

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2018 JUN -5 PM 2:19

<p>IN THE MATTER OF:</p> <p>The City of Fargo, North Dakota,</p> <p style="text-align: center;">Respondent.</p> <p>NPDES Permit No. ND-0022870</p>	<p style="text-align: center;">FILED EPA REGION VIII JUN 5 2018</p> <p>Docket No. CWA-08-2018-0009</p> <p>ADMINISTRATIVE ORDER FOR COMPLIANCE ON CONSENT</p> <p>Proceeding under Section 309(a)(3) of the Clean Water Act, 33 U.S.C. § 1319(a)(3)</p>
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INTRODUCTION

1. This Administrative Order for Compliance on Consent (Consent Order) is entered into voluntarily by the City of Fargo, North Dakota (Respondent) and the United States Environmental Protection Agency (EPA). The EPA has authority to issue this Consent Order pursuant to section 309(a)(3) of the Clean Water Act (Act), 33 U.S.C. § 1319(a)(3).
2. The Findings of Fact and of Violation (Findings) in paragraphs 20 through 87, below, are made solely by the EPA. In signing this Consent Order, the Respondent neither admits nor denies the Findings. Without any admission of liability, the Respondent consents to the issuance of this Consent Order and agrees to abide by all of its conditions. The Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review the Respondent may have with respect to any issue of fact or law set forth in this Consent Order, including any right of judicial review of this Consent Order under the Administrative Procedure Act, 5 U.S.C. §§ 701-706. The Respondent further agrees not to challenge the jurisdiction of the EPA or any of the Findings in any proceeding to enforce this Consent Order or in any action under this Consent Order.

STATUTORY AND REGULATORY BACKGROUND

The NPDES Program

3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into navigable waters, except as in compliance with other sections of the Act, including section 402, 33 U.S.C. § 1342, which allows discharges authorized by National Pollutant Discharge Elimination System (NPDES) permits.
4. The Act defines “discharge of a pollutant” to include “any addition of any pollutant to navigable waters from any point source.” 33 U.S.C. § 1362(12).
5. The Act defines “pollutant” to include “sewage . . . chemical wastes, biological materials . . . and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6).
6. The Act defines “navigable waters” as the “waters of the United States.” 33 U.S.C. § 1362(7).
7. “Waters of the United States” are defined in 40 C.F.R. § 122.2.
8. The Act defines “point source” to include any “discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure [or] container . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).
9. The EPA, and states with NPDES programs approved by the EPA, may issue NPDES permits that authorize discharges of pollutants into waters of the United States, subject to conditions and limitations set forth in such permits. 33 U.S.C. § 1342.
10. Among the types of dischargers that can receive NPDES permits authorizing pollutants to be discharged into waters of the United States are publicly owned treatment works, or POTWs. The term “POTW” encompasses a treatment works itself and a municipality with jurisdiction over discharges to and from such a treatment works. 40 C.F.R. § 403.3(q).

The Pretreatment Program

11. Pollutants from non-domestic sources that are introduced to a POTW are subject to the EPA's pretreatment regulations at 40 C.F.R. chapter I, subchapter N, parts 400 through 471 (the Pretreatment Regulations) and section 307 of the Act, 33 U.S.C. § 1317.
12. Non-domestic sources that introduce pollutants to POTWs are known as "Industrial Users" or "IUs," as defined in 40 C.F.R. § 403.3(j).
13. The introduction of pollutants from an IU to a POTW is known as "Indirect Discharge" or "Discharge," as defined in 40 C.F.R. § 403.3(i). Unless otherwise stated, any reference to a "discharge" in this Consent Order shall be the introduction of pollutants to a POTW, as distinguished from the POTW's discharge of pollutants to waters of the United States.
14. The Pretreatment Regulations include regulations containing pollutant discharge limits. These regulations are known as Pretreatment Standards. 40 C.F.R. § 403.3(l). Other requirements relating to pretreatment are known as Pretreatment Requirements. 40 C.F.R. § 403.3(t).
15. The Pretreatment Regulations also include requirements for specific industrial categories, as described in 40 C.F.R. § 403.6 and parts 405-471. In this Consent Order, these regulations are referenced as the Categorical Pretreatment Standards.
16. According to 40 C.F.R. § 403.3(v), the term "Significant Industrial User," also referenced as "SIU," includes, with exceptions provided in 40 C.F.R. §§ 403.3(v)(2) and 403.3(v)(3):
 - (i) Any IU subject to the Categorical Pretreatment Standards; and
 - (ii) Any other IU that discharges an average of at least 25,000 gallons per day of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown water) to a POTW; contributes a process wastestream that makes up five or more percent of the average dry weather hydraulic or organic capacity of the POTW's treatment plant; or is designated by the relevant Control Authority (defined in

40 C.F.R. § 403.3(f)) as an SIU on the basis of having a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with 40 C.F.R. § 403.8(f)(6)).

17. The Pretreatment Regulations require certain POTWs to establish approved pretreatment programs. An NPDES permit issued to a POTW must, among other things, incorporate the requirements of the POTW's pretreatment program. 40 C.F.R. §§ 122.44(j) and 403.8(c).
18. According to 40 C.F.R. § 403.8, a POTW with an approved pretreatment program must develop and implement procedures to ensure compliance with its pretreatment program. These procedures must ensure the POTW is able, among other things:
 - to operate pursuant to enforceable legal authority that authorizes or enables the POTW to apply and to enforce the requirements of sections 307(b) and (c) and 402(b)(8) of the Act and any regulations implementing those sections;
 - to identify IUs that may be subject to the pretreatment program;
 - to identify the character and volume of pollutants contributed to the POTW by these IUs;
 - to issue permits, orders, or other control mechanisms to control Indirect Discharges by SIUs, which include specific information required by 40 C.F.R. § 403.8(f)(1)(iii);
 - to evaluate SIUs for the need to develop a plan or other actions to control Slug Discharges, as defined in 40 C.F.R. §§ 403.8(f)(2)(vi);
 - to receive and analyze the self-monitoring reports and other notices that 40 C.F.R. § 403.12 requires IUs to submit;
 - to investigate instances of noncompliance by IUs with Pretreatment Standards and Requirements and to perform sampling and inspections with care;
 - to sample the effluent from SIUs at least once a year;

- to develop and implement a procedure to evaluate and provide annual public notices of any Significant Non-Compliance (SNC), as defined in 40 C.F.R. § 403.8(f)(2)(viii), by any IUs;
 - to develop specific limits, known as “local limits,” to ensure IUs comply with the prohibitions in 40 C.F.R. § 403.5(a) and (b);
 - to develop and implement an enforcement response plan for investigating and responding to instances of noncompliance by IUs; and
 - to have sufficient resources and qualified personnel to carry out its authorities and procedures.
19. Permits that POTWs issue to IUs or SIUs to authorize discharges of pollutants to POTWs are known as “IU permits” or “SIU permits,” respectively. These are collectively referred to by the Respondent as “Industrial Wastewater Discharge Permits.”

FINDINGS OF FACT AND OF VIOLATION

The following findings apply at all times relevant to this proceeding. For simplicity, any references to requirements or violations of any permit are for dates when those permits are or were in effect, even if this Consent Order uses the present tense.

The Respondent’s POTW

20. The Respondent is a “municipality” as defined by section 502(4) of the Act, 33 U.S.C. § 1362(4), and a “person” as defined by section 502(5) of the Act, 33 U.S.C. § 1362(5).
21. The Respondent owns and operates a wastewater treatment plant (WWTP) located at 3400 North Broadway, Fargo, North Dakota 58102.
22. The WWTP discharges treated wastewater into the Red River of the North.
23. The Red River of the North is a navigable-in-fact water.

24. The Red River of the North is a “water of the United States” as defined in 40 C.F.R. § 122.2 and a “navigable water” as defined in section 502(7) of the Act, 33 U.S.C. § 1362(7).
25. The WWTP and the sewers, pipes, and other conveyances leading to it are part of the Respondent’s POTW.
26. As a municipality with jurisdiction over discharges to and from its treatment works, the Respondent itself is a “POTW” as defined in 40 C.F.R. §§ 122.2 and 403.3(q).
27. Unless otherwise stated, any references to “the POTW” below in this Consent Order shall mean the POTW owned and operated by the Respondent, or the Respondent itself, as the context requires.

The Respondent’s NPDES Permit

28. The State of North Dakota issued NPDES Permit Number ND0022870 (the NPDES Permit) to the Respondent, effective January 1, 2014, and expiring December 31, 2018.
29. The NPDES Permit authorizes the Respondent to discharge from the WWTP into the Red River of the North.
30. The State of North Dakota is an “NPDES State,” because the EPA has approved the State of North Dakota’s NPDES program pursuant to section 402(b) of the Act, 42 U.S.C. § 1342(b).
31. On September 16, 2005, North Dakota was authorized by the EPA to implement the pretreatment regulations in North Dakota. Therefore, at all times relevant to this Consent Order, the State of North Dakota has been the “Approval Authority” as defined in 40 C.F.R. § 403.3(c).
32. The NPDES Permits requires the Respondent to develop, implement, document, and enforce an industrial pretreatment program in accordance with the Pretreatment Regulations. Part V.A of each NPDES Permit.
33. The EPA approved the Respondent’s pretreatment program on June 14, 1985, at which time the Respondent became the “Control Authority” as defined in 40 C.F.R. § 403.3(f). The program was

approved by the EPA on June 14, 1985, and subsequent approved modifications to the program (including modifications approved by the EPA on December 5, 2001, May 2, 2002, and January 23, 2004) will be referenced in this Consent Order as the Pretreatment Program.

34. The Respondent has enacted pretreatment provisions in its municipal code (the Municipal Code), which the EPA approved as part of the Pretreatment Program.

The EPA's and the NDDH's 2016 Pretreatment Compliance Inspection

35. On September 12, 13, and 14, 2016, the EPA and the North Dakota Department of Health (NDDH) conducted a joint Pretreatment Compliance Inspection (PCI) of the Pretreatment Program. The EPA mailed a report of the PCI to the Respondent on January 6, 2017. The City responded to the PCI report in a submittal dated February 28, 2017.
36. As part of the PCI, the EPA and NDDH reviewed the Respondent's files for the following IUs: BII (Buhler), Amity Technology, Cass Clay Creamery, CNH Industrial America LLC (CNH), and Norwood Sales, Inc.
37. As part of the PCI, the EPA, the NDDH, and the Respondent visited CNH and John Deere Electronic Solutions.

**Count I: Failure to Identify and Locate
All Possible IUs Subject to Pretreatment Program and to Characterize IUs' Waste**

38. The Respondent is required to develop and implement a procedure to identify and locate all possible IUs that might be subject to the Pretreatment Program and to make any inventory of IUs available to the EPA Regional Administrator upon request. The Respondent is also required to identify the character and volume of pollutants contributed to the POTW by the IUs it has identified and to make this information available to the EPA Regional Administrator upon request. 40 C.F.R. § 403.8(f)(2)(i) and (ii); parts V.A.1 and V.A.2 of the NPDES Permit.

39. The NPDES Permit requires the Respondent to update information on IUs “at a minimum of once per year or at that frequency necessary to ensure that all industrial users are properly permitted and/or controlled,” and to maintain and update this information as necessary. Part V.A.1 of the NPDES Permit.
40. During the PCI, the Respondent was unable to produce records to demonstrate it was implementing its written procedure to identify and locate all IUs utilizing the POTW that may be subject to the Pretreatment Program, classify the IUs to determine whether Pretreatment Standards and Requirements apply, and maintain the list of IUs in the area. In addition to not following its written procedure for identifying and characterizing IUs, during the PCI the Respondent was unable to produce a list of which IUs had been evaluated.
41. The Respondent’s failures to identify and locate all possible IUs that might be subject to the Pretreatment Program and to identify the character and volume of pollutants they contribute violate 40 C.F.R. § 403.8(f)(2)(i) and (ii), and parts V.A.1 and V.A.2 of the NPDES Permit.
42. The Respondent’s failures to update its IU information at a minimum of once per year (or at a frequency necessary to ensure that all Industrial Users are properly permitted and/or controlled) violate part V.A.1 of the NPDES Permit.

Count II: Failure to Include All Required Elements in SIU Permits

Statement of Non-Transferability

43. In each SIU permit it issues, the Respondent is required 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. 40 C.F.R. § 403.8(f)(1)(iii)(B)(2) and part V.A.7.b of the NPDES Permit.
44. The Respondent’s SIU permits include two sections addressing transferability of permits. The first section is found in Section A.7 of the SIU permits and indicates that permits may be

reassigned or transferred to a new owner or operator with prior approval of the Respondent's Pretreatment Coordinator if the permittee gives at least 30 days' advance notice to the Pretreatment Coordinator. The notice must include a written certification by the new owner (1) stating that the new owner has no immediate intent to change the facility's operations and processes; (2) identifying the specific date on which the transfer is to occur; and (3) acknowledging full responsibility for complying with the existing permit. The second section that addresses transferability is found in Section A.12 of the SIU permits, which indicates that permits are not transferable.

45. These two conflicting transferability requirements violate 40 C.F.R. §403.8(f)(1)(iii)(B)(2) and part V.A.7.b of the NPDES Permit.

Required Sample Type

46. In each SIU permit it issues, the Respondent is required to include the required sample type. 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part V.A.7.d of the NPDES Permit.
47. According to 40 C.F.R. § 403.12(g)(3), cyanide sample types must be a grab or a lab/field composite.
48. The cyanide sample type was listed as a "grab composite" in the Buhler SIU permit and as a "24-hour composite" in the CNH SIU permit. The term "grab composite" was not defined in the Buhler SIU permit or 40 C.F.R. part 403.
49. The Respondent's failures to require grab or lab/field composite samples for cyanide in the Buhler and CNH SIU permits are violations of 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part V.A.7.d of the NPDES Permit.

Reporting and Notification for Upsets and Bypasses

50. In each SIU permit it issues, the Respondent is required to include reporting and notification requirements. 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part V.A.7.d of the NPDES Permit.

51. When an upset or bypass occurs, certain notification requirements apply. See 40 C.F.R. §§ 403.16 and 403.17, defining “upset” and “bypass,” and describing notification requirements, including a requirement for 24-hour notification of certain noncompliance with Categorical Pretreatment Standards.
52. The upset notification requirement in the Respondent’s SIU permits issued to SIUs subject to Categorical Pretreatment Standards did not require the permittees to notify the Respondent within 24 hours of becoming aware of an upset. There were no bypass notification requirements contained in any of the SIU permits issued by the Respondent. The Respondent’s ordinance did not address bypasses. The Respondent’s failures to incorporate notification provisions for upsets and bypasses required by 40 C.F.R. part 403 are violations of 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part V.A.7.d of the NPDES Permit.

Effluent Limits

53. In each SIU permit it issues, the Respondent is required to include effluent limits, including Best Management Practices (defined in 40 C.F.R. § 403.3(e)), based on applicable general Pretreatment Standards in 40 C.F.R. part 403, Categorical Pretreatment Standards, local limits, and state and local law. 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part V.A.7.c of the NPDES Permit.
54. According to 40 C.F.R. § 433.17(a), any new source subject to 40 C.F.R. part 433, subpart A (the Metal Finishing Subcategory) must comply with 40 CFR part 403 and achieve cadmium limits of 0.11 milligrams per liter (mg/L) as a daily maximum and 0.07 mg/L as a monthly average, except as provided in 40 C.F.R. § 403.7.
55. The Buhler and CNH metal finishing facilities were constructed after August 31, 1982; therefore, both facilities are subject to the new source limits in the Metal Finishing Subcategory cited in paragraph 54, above.

56. The local limit for cadmium in the Respondent's pretreatment ordinance is 0.20 mg/L (instantaneous).
57. The cadmium limits in the Buhler and CNH IU permits were 0.20 mg/L (daily max) and 0.26 mg/L (monthly average). By including cadmium limits less stringent than those required by 40 C.F.R. § 433.17(a) and failing to apply the instantaneous local limit as an instantaneous limit, the Respondent has violated 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part V.A.7.c of the NPDES Permit.
58. The Norwood Sales, Inc. facility was constructed after August 31, 1982; therefore, the facility is subject to the new source limits in the Metal Finishing Subcategory in 40 C.F.R. part 433, subpart A. The new source Metal Finishing Subcategory silver limits are 0.43 mg/L (daily maximum) and 0.24 mg/L (monthly average). The local limit for silver in the Respondent's pretreatment ordinance is 2.00 mg/L (instantaneous).
59. The only silver effluent limit in the Norwood Sales, Inc. permit was for 0.43 mg/L (daily maximum). The permit did not have a monthly average silver limit or the instantaneous local limit. By omitting a monthly average silver limit and the instantaneous local limit from this permit, the Respondent has violated 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part V.A.7.c of the NPDES Permit.

Statement of Duration

60. In each SIU permit it issues, the Respondent is required to include a statement of duration of the permit not to exceed five years. 40 C.F.R. § 403.8(f)(1)(iii)(B)(1) and part V.A.7.a of the NPDES Permit.
61. A review of the Respondent's SIU permits showed that SIU permits are issued for five years and one day. For example, the CNH permit was issued on April 30, 2015, with an expiration date of April 30, 2020. The Respondent has since corrected this typographical error, as indicated in its February 28, 2017 PCI response.

62. Each instance in which the Respondent issued a permit with a duration exceeding five years is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(I) and part V.A.7.a of the NPDES Permit.

Count III: Failure to Evaluate SIUs for the Need to Develop a Slug Plan or Other Slug Controls

63. The Respondent is required to evaluate whether each SIU needs a plan or other action to control slug discharges. For IUs identified as SIUs prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional SIUs must be evaluated within one year of being designated a SIU. 40 C.F.R. § 403.8(f)(2)(vi) and part V.A.4 of the NPDES Permit.
64. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through (as defined in 40 C.F.R. § 403.3), or in any other way violate the POTW's regulations, local limits or permit conditions. 40 C.F.R. § 403.8(f)(2)(vi).
65. The Respondent has not evaluated any of its ten SIUs to determine whether each SIU needs a plan or other action to control slug discharges. For each SIU, this is a violation of 40 C.F.R. § 403.8(f)(2)(vi) and part V.A.4 of the NPDES Permit.

Count IV: Failure to Sample SIUs at Least Annually

66. The Respondent is required to sample and inspect each SIU at least once per year to identify, independent of information supplied by IUs, noncompliance with Pretreatment Standards. 40 C.F.R. § 403.8(f)(2)(v) and part V.A.3 of the NPDES Permit.
67. The Respondent failed to sample discharges from Norwood Sales, Inc. at least yearly since 2013.
68. Each year in which the Respondent failed to sample effluent from Norwood Sales, Inc. is a violation of 40 C.F.R. § 403.8(f)(2)(v) and part V.A.3 of the NPDES Permit.

Count V: Failure to Implement Inspection Procedures

69. The Respondent is required to develop and implement procedures to investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated by analysis,

inspection, and surveillance activities 40 C.F.R. § 403.8(f)(2)(vii) and part V.A of the NPDES Permit.

70. The Respondent's inspection procedure included a one-page inspection form to be completed during SIU inspections. Several of the Respondent's inspection reports included sections of the inspection form that had not been completed. These omissions, and the overall lack of documentation in the reports, indicated that the Respondent was failing to implement adequate procedures for identifying noncompliance.

71. Each of the Respondent's failures to implement its inspection procedure to investigate instances of noncompliance is a violation of 40 C.F.R. § 403.8(f)(2)(vii) and part V.A of the NPDES Permit.

**Count VI: Failure to Identify Non-Compliance in Self-Monitoring Reports
and Other Notices Submitted by Industrial Users**

72. The Respondent is required to receive and analyze self-monitoring reports and other notices submitted by IUs in accordance with the self-monitoring requirements in 40 C.F.R. § 403.12. 40 C.F.R. § 403.8(f)(2)(iv).

73. The Respondent is required to investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under 40 C.F.R. § 403.12, or indicated by analysis, inspection, and surveillance activities described in 40 C.F.R. § 403.8(f)(2)(vii) and part V.A.5 of the NPDES Permit.

74. During the PCI, the EPA/NDDH inspection team found that several SIU self-monitoring reports required by the relevant SIU permits to be submitted once per six months were missing from the Respondent's files. The following SIU self-monitoring reports were missing from the Respondent's files:

- the Cass Clay Creamery self-monitoring report for the second half of 2015;

- the CNH self-monitoring report for the second half of 2015;
- the Buhler self-monitoring reports for the first half of 2015, the second half of 2015, and the first half of 2016; and
- the Norwood Sales, Inc. self-monitoring reports for the first half of 2015, the second half of 2015, and the first half of 2016.

75. As of the date of the PCI, the Respondent had failed to determine whether the missing reports mentioned in paragraph 74, above, had not been submitted or whether the Respondent had received but lost them. The Respondent provided additional information on the missing reports in its February 28, 2017 PCI response, which indicated that some of the reports were submitted after the PCI and other reports were not submitted because the SIU did not perform self-monitoring. The Respondent's failure to analyze the reports prior to the PCI violates 40 C.F.R. §§ 403.8(f)(2)(iv) and 403.8(f)(2)(vii), and part V.A.5 of the NPDES Permit.

76. Additionally, the Respondent did not identify the following SIU non-compliance with associated SIU permit requirements:

Cass Clay Creamery

- There was no statement of certification with the Cass Clay Creamery self-monitoring report submitted for the first half of 2016.

CNH

- The self-monitoring report due on June 1, 2015 did not indicate the date the Respondent received it or include any other tracking information. The self-monitoring report was signed by the responsible SIU official on June 4, 2015, which indicates that the report was at least three days late.
- CNH's contractor for the pretreatment system, took quarterly samples of the pretreated wastewater, but these results were not included in CNH's semiannual self-monitoring reports,

despite the fact that part 3.B of the relevant SIU permit requires submission of any monitoring conducted more frequently than required. The Respondent provided information in its February 28, 2017 PCI response demonstrating the samples were analyzed using methods not approved under 40 C.F.R. part 136. The Respondent has also indicated that CNH reasonably believed it was in compliance with 40 C.F.R. § 403.12(g)(6) and has required CNH to submit all data generated from sampling at the monitoring point.

- CNH did not sample outfall ST002 in the second half of 2015.

77. Each instance where the Respondent failed to analyze self-monitoring reports and identify instances of non-compliance is a violation of 40 C.F.R. §§ 403.8(f)(2)(iv) and 403.8(f)(2)(vii), and part V.A.5 of the NPDES Permit.

Count VII: Failure to Enforce According to the Respondent's Enforcement Response Plan

78. The Respondent is required to develop and implement an enforcement response plan (ERP) containing detailed procedures indicating how the Respondent will investigate and respond to instances of IU noncompliance. 40 C.F.R. § 403.8(f)(5) and part V.A.10 of the NPDES Permit.
79. Each of the Respondent's failures to initiate an enforcement response for the IU violations cited in paragraphs 74 and 76, above, violates 40 C.F.R. § 403.8(f)(5) and part V.A.10 of the NPDES Permit.

Count VIII: Failure to Notify Public of Significant Noncompliance

80. The Respondent is required to provide public notice of any instances of significant noncompliance (SNC) by IUs, as described in 40 C.F.R. § 403.8(f)(2)(viii).
81. To the extent that the reports identified in paragraph 74 were not submitted, the IUs that failed to submit them were in SNC under 40 C.F.R. § 403.8(f)(2)(viii).
82. Each of Respondent's failures to provide public notice for the SNC violations listed above are violations of 40 C.F.R. § 403.8(f)(2)(viii).

Count IX: Failure to Operate Pursuant to Legal Authority

83. The Respondent is required to operate pursuant to legal authority enforceable in federal, state or local courts. This legal authority must authorize or enable the Respondent to apply and to enforce the requirements of sections 307 (b) and (c) and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements the Respondent is authorized to enact, enter into or implement, and which are authorized by state law. 40 C.F.R. § 403.8(f)(1).
84. Prior to the inspection, the EPA evaluated the Respondent's Pretreatment ordinance. Some sections of the Respondent's ordinance did not align with the NDDH's pretreatment regulations. The EPA provided this evaluation to the Respondent during the inspection.
85. Part V.A.12 of the Permit requires the Respondent to establish, where necessary, legally binding agreements with contributing jurisdictions to ensure compliance with Pretreatment Requirements.
86. The intergovernmental agreement (IGA) for the City of Oxbow (Oxbow) requires Oxbow to adopt an equivalent ordinance to the Respondent's ordinance and delegates rights of entry provisions to the Respondent. However, the IGA does not allow the Respondent to implement the Pretreatment Regulations fully. The IGA requires Oxbow to enact an ordinance equivalent to Article 17-02 of the Respondent's ordinances. However, the Respondent indicated it was not aware if Oxbow's ordinance was equivalent. In addition, although the IGA states that Oxbow may designate and authorize the Respondent as an agent to conduct inspections to determine and enforce compliance with Oxbow's ordinance, the IGA states that Oxbow must first adopt such criminal or civil ordinance, including an administrative enforcement ordinance, equivalent to that of the Respondent in order to allow for such inspection and enforcement program to occur. The IGA does not clearly delegate the authority to implement the Pretreatment program, including the right of entry, inspections, sampling/monitoring activities, permitting, and enforcement to the Respondent.

87. The Respondent's failures to operate pursuant to enforceable legal authority as described above violate 40 C.F.R. § 403.8(f)(1) and part V.A.12 of the NPDES Permit.

CONSENT ORDER

The EPA orders, and the Respondent agrees:

88. Upon the effective date of this Consent Order (see paragraph 114, below), the Respondent shall:
- a. comply with all requirements of the NPDES Permit and 40 C.F.R. part 403; and
 - b. properly implement the Pretreatment Program.
89. Within 10 business days after the effective date of this Consent Order, the Respondent shall implement procedures for identifying and locating all possible IUs that might be subject to the Pretreatment Program and to identify the character and volume of pollutants contributed to the POTW by each such IU. These procedures shall include using all methods necessary to develop a list of potential IUs served by the POTW and shall, at a minimum, include all procedures identified in Attachment 1 to this Consent Order.
90. By October 31, 2018, the Respondent shall evaluate all IUs that discharge to the POTW pursuant to the Industrial Waste Survey Procedure and provide the EPA and the NDDH a list of these IUs (IU Inventory). For each IU, the Respondent shall include in the IU Inventory:
- a. the name of the IU;
 - b. the location of the IU;
 - c. the type of business conducted by the IU;
 - d. the date the IU was inspected, if required by the Industrial Waste Survey Procedure;
 - e. the date the IU was sampled, if required by the Industrial Waste Survey Procedure;
 - f. the character and volume of pollutants contributed by the IU to the POTW;
 - g. the characterization/categorization of the IU with respect to applicable pretreatment requirements, including whether the IU is subject to Categorical Pretreatment Standards,

is a non-categorical Significant Industrial User, requires best management practices, or is not significant to pretreatment; and

- h. if any IU has been identified as subject to Categorical Pretreatment Standards or as a non-categorical Significant Industrial User, provide the date the IU was issued an SIU permit.

91. Within 10 business days after the effective date of this Consent Order, the Respondent shall implement a procedure for receiving and analyzing reports and other notices from SIUs, including but not limited to periodic self-monitoring reports, 24-hour noncompliance notifications, 30-day resampling submittals, upset notifications and reports, bypass notifications and reports, and other required written reports or verbal notifications. This procedure shall, at a minimum, include all elements in section 5.7 of the City's Industrial Pretreatment Program Manual and the checklists provided during the February 28, 2017 inspection report response. Section 5.7 and the checklists are included in Attachment 2 to this Consent Order.
92. Within 60 days after the effective date of this Consent Order, the Respondent shall submit to the EPA and the NDDH a recordkeeping procedure to ensure that the Respondent keeps records relating to the Pretreatment Program for at least three years. As required by paragraph 96, below, the Respondent shall implement this recordkeeping procedure.
93. Within 60 days after the effective date of this Consent Order, the Respondent shall submit to the EPA and the NDDH an inspection procedure to ensure that the Respondent adequately collects and maintains inspection information in a thorough and reliable manner. The procedure shall address, at a minimum, inspection processes, inspection reports, and, as appropriate, note taking and photographic information. As required by paragraph 96, below, the Respondent shall implement this inspection procedure.

94. The Respondent shall take enforcement actions against IUs in accordance with its ERP for violations identified in paragraphs 74 and 76, above. Within 60 days after the effective date of this Consent Order, the Respondent shall submit to the EPA and the NDDH a list of IU violations and corresponding enforcement actions, including the date each enforcement action was taken.
95. Within 180 days after the effective date of this Consent Order, the Respondent shall submit to the EPA and the NDDH a sampling procedure to ensure that:
- a. the Respondent collects random and independent samples of effluent from all SIUs for all permitted pollutants at least annually, except where the Respondent's legal authority and/or 40 C.F.R. § 403.8(f)(2)(v) requires otherwise, to independently verify compliance or identify noncompliance;
 - b. all samples meet the requirements of 40 C.F.R. part 136 (e.g., holding time, proper sample type, chemical or temperature preservation, analytical techniques);
 - c. required records listed in 40 C.F.R. § 403.12(o) are created and maintained; and
 - d. where necessary, the procedure addresses random and independent sampling of non-SIUs.

As required by paragraph 96, below, the Respondent shall implement this sampling procedure.

96. For each procedure referenced in paragraphs 92, 93, and 95, above:
- a. If, within 30 days after the Respondent's submission, the NDDH has neither disapproved nor provided comments on it, the Respondent shall, no later than 45 days after submittal, implement that procedure as submitted, and
 - b. If, within 30 days after the Respondent's submission, the NDDH disapproves or provides comments on the procedure, the Respondent shall, no later than 15 days after receiving the NDDH's disapproval or comments, submit a revised procedure to the EPA and NDDH for review. Thereafter, the Respondent shall implement the revised procedure as directed by the NDDH.

97. Within 120 days after the effective date of this Consent Order, the Respondent shall submit to the NDDH an updated proposed pretreatment ordinance.
98. Within 60 days after the NDDH's approval of the Respondent's adopted ordinance, the Respondent shall submit to the EPA and the NDDH an SIU permit template that is consistent with the Respondent's legal authority and that contains all information required by 40 C.F.R. § 403.8(f)(1)(B).
99. Within 90 days after the NDDH's approval of the Respondent's adopted ordinance, the Respondent shall (a) reissue all SIU permits using the SIU permit template and (b) submit a notice to the EPA and the NDDH indicating the date this was completed.
100. With the Annual Pretreatment Program Report due March 28, 2019 (see 40 C.F.R. § 403.12(i)), the Respondent shall include an updated summary of the resources required to implement and maintain an ongoing Pretreatment Program that meets all relevant requirements of the NPDES Permit and 40 C.F.R. part 403. The summary shall include an indication of the number of full-time equivalent (FTEs) staff and 2018 level of funding. The Respondent shall provide this report to NDDH and the EPA.
101. On August 31, 2018, November 30, 2018, February 28, 2019, and May 31, 2019, the Respondent shall submit to the EPA and the NDDH reports on the Respondent's activities to implement the Pretreatment Program during the previous calendar quarter. For example, the August 31, 2018 report would cover April 1, 2018 through June 30, 2018. Each report shall include:
 - a. a summary of the Respondent's staff time and external funds used to implement the Pretreatment Program and comply with this Order;
 - b. a summary of all IU violations identified by the Respondent during the previous quarter or, if there were no violations, a statement to that effect;
 - c. a summary of all enforcement actions taken or planned by the Respondent against IUs or,

- if none were taken or are planned, a statement to that effect;
- d. a list of any new SIUs identified; and
 - e. a summary of any sample results collected by the Respondent during the previous quarter from any SIU or, if no such samples were collected, a statement to that effect.
102. With the August 31, 2018 quarterly report, the Respondent shall submit an itemized list of all costs incurred to implement the actions specified in paragraphs 88 through 101, above. The itemized list of costs shall include at a minimum:
- a. the cost of any FTE staff added to the Respondent's budget to comply with this Consent Order, with no need to include the cost of any reassignments of existing non-pretreatment employees to the pretreatment program;
 - b. the cost of contractor support in order to comply with this Consent Order;
 - c. the annual cost to sample SIUs in 2017 and a list of any portion of sampling costs that were billed back to the SIUs; and
 - d. any other itemized costs incurred to implement the actions specified in paragraphs 88 through 101, above.
103. At the EPA's sole discretion, the EPA may extend deadlines required by this Consent Order with written notice to the Respondent, without further formal amendment of this Consent Order. All other modifications to this Consent Order may be made only by written agreement of the parties.
104. Upon completion of all requirements of this Consent Order, the Respondent may submit a request for termination to the EPA, together with all necessary supporting documentation. Upon request from the Respondent, EPA will confer with the Respondent within 60 days of receiving the Respondent's request to terminate. If the EPA finds that it is appropriate to terminate this Consent Order, the EPA may do so unilaterally.

105. The time periods in this Consent Order are calendar days unless otherwise specified. If any due date specified in this Consent Order falls on a weekend or federal holiday, the relevant deadline shall be the first business day following that date.
106. All notices and reports required by the Consent Order to be given to the EPA or NDDH shall be sent to:

Emilio Llamozas, 8ENF-W-NP
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202
Llamozas.emilio@epa.gov / Phone: 303-312-6407

and

Marty Haroldson
NPDES Program Manager
North Dakota Department of Health
918 East Divide Avenue, 4th Floor
Bismarck, North Dakota 58501-1947
mharolds@nd.gov / Phone: 701-328-5234

107. If any relevant functions under this Consent Order are transferred from the NDDH to another agency, any notifications to the NDDH required under this Consent Order will be provided to the successor agency.
108. All reports and information required by this Consent Order shall include the following certification statement, signed and dated by an individual meeting the definition in 40 C.F.R. § 122.22(a)(3) of a principal executive officer or ranking elected official:


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

109. Any failure to comply with the requirements of this Consent Order shall constitute a violation of this Consent Order and may subject the Respondent to penalties as provided under section 309 of the Act, 33 U.S.C. § 1319.
110. This Consent Order does not constitute a waiver or modification of the terms and conditions of the NPDES Permit, which remains in full force and effect.
111. This Consent Order does not constitute a waiver or election by the EPA to forego any civil or criminal action to seek penalties, fines, or other relief as it may deem appropriate under the Act. Section 309(d) of the Act, 33 U.S.C. § 1319(d), authorizes the assessment of civil penalties of up to \$52,414 (as adjusted for inflation by 40 C.F.R. part 19) per day for each violation of the Act. Section 309(c) of the Act, 33 U.S.C. § 1319(c), authorizes fines and imprisonment for willful or negligent violations of the Act.
112. Compliance with the terms and conditions of this Consent Order shall not be construed to relieve the Respondent of its obligation to comply with any applicable federal, state, or local laws or regulation.
113. Each undersigned individual has the authority to bind the respective party to this Consent Order. This Consent Order may be signed in part and counterpart by any party.
114. This Consent Order shall be effective immediately upon the Respondent's receipt of a fully executed copy.

Date: 6/4/18

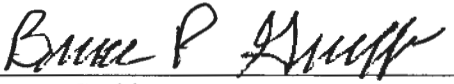
By: _____

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY


Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance,
and Environmental Justice
Region 8, U.S. EPA
1595 Wynkoop Street
Denver, Colorado 80202

CITY OF FARGO, NORTH DAKOTA,
Respondent

Date: 5-25-2018

By: 
Bruce P. Grubb
City Administrator

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Order for Compliance on Consent was sent or delivered on this day as follows:

Original and one copy hand delivered to:

Melissa Haniewicz
Regional Hearing Clerk
U.S. Environmental Protection Agency (8RC)
Region 8
1595 Wynkoop Street
Denver, Colorado 80202

and

Copy by certified mail, return receipt requested (no. 7012 3210 0000 5368 0993) to:

Erik R. Johnson
City Attorney
City of Fargo
505 Broadway Street North, Suite 206
Fargo, North Dakota 58102

4/5/18
Date

By: Jan Petty

In the Matter of the City of Fargo, North Dakota

Administrative Order for Compliance on Consent

Attachment 1

3.1 Background Information

The City of Fargo is primarily an agriculturally based City with some industry. Most of the industries located in Fargo are oriented toward agriculture. The Industrial/Commercial Wastewater Questionnaire was designed to identify those water users which might be industrial waste contributors, or which have the potential to discharge prohibited materials, and to verify if any industry is subject to any Federal Categorical Pretreatment Standards. The questionnaire provides Fargo with background information and a base from which sampling, monitoring, discharge permits, and effluent limitations can be developed. Exhibit 1 in the Appendix is the form letter and "Industrial/Commercial Wastewater Questionnaire" used by the City.

3.2 Methods Used to Identify and Locate Industrial Users

A comprehensive list of all industrial users was compiled from Water Department billings, industry directory published by the Chamber of Commerce, the telephone book/yellow pages, and general knowledge of the people associated with the program and longtime citizens with the City of Fargo. Restaurants, hotels/motels, and service stations were not included on this list because they are relatively minor amounts of water. Their water discharge is primarily domestic waste.

Businesses are examined in the Water Department billings. Water consumption and general knowledge of the business were the prime factors for developing a questionnaire mailing list.

Figure 3.1 shows the Criteria for Identifying Significant Industrial Users developed by EPA.

Criteria for Identifying Significant Industrial Users
E.P.A. 40 CFR 403.8(f)(2)(i)

1. Create a master list of Industrial Users

- A. Mechanisms for IWS
- | | | |
|-----------------------------|---|--------------------------------|
| * Phone Books/Newspaper | * | Environmental Permits |
| * Sales Tax Records | * | Driving Around |
| * Building/Plumbing Permits | * | Computerized Business Listings |
| * Water/Wastewater Billing | * | Citizens Observations |
| * Fire Department | * | Planning/Zoning Board |
| * Inspections | * | Chamber of Commerce |
| * Written Surveys | | |

2. Categorical Determination

- B. Categorical Determinations
- | | | |
|---------------------------------|---|-------------------------------------------|
| * Production Processes/Products | * | Determine Applicable Category |
| * Raw Materials | * | Determine Applicable Subcategory |
| * Production Volume | * | Contact Approval Authority for Assistance |

3. Initial Survey Question

- C. Initial Survey Questions
- * Name and Address
 - * Standard Industrial Classification (SIC) Code
 - * Products Manufactured/Services Provided
 - * Wastewater Flow/Water Usage
 - * Chemicals Used
 - * Description of Storage, Treatment and Discharge Practices

4. Significant Industrial User [40 CFR 403.3(t)]

- D. Significant Industrial User [40 CFR 403.3(t)]
- * Subject to Federal Categorical Standards
 - * Discharges 25,000 GPD or More of Process Wastewater
 - * Contributes 5% or More of Hydraulic or Organic Capacity of the POTW Treatment Plant
 - * Has a Reasonable Potential for Adversely Affecting the POTW or for Violating Any Standard or Requirement

3.3 Industrial Waste Survey Updating

The existing industrial waste survey will be kept current by monthly reviews of Water Department billings, new building permits issued, Chamber of Commerce listings, press releases of possible new industries coming into the area, and visual surveillance of industrial areas in the City.



**CITY OF FARGO PUBLIC WORKS
WASTEWATER TREATMENT PLANT**

3400 North Broadway
Fargo, North Dakota 58102
Phone: (701) 241-1454
Fax: (701) 241-8159
Web Site: www.cityoffargo.com

January 10, 2017

Cardinal Glass
4611 15th Ave North
Fargo, ND 58102

Dear Industrial/Commercial Sanitary Sewer User,

Environmental Protection Agency (EPA) Federal Pretreatment Regulations [40 CFR 403.8(f)(2)(i) and 40 CFR 122.44(j)(1)] require the City of Fargo to identify and characterize all potential industrial or commercial users of the city's publically owned treatment works (POTW's) which may be subject to inclusion in the City of Fargo's Industrial Pretreatment Program (IPP). For this reason, your facility is being asked to complete the attached Industrial/Commercial Wastewater Questionnaire.

Please complete the attached questionnaire as thoroughly as possible, and return by February 15, 2017 to:

City of Fargo Wastewater Treatment Facility
Attention: Don Tucker
3400 North Broadway
Fargo, ND 58102

The information gathered in the questionnaire is critical for this office to determine whether or not the City of Fargo is obligated to include your facility in its industrial pretreatment program.

Should you have any questions, feel free to contact me at 701-241-8565.

Thank you for your cooperation,

A handwritten signature in black ink, appearing to read "Don L. Tucker".

Donald L. Tucker
Wastewater Superintendent
City of Fargo, ND

INDUSTRIAL/COMMERCIAL WASTEWATER QUESTIONNAIRE

GENERAL INFORMATION

Standard Industrial Classification Code (SIC): _____

Company Name: _____

Mailing Address: _____

Address of Premises: _____

Name & Title of Signing Official: _____

Contact Official:

Name: _____ Title: _____

Address: _____

Phone: _____

The information contained in this questionnaire is familiar to me and to the best of my knowledge and belief; such information is true, complete and accurate.

_____ Date: _____

(Signature of Official)

Business Operational Characteristics

Brief description of manufacturing or business activity on premises: _____

Principal Raw Materials Used: _____

Catalysts, Intermediates: _____

Principal Product or Service (use Standard Industrial Classification Manual if appropriate): _____

Type of Discharge: _____ Batch _____ Continuous

If batch, average number of batches per 24 hours: _____

Is there a scheduled shutdown?: _____

When?: _____

Is production seasonal?: _____

If yes, explain, indicating month(s) of peak production: _____

Average number of employees per shift: _____ 1st _____ 2nd _____ 3rd

Shift start times: _____ 1st _____ 2nd _____ 3rd

Shifts normally worked each day:

	SUN	MON	TUE	WED	THU	FRI	SAT
1 st	_____	_____	_____	_____	_____	_____	_____
2 nd	_____	_____	_____	_____	_____	_____	_____
3 rd	_____	_____	_____	_____	_____	_____	_____

Describe any wastewater treatment equipment or processes in use: _____

Raw Water Sources:

<u>Source</u>	<u>Quantity</u>
City Water _____	_____ gals. per day
Well Water _____	_____ gals. per day
_____	_____ gals. per day

Describe any raw water treatment processes in use: _____

List Water Consumption in Plant:

Cooling water	_____ gallons per day
Boiler feed	_____ gallons per day
Process water	_____ gallons per day
Sanitary system	_____ gallons per day
Contained in product	_____ gallons per day
Other	_____ gallons per day

List Average Volume of Discharge or Water Loss to

City wastewater sewer	_____ gallons per day
Natural outlet	_____ gallons per day
Waste hauler	_____ gallons per day
Evaporation	_____ gallons per day
Contained in product	_____ gallons per day

Is discharge to sewer _____ Intermittent _____ Steady

List plant sewer outlets, size, flow (attach and refer to map): _____

A _____

B _____

C _____

D _____

E _____

F _____

G _____

For each connection identified, specify, if known, the following wastewater characteristics for average, relatively high and relatively low flow conditions.

	LOW	AVG	HIGH		LOW	AVG	HIGH
Flow, gal/day				Cyanide, mg/L			
pH				TOC, mg/L			
BOD ₅ mg/L				Ammonia Nitrogen, mg/L			
COD ₅ mg/L				Arsenic, mg/L			
Color, units				Cadmium, mg/L			
Total Solids, mg/L				Chromium, Hexavalent, mg/L			
TSS, mg/L				Chromium, Total, mg/L			
Settleable Solids, mg/L				Copper, mg/L			
Grease & Oil, mg/L				Lead, mg/L			
Phenols, mg/L				Iron, mg/L			
Chloride, mg/L				Manganese, mg/L			
Sulfate, mg/L				Mercury, mg/L			
Sulfide, mg/L				Nickel, mg/L			
Total Phosphorus, mg/L				Zinc, mg/L			

Identify any of the chemicals which are stored, used in production of goods or services at your facility, or known to be discharged from your premises as either a liquid or solid waste. Indicate for each item checked your average monthly use or storage.

CHEMICAL	CHECK BELOW	QUANTITY USED OR STORED PER MONTH	CHEMICAL	CHECK BELOW	QUANTITY USED OR STORED PER MONTH
Acenaphthene			Bromoform		
Acenaphthylene			4-Bromophenyl phenyl ether		
Acrolein			Butyl benzyl phthalate		
Acrylonitrile			Cadmium		
Aldrin			Carbon tetrachloride		
Anthracene			Chlordane		
Antimony			Chlorobenzene		
Arsenic			Chlorobidromomethane		
Asbestos			Chroethane		
Benzene			2-Chloroethyl vinyl ether		
Benzidine			Chloroform		
Benzo(a)anthracene			2-Chloronaphthalene		
Benzo(a)pyrene			2-Chlorophenol		
Benzo(ghi)perylene			4-Chlorophenyl phenyl ether		
Benzo(k)fluoranthene			Chromium		
3,4-Benzofluoranthene			Chrysene		
Beryllium			Copper		
Alpha-BHC			Cyanide		
Beta-BHC			4,4'-DDD		
Delta-BHC			4,4'-DDE		
Gamma-BHC			4,4'-DDT		
Bis(chloromethyl)ether			Di-n-butyl phthalate		

Continued

CHEMICAL	CHECK BELOW	QUANTITY USED OR STORED PER MONTH	CHEMICAL	CHECK BELOW	QUANTITY USED OR STORED PER MONTH
Bis(2-chloroethoxy)methane			DI-n-octyl phthalate		
Bis(2-chloroethyl)ether			Dibenzo(a,h)anthracene		
Bis(2-chloroisopropyl)ether			1,2-Dichlorobenzene		
Bis(2-ethylhexyl)phthalate			1,3-Dichlorobenzene		
1,4-Dichlorobenzene			1,1-Dichloroethylene		
3,3-Dichlorobenzidine			2,4-Dichlorophenol		
Dichlorobromomethane			1,2-Dichloropropane		
Dichlorodifluoromethane			1,3-Dichloropropylene		
1,1-Dichloroethane			Dieldrin		
1,2-Dichloroethane			Diethyl phthalate		
Dimethylphthalate			4-Nitrophenol		
2,4-Dimethylphenol			N-nitrosodi-n-propylamine		
4,6-Dinitro-o-cresol			N-nitrosodimethylamine		
2,4-Dinitrophenol			N-nitrosodiphenylamine		
2,4-Dinitrotoluene			Parachlorometacresol		
2,6-Dinitrotoluene			PCB-1016		
1,2-Diphenylhydrazine			PCB-1221		
Alpha-endosulfan			PCB-1232		
Beta-endosulfan			PCB-1242		
Endosulfan sulfate			PCB-1248		
Endrin			PCB-1254		
Endrin aldehyde			PCB-1260		
Ethylbenzene			Pentachlorophenol		
Fluoranthene			Phenanthrene		
Florene			Phenol		
Heptachlor			Pyrene		
Heptachlor epoxide			Selenium		
Hexachlorobenzene			Silver		
hexachlorobutadiene			2,3,7,8-tetrachlorodibenzo-p-dioxin		

Continued

CHEMICAL	CHECK BELOW	QUANTITY USED OR STORED PER MONTH	CHEMICAL	CHECK BELOW	QUANTITY USED OR STORED PER MONTH
Hexachlorocyclopentadiene			1,1,2,2-Tetrachloroethane		
Hexachloroethane			Tetrachloroethylene		
Indeno(1,2,3-cd)pyrene			Thallium		
Isophorone			Toluene		
Lead			Toxaphene		
Mercury			1,2-Trans-dichloroethylene		
Methyl bromide			1,2,4-Trichlorobenzene		
Methyl chloride			1,1,1-Trichloroethane		
Methylene chloride			1,1,2-Trichloroethane		
Naphthalene			Trichloroethylene		
Nickel			Trichlorofluoromethane		
Nitrobenzene			2,4,6-Trichlorophenol		
2-Nitrophenol			Vinyl chloride		
			Zinc		

List any other toxicants known or anticipated to be present in the discharge: _____

PRETREATMENT

Is this business subject to an existing Federal Pretreatment Standard? _____

If so, are Pretreatment Standards being met on a consistent basis? _____

Are additional pretreatment facilities and/or operation and maintenance required to meet Pretreatment Standards?

If additional pretreatment and/or operation and maintenance are required, list the schedule by which they will be provided: _____

Is there a Spill Prevention Control and Countermeasure Plan in effect for this plant?

_____ Yes _____ No

In the Matter of the City of Fargo, North Dakota

Administrative Order for Compliance on Consent

Attachment 2

5.7 Review of Self Monitoring and Compliance Reports

The self monitoring and compliance reports shall be handled in the following manner:

- **Reviewed when received.**
- **Checked for completeness of permit requirements.**
- **Compared with discharge permit limitations for compliance or noncompliance.**
- **Filed for future reference.**

Compliance reports shall be handled in a similar matter with compliance to milestones being the major item to verify.

Review Process For Industry Self Monitoring Reports

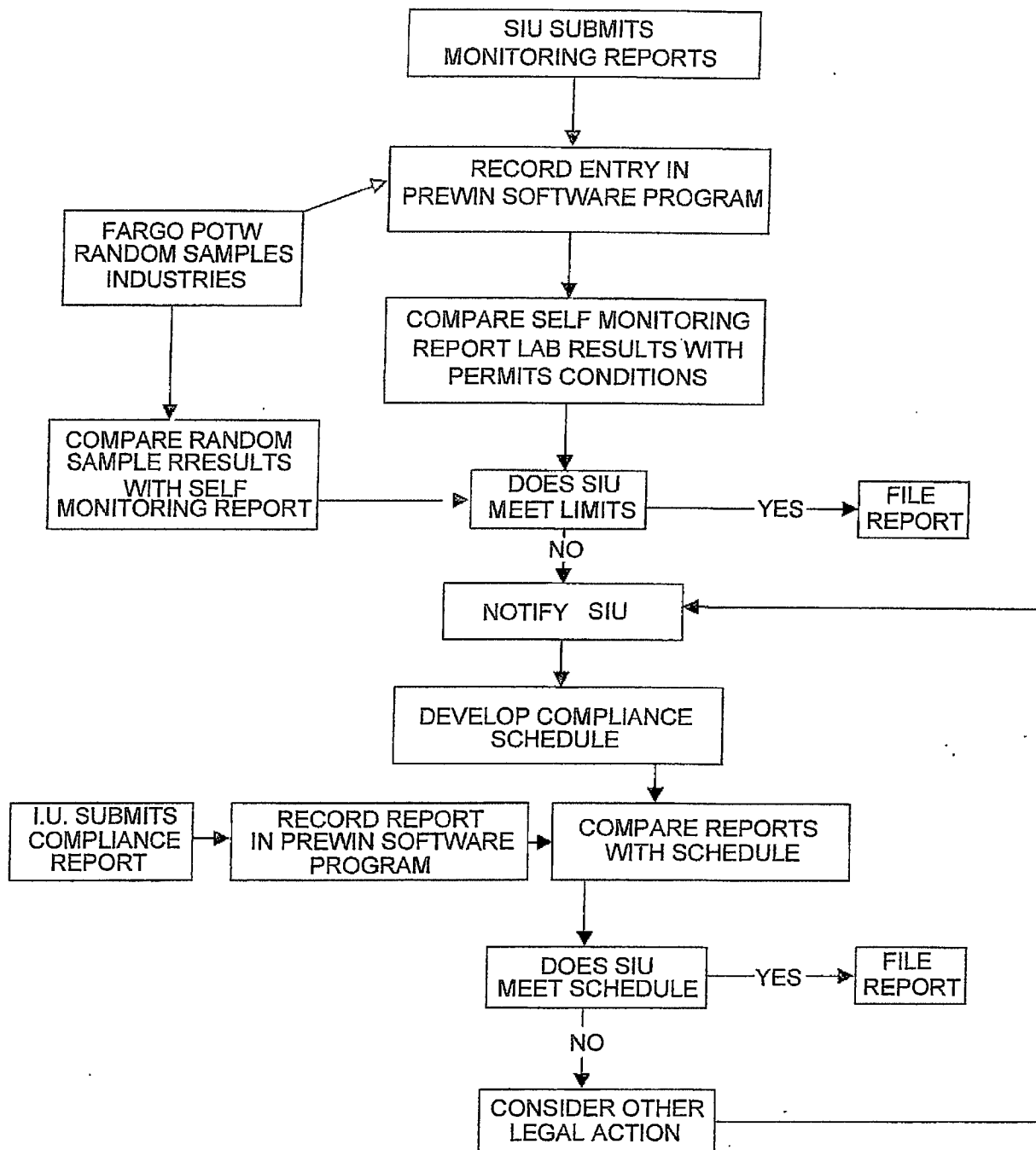


Figure 5.2

Steps to Receiving and Filing Semi-Annual IPP Compliance Reports

Semi-annual compliance samples must be taken by April 30, and October 31 of each year.

Reports are due 45 days after samples are taken (sample date).

1. Receive report (preferably mailed) at Fargo WWTF.
2. Stamp "received" and initial cover of report.
3. Enter sample results into WIMS database (custom data entry form, IPP COMPLIANCE RESULTS).
4. Update white board in Superintendents office indicating sample received.
5. Print out IPP check off sheet located on T: drive.
6. Verify compliance using check off sheet.
7. Make NOV/SNC/TRC determinations.
8. File report and check off sheet in Superintendents file cabinet.

Compliance Report Checklist

Industrial User	
Date Report Received by Control Authority:	
Report Received Date Stamped and Signed?	
Report Date:	
Report Receive Deadline Date:	
Report Signature and Certification Statement (Y/N):	
Sample Date:	
Sample Deadline Date:	
Enter Sample Results into WIMS:	
Update IPP White Board:	
Update Form:	
File Report:	

Industrial User Limit Check Sheet

Significant Industrial Users							
	Local Limits mg/l	Ameripride mg/l	Dons mg/l	Kemps mg/l	HES mg/l	Tharaldson mg/l	Federal Machine mg/l
Cadmium	0.20						
Chromium	5.57						
Copper	2.82						
Lead	1.60						
Nickel	5.60						
Silver	2.00						
Zinc	18.17						
pH (S.U.)	5-12.5						
Arsenic	2.80						
BENZENE	0.05						
BTEX	0.75						
Mercury	0.00						
Selenium	0.26						
BOD							
TSS							

Categorical Industrial Users (Metal Finishing Standards)

	EPA Guidelines mg/l	Amity		Buhler		CNH		Norwood Sales		Federal Machine	
		Daily Max	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Monthly Avg	Zero Discharge	
Cadmium	0.69	0.11	0.07	0.11	0.07	0.11	0.07	0.11	0.07		
Chromium	2.77	2.77	1.71	2.77	1.71	2.77	1.71	2.77	1.71		
Copper	3.38	2.82	2.07	2.82	2.07	2.82	2.07	2.82	2.07		
Lead	0.69	0.69	0.43	0.69	0.43	0.69	0.43	0.69	0.43		
Nickel	3.98	3.98	2.38	3.98	2.38	3.98	2.38	3.98	2.38		
Silver	0.43	0.43	0.24	0.43	0.24	0.43	0.24	0.43	0.24		
Zinc	2.61	2.61	1.48	2.61	1.48	2.61	1.48	2.61	1.48		
CN-	1.20	1.20		1.20	0.65	1.20	0.65	1.20	0.65		
pH	5-	5-12.5		5-12.5		5-12.5		5-12.5			
TTO	2.13	2.13		2.13		2.13		2.13			

IPP AMITY DATA

Friday, February 24, 2017

10000	Amity TSS	15	mg/l
10001	Amity BOD5	20.0	mg/l
10002	Amity COD	100	mg/l
10003	Amity pH	7.00	SU
10004	Amity Temp	15.00	Deg C
10005	Amity Oil and Grease		mg/l
10006	Amity Cadmium	10	mg/l
10007	Amity Chromium Total		mg/l
10008	Amity Copper		mg/l
10009	Amity CN- Total		mg/l
10010	Amity Lead		mg/l
10011	Amity Nickel		mg/l
10012	Amity Silver		mg/l
10013	Amity Zinc		mg/l
10014	Amity TTO		mg/l

Hach WIMS

Entry is a Daily Violation!

Accept entry?

Yes No