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ARTICLE I

STATEMENT OF PURPOSE

Section 1.1 Purposes

The purposes of these rules and regulations are specifically stated as follows:

(a) To prohibit excessive volumes and/or inordinate rates of flow of sewage and wastes into the County District system.

(b) To prohibit the contribution of sewage, industrial wastes or other wastes of a flammable nature or which create in any way a poisonous or hazardous environment for sewerage maintenance and operation personnel.

(c) To prohibit the contribution of sewage, industrial wastes or other wastes which may cause maintenance difficulties in the trunk sewers, force mains, pumping stations, sewage regulators and other structures and appurtenances of the County District system.

(d) To prohibit the contribution of sewage, industrial wastes or other wastes which may create operating difficulties at the water pollution control plants as they now exist or may be constructed, modified or improved in the future.

(e) To prohibit and/or regulate the contribution of sewage, industrial wastes or other wastes which require for treatment at the plants, greater expenditures than are required for equal volumes of normal sewage.

(f) To require the treatment, before introduction into the Albany County Sewer District system, or sewers tributary thereto, of such wastes as may otherwise impair the strength and/or durability of the structures appurtenant to the system, by direct or indirect chemical action, or interfere with the normal treatment processes.

(g) To provide cooperation with the Albany County Department of Health and any other agencies which have requirements or jurisdiction for the protection of the physical, chemical and bacteriological quality of water courses within or bounding the County.

(h) To protect the public health and to prevent nuisances.

standards are thereafter promulgated in accordance with that section, provided that:

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

(hh) **“Normal Sewage”** shall mean sewage, industrial wastes or other wastes, which when analyzed show by weight the following characteristics:

- (1) BOD 2000 lbs. per million gallons (240 milligrams per liter) or less,
- (2) Chlorine Demand 208 lbs. per million gallons (25 milligrams per liter) or less,
- (3) Suspended Solids 2500 lbs. per million gallons (300 milligrams per liter) or less.

(ii) **“NYDEC”** shall mean the New York State Department of Environmental Conservation or duly authorized official of said Department.

(jj) **“Objectionable Wastes”** shall mean any wastes that can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, health, or property, or constitutes a nuisance.

(kk) **“Other Waste”** shall mean garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, cinder, ashes, and all other discarded matter not normally present in sewage or industrial wastes.

(ll) **“Passthrough”** shall mean 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 District’s NPDES permit, including an increase in the magnitude or duration of a violation.

(mm) **“Person”** shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

(nn) **“pH”** shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

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

(pp) **“Potential SIU”** shall mean any industry which can be reasonably expected to become an SIU if production processes, raw material or wastewater discharge flows are changed.

(qq) **“Pretreatment”** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

(ss) **“Pretreatment Standards or Standards”** shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(tt) **“Properly Shredded Garbage”** shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the sewer to which it is discharged, with no particle having a dimension greater than one-half (1/2) inch in any dimension.

(uu) **“Publicly Owned Treatment Works or POTW”** shall mean a “treatment works,” as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the County. 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.

(vv) **“Public Sewer”** shall mean a sewer controlled by a public body.

(ww) **“Receiving Waters”** shall mean a natural water course or body of water into which treated or untreated sewage is discharged.

(xx) **“Sanitary Sewage”** shall mean sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm water, surface water, industrial wastes and other wastes.

(yy) **“Sanitary Sewer”** shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(zz) **“Sanitary Hauled Wastes”** shall mean the matter collected from privies, septic tanks, cesspools, and chemical toilets, fluid wastes which are non-toxic industrial wastes and sludge from small sewage treatment plants, all of which are transported by licensed tank trucks from point of origin to designated discharge location.

(aaa) **“Septic Tank Waste”** shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(bbb) **“Sewage”** shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be inadvertently present. The admixture of sewage as above defined with industrial wastes or other wastes shall also be considered “sewage” within the meaning of this definition.

(ccc) **“Sewage Treatment Plant”** (Water Pollution Control Plant) (Publicly Owned Treatment Works - POTW) shall mean any arrangement of devices and structures used for treating sewage.

(ddd) **“Sewer”** shall mean a pipe or conduit for carrying sewage.

(eee) **“Sewage Surcharge”** shall mean the demand payment for the use of the County Sewerage System for handling any sewage, industrial waste or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage.

(fff) **“Shall”** shall mean mandatory; **“May”** shall mean permissive.

(ggg) **“Significant Industrial User”** shall mean:

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of twenty-five thousand (25,000) mgd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow down wastewater);

(b) contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) is designated as such by; the County on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the County may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

(hhh) **“Significant Noncompliance”** (see Article VII Section 7.25).

(iii) **“Slug Load or Slug”** shall mean any discharge at a flow rate or concentration which could cause violation of the prohibited discharge standards in Section 5.2 of this ordinance.

(jjj) **“SPDES”** shall mean the State Pollutant Discharge Elimination System.

including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Article VIII Section 8.3 of this ordinance.

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

ARTICLE IV

DISCHARGE OF WATERS NOT CONTAINING SEWAGE

Section 4.1 Statement of Policy Regarding Existing Local Combined Sewers and Existing Storm Water Connections

It is one explicit purpose of these rules and regulations to deter, prevent and eliminate, as far as possible, the introduction of storm waters into the County Sewerage System and all sewers tributary thereto. However, it is recognized that in certain areas the immediate enforcement of these rules and regulations against existing connections would not be feasible or reasonable.

This statement shall not be construed to mitigate in any way the enforcement of these rules and regulations against the construction of any new combined sewers or against any new connections discharging storm waters to the County Sewerage System or sewers tributary thereto or to the alleviation of unreasonable flows of storm water. Nor shall this statement of policy be used as a reason for not making any changes which may be ordered by governmental regulatory agencies.

Section 4.2 Discharge of Waters Not Containing Sewage

No downspout, leader, gutter or pipe, drain or channel which may at any time carry storm water, surface water or ground water of any kind, nor any drain from any catch basin, lake, swamp, pond or swimming pool, nor any inlet for surface water, storm water or ground water of any kind shall be connected to the County sewerage system or any sewer tributary thereto. However, existing facilities mentioned previously which are presently connected directly or indirectly to combined sewers may remain until such combined sewers are separated, at which time they shall be disconnected.

ARTICLE V

MATERIALS AND SUBSTANCES EXCLUDED FROM COUNTY AND PUBLIC SEWERS

Section 5.1 Exclusion of Unpolluted Waters

No person shall discharge or cause to be discharged into any County sewer or sewer tributary thereto any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters except as provided in Article IV of these rules and regulations.

Section 5.2 Prohibited Discharge Standards

(a) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(b) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW (or where applicable, the collection system) the following pollutants, substances or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60°C) using the test methods specified in 40 CFR 261.21;
- (2) wastewater having a pH less than 5.0 s.u. (or more than 12.0 s.u.), or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;
- (4) pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) wastewater having a temperature greater than 140°F (60°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (6) petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

- (7) pollutants which result in the presence of toxic gases, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Article IX of this ordinance;
- (9) noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the County's SPDES permit;
- (11) wastewater containing any radioactive wastes or isotopes except compliance with applicable State or Federal regulations;
- (12) storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director;
- (13) sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) medical wastes, except as specifically authorized by the Director in a wastewater discharge permit;
- (15) wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) fats, oils, or greases of animal or vegetable origin in concentration which would cause a problem to the collection system or the POTW;
- (18) wastewater causing a reading on an explosive hazard meter at the point of discharge to the POTW, or at any point in the POTW;
- (19) any wastewater containing PCB's (polychlorinated biphenols).
- (20) Wastewater receiving pretreatment shall not be discharged as bypass unless the following is met:

- A. For the purposes of this section,
- **“Bypass”** means the intentional diversion of wastestreams from any portion of the user’s treatment facility.
 - **“Severe property damage”** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operations. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. (1) Bypass is prohibited, and the Director may take an enforcement action against a user for a bypass, unless:
- (a) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- (b) there were no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (c) the user submitted notices as required under paragraph (C) of this section.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, the Director determines that it will meet the three conditions listed in paragraph (D) (1) of this section.

Section 5.3 Possible Exclusion of Certain Materials & Substances

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Director that such wastes can harm either the trunk sewer system structures, sewage treatment process or equipment, have an adverse effect on the receiving stream or could otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment facilities, degree of treatability of wastes in the plant and other pertinent factors.

The substances, materials or wastes prohibited in the first instance but subject to review by the Director are:

(a) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (0^o and 65^o Centigrade).

(b) Any garbage that has not been properly shredded. The installation and operation of garbage grinders equipped with a motor of three-fourths (3/4) horsepower, or greater shall be subject to the review and approval of the Director. No more than 30 percent of ground garbage on the dry basis, shall pass a No. 40 U.S. Standard sieve.

(c) Any waters or wastes containing strong acid metal pickling wastes, or concentrated plating solutions whether neutralized or not.

(d) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances. See Article VI.

(e) Any waters or wastes containing phenols or other taste-or-odor producing substances, in concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(f) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.

(g) Materials which exert or cause:

- (1) Unusual concentrations of inert suspended solids such as, but not limited to, Fuller's earth, lime slurries, and lime residues or of dissolved solids, such as but not limited to, sodium chloride and sodium sulfate.
- (2) Excessive discoloration at the treatment plant or in the receiving waters, such as but not limited to, dye wastes and vegetable tanning solutions.
- (3) Unusual biochemical oxygen demand (BOD), chemical oxygen demand (COD), or chlorine requirements in such quantities as to constitute a significant additional load on the sewage treatment works, except as provided for under Article VII.

(h) Waters or wastes containing substances which are not amenable to treatment or reduction in concentration by the sewage treatment plant processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of regulatory agencies having jurisdiction over discharge to the receiving waters.

Section 5.4 Action by the Director

If any waters or wastes are discharged or are proposed to be discharged to the County sewerage system or sewers tributary thereto, which waters contain the substances or the characteristics enumerated in Section 5.3 of this Article, and which, in the judgment of the Director may have a deleterious effect upon the sewerage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- (a) reject the waters or wastes;
- (b) require pre-treatment to an acceptable condition for discharge to the public sewers;
- (c) require control over the quantities and rates of discharge; and/or

(d) require payment to cover the added cost of handling and treating the waters or wastes not covered by existing taxes or sewer charges.

ARTICLE VI

TOXIC SUBSTANCES PROHIBITED OR ACCEPTED CONDITIONALLY

Section 6.1 Toxic Substances and Pathogenic Bacteria

The following is a partial list of toxic substances and pathogenic bacteria the discharge of which into the County sewerage system or sewers tributary thereto is hereby prohibited unless their concentration (1) is reduced by treatment at the source to a point that will meet the general purposes of these rules and regulations or come within the applicable standards set forth herein or under Article VII (2) will not adversely affect any of the bio-chemical, chemical or other sewage treatment process:

- (a) Antibiotics
- (b) Arsenic
- (c) Bromine, Iodine, chlorine
- (d) Chloroform
- (e) Copper and Copper Salts
- (f) Cresols and Creosotes
- (g) Fluorides
- (h) Formaldehyde
- (l) Mercury and Mercurials
- (j) Phenolic Compounds
- (k) Silver and Silver Compounds
- (l) Sulfonamides, Toxic Dyes (organic or mineral)
- (m) Tetrachloroethylene
- (n) Zinc Compounds
- (o) All strong oxidizing agents such chromates, dichromates, permanganates, peroxides, etc.
- (p) Chemical compounds producing toxic, flammable or explosive gases, either upon acidification, alkalization, oxidation or reduction.
- (q) Strong reducing agents such as nitrites, sulfides, sulfites, thiosulfates, etc.

- (r) Wastes from industrial processes or hospital procedures containing viable pathogenic organisms.

Section 6.2 Permissible Concentrations of Toxic Substances

The concentration in sewage of any of the following toxic substances shall not exceed these concentrations judged by the Director to be toxic to biological sewage treatment processes or to the biota of the receiving waters and shall not in any case exceed the following limits when such sewage is discharged to a public sewer. These limits may be revised by the Commission whenever operating experience indicates that this is a desirable or are superseded by Federal Categorical Pretreatment Standard when and if promulgated if such Federal standards are more stringent.

| <u>Toxic Substance</u> | <u>Maximum Permissible Discharge Concentration (milligrams per liter)</u> |
|---------------------------|---|
| Cadmium | 2.0 |
| Chromium (Hexavalent) | 5.0 |
| Copper | 3.0 |
| Cyanate | 10.0 |
| Cyanide | 1.0 |
| Mercuric Chloride | 2.0 |
| Nickel | 10.0 |
| Silver | 0.05 |
| Zinc | 5.0 |
| Zirconium | 10.0 |
| Bromine, Iodine, Chlorine | 100.0 |

Section 6.3 Special Concentration Limits

When the volume of a single toxic industrial waste discharge or the combined toxic industrial waste discharges of a group of industries within a single contributory area is so large that an excessive volume of toxic waste will enter a treatment plant, the Director may impose lower concentration limits upon the contributors. Conversely, where a toxic industrial waste discharge will be effectively removed by the treatment works or will be rendered innocuous before reaching a treatment plant or the receiving waters, the Director may permit toxic industrial waste discharge concentrations greater than those hereinbefore listed provided the higher concentration does not constitute a toxicity hazardous to maintenance workers, and does not cause any deleterious effects of any kind to the treatment process or receiving waters and meets the requirements of Article VII of this ordinance.

To assure that none of the above noted limitations are violated, the Director shall issue permits to significant industrial users, with the potential of discharging any of the beforementioned pollutants, limiting the discharge of the substances noted above. Each permit shall restrict the discharge from each significant industrial user to a portion of the total allowable influent loading. In determining what portion of the total of each substance that each significant industrial user shall be allowed to discharge the Director shall consider:

- (1) the quantities of each substance that are uncontrollable because they occur naturally in wastewater;

- (2) the quantities of each substance that are anthropogenic but are nonetheless uncontrollable;
- (3) historical discharge trends;
- (4) past pollution control efforts of each significant industrial user be compared to other significant industrial dischargers of the same substance;
- (5) potential for growth in the POTW service area;
- (6) potential for more restrictive regulatory requirements to be placed on the POTW discharge or sludge disposal or sludge reuse method; and
- (7) treatability of the substance.

The Director shall apply a minimum 20% safety factor to be protective of the POTW.

Section 7.4 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in the subcategory, shall immediately supersede the limitations imposed under this ordinance.

Section 7.5 Procedure for Obtaining an Industrial Wastewater Discharge Permit

All new Industrial Users shall complete an application form for a Permit for Industrial Wastewater Discharge available from the ACSD.

Upon receipt of all required information, the application shall be processed and the determination of Significant Industrial User shall be made. Proposed new industrial users shall apply at least 60 days prior to connecting to or contributing to the POTW.

All persons discharging industrial wastewater directly or indirectly to the ACSD POTW's prior to the effective date of these Regulations and who have obtained a prior permit for that industrial wastewater discharge are hereby granted a temporary permit to continue that discharge. This temporary permit shall expire 60 days after notification by the ACSD that a new permit must be obtained. Prior to the expiration of the temporary permit, the industrial wastewater discharger shall apply for and obtain a new permit for industrial wastewater discharge. All applicable terms and conditions of the original permit shall be deemed included in the temporary permit.

Section 7.6 Wastewater Discharge Permit Contents

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

A. Wastewater discharge permits must contain:

- (1) a statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years,
- (2) a statement that the wastewater discharge permit is nontransferable without prior notification of the County in accordance with Section 7.7 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) effluent limits based on applicable pretreatment standards;
- (4) self monitoring, sampling, reporting, notification, and record-keeping requirements (these requirements shall include an identification of pollutants to be monitored, sampling location,

sampling frequency, and sample type based on Federal, State, and Local Law); and

- (5) a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule (such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or Local Law).

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

- (1) limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) the unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) a statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) requirements for notification of the ACSD of any new introduction of waste constituents or any substantial change in the volume or character of the waste constituents being introduced into the wastewater treatment system;

- (9) requirements for notification of slug discharges;
- (10) requirements for Categorical Industries to copy the District on all Federal mandated self-monitoring reports and/or any compliance progress reports;
- (11) other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

As EPA adds or amends specific pretreatment and effluent guidelines, or as the District deems necessary, the restriction or conditions of a Permit for Industrial Wastewater Discharge may require amendment. The ACSD shall require an SIU to establish an abatement time schedule to comply with any changes in the Industrial Wastewater Permit.

The Executive Director of the ACSD reserves the right to terminate or modify for cause any permit issued under this Article upon violation of any of the provisions of those regulations or a permit term or condition and:

- (a) after informal notice to the discharger in an “emergency situation” to immediately halt an Industrial Discharge which reasonably appears to present imminent endangerment to the health or welfare of persons;
- (b) after the Industrial User is notified and given an opportunity to respond in a “non-emergency situation” to halt or prevent an industrial discharge which presents or may present an endangerment to the environment or threatens to interfere with the satisfactory operation of the POTW.

The Executive Director of the ACSD shall not issue a permit for any class of connection to the ACSD POTW unless there is sufficient capacity, not legally committed to other Users, in the ACSD’s wastewater sewers and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the system. The Executive Director may permit such a connection if there are legally binding commitments to provide the needed capacity. Approval to connect to local lateral sewers shall be obtained from the applicable local authority prior to issuance of a Wastewater Discharge Permit by the ACSD.

Section 7.7 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- A. states that the new owner and/or operator has no immediate intent to change the facility’s operations and processes;

- B. identifies the specific date on which the transfer is to occur; and
- C. acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

Section 7.8 Permit Duration

Permits shall be issued for a specific time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for a permit reissuance a minimum of sixty (60) days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the ACSD during the term of the permit as limitations or requirements as identified in Article V and VI are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective day of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 7.9 Wastewater Discharge Permit Reissuance

A User with an expiring wastewater discharge permit shall apply for a wastewater discharge permit reissuance within sixty (60) days prior to the expiration date of the existing permit. The User must indicate any changes made that have the potential of affecting its discharge. This request must be certified in accordance with Section 7.3 of this ordinance.

Section 7.10 Suspension of Permit for Industrial Wastewater Discharge

The Executive Director of the ACSD may suspend an Industrial Wastewater Discharge Permit when such suspension is necessary in the opinion of the Executive Director, in order to stop a discharge which presents a hazard to the public health, safety or welfare, to the environment, or the ACSD.

Any discharger notified of a suspension of his Industrial Wastewater Discharge Permit shall immediately stop the discharge of all industrial wastewater to the POTW. In the event of a failure of the discharge to comply voluntarily with the suspension order, the Executive director shall take such steps as he deems necessary to insure compliance.

The Executive Director shall reinstate the Industrial Wastewater Permit upon proof of satisfactory compliance with all discharge requirements of these Regulations.

Section 7.11 Revocation of Permit for Industrial Wastewater Discharge

The Executive Director of the ACSD may revoke a permit for Industrial Wastewater Discharge upon a finding that the discharger has violated any provision of these Regulations or any condition or limitation in the Industrial Wastewater Discharge

Permit. The Executive Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following:

- A. failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- B. failure to provide prior notification to the Director of changed conditions pursuant to Section 7.2 of this ordinance;
- C. misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. falsifying self-monitoring reports;
- E. tampering with monitoring equipment;
- F. refusing to allow the Director timely access to the facility premises and records;
- G. failure to meet effluent limitations;
- H. failure to pay fines;
- I. failure to meet compliance schedules;
- J. failure to complete a wastewater survey or the wastewater discharge permit application;
- K. failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- L. violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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

Any discharger whose Industrial Wastewater Discharge Permit has been revoked shall immediately stop all discharge of any liquid carried wastes conveyed by the Permit to any public sewer that is tributary to a sewer or sewerage system of the Authority. The Executive Director may disconnect or permanently block from such public sewer the industrial connection of any discharger whose permit has been removed, if such action is necessary to insure compliance with the order of revocation.

Before any further discharge of industrial wastewater may be made by the discharger, he must apply for a new Permit for Industrial Wastewater Discharge, pay all charges that would be required upon initial application together with all delinquent fees, charges and such other sums as the discharger may owe to the ACSD. Costs incurred

by the ACSD in revoking the Permit and disconnecting the industrial sewer shall be paid for by the discharger before issuance of a new permit.

Section 7.12 Prohibited Waste Discharges and Notification of the Discharge of Hazardous Waste

In most cases, the concentration or amounts of any particular constituent which will be judged to be excessive or unreasonable cannot be foreseen, but will depend on the results of technical determination and action of regulatory agencies. A partial list of these constituents appears in Articles V and VI of these Regulations. However, as new regulations and requirements are promulgated by Federal and State authorities they too will become part of these Regulations.

The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include:

- A. the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month, and an estimation of the mass of constituents in the wastestreams expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 7.2 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Section 7.13 of this ordinance.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e), requires a one time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of

RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

Section 7.13 Pretreatment of Industrial Wastewater

Industrial Users shall provide necessary waste treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations or specified in the permit whichever is sooner. Any facilities required to pretreat wastes to a level acceptable to the ACSD shall be provided, operated and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the ACSD and must include for review:

1. a compliance schedule by the Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements; and
2. the submission of all notices and self-monitoring reports from the Industrial Users as necessary to assess and assure compliance by the Industrial User with Pretreatment Standards and Requirements.

These shall be acceptable to the ACSD before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the ACSD prior to the User's initiation of the changes.

- A. Compliance Date Report With Categorical Pretreatment Standard- Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Categorical Pretreatment Standards and Requirements shall submit to the ACSD a report indicating the nature and concentration of all pollutants in the discharge from

the regulated process which are limited by Categorical Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited whether the applicable Categorical Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the User into compliance with the applicable Categorical Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

B. Periodic Compliance Report -

1. All Users subject to a Categorical Pretreatment Standard, after the compliance date of such Categorical Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the ACSD during the months of June and December, unless required more frequently in the Categorical Pretreatment Standard or by the Director, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of all daily flow which during the reporting period exceeded the average daily reported flow. The report shall also include maximum daily flow for the reporting period. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

2. The Director may impose mass limitation on Users which are using dilution to meet applicable Categorical Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by Categorical Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the ACSD of pollutants contained therein which are limited by the applicable Categorical Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

C. Baseline Monitoring Reporting Requirements -

1. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph 2, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in paragraph 2, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

2. Users described above shall submit the information set forth below.

- a) Identifying Information. The name and address of the facility, including the name of the operator and owner.
- b) Environmental 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 standard industrial classifications of the Operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- d) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
- e) Measurement of Pollutants.

(1) The Categorical Pretreatment Standards applicable to each regulated process.

(2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily

operations and shall be analyzed in accordance with procedures set out in Section 7.16 of this ordinance.

(3) Sampling must be performed in accordance with procedures set out in Section 7.16 of this Ordinance.

- f) Certification - A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether Categorical Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- g) Compliance Schedule - If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O & M. The completion in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 7.14 of this Ordinance.
- h) Signature and Certification - All baseline monitoring reports must be signed and certified in accordance with the Section 7.3 of this Ordinance.

Section 7.14 Compliance Schedule Progress Reports

The compliance conditions shall apply to the compliance schedule required by Section 7.13 (C)(2)(g) of this Ordinance:

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

Section 7.15 Control Manhole

The ACSD shall require to be provided and operated at the Industrial User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the ACSD's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the ACSD.

Section 7.16 Industrial Wastewater Sampling, Analysis & Flow Measurements

Monthly measurements of such measurements and constituents deemed necessary by the ACSD, shall be made on all industrial wastewater discharges. All sampling, analysis and flow measurements of industrial wastewater shall be performed by an independent laboratory, or by a laboratory of an industrial discharger, approved by the ACSD. Prior to submittal to the ACSD of data developed in the laboratory of an industrial discharger, the results shall be verified by an authorized representative of the Industrial User.

All waste analysis shall be conducted in accordance with the appropriate procedure contained in 40 CFR Part 136. If no appropriate procedure is contained therein, the standard procedure of the industry, or a procedure judged satisfactory by the ACSD, shall be used to measure waste constituents. Any independent laboratory or discharger performing tests, shall furnish the required test data or information on the test methods or equipment used, if requested to do so by the ACSD.

Upon demonstration by a User that the characteristics of the wastewater discharged by that User are consistent, the Executive Director may reduce the frequency as may be required by authority other than this Ordinance, except in no case shall the frequency of monitoring be less than semi annual (in June and December) for the determination of compliance with pretreatment standards.

If sampling performed by and Industrial User indicates a violation, the User shall notify the ACSD 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 ACSD within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:

1. the ACSD performs sampling at the Industrial User at a frequency of at least once per month, or
2. the ACSD performs sampling at the User between the time

when the User performs its initial sampling and the time when the User receives the results of this sampling.

All analysis shall be performed in accordance with procedures established in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Director. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Director determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW.

If an Industrial User subject to the reporting requirement in Section 7.6 (A)(4) monitors any pollutant more frequently than required by the ACSD, using the procedures prescribed in the above paragraph, the results of this monitoring shall be included in the report.

Section 7.17 Record Keeping

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

Section 7.18 Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permit and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the ACSD that the release of such information would divulge information, processes or methods of reduction entitled to protection as trade secrets of the User.

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

Section 7.19 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other documents filed or required to be maintained pursuant to this Ordinance, or Industrial Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall be subject to enforcement in accordance with Article VIII and X of this Ordinance. Each act shall constitute a separate violation.

Section 7.20 Notification of Changed Discharge

All Industrial Users shall promptly notify the District in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR Part 403.12 (p).

Section 7.21 Accidental Discharges

Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance as deemed necessary by the ACSD. Such facilities to prevent accidental discharge of prohibited material if required shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the ACSD for review, and shall be approved by the ACSD before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and correction actions.

a) Written Notice - Within five (5) days following an accidental discharge; the User shall submit to the ACSD a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of the responsibility for any expense, loss, damage, or fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.

b) Notice to Employees - A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised the emergency notification procedures.

Section 7.22 Measuring, Recording and Sampling Devices

All meters and all other measuring and sampling devices installed or required to be used under the provisions of this Local Law and Discharge Permit shall be readily accessible to the ACSD. The owner of the property upon which any such measuring, recording or sampling device is installed shall pay for and shall remain responsible for its maintenance and accuracy. All repairs and calibrations thereto shall be made at the

owner's costs, whether such repairs are made necessary by ordinary wear and tear or by other causes. These repairs shall be made within a reasonable period of time. Energy for continuous operations, as required, shall be provided and paid for by the property owner. Flow record charts, if required, shall be changed by the User as required, shall be marked to show time and totalizer register reading at time of change, and shall be available to the ACSD.

Section 7.23 Excessive Discharge

Except when expressly authorized to do so by an applicable Categorical Pretreatment Standard, no User shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Categorical Pretreatment Standard. The ACSD may, from time to time, impose mass limitations on users where the imposition of mass limitations is appropriate.

Section 7.24 Pretreatment Standards

In compliance with Public Laws 84-660 and 92-500 of the Water Pollution Control Acts and amendments hereto, these Regulations adopt and use as a guide the National Pretreatment Standards and the Environmental Protection Agency's (EPA) Pretreatment Guidelines and the national Categorical Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated into these Rules and Regulations. The ACSD recognizes that in some cases these pretreatment standards may not be sufficient to protect the operation of its treatment plants or make it unable to comply with the terms of its SPDES Permit. In such cases, the Authority reserves the right to impose more stringent pretreatment standards than those specified in the EPA regulations.

Section 7.25 Public Participation

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

- A. chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits; multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- C. any other discharge violation that the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the Director's exercise of its emergency authority to halt or prevent such discharge;
- E. failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. failure to accurately report noncompliance; or
- H. any other violation(s) which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE VIII

ADMINISTRATIVE ENFORCEMENT REMEDIES

Section 8.1 Notification of Violation

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that User a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions shall be submitted by the User to the Director. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Section 8.2 Consent Orders

The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Section 8.4 and 8.5 of this ordinance and shall be judicially enforceable.

Section 8.3 Show Cause Hearing

The Director may order a User which violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

Section 8.4 Compliance Orders

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants

discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Section 8.5 Cease and Desist Orders

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

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

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

Section 8.6 Administrative Fines

- A. When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such User in an amount not to exceed \$1,000. 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 violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar

against, or a prerequisite for, taking any other action against the User.

ARTICLE X

ENFORCEMENT AND PENALTIES

Section 10.1 Injunctive Relief

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the Albany County Court through the County Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

Section 10.2 Civil Penalties

A User who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the County for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the County.

In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Section 10.3 Criminal Prosecution

A User who intentionally, knowingly, recklessly or by means of criminal negligent acts violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than two thousand five hundred dollars nor more than twenty-five thousand dollars per day of violation or by imprisonment for not more than one year or by both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years or by both.

A User who intentionally, knowingly, recklessly or by means of criminal negligent acts introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least two thousand five hundred dollars nor more than twenty-five thousand dollars per day of violation or by imprisonment for not more than one year or by both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years or by both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State Law.

A User who knowingly makes any false statements, representation, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall be guilty of a Class E Felony.

A User who intentionally makes any false statements, representation, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or intentionally renders inaccurate any monitoring device or method required under this ordinance shall be guilty of a Class C Felony. Any person who violates any of the provisions herein included shall be subject to prosecution pursuant to Penal Law and Environmental Conservation Law.

ARTICLE XI

GENERAL PROVISIONS

Section 11.1 Powers and Authority of Inspectors

The Director or his representative or duly authorized officials of NYSDEC and/or USEPA may enter upon private land for the purpose of inspection, observation, measurement, copying records, sampling and testing in accordance with the provisions of these rules and regulations.

While performing the necessary work on private lands referred to in this section above, the Director or his duly authorized representatives shall observe all safety rules established by the owner and/or occupant of the premises.

Refusal to permit the entry upon private lands required to perform the necessary work referred to in Article V, VI and VII shall be punishable by such penalties as may be prescribed under Article X of these rules and regulations.

Where a company or premises has security measures in force which require proper identification and clearance before entry into said company or premises, such company or premises shall make the necessary arrangements with their security guards to allow County employees immediate access to the locations necessary for the purpose of inspection, observation, measurement, copying records, sampling and testing.

Section 11.2 Protection from Damage

Any persons who maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the County Sewerage system or public sewer tributary thereto shall be in violation of these rules and regulations and subject to the penalties provided herein.

Section 11.3 Statement Regarding Future Imposition of Sewerage Surcharge

In order to ensure, and to provide for the proper and equitable use of the County trunk sewer system and public sewers tributary thereto, the Commission may impose a sewage surcharge.

In addition to normal charges imposed or levied for the construction, maintenance, operation, repair, improvement and management of the County sewerage system, each municipality may be required to pay a sewage surcharge if the characteristics of the waste it discharges to the County sewerage system exceed the maximum values of such characteristics for normal sewage or wastes as defined under Article II herein.

Section 11.4 Schedule of Charges and Fees

It is the purpose of this section to provide for the recovery of costs from the Users of the District's wastewater disposal system for the implementation of the Rules and Regulations. The applicable charges of fees shall be set forth in the District's Schedule of Charges and fees.

The District may adopt charges and fees which may; include:

- a. Fees for reimbursement of costs of establishing and operating the District's Pretreatment Program.
- b. Fees for monitoring, inspections and surveillance procedures.
- c. Fees for Permit applications and renewals.
- d. Other charges and fees as the District may deem necessary to carry out the requirements contained herein.

These charges and fees relate solely to the matters covered by these Rules and Regulations and are separate from all other charges and fees chargeable by the County.

Section 11.5 Conflicts

In the event of any conflict between a participating municipality or municipalities and the Director, the matter shall be reviewed by the Commission, and an opportunity shall be granted to the municipality to present its position to the Commission.

In the event of any conflict between participating municipalities and/or Users and the Commission concerning the interpretation of any part of these rules and regulations, the determination of the Commission shall be final and conclusive unless reversed by order of a court in a proceeding commenced pursuant to CPLR Article 78.

Section 11.6 Validity

If any article, section, paragraph, subdivision, clause or provision of these rules and regulations shall be adjudged invalid, such judgment shall apply only to such article, section paragraph, subdivision, clause or provisions as adjudged and shall not affect, impair or invalidate any other part or portion of these rules and regulations.

Section 11.7 Effective Date

Local Law Number 1, 1984 is hereby repealed and superseded by these rules and regulations. These rules and regulations shall be in full force and effect on May 12, 2008.