

BILL # 344-22**AN ORDINANCE AUTHORIZING AN AMENDMENT TO SECTIONS 29-131 "DEFINITIONS", 29-132 "ABBREVIATIONS", AND 29-157 "SPECIFIC PROHIBITIVE DISCHARGE LIMITATIONS" OF CHAPTER 29 "UTILITIES" OF THE CODE OF ORDINANCES TO UPDATE INDUSTRIAL METALS LOADING LIMITS FROM CONCENTRATION TO MASS BASED LIMITS.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI, AS FOLLOWS:

SECTION 1. That Chapter 29 of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by Section 29-131 entitled "Definitions" and enacting in lieu thereof a new Section 29-131 to be entitled and read as follows:

Sec. 29-131. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) Act or the act means the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 USC 1251 et seq.
- (2) Ammonia means a compound of nitrogen and hydrogen with the formula NH₃, (typically expressed in parts per million by weight in accordance with 40 CFR 136).
- (3) Approval authority means the State of Missouri Department of Natural Resources.
- (4) Authorized representative of the user means:
 - a. If the user is a corporation:
 1. The president, secretary, treasurer, or a 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
 2. The manager of one or more manufacturing, production or operation facilities, provided the manager (i) is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; (ii) can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements and other requirements of this article; and (iii) where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively; or

c. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

d. The individuals described in Subsections a through c above, may designate another authorized representative of the user if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facilities from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

(5) Best management practices (BMP) include but are not limited to a schedule of activities, prohibitions, maintenance policies and other management procedures that are implemented to prevent or reduce the discharge of pollutants into the public sewer system. BMP also include pretreatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or wastes disposal or drainage from raw material storage.

(6) Best Management Practices Plan (BMPP), for the purposes of this article, means an operational methodology prepared in accordance with the requirements of this section and by the order of the director or his/her duly appointed representative, to prevent or reduce the discharge of any substance regulated under this chapter, consistent with the principles of the best management practices, to the public sewer system.

(7) Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five days at 20 degrees Celsius, typically expressed in parts per million by weight in accordance with 40 CFR 136.

(8) Building drain means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

(9) Building permit includes building, plumbing and electrical permits.

(10) Building sewer means the extension from the building drain to the city sewer.

(11) Carbonaceous biochemical oxygen demand (cBOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in the absence of nitrogen under standard laboratory conditions in five days at 20 degrees Celsius, typically expressed in parts per million by weight divided by volume in liters in accordance with 40 CFR 136.

(12) Chemical Oxygen Demand (COD) means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water conditions, typically expressed in parts per million in accordance with 40 CFR 136.

(13) City means the City of St. Joseph, Missouri.

(14) City sewer means a sewer, which is owned and controlled by public authority.

- (15) Combined sewer means a sewer receiving both surface runoff and sewage.
- (16) Composite sample means a sample consisting of several effluent portions collected in a 24-hour period and generally composited proportionately to the flow.
- (17) Contributory industrial user means industrial users identified by the city as discharging a given pollutant. This is based on sampling results collected by the City and IU.
- (18) Control authority means the City of St. Joseph, Department of Public Works & Transportation.
- (19) Cooling water means the water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (20) Daily discharges means, for pollutants, the arithmetic average of all or analytical test results of water collected in a single day including, those from split samples and, for flow rate, the arithmetic average of flow from during a single day as measured by all flow meters measuring the same waste stream.
- (21) Daily maximum or Daily maximum limit means the maximum allowable discharge of a pollutant or flow rate during a calendar day expressed, for pollutants, in units of concentration or mass (pounds per day) and calculated using arithmetic average measurement of the pollutant concentration derived from all measurements taken that day (concentration in mg/Lx flow rate (mgd) x 8.34) and, for flow rate, expressed in terms of million gallons per day.
- (22) Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state of Missouri.
- (23) Director means the director of public works and transportation designated by the city to administer and enforce the provisions of this division or the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this division, or his duly authorized representative.
- (24) Domestic sewage means those wastes, which are comparable to wastes, which originate in residential units and contain only human excrement and wastes from kitchen, laundry, bathing and other household facilities.
- (25) Environmental Protection Agency or EPA means the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the agency.
- (26) Existing source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (27) Flow Rate means the volume of liquids discharged by a user in a period of time expressed in either gallons per day or gallons per minute.

(28) Garbage means solid food wastes from the preparation, cooking and disposing of food and from the handling, storage and sale of produce.

(29) Grab sample means a sample, which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

(30) Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

(31) Immediately dangerous to life or health (IDLH) represents the maximum concentration from which, in the event of respirator failure, or which one could escape within 30 minutes without a respirator and without experiencing any escapee-impairing (e.g., severe eye irritation) or irreversible health effects.

(32) Indirect discharge means the discharge or the introduction of domestic or nondomestic pollutants from any source regulated under Section 307(b) or (c) of the act (33 USC 1317) into the POTW, including but not limited to holding tank waste discharged into the system.

(33) Industrial user or IU means a source of indirect discharge, which does not constitute a discharge of pollutants under regulations, issued pursuant to section 402 of the act (33 USC 1342).

(34) Inhibit or inhibition means any discharge that causes the city to deviate from the normal operations of the POTW.

(35) Interference means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or prevents the use of sewage sludge or disposal of sewage sludge in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act. All expenses in the form of labor, equipment or materials to remediate the effects of this interference will be the responsibility of the user, which caused the interference.

(36) Limit fee means a fee or charge, as set forth in Division 4 of this article, applied to a user which contributes BOD, suspended solids, Ammonia, FOG, flow, or other regulated pollutant more than amounts allowed by this code or by a wastewater discharge permit.

(37) Limitation variance charge means a charge applied to an industrial user, which results from a limitation variance request.

(38) Lower explosive limit (LEL) means the minimum concentration in air which a gas or vapor will flame with an ignition source.

(39) **Maximum allowable industrial loading (MAIL) means the estimated**

maximum loading of a pollutant that can be received at a POTW's headworks from all permitted industrial users and other controlled sources without causing pass through or interference.

(40) Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

(41) Minimum charge means a charge, as determined by Division 4 of this article, established by the city for making sewage treatment available to the user, whether or not sewage is contributed.

(42) Monthly average means the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that same month.

(43) Multiple-family user means a dwelling occupied by more than one residential unit, contributing domestic waste and served by one meter, including apartments and trailer courts.

(44) National categorical pretreatment standard or categorical discharge standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the act (33 USC 1317) and the standards under 40 CFR 401-471 which applies to a specific category of industrial users.

(45) National pollutant discharge elimination system permit or NPDES permit or Missouri State Operating Permit means a permit issued pursuant to Section 402 of the act (33 USC 1342).

(46) National prohibitive pretreatment standard means any regulation developed under the authority of Section 307(b) of the act and 40 CFR 403.5.

(47) Natural outlet means any outlet into a watercourse, pond, ditch, lake or any other body of surface water or groundwater.

(48) New source means:

a. Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or the waste-water generating processes of the building, structure, facility or installation are substantially independent of an existing

source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection a.2. or a.3. above but otherwise alters, replaces or adds to existing process or production equipment.

c. Construction of a new source as defined under this subsection has commenced if the owner or operator has:

1. Begun or caused to begin, as part of a continuous onsite construction program:

i. Any placement, assembly or installation of facilities or equipment; or

ii. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

(49) Normal sewage means sewage containing not more than 300 mg/l BOD or more than 350 mg/l suspended solids. All the waste contributed by residential users shall be considered as normal sewage.

(50) Noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

(51) Pass through means a discharge which exits the POTW into the water of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

(52) Person means any individual, partner-ship, copartnership, firm, company, corporation, association, joint stock company, trust, estate or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state and local governmental entities.

(53) pH means a measure of the acidity or alkalinity of a solution, expressed in standard units.

(54) Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, dirt and industrial, commercial and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD toxicity or odor) discharged into water.

(55) Pollution means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water or atmosphere within the POTW.

(56) POTW treatment plant or Water Protection Facility (WPF) means that portion of the POTW designed to provide treatment to sewage.

(57) Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except as prohibited by 40 CFR 403.6(d).

(58) Pretreatment program means the pre-treatment program implemented by the city as required by the Clean Water Act of 1977, for existing and new sources of pollution 40 CFR 403.

(59) Pretreatment program charge means a charge applied to an industrial user, which results from an administrative, sampling, laboratory or enforcement costs related to the city's pretreatment program.

(60) Pretreatment requirements means any substantive or procedural requirement related to pretreatment standards.

(61) Pretreatment standard means a national categorical pretreatment standard, a national prohibitive pretreatment standard or a prohibitive discharge standard.

(62) Prohibitive discharge standard means the general discharge prohibitions or specific prohibitive discharge limitations included in this division.

(63) Properly shredded garbage means garbage that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in the city sewers, with no particle greater than one-half inch in any dimension.

(64) Publicly owned treatment works (POTW) means a treatment works as defined by Section 212 of the act (33 USC 1292) which is owned, in this instance, by the city. This definition includes any facilities for collecting, transporting, pumping, treating and disposing of sewage, including the WPF. This includes any sewers except building sewers and sewers that are owned by parties other than the city that convey wastewater to the WPF, but does not include pipes, sewers or other conveyances not connected to a POTW facility providing treatment. For the purposes of this division, "POTW" also includes any sewers that convey wastewater to the POTW from persons outside the city who are, by contract or

agreement with the city, users of the city's POTW. Also referred to as Water Protection Facility (WPF).

(65) Receiving stream means any natural watercourse into which sewage is discharged.

(66) Residential user means a user who contributes domestic waste and is served by one water meter.

(67) Sanitary sewer means a sewer, which carries sewage, and to which stormwater, surface water and groundwater is not intentionally admitted.

(68) Service charge means a charge, as determined by Division 4 of this article, applied to a user, which contributes flow, BOD and suspended solids not more than those of normal sewage.

(69) Sewage means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(70) Sewer means a pipe or conduit for carrying sewage.

(71) Septic tank waste means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

(72) Significant industrial user (SIU) means:

- a. All users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
- b. Any other IU that:

1. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
2. Contributes a process waste-stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
3. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or

- c. Upon a finding that a user meeting the criteria in Subsection (a)(72)b. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

(73) Silver rich solutions include but are not limited to: fixers, bleach fixes, stabilizers (e.g., plumbless, stabilizers, and chemical washers) low flow washers and all functionally similar solutions.

(74) Slug load or slug means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in accordance with Section 29-56 of this article.

(75) Slug discharge means 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, or in any other way violates this article, regulations established pursuant to this article, local limits, or permit conditions.

(76) Split sample means a wastewater sample split at the point of collection or another defined location, between a user and the city, into different even proportions for analysis.

(77) Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

(78) Standard laboratory methods means the latest methods of analysis and testing as outlined in 40 CFR 136 or the Standard Methods for the Examination of Water and Wastewater.

(79) Storm sewer or storm drain means a sewer, which carries stormwater and surface water and drainage, but excludes sewage and polluted industrial wastes.

(80) Stormwater means any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

(81) Threshold limit value-short term exposure limit (TLV-STEL) means the concentration to which workers can be exposed continuously for a short period of time without suffering from irritation, chronic or irreversible damage or narcosis of sufficient degree to increase the likelihood of accidental injury, impair self-rescue or materially reduce work efficiency, and provided that the daily TLV-TWA is not exceeded.

(82) UV Transmittance means fraction of ultraviolet light at 254 NM wavelength that passes through a water sample.

(83) Threshold limit value-time weighted average (TLV-TWA) means the time weighted average concentration for a normal eight-hour workday and a 40 hour workweek, to which nearly all workers may be repeated, exposed, day after day, without adverse effect.

(84) Total Kjeldahl Nitrogen (TKN) means the sum of organic nitrogen, and ammonia (NH₃) in water conditions, expressed in parts per million in accordance with 40 CFR 136.

(85) Total silver halide process wastewater means the sum of all aqueous solutions used in any silver halide imaging process, including but not limited to photography film developers, fixers, bleach fix, stabilizers, low flow washers and all functionally similar solutions.

(86) **Total Suspended Solids (TSS) means the total suspended matter that**

floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by laboratory filtering.

(87) Toxic pollutant includes any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a).

(88) User means any person or industrial user who contributes, causes or permits the contribution of wastewater into the city's POTW.

(89) User charge means a charge, as determined by Division 4 of this article, levied on users of treatment works for the cost of operation and maintenance plus amortization and replacement costs of such works. The user charge shall include the minimum charge, service charge, overage charges and any pretreatment program charges.

(90) Wastewater discharge permit means as set forth in this division.

(91) Watercourse means a channel or location in which a flow of water occurs, either continuously or intermittently.

(92) Waters of the state of Missouri means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state of Missouri or any portion thereof which are defined by the State of Missouri as waters of the state of Missouri.

(93) Wholesale user means a user that provides its own primary treatment and discharges directly to a POTW pump station or the WFP without utilizing the City's POTW collection system or primary treatment systems.

SECTION 2. That Chapter 29 of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by Section 29-132 entitled "Abbreviations" and enacting in lieu thereof a new Section 29-132 to be entitled and read as follows:

Sec. 29-132. Abbreviations.

As used in this division, the following abbreviations shall have the designated meanings:

- (1) BOD--Biochemical oxygen demand.
- (2) BMP--Best Management Practice
- (3) CF—Cubic foot.
- (4) CFR--Code of Federal Regulations.
- (5) COD--Chemical oxygen demand.
- (6) CWA--Clean Water Act.
- (7) EPA--Environmental Protection Agency.
- (8) FOG--Fats, oil and grease.
- (9) IDLH--Immediately dangerous to life or health.
- (10) IU--Industrial User
- (11) l--Liter.
- (12) mg--Milligrams.

- (13) mg/l--Milligrams per liter (also may be referred to as "parts per million" as referenced in Chapter 29 of the code).
- (14) **MAIL--Maximum Allowable Industrial Load**
- (15) MGD--Million gallons/day.
- (16) NPDES--National pollutant discharge elimination system.
- (17) POTW--Publicly owned treatment works.
- (18) RCRA--Resource Conservation and Recovery Act.
- (19) SIC--Standard industrial classification.
- (20) **SIU--Significant Industrial User**
- (21) SWDA--Solid Waste Disposal Act, 42 USC 6901 et seq.
- (22) TKN--Total Kjeldahl Nitrogen.
- (23) TLV-STEL--Threshold limit value - short term exposure limit.
- (24) TLV-TWA--Threshold limit value - time weighted average.
- (25) TSS--Total suspended solids.
- (26) USC--United States Code.
- (27) WPF--Water Protection Facility.

SECTION 3. That Chapter 29 of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by Section 29-157 entitled "Specific prohibitive discharge limitations" and enacting in lieu thereof a new Section 29-157 to be entitled and read as follows:

Sec. 29-157. Specific prohibitive discharge limitations.

(a) The pollutant limits listed below are applicable to discharge from industrial users and are established to protect the POTW facilities from interference and pass through. The following table lists the MAIL that can enter the POTW:

Maximum **Allowable Industrial Loading (MAIL)**
(in **pounds** per **day (ppd)**)

<u>Pollutant</u>	<u>ppd</u>
Arsenic (As)	<u>1.56</u>
Cadmium (Cd)	<u>0.76</u>
Chromium (Cr)	<u>16.0</u>
Copper (Cu)	<u>36.03</u>
Cyanide (CN)	<u>14.04</u>
Mercury (Hg)	<u>0.37</u>
Molybdenum (Mo)	<u>2.08</u>
Lead (Pb)	<u>5.97</u>
Nickel (Ni)	<u>14.47</u>
Selenium (Se)	<u>0.91</u>
Silver (Ag)	<u>44.33</u>
Zinc (Zn)	<u>68.94</u>

The above local limits are based on total metal **concentrations** and apply only to those industries identified by the city as contributing to the pollutant load. **The City reserves the right to modify MAIL based on regulatory and permit requirements established by state and federal regulatory agencies or as needed to achieve the local requirements established by the City. In accordance with the EPA's Local Limits Development Guidance, the allowable mass-loading for permitted industries will be allocated using the MAIL and the maximum permitted flow of the respective industry. Each user**

will receive a site-specific loading based on data provided in the permit application as well as sampling data collected at the IU. Final permitted loads to each user will be established based on the decision of the director after consulting with the IU.

No contributory industrial user shall discharge wastewater containing in excess of the following:

Maximum Permissible Concentration
(in milligrams per liter (mg/l))

<u>Pollutant</u>	<u>mg/l</u>
BOD	1,000
TSS	1,200
Ammonia	100
FOG	200
<u>Sulfide</u>	<u>0.5</u>

No industrial user shall discharge wastewater containing in excess of the pollutant amounts specified above or local limits established by the director pursuant to 40 CFR 403.5(c) and/or this chapter.

(b) Organic pollutants. At the discretion of the director, the city may establish organic pollutant discharge limits for industrial users. Limits for organic pollutants may be established by regulations or by the director to protect the POTW. Industrial users identified by the director for organic pollutant discharge limits will be required to submit an organic compounds control plan. This plan may contain such information as required by the director, including but not limited to, Henry's Law Constant, the Lower Explosive Limit (LEL), Worker Health and Safety Criteria such as TLV-TWA, TLV-STEL and IDLH for the specific regulated pollutant(s) of concern as established by the director. The approach for the development of a limit may vary based on the nature and treatability of the organic pollutant. The director will use this information to determine an explosivity limit and a worker health and safety limit as follows:

- (1) Explosivity Limit = Lower Explosive Limit/Henry's Law Constant.
- (2) Worker Health and Safety Limit = Worker Health And Safety Criteria/Henry's Law Constant.
- (3) The Explosivity and Worker Health and Safety Limit will be considered along with other environmental criteria such as Allowable Headwork's Loading and/or Maximum Allowable Headwork's Loading for a specific POTW in the establishment of organic pollutant discharge limits for industrial users.

(c) Peak limits. The director shall have the authority to (1) establish peak hourly and peak minute flow and loading limits for all MAILs and conventional pollutants based on site specific conditions and (2) establish site-specific concentration and loading requirements for conventional pollutants.

(d) Best management practices plan (BMPP). The BMPP may be required at the discretion of the director as a form of compliance of this section. IUs who elect to adopt a BMPP

