CITY OF ALBUQUERQUE, NEW MEXICO

Final Project Agreement

for the

Project Excel - Pilot Projects

for the

Albuquerque Pretreatment Program

December 3, 1999

FINAL PROPOSED

Pretreatment/Pollution Prevention Program
Albuquerque Public Works Department
4201 Second Street SW
Albuquerque, New Mexico 87105
(505)873-7004

PROJECT EXCEL-PILOT PROJECTS FOR PRETREATMENT PROGRAMS

City of Albuquerque-Final Project Agreement,
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LIST OF ABBREVIATED NAMES AND ACRONYMS

Abbreviated Name/Acronym	Description
AMSA	Association of Metropolitan Sewerage Agencies
AO	Administrative Order
BMP	Best Management Practice
CAT	Categorical Industry (Federal classification)
CBOD	Carbonaceous Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
CWA	Clean Water Act (P.L. 95-217 as amended)
EPA	Environmental Protection Agency
ERP	Enforcement Response Plan
FPA	Final Project Agreement
IPP	Industrial Pretreatment Program
IU	Industrial User
IUs	Industrial Users
MCL	Maximum Contaminant Level
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
OR	Office of Reinvention, EPA
P2	Pollution Prevention
POC	Pollutant of Concern

POTW	Publicly Owned Treatment Works
QA/QC	Quality Assurance/Quality Control
RCRA	Resource Conservation and Recovery Act
SEP	Superior Environmental Performance
SNC	Significant Non Compliance
SIU	Significant Industrial User
SP3	Stormwater Pollution Prevention Plan
SWRP	Southside Water Reclamation Plant, Albuquerque
TRC	Technical Review Criteria @ 40 CFR 403.8 (f)(2)(vii)
TSS	Total Suspended Solids
WEF	Water Environment Federation

PROJECT EXCEL-PILOT PROJECTS FOR PRETREATMENT PROGRAMS

City of Albuquerque - Proposed Final Project Agreement, December 3, 1999

Executive Summary

The City of Albuquerque's proposal to participate in the Project XL Pilot Projects for Pretreatment Programs plans to implement a modified program that increases environmental benefits. A primary aim of the project will be to achieve reduced pollutant loadings to the environment from industries and businesses in Albuquerque through the integration of pollution prevention activities with the existing Industrial Pretreatment Program (IPP). The City's proposal would allow the present IPP program to shift resources from certain less productive requirements towards innovative activities likely to yield superior environmental results.

New initiatives will include pollution prevention outreach by a variety of methods. Outreach will be guided by new sewer sub-basin sampling and monitoring to investigate the ability to learn where in the City certain pollutants of concern predominate. Also, databases will be developed after consulting with appropriate agencies to help the IPP identify where in the City hazardous materials are used or stored and thereby learn where such wastes could potentially originate. It is planned to use this new information to target pollution prevention outreach material development and promotion at appropriate locations and businesses in the City.

A much broader P2 outreach will be accomplished by addressing hundreds of different commercial sector businesses that have not been part of traditional IPP work. Multi-media (air, solid waste, wastewater and storm water) aspects of P2 will be addressed to avoid pollutant transfers between different media. IPP work will coordinate and compliment the work of many other city and state environmental programs. The City's existing strong liaisons with local and state-wide pollution prevention programs will be strengthened through the XL project work.

The environmental focus will be guided by stakeholder input through the City's on-going work with local and statewide P2 environmental projects. An excellent rapport exists with many local stakeholders that include environmental citizen groups, downstream Indian Pueblo, trade, business and professional associations, agencies and task forces. As stated by one of our stakeholders "The City of Albuquerque and local industries have been pioneers in cooperative industrial pretreatment. This reinvention proposal would help support the evolution of an important legacy for future generations nationwide. We are confident that our City, if selected, will continue to serve as a national model in this area of work." New Mexico Silver Users Association, November, 1998.

I. OVERVIEW

This proposed Final Project Agreement (FPA) is an outgrowth of the U.S. Environmental Protection Agency's (EPA) June 23, 1998 Federal Register Notice (Vol. 63, No. 120) requesting proposals from Publicly Owned Treatment Works (POTWs) for XL (eXcellence and Leadership) projects based on environmental performance measures for waste water pretreatment programs. The intent of this effort is to investigate ways of increasing the effectiveness of the pretreatment program and thus to obtain greater environmental benefit. EPA is willing to provide POTWs regulatory relief from programmatic requirements (e.g., specific monitoring frequencies, discharge permit issuance requirements, etc.), so that they can implement alternative programs that increase environmental benefits.

A. Purpose of Project XL and the FPA

1. Purpose of Project XL

Project XL, which stands for "eXcellence and Leadership," is a national pilot program to test the extent to which regulatory flexibility, and other innovative environmental approaches, can be used to achieve superior environmental performance and reduced economic burden. Through site-specific agreements with project sponsors, EPA is able to gather data and project experience that will help the Agency redesign current approaches to public health and environmental protection. Under Project XL, sponsors -- private facilities, multiple facilities, industry sectors, Federal facilities, communities, and states -- can implement innovative strategies that produce superior environmental performance, provide flexibility, cost savings, paperwork reduction or other benefits to sponsors, and promote greater accountability to stakeholders.

2. Purpose of This Final Project Agreement

This FPA is intended to be a joint statement of the plans and intentions of EPA, the City of Albuquerque, The State of New Mexico Green Zia Environmental Excellence Program and the New Mexico Silver Users Association (collectively "the parties"), and to reflect the firm commitment of each party with regard to the project approved for implementation at The City of Albuquerque (the "Project"). This FPA is not, however, intended to create legal rights or obligations and is not an enforceable contract or a regulatory action such as a permit or rule. Nevertheless, some provisions of this FPA will be implemented through rulemaking, consent orders and/or permitting, the terms and conditions of which will be legally enforceable. This FPA will articulate that The City of Albuquerque intends to continue to attain environmental results that are measurably superior when compared to current and reasonably anticipated regulatory standards as contemplated by EPA's Project XL criteria. This FPA will identify the means to provide for environmental regulatory

flexibility as requested by The City of Albuquerque as an incentive for superior environmental results. All parties to this FPA will strive for a high level of cooperation, communication, and coordination to assure successful, effective, and efficient administration of the FPA and the Project.

B. Current Program Description

1. The City of Albuquerque operates a single Publicly Owned Treatment Works (POTW) facility, The Southside Water Reclamation Plant located at 4201 Second Street SW, Albuquerque, NM, 87105. The plant design capacity is 76 million gallons/day (MGD). Present flows average about 57 MGD. The population served is about 500,000 with an industrial flow contribution of about 15%. The City's Pretreatment Program presently has some 90 significant industrial users (SIU's) permitted within the program, of whom about 45 are categorical under federal regulations.

2. The City of Albuquerque's NPDES discharge permit presently has limits for CBOD, TSS, nitrates, fecal coliform, ammonia , dissolved oxygen, arsenic, silver and whole effluent toxicity. Pretreatment Program requirements include standard regulatory program procedures for permitting and monitoring SIU's as well as monitoring the POTW's influent and effluent for priority pollutants. An approved Enforcement Response Plan is in force as well as an adopted City Sewer Use and Wastewater Control Ordinance. The City's Pretreatment Program adopted Technically Based Local Limits subsequent to EPA's review and approval as of March 24,1997. All of the City's ordinances, local limits and enabling legislation and funding are reviewed and approved by City Council subsequent to City Administration concurrence.

3. Pretreatment Program implementation procedures follow regulatory guidelines for permitting and monitoring SIU's that contribute wastewater to the City's system. Limits are placed on parameters according the city's local limits found in the above referenced Ordinance or federal categorical standards for applicable industrial users (IU's) if they are more stringent. Present SIU permits call for industries to report to the City at least twice a year with pertinent data about their waste management. The City performs all sampling and inspections and generally exceeds EPA minimum monitoring frequency requirements.

   An Enforcement Response Plan is followed for out-of-compliance situations that usually results in increased monitoring and direct communication with the particular business. Compliance enforcement can lead to formal administrative assessments, orders and even service termination, although this has never been necessary. The majority of the SIU's in the program regularly receive annual awards of excellence for perfect records of both administrative reporting and sampling compliance.

4. The City presently dedicates a minor part of program resources to pollution prevention educational material development and proactive promotion via partnerships with many other entities. This is an outgrowth of an earlier l992-94 EPA Pilot Grant for Waste Minimization at POTW's. Through Project XL we hope to dedicate a larger amount of program resources to effective pollution prevention work.

5. The City has accumulated five years of comprehensive laboratory data to serve as historical measures that are indicators of the effectiveness of the Pretreatment Program. These include influent, effluent and sludge pollutant loading trends. Certain key manholes within the City's collection system have also been monitored periodically. Periodic receiving stream sampling has also been performed for many years by the US Geological Survey and the State of New Mexico.

C. Why Regulatory Relief?

Some POTWs have mastered the programmatic aspects of the pretreatment program (identifying industrial users, permitting, monitoring, etc.) and want to move into more environmental performance-based processes. These POTWs have expressed an interest in being allowed to focus their resources on activities that they believe will provide greater environmental benefit than is achieved by complying with the current requirements. Some POTWs want to be able to make decisions on allocating resources based on the risk associated with the industrial contributions they receive or other factors. Others want to be able to focus more resources on ambient monitoring in their receiving waters and/or to integrate their pretreatment programs with their storm water monitoring programs.

In general, these POTWs want the opportunity to redirect limited resources away from currently required activities that they do not believe are benefitting the environment and toward activities that can achieve measurable improvements in the environment. Project XL was implemented to provide the flexibility to conduct these types of innovative projects.

The City of Albuquerque's XL Project proposes to modify otherwise required activities in three general categories that are described later in this section. The XL Project will allow the opportunity to redirect limited resources away from currently required activities towards activities that can potentially achieve measurable improvement in the environment. A key component of this Project is intended to shift time and energies to pollution prevention work for superior environmental results.

The following summarizes the proposed regulatory modifications which are based on program experience. Program experience has determined that many IU permittees

have excellent waste management programs, excellent compliance records, and/or represent non-significant discharges in terms of flow rates and/or mass quantities of pollutants. Screening of IU participants will be based on a review of compliance records, inspection reports and potential to significantly impact either the SWRP or the environment.

The following table summarizes the pertinent aspects of Industrial User screening contemplated for use by the City's Pretreatment Program. Screening is a process that will be used to ensure that all IU's who wish to participate in this XL project are appropriate partners for this project, displayed by their current and past compliance histories. Further elaboration on the concepts presented in the table follow in the narrative after the table.

Notes for following Table: "Screening Criteria for IU Participants for the Albuquerque Project XL Pilot Project":

1. "**Excellent Records of Compliance and Inspections**" means any IU that has not had any NOV issued within the last 24 calendar months.

2. "**Very Good Records of Compliance and Inspections**" means any IU that has not had any NOV issued within the last 12 calendar months.

3. **"Non-Significant Categorical Industrial User" (NCIU) and "Nonsignificant Potential to Adversely Impact POTW**" means applying a new definition to designate a*"Non-Significant Categorical Industrial User" (NCIU)* as follows:

> A new category of industrial user is proposed to be defined as "**Non-Significant Categorical Industrial User"** (NCIU) by allowing the existing provisions at 40 CFR 403.3 (t) (2), which are shown now to be applicable just to paragraph (ii), to be also applicable to paragraph (I). That is, paragraph (t)(2) is proposed to be applicable to both **categorical** and non-categorical industrial users. This provision allows the POTW-Pretreatment Program to make an evaluation as to the "reasonable potential for adversely affecting the POTW'S operation or for violating any pretreatment standard or requirement...(to) determine that such industrial user is not a significant industrial user". The City's proposed approach avoids the confusion of applying, for this purpose, a minimum flow or percentage of POTW capacity flow, organic loading or local limits headworks allowances. The City desires the flexibility to designate certain **categorical** users as NCIU's in order to modify permitting and monitoring protocols using the screening criteria as listed in the following Table, with more explanation following the Table.

City of Albuquerque - Screening Criteria for IU Participants in Pilot XL Project				
SIU Status	**Proposed Modification**	**Screening Criteria**	**Potential Number**	**Comments**
Categorical	Delete Permit and replace with a City-NCIU Agreement; new status as Nonsignificant Categorical IU, (NCIU)	Criteria: Excellent Records of Compliance and Inspections, Nonsignificant potential to adversely impact POTW, good waste management programs in place, proactive pollution prevention efforts are in place. Annual Reports to the City from the NCIU's will continue to be required.	13	Will require a City-NCIU Agreement with conditions & incentives to participate, P2 commitment will be required and certified by City
Categorical	Modify Permit to include a City-NCIU Agreement; new status as Nonsignificant Categorical IU, (NCIU)	Criteria: Very Good Records of Compliance and Inspections, Nonsignificant Potential to adversely Impact POTW, good waste management programs in place. Annual Reports to the City from the NCIU's will continue to be required.	32	Will Require a City-NCIU Agreement with conditions & incentives to participate; P2 commitment will be required and certified by City
Any Permittee in SNC or City AO issuance status	Any change in permit conditions, reporting, monitoring etc.	City will generally not apply flexibility to any permittee in SNC or AO status	Generally Not Applicable	No changes in IU monitoring, inspections etc. will be proposed for significant causes of SNC or AO status

City of Albuquerque - Screening Criteria for IU Participants in Pilot XL Project				
Case by Case Consideration for Any Permittee(s) or business(es) not presently permitted	General Permits	To be applied on a pilot basis for similar IU's to stream line permits and administration; allow consideration of P2-BMP's in lieu of local limits	To be investigated	BMP's can address multi-media aspects of pollution

Proposed Regulatory Modifications

1. Permitting Changes

A. Delete approximately 13 Categorical Industrial User (CIU) permits, change to new status as a Non-Significant Categorical Industrial User (NCIU):

For those permits deleted (based on the above review screening criteria) the City will continue to perform once/year monitoring and the NCIU will still be required to supply an annual report following the guidelines contained in a City-NCIU Agreement. The City-NCIU Agreement will specify the annual IU reporting information and include a clause requiring the development, if not already existing, of pollution prevention implementation to be certified annually by the City. The City-NCIU Agreement will clearly point out that the NCIU is nonetheless still subject to the applicable national EPA CAT CFR standards. This approach recognizes and rewards excellent environmental management and serves as an incentive to continue their successful efforts.

B. Modify permit requirements for approximately 32 other categorical (CIU) permits, change to new status as a Non-Significant Categorical Industrial User (NCIU):

Permit modifications (based on the above screening criteria) will include reducing semi-annual required reporting to only annual, reduce City monitoring from quarterly to annual and include a permit clause requiring the development and implementation of pollution prevention plans. Continuing certification by the City that the NCIU's P2 plans are being accomplished will be a condition for participation. The City-NCIU Agreement will clearly point out that the NCIU is nonetheless still subject to the applicable national EPA CAT CFR standards. For these

businesses, this approach serves as an incentive to reach the first category above (under A.) by accomplishing two years without any NOV's, thereby allowing consideration for dropping their permit altogether in favor of an Agreement that requires pollution prevention implementation work.

C. Consider use of general permits where possible to simplify permitting.

General permits will, as appropriate, be issued to IU's with very similar operations and requirements. A standard general permit format will be developed to streamline permit issuance and administration. An evaluation will be made of those IU's with similar types of businesses to determine if a general permit is appropriate and feasible to develop. This will, if adopted, be a new approach which will be done on a pilot basis at first involving some, but not all, similarly grouped IU's that are considered appropriate for general permit issuance. EPA guidance will be used in this area.

2. Changes to Definition of Significant Non-Compliance, "SNC"

A. Significant Non-Compliance is defined in 40 CFR 403.8 (f) (2) (vii) para. (A-H).

The City proposes to delete paragraphs (A) and (B). Paragraph (A) is a definition of chronic violations of wastewater discharge limits using the criterion that any discharger with 66% or more failing tests in a six month period is SNC; Paragraph (B) uses Technical Review Criteria (TRC) which places an IU in SNC for exceeding discharge limits by defined amounts with over 33% of the tests.

SNC will then be defined by paragraphs © through (H). Chronic violations of wastewater discharge limits will be covered under the City's **Enforcement Response Plan** and be defined as those instances when the City issues any Administrative Assessment to a SIU. This is consistent with paragraph (H): " *Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.*"

The City's approved ERP states on page 5. d, Recovery of Costs and Administrative Assessments:

(*1) General*

"The City may bill Industrial Users to recover actual expenses incurred by the City as a result of discharge violations. In addition, administrative assessments may be imposed for excessive or frequent violations in proportion to the magnitude and duration of the violations.

The Industrial user may be required to reimburse the City for all costs associated with sample collection and analysis required as a result of a discharge violation. This may include the scheduling, collection and analysis of each interim sample and each of the return to compliance samples.

Present policy will be for the Industrial user to be charged for reimbursable expenses incurred by the City beyond the first return-to-compliance sampling. That is, subsequent to the first NOV and associated compliance schedule followed up by return-to-compliance sampling, if it is determined that the Industrial User is still in non-compliance , all subsequent sampling efforts by the City will be charged to the IU. The Pretreatment Tracking System will be used to determine the total cost for each violation based upon the actual costs for manpower, materials and services required.

The City may elect to initiate charges upon the first NOV issued to an IU if the City determines that individual or overall industrial users compliance rates warrant such an action.

Beyond the first return-to-compliance sampling, if continued non-compliance occurs, Administrative Assessments will also be imposed for each discharge violation that exceeds 1.5 times the limit. The magnitude of the assessment will depend upon the magnitude of the violation as shown in the Table below. As noted earlier, exceeding the limits for multiple pollutants in a single sample will result in multiple violations and multiple Assessments.

Administrative Assessments
Summary of Violation Responses
(Starts Upon Issuance of Second NOV for a Previous Violation Coinciding with the Conciliation Meeting)

Violation	*Response*
more than 1.0 x Limit	*NOV*
more than 1.5 x Limit	*NOV with $100 Administrative Assessment*
more than 2.0 x Limit	*NOV with $200 Administrative Assessment*
more than 5.0 x Limit	*NOV with $300 Administrative Assessment*

The above language in the City's ERP would allow the City, if allowed to redefine CHRONIC VIOLATIONS in this way, to make a determination that an IU is in SNC status that is more meaningful in terms of industrial performance and representative sampling efforts. The new approach would not be discretionary because the City's Administrative Assessments can fall into place whenever an IU fails to achieve a return-to-compliance after the first opportunity. The new method also avoids reflecting an "artifact of few samples" (IE. the present sample percentage-based SNC regulations often place IU's in SNC status when only a few samples have been taken within a time frame which does not necessarily reflect environmental performance.)

In the situation described above, the same few samples can also place IU's in SNC status in two rolling quarter time periods when to do so may indicate a chronic condition that no longer exists. In the latter case, the present approach is counter-logic to the meaning of a chronic condition that should be based on a relevant amount of data over time. Pretreatment Programs or IU's can resort to taking many additional samples simply to drive percentages down to avoid SNC designation or by the opposite extreme of minimal sampling which avoids the issue, provides minimal environmental protection information and does not indicate actual environmental performance. By contrast, the new approach as proposed is performance based by relating to the IU's success or failure to return to compliance after a NOV.

By the City following its ERP provisions as explained above, an IU found out of compliance will be required to follow strict return to compliance actions that must be successful in order to avoid potentially being classified in SNC status. Allowing the City to classify an IU in SNC status after failing to correct an NOV is more meaningful for all concerned because it reflects more accurately environmental performance or failure thereof. The City believes that if this approach is successful with the Project XL Pilot Project, other cities' programs could potentially benefit by following similar approaches with their ERP's. This approach may help avoid the potential for manipulation of SNC determinations through manipulation of sampling, and make SNC reporting more meaningful for the public, government and industries.

For many years the City has sampled all industries on a quarterly basis for a week at a time because it believed this was a representative approach to characterize discharge streams. The City desires to curtail such sampling where results consistently show compliance and inspections indicate excellence in process and waste management. The idea the City has for the XL Pilot Project will be to cut back monitoring for those IU's passing screening criteria and shift resources to monitor collection sub-system areas to potentially find where some pollutants predominate. This work will help guide more focused and coordinated pollution prevention work within the City.

B. The existing Technical Review Criteria (TRC) have been criticized by many pretreatment programs as not being appropriate for pretreatment programs. The TRC are used to determine

SNC in accordance with 40 CFR 403.8 (f)(1), and were directly taken from the quarterly non-compliance reporting requirement under the NPDES program. As a result, there was no attempt to relate the application of the criteria to the prevention of pass-through and interference, and improvement of opportunities to recycle and reclaim biosolids pursuant to the objectives of the general pretreatment regulations as specified in 40 CFR 403.2. The City believes that the new approaches as described in this proposal are more germane to the objectives of the pretreatment program, developed in a manner that lends credence to application of effluent guidelines and local limits, and are technically sound and defensible.

Pretreatment local limits should be relied upon to achieve the degree of protection and reporting desired in conjunction with local ERP's. TRC criteria add complication to data management and take an inordinate amount of time to track and report, time which could be more beneficially used. The City's proposal is to eliminate the TRC criteria altogether.

C. The City proposes to change late reporting stipulations [403.8 (f) (2)(vii) para F] to read that an IU will be determined to be in SNC status whenever late reports exhibit:

"Failure to provide, within 45 days after the due date, 90-day compliance reports, any periodic self-monitoring reports, unless such reports, when received, showed compliance with the applicable pretreatment standards; and failure to provide within 45 days after the due date, other required report, such as baseline monitoring reports and reports on compliance with compliance schedules;"

The original premise for development of the definition of SNC for administrative violations mirrored the NPDES program where the monthly reporting requirement for submittal of discharge data in Discharge Monitoring Reports (DMRs) is routine. In the pretreatment program, the minimum regulatory reporting frequency is semi-annually. Thus, a 30 day late requirement makes sense for the NPDES program to ensure that monthly reports are submitted in a timely manner and long gaps in time do not occur to evaluate results. The 30-day requirement is very burdensome because of the many reports submitted under the pretreatment program as discussed below.

Under the pretreatment program, industries are required to submit self-monitoring reports (SMRs), baseline monitoring reports (BMRs), 90-day compliance reports, and a wide variety of information related to permit conditions, process descriptions, compliance actions, etc. Tracking the submittal and responsiveness of these reporting requirements is a significant administrative effort for Control Authorities. Thus the City's goal in recommending changes to the SNC criteria is to alleviate some of this burden while still fulfilling the public notification requirements.

For any self-monitoring reports (SMRs) and 90-day compliance reports, the City recommends

that the 30-day requirement be extended to 45 days, with the additional provision that an IU will not be classified in SNC status if a report is submitted past 45 days if the report shows that the IU is in compliance with all applicable pretreatment standards. The City's will, however, still follow its ERP and issue applicable NOV's for late reports beyond the 45 day deadlines. While the City agrees that timely submittal of SMRs is critical to determining compliance with discharge standards, unlike the NPDES program, it should be noted that Control Authorities often rely on their own oversight monitoring to determine compliance with permit limits, while SMR data is used as supplemental information. This is the case for Albuquerque.

The experience of many POTWs has shown the majority of late reports are simply late for a number of reasons (administrative error, contract laboratory delays, etc.). Therefore, extending the submittal deadline by 15 days would have no appreciable impact on compliance status, but would recognize that, sometimes, delays happen. To emphasize, this proposal keeps intact the City's issuance of NOV's for late reports beyond the 45 day deadlines, only the SNC designation is affected.

Importantly, AMSA's and others' experience have shown that the majority of industrial users that submit late reports have, in fact, not only collected the data, but are in compliance with all applicable pretreatment requirements. In October 1999, AMSA and WEF surveyed approximately 75 POTWs implementing pretreatment programs on certain aspects of the streamlining rule. Information from 28 POTWs which range in size from 6 to 630 MGD, and administer pretreatment programs that range in size from 6 SIUs to 1358 SIUs, indicate that out of a total of 101 late SMRs which resulted in SNC determinations, 59 (58 percent) showed compliance with applicable pretreatment standards once these reports were submitted. Publishing the names of industries in SNC therefore does not indicate environmental performance, and to the extent that the public perceives that SNC does indicate environmental performance, SNC reporting can be misleading to the public and may do a disservice to the industry. Also, the additional work required to develop that portion of the SNC notice and annual report discussion is an additional burden of Control Authority resources.

With regard to the City's proposal to extend the reporting deadline to 45 days for submittal of other reports, which typically do not contain analytical data, the extension would allow for a consistent time frame for report submittal and would eliminate potential confusion resulting from two different time frames for submittal of different kinds of reports. It should be emphasized that the 15-day extension would not preclude the City from placing tighter time constraints or taking enforcement actions sooner. The only impact would be on SNC determination and publication.

The City's present program reporting requirements are described under III. A. 5.

D. The City also proposes that annual publication of SIU's will apply to those that fall in SNC

status during the past 12 calendar months of the City's pretreatment year which is July 1st to June 30th, and will not be based on rolling quarters. This is consistent with the above discussions.

3. **Support the requirement of a Pollution Prevention program** component within the City's NPDES Pretreatment Program requirements. This is in order to institutionalize pollution prevention work within the City's IPP. This will naturally occur as the City's NPDES permit will eventually be modified to reflect Project XL components that include P2 program aspects as described in this pilot project proposal.

II. Process for FPA Development/Stakeholder Involvement

In order for this project to get to the FPA development stage, the project was required to go through EPA's selection and screening process. After selection and screening, full development of this FPA occurred approximately over a 12 month time frame. During these 12 months, the project sponsor, EPA, the State, and other interested stakeholders negotiated the final language of this document.

The first step in FPA development consisted of the City of Albuquerque convening all interested stakeholders through a public notice process to inform them of this pilot project proposal and to explore any issues that might have existed. The stakeholder involvement measures taken by the City of Albuquerque includes the following:

1. **November 23, l998 -** Invitations were mailed to over 50 potential stakeholders for an introductory meeting in Albuquerque, Dec. 10, l998. Invitees included local and state-wide public environmental organizations, City and State environmental agencies, downstream and upstream Indian tribes, an Indian Pueblo Association, US Fish and Wildlife Service, the Rio Grande irrigation control agency, the municipal storm water flood control agency, local trade and professional associations, medical institutions and other individuals. A hand delivered invitation and personal explanation was provided to the downstream Isleta Indian tribe with verbal confirmation received of their support for the XL project initiative.

2. **December 10, l998 -** Introductory meeting held with some 27 in attendance. A successful session was held with general support received for the XL initiative. No opposition was voiced. There was a strong suggestion to involve local media in the future. Eight Stakeholders have volunteered to date to help guide the project. Others have requested to be kept informed. Others needed time to discuss with their organization what level of involvement they would take.

3. **December 15, l998 -** Packages with cover letter sent to those invitees who did not attend the Dec. 10th meeting. The packages supplied the booklet the City prepared for the meeting giving a complete description of the City's Pretreatment Program and XL proposal. In the letter the City offered to continue to keep the recipients informed about the XL project and again solicited their input.

4. **July 8, 1999 -** Update letters were sent to over fifty interested stakeholders providing a status report on the City's Project Agreement. The City's continued success is noted in working with trade, business and professional associations in Albuquerque who have encouraged the City to pursue the goals of

Project XL. A promise was made to contact the stakeholders when the City is formally selected in order to set up a stakeholder kick-off meeting with all interested parties, EPA and the City. The present FPA draft was made available through E-mail to any interested party.

. **5. July 30, 1999 -** Letter received from EPA notifying City of formal selection to participate in the Project XL development phase. An earlier EPA/City meeting was held June 29, 1999, in order to address unresolved areas in the Project Agreement. Key areas were highligh

ted for further work to resolve e.g. significant noncompliance (SNC) determinations. Copies of EPA's selection letter were sent to Albuquerque Mayor Jim Baca and New Mexico Environment Department Secretary, Peter Maggorie.

6. **September 2, 1999 -** Letter sent to some fifty interested stakeholders with notice for Kick-Off Stakeholders Meeting September 24, 1999. Information provided about the

City's formal selection into Project XL by EPA and a status update of the draft project agreement. Pending press release is noted.

. **7. September 20, 1999 -** Press release issued by EPA with notice of Albuquerque's selection into Project XL Pilot Project for Pretreatment Programs. The notice included the following statement by EPA. "Project XL will allow Albuquerque to concentrate its efforts on developing creative and effective methods for improving water quality for all its citizens. EPA Regional Administrator Greg Cook said."

8. September 24, 1999 - Kick-Off Meeting held in Albuquerque with Stakeholders, EPA (Region 6 EPA Dallas and National EPA Washington D.C. staff attending) and City Personnel in attendance, twenty-five people total. A successful page by page review/comments session was held covering the draft FPA. Many constructive suggestions were made. EPA provided project guidance input and a plan for the future was outlined including a future public meeting and the anticipated time line. EPA was also agreeable to contacting certain key potential stakeholders not in attendance.

9. October 17, 1999 - Public notice posted in the Sunday Albuquerque Journal regarding a public input meeting scheduled for November 16, 1999 at the Albuquerque City Council Chambers, City Hall. Detailed information was provided about Project XL and the City's goals for participation. All interested parties are encouraged to attend. Contact information is provided to reach appropriate EPA, State of New Mexico, New Mexico Silver Users Association, and City Personnel for anyone to reach with questions about the program.

10. November 1, l999 - Written invitations for the public meeting, Nov. 16, l999, sent to some 70 interested stakeholders and national environmental organizations identified in a list provided by EPA. Special invitations sent to all City Councillors through the Mayor's office. Key local stakeholders are invited to speak on Nov. 16th.

11. November 16, 1999 - Public information meeting held this date at the Albuquerque City Council Chambers, City Hall.

All reviews of the FPA and responses received were positive for the City to proceed with the intended program. EPA, State, City

and local stakeholders in attendance.

The City of Albuquerque will encourage continued stakeholder involvement over the duration of this project. The primary stakeholders involved in this project presently include: State of New Mexico Green Zia Environmental Excellence Program, New Mexico Silver Users Association, University of New Mexico, Albuquerque Dental District, Albuquerque Metropolitan Area Flood Control Authority, Academy Corporation, New Mexico VA Health care System, DoPaso Corporation, Presbyterian Healthcare System, Lea Environmental Consulting Co., Albuquerque Solid Waste Management Dept., Albuquerque Environmental Health Dept., and the Albuquerque Hydrology Division.

The next step involved refining the issues and drafting a document that addressed all parties' concerns and ideas. This step encompassed several meetings. This FPA outlines the details of the project and each party's commitments. Specifically, the participants defined the innovation to be tested, what superior environmental performance must be achieved, what flexibility EPA and other co-regulators will provide, what conditions must be met, and how results will be monitored and reported. All parties were given the opportunity to review and amend the draft document, including a cross-Agency review team, consisting of, but not limited to, members from EPA's Office of Enforcement and Compliance Assurance, Office of Policy, Planning and Analysis, Office of Regulatory Enforcement, Office of Reinvention, and Office of Water. The State of New Mexico Green Zia Environmental Excellence Program was also given the opportunity to review and amend the draft document. The draft document was sent out for notice and comment in the Federal Register and was then signed by the participating parties.

III. XL PROJECT DESCRIPTION

A. Describe existing Pretreatment Program requirements

1. Industrial waste survey requirements: Regular updating is required to keep abreast of industries who are or could discharge wastewater to the City's system. The City regularly updates its database of businesses and dischargers via newspapers, business directories, telephone books, field surveys, Internet postings and information from other city departments. An annual compilation is made of new entries into the database along with survey information and any decisions made to issue permits. The survey data is routinely used to help pollution prevention outreach work.

2. Permitting procedures: The City is required to issue permits to industries meeting any federal categorical designation. Other industries not falling into categorical types are issued permits if their discharge is considered significant, hence their designation as a "significant industrial user" (SIU). Any discharge over 25,000 gallons/day is considered as a potential SIU and is usually issued a permit. Some businesses under 25,000 gallons/day may also receive permits if their discharge could potentially affect the City. Permits are issued for different lengths of time, typically 2 to 4 years, depending on the need to review their overall status.

3. Monitoring requirements: Monitoring at permitted industries is required at least twice a year. The City has traditionally followed EPA guidelines to perform more frequent sampling visits on a quarterly basis to provide additional background compliance data. A large database of industrial compliance history has thus accumulated over many years. Inspections are also typically performed at the time of sampling. With rare exception, inspections and sampling are performed unannounced. The City also monitors the plant influent, effluent and biosolids for priority pollutants twice a year. A few domestic and commercial areas with key manhole locations have been monitored semi-annually in the past. The US Geological Survey is under contract to perform storm water runoff sampling city-wide also.

4. Enforcement procedures: An EPA approved Enforcement Response Plan (ERP) is in force and is followed in situations of inspections and/or sampling data resulting in violations. A first occurrence violation is followed up with direct communication of the violation to the business and a requirement for an explanation and return to compliance schedule. Resampling is performed to confirm return to compliance.

   In rare instances follow-up sampling does not document return to compliance which then necessitates a meeting with the business at city offices to find out why. Such "conciliation

meetings" are followed by additional sampling work that is charged to the business involved. Depending on the severity of the new violation, administrative assessments can be applied at this point. A new compliance schedule is required. Charges cease upon successful return to compliance. In extremely rare cases further non-compliance results in contacting the City Attorney's office for potential administrative order processing. Loss of service is a possibility but has never been necessary.

5. Reporting requirements: Semiannual reports are required from industries to provide information about their operation's waste management. Typical information includes any self monitoring data, hazardous waste manifest information, special items such as Toxic Organic Management Plans and updates, certifications as appropriate, such as regarding Cyanide use, and descriptions of Pollution Prevention efforts. The City's Enforcement Response Plan clearly points out the necessity to submit timely reports in order to avoid NOV's, Administrative Assessments and SNC determinations per current federal regulations.

6. Local limits development requirements: The City completed a Technically Based Local Limits Report, Dec. 2, l996, which was submitted to EPA and was approved by the Albuquerque City Council. The Report and associated program modifications were approved by EPA on March 24, l997. All local limits are reflected in the most recent *City of Albuquerque - Sewer Use and Wastewater Control Ordinance*. Adequate program funding was also a required commitment by the City which was provided via City Council Resolution.

7. Resources: The City of Albuquerque's Pretreatment Program is presently comprised of 14 employee positions with sufficient sampling equipment of approximately 20 individual units. An adequate, although aging, number of vehicles are available.

   Vehicle replacement is an identified priority need for the program. The program's 2000 fiscal year budget is $808,000 and is under review for competitive reductions.

8. Quality Assurance / Quality Control: QA/QC is provided with attention to clean procedures, sample equipment decontamination, occasional split sampling and maintenance of laboratory accreditation credentials. Training is provided to technicians in areas of proper sample preservation protocols consistent with Standard Methods and EPA methods. Close attention is paid to laboratory holding periods and testing turn around times to provide data within allowable time frames. Third party sampling is performed for storm water city-wide by the US Geological Survey. The State Scientific Lab Division is contracted for most organic priority pollutants testing.

B. Proposed changes

1. Proposed industrial waste survey requirements: Business waste management surveys are proposed to include a broader consideration of different business types and their potential discharges of pollutants by addressing hundreds of different commercial sector businesses that have not been part of traditional IPP work. For example, an investigation of information sources (e.g.'s Fire Marshall's Office, State Haz Waste Program, Toxic Release Inventory Program and others) will be made to learn where haz materials are used/stored at businesses.

   A focused approach is proposed to investigate sewer system sub-basins at key manholes to learn if it is possible to identify where in the City certain pollutants of concern predominate. If successful, certain sub-basins will receive more focused and intense pollution prevention outreach efforts and activities depending on the types and amounts of pollutants identified in their sector of the City. Any focused P2 efforts will be preceded with surveys of business and potentially include residential activities within sectors to learn what sources of pollutants exist.

2. Proposed permitting procedures: In brief terms, (See Sections I. B. & C. Why Regulatory Relief, for a complete description) permitting procedures are proposed to be changed in the following ways:

   a. Delete approximately 13 categorical permits due to their non-significant wastewater discharge while maintaining annual inspection, monitoring and reporting requirements.

   b. Modify approximately 32 categorical permits with good performance histories while maintaining annual inspection, monitoring and reporting requirements.

   c. Create general permits where appropriate to simplify permitting procedures.

   d. Support a modification in the City's next NPDES permit to recognize the City's participation in Project XL with a formal requirement for a Pollution Prevention component consistent with the provisions contained within the XL Pilot Program Agreement.

3. Proposed monitoring requirements (See also Section 1. B. & C.): Monitoring requirements are proposed to be changed in the following ways:

   a. Only annual only monitoring will be performed at those permitted industries with good compliance histories and who exhibit cooperation with pollution prevention efforts.

b. New monitoring is proposed at appropriate collection system sub-basin manhole locations to investigate if it is possible to learn where pollutants of concern predominate. Our sanitary sewer drainage basin is divided into seven subbasins. We to propose monitor these subbasins at select manholes twenty-four hours a day, every day, all year. We have initiated some sampling already in order to establish a base line. With this base line data we expect to be able to do two things: monitor small sections of the city for potentially harmful discharges, and be able to customize our pollution prevention program to meet the requirements of the area.

In the case of potentially harmful discharges, we will have the ability to track discharges upstream by increasing our sample collections, as well as the ability to visit the industries, institutions, and commercial operations within the subbasin to determine potential sources. This is quite an improvement over our current system of sampling the influent of the plant (56 -60 MGD) and trying to guess at a pollutant's source from these samples.

If high pollutant levels occur in a subbasin which we can't tie to a specific institutional or industrial source, we propose to address through our pollution prevention program, which will focus on commercial and domestic sources, through education, e.g., mailings and seminars. This way our focus can be narrowed to the subbasin(s) where we find the high levels and to the potential source(s) of the pollutant.

4. Proposed enforcement procedures (See also Sections I. B. & C.): The definition of "chronic violation" under SNC will be changed to a basis of whether an administrative assessment has been issued to a permittee under the City's Enforcement Response Plan. TRC criteria will not be used and the requirement for rolling quarter determinations of "significant non-compliance" will be replaced with annual determinations. The City's approved ERP will be modified to delete the presently required SNC tracking and administration in favor of the above approach.

5. Proposed reporting requirements: Only annual reports from permitted industries will apply where good compliance histories and cooperation with pollution prevention efforts exist. The City will stipulate what specific annual reporting information will be required on an individual basis. General permits, developed with EPA guidance, will include base-line reporting requirements needed to fulfill regulatory mandates.

6. Proposed local limits development requirements: none needed

7. Proposed resources (Equipment and personnel): No changes proposed. Project XL will result in shifting of existing resources.

8. Quality Assurance / Quality Control: No changes proposed.

C. Detailed description of expected benefits as a result of the proposed changes (e.g., influent, effluent and sludge; ambient water quality): Expected benefits of the pilot project described in Sections I. C. and III. B. are the following:

1. Once baseline data is established within the City's wastewater collection system sub-basins, eventual stabilization and/or declines will be expected of targeted pollutants of concern within the sub-basins. Targeted pollutants are listed in Appendix B, XL Criteria. Declines in sub-basin pollutant loadings will be expected to be reflected in reductions of total mass pollutant loadings to the POTW. Expected mass loading declines to the POTW will be measured in terms of influent, effluent and biosolids concentrations over time.

   A range of 10 to 20% reductions of the targeted pollutants over time is a desirable goal. Due to our rapidly growing population, it should also be recognized that simply achieving the maintenance (i.e. no growth) of existing mass loading of some pollutants is also a relevant goal. Some pollutants are of such a diffuse source nature that net mass reductions may take longer to achieve than others. Some pollutant loadings have shown tendencies to grow over time and a relevant goal for these will be to slow and/or stabilize their growth with eventual declines achieved over the long term.

2. The Pretreatment Program will coordinate Pollution Prevention Activities with other City and State departments as appropriate to compliment and enhance on-going work in multimedia areas, examples: Air, Hazardous Waste Management, Solid Waste, and Water Conservation and Education.

   Pollutant releases at a majority of businesses will be expected to decline where pollution prevention promotion has been addressed. Monitoring at businesses will include tracking hazardous materials use, storage and disposal trends. Case histories will be expected to document multi-media reductions in pollution releases. All declines translate to lowered amounts of pollutants in the environment. Successes in water conservation will also be documented.

3. Enhanced POTW compliance with NPDES permit limits will be expected over time as a result of effective pollution prevention promotion and implementation. Permit compliance history will be measured by the continuation of daily, weekly and monthly required monitoring.

   The City's Waste Water Master Plan will be utilized to participate in the planning necessary to achieve key improvements to aid the pretreatment program activities and Project XL. One key master plan component presently in-planning calls for enhanced f low monitoring

at key manholes within the City's collection system. Flow monitoring will assist in calculating pollutant mass amounts as opposed to only concentration amounts. Mass amounts will yield a closer picture of true pollutant contribution within the City's sewer sub-basins in different sectors.

4. Storm water quality improvements will be expected over time as more businesses implement storm water pollution prevention plans which will be integrated in XL project work. It is planned to include SP3 promotion as part of general pollution prevention outreach activities at business contacted. In this way stormwater runoff water quality should improve over time as SP3s are implemented by businesses. Measurements of non-point source storm water pollutant trends will continue to be performed by the US Geological Survey under contract with the City.

5. Increased public awareness of the importance of pollution prevention will be a tangible result of increased promotion and education efforts. Measurements will include the number and diversity of public outreach materials disseminated. Positive public recognition of the active volunteer stakeholders participating in Project XL will be warranted and enhanced by media attention and public awareness of the Project XL activities.

   The Pretreatment/Pollution Prevention Program will also achieve increased public participation by working with the newly established Albuquerque office of the Technology Resources Center (TRC). The TRC is underwritten by the Waste Management Education and Research Consortium (WERC) and cooperates with the New Mexico Green Zia Environmental Excellence Program. The TRC is set up as a clearing-house which will make ample use of program supporters like the City's Pretreatment/P2 Program to address businesses environmental waste management issues and problems.

   The City's Web-site (www.cabq.gov) is also set up with direct links to the Pollution Prevention Program. The Web-site will be updated with Project XL goals, activities, reports, and other information for anyone interested.

6. Transferability of program methods, materials and successes to other businesses and other cities will be a tangible benefit of the project. Project methods, materials and successful approaches will be documented for anyone's use.

D. The City's Project XL Vision - The Before and After Picture

The City's **vision** is to change its fundamental approach towards industrial/business environmental wastes generation and management. The primary means of change will be via **permanently integrating** pollution prevention principles, promotion and recognition as part of

the City's required Industrial Pretreatment Program.

We believe that program resources can be optimized by shifting of some activities presently required under federal regulation towards P2 work instead. The City's **vision for the future** under this concept can best be described by the following "before and after Project XL picture".

Before and After Project XL Picture

Before	After
1. **Greatest** emphasis on Industrial Permit monitoring/tracking/ reporting/enforcing/permitting activities; businesses/industries **burdened** with permit administration demands.	**Decreased** amount of repetitive Industrial Permit monitoring etc. with emphasis shift to pollution prevention objectives and activities; businesses/industries & city **relieved** of a major amount of permit administration.
2. **Minor** P2 Program component separate from pretreatment work; limited business assistance outreach	**Major** P2 Program component integrated within pretreatment work; expanded business assistance outreach.
3. Pollution prevention work not even mentioned in City's NPDES permit; **no** official P2 authorization	Pollution prevention component **required** under NPDES/Pretreatment Program; business assistance outreach officially authorized.
4. Pollution prevention objectives and measurements **not reported** to the public and EPA; limited business awareness of P2 benefits.	P2 objectives/measurements **reported** to all interested parties; businesses included in successful case studies and positive recognition.

5. **No emphasis** on addressing source and cause of wastes generation; high business **liabilities** with wastes continue, little awareness of P2 cost recovery potential.	**New emphasis** focusing on causes/ sources of wastes to advocate preventing wastes in the first place; wastes **liabilities decrease** or even eliminated for businesses, cost recoveries for P2 investments are are feasible and implementable.
6. **No emphasis** on avoiding the shifting of wastes to different media: air, solid waste, etc.	**New emphasis** to avoid media shifting of wastes; reduce/reuse/ recycle emphasized; less wastes liabilities for businesses.
7. Total **"regulatory"** approaches; enforcement oriented etc.; little flexibility for businesses.	Equal emphasis on **non-regulatory** approaches: education, promotion and positive recognition; greater flexibility for businesses.
8. Pretreatment not involved with other **media** work e.g. storm water, air, haz. wastes; businesses subjected to isolated approaches.	Pretreatment activities **integrated** where feasible with other media programs; businesses benefit from joint approaches.
9. **No emphasis** on tracking sewer sub-basin pollutant contributions	**New emphasis** to track sub-basin pollutant loadings to help focus P2 work city wide
10. Limited **training** opportunities in P2 field for City staff	Expansion of **training opportunities** in P2 field for City staff
11. Loadings of wastewater **"pollutants of concern"** into the City's system **increasing** over time	Wastewater pollutant loading trends **decreasing** over time
12. History of **high "spikes"** of some pollutants occurring periodically	**Decreasing trend** of high spikes over time
13. Lack of field surveys and assist-ance for business **storm water** pollution prevention	Field work and assistance outreach For **storm water** P2 plans **incor-porated** plans being implemented.

IV. Agreement

A. Signatories: The Signatories to this Final Project Agreement are the **United States Environmental Protection Agency (hereafter EPA), The State of New Mexico Green Zia Environmental Excellence Program, The City of Albuquerque/Public Works Department, and the New Mexico Silver Users Association.** It is anticipated that an Albuquerque City Council Resolution supporting the project will also be passed.

B. Significance of Agreement: The significance of this Agreement is to achieve superior environmental benefits of enhanced reductions of pollutants through educational promotion of pollution prevention efforts within an otherwise regulatory/monitoring/enforcement agency. Successes documented by this Project can be transferred to other Pretreatment Programs around the country thus achieving even greater environmental benefits through more effective approaches. Broader pollution prevention public awareness will be fostered by all outreach and promotion work wherever these approaches are taken.

C. Definitions - Please refer to Glossary in appendix

D. Duration of Agreement: This FPA will be in effect for the period of 5 years, unless it is terminated or extended earlier. Prior to the end of the five-year period (at least 180 days) the City of Albuquerque may apply for a renewal or extension of the project period. **A renewal or extension of the project period will be treated as a modification of the FPA, and is addressed Section II. F., Modification of Agreement/Reopener.** If the City of Albuquerque is not able to meet the performance goals of its Local Pilot Pretreatment Program, the Approval Authority may allow the performance measures to be adjusted if the primary objectives of the Local Pilot Pretreatment Program will be met. The revised Local Pilot Pretreatment Program must be approved in accordance with the procedures in 40 CFR § 403.18.

If the primary objectives of the proposal are not being met, the Approval Authority may direct the City of Albuquerque to discontinue implementing the Local Pilot Pretreatment Program and resume implementation of its previously approved pretreatment program by amending the NPDES permit accordingly. The Approval Authority will ensure that the City of Albuquerque NPDES permit includes a reopener clause with this requirement.

E. Enforceability of FPA: This FPA is not intended to create legal rights or obligations and is not an enforceable contract or a regulatory action such as a permit or rule. This applies to both the substantive and the procedural provisions of the FPA. Thus, for example, the FPA establishes procedures that the parties intend to follow with respect to termination under the FPA. However, while the parties fully intend to follow these procedures, they are not legally obligated to do so. Because it is not legally enforceable, the FPA is not an agency "action" that

could be reviewable; in addition, no action or omission by any party to the FPA could give rise to any claim against the party for penalties, damages or other compensation based solely on the claim that the action or omission was at variance with a provision or provisions of the FPA.

F. Modification of Agreement / Reopener: The FPA may be modified by mutual agreement of all parties at any time during the minimum Project term. The parties recognize that certain modifications to the Project may necessitate modification of any existing implementation mechanisms or may require development of new implementation mechanisms, as provided in Section III. B. 6. In that case, EPA and The City of Albuquerque expect to work together to identify and pursue any modifications or additions to the implementation mechanisms required, in accordance with procedures applicable to the modification of the relevant implementation mechanism. To the extent that the parties agree to make a material modification of the Project, appropriate notice of such modification, as set forth in this FPA and the implementing mechanism, and an appropriate opportunity to participate in the process will be provided to stakeholders and interested parties.

In recognition that the Project is an experiment designed to test new approaches to environmental protection, and of the uncertain nature of the environmental benefits and costs associated with the activities to be undertaken in this Project, the parties to this FPA agree to evaluate the appropriateness of a modification or "reopener" to the FPA according to the provisions set forth below.

1. During the minimum Project term, the City of Albuquerque may seek to reopen and modify this FPA in order to address matters covered in the FPA, including failure of the Project to achieve superior environmental results, or the enactment or promulgation of any environmental, health or safety law or regulation after execution of this FPA which renders the Project legally, technically, or economically impractical. To do so, the City of Albuquerque will submit a proposal for a reopener under this Section to EPA for their consideration. EPA will review and evaluate the appropriateness of such proposal submitted by the City of Albuquerque. EPA may also elect to initiate termination under Section III. B. 7. of this FPA, which shall supersede application of this Section.

2. In determining whether to reopen and modify the FPA in accordance with any reopener proposal(s) submitted by the City of Albuquerque under this Section, EPA will base their decision upon the following: (a) whether the proposal meets the Project XL Criteria in effect at the time of the proposal, (b) the environmental benefits expected to be achieved by the proposal, © the level of emissions or effluent included in the proposal, (d) other environmental benefits achieved as a result of other activities under the proposal, and (e) any net adverse environmental impacts expected to occur as a result of the proposal.

3. All parties to the FPA will meet within ninety (90) days following submission of any

reopener proposal by the City of Albuquerque to EPA (or within such shorter or longer period as the parties may agree) to discuss the Agencies' evaluation of the reopener proposal. If, after appropriate stakeholder involvement, the Agencies support reopening of this FPA to incorporate the proposal, the parties will (subject to any required public comment) take steps necessary to amend the FPA. Concurrent with the amendment of this FPA, EPA will take steps consistent with Section I to implement the proposal.

G. Termination of Agreement:

1. Expectations Concerning Termination: This FPA is not a legally binding document and any party may withdraw from the FPA at any time. If parties do withdraw from the FPA, the regulation and / or permit will remain enforceable until modified. However, it is the desire of the parties that this FPA should remain in effect through the expected minimum Project term, and, during that time, be implemented as fully as possible. Although EPA retains its discretion to terminate the FPA at any time**,** it is the intent of the parties that this Project will not be terminated unilaterally during the expected minimum Project term of this FPA unless one of the conditions set forth below occurs:

    a. Failure (taking into account its nature and duration) by any other party to (1) comply with the provisions of the implementation mechanisms for this Project, or (2) act in accordance with the provisions of this FPA;
    b. Discovery of the failure of any other party to disclose material facts during development of the FPA;
    c. Failure of the Project to provide superior environmental performance consistent with the expectations of this FPA;
    d. Enactment or promulgation of any environmental, health or safety law or regulation after execution of the FPA which renders the Project legally, technically or economically impracticable; or,
    e. Decision by a party to reject the proposed assumption by a future owner or operator of the Facility of the City of Albuquerque rights and obligations under the Project.

    Unless the parties determine, consistent with the provisions of Section III. B. 4. and 7. of this FPA, that continuation of the Project past the minimum Project term is warranted, this FPA will be terminated as of the end of the minimum Project term.

    EPA and The City of Albuquerque do not intend to withdraw from the FPA based on non-compliance by the City of Albuquerque with the implementation mechanisms, unless such non-compliance constitutes a material failure to comply with the implementation mechanisms, taking into account its nature and duration the non-compliance. EPA retains their discretion to address compliance, as appropriate, through existing enforcement authorities available to the parties. As set forth in Section III. D., the City of Albuquerque

retains all rights to defend against any such enforcement actions.

2. Termination Procedures: The parties agree that the following procedures will be used to terminate the project prior to the minimum project term, and further that the implementation mechanism(s) will provide for withdrawal or termination consistent with these procedures:

   a. Any party desiring to terminate this FPA is expected to provide written notice of its intent to terminate to the other parties at least sixty (60) days prior to termination.

   b. If requested by any one party during the sixty (60) day period noted above, the dispute resolution proceedings provided in Section III. B. 8. herein, may be initiated to resolve any dispute relating to the intent to terminate. If, following any dispute resolution or informal discussion, the party still desires to terminate, the terminating party will provide written notice of final termination to all other parties to the FPA.

   c. If any party terminates its participation in the FPA, the remaining parties will consult with the City of Albuquerque to determine whether the FPA should be continued in a modified form consistent with applicable federal and state law or terminated.

   d. The termination procedures set forth in this Section b.) apply to the decision to terminate participation in the FPA. Procedures to be used in modifying or rescinding the legal mechanisms used to implement the Project will be governed by the terms of those legal mechanisms and applicable law.

3. Post-Project Compliance Period

   a. Orderly Return to Compliance in the Event of Early Termination: In the event of and termination not based upon the end of the expected minimum Project term, there will be an Interim Compliance Period to provide sufficient time **consistent with permit modification procedures set forth in 40 CFR § 122.1 et seq.** for the City of Albuquerque to come into compliance with the regulations deferred under the Project. By the end of the Interim Compliance Period, the City of Albuquerque will comply with the applicable standards set forth in 40 C.F.R. Part 403. During the Interim Compliance Period, EPA will issue an order, permit, or other legally enforceable mechanism establishing an implementation schedule for the City of Albuquerque's orderly return to compliance as soon as practicable, but no later than 12 months from the date of termination. The Interim Compliance Period is 12 months from the date on which EPA, or the City of Albuquerque provides written notice of final termination of

the Project in accordance with this FPA. It is the City of Albuquerque's intent to be in full compliance with all applicable requirements above as soon as is practicable, as will be set forth in the implementation schedule.

b. Orderly Return to Compliance in the Event of Completion of Project Term: In the event of termination based upon the end of the Project term, the City of Albuquerque will achieve compliance with all applicable requirements by the end of the minimum Project term, unless the Project is modified in accordance with Section B.6. - Modification. The City of Albuquerque is expected too anticipate and plan for all activities necessary to come into compliance upon completion of the Project in advance of the end of the Project term. The City of Albuquerque may request a meeting with EPA to discuss the timing and nature of any actions that the City of Albuquerque will be required to take to come into compliance with regulatory requirements that have been deferred under this Project **and should request such a meeting at least 60 days in advance of the anticipated completion date of the project term.** The parties expect that they will meet within thirty days of receipt of the City of Albuquerque's written request for such a discussion. At and following such meeting, the parties expect that they will engage in reasonable good faith discussions to identify the extent to which requirements deferred under this Project will apply after termination of the Project.

H. Dispute Resolution: Any dispute that arises with respect to the meaning, application, implementation, interpretation, amendment, termination or modification of the FPA will, in the first instance, be the subject of informal discussions. To initiate informal discussions, any party which believes it has a dispute with any other party will simultaneously notify all of the parties, in writing, setting forth the matter(s) in dispute.

If the dispute cannot be resolved by the parties within thirty (30) days of receipt of such notice (or such longer time as agreed to by the parties to the dispute), then one or both of the parties may invoke non-binding mediation by setting forth the nature of the dispute, with a proposal for its resolution, in a letter to the EPA Region 6 Administrator, with a copy to all parties. The EPA Regional Administrator or the disputants may request an informal mediation meeting. The disputants may request an opinion from the Regional Administrator in lieu of or in addition to the mediation meeting. Any opinion, verbal or written, expressed by the Regional Administrator will be non-binding.

Nothing in this section will be construed to alter the parties' expectations regarding the ability to terminate or withdraw from the FPA set forth in the provision of Section III. B. 7. c., Termination of Agreement / Post Project Compliance Period.

I. Implementation: To implement the Project, the parties intend to take the following steps:

A. EPA expects to propose for public comment and promulgate (subject to review of public comment) a site-specific rule amending 40 C.F.R. Part [X] so as to defer application of the requirements of Part [X] to the City of Albuquerque's Facility. The rule will describe project requirements and other aspects of rule making. It is expected that the site-specific rule will provide for Termination and a post-Project compliance period consistent with Section III. B. 7. and will address the transfer procedures included in Section IV. B. The standards and reporting requirements set forth in Section I and III of this FPA will be implemented in the site-specific rule.

B. Except as provided in any rule(s), compliance order(s), permit provisions or other implementation mechanisms that may be adopted to implement the Project, the parties do not intend that this FPA will modify or otherwise alter the applicability of existing or future laws or regulations to the City of Albuquerque's Facility.

C By signing this FPA, EPA, and the City of Albuquerque acknowledge and agree they have the respective authorities and discretion to enter into this FPA and to implement the provisions of this Project, to the extent appropriate.

J. Reporting & Periodic Reviews: The City of Albuquerque is required to periodically report the progress of its pilot program, as set forth below. The City of Albuquerque's periodic report will describe its Local Pilot Pretreatment Program activities and accomplishments, including activities and accomplishments of any participating agencies and public involvement. The report will include an analysis of all environmental data collected over the reporting period and activities conducted to reduce pollutant loadings to the environment and any other activities that address the objectives of the Local Pilot Pretreatment Program.

The City will provide semi-annual updates posted to the web site for the project on the City's home page. Hard copies will be provided to requesting parties.

The report following the fourth year of pilot program implementation will also include the findings of the pilot. This report will specifically address all objectives of the pilot program and provide measures related to the effectiveness of the program, as implemented, in meeting the objectives. The report will also include recommendations concerning the implementation of the pretreatment program at the local level.

The minimum report requirements will be detailed in the City of Albuquerque's NPDES permit. This requirement will be similar to the current requirement for the City of Albuquerque to annually report to the Approval Authority the status of its Pretreatment Program. See 40 CFR 403.12(I). At the discretion of the NPDES permitting authority, the report may be required more frequently than once per year. The City of Albuquerque is required to submit regulatory reports on the non-waived requirements of its pretreatment program.

K. Events Preventing Project Implementation /Unavoidable Delay: This section applies to provisions of this FPA that do not encompass enforceable, regulatory mechanisms. Enforceable mechanisms, such as permit provisions or rules, shall be subject to modification or enforcement as provided in applicable law.

"Unavoidable delay" for purposes of the project described in this FPA is defined as any event arising from causes beyond the control of any Party or Parties that delays or prevents the implementation of the project described in this FPA despite the Parties' best efforts to put their intentions into effect. An unavoidable delay event includes, without limitation, delay arising from fire, unusual storm events, acts of war, vandalism, or legislative or judicial bars to performance. An unavoidable delay does not include any increase in costs necessary to undertake and successfully complete the project in a timely fashion.

When any event occurs that may delay or prevent the implementation of this project, whether or not it is unavoidable, the Party with knowledge of the event will provide verbal notice to the designated representatives of the remaining Parties. Within ten (10) days of the Party providing initial notice of the event a written confirming notice will be provided. The confirming notice will include the reason for the delay, the anticipated duration of the delay, all actions taken to prevent or minimize the delay, and the party's rationale for considering such a delay to be unavoidable. The Party providing notice will include all available documentation supporting the claim that the delay was unavoidable.

If the Parties, after reasonable opportunity to confer, agree that the delay is attributable to an unavoidable delay then the time for performance of obligations that are affected will be extended to cover the period lost due to the delay. If the Parties agree, the Parties will document their agreement in a written amendment to this FPA. If the Parties do not agree, then the following provisions for Dispute Resolution in Section H will be followed.

V. Modification of Pretreatment Program and Incorporation Into NPDES Permit; Conformance of FPA Rulemaking with federal CWA and NDPES Program

The parties to this FPA intend to amend the City's existing Local Pretreatment Program and to incorporate the provisions of the pilot alternative pretreatment program into the City's NPDES permit to the extent that such amendments and incorporations are necessary to fully implement the pilot alternative pretreatment program as required under the federal Clean Water Act. The amendment of the Local Pretreatment Program shall be conducted as a modification of the City's POTW Pretreatment Program in accordance with 40 C.F.R. § 403.18. The incorporation of the modified POTW Pretreatment Program into the City's NPDES permit shall occur as part of NPDES permit reissuance.

The parties intend that the site specific rulemaking associated with this Project XL FPA shall contain provisions to ensure that the City's pilot alternative pretreatment program and the City's administratively continued NPDES permit shall be subject to all the applicable legal requirements and benefits of the federal Clean Water Act and NPDES permit program, including the liability protections afforded by CWA section 402(k). With specific regards to the City's administratively continued NPDES permit, the parties intend that the NPDES issues addressed in the site specific rulemaking shall be limited to issues associated with the pilot alternative pretreatment program and its impact on the NPDES permit.

VI. Analyses to Determine eligibility for a conditional variance

A. Provide summary information demonstrating that your local Pretreatment Program meets these requirements:

1. The POTW is administering an Approved POTW Pretreatment Program.

2. The POTW has a solid record of compliance. In general, this means that the POTW must not be the subject of a planned or ongoing judicial or administrative enforcement action, be in significant noncompliance with applicable requirements, or have outstanding obligations under (or be in violation of) an order or consent decree. Additionally, a POTW's history of compliance will also be considered; POTWs most likely to be included in the pilot program would be those which do not have a history or pattern of violations, violations resulting in serious threats or harms, or have other recent significant compliance problems.

3. The POTW has five years of influent, effluent, and sludge quality data, as well as three years of ambient water quality measurements for its receiving water.

B. Federal Implementation Mechanisms - Federal Register filings to be later described

C. State Implementation Mechanisms - not applicable for New Mexico

D. Environmental Benefits: How will project provide SEP? Baseline Assessment

Expected benefits as a result of the proposed changes are detailed at Section III C. & D.

This project was chosen as an XL Project because it has the potential to achieve environmental performance that is superior to what would have been achieved absent the XL Project. The sponsors have developed a quantitative and qualitative baseline estimate of what would have happened to the environment absent the project and have compared that baseline estimate against the project's anticipated environmental performance to determine that the anticipated environmental performance will produce a level of environmental performance superior to the baseline.

VII. RIGHTS RETAINED AND PROJECT TRANSFER

A. Rights Retained: Except as expressly provided in the legal implementation mechanisms, nothing in the FPA shall be construed to affect or limit either the City of Albuquerque's legal rights or the Agencies' rights to seek legal, equitable, civil, criminal or administrative relief regarding the enforcement of present or future applicable federal and state code, rules, or

regulations with respect to the Facility or the City of Albuquerque.

Although the City of Albuquerque does not intend to challenge agency actions implementing the Project (including any rule amendments or adoptions, permit actions, or other action) that are consistent with this FPA, the City of Albuquerque nonetheless reserves its right to appeal or otherwise challenge any and all agency actions implementing the Project. Nothing in this FPA is intended to limit the City of Albuquerque's right to administrative or judicial appeal or review of any modification or termination of those legal mechanisms in accordance with the applicable procedures for such review.

B. Transfer of Project Benefits and Responsibilities: It is expected that the implementation mechanisms will allow for the transfer of the City of Albuquerque's rights and obligations under the Project to any future owner or operator upon request of the City of Albuquerque and such owner/operator, provided that the following conditions are met:

1. The City of Albuquerque will provide written notice of any such proposed transfer to EPA and at least forty-five (45) days prior to the effective date of the transfer. The notice is expected to include identification of the proposed transferee, a description of the proposed transferee's financial and technical capability to assume the obligations associated with the Project, and a statement of the transferee's attention to sign the FPA as an additional party.

2. Within thirty (30) days of receipt of the written notice, it is expected that the Agencies will determine whether the transferee has demonstrated adequate financial and technical capability to carry out the Project and a willingness to sign the FPA. It is expected that the implementation mechanisms will provide that, so long as the demonstration has been made to the satisfaction **and unreviewable discretion** of the Agencies, and upon consideration of other relevant factors, the FPA will be modified to allow the proposed transferee to assume the rights and obligations of the City of Albuquerque.

   In the event that transfer is disapproved by any agency, withdrawal or termination may be initiated, as provided in Section II G.

3. Upon approval of transfer under this section, EPA and the City will coordinate to amend the rule, permit and other implementing mechanism(s) (subject to public notice and comment) to legally transfer the rights and obligations of the City of Albuquerque under this project to the proposed transferee. The rights and obligations of this project remain with the City of Albuquerque prior to their final, legal transfer to the proposed transferee.

APPENDIX A: Glossary

Approval Authority: The Director in an NPDES State with an approved State pretreatment program and the appropriate EPA Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program. [40 CFR 403.3(c)]

Approved POTW Pretreatment Program: A program administered by a POTW that meets the criteria established in 40 CFR 403.8 and 403.9 and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR 403.11. [40 CFR 403.3(d)]

Catchment: A structure, such as a basin, for collecting or draining water.

Categorical Pretreatment Standards: Limitations on pollutant discharges to POTWs promulgated by EPA in accordance with Section 307 of the Clean Water Act, that apply to specific process wastewater discharges of particular industrial categories [40 CFR 403.6 and 40 CFR Parts 405-471].

Clean Water Act (CWA): An act passed by the U.S. Congress to control water pollution. It was formerly referred to as the Federal Water Pollution Control Act of 1972 or Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), 33 U.S.C. 1251 et. Seq., as amended by: Public Law 96-483: Public Law 97-117; Public Laws 95-217, 97117, 97-440 and 100-04.

Composite Sample: Sample composed of two or more discrete samples. The aggregate sample will reflect the average water quality covering the composting or sample period.

(CERCLA): This act was passed in 1980 and is commonly known as “Superfund”. CERCLA gives the Federal government the power to respond to releases, or threatened rel **Comprehensive Environmental Response, Compensation, and Liability Act** eases, of any hazardous substance into the environment as well as to a release of a pollutant oar contaminant that may present an imminent and substantial danger to public health or welfare.

Control Authority: A POTW with an approved pretreatment program or the approval authority (State or EPA Region) in the absence of a POTW pretreatment program [40 CFR 403.12(a)].

Domestic Septage: The liquid or solid material removed from a septic tank, cesspool, holding tank, or similar system that receives only domestic waste (household, non-commercial, non-industrial sewage).

Facility Operator: Person or persons possessing day-to-day control over the operations at a Publicly Owned Treatment Works.

Grab Sample: 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 exceed fifteen (15) minutes.

Hauled Wastes: Any wastes delivered by truck or rail car.

Hazardous Waste: As defined in RCRA: a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

As defined in the regulations, as solid waste is hazardous if it meets one of four conditions:

1) Exhibits a characteristic of a hazardous waste (40 CFR Sections 261.20 through 262.24)
2) Has been listed as hazardous (40 CFR Sections 261.31 through 261.33)
3) Is a mixture containing a listed hazardous waste and a nonhazardous solid waste (unless the mixture is specifically excluded or no longer exhibits any of the characteristics of hazardous waste)
4) Is not excluded from regulation as a hazardous waste.

Homogeneous: Uniform in structure or composition throughout.

Indirect Discharge: The introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. [40 CFR 403.3(g)]

Industrial User: A source of indirect discharge. [40 CFR 403.3(h)]

Interference: 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; and therefore, is a cause of a violation of the POTW's NPDES permit or of the prevention of sewage sludge use or disposal 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 CWA; the Solid Waste Disposal Act, 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. [40 CFR 403.3(I)]

Local Limits: Discharge limits imposed by municipalities upon industrial or commercial users that discharge to the municipal sewage treatment system.

National Pretreatment Standard or Pretreatment Standard: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and © of the Clean Water

Act, that apply to industrial users. This term also includes the prohibited discharge standards under 40 CFR 403.5. [40 CFR 403.3(j)]

Non-pretreatment POTWs: POTWs not subject to the National Pretreatment Program or POTWs without approved pretreatment programs.

Pass Through: A discharge which exits the POTW into waters 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 any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation. [40 CFR 403.3(n)]

Pathogen: A microorganism, such as bacterium or fungus, that causes disease.

pH - A measure of the acidity of alkalinity of a solution, expressed in standard units.

Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu if discharging or otherwise introducing such pollutants to a POTW. [40 CFR 403.3(q)].

Prohibited Discharge Standards: Prohibitions on the discharge of certain substances, as defined in 40 CFR 403.5.

Publicly Owned Treatment Works (POTW): Any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a State or municipality. This includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment.

Sludge (Biosolids): The solid, semi-solid, or liquid residue generated during the treatment of wastewater.

Slug load: Any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge. [40 CFR 403.8(f)(2)(v)]

Split Sample: Any sample taken and split into portions with any requesting party, usually for independent analysis by another laboratory for comparison purposes.

Time Proportional Sample: A sample consisting of a series of aliquots collected from a representative point in the discharge stream at equal times intervals over the entire discharge period on the sampling day.

Toxic Pollutant: Any pollutant listed as toxic under section 307(a)(1) of the CWA, or in the case of

sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA.

Wastewater: The used water and water-carried solids from a community (including domestic, commercial, and industrial sources) that flow to a treatment plant. Storm water, surface water, and groundwater infiltration also may be included in the wastewater that enters a wastewater treatment plant.

APPENDIX B: XL Criteria

Since this pilot program is being administered under the Project XL program, the proposals must address the Project XL criteria:

I. Superior Environmental Performance will be demonstrated by the Albuquerque XL Project by achieving (1) pollution prevention implementation at a targeted 25 new businesses per year (2) reductions and/or stabilizations for 13 pollutants of concern and (3) optimizing resources to achieve competitive institutional integration of pollution prevention and pretreatment program work.

Item (2) will be guided by sewer system sub-basin monitoring to determine where in the City certain pollutants predominate. Actual pollutant reductions and/or stabilizations will be monitored in the sub-basins before and after pollution prevention outreach and implementation occurs. An initial goal will be to stabilize and/or reduce by 10 to 20% the particular pollutant(s) of concern that appear in the sub-basins. The tentative list of targeted pollutants are: Aluminum, Cadmium, Chromium, Copper, Cyanide, Fluoride, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver and Zinc.

II. Cost Savings and Paperwork Reduction: Cost optimization will better utilize existing resources to achieve integration of pollution prevention and pretreatment program work. Paperwork reduction for the City and businesses will occur by elimination of non-significant industrial permits and associated administrative record keeping.

III. Stakeholders Support: Environmental focus will be guided by stakeholder input through our continual involvement in local and statewide pollution prevention programs. The City's pretreatment program was (July 1998) invited to be a Charter Council Member to guide the New Mexico statewide pollution prevention initiative known as the Green Zia Environmental Excellence Program. The Albuquerque Pretreatment Program Manager served on the Industrial Advisory Council to help start the statewide pollution prevention initiative. These programs have provided direct contact with a wide cross section of stakeholders with business/community/agency and public environmental interests. An excellent rapport has been established with local community stakeholders. These include environmental citizen groups, a downstream water users Indian Tribe, trade associations, professional societies, business organizations, industrial permittees and local task force members. An expansion of stakeholder involvement will occur as the local and statewide programs continue to grow.

IV. Innovation/Multi Media Pollution Prevention: The Albuquerque XL Project will build on pollution prevention work that has been initiated as part of the City's Pretreatment Program. A goal for the project will be to institutionalize a permanent pollution prevention outreach component within the pretreatment program . This is intended to be accomplished by a shift of resources to develop focused pollution prevention educational materials and to implement

outreach methods in lieu of resources expended monitoring industries with de minimis discharges. One technique will entail monitoring sewer system sub-basins. This will Allow for targeting of pollution prevention outreach addressing industrial, commercial and residential areas. Also, greater reductions in watershed pollution loadings will be targeted by integration of storm water pollution prevention work. Finally, greater public awareness of pollutant issues and pollution prevention solutions can be achieved through outreach guided both by stakeholder input and improved monitoring knowledge.

V. **Transferability**: The Albuquerque XL Project will be transferrable to other cities as a model. Especially important will be the transferability of materials, methods and lessons learned in pollution prevention approaches which other cities can directly utilize. This will save reinvention of materials and methods which have proven to be effective. Sewer system sub-basin monitoring is also transferable given the ability to shift resources to such activities. The latter can provide a focus into broader commercial and residential sectors. Pollution prevention materials oriented to multiple sectors will be transferable.

VI. **Feasibility**: The Albuquerque XL Project will be technically and administratively feasible to undertake within existing program resources.

VII. **Monitoring, Reporting and Evaluation**: Performance information will be provided to stakeholders in various forms. Monitoring at the City's treatment plant will provide an indication of pollutant loading trends. New monitoring will be performed at sub-basin locations which will track program effectiveness in reductions of pollutant loadings. Storm water quality testing will provide additional monitoring data. Pollution prevention materials, methods and outreach activities will be quantifiable as well. A chart depicting the project objectives, measurements and time frames will be developed giving a clear indication of how the project can be followed.

VIII. **Shifting of Risk Burden**: It is not anticipated that the Albuquerque XL Project will result in shifting of risk burdens or disproportionate environmental impacts.

APPENDIX C:

The following Table summarizes the City's plans and time frames to perform various objectives and activities.

Albuquerque XL Pilot Pretreatment Project

Table 1	Proposed Objectives, Measurements & Time Lines		
	Objective	**Measurements**	**Time line**
1.	Achieve pollution prevention implementation at new businesses	Document new P2 implementation at 25 businesses/year	Begin at year 2 and continue indefinitely
2.	Achieve reductions or stabilization for 13 pollutants of concern at sub-basin locations	Monitor sewer sub-basins weekly; determine where pollutants predominate first	Begin at year 2 after sub-basins baseline data established
3.	Maintain and enhance compliance with City's NPDES effluent and biosolids limits	Continuation of regulatory monitoring and reporting monthly	Continuation of daily, weekly and monthly monitoring
4.	Perform pollution prevention surveys and certifications to promote continued implementation at businesses	Perform 100 P2 surveys/ certifications per year at businesses	Perform each year
5.	Develop targeted business and residential P2 educational/outreach materials and methods	Develop 4 new outreach materials or methods per year	Perform each year
6.	Write case studies demonstrating implementation of P2-BMP's, problem areas and follow-up needs	Write-up 6 case studies per year	Perform each year
7.	Initiate targeted P2 workshops	Initiate 2 workshops per year	Perform each year
8.	Collect storm water baseline water quality data to guide storm water P2 outreach work	Monitor storm events per the City's Hydrology Dept and any MS4 NPDES permit	Perform each year
9.	Perform storm water Pollution Prevention Plan (P3) surveys at businesses where storm water Notices of Intent (NOI's) have been filed	Perform 25 storm water P3 surveys per year	Perform each year
10.	Respond to P2 inquiries and requests to the community	Provide 10 responses to the community per month	Perform each month
11.	Achieve stakeholder involvement through joint participation in P2 activities locally and statewide	Participate in 6 coordinating meetings per year with local and statewide stakeholders	Perform each year

APPENDIX D: NPDES Permit (To Be Revised Subsequent to Federal Register rule making)

APPENDIX E

Introductory Document to the City's Proposal to the President's Excellence in Leadership "Project XL", December 10, 1998 (This is a separate booklet that will be provided upon request to the Albuquerque program, contact any of the following: Bob Hogrefe, Stuart Reeder or Brynda Gutierrez @ 505-873-7004 or by E-mail to RHogrefe@CABQ.Gov).

APPENDIX F

Map of Albuquerque's Sewer System sub-basins (word perfect 6MB bit map file) (Please send an E-Mail request for this file to RHogrefe@CABQ.Gov)