

ORDINANCE NO. 3661

AN ORDINANCE to amend and reordain current Division 3 (DISCHARGES INTO SEWAGE DISPOSAL SYSTEM AND POTW) of Chapter 6 (WATER AND SEWER), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Division 3 of Chapter 6 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows.

DIVISION 3

Discharges into Sewer Collection
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 Department of Environmental Quality, Water Division.

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

(d) Authorized representative of the user. A duly authorized representative of the individual or entity identified in subsections (1), (2), (3) or (4) below, if such representative is responsible for the overall operation of the facility from which the discharge originates. The authorization must be submitted to the authority in writing and must name the representative and the position he or she occupies. Whenever such authorization is no longer accurate, a new authorization must be submitted to the authority prior to submission of any reports signed by the authorized representative. An authorized representative shall be:

(1) if the user is a corporation:

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

(b) the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

(4) 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 such person's designee.

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

(e) 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 and toxic organic management plans, operating procedures, practices to control batch discharge, sludge and waste disposal, spillage or leaks, or drainage from raw material storage, and/or pollution prevention control.

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

(g) 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.

(h) Collection system. All sewers which discharge wastewater into a POTW.

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

(j) Conventional pollutants. BOD, TSS, fecal coliform, oil and grease, and pH.

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

(l) Discharge. The introduction of pollutants into the collection system or into a POTW.

(m) Engineer. The engineer-director of the authority.

(n) 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.

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

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

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

(3) prevents the use or disposal of sludge at a POTW from complying with any of the following statutory provisions, regulations or permits issued thereunder, or any more stringent state or local regulations: section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including title II which is more commonly referred to as the Resource Conservation Recovery Act (RCRA); state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA; the Clean Air Act; or the Marine Protection, Research and Sanctuaries Act.

(p) Medical waste. Isolation wastes, infectious agents, human blood and blood products, pathological waste, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, or dialysis wastes, which have been generated by a medical, commercial or industrial facility.

(q) National categorical pretreatment standards or categorical standards. Any regulation which contains pollutant discharge limits, promulgated by the United States Environmental Protection Agency pursuant to sections 307(b) and (c) of the Clean Water Act, 33 U.S.C. 1317, and which applies to a specific category of users which appear in 40 C.F.R., chapter I, subchapter N, parts 405 through 471.

(r) 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.

(s) 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 in the Federal Register of proposed pretreatment standards under the Clean Water Act, 33 U.S.C. 1311 and 1314, that will be applicable to the source if such standards are thereafter promulgated, provided that:

(i) the building, structure, facility or installation is constructed at a site where no other source is located; or

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

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

(2) Construction at a site at which an existing source is located results in a modification of the existing source, rather than a new source, if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1) 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:

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

(ii) entered into a binding contractual obligations for the purchase of facilities or equipment which are intended to be used in the operation of the new source within a reasonable time; provided, that options to purchase, contracts

which may be terminated or modified without substantial loss, and contracts for feasibility, engineering or design studies shall not constitute a contractual obligation under this subsection.

(t) Noncontact cooling water. Water used solely for cooling purposes which does not come in contact with any other discharge until such noncontact cooling water is discharged into the collection system or a POTW, and which does not exceed the pretreatment standards.

(u) Pass through. Any discharge which exits a 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).

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

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

(x) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, rock, sand and agricultural wastes, or the characteristics of the wastewater (such as pH, temperature, TSS, BOD, COD, toxicity and odor).

(y) POTW or publicly owned treatment works. A wastewater treatment plant, pump stations or the sewers which feed into a wastewater treatment plant.

(z) 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 the pollutants into the collection system or a POTW. This reduction or elimination may be obtained by physical, chemical or biological processes or other means, except by dilution of the concentration of the pollutants unless allowed by an applicable pretreatment standard or by other means which are prohibited by 40 C.F.R. 403.6(d).

(aa) Pretreatment standards or standards. Prohibited discharge standards, national categorical pretreatment standards, and/or local limits.

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

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

(dd) 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.

(ee) Slug discharge. Any discharge which, in concentration of any given pollutant or in quantity of flow, could cause a violation of the pretreatment standards.

(ff) User. Any person, entity or facility discharging wastewater into the collection system or a POTW.

(gg) User, domestic. Any facility discharging only domestic wastewater into the collection system or a POTW.

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

(ii) User, significant industrial.

(1) Categorical: any industrial user subject to national categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; and

(2) Noncategorical: any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary noncontact cooling and boiler blowdown wastewater), contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW's treatment capacity, or is so designated by the authority, or the receiving POTW on the basis that the industrial user has a reasonable potential to adversely affect the POTW's operation or to violate any national categorical pretreatment standard or requirement, in accordance with 40 C.F.R. 403.8(f)(6).

(jj) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to a POTW.

(kk) Water Quality Act Amendment of 1987. The 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;
compliance schedules.

(a) 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 and copying, or the performance of 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.

(b) The city, the authority and the approval authority have the right to require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements.

Sec. 5-6-74 Records.

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

Sec. 5-6-75 Fees and charges.

(a) The holders of a significant industrial user permit shall pay an annual fee to the authority to offset the authority's costs in administering the significant industrial user permit system. The annual fee for categorical significant industrial use permittees shall be \$375. The annual fee for noncategorical permittees shall be \$250. These fees shall be paid to the authority each year on or before the anniversary of the effective date of the permittee's permit. If a significant industrial user fails to make payment of the annual fee within thirty (30) days of the date on which payment is due, the permit shall lapse and the user must reapply for a new permit.

(b) In addition to the fees established by subsection (a), 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 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, including by a permit issued pursuant to 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 local 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.

Sec. 5-6-78 Notice to user violators.

The owner or operator of any user found to be violating any provision of this division shall be served written notice by the director, the engineer or his/her designee, stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof.

Sec. 5-6-79 Administrative orders.

(a) The director, the engineer and their designees may issue an administrative order to any user which is in violation of one or more of the discharge limitations or standards or other requirements imposed by this division, including by a permit issued pursuant to this division. Any such order shall require that the user come into compliance with said limitations, standards or other requirements within a specified period of time. If the violations are not corrected within the specified

time, the director, engineer or designee may issue a second administrative order which, in addition to requiring correction of the violation within a specified period of time, may impose upon the user a fee, in addition to the fee identified in subsection (b), to cover the increased administrative costs incurred by the city or the authority since issuance of the first order in seeking to obtain compliance by the user.

(b) In conjunction with the issuance of any administrative order, the director, engineer or their designees may assess a fee of up to \$2,500 to provide for the costs incurred by the city or the authority, or both, in administering this division. This fee may be adjusted by resolution of city council.

Sec. 5-6-79A Penalties and fines.

The owner and the operator of any user which is found to have violated any provision of this division, 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 \$1,000 for each day the violation occurs or continues, or be imprisoned for up to 60 days, or both. The violation of different provisions or requirements of this division shall, for purposes of this section, constitute a separate violation. 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.

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 a 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, which creates a fire or explosion hazard in the POTW or collection system, including but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees F. (60 degrees C.) using methods specified in 40 C.F.R. 261.21;

(2) petroleum oil, non biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(3) 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;

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

(5) 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;

(6) any liquid or vapor having a temperature higher than 140 degrees F. (60 degrees C.) or, at the point of intake to the POTW, having a temperature higher than 104 degrees F. (40 degrees C.);

(7) any water or waste containing fats, wax, grease or oils of animal or vegetable origin in concentrations greater than 100 mg/l as an instantaneous maximum or containing substances which may solidify or become viscous at temperatures between 32 degrees F. and 140 degrees F.;

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

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

(10) quantities of flow or concentrations, or both, which constitute a slug discharge, as defined in section 5-6-71, and any pollutant, including conventional pollutants, released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

(11) any substance from a septic tank, truck or any portable vessel or devise;

(12) used motor oil in any amount;

(13) any product containing antifreeze; or

(14) any medical waste.

(b) No user shall discharge into the collection system or the POTW any wastewater containing pollutant levels above the local limit pretreatment standards set by the authority in accordance with 40 C.F.R. 403.5(c)(1). The authority will require compliance with validly adopted local limits of other political jurisdictions for users which discharges are tributary to a collection system or POTW of such jurisdictions and applicable pursuant to agreements between the authority and such jurisdiction. The authority may impose maximum mass or concentration discharge limits for any pollutant that threatens the public health, presents an endangerment to the environment, interferes with the operation of a 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. Concentrations shall be determined at the point where the industrial waste is discharged to the collection system. All concentrations for metallic substances and compounds shall be measured as the elemental metal. Compliance with all parameters may be determined from a single grab sample. Where specific prohibitions or limits on pollutants are developed for the collection system in accordance with this division, such limits are deemed pretreatment standards.

(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.

(d) Dilution of wastestreams to meet the requirements of this section is prohibited.

(e) Any discharge of groundwater, stormwater, surface water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater into the collection system or POTW without written approval of the authority is prohibited, except for those circumstances covered by sections 5-6-32 through 5-6-39.

Secs. 5-6-81 through 5-6-89 reserved.

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. All reports submitted to the authority shall be signed by a representative of the user authorized to do so on behalf of the user, and shall include the following certification statement:

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

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 establish by regulation limitations as may be necessary on the discharge of pollutants to the collection system or a POTW. Such limitations shall be calculated to prevent pass through or interference. 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 a 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 a 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 discharge of any substance into the collection system or a POTW without first obtaining the permits required by this article from the city or authority;

(5) 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;

(6) the discharge of pollutants into the collection system or the POTW in violation of any national categorical pretreatment standards found in chapter I, subchapter N of title 40 of the Code of Federal Regulations. The national categorical pretreatment standards found at 40 C.F.R. chapter I, subchapter N, parts 405 through 471 are hereby incorporated into this division as if fully set forth herein;

(7) the violation of any significant industrial user permit term or condition;

(8) the failure of any industrial user to notify the authority in advance of any substantial changes in the volume or character of the pollutants in its discharge; or

(9) the failure of any industrial user to notify the authority immediately of any slug loading which may constitute a slug discharge, as defined in section 5-6-71(ee).

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.

The provisions of this section are applicable, pursuant to their terms, to all significant industrial users, whether categorical or noncategorical, except that the provisions of subsections (m), (n), (o), (p) and (q) are applicable only to categorical significant industrial users.

(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. All industrial users required to obtain a significant industrial user permit shall complete and file with the authority a permit application form prescribed by the authority. Any significant industrial user connected to or discharging into the collection system as of February 27, 1991, which does not possess a significant industrial user permit shall file a completed permit application form with the authority on or before May 27, 1991. Any significant industrial user which proposes to connect to or discharge into the collection system or the POTW after February 27, 1991, shall file a completed permit application form with the authority 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 holding a significant industrial user permit 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 pretreatment standard does not hold a significant industrial user permit, the user shall file a completed permit application form with the authority within 90 days after the promulgation of the new standard, unless a federal or state statute or regulation requires application within a shorter 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 modification at least 30 days prior to the effective date of the modification, unless a federal or state statute or regulation requires an earlier effective date. Any such modification in a permit shall include a reasonable time schedule for compliance.

(d) Permit conditions. Significant industrial user permits shall contain a provision 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, at a minimum, the following:

(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;

(2) the most stringent applicable discharge limits, including but not limited to those limits established by this article and applicable national categorical pretreatment standards, and limits established by other political jurisdictions and applicable pursuant to agreements between the authority and such jurisdictions;

(3) Local limits. The authority may impose maximum mass or concentration discharge limits for any pollutant that threatens the public health, presents an endangerment to the environment, interferes with the operation of the POTW or causes the authority to be in violation of its NPDES permit or any state permit issued to regulate the treatment of wastewater or the treatment or application of sludge. Concentrations shall be determined at the point where the industrial waste is discharged to the collection system. All concentrations for metallic substances are for metals. Compliance with all parameters may be determined from a single grab sample. Where specific prohibitions or limits on pollutants are developed for the collection system in accordance with this division, such limits are deemed local pretreatment limits.

(4) 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;

(5) 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;

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

(7) standard conditions that are contained in all significant industrial user permits;

(8) specific conditions that apply to the particular permittee, 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 accidental spill and slug control plans;

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

(10) 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, and may provide for permit expiration on a specific date or the occurrence of a specific event. The permittee may apply for the reissuance of a significant industrial user permit at least 180 days prior to the expiration of the 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 unless the assignment, transfer or sale had been approved by the engineer. A permit shall, in the case of a new or changed user operation, automatically expire unless the new or changed operation has been approved by the engineer.

(g) Notice of potential problems, including slug loading:

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

(2) within five days following such discharge, the user, unless waived by the authority, shall submit a detailed written report describing the causes(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this division.

(3) a notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subparagraph (1), above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(h) Monitoring and sampling. If a significant industrial user subject to the reporting requirement in subsection (d) monitors any pollutant more frequently than required by the significant industrial user permit by methods prescribed by 40 C.F.R. Part 136 and any amendments thereto, or than required by any other monitoring procedures approved by the administrator (see 40 C.F.R. 136.4 and 136.5), the results of this monitoring shall be included in the report required by the user's permit. All sampling and analyses shall be performed in accordance with techniques approved by the administrator. Where 40 C.F.R. part 136 does not include sampling or analytical techniques for the pollutants in question, or where the administrator determines that the 40 C.F.R. Part 136 sampling or analytical techniques are inappropriate for the pollutants in question, sampling and analyses shall be performed using validated analytical methods or other sampling and analytical procedures, including procedures suggested by the authority or other parties, that have been approved by the administrator or the approval authority.

(i) Notification of changed discharge. All users shall notify the engineer of any substantial change in the volume or character of pollutants in their discharge. Such notice shall be given at least 30 days in advance of any such change.

(j) Signatory requirements for reports. The reports required by this section shall include the certification statement set forth in 40 C.F.R. 403.6(a)(2)(ii) and section 5-6-90(b), and shall be signed by an authorized representative of the user.

(k) Fraudulent and false statements. The reports required by subsections (d)(5), (m), (o) and (p) are subject to the provisions of 18 U.S.C. 1001, relating to fraudulent and false statements, and the provisions of the Clean Water Act, 33 U.S.C. 1311 and 1314, relating to false statements, representations or certifications in reports required by the Act.

(l) Record-keeping requirements.

(1) Any significant industrial user subject to any of the reporting requirements of this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(i) the date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(ii) the dates analyses were performed;

(iii) the name of the person or persons performing the analyses;

(iv) the analytical techniques or methods used;
and

(v) the results of the analyses.

(2) Any significant industrial user subject to the reporting requirements established in this section shall be required to retain for a minimum of three years any records of monitoring activities and results, whether or not such monitoring activities are required by this section and shall make such records available for inspection and copying by the authority or the approval authority. This period of retention shall be extended during the course of any unresolved litigation regarding the significant industrial user or when requested by the authority or the approval authority.

(m) Additional reporting requirements for categorical significant industrial users; baseline reports. Within 180 days after the effective date of a new or revised categorical pretreatment standard, or 180 days after a final administrative decision regarding a category determination submission under 40 C.F.R. 403.6(a)(4), whichever is later, any existing significant

categorical industrial user that is currently discharging to or scheduled to discharge to the POTW shall submit to the authority a report which contains the information described in subsections (1) through (7) below. At least 90 days prior to discharging into the collection system or a POTW, any new source, and any source that becomes a significant industrial user by virtue of the promulgation of the new or revised categorical pretreatment standard, shall submit to the authority a report which contains the information described in subsections (1) through (7) below; provided, that new sources shall give estimates of the information requested in subsections (4) and (5). New sources shall also be required to include in this report information on the method of pretreatment that the source intends to use to meet the new or revised pretreatment standard.

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

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

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

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

(5) Measurement of pollutants.

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

(ii) The significant industrial user shall conduct, and submit the results of, sampling and analyses that identify the nature and concentration, or mass where required by an applicable pretreatment standard or the authority, of the regulated pollutants that are in the discharge from each of its regulated processes. Both daily maximum concentrations and

applicable average concentrations, or mass where required, shall be reported for each regulated pollutant. All samples shall be representative of daily operations. All sampling and analyses shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 and any amendments thereto; provided, that, if 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutants in question, or where the administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutants in question, sampling and analytical procedures suggested by the authority or other parties and approved by the administrator may be used.

(iii) In conducting the sampling required by this subsection, a minimum of four grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional composite sampling techniques or through a minimum of four grab samples where the significant industrial user demonstrates that this will provide a representative sample of the effluent being discharged.

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

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

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

(vii) The authority may allow the submission of a baseline report which provides a measurement of pollutants by utilizing only historical data, as long as the authority

concludes that the data provide sufficient information for it to determine the need for industrial pretreatment measures.

(6) Certification. The significant industrial user shall submit a statement, executed by an authorized representative of the user, as defined in subsection (j), and certified by a qualified professional, that it is meeting all applicable pretreatment standards and requirements on a consistent basis or, if not, that identifies the additional operation and maintenance measures and/or the additional pretreatment measures that are required in order for it to meet the standards and requirements.

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

(8) Modifications of pretreatment standards.

(i) Where, at the time a significant industrial user's baseline report is submitted, the user's categorical pretreatment standard has been modified by a removal allowance pursuant to 40 C.F.R. 403.7, by the combined wastestream formula pursuant to 40 C.F.R. 403.6(e), or by a fundamental different factors variance pursuant to 40 C.F.R. 403.13, the information required by subsubsubsections (6) and (7) shall pertain to the modified limits.

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

(n) Compliance schedule for meeting categorical pretreatment standards. The following conditions shall apply to the schedule required by subsection (m)(7).

(i) 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 operation and maintenance measures and/or additional pretreatment measures required for the significant industrial

user to meet applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction); provided, that in no event shall an increment referred to in this subsection exceed nine months.

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

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

(p) Periodic reports on continued compliance.

(1) Any significant industrial user that is subject to a categorical pretreatment standard shall, after the compliance date of the standard or, in the case of a new source, after commencement of its discharge into the collection system or the POTW, submit each year to the authority during the month of June and during the month of December, unless required more frequently in the pretreatment standard or by the authority or the approval authority, a report stating the nature and concentration in the user's effluent of the pollutants which are limited by each pretreatment standard applicable to the user. This report shall also include a record of measured or estimated average and maximum daily flows during the reporting period for the discharge reported in subsection (m)(4) of this section, 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, and similar factors, the authority may agree to alter the months during which the reports required by this subsection shall be submitted.

(2) Where the authority has imposed mass limitations on significant industrial users, as provided for by 40 C.F.R. 403.6(d), the report required by subsection (1) shall indicate the mass of pollutants regulated by the applicable pretreatment standards in the discharge from the significant industrial user.

(3) For significant industrial users subject to equivalent mass or concentration limits established by the authority in accordance with the procedures in 40 C.F.R. 403.6(c), the report required by subsection (1) shall contain a reasonable measure of the user's long-term production rate. For all other significant industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production, or other measure of operation, the report required by subsection (1) shall include the user's actual average production rate for the reporting period.

(q) Monitoring and analysis to demonstrate continued compliance.

(1) The reports required by subsections (m), (o) and (p) of this section shall contain the results of the sampling and analysis of the discharge of the significant industrial user, including the flow and the nature and concentration, or production and mass where requested by the authority, of the pollutants contained in the discharge which are limited by an applicable pretreatment standard. This sampling and analysis may be performed by the authority in lieu of the user. Where the authority performs the required sampling and analysis in lieu of the user, the user will not be required to submit the compliance certification required under 40 C.F.R. 403.12(b)(6) and 40 C.F.R. 403.12(d). In addition, where the authority itself collects the information required for a report, including flow data, the user shall not be required to submit the report.

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

(3) The reports required in subsection (p) of this section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the

report, which data shall be representative of conditions occurring during the reporting period. The authority shall require monitoring as frequently as necessary to assess and assure compliance by significant industrial users with applicable pretreatment standards and requirements.

(4) All analyses conducted under this subsection shall be performed in accordance with procedures set forth in paragraph (h) of this section.

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 of 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 Accidental discharge and slug control plan.

(a) Where reasonably appropriate and required by the engineer, an industrial user shall provide protection from spills, leaks and/or slug discharge of prohibited materials and other wastes regulated under this article into the collection system or a POTW. For the purpose of this section a slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge. The results of such activities shall be available to the authority upon request. If the authority decides that an accidental discharge and slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(1) description of discharge practices, including nonroutine batch discharges;

(2) description of stored chemicals;

(3) procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under section 5-6-80 of this division, with procedures for follow up written notifications 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; or

Facilities to prevent such spills, leaks or slug discharges 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 an accidental spill and slug control plan is at all times fully effective. Accidental spill and slug control plan requirements may be part of the significant industrial user permit issued to significant industrial users.

(b) Immediately 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 accidental spill and slug control plans or best management practices.

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

The engineer shall publish at least annually, in the largest local daily newspaper, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements imposed by this subdivision. A user shall, for purposes of this section, be in significant noncompliance for any of the following reasons:

(1) chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or, where applicable, the average limit for the same pollutant parameters;

(2) technical review criteria (TRC) violations, defined as those in which 33 percent or more of the measurements for any pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit or, where applicable, the average limit times the applicable TRC, where the TRC is 1.4 for conventional pollutants and for all other pollutants, except pH, is 1.2;

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

(4) any discharge of one or more pollutants that has caused imminent danger to human health, welfare or the

environment or has resulted in the authority's exercise of its emergency authority under 40 C.F.R. 403.8(f)(1)(vi)(B) to halt or prevent such discharge;

(5) failure to meet, within 90 days after the scheduled date, a compliance milestone, contained in a significant industrial user permit or an enforcement order, for starting construction or attaining final compliance;

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

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

(8) any violation or group of violations of this division which the authority determines has or will adversely affect the operation or implementation of the local pretreatment program.

Section 5-6-99 Monitoring charges.

Each significant industrial user shall pay all chemical and biological monitoring costs incurred by the authority as required by the user's permit. Payment of these costs shall be made within 30 days of written notice by the authority. The costs shall not exceed the costs actually incurred by the authority.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: September 18, 1993