

WASTEWATER
RULES
and
REGULATIONS

for the

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 (Authority) and enables the 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 this ordinance 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 sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and bio-solids 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, bio-solids 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

Except as otherwise provided herein, the Authority shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the POTW may be delegated by the Director to other Authority personnel.

1.3 Abbreviations

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

- BOD -Biochemical Oxygen Demand
- CFR -Code of Federal Regulations
- COD -Chemical Oxygen Demand
- DEQ -Department of Environmental Quality
- EPA -U.S. Environmental Protection Agency
- gpd -gallons per day
- mg/l -milligrams per liter
- NPDES/ -National Pollutant Discharge Elimination System or Virginia Pollutant Discharge Elimination System
- POTW -Publicly Owned Treatment Works
- RCRA -Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- TSS -Total Suspended Solids
- U.S.C.-United States Code

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 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 operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for 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 responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted the Authority.
- D. **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^o centigrade, usually expressed as a concentration (e.g., mg/l).
- E. **Categorical Pretreatment Standard or Categorical Standard.** Limitations on pollutant discharges to POTW promulgated by EPA in accordance with Section 307 (b) and (c) of the Clean Water Act, that apply to specified process wastewaters of particular industrial categories [40 CFR Part 403.6 and Parts 405-471]
- F. **Categorical Industrial User.** An industrial user subject to categorical pretreatment standards.
- G. **Director.** The Executive Director(s) of the Western Virginia Water Authority.
- H. **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.
- I. **Existing Source.** Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- J. **Grab Sample.** A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- K. **Indirect Discharge or Discharge.** The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

- L. **Instantaneous Maximum Allowable Discharge Limit.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- M. **Interference.** A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Water Authority' s VPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued 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 sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- N. **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.
- O. **New source.**
- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which 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 built 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.

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

- Q. **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 Authority's VPDES permit, including an increase in the magnitude or duration of a violation.
- R. **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.
- S. **pH.** A measure of the acidity or alkalinity of a solution, expressed in standard units.
- T. **Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, 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).
- U. **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.
- V. **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- W. **Pretreatment Standards or Standards.** Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- X. **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.

- Y. **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.
- Z. **Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- AA. **Sewage.** Human excrement and gray water (household showers, dishwashing operations, etc.).
- BB. **Significant Industrial User.**
- (1) A user subject to categorical pretreatment standards; or
 - (2) A user that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process waste stream 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 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) 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.

- CC. **Slug Load or Slug.** 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.
- DD. **Standard Industrial Classification (SIC) Code.** A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- EE. **Storm Water.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- FF. **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.
- GG. **User or Industrial User.** A source of indirect discharge.
- HH. **VPDES:** Virginia Pollutant Discharge Elimination System.
- II. **Authority:** Western Virginia Water Authority
- JJ. **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.
- KK. **Wastewater Treatment Plant or Treatment Plant.** That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

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, waste streams 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, equipment, or lines;
- (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 [104⁰F (40⁰C)], 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, non-biodegradable cutting oil, 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 in accordance with Section 3.4 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 Authority' s VPDES 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, de-ionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Director.
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by Director in a 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 may 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 (150⁰F) degrees Fahrenheit (0⁰ and 65⁰ Centigrade).
- (18) Antifreeze from vehicle servicing operations. Discharges of glycols must be approved by the Director.
- (19) Toxic materials including but not limited to: Herbicides, Fungicides, and Pesticides.

- (20) Hazardous waste. Pollutants, substances, or wastewater prohibited by this section 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 Authority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Authority shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA in developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40CFR 403.15.

2.3 State Pretreatment Standards

The State of Virginia pretreatment standards are located at 9 VAC 25-31-10, *et seq.* are hereby incorporated.

2.4 Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

(1) Arsenic:	0.18 mg/l	(16) Fluoride	12.0 mg/l
(2) Barium:	5.00 mg/l	(17) BTEX (Benzene,	
(3) Boron :	1.00 mg/l	toluene, ethyl benzene	5.0 mg/l
(4) Cadmium:	0.03 mg/l	(18) Antimony	1.0 mg/l
(5) Chromium (total):	1.95 mg/l	(19) Beryllium	1.0 mg/l
(6) Chromium VI:	0.06 mg/l	(20) TPH	200 mg/l
(7) Copper:	0.68 mg/l	(21) Dissolved Solids,	
(8) Cyanide:	0.06 mg/l	Sodium Chloride (NaCl)	500 mg/l
(9) Lead:	0.3 mg/l	(23) Sodium Sulfate	500 mg/l
(10) Manganese:	1.0 mg/l	(22) Color due to dyes	750 A.S.M.I.
(11) Mercury:	0.003 mg/l	(23) Oil and Grease	200 mg/l
(12) Nickel:	0.23 mg/l	(24) Inert Solids	
(13) Selenium:	0.02 mg/l	Fuller' s Earth,	
(14) Silver:	0.54 mg/l	Lime Slurries	250 mg/l
(15) Zinc	0.8 mg/l		

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 Authority may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

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.

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 Authority 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 limitation is appropriate.

SECTION 3 – USE OF AUTHORITY 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 service district, 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 VPDES permit to any natural outlet within the Authority' s or in any area under its jurisdiction. Wastewater discharges to the Water 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 to 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 changed 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 changed 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), Virginia Water Pollution Control Facilities (WPCF), and Virginia Department of Health (VDH) shall apply.

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 manager 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 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 of 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 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 Authority for review, and shall be acceptable to the 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 are necessary to produce a discharge acceptable to the Western Virginia Water Authority under the provisions of these rules and regulations.

5.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the 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 Authority may require any person discharging into the POTW to 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 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 Authority and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, 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 Control Plans

At least once every two (2) years, the Authority shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Authority may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the POTW of any accidental or slug discharge, as required by Section 6.6 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 or 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. Septic tank waste may be introduced into the POTW only at locations designated by the Authority Section 2 of these rules and regulations or any other requirements established by the Western Virginia Water Authority. The Authority may require septic tank waste haulers to obtain wastewater discharge permits.
- B. The Authority shall require haulers of industrial waste to obtain wastewater discharge permits. The Authority may require generators of hauled industrial waste to obtain wastewater discharge permits. The Authority also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these rules and regulations.
- C. Industrial Waste haulers may discharge loads only at locations designated by the POTW no load may be discharged without prior consent

of the Authority. The Authority may collect samples of each hauled load to ensure compliance with applicable standards. The Authority may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 6 WASTEWATER DISCHARGE PERMIT APPLICATION

6.1 Wastewater Analysis

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

6.2 Wastewater Discharge Permit Requirement

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Authority, Pretreatment Office except that a significant industrial user that has filed a timely application pursuant to Section 4 of these rules and regulations may continue to discharge for the time periods specified therein.
- B. The 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 10 through 12 of these rules and regulations.

6.3 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 who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Pretreatment Office of the POTW for a wastewater discharge permit in accordance with Section 4.5 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 Pretreatment Office. Any existing permit 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 Wastewater Discharge Permitting: New Connections

Any users required to obtain a wastewater discharge permit that 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 4.5 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 Wastewater discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The POTW may require all users to submit as part of an application the following information:

- A. All information required by Section 6.1 of these rules and regulation.
- B. Description of activities, facilities, and plant processes on the premises, including a 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.
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;

- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. 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;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the Water Authority to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

6.6 Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

6.7 Wastewater Discharge Permit Decisions

The 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 Authority will determine whether or not to issue a wastewater discharge permit. The Authority may deny any application for a wastewater discharge permit.

SECTION 7 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

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 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 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 sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Authority in accordance with Section 5.5 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 based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) 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.

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 treatment 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 non-routine 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;
- (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 Authority to ensure compliance with these rules and regulations, and State and Federal laws, rules, and regulations.

7.3 Wastewater Discharge Permit Appeals

The Authority shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Authority to reconsider the terms of a wastewater discharge permit within ten (10) days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Authority fails to act within ten (10) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the General District Court for Roanoke District within the Commonwealth of Virginia.

7.4 Wastewater Discharge Permit Modification

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

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. 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;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the Authority, personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;

- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

7.5 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 Authority and the Authority approves the wastewater discharge permit transfer. The notice to Authority must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator have 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 wastewater discharge permit.

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

7.6 Wastewater Discharge Permit Revocation

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

- A. Failure to notify the Authority of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Authority of changed conditions pursuant to Section 6.5 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;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the 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 permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or these rules and regulations.

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

7.7 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4 (5) of the regulation, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

7.8 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 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 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 Authority may deem necessary.

- C. An inter-jurisdictional 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 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 rules/regulations and limits must be revised as necessary to reflect changes made to the Western Virginia Authority' s 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 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 Authority; and which of these activities will be conducted jointly by the contributing municipality and 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 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 Authority; and
- (8) A provision specifying remedies available for breach of the terms of the inter-jurisdictional 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 403.6(a)(4), whichever is later, existing categorical 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 users subsequent to the promulgation of an applicable categorical standard, shall submit to the 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, 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 waste stream formula set out in 40 CFR 403.6 (e).
- (5) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Authority, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of these rules and regulations.
 - (c) Sampling must be performed in accordance with procedures set out Section 6.11 of these rules and regulations.
- (6) Certification. A statement, reviewed by the user's authorized representative 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 and/or O&M. 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 6.2 of these rules and regulations.

- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of these rules and regulations.

8.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1.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 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 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 Authority a report containing the information described in Section 6.1.B.(4-6) of these rules and regulations. For users subject to equivalent mass or concentration limits established in

accordance with the procedures in 40 CFR 403.6(c), 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 4.6 of these rules and regulations.

8.4 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the 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. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of these rules and regulations.
- B. 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.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in Section 6.11 of these rules and regulations, the results of this monitoring shall be included in the report.

8.5 Reports of Changed Conditions

Each user must notify the Authority of any planned significant changes to the user's operations or system, which might alter the nature, quality, or volume of its wastewater at least thirty (30) days prior to the change.

- A. The 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 4.5 of these rules and regulations.
- B. The Authority may issue a wastewater discharge permit under Section 4.7 of these rules and regulations or modify an existing wastewater discharge permit under Section 5.4 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 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 non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the 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 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 may cause such a discharge to occur, are advised of the emergency notification

procedure.

8.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Authority as the 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 Authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Authority monitors at the user's facility at least once a month, or if the Authority samples between the user's initial sampling and when the user receives the results of this sampling.

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 Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

8.10 Sample Collection

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Authority may authorize the use of time proportional sampling or minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

8.11 Timing

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 regulations and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. 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 Authority, or where the user has been specifically notified of a longer retention period by the Director.

SECTION 9 COMPLIANCE MONITORING

9.1 Right of Entry: Inspection and Sampling

The 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 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 Authority will be permitted to enter immediately for the purposes of performing specific responsibilities.
- B. The 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 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 Authority and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the Authority access to the user' s premises shall be a violation of these rules and regulations.

9.2 Search Warrants

If the 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 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 Authority 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 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 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 11 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Authority shall publish annually, in the largest daily newspaper published in the area where the POTW is located, 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 mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit 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 discharge violation that the Authority believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the Authority personnel or the general public;
- D. Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in 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 continued in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

- F. Failure to provide within thirty (30) 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 the 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 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 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 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 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 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 10.4 and 10.5 of these rules and regulations and shall be judicially enforceable.

12.3 Show Cause Hearing

The 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 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. 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 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 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 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 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 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 based on the unpaid balance, and interest shall accrue thereafter on a monthly basis. 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 Authority to reconsider the fine along with full payment of the fine within ten (10) calendar days of being notified of the fine.

Where a request has merit, the Authority 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 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 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 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 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 may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Authority that the period of endangerment has passed, unless the termination proceedings Section 10.8 of this regulation 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 measures taken to prevent any future occurrence, to the Water Authority prior to the date of any show cause or termination hearing under Section 10.3 or 10.8 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 5.6 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 10.3 of these rules and regulations why the proposed action should not be taken. Exercise of this option by the 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 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 Authority may petition the Commonwealth of Virginia Courts through Western Virginia 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 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 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 Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling monitoring expenses, and the cost of any actual damages incurred by the 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, upon conviction, be guilty of a misdemeanor, punishable by a fine or not more than \$2,500.00 per violation, per day, or imprisonment for not more than for not more than twelve (12) months, either or both.
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class I Misdemeanor and be subject to a penalty of at least \$2,500.00, or be subject to imprisonment for not more than twelve (12) months, or both. 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, or imprisonment for not more than twelve (12)months, or both.

- 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, or imprisonment for not more than twelve (12) months or both.

13.4 Remedies Nonexclusive

The remedies provided for in these rules and regulations are not exclusive. The 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 Authority's enforcement response plan. However, the Authority may take other action against any user when the circumstances warrant. Further, the Authority is empowered to take more than one enforcement action against any noncompliant user.

SECTION 14 SUPPLEMENTAL ENFORCEMENT ACTION

14.1 Performance Bonds

The 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 Authority, in a sum not to exceed a value determined by the Authority to be necessary to achieve consistent compliance.

14.2 Liability Insurance

The 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 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, after it has satisfactorily demonstrated its ability to comply.

14.4 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 the Authority. Existing contracts for the sale of goods or services to the Authority held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Authority.

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 noncompliance 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 operating 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 2.1 A of these rules and regulations or the specific prohibitions in Section 2.1 B.(3) through 2.1 B (7) 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:

- A. 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
- B. No local limit exists, but the discharge did not change substantially in

nature or constituents, from the user' s prior discharge when the 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 waste streams 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. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the 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 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. (1) Bypass is prohibited, and the 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 Authority may approve an anticipated bypass, after considering its adverse effects, if the POTW 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 Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the 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 regulations shall be in full force and effect immediately following its passage and approval by the Board of the Western Virginia Water Authority.

References:

EPA Model Pretreatment Ordinance (June 1992)

Sewer Use Ordinance of the City of Roanoke