sampling
p. 90-day compliance report

The EPA reviewed files, including applicable permits, for six IUs.

1. Wal-Mart Distribution Center (Wal-Mart) – SIU
2. Emerald Foam Control (Emerald) – SIU
3. LT Environmental at Wyoming Forestry (LTE) – SIU
4. F.E. Warren Air Force Base (AFB) – SIU
5. Frontier Refinery (Frontier) – CIU (40 CFR 419 Subpart B, new source)
6. APW Wyott Corporation (APW Wyott) – CIU (40 CFR 433, existing source)

Many, but not all, of the above permit elements were included in the permits reviewed. Findings regarding permit conditions are listed below.

Finding C.4.a – SIU permits had a statement of non-transferability that was inconsistent with the ordinance and the General Pretreatment Regulations.

Some of the SIU permits prohibited the transfer of permits, while others allowed permits to be transferred with permission from the BOPU. The ordinance allows permits to be transferred with permission from the BOPU. None of the permits required a copy of the permit be given to the new owner prior to transfer, as required by the General Pretreatment Regulations.

Pretreatment Requirements

40 C.F.R. §403.8(f)(1)(iii)(B)(2) requires permits to include a, "Statement of non-transferability

without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator."

Section 13.20.160.Q of the BOPU's ordinance states permits shall contain, "Statement of nontransferability." Section 13.20.220 of the BOPU's ordinance states, "Wastewater contribution permits are issued to a specific process or operation. A permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior approval of the POTW. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit."

Corrective Action C.4.a
Update SIU permits to include a statement of non-transferability consistent with the BOPU's ordinance and require a copy of the existing control mechanism be given to the new owner or operator.

Finding C.4.b – Domestic wastewater is regulated at Walt-Mart and AFB.
The monitoring points at Wal-Mart and the AFB include domestic wastewater. This dilution is not accounted for in the application of local limits.

Pretreatment Requirements
40 CFR §403.1(b) states that the General Pretreatment Regulations apply, "(1) To pollutants from non-domestic sources covered by Pretreatment Standards which are indirectly discharged into or transported by truck or rail or otherwise introduced into POTWs as defined below in §403.3; …and (4) To any new or existing source subject to Pretreatment Standards. National Pretreatment Standards do not apply to sources which Discharge to a sewer which is not connected to a POTW Treatment Plant." Domestic wastewater is not regulated.

40 C.F.R. §403.8(f)(1)(iii)(B)(3) requires permits to include, "Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law." Section13.20.160.B of the BOPU's ordinance has a parallel requirement.

Section 13.20.20 of the BOPU's ordinance defines "industrial user" or "user" as, "any person who introduces pollutants into a POTW from any nondomestic source regulated under the act, state law or local ordinance," and it defines "significant industrial user" as a type of IU. Section 13.20.150 only applies permits to SIUs. Permits do not regulate domestic waste.

Corrective Action C.4.b
Update the Wal-Mart and AFB permits to account for domestic contributions at the monitoring points, and ensure domestic wastewater is not regulated.

Finding C.4.c – Selenium has been over-allocated in the SIU permits.
The BOPU has established local limits through Resolution 4940 (Resolution), which was adopted on 5/14/07. The Resolution establishes a selenium local limit of 0.583 pounds per day (ppd). The Resolution allocates 90% of the selenium to Frontier (0.522 ppd) and 10% (0.061 ppd) for other IUs or

future needs. While the Frontier permit correctly allocated 0.522 ppd to Frontier, the remaining SIU permits allocated a total of 0.705 ppd to the other SIUs reviewed. It is unknown how much selenium was allocated to SIUs not reviewed. The amount of selenium allocated exceeds the 0.061 ppd remaining for allocation to other IUs.

Current Allocations:
AFB – 0.583 ppd
Wal-Mart – 0.061 ppd
LTE – 0.061 ppd
APW Wyott – none allocated (zero discharge)
Emerald – none allocated (no limit)

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii)(B)(3) requires permits to include, "Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law." Section13.20.160.B of the BOPU's ordinance has a parallel requirement.

The Resolution establishes a mass limit of 0.583 ppd for selenium with 0.522 ppd for Frontier and 0.061 ppd to be allocated to other IUs or reserved for future use.

Corrective Action C.4.c
Update the SIU permits to correctly allocate selenium such that no more than 0.061 ppd are allocated to other IUs.

Recommended Action C.4.c
It is recommended the BOPU keep a spreadsheet or similar document that tracks the allocation of selenium.

Finding C.4.d – All the hexavalent chromium has been allocated to the AFB.
The Resolution establishes a hexavalent chromium local limit of 1.34 ppd, and it does not specify how it is allocated. The AFB permit allocated all of the hexavalent chromium to the AFB. None of the other SIU permits reviewed had allocations of hexavalent chromium. It is unknown how much hexavalent chromium was allocated to SIUs not reviewed.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii)(B)(3) requires permits to include, "Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law." Section13.20.160.B of the BOPU's ordinance has a parallel requirement.

The Resolution establishes a mass limit of 1.34 ppd for hexavalent chromium.

Recommended Actions C.4.d
Although it does not appear that hexavalent chromium has been over-allocated based on the files

reviewed, there is no hexavalent chromium available to allocate to any new SIUs that my need it, such as a chrome plating operation. It is recommended that the BOPU reevaluate whether the AFB needs an allocation 1.34 ppd of hexavalent chromium, and adjust the AFB permit accordingly.

It is also recommended the BOPU keep a spreadsheet or similar document that tracks the allocation of hexavalent chromium.

Finding C.4.e – The pH limit in the AFB, LTE, and Wal-Mart permits was not consistent with BOPU's ordinance.
The AFB, LTE, and Wal-Mart permits listed the pH limit as greater than 5.0 and less than 11.0. The BOPU's ordinance does allow discharges with a pH of 5.0 or 11.0, but permit limits did not include pH of 5.0 or 11.0.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii)(B)(3) requires permits to include, "Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law." Section13.20.160.B of the BOPU's ordinance has a parallel requirement.

Section 13.20.040.B.4 states that the following discharge is prohibited: "Any wastewater having a pH less than five or greater than eleven, or having any other corrosive property capable of causing damage to hazard to the structures, equipment or personnel of the POTW."

Corrective Action C.4.e
Update the pH limits in the AFB, LTE, and Wal-Mart permits to be greater than or equal to 5.0 and less than or equal 11.0.

Finding C.4.f – SIU permits conflict on whether limits are applied as instantaneous or average limits, and the BOPU's Resolution with local limits does not specify how limits are applied.
The SIU permits list the limits as a daily maximum limit, which is a daily average limit. However, Part 1.B of the SIU permits states that any sample above the limit is a violation, which is an instantaneous limit.

Pretreatment Requirements and Guidance
40 C.F.R. §403.8(f)(1)(iii)(B)(3) requires permits to include, "Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law." Section13.20.160.B of the BOPU's ordinance has a parallel requirement.

Section 13.20.040.B.10 of the BOPU's ordinance prohibits, "Any wastewater having effluent characteristics in excess of the local limits as established by the governing body pursuant to resolution." The Resolution does not indicate how the limits are applied, whether it is as instantaneous limit, daily maximum limit, or monthly average limit.

40 C.F.R. §403.5(c)(1) states, "Each POTW developing a POTW Pretreatment Program pursuant to §403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a)(1) and (b) of this section. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits."

Section 6.4.1, Limit Duration of the EPA's 2004 *Local Limits Development Guidance* states, "When applying its local limits, a POTW needs to determine the appropriate limit duration. The POTW may establish limits that are daily maximums, monthly averages, or instantaneous maximums."

Corrective Actions C.4.f
Update the SIU permits to ensure the local limits application is not conflicting between daily maximum and instantaneous.

The BOPU is currently developing new local limits. Ensure the new resolution that establishes these local limits indicates how they will apply (e.g., as instantaneous limit, daily maximum limit, or monthly average limit).

Finding C.4.g – The APW Wyott permit does not require CN monitoring at least twice per year.
The APW Wyott permit requires the SIU to only monitor cyanide (CN) once per year, which is less than the minimum twice per year required by the General Pretreatment Regulations.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii)(B)(4) requires SIU permits to include self-monitoring requirements. Section13.20.160.G of the BOPU's ordinance has a parallel requirement.

40 C.F.R. §403.12(e)(1) requires periodic reports from categorical SIUs to include the concentration of pollutants limited by the applicable category and states, "(1) Any Industrial User subject to a categorical Pretreatment Standard (except a Non-Significant Categorical User as defined in §403.3(v)(2)), after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards."

40 C.F.R. §403.12(e)(2) allows categorical SIUs to forgo this sampling under specified circumstances. "The Control Authority may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions…" This is a Pretreatment Streamlining regulation, and the BOPU has not adopted this regulation. As such, the BOPU cannot implement this provision at this time.

Corrective Action C.4.g
Update the APW Wyott to require sampling of CN at least twice per year. If the BOPU adopts the applicable Pretreatment Streamlining regulation, the BOPU may allow APW Wyott to forgo CN sampling if APW Wyott meets the requirements of 40 C.F.R. §403.12(e)(2).

Finding C.4.h – Flow reporting requirements in the ordinance and permits for categorical SIUs was not consistent with the General Pretreatment Regulations.
The APW Wyott and Frontier permits only require periodic reports to include the "nature and concentration of all pollutants in the effluent for which sampling and analysis was performed." There is no flow reporting requirement in categorical SIU permits.

The BOPU's ordinance is less stringent than the General Pretreatment Regulations regarding flow reporting from categorical SIUs. The General Pretreatment Regulations require categorical SIUs to report measured or estimated average and maximum daily flows or more detailed flow records if the BOPU requires it. The BOPU's ordinance requires categorical SIUs to only report daily flows during the reporting period which exceeded the average daily flow reported in the baseline monitoring report.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii)(B)(4) requires SIU permits to include reporting requirements. Section13.20.160.I of the BOPU's ordinance has a parallel requirement.

40 C.F.R. §403.12(e)(1) requires periodic reports from categorical SIUs to include flow information and states, "In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in [(b)(4) the baseline monitoring report] except that the Control Authority may require more detailed reporting of flows."

Section13.20.280.A of the BOPU's ordinance requires, "In addition, this report shall include a record of daily flows which during the reporting period exceeded the average daily flow reported in subsection (B)(4) of this section." It appears the reference to subsection (B)(4) is a typo and was taken from the General Pretreatment Regulations.

Corrective Actions C.4.h
Update the BOPU ordinance to require flow reporting from categorical SIUs that is at least as stringent and detailed as measured or estimated average and maximum daily flows.

Update the APW Wyott and Frontier permits along with any other categorical SIU permits that do not require flow reporting to include a requirement that periodic compliance reports include a record of measured or estimated average and maximum daily flows or more detailed flow reporting.

Finding C.4.i – Reporting requirements in SIU permits are not specific.
The SIU permits only require self-monitoring reports on the nature and concentration of pollutants discharged. An example reporting form is provided to the SIUs, but the permit does not require the form to be used. In addition, much of the information on the form is not required to be reported by the permit. If BOPU wishes for reports to be submitted on a specific form with specific information, the

form and the information it includes must be required by the SIU permit.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii)(B)(4) requires SIU permits to include reporting requirements. Section13.20.160.I of the BOPU's ordinance has a parallel requirement.

40 C.F.R. §403.12(e) lists the minimum periodic reporting requirements for categorical SIUs and 40 C.F.R. §403.12(h) lists the minimum periodic reporting requirements for non-categorical SIUs. Similar requirements are listed in Sections13.20.280 and 13.20.300 of the BOPU's ordinance.

Corrective Action C.4.i
Update the reporting requirements in the SIU permits to reflect the specific information required by 40 C.F.R. §403.12(e) and (h) and Sections13.20.280 and 13.20.300 of the BOPU's ordinance.

Finding C.4.j – SIU permits with pounds per day limits do not require flow data for the day on which parameters are sampled.
Some of the SIU permits have a ppd limit: LTE (selenium), AFB (hexavalent chromium and selenium), Frontier (selenium), and Wal-Mart (selenium). These SIU permits do not require flow data to be recorded for the day these parameters are sampled, and it is unclear if the BOPU can determine the flow for a day the BOPU samples these parameters. Since these are daily limits, the flow on the day of sampling is necessary to calculate and evaluate compliance with the limit.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii)(B)(4) requires SIU permits to include reporting requirements. Section13.20.160.I of the BOPU's ordinance has a parallel requirement.

40 C.F.R. §403.8(f)(2)(iv) requires the BOPU to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

40 C.F.R. §403.8(f)(2)(vii) requires the BOPU to develop and implement procedures to, "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section."

Corrective Actions C.4.j
Update all SIU permits with a ppd limit to require flow data be recorded for the day of sampling for parameters limit, and ensure the BOPU will be able to determine the flow on the day of sampling for these parameters. If the flow on the day of sampling is not reported to the BOPU, the BOPU needs to evaluate the accuracy of the calculation through inspections or other procedures.

Finding C.4.k – The Frontier and AFB permits include a penalty authority above what the BOPU currently is authorized to seek.
Both the Frontier and AFB permits state that the BOPU can seek $5,000 per day per violation in penalties for violations. While the BOPU is working on an updated ordinance with this penalty

authority, the BOPU currently only has the authority to assess $1,000 per violation.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii)(B)(5) requires SIU permits include a, "Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines"

Section 13.20.440.F of the BOPU's ordinance gives the BOPU the authority to seek fines up to $1,000 per violation.

Corrective Action C.4.k
Update all SIU permits with the correct penalty authority of $1,000 per day.

Finding C.4.l – The APW Wyott permit requires monitoring through December 2013 but could be extended beyond this data.
The APW Wyott permit currently expires on 12/31/13. The permit requires APW Wyott to monitor from the effective date of the permit through "31 December 2013." If the permit were to be extended, APW Wyott would no longer be required to monitor.

Pretreatment Requirements
40 C.F.R. §403.8(f)(1)(iii)(B)(4) requires SIU permits to include self-monitoring requirements. Section13.20.160.G of the BOPU's ordinance has a parallel requirement.

40 C.F.R. §403.12(e)(1) requires sampling and reporting from categorical SIUs at least two times per year.

Corrective Action C.4.l
If the APW Wyott permit is extended, amend the permit to ensure the monitoring requirement will continue.

Recommended Action C.4.l
The EPA recommends a specific date for requirements not be included in permits if the requirement is intended to continue for the duration of the permit. Instead, it is recommended that either the permit not specifically state a beginning and end date to the requirement or a statement be made that the requirement is in effect for the duration of the permit.

Finding C.4.m – The Frontier permit requires an incorrect sampling methodology.
The Frontier permit requires documentation of sampling per 40 C.F.R. §136.7.C. It is unclear if this was intended. 40 C.F.R. §136.7(c) is a quality control procedure for laboratories and not a sampling procedure or a sampling records creation requirement.

Pretreatment Requirements
40 C.F.R. §403.12(g)(5) requires for SIU sampling, "All analyses shall be performed in accordance

with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Administrator. (*See,* §§ 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator."

40 C.F.R. §403.12(o)(1) requires sampling records to include:

"(i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
(ii) The dates analyses were performed;
(iii) Who performed the analyses;
(iv) The analytical techniques/methods use; and
(v) The results of such analyses."

Corrective Action C.4.m
Update the Frontier permit to clarify the intent of this requirement or remove it from the permit.

D. Application of Pretreatment Standards and Requirements

1. Does the CA apply all applicable pretreatment standards?
(40 C.F.R. §403.8(f)(1)(ii) and §403.8(5))

The BOPU has not been correctly applying all local limits and categorical limits. See the findings in C.4 above.

2. Has the CA evaluated the need for SIUs to develop slug discharge control plans?
(40 C.F.R. §403.8(f)(2)(vi))

The BOPU personnel stated that all SIUs are required to have a slug plan through the permits.

Finding D.2.a – Slug plan evaluation is not documented.
Aside from the permit requirement to have a slug plan, there is no documentation of why a slug plan is required.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(vi) requires the BOPU to, "Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges."

Recommended Actions D.2.a
While it is evident some slug evaluation has occurred as evident in the slug plan permit requirements, the EPA recommends the evaluation of whether or not each SIU needs a slug plan be documented. This evaluation will assist any new pretreatment personnel in understanding the basis for this permit

requirement. This documentation could be included in a permit fact sheet or statement of basis.

E. Compliance Monitoring

1. Has the CA inspected and independently sampled each SIU at least once a year? Middle tier CIUs at least once every two years? Sample once during term of CIU control mechanism if CIU sampling waived for pollutants not present?
(40 C.F.R. §§403.8(f)(2)(v), 403.12(e)(2)))

Based on the SIU files reviewed, the BOPU has been conducting sampling at least once per year.

Finding E.1.a – No inspections were conducted by the BOPU in 2011 the SIUs.
No inspections were conducted in 2011 at any of the SIUs reviewed, specifically the AFB, LTE, APW Wyott, Wal-Mart, Frontier, and Emerald. The BOPU personnel stated this was a result of the Industrial Pretreatment Coordinator being new to the job in late 2011. Since the date of this Pretreatment Compliance Inspection, the Industrial Pretreatment Coordinator has left BOPU.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(v) requires BOPU to inspect all SIUs at least annually.

Corrective Action E.1.a
Ensure the BOPU has adequate oversight of the pretreatment program and training of new employees to ensure inspections are not missed as a result staff turnover. If there is a lapse in staffing, other staff within the pretreatment program must still ensure the required parts of the pretreatment program are implemented.

2. Has the CA used proper sampling and analysis procedures (40 C.F.R. §136) and inspection procedures? Were the procedures done with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions?
(40 C.F.R. §403.8(f)(2)(v) and (vii), 40 C.F.R. §403.12(g)(5))

In general, the BOPU appears to have been using proper sampling procedures and met 40 C.F.R. §136 methods. However, findings regarding instances where adequate records for sampling were not kept are discussed below.

Finding E.2.a – Not all information to demonstrate 40 C.F.R. §136 requirements were met are documented.
Records for POTW conducted sampling did not document the fact that biochemical oxygen demand (BOD), total suspended solids (TSS), total petroleum hydrocarbons (TPH), and oil and grease were cooled to the required temperature. This occurred for sampling of BOD, TSS, TPH, and oil and grease at Wal-Mart on 7/13/11 and 6/4/12 and for sampling of these same parameters at Frontier on 6/19/12. This also occurred for TSS and TPH samples at LTE on 7/9/12 and 7/13/12. Although there is not a method within 40 C.F.R. §136 for TPH, established methods cool this sample. In addition, the analysis methods listed for TPH appeared to be an oil and grease method (EPA method 1664A) that is listed in 40 C.F.R. §136. As such, the TPH samples are an oil and grease sample and would be required to meet the preservation methods of 40 C.F.R. §136.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(vii) requires for BOPU sampling, "Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions."

40 C.F.R. §403.12(g)(5) requires for BOPU sampling, "All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Administrator. (*See,* §§ 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator."

Preservation methods listed in 40 C.F.R. §136, Table II require BOD, TSS, and oil and grease to be cooled to ≤6 °C.

Corrective Action E.2.a
Ensure all sample records in the future establish that BOD, TSS, TPH, and oil and grease samples are cooled to the required temperature. This will help ensure samples are enforceable.

Finding E.2.b – COC forms show a gap in possession.
Chain-of-custody (COC) forms for samples shipped via FedEx to Test America for analysis do not account for the time they are being shipped. There is no documentation that they are relinquished to FedEx.

Pretreatment Requirements
40 C.F.R. §403.8(f)(2)(vii) requires for BOPU sampling, "Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions."

Corrective Action E.2.b
Ensure the custody of samples in the future cannot be called into question. This will help ensure samples are enforceable.

Recommended Action E.2.b
The EPA recommends the BOPU document on the COC that the samples were relinquished to FedEx and that the BOPU keep a copy of the FedEx receipt.

3. **Has the CA kept records for three years including the following?**
   a. **Period compliance reports and other reports/notices**
   b. **All monitoring records including: sample date, place, method, time, personnel; analysis date, personnel, method; results**
   c. **BMP compliance documentation**
   d. **Other monitoring records**

   (40 C.F.R. §403.12(o))

It appears that records generated were kept for at least three years.

Finding E.3.a – BOPU's sampling form does not have spaces for multiple collections times.
The BOPU uses a standard sampling form to document required monitoring records. The top of the form has one space to document time, but the sample times for some SIU sampling events where written along the side of a table containing information about each sample. Not all samples are always collected at the same time.

Pretreatment Requirements
40 C.F.R. §403.12(o)(1) requires sampling records to include:

"(i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
(ii) The dates analyses were performed;
(iii) Who performed the analyses;
(iv) The analytical techniques/methods use; and
(v) The results of such analyses."

Recommendation E.3.a
The EPA recommends the BOPU add a column for time on its sampling form and remove the single sample time at the top of the form. This will help ensure accurate sample times continue to be documented for each sample collected.

4. **Has the CA evaluated, at least once per year, whether NSCIUs continue to meet the criteria of an NSCIU?**

   (40 C.F.R. §§403.8(f)(2)(v)(b), 403.3(v)(2))

N/A. The BOPU did not have any NSCIUs.

5. **Has the CA required, received, and analyzed reports and other notices from SIUs?**
   a. **Self-monitoring reports**
   b. **BMRs and 90-day compliance reports**
   c. **Compliance schedules reports**
   d. **Notice of slug loading or potential problems at POTW**
   e. **Notification of spills, bypasses, upsets, etc.**
   f. **Notification of significant change in discharge**
   g. **24-hour notification of effluent violation**
   h. **Resampling results within 30-days**
   i. **Other reports/notifications required by the CA**

   (40 C.F.R. §403.8(f)(2)(iv))

The BOPU has been requiring, receiving and analyzing required reports from the SIUs reviewed. However, the following findings were identified regarding the analysis of required reports.

Finding E.5.a – APW Wyott failed to sample CN in 2012.
APW Wyott did not sample CN in 2012, as required by its SIU permit. This was not identified by the BOPU.

Pretreatment Requirement
40 C.F.R. §403.8(f)(2)(iv) requires the BOPU to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

40 C.F.R. §403.8(f)(2)(vii) requires the BOPU to develop and implement procedures to, "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section."

Corrective Action E.5.a
Analyze all future reports, including self-monitoring reports, for all required sample parameters.

Recommended Action E.5.a
Many SIUs report monthly to the BOPU, but not all parameters are required to be sampled every month. In order to track that SIUs are sampling for all required parameter at the required frequency, the EPA recommends developing a tracking spreadsheet or similar procedure to keep track of samples.

Finding E.5.b – APW Wyott signed the December 2012 periodic compliance report before the end of December.
APW Wyott signed the certification statement for the December 2012 periodic compliance report on 12/28/12, which was before the end of the reporting period. An SIU's authorized representative cannot truthfully certify for a reporting period until the reporting period is complete. This issue was not identified by the BOPU.

Pretreatment Requirement
40 C.F.R. §403.8(f)(2)(iv) requires the BOPU to develop and implement procedures to, "Receive and

analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

40 C.F.R. §403.8(f)(2)(vii) requires the BOPU to develop and implement procedures to, "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section."

Corrective Action E.5.b
When analyzing all future reports, ensure that the certification statement is not signed before the end of the reporting period for which they certifying.

Finding E.5.c – APW Wyott is not using the sample method required by the SIU permit, and LTE did not create records of the sample method.
APW Wyott's SIU permit requires samples to be collected as a 16-hour composite. APW Wyott's monthly self monitoring data was reviewed for January through November 2012. Samples were collected at one-hour intervals from 16:00-23:00 on each day of sampling, which is a seven-hour composite and not a 16-hour composite. This issue was not identified by the BOPU.

The LTE self-monitoring reports submitted on 5/1/12 and 7/27/12 included COCs, but the column for sample type (method) was blank. It does not appear LTE created a record for method for the associated sample events on 2/21/12 and 5/15/12.

Pretreatment Requirement
40 C.F.R. §403.12(o)(1) requires sampling records to include:

"(i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
(ii) The dates analyses were performed;
(iii) Who performed the analyses;
(iv) The analytical techniques/methods use; and
(v) The results of such analyses."

40 C.F.R. §403.8(f)(2)(iv) requires the BOPU to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

40 C.F.R. §403.8(f)(2)(vii) requires the BOPU to develop and implement procedures to, "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section."

Corrective Action E.5.c
When analyzing all future reports, evaluate sample data provided for compliance with SIU permit requirements. If sample data indicating the method of sample is not submitted with periodic compliance

reports, evaluate this information through inspections or other procedures.

Finding E.5.d – LTE is using daily average flow to calculate the selenium pounds per day, which is not accurate.

LTE has a selenium limit of 0.583 ppd. LTE is using the daily average flow for an entire month to calculate the pounds of selenium discharged on the day it sampled selenium. Because the limit is a daily limit, it needs to be calculated using the flow for the day of sampling. The LTE permit does not require the flow on the day of sampling to be reported.

Pretreatment Requirement

40 C.F.R. §403.8(f)(2)(iv) requires the BOPU to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

40 C.F.R. §403.8(f)(2)(vii) requires the BOPU to develop and implement procedures to, "Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section."

Corrective Action E.5.d

Evaluate the ppd calculations provided by SIUs in the future using flow from the day of sampling.

Finding E.5.e – Procedures do not allow for accurate determination of when some SIU reports were submitted.

SIU reports are mailed to a post office box, and it can take a few days for the reports to be delivered to the pretreatment staff. A received date is marked on the reports when they are received by pretreatment staff. The following reports appeared late.

SIU	Due date	Received date marked on report
LTE	4/30/12	5/1/12
	10/31/12	11/1/12
APW Wyott	2/29/12	3/15/12
	9/28/12	10/1/12
	11/30/12	12/4/12

It does not appear the BOPU has the ability to evaluate whether reports submitted late in the month are on time.

Pretreatment Requirement

40 C.F.R. §403.8(f)(2)(iv) requires the BOPU to develop and implement procedures to, "Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12."

Corrective Action E.5.e
Develop and implement a procedure to analyze whether reports from SIUs are received on time.

Recommended Action E.5.e
SIU permits could be amended to accept a postmark date or the date of hand delivery to the BOPU as meeting the due date. The received date or post mark date could be marked on the report.

Finding E.5.f – Self-monitoring records submitted with monthly reports indicated 40 C.F.R. §136 methods may not have been met or are not clear.
LTE's monthly self monitoring data was reviewed for 2012. LTE submitted COCs with self-monitoring reports. The COC for the 11/15/12 sampling event appears to have included the appropriate chemical preservatives, but all of the bottles and preservatives are listed on a single line of the COC. It was unclear if the correct chemical preservatives were used in the correct sample bottle. The COC for a 5/15/12 sample event for samples sent to Chem Solutions did not indicate the oil and grease sample was preserved.

Pretreatment Requirement
40 C.F.R. §403.12(g)(5) requires for SIU sampling, "All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Administrator. (*See,* §§ 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator."

Preservation methods are listed in 40 C.F.R. §136, Table II.

Corrective Action E.5.f
When analyzing all future reports, evaluate sample records provided for compliance with 40 C.F.R. §136 requirements. If sample records for 40 C.F.R. §136 are not submitted with self-monitoring reports, evaluate whether these methods are being met through inspections or other procedures.

6. Have SIUs monitored to demonstrate continued compliance and re-sampling after violation(s)?
(40 C.F.R. §403.12(g)(1) &(2))

In general, SIUs are monitoring to demonstrate continued compliance.

Finding E.6.a – LTE submitted resampling results more than 30 days after becoming aware of copper and zinc violations due to BOPU providing misinformation.
LTE's monthly self monitoring data was reviewed for 2012. LTE sampled for copper and zinc on 5/29/13 and violated the permit limits. Copper was 1.01 mg/L (0.19 mg/L limit), and zinc was 1.38 mg/L (1.339 mg/L limit). A memo to the file stated LTE was aware of the violations on 7/29/13.

Therefore, resample results were due to the BOPU 30 days later on 8/28/13. Resample results were submitted with a letter from LTE dated 8/30/13 and marked received by the BOPU on 9/4/13. Based on the date of the letter, the results were not received in the postal box on time. BOPU sent a Notice of Violation (NOV) on 8/22/13 to LTE, which required LTE to submit the results within 14 days of the receiving the NOV. Although LTE had resampled on 7/29/13, BOPU personnel stated that they incorrectly instructed LTE to wait for the NOV to submit the resample results, which were late.

Pretreatment Requirement

40 C.F.R. §403.12(g)(2) requires, "If sampling performed by an Industrial User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation."

Corrective Action E.6.a

Require future resampling results for violations detected by SIUs to be submitted to the BOPU within 30 days of the SIU becoming aware of the violation. Ensure that NOVs and other communications with SIUs do not conflict with existing permit or regulatory requirements of the SIUs.

Recommended Action E.6.a

The EPA recommends the BOPU restate existing permit or regulatory requirements in NOVs and other enforcement documents where applicable in order to avoid conflicting requirements.

7. Has the CA ensured CIUs report on all regulated pollutants at least once every 6 months?
(40 C.F.R. §403.12(e)(1) & (g)(1))

All categorical SIUs have reported on all regulated pollutants at least once every six months in the files reviewed by the EPA, except APW Wyott did not sample CN in 2012, as required by its permit. See finding E.5.a for more information.

8. Has the CA ensured non-categorical SIUs self-monitor and report at least once every 6 months with a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority?
(40 C.F.R. §403.12(h) & (g)(1))

Non-categorical SIUs reviewed had self-monitored and submitted reports at least once every six months.

9. Has the CA required self-monitoring reports from CIUs to be signed and certified?
(40 C.F.R. §403.12(b)(6), 403.12(l))

For the categorical SIU reports reviewed, all had been signed and certified.

10. Has the CA received notification of hazardous waste discharges?
(40 C.F.R. §403.12(j) & (p))

No notifications were received according to the BOPU staff and the files reviewed, nor was there any indication that a notification should have been received.

United States Environmental Protection Agency
Washington, D.C. 20460

' ater Compliance In pec ion R ort

ec on A: ational ata ystem odin (i.e. CS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5	3 W Y 0 0 2 2 3 8 1 11	12 1 3 0 9 0 9 17	18 P	19 R	20 1

Remarks

21 S E E A T T A C H E D R E P O R T 66

Inspection Work Days	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved
67 69	70	71	72	73 74 75 80

Section . . Faci y . ata

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number)*	Entry Time/Date	Permit Effective Date
City of Cheyenne Board of Public Utilities Crow Creek Water Reclamation Facility 4403 Livingston Ave. Cheyenne, WY 82003	9:00 AM 9/9/2013	12/8/2008
	Exit Time/Date 3:40 PM 9/10/2013	Permit Expiration Date 10/31/2013

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Numbers
Natalie Dunn / Industrial Pretreatment Coordinator / 307-637-0866
Phil Clark / Compliance Supervisor / 307-635-3163
Jim Hughes / Water Reclamation Division Manager / 307-365-3163

Other Facility Data (e.g., SIC, NAICS, and other descriptive information)

SIC Code: 4952

Name, Address of Responsible Official/Title/Phone and Fax Number
Jim Hughes / Water Reclamation Division Manager / 307-365-3163
PO Box 1469
Cheyenne, WY 82003

Contacted
[x] Yes [ ] No

Section C: Areas Evaluated During Inspection (Check only those areas evaluate.)

[ ] Permit	[ ] Self-Monitoring Program	[x] Pretreatment	[ ] MS4
[ ] Records/Reports	[ ] Compliance Schedule	[ ] Pollution Prevention	
[ ] Facility Site Review	[ ] Laboratory	[ ] Storm Water	
[ ] Effluent/Receiving Waters	[ ] Operations & Maintenance	[ ] Combined Sewer Overflow	
[ ] Flow Measurement	[ ] Sludge Handling/Disposal	[ ] Sanitary Sewer Overflow	

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

Name(s) and Signature(s) of Inspector(s)	gency/Office/Phone and Fax Numbers	Date
Stephanie Gieck	EPA/303-312-6362	12/13/1
Natasha Davis	EPA/303-312-6225	1/3/14
Signature of QA Reviewer	Agency/Office/Phone and Fax Numbers	Date

EPA Form 3560-3 (Rev 1-06) Previous editions are obsolete

INSTRUCTIONS

Section A: National Data System Coding *(i.e., PCS)*

Column 1: Transaction Code: Use N, C, or D for New, Change, or Delete. All inspections will be *new* unless there is an error in the data entered.

Columns 3-11: NPDES Permit No. Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc.. *(Use the Remarks columns to record the State permit number, if necessary.)*

Columns 12-17: Inspection Date. Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

Column 18: Inspection Type*. Use one of the codes listed below to describe the type of inspection:

A Performance Audit
B Compliance Biomonitoring
C Compliance Evaluation (non-sampling)
D Diagnostic
F Pretreatment (Follow-up)
G Pretreatment (Audit)
I Industrial User (IU) Inspection
J Complaints
M Multimedia
N Spill
O Compliance Evaluation (Oversight)
P Pretreatment Compliance Inspection
R Reconnaissance
S Compliance Sampling

U IU Inspection with Pretreatment Audit
X Toxics Inspection
Z Sludge - Biosolids
Combined Sewer Overflow-Sampling
$ Combined Sewer Overflow-Non-Sampling
+ Sanitary Sewer Overflow-Sampling
& Sanitary Sewer Overflow-Non-Sampling
\ CAFO-Sampling
= CAFO-Non-Sampling
2 IU Sampling Inspection
3 IU Non-Sampling Inspection
4 IU Toxics Inspection
5 IU Sampling Inspection with Pretreatment
6 IU Non-Sampling Inspection with Pretreatment
7 IU Toxics with Pretreatment

! Pretreatment Compliance (Oversight)
@ Follow-up (enforcement)
{ Storm Water-Construction-Sampling
} Storm Water-Construction-Non-Sampling
: Storm Water-Non-Construction-Sampling
~ Storm Water-Non-Construction-Non-Sampling
< Storm Water-MS4-Sampling
- Storm Water-MS4-Non-Sampling
> Storm Water-MS4-Audit

Column 19: Inspector Code. Use one of the codes listed below to describe the *lead agency* in the inspection.

A — State (Contractor)
B — EPA (Contractor)
E — Corps of Engineers
J — Joint EPA/State Inspectors—EPA Lead
L — Local Health Department (State)
N — NEIC Inspectors

O— Other Inspectors, Federal/EPA (Specify in Remarks columns)
P— Other Inspectors, State (Specify in Remarks columns)
R — EPA Regional Inspector
S — State Inspector
T — Joint State/EPA Inspectors—State lead

Column 20: Facility Type. Use one of the codes below to describe the facility.

1 — Municipal. Publicly Owned Treatment Works (POTWs) with 1987 Standard Industrial Code (SIC) 4952.
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Columns 21-66: Remarks. These columns are reserved for remarks at the discretion of the Region.

Columns 67-69: Inspection Work Days. Estimate the total work effort (to the nearest 0.1 work day), up to 99.9 days, that were used to complete the inspection and submit a QA reviewed report of findings. This estimate includes the accumulative effort of all participating inspectors; any effort for laboratory analyses, testing, and remote sensing; and the billed payroll time for travel and pre and post inspection preparation. This estimate does not require detailed documentation.

Column 70: Facility Evaluation Rating. Use information gathered during the inspection (regardless of inspection type) to evaluate the quality of the facility self-monitoring program. Grade the program using a scale of 1 to 5 with a score of 5 being used for very reliable self-monitoring programs, 3 being satisfactory, and 1 being used for very unreliable programs.

Column 71: Biomonitoring Information. Enter D for static testing. Enter F for flow through testing. Enter N for no biomonitoring.

Column 72: Quality Assurance Data Inspection. Enter Q if the inspection was conducted as followup on quality assurance sample results. Enter N otherwise.

Columns 73-80: These columns are reserved for regionally defined information.

Section B: Facility Data

This section is self-explanatory except for "Other Facility Data," which may include new information not in the permit or PCS (e.g., new outfalls, names of receiving waters, new ownership, other updates to the record, SIC/NAICS Codes, Latitude/Longitude).

Section C: Areas Evaluated During Inspection

Check only those areas evaluated by marking the appropriate box. Use Section D and additional sheets as necessary. Support the findings, as necessary, in a brief narrative report. Use the headings given on the report form (e.g., Permit, Records/Reports) when discussing the areas evaluated during the inspection.

Section D: Summary of Findings/Comments

Briefly summarize the inspection findings. This summary should abstract the pertinent inspection findings, not replace the narrative report. Reference a list of attachments, such as completed checklists taken from the NPDES Compliance Inspection Manuals and pretreatment guidance documents, including effluent data when sampling has been done. Use extra sheets as necessary.

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United States Environmental Protection Agency
Washington, D.C. 20460

Water Compliance Inspection Report

Section A: National Data System Coding (i.e. PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5	3 WY 002293 4 11	12 130909 17	18 P	19 R	20 1

Remarks

21 SEE ATTACHED REPORT 66

Inspection Work Days	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved
67 69	70	71	72	73 74 75 80

Section B: Facility Data

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number)*	Entry Time/Date	Permit Effective Date
Cheyenne Board of Public Utilities Dry Creek Water Reclamation Facility 8911 Campstool Road Cheyenne, WY 82003	9:00 AM 9/9/2013	12/8/2008
	Exit Time/Date	**Permit Expiration Date**
	3:40 PM 9/10/2013	10/31/2013

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Numbers
Natalie Dunn / Industrial Pretreatment Coordinator / 307-637-0866
Phil Clark / Compliance Supervisor / 307-635-3163
Jim Hughes / Water Reclamation Division Manager / 307-365-3163

Other Facility Data (e.g., SIC, NAICS, and other descriptive information)

SIC Code: 4952

Name, Address of Responsible Official/Title/Phone and Fax Number
Jim Hughes / Water Reclamation Division Manager / 307-365-3163
PO Box 1469
Cheyenne, WY 82003

Contacted: [x] Yes [ ] No

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

[ ]	Permit	[ ]	Self-Monitoring Program	[x]	Pretreatment	[ ]	MS4
[ ]	Records/Reports	[ ]	Compliance Schedule	[ ]	Pollution Prevention		
[ ]	Facility Site Review	[ ]	Laboratory	[ ]	Storm Water		
[ ]	Effluent/Receiving Waters	[ ]	Operations & Maintenance	[ ]	Combined Sewer Overflow		
[ ]	Flow Measurement	[ ]	Sludge Handling/Disposal	[ ]	Sanitary Sewer Overflow		

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Stephanie Gieck	EPA/303-312-6362	12/13/13
Natasha Davis	EPA/303-312-6225	1-3-14
Signature of QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**

INSTRUCTIONS

Section A: National Data System Coding *(i.e., PCS)*

Column 1: Transaction Code: Use N, C, or D for New, Change, or Delete. All inspections will be *new* unless there is an error in the data entered.

Columns 3-11: NPDES Permit No. Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc.. *(Use the Remarks columns to record the State permit number, if necessary.)*

Columns 12-17: Inspection Date. Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

Column 18: Inspection Type*. Use one of the codes listed below to describe the type of inspection:

A	Performance Audit	U	IU Inspection with Pretreatment Audit	!	Pretreatment Compliance (Oversight)
B	Compliance Biomonitoring	X	Toxics Inspection	@	Follow-up (enforcement)
C	Compliance Evaluation (non-sampling)	Z	Sludge - Biosolids	{	Storm Water-Construction-Sampling
D	Diagnostic	#	Combined Sewer Overflow-Sampling	}	Storm Water-Construction-Non-Sampling
F	Pretreatment (Follow-up)	$	Combined Sewer Overflow-Non-Sampling	:	Storm Water-Non-Construction-Sampling
G	Pretreatment (Audit)	+	Sanitary Sewer Overflow-Sampling	~	Storm Water-Non-Construction-Non-Sampling
I	Industrial User (IU) Inspection	&	Sanitary Sewer Overflow-Non-Sampling	<	Storm Water-MS4-Sampling
J	Complaints	\	CAFO-Sampling	-	Storm Water-MS4-Non-Sampling
M	Multimedia	=	CAFO-Non-Sampling	>	Storm Water-MS4-Audit
N	Spill	2	IU Sampling Inspection		
O	Compliance Evaluation (Oversight)	3	IU Non-Sampling Inspection		
P	Pretreatment Compliance Inspection	4	IU Toxics Inspection		
R	Reconnaissance	5	IU Sampling Inspection with Pretreatment		
S	Compliance Sampling	6	IU Non-Sampling Inspection with Pretreatment		
		7	IU Toxics with Pretreatment		

Column 19: Inspector Code. Use one of the codes listed below to describe the *lead agency* in the inspection.

A — State (Contractor)
B — EPA (Contractor)
E — Corps of Engineers
J — Joint EPA/State Inspectors—EPA Lead
L — Local Health Department (State)
N — NEIC Inspectors
O — Other Inspectors, Federal/EPA (Specify in Remarks columns)
P — Other Inspectors, State (Specify in Remarks columns)
R — EPA Regional Inspector
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