


City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 3, 2007

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: CONSIDERATION OF AN AMENDMENT TO CHAPTER 6, TITLE 5,
DIVISION 3.1 OF THE CODE OF THE CITY OF ALEXANDRIA
REGARDING PRETREATMENT OF WASTEWATER BY THE
ALEXANDRIA SANITATION AUTHORITY TO COMPLY WITH FEDERAL
LAW

ISSUE: Implementing changes to certain sections of the City Code in order for the Alexandria Sanitation Authority (ASA) to ensure that it is in compliance with all applicable federal laws and regulations.

RECOMMENDATION: That Council adopt the attached ordinance on first reading and set it for public hearing, second reading and final passage on October 13.

DISCUSSION: The Alexandria Sanitation Authority (ASA) was created by the City to own and operate the major collection and treatment systems for the wastewater generated by the City. The ASA is required to comply with all applicable federal and state laws regarding its operation. Recent amendments to the federal laws and regulations that govern such publicly owned treatment works require that amendments to the City Code be made in order to ensure that the ASA is operating the treatment works in a manner that complies with that revised federal legal and regulatory structure. The proposed changes were prepared by outside counsel for the ASA and reviewed by the City's Department of T&ES and the City Attorney's Office. City staff recommends that Council make the suggested changes.

PROGRAMATIC IMPACTS: In 1978, the Environmental Protection Agency (EPA) established the "General Pretreatment Program Regulations." These regulations and the subsequent amendments required Wastewater Treatment Plant nationwide, including ASA to operate EPA-approved Pretreatment Programs.

The objective of the Pretreatment Program is to control the industrial discharge wastes that could interfere with treatment processes, which could result in reduced treatment efficiencies; and to prevent pollutants from passing through the treatment works, that would degrade the receiving waters. The Industrial Pretreatment Regulations require that industries pre-treat their process wastewater to remove excess pollutants, prior to discharging to the Wastewater Treatment Plant.

Proposed code changes involve definition, spelling and tense changes (See changes to 5-6-102, -111, 143 and -145). The changes that are substantive in nature generally have to do with how the ASA interacts with industrial users. The primary impact on the ASA is that it must evaluate whether each industrial user needs an Accidental Discharge and Slug Control Plan (See changes to 5-6-130) and the manner and content of ASA's annual published notice of users that are not in compliance (see changes to 5-6-222). The remaining changes have to do with the timing or content of reports that certain industrial users must prepare and the manner of testing or sampling for data that may be contained in those reports. For example, under the old ordinance, reports had to be submitted by industrial users each year in June and December. Section 5-6-163 is amended to continue the requirement of two reports per year, but gives the ASA more flexibility in scheduling when these reports are due. The contents of these reports have also been updated, making industrial users include data that complies with published EPA regulations (See changes to 5-6-170 and -171). Finally, the amendments require industrial users to advise the ASA if they make changes that increase the risk of an accidental slug discharge (See changes to 5-6-165) and maintain additional data re any BMP's in place (see changes to 5-6-173).

All programmatic changes that may result because of code changes will be administrative and will be incorporated into the Pretreatment Program administered by ASA.

ATTACHMENTS: Proposed Revised Division 3.1 of Chapter 6, Title 5 of the City Code.

FISCAL IMPACT: None

STAFF:

Richard J. Baier, P.E., Director, Transportation & Environmental Services
William Skrabak, Division Chief, Environmental Quality
Christopher Spera, Assistant City Attorney

Introduction and first reading: 10/09/07
Public hearing: 10/13/07
Second reading and enactment: 10/13/07

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Division 3.1 (DISCHARGES INTO POTW), of Chapter 6 (WATER AND SEWER), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance revises the regulations governing discharges into the City's sanitary sewer system, to comply with changes in state and federal law.

Sponsor

Staff

Richard Baier, Director, Department of T&ES
Christopher Spera, Assistant City Attorney

Authority

Alexandria City Charter, §§ 2.03(d), 2.03(u)

Estimated Costs of Implementation

None.

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None.

EXHIBIT NO. 3

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Division 3.1 (DISCHARGES INTO POTW), of Chapter 6 (WATER AND SEWER), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Division 3.1 of Chapter 6 of Title 5 of The Code of the City of Alexandria, 1981 as amended, be, and the same hereby is, amended and reordained to read as follows:

Division 3.1

Discharges into POTW

SUBDIVISION A

General Provisions

Sec. 5-6-101 Purpose and policy.

This division sets forth uniform requirements for users of the Alexandria Sanitation Authority's publicly owned treatment works ("POTW") and the sewer system which carries wastewater to the POTW, and enables the Sanitation Authority to comply with all applicable federal and state laws, including but not limited to the Clean Water Act (33 U.S.C. § 1251 et seq.) and the general pretreatment regulations promulgated by the United States Environmental Protection Agency (40 C.F.R. Part 403). The objectives of this division are:

(1) To prevent the introduction of pollutants into the POTW that will interfere with its operation;

(2) To prevent the introduction of pollutants into the POTW that will pass through the POTW inadequately treated into receiving waters or will otherwise be incompatible with the POTW;

(3) To protect the general public and POTW personnel who may be affected by wastewater and sludge;

(4) To provide for the imposition of fees for the equitable distribution of the costs of operation, maintenance and improvement of the POTW and of other activities of the Alexandria Sanitation Authority under this division; and

(5) To enable the Alexandria Sanitation Authority to comply with its National Pollutant

1 Discharge Elimination System permit conditions, sludge use and disposal requirements, and all
2 other federal and state laws which apply to the operation of the POTW.

3
4 This division shall apply to all users of the POTW. This division authorizes the authority
5 to issue wastewater discharge permits, to engage in monitoring, compliance and enforcement
6 activities, to establish administrative review procedures, to require user reporting, and to set fees
7 which equitably distribute the costs of its activities under this division.

8
9 Sec. 5-6-102 Definitions.

10
11 For the purposes of this division, the following words and phrases shall have the
12 meanings given below, except in those instances when the context clearly indicates a different
13 meaning.

14
15 (a) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean
16 Water Act, as amended, 33 U.S.C. Section 1251 et seq.

17
18 ~~(a)-(b)~~ Administrator. The administrator of the United States Environmental Protection
19 Agency or those acting on his behalf.

20
21 ~~(b) Approving~~ (c) Approval authority. The Director of the Virginia Department of
22 Environmental Quality.

23
24 ~~(e-d)~~ Authority. The City of Alexandria, Virginia, Sanitation Authority.

25
26 ~~(d-e)~~ Authorized representative of the user. A duly authorized representative of the
27 individual or entity identified in paragraphs (1), (2), (3) or (4) below, if such representative is
28 responsible for the overall operation of the facility from which the discharge originates. The
29 authorization must be submitted to the authority in writing and must name the representative and
30 the position he occupies. Whenever such authorization is no longer accurate, a new
31 authorization must be submitted to the authority at least two weeks prior to submission of any
32 reports signed by the authorized representative. An authorized representative shall be:

33
34 (1) if the user is a corporation:

35
36 (a) the president, secretary, treasurer or a vice-president of the corporation who is in
37 charge of a principal business function, or any other person who performs similar policy or
38 decision-making functions for the corporation; or

39
40 (b) the manager of one or more manufacturing, production or operation facilities
41 employing more than 250 persons or having gross annual sales or expenditures exceeding 25
42 million dollars (in second quarter 1980 dollars), if provided the manager is authorized to make
43 management decisions which govern the operation of the regulated facility including having the
44 explicit or implicit duty or making major capital investment recommendations, and initiate and
45 direct other comprehensive measures to assure long-term environmental compliance with
46 environmental laws and regulations; can ensure that the necessary systems are established or

1 actions taken to gather complete and accurate information for control mechanism requirements;
2 and where authority to sign documents has been assigned or delegated to the manager in
3 accordance with corporate procedures;

4
5 (2) if the user is a partnership, a general partner of the partnership;

6
7 (3) if the user is a sole proprietorship, the proprietor; or

8
9 (4) if the user is a federal, state or local governmental facility, a director or highest
10 official appointed or designated to oversee the operation and performance of the activities of the
11 government facility, or such person's designee.

12
13 The individuals described in subsections (1) through (4) above may designate another
14 authorized representative if the authorization is in writing, the authorization specifies the
15 individual or position responsible for the overall operation of the facility from which the
16 discharge originates or having overall responsibility for environmental matters for the user, and
17 the written authorization is submitted to the authority at least two weeks prior to any reports
18 being signed by the new designee.

19
20 ~~(e-f)~~ Best management practices. Schedules or BMP means schedules of activities,
21 prohibitions of practices, maintenance procedures, and other management practices or
22 procedures of users to prevent or reduce the discharge of pollutants, listed in Section 5-6-11, into
23 the POTW. Such practices may include, but are not restricted to, notification plans of any
24 accidental discharge, solvent and toxic organic management plans, operating procedures,
25 practices to control batch discharges, sludge and waste disposals, spillage or leaks, or drainage
26 from raw material storage, and practices for pollution prevention control.

27
28 (f-g) City. The City of Alexandria.

29 ~~(g) Clean Water Act or the Act. Federal Water Pollution Control Act, also known as the Clean~~
30 ~~Water Act of 1977 (Pub. L. No. 95-217), as amended, 33 U.S.C. 1251 et seq.~~

31
32 (h) Control authority. The City of Alexandria, Virginia, Sanitation Authority.

33
34 (i) Conventional pollutants. BOD, TSS, fecal coliform, oil and grease, and pH.

35
36 (j) Daily Maximum Limit or Daily Maximum. The maximum allowable discharge of
37 pollutant during a calendar day. Where daily maximum limitations are expressed in units of
38 mass, the daily discharge is the total mass discharged over the course of the day. Where daily
39 maximum limitations are expressed in terms of concentration, the daily discharge is the
40 arithmetic average measurement of the pollutant concentration derived from all measurements
41 taken that day.

42
43 (j-k) Director. The director of the department of transportation and environmental
44 services of the city.

(k) Discharge or Indirect Discharge. The introduction of pollutants or wastewater containing pollutants into the POTW.

(l) Engineer. The engineer-director of the authority or another employee of the authority who has been duly authorized to act on the engineer-director's behalf or duly delegated the engineer director's authority.

(m) Improperly shredded garbage. The wastes from the preparation, cooking, eating, handling, dispensing, sale or storage of food that have not been shredded to such a degree that all particles are less than a half an inch (1.27 centimeters) in any dimension and will be carried freely under the flow conditions normally prevailing in public sewers.

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

(o) Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources:

(1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, or the use or disposal of its sludge;

(2) is a cause of a violation of any requirement of the authority's NPDES permit, including an increase in the magnitude or duration of a violation; or

(3) prevents the use or disposal of sludge at the POTW from complying with any provisions of federal, state or local law, including but not limited to section 405 of the Clean Water Act, the Solid Waste Disposal Act ("SWDA") (42 U.S.C.3251 et seq.), including title II which is more commonly referred to as the Resource Conservation and Recovery Act ("RCRA") (42 U.S.C.6901 et seq.), state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA, the Clean Air Act and the Marine Protection, Research and Sanctuaries Act (33 U.S.C.1420 et seq.).

(p) Medical waste. Isolation waste, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical waste, potentially contaminated laboratory waste or dialysis waste which have been generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, and any other medical wastes as specified in the Virginia medical waste management regulations, 9 VAC20-120. The term does not include any household waste identified in 40 C.F.R.261.4 (b) (1).

(q) National categorical pretreatment standards or categorical standards. Any regulation containing pollutant discharge limits, promulgated by the United States Environmental Protection Agency pursuant to sections 307(b) and (c) of the Clean Water Act, that (33 U.S.C. Section 1317), which apply to a specific category of users which appear in 40 C.F.R., Chapter I, Subchapter N, Parts 405 through 471. All such standards are included in this division as if fully

1 set forth herein.

2
3 (~~qs~~) National Pollutant Discharge Elimination System permit or NPDES permit. A
4 permit issued pursuant to Section 402 of the Clean Water Act.

5
6 (~~rt~~) New source.

7
8 (1) Any building, structure, facility or installation from which there is or may be a
9 discharge, the construction of which commences after the publication in the Federal Register of
10 proposed pretreatment standards under the Clean Water Act that would be applicable to the
11 source if such standards were thereafter promulgated, provided that:

12
13 (i) the building, structure, facility or installation is constructed at a site where no other
14 source of pollutant discharges is located; or

15
16 (ii) the building, structure, facility or installation totally replaces the process or
17 production equipment that causes the discharge from an existing source; or

18
19 (iii) the production or wastewater generating processes of the building, structure, facility
20 or installation are substantially independent of an existing source at the same site.
21 In determining whether this "substantially independent" criterion is met, factors such as the
22 extent to which the new facility is integrated with the existing plant and is engaged in the same
23 general type of activity as the existing source shall be considered.

24
25 (2) Construction at a site at which an existing source of pollutant discharges is located
26 results in a modification of the existing source, rather than a new source, if the construction does
27 not create a new building, structure, facility or installation meeting the criteria of subsection
28 (1) above, but otherwise alters, replaces or adds to existing process or production equipment.

29
30 (3) Construction of a new source has commenced if the owner or operator has:

31
32 (i) begun, or caused to begin, as part of a continuous on-site construction program, any
33 replacement, assembly or installation of facilities or equipment, or any significant site
34 preparation work, including excavation work or clearing or removal of existing buildings or
35 structures;

36
37 (ii) entered into binding contractual obligations for the purchase of facilities or equipment
38 which are intended to be used in the operation of the new source within a reasonable time;
39 provided, that options to purchase, contracts which may be terminated or modified without
40 substantial loss, and contracts for feasibility, engineering or design studies shall not constitute a
41 contractual obligation under this subsection.

42
43 (~~su~~) Noncontact cooling water. Water used solely for cooling purposes which does not
44 come in contact with any other discharge until it is discharged into the collection system or the
45 POTW, and which does not exceed the pretreatment standards.

1 (~~t~~v) Pass through. Any discharge which exits the POTW into waters of the United States
2 in quantities or concentrations which, alone or in conjunction with a discharge from other
3 sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an
4 increase in the magnitude or duration of a violation.

5
6 (~~u~~w) Permittee. A holder of a wastewater discharge permit issued by the authority.

7
8 (~~v~~x) pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per
9 liter of solution.

10
11 (~~w~~y) Photographic processing facility. A facility which processes images from silver
12 sensitized films and papers, including, but not limited to commercial photographic and film
13 processing facilities, in-house photographic processing facilities, mini-labs, printers, and x-ray
14 and other medical, dental, industrial, institutional or diagnostic facilities which produce a silver
15 rich solution.

16
17 (~~x~~z) Pollutant. Any dredged spoil, solid waste, incinerator residue, filter backwash,
18 sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes,
19 biological materials, radioactive materials, rock, sand, municipal wastes, and agricultural wastes.

20
21 (~~y~~aa) POTW or publicly owned treatment works. The wastewater treatment plant
22 operated by the authority, along with the pump stations and sewers which deliver wastewater to
23 the plant.

24
25 (~~z~~bb) Pretreatment. The reduction of the amount of pollutants to a less harmful state, or
26 the elimination of pollutant properties in wastewater, prior to or in lieu of the discharge of the
27 pollutants into the POTW. This reduction or elimination may be obtained by physical, chemical
28 or biological processes or other means; it may not be obtained by dilution of the concentration of
29 the pollutants, unless allowed by an applicable pretreatment standard, or by other means which
30 are prohibited by 40 C.F.R.403.6(d).

31
32 (~~a~~acc) Pretreatment Requirements. Any substantive or procedural requirement related to
33 pretreatment imposed on a User, other than a Pretreatment Standard.

34
35 (~~d~~d) Pretreatment standards or standards. Federal, state or local standards which prohibit
36 certain pollutants from appearing in discharges or which limit the quantity or concentration of
37 certain pollutants which may appear in discharges, including national categorical pretreatment
38 standards promulgated by the United States Environmental Protection Agency.

39
40 (~~b~~bee) Prohibited discharge. Any discharge containing a pollutant which is prohibited
41 from entering the POTW.

42
43 (~~e~~eff) Sewer connection permit. A permit issued pursuant to section 5-6-25 of this
44 article.

45
46 (~~d~~dgg) Silver CMP. The Code of Management Practice for Silver Dischargers, issued by

1 the Silver Council and the Association of Metropolitan Sewage Agencies, dated September 1995,
2 as amended from time to time, which provides recommendations on technology, equipment and
3 management practices for controlling silver discharges from facilities that process photographic
4 materials. (A copy of the Silver CMP shall be obtainable from the authority.)
5

6 (eehh) Silver recovery. The process of removing silver from silver rich solutions.
7

8 (ffii) Silver rich solution. A solution containing sufficient silver such that cost-effective
9 silver recovery can be done either on-site or off-site. In photographic processing facilities, such
10 solutions include, but are not limited to, fix and bleach-fix solutions, stabilizers, low replenished
11 (low-flow) washes, and all functionally similar solutions, but do not include low silver solutions
12 such as used developers, bleaches, stop baths, pre-bleaches, stabilizers following washes and
13 wash waters.
14

15 (ggji) Slug discharge. Any discharge which, because of the concentration of pollutants
16 or the quantity of flow, could cause a violation of a standard for prohibited discharges.
17

18 (hhkk) User. Any person or entity which is the source of a discharge.
19

20 (iill) User, industrial. Any person or entity which is a non-residential source of a
21 discharge.
22

23 (jjmm) User, significant industrial:
24

25 (1) Categorical. Any industrial user subject to the national categorical pretreatment
26 standards in 40 C.F.R.403.6 and 40 C.F.R. Parts 405 through 471; and
27

28 (2) Noncategorical. Any other industrial user that discharges an average of 25,000 or
29 more gallons per day of process wastewater to the POTW (excluding sanitary, noncontact
30 cooling and boiler blowdown wastewater), contributes a process waste stream which makes up
31 five percent or more of the average dry weather hydraulic or organic capacity of the POTW's
32 treatment capacity, or is designated a significant industrial user in accordance with 40 C.F.R.
33 section 403.8(f)(g), on the basis that the industrial user has a reasonable potential to adversely
34 affect the POTW's operation or to violate any national categorical pretreatment standard or
35 requirement.
36

37 (3) The Authority may determine that the industrial user subject to categorical
38 pretreatment standards is a Non-Significant Categorical Industrial User rather than a Significant
39 Industrial user on a finding that the industrial user never discharged more than 100 gallons per
40 day (gpd) of total categorical wastewater) excluding sanitary, non-contact cooling and boiler
41 blow-down wastewater, unless specifically included in the pretreatment Standard) and the
42 following conditions are met:
43

44 (a) The Industrial user, prior to Engineer's finding, has consistently complied with all
45 applicable categorical Pretreatment Standards and Requirements;
46

1 (3) any water or waste containing toxic or poisonous solids, liquids or gases in sufficient
2 quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage
3 treatment process, to constitute a hazard to humans or animals, to create a public nuisance or to
4 create any hazard in the receiving waters of the collection system or the POTW, including but
5 not limited to cyanides, chromium, copper, zinc, silver, lead, nickel, arsenic, mercury, cadmium
6 and phenols;

7
8 (4) any water or waste having a pH of less than 6.0 or more than 11.0 standard units or
9 having any corrosive property capable of causing damage or hazard to structures, equipment or
10 personnel of the city, the collection system or the POTW;

11
12 (5) any solid or viscous substance capable of causing obstruction to the flow in the
13 collection system or the POTW or interference with the proper operation of the collection system
14 or the POTW, including but not limited to improperly shredded garbage, ashes, cinders, sand,
15 mud, straw, wood or paunch manure;

16
17 (6) any liquid or vapor having a temperature higher than 140 degrees
18 ~~fahrenheit~~Fahrenheit (60 degrees ~~eelsius~~Celsius) or, at the point of intake to the POTW, having a
19 temperature higher than 104 degrees ~~fahrenheit~~Fahrenheit (40 degrees ~~eelsius~~Celsius);

20
21 (7) any waters or wastes containing fats, wax, grease or oils of animal or vegetable origin
22 in concentrations greater than 100 mg/l as an instantaneous maximum or containing substances
23 which may solidify or become viscous at temperatures between 32 degrees ~~fahrenheit~~Fahrenheit
24 and 140 degrees ~~fahrenheit~~Fahrenheit;

25
26 (8) any radioactive substance of such half-life or concentration as may exceed safe limits
27 as established by federal or state regulations;

28
29 (9) any odor- or color-producing substance exceeding concentrations which may be
30 established by the authority for the purpose of meeting NPDES permit conditions;

31
32 (10) any quantity of flow or concentration, or both, which constitutes a slug discharge,
33 and any pollutant, including any conventional pollutant, released in a discharge at a flow rate or
34 pollutant concentration, or both, which will cause interference with the POTW;

35
36 (11) any substance from a septic tank, a truck or a portable vessel or device without prior
37 written permission from the authority;

38
39 (12) used motor oil in any amount;

40
41 (13) any product containing used or otherwise contaminated antifreeze (ethylene glycol);

42
43 (14) any medical waste, except as specifically authorized by the engineer in a wastewater
44 discharge permit;

45
46 (15) any hazardous waste, as defined in the Resource Conservation and Recovery Act,

1 which is not covered by the domestic sewage exemption contained in 40 C.F.R. 261.4(a)(1)(ii);

2
3 (16) any substance, material, water or waste which the engineer determines to be or to
4 contain a pollutant which will pass through or cause interference with the operation or
5 performance of the POTW or will contaminate the resulting sludge; and

6
7 (17) any silver rich solutions from a photographic processing facility, unless such silver
8 rich solution is managed by the photographic processing facility in accordance with the Silver
9 CMP, prior to its introduction into the POTW.

10
11 (b) No user shall make or cause to be made any of the following discharges:

12
13 (1) any discharge which causes interference;

14
15 (2) any discharge which constitutes a pass through;

16
17 (3) any discharge without a permit required by this division;

18
19 (4) any discharge which violates national categorical pretreatment standards;

20
21 (5) any discharge which constitutes or results in a violation of any permit term or
22 condition;

23
24 (6) any discharge which violates local limit pretreatment standards established by the
25 authority under section 5-6-113 and in accordance with 40 C.F.R. 403.5(c)(1); and

26
27 (7) any discharge of groundwater, stormwater, surface water, artesian well water, roof
28 runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact
29 cooling water and unpolluted wastewater into the collection system or the POTW without written
30 approval of the authority, except for those circumstances covered by sections 5-6-32 through 5-
31 6-39.

32 (c) Dilution of waste streams to meet the requirements of this section is prohibited.

33
34 (d) Substances, materials, waters or wastes prohibited by this section shall not be
35 processed or stored in such a manner that they could be discharged into the collection system or
36 the POTW.

37
38 Sec. 5-6-112 National categorical pretreatment standards.

39
40 (a) Where a categorical pretreatment standard is expressed only in terms of the mass
41 or the concentration of a pollutant in wastewater, the engineer may impose equivalent
42 concentration or mass limits in accordance with 40 C.F.R. 403.6(c).

43
44 (b) Where wastewater subject to a categorical pretreatment standard is mixed with
45 wastewater not regulated by the same standard, the engineer shall impose an alternate limit using
46 the combined waste stream formula in 40 C.F.R. 403.6(e).

1 (c) A user may obtain from the engineer a variance from a categorical pretreatment
2 standard if the user can prove, pursuant to the provisions in 40 C.F.R. 403.13, that the factors
3 relating to its discharge are fundamentally different from the factors considered by the United
4 States Environmental Protection Agency when developing the categorical standard.

(d) A user may obtain from the engineer a net gross adjustment to a categorical pretreatment standard in accordance with 40 C.F.R. 403.15.

Sec. 5-6-113 Local limits.

(a) The authority may establish, by regulation, maximum mass or concentration discharge limits for any pollutant that threatens the public health, presents an endangerment to the environment, interferes with the operation of the POTW or causes the authority to be in violation of its NPDES permit or any state permit issued to regulate the treatment of wastewater or the treatment or application of sludge. Such limits shall be determined at the point where the user's wastewater is discharged to the collection system, except where the engineer determines that a limit may be applied at the end of process. All concentrations for metallic substances are for total metals unless otherwise indicated. Compliance with all parameters may be determined from a single grab sample. In addition, the authority shall impose the validly adopted local discharge limits of any political subdivision for those users whose discharges are tributary to a publicly owned treatment works of the subdivision, where the limits are applicable in the city pursuant to an agreement between the authority and the political subdivision.

(b) The authority may establish, by regulation or in discharge permits, standards or requirements for discharges which are necessary to ensure user compliance with section 5-6-111; provided, that no such standard or requirement may be less stringent than applicable federal standards and requirements.

Sec. 5-6-114 Dilution.

No user shall increase the use of process water, or in any way dilute a discharge, in order to achieve compliance with a discharge limit, unless expressly authorized by an applicable pretreatment standard or requirement. The engineer may impose discharge limits that are based on the mass of pollutants upon users which are using dilution to meet applicable pretreatment standards or requirements, or when the imposition of such limits is otherwise appropriate.

SUBDIVISION C

Pretreatment of Wastewater

Sec. 5-6-121 Pretreatment facilities.

Users shall provide wastewater treatment as is necessary to comply with this division, and shall comply with all categorical pretreatment standards and local limits and with the prohibitions set out in section 5-6-111, within the time limitations specified by federal, state or local regulation or by 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 must be approved by 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 any such facility to produce a discharge acceptable to the authority under the provisions of this division. The engineer may require a user to have a certified operator on staff

1 to ensure proper operation and maintenance of the pretreatment facility.

2
3 Sec. 5-6-122 Additional pretreatment measures.

4
5 (a) Whenever deemed necessary, the engineer may require users to restrict their
6 discharge during peak flow periods, to discharge certain wastewater only into specific sewers, to
7 relocate and/or consolidate points of discharge, to separate sewage waste streams from industrial
8 waste streams, and to comply with such other conditions as are necessary to protect the POTW.
9 In addition, the engineer shall determine the user's compliance with requirements of this division.

10
11 (b) The engineer may require any person discharging into the POTW to install and
12 maintain on its property and at its expense, a suitable storage and flow-control facility to ensure
13 equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

14
15 Sec. 5-6-123 Grease, fat and oils removal systems.

16
17 (a) Grease, fat and oils removal systems shall be installed where the discharge of grease
18 laden waste from food preparation or food processing, or from any other commercial
19 establishment, into the POTW will cause an impediment or obstruction. A grease, fats and oils
20 removal system, to be approved by the authority, shall consist of one or a combination of the
21 following:

22
23 (1) passive technology which includes an approved in-ground grease trap and an
24 approved grease interceptor; or

25
26 (2) active technology which includes a grease recovery device that has been approved
27 by the authority and a solids transfer/grease recovery device that has been approved by the
28 authority.

29
30 (b) Waste that does not contain fat, grease or oils and that otherwise does not require
31 treatment shall not be discharged into a grease, fats and oils removal system. Wastewater from
32 dishwasher machines and wastewater that exceeds 130° fahrenheit shall not be introduced into a
33 grease removal system.

34
35 Sec. 5-6-124 Passive system requirements.

36
37 (a) Grease traps. The size, type and location of each grease trap shall be approved by an
38 official designated by the authority. Grease traps of pre-cast or poured in-place concrete shall be
39 constructed of sound durable material, not be subjected to excessive corrosion or decay, and shall
40 be water and gas tight.

41
42 (b) Grease interceptor. A grease interceptor shall be sized and engineered based upon
43 the anticipated load and/or conditions of actual use. A grease interceptor shall receive grease
44 laden waste discharge from major point sources. A floor drain shall not be considered a major
45 point source.

46
47 (c) Grease interceptor capacity. A grease interceptor shall have the grease retention

capacity for the flow rates indicated in Table 1 set forth below in subsection (d).

(d) Rate of flow controls. A grease interceptor shall be equipped to control the rate of flow as set forth in Table 1.

TABLE 1
Grease Interceptor Capacity, Sizing and Rating

Sizing Symbol	4	7	10	15	20	25	30	35	50	75
Flow Rate										
GPM	4	7	10	15	20	25	30	35	50	75
L/S	0.25	0.44	0.63	0.95	1.26	1.58	1.89	2.20	3.16	4.73
Retention Capacity										
Pound	8	14	20	30	40	50	60	70	100	150
Kilograms	3.6	6.4	9.1	13.6	18.2	22.7	27.3	31.8	45.4	68.2

Sec. 5-6-125 Active system requirements.

(a) Grease recovery devices. Grease recovery devices shall be permitted in lieu of grease interceptors or grease traps in accordance with the following requirements:

(1) Location. Grease recovery devices shall receive all grease laden waste discharge from the major point sources. A floor drain shall not be considered a major point source.

(2) Sizing. Grease recovery devices shall be sized based upon the anticipated load and/or conditions of actual use.

(3) Capacity. Grease recovery devices shall have a minimum retention capacity as indicated in Table 1 set forth in 5-6-124(d) for the flow-rates indicated.

Sec. 5-6-126 High risk facilities.

Any high risk facility that has had violations of a wastewater discharge permit, of federal, state or local laws, or of requirements of the authority shall incorporate a grease recovery device in combination with and preceding the grease trap.

Sec. 5-6-127 Alternative methods.

1
2 (a) Technology and methods, other than those set forth in sections 5-6-123 through 5-6-
3 125, may be permitted by the authority; provided, that the technology or method meets the
4 minimum performance standards established by the authority.

5
6 (b) Biological or chemical treatment agents. Biological or chemical treatment agents for
7 the separation, emulsification and/or removal of grease, fats and oils are prohibited, unless a
8 written authorization has been obtained from the authority.

9
10 Sec. 5-6-128 Discharges from photographic processing facilities

11
12 (a) It shall be unlawful to discharge or otherwise induce silver rich solutions from a
13 photographic processing facility into the POTW, unless such silver rich solution is managed by
14 the photographic processing facility in accordance with the silver CMP, prior to its introduction
15 into the collection system or the POTW.

16
17 (b) The silver CMP is a fully enforceable element of the authority's industrial
18 pretreatment program and constitutes a local limitation for silver that is discharged from
19 photographic processing facilities.

20
21 (c) Within 90 days after the enactment of this division for existing
22 photographic processing facilities, or within 90 days before the
23 date upon which a new photographic processing facility
24 commences the discharge of silver rich solution into the POTW,
25 the photographic processing facility shall notify the authority that
26 it discharges or intends to discharge silver rich solutions and shall
27 confirm that these discharges shall thereafter be managed in
28 accordance with the silver CMP. No photographic processing
29 facility shall thereafter discharge waste, solutions or other
30 substances that are not in accordance with the silver CMP.

31
32 (d) A photographic processing facility which has implemented the silver CMP for the
33 control of silver discharges to the POTW shall submit an annual compliance certification to the
34 authority by November 30 of each year. This compliance certification shall be completed by an
35 authorized representative of the photographic processing facility and shall contain the following
36 statement:

37
38 On behalf of [name and address of photo-graphic processing
39 facility], I certify that, except as specifically noted below, this
40 facility, since the date of its last certification, has implemented and
41 maintained the silver CMP for the control of silver discharges to
42 the POTW, and that, as of the date of this certification, this facility
43 is in compliance with the requirements of the silver CMP.

44
45 Sec. 5-6-129 Best management practices.

46
47 Where reasonably appropriate and required by the engineer, an industrial user shall
48 provide and implement best management practices. The authority, acting through the engineer,

1 shall have the authority and responsibility to enter upon the property of any industrial user, at
2 any reasonable time, for the purpose of investigating whether the user is following the required
3 best management practices. Best management practices may be part of the industrial user permit
4 issued to industrial users.

5
6 Sec. 5-6-130 Accidental discharge and slug control plan.

7
8 (a) The Engineer shall evaluate whether each industrial user needs an accidental
9 discharge and slug control plan. Where reasonably appropriate and required by the engineer, an
10 industrial user shall provide protection from spills, leaks and/or slug discharges of prohibited
11 materials and other wastes regulated under this division. For the purpose of this section, a slug
12 discharge is any discharge of a nonroutine, episodic nature, including but not limited to an
13 accidental spill or a noncustomary batch discharge. If the authority determines that an industrial
14 use shall implement an accidental discharge and slug control plan is needed, the plan shall
15 contain, at a minimum, the following elements:

16
17 (1) a description of the user's discharge practices, including nonroutine batch discharges;

18
19 (2) a description of stored chemicals;

20
21 (3) procedures for immediately notifying the authority of a slug discharge, including any
22 discharge that would be a violation of section 5-6-111, with procedures for follow-up written
23 notification within five days of the discharge;

24
25 (4) if necessary, procedures to prevent adverse impacts from accidental spills, including
26 inspection and maintenance of storage areas, handling and transfer of materials, loading and
27 unloading operations, control of plant site run-off, worker training, building of containment
28 structures or equipment, measures for containing toxic organic pollutants (including solvents),
29 and measures and equipment for emergency response.

30
31 (b) Facilities to prevent such spills, leaks or slug discharges shall be provided and
32 maintained at the industrial user's expense. Detailed plans showing such facilities and the
33 operating procedures to provide this protection shall be submitted to the engineer for review, and
34 shall be approved by the engineer prior to facility construction. The authority, acting through the
35 engineer, shall have the authority and responsibility to enter upon the property of an industrial
36 user, at any reasonable time, for the purpose of investigating or testing any facility to assure that
37 an accidental spill and slug control plan is at all times fully effective. Accidental spill and slug
38 control plan requirements may be part of the industrial user permit issued to industrial users.

39
40 (c) Immediately following a leak or spill, the industrial user shall notify the engineer or
41 other authority personnel by telephone of the fact of the leak or spill, the extent of the leak or
42 spill, and the known causes. Within five days following the leak or spill, the user shall submit to
43 the engineer a detailed written report describing the cause of the leak or spill and the measures to
44 be taken by the user to prevent similar future occurrences. Such notification shall not relieve the
45 user of any expense, loss, damage or other liability which may be incurred as a result of damage
46 to the POTW or any other property or of injury to persons caused by the leak or spill. Any such
47 notification shall not relieve the user of any liabilities, fines or other applicable penalties which
48 may be imposed under this code or other applicable laws.

1
2
3
4 SUBDIVISION D

5
6 Wastewater Discharge Permits

7
8 Sec. 5-6-141 Wastewater discharge permits required.

9
10 (a) No significant industrial user shall discharge wastewater into the POTW without
11 first obtaining a wastewater discharge permit from the authority, except that a significant
12 industrial user that has filed a timely application pursuant to section 5-6-142 may continue to
13 discharge for the time period specified therein.

14
15 (b) The engineer may require other users to obtain wastewater discharge permits as
16 may be necessary to carry out the purposes of this division.

17
18 (c) Any violation of the terms or conditions of a wastewater discharge permit shall be
19 deemed a violation of this division.

20
21 (d) Receipt of a wastewater discharge permit does not relieve a permittee of its
22 obligation to comply with all federal and state pretreatment standards and requirements and with
23 all other requirements of federal, state and local law.

24
25 Sec. 5-6-142 Wastewater discharge permit required for new connections.

26
27 Any user required to obtain a wastewater discharge permit which proposes to begin or
28 recommence discharging into the POTW shall obtain such permit prior to beginning or
29 recommencing such discharge. An application for a wastewater discharge permit shall be filed at
30 least 90 days prior to the date upon which any discharge will begin or recommence.

31
32 Sec. 5-6-143 Wastewater discharge ~~permit~~permits application content.

33
34 (a) All users required to obtain a wastewater discharge permit shall submit a permit
35 application. The engineer may require all users to submit, as part of an application, the
36 following information:

37
38 (1) all information required by section 5-6-161 of this division;

39
40 (2) a description of the activities, facilities and plant processes on the premises of the
41 user, including a list of all raw materials and chemicals stored at the facility which are, or could
42 accidentally or intentionally be, discharged to the POTW;

43
44 (3) the number and type of employees, hours of operation, and proposed or actual
45 hours of operation;

46
47 (4) each product produced by type, amount, process or processes, and rate of
48 production;

- 1
2 (5) the type and amount of raw materials processed (average and maximum per day);
3
4 (6) site plans, floor plans, mechanical and plumbing plans, and details to show all
5 sewers, floor drains and appurtenances by size, location and elevation, and all points of
6 discharge;
7
8 (7) time and duration of discharge; and
9
10 (8) any other information as may be deemed necessary by the engineer to evaluate the
11 application.

12
13 (b) Incomplete or inaccurate applications will not be processed and will be returned to
14 the user.

15
16 Sec. 5-6-144 Issuance of wastewater discharge permit.
17

18 The engineer will evaluate the application and any data and other information furnished
19 by the user, and may require additional information. Within 60 days after receipt of a complete
20 wastewater discharge permit application, the engineer will determine whether to issue a
21 wastewater discharge permit. The engineer may deny any application for a wastewater discharge
22 permit if he determines that the discharge will not comply with the requirements set forth in this
23 division or in federal, state and local law.
24

25 Sec. 5-6-145 Wastewater discharge permit content.
26

27 A wastewater discharge permit shall contain a provision that expressly subjects the
28 permit to all provisions of this division and all other applicable federal, state and local laws,
29 regulations and conditions, and any user charges and fees established by the authority and/or the
30 city. A permit shall also contain, at a minimum, the following:
31

32 (1) the name and address of the owner or operator of the user (the permittee), and the
33 issuance, effective and expiration dates of the permit;
34

35 (2) the most stringent applicable discharge limits, including those limits established by
36 this division, limits contained in applicable national categorical pretreatment standards, and
37 limits established by another political subdivision pursuant to agreements between the authority
38 and the subdivision;
39

40 (3) the local pretreatment limits as set forth in section 5-6-113;
41

42 (4) the monitoring requirements imposed on ~~the permittee~~ all permittees, including but
43 not limited to the pollutants to be monitored, the locations for taking samples, the methods of
44 taking and analyzing samples, and the frequency of taking samples;
45

46 (5) the reporting requirements imposed on the permittee, including but not limited to the
47 type and contents of each report and the date of submission for each report;
48

1 (6) a requirement that, in the event sampling indicates a violation of any permit
2 condition, the permittee shall notify the authority of the violation within 24 hours of first
3 becoming aware of it, and shall repeat the sampling and analysis and submit the results of the
4 repeat analysis to the authority within 30 days of first becoming aware of the violation; provided,
5 that the permittee shall not be required to resample if the authority or the permittee performs
6 sampling at the facility covered by the permit at a frequency of at least once per month, or the
7 authority or the permittee performs sampling at the facility between the time when the permittee
8 performs its initial sampling and the time when the permittee receives the results of this
9 sampling;

10
11 (7) standard conditions that are contained in all wastewater discharge permits;

12
13 (8) specific conditions that apply to the particular permittee, including but not limited to
14 requirements to construct, maintain and operate certain pretreatment facilities, requirements to
15 develop and implement compliance schedules, requirements to develop and implement best
16 management practices, and requirements to develop and implement accidental spill and slug
17 control plans;

18
19 (9) other conditions as may be reasonably necessary to regulate the permittee; and

20
21 (10) the circumstances in which the permit may be examined and modified by the
22 authority.

23
24 Sec. 5-6-146 Wastewater discharge permit duration.

25
26 A wastewater discharge permit shall be issued for a specified time period, not to exceed
27 five years from the effective date of the permit. A wastewater discharge permit may be issued
28 for a period less than five years at the discretion of the engineer. Each wastewater discharge
29 permit shall indicate the specific date upon which it will expire.

30
31 Sec. 5-6-147 Wastewater discharge permit modifications.

32
33 (a) Upon the promulgation of a national categorical pretreatment standard, the authority
34 shall notify all users holding a wastewater discharge permit which may be subject to the new
35 standard. If the new standard is more stringent than corresponding requirements in the permits
36 of such users, the authority shall modify the permits to require compliance with the new standard
37 within the time frame prescribed by the standard. Where a user which becomes subject to a new
38 pretreatment standard does not hold a wastewater discharge permit, the user shall file a
39 completed permit application form with the authority within 90 days after the promulgation of
40 the new standard, unless a federal or state statute or regulation requires that the application be
41 filed within a shorter period of time.

42
43 (b) A wastewater discharge permit is subject to modification by the engineer as
44 limitations or requirements identified in this division are revised or upon just cause. An
45 industrial user shall be informed of any permit modification at least 30 days prior to the effective
46 date of the modification, unless federal or state law or regulation requires an earlier effective
47 date. Any modification in a permit shall include a reasonable time schedule for compliance.

1
2 Sec. 5-6-148 Wastewater discharge permit transfer.
3

4 A wastewater discharge permit shall be issued to a specific user, as the permittee, for a
5 specific facility and a specific operation. A permit shall not be assigned, transferred or sold by a
6 permittee to a new owner or operator of the permittee's facility or to another user, unless the
7 assignment, transfer or sale has been approved by the engineer. A permit shall, in the case of a
8 new or changed user operation, automatically expire unless the new or changed operation has
9 been approved by the engineer.
10

11 Sec. 5-6-149 Wastewater discharge permit revocation.
12

13 If the director or the engineer determines that a user's violation of any discharge
14 limitations or standards or other requirements imposed on it by this division, including a permit
15 issued pursuant to this division, threatens the public health, presents an endangerment to the
16 environment, interferes with the operation of the POTW or causes the authority to be in violation
17 of its NPDES permit or any state permit issued to regulate the treatment of wastewater or the
18 treatment or application of sludge, the authority may suspend wastewater treatment service,
19 including collection and treatment services, to the user. In addition, the city and the authority
20 may revoke any permit issued under this article when the city or the authority determines that the
21 user's continued discharge into the POTW will be in violation of any federal, state or local law or
22 regulation, or any requirement or procedure issued pursuant to any such law.
23

24 Sec. 5-6-150 Permit reissuance.
25

26 A wastewater discharge permittee may apply for the reissuance of a wastewater discharge
27 permit at least 90 days prior to the expiration of the existing permit.
28

29 Sec. 5-6-151 Regulation of waste received from other political subdivisions.
30

31 No user shall discharge into the POTW any wastewater containing pollutant levels above
32 the local limit pretreatment standards set by the authority in accordance with 40 C.F.R.
33 403.5(c)(1). The authority shall require compliance with validly adopted local limits of other
34 political subdivisions for users whose discharges are tributary to the POTW of such political
35 subdivisions and applicable pursuant to agreements between the authority and the political
36 subdivision. The authority may impose maximum mass or concentration discharge limits in
37 accordance with section 5-6-113.
38

39
40 SUBDIVISION E
41

42 Reporting Requirements
43

44 Sec. 5-6-161 Baseline monitoring reports; ~~additional reporting requirements for categorical~~
45 ~~industrial users; baseline reports.~~
46

47 Within 180 days after the effective date of a new or revised categorical pretreatment
48 standard, or 180 days after a final administrative decision regarding a category determination

1 submission under 40 C.F.R. 403.6(a)(4), whichever is later, any existing industrial user subject to
2 the standard or determination which is currently discharging to or scheduled to discharge to or
3 the POTW shall submit to the authority a report which contains the information set forth in
4 subsections (1) through (7) below. At least 90 days prior to discharging into the POTW, any
5 new industrial user, and any user that becomes a categorical industrial user by virtue of the
6 promulgation of the new or revised categorical pretreatment standard, shall submit to the
7 authority a report which contains the information described in subsections (1) through (7) below;
8 provided, that new users shall give estimates of the information requested in subsections (4)
9 and (5). New users shall also be required to include in this report information on the method of
10 pretreatment that the user intends to use to meet the new or revised pretreatment standard.

11
12 (1) Identifying information. The industrial user shall submit the name and address of the
13 facility, including the name of the operator and owners.

14
15 (2) Permits. The industrial user shall submit a list of any environmental control permits
16 held by or for the facility.

17
18 (3) Description of operations. The industrial user shall submit a brief description of the
19 nature, average rate of production, and the standard industrial classification of each operation
20 carried out by the user. This description should include a schematic process diagram which
21 indicates points of discharge from the regulated processes to the POTW.

22
23 (4) Flow measurement. The industrial user shall submit information showing the
24 measured average daily and maximum daily flow, in gallons per day, to the POTW from each of
25 its regulated process streams and from all other streams as necessary to allow use of the
26 combined waste stream formula of 40 C.F.R. 403.6(e). The authority may allow for verifiable
27 estimates of these flows where considerations justified by cost or feasibility ~~considerations.~~

28
29 (5) Measurement of pollutants.

30
31 (i) The industrial user shall identify the pretreatment standards applicable to each of its
32 regulated processes.

33
34 (ii) The industrial user shall conduct, and submit the results of, sampling and analyses
35 that identify the nature and concentration, or mass where required by an applicable pretreatment
36 standard or by the authority, of the regulated pollutants that are in the discharge from each of its
37 regulated processes. Both daily maximum concentrations and applicable average concentrations,
38 or mass where required, shall be reported for each regulated pollutant. All samples shall be
39 representative of daily operations. All sampling and analyses shall be performed in accordance
40 with the techniques prescribed in 40 C.F.R. Part 136 and any amendments thereto; provided,
41 that, if 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutants in
42 question, or where the administrator determines that the Part 136 sampling and analytical
43 techniques are inappropriate for the pollutants in question, sampling and analytical procedures
44 suggested by the authority or other parties and approved by the administrator ~~maybe~~ may be
45 used.

46
47 (iii) In conducting the sampling required by this subsection, ~~a minimum of four grab~~
48 ~~samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic.~~

1 ~~For all other pollutants, 24-hour composite samples shall be obtained through flow proportional~~
2 ~~composite sampling techniques, or through a minimum of four grab samples where the industrial~~
3 ~~user demonstrates that this will provide a representative sample of the effluent being discharged.~~

4 (iv) In conducting the sampling required by this subsection the industrial user shall take a
5 minimum of one representative sample to compile the data necessary to comply with the
6 requirements of this subsection.

7
8 (iv) In conducting the sampling required by this subsection, samples shall be taken
9 immediately downstream from pretreatment facilities associated with the industrial user, if any,
10 or immediately downstream from the user's regulated processes if no pretreatment facility exists.
11 If non-regulated wastewater is mixed with the user's regulated wastewater prior to treatment, the
12 user shall measure the flows and concentrations necessary to allow use of the combined waste
13 stream formula of 40 C.F.R. 403.6(e) in order to evaluate compliance with each applicable
14 pretreatment standard. Where an alternate concentration or mass limit has been calculated in
15 accordance with 40 C.F.R. 403.6(e), this alternate limit, along with supporting data, shall be
16 submitted to the authority.

17
18 (iv) In its baseline report, the industrial user shall state the time, date and exact place of
19 the sampling it has conducted pursuant to this subsection and the methods it used to analyze the
20 samples, and shall certify that such sampling and analysis is representative of normal work
21 cycles and expected pollutant discharges to the collection system and the POTW.

22
23 (vi) The Authority may allow the submission of a baseline report which provides a
24 measurement of pollutants by utilizing only historical data, as long as the authority concludes
25 that the data provide sufficient information for it to determine the need for industrial
26 pretreatment measures.

27
28 (6) Certification. The industrial user shall submit a statement, executed by an authorized
29 representative of the user, as defined in section 5-6-172 and certified by a qualified professional
30 as required by 40 C.F.R. 403.12(b)(6), that it is meeting all applicable pretreatment standards and
31 requirements on a consistent basis or, if not, that identifies the additional operation and
32 maintenance measures and/or the additional pretreatment measures that are required in order for
33 it to meet the standards and requirements.

34
35 (7) Compliance schedule. If additional operation and maintenance measures and/or
36 additional pretreatment measures are required in order for an industrial user to meet any
37 pretreatment standard, the user shall describe the shortest schedule by which it will provide and
38 implement such additional measures. The completion date shown on such schedule shall not be
39 later than the compliance date established for the applicable pretreatment standard.

40
41 (8) Modifications of pretreatment standards.

42
43 (i) If, at the time an industrial user's baseline report is submitted, the user's categorical
44 pretreatment standard has been modified by a removal allowance pursuant to 40 C.F.R. 403.7, by
45 the combined waste stream formula pursuant to 40 C.F.R. 403.6(e), or by a fundamental different
46 factors variance pursuant to 40 C.F.R. 403.13, the information required by subsections (6) and
47 (7) shall pertain to the modified limits.

(ii) If, subsequent to the submission of an industrial user's baseline report, the user's categorical pretreatment standard is modified by a removal allowance pursuant to 40 C.F.R. 403.7, by the combined waste stream formula pursuant to 40 C.F.R. 403.6(e), or by a fundamentally different factors variance pursuant to 40 C.F.R. 403.13, the user shall submit to the authority all amendments to the information required by subsections (6) and (7) within 60 days after the modified limit is approved.

(9) Compliance schedule for meeting categorical pretreatment standards. The following conditions shall apply to the schedule required by this section.

(i) The schedule shall contain increments of progress in the form reported by the dates for the commencement and completion of major events leading to the construction and operation of additional operation and maintenance measures and/or additional pretreatment measures required for the industrial user to meet applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction); provided, that in no event, shall an increment referred to in this subsection exceed nine months

(ii) The industrial user shall commit that not later than 14 days following each date set forth in the schedule and the final date for compliance, it will submit a progress report to the authority which, at a minimum, states whether it has complied with the increment of progress to be met on such date and, if not, states the date on which it expects to comply with the increment of progress, the reasons for delay, and the steps being taken to adhere in the future to the compliance schedule; provided, that in no event shall more than nine months elapse between the submission of those reports to the authority.

Sec. 5-6-162 Report on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with an applicable categorical pretreatment standard or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to the pretreatment standard and its requirements shall submit to the authority a report containing the information described in section 5-6-161(4) through (6) of this section. For industrial users subject to equivalent mass or concentration limits established by the authority in accordance with the procedures in 40 C.F.R. 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other industrial 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.

Sec. 5-6-163 ~~Periodic reports on continued compliance reports.~~

~~(a) Any~~ All industrial user ~~that is~~ users subject to ~~a categorical pretreatment standard~~ shall Pretreatment Standard, after the compliance date of the standard or, in the case of a new source, after commencement of its discharge into the POTW, submit ~~each year to the authority during the month of June and during the month of December not less than two (2) times per year,~~ unless required more frequently in the pretreatment standard or by the authority or the approval authority, a report stating the nature and concentration in the user's effluent of the pollutants

1 which are limited by each pretreatment standard applicable to the user. This report shall also
2 include a record of measured or estimated average and maximum daily flows during the
3 reporting period for the discharge reported in section 5-6-161(4), except that the authority may
4 require a more detailed report of the flows. At the authority's discretion and in consideration of
5 such factors as local high or low flow rates, holidays, budget cycles and similar factors, the
6 authority may agree to alter the months during which the reports required by this subsection shall
7 be submitted. In cases where the Pretreatment Standard required compliance with a Best
8 Management Practice (BMP) or pollution prevention alternative, the User must submit
9 documentation required by the Engineer or the Pretreatment Standard necessary to determine the
10 compliance status of the User.

11
12 (b) Where the authority has imposed mass limitations on industrial users, as provided for
13 by 40 C.F.R. 403.6(d), the report required by subsection (a) shall indicate the mass of pollutants
14 regulated by the applicable pretreatment standards in the discharge from the industrial user.

15
16 (c) For industrial users subject to equivalent mass or concentration limits established by
17 the authority in accordance with the procedures in 40 C.F.R. 403.6(c), the report required by
18 subsection (a) shall contain a reasonable measure of the user's long-term production rate. For all
19 other industrial users subject to categorical pretreatment standards expressed only in terms of
20 allowable pollutant discharge per unit of production, or other measure of operation, the report
21 required by subsection (a) shall include the user's actual average production rate for the reporting
22 period.

23
24 (d) The user shall report all monitoring results collected at the prescribed monitoring
25 point as specified in the wastewater permit.

26
27 Sec. 5-6-164 Monitoring and analysis to demonstrate continued compliance.

28
29 (a) The reports required by sections 5-6-161 through 5-6-163 shall contain the results of
30 the sampling and analysis of the discharge of the industrial user, including the flow and the
31 nature and concentration, or production and mass where requested by the authority, of the
32 pollutants contained in the discharge which are limited by an applicable pretreatment standard.
33 This sampling and analysis may be performed by the authority in lieu of the user. Where the
34 authority performs the required sampling and analysis, the user will not be required to submit the
35 compliance certification required under 40 C.F.R. 403.12(b)(6) and 40 C.F.R. 403.12(d). In
36 addition, where the authority itself collects the information required for a report, including flow
37 data, the user shall not be required to submit the report.

38
39 (b) If sampling performed by an industrial user indicates a violation of any permit
40 condition, the user shall notify the authority within 24 hours of becoming aware of the violation.
41 The user shall also repeat the sampling and analysis, and shall submit the results of the repeat
42 analysis to the authority within 30 days after becoming aware of the violation.

43
44 (c) The reports required by section 5-6-163 shall be based upon data obtained through
45 appropriate sampling and analysis performed during the period covered by the report, and the
46 data shall be representative of conditions occurring during the reporting period. The authority
47 shall require monitoring as frequently as necessary to assess and assure compliance by industrial
48 users with applicable pretreatment standards and requirements.

1
2 (d) All analyses conducted under this section shall be performed in accordance with the
3 applicable procedures set forth in section 5-6-161.
4

5 Sec. 5-6-165 Notice of potential problems, including slug loading.
6

7 (a) In the case of any discharge, including but not limited to accidental discharges,
8 discharges of a nonroutine, episodic nature, noncustomary batch discharges or slug loads, that
9 may cause potential problems for the POTW, the user shall immediately telephone and notify the
10 authority of the discharge. This notification shall include the location of the discharge, the type
11 of waste, the concentration and volume, if known, of the waste, and the corrective actions taken
12 by the user.
13

14 (b) Within five days following such discharge, the user shall submit a detailed written
15 report describing the causes of the discharge and the measures to be taken by the user to prevent
16 similar future occurrences. The authority may waive this requirement. Such notification shall
17 not relieve the user of any expense, loss or damage (including damage to property and injury to
18 persons); nor shall such notification relieve the user of any fines, penalties or other liabilities
19 which may be imposed pursuant to this code.
20

21 (c) A notice shall be permanently posted on the user's bulletin board or other prominent
22 place advising employees ~~whom~~ who to call in the event of a discharge described in subsection
23 (a). Employers shall ensure that all employees who may cause such a discharge to occur are
24 advised of the emergency notification procedure.
25

26 (d) Significant Industrial Users are required to notify the authority immediately of any
27 changes at its facility affecting potential for a slug discharge.
28

29 Sec. 5-6-166 Reports of changed discharge.
30

31 (a) Each user must notify the authority, in writing, of any planned significant changes to
32 the user's operations or system which might alter the nature, quality or volume of its wastewater,
33 at least thirty (30) days prior to the change.
34

35 (b) The engineer may require the user to submit such information as may be deemed
36 necessary to evaluate the changed condition, including the submission of a wastewater discharge
37 permit application under section 5-6-141.
38

39 (c) The engineer may issue a wastewater discharge permit under section 5-6-141 et seq.
40 or modify an existing wastewater discharge permit in response to changed conditions or
41 anticipated changed conditions.
42

43 (d) For purposes of this section, significant changes include, but are not limited to, flow
44 increases of twenty percent or greater, and the discharge of any previously unreported pollutants.
45
46
47
48

1 Sec. 5-6-167 Reports from unpermitted users.

2
3 All users not required to obtain a wastewater discharge permit shall provide reports to the
4 engineer as required by the engineer.

5
6 Sec. 5-6-168 Notice of violation; repeat sampling and reporting.

7
8 In the event sampling indicates a violation of any permit condition, the permittee shall
9 notify the authority of the violation within 24 hours of first becoming aware of it, and shall
10 repeat the sampling and analysis and submit the results of the repeat analysis to the authority
11 within 30 days of first becoming aware of the violation; provided, that the permittee shall not be
12 required to resample if the authority or the permittee performs sampling at the facility covered by
13 the permit at a frequency of at least once per month, or the authority or the permittee performs
14 sampling at the facility between the time when the permittee performs its initial sampling and the
15 time when the permittee receives the results of this sampling.

16
17 Sec. 5-6-169 Notification of the discharge of hazardous waste.

18
19 (a) Any user who discharges hazardous waste shall notify the authority, the
20 Environmental Protection Agency Regional Waste Management Division Director, and all
21 Virginia hazardous waste authorities, in writing, of any discharge into the collection system or
22 the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40
23 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth in
24 40 C.F.R. Part 261, the Environmental Protection Agency hazardous waste number, and the type
25 of discharge (continuous, batch or other).

26
27 (b) If the user discharges more than 100 kilograms of such waste per calendar month to
28 the collection system or the POTW, the notification shall contain, to the extent such information
29 is known and readily available to the user, an identification of hazardous constituents in the
30 waste stream discharged during that calendar month, and an estimate of the mass of constituents
31 in the waste stream expected to be discharged during the following 12 months. All notification
32 must take place no later than 180 days after the discharge commences. Any notification under
33 this subsection must be submitted once for each hazardous waste discharged. However,
34 notifications of changed discharges must be submitted under section 5-6-166. The notification
35 requirement in this section does not apply to pollutants already reported by users subject to
36 categorical pretreatment standards under the self-monitoring requirements of sections 5-6-161
37 through 5-6-163.

38
39 (c) Dischargers are exempt from the requirements of subsection (a) during a calendar
40 month in which they discharge no more than 15 kilograms of hazardous wastes, unless the
41 wastes are acute hazardous wastes as specified in 40 C.F.R. 261.3(d) and 261.33(e). Discharge
42 of more than 15 kilograms of non-acute wastes, as specified in 40 C.F.R. 261.30(d) and
43 261.33(e), requires a one-time notification. Subsequent months during which the user discharges
44 more than 15 kilograms of the same non-acute wastes do not require additional notification.

45
46 (d) In the event that new regulations are promulgated under Section 3001 of RCRA
47 identifying additional characteristics of hazardous waste or listing any additional substance as a
48 hazardous waste, the user shall notify the engineer, the EPA Regional Waste Management Waste

1 Division Director and the Virginia hazardous waste authorities of the discharge of such
2 substance within 90 days of the effective date of the regulations.

3
4 (e) In the case of any notification made under this section, the user shall certify that it
5 has a program in place to reduce the volume and toxicity of hazardous wastes generated to the
6 degree it has determined to be economically practical.

7
8 (f) This section does not create a right to discharge any substance not otherwise
9 permitted to be discharged under a permit issued under this division or pursuant to applicable
10 federal, state or local law.

11 12 Sec. 5-6-170 Analytical Requirements

13
14 All pollutant analyses, including sampling techniques, to be submitted as part of a
15 wastewater discharge permit application or report shall be performed in accordance with the
16 techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in
17 an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling
18 or analytical techniques for the pollutant in question, or where the EPA determines that the Part
19 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling
20 and analyses shall be performed by using validated analytical methods or any other applicable
21 sampling and analytical procedures, including procedures suggested by the director or other
22 parties approved by EPA.

23 24 Sec. 5-6-171 Sample Collection

25
26 Samples collected to satisfy reporting requirements must be based on data obtained through
27 appropriate sampling and analysis performed during the period covered by the report, based on
28 data that is representative of conditions occurring during the reporting period.

29
30 (a) Except as indicated in Section B and C below, the User must collect wastewater
31 samples using 24-hour flow-proportional composite sampling techniques, unless
32 time-proportional composite sampling or grab sampling is authorized by Engineer. Where
33 time-proportional composite sampling or grab sampling is authorized by the Authority, the
34 samples must be representative of the discharge. Using protocols (including appropriate
35 preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples
36 collected during a 24-hour period may be composited prior to the analysis as follows: for
37 cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the
38 field; for volatile organics, the samples may be composited in the laboratory. Composite samples
39 for other parameters unaffected by the compositing procedures as documented in approved EPA
40 methodologies may be authorized by Engineer, as appropriate. In addition, grab samples may be
41 required to show compliance with Instantaneous Limits.

42
43 (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and
44 volatile organic compounds must be obtained using grab collection techniques.

45
46 (c) For sampling required in support of baseline monitoring and 90-day compliance
47 reports required in Section 5-6-161 and 5-6-162 [40 CFR 403.12(b) and (d)], a minimum of four
48 (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile

1 organic compounds for facilities for which historical sampling data do not exist; for facilities for
2 which historical sampling data are available, the Director may authorize a lower minimum. For
3 the reports required by paragraphs Section 5-6-164 (40 CFR 403.12(e) and 403.12(h)), the
4 Industrial User is required to collect the number of grab samples necessary to assess and assure
5 compliance by with applicable Pretreatment Standards and Requirements.

6
7 Sec. 5-6-172 Report submission.
8

9 All written reports which are required to be submitted to the authority or engineer will be
10 deemed to have been submitted on the date postmarked by the United States Postal Service. For
11 any report which is not deposited, postage prepaid, into a mail facility serviced by the United
12 State Postal Service, the date of the authority's or engineer's receipt of the report shall govern.
13

14 Sec. 5-6-~~171~~173 Recordkeeping requirements.
15

16 All records which the engineer requires to be maintained by an industrial user shall be
17 made available for copying by the administrator, the city, the approval authority and the control
18 authority upon request, including documents associated with required Best Management
19 Practices. These records shall remain available for a period of at least three years. This period
20 shall be automatically extended for the duration of any litigation involving the user or the
21 authority, or where the user has been specifically notified of a longer retention period by the
22 authority or the engineer.
23

24 Sec. 5-6-~~172~~174 Application signatories and certification.
25

26 All reports, data, product and materials information, and other information required by
27 the authority or engineer to be maintained by users shall be submitted to the authority or engineer
28 upon request. All reports submitted to the authority or engineer shall be signed by a
29 representative of the user, who is authorized to make a certification on behalf of the user, and
30 shall include the following certification:
31

32 I certify under penalty of law that this document and all
33 attachments were prepared under my direction or supervision in
34 accordance with a system designed to assure that qualified
35 personnel properly gather and evaluate the information submitted.
36 Based on my inquiry of the person or persons who manage the
37 system, or the person or persons directly responsible for gathering
38 the information, the information submitted is, to the best of my
39 knowledge and belief, true, accurate and complete. I am aware
40 that there are significant penalties for submitting false information,
41 including the possibility of fine and imprisonment for a knowing
42 violation.
43
44
45
46
47
48

1 Sec. 5-6-~~173~~175 Fraudulent and false statements.

2
3 All reports and certifications required by this division are subject to the provisions of 18
4 U.S.C. 1001, relating to fraudulent and false statements and the provision of the Clean Air Act,
5 330 S.C. 1311 and 1314, relating to false statements, representation or certifications in reports
6 required by the Act.

7
8 Sec. 5-6-~~174~~176 Information requests to users; generally.

9
10 The engineer may request that a user submit information on the nature and characteristics
11 of its wastewater. The user shall provide this information within 60 days of the request. The
12 engineer is authorized to prepare a form for this purpose and may periodically require users to
13 update all information which has been provided in accordance with this section.

14 15 16 SUBDIVISION F

17 18 Compliance Monitoring

19
20 Sec. 5-6-181 Right of entry for inspection and sampling; compliance schedules.

21
22 (a) The approval authority, the director, the engineer and other authorized personnel of
23 the city and the authority may inspect any user to ascertain whether the requirements of this
24 division are being complied with. Occupants of premises where wastewater is created for
25 discharging into, or is discharged into, the collection system or the POTW shall allow the
26 approval authority, the director, the engineer and authorized personnel of the city and the
27 authority access to all parts of the premises for the purposes of inspection, sampling, examination
28 and copying of records, or the performance of any duties imposed by this division. The approval
29 authority, the authority and the city shall have the right to set up on the property of a user all
30 equipment and devices necessary to conduct sampling inspections, compliance monitoring
31 and/or metering operations. Where a user has security measures in force which require proper
32 identification and clearance before entry onto its property, the user shall make necessary
33 arrangements so that, upon presentation of suitable identification, the director, the engineer and
34 other personnel from the city and authority, or the approval authority, shall be permitted to enter,
35 without delay, for the purpose of performing an inspection or monitoring.

36
37 (b) The approval authority, the authority and the city may require that each industrial
38 user develop a compliance schedule for the installation of technology required to meet applicable
39 pretreatment standards and requirements.

40
41 (c) The engineer may require a user to install monitoring equipment. The user at its own
42 expense shall maintain at all times the facility's sampling and monitoring equipment in a safe
43 and proper operating condition. All equipment and devices used to measure wastewater flow
44 and quality shall be calibrated at least every six months by a qualified technician to ensure their
45 accuracy.

46
47 (d) Any temporary or permanent obstruction to safe and easy access to the facility to be
48 inspected or where sampling is to be conducted shall be promptly removed by the user at the

request of the engineer and shall not be replaced. The cost of clearing such access shall be borne by the user.

(e) Unreasonable delays in allowing the engineer access to the user's premises shall be a violation of this division.

Sec. 5-6-182 Search warrants.

If the engineer has been refused access to a building, structure or any other part of a user's property or premises, and is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine division inspection and sampling program of the authority designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the engineer may seek the issuance of a search warrant from an appropriate court.

SUBDIVISION G

Administrative Enforcement Remedies

Sec. 5-6-191 Notice of violation.

A notice of violation is a written notice to a user by the engineer that the engineer has determined that the user has violated a pretreatment standard or another requirement of this division. Upon receipt of a notice of violation, the user shall inform the engineer of the reasons for the violation and the actions it intends to take to correct the violation, and shall proceed to undertake those actions and correct the violation. A notice of violation shall be sent by the engineer by certified mail, return receipt requested.

Sec. 5-6-192 Compliance meeting; compliance schedule.

(a) If, following the issuance of a notice under section 5-6-191, the user continues to violate provisions of this division, the engineer may issue a "Notice of Compliance Meeting" to the user which requires the user to attend a compliance meeting. Similarly, the engineer may require a user to attend a compliance meeting, without having first issued a notice under section 5-6-191, where the user's violations of this division are of significant magnitude or duration.

(b) Attendance at the compliance meeting is mandatory for the user, and failure to attend may result in an order for a show cause hearing or the filing of an action by the authority seeking remedies that are provided by this division and applicable federal, state and local laws.

(c) At the compliance meeting, the engineer may establish such procedures, investigations and studies as are deemed necessary to determine the cause of such violations and the actions that are required to correct them.

(d) At the compliance meeting, the engineer also may establish a compliance schedule that defines the actions to be taken by the user to determine the cause of the violations, or the

actions that are to be taken to correct the violations, and the dates by which the actions are to be taken. A compliance schedule may be issued alone or may be incorporated into the user's wastewater discharge permit, an administrative order or another document. Failure to comply with the terms of the compliance schedule shall constitute a separate violation of this division, and may result in an order for a show cause hearing or the institution of a judicial action under subdivision H.

Sec. 5-6-193 Appearance before the authority.

(a) If a user fails to comply with the terms of a compliance schedule, or otherwise violates the provisions of this division, the engineer may issue a written "Appearance Before the Authority" notice that requires the user to attend a regular or special meeting of the authority to enable the authority to review and investigate the failure, as well as the user's noncompliance which gave rise to the compliance schedule.

(b) A notice issued by the engineer under subsection (a) is separate from, and may be issued independently of an administrative order issued under section 5-6-194 or an order to show cause issued under section 5-6-195. An appearance before the authority under this section is not a condition precedent for other enforcement action by the engineer or authority

(c) Failure of a user to appear before the authority as required by a notice issued under subsection (a) shall constitute a separate violation of this division, and may result in the institution of other administrative remedies under this subdivision or the institution of judicial actions under subdivision H.

Sec. 5-6-194 Administrative order.

(a) The authority may issue an administrative order to a user which has failed to comply with one or more of the terms of a compliance schedule issued under section 5-6-192. The order shall require that the user come into compliance with the compliance schedule within a specified period of time.

(b) In conjunction with the issuance of any administrative order, the authority may assess a charge against the user equal to the actual costs incurred by the authority in the course of investigating the user, determining its violations, and issuing the order.

(c) Failure of a user to comply with an administrative order issued under subsection (a) shall constitute a separate violation of this division, and may result in the institution of other administrative remedies under this subdivision or the institution of judicial actions under subdivision H.

Sec. 5-6-195 Order to show cause; show cause hearing.

(a) Notwithstanding any other provision in this subdivision, the authority may issue an order to any user which causes or allows an unauthorized discharge or otherwise violates this division that requires the user to show cause at a hearing before the authority why the authority should not revoke the user's permit or take other enforcement action against it. The order shall specify the date, time and place of the hearing.

1
2 (b) The order shall describe the user's noncompliance with its permit or with this
3 division, shall state the action that the authority proposes the user to undertake to remedy its
4 noncompliance, and shall direct the user to show cause before the authority why such action
5 should not be taken.
6

7 (c) The authority shall cause the order to show cause to be mailed to the user by certified
8 mail, return receipt requested.
9

10 (d) Following the show cause hearing, the authority may take such action as it deems
11 appropriate, including but not limited to revocation of the user's permit, issuance of a written
12 order that discharges be ceased immediately or after a specified period of time, and the initiation
13 of one or more judicial actions under subdivision H.
14

15 Sec. 5-6-196 Termination of service; revocation of permits.
16

17 (a) Notwithstanding any other provision in this subdivision, if the engineer determines
18 that a user's violation of any discharge limitations or standards or other requirements imposed on
19 it by this division, or by a permit issued pursuant to this division, endangers the public health,
20 presents an endangerment to the environment, interferes with the operation of the POTW or
21 causes the authority to be in violation of its NPDES permit or any state permit issued to regulate
22 the treatment of wastewater or the treatment or application of sludge, then the authority may,
23 after providing notice to the user and an opportunity to rebut the engineer's determination,
24 suspend wastewater treatment service, including collection and treatment services, to the user.
25

26 (b) Notwithstanding any other provision in this subdivision, if the authority determines
27 that a user's continued discharge into the collection system and the POTW will violate this
28 division, federal, state or local law, or regulations and requirements issue pursuant to such law,
29 then the authority, after providing notice to the user and an opportunity to rebut its
30 determination, may revoke any permits issued to the user under the provisions of this article.
31

32 Sec. 5-6-197 Emergency suspensions.
33

34 (a) The engineer may immediately suspend a user's authorization to discharge into the
35 POTW, after notice to the user, whenever such suspension is necessary to stop an actual or
36 threatened discharge which reasonably appears to present or cause an imminent or substantial
37 endangerment to the health or welfare of any person.
38

39 (b) The engineer may immediately suspend a user's authorization to discharge into the
40 POTW, after notice to the user and an opportunity to respond, if the user's discharge threatens to
41 interfere with the operation of the POTW, or presents, or may present, a non-imminent
42 substantial endangerment to the environment.
43

44 (c) Any user notified of a suspension of its authorization to discharge shall immediately
45 stop or eliminate its discharging. In the event of a user's failure to immediately comply with a
46 suspension order, the engineer may take such steps and measures as deemed necessary, including
47 immediate severance of the sewer connection, to prevent or minimize damage to the POTW or
48 its receiving stream, or endangerment to any individuals. Except where a notice of termination

1 under section 5-6-196 has been instituted against the user, the engineer may allow the user to
2 recommence its discharge when the user has demonstrated, to the satisfaction of the engineer,
3 that the grounds for the suspension order have been eliminated.
4

5 (d) A user that is responsible, in whole or in part, for a discharge that presents imminent
6 danger shall submit a detailed written statement, describing the causes of the harmful
7 contribution and the measures taken to prevent any future occurrence to the engineer, prior to the
8 date of any show cause or other hearing under this subdivision.
9

10 11 SUBDIVISION H

12 13 Judicial Enforcement Remedies

14 15 16 Sec. 5-6-201 Criminal penalties.

17
18 (a) The owner and the operator of any user which has violated any provision of this
19 division, of a wastewater discharge permit, or of an order issued under this division, or any other
20 pretreatment standard or requirement shall, upon conviction thereof, be punished by a fine of not
21 more than \$1,000 per day for each violation or be imprisoned for up to 60 days for each
22 violation, or both. Where a monthly or other long-term average discharge limit has been
23 violated, each day during the applicable monthly or other long-term period shall constitute a
24 separate violation. Also, violations of different provisions of this division, of a discharge permit,
25 or of an order, and violations of different requirements of a pretreatment standard, shall
26 constitute separate violations.
27

28 (b) In addition to the criminal penalty provided in subsection (a), the city and the
29 authority may commence an action against the owner and the operator in the Circuit Court of
30 City of Alexandria for appropriate legal or equitable relief,
31 including but not limited to injunctive under section 5-6-203 and monetary damages.
32

33 Sec. 5-6-202 Civil penalties.

34
35 (a) The owner and the operator of any user which has violated any provision of this
36 division, of a wastewater discharge permit, or of an order issued hereunder, or any other
37 pretreatment standard or requirement shall, in lieu of any criminal penalty, be liable for a civil
38 penalty of up to \$1,000 for each violation. An action seeking civil penalties may be filed by the
39 city or the authority in the Circuit Court for the City of Alexandria. Where a monthly or other
40 long-term average discharge limit has been violated, each day during the applicable monthly or
41 other long-term period shall constitute a separate violation. Also, violations of different
42 provisions of this division, of a discharge permit, or of an order, and violations of different
43 requirements of a pretreatment standard, shall constitute separate violations.
44
45
46
47
48

1 (b) In determining the amount of the civil penalty to be assessed, the court shall take into
2 account all relevant circumstances, including but not limited to the extent of harm caused by the
3 violation, the magnitude and duration of the violation, the economic benefit gained by the user
4 through its violation, the corrective actions taken by the user, the compliance history of the user,
5 and any other factor as justice may require.

6
7 (c) In addition to the civil penalty provided in subsection (a), the city and the authority
8 may commence an action against the owner and the operator in the Circuit Court of City of
9 Alexandria for appropriate legal or equitable relief, including but not limited to injunctive under
10 section 5-6-203 and monetary damages.

11
12 (d) The filing of a suit for civil penalties shall not be a prerequisite for taking or initiating
13 any other enforcement action against a user; nor shall it be a bar against an action for injunctive
14 relief under section 5-6-203.

15
16 Sec. 5-6-203 Injunctive relief.

17
18 When the director or the engineer determines that a user has violated, or continues to
19 violate, any provision of this division, of a wastewater discharge permit, or of an order issued
20 pursuant to this division, or any pretreatment standard or requirement, the city or the authority
21 may petition the Circuit Court for the City of Alexandria for issuance of a temporary or
22 permanent injunction, as appropriate, which restrains the owner and operator of the user, or
23 compels the owner and operator to come into compliance with the provisions of this division, the
24 user's wastewater discharge permit, the order issued to the user, or the other pretreatment
25 standards or requirements, as the case may be, which the user has violated. The city and the
26 authority may also seek appropriate legal and/or equitable relief, including a requirement for the
27 user to conduct environmental remediation. A request for injunctive relief shall not be a bar
28 against, or a prerequisite for, the taking of any other enforcement action against a user.

29
30 Sec. 5-6-204 Remedies not exclusive.

31
32 The remedies provided for in this division are not exclusive. The city and the authority,
33 and their authorized personnel, may take any other available enforcement actions against a
34 noncompliant user.

35 36 SUBDIVISION I

37 38 Fees and Charges

39
40 Sec. 5-6-211 Fees and charges; meters.

41
42 (a) An industrial user seeking a wastewater discharge permit shall pay an application
43 fee of \$100 before its application will be processed.

44
45 (b) The holder of a wastewater discharge permit shall pay a fee to the authority to offset
46 the authority's costs in administering the wastewater discharge permit system. The fee shall be
47 \$500 for each year of the term of the permit. The fee shall be paid in full prior to the issuance of
48 the permit. A fee of \$100 shall be assessed for any revisions to a discharge permit.

1
2 (c) Each industrial user shall pay the chemical and biological monitoring costs actually
3 incurred by the authority as required by the user's permit. Payment of these costs shall be made
4 within 30 days of written notice by the authority.
5

6 (d) Sewer use charges may be established by city council by resolution. Such charges
7 shall be assessed against users and shall be based on wastewater volume and strength, as
8 determined by metering, sampling and laboratory analysis of user discharges into the POTW.
9 For purposes of this subsection:
10

11 (i) The volume of wastewater discharged by a user into the POTW shall be based on the
12 metered water consumption of the user, as shown in records maintained by Virginia American
13 Water Company ("VAWC"). However, if a user which purchases water from VAWC
14 considers that significant quantities of that water are not being discharged into the POTW, the
15 user may request that the billings be based upon metered wastewater quantities. If the user's
16 request is approved by the authority, the user may then provide and maintain, at its own expense,
17 a meter acceptable to the authority for measurement of the quantities of wastewater discharged.
18 The meter shall be accessible for inspection by the authority at all times and shall be maintained
19 to produce an accurate record of the true quantities of wastewater discharged.
20

21 (ii) Whenever a user obtains any part of its water supply from sources other than VAWC,
22 the user shall provide and maintain wastewater meters which will produce an accurate record of
23 the true quantities of wastewater discharged into the POTW. However, in lieu of a wastewater
24 meter, a user may utilize a water meter on its input water line if approved by the authority, in
25 which case the readings from that meter shall be used to calculate the volume of wastewater flow
26 that is to be used in computing charges.
27

28 (iii) No user may utilize an internal water meter to meter a portion of its total water use
29 that either is or is not ultimately tributary to the sewer system as an alternative to a wastewater
30 meter.
31

32 (e) All costs of meter installation, calibration and maintenance shall be borne by the user.
33 The type of meter used by a user shall be acceptable to the authority. Meters shall be accessible
34 at all times for inspection by the authority.
35

36 (f) In addition to the fees and charges established by or pursuant to this section, city
37 council may, by resolution, establish and adjust other fees and charges to recover the costs that
38 are incurred in the administration of this division.
39

40 (g) Fees and charges established pursuant to this section shall not preclude any other
41 fees or charges established pursuant to or under other sections of this code.
42

43 Sec. 5-6-212 Attorneys' fees and costs; referrals.
44

45 (a) The city and the authority may recover reasonable attorneys' fees, court costs and
46 other expenses associated with an enforcement activity that is taken under this division,
47 including sampling and monitoring expenses.
48

1 (b) The engineer will refer any suspicious circumstances which may require an
2 investigation to the city attorney. All criminal investigations will be referred to the
3 commonwealth's attorney.
4

5 Subdivision J

6
7 Miscellaneous Provisions
8

9 Sec. 5-6-221 Confidential information.
10

11 Information and data on a user obtained from reports, surveys, wastewater discharge
12 permit applications, wastewater discharge permits and monitoring programs, and from the
13 authority's inspection and sampling activities, shall be available to the public without restriction,
14 unless the user specifically requests, and is able to demonstrate to the satisfaction of the authority,
15 that the release of such information would divulge information, processes, or methods of
16 production entitled to protection as trade secrets under applicable law. Any such request for
17 confidentiality must be asserted at the time the user submits the information or data. When
18 requested and demonstrated by the user furnishing a report that such information should be held
19 confidential, the portion of a report which might disclose trade secrets or secret processes shall
20 not be made available for inspection by the public, but shall be made available immediately, upon
21 the request of governmental agencies for uses related to the NPDES program or pretreatment
22 program, and enforcement proceedings involving the person furnishing the report. Wastewater
23 constituents and characteristics and other "effluent data" as defined by 40 C.F.R. 2.302 will not
24 be recognized as confidential information and will be available to the public without restriction.
25

26 Sec. 5-6-222 Annual notice of significant noncompliance.
27

28 The engineer shall publish at least annually, in ~~the largest local daily newspaper a~~
29 newspaper of general circulation that provides meaningful public notice within the jurisdictions
30 served by the Authority, a list of the industrial users which, during the previous 12 months, were
31 in significant noncompliance with applicable pretreatment standards and requirements imposed
32 by this division. A user shall, for purposes of this section, be in significant noncompliance for
33 any of the following reasons:
34

35 (1) chronic violations of wastewater discharge limits, defined as those in which 66
36 percent or more of all the measurements taken during a six-month period exceed, by any
37 magnitude, ~~the daily maximum limit or, where applicable, the average limit for the same~~
38 pollutant parameters; a numeric pretreatment standard or requirement, including instantaneous
39 limits, as defined by section 5-6-102;
40

41 (2) technical review criteria ("TRC") violations, defined here as those in which 33
42 percent or more of all the measurements for ~~any each~~ pollutant parameter taken during a six-
43 month period equal or exceed the product of the ~~daily average maximum limit or, where~~
44 applicable, the average limit times the applicable TRC, where the TRC is numeric pretreatment
45 standard or requirement, including instantaneous limits, as defined in section 5-6-102; multiplied
46 by the applicable TRC (1.4 for conventional pollutants, and 1.2 for all other pollutants, except
47 pH, is 1.2;);
48

1 (3) any other violation of a pretreatment effluent limit, ~~whether daily maximum or long-~~
2 standard or requirement as term average, that the authority determines has caused, alone or in
3 combination with other discharges, interference or pass through, including endangering the
4 health of the general public or authority personnel;

5
6 (4) any discharge of one or more pollutants that has caused imminent danger to human
7 health, welfare or the environment or has resulted in the authority's exercise of its emergency
8 authority under 40 C.F.R. 403.8(f)(1)(vi)(B) to halt or prevent such discharge;

9
10 (5) failure to meet, within 90 days after the scheduled date, a compliance milestone,
11 contained in a wastewater discharge permit or an enforcement order, for starting construction or
12 attaining final compliance;

13
14 (6) failure to provide, within ~~30-45~~ days after its due date, any report required by this
15 ordinance, such as a baseline monitoring report, a 90-day compliance report, a periodic self-
16 monitoring report, or a report on compliance with a compliance schedule;

17
18 (7) failure to report noncompliance in a timely and accurate manner; and

19
20 (8) any violation or group of violations, which may include a violation of Best
21 Management Practices, of this division that the authority determines has or will adversely affect
22 the operation or implementation of the local pretreatment program.

23
24 Sec. 5-6-223 Severability.

25
26 In the case of an inconsistency or conflict between a provision in this division and a
27 provision set out elsewhere in this code, the provision of this division shall control.

28
29 Section 3. That this ordinance shall become effective upon the date and at the time of its
30 final passage.

31
32
33
34 William D. Euille
35 Mayor
36
37

38 Introduction: 10/09/07

39 First Reading:

40 Public Hearing:

41 Second reading:

42 Final Passage: