

Pretreatment Regulations

**Henry County Public Service Authority
Industrial Pretreatment Program**



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*Enacted July 1993
Modified May 2000
Modified September 2013*

HENRY COUNTY PUBLIC SERVICE AUTHORITY PRETREATMENT REGULATIONS

Regulations Governing Industrial Discharges to the Sanitary Sewer System

Enacted July 1993
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ARTICLE I - TERMS/DEFINITIONS

Section 1.1 Terms and Phrases Defined

For the purposes of these Regulations, certain terms and phrases shall be considered to have the following definitions:

Act or "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et.seq.

Administrative Authority - The Director of Regulatory Compliance and Technical Applications or his designated representative.

Approval Authority - The Director of the Virginia Department of Environmental Quality (DEQ).

Authorized or Duly Authorized Representative of the User -

- (1) If the User is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation; or (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and to initiate and direct other comprehensive measures to assure long-term compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Administrative Authority.

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in 9VAC 25-31-770, 40CFR 403.5(a)(1) and (b), Henry County Public Service Authority Pretreatment Regulations Sec. 2.1 and to prevent or reduce the pollution of surface waters. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of, certain established categorical Pretreatment Standards and effluent limits.

Biochemical Oxygen Demand (BOD) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

Board - The Board of Directors of Henry County Public Service Authority.

Bypass - The intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

Categorical Pretreatment Standard - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317) which applies to specific categories of Industrial Users [40CFR Chapter I, Subchapter N, Parts 405-471].

CFR - "Code of Federal Regulations."

Chemical Oxygen Demand (COD) - A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

City – The City of Martinsville.

Control Manhole - A manhole giving access to a building Sewer at some point before the building Sewer discharge mixes with other discharges in the Public Sewer.

Combined Sewer - A Sewer receiving both surface runoff and sewage.

County - The County of Henry, Virginia.

Daily Maximum Discharge Limitation - The maximum allowable discharge of a pollutant during a calendar day; where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day; where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Day(s) - The 24-hour period beginning at 12:01 a.m. / calendar days unless otherwise specified in text.

Domestic Sewage - The water transported human and household waste from sanitary conveniences discharged to a Public Sewer.

Enforcement Response Plan (ERP) - A document(s) that contains detailed procedures on how the Administrative Authority investigates and responds to instances of Industrial User (IU) noncompliance.

Facilities of Service Authority - Any and all parts of the entire system of the Sanitary Sewer utilities under the jurisdiction of Henry County Public Service Authority, such as Sewer lines, and their appurtenances, sewage pumping stations and treatment plants, including these items and others now constructed, installed, and to be constructed, approved, and accepted in the future as additions or extensions of the system.

Fats, Oil, and Grease (FOG) - Any fats, oils and grease generated from the food service process or other Industrial User as identified by the most current EPA method as listed in 40 CFR 136.3.

FOG Removal System - Refers to properly installed and operated Grease Trap or other alternate system as approved by the HCPSA.

Food Service Establishments (FSE) - Any establishment or operation where food is prepared or served at wholesale or retail for pay, or any other commercial establishment or operation where food is prepared or served such as, but not limited to, restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias, and clubs.

Garbage - The residue from the preparation and dispensing of food and from the handling, storage and sale of food products and produce.

Grease Trap - Mechanical systems designed to remove Fats, Oil and Grease by physical separation from flowing Wastewater.

Ground Garbage - The residue from the preparation, cooking, and dispensing of food

that has been shredded to such degree that all particles will be carried freely in suspension under the flow condition normally prevailing in Public Sewers with no particle greater than one-half inch (1/2") in any dimension.

Indirect Discharge or Discharge - The introduction of pollutants into the POTW from any nondomestic source.

Industrial Waste - Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process, or from the development, recovery or processing of any natural resource, as distinct from domestic waste.

Instantaneous Limit - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference - A discharge that, 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 VPDES 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 Act; 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.

Jurisdictional Area - The geographic area in which the Administrative Authority has been authorized to provide and regulate both existing and future water and/or Sanitary Sewerage facilities.

Maximum Allowable Headworks Loading (MAHL) - The estimated maximum loading of a pollutant that can be received at a POTW's headworks without causing pass through or interference.

Milligrams Per Liter (mg/L) - Equals parts per million and is a weight-to-volume ratio; the mg/l multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

NAICS - North American Industrial Classification System.

New Source -

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication

of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- (c) The production or Wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

- (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Normal Wastewater - Wastewater discharged into the Sanitary Sewers in which the concentration of total suspended solids and BOD is not more than 300 mg/L, and having no harmful or toxic substances.

Pass Through - The discharge of pollutants through a POTW into State waters in quantities or concentrations which are a cause in whole or in part of a Violation of any requirement of the POTW's VPDES permit, including an increase in the magnitude or duration of a Violation.

Person - Any and all persons, including any individual, firm, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

pH - The logarithm (base 10) of the reciprocal of the hydrogen/ion concentration expressed in moles per liter; it shall be determined by one of the procedures outlined in "40 CFR Part 136" and amendments thereto.

Plant - The City of Martinsville Regional Water Pollution Control Plant.

Publicly Owned Treatment Works (POTW) - A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is utilized by the Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or Industrial Wastes of a liquid nature and any conveyances, which convey Wastewater to a treatment plant.

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 of discharging or otherwise introducing such pollutants into a POTW.

Pretreatment Requirements - Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

National Pretreatment Standard, Pretreatment Standard or Standard - Shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Public Sewer - A Sewer provided by or subject to the jurisdiction of the Authority. It shall also include Sewers within or outside the County boundaries that serve one or more Persons and ultimately discharge into the Authority's Sanitary Sewer system, even though those sewers may not have been constructed with Authority funds.

Sanitary Sewer - A Sewer that conveys sewage or Industrial Waste or a combination of both, and into which storm, surface and groundwater or unpolluted waters are not intentionally admitted.

Service Authority or Authority - The Henry County Public Service Authority (HCPSA).

Sewage or Wastewater - The water transported human, animal and household waste in a public or private drain and may include groundwater infiltration, surface inflow and Industrial Wastes.

Sewer - A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

Sewerage - The system of Sewers and appurtenances for the collection, transportation and treatment of sewage and Industrial Wastes.

"Shall" - Mandatory; **"may"** is permissible.

Significant Industrial User (SIU) - A Significant Industrial User is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the Administrative Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

Significant Noncompliance - This term shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section) and shall mean:

- a. Chronic Violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 1.1;
- b. Technical Review Criteria (TRC) Violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 1.1 multiplied by the applicable criteria (1.4 for BOD, TSS, Fats, Oils and Grease, and 1.2 for all other pollutants except pH);
- c. Any other Violation of a Pretreatment Standard or Requirement as defined by Section 1.1 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Administrative Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare the public or to the environment, or has resulted in the Administrative Authority's exercise of its emergency authority to halt or prevent such a discharge;
- e. Failure to meet, within ninety (90) days of the scheduled date, a compliance

schedule milestone contained in an individual Wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

- f. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance; or
- h. Any other Violation(s), which may include a Violation of Best Management Practices, which the Administrative Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug Discharge - Any discharge of a non-routine episodic nature, including but not limited to an accidental spill or non-customary batch Discharge, which has reasonable potential to cause Pass Through or Interference, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Storm Sewer - A Sewer that carries storm surface, and groundwater drainage, but excludes sewage and Industrial Wastes.

Surcharge - The assessment, in addition to the regular User Charge, which is levied on those Persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.

Suspended Solids, Total (TSS) - Solids that either float on the surface of, or are in suspension in water, sewage or Industrial Waste and which are removable by laboratory filtration devices; quantitative determination of suspended solids shall be made in accordance with procedures set forth in or "40 CFR Part 136" and amendments thereto.

Testing or Analysis of Wastewater - The examination and analysis of the Wastewater and its components by approved methods as set forth in the most recent editions of ASTM Standard Test Procedures, and EPA Manual of Methods for Chemical Analysis of Water and Waste and 40 CFR Part 136 and amendments thereto; the Administrative Authority may request that certain tests be conducted by a specified method.

Unpolluted Wastewater - Water containing:

- a. no free or emulsified grease or oil
- b. no acids or alkalis
- c. no phenols or other substances producing taste or odor
- d. no toxic or poisonous substances in suspension, colloidal state or solution
- e. no noxious or odorous gases
- f. no more than ten (10) mg/L each of suspended solids and BOD

User or Industrial User - A source of Indirect Discharge.

User Charge - The basic assessment levied on all Users of the Public Sewer system whose wastes do not exceed in strength the concentration values established as representative of normal sewage.

Violation - Failure to comply with or meet any applicable requirement contained in these Regulations or any part of the applicable Pretreatment Program, including applicable Wastewater discharge permits, categorical standards or Pretreatment Standards.

ARTICLE II - PROHIBITED DISCHARGES [40 CFR 403.5 (a) (b)]

Section 2.1 Purposeful Discharges

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or Wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions. No User shall discharge any of the following into the Authority's Sanitary Sewerage System except as herein provided or by special permit:
 1. Any storm water, surface drainage, subsurface drainage, groundwater, roof runoff, non-additive cooling water, or unpolluted water into any Sanitary Sewer unless specifically authorized by the Administrative Authority.
 2. Slug Discharges of water or wastes.
 3. Any solids, liquids, or gases which, by themselves or by interaction with other substances, including but not limited to, gasoline, benzene, naphtha, fuel oil, or other waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (sixty degrees Centigrade) using the test methods specified in 40 CFR 261.21, or that may cause fire or explosion hazards, or in any other way be injurious to Persons, property, or the operation of the sewerage works. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the Sewer collection system, or at any point in the system, be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.
 4. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
 5. Any noxious or malodorous solids, liquids, or gases which, either singly or by interaction with other substances, are capable of creating a public nuisance or a hazard to life, health or property, or of preventing entry into Sewers for their maintenance and repair.
 6. Any greases, slurries, solid or viscous materials including, but not limited to, fats, wax, grease or oils, whether emulsified or not, in excess of 150 mg/l daily average, or of such character that the Administrative Authority determines may cause an obstruction to the flow in the Sewer or otherwise interfere with the proper functioning of the sewerage works.
 7. Any toxic substance, chemical elements, or compounds in quantities sufficient to impair the operation or efficiency of the sewage treatment facilities, or that will pass through the Plant and cause the effluent thereof to exceed government water quality requirements for the receiving system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307 (a) of the Act.
 8. Any waters or waste having a pH lower than 5.0 or higher than 9.5, or

having any corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage disposal works. Variances in pH above 9.5 may be accepted at the discretion of the Administrative Authority, but in NO case shall the pH exceed 12.5 (corrosive hazardous waste per 40 CFR 261.22).

- 9. Any radioactive isotopes without obtaining a special permit from the Administrative Authority.
- 10. Any liquid having a temperature greater than 140 degrees Fahrenheit, or which would cause a rise in temperature of greater than 10 degrees Fahrenheit of the total flow in the Sanitary Sewer interceptor line; or which would have a temperature over 104 degrees Fahrenheit when the Wastewater reaches the treatment facilities.
- 11. Wastes containing Total Suspended Solids or having a five day, 20 degree centigrade BOD greater than 300 mg/l, except that variance of BOD or TSS may be accepted on a Surcharge basis not to exceed a maximum concentration of 1,000 mg/l. Unless precluded by Categorical Pretreatment Standards, the discharge of wastes with a BOD or Total Suspended Solids greater than 1,000 mg/L may be approved on a temporary basis at the discretion of the Administrative Authority. Approval for the discharge of such wastes shall be provided only after demonstrating to the satisfaction of the Administrative Authority, and the City of Martinsville when wastewater treatment is performed by the City POTW, that Pass Through, Interference and exceedance of the MAHL or other adverse effects to the POTW do not occur. The terms and conditions for such an agreement shall be contained in a discharge permit which will include a compliance schedule of the shortest possible duration. Surcharge provisions and all other provisions of this Regulation shall apply.
- 12. Any Garbage that has not been ground or shredded.
- 13. Antifreeze unless specifically authorized by the Administrative Authority.
- 14. Herbicides, Fungicides, or Pesticides unless specifically authorized by the Administrative Authority.
- 15. Trucked or hauled pollutants except at discharge points designated by the Administrative Authority in accordance with Section 3.2-5 of these regulations.
- 16. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

ARTICLE III - CONTROL OF ADMISSIBLE WASTES

Section 3.1 Wastewater Discharge Permits

- A. Each Person who discharges industrial, combined domestic and Industrial Waste or wastes not considered Normal, and all Significant Industrial Users as herein defined, shall be required to secure a permit from the Administrative Authority for such discharge.
- B. This permit shall be based upon a report from the discharger about the exact nature of the discharge as to quantity and character and will contain other written assurances, as may be required, that the discharger is or will be in compliance with these Regulations and all applicable Federal, State and Local Pretreatment Standards and Requirements. Compliance shall continue during the term of the permit.
- C. Wastewater Discharge Permits shall be issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Administrative Authority. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.
- D. Wastewater Discharge Permits shall contain self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- E. Wastewater Discharge Permits shall be expressly subject to all provisions of the Authority Pretreatment Regulations and all other applicable regulations, User Charges and fees established by the Authority.
- F. Wastewater Discharge Permits shall contain a statement of applicable civil and criminal penalties for Violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- G. Wastewater Discharge Permits shall contain the process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 3.9.3.
- H. The procedure and timetable for obtaining permits to discharge wastes as described above shall be as follows:
 1. The Authority shall notify all Users subject to these Regulations that new or renewed permits shall be required to discharge such wastes into the

Authority's sewerage system; and that modification of their Wastewater discharge may be required to meet existing Federal Pretreatment Standards and any other such standards as may be promulgated in the future by EPA, and also to meet established local Pretreatment Standards. Notwithstanding the above, no lack of notice from the Authority shall excuse any User from an applicable requirement to have a Wastewater Discharge Permit prior to any discharge to the Sewer.

2. Applications for new permits shall be made at least ninety (90) days prior to the proposed date of connection to the sewerage system. The application shall comply with the provisions of this Regulation including all applicable Federal, State and local Pretreatment Standards and Regulations within the time frame as set forth in such Pretreatment Standards.
3. Application for permit reissuance shall be made within ninety (90) days prior to the date of permit expiration. No wastes shall be discharged to the Authority's sewerage system without a valid permit. An expired permit shall continue to be in effect and enforceable until the permit is reissued if: (1) the permittee has submitted a compete permit application at least ninety (90) days prior to the expiration date of the existing permit; and (2) the failure to reissue the permit prior to expiration is not due to any act or failure on the part of the permittee.
4. The application must include any requests for a monitoring waiver (or renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 3.9.3.
5. Permits shall be issued for a specified time period, not to exceed five (5) years.
6. At permit issuance and at least at each permit renewal, the need for a slug control discharge plan shall be evaluated.
7. The terms and conditions of the permit shall be subject to modification by the Authority during the term of the permit as limitations or requirements as identified in Article II are modified or for other just cause. The User shall be informed of any proposed changes in permit at least sixty (60) days prior to the effective date of such change. The User shall be allowed to comment on the proposed permit changes within the first thirty (30) days after issuance of the proposed changes by the Authority. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

I. Severability

The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

J. Property Rights

The issuance of the permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any

invasion of personal rights, nor any Violation of federal, state or local laws or regulations.

Section 3.1.1 Individual Wastewater Discharge Permit Revocation

The HCPSA may revoke an individual Wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the HCPSA of significant changes to the Wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the HCPSA of substantially changed conditions;
- C. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the HCPSA timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a Wastewater survey or the Wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater discharge permit or this Regulation.

Individual Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual Wastewater discharge permits issued to a User are void upon the issuance of a new individual Wastewater discharge permit to that User.

Section 3.1.2 Termination of Discharge

In addition to the provisions in Section 3.1-1 of this Regulation, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual Wastewater discharge permit conditions;
- B. Failure to accurately report the Wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to discharge;

Section 3.2 Pretreatment

Where the Administrative Authority determines that it is necessary to modify or eliminate wastes that are harmful to the structures, processes, operation of the sewerage works or to meet Federal, State and Local Pretreatment Standards and requirements, a Person shall provide at his expense such Pretreatment or processing facilities as may be necessary to render his wastes acceptable for admission to the Public Sewers.

Plans, specifications and any other pertinent information relating to proposed Pretreatment or processing facilities shall be submitted for approval prior to the start of construction. No approval of the Authority shall affect a Person's obligation to control its Wastewaters as required by these Regulations or by Wastewater Discharge Permit.

A. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of Wastewaters shall be disposed of in accordance with Section 405 of the Clean Water Act (CWA) and Subtitles C and D of the Resource Conservation and Recovery Act (RCRA).

B. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

C. **Duty to Halt or Reduce Activity**

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This treatment applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

Section 3.2.1 Local Pretreatment Standards [40 CFR 403.5 (c)(d)]

A. The Administrative Authority shall establish and enforce local Pretreatment Standards or requirements, including Slug Discharge requirements, as necessary, to prevent interference or inhibition with any sewage treatment process and to prevent the pass through of any pollutants into the receiving waters or that otherwise are incompatible with the system. Local Pretreatment Standards may be set by industrial category, or by pollutant, and may be established by specifying specially derived limits (including Best Management Practices) in individual Wastewater discharge permits.

B. **Compliance Requirements**

The Industrial User shall be allowed a sufficient and reasonable period of time to comply with all local Pretreatment Standards. Notwithstanding the above, nothing herein shall prevent the Authority from requiring any actions, whether immediately effective or otherwise, necessary for compliance with law or to protect the public health or the environment.

1. **Existing Users**

Any Significant Industrial User currently in compliance with the applicable Pretreatment Standards shall continue to maintain consistent compliance upon issuance of the amended wastewater discharge permit.

Any Significant Industrial User currently in Significant Noncompliance with one or more pollutant(s) as specified in the discharge permit shall be provided with an Administrative Order (AO) requiring a compliance schedule for achieving the established Pretreatment Standards. In no event shall the Significant Industrial User be permitted to discharge Wastewater into the Authority's POTW in noncompliance with a User permit requirement after the final compliance date specified in the schedule. The final compliance date shall be met in the shortest time frame possible but no longer than the time specified in the Administrative Order (AO).

2. **New Users**

At least ninety (90) days prior to commencement of discharge, New Sources shall be required to submit to the Authority a report including information listed in 40 CFR 403.12 (b)(1)-(5) & 403.12 (g)(3) and information on the method of Pretreatment the source intends to use to meet applicable Pretreatment Standards. New Sources shall give estimates of the discharge flow and the measurement of pollutants. A properly submitted and approved application for the proposed discharge along with a valid Wastewater discharge permit must be in place.

Section 3.2.2 Categorical Pretreatment Standards

Upon the future promulgation of Categorical Pretreatment Standards for a particular industrial subcategory, such standards, if more stringent than limitations imposed under these Regulations for sources in that subcategory, shall immediately supersede the limitations imposed under these Regulations and as amended.

Industrial Users subject to Categorical Pretreatment Standards shall provide Pretreatment as required for compliance with the standards within the time limitations specified in the Federal Pretreatment Regulations [40 CFR 403.6].

Where the POTW's Wastewater treatment system achieves consistent removal of pollutants limited by Categorical Pretreatment Standards, the Authority may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards.

A. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the HCPSA convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the HCPSA. The HCPSA may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Section 3.2-2(1)(a) through 3.2-2(1)(e) below.

1. To be eligible for equivalent mass limits, the Industrial User must:
 - a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual Wastewater discharge permit;
 - b) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - d) Not have daily flow rates, production levels, or pollutant levels that

vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

e) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

2. An Industrial User subject to equivalent mass limits must:

- a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- c) Continue to record the facility's production rates and notify the HCPSA whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 3.2-2(1)(c) of this Section. Upon notification of a revised production rate, the HCPSA will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs (1)(a) of this Section so long as it discharges under an equivalent mass limit.

3. When developing equivalent mass limits, the HCPSA:

- a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
- b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- c) May retain the same equivalent mass limit in subsequent individual Wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 3.2-3. The Industrial User must also be in compliance with Section 3.9-9(b) regarding the prohibition of Bypass.

4. The HCPSA may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the HCPSA.

Section 3.2.3 Prohibition against Dilution as Treatment [40 CFR 403.6 (d)]

No Industrial User shall ever increase the use of process water, or in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Categorical Pretreatment Standard or local pretreatment limits.

Section 3.2.4 Deny/Condition New or Increased Contributions [40 CFR 403.8 (f)(1)(i)]

The Administrative Authority shall have the legal authority to deny or condition, prior to the change occurring, new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its VPDES permit.

Section 3.2.5 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the HCPSA, and at such times as are established by the HCPSA. Such waste shall not violate Section 2.1 of this Regulation or any other requirements established by the HCPSA. The HCPSA may require septic tank waste haulers to obtain individual Wastewater discharge permits.
- B. The HCPSA may require haulers of Industrial Waste to obtain individual Wastewater discharge permits. The HCPSA may require generators of hauled Industrial Waste to obtain individual Wastewater discharge permits. The HCPSA also may prohibit the disposal of hauled Industrial Waste. The discharge of hauled Industrial Waste is subject to all other requirements of this Regulation.
- C. Industrial Waste haulers may discharge loads only at locations designated by the HCPSA. No load may be discharged without prior consent of the HCPSA. The HCPSA may collect samples of each hauled load to ensure compliance with applicable Standards. The HCPSA may require the Industrial Waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the Industrial Waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Section 3.3 Control Manholes

Each Person discharging Industrial Wastes shall construct and maintain one or more Control Manholes to facilitate observation, measurement, and sampling of his wastes.

Control Manholes shall be located and built in a manner acceptable to and accessible to the Administrative Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Administrative Authority.

Control Manholes and related equipment shall be installed by the Person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for the installation of the Control Manholes and related equipment must have approval of the Administrative Authority prior to the beginning of construction.

Section 3.4 Measurement of Flow

The volume of flow used for computing User Charges and Surcharges shall be the metered water consumption of the Person as shown in the records of meter readings maintained by the Authority.

If the Person discharging Industrial Wastes procures any part, or all, of his water from sources other than from the Authority, all or a part of which is discharged into the Public Sewers, the Person shall install and maintain at his expense meters of a type approved by the Administrative Authority for the purpose of determining the volume of water obtained from these other sources.

Additional devices for measuring the volume of waste discharged may be required by the Administrative Authority if these volumes cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the discharger. Following approval and installation, such meters may not be removed without the consent of the Administrative Authority.

Section 3.5 Waste Sampling

Waste discharged into the Public Sewers shall be subject to periodic inspection and a determination of character and strength of concentration of said wastes. The determination shall be made as often as may be deemed necessary by the Administrative Authority.

Installation, operation and maintenance of the sampling facilities and equipment shall be the responsibility of the Person discharging the waste and shall be routinely calibrated, inspected and maintained to ensure their accuracy and shall be subject to the approval of the Administrative Authority. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Administrative Authority. Failure of the User to keep the monitoring facility in good working order shall not be grounds for the User to claim the sample results are unrepresentative of the discharge.

The required sampling procedures shall comply with "40 CFR Part 136" and amendments thereto. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the samples were taken. Samples shall be collected in such a manner as will be representative of the composition of the wastes for the entire reporting period. Flow proportional sampling is required unless time-proportional composite sampling is authorized by the Authority. For oil and grease, pH, total phenols, cyanide, sulfide, and volatile organics (VOC's) and other appropriate pollutants, representative grab sampling shall be performed. Samples collected for cyanide, total phenols and sulfides may be composited before analysis either in the field or the laboratory. Samples collected for VOCs and oil and grease may be composited before analysis in the laboratory. Grab samples may be required to show compliance with Instantaneous Limits.

For sampling required in support of baseline monitoring and 90-day compliance reports required in Sec.3.9.2, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and VOCs for which historical sampling data do not exist.

Section 3.6 Sample Analysis

The basic responsibility for analysis of industrial Wastewater samples, as to the character and concentration of the Wastewater, shall rest with the discharger as outlined in an "Industrial User Permit". All analysis shall be performed on behalf of the discharger by an independent laboratory, approved by the Administrative Authority, and utilizing appropriate laboratory procedures as set forth in "40 CFR Part 136" and amendments thereto.

The Authority may make independent analysis of the Wastewater samples, and its findings shall be compared with analysis of the discharger. Any significant variation between discharger's analyses and the Administrative Authority's analyses will require the discharger to reanalyze the Wastewater or accept the Administrative Authority's results. Final analysis results will be determined by the Administrative Authority and will be the basis for any Surcharges.

Section 3.7 Timing of Sampling and Analyses

All Persons with discharges greater than 50,000 gallons per day, or having waste containing heavy metals and/or toxic materials, shall sample and analyze such wastes no less than once every three months, or as directed by the Administrative Authority. All other permitted dischargers shall sample and analyze their waste no less often than every six months.

Section 3.8 Right of Entry/Inspections/Surveillance/Monitoring [40 CFR 403.8 (f)(1)(v)]

The Authority shall carry out all inspections, surveillance and monitoring procedures

necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users.

Representatives of the Administrative Authority and POTW bearing proper credentials and identification shall be authorized to enter at any reasonable time any premises of any Industrial User in which a discharge source or treatment system is located or in which records are required to be kept under 403.12 (m) to assure compliance with Pretreatment Standards. Users shall allow the HCPSA ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

The HCPSA shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

The HCPSA may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated annually to ensure their accuracy.

Section 3.9 Reporting Requirements and Records

The Administrative Authority shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

All holders of Wastewater Discharge Permits (categorical and non- categorical) who are subject to a Pretreatment Standard, shall submit to the Administrative Authority on a schedule designated by the Administrative Authority or User Permit, a report indicating the nature and concentration of pollutants in their effluent which are limited by said Pretreatment Standards.

Section 3.9.1 Hazardous Waste Reporting

- A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and

concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 3.9-4 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 3.9-2 of this ordinance.

- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Administrative Authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

Section 3.9.2 Self-Monitoring Reports

All self-monitoring reports (SMR) including in-house monitoring activities which are conducted in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto shall be submitted to the Authority by the tenth (10th) day of the following month of sample collection. All results of samples collected at the approved discharge sample location and analyzed according to 40 CFR Part 136 must be submitted to the Authority.

Any User discharging in Violation of said Pretreatment Standards, specified herein, the Permittee shall notify the Authority within 24 hours of becoming aware of the Violation, and within thirty (30) days of receipt of the original sampling results, shall resample, analyze and submit the data to the Authority unless the Authority elects to perform such sampling.

All Significant Non-categorical Industrial Users shall submit to the Authority at least once every six (6) months a description of the nature, concentration, and flow of the pollutants required to be reported by the Authority.

Section 3.9.3 Categorical User Reporting

Categorical Users shall submit the following documents properly signed and certified by a principal executive officer or his designee. The required certification statement shall comply with [40 CFR 403.6 (a)(2)(ii)].

Baseline Monitoring Report (BMR)

Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 403.6 (a)(4), whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Administrative Authority a report which contains the following items of information:

1. Name and address of the facility and names of the operator and owners
2. List of environmental control permits
3. Description of operations, including the average rate of production and the Industrial Classification codes, SIC / NAICS.
4. Flow measurements including the measured average daily and maximum daily flow in gallons per day
5. Pollutant measurements:
 - a. The User shall identify the Pretreatment Standards applicable to each regulated process
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard
6. Certification:
 - a. A statement reviewed by an Authorized Representative of the Industrial User and certified to by a qualified professional, indicating whether applicable Pretreatment Standards are being met, and, if not, a description of the additional operation and maintenance (O&M) and/or additional Pretreatment that is required for the Industrial User to meet the Pretreatment Standards and Requirements

7. Compliance Schedule:

- a. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional Pretreatment and/or O&M

Baseline Monitoring Reports for New Sources shall be submitted at least ninety (90) days prior to commencement of discharge to the POTW.

Industrial Users shall submit progress reports not later than 14 days following each milestone date in the compliance schedule and the final date for compliance.

Periodic Compliance Report

Any Industrial User subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Administrative Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Administrative Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a measured or estimated average and maximum daily flows for the reporting period for the discharge.

1. The HCPSA may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

- a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary Wastewater discharged from the facility provided that the sanitary Wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process Wastewater.
- b. The monitoring waiver is valid only for the duration of the effective period of the individual Wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual Wastewater discharge permit.
- c. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process Wastewater prior to any treatment present at the facility that is representative of all Wastewater from all processes.
- d. The request for a monitoring waiver must be signed in accordance with Section 1.1, and include the certification statement in 3.9-6 (40 CFR 403.6(a)(2)(ii)).
- e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136

- with the lowest minimum detection level for that pollutant was used in the analysis.
- f. Any grant of the monitoring waiver by the HCPSA must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the HCPSA for 3 years after expiration of the waiver.
- g. Upon approval of the monitoring waiver and revision of the User's permit by the HCPSA, the Industrial User must certify on each report with the statement in Section 3.9-7 below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 3.9-3, or other more frequent monitoring requirements imposed by the HCPSA, and notify the HCPSA.
- i. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date of final compliance with applicable Categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Authority a report containing the information described in 40 CFR 403.12 (b)(4)-(6) & 403.12 (g)(3).

Section 3.9.4 Compliance Schedules

The Authority shall require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements; and (B) the submission of all notices and self-monitoring reports from Users as are necessary to assess and assure compliance by Users with Pretreatment Standards and Requirements, including but not limited to the reports required in 403.12. The compliance schedule shall include specific progress dates, interim effluent limits and a final compliance date. The compliance schedule shall be determined on a case-by-case basis and by the complexity and feasibility of the available and required Pretreatment technology. The compliance schedule shall be submitted to the Authority within ninety (90) days from the date of issuance of the amended User permit. The Authority shall notify the User of its decision to approve/disapprove the terms and conditions of the proposed compliance schedule within thirty (30) days of receipt of same.

Section 3.9.5 Notice of Planned Changes to Discharge [40 CFR 403.12 (i)]

All Users shall promptly notify the POTW in advance and give written notice to the Authority ninety (90) days prior to any facility expansion, production increase, or

process modifications which results in new or substantially increased discharges or a change in the nature of the discharge, including any potential for a Slug Discharge.

Section 3.9.6 Record Keeping Requirement [40 CFR 403.12 (o)(2)]

Any User subject to the reporting requirements established in this section shall be required to retain for a minimum of three (3) years (longer if any litigation is pending) any records of monitoring activities and results (whether or not such monitoring activities are required by this section) including documentation associated with Best Management Practices and shall make such records available for inspection and copying by the Approval Authority and the Authority. Sampling records shall contain the date, time, exact place, Person(s) sampling, analyses date(s), Person(s) performing analyses, sample preservation, analytical technique(s) used and results of analyses and a Chain of Custody showing continuous possession from sampling until receipt by the laboratory.

Section 3.9.7 Signature and Certification Requirements [40 CFR 403.12(l)]

All reports required by the Authority shall be signed and certified by an Authorized Representative of the User. The required certification statement shall comply with 40 CFR 403.6 (a)(2)(ii) and is as follows:

“I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing Violations.”

Users that have an approved monitoring waiver based on Section 3.9-3 must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR[specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 3.9-3.”

Section 3.9.8 Public Participation Requirement

All records relating to compliance with Federal, State and Local Pretreatment Standards and regulations shall be made available to officials of the EPA and State.

Specific local Pretreatment Standards shall not be developed and enforced without individual notice to Persons or groups who have requested such notice and an opportunity to respond. [40 CFR 403.5(c)(2)]

Section 3.9.9 Reports of Potential Problems

A. Accidental Discharges / Spills and Slug Discharges [40 CFR 403.8 (f)(2)(iii)(v)] - Each User shall provide protection from accidental discharge of prohibited materials or other regulated substances to the Sanitary Sewer system.

In the event of an accidental discharge, or should any unusual or extraordinary discharge of waste occur from the facilities, the User shall, as soon as the Violation is discovered, notify the Authority by telephone as to type of discharge, location, quantity, and corrective action. The User shall submit to the Authority within five (5) working days following an accidental discharge, a detailed written statement describing the causes of the occurrences and the period of the discharge, the anticipated time when the discharge will return to compliance and measures to be taken by the User to prevent future occurrences.

Significant Industrial Users are required to notify the Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

B. Bypass of Treatment Facilities 40 CFR 403.17 -

1. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist.
2. The permittee may allow Bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.
3. Notification of Bypass:
 - a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten (10) days before the date of the bypass, to the POTW.
 - b. Unanticipated Bypass. The permittee shall immediately notify the POTW and submit a written notice to the POTW within five (5) days. This report shall specify:
 - i. A description of the Bypass, and its cause, including its duration;
 - ii. Whether the Bypass has been corrected; and
 - iii. The steps being taken or to be taken to reduce, eliminate and prevent a recurrence of the Bypass.

C. Upset

1. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance

to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action for penalties brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (3), below, are met. Such affirmative defense shall not apply to any claim by the Authority or action for damages or for recovery of its actual costs.
3. A User who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and the User can identify the cause(s) of the upset;
 - b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - c. The User has submitted the following information to HCPSA within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - i. A description of the Indirect Discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
4. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
5. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
6. Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Section 3.9.10 Confidential Information

Information and data obtained from reports, questionnaires, permits, applications and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the Wastewater discharger specifically requests, and is able to demonstrate to the satisfaction of the Authority, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets.

Effluent information and data are not confidential. [40 CFR 403.14 (b)]

Section 3.9.11 Publication of Users in Significant Noncompliance

The Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic Violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 1.1;
- B. Technical Review Criteria (TRC) Violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 1.1 multiplied by the applicable criteria (1.4 for BOD, TSS, Fats, Oils and Grease, and 1.2 for all other pollutants except pH);
- C. Any other Violation of a Pretreatment Standard or Requirement as defined by Section 1.1 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual Wastewater discharge permit or

enforcement order for starting construction, completing construction, or attaining final compliance;

- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports , periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other Violation(s), which may include a Violation of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE IV - SURCHARGES TO INDUSTRIAL WASTE DISCHARGERS

Section 4.1 Dischargers to Which Surcharges Apply

All Persons discharging Wastewater into the Public Sewers shall be subject to a Surcharge, in addition to any other User Charges, if their wastes have a concentration greater than the following normal concentrations:

- A. A five-day, 20 degree Centigrade Biochemical-Oxygen-Demand (BOD) of 300 mg/L; or
- B. A Total Suspended Solids content of 300 mg/L.

Section 4.2 Surcharges

Surcharges will be determined by the following procedures and timetables:

A. Biochemical Oxygen Demand and Total Suspended Solids

Surcharges will be computed by determining excess pounds of Biochemical-Oxygen-Demand (BOD₅), and Total Suspended Solids (TSS). This excess will be computed by multiplying the dischargers' sewage-flow volume (million gallons) by the constant 8.34, and then multiplying this product by the difference between the industry's concentrations of Biochemical-Oxygen-Demand (BOD) and/or Total Suspended Solids (TSS), and the normal concentration in milligrams per liter by weight. The Surcharge for each will then be determined by multiplying the excess pounds of each component by an appropriate rate of Surcharge. [See Sec. 4.2(b)].

B. Rates of Surcharge

The Authority Surcharge rate for both BOD and TSS is the currently PSA Board approved rate. The Surcharge rate for color and any other parameters designated by the Authority will be established by the Authority on a case-by-case basis.

C. Revision of Surcharge Rates

The rates of Surcharge shall be revised as necessary by the Authority.

D. Billing of Surcharges

Surcharges to affected dischargers will be billed on the same water and sewer bill as all other User Charges and on a monthly basis.

ARTICLE V - PENALTIES, INJUNCTIVE RELIEF AND OTHER LEGAL ACTION

Section 5.1 Delinquency and Discontinuance of Service

All User Charges and Surcharges levied against industrial dischargers shall be paid within 30 days after same are due and shall be deemed delinquent thereafter. In such event, the Authority shall have the right to discontinue the discharger's water service and/or remove or close the Sewer connection and may enter upon the discharger's property to accomplish such purpose.

The Authority may suspend a Discharge Permit when such suspension is necessary in order to stop an actual or threatened discharge which presents an imminent or substantial endangerment to the health or welfare of Persons or to the environment, causes Interference to the Treatment Plant or causes the Sewer system to violate any condition of its VPDES Permit or causes an unpermitted discharge from the collection system.

Any Person notified of a suspension of the Wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the Person to comply voluntarily with the suspension order, the Authority shall take such steps as deemed necessary. The Authority shall reinstate the Wastewater Discharge Permit and/or the Wastewater treatment service upon proof of the elimination of the non-complying discharge.

The expense of such discontinuance by removal or closing, as well as the expense of restoring service, if not paid immediately upon being billed, may be recovered by civil action in the name of the Authority against such User.

Section 5.2 Notice of Violations

The Authority shall serve Persons discharging in Violation of any applicable requirement in these regulations with written notice stating the nature of the Violation(s) and requiring satisfactory compliance pursuant to these Regulations. Within fourteen (14) days from the receipt of this notice, an explanation of the Violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Authority. Submission of this plan in no way relieves the User of liability for any Violations occurring before or after receipt of the Notice of Violation (NOV).

Section 5.3 Penalties for Violations

- A. Pursuant to Henry County Code section 20-301 a Person who violates the provisions of these Regulations or of a Wastewater discharge permit shall upon conviction be guilty of a Class II misdemeanor. Each day on which a Violation occurs or continues shall be deemed a separate and distinct offense. In the event of a conviction hereunder, the Authority shall have the right to terminate the Sewer and water connections.

- B. In addition to proceeding under authority of Sec. 5.1, Sec. 5.2 and Sec. 5.3, the Authority may pursue all other criminal and civil remedies to which it is entitled under authority of state statutes or other regulations of the Authority against a User or Person continuing prohibited discharges, including, without limitation, injunctive relief.
- C. If any User violates any provision of these Regulations or of a Wastewater Discharge Permit, the Authority may by Administrative Order (AO) assess against such User a civil penalty and the Authority's costs, and may order injunctive relief and corrective actions, after an opportunity for a hearing as provided in Va. Code § 15.2-2122 (10.a). No such civil penalty shall exceed \$32,500 per Violation, or \$100,000 per AO, except with the consent of the User. The actual amount of any civil penalty assessed shall be based on the severity of the Violations, the extent of any potential or actual environmental harm or facility damage, the compliance history of the User, any economic benefit realized from the noncompliance, and the ability of the User to pay the civil penalty. The Authority's costs shall include, but are not limited to, costs of investigating and correcting the Violations, laboratory analyses, additional treatment costs, facilities repair and/or replacement, penalties imposed on the Authority as a result of the User's Violations, and costs of the hearing.
- D. If any User (i) violates any provision of these Regulations or of a Wastewater Discharge Permit within a three year period of the assessment by the Authority of a civil penalty under section 5.3.c herein or such User's consent thereto, for the same or a similar Violation, (ii) commits any intentional violation, (iii) commits any falsification or false statement, or (iv) commits any Violation resulting in environmental harm or facility damage, such Violation shall be punishable by civil penalty imposed by the Circuit Court of the Commonwealth having jurisdiction. Any such civil penalty shall not be greater than \$32,500 per Violation. In any such event the Court may also award the Authority its costs therein.
- E. Any User subject to an AO under section 5.3.c herein shall have a right of judicial review of the final AO by appeal to Circuit Court on the record of the proceedings before the Authority, and any AO shall inform the User of such right. An appeal shall be commenced by filing a petition in Circuit Court within 30 days of the date of the AO, and failure to do so shall constitute waiver of the right to appeal. The appeal shall be decided as further provided in Va. Code § 15.2-2122 (10.c).
- F. The Authority is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance. Such orders will include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as Administrative Orders (AO).

G. As to Violations of Article VII of this Regulation, the Authority establishes the following uniform schedule of civil penalties.

1. Failure to make or maintain required records. Initial summons \$100, each subsequent summons within a one year period \$150,
2. Failure to properly operate or maintain a FOG Removal System Initial summons \$100, each subsequent summons within a one-year period \$150

The Authority may issue a civil summons ticket to any User for a scheduled Violation, which shall fix a date for trial in General District Court. Any User issued a ticket for a scheduled Violation may make an appearance either in person or in writing by mail to the Treasurer of the Authority prior to the date fixed for trial. Any User so appearing may on the form of the summons enter a waiver of trial, admit liability, and therewith pay the civil penalty scheduled for the offense charged.

If a User does not so elect, the Violation shall be tried in the General District Court in the same manner and with the same right of appeal as provided by law. In any such trial the Authority shall have the burden of proving by a preponderance of the evidence the liability of the alleged violator.

An admission of liability under this subsection shall not be deemed an admission at any criminal proceeding, and no civil action authorized by this subsection shall proceed while a criminal action is pending.

H. The Authority shall be authorized to implement such other program and enforcement mechanisms including the Enforcement Response Plan (ERP) as are consistent with regulatory guidelines and are deemed appropriate.

ARTICLE VI - APPEALS FROM DECISIONS OF ADMINISTRATIVE AUTHORITY

Section 6.1 Appeal Process

Except as otherwise specifically provided in this Regulation, any User aggrieved by a decision or action of the Authority may, within 30 days after the date of the decision or action complained of, but not thereafter, present to a court of record a petition setting forth a claim that such decision or action is illegal, in whole or in part, and specifying the grounds of alleged illegality; whereupon such decision of the Authority shall be subject to review as provided by law. Any such review shall be on the record of the proceedings of the Authority,

ARTICLE VII – FATS, OIL, AND GREASE

Section 7.1 Fats, Oil, and Grease Removal Systems.

A. When removal systems are required - FSEs that prepare, process, or serve food shall install a removal system meeting approved standards that removes and collects fat, oil, and grease (FOG) from Wastewater and shall establish acceptable standard operating procedures for grease disposal. Such FSEs include but are not limited to grocery stores, restaurants, bakeries, schools, and institutions with on-site cafeterias. Establishments that must meet this requirement include new FSEs, existing FSEs as determined by the Administrative Authority or his designee, and establishments which monitoring has shown discharge more than 150 mg/liter of fat , oil, and grease or where there have been Sanitary Sewer blockages in part or in whole caused by the FSE.

Establishments subject to this section shall be grouped into the following four categories:

1. Existing establishments with an outside Grease Trap
2. Existing establishments with in-floor grease interceptor, under the following conditions:
 - a. The establishment is limited by space and cannot install an outside Grease Trap, and
 - b. The establishment is in compliance with the 150 mg/L FOG limit set forth herein, and
 - c. The establishment maintains a standard operating procedure regarding maintenance of the interceptor and proper FOG disposal.
3. Existing establishments with no Grease Trap or interceptor, under the following conditions as determined by the Administrative Authority:
 - a. The establishment maintains a standard operating procedure regarding spill prevention and dry clean-up, including scraping, sweeping, or wiping methods, and
 - b. The establishment is in compliance with the 150 mg/L FOG limit set forth herein.
4. New establishments under construction, including any increase to the food service capacity of an existing establishment.

B. Requirements for New Establishments. All new establishments subject to this section shall comply with the following:

1. An outside Grease Trap shall be installed if it is determined by the Administrative Authority that the FSE is capable of grease discharges greater than 150 mg/L.
2. Monitoring shall be performed from the discharge tee of the Grease Trap and / or any manhole downstream from the trap.
3. The Grease Trap shall be plumbed to receive wastes associated with food handling and no toilet waste or any other non-kitchen Wastewater.

4. The Grease Trap liquid capacity shall be determined by the Administrative Authority or his designee based on a 24 minute hydraulic retention time with baffling and flow rates as per the PSA standard specifications and the Manning formula for max fixture flow rates.
5. Where it has been demonstrated that a specially designed Grease Trap or interceptor will provide improved performance, an alternative design may be approved by the Authority.

C. Prohibited Discharges into any Fats, Oil and Grease Removal System. The following shall not be discharged into any Fats, Oil, and Grease removal system, unless specifically authorized in writing by the Authority:

1. Waste that does not contain Fats, Oil, Grease, and that otherwise does not require treatment;
2. Wastewater from dish washing machines or Wastewater with temperature exceeding 150° F;
3. Ground residue from food waste grinders and garbage disposals;
4. Sanitary waste;
5. Emulsifiers, chemicals, and enzymes may be used as specifically approved by the Administrative Authority or his designee.

D. Maintenance and Cleaning of System; Maintenance of Records. All FOG Removal Systems shall be cleaned at least quarterly. More frequent cleaning may be required if the User's discharge contains more than 150 mg/L of Fats, Oil, and Grease or if an "under the sink" type unit has been approved. Less frequent cleaning is permitted if it can be demonstrated to the Authority that the proposed cleaning schedule will result in a discharge of Fats, Oil, and Grease that is below 150 mg/L and there are no problems with Sewer line maintenance as a result of the change in schedule.

E. Collection of Fat, Oil, and Grease; Maintenance of Records. All Users with removal systems shall contract for the removal of the Fats, Oil, and Grease collected from the removal system. The contract shall be available on site for inspection by the Authority. The User shall require the contractor to complete a form provided by the Authority indicating the ultimate disposition of the fat, oil, and grease collected -- e.g., the disposal destination, such as a named reprocessor or renderer, of the removed substances and whether the fat, oil, and grease are being reprocessed or rendered. The User shall also require the contractor to indicate on a form acceptable to the Authority each collection made from the User. Required forms shall be maintained on site for a period of three years.

F. Monitoring of Discharge. In the event of non-compliance with any requirement of this section 7.1, the Administrative Authority or designee may require that any User monitor and test their discharge for fat, oil and grease. All monitoring results shall be provided to the Authority. Monitoring and analysis shall be completed in accordance with Section 3.5 and Section 3.6 of this Regulation.

- G. Exceptions. Exceptions from this Section 7.1 may be made in writing to the Authority showing that an existing establishment cannot site outside removal systems without extreme hardship because of lack of available adjacent land or other similar circumstances. Approval of all exception requests shall be made at the sole discretion of the Authority.
- H. Noncompliance. Any facility not in compliance with the 150 mg/L FOG limit set forth herein and /or which causes an Authority line blockage either in part or in whole, and not exempted under (g) above, shall retrofit or install a sufficient Grease Trap and implement adequate cleaning schedule to meet the applicable standards set forth herein.

Section 7.2 Pretreatment Projects

Any FOG Pretreatment projects submitted and accepted, prior to this article becoming effective, shall be considered in full force and not requiring modification to meet differing requirements of this article, unless required to meet more stringent effluent limitations imposed by a change in the permit. Any Pretreatment project submitted, but not approved prior to this article becoming effective shall not require additional review or modification before approval in order to meet the requirements of this article.

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