

**Arapahoe County Water and Wastewater Authority  
Rules and Regulations**

**APPENDIX "D"**

**Pretreatment**

**ADOPTED: September 10, 2008**

**EFFECTIVE: September 10, 2008**

<b>SECTION 1 - GENERAL PROVISIONS.</b>	1
<b>1.1 Administration</b>	1
<b>1.2 Abbreviations</b>	1
<b>1.3 Definitions</b>	1
<b>1.4 Legal Authority for Regulations</b>	5
<b>SECTION 2—GENERAL SEWER USE REQUIREMENTS</b>	5
<b>2.1 Prohibited Discharge Standards</b>	5
<b>2.2 National Categorical Pretreatment Standards</b>	7
<b>2.3 Local Limits</b>	7
<b>2.4 Authority’s Right of Revision</b>	8
<b>2.5 Dilution</b>	8
<b>SECTION 3—PRETREATMENT OF WASTEWATER</b>	8
<b>3.1 Pretreatment Facilities</b>	8
<b>3.2 Additional Pretreatment Measures</b>	8
<b>3.3 Accidental Discharge/Slug Discharge Control Plans</b>	9
<b>3.4 Hauled Wastewater (Reserved)</b>	9
<b>SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS and GENERAL PERMITS</b>	9
<b>4.1 Wastewater Analysis</b>	9
<b>4.2 Individual Wastewater Discharge Permit and General Permit Requirement</b>	10
<b>4.3 Individual Wastewater Discharge and General Permitting: Existing Connections.</b>	10
<b>4.4 Individual Wastewater Discharge and General, Permitting: New Connections.</b>	10
<b>4.5 Individual Wastewater Discharge and General Permit Decisions.</b>	10
<b>SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE</b>	11
<b>5.1 Individual Wastewater Discharge and General Permit Duration</b>	11
<b>5.2 Permit Modification</b>	11
<b>5.3 Individual Wastewater Discharge Permit and General Permit Transfer</b>	11
<b>5.4 Individual Wastewater Discharge Permit and General Permit Reissuance</b>	11
<b>5.5 Regulation of Waste Received from Other Jurisdictions</b>	12
<b>SECTION 6—REPORTING REQUIREMENTS</b>	12
<b>6.1 Baseline Monitoring Reports</b>	12
<b>6.2 Compliance Schedule Progress Reports</b>	12
<b>6.3 Periodic Compliance Reports</b>	12
<b>6.4 Reports of Changed Conditions</b>	12
<b>6.5 Reports of Potential Problems</b>	12
<b>6.6 Reports from Un-permitted Users</b>	13
<b>6.7 Analytical Requirements</b>	13

6.8	Sample Collection	13
6.9	Date of Receipt of Reports	13
6.10	Recordkeeping	13
6.11	Certification Statements	14
<b>SECTION 7—COMPLIANCE MONITORING</b>		15
7.1	Right of Entry: Inspection and Sampling	15
7.2	Search Warrants	15
<b>SECTION 8—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE</b>		15
<b>SECTION 9—ADMINISTRATIVE ENFORCEMENT REMEDIES</b>		15
9.1	Administrative actions	15
9.2	Administrative Fines	15
9.3	Emergency Suspensions	16
<b>SECTION 10—JUDICIAL ENFORCEMENT REMEDIES</b>		17
10.1	Criminal Prosecution	17
10.2	Remedies Nonexclusive	17
<b>SECTION 11 - PRETREATMENT CHARGES AND FEES</b>		17
11.1	Charges and Fees	17
<b>SECTION 12—MISCELLANEOUS PROVISIONS</b>		18
12.1	Severability	18
<b>SECTION 13—EFFECTIVE DATE</b>		18



## **SECTION 1 - GENERAL PROVISIONS.**

### **1.1 Administration**

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this Appendix D. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to a duly authorized Authority employee.

### **1.2 Abbreviations**

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

- BOD – Biochemical Oxygen Demand;
- BMP – Best Management Practice;
- BMR – Baseline Monitoring Report;
- CFR – Code of Federal Regulations;
- CIU – Categorical Industrial User;
- COD – Chemical Oxygen Demand;
- EPA – U.S. Environmental Protection Agency;
- GPD - gallons per day;
- IU – Industrial User;
- MG/l - milligrams per liter;
- NPDES – National Pollutant Discharge Elimination System;
- NSCIU – Non-Significant Categorical Industrial User;
- POTW – Publicly Owned Treatment Works;
- RCRA -Resource Conservation and Recovery Act;
- SIU – Significant Industrial User;
- SNC - Significant Noncompliance;
- TSS – Total Suspended Solids;
- U.S.C. -United States Code;

### **1.3 Definitions**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Appendix D, shall have the meanings hereinafter designated.

- Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- Approval Authority. U.S. Environmental Protection Agency (Region 8).

- Authorized or Duly Authorized Representative of the User.
  - If the User is a corporation:
    - An officer of the corporation or
    - An on site person authorized by an officer of the corporation
  - If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - If the User is a Federal, State, or local governmental facility: a director or official appointed to oversee the operation of the facility.
  - The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative responsible for the environmental matters for the company, and the written authorization is submitted to the Authority.
- Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures.
- Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices.
- Board of Directors. The governing body of the Authority.
- Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA.
- Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- Authority. Arapahoe County Water and Wastewater Authority (ACWWA).
- Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- Control Authority. Arapahoe County Water and Wastewater Authority (ACWWA)
- Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day.
- Existing Source. Any source of discharge that is not a “New Source.”

- Grab Sample. A sample that is taken from a waste-stream without regard to the flow in the waste-stream and over a period of time not to exceed fifteen (15) minutes.
- Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source.
- Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time.
- Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW,s operations, disposals or discharges.
- Local Limit. Specific discharge limits developed and enforced by the Authority.
- Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges”.
- Monthly Average Limit. The highest allowable monthly average.
- New Source.
  - Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction or modification of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.
- Non-contact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Authority’s NPDES permit, including an increase in the magnitude or duration of a violation.
- pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- Pollutant. Any materials deemed hazardous to the POTW.
- Pretreatment. The reduction of the amount of pollutants introduced into the POTW.

- Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User.
- Prohibited Discharges. Prohibitions against the discharge of certain substances.
- Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- Significant Industrial User (SIU).
  - Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:
  - An Industrial User subject to categorical Pretreatment Standards; or
  - An Industrial User that:
    - Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow-down wastewater);
    - Contributes a process waste-stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - Is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- Slug Load or Slug Discharge. A Slug Discharge is any Discharge of a non-routine, episodic nature.
- Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- Superintendent. The person designated by the Authority to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Appendix D. The term also means a Duly Authorized Representative of the Superintendent.
- Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- User or Industrial User. A source of indirect discharge.

#### **1.4 Legal Authority for Regulations**

These regulations were approved by the Board of Directors of the Authority pursuant to the Amended and Restated Establishing Contract, § 29-1-204.2(3)(e), (j), (k) and (l), C.R.S., and other applicable Colorado and Federal law and regulations.

#### **1.5 Reasonableness Standard Applies**

The Board of Directors of the Authority delegates the powers and authority granted to the Superintendent in this Appendix D with the following standard to be used by the Superintendent in the exercise thereof: In all situations and instances in which this Appendix D grants authority to the Superintendent to undertake an activity, promulgate a policy, decide upon a course of action, impose a fine or penalty, order compliance, refer a matter to an agency or person, act or determine not to act, or exercise any discretionary power, the Superintendent shall do so reasonably based upon the information, conditions, and circumstances known and prevailing at such time.

### **SECTION 2—GENERAL SEWER USE REQUIREMENTS**

#### **2.1 Prohibited Discharge Standards**

- General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference.
- Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste-streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
  - Wastewater having a pH less than 5.5 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment.
  - Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference.
  - Pollutants which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
  - Wastewater having a temperature greater than 140 degrees F (60 degrees C).
  - Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

- Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- Trucked or hauled pollutants, except at discharge points designated in accordance with Section 3.4 of this Appendix D;
- Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Authority's NPDES permit;
- Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, and Non-contact Cooling Water, unless specifically authorized by the Superintendent;
- Sludge's, screenings, or other residues from the pretreatment of industrial wastes;
- Medical Wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit or a general permit;
- Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW;
- Fats, oils, or greases of animal or vegetable origin in concentrations greater than ( 500) mg/l;
- Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.
- The discharge of any substance, which if otherwise disposed of would be, considered hazardous waste is prohibited.
- Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

## **2.2 National Categorical Pretreatment Standards**

Users must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471(inclusive) or Colorado Pretreatment Standards or Authority Pretreatment Appendix “D”, whichever is stricter.

## **2.3 Local Limits**

The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following all local limits are instantaneous unless otherwise noted.

- [ 1.0 ] mg/l arsenic
  - [ 400 ] mg/l BOD<sub>5</sub>
  - [ .206 ] mg/l cadmium
  - [ 3.4 ] mg/l chromium
  - [ 2.66 ] mg/l copper
  - [ 1.8 ] mg/l cyanide
  - [ .86 ] mg/l lead
  - [ .04 ] mg/l mercury
  - [ .74 ] mg/l molybdenum
  - [ 37.5 ] mg/l nitrogen (total)
  - [ .07 ] mg/l nickel
  - [ 500 ] mg/l oil and/or grease (total oil and grease)
  - [ .04 ] mg/l selenium
  - [ 1.8 ] mg/l silver
  - [ 75 ] mg/l total phenols
  - [ 450 ] mg/l total suspended solids
  - [ 1.6 ] mg/l zinc
- 
- The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations above.
  - The Superintendent may develop and recommend Best Management Practices (BMPs), for adoption by Resolution, reasonable administrative policy, or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 2.1.

## **2.4 Authority's Right of Revision**

The Authority reserves the right to establish, by Resolution or in individual wastewater discharge permits or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this Appendix D.

## **2.5 Dilution**

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

## **SECTION 3—PRETREATMENT OF WASTEWATER**

### **3.1 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this Appendix D. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Authority under the provisions of this Appendix D.

### **3.2 Additional Pretreatment Measures**

- Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste-streams from industrial waste-streams, and such other conditions as may be necessary to protect or maintain the POTW and determine the User's compliance with the requirements of this Appendix D.
- The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.
- Grease, oil, and sand interceptors shall be provided (by the user) when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be

required for residential users. All interception units shall be of a type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be installed, inspected, cleaned, and repaired by the User at their expense. Grease, oil and sand interceptors shall be cleaned every six (6) months. The superintendent may modify the cleaning schedule to assure proper pretreatment of the waste stream.

- Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### **3.3 Accidental Discharge/Slug Discharge Control Plans**

The Superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Superintendent may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Superintendent may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- Description of discharge practices, including non-routine batch discharges;
- Description of stored chemicals;
- Procedures for immediately notifying the Superintendent of any accidental or Slug Discharge, as required by Section 6.6 of this Appendix D; and
- Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

### **3.4 Hauled Wastewater (Reserved)**

## **SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS and GENERAL PERMITS**

### **4.1 Wastewater Analysis**

When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within Thirty (30) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

#### **4.2 Individual Wastewater Discharge Permit and General Permit Requirement**

- No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit, or a general permit, from the Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this Appendix D may continue to discharge for the time period specified therein.
- The Superintendent may require other Users to obtain individual wastewater discharge permits, or general permits, as necessary to carry out the purposes of this Appendix D.
- Any violation of the terms and conditions of an individual wastewater discharge permit, or a general permit, shall be deemed a violation of this Appendix D and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this Appendix D. Obtaining an individual wastewater discharge permit, or a general permit, does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

#### **4.3 Individual Wastewater Discharge and General Permitting: Existing Connections.**

Any User required to obtain an individual wastewater discharge permit, or a general permit who was discharging wastewater into the POTW prior to the effective date of this Appendix D and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Superintendent for an individual wastewater discharge permit, or a general permit, in accordance with Section 4.5 of this Appendix D, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Appendix D except in accordance with an individual wastewater discharge permit, or a general permit, issued by the Superintendent.

#### **4.4 Individual Wastewater Discharge and General Permitting: New Connections.**

Any User required to obtain an individual wastewater discharge permit, or a general permit, who proposes to begin or recommence discharging into the POTW, must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, or general permit, in accordance with Section 4.5 of this Appendix D, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

#### **4.5 Individual Wastewater Discharge and General Permit Decisions.**

The Superintendent will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Superintendent will determine whether to issue an individual wastewater discharge permit, or a general permit. The Superintendent may deny any application for an individual wastewater discharge permit, or a general permit.

## **SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE**

### **5.1 Individual Wastewater Discharge and General Permit Duration**

An individual wastewater discharge permit, or a general permit, shall be issued for a time period, not to exceed five (5) years.

### **5.2 Permit Modification**

The Superintendent may modify an individual wastewater discharge permit, or general permit for good cause, including, but not limited to, the following reasons:

- To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- Information indicating that the permitted discharge poses a threat to the Authority's POTW, Authority personnel, the receiving waters, or impacts the quality of sludge or solids.
- Violation of any terms or conditions of the individual wastewater discharge permit;
- Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- To correct typographical or other errors in the individual wastewater discharge permit; or

### **5.3 Individual Wastewater Discharge Permit and General Permit Transfer**

Discharge permits are not transferable. New owners or operators must apply for a permit within 30 days of ownership change.

### **5.4 Individual Wastewater Discharge Permit and General Permit Reissuance**

A User with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this Appendix D, a minimum of sixty (60) days prior to the expiration of the User's existing individual wastewater discharge permit or general permit.

## **5.5 Regulation of Waste Received from Other Jurisdictions**

A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Superintendent shall draft and recommend to the Board of Directors that the Authority enter into an inter-municipal agreement with the contributing municipality granting ACWWA full pretreatment authority within the contributing municipality.

## **SECTION 6—REPORTING REQUIREMENTS**

### **6.1 Baseline Monitoring Reports**

Industrial users may be required, at the superintendent's discretion to submit a baseline monitoring report.

### **6.2 Compliance Schedule Progress Reports**

Compliance Progress Reports may be required by the Superintendent.

### **6.3 Periodic Compliance Reports**

All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User at a frequency determined by the Superintendent.

### **6.4 Reports of Changed Conditions**

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

- The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this Appendix D.
- The Superintendent may issue an individual wastewater discharge permit or a general permit under Section 5.7 of this Appendix D or modify an existing wastewater discharge permit or a general permit under Section 5.4 of this Appendix D in response to changed conditions or anticipated changed conditions.

### **6.5 Reports of Potential Problems**

- In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non routine, episodic nature, a non customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This

notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

- Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

#### **6.6 Reports from Un-permitted Users**

All Users, whether required to obtain an individual wastewater discharge permit or general permit or not, shall provide appropriate reports to the Superintendent as the Superintendent may require.

#### **6.7 Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard.

#### **6.8 Sample Collection**

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

#### **6.9 Date of Receipt of Reports**

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

#### **6.10 Recordkeeping**

Users subject to the reporting requirements of this Appendix D shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Appendix D, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices

## **6.11 Certification Statements**

- The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:
- I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by [the Superintendent] pursuant to 1.4 GG(3) and 4.7 C [**Note: See 40 CFR 403.3(v)(2)**] must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C [**Note: See 40 CFR 403.120(1)**]. This certification must accompany an alternative report required by the Superintendent:
  - “Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:
    - The facility described as \_\_\_\_\_
      - [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 GG (3); [**Note: See 40 CFR 403.3(v)(2)**]
    - The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.
      - This compliance certification is based on the following information.”

## **SECTION 7—COMPLIANCE MONITORING**

### **7.1 Right of Entry: Inspection and Sampling**

The Superintendent shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Appendix D and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

### **7.2 Search Warrants**

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Appendix D, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Authority designed to verify compliance with this Appendix D or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Superintendent may seek issuance of a search warrant from the appropriate Court.

## **SECTION 8—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by [the POTW], a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

## **SECTION 9—ADMINISTRATIVE ENFORCEMENT REMEDIES**

### **9.1 Administrative actions**

Administrative Actions will be conducted in a manner consistent with the Enforcement Response Plan.

### **9.2 Administrative Fines**

- When the Superintendent finds that a User has violated, or continues to violate, any provision of this Appendix D, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may fine such User in an amount not to exceed ten thousand (10,000) dollars. Such fines shall be assessed on a per-violation,

per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

- Unpaid charges, fines, and penalties (“amount due”) shall, after thirty (30) calendar days after their scheduled “due date”, be assessed an additional penalty of five percent (5%) of the unpaid balance, and thereafter an additional penalty of five percent (5%) per month or fraction thereof to a maximum of twenty-five percent (25%) of the amount due, and interest shall accrue on the amount due after thirty (30) calendar days at a rate of one and one-half percent (1.50%) per month. A perpetual lien against the User’s property shall exist and may be recorded for unpaid charges, fines, and penalties.

### **9.3 Emergency Suspensions**

- The Superintendent may immediately suspend a User’s discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a User’s discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
- The Superintendent may immediately suspend a User’s receipt of water service from the Authority, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a User’s receipt of water service from the Authority, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
- Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

### **9.4 Costs of Collection**

Nothing in this section shall be construed to prohibit the Authority from recovering the costs of collection, including but not limited to disconnection or reconnection fees, reinstatement charges, or penalties where fraud is involved.

## **SECTION 10—JUDICIAL ENFORCEMENT REMEDIES**

### **10.1 Criminal Prosecution**

Any non-compliance or violation of pretreatment policies may be referred to other agencies for legal action.

### **10.2 Remedies Nonexclusive**

The remedies provided for in this Appendix D are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Authority's enforcement response plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

## **SECTION 11 - PRETREATMENT CHARGES AND FEES**

### **11.1 Charges and Fees**

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

- Fees for wastewater discharge permit applications including the cost of processing such applications;
- Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- Fees for reviewing and responding to accidental discharge procedures and construction;
- Fees for filing appeals;
- Fees to recover administrative and legal costs associated with the enforcement activity taken by the Superintendent to address IU noncompliance; and
- Other fees as the Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Appendix D and are separate from all other fees, fines, and penalties chargeable by the Authority.

## **SECTION 12—MISCELLANEOUS PROVISIONS**

### **12.1 Severability**

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

## **SECTION 13—EFFECTIVE DATE**

This Appendix D shall be in full force and effect immediately following its passage as provided by law.