

ORDINANCE AMENDING AND RE-ENACTING  
CHAPTER 3 ARTICLE A SECTION 7-3-1, ARTICLE E DIVISION 1  
SECTIONS 7-3-96, 7-3-97, 7-3-99.1, 7-3-99.3, 7-3-99.4, 7-3-99.6, AND  
ARTICLE F SECTIONS 7-3-111, SEWER SYSTEMS, OF THE CODE OF  
ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of Harrisonburg, Virginia:**

***CHAPTER 3. SEWER SYSTEM***

***ARTICLE A. GENERAL PROVISIONS***

**That Section 7-3-1 be amended and reenacted as shown**

**Sec. 7-3-1. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

*Alternative Onsite Sewage System(AOSS):* A non-conventional onsite sewage system that does not result in a point source discharge; or a modified COSS system with a secondary method of treatment that enhances effluent quality.

*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.

*Authorized Representative of Industrial User:* The duly Authorized Representative of an Industrial User who is responsible for the overall operation of the facilities from which the Indirect Discharge originates. [See Section 7-3-99.4\(3\).](#)

*Authority:* The Harrisonburg-Rockingham Regional Sewer Authority, a public body politic and corporate, created pursuant to the Virginia Water and Sewer Authorities Act or its duly authorized representative.

[Best Management Practices \(BMPs\). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1. 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. Note: BMPs also include alternative means \(i.e., management plans\) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.](#)

*BOD (denoting biochemical oxygen demand):* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade, expressed in milligrams per liter.

*Base Rate Charge:* Charge applied to sewer bill which is independent of consumption and applies upon meeting stated conditions.

*Building drain:* The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall. Building drain is owned in its entirety by the building owner.

*Building Sewer:* A sewer conveying Wastewater from the building drain premises of a User to the Sanitary Sewer System. The building sewer is owned in its entirety by the building owner.

*Categorical Pretreatment Standards or Categorical Standards:* National Categorical Pretreatment Standards applicable to a specific category of Industrial Users.

*Combined sewer:* A sewer receiving both surface runoff and sewage.

*Conventional Onsite Sewage System (COSS):* A facility consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drain field.

*Cooling Water:* The water discharged from any use such as air conditioning, cooling or refrigeration, and to which the only Pollutant added is heat.

*Direct Discharge:* The Discharge of treated or untreated Wastewater directly to the Waters of the State.

*Director:* The director of sewage works of the city or his authorized deputy, agent or representative.

*End of Pipe:* The location at which any private or Industrial User connects to the public sewer (collection) System.

*Executive Director:* The person designated by the Authority to supervise the operation of the System and who is charged with certain duties and responsibilities by these Regulations, or his duly Authorized Representative.

*Failing Septic System:* A system, determined by a required inspection or otherwise, that has structural damage to the septic tank that must be repaired or a drain field extended or relocated for the system to be considered properly functioning according to Virginia Department of Health Regulations.

*Garbage:* Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Grab Sample:* A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of duration.

*Holding Tank Waste:* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

*Human Waste:* Water borne human excrement as may be present from residences, buildings, Industrial Users or other places.

*Indirect Discharge or Discharge:* The Discharge or the introduction of Pollutants into the System from any non-domestic source.

*Industrial User:* A source of Indirect Discharge.

*Industrial wastes:* The liquid wastes from industrial manufacturing processes, trade or business, except for water-carried human waste.

[Instantaneous 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.](#)

*Interference:* The inhibition or disruption of the Authority's Wastewater conveyances, Treatment processes or operations. The term includes prevention of or Interference with sewage sludge use or disposal by the Authority.

*Local Limits:* Concentration based or other limits for designated parameters. Local Limits apply at End of Pipe and are expressed as maximum per day limits, or as otherwise specifically provided.

*Member Jurisdictions:* The City of Harrisonburg, the County of Rockingham, and the Towns of Bridgewater, Dayton, and Mt. Crawford which individually collect Wastewater within their respective jurisdictions for Treatment by the Authority.

*National Pretreatment Standard:* Any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to Industrial Users.

*Natural outlet:* Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

*New Source:*

- a) 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 National 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: (i) the building, structure, facility or installation is constructed at a site at which no other source is located; or (ii) the building, structure, facility or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an existing source; or (iii) the production or Wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.
- b) 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 (a)(ii) or (a)(iii) of this section but otherwise alters, replaces or adds to existing process or production equipment.
- c) Construction of a New Source as defined under this section has commenced if the owner or operator has (i) begun, or caused to begin as part of a continuous onsite construction program (A) any placement, assembly, or installation of facilities or equipment, or (B) 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 (ii) 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 section.

*Pass through:* A Discharge which exits the System into State Waters in quantities or concentrations which, alone or in conjunction with a Discharge from other sources, are a cause of a violation of any requirement of the Authority's VPDES Permit (including an increase in the magnitude or duration of a violation). An Industrial User significantly contributes to such permit violation where it:

- (1) Discharges a daily Pollutant loading or concentration in excess of that allowed by the Authority or by federal, state or local law;

- (2) Discharges Wastewater which substantially differs in nature and constituents from the User's average Discharge;
- (3) Knows or has reason to know that its Discharge, alone or in conjunction with Discharges from other sources, would result in a permit violation; or
- (4) Knows or has reason to know that the Authority is, for any reason, violating its final effluent limitations in its permit and that such Industrial User's Discharge, either alone or in conjunction with Discharges from other sources, increases the magnitude or duration of the Authority's violations.

*Person:* Any individual, partnership, firm, company, corporation, cooperative, association, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

*pH:* The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.

*Pollution:* The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

*Pollutant:* Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

*Pretreatment or Treatment:* The reduction of the amount of Pollutants, the elimination of Pollutants or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the System.

*Pretreatment Requirements:* Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

*Properly shredded garbage:* The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

[Publicly Owned Treatment Works \(POTW\).](#) A treatment works, as defined by section 212 of the Clean Water Act (33 U.S.C. section 1292), which is owned by the Authority. 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.

*Public sewer:* A sewer in which all owners of abutting properties have equal right and is controlled by public authority.

*Sanitary sewer:* A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

*Sewage:* A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

*Sewage works:* All facilities for collecting, pumping, treating and disposing of sewage.

*Sewer:* A pipe or conduit for carrying sewage.

*Significant Industrial User:* (i) All Industrial Users subject to Categorical Pretreatment Standards; (ii) any Industrial User that discharges an average 25,0000 gallons per day or more of process Wastewater to the Authority (excluding Human Waste, noncontact cooling and boiler blowdown Wastewater); (iii) any Industrial User that contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Authority Treatment Plant; or (iv) any Industrial User that is designated as such by the Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the Authority's operation or for violating any Pretreatment Standard or Requirement.

*Significant Noncompliance.* A User is in significant noncompliance if its violations meet one of more of the following criteria: (i) chronic violations of Wastewater Discharge limits, defined as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same Pollutant parameter, including instantaneous limits, as defined by 9VAC25-31-10; (ii) technical review criteria (TRC) violations defined as those in which thirty-three percent or more of all of the measurements for each Pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit, including instantaneous limits, as defined by 9VAC25-31-10; multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other Pollutants except pH); (iii) any other violation of a Pretreatment effluent limit or requirement as defined by 9VAC25-31-10 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Authority determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of Authority personnel or the general public); (iv) any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a Discharge; (v) failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance; (vi) failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance

schedules; (vii) failure to accurately report noncompliance; or (viii) any other violation or group of violations that may include a violation of Best Management Practices which the Authority determines will adversely affect the operation or implementation of the Pretreatment program.

Slug or Slug Loading or Slug Discharge: Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Sec. 7-3-83. Any Discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

*Soluble BOD (sBOD):* The BOD result on a sample that is filtered through a 0.45 µm pore size filter.

*State:* Commonwealth of Virginia.

*Standard Industrial Classification (SIC):* A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

*Storm drain* (sometimes termed storm sewer): A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*Storm Water:* Any flow occurring during or following any form of natural precipitation and resulting therefrom.

*System:* The Treatment Plant, works and facilities owned by the Authority, including all sewer lines that convey Wastewater to the Treatment Plant, and in addition, such term shall include the sewer lines owned by the Member Jurisdictions.

*Total Kjeldahl Nitrogen (TKN):* Organic nitrogen plus ammonia, as defined by the named analytical procedure.

*Total Suspended Solids (TSS):* The total suspended matter which floats on the surface of, or is suspended in, water, Wastewater or other liquids, and which is removable by laboratory filtering.

*Toxic Pollutant:* Any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provision of section 307(a) of the Act.

*Treatment Plant:* That portion of the System designed to provide Treatment to Wastewater.

*User:* Any Person who causes or permits the contribution of Wastewater into the System.

*Wastewater:* The liquid or water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with all other wastes which may be present, whether treated or untreated, which are contributed into or permitted to enter the System.

*Wastewater Discharge Permit.* As set forth in section 7-3-99.3 of these Regulations.

*Watercourse:* A channel in which a flow of water occurs either continuously or intermittently.

*Waters of the State:* All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

The following abbreviations shall have their designated meanings:

BOD:	Biochemical Oxygen Demand.
CFR:	Code of Federal Regulations.
COD:	Chemical Oxygen Demand.
L:	Liter.
mg:	Milligrams.
mg/L:	Milligrams per liter.
µm:	Micrometer.
RCRA:	Resource Conservation and Recovery Act.
SWDA:	Solids Waste Disposal Act, 42 U.S.C. 6901, et seq.
U.S.C.:	United States Code.
TSS:	Total Suspended Solids.
NPDES/VPDES:	National/Virginia Pollutant Discharge Elimination System



## *ARTICLE E. DISCHARGE INTO PUBLIC SEWERS*

**That Division 1 be amended and reenacted as shown**

### **DIVISION 1. GENERAL PROVISIONS**

#### **Sec. 7-3-96. Control of new or increased wastewater.**

The City or Authority may deny or condition new or increased contributions of Pollutants, or changes in the nature of Pollutants, to the System by any User where such contributions do not meet applicable Pretreatment Standards or Requirements or where such contributions would cause a risk of Pass Through or Interference to the System.

-All Industrial Users shall promptly notify the Authority ~~in advance~~ of any ~~substantial~~ significant changes to the User's operations or systems which might alter ~~in~~ the nature, quality, volume, or character of Pollutants in their Discharge including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification at least 30 days before the change. The Executive Director may issue an individual wastewater discharge permit under 7-3-99.3 or modify an existing wastewater discharge permit under Section 7-3-99.3(2) in response to changed conditions or anticipated changed conditions.

#### **Sec. 7-3-97. Notification of problem discharges.**

All Industrial Users shall notify the City and Authority immediately of all Discharges that could cause problems to the System, including but not limited to any Slug Loadings by such Users. This notification shall be followed up within five (5) days by written notification as provided in section 7-3-95. Significant Industrial Users are required to notify the City and Authority immediately of any changes at its facility affecting potential for a slug discharge.

## Sec. 7-3-99.1. Industrial User Monitoring.

Permitted Industrial Users shall be required to monitor their Wastewater Discharges at the following frequencies unless stipulated differently in their individual Wastewater Discharge Permit.

- 1) All Pollutant parameters except as specified below.

Average Daily Flow	Monitoring Frequency
<50,000 gpd	1/week
≥50,000<100,000 gpd	2/week
≥100,000 gpd	3/week

- 2) Metals: 1/year.

- 3) Oil & Grease: 2/month.

- 4) pH at least 1/hour each day for the time period of the Discharge.

- 5) If sampling performed by an Industrial User indicates a violation, the User shall notify the Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days after becoming aware of the violation. Where the Authority has performed the sampling and analysis in lieu of the Industrial User, the Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

- a. The Authority performs sampling at the Industrial User at a frequency of at least once per month; or

- b. The Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Authority receives the results of this sampling.

**That Division 2 be amended and reenacted as shown**

## **DIVISION 2. ADMINISTRATION**

### **Sec. 7-3-99.3. Wastewater Discharge Permits.**

All Significant Industrial Users proposing to connect to or contribute to the System shall obtain from the Authority a Wastewater Discharge Permit before connecting to or contributing to the System. The Authority may require any other IU to obtain from the Authority a Wastewater Discharge Permit before connecting to or contributing to the System, if the Authority determines that a Wastewater Discharge Permit is beneficial in implementing these Regulations.

- 1) *Wastewater Discharge Permit Application.* A User required to obtain a Wastewater Discharge Permit shall complete and file with the Authority an application in the form prescribed by the Authority. The Authority shall furnish the appropriate Member Jurisdiction with a copy of the application upon receipt. Proposed new Users shall apply at least 90 days prior to their intent to connect to or contribute to the System. The application shall include the following information.
  - a) Name, address of the User and the location of the Discharge if different from such address;
  - b) SIC number(s);
  - c) Wastewater constituents and characteristics, including but not limited to, those identified in subsection 7-3-83(13) of these Regulations as determined by a reliable analytical laboratory; and sampling and analysis shall be performed in accordance with procedures established in 40 CFR Part 136;
  - d) Time and duration of contribution;
  - e) Average daily and 30-minute peak Wastewater flow rates, including daily, monthly and seasonal variations if any;
  - f) Site plans showing all sewers and sewer connections by the size, location and elevation and any Pretreatment facilities;

- g) Description of Pretreatment facilities and processes on the premises, or those to be installed;
- h) Measurement of Pollutants. (i) The User shall identify the Pretreatment Standards applicable to each regulated process; and (ii) the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by an applicable standard or the Authority) of regulated Pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The samples shall be representative of daily operations. [In cases where the standard or local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Authority or the applicable standards to determine compliance with the standard.](#)

Further (iii) a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other Pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) Grab Samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. The User shall (iv) take a minimum of one representative sample to compile the data necessary to comply with the requirements of this section; (v) samples shall be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment, the User shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR § 403.6(e) in order to evaluate compliance with the Pretreatment Standards.

Where a proposed alternate concentration or mass limit has been calculated in accordance with the combined wastestream formula of 40 CFR § 403.6(e), this adjusted limit along with supporting data shall be submitted to the Authority. This paragraph pertains to Users subject to Categorical Standards.

In the case of Users not subject to Categorical Standards, the Authority shall specify on the Wastewater Discharge Permit application which Pollutants are to be sampled (including sample type and number) and tested.

- i) If additional Pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards or Requirements, the shortest schedule by which the User is able to provide such additional Pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard or otherwise by these Regulations.

The following conditions shall apply to this schedule:

- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards or Requirements (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - (ii) No increment referred to in the preceding paragraph shall exceed nine (9) months.
  - (iii) 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 Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with such 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 nine (9) months elapse between such progress reports to the Authority.
- j) A list of products produced;
  - k) Type of raw material processed; and
  - l) Any other information as may be required by the Authority to evaluate the Wastewater Discharge Permit application. The Authority will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a Wastewater Discharge Permit subject to the terms and conditions provided herein; or the Authority may decline to issue the Wastewater Discharge Permit.
- 2) *Wastewater Discharge Permit Modifications.* The Authority may reopen and modify a Wastewater Discharge Permit for good cause, including without limitation for the following reasons.

- a) To incorporate any new or revised Pretreatment Standard or Requirement.
  - b) To address significant alterations to the User's processes or Discharge.
  - c) A change in the Authority's facilities or processes or the regulatory requirements applicable to the Authority.
  - d) To correct typographical or other errors in the Wastewater Discharge Permit.
  - e) On the request of the permittee for good cause shown.
- 3) *Wastewater Discharge Permit Conditions.* Wastewater Discharge Permits shall be expressly subject to all provisions of these Regulations and all other applicable regulations, User charges and fees established by the Authority or the appropriate Member Jurisdiction. Wastewater Discharge Permits shall contain the following:
- a) Statement of duration (in no case more than five (5) years);
  - b) Statement of non-transferability without, at a minimum, prior notification to the Authority, a signed agreement between the current and new permittees stating and agreeing to the date of transfer, and approval of the transfer by the Authority. The Authority may in its discretion require a new Wastewater Discharge Permit application from the proposed new owner;
  - c) Effluent limits, [including Best Management Practices](#), based on applicable general Pretreatment Standards, Categorical Pretreatment Standards, and the requirements of these Regulations;
  - d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the Pollutants to be monitored, sampling location, sampling frequency, and sample type;
  - e) Statement of applicable civil and criminal penalties for violation of the Wastewater Discharge Permit, Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
  - f) Limits on average and maximum rate and time of Discharge or requirements for flow regulations and equalization, if determined necessary by the Authority;
  - g) Requirements for installation and maintenance of inspection and sampling facilities, if determined necessary by the Executive Director;

- h) Requirements for maintaining and retaining plant records relating to Wastewaters and Discharge as specified by the Authority, and affording the Authority access thereto;
  - i) Requirements for notification of the Authority of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the System;
  - j) Requirements for immediate notification of all Discharges that could cause problems to the System, including any Slug Loading;
  - k) Requirements for slug discharge control, if determined necessary by the Authority. A slug control plan shall contain, at a minimum, the following elements: description of discharge practices, including non-routine batch discharges; description of stored chemicals; procedures for immediately notifying the Authority of slug discharges, with procedures for a follow-up written notification within five days; and, if necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
  - k) Statement that the Wastewater Discharge Permit may be reopened and modified as determined necessary by the Authority; and
  - lm) Other conditions as determined appropriate by the Authority to ensure compliance with these Regulations.
- 4) *Wastewater Discharge Permit Duration.* Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. The User shall apply for Wastewater Discharge Permit renewal at least 180 days prior to the expiration of the User's existing Wastewater Discharge Permit. The terms and conditions of the new Wastewater Discharge Permit may be subject to modification by the Authority. The User shall be informed of any proposed changes in its Wastewater Discharge Permit at least 30 days prior to the effective date of change. Any changes or new conditions in the Wastewater Discharge Permit shall include if necessary and consistent with legal requirements a reasonable time schedule for compliance.

If the permittee has submitted a complete reapplication no later than the date identified in the immediately preceding paragraph, and the Authority has not, through any fault of the permittee, made a decision on Wastewater Discharge Permit reissuance, the Wastewater Discharge Permit

shall be administratively extended and remain in effect until a final decision on the Wastewater Discharge Permit by the Authority.

- 5) *Supplemental Wastewater Discharge Permit Provisions.*
  - a) *Performance Bonds.* Reserve
  - b) *Liability Insurance.* Reserve
  - c) *Payment of Outstanding Fees and Penalties.* Reserve
  - d) *Disclosure Statements (compliance information on User and key personnel).* Reserve
- 6) *Wastewater Discharge Permit Transfer.* Wastewater Discharge Permit shall be issued to a specific User for a specific operation at a specific location. A Wastewater Discharge Permit shall not be assigned, transferred or sold to another Person or User except as provided in subsection 3.2(3)(b), and shall not be applicable to a different premises or a new or changed operation without the approval of the Authority.

#### **Sec. 7-3-99.4. Reporting Requirements.**

- 1) **Baseline Report.** Within 180 days after the effective date of a Categorical Standard, existing Industrial Users subject to such standards and currently discharging to or scheduled to discharge to the System shall submit to the Authority a report which contains the information listed in subparagraphs (a)—(g) below. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Authority a report which contains the information listed in subparagraphs (a)—(e) below. New Sources shall also be required to include in this report information on the method of Pretreatment the source intends to use to meet applicable Pretreatment standards. New Sources shall give estimates of the information requested in subparagraphs (d) and (e) of this section:
  - a) *Identifying information.* The name and address of the facility including the name of the operator and owners;
  - b) *Permits.* A list of any environmental control permits held by or for the facility;
  - c) *Description of operations.* A brief description of the nature, average rate of production, and SIC of the operation(s) carried out by such Industrial User. This description shall include a schematic process diagram which identifies points of Discharge to the System from the regulated processes;



- d) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the System from each of the following:
- i. Regulated process streams; and
  - ii. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR § 403.6(e).

The Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

- e) *Measurement of Pollutants.* The Categorical Standards applicable to each regulated process. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or the Authority) of regulated Pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Authority or the applicable standards to determine compliance with the standard. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection. Samples shall be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment, the User shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR § 403.6(e) in order to evaluate compliance with the standards. Where an alternate concentration or mass limit has been calculated in accordance with these Regulations, this adjusted limit along with supporting data shall be submitted to the Authority.

The Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures.

The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the System.

- f) *Certification.* A statement, reviewed by an Authorized Representative of the Industrial User and certified to by a qualified professional, stating whether standards are being met on a consistent

basis, and, if not, whether additional operation and maintenance [\(O&M\)](#) and/or additional Pretreatment is required for the Industrial User to meet the standards; and

- g) *Compliance schedule.* If additional Pretreatment and/or O&M will be required to meet the standards; the shortest schedule by which the Industrial 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 standard.

Where the Industrial User's Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR § 403.7), the combined wastestream formula (40 CFR § 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR § 403.13) at the time the User submits the report required, the information required by subparagraphs (f) and (g) of this section shall pertain to the modified limits. If the Categorical Pretreatment Standard is modified by a removal allowance, the combined wastestream formula, and/or a Fundamentally Different Factors variance after the User submits the report required by this section, any necessary amendments to the information requested by paragraphs (f) and (g) shall be submitted by the User to the Authority within 60 days after the modified limit is approved.

- 2.) Compliance schedule for meeting Categorical Standards. The following conditions shall apply to the schedule required by paragraph (1)(g) of this section: 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 Industrial User to meet the applicable Categorical Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment shall exceed nine (9) months. Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

- 3) Categorical Standard Deadline Compliance. Within 90 days following the date for final compliance with applicable Categorical Standards or in the case of a New Source following commencement of the introduction of Wastewater into the System, the User shall submit to the Authority a report including the information described in subsections (1)(d)—(f) above. For Industrial Users subject to equivalent mass or concentration limits established by the Authority, this report shall contain a

reasonable measure of the User's long term production rate. For all other Industrial Users subject to Categorical 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.

- 4) Periodic Reports on Continued Compliance. After the compliance date of a Categorical Standard or, in the case of a New Source, after commencement of the Discharge into the System, any User subject to a Categorical Standard shall submit to the Authority during the months of June and December, unless required more frequently by the Authority, a report identifying the nature and concentration of Pollutants in the effluent which are limited by such standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Authority may agree to alter the months during which the above reports are to be submitted. In cases where the standard requires compliance with a Best Management Practice or other pollution prevention alternative, the User shall submit documentation required by the Authority or the standard necessary to determine the compliance status of the User.
- 5) Reports and applications submitted by an Industrial User must be signed by a responsible corporate officer or a duly Authorized Representative of that individual.

(i) A responsible corporate officer is defined as the president, secretary, treasurer or vice president of the corporation in charge of the principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation. In addition, the manager of one or more manufacturing, production or operating facility(ies) of the corporation, ~~if the facility employs more than 250 persons or has gross national sales or expenditures exceeding \$25 million, may also sign the reports as long as the manager has been authorized to sign reports in accordance with proper corporate procedures, provided, the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. The responsible corporate officer may also authorize a representative to sign the reports provided the officer forwards a written notice to the Authority stating that the representative has been~~

~~authorized to sign the reports. A duly Authorized Representative may be an individual or position responsible for the overall operations of the facility (e.g. plant manager) or an individual in charge of all environmental affairs for the facility.~~

~~(ii) By a general partner or proprietor if the industrial user submitting the reports required by subsections 3.3(1), (2), and (3) of this section is a partnership or sole proprietorship, respectively.~~

~~(iii) (iii) By a duly authorized representative of the individual designated in (i) or (ii) of this subsection if:~~

~~a. The authorization is made in writing by the individual described in subdivision (i) or (ii) of this subsection;~~

~~b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and~~

~~c. The written authorization is submitted to the Authority.~~

~~(iv) If an authorization under subdivision (iii) of this subsection 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 authorization satisfying the requirements of subdivision (iii) of this subsection must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.~~

The following statement shall be used on all reports, application and notices requiring certification, and with all submissions of data;

"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 fines and imprisonment for knowing violations."

6) The reports required in 3) of this subsection must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable local limits,

pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Authority, as appropriate.

67) For sampling required in support of baseline monitoring and 90-day compliance reports required by 7-3-99.4(1) and 7-3-99.4(2) of this section, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Authority may authorize a lower minimum. For the reports required by 7-3-99.4(3) and 7-3-99.4(9) of this section, the Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable local limits, pretreatment standards and requirements.

85) The Authority may impose mass limitations on Users which 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 the provisions above shall identify the mass of Pollutants regulated by the standards in the effluent of the User.

96) All analyses shall be performed in accordance with procedures established by EPA in 40 CFR Part 136. Sampling shall be performed in accordance with the techniques designed and implemented to obtain representative samples.

If an Industrial User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Authority, using the procedures prescribed above in 8), the results of this monitoring shall be reported.

107) Reporting requirements for Industrial Users not subject to categorical pretreatment standards. The Authority must require appropriate reporting from those Industrial Users with Discharges that are not

subject to categorical pretreatment standards. Significant noncategorical Industrial Users must submit to the Authority at least once every six months (on dates specified by the Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. This sampling and analysis may be performed by the Authority in lieu of the Significant noncategorical Industrial User.

- 11) Any Industrial User subject to the reporting requirement established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples: (i) the date, exact place, method, and time of sampling and the names of the person or persons taking the samples; (ii) the dates analyses were performed; (iii) the individuals who performed the analyses; (iv) the analytic methods used; and (v) the result of such analyses.

Any Industrial User subject to the reporting requirements established in this section (including documentation associated with Best Management Practices) shall be required to ~~shall~~ retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying on the request of the Authority. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or when requested by the Authority.

### **Sec. 7-3-99.6. Inspection and Sampling.**

The Authority shall (i) randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by the Industrial Users, occasional and continuing noncompliance with Pretreatment Standards or Requirements; (ii) inspect and sample the effluent from each Significant Industrial User at least once a year; and (iii) evaluate, at least once every two years, whether each such Significant Industrial User needs a plan to control Slug Loadings. In addition, Significant Industrial Users must be evaluated within one year of being designated a Significant Industrial User. If the Authority determines that a Slug Loading plan is needed, such plan shall contain at a minimum, the elements outlined in Section 7-3-99.3(3)(k) and set forth in 40 CFR § 403.8(f)(2)(v). The Authority may inspect such facilities to ensure compliance. All Users shall allow representatives of the Member Jurisdictions and the Authority access at all reasonable times to all parts of the premises for the

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purposes of inspection, sampling, records examination (including the right to copy such records) and the performance of any of their duties. The Member Jurisdiction and the Authority shall have the right to set upon the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would 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, personnel from the Member Jurisdiction and/or the Authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

In addition, all Users shall pay to the Member Jurisdiction or the Authority all reasonable and necessary costs incurred by the Member Jurisdiction or the Authority in connection with inspections, Wastewater monitoring, sampling and testing.

## ***ARTICLE F. ENFORCEMENT OF CHAPTER***

**That Section 7-3-111 be amended and reenacted as shown**

### **Sec. 7-3-111. Public notice of significant noncompliance.**

At least annually the Authority shall give public notification in the largest daily newspaper published in Rockingham County (Daily News-Record), of Industrial Users which were in significant noncompliance with applicable Pretreatment Standards or other Pretreatment Requirements. For the purposes of this provision, a User is in significant noncompliance if its violations meet one of more of the following criteria: (i) chronic violations of Wastewater Discharge limits, defined as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same Pollutant parameter, [including instantaneous limits, as defined by 9VAC25-31-10](#); (ii) technical review criteria (TRC) violations defined as those in which thirty-three percent or more of all of the measurements for each Pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit, [including instantaneous limits, as defined by 9VAC25-31-10; multiplied by times](#) the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other Pollutants except pH); (iii) any other violation of a Pretreatment effluent limit [or requirement as defined by 9VAC25-31-10](#) (daily maximum, [long-term average, instantaneous limit, or narrative standard](#) ~~or longer term average~~) that the Authority determines has caused, alone or in

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combination with other Discharges, Interference or Pass Through (including endangering the health of Authority personnel or the general public); (iv) any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a Discharge; (v) failure to meet within 90 days after the schedule<sup>4</sup> date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order<sup>7</sup>; for starting construction, completing construction, or attaining final compliance; (vi) failure to provide within 45 days after the due date required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules; (vii) failure to accurately report noncompliance; or (viii) any other violation or group of violations [that may include a violation of Best Management Practices](#) which the Authority determines will adversely affect the operation or implementation of the Pretreatment program.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2021. Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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**MAYOR**

ATTESTE:

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CITY CLERK