

**ARTICLE X
COUNTY OF DINWIDDIE
DINWIDDIE COUNTY WATER AUTHORITY
DISCHARGES TO PUBLIC SEWERS
PRETREATMENT REGULATION**

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SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This Pretreatment Regulation sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the County of Dinwiddie, Virginia and the South Central Wastewater Authority, and enables the County of Dinwiddie, Dinwiddie County Water Authority and the South Central Wastewater Authority to comply with all applicable Virginia and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.), the General Pretreatment Regulations (40 Code of Federal Regulations Part 403), the State Water Control Law (Va. Code § 62.1-44.2 et seq.), and the Virginia Pretreatment Regulations (9 VAC 25-31-730 to 900).

The objectives of this Regulation are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To enable the South Central Wastewater Authority to comply with its Virginia Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject; and
- F. To provide for a program whereby the County, DCWA and the SCWWA will work together to comply with the federal and Virginia requirements for a pretreatment program addressing non-domestic wastewaters.

This Regulation shall apply to all Users of the Publicly Owned Treatment Works located within the County. The Regulation authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires User reporting.

1.2 Administration

Except as otherwise provided herein, the pretreatment manager shall administer, implement, and enforce the provisions of this Regulation. Any powers granted to or duties imposed by this Regulation may be delegated by the Executive Director of DCWA to other DCWA staff.

1.3 Abbreviations

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

BOD	-	Biochemical Oxygen Demand
C.F.R.	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
DCWA	-	Dinwiddie County Water Authority
EPA	-	U.S. Environmental Protection Agency
gpd	-	gallons per day
mg/l	-	milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
RCRA	-	The federal Resource Conservation and Recovery Act, 42 U.S.C. 6921, et seq.
SIC	-	Standard Industrial Classification
TSS	-	Total Suspended Solids
U.S.C.	-	United States Code
SCWWA	-	South Central Wastewater Authority
VPDES	-	Virginia Pollutant Discharge Elimination System

1.4 Definitions

Unless a provision explicitly states otherwise or the context of a provision clearly requires a different definition, the following terms and phrases, as used in this

Regulation, shall have the meanings hereinafter designated.

- A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.
- B. Approval Authority. Shall mean the Commonwealth of Virginia.
- C. Authorized Representative of the User.
 - (1) If the User is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (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 or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the pretreatment manager.
- D. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- E. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471 and 9 VAC 25-31-30.

- G. County. The County of Dinwiddie or the Board of Supervisors of the County of Dinwiddie.
- H. DCWA. The Dinwiddie County Water Authority that owns the wastewater collection system in Dinwiddie County.
- I. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of such agency.
- J. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which would otherwise be applicable to such source.
- K. Grab Sample. A sample which is taken from a waste stream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- L. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act.
- M. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- N. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the DCWA's or SCWWA's VPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent state or local regulations: Section 405 of the Act; the federal Solid Waste Disposal Act, including Subtitle C commonly referred to as RCRA; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the federal Clean Air Act; the federal Toxic Substances Control Act; and the federal Marine Protection, Research, and Sanctuaries Act, as well as the Virginia State Water Control Law; the Virginia Waste Management Act; and the Virginia Air Pollution Control Law.
- O. Regulated Medical Waste. Regulated medical waste as defined in the Virginia Regulated Medical Waste Management Regulations (9 VAC 20-120).
- P. Regulation. This Pretreatment Regulation.
- Q. New Source.
 - (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- R. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- S. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the SCWWA's or DCWA's VPDES permit, including an increase

in the magnitude or duration of a violation.

- T. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.
- U. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- V. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- W. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- X. Pretreatment Manager. Person(s) to carry out Industrial Pretreatment Program responsibilities on behalf of the DCWA, as designated by the Executive Director of the DCWA. The pretreatment manager for the DCWA is the pretreatment manager for SCWWA.
- Y. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.
- Z. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- AA. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 2.1 of this Regulation.
- BB. Publicly Owned Treatment Works or POTW as defined in 40 C.F.R. § 403.3(o). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- CC. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- DD. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

- EE. Significant Industrial User.
- (1) A User subject to categorical pretreatment standards; or
 - (2) A User that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler lowdown wastewater);
 - (b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the pretreatment manager or the DCWA on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
 - (3) Upon a finding that a User meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the DCWA and the SCWWA may jointly at any time, on their own initiative or in response to a petition received from a User, and in accordance with procedures in 40 C.F.R. § 403.8(f)(6), and 9 VAC 25-31-10 (subsection 3 is definition of "Significant Industrial User") determine that such User shall not be considered a Significant Industrial User.
- FF. Slug Load or Slug. Any discharge of a non-routine, episodic nature, or at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 2.1 of this Regulation.
- GG. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- HH. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- II. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- JJ. User or Industrial User. A source of indirect discharge.
- KK. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- LL. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW

which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 C.F.R. § 261.21;
 - (2) Wastewater having a pH less than 5.5 or more than 11.5, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than 4 inches;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants, except at discharge points designated by the pretreatment manager in accordance with section 3.4 of this Regulation;
 - (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a

public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant effluent;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the pretreatment manager;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Regulated Medical Wastes, except as specifically authorized in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 500 mg/l;
- (18) Discharges containing any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids or gases; and in no case pollutants with a closed cup flashpoint of less than 140 degrees F (60 degrees C) or pollutants which cause an exceedence of 10 percent (10%) of the Lower Explosive Level at any point within the POTW.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 C.F.R. Chapter I, Subchapter N, Parts 405-471 and 9 VAC 25-31-30 are hereby incorporated as requirements of this Regulation.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the pretreatment manager may impose equivalent concentration or mass limits in accordance with 40 C.F.R. § 403.6(c) and 9 VAC 25-31-780.C.

- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the pretreatment manager shall impose an alternate limit using the combined waste stream formula in 40 C.F.R. § 403.6(e) and 9 VAC 25-31-780.E.
- C. A User may obtain a variance from a categorical pretreatment standard if the User can prove, pursuant to the procedural and substantive provisions in 40 C.F.R. § 403.13 and 9 VAC 25-31-850, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard. Such variances are only granted by EPA.
- D. A User may obtain a net gross adjustment to a categorical standard in accordance with 40 C.F.R. § 403.15 and 9 VAC 25-31-870 and with the additional approval of the SCWWA.

2.3 State Pretreatment Standards

The DCWA shall maintain pretreatment standards at least as stringent as Virginia requirements.

2.4 Local Limits

Local limits are established in conjunction with the SCWWA to implement the General Prohibitions of section 2.1. No User shall discharge wastewater with pollutants exceeding local limits. The local limits are the following:

Total Chlorides	2500	mg/l
Oil and Grease (petroleum based)	100	mg/l
Oil and Grease (animal/vegetable based)	300	mg/l
Total Cyanide	2.0	mg/l

Additional or more stringent local limits may be adopted to implement the General Prohibitions of section 2.1 pursuant to 40 C.F.R. § 403.5(c). This Regulation shall be modified periodically to include as local limits other pollutant parameters adopted as local limits by the SCWWA.

2.5 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The pretreatment manager may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Regulation and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 2.1 of this regulation within the time limitations specified by EPA, the Commonwealth of Virginia, the DCWA or the pretreatment manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the pretreatment manager for review, and shall be acceptable to the DCWA and the pretreatment manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the DCWA and the pretreatment manager under the provisions of this Regulation.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the DCWA or the pretreatment manager may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and to determine the User's compliance with the requirements of this Regulation.
- B. The DCWA or the pretreatment manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided by the User when, in the opinion of the pretreatment manager or the DCWA, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type approved by the DCWA and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Control Plans

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

- A. Description of discharge practices, including non-routine batch discharges;

- B. Description of stored chemicals;
- C. Procedures for immediately notifying the pretreatment manager and DCWA personnel of any accidental or slug discharge, as required by section 6.6 of this Regulation; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the pretreatment manager, and at such times as are established by the pretreatment manager. Such waste shall not violate section 2 of this Regulation or any other requirements established by the DCWA. The DCWA and the pretreatment manager may require haulers of septic tank waste to obtain wastewater discharge permits.
- B. The DCWA and the pretreatment manager shall require haulers of industrial waste to obtain wastewater discharge permits. The pretreatment manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The pretreatment manager also may prohibit the disposal of hauled industrial waste if necessary to protect the POTW or for necessary levels of supervision and control of the discharge of industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Regulation.
- C. Industrial waste haulers may discharge loads only at locations designated by the pretreatment manager. No load may be discharged without prior consent of the pretreatment manager. The pretreatment manager may collect samples of each hauled load to ensure compliance with applicable standards. The pretreatment manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Analysis

When requested by the pretreatment manager, a User must submit information on the nature and characteristics of its wastewater within 30 days of the request. The pretreatment manager is authorized to prepare a form for this purpose and may

periodically require Users to update this information.

4.2 Wastewater Discharge Permit Requirement

- A. No significant industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the SCWWA, except that a significant industrial User that has filed a timely application pursuant to section 4.3 of this Regulation may continue to discharge until the wastewater discharge permit is either issued or denied.
- B. The DCWA and the pretreatment manager may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of this Regulation.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Regulation and subjects the wastewater discharge permittee to the sanctions set out in the Dinwiddie County Code. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and Virginia pretreatment standards or requirements or with any other requirements of federal, state, and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Regulation and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the DCWA through the pretreatment manager for a wastewater discharge permit in accordance with section 4.5 of this Regulation. If the permit is denied, the discharge of wastewater by the User shall cease upon denial or otherwise as specified in the permit denial.

4.4 Wastewater Discharge Permitting: New Connections

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 4.5 of this Regulation must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

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

- A. All information required by section 6.1(B) of this Regulation;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the pretreatment manager to evaluate the wastewater discharge permit application.

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

4.6 Application Signatories and Certification

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

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

If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted prior to or together with any reports to be signed by an authorized representative.

4.7 Wastewater Discharge Permit Decisions

The DCWA and the pretreatment manager will evaluate the data furnished by the User and may require additional information. Within 14 days of receipt of a complete wastewater discharge permit application, the pretreatment manager will determine whether or not to issue a wastewater discharge permit. The pretreatment manager may deny any application for a wastewater discharge permit if the pretreatment determines that the proposed discharge will not meet the requirements of this Regulation.

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the DCWA or the pretreatment manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the DCWA and the pretreatment manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit issuance date, expiration date, effective date and duration;
- (2) A statement that the wastewater discharge permit is non-transferable except in accordance with section 5.5 of this Regulation.
- (3) Effluent limits, including Best Management Practices, based on applicable pretreatment standards, including local limits established by both this Regulation and the DCWA;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, Virginia, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, State, or local law.
- (6) Requirements to control Slug Loads, if determined by the DCWA or the pretreatment manager to be necessary.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to

reduce, eliminate, or prevent the introduction of pollutants into the POTW;

- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW as provided by County ordinance;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and Virginia pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the DCWA or the pretreatment manager to ensure compliance with this Regulation, and Virginia and federal laws, rules, and regulations.

5.3 Wastewater Discharge Permit Appeals

The pretreatment manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the User, may petition the DCWA through the pretreatment manager to reconsider the issuance or the terms of a wastewater discharge permit within 30 days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the pretreatment manager fails to act within 14 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater

discharge permit decision must do so by filing a Complaint in accordance with the provisions of the Dinwiddie County Code.

5.4 Wastewater Discharge Permit Modification

The DCWA and/or pretreatment manager may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised pretreatment standards or requirements;
- B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the POTW, DCWA or staff personnel, the public or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 C.F.R. § 403.13 and 9 VAC 25-31-850;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the DCWA through the pretreatment manager which then must approve the wastewater discharge permit transfer. The transfer request to the pretreatment manager must include a written certification by the new owner containing the following information:

- A. A statement confirming that the new owner and/or operator has no immediate intentions of changing the facility's operations and processes;
- B. Identification of the specific date on which the transfer is to occur;
- C. Acknowledgment for responsibility for complying with the existing discharge permit.

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

5.6 Wastewater Discharge Permit Revocation

The DCWA and/or pretreatment manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the pretreatment manager of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the pretreatment manager of changed conditions pursuant to section 6.5 of this Regulation;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the DCWA or the pretreatment manager timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay sewer charges;
- I. Failure to meet compliance schedules;
- J. Failure to complete a wastewater survey or the wastewater discharge permit application;
- K. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- L. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Regulation.

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

5.7 Wastewater Discharge Permit Reissuance

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 4.5 of this Regulation, a minimum of 120 days prior to the expiration of the User's existing wastewater discharge permit.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a

categorical pretreatment standard, or the final administrative decision on a category determination under 40 C.F.R. § 403.6(a)(4), whichever is later, existing categorical Users currently discharging to or scheduled to discharge to the POTW shall submit to the pretreatment manager a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical Users subsequent to the promulgation of an applicable categorical standard, shall submit to the pretreatment manager a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- B. Users described above shall submit the information set forth below.
- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 C.F.R. § 403.6(e) and 9 VAC 25-31-780.E.
 - (5) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by pretreatment manager, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 6.10 of this Regulation.
 - (c) Sampling must be performed in accordance with procedures set out in section 6.11 of this Regulation.
 - (6) Certification. A statement, reviewed by the User's authorized

representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 6.2 of this Regulation.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with section 4.6 of this Regulation.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by section 6.1(B)(7) of this Regulation:

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

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such pretreatment standards and requirements shall submit to the pretreatment manager a report containing the information described in section 6.1(B)(4-6) of this Regulation. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 C.F.R. § 403.6(c) and 9 VAC 25-31-780.C, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject

to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 4.6 of this Regulation.

6.4 Periodic Compliance Reports

- A. All significant industrial Users shall, at a frequency determined by the pretreatment manager, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the pretreatment manager or the pretreatment standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with section 4.6 of this Regulation.
- B. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- C. If a User subject to the reporting requirement in this section monitors any pollutant more frequently than required by the pretreatment manager using the procedures prescribed in section 6.10 of this Regulation, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

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

- A. The pretreatment manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 4.5 of this Regulation.
- B. The pretreatment manager may issue a wastewater discharge permit under section 4.7 of this Regulation or modify an existing wastewater discharge permit under section 5.4 of this Regulation in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent (20%) or greater, projected concentration or mass increases of 20 percent (20%) or greater in any pollutant parameter, and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the pretreatment manager and DCWA of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the pretreatment manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Regulation.
- C. 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 paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the pretreatment manager and DCWA immediately of any changes at its facility affecting the potential for a Slug Load.

6.7 Reports from Unpermitted Users

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the DCWA and the pretreatment manager as the pretreatment manager may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a permit or other violation of law, the User must notify the pretreatment manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the pretreatment manager within thirty (30) days after becoming aware of the violation. The User is not required to resample if the pretreatment manager monitors at the User's facility at least once a month, or if the pretreatment manager samples between the User's initial sampling and when the User receives the results of this sampling.

6.9 Notification of the Discharge of Hazardous Waste

- A. Any User who commences the discharge of hazardous waste shall notify the pretreatment manager, the EPA Regional Waste Management Division Director, and the Virginia Department of Environmental Quality, in writing, of any

discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User:

An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 6.5 of this Regulation. The notification requirement in this section does not apply to pollutants already reported by Users subject to categorical pretreatment standards under the self-monitoring requirements of sections 6.1, 6.3, and 6.4 of this Regulation.

- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste (but not more than 150 percent of the notification amount) do not require additional notification.
- C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the pretreatment manager, the EPA Regional Waste Management Waste Division Director, and the Virginia Department of Environmental Quality of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Regulation.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

6.11 Sample Collection

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

- A. Except as indicated in section B below, the User must collect wastewater samples using 24-hour flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the pretreatment manager may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

6.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Record Keeping

Users subject to the reporting requirements of this Regulation shall retain, and make available for inspection and copying by the pretreatment manager, all records of information obtained pursuant to any monitoring activities required by this Regulation and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User, the DCWA, or the SCWWA, or where the User has been specifically notified of a longer retention period by the pretreatment manager.

SECTION 7 - RIGHT OF ENTRY: INSPECTION AND SAMPLING

The DCWA and the pretreatment manager shall have the right to enter the premises of

any User to determine whether the User is complying with all requirements of this Regulation and any wastewater discharge permit or order issued hereunder. Users shall allow the DCWA and the pretreatment manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the DCWA and/or the pretreatment manager will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The DCWA and the pretreatment manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The DCWA or the pretreatment manager may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semi-annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the DCWA or the pretreatment manager and shall not be replaced. The costs of clearing such access shall be born by the User.
- E. Unreasonable delays in allowing the DCWA or the pretreatment manager access to the User's premises shall be a violation of this Regulation.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the DCWA and the pretreatment manager inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the pretreatment manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the VPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 C.F.R. § 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The pretreatment manager shall assist the DCWA in publishing annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit average limit or instantaneous limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit the average limit, or instantaneous limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement (daily maximum limit, long-term average, instantaneous limit, or narrative standard) that the DCWA or the pretreatment manager determines has caused, alone or in combination with other discharges, interference or pass through including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the pretreatment manager's exercise of his emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which the DCWA or the pretreatment manager determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the pretreatment manager finds that a User has violated, or continues to violate, any provision of this Regulation, a wastewater discharge permit or Order issued hereunder, or any other pretreatment standard or requirement, the pretreatment

manager may serve upon that User a written Notice of Violation. Within 5 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Pretreatment Manger. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the pretreatment manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The DCWA may enter into Consent Orders, assurances of voluntary compliance, or other similar agreements with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the Compliance Orders issued pursuant to sections 10.4 and 10.5 of this Regulation and shall be judicially enforceable.

10.3 Show Cause Hearing

The pretreatment manager may order a User which has violated, or continues to violate, any provision of this Regulation, a wastewater discharge permit, or Order issued hereunder to appear before the pretreatment manager and show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 7 days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

When the pretreatment manager finds that a User has violated, or continues to violate, any provision of this Regulation, a wastewater discharge permit, or Order issued hereunder, the DCWA may issue a Compliance Order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A Compliance Order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a Compliance Order relieve the User of liability for any violation, including any continuing violation. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When the pretreatment manager finds that a User has violated, or continues to violate, any provision of this Regulation, a wastewater discharge permit, or Order issued hereunder, or that the User's past violations are likely to recur, the pretreatment manager may request the DCWA issue an Order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Emergency Suspensions

The pretreatment manager may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The pretreatment manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the pretreatment manager may take such steps as deemed necessary, including immediate severance of the sewer connection or the DCWA supply of water, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The pretreatment manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the pretreatment manager that the period of endangerment has passed, unless the termination proceedings in section 10.7 of this Regulation are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the pretreatment manager prior to the date of any show cause or termination hearing under sections 10.3 or 10.7 of this Regulation.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

10.7 Termination of Discharge

In addition to the provisions in section 5.6 of this Regulation, any User who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;

- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in section 2 of this Regulation.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 10.3 of this Regulation why the proposed action should not be taken. Exercise of this option by the DCWA shall not be a bar to, or a prerequisite for, taking any other action against the User.

10.8 Remedies Nonexclusive

The remedies provided for in this Regulation are not exclusive. The DCWA may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with Sec. 21-55 of the Dinwiddie County Code. However, the pretreatment manager may take other action against any User when the circumstances warrant, and nothing herein shall restrict the DCWA's enforcement discretion. Further, the pretreatment manager is empowered to take more than one enforcement action against any noncompliant User.

SECTION 11 - SUPPLEMENTAL REQUIREMENTS

11.1 Performance Bonds

The pretreatment manager may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Regulation, a previous wastewater discharge permit, or order issued hereunder, unless such User first files a satisfactory bond, payable to the DCWA, in a sum not to exceed a value determined by the pretreatment manager to be necessary to achieve consistent compliance.

11.2 Liability Insurance

The pretreatment manager may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Regulation, a previous wastewater discharge permit, or Order issued hereunder, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW that may be caused by its discharge.

11.3 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this regulation, a wastewater discharge permit, or Order issued hereunder, water service to the User may be severed. Service will only recommence, at the User's expense, after it has

satisfactorily demonstrated its ability to comply.

11.4 Contractor Listing

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the DCWA. Existing contracts for the sale of goods or services to the DCWA held by a User found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the DCWA at the recommendation of the pretreatment manager.

SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

12.1 Upset

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the User can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The User has submitted the following information to the pretreatment manager within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

12.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 2.1(A) of this Regulation or the specific prohibitions in sections 2.1(B)(3) through (B)(7) of this Regulation if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the DCWA or SCWWA was regularly in compliance with its VPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

12.3 Bypass

- A. For the purposes of this section,
 - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. (1) If a User knows in advance of the need for a bypass, it shall submit prior

notice to the pretreatment manager, at least ten (10) days before the date of the bypass, if possible.

- (2) A User shall submit oral notice to the pretreatment manager of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The pretreatment manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. (1) Bypass is prohibited, and the pretreatment manager may take an enforcement action against a User for a bypass, unless
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The User submitted notices as required under paragraph (C) of this section.
- (2) The pretreatment manager may approve an anticipated bypass, after considering its adverse effects, if the pretreatment manager determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 13 - MISCELLANEOUS PROVISIONS

13.1 Severability

If any provision of this Regulation is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

13.2 Pretreatment Charges and Fees

The DCWA may adopt reasonable fees for reimbursement of costs of setting up and operating the DCWA's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of

processing such applications;

- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the DCWA may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Regulation and are separate from all other fees, fines, and penalties chargeable by the DCWA.

SECTION 14 - EFFECTIVE DATE

This regulation shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.