

Enclosure 1

Non-Significant Categorical Industrial User (NSCIU) Requirements under the Metal Finishing Point Source Category and the General Pretreatment Regulations CO-PF00108

Industrial User:	Monument Powder Coating 169 South Mulberry Street Fruita, CO 81521
Publicly Owned Treatment Works (POTW):	City of Fruita Publicly Owned Treatment Works, NPDES #CO-0048854
Regulated Process Wastewater:	Wastewaters generated from phosphating process and cleaning process used to prepare metal parts for powder coating. These process wastestreams are regulated by the Metal Finishing Point Source Category (40 CFR Part 433). Monument Powder Coating is classified as a Non-Significant Categorical Industrial User (NSCIU).
Applicable Pretreatment Standards:	40 CFR § 433.17, Pretreatment Standards for New Sources (PSNS) 40 CFR Part 403, General Pretreatment Regulations

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PART I – Facility Information

A General Facility Information

Monument Powder Coating (facility) is located at 169 South Mulberry Street in Fruita, CO 81521. The facility is a powder coater that phosphates metal parts in preparation for the powder coating unit operation.

B Outfalls

No regulated process wastewater shall be discharged to the City of Fruita POTW except at Outfall 001, designated below. The outfall designated below shall not be changed without notification to EPA.

Outfall Number	Description of Discharge Point
001	Discharge from the floor drain located in the center of the phosphate spray area flows to a two-chamber sand interceptor located outside of the front door of the facility. The wastewater is passively treated in the sand interceptor and is discharged to the sanitary sewer.

PART II – Effluent Limitations and Monitoring Requirements

A Specific Effluent Limitations, NSCIU Requirements (40 CFR § 403.3(v); 40 CFR § 433.17; CFR § 403.12(q))

1 Specific Effluent Limitations and NSCIU Requirements

EPA has determined that Monument Powder Coating is subject to the Metal Finishing Regulations at 40 CFR 433.17 but is classified as an NSCIU (40 CFR 403.3(v)(2)). Therefore, the compliance monitoring and sampling requirements are no longer required and are denoted as N/A in Table 1. Monument Powder Coating is required to monitor for flow of the process discharges from Outfall 001 for every operating day and document the discharge quantity in gallons each day of discharge. These NSCIU Requirements allow the facility to discharge less than or equal to 100 gallons per day of regulated wastewater for any production day from Outfall 001. An exceedance of 100 gallons per day of regulated wastewater will result in Monument Powder Coating no longer being classified as an NSCIU.

Monument Powder Coating is still subject to the Metal Finishing Regulations and the limits in Table 1 are applicable should the facility no longer be classified as an NSCIU.

Table 1- Metal Finishing Point Source Category PSNS, 40 C.F.R. 433.17, Discharges to Outfall 001

ICIS Code	Parameter	Units	Instantaneous Limits	Daily Maximum limit	Monthly Average limit	Sample Type	Frequency of Analysis
50050	Flow	gal/day	---	100 gallons per day ⁽¹⁾	Report	Measured	Every operating day with a discharge
00400	pH	S.U.	≥5.0	---	---	NA	NA
01027	Total Cadmium	mg/l	---	0.11	0.07	NA	NA
01034	Total Chromium	mg/l	---	2.77	1.71	NA	NA
01042	Total Copper	mg/l	---	3.38	2.07	NA	NA
01051	Total Lead	mg/l	---	0.69	0.43	NA	NA
01067	Total Nickel	mg/l	---	3.98	2.38	NA	NA
01077	Total Silver	mg/l	---	0.43	0.24	NA	NA
01092	Total Zinc	mg/l	---	2.61	1.48	NA	NA
00720	Total Cyanide	mg/l	---	1.20	0.65	NA	NA
78224	Total Toxic Organics	mg/l	---	2.13	---	NA	NA

(1) As required in Part III.B of this document, the facility shall promptly notify if any discharge from the phosphate process exceeds 100 gallons per day in any production day.

B Record-Keeping Requirements (40 CFR § 403.12(o))

The facility shall maintain records of all information resulting from any monitoring activities required by the Pretreatment Regulations, including documentation associated with Best Management Practices (BMPs) (e.g., inspections of spill control BMPs) for a minimum of three years. Refer to Part IV.A of this enclosure for additional information about Retention of Records. Such records shall include for all samples:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
2. The dates and times analyses were performed;
3. Names of individual(s) who performed the analyses;
4. The analytical techniques/methods used; and
5. The results of such analyses.

C General and Specific Discharge Prohibitions

The following pollutants shall not be introduced into a POTW:

- 1 General Prohibitions (40 CFR § 403.5(a))

The facility may not introduce into the POTW any pollutant(s) which cause Pass Through or Interference.

2 Specific Prohibitions (40 CFR § 403.5(b))

- a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR § 261.21;
- b) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;
- c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
- d) Any pollutant, including oxygen demanding pollutants (biochemical oxygen demand, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
- e) Heat in amounts that will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless EPA, upon request of the POTW, approves alternate temperature limits;
- f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- g) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; or
- h) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

PART III – Reporting and Notification Requirements

A Annual NSCIU Compliance Report (40 CFR § 403.12(q))

The facility shall submit an Annual NSCIU Compliance Report to EPA and the POTW (see Part III.C for address) as follows:

1 Due Dates

The Annual NSCIU Compliance Report is due by the date listed below and shall not be submitted until the compliance monitoring period is complete. The report shall contain information from the associated compliance monitoring period.

Compliance Monitoring Period	Due Date
January through December	January 31

2 NSCIU Certification Statement

The Annual NSCIU Compliance Report shall include the certification statement required by 40 CFR § 403.12(q) and included in Part III.D of these NSCIU Requirements. The certification statement shall be signed by the appropriate signatory official as stated in Part III.D of these NSCIU Requirements.

3 Flow Data

The Annual NSCIU Compliance Report shall include flow data based on flow monitoring required in Part II.A.1 of these NSCIU Requirements. Submit a record on the discharge monitoring report (DMR) of the measured average daily flow for each month (monthly average) and the maximum daily flow for each month (daily maximum) from Outfall 001 in the reporting period. If no discharge occurs during a month, it shall be stated as such on the DMR.

4 Additional Monitoring

If the facility monitors any regulated pollutant listed in Part II.A.1 of these NSCIU Requirements at Outfall 001 more frequently than required using representative sampling and analytical procedures listed in 40 CFR 136, the results of this monitoring shall be included in the Annual NSCIU Compliance Report.

B Notification of Changed Discharge (40 CFR § 403.12(j))

The Pretreatment Regulations at 40 CFR 403.12(j) state the following: “All Industrial Users shall promptly notify the Control Authority (and the POTW if the POTW is not the Control Authority) in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under paragraph (p) of this section.”

This regulation requires the facility to promptly notify EPA and the City of Fruita in advance of any substantial change in the volume or character of pollutants in its discharge. These substantial changes include changes that may affect the NSCIU requirements contained in this notification and could include changes to the operations, wastestream generation, and/or wastewater management (discharges of volumes above 100 gallons per day for any day or discharges of concentrated chemical solutions) that may affect the status of the facility under the Pretreatment Regulations. This also includes any changes to the operation that changes the discharge of listed or hazardous wastes.

C Reporting and Notification Contacts

1. Submission of Reports Electronically or by Hard Copy Submission:

Until the effective date of the NPDES Electronic Reporting Rule, the facility may either submit the Annual NSCIU Compliance Report electronically, as described below, or submit hard copies to the address below. Other written reports and notifications required to be submitted to EPA shall be sent to the following address:

NPDES and Wetland Enforcement Section (8ENF-W-NW)
US EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202
Attention: Pretreatment

2. Establishment of NetDMR Account, if submitting reports electronically:

- a) As of the date of these NSCIU Requirements, the deadline for the electronic reporting of Annual NSCIU Compliance Report is December 21, 2020 (40 CFR §127.16). On September 23, 2020, EPA signed the NPDES e-Rule Phase 2 Extension final rule which would provide states and EPA additional time to implement electronic reporting for certain Clean Water Act discharge permitting requirements. In this final rule, EPA extended the compliance deadline for implementation of Phase 2 of the e-Rule by five years, from December 21, 2020 to December 21, 2025.
 - b) By the effective date of the NPDES Electronic Reporting Rule, the facility is required to establish a NetDMR account to electronically submit Annual NSCIU Compliance Reports and notifications and must sign and certify all electronic submissions in accordance with the Signatory requirements of the NSCIU Requirements. NetDMR is accessed from the internet at <https://netdmr.zendesk.com/home>. Additionally, the facility can contact the EPA via our R8NetDMR@epa.gov mailbox for any individual assistance or one-on-one training and support.
3. Written reports and notifications required to be submitted to the POTW shall be sent to the following address:

Kenneth Haley
Public Works Director
City of Fruita
900 Kiefer Avenue
Fruita, Colorado 81521

4. Verbal notifications required to be submitted to EPA shall be made by calling either number below and asking to speak with the NPDES Enforcement, Pretreatment Contact.

303-312-6312 or 800-227-8917

5. Verbal notifications required to be submitted to the POTW shall be made by calling the number below.

970-858-9558 (City of Fruita)

D Report Signatory Requirements

The Annual NSCIU Compliance Report shall include the following certification statement as set forth in 40 CFR § 403.12(q):

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR Part 433, I certify that, to the best of my knowledge and belief that during the period from January 1, [Calendar Year], to December 31 [Calendar Year]:

(a) The facility described as Monument Powder Coating met the definition of a non-significant categorical Industrial User as described in §403.3(v)(2); (b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:

[Complete or attached required applicable documentation, including process discharge records]”

The certification statement shall be signed as follows:

1. By a responsible corporate officer, if the facility is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. By a general partner or proprietor if the facility is a partnership, or sole proprietorship respectively.
3. By a duly authorized representative of the individual designated in (1) or (2) of this section if:
 - a) The authorization is made in writing by the individual described in paragraph (1) or (2);
 - b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - c) The written authorization is submitted to the EPA.
4. If an authorization under (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of (3) of this section must be submitted to EPA prior to or together with any reports to be signed by an authorized representative.

PART IV – General Conditions

A Retention of Records (40 CFR § 403.12(o))

The facility is required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required). This includes but is not limited to any calibration and maintenance records, all flow monitoring documentation and copies of all reports required by the Pretreatment Regulations. The facility shall make such records available for inspection and copying by EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the facility or when requested by EPA.

B Confidentiality (40 CFR § 403.14)

In accordance with 40 CFR Part 2, any information submitted pursuant to these NSCIU Requirements may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words ‘confidential business information’ on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. Information and data provided to EPA which is effluent data shall be available to the public without restriction.

C Transferability

The NSCIU designation is non-transferable to a new owner or operator without, at a minimum, prior notification to EPA and the POTW, and the facility shall provide of a copy of the existing NSCIU Requirements to the new owner or operator.

D Right of Entry

Pursuant to section 308 of the Clean Water Act, EPA or an EPA authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of his or her credentials, shall have a right to:

1. Enter upon the premises where a regulated facility or activity is located or conducted, or where records must be kept;
2. Have access to and copy, at reasonable times, any records that must be kept;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or regulated operations;
4. Sample or monitor, for the purposes of assuring compliance, any substances or parameters at any location; and
5. Inspect any production, manufacturing, fabricating, or storage area where regulated pollutants could originate, be stored, or be discharged to the POTW.

E Cause for Reissuance or Modification

These NSCIU Requirements may be modified, revoked or reissued for cause: this includes the establishment of new or revised limitations to the Metal Finishing Regulations, establishment of new or revised standard or requirements in the Pretreatment Regulations or substantial changes in operation or the volume or character of pollutants in the regulated wastewater discharge. EPA may request information periodically to ensure the NSCIU Requirements is representative of current conditions.