

Revision

2

# Rules and Regulations

INDUSTRIAL PRETREATMENT PROGRAM



WESTERN VIRGINIA  
WATER AUTHORITY

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## SECTION 1 GENERAL PROVISIONS

### 1.1 Purpose and Policy

These Rules and Regulations set forth uniform requirements for users of the publicly Owned Treatment Works for the Western Virginia Water Authority and enables the Water Authority to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of these Rules and Regulations are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and biosolids in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and biosolids from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the Western Virginia Water Authority to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

These Rules and Regulations shall apply to all Users of the Publicly Owned Treatment Works. The Rules and Regulations authorize the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### 1.2 Administration

The Executive Director shall administer, implement, and enforce the provisions of these Rules and Regulations except as otherwise provided herein. The Executive Director of Wastewater Operations has delegated and granted powers and duties for this program through the Director of Wastewater Operations as the duly authorized Water Authority employee.

### 1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD	-Biochemical Oxygen Demand
BMP	-Best Management Practices
BMR	-Baseline Monitoring Report

CFR	-Code of Federal Regulations
CIU	-Categorical Industrial User
COD	-Chemical Oxygen Demand
DEQ	-Virginia Department of Environmental Quality
EPA	-U.S. Environmental Protection Agency
gpd	-gallons per day
IU	-Industrial User
mg/l	-milligrams per liter
NAICS	-North American Industrial Classification System
NPDES	-National Pollutant Discharge Elimination System
VPDES	-Virginia Pollutant Discharge Elimination System
POTW	-Publicly Owned Treatment Works
RCRA	-Resource Conservation and Recovery Act
SIU	-Significant Industrial User
SNC	-Significant Noncompliance
SIC	- Standard Industrial Classification
TSS	-Total Suspended Solids
U.S.C.	-United States Code
WVWA	- Western Virginia Water Authority

#### 1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in the Rules and Regulations, shall have the meanings hereinafter designated.

- A. **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.
- B. **Approval Authority.** The Virginia Department of Environmental Quality (DEQ).
- C. **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 initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Waste Water permit application 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 another authorized representative if the authorization is in writing, the authorization specifies the individual or position from where the discharge originates or has overall responsibility for environmental matters for the company, and the written authorization is submitted to the Water Authority.
- D. **Best Management Practices or BMPs** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5a.(1) and b.]. BMPs include treatment requirements, operating procedures, and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- E. **Biochemical Oxygen Demand or BOD**. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
- F. **Categorical Pretreatment Standard or Categorical Standard**. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307b. and c. of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- G. **Categorical Industrial User**. An industrial user subject to a Categorical Pretreatment Standard or Categorical Standard.
- H. **Chemical Oxygen Demand or COD**. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- I. **Composite Sample**. A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.
- J. **Control Authority**. The Western Virginia Water Authority.
- K. **Daily Maximum**. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- L. **Daily Maximum Limit**. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

- M. **Director**. The person designated by the Executive Director of the Western Virginia Water Authority to Direct the operations of the POTW, and who is charged with certain duties and responsibilities by these Rules and Regulations. The term also means a Duly Authorized Representative of the Executive Director (the Director of Wastewater Operations).
- N. **Environmental Protection Agency or EPA**. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- O. **Executive Director of the Western Virginia Water Authority**. The person in responsible charge of ALL Wastewater Operations for the Water Authority to include to POTW.
- P. **Existing Source**. Any source of discharge that is not a “New Source”.
- Q. **General Prohibitions**. Local remarks that apply to all Users of the POTW.
- R. **Grab Sample**. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- S. **Indirect Discharge or Discharge**. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307b., c., or d. of the Act.
- T. **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.
- U. **Interference**. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its biosolids processes, use or disposal; and therefore, is a cause of a violation of the Water Authority’s NPDES permit or of the prevention of sewage biosolids use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, 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 biosolids 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.
- V. **Local Limit**. Specific discharge limits developed and enforced by the Water Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5a.(1) and b.
- W. **Medical Waste**. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- X. **Monthly Average**. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- Y. **Monthly Average Limit**. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- Z. **NAICS Code**. North American Industry Classification System. This system will eventually replace the S.I.C. Code.

AA. **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 307c. 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 substantial 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.

BB. **Noncontact Cooling Water.** Water used for cooling, which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

CC. **Pass Through.** A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Water Authority's NPDES permit, including an increase in the magnitude or duration of a violation.

- DD. **Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- EE. **pH.** A measure of the acidity or alkalinity of a solution, expressed in standard units.
- FF. **Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage biosolids, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- GG. **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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- HH. **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- II. **Pretreatment Standards or Standards.** Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- JJ. **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of these Rules and Regulations.
- KK. **Publicly Owned Treatment Works or POTW.** A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the Western Virginia Water 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.
- LL. **Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- MM. **Sewage.** Human excrement and gray water (household showers, dishwashing, operations, etc.).
- NN. **Significant Industrial User (SIU).**

Except as provided in paragraphs (3) and (4) of this Section, 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 Water 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.
- (3) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the Western Virginia Water Authority may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
- OO. **Slug Load or Slug Discharge.** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of these Rules and Regulations. 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, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the Water Authority's regulations, Local Limits or Permit conditions.
- PP. **Standard Industrial Classification (SIC) Code.** A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget. [Being replaced with NAICS]
- QQ. **Storm Water.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- RR. **Total Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- SS. **User or Industrial User.** A source of indirect discharge.
- TT. **Wastewater.** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- UU. **Wastewater Treatment Plant or Treatment Plant.** That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- VV. **Water Authority.** The Western Virginia Water Authority.

## SECTION 2 GENERAL SEWER USE REQUIREMENTS

### 2.1 Prohibited Discharge Standards

- 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 introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 1400F (600C) using the test methods specified in 40 CFR 261.21;
  - (2) Wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment;
  - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference such as, ashes cinders, sand, mud, straw, metal, glass, rags, feathers, tar, plastic, wood, underground garbage, paunch manure, hair and fleshing, entrails, paper products, slops, or bulk solids.
  - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
  - (5) Wastewater having a temperature greater than 1500F (65.50C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 1040F (400C);
  - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
  - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in quantity that may cause acute worker health and safety problems.
  - (8) Trucked or hauled pollutants, except at discharge points designated by the Director of Wastewater Operations in accordance with Section 5.4 of these Rules and Regulations.
  - (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
  - (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Water Authority's NPDES permit.

- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State and Federal regulations;
- (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Director of Wastewater Operations.
- (13) Sludge's, screenings or other residues from the pretreatment of industrial wastes;
- (14) Medical Wastes, except as specifically authorized by the Director of Wastewater Operations in an individual wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (16) Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 200 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150F) degrees Fahrenheit (00 and 650 Centigrade);
- (18) Discharges of antifreeze from vehicle servicing operations or other glycols that must be approved by the Director of Waste Water Operations;
- (19) Toxic materials including but not limited to: Herbicides, Fungicides, and Pesticides unless approved/permitted for use by the Director of Wastewater Operations; and
- (20) Hazardous waste Pollutants, substances or wastewater prohibited by this Section that shall not be processed or stored in such a manner that they could be discharged to the POTW.

## **2.2 National Categorical Pretreatment Standards**

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F [Note: see 40 CFR 403.6c.].
- B. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharge per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users. [Note: See 40 CFR 403.6c.(2)].
- D. A CIU may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the following paragraphs of this Section. [Note: See 40CFR 403.15].

(1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Water Authority. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

(2) Criteria.

a. Either (i) the applicable Categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Water Authority may waive this requirement if it finds that no environmental degradation will result.

E. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the Director convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The Water Authority may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2E(1)a. through 2.2E(1)(e).

(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 usage 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 Director of the POTW whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2F(1)c. of the Section. Upon notification of a revised production rate, the Director of the POTW 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 observation methods and technologies as those implemented pursuant to paragraphs 2.2E (1) a. of this Section as long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Director:

- 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 discharger 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 2.6. The Industrial User must also be in compliance with Section 15.3 regarding the prohibition of bypass.

F. The Director 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 Director.

{Note: When converting such limits to concentration limits, the Director will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 2.6 of these Rules and Regulations (see 40 CFR 403.6d.). In addition, the Director will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6c.(7).}

- G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. [Note: See 40 CFR 403.6c. (7)]
- H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. {Note: See 40 CFR 403.6c. (8)}
- I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. {Note: See 40 CFR 40.36c. (9)}

### **2.3 State Pretreatment Standards**

The State of Virginia Pretreatment Standards located at 9 VAC 25-31-10, et seq. is hereby incorporated.

**2.4 Local Limits**

- A. The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5c. The following pollutant limits are established for the Western Virginia Water Authority’s Regional Water Pollution Control Plant. These limits were developed to protect against Pass Through, Interference, and violation of Water Quality Standards. No person shall discharge wastewater containing in excess of the following:

Parameter	Limit	Parameter	Limit
Arsenic	0.18 mg/L	Lead	0.30 mg/L
BTEX (Benzene, Toluene, Ethyl benzene, and Xylene)	5.0 mg/L	Mercury	0.003 mg/L
Cadmium	0.03 mg/L	Molybdenum	.07 mg/L
Chromium, Total	1.95 mg/L	Nickel	0.23 mg/L
Chromium VI	0.06 mg/L	**Oils and Grease, Total	200 mg/L
Color due to dyes & Inks	750 A.D.M.I.	pH	<5.0 or > 12.5
Copper	0.50 mg/L	Selenium	0.02 mg/L
Cyanide	0.06 mg/L	Silver	0.32 mg/L
Dissolved Solids: Total Chlorides and Total Sulfates	500 mg/L	***TPH (Non-Polar)	200 mg/L
Fluoride	12.0 mg/L	Temperature	1500F (65.50C)
		Zinc	0.80 mg/L

- \*\* Applies to food services discharges and other discharges as deemed applicable by the Authority where fats, oils, and greases are primarily from animal and vegetable origins.
- \*\*\* Normally used for Petroleum products.
- NOTE: The Water Authority reserves the right to establish a limit for any conservative parameter that may result in problems for the plant.

- B. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metals unless indicated otherwise. The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.
- C. The Director may develop Best Management Practices (BMPs), by Rules and Regulations or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 2.1.

**2.5 Right of Revision**

The Western Virginia Water Authority reserves the right to establish, by Rules and Regulations or in wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of these Rules and Regulations.

## **2.6 Dilution**

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Director may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

## **SECTION 3 USE OF THE WATER AUTHORITY' S TREATMENT WORKS & TREATMENT FACILITY**

### **3.1 Waste Disposal**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any condition that may be considered as an unsanitary or unhygienic manner on public or private property within the Western Virginia Water Authority, or in any area under the jurisdiction of The Western Virginia Water Authority, any human or animal excrement, garbage, or other objectionable waste.

### **3.2 Wastewater Discharges**

It shall be unlawful under State and Federal Law to discharge without a NPDES permit to any natural outlet within the Authority's jurisdiction or in any area under its jurisdiction. Wastewater discharges to the Authority's treatment works are not authorized unless permitted by the Director in accordance with provisions of these Rules and Regulations.

### **3.3 Wastewater Disposal**

Except as provided in these Rules and Regulations, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

## **SECTION 4 BUILDING SEWERS AND CONNECTIONS**

### **4.1 Mandatory Connection of Sewer System**

#### **A. City of Roanoke**

All new buildings must connect if existing public sewer is adjoining property. For existing buildings not connected or for new buildings without adjoining public sewers, public sewer must be extended and the buildings connected in accordance with the requirements of the City of Roanoke and if determined to be feasible by the Authority. A \$50 extension survey fee may be charged to estimate costs and determine feasibility.

#### **B. Roanoke County**

All new buildings must connect if existing public sewer is adjoining property. All new buildings or existing buildings with major repairs needed to septic tanks that are within 300 feet of public sewer must extend the public sewer and connect in accordance with the requirements of the County of Roanoke and if determined to be feasible by the Authority. A \$50 extension survey fee may be charged to estimate costs and determine feasibility.

#### **4.2 Connection Permit**

- A. No person shall uncover, make any connections with, use, alter, or disturb any wastewater sewer without first obtaining a written permit from the Authority.
- B. There shall be two (2) classes of permits for connections to the Authority Treatment Works and Treatment Facilities.

CLASS I – residential

Class II – industrial

In all cases, the owner shall make application for a permit to connect to the Authority's collection system on a form furnished by the Authority. The permit application shall be supplemented by wastewater information required to administer these Rules and Regulations.

#### **4.3 Connection Costs**

The costs and expenses incidental to the building sewer installation and connection to the Authority's collection system shall be borne by the owner. The owner shall indemnify the Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

#### **4.4 Separate Connections Required**

A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. When this occurs, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer. The Authority assumes no obligation or responsibility for damage caused by or resulting from any single building sewer, which serves two buildings.

#### **4.5 Existing Building Sewers**

Existing building sewers may be used for connection of new buildings only when they are found, on examination and testing by the Director, to meet the requirements of these Rules and Regulations.

#### **4.6 Building Sewer Design**

The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the local jurisdiction's building and plumbing code or other applicable requirements of the Authority. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials (ASTM), and Virginia Department of Health (VDH) shall apply. Should a sampling manhole be required by the Authority, that manhole should meet the requirements found in the WVWA Water and Sewer Design & Construction Standards Part 2 G.3. f., Sewer detail S-07. These standards can be found in the Water Authority's Engineering Department or on the Water Authority's web based portal. ([www.westernvawater.org](http://www.westernvawater.org))

#### **4.7 Building Sewer Elevation**

Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. See the Authority's Design and Construction Standards for the specific requirements pertaining to sewer services to buildings. When a building sewer is too low to permit gravity flow to the Authority's sanitary sewer main, wastewater carried by such building sewer shall be pumped by an approved means and discharged to a gravity building sewer or directly to the Authority's sanitary sewer main. Any wastewater pump system required to address this situation shall be privately owned and maintained.

#### **4.8 Surface Runoff and Groundwater Drains**

- A. No person shall connect roof, foundation areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to the Authority's collection system unless such connection is authorized in writing by the Director. The connection of such drains shall conform to codes specified in Section 4.8 or as specified by the director as a condition of approval of such connection.
- B. Except as provided in Section 4.7 a. above, roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.

#### **4.9 Conformance to Applicable Codes**

The connection of a building sewer into the Authority's sanitary sewer main shall conform to the requirements of the local jurisdiction's building and plumbing code or other applicable requirements of the Authority, or the procedures set forth in appropriate specifications of the Commonwealth of Virginia Sewerage Regulations, Uniform Building Code of Virginia, and American Society of Testing Materials (ASTM). The connections shall be made gas-tight and water-tight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Director before installation.

#### **4.10 Connection Inspection**

The applicant for a building sewer or other drainage connection permit shall notify the Director when such sewer or drainage connection is ready for inspection prior to its connection to the Authority's sanitary sewer main. Such connection inspections and testing as deemed necessary by the Director shall be made by the Director or his appointed representative.

#### **4.11 Excavation Guards and Property Restoration**

Excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Authority and the applicable local jurisdiction or Virginia Department of Transportation (VDOT).

#### **4.12 Protection of Capacity for Existing Users**

The Director shall not issue a permit for any class of connection to the Authority's sanitary sewer main unless there is sufficient capacity, not legally committed to other users, in the treatment works and or treatment facility. The Director may permit such a connection if there are legally binding commitments to provide the needed capacity.

## **SECTION 5 PRETREATMENT OF WASTEWATER**

### **5.1 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of these Rules and Regulations within the time limitations specified by EPA, the State, or the Water Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Water Authority for review, and shall be acceptable to the Water Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Water Authority under the provisions of these Rules and Regulations.

### **5.2 Additional Pretreatment Measures**

- A. Whenever deemed necessary, the Water Authority may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate, and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of these Rules and Regulations.
- B. The Water Authority may require any person discharging into the POTW install and maintain on their property and at their expense a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Water Authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director and shall comply with the Water Authority's Fats, Oils, and Grease Discharge Policy and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with the Fats, Oils, and Grease Discharge Policy by the User at their expense.

- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### 5.3 Accidental Discharge/Slug Discharge Control Plans

The Water Authority shall evaluate whether each Significant Industrial User needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Water Authority may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Water Authority of any accidental or Slug Discharge, as required by Section 8.6 of these Rules and Regulations; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, 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 organic pollutants, including solvents, and/or measures and equipment for emergency response.

### 5.4 Hauled Wastewater

- A. Discharge of liquid or solid wastes into the Sanitary Sewer System of the Western Virginia Water Authority is prohibited unless provided for within a temporary discharge permit or authorized by a Hauled Wastewater Permit or in emergency circumstances by written authorization from the Executive Director of the Western Virginia Water Authority or Wastewater Operation Director, issued in accordance with these Rules and Regulations. Discharge of wastes under such a permit or written authorization will be allowed only at authorized points in the system. Septic tank waste may be introduced into the POTW only at locations designated by the Director in accordance with Section 2 of these Rules and Regulations or any other requirements established by the Western Virginia Water Authority. The hours of permitted discharge for wastewater haulers at this facility is 7:00 am to 7:00 pm.
- B. **Application for Discharge Permits.** No person or company shall discharge hauled wastes into the Sanitary Sewer System of the Authority until a discharge permit has been obtained in accordance with these Rules and Regulations. Such discharge permits will only be issued for the discharge of wastes from septic tanks, grease traps, privies, and sewer cleanings, and for the discharge of other non-hazardous materials and wastes which can be effectively and efficiently treated. Individuals or companies desiring to discharge such wastes to the system shall file an application with the Western Virginia Water Authority's Pretreatment Office for a discharge permit. Each separate vehicle performing work under the permit must be included in the permit application. Discharge permit application forms may be obtained from the Water Authority's website or by writing or calling the Western Virginia Water Authority.

- C. **Fee for Discharge Permits.** A one-time fee of \$25 shall be charged for each discharge permit application for the discharge of routine wastes from septic tanks, grease traps, privies, and sewer cleanings. A one-time fee of \$75 shall be charged for each discharge permit application for the discharge of other non-hazardous materials and wastes which can be effectively and efficiently treated by the Water Authority. The discharge permit application fee, payable to the Western Virginia Water Authority, must accompany the completed discharge permit application form. Application fees are non-refundable.
- D. **Vehicle Inspection.** A Wastewater Discharge permit must be obtained prior to the issuance of a vehicle inspection permit through Virginia Department of Health. Once the permitting process at the Water Authority is completed, the vehicle for which the permit will be issued shall be inspected by the Virginia Department of Health. The applicant must submit documentation demonstrating approval of the vehicle for use in waste hauling from the Virginia Department of Health to the Water Authority. Vehicles for which permits have been issued are subject to subsequent inspection by Water Authority personnel. Any items of nonconformance regarding the condition of the vehicle, which have developed since the permit was issued, may be noted by the inspector and a written notice will be provided to the permittee notifying him of the need to correct the deficiency within a specific time limit.
- E. Waste haulers must provide either a residential, restaurant grease, or Industrial waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste. Industrial Grease forms must also include the 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 6 WASTEWATER DISCHARGE PERMITS

### 6.1 Wastewater Analysis

When requested by the Water Authority, a User must submit information on the nature and characteristics of its wastewater within ten (10) days of the request. The Water Authority is authorized to prepare a form for this purpose and may periodically require users to update this information.

### 6.2 Individual Wastewater Discharge Permit Requirement

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Water Authority's Pretreatment Office except that a Significant Industrial User that has filed a timely application pursuant to Section 6.3 of these Rules and Regulations may continue to discharge for the time periods specified therein.
- B. The Water Authority may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of these Rules and Regulations.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of these Rules and Regulations and subjects the wastewater discharge permittee to the sanctions set out in Section 12 through 14 of these Rules and Regulations. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

### **6.3 Individual Wastewater Discharge Permitting: Existing Connections**

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of these Rules and Regulations and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Pretreatment Office of the Water Authority for a wastewater discharge permit in accordance with Section 6.5 of these Rules and Regulations, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of these Rules and Regulations except in accordance with a wastewater discharge permit issued by the Water Authority or one of its jurisdictions. Any existing permits for discharge into the POTW will remain in full force and effect for 90 days after the effective date of these Rules and Regulations or until a permit is issued under these Rules and Regulations, whichever occurs first.

### **6.4 Individual Wastewater Discharge Permitting: New Connections**

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 6.5 of these Rules and Regulations, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

### **6.5 Individual Wastewater Discharge Permit Application Contents**

- A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Water Authority may require all Users to submit as part of an application the following information:
- (1) Identifying Information.
    - a. The name and address of the facility, including the name of the operator and owner.; and
    - b. Contact information, description of activities, facilities, and plant production processes on the premises.
  - (2) Environmental Permits.

A list of any environmental control permits held by or for the facility.
  - (3) Description of operations.

A brief description of the nature, average rate of Production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates:

    - a. Types of waste generated, and list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be, discharged to the POTW;
    - b. Number and type of employees, hours of operation, and proposed or actual hours of operation;

- c. Type and amount of raw materials processed (average and maximum per day); and
  - d. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges.
  - (5) The location for monitoring all waste covered by the permit.
  - (6) Flow Measurement.  
Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set on in Section 2.2B (40 CFR 403.6(e)).
  - (7) Measurement of Pollutants.
    - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
    - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process;
    - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported;
    - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.9 of these Rules and Regulations. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Authority or the applicable Standards to determine compliance with the Standard; and
    - e. Sampling must be performed in accordance with procedures set out in Section 8.9 & 8.10 of the Rules and Regulations.
  - (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 8.4D [40 CFR 403.12(e)(2)].
  - (9) Any other information as may be deemed necessary by the Water Authority to evaluate the permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

## **6.6 Application Signatories and Certification**

- A. All wastewater discharge permit applications, User reports, and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 8.13A.

- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Water Authority prior to or together with any reports to be signed by an Authorized Representative.

## **6.7 Wastewater Discharge Permit Decisions**

The Water Authority will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, the Water Authority will determine whether to issue a wastewater discharge permit. The Water Authority may deny any application for a wastewater discharge permit.

# **SECTION 7 WASTEWATER DISCHARGE PERMIT ISSUANCE**

## **7.1 Wastewater Discharge Permit Duration**

A wastewater discharge permit shall be issued for a specified period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Water Authority. Each wastewater discharge permit will indicate a specific date upon which it will expire.

## **7.2 Wastewater Discharge Permit Contents**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Water Authority to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW.

- A. Wastewater discharge permits must contain:
  - (1) A statement that indicates wastewater discharge permit issuance date, expiration date and effective date; {See Section 7.1}
  - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Water Authority in accordance with Section 7.5 of these Rules and Regulations and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
  - (4) 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;
  - (5) 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 8.4.B;

- (6) 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;
  - (7) Requirements to control Slug Discharge, if determined by the Director to be necessary; and
  - (8) Any grant of the monitoring waiver by the Director (Section 8.4. B) must be included as a condition in the User's permit.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the pretreatment works;
  - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
  - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
  - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  - (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and
  - (8) Other conditions as deemed appropriate by the Water Authority to ensure compliance with these Rules and Regulations, and State and Federal laws, rules, and regulations.

### **7.3 Permit Modification**

The Water Authority may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge; Information indicating that the permitted discharge poses a threat to the POTW, Water Authority personnel, or the receiving Waters;
- (4) Violation of any terms or conditions of the individual wastewater;

- (5) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (6) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (7) To correct typographical or other errors in the wastewater discharge permit; or
- (8) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 7.4.

#### **7.4 Individual Wastewater Discharge Permit Transfer**

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Water Authority and the Director approves the wastewater discharge permit transfer. The notice to the Water Authority must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

#### **7.5 Wastewater Discharge Permit Revocation**

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

- A. Failure to notify the Water Authority of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Water Authority of changed conditions pursuant to Section 8.5 of these Rules and Regulations;
- 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 Water Authority 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 permits 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 these Rules and Regulations.

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

#### **7.6 Individual Wastewater Discharge Permit Reissuance**

A User with an expiring wastewater discharge permit shall apply for Individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 6.5 of these Rules and Regulations, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit.

#### **7.7 Regulation of Waste Received from Other Jurisdictions**

- A. If a municipality, or User located within another municipality, contributes wastewater to the POTW of the Western Virginia Water Authority, the Director of Wastewater Operations for the Water Authority shall enter into an inter-jurisdictional agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Director of Wastewater Operations shall request the following information from the contributing municipality:
  - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  - (3) Such other information as the Director of Wastewater Operations may deem necessary.
- C. An interjurisdictional agreement, as required by paragraph A, above, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance/regulation, which is at least as stringent as these Rules and Regulations and Local Limits, including required Baseline Monitoring (2)Reports (BMRs) which are at least as stringent, as those set forth in Section 2.4 of these Rules and Regulations. The requirement shall specify that such ordinance/regulation and limits must be revised as necessary to reflect changes made to the Western Virginia Water Authority's Rules and Regulations or Local Limits;
- (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing municipality and Water Authority;
- (4) A requirement for the contributing municipality to provide the Water Authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the Water Authority access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
- (8) A provision specifying remedies available for breach of the terms of the interjurisdictional agreement.

## SECTION 8 REPORTING REQUIREMENTS

## 8.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6a.(4), whichever is later, existing categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Water Authority a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Water Authority a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
- (1) **Identifying Information.** The name and address of the facility, including the name of the operator and owner.
  - (2) **Environmental Permits.** A list of any environmental control permits held by or for the facility.
  - (3) **Description of Operations.** A brief description of the nature, average rate of production, (including each product produced by type, amount, processes, and rate of production) and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - (4) **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6 (e).
  - (5) Measurement of Pollutants.
    - a. The User shall provide the information required in Section 6.5A (7) a. through d.
    - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
    - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6 (e) this adjusted limit along with supporting data shall be submitted to the Water Authority.
    - d. Sampling and analysis shall be performed in accordance with section 8.10 of the Rules and Regulations.

- e. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
  - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- (6) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4 C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
  - (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment information or O&M Manual must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 8.2 of these Rules and Regulations.
  - (8) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 8.13A of these Rules and Regulations and signed by an Authorized Representative as defined in Section 1.4C.

## **8.2 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 8.1.B (7) of these Rules and Regulations.

- A. The 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 required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Water Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Water Authority.

## **8.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

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 wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Water Authority a report containing the information described in Section 6.5A (6) and (7) and 8.1B (5) of the Rules and Regulations. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6c., this report shall contain a reasonable measure of the user's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production, (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8.13 A of these Rules and Regulations.

#### **8.4 Periodic Compliance Reports**

- A. All Significant Industrial Users shall, at a frequency determined by the Water Authority, but in no case less than twice per year, (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Water Authority or the Pretreatment Standard necessary to determine the compliance status of the User.
  
- B. The Water Authority 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. [See 40 CFR 403.12 (e)(2)] This authorization is subject to the following conditions:
  - (1) 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.
  - (2) 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. See Section 6.5 A (8).
  - (3) 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.
  - (4) The request for a monitoring waiver must be signed in accordance with Section 1.4C and include the certification statement in Section 8.13 A. (40 CFR 403.6a.(2)(ii)).
  - (5) 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 136 with the lowest minimum detection level for that pollutant was used in the analysis.

- (6) Any grant of the monitoring waiver by the Director 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 Water Authority for 3 years after expiration of the waiver.
  - (7) Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the statement in Section 8.13C that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
  - (8) 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 8.4 A or other more frequent monitoring requirements imposed by the Director, and notify the Director.
  - (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- C. All periodic compliance reports must be signed and certified in accordance with Section 8.13 A of these Rules and Regulations.
  - D. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
  - E. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Water Authority, using the procedures prescribed in Section 8.10 of these Rules and Regulations, the results of this monitoring shall be included in the report. [Note: See 40 CFR 403.12(g)(6)]

## **8.5 Reports of Changed Conditions**

Each User must notify the Director of Waste water Operations of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A. The Water Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 6.5 of these Rules and Regulations.
- B. The Water Authority may issue a wastewater discharge permit under Section 7.6 of these Rules and Regulations or modify an existing wastewater discharge permit under Section 7.3 of these Rules and Regulations in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases or decreases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

## **8.6 Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Water Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Water Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability, which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these Rules and Regulations.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

#### **8.7 Reports from Unpermitted Users**

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Water Authority as the Water Authority may require.

#### **8.8 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a User indicates a violation, the User must notify the Water Authority within twenty-four (24) hours of becoming aware of the violation. The User shall order repeat sampling and analysis and submit the results of the repeat analysis to the Water Authority within (30) days after becoming aware of the violation. The User is not required to resample if the Water Authority monitors at the User's facility at least once a month, or if the Water Authority samples between the time when the initial sampling was conducted and the time when the User receives the results of this sampling.

If the Water Authority performed the sampling and analysis in lieu of Industrial User, the Water Authority will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis. [See 40 CFR 403.12(g)(2)]

#### **8.9 Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.

#### **8.10 Sample Collection**

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in Section B and C, below, the User must collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the director. Where time-proportional composite sampling or grab sampling is authorized by the Water Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows:

For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

In the event flow proportional sampling is infeasible, the Authority may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharge.

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 8.1 and 8.3 [40 CFR 403.12b. and d.], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum number of grab samples. For the reports required by paragraphs Section 8.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

#### **8.11 Date of Receipt of Reports**

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

## **8.12 Record Keeping**

Users subject to the reporting requirements of these Rules and Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or Water Authority, or where the User has been specifically notified of a longer retention period by the Director.

## **8.13 Certification Statements**

Certification of Permit Applications, User Reports and Initial Monitoring Waiver.

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 6.6; Users submitting Base Line Monitoring Reports under Section 8.1B.(8) [Note: See 40 CFR 403.12(I)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 8.3 [Note: See 40 CFR 401.12d.]; Users submitting periodic compliance reports required by Section 8.4 A C [Note: See 40 CFR 403.12(e) and (h)], and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 8.4B(4) [Note: See 40 CFR 403.12 (e)(2)(iii)]. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

“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.”

Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 8.4B must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User. [Note: See 40 CFR 403.12(e)(2)(v)]

“Based on my inquiry of the person or person 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 8.4 A.”

## SECTION 9 COMPLIANCE MONITORING

### 9.1 **Right of Entry: Inspection and Sampling**

The Water Authority shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of these Rules and Regulations and any wastewater discharge permit or order issued hereunder. Users shall allow the Water Authority 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.

- A. Where a User has security measures in force, which require proper identification and clearance before entry into its premise, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Water Authority will be permitted to enter immediately for the purposes of performing specific responsibilities.
- B. The Water Authority 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.
- C. The Water Authority 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 at least annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Water Authority and shall not be replaced. The costs of clearing such access shall be born by the User.
- E. Unreasonable delays in allowing the Water Authority access to the User's premises shall be a violation of these Rules and Regulations.

### 9.2 **Search Warrants**

If the Water Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these Rules and Regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Water Authority designed to verify compliance with these Rules and Regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek issuance of a search warrant from the General District Court of Roanoke.

## SECTION 10 CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Water Authority's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Water Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report 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 to governmental agencies for uses related to the VPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents, characteristics, and other "effluent data" as defined by 40 CFR 2.302 shall not be recognized as confidential information and be available to the public without restriction.

## SECTION 11 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Water 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, 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 paragraph c., d., or (H) of the 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 1.4 & 2;
- 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 equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 1.4 & 2 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 2 (Daily Maximum, long-term average instantaneous limit, or narrative standard) that the Water 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 the public or to the environment, or has resulted in the Water 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 a 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, 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 Water Authority determines will adversely affect the operation or implementation of the local pretreatment program.

## SECTION 12 ADMINISTRATIVE ENFORCEMENT REMEDIES

### 12.1 Notification of Violation

When the Water Authority finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Water Authority may serve upon that User a written Notice of Violation (NOV). Within ten (10) days of 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 by the User to the Water 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. Nothing in this section shall limit the authority of the Water Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### 12.2 Consent Orders

The Water Authority may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 12.4 and 12.5 of these Rules and Regulations and shall be judicially enforceable.

### 12.3 Show Cause Hearing

The Water Authority may order a User which has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director of Wastewater Operations and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing date. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 6.6. A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### 12.4 Compliance Orders

When the Water Authority finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Water Authority may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

## **12.5 Cease and Desist Orders**

When the Authority finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Water Authority may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

## **12.6 Administrative Fines**

- A. When the Water Authority finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Water Authority may fine such User in an amount not to exceed \$2,500.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after ten (10) calendar days be assessed an additional penalty on unpaid balances, and interest shall accrue thereafter per month, in accordance with the Western Virginia Water Authority's Rates and Fees. A lien against the User's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Water Authority to reconsider the fine along with full payment of the amount within ten (10) calendar days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Water Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

## **12.7 Emergency Suspensions**

The Water Authority may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Water Authority may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director of Wastewater Operations may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director of Wastewater Operations may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Water Authority that the period of endangerment has passed, unless the termination proceedings Section 12.8 of these Rules and Regulations is initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Water Authority prior to the date of any show cause or termination hearing under Section 12.3 or 12.8 of these Rules and Regulations.

Nothing in this section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

## **12.8 Termination of Discharge**

In addition to the provisions in Section 7.5 of these Rules and Regulations, any User who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permits 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;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of these Rules and Regulations.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 12.3 of these Rules and Regulations why the proposed action should not be taken. Exercise of this option by the Water Authority shall not be a bar to, or a prerequisite for, taking any other action against the User.

## SECTION 13 JUDICIAL ENFORCEMENT REMEDIES

### 13.1 Injunctive Relief

When the Water Authority finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Water Authority may petition the Commonwealth of Virginia Courts through the Western Virginia Water Authority's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by these Rules and Regulations on activities of the User. The Water Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

### 13.2 Civil Penalties

- A. A User who has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the Water Authority for a maximum civil penalty of \$2,500.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Water Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Water Authority.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstance, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

### 13.3 Criminal Prosecution

- A. A User who willfully or negligently violates any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be punishable by a fine of not more than \$2,500.00 per violation, per day, in accordance with Roanoke City Code, Chapter 22 and Roanoke County Code, Chapter 18, Division III, Article IV.

- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall be subject to a penalty of at least \$2,500.00, Roanoke City Code, Chapter 22 and Roanoke County Code, Chapter 18, Division III, Article IV. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to these Rules and Regulations, wastewater discharge permit, or order issued hereunder, or falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations shall, upon conviction be punished by a fine of not more than \$2,500.00 per violation, per day, Roanoke City Code, Chapter 22 and Roanoke County Code, Chapter 18, Division III, Article IV.
- D. In the event of a second conviction, a User shall be punished by a fine of not more than \$2,500.00 per violation, per day, Roanoke City Code, Chapter 22 and Roanoke County Code, Chapter 18, Division III, Article IV.

#### **13.4 Remedies Nonexclusive**

The remedies provided for in these Rules and Regulations are not exclusive. The Water Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Water Authority's enforcement response plan. However, the Water Authority may take other action against any User when the circumstances warrant. Further, the Water Authority is empowered to take more than one enforcement action against any noncompliant User.

### **SECTION 14 SUPPLEMENTAL ENFORCEMENT ACTION**

#### **14.1 Performance Bonds**

The Water Authority may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of these Rules and Regulations, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the Water Authority, in a sum not to exceed a value determined by the Water Authority to be necessary to achieve consistent compliance.

#### **14.2 Liability Insurance**

The Water Authority may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of these Rules and Regulations, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

### **14.3 Payment of Outstanding Fees and Penalties**

The Director may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of these Rules and Regulations, a previous individual wastewater discharge permit, or order issued hereunder.

### **14.4 Water Supply Severance**

Whenever a User has violated or continues to violate any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will only recommence, at the User's expense, only after it has satisfactorily demonstrated its ability to comply.

### **14.5 Public Nuisances**

A violation of any provision of these Rules and Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of the Sewer Use Ordinance of the City of Roanoke, Section 26-66d. and Roanoke County Code, Section 18-174d. Governing such nuisances, including reimbursing the Water Authority for any costs incurred in removing, abating, or remedying said nuisance.

### **14.6 Contractor Listing**

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to Water Authority. Existing contracts for the sale of goods or services to the Water Authority held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Director.

## **SECTION 15 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **15.1 Upset**

- A. 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 preventative maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical Pretreatment Standards if the requirements of paragraph c., below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous logs, or other relevant evidence that:

- (1) An upset occurred and the User can identify the cause (s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The User has submitted the following information to the Water Authority 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.
    - a. A description of the indirect discharge and cause of noncompliance;
    - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
  - E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
  - F. 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.

## **15.2 Prohibited Discharge Standards**

- A. User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1A of these Rules and Regulations or the specific prohibitions in Section 2.1B (3) through 2.1B (7) or 2.1B(9) through 2.1B (20) of these Rules and Regulations if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:
  - B. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
  - C. No local limit exists, but the discharge did not change substantially in nature or constituents, from the User's prior discharge when the Water Authority was regularly in compliance with its VPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

## **15.3 Bypass**

- A. For the purposes of this section,

- (1) “Bypass” means the intentional diversion of wastestreams from any portion of a User’s treatment facility.
  - (2) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs c. and d. of this Section.
- C. Bypass Notifications
- (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Water Authority, at least ten (10) days before the date of the bypass, if possible.
  - (2) A User shall submit oral notice to the Water Authority of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Water Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. Bypass
- (1) Bypass is prohibited, and the Water Authority may take an enforcement action against a User for a bypass, unless
    - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up 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
    - c. The User submitted notices as required under paragraph c. of this section.

- (2) The Water Authority may approve an anticipated bypass, after considering its adverse effects, if the Water Authority determines that it will meet the three conditions listed in paragraph D (1) of this Section.

## SECTION 16 MISCELLANEOUS PROVISIONS

### 16.1 Pretreatment Charges and Fees

The Water Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the Water Authority's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees the Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these Rules and Regulations and are separate from all other fees, fines, and penalties chargeable by the Water Authority.

### 16.2 Severability

If any provision of these Rules and Regulations is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

## SECTION 17 EFFECTIVE DATE

These Rules and Regulations shall be in full force and effect immediately following its passage, approval, and publication by the Board of the Western Virginia Water Authority, as provided by law.

#### References:

EPA Model Pretreatment Ordinance (January 2007)  
Sewer Use Ordinance of the City of Roanoke  
Sewer Use Ordinance of Roanoke County