



IOWA DEPARTMENT OF NATURAL RESOURCES WASTEWATER TREATMENT AGREEMENT FORM

Fields on this form are required unless otherwise indicated.

A. Form Description

Significant Industrial Users (SIUs) that discharge wastewater to a municipal sanitary sewer system or other portion of a Publicly-Owned Treatment Works (POTW) are required to have a Treatment Agreement (TA) with the POTW. The TA describes the wastewater discharge and establishes limits on the discharge. SIUs must comply with the limits in this TA. A TA implements applicable regulations from 40 CFR 403. {567 IAC 60.3(3) and 567 IAC 62.1(3)"a"

This form must be submitted to the DNR for review and approval. Upon approval, the TA will become effective and enforceable on the date indicated by the DNR. The limits in Section F of this TA will be incorporated into the POTW's NPDES permit via renewal or amendment. TA submittal timelines are detailed in Section I and summarized below:

- 180 days before the discharge begins, for a new discharger that will qualify as an SIU
- 60 days before changes in operations that will make an existing user significant or cause changes to the TA.

B. POTW (System Receiving Waste)

POTW Name: _____

Location City: _____

Contact Name: _____ Contact Phone: _____

Contact Email Address: _____

C. Significant Industrial User

1) Facility/Location/Site Information

SIU Name: _____

Operating Entity Formal Name: _____

Location Street Address: _____

Location City: _____ ZIP: _____ -

2) SIU Contact Information

Contact Name: _____ Contact Phone: _____

Contact Email Address: _____

3) Contact Type:

Owner Primary Contact Director Operator Environmental Contact
 Engineer Cognizant Official Consultant Other (specify) _____

4) Owner Information

Owner Formal Name: _____

(If the owner is an individual, enter their first and last name. Otherwise, enter the legal name of the organization.)

Owner Mailing Address: _____

Mailing City, State: _____ ZIP: _____ -

5) Owner Type

Corporation Privately Owned Facility County Government City Government
 Mixed Ownership Municipal or Water District Tribal Government Federal (U.S. Government)
 School District State Government Other (specify) _____

6) Check One of the Following:

SIU is not yet discharging. The anticipated discharge start date is: _____

Existing user will become significant. The anticipated start/increase date is: _____

SIU has been discharging but has not had a TA. The discharge began on: _____

Update for an SIU that has been discharging under a TA with this POTW. Desired start date: _____

SIU is operating under new ownership.

Former owner: _____

7) SIC and NAICS Codes

Enter the primary Standard Industrial Classification code for the SIU: _____

Enter up to 3 other SIC codes that apply: _____

Enter the primary North American Industrial Classification Code for the SIU: _____

Enter up to 3 other NAICs codes that apply: _____

You can look up SIC codes at <https://www.osha.gov/data/sic-manual>.

You can look up NAICs codes at <https://www.census.gov/naics/>.

D. Outfall List (Points where wastewater is discharged to the public sewer)

| Outfall ID | Brief Description and Location (may include latitude and longitude) |
|------------|---|
| | |
| | |
| | |
| | |

E. Outfall Information: Process, Wastewater Generation, and Discharge**1) General**

Outfall ID: _____

Note: Sections E and F must be completed for each outfall listed in Section D.

Same as Outfall: _____

Check this box if this outfall is the same as another outfall for which Section E was completed. If this box is checked, the information in Section E needs to be included only once.

Specific Manufacturing Process: _____

2) Categorical Industrial User (CIU) Information:

This process is known to be covered under one or more of the categories in 40 CFR 405 – 471.

Category Name/CFR No. _____

This process may be covered under one or more of the categories in 40 CFR 405 – 471.

Category Name/CFR No. _____

This process is not known to be covered under any of the categories in 40 CFR 405 – 471.

3) Process and Discharge Information

Principal Raw Materials: _____

Amount Consumed per Day (with units): _____

Principal Products: _____

Amount Produced per Day (with units): _____

Hourly Maximum Flow Contribution (gallons): _____

Days of Operation per Week: _____ Hours of Operation During Peak Day of Operation: _____

Describe the processes at the SIU that generate the wastewater which is/will be sent to the POTW and describe any pretreatment that is provided prior to discharge to the POTW.

Describe the discharge frequency and duration. Include any batch discharges.

Provide any additional pertinent information. (optional)

F. Outfall Information: SIU Limits

Outfall ID: _____

Note: Sections E and F must be completed for each outfall listed in Section D.

Limits included in this section will be reviewed by the DNR for compliance with state and federal regulations. **The SIU must comply with these limits. {567 IAC 62.1(3), 40 CFR 122.41(a)(2) and (3)}**

1) Limits on pH and Flow in SIU Contribution:

Limits on pH:

Daily Minimum: Daily Maximum:

Limits on flow (in million gallons/day, or MGD):

30-Day Average: Daily Maximum:

2) Limits on Compatible Wastes in SIU Contribution:

30-Day average and daily maximum limits are required for all limited parameters. May not be applicable to all SIUs.

| Wastewater Parameter | 30-Day Average | Daily Maximum | Wastewater Parameter | 30-Day Average | Daily Maximum |
|----------------------------------|----------------|---------------|-----------------------------------|----------------|---------------|
| BOD ₅ (lbs/day) | | | Total Kjeldahl Nitrogen (lbs/day) | | |
| Total Suspended Solids (lbs/day) | | | Oil and Grease (mg/L) | | |
| | | | | | |
| | | | | | |

See Section I, #3(b) for the definition of compatible waste.

3) Limits on Incompatible Wastes in SIU Contribution:

30-Day average and daily maximum limits are required for all limited parameters.¹ May not be applicable to all SIUs.

See Section I, #3(g) for the definition of incompatible waste.

Limits on additional parameters may be submitted on a separate page.

Average lbs/day = mg/L * Average Flow Limit * 8.34 Maximum lbs/day= mg/L * Average Flow Limit * 8.34

¹For metal finishers subject to 40 CFR 433, no average limits for Total Toxic Organics (TTOs) are necessary. If the applicable standard under 40 CFR Chapter I, Subchapter N only has maximum limits for a given parameter, average limits for that parameter are not necessary.

4) Limit Requirements:

- a) SIU limits must ensure compliance with 567 IAC 62.1, 62.3, and 62.4 and 40 CFR Chapter I Subchapter N. This includes but is not limited to:
 - 1. Limits must be at least as stringent as any applicable categorical pretreatment limits in 40 CFR Chapter I, Subchapter N,
 - 2. Limits must be sufficient to keep the POTW from exceeding its design capacity, and
 - 3. Limits must be sufficient to prevent pass-through or interference.
- b) Limits may be developed by a POTW, an SIU, the DNR, or a consultant for one of the preceding parties.
- c) Limits are subject to the DNR's review and approval.

G. Monitoring and Reporting

- Monitoring requirements will be determined by the DNR and incorporated into the POTW's NPDES permit via amendment or reissuance.
- Until this TA is incorporated into the POTW's NPDES permit, the SIU owner will submit compliance reports every six months as described in the terms and conditions (see Section I, #7(g)).
- New CIUs must submit a Baseline Monitoring Report (BMR) in accordance with 40 CFR 403.12(b) (see Section I, #7(d)).
- The SIU must notify the POTW of immediately of all discharges that could cause problems to the POTW, including any slug loadings, in accordance with 40 CFR 403.12(f).

H. Hazardous Waste Notification

The IU may be required to notify the DNR, the EPA, and the POTW when discharging substances into the sanitary sewer that, if otherwise disposed of, would be defined as hazardous wastes under 40 CFR 261.3. Guidance regarding this requirement is available in EPA's *2016: Factsheet: Hazardous Waste Reporting Requirements for Industrial Users*, available at https://www.epa.gov/sites/default/files/2016-11/documents/factsheet-reporting_requirements-ius-r.pdf or from the EPA or the DNR.

I. Terms and Conditions

1) Administrative Rules

Rules of the DNR that govern the discharge of wastewater from an SIU in connection with this agreement are published in Part 567 of the Iowa Administrative Code (IAC) in Chapters 60-63. Reference to the term "CFR" means the Code of Federal Regulations.

2) Definition of Significant Industrial User {40 CFR 403.3(v)}

"Significant industrial user" or "SIU" means an industrial user of a POTW that meets any one of the following conditions:

- a) Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
- b) Discharges an average of 25,000 gallons per day or more of process wastewater excluding sanitary, noncontact cooling and boiler blowdown wastewater;
- c) Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;
- d) Is designated by the DNR as an SIU on the basis that the contributing industry, either singly or in combination with other contributing industries, has a reasonable potential for adversely affecting the operation of or effluent quality from the POTW or for violating any pretreatment standards or requirements.

Upon a finding that an IU meeting the criteria in paragraph "b" or "c" of this definition has no reasonable potential for adversely affecting the operation of the POTW or for violating any pretreatment standard or requirement, the DNR may, at any time on its own initiative or in response to a request received from an IU or a POTW, determine that an IU is not an SIU. {40 CFR 403.3(v)(3)}

3) Other Definitions

- a) "Categorical Industrial User" or "CIU" means an IU whose discharge to a POTW is subject to one or more parts of 40 CFR Chapter I, Subchapter N.

- b) "Compatible waste" means a pollutant or pollutant parameter that the POTW is designed to treat and does treat to a substantial degree. Commonly-limited parameters include biochemical oxygen demand (BOD), total suspended solids (TSS), total Kjeldahl nitrogen (TKN), ammonia nitrogen (NH3-N), pH, and oil and grease.
- c) "Control authority" means the DNR, unless the POTW has an approved Pretreatment Program in accordance with 40 CFR 403.11. {40 CFR 403.3(f)(2)}
- d) "EPA" means the United States Environmental Protection Agency.
- e) "Daily maximum" means the total discharge by mass, volume, or concentration during a 24-hour period.
- f) "DNR" means the Iowa Department of Natural Resources.
- g) "Incompatible waste" means a pollutant or pollutant parameter that is not a compatible waste.
- h) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore is a cause of a violation of any requirement of a POTW's NPDES permit including an increase in the magnitude or duration of a violation or the prevention of sewage sludge use or disposal. {40 CFR 403.3(k)}
- i) "Industrial User," "IU," or "User" means a non-domestic source of pollutants introduced into a publicly owned treatment works. {40 CFR 403.3(i) and (j)}
- j) "NPDES Permit" means an operation permit issued to a POTW or other discharger of pollutants under an EPA-approved National Pollutant Discharge Elimination System (NPDES) program. {567 IAC 60.1(2)}
- k) "Pass through" means a discharge which, alone or in conjunction with a discharge or discharges entering the treatment facility from other sources, exits a POTW or semipublic sewage disposal system in quantities or concentrations which cause a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation. {567 IAC 60.1(2)}
- l) "POTW" or "Publicly-owned treatment works" means any device or system used in the storage, treatment, recycling, and reclamation of municipal sewage or industrials wastes of a liquid nature that is owned by a municipality or other public body. "POTW" includes sewers, pipes, and other conveyances if they convey wastewater to a POTW. {567 IAC 60.1(2)}
- m) "Thirty-day (30-day) average" means the arithmetic mean of pollutant parameter values for samples collected in a period of 30 consecutive days. {40 CFR 133.101(b)}

4) Submittal Deadlines for Treatment Agreements and Baseline Monitoring Reports

- a) Existing SIU with an existing TA – a new TA must be submitted at least 60 days in advance of any proposed changes in operation that would increase the wastewater discharge above the quantities or flows specified in the existing TA. {567 IAC 60.3(3)"c"(1)}
- b) Existing IU – a TA must be submitted at least 60 days before any proposed changes in operation that would cause an IU to become an SIU. A change in operation may include, but is not limited to, an expansion, production increase, or process modification. {567 IAC 60.3(3)"c"(2)}
- c) New IU/SIU – a TA must be submitted at least 180 days before a proposed discharge from a new IU that will qualify as an SIU. {567 IAC 60.3(3)"c"(3)}
- d) Categorical Industrial User – Baseline Monitoring Report and follow-up {40 CFR 403.12(b)}
 1. A CIU that has not submitted a Baseline Monitoring Report (BMR) meeting the requirements of 40 CFR 403.12(b) must submit one with this TA. Estimates for flow and pollutant measurements may be submitted if allowable under 40 CFR 403.12(b).
 2. A CIU that previously submitted estimates for flow and pollutant estimates in its BMR must submit a report with actual flow and pollutant measurements no later than 90 days after beginning discharge.

5) General Prohibitions

- a) No user may introduce any pollutant into a POTW that causes pass through or interference. {40 CFR 403.5(a)(1)}
- b) Wastes in such volumes or quantities as to exceed the design capacity of the treatment works, cause interference or pass through, or reduce the effluent quality below that specified in the operation permit of the treatment works are considered to be a waste which interferes with the operation or performance of a publicly owned treatment works and are prohibited. {567 IAC 62.1(4)}

6) Specific Prohibitions {40 CFR 403.5(b)}

Discharge of the following pollutants to a POTW (including the collection system) is prohibited:

- 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° F or 60° C using the test methods specified in 40 CFR 261.21;
- b) Solid or viscous substances in amounts that will cause obstruction to the flow in the POTW resulting in interference;
- c) 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;
- d) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
- e) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- f) Heat in amounts which 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 the DNR, upon request of the POTW, approves alternate temperature limits.
- g) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- h) Pollutants which 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;
- i) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

7) Monitoring and Records of Operation

- a) The POTW is required to submit records of operation required by its NPDES permit to the department within 15 days following the close of the monthly reporting period. {567 IAC 63.7(1)"a," 63.7(5)}
- b) The results of any monitoring conducted by the SIU shall be submitted promptly after the close of the reporting period to enable the POTW to meet the 15 day deadline.
- c) The entity conducting the monitoring shall retain for a minimum of three years all paper and electronic records of monitoring activities and results including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records. {40 CFR 403.12(o)(2)}
- d) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method used for monitoring compliance with this TA shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both. {40 CFR 122.41(j)(5)}
- e) If the POTW's NPDES permit does not require monitoring of the SIU's discharge, the SIU must submit a compliance report to the DNR and the POTW every 6 months. {40 CFR 403.12(e), 40 CFR 403.12(h)}
 1. The compliance report shall be submitted no later than January 15th for the period of July 1 to December 31 of the previous year and no later than July 15th for the period of January 1 to June 30.
 2. The report must contain measured or estimated 30-day average and maximum daily flows for the 6-month period and analyses for pH and all pollutants limited in this TA.

8) Content of Records of Operation

Records of operation shall include the results of all monitoring incorporated into the POTW's NPDES permit. The result of any monitoring not specified in the POTW's NPDES permit performed at the compliance monitoring point and analyzed according to 40 CFR Part 136 shall be included in the calculation and reporting of any data submitted to the POTW or the DNR. {567 IAC 63.8(1)}

9) Use of Certified Laboratories

Analyses of wastewater that are required to be submitted as a result of this TA, the POTW's NPDES permit, or a Baseline Monitoring Report must be performed by a laboratory certified by the State of Iowa. Excluded from this requirement are physical measurements and routine, on-site monitoring for pH, temperature, dissolved oxygen, total residual chlorine, and other pollutants that must be analyzed immediately upon sample collection. {567 IAC 63.1(3)}

10) Duty to Provide Information

The director may require any person discharging wastes to a publicly or privately owned disposal system to submit information similar to that required in an application for an operation permit. {567 IAC 60.3(3)"a"}

11) Duty to Comply

The SIU must comply with the effluent limits and other conditions in this TA, as well as any relevant provisions of the POTW's NPDES permit. Failure to comply may be a violation under the federal Clean Water Act and may be subject to civil or criminal penalties. {567 IAC 62.1(3), 40 CFR 122.41(a)(2) and (3)}

12) Signatory Requirements

Applications, monitoring reports, or other information submitted to the department in connection with this TA must be signed and certified in accordance with 40 CFR 122.22 for POTWs and 40 CFR 403.12(l) for SIUs.

13) Transfer of Title

If title to the SIU's facility is transferred, the new owner must submit a new TA to the department within 30 days of the transfer. {567 IAC 60.12(1), 567 IAC 60.3(3)"a"}

14) Upset {40 CFR 403.16}

- a) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the IU. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of item (c) are met.
- c) An SIU who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the SIU can identify the cause(s) of the upset;
 - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
 - 3. The IU submitted the following information to the POTW and the DNR within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
 - i. A description of the indirect discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - iii. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- d) In any enforcement proceeding the SIU seeking to establish the occurrence of an upset shall have the burden of proof.
- e) Notification to the DNR must be to the Environmental Field Office for the region; see www.iowadnr.gov/fieldoffices for maps and contact information.

15) Bypass {567 IAC 63.6(3), 40 CFR 403.17}

- a) "Bypass" means the intentional diversion of wastestreams from any portion of the SIU's treatment facility. Bypass does not include internal operational waste stream diversions that are part of the design of the treatment facility or maintenance diversions where redundancy is provided.
- b) A bypass may be allowed if it is for essential maintenance to ensure efficient operation, provided it does not cause a violation of any limit in this TA or a violation of the General or Specific prohibitions in #5 and #6 of these Terms and Conditions. Notice of such a bypass is not required.
- c) Anticipated bypass - if the SIU knows in advance of the need for a bypass not meeting the conditions in item (b), it shall submit prior notice to both the POTW and to the DNR, if possible, at least 10 days before the expected date of the bypass. The DNR may approve an anticipated bypass, after considering its adverse effects, if the DNR determines that it will meet the three conditions listed in item (e).
- d) If an unanticipated bypass occurs which does not meet the conditions in item (b), the SIU shall notify the POTW and the DNR within 24 hours of becoming aware of the bypass. The SIU shall also submit a written report within

5 days of becoming aware of the bypass. The DNR may waive the written report on a case-by-case basis. The report shall contain:

1. A description of the bypass, including its location, its cause, and an estimate of the amount discharged;
2. The duration of the bypass, including exact dates and times;
3. If the bypass has not been corrected, the anticipated duration of the bypass and steps taken or planned to reduce or eliminate the bypass; and
4. Steps taken or planned to prevent reoccurrence of the bypass.

e) Bypass is prohibited. The POTW or the DNR may take enforcement action against the SIU for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
3. The SIU submitted notices as required in item (d).

Notification to the DNR must be to the Environmental Field Office for the region; see www.iowadnr.gov/fieldoffices for maps and contact information.

16) Severability

The provisions of this treatment agreement are severable. If any provision or application of any provision to any circumstance is found to be invalid by the DNR or a court of law, the application of such provision to other circumstances, and the remainder of this agreement, shall not be affected by such finding.

J. Certifications

Significant Industrial User Certification

I am the duly authorized representative for the (SIU) identified on page 1 of this form. The SIU owner states that the discharge to the POTW receiving waste shall not exceed the limits listed in this agreement. The owner understands:

- Exceeding the limits listed in this agreement violates state and federal regulations, as well as potentially endangering public health, the environment, and the system receiving waste.
- Monitoring of the discharge is required. See Section G and Section I, #7.
- The POTW and the DNR must be notified of any anticipated increase in the pollutants contributed, or any change in the identity of pollutants contributed at least 60 days prior to the start of the increase.
- This agreement is conditioned on the SIU complying with all applicable standards and requirements of the DNR and the EPA.
- This agreement is entered for the purpose of identifying pollutants contributed and limiting the quantity contributed, and shall not otherwise be construed to affect local ordinances, sewer service agreements or fee systems entered into between the parties.
- This agreement may be modified or terminated by the owner of the POTW if additional pollutants or additional quantities or volumes of pollutants are contributed other than identified in this agreement, or because of any condition that requires either a temporary or permanent reduction or elimination of the accepted contribution.

Name: _____ Title: _____

Signature: _____ Date: _____

POTW Certification

I am the duly authorized representative for the POTW named on page 1 of this form. The POTW owner agrees to the following:

- To accept the discharge described in this agreement from the SIU identified on page 1 of this form.
- To accept responsibility for providing treatment of the volume and quantities described in this agreement in accordance with the provisions of Iowa Code Chapter 455B and the rules of the DNR.
- The owner understands that:
 - This agreement is conditioned on the SIU complying with all applicable standards and requirements of the DNR and the EPA.
 - This agreement is entered for the purpose of identifying pollutants contributed and limiting the quantity contributed, and shall not otherwise be construed to affect local ordinances, sewer service agreements, or fee systems entered into between the parties.
 - This agreement may be modified or terminated by the POTW owner if additional pollutants or additional quantities or volumes of pollutants are contributed other than identified in this agreement, or because of any condition that requires either a temporary or permanent reduction or elimination of the accepted contribution.

Name: _____ Title: _____

Signature: _____ Date: _____

DNR use only**Iowa Department of Natural Resources Certification**

The Iowa Department of Natural Resources (DNR) is the Control Authority under 40 CFR 403.3(f) and certifies:

- It has reviewed the limits set forth in the agreement and determined that any new or changed limits comply with all applicable state and federal requirements.
- It makes no determination regarding local ordinances, sewer service agreements, or financial arrangements entered into between the parties.
- If the POTW's NPDES permit can be amended, the DNR will amend said permit to include the limits present in this treatment agreement as well as any monitoring deemed necessary under 567 IAC 63.3(3).

Name: _____ Title: _____

Signature: _____ Date: _____

This Treatment Agreement is effective as of:

Effective Date: _____

This Treatment Agreement will expire on:

Expiration Date: _____