

---

*Augusta County Service Authority  
Rules and Regulations for  
Wastewater Discharge*

---



## Table of Contents

---

<b>Section 1 - Introduction</b> .....	<b>4</b>
1.1 Purpose and Policy .....	4
1.2 Administration .....	4
1.3 Abbreviations .....	5
<b>Section 2 - Definitions</b> .....	<b>5</b>
<b>Section 3 – General Sewer Use Requirements</b> .....	<b>13</b>
3.1 General.....	13
3.2 Prohibited Discharge Standards.....	13
3.3 Infiltration and Inflow (I&I) .....	16
3.4 Operation and Maintenance of Pollution Controls.....	16
3.5 Federal Categorical Pretreatment Standards .....	17
3.6 Limitations on Wastewater Quality .....	17
3.7 Construction and Interpretation.....	18
3.8 Right of Revision.....	19
3.9 Dilution.....	19
3.10 Protection from Accidental Discharge .....	19
3.11 Acceptance of Trucked or Hauled Pollutants and Septic Tank Wastes .....	21
3.12 Change in Discharge.....	22
<b>Section 4 – Permitting of Industrial Dischargers</b> .....	<b>22</b>
4.1 Permits Required.....	22
4.2 Duration of Permits.....	22
4.3 Permit Application Requirements .....	22
4.4 Wastewater Discharge Permitting: General Permits .....	25
4.5 Permit Conditions .....	26
4.6 Processing and Issuance of Individual Wastewater Discharge Permit and General Permits .	27
4.7 Permit Modification .....	28
4.8 Permit Revocation.....	28
4.9 Denial of a Permit.....	29
4.10 Duty to Reapply.....	29
4.11 Administrative Continuance .....	29
4.12 Confidential Information.....	29
4.13 Permit Appeals.....	30
<b>Section 5 – Reporting Requirements</b> .....	<b>30</b>
5.1 Categorical Industries Baseline Monitoring Report .....	30

5.2 Compliance Schedule Progress Reports.....	32
5.3 Report on Compliance with Categorical Pretreatment Standard Deadline.....	33
5.4 Periodic Reports on Continued Compliance .....	33
5.5 Reporting Requirements for Known Violations Other Than Accidental Slug Discharges .....	33
5.6 Notice of Violation/Repeat Sampling and Reporting.....	33
5.7 Retention of Records .....	34
5.8 Falsifying Information .....	34
<b>Section 6 – Compliance Monitoring.....</b>	<b>34</b>
6.1 Monitoring Frequency .....	34
6.2 Samples and Analysis Methods.....	35
6.3 Flow Measurements.....	36
6.4 Monitoring Facilities .....	36
6.5 Additional Monitoring By Permittee .....	36
6.6 Right of Entry.....	36
6.7 Search Warrants.....	37
<b>Section 7 – Publication of Users In Significant Noncompliance .....</b>	<b>37</b>
<b>Section 8 – Administrative Enforcement Remedies.....</b>	<b>38</b>
8.1 Enforcement Response Plan .....	38
8.2 Notification of Violation.....	39
8.3 Show Cause Hearing.....	39
8.4 Administrative Compliance Order.....	40
8.5 Penalties.....	41
8.6 Injunctive Relief.....	42
8.7 Appeals.....	42
<b>Section 9 – Defenses to Wastewater Discharge Permit Violations .....</b>	<b>42</b>
9.1 Upset .....	42
9.2 Bypass of Treatment Facilities .....	43
<b>Section 10 – Fees .....</b>	<b>44</b>
10.1 Regular Service Charges.....	44
10.2 Permitting Fees .....	44
10.3 Annual Fees .....	45
10.4 Sampling Costs .....	45
<b>Section 11 – Severability .....</b>	<b>45</b>

## **SECTION 1 - INTRODUCTION**

### **1.1 Purpose and Policy**

These regulations set the requirements of the Augusta County Service Authority (ACSA) and enables ACSA to comply with all State and Federal Laws, including the Clean Water Act , 33 U.S.C. § 1251, et seq., the, the Virginia State Water Control Law, VA Code §§ 62.1-44.2, et seq, and the General Pretreatment Regulations, 40 CFR Part 403 and 9 VAC 25-31-730, Augusta County Code (Chapter 24, Article III) and other applicable State or Federal laws. Compliance with these Rules and Regulations do not relieve any user from complying with other requirements of the local, State or Federal Government.

#### **The Objectives of these Regulations are:**

To prevent the introduction of pollutants into a wastewater facility and/or system of the Augusta County Service Authority which will interfere with the operation of the system, contaminate resulting sludge or lead to a violation of the Virginia Pollutant Discharge Elimination System (VPDES) Permit requirement.

To prevent the introduction of pollutants into a wastewater facility and/or system of the Augusta County Service Authority which will pass through the system, inadequately treated, into receiving waters or the atmosphere or be incompatible with the system.

To enable ACSA to comply with its VPDES permit conditions, biosolids use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

To allow ACSA to produce a high quality effluent and biosolids to meet all requirements of State and Federal regulations.

To protect both the General Public and Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment.

These Regulations shall apply to all Users of the Publicly Owned Treatment Works. These regulations authorizes the issuance of individual wastewater discharge permits or General Permits which provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and may require User reporting.

### **1.2 Administration**

Except as otherwise provided herein, the Executive Director of the Augusta County Service Authority shall administer, implement, and enforce the provisions of the Regulations. Any

powers granted to or duties imposed upon the Executive Director may be delegated by the Executive Director to a duly authorized Augusta County Service Authority employee.

### 1.3 Abbreviations

The following abbreviations shall have the designated meanings:

ACSA - Augusta County Service Authority  
BOD – Biochemical Oxygen Demand  
BMP – Best Management Practice  
BMR – Baseline Monitoring Report  
CFR – *Code of Federal Regulations*  
CIU – Categorical Industrial User  
COD – Chemical Oxygen Demand  
EPA – U.S. Environmental Protection Agency  
gpd – gallons per day  
IU – Industrial User  
mg/L – milligrams per liter  
POTW – Publicly Owned Treatment Works  
RCRA – Resource Conservation and Recovery Act  
SIU – Significant Industrial User  
SNC – Significant noncompliance  
SWDA – Solids Waste Disposal Act, 42 U.S.C. 6901, et seq.  
U.S.C. – United States Code  
TSS – Total Suspended Solids  
VELAP – Virginia Environmental Laboratory Accreditation Program  
VPDES – Virginia Pollutant Discharge Elimination System

## SECTION 2 - DEFINITIONS

Unless the context specifically indicates otherwise, the following words, terms, or phrases used in the Rules and Regulations shall have the following meanings:

- 1) **ACT or “THE ACT”**: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251. et.seq.
- 2) **APPROVAL AUTHORITY**: Means the Executive Director or Director of the Department of Environmental Quality.
- 3) **AUTHORITY**: Augusta County Service Authority.

- 4) **AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER:** The duly Authorized Representative of an Industrial User who is responsible for the overall operation of the facility from which the discharge originates.
- A. If the User is a corporation:
    - 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
    - 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - B. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - D. The individuals described in paragraphs A, B, and C above may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Authority.
- 5) **BI-MONTHLY:** Once every other month.
- 6) **BI-WEEKLY:** Once every other week.
- 7) **BLOWDOWN:** The removal of accumulated solids in boilers to prevent plugging of boiler tubes and steam lines. In cooling towers, blowdown is used to reduce the amount of dissolved salts in the recirculated cooling water.
- 8) **BOARD:** The Board of Directors of the Augusta County Service Authority.
- 9) **BOD (Biochemical Oxygen Demand):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees (20°) centigrade expressed as a concentration (milligrams per liter).

- 10) **BEST MANAGEMENT PRACTICES (BMPs)**: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and standard prohibitions. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs may also include alternative means (i.e. management plans) of complying with, or in place of, certain established effluent limits.
- 11) **BYPASS**: The intentional diversion of wastes from any portion of a treatment facility.
- 12) **CATEGORICAL PRETREATMENT STANDARDS or CATEGORICAL STANDARDS**: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- 13) **CATEGORICAL INDUSTRIAL USER**: An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- 14) **COD (Chemical Oxygen Demand)**: A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- 15) **COMPATIBLE POLLUTANT**: Biochemical oxygen demand, suspended solids, unoxidized nitrogen, chemical oxygen demand, phosphorus, turbidity, pH, and E. coli bacteria, plus additional pollutants identified in the Authority's Virginia Pollutant Discharge Elimination System (VPDES) permit, if the wastewater treatment facility to which the pollutant is discharged was designed to treat such pollutants, and in fact, does remove such pollutants to a substantial degree.
- 16) **COMPOSITE WASTEWATER SAMPLE**: A combination of individual samples of wastewater taken at selected intervals for some specified period, to minimize the effect of the variability of individual samples. Individual samples may have equal volume or may be roughly proportioned to the flow at time of sampling.
- 17) **CONTROL AUTHORITY**: The Augusta County Service Authority.
- 18) **COOLING WATER**:
- 1) Noncontact: Water used for cooling purposes only, which has no direct contact with any raw material, intermediate, waste, or final product.
  - 2) Contact: Water used for cooling purposes only, which may become contaminated by direct contact with process materials and/or wastewater.
- 19) **COUNTY**: County of Augusta.
- 20) **DAILY MAXIMUM**: The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

- 21) **DAILY MAXIMUM LIMIT:** The maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant derived from all measurements taken that day.
- 22) **DEQ:** Virginia Department of Environmental Quality.
- 23) **DILUTION WASTESTREAM:** Domestic wastewater, boiler/tower blowdown, non-contact cooling water (unless regulated by the categorical pretreatment standards).
- 24) **ENVIRONMENTAL PROTECTION AGENCY (EPA):** The United States Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- 25) **EXISTING SOURCE:** Any source of discharge that is not a “New Source.”
- 26) **GRAB SAMPLE:** A sample that is taken from a waste stream without regard to the flow and over a period of time not to exceed fifteen (15) minutes.
- 27) **HOLDING TANK WASTE:** Any waste from holding tanks, such as, but not limited to, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks. These wastes are to be discharged at a wastewater treatment facility equipped to handle such wastes and not into a public sewer.
- 28) **INCOMPATIBLE POLLUTANT:** Any pollutant which is not a compatible pollutant as defined in the Rules and Regulations.
- 29) **INDIRECT DISCHARGE OR DISCHARGE:** The introduction of pollutants into the POTW from any nondomestic source.
- 30) **INDUSTRIAL USER (IU), USER:** A source of Indirect Discharge or any other industrial or commercial facility or business that has a sewer connection to the POTW, whether or not the User discharges non-domestic wastewater.
- 31) **INSTANTANEOUS LIMIT:** The minimum or maximum concentration allowed to be discharged at any time, determined from the analysis of any discrete sample collected, independent of the industrial flow rate and the duration of the sampling event.
- 32) **INTERFERENCE:** A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment process or operations, or its biosolids processes, use or disposal; and therefore causes a violation of any requirement of the POTW's VPDES permit (including an increase in the magnitude or duration of a violation) or

of the prevention of the biosolids use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations): Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and State Regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**33) LOCAL LIMIT:** Specific discharge limits developed and enforced by the Augusta County Service Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

**34) MEDICAL WASTE:** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**35) MONTHLY AVERAGE:** The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**36) NEW SOURCE:**

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section provided that:

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

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

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

- (a) Begun, or caused to begin, as part of a continuous onsite construction program:

1. any placement, assembly, or installation of facilities or equipment;  
or
  2. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities of equipment or
- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contract for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**37) NONCONTACT COOLING WATER:** Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**38) NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS):** The Standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. The NAICS industry codes define establishments based on the activities in which they are primarily engaged.

**39) PASS THROUGH:** A discharge which exits the POTW into State waters in quantities or concentrations which, alone or in conjunction with a Discharge from other sources, is a cause of a violation of any requirement of the POTW's VPDES Permit (including an increase in the magnitude or duration of a violation).

An industrial User significantly contributes to Pass Through permit violation where it:

1. Discharges a daily Pollutant loading or concentration in excess of that allowed by the Authority or by Federal, State, or local law;
2. Discharges wastewater which substantially differs in nature and constituents from the User's average Discharge;
3. Knows or has reason to know that its Discharge, alone or in conjunction with Discharges from other sources, would result in a permit violation; or
4. Knows or has reason to know that the Authority is, for any reason, violating its final effluent limitations in its permit and that such Industrial User's Discharge either alone or in conjunction with Discharges from other sources, increases the magnitude or duration of ACSA's violations.

**40) PERSON:** Any individual, partnership, copartnership, firm company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

- 41) **pH:** A measure of the acidity or alkalinity of a solution, expressed in Standard Units (SU).
- 42) **POLLUTANT:** Any dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes discharged into water.
- 43) **PRETREATMENT:** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological process; by process change, or by other means, except by diluting the concentration of the pollutants.
- 44) **PRETREATMENT REQUIREMENTS:** Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- 45) **PRETREATMENT STANDARDS (STANDARDS):** Prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- 46) **PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES:** Absolute prohibitions against the discharge for certain substances; these prohibitions appear in Section 3.2 of these Rules and Regulations.
- 47) **PUBLICLY OWNED TREATMENT WORKS or POTW :** A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the ACSA. This definition includes any devices or systems used in the collection, storage, treatment recycling, and reclamation of sewage of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- 48) **RULES AND REGULATIONS:** The Augusta County Service Authority's Rules and Regulations for Wastewater Discharge.
- 49) **SANITARY SEWER:** A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- 50) **SHALL AND MAY:** "Shall" wherever used in the Rules and Regulations will be interpreted in its mandatory sense; "may" is permissive.
- 51) **SIGNIFICANT INDUSTRIAL USER:** is
- 1) An industrial User subject to Categorical Pretreatment Standards; or
  - 2) An Industrial User that:
    - a) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewaters); or

- b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- c) Is designated as such by ACSA that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

**52) SLUG DISCHARGE:** Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards. A Slug Discharge is any Discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit Conditions.

**53) STATE:** The Commonwealth of Virginia.

**54) STORM WATER:** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

**55) TOTAL KJELDAHL NITROGEN (TKN):** Organic nitrogen plus ammonia, as defined by the named analytical procedure.

**56) TOTAL SUSPENDED SOLIDS (TSS):** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which are removable by laboratory filtering.

**57) TOXIC POLLUTANT:** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provision of Section 307 (a) of the Federal Act.

**58) USER:** See Industrial User.

**59) VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES):** The program for issuing, conditioning and denying permits known as VPDES Permits for the discharge of pollutants from point sources, pursuant to Section 402 of the Act.

**60) WASTEWATER:** The liquid or water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed into or permitted to enter the system.

**61) WASTEWATER TREATMENT FACILITY:** A plant operated by the Authority under conditions prescribed in a VPDES permit system. It has devices, facilities, structures, equipment or works owned or used by the Authority for the purpose of storage, treatment, recycling and reclamation of wastewater.

## **SECTION 3 - GENERAL SEWER USE REQUIREMENTS**

### **3.1 General**

This section establishes limitations and prohibitions on the quantity and quality of sewage or wastewater which may be lawfully discharged into the Authority's wastewater treatment system by any User. Pretreatment of some sewage discharge will be required to achieve the goals established by the Rules and Regulations and the National Pretreatment Standards. The specific limitations set forth herein, and other prohibitions and limitations of the Rules and Regulations, are subject to change as necessary to enable the Authority to (1) provide efficient wastewater treatment, (2) protect the public health, the environment, the beneficial uses of the receiving waters, and (3) enable the Authority to meet requirements contained in its VPDES permit.

### **3.2 Prohibited Discharge Standards**

A. General Prohibitions. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all Users of a POTW whether or not the User is subject to the National Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions. A User may not contribute the following substances directly or indirectly to any POTW:

1. Any substance which may cause the Authority's effluent or any other product of a wastewater treatment facility, such as residues, sludge, or scum, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to any of the Authority's wastewater treatment systems cause the Authority to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
2. Any substance which will cause the Authority to violate its VPDES permit or the receiving water quality standards.
3. Any waste containing concentrations of phenols, arsenic, barium, cadmium, chromium, copper, cyanide, iron, lead, mercury, nickel, silver, zinc or other substances in excess of concentrations which may be adopted by the Board.
4. Any slug discharges.

5. Any substance directly into a manhole or other opening in a public sewer other than through an approved discharge point. Written application for a Point Discharge Permit shall be made by the User.
6. Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW.
7. Any waste having a temperature greater than one hundred fifty (150) degrees Fahrenheit at the point of discharge or of such temperature and quantity to cause the sewage treatment plant influent temperature to exceed one hundred four (104) degrees Fahrenheit.
8. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in concentrations greater than one hundred (100) milligrams per liter (mg/L) or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty (150) degrees Fahrenheit.
9. Any discharge of petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
10. Any discharge of pollutants which creates a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees centigrade) using the test methods specified in 40 CFR 261.21.
11. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case any garbage or waste that has not been adequately shredded to pass through a one half (1/2) inch screen.
12. Any sludges, screenings, or other residues from the pretreatment of industrial waste.
13. Any pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 Standard Units or higher than 11.0 Standard Units.
14. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes, ink, and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent.
15. Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

16. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required in the handling of such waste materials in the sewerage system.
17. Any noxious or malodorous gas or substance capable of creating a public nuisance, or any substance or compound, which, when introduced into a reducing environment such as might exist in the sewer system, might cause the evolution of a malodorous gas and thereby create a public nuisance.
18. Any wastes containing any radioactive materials or isotopes of such half-life or concentration as may exceed any limits established by applicable State or Federal Regulations.
19. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307 (a) of the Federal Act, or as established by the Authority. These substances shall include any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to (1) injure or interfere with any wastewater treatment process, (2) constitute a hazard to humans or animals, (3) create a toxic effect in the receiving waters of the wastewater treatment facility, or (4) exceed the limitations set forth in a categorical pretreatment standard.
20. "Pickling Wastes" - Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
21. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limits set for any pollutant at the point of discharge, but which would accumulate to undesirable quantities in the collection and/or treatment systems.
22. Medical wastes.
23. Any lime sludge resulting from the pretreatment and/or removal of metals.
24. Any trucked wastes or hauled pollutants, except at designated discharge points.
25. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
26. Discharge of nonylphenol from the use of bulk or concentrated nonylphenol containing detergents as employed by some industrial or commercial laundries, car washes, or asphalt manufacturers or other industrial users.

27. Any material identified as Hazardous Wastes per 40 CFR Part 261, unless approved by the Authority.
28. Any discharge that shall result in toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
29. Bulk, expired, outdated, or concentrated prescription or non-prescription drugs.
30. Discharge of any wastewater containing perchloroethylene (PCE), also known as tetrachloroethane and tetrachloroethylene from any industrial user involved in the dry cleaning business.
31. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.
32. Materials which exert or cause unusual concentrations of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate, not to exceed seven hundred and fifty (750) mg/L.

### **3.3 Infiltration and Inflow (I&I)**

1. In addition to the prohibitions in Section 3.2, the User shall institute infiltration and inflow (I&I) programs with the goal of eliminating any water including, but not limited to, surface water, groundwater, roof runoff, subsurface drainage and storm water, which will increase the hydraulic load on the Authority's wastewater treatment systems. The Users will also incorporate restrictive code provisions which shall prevent individual connections from discharging the above defined water.
2. All commercial wash areas shall be constructed so as to prevent the inflow of storm water into the sanitary sewer system. The area shall be surrounded by curbing adequate to prevent drainage from other areas entering the drain. A roof or similar structure will be provided to prevent storm water from directly entering the wash area. All roof drains will be diverted away from the protected area. Other proposals will be considered by the Authority (i.e. water recycling systems, automatic diversion valves, etc.).

Drain lines from commercial wash areas will also be constructed with appropriate interceptors and separators in accordance with the Virginia State Plumbing Code.

### **3.4 Operation and Maintenance of Pollution Controls**

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit at the User's expense. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including quality assurance procedures.

2. Duty to Halt or Reduce Activity

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

### 3.5 Federal Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR, Chapter I, Subchapter N, Parts 405-471.

Compliance by existing sources with Categorical Standards is required under federal law within three (3) years of the date the Standard is effective, unless a shorter compliance time is specified within the Standard. Compliance by New Sources is required under federal law on the date the Standard is effective.

### 3.6 Limitations on Wastewater Quality

1. Local Limits. The Authority has established Local Limits (see Appendices C through G) which are applicable to all Users. The Authority further reserves the right to set specific numerical limitations on the quantity of Pollutants discharged by any User. Such further limitations may affect a single User, a category of Users, or all Users and will be set at such limits which will further the objectives of these Regulations.
  - a. Compatible Pollutants: No User shall discharge into a public sewer wastewater exceeding the limitations of the wastewater treatment facility serving it without a valid wastewater discharge permit. Discharge is to be based on a 24 hour composite sample. Appendices C through G list the compatible pollutants for each of the Authority's wastewater treatment facilities.

- b. Incompatible Pollutants: All Users discharging into a public sewer shall be required to remove incompatible pollutants below the maximum levels set for the wastewater treatment facility serving it. This is to protect the wastewater treatment system being used, to prevent the discharge of pollutants which would pass through the system without sufficient treatment, to prevent contamination of recovered by-products produced by the system, and so as not to cause the Authority to violate its VPDES permit. Appendices C through G list the incompatible pollutants for each of the Authority's wastewater treatment facilities.
2. Best Management Practices. The Authority may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of prohibited discharge standards.
3. National Standards. As established by National Pretreatment Standards, the limitations contained in those Standards shall apply unless a more stringent standard has been established by the Authority or State.
4. State Limitations. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations, or those contained in these Rules and Regulations. The Authority reserves the right to establish by rules and regulations more stringent limitations or requirements for discharges to a wastewater treatment facility if deemed necessary to comply with the objectives stated at the beginning of these Rules and Regulations.
5. Conversion of discharge limitations.
  - a. BOD and TSS may be converted to mass limits if the User submits a request for this option. Mass limits may be granted if the User has initiated a water conservation program.
  - b. The Authority may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the Authority.

### **3.7 Construction and Interpretation**

The omission of any particular waste from the standards outlined in the Rules and Regulations does not imply that discharge of such waste to the sanitary sewer system will be permitted. Any liquid waste of peculiar character and volume or of toxic or unusual nature shall be subject to review by the Approval Authority and standards deemed applicable established by the Approval Authority. The requirements as set forth by the Rules and Regulations are generally applicable, but not absolutely fixed. Such requirements may be made more restrictive and more stringent by the Board if a survey of the sanitary sewer

system and/or analyses of sewage treatment plant operating data, or standards set by the Virginia Department of Environmental Quality for receiving streams indicate that such action is necessary for the protection of the sewerage system. Such requirements may be made more liberal only by Resolution of the Board, duly adopted, and based upon satisfactory evidence and proof that the discharge of a particular waste having concentration of particular substance, compound, or element in excess of those outlined in the Rules and Regulations has no adverse effect on the sewerage system, or the quality of the receiving stream or streams as established by the Virginia Department of Environmental Quality.

### **3.8 Right of Revision**

The Authority reserves the right to modify the Wastewater Discharge Permits, limitations or requirements on Discharges to the System as it determines necessary to remain consistent with these Rules and Regulations.

### **3.9 Dilution**

The permittee shall not increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the permit.

### **3.10 Protection from Accidental Discharge**

Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by the Rules and Regulations. Such facilities shall be provided and maintained at the User's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility.

The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying the facility as necessary to provide the protection necessary against accidental discharge.

#### **A. Reporting of Accidental or Slug Discharges**

The User responsible for any accidental or detrimental discharge or slug discharge to a wastewater treatment system shall notify the Authority by the following methods:

1. Notification: Any User causing or suffering any discharge whether accidental or not, which presents or may present an eminent or substantial endangerment to the health, and welfare of persons, to the environment, or which is likely to cause interference with the wastewater treatment system serving the User, shall notify the Authority immediately by telephone, email, or text.

2. **Written Report:** Within 24 hours following the discovery of such occurrence, the User shall provide the Authority with a detailed written report describing the cause of the accidental discharge or slug discharge and corrective measures taken by the User. Such notification shall not relieve the User of any expense, loss, or damage to the Authority's wastewater treatment system, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil and/or criminal penalties, or other liability which may be imposed by the Rules and Regulations or other applicable law. The written report shall specify:
  - a) Description of the accidental or slug discharge , the cause(s) thereof and the discharge's impact on the permittee's noncompliance status;
  - b) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and
  - c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such discharge, or other conditions of noncompliance.

A documented and verified accidental or slug discharge shall be an affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event.

3. **Notice to Employees:** A notice shall be permanently posted on the User's bulletin board or other prominent location advising employees whom to call in the event of accidental or slug discharge . Employers shall insure that all employees who would be responsible to make calls and take appropriate actions if such an accidental or slug discharge were to occur are advised of the "emergency notification procedure."

#### B. Slug Discharge Control Plan

The need for a Slug Discharge Control Plan shall be evaluated based upon criteria such as the User's potential for slug discharges, history of slug discharges, presence of stored chemicals, whether stored chemicals are in diked storage areas, and the proximity of floor drains to those stored chemicals. A plan will be required to be submitted to the Authority one (1) year after the industry has been designated as a Significant Industrial User (SIU) and updated every two (2) years thereafter. All Users must immediately notify the Authority of any changes at their facilities that could potentially affect slug discharge.

If a Slug Discharge Control Plan is required, it shall contain at least the following elements:

1. A description of discharge practices, including nonroutine batch discharge.
2. A description of stored chemicals.
3. Procedures for promptly notifying the POTW of slug discharges, including any discharge that would violate a specific prohibition under 9 VAC 25-31-770 B, with procedures for follow-up written notification within five days.
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
5. If necessary, follow-up practices to limit the damage suffered by the treatment plant or the environment.

The Slug Discharge Control Plan shall be signed by a duly authorized representative as outlined in Section 4.3.16.

### **3.11 Acceptance of Trucked or Hauled Pollutants and Septic Tank Wastes**

Domestic waste or pollutants from sites not served by the public sewerage system may be considered for disposal on a case by case basis. Any person requesting such disposal shall first obtain a Written Permission to Discharge from the Authority by submitting the applicable information required by the Application for Written Permission to Discharge-Liquid Waste Haulers. The Written Permission to Discharge issued to haulers of domestic waste or pollutants shall be in the form of a Permit subject to all the provisions of the Written Permission to Discharge. The conditions of the Written Permission to Discharge may include, but not be limited to the following:

1. Limits on rate and time of discharge or requirements for flow regulation;
2. Requirements for recording, maintaining and reporting information concerning the origin of each tank truck load and identification of contributor(s);
3. Prohibition of discharge of certain wastewater constituents;
4. Incompatible waste shall not be accepted by the Authority at any of its POTW's;
5. Time and date to be discharged; and

6. Other conditions as deemed appropriate by the Authority to insure compliance with the Rules and Regulations.

Trucked or hauled pollutants and septic tank wastes shall only be discharged at locations designated by the Authority.

### **3.12 Change in Discharge**

The industrial user shall give notice to the Authority ninety (90) days prior to any facility expansion, production increase, or process modifications which results in new or substantially increased discharges or a change in the nature of the discharge. Those conditions stated in Section 5.1 of the Rules and Regulations shall apply to permitted industrial users. Those industrial users who are discharging with the Authority's written permission to discharge may be required to obtain an Industrial Wastewater Discharge Permit before the new or substantially increased discharge or change in the nature of the discharge is allowed.

## **SECTION 4 - PERMITTING OF INDUSTRIAL DISCHARGERS**

### **4.1 Permits Required**

Any industrial user desiring to discharge into the public sanitary sewer system shall first make application and obtain an Industrial Wastewater Discharge Permit (Appendix B), or the Authority's written permission to discharge, prior to any discharge to the sewer system. All industrial users must reapply within ninety (90) days prior to the expiration of their Permit. Individual wastewater discharge permits, general permits, and written permissions to discharge are non-transferable.

### **4.2 Duration of Permits**

Permits shall be issued for a period of time not to exceed three (3) years. The industrial user shall be informed of any proposed changes in the permit at least sixty (60) days prior to the effective date of change. Any changes or new conditions in the permit shall include a time schedule for compliance in accordance with the regulatory requirements. Written permission to discharge permits and/or general permits shall be issued for a period of time not to exceed two (2) years.

### **4.3 Permit Application Requirements**

All industrial users seeking a permit shall complete and file with the Authority and/or its authorized agents a completed application form, Appendix A, containing the following information where appropriate:

1. Name, address, telephone number, and location (if different from address) and type of permit application (either existing or proposed).
2. North American Industry Classification Systems (NAICS) number(s).
3. Estimated volume of wastewater to be discharged.
4. Measurement of Pollutants.
  - a. Wastewater constituents and characteristics including, but not limited to, those mentioned in the Rules and Regulations as determined by a VELAP certified laboratory. Sampling and analysis shall be performed in accordance with procedures established in 40 CFR Part 136. Include relevant categorical pretreatment standards applicable to each regulated process. The results of sampling and analysis identifying the nature and concentration, or mass, where required by the Standard of regulated pollutants in the discharge from each regulated process must be submitted to the Authority as outlined in the individual wastewater discharge permit.
  - b. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - c. The samples shall be representative of daily operations.
  - d. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Authority or the applicable Standards to determine compliance with the Standard.
5. Time and duration of discharge.
6. Average daily flow (and thirty (30)-minute peak wastewater flow, if applicable) rates, including daily, monthly and seasonal variations if any.
7. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location, and elevation at all discharge points.
8. Description of activities, facilities and plant processes on the premises including all chemicals, materials, processes, and types of materials which are or could be discharged.
9. Description of pretreatment facilities and processes on the premises, or those to be installed, including the location(s) for monitoring all waste covered by the Permit.
10. Each product produced by type, amount, and rate of production.

11. Number and type of employees, and hours of work.
12. Any request to be covered by a General Permit.
13. A list of any environmental control permits held by or for the facility.
14. Any other information as may be deemed by the Authority to be necessary to properly evaluate the permit.
15. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
16. Signatory Requirements

All applications, reports or information submitted to the Authority shall be signed and certified in accordance with the following requirements:

- a. All permit applications shall be signed:
  - i. For a corporation: by a principal executive officer of the level of president, vice-president, secretary, or treasurer; or the manager of the operating facilities, if authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; who can insure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - ii. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
- b. All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - i. The authorization is made in writing by a person described in Section 4.3.16.a.i. or ii.
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility.
- c. Certification. Any person signing a document under this section shall make the following certification:

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

- d. Any change in signatories shall be submitted to the Authority in writing within thirty (30) days after the change.

#### **4.4 Wastewater Discharge Permitting: General Permits**

- A. The Authority may not control a SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharge per day.
- B. At the discretion of the Authority, the Authority may use general permits to control non-significant industrial user discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
  1. Involve the same or substantially similar types of operations;
  2. Discharge the same types of wastes;
  3. Require the same effluent limitations;
  4. Require the same or similar monitoring; and
  5. In the opinion of the Authority, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
- C. To be covered by the general permit, the User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Authority has provided written notice to the SIU that such a waiver request has been granted.
- D. Temporary permits may be issued to new Users based on estimated data until representative pollutant measurement data is collected based on normal operations. Temporary permits shall not be issued for a term longer than six months.

## 4.5 Permit Conditions

Permits shall include, at a minimum, the following conditions:

- A. Individual wastewater discharge permit or General Permit Contents:
  - 1. Wastewater discharge permit issuance date, expiration date, and effective date.
  - 2. Statement of non-transferability without, at a minimum, prior notification to the Authority, a signed agreement between the current and new permittees stating and agreeing to the date of transfer, and approval of the transfer by the Authority. The Authority may in its discretion require a new wastewater discharge permit application from the proposed new owner.
  - 3. Effluent limits, including Best Management Practices, based on applicable pretreatment standards.
  - 4. Specifications for self-monitoring programs which includes record keeping and notification requirements, identification of the pollutants or BMPs to be monitored, sampling locations, frequency, method, and type of sampling, flow metering, number, types and standards for tests, and reporting schedule.
  - 5. Statement of applicable civil and criminal penalties for violation of the wastewater discharge permit, pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.
  - 6. Requirements to control slug discharge, if determined by the Authority to be necessary.
  
- B. Individual wastewater discharge permits (or general permits) may contain, but need not be limited to, the following conditions:
  - 1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization.
  - 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
  - 3. Requirements for the development and implementation of spill control plans or other special conditions, including management practices, necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.
  - 4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
  - 5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW.
  - 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.
  - 7. A statement that complies with the individual wastewater discharge permit or general permit does not relieve the permittee of responsibility of operating the facility in a reliable and consistent manner as per the conditions of the permit and all applicable Federal and State pretreatment standards.

8. Requirements for maintaining and retaining plant records relating to wastewaters and discharge as specified by the Authority, and affording the Authority access hereto.
9. Statement that the wastewater discharge permit may be reopened and modified as determined necessary by the Authority.
10. Other conditions as deemed appropriate by the Authority to ensure compliance with these Rules and Regulations, and State and Federal laws, rules, and regulations.

#### C. Property Rights

The issuance of the permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

### **4.6 Processing and Issuance of Individual Wastewater Discharge Permit and/or General Permits**

The Authority shall evaluate the data furnished by the industrial user and may require additional information.

After evaluating the permit application and any other available information, the User shall be classified in one of two categories:

- A. An industrial user who is not required to obtain an Industrial Wastewater Discharge Permit but who is required to obtain the Authority's Written Permission to Discharge prior to discharging.
- B. An industrial user who is classified as a Significant Industrial User. Those industrial users classified in this second category shall be required to obtain an Industrial Wastewater Discharge Permit.

A draft permit shall be delivered to the Users requiring permits within sixty (60) days after all data has been furnished and accepted by the Authority, unless there are special circumstances such as the initial period immediately after the Rules and Regulations go into effect.

The industrial user shall be allowed a thirty (30) day comment period to respond and pay the permit fee.

On or before the end of the comment period, the Authority shall issue or deny a permit. Issuance of the permit with stated conditions shall not relieve the User of any other laws, regulations or ordinances of the Authority or other governmental agencies. Permits are issued solely to control waste discharges into the Authority's treatment systems.

#### **4.7 Permit Modification**

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

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit or general permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the POTW, personnel, or the receiving waters;
5. Violation of any terms or conditions of the individual wastewater discharge permit or general permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the individual wastewater discharge permit or general permit application or any required reporting;
7. To correct typographical or other errors in the individual wastewater discharge permit or general permit revocation; or
8. To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### **4.8 Permit Revocation**

The permit may be revoked and reissued or terminated in whole or in part during its term for cause including, but not limited to, the following:

1. Failure to notify the Authority of significant changes to the wastewater prior to the change in discharge;
2. Misrepresentations or failure to fully disclose all relevant facts in the individual wastewater discharge permit or general permit application or any required reporting;
3. Falsifying self-monitoring reports and certification statements;
4. Tampering with monitoring equipment;
5. Refusing to allow the Authority timely access to the facility premises and records;
6. Failure to meet effluent limitations;
7. Failure to pay fines;
8. Failure to pay sewer charges;
9. Failure to meet compliance schedules;
10. Failure to complete a wastewater survey or the wastewater discharge permit or general permit application;
11. Failure to provide advanced notice of the transfer of business ownership of a permitted facility; or
12. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or general permit of these Rules and Regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notification of planned changes or anticipated noncompliance, does not stay any permit conditions.

#### **4.9 Denial of a Permit**

Should the waste from an industrial user's operations be deemed to be inadmissible into the sanitary sewer system because of objectionable character as defined by the Rules and Regulations, because of concentrations of elements or substances in excess of the limits established by the Authority, or because of flow characteristics incompatible with the best use of the receiving sewer, the Authority shall not approve the discharge of such waste into the sanitary sewer system until such User has employed, at his own expense, methods and processes of pretreatment as will render the waste admissible to the sanitary sewer system in accordance with the Rules and Regulations.

The Authority shall not specify, suggest, or recommend equipment, structures, or arrangements comprising the pretreatment processes.

The methods and procedures of the pretreatment to be employed shall be reviewed and approved with the same procedure as stipulated for Permit applications.

Approval of discharge of industrial wastes by any User shall be given only on the basis of performance of pretreatment processes, if pretreatment should be required.

#### **4.10 Duty to Reapply**

If the Permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the Permittee must apply for and obtain a new permit. The application must be submitted at least ninety (90) days before the expiration date of the current permit.

#### **4.11 Administrative Continuance**

If a permittee has reapplied for permission to discharge within the specified time period and a new permit has not been issued before the expiration date of the current permit, then the current permit is in effect for up to one hundred eighty (180) days after the expiration date.

#### **4.12 Confidential Information**

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

discharger. Any such request must be asserted at the time of submission of the information or data. The portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. The physical and/or chemical characteristics of a discharger's wastewater will, however, not be recognized as confidential information or as a trade secret and shall be available to the public without restriction.

#### **4.13 Permit Appeals**

Any User may petition ACSA to reconsider the terms of an individual wastewater discharge permit or a general permit within fourteen (14) days of issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

In its petition, the appealing party must indicate the individual wastewater discharge permit or general permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the permit.

The effectiveness of the permit shall not be stayed pending the appeal.

ACSA will act upon appeals within fourteen (14) days of receipt. Decisions not to reconsider an individual wastewater discharge permit or a general permit, not to issue an individual wastewater discharge permit or general permit, or not to modify an individual wastewater discharge permit or general permit shall be considered final administrative actions for purposes of judicial review.

### **SECTION 5 - REPORTING REQUIREMENTS**

#### **5.1. Categorical Industries Baseline Monitoring Report (BMR)**

Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall submit to the Authority a report which contains the information listed in the following paragraphs 1 through 4. When reports containing this information have already been submitted to the Authority, the industrial user will not be required to submit this information again. New sources, and sources that become industrial users subsequent to promulgation of applicable categorical standards, shall submit to the Authority a report ninety (90) days before commencing discharge to the POTW which contains the information listed in the following paragraphs 1 through 4. A new source shall report the methods of treatment to be used in meeting applicable standards. New sources shall be required to include in this report

information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources may also estimate quantity of pollutants to be discharged and anticipated flow.

Required information is as follows:

1. All information required in Section 4.3.
2. Measurement of Pollutants.
  - a. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
    1. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics.
  - b. Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the industrial user should measure the flows and concentrations necessary to allow use of the combined waste stream formula found in 40 CFR 403.6 (e) in order to evaluate compliance with the pretreatment standards. When an alternate concentration or mass limit has been calculated in accordance with the combined waste stream formula in 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Authority.
  - c. Sampling and analysis procedures shall be performed in accordance with the techniques prescribed in 40 CFR 136. When 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or when the Director determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Authority or other parties, approved by the EPA.
  - d. The Authority may allow the submission of a Baseline Monitoring Report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
  - e. The Baseline Monitoring Report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

3. Compliance Certification. The User shall submit a statement, reviewed by an authorized representative of the industrial user, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.
4. Compliance Schedule. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards or requirements, the shortest schedule by which the User is able to provide such additional pretreatment must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard or otherwise by these regulations.
5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 4.3.16 of these Rules and Regulations and signed by a duly Authorized Representative.

## **5.2 Compliance Schedule Progress Reports**

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

## **5.3 Report on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the Authority a report containing the information

described in Section 5.1 of these Rules and Regulations. For industrial users subject to equivalent mass or concentration limits established by the Authority in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of 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.

#### **5.4. Periodic Reports on Continued Compliance**

All significant industrial users are required to submit periodic compliance reports to the Authority. These reports shall be submitted during the months of July and January, unless required more frequently in the pretreatment standard or by the Authority, and must indicate the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards and a reasonable measure of the User's long term production rate. If an industrial user is subject to categorical standards with only production based limits, actual average production rate data for the reporting period must be given. In addition, this report shall include a record of measurements of estimated average and maximum daily flows for the reporting period for the discharge reported in paragraph 4.3.6 except that the Authority may require more detailed reporting of flows. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Authority may agree to alter the months during which the above reports are to be submitted. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Authority or the pretreatment standard necessary to determine the compliance status of the User.

#### **5.5 Reporting Requirements for Known Violations Other Than Accidental or Slug Discharges**

If for any reason the Permittee does not comply with the limitations of the permit, the Permittee shall notify the Authority immediately by telephone, email, or text, and follow in writing within five (5) days a description of the violations and the reason or explanation for said violations. The written notification shall also address the steps taken to assure compliance and to eliminate chance of reoccurrence. The Permittee shall resample, retest, and submit new test results within thirty (30) days of becoming aware of violation. Such notification shall not relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these Rules and Regulations.

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

If the Authority performs sampling and analysis in lieu of the User and results indicate a violation, the Authority will perform repeat sampling and analysis unless the Authority notifies the User and requires the User to perform the repeat sampling and analysis.

**5.7 Retention of Records**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, and documentation associated with BMPs for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Augusta County Service Authority at any time.

All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the Augusta County Service Authority, Approval Authority, or EPA shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

**5.8 Falsifying Information**

Knowingly making any false statement on any report or other document required by the permit or knowingly rendering any monitoring device or method inaccurate, may result in punishment under civil and/or criminal law proceedings as well as being subjected to injunctive relief.

**SECTION 6 - COMPLIANCE MONITORING**

**6.1 Monitoring frequency**

Unless special conditions require more frequent monitoring, or at the discretion of the Authority, the permitted industrial user shall monitor its discharge in accordance with the following schedule:

<u>Industrial Flow (gpd)</u>	<u>Reporting Frequency</u>
0 - 25,000	annually
25,001 - 100,000	quarterly
> 100,000	quarterly

Discharge shall be monitored for those constituents as specified in the Wastewater Discharge Permit.

## 6.2 Samples and Analysis Methods

### A. Analytical Requirements

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

### B. Sample Collection

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

1. Samples and measurements taken as required shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in the permit and, unless otherwise specified, before the effluent joins or is diluted by other waste streams, body of water or substances. Monitoring points shall not be changed without notification to and the approval of the Authority.
2. To demonstrate compliance with the permit, the sampling and analysis program shall conform to the discharge limitations listed in the IU's Discharge Permit. Daily concentrations shall be based on 24 hour, time proportionate composite samples. Instantaneous concentrations shall be based on a grab sample taken at any time.
3. The permittee shall record for all samples:
  - a. The date, exact place, time and methods of sampling preservation techniques or procedures;
  - b. Who performed the sampling or measurements;
  - c. The date(s) the analyses were performed;
  - d. Who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.

4. The Permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals per the manufacturer's specifications to ensure accuracy of measurements.

### **6.3 Flow Measurements**

If flow measurement is required by the permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated annually, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/-10% (ten percent) from true discharge rates throughout the range of expected discharge volumes.

### **6.4. Monitoring Facilities**

The Authority may require a permitted industrial user to construct at the User's expense, monitoring facilities to allow inspection, sampling, and flow measurement of the industrial user's waste streams, and may also require sampling or metering equipment to be provided, installed, and operated at the industrial user's expense.

### **6.5 Additional Monitoring by Permittee**

If the permittee monitors any pollutant at the location(s) designated in the permit more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be reported in the periodic discharge report. Such increased frequency shall also be indicated.

### **6.6 Right of Entry**

The Authority reserves the right to inspect the facilities of any User to ascertain whether the provisions of the Rules and Regulations are being met and all requirements are being complied with. The User shall allow authorized Authority representatives, upon the presentation of credentials:

- A. To have ready access to all parts of the User's premises for purposes of inspection and/or sampling, including the copying of records required to be kept under the terms and conditions of the permit, or in the performance of any of their duties.
- B. Inspect any production, manufacturing, fabricating or storage area where pollutants could originate.

- C. To set up on the User's property, or require installation of, sampling or monitoring equipment, for the purposes of assuring compliance with the Rules and Regulations, any substances or parameters at any location.
- D. The Authority may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- E. A camera may be used during inspections for documentation purposes.
- F. Unreasonable delays in allowing the Authority access to the User's premises shall be a violation of these Regulations.

Where the permittee has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Authority will be permitted to enter without delay for the purposes of performing their specific responsibilities.

## **6.7 Search Warrants**

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

## **SECTION 7 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The Authority shall publish annually, in the largest daily newspaper published in Augusta County (Staunton Daily News Leader), a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance (SNC) shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (F) of this Section and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant

parameter taken during a six- (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;

- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within forty-five (45) days of the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violations, which may include a violation of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the local pretreatment program.

## **SECTION 8 - ADMINISTRATIVE ENFORCEMENT REMEDIES**

### **8.1 Enforcement Response Plan**

The Authority may take any, all, or any combination of the following actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance

with ACSA's Enforcement Response Plan; however, the Authority may take other action against any User when the circumstances warrant.

## **8.2 Notification of Violation**

### 1. Purpose

Whenever the Authority finds that any User has violated or is violating these Rules and Regulations, wastewater discharge permit, or any prohibition, limitation, or requirements contained herein, the Authority may serve upon said User a written notice.

### 2. Procedure

The Notice of Violation shall be served to the User by certified mail or in person. The text of the Notice of Violation shall state the nature of the violation, date, and evidence.

### 3. Consequences

Within ten (10) days from the receipt date of the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Authority. Submission of the plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.

### 4. Nothing in this Section shall limit the Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

## **8.3 Show Cause Hearing**

### 1. Purpose

The Authority may order any User who causes or allows an unauthorized discharge to enter a wastewater treatment system to show cause before Authority officials why a proposed enforcement action should not be taken.

### 2. Procedure

A notice shall be served on the User which specifies (1) the time and place of a hearing to be held by the Authority regarding the violation; (2) the reasons why a proposed enforcement action is to be taken; and (3) the proposed enforcement action. The notice shall also direct the User to show cause before the Authority why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The Authority may itself conduct the hearing and take the evidence, or may designate any of its agents to:

- a) Issue in the name of the Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- b) Take the evidence; and
- c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Authority for action thereon.

At any hearing held pursuant to these Rules and Regulations, testimony taken must be under oath and recorded. The transcript, so recorded, may be made available to any member of the public, or any party to the hearing upon payment of the usual charges thereof.

### 3. Consequences

After the Authority has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the public sewer service will be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and those devices or other related appurtenances are properly operated. Further orders and directives as necessary and appropriate may be issued.

## **8.4 Administrative Compliance Order**

### A. Purpose

When the Authority finds that a User has violated or continues to violate the Rules and Regulations or a permit or order issued thereunder, an Administrative Compliance Order may be issued to the User responsible for the discharge directing that following a specified time period, sewer services shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated to eliminate the cause of the violation. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the non-compliance, including the installation of pretreatment technology, additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Any deadlines established in the Administrative Compliance Order shall not extend any compliance date beyond any applicable Federal deadlines, nor does a compliance order relieve the User of liability for any violation, including any continuing violation.

### B. Procedure

The Administrative Order shall be served to the User by certified mail or in person. The User shall comply with the Order or be subjected to the penalties described therein.

## 8.5 Penalties

### A. Fines

As a result of violations in permit limits for incompatible pollutants, the permittee shall be fined at least the amounts to cover the cost of:

1. Properly disposing of any contaminated sludge.
2. Restoring the wastewater treatment plant and facilities to normal operations.

### B. Surcharges

As a result of violations in permit limits for compatible pollutants, the permittee shall be responsible for surcharges described as follows:

1. BOD and TSS: The permittee shall pay at the current rate for discharges over permitted limits.
2. Oils and Grease: The permittee shall pay for the cost of disposal for oil and grease discharges over permitted limits.
3. pH: The permittee shall pay for the cost of restoring the wastewater treatment plant and facilities to normal operations.
4. Nutrients including nitrogen and phosphorus may be surcharged if permitted levels are exceeded.
5. Costs of additional chemicals, increased energy usage, sampling, monitoring, lab analysis, special or additional equipment and labor as the result of any violation of the permit will be assessed.

The Permittee shall be responsible for any other special surcharges that may be described in the permit.

### C. Civil and Criminal Penalties

An industrial User may be subject to a civil and/or criminal penalty as listed below per day per violation for any violation of the Rules and Regulations:

1. A User who has violated, or continues to violate, any provision of these Rules and Regulations, an individual wastewater discharge permit or general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to ACSA for a maximum civil penalty of \$32,500 per violation per day, or \$100,000 in total.
2. ACSA may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by ACSA.

3. In determining the amount of civil liability, the Court shall take into account all the relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
4. Criminal prosecution may be sought by ACSA as circumstances warrant.

## **8.6 Injunctive Relief**

ACSA may bring an action for an injunction against any User who violates any provision of these Regulations or any Order or Wastewater Discharge Permit issued under these Regulations.

## **8.7 Appeals**

The Permittee has the right to appeal enforcement actions. Notice of appeal should be given in writing to the Executive Director of the Authority within thirty (30) days of the Director's order. Failure to file within the time limit shall be considered a waiver in right to appeal. Three (3) members of the Authority shall be appointed to serve as the Appeals Committee.

# **SECTION 9 – DEFENSES TO WASTEWATER DISCHARGE PERMIT VIOLATIONS**

## **9.1 Upset**

- A. An upset is an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or pretreatment requirements because of factors beyond the reasonable control of the industrial user.
- B. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- C. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards or pretreatment requirements if the following conditions are met:
  1. An upset occurred and the IU can identify the cause(s) of the upset;
  2. The facility was, at the time of upset, being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  3. The IU has submitted the following information to the Authority within twenty four (24) hours of becoming aware of the upset (if this information is provided by

telephone, email, or text, written submission within five (5) days must be provided):

- a. A description of the indirect discharge and cause of noncompliance;
  - b. The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
4. Burden of Proof: In any enforcement proceeding, the IU seeking to establish the occurrence of an upset shall have the burden of proof.

## **9.2. Bypass of Pretreatment Facilities**

A. For purposes of this Section:

1. Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's Pretreatment facility.
2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance or to assure efficient operation. These bypasses are not subject to the provision of Paragraphs C and D of this section.

C. Bypass is prohibited, and the Authority may take enforcement action against a User for a Bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; or
3. The User submitted notices as required under paragraph D of this section.

D. Notification of Bypass.

1. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten (10) days before the date of the Bypass to the Augusta County Service Authority, P. O. Box 859, Verona, VA 24482.
2. Unanticipated Bypass. The permittee shall immediately notify the Augusta County Service Authority by telephone, email, or text, and submit a written notice within five (5) days of becoming aware of the Bypass.
3. Notification of Bypass shall contain the following information:
  - a) Description of the bypass and its cause;
  - b) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and
  - c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such discharge, slug load or other conditions of noncompliance.

## **SECTION 10 - FEES**

### **10.1 Regular Service Charges**

The Permittee shall pay all water and sewer charges on a prompt basis as bills are received and in accordance with Authority Policy.

### **10.2 Permitting Fees**

- A. Significant Industrial Users: When submitting an Application for Discharge Permit, the applicant shall also pay a permit fee based upon the applicant's expected or actual wastewater discharge rate. A fee of \$500 shall be paid for all applicants with a wastewater discharge flow of up to 10,000 gallons per day. Thereafter the applicant shall pay \$50 for each 5,000 gallons per day flow increment over 10,000 gpd (e.g., for an applicant with a wastewater discharge rate of 29,500 gallons per day the application fee is \$700).
- B. Industries with Written Permission to Discharge: Industries that are not considered SIUs will be issued a written permission to discharge. Industries with flows less than 10,000 gpd will be charged a fee of \$100 per permit cycle, while industries with flows greater than 10,000 gpd will be charged \$200.
- C. Permitting fees will be reviewed annually as part of the ACSA budget process and may be adjusted accordingly.

### **10.3 Annual Fees**

Significant Industrial Users shall pay \$300 per year in annual fees to cover the costs of inspections, report writing, and data review throughout the year. Fees will be reviewed annually as part of the ACSA budget process and may be adjusted accordingly.

### **10.4 Sampling Costs**

The Authority will perform required sampling for industries at the intervals designated by the permit. The industries shall then reimburse the Authority for the costs of this sampling. Rates are subject to change.

## **SECTION 11 – SEVERABILITY**

If any provision, paragraph, word, section or article of these Regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.