

ORDINANCE NO. 3334

AN ORDINANCE to repeal Divisions 3 and 4 and to add a new Division 3 (DISCHARGE INTO SEWAGE SYSTEM AND POTW) to Article B (SEWAGE DISPOSAL AND DRAINS), Chapter 6 (WATER AND SEWER), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Divisions 3 and 4 of Article B, Chapter 6, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are repealed.

Section 2. That Article B, Chapter 6, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new Division 3 to read as follows:

DIVISION 3

Discharges into Sewage
Disposal System and POTW

Subdivision A General.

Sec. 5-6-71 Definitions.

For the purposes of this division, the following shall have the meanings ascribed to them by this section.

(a) **Administrator.** The administrator of the United States Environmental Protection Agency or his agents or delegates.

(b) **Approval authority.** The executive director of the Virginia State Water Control Board when the state pretreatment program is approved and, until such approval, the administrator.

(c) **Authority.** The City of Alexandria, Virginia, Sanitation Authority.

(d) **Best management practices.** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices or procedures of users to prevent or reduce the discharge of pollutants into the collection system or the POTW. Such practices may include, but not be restricted to, notification plans of any accidental discharge, solvent management plans, operating procedures, and practices to control batch discharge, sludge and waste disposal, spillage or leaks, or drainage from raw material storage.

(e) **City.** The City of Alexandria, a municipal corporation of Virginia.

(f) **Clean Water Act or the "act."** Federal Water Pollution Control Act, also known as the Clean Water Act of 1977 (Pub. L. No. 95-217), as amended, 33 U.S.C. § 1251 et seq.

(g) **Collection system.** All sewers of the city which discharge wastewaters into the POTW.

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

(i) **Director.** The director of the department of transportation and environmental services of the city.

(j) **Engineer.** The engineer director of the Authority.

(k) **Improperly shredded garbage.** The wastes from the preparation, cooking, eating, handling, dispensing, sale or storage of food that have not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

(l) **Interference.** The inhibition or disruption of the collection system or the POTW or its treatment processes or operations which cause a violation of NPDES permit conditions or other regulatory requirements, including those under section 405 of the Clean Water Act. This term also includes interference with sludge disposal techniques or contamination of sludge.

(m) **National categorical pretreatment standards.** Any regulation which contains pollutant discharge limits as promulgated by the U.S. Environmental Protection Agency in accordance with section 307(b) and (c) of the Clean Water Act, which applies to a specific category of industrial users.

(n) **National Pollutant Discharge Elimination System permit or NPDES permit.** A permit issued pursuant to section 402 of the Clean Water Act (33 U.S.C. 1342).

(o) **Non-contact cooling water.** Water used solely for cooling purposes which does not come in contact with any other discharge until such non-contact cooling water is discharged into the collection system or the POTW. Non-contact cooling water must not exceed the limits set out in section 5-6-80(a)(5).

(p) **Pass through.** Any discharge which exits the POTW into waters of the United States 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 NPDES permit (including an increase in the magnitude or duration of a violation).

(q) **Permittee.** A holder of a significant industrial user permit.

(r) **pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(s) **POTW** or publicly owned treatment works. The Authority's wastewater treatment plant, the Authority's pump stations and the sewers owned by the Authority which feed into its wastewater treatment plant.

(t) **Pretreatment.** The reduction of the amount of pollutants to a less harmful state, or the elimination of pollutant properties in wastewater, prior to or in lieu of the discharge of said pollutants into the collection system or the POTW. This reduction or elimination can be obtained by physical, chemical or biological processes or other means, except as prohibited by 40 C.F.R. 403.6(d).

(u) **Prohibited discharges.** Pollutants which are prohibited from entering the collection system or the POTW.

(v) **Sewer connection permit.** A permit issued by the director pursuant to section 5-6-25 of this article.

(w) **Significant industrial user permit.** A permit issued to significant industrial users by the Authority, pursuant to this division and the rules and regulations established by the Authority, which serves as an effective control mechanism to assure compliance with the Clean Water Act and this division.

(x) **Slug discharge.** Any discharge of water or wastewater which in concentration of any given pollutant or in quantity of flow exceeds, for any period longer than 15 minutes in duration, more than five times the average 24-hour concentration or flow during normal operation and which adversely affects the collection system or the POTW.

(y) **User.** Any facility discharging wastewater into the collection system or the POTW.

(z) **User, domestic.** Any facility discharging only domestic wastewaters into the collection system or the POTW.

(aa) **User, industrial.** Any facility discharging any process or nondomestic wastewaters into the collection system or the POTW, including commercial, industrial, and public and nonpublic institutions.

(bb) **User, significant industrial.** Any industrial user having a wastewater flow which is in excess of 25,000 gallons per average day, excluding any domestic discharge and any discharge of non-contact cooling waters, or which represents greater than five percent of the total wastewater flow into the collection system or the POTW, or which has constituents determined to be toxic, as defined in section 307 of the Clean Water Act or related statutes and regulations.

(cc) Water Quality Act Amendment of 1987. Water Quality Act of 1987 (Pub. L. No. 100-4).

Sec. 5-6-72 Engineer as designee of director.

The director is hereby authorized to designate the engineer as the duly authorized representative of the director for administrative and enforcement purposes under this division

Sec. 5-6-73 Right of entry for inspection and sampling.

The director, the engineer and other personnel of the city and the Authority shall inspect any known or suspected user to ascertain whether the purposes of this division are being met and all requirements of this division are being complied with, by such user. Occupants of premises where wastewater is created for discharging into, or is discharged into, the collection system or the POTW shall allow the director, the engineer and personnel of the city and the Authority access at reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or performing any duties imposed under this division. The city, the Authority and the approval authority shall have the right to set up on the property of known or suspected users such devices as are necessary to conduct sampling inspections, compliance monitoring and/or metering operations. Where a user has security measures in force which require proper identification and clearance before entry onto its property, the user shall make necessary arrangements so that, upon presentation of suitable identification, the director, the engineer and other personnel from the city and Authority, or the approval authority, shall be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

Sec. 5-6-74 Records.

All records which the engineer requires to be maintained by an industrial user shall be made available by the user to the Administrator, the city, the approval authority and the control authority upon request.

Sec. 5-6-75 Fees and charges.

The city may establish and adjust fee and rate schedules for users, by ordinance or resolution passed by city council, for the purpose of obtaining relief from costs incurred in the administration and implementation of this division. Fees established pursuant to this section shall not preclude any other charges or fees established under any other sections of this article or of this code.

Sec. 5-6-76 Termination of services; revocation of permits.

If, in the opinion of the director or the engineer, a user's violation of any discharge limitations or standards or other requirements imposed on it by this division threatens the public

health, presents an endangerment to the environment, interferes with the operation of the POTW or causes the Authority to be in violation of its NPDES permit or any state permit issued to regulate the treatment of wastewater or the treatment or application of sludge, the Authority may suspend wastewater treatment service, including collection and treatment services, to the user. In addition, the city and the Authority may revoke any permits issued under the provisions of this article when the city or the Authority determines that the user's continued discharge into the collection system or the POTW will be in violation of federal, state or city law, or a regulation, requirement or procedure issued pursuant to any such law.

Sec. 5-6-77 Conflict.

In case of inconsistency or conflict between a provision in this division and a provision contained elsewhere in this code, as the same may be amended from time to time, the provision of this division shall control.

Subdivision B Prohibited discharges

Sec. 5-6-80 Prohibited user discharges.

(a) No user shall discharge or cause to be discharged into the collection system or the POTW any of the following described substances, materials, waters or wastes:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

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

(3) Any water or waste having a pH of less than 5.0 or having any corrosive property capable of causing damage or hazard to structures, equipment or personnel of the city or the Authority.

(4) Solid or viscous substances capable of causing obstruction to the flow in the collection system or the POTW or interference with the proper operation of the collection system or the POTW, including but not limited to improperly shredded garbage, ashes, cinders, sand, mud, straw, wood or paunch manure.

(5) Any liquid or vapor having a temperature higher than 150 degrees F. (65 degrees C.) or, at the point of intake to the POTW, having a temperature higher than 104 degrees F. (40 degrees C.).

(6) Any water or waste containing fats, wax, grease or oils in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F. and 150 degrees F.

(7) Any radioactive substance of such half-life or concentration as may exceed safe limits as established by state or federal regulations.

(8) Any odor- or color-producing substances exceeding concentrations which may be established by the Authority for the purpose of meeting NPDES permit conditions.

(9) Quantities of flow or concentrations, or both, which constitute a slug discharge, as defined in section 5-6-71.

(b) No user shall discharge into the collection system or the POTW any wastewater containing pollutant levels above the following concentrations:

Pollutant	Maximum for any 1 day (mg/l)	Average of daily values for 4 consecutive days not to exceed (mg/l)
Arsenic	0.10	0.06
Cadmium	1.20	0.70
Chromium, total	7.00	4.00
Copper	4.50	2.70
Cyanide, total	1.90	1.00
Lead	0.60	0.40
Mercury	0.01	0.006
Nickel	4.10	2.60
Phenols	1.00	0.60
Silver	1.20	0.70
Zinc	4.20	2.60

(c) No user shall discharge or cause to be discharged into the collection system or the POTW any substances, materials, waters or wastes which the engineer determines to be or to contain a pollutant which will pass through or cause interference with the operation or performance of the POTW or will contaminate the resulting sludge; provided, that, within 60 days of the engineer's determination, the Authority has by resolution accepted the determination, has published the resolution in a newspaper of general circulation in the city and has included in the resolution both an identification of the substances, materials, waters or wastes which are the subject of the engineer's determination and a notice that the discharge of such substances, materials, waters or wastes into the collection system or the POTW is prohibited.

(d) The engineer is authorized to accept into the collection system and the POTW wastewaters with pollutant loadings which exceed the concentration limits specified in subsections (a) and (b), as long as such limits ("mass" limits) do not exceed quantities specified in any applicable national categorical pretreatment standard and do not cause interference with the operation or performance of the collection system or the POTW.

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

Sec. 5-6-81 Notice to user violators

The owner or operator of any user found to be violating any provision of section 5-6-80 shall be served written notice by the director or the engineer stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof.

Sec. 5-6-82 Prohibited non-user discharges.

No person shall discharge into the collection system or the POTW any of the substances, materials, waters or wastes identified in subsections (a), (b) and (c) of section 5-6-80 or any substances, materials, waters or wastes from a septic tank truck or from any portable vessel, device or conveyance system.

Sec. 5-6-83 Penalties and remedies.

The owner and the operator of any user which continues violating any provision of section 5-6-80 beyond the time stated in a notice issued under section 5-6-81 and any person violating section 5-6-82 shall, upon conviction thereof, be punished by a fine of not less than \$100 nor more than \$1,000 for each offense or be imprisoned for a period not exceeding 60 days, or both. Each violation of a separate provision of section 5-6-80 and each violation of section 5-6-82 shall constitute a separate offense. In addition to or in lieu of the penalty provided above, the city or the Authority may commence an action in the Circuit Court for the City of Alexandria for appropriate legal or equitable relief, including but not limited to an injunction and monetary damages, against any user which continues violating any provision of section 5-6-80 beyond the time stated in a notice issued under section 5-6-81 or against any person violating section 5-6-82.

Subdivision C Regulation of industrial users and pretreatment of nondomestic waste

Sec. 5-6-90 Applicability and purpose of subdivision; information required.

(a) The provisions of this subdivision shall be applicable to all industrial users of the collection system and the POTW. The subdivision sets forth uniform requirements for such users. The

purpose of these requirements is to ensure compliance with all applicable state and federal laws, including the Clean Water Act of 1977, the Water Quality Act Amendment of 1987 and the General Pretreatment Regulations (40 C.F.R. 403.1 et seq.), and to improve the opportunity of the POTW to recycle and reclaim wastewaters and sludges.

(b) All reports, data, product and materials information, and other information required by the engineer to be maintained by industrial users shall be submitted to the Authority upon its request.

Sec. 5-6-91 Permits required, prohibited acts and grounds for denial, suspension or revocation.

(a) All industrial users shall comply with the sewer connection permit requirements of this article and shall not discharge any wastewater into the collection system or the POTW unless a sewer connection permit has been issued by the city and is in effect.

(b) The Authority shall establish an effective significant industrial user permit system which shall include specific methods of enforcing the pretreatment requirements of the Clean Water Act and this division. The Authority shall provide any interested person a copy of the significant industrial user permit system established and enforced by the Authority.

(c) Any one or more of the following are unlawful and, in addition to or in lieu of any other penalties or remedies provided by this article, shall be grounds for the denial, suspension or revocation of a sewer connection or significant industrial user permit applied for by or issued to an industrial user pursuant to the provisions of this article:

(1) The discharge of pollutants into the collection system or the POTW which cause interference with the operation of the POTW, contaminate the resulting sludge, or cause the POTW to violate its NPDES permit or any state permit issued to regulate the treatment of wastewater or the treatment or application of sludge, or to implement applicable water quality standards.

(2) The discharge of pollutants into the collection system or the POTW which pass through the POTW, inadequately treated, into receiving waters or the atmosphere or are otherwise incompatible with the system.

(3) The violation of any provision of this division.

(4) The violation of any provision of any written implementation procedures established by the engineer pursuant to the provisions of this division.

(5) The discharge of any substance into the collection system or the POTW without first obtaining the permits required by this article from the city or Authority.

(6) The discharge of any new substance into, or the increase of any discharge into, the collection system or the POTW without notifying the Authority of such new substance or discharge increase.

(7) The discharge into the collection system or the POTW of hazardous waste, as defined in the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), which is not covered by the domestic sewage exemption contained in 40 C.F.R. 261.4(a)(1)(ii). This type of waste must be handled in accordance with the requirements of RCRA and shall not be discharged into the collection system.

(9) The discharge of pollutants into the collection system or the POTW in violation of any national categorical pretreatment standards found in subchapter N of title 40 of the Code of Federal Regulations.

(10) The violation of any significant industrial user permit term or condition.

Sec. 5-6-92 Effluent data.

Effluent information and data provided to the Authority shall be available to the public without restriction.

Sec. 5-6-93 Significant industrial user permits.

(a) Permits required. All significant industrial users proposing to connect to or discharge into the collection system or the POTW shall comply with the significant industrial user permit requirements of this division and shall not discharge any wastewater into the collection system or the POTW unless a significant industrial user permit has been issued by the Authority and is in effect.

(b) Permit application. Industrial users required to obtain a significant industrial user permit shall complete and file with the Authority an application in the form prescribed by the Authority. Any significant industrial users connected to or discharging into the collection system or the POTW as of October 22, 1988, shall obtain a significant industrial user permit application form from the Authority and shall apply for a significant industrial user permit within 90 days of such date. Any new significant industrial user which proposes to connect to or discharge into the collection system or the POTW after October 22, 1988, shall obtain a significant industrial user permit application form from the Authority and shall apply at least 90 days prior to connecting to or discharging into the collection system or the POTW.

(c) Permit modifications.

(1) Upon promulgation of a national categorical pretreatment standard, the Authority shall notify the users which have a significant industrial user permit and which are subject to the new standard. If the new standard is more stringent than requirements in the permits of such users, the authority shall modify the permits to require compliance with the new standard within the time frame prescribed by the standard. Where a user which becomes subject to a new national categorical pretreatment standard has not previously submitted an application for a significant industrial user permit, the user shall apply for a permit within 90 days after the promulgation of the new standard, unless a federal or state law or regulation requires application and compliance within a shorter time period.

(2) A significant industrial user permit is also subject to modification by the engineer as limitations or requirements identified in this division are revised or other just cause exists. A significant industrial user shall be informed of any such permit change at least 30 days prior to the effective date of the change, unless a federal or state law or regulation requires an earlier effective date. Any such change in the permit shall include a reasonable time schedule for compliance.

(d) Permit conditions. Significant industrial user permits shall be expressly subject to all provisions of this division and all other applicable regulations, conditions, and user charges and fees established by the Authority or the city, or both. All significant industrial user permits shall also contain the following at a minimum:

(1) A cover page containing the name and address of the owner or operator of the user (the permittee); the signature of an authorized representative of the owner or operator of the user; the issuance, effective and expiration dates of the permit; and the signature of the control authority;

(2) The most stringent applicable discharge limits, including but not limited to those limits established by this article and applicable national categorical pretreatment standards;

(3) The monitoring requirements imposed on the permittee, including but not limited to the pollutants to be monitored, the locations for taking samples, the methods of taking and analyzing samples, and the frequency of taking samples;

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

(5) Standard conditions that are applicable to all permittees;

(6) Specific conditions that apply to the particular significant industrial user including, but not limited to, requirements to construct, maintain and operate certain pretreatment facilities, requirements to develop and implement compliance schedules, requirements to develop and implement best management practices and requirements to develop and implement spill prevention countermeasure and control plans;

(7) Other conditions as may be reasonably necessary to regulate the significant industrial user; and

(8) The circumstances in which the permit may be reopened and modified by the Authority.

(e) Permit duration. Significant industrial user permits shall be issued for a specified time period, not to exceed five years. Significant industrial user permits may be stated to expire on a specific date or the occurrence of an event. The permittee may apply for the reissuance of a significant industrial user permit a minimum of 180 days prior to the expiration of the user's existing permit.

(f) Permit transfer. Significant industrial user permits shall be issued to a specific permittee for a specific user for a specific operation. A permit shall not be assigned, transferred or sold to a new owner or operator of the user or to another user and shall not remain in effect in the case of a new or changed user operation, unless such assignment, transfer, sale or new or changed operation has been approved by the engineer.

Sec. 5-6-94 Pretreatment.

(a) Every significant industrial user shall provide all wastewater treatment that is required to enable the user to comply with the terms and conditions of its significant industrial user permit and the requirements of this division within the time limitations specified in its permit, and shall comply with all national categorical pretreatment standards within the time limitations specified by the federal pretreatment regulations. Any equipment or process required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated and maintained at the significant industrial user's expense. Detailed plans showing the pretreatment equipment and processes and the operating procedures of a significant industrial user shall be submitted to the engineer for review, and shall be approved by the engineer before the significant industrial user may install the equipment or initiate the processes. The review of such plans shall in no way relieve the significant industrial user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of this division. Any subsequent change in the user's pretreatment equipment or processes or its operating procedures shall be reported to and approved by the engineer prior to the initiation of the change.

Sec. 5-6-95 Spill prevention control and countermeasure plan.

(a) Where reasonably appropriate and required by the engineer, an industrial user shall provide protection from the spilling or leaking of prohibited materials and other wastes regulated under this article into the collection system or the POTW. Facilities to prevent such spills or leaks shall be provided and maintained at the user's expense. Detailed plans showing such facilities and the operating procedures to provide this protection shall be submitted to the engineer for review and shall be approved by the engineer prior to facility construction. The Authority, acting through the engineer, shall have the authority and responsibility to enter upon the property of any industrial user at any reasonable time for the purpose of investigating or testing any facility to assure that a spill prevention and control program is at all times fully effective. Spill prevention and control requirements may be part of the significant industrial user permit issued to significant industrial users.

(b) Within 24 hours following a leak or spill, the industrial user shall notify the engineer or other Authority personnel by telephone of the known causes and extent of the leak or spill. Within five days following the leak or spill, the user shall submit to the engineer a detailed written report describing the cause of the leak or spill and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the collection system or the POTW, damage to other property or injury to persons. Further, such notification shall not relieve the user of any liabilities, fines or other penalties which may be imposed under this article or other applicable laws.

Sec. 5-6-96 Best management practices.

Where reasonably appropriate and required by the engineer, an industrial user shall provide and implement best management practices. The Authority, acting through the engineer, shall have the authority and responsibility to enter upon the property of any such user at any reasonable time for the purpose of investigating whether the required best management practices are being followed by the user. Best management practices may be part of the significant industrial user permit issued to significant industrial users.

Sec. 5-6-97 Implementation procedures.

The engineer is hereby authorized to establish such written program implementation procedures as he may deem necessary to implement, administer and enforce the provisions and requirements of this subdivision, including the development for significant industrial users of a compliance schedule for the installation of pretreatment technology required to meet applicable pretreatment

standards and requirements, and the development for industrial users of a compliance schedule to meet the requirements imposed by spill prevention control and countermeasure plans or best management practices.

Sec. 5-6-98 Annual notice of significant violations.

The engineer shall publish annually in the largest local daily newspaper a list of the significant industrial users which, during the previous twelve months, were significantly violating applicable pretreatment standards or other pretreatment requirements. For the purposes of this section, a significant violation is a violation which remains uncorrected for forty-five days after notification of noncompliance, which is part of a pattern of noncompliance over a twelve month period, which involves a failure to accurately report noncompliance or which results in the Authority exercising its authority to obtain legal or equitable relief under this division.

Sec. 5-6-99 Penalties.

The owner and the operator of any industrial user which is found to have violated any provision of this subdivision, including any written orders, rules, procedures, permit terms or conditions, or regulations issued thereunder, shall, upon conviction thereof, be punished by a fine of not less than \$100 nor more than \$1,000 for each offense or be imprisoned for up to 60 days, or both. Each violation of a provision of this subdivision shall constitute a separate offense. In addition to or in lieu of the penalty provided above, the city or the Authority may commence an action against such an owner and operator in the Circuit Court of Alexandria for appropriate legal or equitable relief, including but not limited to injunctions and monetary damages.

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

JAMES P. MORAN, JR.
Mayor

Final Passage: October 15, 1988