

## **P. SEWER USE POLICY**

### **ARTICLE I - GENERAL PROVISIONS**

#### **Section 1 - Purpose**

The purpose of this Policy is to provide for the maximum possible beneficial public use of the Rockbridge County Public Service Authority (hereinafter referred to as "PSA") treatment works through regulation of sewer construction, sewer use, and wastewater discharges; to provide for equitable distribution of the costs of the treatment works; and to provide procedures for complying with the requirements contained herein.

#### **Section 2 - Scope**

- (a) The definitions of terms used in this Policy are found in Article II. The provisions of this Policy shall apply to the discharge of all wastewater to treatment works of the PSA. This Policy provides for use of the PSA's treatment works, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, issuance of user Permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this Policy.
- (b) This Policy shall apply to PSA customers and to persons outside the PSA systems who are, by contract, permit or agreement with the PSA, users of the PSA's treatment works.

#### **Section 3 - Administration**

Except as otherwise provided herein, the Executive Director of the PSA's treatment works shall administer, implement, and enforce the provisions of this Policy.

#### **Section 4 - Fees and Charges**

- (a) All fees and charges payable under the provisions of this Policy shall be paid to the PSA. Such fees and charges shall be as set forth herein or as established in the latest edition of the (PSA's Administrative Policies).
- (b) All user fees, penalties and charges collected under this Policy (and the treatment works user charge policy) shall be used for the sole purpose of constructing, operating or maintaining the treatment works of the PSA, or the retirement of debt incurred for same.
- (c) All fees and charges payable under the provisions of this Policy are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in the latest edition of the PSA's Administrative Policies. Failure to pay applicable charges as set forth in the Administrative Policies shall result in cessation of service.

## **Section 5 - Inspections**

- (a) The Executive Director, his/her designee or authorized State or Federal officials, bearing the proper credentials and identification, shall be permitted to enter all premises where an effluent source or treatment system is located at any reasonable time for the purposes of inspection, observation, measurement, sampling and/or copying records of the wastewater discharge to ensure that discharge to the treatment works is in accordance with the provisions of this Policy.
- (b) The Executive Director, or his/her designee, bearing proper credentials and identification, shall be permitted to enter all private property through which the PSA holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the PSA's treatment works lying within the easement. All entry, and any subsequent work on the easement, shall be done in final accordance with the terms of the easement pertaining to the private property involved.
- (c) While performing any necessary work on private properties referred to in Sections 5(a) and (b) above, the Executive Director shall observe all safety and occupational rules established by the owner or occupant of the property and applicable to the premises.

## **Section 6 - Separability**

If any provision of these regulations, or the application of any provision of these regulations to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of the regulations, shall not be affected thereby.

## **Section 7 - Amendments of the Policy**

Public notice shall be given in accordance with applicable provisions of State and Federal law prior to adoption of any amendments of this Policy.

## **ARTICLE II - DEFINITIONS**

### **Section 1 - Specific Definitions**

Unless the context of usage indicates otherwise, the meaning of specific terms in this Policy shall be as follows:

**“Act”** shall mean the Federal Clean Water Act, 33. U.S.C. 1251 et seq.

**“Approval Authority”** means the Executive Director or Director of the Department of Environmental Quality.

**“ASTM”** shall mean the American Society for Testing and Materials.

**“Authorized Representative of Industrial User”** shall mean:

- 1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation; or
- 2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or
- 3) A duly authorized representative of the individual designated in #1 or #2, above, if such representative is responsible for the overall operation of the facility from which the discharge to the POTW originates. The authorization must be submitted to the Executive Director prior to **or** together with any reports to be signed by the authorized representative.

**“BOD”** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in milligrams per liter.

**“Building Sewer”** shall mean the extension from a building wastewater plumbing facility to the treatment works.

**“Categorical Pretreatment Standard or Categorical Standard”** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(a) & 307(c) of the Act, that apply to specific categories of industrial users that appear in 40 CFR Chapter I, Subchapter N, Parts 405 - 471.

**“City”** shall mean the City of Buena Vista, which holds a VPDES permit relevant to certain PSA wastewater collection facilities.

**“Combined Sewer”** shall mean a sewer intended to receive both wastewater and storm or surface water.

**“Day”** shall mean the 24-hour period beginning at 12:01 a.m.

**“Discharger”** shall mean person or persons, firm, company, industry or other similar sources of wastewater who introduce such into the POTW.

**“Easement”** shall mean an acquired legal right for the specific use of land owned by others.

**“EPA”** shall mean the United States Environmental Protection Agency.

**“Establishment”** shall mean any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal processing operations, quarry, oil refinery, boat, vessel, and each and every other industry or plant or works the operation of which produces industrial wastes or other wastes or that may otherwise alter the physical, chemical or biological properties of any state waters.

**“Existing Source”** shall mean any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards that will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

**“Garbage”** shall mean the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.

**“Ground Water”** shall mean any water beneath the land surface in the zone of saturation.

**“Indirect Discharge”** shall mean the introduction of (nondomestic) pollutants into the POTW from any nondomestic source regulated under Section 307(b) (c) or (d) of the Act.

**“Industrial User or Significant Discharger”** means a source of indirect discharge, or a nondomestic discharge to a treatment works.

**“Industrial Wastes”** shall mean liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

**“Interference”** shall mean an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, that clearly causes, in whole or in part, a violation of any requirement of the POTW’s VPDES permit, including those discharges that prevent the use or disposal of sludge by the POTW in accordance with any federal or state laws, regulations, permits or sludge management plans.

**“Executive Director”** shall mean the Executive Director of the PSA or an authorized designee.

**“May”** is permissible; **“Shall”** is mandatory.

**“MSA”** shall mean the Maury Service Authority, which holds a VPDES permit relevant to some of the PSA’s wastewater facilities.

**“Municipality”** shall mean a city, county, town, district association, authority or other public body created under the law and having jurisdiction over disposal of sewage, industrial, or other wastes.

**“Natural Outlet”** shall mean any outlet into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

**“New Source”** shall have the same meaning as provided in 40 CFR Part 403.3(k) (1990).

**“VPDES”** shall mean Virginia Pollutant Discharge Elimination System permit program, as administered by the Commonwealth of Virginia.

**“Owner”** shall mean the Commonwealth or any of its political subdivisions, including, but not

limited to, sanitation district commissions and authorities, and public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this or any other state or country, or any person or group of persons acting individually or as a group.

**“Pass-Through”** shall mean the discharge of pollutants through a POTW into State waters in quantities or concentrations that are a cause in whole or in part of a violation of any requirement of the POTW’s VPDES permit, including an increase in the magnitude or duration of a violation.

**“Person”** shall mean any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency or group.

**“pH”** shall mean the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by Standard Methods.

**“Pollutant”** shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radio active material, heat wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste, and certain characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

**“POTW, Publicly Owned Treatment Works”** shall mean any sewage treatment works that is owned by a State or Municipality. Sewers, pipes, or other conveyances are included in this definition only if they convey wastewater to a POTW providing treatment.

**“Pretreatment”** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the PSA’s treatment works.

**“Pretreatment Requirements”** shall mean any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

**“Pretreatment Standard”** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act that applies to Industrial users.

**“Properly Shredded Garbage”** shall mean garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the treatment works, with no particle greater than 2 inch in any dimension.

**“PSA”** shall mean the Rockbridge County Public Service Authority.

**“Residential User”** shall mean all premises used only for human residency and that is connected to the treatment works.

**“Sanitary Wastewater”** shall mean wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

**“Significant Industrial User”** shall be defined as follows:

(1) Has a process wastewater\* flow of 25,000 gallons or more per average work day;

(\*Excludes sanitary, non-contact cooling and boiler blowdown wastewater)

- (2) Contributes a process waste stream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;
- (3) Is subject to categorical pretreatment standards; or
- (4) Has significant impact, either singularly or in combination with other significant dischargers, on the treatment works or the quality of its effluent.

**“Slug Load”** shall mean any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standard in Article V Section 3 of this Policy or any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

**“Standard Methods”** shall mean the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

**“State”** shall mean the Commonwealth of Virginia.

**“Storm Sewer”** shall mean a sewer for conveying storm, surface, and other waters that is not intended to be transported to a treatment works.

**“Surface Water”** shall mean:

- (1) all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
- (2) all interstate waters, including interstate "wetlands";
- (3) all other waters, such as inter/intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - (a) that are or could be used by interstate or foreign travelers for recreational or other purposes;
  - (b) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (c) that are used or could be used for industrial purposes by industries in interstate commerce;
- (4) all impoundments of waters otherwise defined as surface waters under this definition;
- (5) tributaries of waters identified in paragraphs (1) - (e) of this definition;
- (6) the territorial sea; and
- (7) “wetlands” adjacent to waters other than waters that are themselves wetlands, identified in paragraphs (a) - (f) of this definition.

**“Suspended Solids”** shall mean the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater as determined by Standard Methods.

“**Town**” shall mean the Town of Glasgow, which holds a VPDES permit relevant to certain PSA wastewater facilities.

“**Treatment Facility**” shall mean only those mechanical power-driven devices necessary for the transmission and treatment of pollutants (e.g., pump stations, unit treatment processes).

“**Treatment Works**” shall mean any devices and systems used for the storage, treatment, recycling and/or reclamation of sewage or liquid industrial waste, or other waste necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances, extensions, improvements, remodeling, additions, or alterations, and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment, or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems.

“**Toxics**” shall mean any of the pollutants designated by Federal regulations pursuant to Section 307 (a) (1) of the Act.

“**User**” shall mean a source of wastewater discharge into a POTW.

“**User Permit**” shall mean a document issued by the POTW to the User that permits the connection and/or introduction of wastes into the treatment works under the provisions of this Policy.

“**Wastewater**” shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or storm water that may be present.

“**WPCF**” shall mean the Water Pollution Control Federation.

## **Section 2 - General Definitions**

Unless the context of usage indicates otherwise, the meaning of terms in this Policy and not defined in Section 1 above, shall be as defined in the Glossary: Water and Wastewater Control Engineering prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation, Copyright 1969.

## ***ARTICLE III - USE OF PSA'S TREATMENT WORKS & TREATMENT FACILITY***

### **Section 1 - General User Permit**

Except as specified in Article VI below, a potential user must complete application(s) as required by the PSA before discharging sewage into the Authority's system. Once accepted and signed by an Authority representative, the application constitutes a User Permit.

## **Section 2 - Waste Disposal**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any condition that may be considered as an unsanitary or unhygienic manner on public or private property within any area under the jurisdiction of said PSA, any human or animal excrement, garbage, or other objectionable waste.

## **Section 2 - Wastewater Discharges**

It shall be unlawful under State and Federal Law to discharge without a VPDES permit to any natural outlet within the County of Rockbridge or in any area under its jurisdiction. Wastewater discharges to the PSA's treatment works are not authorized unless permitted by the Executive Director in accordance with provisions of this Policy.

## **Section 3 - Connection to Treatment Works Required**

- (a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, presently existing or constructed subsequent to the passage of these Rules and Regulations and situated within the jurisdictional areas of the Authority and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer and/or water mains at a distance not greater than 200 feet from such houses, buildings, or properties, shall be required to install suitable toilet and other disposable liquid waste facilities therein, and to connect such facilities directly with the public sewer and water mains.
- (b) If connection is not made to the System within the notification period or upon completion of the particular System, or if no notification period is involved, the Owner as herein before defined shall connect to the System within 30 days.
- (c) In the event the connection is not made to the System at the expiration of the 30 day period, the availability fee is then due and payable to the Authority the same as if connection has been made.
- (d) This section shall not apply to any person served by a privately constructed, owned, operated and maintained sewer and treatment facility that discharges directly to a natural outlet in accordance with the provisions of the Policy and applicable State and Federal laws.

## **ARTICLE IV - BUILDING SEWERS AND CONNECTIONS**

### **Section 1 - Connection Permit**

No person shall uncover, make any connections with, use, alter, or disturb any wastewater sewer or storm sewer without first obtaining written permission from the Executive Director.

The owner shall make application for a permit to connect to the PSA's treatment works on a form furnished by the PSA. The permit application shall be supplemented by wastewater information required to administer this Policy. Applicable fees shall be paid to the PSA at the time the application is filed, in accordance with the PSA's Administrative Policies.



## **Section 2 - Connection Costs**

The costs and expenses incidental to the building sewer installation and connection to the PSA's treatment works shall be borne by the owner. The owner shall indemnify the PSA from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

## **Section 3 - Separate Connections Required**

A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. When this occurs, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer. The PSA assumes no obligation or responsibility for damage caused by or resulting from any single building sewer that serves two buildings.

## **Section 4 - Existing Building Sewers**

Existing building sewers may be used for connection of new buildings only when they are found, on examination and testing by the Executive Director, or designee, to meet the requirements of this Policy.

## **Section 5 - Building Sewer Design**

The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code and to the PSA's Rules and Regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF shall apply.

## **Section 6 - Building Sewer Elevation**

Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the PSA's treatment works, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the PSA sewer.

## **Section 7 - Surface Runoff and Groundwater Drains**

- (a) No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer that is connected to a treatment works unless such connection is authorized in writing by the Executive Director. The connection of such drains shall conform to codes specified in Section 8 (a) or as specified by the manager as a condition of approval of such connection.
- (b) Except as provided in Section 7 (a) above, roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.

## **Section 8 - Conformance to Applicable Codes**

The connection of a building sewer into a treatment works shall conform to the requirements of the building and plumbing code or other applicable requirements of the PSA, or the procedures set forth in appropriate specifications of the Commonwealth of Virginia Sewerage Regulations, Uniform Building Code of Virginia, and American Society of Testing Materials. The connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Executive Director before installation.

## **Section 9 - Connection Inspection**

The applicant for a building sewer or other drainage connection permit shall notify the Executive Director when such sewer or drainage connection is ready for inspection prior to its connection to the PSA's treatment works. Such connection inspections and testing as deemed necessary by the Executive Director shall be made by the Executive Director's designee.

## **Section 10 - Excavation Guards and Property Restoration**

Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the PSA.

## **Section 11 - Protection of Capacity for Existing Users**

The Executive Director shall not issue a permit for any class of connection to the PSA's treatment works or treatment facilities unless there is sufficient capacity, not legally committed to other users, in the treatment works and treatment facilities to convey and adequately treat the quantity of wastewater that the requested connection will add to the treatment works or treatment facility. The Executive Director may permit such a connection if there are legally binding commitments to provide the needed capacity.

# ***ARTICLE V - CONDITIONS TO USE THE PSA'S TREATMENT WORKS***

## **Section 1 - Special Uses of Treatment Works**

All discharges of storm water, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges, except as authorized under Article IV, Section 7. Any connection, drain, or arrangement that will permit any such waters to enter any other sewer shall be deemed to be a violation of this section and this Policy.

## **Section 2 - Industrial User, General Prohibition Upon**

An industrial user shall not introduce any pollutants into the PSA's treatment works that will

pass through or interfere with the operation or performance of the treatment facilities.

### **Section 3 - Restricted Discharges**

- (a) No person shall discharge or cause to be discharged to any of the PSA's treatment works any substances, materials, waters, or wastes in such quantities or concentrations that do or are likely to:
- (1) Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; waste stream with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using test methods specified in 40 CFR 261.21;
  - (2) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges having a pH lower than 5.0 or greater than 11.0.
  - (3) Cause obstruction to the flow in sewers, or other interference with the operation of treatment facilities due to accumulation of solid or viscous materials;
  - (4) Constitute a rate of discharge or substantial deviation from normal rates of discharge, ("slug discharge"), sufficient to cause interference in the operation and performance of the treatment facilities;
  - (5) Contain heat in amounts that are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the treatment works or inhibit biological activity in the treatment facilities, but in no case shall the discharge of heat cause the temperature in the PSA wastewater sewer to exceed 65 degrees C (150°F) or the temperature of the influent to the treatment facilities to exceed 40 degrees C (104°F) unless the facilities can accommodate such heat and the PSA has obtained prior approval from the approval authority;
  - (6) Contain more than 100 milligrams per liter of nonbiodegradable oils of mineral or petroleum origin;
  - (7) Contain floatable oils, fat, or grease;
  - (8) Contain noxious gases, vapors or fumes, malodorous gas or substance in quantities that may cause a public nuisance or cause acute human or safety problems;
  - (9) Contain radioactive wastes in harmful quantities as defined by applicable State and Federal regulations;
  - (10) Contain any garbage that has not been properly shredded;
  - (11) Contain any odor or color producing substances exceeding concentration limits that may be established by the Executive Director for purposes of meeting limits established by the MSA to comply with its VPDES permit.
  - (12) Petroleum oil, nonbiodegradeable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.

- (13) Any trucked or hauled pollutants except at designated discharge points.
- (b) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to the Article, the Executive Director establishes concentration limits to be met by a user, the Executive Director, in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user. Upon approval by the State, such limits should become pretreatment standards.

#### **Section 4 - Categorical Pretreatment Standards**

- (a) No person shall discharge or cause to be discharged to any treatment works wastewaters containing substances subject to an applicable Categorical Pretreatment Standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such applicable pretreatment standards shall be within 3 years of the date the standard is promulgated, provided, however, compliance with a categorical pretreatment standard for new sources shall be required upon commencement of discharge to the treatment works.
- (b) The Executive Director shall notify any industrial user affected by the provisions of this Section and establish an enforceable compliance schedule for each.
- (c) No person shall discharge trucked hazardous wastes to the PSA's treatment works.

#### **Section 5 - Special Agreements**

Nothing in this article shall be construed as preventing any agreement or arrangement between the PSA and any user of the treatment works and treatment facility whereby wastewater of unusual strength or character (only in terms of BOD and/or Suspended Solids) is accepted into the system and specially treated subject to additional payments or user charges as may be applicable.

#### **Section 6 - Water & Energy Conservation**

The conservation of water and energy shall be encouraged by the Executive Director. In establishing discharge restrictions upon users, the Executive Director shall take into account already implemented or planned conservation steps revealed by the user. Upon request of the Executive Director, each user will provide the Executive Director with pertinent information showing that the quantities of substances or pollutants have not been and will not be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the Executive Director, (s)he shall make adjustments to discharge restrictions, which have been based on concentrations to reflect the conservation steps.

#### **Section 7 - Excessive Discharge**

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 the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the PSA or State.

## **Section 8 - Accidental Discharges**

- (a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Policy. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the PSA for review, and shall be approved by the PSA before construction of the facility. No user who commences contribution to the POTW after the effective date of this Policy shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the PSA. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Policy. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- (b) Within five (5) days following an accidental discharge; the user shall submit to the Executive Director a detailed written report describing the cause 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 that may be incurred as a result of damage to the treatment works and treatment facility, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability that may be imposed by this article or other applicable law.
- (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 dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

## **ARTICLE VI - INDUSTRIAL DISCHARGERS**

### **Section 1 - Information Requirements**

- (a) All industrial dischargers shall file with the PSA wastewater information deemed necessary by the Executive Director for determination of compliance with this Policy, the MSA's VPDES permit conditions, and State and Federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Executive Director and by supplements thereto as may be necessary. Information requested in the questionnaire and designated by the discharger as confidential is subject to the conditions of confidentiality as set out in Section 1 (c) of this article.
- (b) Where a person owns, operates or occupies properties designated as an industrial discharger at more than one location, separate information submittals shall be made for each location as may be required by the Executive Director.
- (c) Information and data on an Industrial User obtained from reports, questionnaires, permit

applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the PSA that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Policy, The Virginia Pollutant Discharge Elimination System (VPDES) Permit, State Disposal System permit and/or the Pretreatment Programs, provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the PSA as confidential, shall not be transmitted to any governmental agency or to the general public by the PSA until and unless a ten-day notification is given to the User.

## **Section 2 - User Permits**

- (a) All significant industrial users proposing to connect to or to contribute to the treatment works shall obtain a User Permit before connecting to or contributing to the treatment works. All existing significant industrial users connected to or contributing to the treatment works shall obtain a User Permit within (180) days after the effective date of this Policy.
- (b) Significant Industrial Users required to obtain a Permit shall complete, and file with the PSA, an application in the form prescribed by the PSA, and accompanied by a fee of \$25. Existing significant industrial users shall apply for a Permit within (30) days after the effective date of this Policy, and proposed new significant industrial users shall apply at least (60) days prior to connecting to or contributing to the treatment works. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
  - (1) Name, address, and location, (if different from address);
  - (2) SIC number according to the Standards Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
  - (3) Wastewater constituents and characteristics including but not limited to those mentioned in Article V, Section 3 of this Policy as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
  - (4) Time and duration of contribution;
  - (5) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
  - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by their size, location and elevation;

(7) Description of activities, facilities and plant processes on the premises including all materials that are or could be discharged;

(8) The nature and concentration of any pollutants in the discharge. A statement identifying the applicable pretreatment standards and requirements, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;

(9) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by that the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- b. No increment referred to in paragraph (i) shall exceed (1) year.
- c. Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Executive Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on that it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 1 year elapse between such progress reports to the Executive Director.

(10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number of type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) Any other information as may be deemed by the PSA to be necessary to evaluate the user permit application.

The PSA will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the PSA may issue a User Permit subject to terms and conditions provided herein.

- (c) Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the User Permit of Users subject to such standards shall be revised to require compliance with such standard if they are more restrictive than the local limits developed by the POTW within the timeframe prescribed by such standard. Where a User, subject to a National Categorical

Pretreatment Standard, has not previously submitted an application for a User Permit as required by Section 2(b), the User shall apply for a User Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing User Permit shall submit to the Executive Director, within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by paragraph (8) and (9) of Section 2 b. of this Article.

(d) Permit Conditions:

User Permits shall be expressly subject to all provisions of this Policy and all other applicable regulations, user charges and fees established by the PSA. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
  - (2) Limits on the average and maximum wastewater constituents and characteristics;
  - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
  - (4) Requirements for installation and maintenance of inspection and sampling facilities;
  - (5) Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  - (6) Compliance schedules;
  - (7) Requirements for submission of technical reports or discharge reports - See Section 3 of this Article;
  - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the PSA, and affording the PSA access thereto;
  - (9) Requirements for notification of the PSA for any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the treatment works;
  - (10) Requirements for immediate notification of slug discharges;
  - (11) Other conditions as deemed appropriate by the PSA to ensure compliance with this Policy.
  - (12) Statement of applicable remedies.
- (e) User Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the PSA during the term of the permit as limitations or requirements as identified in Section 2 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time



schedule for compliance.

- (f) User Permits are issued to a specific user for a specific operation. A User permit shall not be reassigned or transferred or sold by the User to a new owner, new user, different premises, or a new or changed operation without the approval of the PSA. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit in the interim prior to the issuance of the respective new permit.

### **Section 3 - Reporting Requirements for Permittee**

- (a) Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the wastewater treatment facilities, any User subject to Pretreatment Standards and Requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process that are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility that are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or - Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. In addition, the report shall contain the results of any sampling and analysis of the discharge as specified in Article VI Section 3 (b) (2) below. This statement shall be signed by an authorized representative of the User, and certified to by a qualified professional.
- (b) (1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of such Pretreatment Standard or in the case of a New Source, after commencement of the discharge into the treatment works, shall submit to the Executive Director during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Executive Director, a report indicating the nature and concentration, of pollutants in the effluent that are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows that during the reporting period exceeded the average daily flow reported. At the discretion of the Executive Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Executive Director may agree to alter the months during which the above reports are to be submitted.  
  
(2) The Manager may impose mass limitations on Users that are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or Production and mass where requested by the Executive Director, of pollutants contained therein that are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the permit. All analysis shall be performed in accordance with procedures established by EPA

pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by EPA. Sampling shall be performed in accordance with the techniques approved by EPA. All samples analyzed by this method should be reported.

Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with sampling and analytical procedures approved by EPA.

#### **Section 4 - Provision for Monitoring**

- (a) When required by the Executive Director, the owner of any property serviced by a building sewer carrying industrial or process wastewater discharges shall provide suitable access and such necessary meters and other devices in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the Executive Director. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.
- (b) The Executive Director shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, treatment facility removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring industrial or process wastewater discharges shall be required.
- (c) Where the Executive Director determines access and equipment for monitoring or measuring industrial or process wastewater discharges is not practicable, reliable, or cost effective, the Executive Director may specify alternative methods of determining the characteristics of the wastewaters discharge that will, in the Executive Director's judgment, provide a reasonably reliable measurement of such characteristics.
- (d) Measurements, tests, and analyses of the characteristics of wastewater required by this Policy shall conform to 40 CFR, Part 136 and be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger may, in lieu of using the PSA's laboratory, make arrangement with any qualified laboratory, including that of the discharger, to perform such analyses.
- (e) Fees for any given measurement, test, or analysis of wastewater required by this Policy and performed by the PSA shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge and shall reflect only direct cost. Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.

#### **Section 5 - Costs of Damage**

If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the PSA's treatment works or treatment facility, the Executive Director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision shall be borne by the person

causing such deposit, obstruction, or damage.

## **ARTICLE VII - PRETREATMENT**

### **Section 1 - Wastewaters with Special Characteristics**

- (a) While the Executive Director should initially rely upon the Federal Categorical Pretreatment Standards to protect wastewater facilities or receiving waters, if any wastewater that contains substances or possesses characteristics shown to have deleterious effect upon the treatment works or treatment facilities, processes, equipment, or receiving waters, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the Executive Director may require any or all of the following:
- (1) Pretreatment by the user or discharger to a condition acceptable for discharge to the treatment works;
  - (2) Control over the quantities and rates of discharge;
  - (3) The development of compliance schedules to meet any applicable pretreatment requirements;
  - (4) The submission of reports necessary to assure compliance with applicable pretreatment requirements;
  - (5) Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;
  - (6) Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in Article IX of this Policy, or appropriate criminal penalties; or
  - (7) Reject the wastewater if evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the treatment works or treatment facilities.
- (b) When considering the above alternatives, the Executive Director shall ensure that conditions of the MSA's permit are met. The Executive Director shall also take into consideration cost effectiveness, the economic impact of the alternatives, and the willful noncompliance of the discharger. If the Executive Director allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The Executive Director shall review and recommend any appropriate changes to the program, within (30) days of submittal.
- (c) Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

### **Section 2 - Compliance with Pretreatment Requirements**

Persons required to pretreat wastewater in accordance with Section 1 above shall provide a statement, reviewed by an authorized representative of the user and certified by such

representative indicating whether applicable pretreatment requirements are being met on a consistent basis and, if not, describe the additional operation and maintenance or additional pretreatment required for the user to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements, the user shall submit a plan (including schedules) to the Executive Director as described in Article VI, Section 2 (b) (9). The plan (including schedules) shall be consistent with applicable conditions of the MSA's Permit or other local, State or Federal laws.

### **Section 3 - Monitoring Requirements**

Discharges of wastewater to the PSA's treatment works from the facilities of any user shall be monitored in accordance with the provisions of the User's permit.

### **Section 4 - Effect of Federal Law**

In the event that the Federal government promulgates a regulation for a given new or existing user in a specific industrial subcategory that establishes pretreatment standards or establishes that such user is exempt from pretreatment standards, such Federal regulations shall immediately supersede Section 1 (a) of this article if they are more stringent.

### **Section 5 - Certification**

All reports and permit applications must be signed by the industrial 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 O&M and/or additional pretreatment is required to meet the pretreatment standards and requirements.

## ***ARTICLE VIII - WASTEWATER SERVICE, CHARGES AND INDUSTRIAL COST RECOVERY***

### **Section 1 - Wastewater Service Charges**

Charges and fees for the use of the public treatment works and treatment facility shall be based upon the actual use of such system, or contractual obligations for a level of use in excess of current actual use. Property value may be used to collect the amount due as permitted by law.

### **Section 2 - Industrial Cost Recovery**

Users of the PSA's treatment works and treatment facilities will also be assessed industrial cost recovery charges as required by law.

### **Section 3 - Determination of System Use**

- (a) The use of the PSA's treatment works and treatment facilities shall be based upon actual measurement and analysis of each user's wastewater discharge, in accordance with provisions of Article VI, Section 4 to the extent such measurement and analysis is considered by the Executive Director to be feasible and cost-effective.

- (b) Where measurement and analysis is considered not feasible, determination of each user's use of the treatment works and treatment facilities shall be based upon the quantity of water used whether purchased from a public water utility or obtained from a private source, or an alternative means as provided by Section 3 below.
- (c) The Executive Director, when determining actual use of the PSA's treatment works and treatment facilities based on water use, shall consider consumptive, evaporative, or other use of water that results in a significant difference between a discharger's water use and wastewater discharge. Where appropriate, such consumptive water use may be metered to aid in determining actual use of the treatment works and treatment facilities. The meters used to measure such water uses shall be of a type and installed in a manner approved by the Executive Director.

(The actual average water use by each residential user during the three months of (January, February, and March) shall be used as the measure of each respective residential user's actual use of the sewer system throughout the year.)

## **ARTICLE IX ENFORCEMENT**

### **Section 1 - Harmful Contributions**

The PSA may suspend the wastewater treatment service and/or a User Permit when such suspension is necessary, in the opinion of the PSA, in order to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of humans, to the environment, causes interference to the treatment facilities or causes the PSA to violate any condition of the MSA's VPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the User Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the PSA shall take such steps as deemed necessary, including immediate severance of the sewer connection and/or the seeking of legal and equitable relief in the circuit court, to prevent or minimize damage to the wastewater treatment facilities or endangerment to any individuals. The PSA shall reinstate the User Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the PSA within 15 days of the date of occurrence.

### **Section 2 - Revocation of Permit**

Any user who violates the following conditions of this Policy, or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of Article IX of this Policy for:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents and

- characteristics;
- (c). Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit.

### **Section 3 - Notification of Violation**

Whenever the PSA finds that any User has violated or is violating this Policy, User Permit, or any prohibition or limitation of requirements contained herein, the PSA may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the PSA by the user.

### **Section 4 - Show Cause Hearing**

- (a) The PSA may order any user who causes or allows an unauthorized discharge to show cause why the proposed enforcement action should not be taken. Such hearings shall be preceded by a notice being served on the user specifying the time and place of the hearing, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to 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 ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- (b) The Executive Director may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:
  - (1) Issue in the name of the Executive Director notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - (2) Take the evidence;
  - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Executive Director for action thereon.
- (c) At any hearing held pursuant to this Policy, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the transcript costs.
- (d) After the Executive Director has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

### **Section 5 - Legal Action**

If any person discharges sewage, industrial wastes or other wastes into the PSA's treatment

works contrary to the provisions of this Policy, applicable Federal or State Pretreatment Requirements, or any order of the PSA or if any industrial user refuses access to the manager or his designee for purposes of inspection, the County Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court.