

HENRY COUNTY PUBLIC SERVICE AUTHORITY

PRETREATMENT REGULATIONS

Enacted: July 1993; Modified May, 2000

Section I Definitions

Unless the context in which a defined term is used requires a different definition, the meaning of terms used in these Regulations shall be as follows.

- a. "County" shall mean the County of Henry, Virginia.
- b. "Service Authority" or "Authority" shall mean the Henry County Public Service Authority.
- c. "Board" shall mean the Board of Directors of the Henry County Public Service Authority.
- d. "Jurisdictional Area" shall mean the geographic area in which the Authority has been authorized to provide and regulate both existing and future water and/or sanitary sewerage facilities.
- e. "Premise" shall mean any buildings, group of buildings or land upon which buildings are to be constructed which is or may be served by the Facilities of the Service Authority.
- f. "Facilities of the Service Authority" shall mean any and all parts of the entire system of the sanitary sewer utilities under the jurisdiction of the 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, operated, or maintained by the Authority, or any which may be constructed, approved, and accepted in the future as additions or extensions of the system.
- g. "Person" shall mean any individual, firm, corporation, association, society, or group.
- h. "Owner or Operator" shall mean any person, firm, corporation, or association having an interest, whether legal or equitable, sole or partial, in any Premise which is, or may in the future be, under the jurisdiction of the Service Authority and to become a part of the public utilities system of the Service Authority.
- i. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- j. "Sanitary Sewage" shall mean that water-carried human waste discharged primarily from dwellings, business buildings, institutions, industrial establishments, and the like, exclusive of any storm water or surface waters.
- k. "Sewer" shall mean a pipe or conduit for carrying sewage.
- L. "Authority Sewer" shall mean a sewer, rights to the use of which are controlled and allocated by the Henry County Public Service Authority.
- m. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage or Industrial Wastes.
- n. "Industrial Wastes" shall mean the liquid waste from industrial and commercial processes as distinct from

Sanitary Sewage.

o. "Industrial Users" shall mean the Owners and Operators of Premises that discharge Industrial Wastes to Authority Sewers.

p. "Shall" is mandatory; "May" is permissive.

q. "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, et. seq.

r. "National Categorical Pretreatment Standard" or "Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with §§ 307(b) and (c) of the Act, 33 U.S.C § 1317, which applies to a specific category of Industrial Users.

s. "Pretreatment Regulations" shall mean Title 40 of the Code of Federal Regulations (40 CFR) Part 403 "General Pretreatment Regulations" and the comparable regulations of the Virginia Department of Environmental Quality, Water Programs.

t. "Significant Industrial User" shall mean all Industrial Users subject to Categorical Pretreatment Standards and any other Industrial User that (1) discharges an average of 25,000 gallons per day or more of process wastewater to an Authority sewer (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); (2) contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the sewage treatment plant to which such wastewaters flow; or (3) is designated as such by the Authority on the basis of a reasonable potential for adverse effect upon the Authority's operations, or the operations of the sewage works of the Authority. The Authority may also designate an Industrial User as Significant because of a violation by the Industrial User of a Pretreatment Standard or requirement.

u. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to the discharge of such pollutants to the Authority.

v. "Cooling Water" shall mean the water discharged from any use of water for air conditioning, cooling or refrigeration, or similar operation to which the only pollutant added is heat.

w. "Storm Water" shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

x. "Biochemical Oxygen Demand" or "BOD" shall mean the results of a standard laboratory test as defined in the latest edition of Standard Methods for the Examination of Water and Wastewater, American Public Health Association, et al., or as otherwise approved by the Department of Environmental Quality.

y. "Suspended Solids" shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by standard laboratory filtration steps. Quantitative determinations of suspended solids shall be made in accordance with procedures set forth in Standard Methods for the Examination of Water and Wastewater.

z. "pH" shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

aa. "Interference" shall mean a discharge which inhibits or disrupts the operation or use of the Sewage

Works, its treatment processes or operations, or its sludge processes, use, or disposal.

bb. "Enforcement Response Plan" shall mean the document of the Authority that contains detailed procedures for the Authority's investigation and response to instances of non-compliance with these Regulations or of permits issued to Industrial Users pursuant to these Regulations.

cc. "Pass Through" shall mean a discharge that exits a sewage treatment plant of the Authority in quantities or concentrations that cause a violation of the applicable Virginia Pollutant Discharge Elimination System Permit.

dd. "Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Act, by the Department of Environmental Quality, Water Programs, or by the Authority which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR § 403.5.

ee. "CFR" shall mean the Code of Federal Regulations.

ff. "Significant Non-Compliance" or "SNC" shall mean violation by an Industrial User of these Regulations or a Wastewater Discharge Permit that meets one or more of the following criteria.

(1) Chronic violations of wastewater discharge limits, defined herein as those in which 66 percent or more of all of the measurements taken during a 6 month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a 6 month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Authority personnel or the general public).

(4) 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.

(5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in an Authority control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) Failure to accurately report non-compliance.

(8) Any other violation or group of violations that the Authority determines will adversely affect the operation and implementation of the pretreatment program.

gg. "New Source" is an industrial or commercial establishment subject to EPA or Department of Environmental Quality Pretreatment Standards for New Sources. Any building, structure, facility, or

installation that will discharge pollutants to the Authority's system is a New Source if construction (of such source) begins after the publication of applicable proposed Pretreatment Standards for New Sources (if such Standards are thereafter promulgated). However, a building, structure, facility, or installation is a New Source only if at least one of the following applies.

- (1) The building, structure, facility, or installation is constructed at a site at which no other source of wastewater is located; or
- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source of wastewater; or
- (3) The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source of wastewater at the same site. In determining whether a new generating process is 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 of wastewater shall be considered.

This definition shall be interpreted consistent with 40 C.F.R. § 403.3(k).

hh. "Parts per Million" or "ppm" shall mean milligrams per liter, a measure of pollutant concentration in a liquid waste.

ii. "Upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial 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.

jj. "Bypass" shall mean the intentional diversion of wastestreams from any portion of an Industrial User's pretreatment facility.

Section II Use of Service Authority Sewers and Sewage Works

a. General prohibitions. The objectives of the pretreatment regulations are (1) to prevent the introduction of pollutants into Sewers or Sewage Works of the Authority which pollutants will interfere with the operation of such Sewers or Sewage Works; (2) to prevent the introduction of pollutants which will Pass Through a sewage treatment plant untreated or treated to an inadequate level or which will be otherwise incompatible with such plant; (3) to prevent interference with the use or disposal of sludge; and (4) to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges. The discharge of such pollutants is prohibited.

b. Specific prohibited discharges. No person shall discharge or cause to be discharged into any Authority Sewer any of the following:

- (1) Any storm water, surface water, ground water, roof runoff, sub-surface drainage, or non-contact industrial cooling waters; except as specifically approved by the Authority.
- (2) Any water or wastewater that contains more than 150 ppm, by weight, of fat, oil, or grease; except as specifically approved by the Authority.
- (3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; including pollutants which create a fire or explosion hazard, including but not limited to wastewaters with a closed

cup flashpoint of less than 140 degrees Fahrenheit using the test methods specified in 40 C.F.R. § 261.21.

(4) Any garbage resulting from the preparation, cooking, or dispensing of food which has not been shredded so that it will flow freely through standard building sewers and sewers of the Authority.

(5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, adhesives, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or Interference with the proper operation of Sewage Works.

(6) Any wastes or other substances having a pH value lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structure, equipment, or personnel of the sewage works. pH above 9.0 may be approved at the discretion of the Authority.

(7) Any substances or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment plant process, constitute a hazard to humans or animals, or create a hazard in the receiving waters or the sewage treatment plant.

(8) Any pollutant, including BOD or other oxygen-demanding pollutants, released at a flow rate and/or pollutant concentration that will cause Interference with the proper operation of the Sewage Works.

(9) Any waste containing suspended solids or BOD in excess of 300 ppm. Such pollutants in excess of 300 ppm, but not exceeding 1000 ppm, may be accepted into the Authority Sewer pursuant to a specific agreement between the Industrial User and the Authority providing for the payment of a surcharge established by the Authority to recover the estimated applicable costs of treatment of such additional levels of pollutants.

(10) Any noxious or odorous gas or substance capable of creating a public nuisance.

(11) Heat in amounts which will inhibit biological activity in the sewage treatment plant, but in no case heat in such quantities that the temperature of the sewage treatment plant influent exceeds 40° C (104° F).

(12) Waste of domestic, industrial, commercial, or other origin discharged into the Sewage Works with any characteristics that add to the Authority's costs of maintenance and operation will be subject to surcharges as described in the Regulations of the Authority.

(13) Any wastewater having a color value greater than 300 ADMI units. The Authority may accept color greater than 300 ADMI on a surcharge basis pursuant to the provisions of the Authority's Regulations.

(14) Any trucked or hauled pollutants, except at discharge points designated by the Authority, provided the discharge has been approved by the Authority.

(15) No person shall otherwise introduce Industrial Wastes into the Authority Sewers with pollutants at a concentration or flow rate that will cause a Pass Through or Interference with the operation or performance of the Sewage Works.

(16) Any waste containing metals or other pollutants in excess of specific concentrations or loadings established as locally derived limits by the Authority within these Regulations.

c. Accidental discharges. Each user of the Authority Sewers shall provide protection from accidental discharge of prohibited materials or other regulated substances to the Sewage Works. In the event of an accidental discharge, the user shall immediately notify the Authority as to type of discharge, location, quantity, time, and corrective action. Within five (5) working days following an accidental discharge, a

written report shall be submitted to the Authority describing the discharge and measures taken and to be taken by the user to prevent future occurrences.

d. Pretreatment.

(1) Grease, oil, and sand traps shall be provided by Industrial Users and commercial dischargers when, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes; except that such traps shall not be required for private living quarters or dwelling units.

All grease, oil, and sand traps shall be of a type and capacity approved by the Authority. Such traps shall be of substantial construction, water-tight, and equipped with easily removable covers which, when bolted in place, shall be gas and water-tight.

Where installed, all grease, oil, and sand traps shall be maintained by the Owner of the Premises in efficient operation.

(2) Prohibition against dilution. No Industrial User shall at any time increase the use of process water, or in any other way, dilute a discharge as a partial or complete substitute for treatment to achieve compliance with a Categorical Pretreatment Standard, locally-derived limit, or other requirement of these Regulations.

(3) The discharge into the Sewage Works of any wastes resulting from any industrial or commercial process shall be subject to the review and approval of the Authority. The Authority may deny or condition any new or increased discharge of pollutants or change in the nature of pollutants where such discharges do not meet the requirements of these Regulations.

The Authority may establish locally-derived discharge limitations or requirements as necessary to prevent interference with any portion of the Sewage Works or the Pass Through of pollutants to the receiving waters or to the atmosphere or to prevent the introduction of pollutants that may otherwise be incompatible with the Sewage Works. Locally derived limits may be set by industrial category or by pollutant and may be established by specifying specially derived limits in individual Wastewater Discharge Permits.

(4) When necessary, in the opinion of the Authority, an Industrial User shall provide, at his expense, such pretreatment of wastes as may be required to reduce objectionable characteristics or constituents or to fulfill conditions which the Authority determines necessary for the safe and proper management of such wastes or which are required to meet the requirements of the Industrial User's Wastewater Discharge Permit.

(5) Industrial Users subject to Categorical Pretreatment Standards shall provide pretreatment as required for compliance with such pretreatment standards within the applicable time limitations.

Upon the promulgation of Categorical Pretreatment Standards applicable to an Industrial User, such pretreatment standards, if more stringent than limitations imposed under these Regulations or a Wastewater Discharge Permit, shall supersede such existing limitations in accordance with the applicability provisions of the Categorical Pretreatment Standards. The Authority shall notify the affected Industrial Users of applicable reporting requirements pursuant to 40 CFR § 403.12.

(6) Because National Categorical Pretreatment Standards cannot be waived, modified, or otherwise made less stringent except through a variance pursuant to these Regulations and applicable federal and state requirements, excessive quantities of these pollutants cannot be accepted on a surcharge basis.

Where the Authority's Sewage Works achieves consistent removals of pollutants limited by Categorical Pretreatment Standards, the Authority, in its discretion, may apply to the Department of Environmental Quality, Water Programs for modification of specific limits pursuant to 40 CFR § 403.9.

(7) Plans and specifications and other pertinent information relating to required or proposed pretreatment facilities shall be submitted to the Authority for review and approval. No construction of such pretreatment facilities shall be started until the Authority issues such written approval.

e. Enforcement.

(1) The Authority may suspend wastewater treatment service and require an Industrial User to immediately cease discharging wastewaters when, in the opinion of the Authority, such action is necessary to prevent an actual or threatened discharge which (1) presents or may present an imminent or substantial risk of endangerment to health or welfare of persons or the environment, (2) causes or threatens to cause interference to the Sewage Works, or (3) causes the Authority to violate any condition of its Virginia Pollutant Discharge Elimination System Permit. Any person notified of such suspension shall immediately halt such discharge. In the event of any failure to comply with such requirement, the Authority may take steps necessary to prevent or minimize damage to the Sewage Works or endangerment of any persons or the environment, including but not limited to, severance of the sewer connection or termination of water supply.

The Authority may revoke a Wastewater Discharge Permit for Significant Non-Compliance or any actual or threatened discharge which (1) presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, (2) causes interference to the Sewage Works, or (3) causes the Authority to violate any condition of its Virginia Pollutant Discharge Elimination System Permit.

(2) The Authority may require by Administrative Order that any Industrial User violating these Regulations, the terms of a Wastewater Discharge Permit, or any other pretreatment requirements, shall immediately correct the violation or shall submit a plan for the satisfactory correction of the violation. The Authority may order a suspension or limitation of service during any period necessary for such correction.

(3) Legal action. If any Industrial User discharges industrial wastes or other substances into the Authority's Sewers contrary to the provisions of the Regulations, any Order of the Authority, or federal or state pretreatment requirements, the Authority may commence an action for appropriate legal and/or equitable relief in the Circuit Court for Henry County. The Authority may seek remedies for noncompliance or threatened noncompliance with pretreatment standards and requirements. As a matter of general law, the Authority may seek injunctive relief for noncompliance, because any such noncompliance may result in irreparable harm to the Sewage Works, to the health and safety of Authority employees, and to the environment; and because damages at law would not be an adequate remedy.

In addition to the remedies set forth above, the Authority may elect to recover in an action in the Courts of the Commonwealth the value of any damages resulting from any noncompliance and reasonable attorneys fees, court costs, and other costs associated with enforcing these Regulations and other applicable pretreatment requirements.

f. Upset. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of 40 C.F.R. § 403.16(c) are met.

Section III Application and Approval of Discharges

Application for the approval of proposed sewer facilities and for connection to the Authority's Sewers for any Industrial User shall be made in writing to the Authority using the Industrial Sewer Connection Application (Appendix A) at least thirty (30) days prior to the proposed date for sewer connection. A completed Wastewater Survey for Non-residential Establishments (Appendix B) must also be submitted with the application. The Authority shall evaluate the data and information furnished and may require additional information. If the proposed discharge and facilities proposed for such discharge are in compliance with these Regulations and otherwise acceptable to the Authority, the Authority shall issue a Wastewater Discharge Permit (Appendix C), subject to the terms of these Regulations and other conditions

specified by the Authority in such permit.

a. **Permit Duration.** Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. The terms and conditions of the Permit shall be subject to modification by the Authority during the term of the Permit as additional or different limitations or requirements of these Regulations or the applicable federal and state requirements are modified; or for other just cause. The Authority shall notify the Permit holder no less than thirty (30) days prior to the effective date of a modification of a Permit. Any new or changed requirements in such Permit shall include a reasonable time for compliance.

b. **Permit Transfer.** Wastewater Discharge Permits are 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 Operator, for a different Premises, or for a new or changed operation. Permits may be transferred to a different Owner or Operator by the Authority at the Authority's discretion.

c. **Permit Modifications.** As soon as practicable, but within not less than ninety (90) days after promulgation of a National Categorical Pretreatment Standard, the Authority shall modify the Wastewater Discharge Permit of an Industrial User subject to such new or modified standards to require compliance for such standards within the timeframe prescribed. If new or additional pretreatment facilities are required to comply with such standards, a compliance schedule shall be established within the permit.

The permit may also be revised to change conditions and/or to encompass any reporting required of Industrial Users subject to Categorical Pretreatment Standards, to include baseline monitoring reports, compliance reports on categorical standards deadlines, periodic self monitoring reports, and any other applicable reporting requirements.

d. **Permit Revocation/Termination.** The Authority may revoke/terminate a permit for good cause, including but not limited to the following.

(1) Failure to notify the Authority of significant changes to the wastewater prior to the changed discharge.

(2) Misrepresentation or failure to fully disclose all relevant facts in the permit application.

(3) Falsifying self-monitoring reports.

(4) Tampering with monitoring equipment.

(5) Refusing to allow the Authority timely access to the facility Premises and records.

(6) Repeated Significant Noncompliance.

(7) Failure to pay sewer use charges.

(8) Failure to meet compliance schedules.

(9) Failure to complete a wastewater survey or Wastewater Discharge Permit application.

(10) Failure to provide advance notice of the transfer of business ownership of a permitted facility.

(11) Violation of any Pretreatment Standard or requirement, any terms of the Wastewater Discharge Permit or these Regulations.

e. **Permit Reapplication.** If a Permit holder experiences or expects any significant increase or change in

discharges to the Authority's Sewers, the Permit holder shall apply for a Permit modification to address such changes. A Permit holder shall apply for Permit reissuance a minimum of ninety (90) days prior to the expiration of an existing Wastewater Discharge Permit. An expired permit shall continue to be effective and enforceable until the permit is reissued if (1) the permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the existing permit; and (2) failure to reissue the permit prior to expiration of the previous permit is not due to any act or failure to act on the part of the permittee.

f. Permit Conditions. Wastewater Discharge Permits are subject to all provisions of these Regulations, all conditions noted in the Industrial Sewer Connection application, all specific requirements included in the Wastewater Discharge Permit, and other applicable Authority, local, state, or federal requirements.

g. Provisions for Sampling. To confirm compliance with pretreatment requirements, the Industrial User must provide a means for measuring discharge flow and for access to the waste stream through a manhole or other approved facilities. Installation of such facilities is subject to the prior approval of the Authority. The Authority may require installation of an automatic sampling device or monitoring equipment and the maintenance of such equipment at the expense of the Industrial User. Samples shall be collected as specified in the Wastewater Discharge Permit and analyzed in a commercial laboratory unless otherwise approved by the Authority. Analytical procedure shall be in conformance with 40 C.F.R. Part 136 or other methods approved by EPA.

The Authority shall also inspect the facilities of Industrial Users to ascertain whether all applicable requirements are complied with. The Authority and its representatives shall be allowed ready access at all reasonable times to all parts of the Premises for the purposes of inspection, sampling, records examination, copying or otherwise in the performance of their duties relating to pretreatment requirements.

h. Confidential Information. Information and data concerning an Industrial User obtained from reports, surveys, Wastewater Discharge Permit applications, Wastewater Discharge Permits, monitoring programs, and from the Authority's inspection and sampling activities shall be available to the public unless the Industrial User specifically requests and demonstrates 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 under applicable federal and state law. Any such requests for confidentiality must be asserted at the time of submission by the Industrial User of information or data. When such Industrial User demonstrates that such information should be confidential, the portions of such information or documents which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request of government agencies for uses related to the National Pollutant Discharge Elimination System program or pretreatment program and enforcement proceedings involving the Industrial User furnishing the information. Wastewater constituents and characteristics and other effluent data as defined by 40 C.F.R. § 2.302 may not be claimed as confidential and shall be available to the public.

i. Signature and Certification Requirements. All Wastewater Discharge Permit applications and Industrial User reports must be signed by a principal executive officer of the Industrial User or his designee. Such signatures shall contain the following certification statement:

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.

j. Recordkeeping Requirements. Industrial Users subject to pretreatment reporting requirements shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by these Regulations or a Wastewater Discharge Permit and any additional

records of data obtained if such data is representative of parameters which the Industrial Users are required to monitor and if analyses are performed pursuant to the requirement of 40 C.F.R. Part 136. Such records shall include the date, exact place, method and time of sampling, the name of the person(s) taking the samples; the dates analyses were performed, identity of the persons performing the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for at least three (3) years. This period shall be automatically extended for the duration of any litigation or enforcement action involving the Industrial User, or where the Industrial User has been specifically notified of a longer retention period by the Authority.

k. Public Notification Requirements. The Authority shall publish in January of each year in the Martinsville Bulletin a list of Industrial Users that were in Significant Noncompliance with any pretreatment standards and requirements during the previous twelve months.

l. Notice of Changed Discharge. All Industrial Users shall promptly notify the Authority in advance of any substantial change in volume or character of pollutants in their discharge.

m. The Authority shall evaluate, at least once every two years, whether each Significant Industrial User needs a plan to control slug discharges. For this purpose, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. Industrial Users shall provide such requested information to the Authority upon request. If the Authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following.

- (1) Description of discharge practices including non-routine discharges.
- (2) Description of stored chemicals.
- (3) Procedures for immediately notifying the Authority of slug discharges, including any discharge that will violate a prohibition of these Regulations, with procedures for followup notification within five days.
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic or organic pollutants (including solvents), and/or measures and equipment for emergency response.

n. Bypass.

An Industrial User may allow a Bypass of its pretreatment facilities to occur if the Bypass does not result in the violation of Pretreatment Standards or requirements, but only if the Bypass is for essential maintenance to assure efficient operation of the pretreatment facilities. Any Bypasses shall be handled in accordance with pretreatment permit provisions.

A Bypass which was unavoidable to prevent loss of life, personal injury, or severe property damage shall constitute an affirmative defense to violation of pretreatment requirements. However, the Bypass shall constitute an affirmative defense only if all of the following are applicable.

- (1) There are no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(2) The Industrial User submitted notices concerning the Bypass as required by the pretreatment permit.

Severe property damage includes substantial physical damage to property, damage to the pretreatment facilities which would cause them to be inoperable, or substantial or permanent loss of natural resources which could reasonable be expected to occur in the absence of the Bypass. Severe property damage does not mean economic loss caused by delays in production.

Section IV. Industrial User Reporting

Industrial Users shall submit the following documents properly signed and certified by a principal executive officer or his designee.

a. **Baseline Monitoring Report.** Within 180 days after the effective date of a Categorical Pretreatment Standard or within 180 days after the final administrative decision made upon a category determination pursuant to 40 C.F.R. § 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 the Authority's sewers shall submit to the Authority a report which contains the following information. At least ninety days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall submit to the Authority a report which contains the information listed in paragraphs (1) through (5) below as well as information on the method of pretreatment the source intends to use to meet applicable pretreatment standards.

(1) Name and address of the facility and names of the Owner and Operator.

(2) List of environmental control permits.

(3) Description of operations, including the average rate of production and standard industrial classification (SIC) codes.

(4) Flow measurements including the average daily and maximum daily flow in gallons per day.

(5) The Industrial User shall identify the pretreatment standards applicable to each regulated process.

(6) The Baseline Monitoring Report shall include a statement reviewed by an authorized representative of the Industrial User, and certified as accurate by a professional engineer or a qualified environmental professional, indicating whether pretreatment requirements are being met. If applicable pretreatment requirements are not being met, the statement shall include the description of additional production or pretreatment facility operation and maintenance that may be required and/or the additional pretreatment facilities that may be required for the Industrial User to comply.

(7) If additional pretreatment and/or operation and maintenance will be required in order to comply with pretreatment requirements, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or operation and maintenance. The completion date in such schedule shall not be later than the compliance date established for the applicable pretreatment standards.

b. **Compliance Reports.** All Significant Industrial Users shall, at a frequency specified by the Authority, but in no case less than once per year, submit a report to the Authority demonstrating the nature and concentration of pollutants in the discharge which are limited by Pretreatment Standards and by the Wastewater Discharge Permit and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section III.i of these Regulations.

All wastewater samples shall be representative of the Industrial User's discharge. Wastewater monitoring

and flow measuring facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facilities in good working order shall not be grounds for the Industrial User to claim that sample results are unrepresentative of its discharge.

If an Industrial User subject to the reporting requirements of this section or of a Wastewater Discharge Permit monitors any pollutant more frequently than required, using the procedures discussed in Section III. j of these Regulations, the results of such monitoring shall be included in the report.

c. Compliance Schedule Progress Reports. A compliance schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities and/or operation and maintenance for the user to meet the applicable pretreatment standards. No such increment shall exceed nine months.

The Industrial User shall submit a progress report to the Authority no later than fourteen (14) days following each date specified in a compliance schedule and the final date for compliance including, as a minimum, whether or not such Industrial User complied with the increment of progress, the reasons for any delay, and if appropriate, the steps being taken by the user to return to the established schedule.

d. Reports on Compliance with Categorical Pretreatment Standards. Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of industrial wastes into the Authority's Sewers, any user subject to such Pretreatment Standards and requirements shall submit to the Authority a report containing flow measurements, measurement of pollutants, and certification by an authorized representative. For users subject to equivalent mass-based or concentration-based limits and established in accordance with the procedures of 40 C.F.R. § 403.6(c), this report shall contain a reasonable measure of the Industrial User's long term production rate. For all of the Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production, this report shall include the Industrial User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section III.i of these Regulations.

e. Notice of Potential Problems. All Industrial Users shall notify the Authority immediately of any discharge that could cause problems for the Sewage Works, including any slug loadings as defined by 40 C.F.R. § 403.5(b).

f. Notification Requirements. The Authority shall notify all affected Industrial Users of applicable reporting requirements. All holders of Wastewater Discharge Permits who are subject to a pretreatment standard shall submit to the Authority on a schedule designated by the Authority or within the Wastewater Discharge Permit, a report indicating the nature and concentration of pollutants in their effluent which are limited by such Pretreatment Standards.

Reporting shall be required for all Significant Industrial Users at a minimum of once per year.

g. Twenty-four Hour Reporting. If sampling performed by an Industrial User indicates a violation, the User shall notify the Authority within twenty-four hours of becoming aware of the violation, and shall submit a written report within five days of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within thirty days after becoming aware of the violation.

h. Hazardous Waste Notification. The Industrial User shall notify the Authority, the EPA Regional Waste Management Division Director, and the Virginia Department of Environmental Quality, Waste Division in writing of any discharge into the Sewage Works which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification shall include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the

Authority, the notification shall also contain the following information ((1), (2), and (3) below), to the extent such information is known and readily available to the Industrial User. Notification for existing dischargers shall be made on the effective date of this Regulation. Industrial Users who begin discharging after the effective date of this Regulation shall provide the notification no later than 180 days after the discharge of hazardous waste. Notifications need be submitted only once for each hazardous waste discharged, except for changes in the nature or quantity of such discharges. Industrial Users are exempt from these reporting requirements for any calendar month in which they discharge no more than 15 kilograms of hazardous waste unless such wastes are acute hazardous waste as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e).

Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e), requires a one-time notification.

This is a one-time notification requirement. If the Industrial User makes a notification of hazardous waste discharge, it is not required to make additional notifications in subsequent months. However, the discharge of hazardous waste(s) different from the hazardous waste for which the initial notification was made requires a new notification. Also, if the initial notification was for a quantity below 100 kilograms per calendar month and the discharge later increases to more than that amount the notification must be updated to reflect the changed quantity.

The notification requirement in this section IV.h. does not apply to pollutants already reported under the self-monitoring requirements of sections IV.a.,b., and d.

Information to be Contained in Hazardous Waste Notifications.

- (1) An identification of the hazardous constituents contained in the wastes.
- (2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month.
- (3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months.

In the case of any new regulations under 42 U.S.C. § 6921 identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the Authority, the EPA Region III Waste Management Division Director, and the Department of Environmental Quality Waste Division of the discharge of such substance within 90 days of the effective date of such regulations.

In the case of any notification made under this section IV.h, the Industrial 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.

i. Right of Entry. Inspection, surveillance, monitoring. 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.

Representatives of the Authority bearing proper identification and credentials shall be authorized to enter at any reasonable time any Premises of any Industrial User in which a discharge source or pretreatment system is located or in which records are required to be kept to assure compliance with Pretreatment Standards and requirements.