Sector Controls

Powerful tools to help keep your plant running, your sewer lines clean, and your attorneys happy



Metropolitan Wastewater
MANAGEMENT COMMISSION









Sector Controls – What are they?

- Sector Controls, also known as General Requirements, Control Mechanisms, Discharge authorizations, etc. deliver a message of standardized regulatory requirements to groups of operationally similar businesses
- These regulatory requirements are established by legal authority from sources including but not limited to Municipal Code, Local Limits, State Ordinances, and federal guidance documents



Sector Controls – Who are they for?

accordance with 40 CFR 403.8(f)(6)).

Industries that:

- *do not* fall under SIU (Significant Industrial User) status as defined in 40 CFR 403.3 (v)(1) or categorical pretreatment designations under 40 CFR Chapter I Subchapter N, but;
- *do* discharge or have risk to discharge non-domestic wastewater that can cause disruptions to the POTW and conveyance system or violate discharge prohibitions.

(v) Significant Industrial User. (1) Except as provided in paragraphs (v)(2) and (v)(3) of this section, the term Significant Industrial User means: (i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and (ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in

Sector Controls – Who are they for?

Not to be confused with:

• "general control mechanisms" as outlined in 40 CFR 403.8(f)(1)(iii)(A) [although they are similar in purpose and operation]

• Non-Significant Categorical Industrial Users as outlined in 40 CFR 403.3(v)(2)

"General Control Mechanisms"



- Streamlining tool outlined in 40 CFR 403.8(f)(1)(iii)(A)
- Generalized permits that can be applied to multiple similar SIUs instead of individualized permits
- Cannot be used for CIUs

(1) At the discretion of the POTW, this control may include use of general control mechanisms if the following conditions are met. All of the facilities to be

(i) Involve the same or substantially similar types of operations;

(ii) Discharge the same types of wastes;

covered must:

(iii) Require the same effluent limitations;

(iv) Require the same or similar monitoring; and

- (v) In the opinion of the POTW, are more appropriately controlled under a general control mechanism than under individual control mechanisms.
- (2) To be covered by the general control mechanism, the Significant Industrial User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests in accordance with § 403.12(e)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the Discharge is not effective in the general control mechanism until after the POTW has provided written notice to the Significant Industrial User that such a waiver request has been granted in accordance with § 403.12(e)(2). The POTW must retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific Significant Industrial User meets the criteria in paragraphs (f)(1)(iii)(A)(1) through (5) of this section, and a copy of the User's written request for coverage for 3 years after the expiration of the general control mechanism. A POTW may not control a Significant Industrial User through a general control mechanism where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the Combined Wastestream Formula or Net/Gross calculations (§§ 403.6(e) and 403.15).

"Non-Significant Categorical Industrial Users"



- Streamlining tool outlined in 40 CFR 403.3(v)(2)
- ≤100gpd categorical wastewater
- "Consistently complied"
- Certification

- (2) The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under § 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (ii) The Industrial User annually submits the certification statement required in § 403.12(q) together with any additional information necessary to support the certification statement; and
 - (iii) The Industrial User never discharges any untreated concentrated wastewater.

Sector Controls – Who are they for?

- What is considered a "Sector"?
 - Groups of businesses that perform similar work and have effluent or spill risks similar enough to fall under one uniform guidance document.
- Sector Controls currently used in Eugene and Springfield:
 - Food Service Establishments
 - Photograph processors
 - Fermentation industry (breweries, wineries, distilleries, kombucha, etc.)
 - Non-Discharging Categorical Industrial Users
 - Analytical Laboratories and Research Facilities
 - Carpet Cleaners... And more!

Sector Controls – How are they used?

Sector controls establish legal authority and deliver educational materials regarding regulations to industries that may be unaware of requirements they are held to.

Examples:

- Municipal code requirements
 - Pretreatment installation and maintenance
 - Reporting requirements
 - Local limits
 - pH, BOD/COD, Oil & Grease, etc.
- Site-specific constraints
 - Pipe / pump station capacity or operation issues
 - Time-based flow issues
- State requirements (NDCIU)

Sector Controls – How are they NOT used?

Sector controls *cannot*:

- be used for sites that are required to be regulated under individual control mechanisms or permits;
- establish requirements that cannot be backed up by legal authority;
- overstep jurisdictional boundaries including but not limited to:
 - Plumbing code
 - Building permit requirements
 - Regional boundaries such as city limits, county / state lines, etc. unless established by MOA or similar





Best Management Practices

BMPs are the second most powerful tool in sector controls, behind regulatory requirements.

Educating the industry of the characteristics of their wastewater, and how to avoid improper discharge or spills, can pay huge dividends in the long run

Best Management Practices

Examples of Best Management Practices:

- Pollution prevention where practicable, using fewer and less harmful substances such as cleaning chemicals and laboratory reagents, and conservation of water and other natural resources
- Chemical and raw material storage secondary containment, proper storage locations, spill kits
- Employee education and training Knowing is half the battle!



Best Management Practices

How can you incentivize BMPs to a for-profit industry?

Highlight:

- Potential cost savings of reduction actions
- Human health and safety reduced potential of worker's comp claims
- Secondary use or re-use potential of "waste" products, even if just as a marketing tool



Eugene's Legal Authority – Pretreatment Requirements

Eugene City Code sections 6.554(1) authorizes the City to require any industrial user to:

- "(a) Install and maintain at its expense a suitable control access hole to facilitate observation, sampling, and measurement of wastewater being discharged;
- (b) Allow authorized representatives of the City access at all reasonable times to all parts of the premises where wastewater related facilities are located or in which records required by the Code are kept;
- (c) Install wastewater pretreatment facilities or make plan or process modifications deemed necessary by the City Manager to meet the requirements of sections 6.550 to 6.584 of the City Code."



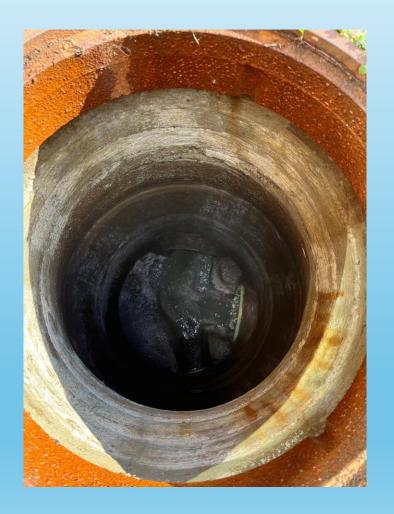
Eugene's Legal Authority – General Prohibitions



Eugene Municipal Code 6.552(1)(a) General Prohibitions:

"No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which will harm the health of the City's employees working in and around the POTW, interfere with the operation or performance of the POTW, contaminate the resulting biosolids, or will cause Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether they are or are not subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements."

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Eugene's Legal Authority – Specific Prohibitions

Eugene Municipal Code 6.552(1)(b) outlines specific discharge prohibitions, including but not limited to:

- Any liquids, solids or gases which can cause fire or explosive hazard
- Wastewater having a pH less than 5.5 or more than 12.0 or having corrosive properties
- Solid or viscous substances that can cause obstructions to flow in sewer pipes or interference with the POTW including but not limited to grease
- Oxygen demanding pollutants (BOD, etc.)
- Petroleum oils
- Pollutants that result in presence of toxic gases, vapors or fumes
- Radioactive wastes
- Unpolluted water including but not limited to stormwater, ground water, roof runoff, swimming pool drainage
- Medical Wastes unless specifically authorized
- Pharmaceuticals
- ...and more!





I have identified a sector... Now what?

Relevant code citations – Wastewater requirements applicable to industry

Examples:

- pH / BOD for food manufacturing POTW limitations
- Mercury limits for dental offices local limits and state requirements
- Silver at photo developers local limits and POTW health
- FOG at restaurants POTW conveyance capacity
- Chemicals and reagents used in laboratories specific prohibitions

BMPs to help the sector reach requirements

Examples:

- Solids removal and screening help identify low impact equipment and disposal options
- Contact information for local hazardous waste disposal facilities and DEQ/EPA hazardous waste resources
- List of local grease trap cleaning companies and instructions for self-cleaning
- Secondary containment options for chemicals near drains (perhaps even provide the containment or spill kit)

I have developed the document... What do I do with it?

Plan rollout - Ensure the document is distributed to all relevant industries that fall under the identified sector

Plan for the future – is this a onetime document, or do you want to revisit the industry regularly?

Follow through – After distribution of requirements, check in with the industries to ensure they are following requirements – offer assistance if needed



City of Eugene 410 River Avenue Eugene, Oregon 97404 (541) 682-8600 (541) 682-8601 FAX www.eugene-or.gov

GENERAL REQUIREMENT

To Implement Best Management Practices Regarding Laboratory Wastewater Management, Chemical Storage, and Hazardous Waste Disposal

ANALYTICAL LABORATORIES AND RESEARCH FACILITIES

Wastewater from analytical laboratories and research facilities can contain hazardous wastes, toxic chemicals, and volatile organic compounds if not properly captured, diverted, or treated.

Eugene City Code section 6.550(3) authorizes the City to require any industrial user to install wastewater pretreatment facilities, make plant or process modifications, or implement pollution management practices as deemed necessary by the city manager to meet the requirements of sections 6.550 to 6.584 of the City Code.

Eugene City Code, Section 6.550(5) defines Best Management Practices or BMPs as follows:

Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in EC 6.552(1) and 6.552(4). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of



Non-Discharging Categorical Industrial User (NDCIU)

- NDCIU regulations are an Oregon state requirement for industries that have qualifying categorical processes and "Potential to Discharge" but do not discharge non-domestic wastewater
- City of Eugene inspects NDCIUs annually and requires semi-annual certifications
- https://www.Oregon.gov/deq/FilterDocs/ndciustemplate.pdf



Food Service Establishments (FSE)

- FSEs have inherent ability to discharge oil-laden wastewater (FOG) that can cause buildup in sewer lines and SSOs
- "If it sticks to the plate, it sticks to your pipes"
- FSEs in Eugene are required to install and maintain grease interceptors and submit cleanout records

Fermentation Sector

- This sector encompasses breweries, wineries, distilleries, kombucha production, and other fermented foods
- Industries are required to install pretreatment equipment for pH neutralization to meet local limit range of 5.5 12.0 S.U. and implement BMPs to reduce BOD loading where applicable



Photographic Processors

- Photo processors, while dwindling, are a source of silver and can cause major disruptions to POTW operations
- Processors are required to install and maintain CRC (Chemical recovery cartridges) or have silverladen wastewater hauled offsite for disposal



Analytical Laboratories and Research Facilities

- Laboratories and research facilities were identified as an area of risk due to large volumes of stored chemicals and hazardous wastes
- Improper lab techniques or procedures can mean chemicals go directly into sanitary sewers
- Research facilities are exempt from some categorical standards, and this is a tool to keep some oversight without permitting





Assisted Living Facilities

- Memory care, adult foster care, rehabilitation centers, and nursing homes
- Identified as a source of wipes, rags, and other materials causing blockages and damage in conveyance system
- Developed sector controls outlining BMPs for labeling wipes and installing signage near toilets and drains, while recognizing human health and safety concerns regarding this type of work





Cannabis Processing - Development

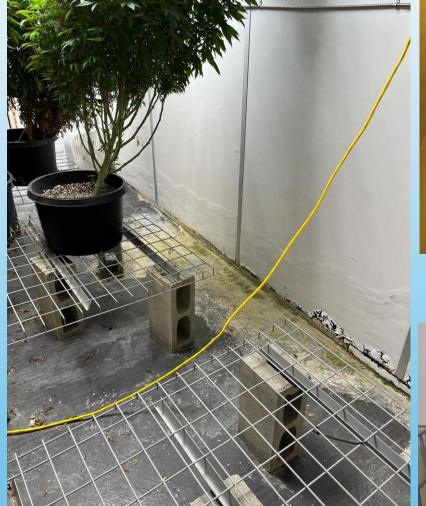
- Collaboration with Oregon Liquor and Cannabis Commission (OLCC) Inspectors – We needed a "foot in the door"
- Surveyed several grow operations and extract facilities
- Developed BMPs
- Turned BMPs into Sector Control Document, approved by management

Cannabis Processing – Implementation

- Planning industry-wide rollout
- Collaboration with OLCC
- Field surveys and staff interviews
- Distribution of BMPs, discussion about requirements and implementation
- "Water Quality Only" approach













Discharge Authorizations

- City of Eugene distributes discharge authorizations for industries to dispose of wastewater in certain circumstances
- Disposal can occur at RV dump station or other places in conveyance system with prior approval (generally for large projects)



Public Works

Wastewater Division

City of Eugene 410 River Avenue Eugene, Oregon 97404 (541) 682-8600 (541) 682-8601 FAX

Temporary Wastewater Discharge Permit Application

Site Name:	
Site Address/Location:	
Site Owner Information:	
Responsible Person:	
Mailing Address:	
Phone Number:	
Fax Number:	
Email Address:	
Applicant Information:	
Name of Applicant:	
Mailing Address:	
Phone Number:	

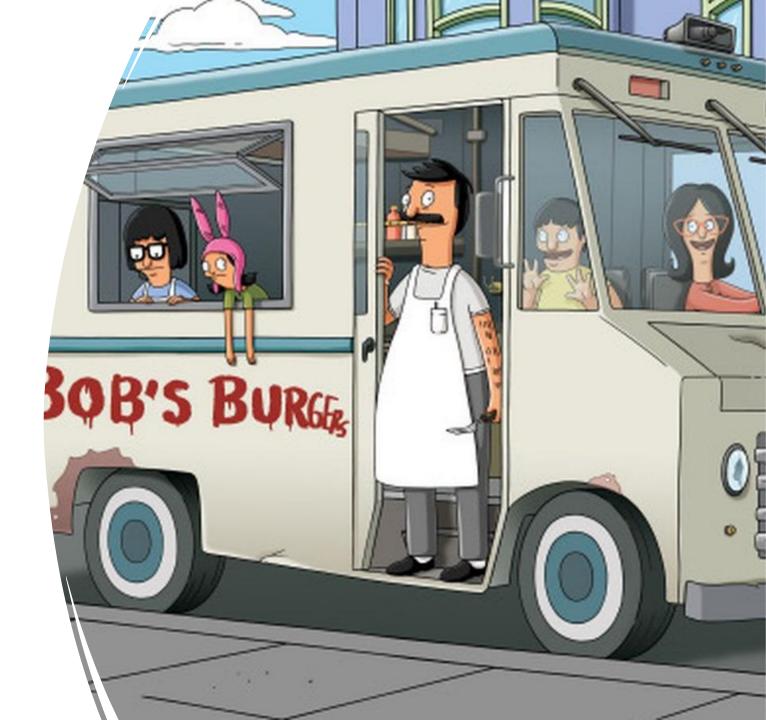
Carpet Cleaners

- Discharge authorizations are given to carpet cleaners, allowing them to dispose of wastewater at the RV dump facility connected to the POTW
- We are not sure what we are going to do about PFAS from carpet cleaning wastewater yet. More to come.



Mobile Food Units (MFU)

- Grey water from food trucks is authorized for free disposal at the RV dump station with approval and a discharge authorization
- Wastewater must be dumped from MFU or from authorized portable wastewater tank





"Special Requests"

- Non-domestic discharge authorizations must be approved by Control Authority after application process
- Must be temporary, serve a specific need
- No hazardous materials, may be required to submit analytical data before approval
- \$125 application fee + flow-based fee
- Examples: pressure testing water for new gas pipeline, treated water from groundwater remediation, exterior building washwater, emergency firefighting camp greywater



Potential New Sectors

Eugene has identified the following sectors as having potential benefit from sector control documents:

- Automotive facilities (floor drains connected to sewer, parts washing, on-site laundry facilities)
- Jewelry making and metalsmithing

Important Things to Keep In Mind

"Shall" vs. "Should"

• Know what is and isn't enforceable – Don't require anything you can't back up with legal authority

Legal Authority can be established, but don't wait until it's too late

• Get to know your jurisdictional attorneys, they can help navigate legal grey areas and can even help write needed code language to address specific concerns or gaps in legal authority or jurisdiction

Know your boundaries – Don't overstep!

• Overstepping jurisdictional boundaries (plumbing code, building permit requirements, physical jurisdictional boundaries such as city limits, UGB, etc.) can have legal repercussions. If you're not sure, verify!

Questions?

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Metropolitan Wastewater







