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# **HRSD**

Cleaning wastewater every day for a better Bay.

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## **INDUSTRIAL WASTEWATER DISCHARGE REGULATIONS**

EFFECTIVE NOVEMBER 1, 1978

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## PART I

### PREAMBLE

#### 101 Preface

This document provides requirements for control of the discharge of industrial wastewater and infiltration/inflow (I/I) into the sewerage system of the Hampton Roads Sanitation District (HRSD), directly or through its constituent collection systems, and establishes regulations appertaining thereto.

#### 102 Purpose and Authority

The purpose of these Regulations and the authority therefore are summarized in this section.

##### A. Purpose

The purpose of these Regulations is to provide for adequate regulation of industrial wastewater discharges in order to assure that HRSD complies with all applicable laws, rules and regulations and for the protection of the sewerage system, POTW personnel, and advanced water treatment systems to include beneficial reuses.

##### B. Scope

The provisions of these Regulations shall be interpreted in accordance with the definitions set forth in Section 103 and shall apply to all discharges, direct or indirect, into any part of the sewerage system of HRSD. These Regulations provide for controlling the quantity, rate of discharge, and quality of wastewaters and I/I discharged into the HRSD system, and for the issuance of any wastewater discharge Permit, BMP, Order, or other control mechanism.

##### C. Construction and Interpretation

These Regulations shall be liberally construed to effect their purpose and policy, and wherever possible, shall be construed in a manner that is consistent with the intent and practice of HRSD, and all applicable laws, rules and regulations of the Commonwealth of Virginia and the United States of America.

D. Authority

These Regulations are authorized or required by Chapter 66, Acts of the Virginia General Assembly, 1960, as amended; the federal Clean Water Act, 33 U.S.C. Section 1251, et seq., and the Virginia State Water Control Law, Va. Code Section 62.1 – 44.2, et seq., and regulations thereunder; Va. Code Section 15.2-2122; and any permits issued to HRSD's treatment facilities.

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Definitions

The following words, terms, abbreviations or phrases used in these Regulations shall be defined as provided below, unless the context specifically indicates otherwise.

A. Administrative Order

Formal notification of a requirement to address an issue associated with these Regulations or any other Pretreatment Standard or requirement. Administrative Orders contain compliance schedules designed to address the issue(s) and may contain terms and conditions including, but not limited to: installation, repair or optimization of pretreatment equipment, requirements for new or additional self-monitoring, submittal of drawings or technical reports, limits on rate and time of discharge, reduction and/or removal of inflow/infiltration, interim limits, status reporting, or other provisions to ensure compliance with these Regulations. Enforcement discretion may be exercised for applicable violations that may occur while the Administrative Order is under effect.

B. Advanced Water Treatment

Any treatment of wastewater that goes beyond the secondary or biological water treatment stage and may include treating to drinking water or other scientific or technological standards.

C. Authorized HRSD Personnel

Any person or contractor in the employ of HRSD working in support of these Regulations; HRSD employees and contractors must carry identification.

D. Batch Discharge

A discharge that does not flow on a continuous basis or the discharge of all or part of the contents of a tank that occurs intermittently.

E. Baseline Monitoring Report (BMR)

A report prepared by Industrial Users subject to categorical Pretreatment Standards as outlined in 9VAC25-31-840 and 40 CFR 403.12. The report must be received by HRSD at least 90 days (180 days for a new categorical Pretreatment Standard) prior to commencement of discharge to a POTW.

F. Best Management Practice (BMP)

A written practice or requirement for such practice which may be used as a control mechanism in lieu of permit requirements. BMPs, as described in 9VAC25-31-10 and 40 CFR 403.3(e) are applicable to broad categories of industry, and are determined by HRSD to be an effective, practicable means of preventing or reducing the release of toxic and hazardous pollutants, including contaminants of emerging concern, from spills, leaks, treatment and manufacturing processes; reducing or eliminating I/I; controlling fats, oils and grease; or otherwise controlling inputs to the POTW. BMPs shall be enforceable in accordance with these Regulations.

G. Biosolids

The primarily organic materials resulting from the treatment of wastewater at a wastewater treatment facility.

H. BOD

Biochemical Oxygen Demand

I. Categorical Industrial User

An Industrial User subject to categorical Pretreatment Standards under 9VAC25-31-30, 9VAC25-31-780, 40 CFR Part 403.6 and 40 CFR chapter I, subchapter N, except those designated as Non-Significant Categorical Industrial Users.

J. Categorical Pretreatment Standards

Pollutant discharge limits as referenced in 9VAC25-31-30 and promulgated by the EPA in accordance with 33 U.S.C. 1317 Section 307(b) and (c) of the Clean Water Act.

K. CFR

Code of Federal Regulations

L. Chronic Violations

A history of violations (three or more violations within 180 days) for a single pollutant or requirement.

M. Civil Penalty

A penalty assessed through administrative or judicial procedures.

N. COD

Chemical Oxygen Demand

O. Common Control

Common control shall refer to practical control and decision making authority for two or more business entities by the same Person(s). Determination as to whether two or more business entities are under common control shall be based on the totality of the evidence, including but not limited to the involvement or ownership by related parties.

P. Compatible Pollutants

Wastewater and/or drinking water constituents which the wastewater and/or advanced water treatment plant is designed to treat which will not interfere with the wastewater or advanced water treatment processes employed or will not pass through the treatment plant substantially untreated or inadequately treated or be released to the waters, including aquifers or wells, or atmosphere or be otherwise detrimental to the environment.

Q. Compliance Schedule

A schedule that contains increments of progress in the form of dates and completion of major events leading to compliance with applicable Pretreatment Standards or HRSD requirements. Compliance schedules are prepared in accordance with Section 503 of these Regulations.

R. Composite Sample

A sample comprised of a series of discrete aliquots, based on an increment of either flow or time, from a waste stream which are collected either manually or by automatic sampler over the course of a discharge period and mixed in a single container.

S. Confidential Information

Include, but are not limited to, any secret formula, secret processes, or secret methods, including any plan, pattern, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate or produce a compound, an article of trade, or a service having value or which gives its users an opportunity to obtain a business advantage over competitors who do not know or use it.

T. Connection

Any point of discharge into the sewerage system by, but not limited to, conduits, lines, pipes, force mains and pump stations.

U. Contaminants of Emerging Concern

Contaminants posing unique issues and challenges to the environment and/or human health as a result of: (a) the recent development of new chemicals or other products; (b) new or recently identified byproducts or waste products; (c) newly discovered or suspected adverse human health or environmental impacts; (d) properties that are not fully evaluated or understood; (e) an absence of or pending changes to defined risk levels, water quality standards or guidance or other environmental program levels of control; and (f) other factors. Emerging contaminants include, but are not limited to, PFAS (per and polyfluoroalkyl substances), nanomaterials, pharmaceuticals and their constituents, and steroids and hormones.



V. Control Mechanism

A permit, BMP, or equivalent regulatory document or tool used to regulate wastewater discharges to the POTW to ensure compliance with these Regulations, Pretreatment Standards, and all permits issued to HRSD.

W. Costs

All items of expense, direct or indirect, including overhead and general administrative items.

X. Day

Shall be a calendar day. If a due date falls on a weekend or legal holiday, the next day that is not a weekend or legal holiday becomes the due date.

Y. Direct Wastewater Discharge Permit

A permit required for the introduction of industrial wastewater into the sewerage system through a direct connection.

Z. Discharger

Any Person that discharges, or causes a discharge into the sewerage system, including those whose wastewater is transported for discharge by trucks or other means of conveyance

AA. Domestic Wastewater (also Sanitary Wastewater)

The wastes produced from non-commercial or non-industrial activities and which result primarily from conventional household uses of water, including wastes from sanitary conveniences.

BB. Enforcement Order

A document issued by HRSD to an Industrial User, pursuant to the authorities of these Regulations or other legal authority, requiring the Industrial User to take specified actions and/or refrain from specified actions in regard to discharges to the sewerage system and/or management of wastewaters. Some Enforcement Orders may include the assessment of a Civil Penalty, after the opportunity for a hearing.

CC. Enforcement Response Plan

A set of detailed procedures indicating how HRSD will respond to instances of discharger noncompliance as referenced in 9VAC25-31-800, et seq and 40 CFR Part 403, and to discharger noncompliance with any requirements outlined in these Regulations.

DD. Effluent

Wastewater flowing out of any facility designed to treat, pretreat, convey or retain wastewater.

EE. EPA

The United States Environmental Protection Agency

FF. Fats, Oils and Grease (FOG)

Any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking, food preparation, or other processes, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

GG. General Administrative Order

An Administrative Order issued and applicable to the members of a class of Industrial Users and includes General I/I Orders.

HH. General Manager

The General Manager of HRSD or duly authorized deputy or agent

II. Grab Sample

An individual sample which is collected with no regard to the flow in the waste stream but which reasonably reflects actual discharge conditions at that time.

JJ. HRSD

Hampton Roads Sanitation District

KK. Hauled Waste

Wastewater from any tank, vessel, vehicle, pond or other devices that is transported by truck or some other hauling device to an HRSD designated discharge location.

LL. Hearing Officer

An authorized agent of HRSD appointed by the General Manager to conduct hearings in accordance with these Regulations.

MM. High Strength Waste

Wastewater that contains contaminants in concentrations higher than that of domestic quality wastewater as defined in the most current HRSD Rate Schedule.

NN. Incompatible Pollutant

Any wastewater constituent or substance which is not a compatible pollutant as defined in this section.

OO. Indirect Wastewater Discharge Permit

A Permit required for the discharge of wastewater into the HRSD sewerage system, at designated locations, by truck or some other hauling device.

PP. Industry/Industrial User (User)

Any place of business, endeavor, arts, trade, or commerce, whether public, government or private, commercial or charitable, which uses water in a product, process, or in any manner that generates wastewater which is discharged to the HRSD sewerage system, including multi-family residential, trailer parks and other wastewater collection systems where multiple single-family sewer laterals are aggregated and discharge to the public sewerage system at central connection(s). Waste haulers are also considered industrial users.

QQ. Industrial Wastewater

All liquid carried wastes and wastewater of the community, excluding sanitary and non-contact cooling waters, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural or other operations from which the wastewater discharged includes wastes of non-human origin.

RR. Infiltration/Inflow (I/I)

Precipitation runoff, groundwater and other waters not constituting wastewaters that either flow or leak into the sewerage system.

SS. Infiltration/Inflow (I/I) Criteria

The criteria developed by HRSD necessary and convenient for it to implement the Regional Technical Standards and to further optimize the operations of the sewerage systems, in part through control of I/I at the facilities of Industrial Users.

TT. Infiltration/Inflow (I/I) Order

An Administrative Order issued by HRSD to an Industrial User requiring the assessment, remediation and control of Infiltration/Inflow. The term includes individual I/I Orders and I/I General Orders.

UU. Initial Wastewater Characterization (IWC)

Sampling, frequency, and analysis of parameters, as determined by HRSD, to identify type and concentration of pollutants contributed to the POTW by an Industrial User. The IWC, at a minimum, is used for the following purposes:

1. To determine if pretreatment or additional pretreatment is required;
2. To determine if high strength waste is being discharged;
3. To define self-monitoring requirements; and,
4. To determine compliance with these Regulations.

VV. Inspector

A person authorized by the General Manager to inspect wastewater generation, conveyance, processing, pretreatment, and disposal facilities.

WW. Interference

An inhibition or disruption of the POTW, collection systems, treatment processes or operations, or its biosolids processes, which causes, in whole or in part, a violation of any requirement of the POTW's VPDES permit, including those discharges that prevent the use or disposal of biosolids by the POTW in accordance with any Federal or State laws, regulations, permits or biosolids management plans

XX. Limit of Quantitation (LOQ)

The lowest achievable concentration at which quantitation is demonstrated using an approved procedure as defined in paragraph 502B of these Regulations.

YY. Maximum Permissible Concentration

The highest allowable parameter concentration contained in a direct or indirect discharge into the HRSD sewerage system.

ZZ. Medical Waste

Shall mean the discharge of isolation wastes, infectious agents, human/animal blood and blood byproducts, pathological wastes, contaminants of emerging concern that are medical in nature, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, or other wastes as determined by HRSD. This definition also applies to medical wastes generated from veterinary operations.

AAA. New Source

Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after publication of proposed categorical Pretreatment Standards under 9VAC25-31-30 and Section 306 of the Clean Water Act.

BBB. Non-Contact Cooling Water

Water which is used to reduce temperature for the purpose of cooling, and which does not come into direct contact with any raw material or other chemical, intermediate product (other than heat), waste product, or finished product.

CCC. Nuisance

A condition, activity, or situation, as determined by HRSD, that interferes with a person's use or enjoyment of life or property, is injurious to health, or is unreasonably offensive to the senses.

DDD. Overload

The imposition of any parameter or hydraulic loading on a treatment or conveyance facility in excess of its design and/or legally authorized capacity

EEE. Parameter

Any measurable biological, chemical, or physical property of the environment.

FFF. Pass Through

The discharge of pollutants through a POTW into State waters, air, or groundwater in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the POTW's permits, including an increase in the magnitude or duration of a violation.

GGG. Permit

Any Direct or Indirect Wastewater Discharge Permit issued pursuant to these Regulations.

HHH. Permittee

Permittee shall mean a Person who has received a permit to discharge wastewater into the sewerage system subject to the requirements and conditions established by HRSD.

III. Person

Any individual, partnership, committee, association, corporation, public agency, government agency and any other organization or group of persons, public or private, recognized as a legal entity.

JJJ. POTW

Publicly Owned Treatment Works meaning any sewage treatment works or sewerage system that is owned by a State or municipality including all HRSD facilities.

KKK. Pollutant or Pollutant Property

A parameter that is regulated or restricted for discharge to the sewerage system.

LLL. Pretreatment

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 discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 9VAC25-31-780 D and 40 CFR 403.6(d).

MMM. Process Wastewater

Any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

NNN. RCRA

The federal Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901, et seq.

OOO. Radioactive Material

Material containing pollutants that spontaneously change their atomic structure by emitting any particles or rays.

PPP. Rate Schedule

The prevailing schedule of rates for wastewater treatment and associated charges as contained in the HRSD Rate Schedule. Rate Schedules are available at [www.hrsd.com](http://www.hrsd.com).

QQQ. Regional Technical Standards

The standards for I/I established by HRSD necessary and convenient for it to maintain and achieve compliance with Federal and State requirements concerning sanitary sewer overflows and for it to most effectively utilize the sewerage system.

RRR. Regulation(s)

This series of regulations contained herein, or any individual regulation or subsection thereof.

SSS. Related Parties

Parties with the relationships defined in 26 U.S.C. Section 267(b).

TTT. Responsible Official of the Industrial User or other Regulated Discharger

1. A responsible corporate officer (president, secretary, treasurer or vice-president) in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. A general partner or proprietor if the industrial user submitting required reports is a partnership or sole proprietorship, respectively.
3. A Commanding Officer, director or highest official appointed or designated to oversee the operation and performance of the activities, or their designee if the industrial user is a municipality, State, Federal or other public agency.
4. A duly authorized representative of the individual in 1, 2, or 3 above if such representative is responsible for the overall operation of the facility and/or the environmental matters for the facility, AND the authorization is made in writing by the individual in 1, 2, or 3 above.

Prior to the Responsible Official signing or certifying Industrial User reports, an authorization must be made, in writing, as specified and approved by HRSD.



UUU. Sanitary Sewer

A pipe or conduit, generally closed, for carrying wastewater.

VVV. Sanitary Sewer Overflow (SSO)

An overflow, spill, diversion, or release of wastewater from or caused by the sewerage system due to a variety of reasons including blockages, damage to pipes, mechanical failures, vandalism, storm events, or unusually high tides. SSOs can contaminate waterways, cause water quality problems, and back up into homes, causing property damage and threatening public health.

WWW. Sanitary Wastewater

See Domestic Wastewaters.

XXX. Section

A section of these Regulations.

YYY. Septic Tank Waste

Domestic wastewater from a septic tank.

ZZZ. Sewer System Evaluation Survey (SSES)

A systematic examination of sanitary sewerage system or portion thereof to, at a minimum: i) identify the condition of sewers, manholes, pump stations and associated appurtenances; ii) identify I/I sources, locations, and associated extraneous flow rates, iii) characterize the wastewater flow; and iv) determine technically feasible, cost-effective methods of rehabilitation.

AAAA. Sewerage System

A network of wastewater collection, conveyance, treatment, advanced water treatment and reclamation or disposal facilities interconnected by sanitary sewers and connecting, directly or indirectly, to HRSD, including but not limited to intercepting sanitary sewers, outfall sanitary sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extensions, improvements, remodeling, additions, and alterations thereof; and any work, including the land that will be an integral part of the treatment process or is used for ultimate disposal or reclamation of residues resulting from such treatment.

BBBB. Significant Industrial User

An Industrial User which meets any of the following criteria:

1. Is subject to categorical Pretreatment Standards unless HRSD determines that the facility is a Non-Significant Categorical Industrial User based on finding that the Industrial User never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - (a) The Industrial User has consistently complied with all applicable categorical Pretreatment Standards and requirements.
  - (b) The Industrial User annually submits the certification statement required in 9VAC25-31-10 and Section 6.14 B of 40 CFR 403.12(q) together with any additional information necessary to support the certification statement.
  - (c) The Industrial User never discharges any unpretreated concentrated process wastewater.
2. Discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding wastes such as sanitary, non-contact cooling and boiler blowdown wastewater);
3. 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; or
4. Is designated by HRSD on the basis that the industrial user has a reasonable chance for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.

HRSD, may find that an industrial user meeting the criteria in 2. or 3. above, has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirements, in which case such industrial user is not a significant industrial user.

CCCC. Significant Non-Compliance

An industrial user is in significant non-compliance if its violation meets one or more of the criteria as listed in 9VAC25-31-800 and 40 CFR Part 403. Significant Non-Compliance criteria are shown in HRSD's list entitled "*Significant Non-Compliance Criteria*" as amended periodically and available from the offices of HRSD or at [www.hrsd.com](http://www.hrsd.com).

DDDD. Slug Discharge

Any discharge including, but not limited to, accidental discharges, discharges of non-routine, episodic nature, a non-customary batch discharge, or spill, at a flow rate or concentration which could cause a violation of the prohibited discharge standards in the General Pretreatment Regulations (9VAC25-31-770 and 40 CFR Part 403) or these Regulations.

EEEE. Stormwater

Any flow, such as surface run-off and drainage, occurring during or following any form of natural precipitation event, and resulting from such precipitation, including snowmelt.

FFFF. Stormwater System

Any system which is designed to carry storm and surface waters and drainage.

GGGG. Suitable Sampling Location

A sampling point with access to the flow and in a reasonably accessed location as determined by HRSD.

HHHH. TSS

Total Suspended Solids

IIII. To Discharge

To deposit, conduct, drain, emit, run, allow to seep, or otherwise release, transport, dispose of or allow, permit or suffer any of the foregoing by act or omission.

JJJJ. Total Toxic Organics (TTO)

The sum of the masses or concentrations of specific toxic organic compounds found in the industrial user's process discharge at a concentration greater than 0.01 mg/L. Each EPA categorical Pretreatment Standard lists the specific toxic organic compounds that are to be included in the summation to define TTO for the category.

KKKK. Toxic

That which through its chemical action usually kills, injures, or impairs an organism; something potentially destructive or harmful.

LLLL. Toxic Organics (TO)

The list of toxic organic compounds having quantifiable values greater than 0.01 milligrams per liter as shown on HRSD's list entitled "*HRSD Toxic Organics*" as amended periodically and available from the offices of HRSD or at [www.hrsd.com](http://www.hrsd.com).

MMMM. Unpolluted Water

Water to which no pollutant has been added or from which all pollutants have been removed, either intentionally or accidentally which would render such water acceptable to any person having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

NNNN. Unusual Wastewater

Water unsuitable for direct discharge after treatment to State waters which traditionally has not been discharged to the sewerage system.

OOOO. VPDES

Virginia Pollutant Discharge Elimination System - Any permit issued by the Virginia Department of Environmental Quality authorizing, under prescribed conditions, the discharge of pollutants from a point source to surface waters.

PPPP. Visible Free Oil

Any visible petroleum-based or mineral-based oil which can be removed from a waste stream through physical means.

QQQQ. Wastewater

The water-carried waste derived from any source, including domestic wastewater and industrial wastewater. Stormwater, groundwater or drainage of unpolluted water is not wastewater.

RRRR. Waste Hauler

Any person transporting waste.

SSSS. Zero Discharge

The discharge of a pollutant at a concentration that is reported as less than the lowest LOQ. These parameters are shown on HRSD's list entitled "*Zero Discharge Pollutants*" as amended periodically and available from the offices of HRSD or at [www.hrsd.com](http://www.hrsd.com).

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Effective Date

The provisions of these Regulations shall become effective on July 1, 2022

## PART II

### PERMITS, BMPs and REGULATORY CONTROL MECHANISMS

#### 201 Permits or BMPs Required

All Dischargers of industrial wastewater into the sewerage system or any discharge which otherwise may have significant impact on the sewerage system, either individually or in combination with other wastes as determined by HRSD, shall complete an HRSD permit application and obtain a discharge Permit or be subject to BMP requirements.

A separate permit or BMP shall be required for each discharger. For each discharger having multiple connections at a single plant or facility, a single permit shall be required which may set forth specific effluent limitations and conditions for discharge from each separate connection.

#### 202 Compliance Required

All industrial users shall discharge industrial and other wastewaters in accordance with conditions specified in the Permit, BMP, these Regulations, or other control mechanisms. Any permit holder desiring to modify a discharge or other conditions of the Permit shall apply in writing for an amended Permit. Any discharger subject to a BMP must notify HRSD in writing should conditions change that might warrant a reconsideration of requirements.

#### 203 Processing and Issuance of Permits and BMPs

HRSD will evaluate the permit application or any proposed BMP and may require additional information. A draft Permit or the applicable BMP may be issued within sixty (60) days after all data required by these Regulations have been furnished to and accepted by HRSD. The applicant shall be allowed a comment period within the first thirty (30) days after receipt. Comments shall be submitted in accordance with Section 512 of these Regulations. Upon the expiration of the comment period, written waiver of the comment period, or upon the expiration of ninety (90) days from the date the data has been furnished and accepted, HRSD shall issue or deny a Permit or shall issue or not require a BMP. A Permit or BMP shall contain appropriate restrictions. Issuance of a Permit or BMP shall not relieve the discharger from complying with all applicable laws, regulations, and ordinances promulgated by other government authorities, nor shall the issuance of a Permit or BMP be construed as a representation by HRSD that the discharge permitted therein complies with such laws, regulations and ordinances.

Any categorical industrial user that requests a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor suspected to be present in the discharge must submit a written request to HRSD and also at the time of each permit renewal.

Permits and BMPs are issued solely to govern the discharge of wastewater into the sewerage system and the applicable receiving stream, as between the Discharger and HRSD, and shall not be construed to benefit any third party.

## 204 Restrictions and/or Requirements

The restrictions and/or requirements for all Industrial Users may include, but shall not be limited to, the following:

- A. The maximum permissible concentration and/or loading of wastewater pollutants and any applicable BMPs required by applicable Pretreatment Standards.
- B. Limits on rate and time of discharge, or requirements for flow regulation and equalization.
- C. Limits on pollutants pursuant to paragraphs 301Z and 301AA of these Regulations reflecting allowable instantaneous and/or average concentrations and/or loadings.

Notwithstanding the above, an Industrial User may apply to HRSD for an exception to such BOD, TSS, total nitrogen (or any nitrogen species) or total phosphorus restrictions, and HRSD may approve such application, in whole or in part, if it determines that such exception is consistent with sewerage system capabilities and allowances for future sewerage system growth. In the event of such HRSD approval, HRSD shall establish a facility charge applicable to the Industrial User within the then current HRSD Rate Schedule. The facility charge shall be calculated to recover the incremental costs of the sewerage system resulting from the approved exception, and shall be made effective at the effective time of HRSD approval of the Industrial User's exception.

- D. Requirements for inspections, flow metering, and monitoring facilities.
- E. Requirement to conduct sewer system evaluation surveys (SSES).
- F. Pretreatment of industrial and other wastewater before discharge.

- G. Specifications for monitoring programs, which may include suitable sampling locations, parameters, frequency and method of sampling, flow metering, number, types and standards for tests and reporting schedule.
- H. New Dischargers or Dischargers with new process waste streams shall be required to perform compliance sampling and analysis for parameters at times and locations specified by HRSD.
- I. Prohibition of discharge of certain wastewater parameters.
- J. Requirement for submission of periodic discharge reports to include information concerning volume, rate of flow, parameter concentrations, peak flow rates, hours of operation, number of employees, or other information.
- K. Requirements for the protection of the sewerage system.
- L. The process for seeking a waiver from monitoring for a pollutant neither present nor suspected to be present in the Discharge and any grant of the monitoring waiver authorized by HRSD.
- M. Provide spill containment for protection against slug discharges to the sewerage system. Such protection shall be designed to secure the discharges and to prevent them from entering into the sewerage system in accordance with reasonable engineering standards. Such facilities shall be provided and maintained at the dischargers expense.
- N. Other conditions as determined appropriate by HRSD to ensure compliance with all applicable local, State, and Federal regulations.

205 Duration of Permits, BMPs, and other control mechanisms

Permits shall be issued for any specified period of time, not to exceed five (5) years. BMPs and other control mechanisms shall be in effect for the duration of the discharge unless otherwise specified by HRSD.

206 Duty to Reapply

It is the responsibility of all Permittees to reapply to HRSD for authorization and reissuance of a Permit to discharge. The permit application must be received by HRSD at least 180 days prior to expiration of the existing permit unless permission for a later date has been granted by HRSD.



207 Modification of Permits, BMPs and other control mechanisms

The terms and conditions of any Permit, BMP, or other control mechanism may be subject to modification by HRSD during its duration to accommodate changed conditions and as local, State, and Federal laws, rules and regulations are modified or amended or in the event of variations in reported data as provided in Section 505 of these Regulations. Users shall be allowed a comment period relating to any of the proposed changes within the first thirty (30) days after receipt of such proposed changes. Comments shall be submitted in accordance with Section 512 of these Regulations. HRSD shall allow the User a reasonable period of time to comply with any changes required by HRSD, unless otherwise required by emergency or governmental regulations. Nothing in these Regulations precludes HRSD from taking immediate action to temporarily modify a control mechanism when there is imminent risk of damage to the sewerage system or negative impact to the public or to the environment, subject to the Industrial Users further rights as provided herein.

208 Not Transferable

Permits, BMPs, Administrative Orders, and other control mechanisms are not transferable to any person without written approval from HRSD. HRSD may require modification or revocation and reissuance to change the name of the Industrial User and incorporate such other requirements as may be necessary.

## PART III

### WASTEWATER DISCHARGE REQUIREMENTS

#### 301 Prohibited Waste Discharges

No person shall discharge or cause to be discharged into any portion of the sewerage system, directly or indirectly, any wastes which may violate any law or governmental regulation or have an adverse or harmful effect on the sewerage system, POTW personnel, processes, or equipment, water quality (including both surface water and groundwater), biosolids quality, air quality, public or private property, or which may otherwise endanger the public, the local environment or create a nuisance, or which may interfere with or adversely impact wastewater treatment, beneficial reuses and/or biosolids technology, as determined by HRSD. The following discharges are expressly prohibited:

- A. Any gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid, or gas that may cause flammable or explosive conditions, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using test methods specified in 40 CFR Section 261.21.
- B. Any toxic or poisonous solids, liquids or gases in such quantities or concentrations that, alone or in combination with other wastewater parameters, may interfere with the wastewater collection and treatment process or biosolids use or disposal, cause acute worker health or safety problems, materially increase the cost of treatment, or constitute a hazard to any beneficial use, including recreation, ascribed to the receiving waters of the effluent from the treatment plant.
- C. Any waste having a pH in violation of requirements as provided in 9VAC25-31-770 and 40 CFR Part 403 or having any detrimental characteristics that may cause injury or damage to persons or property or processes.
- D. Any solids or viscous substances that may cause obstruction to flow or be detrimental to sewerage system operations. These objectionable substances include, but are not limited to, medical wastes, fats, oils, grease (FOG), coffee grounds, asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metals, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, paper towels, paper cups, milk containers, or other similar paper products, either whole or ground.

- E. Any volume of water which includes but is not limited to: pools; surface water; rainwater; stormwater; groundwater; street drainage; yard drainage; yard fountains, ponds or lawnsprays, unless there is no effective and practical alternative as determined and approved by HRSD.
- F. Any water added for the purpose of diluting wastes which could otherwise exceed applicable limitations for any wastewater parameter.
- G. Any petroleum or mineral-based oils and/or any animal or vegetable based fats, oils or greases which in excess concentrations would tend to cause interference, pass-through, or adverse effects on the sewerage system, as determined by HRSD. No visible free petroleum or mineral-based oil shall be present in the discharged waste stream.
- H. Any wastes with excessively high COD, BOD, decomposable organic content or any significant quantities of wastewater with a COD to BOD ratio exceeding six to one (6:1). COD to BOD ratio criteria are shown on HRSD's list entitled "*Wastewater Discharge Authorization Criteria for a Calculated COD:BOD Ratio*" as amended periodically and available from the offices of HRSD or at [www.hrsd.com](http://www.hrsd.com).
- I. Any nuisance odorous wastes or waste tending to create odors.
- J. Any waste containing dissolved sulfides in amounts which would be hazardous, cause damage to the sewerage system, or create a nuisance.
- K. Any substance promoting or causing the promotion of toxic gases.
- L. Any wastes that will increase the temperature of the treatment plant influent to greater than 104°F (40°C).
- M. Any wastes requiring the introduction of an excessive quantity of chlorine or any other compound for wastewater treatment purposes.
- N. Any volume of deionized water, distilled water, condensate, cooling water, or discharges from heat pumps, unless there is no effective and practical alternative as determined and approved by HRSD.
- O. Any waste producing significant discoloration of wastewater or treatment plant influent.

- P. Any waste containing substances that may precipitate, solidify, or become viscous.
- Q. Any significant quantities of solid waste material that is not ground sufficiently to pass through a 3/8 inch screen.
- R. Any excessive volume of blow-down or bleed water from cooling towers or other evaporative coolers, unless otherwise approved by HRSD.
- S. Any quantities of radioactive material wastes which are in violation of applicable local, State, and Federal regulations.
- T. Any significant quantities of inorganic material.
- U. Any discharge of any pollutant released at a flow rate and/or pollutant concentration that would result in interference, cause adverse effects or pass through at the treatment plant.
- V. Any discharge not in compliance with all standards as referenced in 9VAC25-31-30 and as set forth in 40 CFR Chapter I, Subchapter N, Parts 401-471 (NPDES categorical Pretreatment Standards).
- W. Any quantity of wastewater in which the Toxic Organics (TO) concentration exceeds 2.13 mg/l, or in which any one toxic organic compound exceeds 1.0 mg/l, or in which the BTEX (benzene, toluene, ethylbenzene and xylenes) concentration exceeds 1.0 mg/l. The pollutants that comprise the TO are shown on HRSD's list entitled "Toxic Organics" as amended periodically and available from the offices of HRSD or at [www.hrsd.com](http://www.hrsd.com).
- X. Concentrations of any parameter listed in Appendix A which exceed the particular limitations set forth therein shall not be discharged directly or indirectly, into the sewerage system. Dischargers with flows in excess of 400,000 gallons per day, or as otherwise required, shall be given limitations for parameters on a case-by-case basis, taking into consideration, but not limited to, the following:
  - 1. Quantity, rate, and method of discharge.
  - 2. Proximity to the HRSD treatment plant receiving the waste.
  - 3. Size and type of the treatment plant which receives the waste.
  - 4. Method of biosolids use or disposal employed by the treatment plant receiving the wastes.

5. Other discharges to the same treatment plant which may, in combination with the aforementioned discharge, form toxic substances or any parameter having adverse effects on treatment structures and processes or which cause a nuisance or pass through or impacts on human health and/or the environment.
- Y. HRSD shall enforce a “zero discharge” policy for certain pollutants for which zero discharge is necessary or useful for the purposes of these Regulations. These pollutants are shown on HRSD’s list entitled “*Zero Discharge Pollutants*” as amended periodically and available from the offices of HRSD or at [www.hrsd.com](http://www.hrsd.com).
  - Z. Any wastes with BOD, TSS, total nitrogen (or any nitrogen species) or total phosphorus concentration or loading in excess of discharge-specific or other values established by HRSD and representing the reasonable capabilities of the Industrial User’s processes and installed pretreatment processes.
  - AA. Any wastes with concentration or loading [other than BOD, TSS, total nitrogen (or any nitrogen species) or total phosphorus] in excess of discharge-specific or other values established by HRSD and representing the reasonable capabilities of the Industrial User’s processes and installed pretreatment processes.
  - BB. Any unauthorized discharge of saltwater or reverse osmosis wastewater.
  - CC. Any unused, unwanted, or expired pharmaceuticals (both over the counter and prescription-only medications) except in accordance with Federal and state regulations, or in the absence of such regulations, using Best Management Practices.
  - DD. Any fire-fighting foam (e.g. aqueous film forming foam [AFFF]) or water that has come into contact with firefighting foam discharged directly or indirectly into the sewerage system.

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#### Notification of Violation

Dischargers shall notify the HRSD Pretreatment & Pollution Prevention Division within twenty-four (24) hours of becoming aware of discharging wastes in violation of these Regulations accidentally or otherwise. Dischargers are required to take all reasonable countermeasures to stop the discharge and to neutralize its effect, if possible. Such reasonable countermeasures shall not alter any Discharger’s obligations of compliance or establish a defense to any enforcement action. HRSD may require the Discharger to provide protection from accidental discharge of prohibited materials or other wastes controlled by these Regulations.

## Notification of Hazardous Waste Discharge

All Industrial Users shall notify the HRSD Pretreatment & Pollution Prevention Division, the EPA Regional Waste Management Division Director, and State hazardous wastes authorities, in writing, of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under the Code of Virginia and 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in the Code of Virginia and 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).

If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes; an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

Industrial Users who commenced discharging after August 23, 1990 shall provide the notification no later than 180 days after the discharge of the hazardous waste. These notifications need be submitted only once for each hazardous waste discharged, unless required more frequently by HRSD. However, notifications of changed discharges must be submitted under paragraph 503D of these Regulations. The notification requirement does not apply to pollutants already reported under the self-monitoring requirements of 9VAC25-31-840 and 40 CFR Section 403.12(b), (d) and (e).

Industrial Users are exempt from the above requirements 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 Sections 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges additional quantities of such hazardous waste do not require additional notification.

In the case of new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Division Director and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume or toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

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#### Pretreatment of Industrial Wastewaters

All Industrial Users and/or other Dischargers shall make wastewater acceptable under the limitations established herein and/or in their individual Permits, BMPs or other control mechanisms before discharging directly or indirectly into the sewerage system. Dischargers shall be issued a compliance schedule as determined appropriate by HRSD. Schedules for compliance with permit limitations past their compliance dates will be included in an Administrative Order.

Any facilities/equipment needed for pretreatment or equalization of wastewater prior to discharge into the sewerage system shall be provided and maintained at the Discharger's expense. Where pretreatment or equalization of wastewater flows is required by HRSD, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall be filed with HRSD prior to the construction or installation thereof. Neither filing of the plans nor the issuance of a Permit or compliance schedule shall be construed to indicate that HRSD in any way vouches for or warrants the capabilities of any such plans, specifications, facilities, or data in any manner. Subsequent additions, alterations or removal to such pretreatment or flow control facilities shall not be made without at least thirty (30) days prior written notice to HRSD and authorization given by HRSD.

The Industrial User shall provide adequate operating staff qualified to carry out the proper operation, maintenance and testing functions required to ensure compliance with these Regulations and the Industrial User's Permit.

HRSD shall have the authority to require that any discharge of etiologic agents or infectious agents or substances to the sewerage system be rendered inactive or noninfectious prior to discharge if the infectious waste is determined to pose a potential threat to public health and safety or can become an etiologic agent subsequent to discharge to the sewerage system or will result in any violation applicable to wastewater discharge requirements.

## Discharge of Hauled Wastes

- A. Any Person proposing to discharge any wastes into the sewerage system via truck or other means of hauling must secure the appropriate control mechanism. Persons discharging or proposing to discharge in such a manner shall be deemed to be a single permittee or Permit applicant, and a single Permit application and Permit shall be required for entities that are (1) under Common Control, (2) discharging or proposing to discharge via truck or other means requiring an Indirect Wastewater Discharge Permit, and (3) operating from a single physical business location or contiguous or adjacent physical business locations (including those separated only by public rights of way). A separate and specific authorization within an Indirect Wastewater Discharge Permit must be secured for each separate discharge of wastewater unless it can be demonstrated that the wastewater is routinely produced and is of such quantity and quality as to be in compliance with the Indirect Wastewater Discharge Permit and these Regulations. It shall be the responsibility of the Discharger to secure the Indirect Wastewater Discharge Permit from HRSD. Discharges of hauled wastes shall only be made at locations designated by HRSD.
- B. Indirect Wastewater Discharge Permits for the discharge of hauled wastes are issued for septage, grease control device wastes from food service establishments, collection, holding, and transfer (CHT) wastes from vessels, and other specific wastewaters authorized in Permits. Other wastewaters are prohibited from discharge at HRSD facilities by truck or other conveyance other than the HRSD sewerage system.
- C. Indirect Wastewater Discharge Permits will be issued by HRSD in those cases where the Permit holder or applicant demonstrates the ability to comply with these Industrial Wastewater Discharge Regulations. Indirect Wastewater Discharge Permits or the reissuance of Indirect Wastewater Discharge Permits will be denied where the Permit applicant or holder does not demonstrate the ability to comply with these Industrial Wastewater Discharge Regulations or has been adjudged by an administrative agency or a court of competent jurisdiction to have violated the environmental protection laws of the United States, the Commonwealth or another state, or the requirements of HRSD or another administrative agency, and HRSD determines that such violation is probative of the Permit applicant's or holder's inability or unwillingness to comply with these Industrial Wastewater Discharge Regulations or Indirect Wastewater Discharge Permit. In making such determination, HRSD shall consider:



1. The nature and details of the acts attributed to the permit applicant or holder or related parties;
2. The degree of culpability of the permit applicant or holder;
3. Whether the permit applicant or holder has substantially complied with all legal requirements applicable to the permit applicant's or holder's activities pursuant to such Permit;
4. Whether the permit applicant or holder has implemented formal management controls to minimize and prevent the occurrence of any violations of environmental legal requirements; and
5. Mitigation through demonstration of environmental compliance by the permit applicant or holder including, without limitation, prompt payment of damages or charges, cooperation with investigations, termination of employment or other relationships with key personnel or other persons responsible for any violations of environmental legal requirements.

D. Owners and/or operators of trucks, or other means of hauling, utilized in the conveyance of wastes into the sewerage system, or their lessees, shall secure an Indirect Wastewater Discharge Permit in accordance with Part II of these Regulations. The terms and conditions of the Indirect Wastewater Discharge Permit may include, but not be limited to, the following:

1. Maximum permissible concentration of wastewater parameters.
2. Authorized discharge locations, volume discharged, rate of discharge, date/time of discharge and waste type(s).
3. Requirements for inspection and sampling.
4. Requirements for recording, maintaining and reporting information concerning the origin of each hauled load and identification of contributor(s) to said load.
5. Prohibition of discharge of certain wastewater parameters, including mixed loads containing grease.
6. Requirements for permanent identification of the Indirect Wastewater Discharge Permit holder on trucks and other conveyances.
7. Other conditions as determined appropriate by HRSD to ensure compliance with these Regulations.

## Acceptance of Domestic Wastes through Conveyance(s) Other than Pipeline

Note: This section applies to the waste generator and not the waste hauler, regardless of whether the waste hauler is operating under an Indirect Wastewater Discharge Permit. This section does not apply to septic tank wastes.

Where domestic wastes are generated within the service boundaries of HRSD and no facilities are available for direct connection to the HRSD system, HRSD may accept these wastes by tank truck or other means of conveyance, as approved in accordance with the following criteria:

- A. Approval for discharge must be obtained by the generator from the political jurisdiction in which the generator is located. If the discharge location is at a facility owned by another jurisdiction, approval must also be obtained from that jurisdiction.
- B. Wastes must be conveyed in a manner suitable for such conveyance as determined by HRSD.
- C. Wastes must be discharged in a manner, and at a location approved by HRSD and the local jurisdiction owning the discharge location.
- D. Costs of service shall be billed in accordance with the prevailing schedule of HRSD rates. Should HRSD incur any additional costs, administrative or otherwise, which are not covered by the existing rate schedule, these costs shall also be billed.
- E. A letter of discharge authorization shall be issued by HRSD to the generator, and shall set forth terms and conditions for acceptance.
- F. Requirement for permanent identification of Indirect Wastewater Discharge Permit holder on trucks and other conveyances.
- G. Other conditions as determined appropriate by HRSD to ensure compliance with these Regulations.

HRSD reserves the right to modify these criteria or add additional criteria at any time, as appropriate by HRSD to ensure compliance with these Regulations.

## Acceptance of Unusual Wastewater

- A. HRSD, at its discretion, may accept for treatment, under specified conditions, unusual wastewater not otherwise described in these Regulations. Unusual wastewater accepted for treatment by HRSD in accordance with this section shall be subject to all terms and conditions of these Regulations. Since HRSD's plants are primarily designed to treat organic materials, any unusual wastewater considered in this section must primarily contain wastes which can be biologically degraded or organic wastes that can be removed by the treatment process within the limits otherwise prescribed in these Regulations. In no case will HRSD accept unusual wastewater that would violate categorical Pretreatment Standards as referenced in 9VAC25-31-30 and as described in 40 CFR Chapter I, Subchapter N, or any other provision of Federal regulations.
- B. HRSD may accept unusual wastewater generated as a result of rainfall if HRSD determines, based on the written recommendation of the regulatory agency having jurisdiction in each case (i.e., the Virginia Department of Health or the Virginia Department of Environmental Quality) that the unusual wastewater contains pollutants which render the wastewater unsuitable for direct discharge to State waters.

All unusual wastewater generated by rainfall and accepted by HRSD shall be discharged in a manner and at a time and rate specified by HRSD. HRSD shall require that the quantity of such wastes be minimized to the extent practicable and feasible, as determined by HRSD.

- C. HRSD may accept other unusual wastewater which is not generated as a result of rainfall and which is not otherwise described in these Regulations, if the wastes are discharged in accordance with these Regulations.
- D. Insofar as practicable, HRSD charges for services equal the cost of providing that service. Unusual wastewater may require a special rate as determined appropriate by the HRSD Commission and as provided for in the current Rate Schedule.

## Control of All Discharges to the HRSD System

HRSD shall maintain the right to deny or condition any new, existing or increased discharges to the HRSD system. This condition shall apply both to Permittees and other Dischargers.

## Categorical Industrial Users

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant, HRSD may impose equivalent concentration or mass limits in accordance with 9VAC25-31-780C and 40 CFR Section 403.6(c).
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, HRSD may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users as referenced in 9VAC25-31-780C and 40 CFR Section 403.6(c)(2).
- C. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that HRSD convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of HRSD. HRSD may establish equivalent mass limits only if the Industrial User meets all the conditions below.
  1. To be eligible for equivalent mass limits, the Industrial User must:
    - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
    - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
    - c. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating condition;
    - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

- e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
2. An Industrial User subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with equivalent mass limits;
  - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - c. Continue to record the facility's production rates and notify HRSD whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph hereof 309C(1)(c). Upon notification of a revised production rate, HRSD will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph hereof 309C(1)(a) so long as it discharges under an equivalent mass limit.
3. When developing equivalent mass limits, HRSD:
- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
  - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

- c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to paragraph hereof 301F. The Industrial User must also be in compliance with 9VAC25-31-890 and 40 CFR Section 403.17 regarding the prohibition of bypass.
- D. HRSD may convert the mass limits of the categorical Pretreatment Standards to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the sole discretion of HRSD.
- E. Once included in its Permit, the Industrial User must comply with the equivalent limitations developed in the Section in lieu of the promulgated categorical Pretreatment Standards from which the equivalent limitations were derived.
- F. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Pretreatment Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- G. Any Industrial User operating under a Permit incorporating equivalent mass or concentration limits calculated from a production-based Pretreatment Standard shall notify HRSD within two (2) business days after the Industrial User has a reasonable basis to know that the production level will vary by more than 20% within the next calendar month. Any Industrial User not notifying HRSD of such anticipated change will be required to meet the mass or concentration limits in its Permit that were based on the original estimate of the long term average production rate.
- H. HRSD may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Pretreatment Standard and otherwise includes no process wastewater.
2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The Industrial User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
  - a. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  - b. The request for a monitoring waiver must be signed by a duly authorized representative and include the certification statement in 9VAC25-31-780 A 2 b and 40 CFR Section 403.6(a)(2)(ii).
  - c. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  - d. Any grant of the monitoring waiver by HRSD must be included as a condition in the Industrial User's Permit. The reasons supporting the waiver, any information submitted by the User in its request for the waiver, and any other underlying information and data must be maintained by the Industrial User and HRSD for three (3) years after expiration of the waiver.
  - e. Upon approval of the monitoring waiver and revision of the Industrial User's Permit by HRSD, the Industrial User must certify on each report with the statement referenced in 9VAC25-31-840 E 2 e and 40 CFR Section 403.12(e)(2)(v), that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.

- f. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the Industrial User's operations, the Industrial User must immediately: comply with the monitoring requirements of at least twice a calendar year, or other more frequent monitoring requirements imposed by HRSD, and notify HRSD of the changed situation.
  - g. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
3. HRSD may reduce the requirement for periodic compliance reports to a requirement to submit no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by EPA/DEQ, where the middle-tier Categorical Industrial User's total categorical wastewater flow does not exceed any of the following:
- a. 0.01 percent of the applicable HRSD POTW's design dry-weather hydraulic capacity, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;
  - b. 0.01 percent of the applicable HRSD POTW's design dry-weather organic treatment capacity; and
  - c. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Non-Compliance, as defined in 9VAC25-31-800 F 2 h and 40 CFR Section 403.8(f)(2)(viii). In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the determination of HRSD, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.



In addition, any Non-Significant Categorical Industrial User, as defined in paragraph hereof 103 BBBB(1), must submit an annual certification in accordance with 9VAC25-31-10 and 40 CFR Section 403.12(q).

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#### Control of Contaminants of Emerging Concern (CEC)

HRSD has determined that the discharge by Industrial Users, management within the POTW, discharge to receiving waters, and presence within biosolids, and air exhausted by HRSD systems of CECs may bring about unacceptable risks to the POTW, and human health or pass-through or other environmental impacts addressed by these Regulations and the pretreatment program. HRSD shall address CECs in the following manner when determined necessary for the purposes of these Regulations.

- A. HRSD may require Industrial Users to provide specified information on their purchase, use, manufacture (intentional or incidental), discharge as a wastewater or other waste constituent, or other information or data on specified CECs; and specified information on the Industrial User's products and processes that may contribute to the creation or discharge of CECs.
- B. HRSD may require Industrial Users to provide specified wastewater discharge or other data on any CECs identified by either HRSD or by the Industrial User within subsection A above or otherwise determined by HRSD to be potentially discharged by the Industrial User as a wastewater or other waste pollutant. Such data shall include any existing data in the possession or control of the Industrial User and may include requirements for the Industrial User to sample and generate at its cost such data. HRSD may also itself sample and generate such data and HRSD's costs therefore may be billed to the Industrial User as an additional service associated with sewerage wastes.
- C. When HRSD determines it necessary for the purposes of these Regulations, HRSD may require by Pretreatment Permit (through either a new permit, reissuance or amendment), by General Permit issued to Industrial Users with common characteristics, by Administrative Order, or otherwise pursuant to the terms of these Regulations actions by an Industrial User to address CECs. Such actions may include:
  1. Further or routine monitoring requirements;

2. Numeric effluent limits adopted as Local Limits or calculated as either generally-applicable or User-specific technology-based limits; and
3. Requirements for Best Management Practices.

Any such requirements may be based on HRSD's determination of CEC numeric criteria based on available toxicity or other data, EPA or Commonwealth of Virginia standards or criteria, or generally-accepted criteria determinations by recognized scientific entities.

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## PART IV

### INFILTRATION/INFLOW (I/I) PROGRAM

#### 401 I/I Orders and I/I General Orders

HRSD shall be authorized to develop and issue I/I Orders to Industrial Users, and I/I General Orders to classes of Industrial Users, but not including single-family residential discharges. Such Orders shall require an Industrial User or affected members of a class of Industrial Users to investigate and identify the presence or absence of I/I that originates on the property of the Industrial User; to quantify any such I/I; to develop plans for the reduction or elimination of I/I, subject to HRSD's approval; and to reduce or eliminate I/I from the facility to standards that may be specified in the Order or specified by HRSD thereafter. Such Orders may be phased, at the sole discretion of HRSD, to facilitate the work.

For each Industrial User having multiple sewer connections at a facility the I/I Order shall apply to all such connections unless specified otherwise.

#### 402 Classes of Industrial Users – I/I General Orders

Classes of Industrial Users shall consist of facilities grouped by industrial or commercial process or business, size, location within sewer sheds, and other factors necessary or convenient for HRSD to effectively implement its I/I program.

I/I Orders to Industrial Users and I/I General Orders to classes of Industrial Users shall be developed by HRSD, and may be issued and effective at different times, in a manner that HRSD determines will allow it to effectively implement its I/I program.

#### 403 Compliance Required

All Industrial Users subject to an I/I Order or an I/I General Order shall investigate and reduce or eliminate I/I from its facility in accordance with the terms of the Order.

404 Processing and Issuance of Individual I/I Orders

HRSD shall draft an individual I/I Order and forward the draft to the affected Industrial User for its review and comment. The Industrial User shall have thirty (30) days from receipt to provide comments to HRSD. Comments shall be submitted in accordance with Section 512 of these Regulations. Upon the expiration of the comment period, or written waiver of comment, HRSD shall issue the I/I Order with appropriate requirements consistent with these Regulations.

405 Processing and Issuance of I/I General Orders

When HRSD determines that an I/I General Order would be an effective approach, it shall draft a General Order and provide notice to potentially affected Industrial Users either in local newspapers of general circulation or by direct notice to the known potentially affected entities. The potentially affected Industrial Users shall have thirty (30) days from notice to provide comments to HRSD. Comments shall be submitted in accordance with Section 512 of these Regulations. Upon the expiration of the comment period, HRSD shall finalize the I/I General Order with appropriate requirements consistent with these Regulations.

406 Requirements of I/I Orders

Individual I/I Orders and I/I General Orders shall include provisions necessary and convenient to require the affected entities to evaluate I/I at their facilities; to determine whether existing I/I volumes are above I/I Criteria established by HRSD consistent with the Regional Technical Standards; and, if existing I/I volumes are above such Criteria, to reduce I/I volumes to a level equal to or below such Criteria.

The requirements of I/I Orders may include, but shall not be limited to, the following.

- A. Specifications for I/I monitoring programs, including measurement or other assessment of I/I volumes and the manner in which such volumes vary over time.
- B. Installation and construction of facilities for monitoring and measuring I/I volumes.
- C. Protocols for analysis of rainfall and flow monitoring data.
- D. Reporting of data to HRSD.
- E. Comparison of I/I volumes to HRSD I/I Criteria.

- F. Development of corrective programs to reduce I/I volumes.
- G. Submission of monitoring and correction program plans to HRSD for review and approval.
- H. Schedules and timeframes for the Industrial User's accomplishment of the I/I Order requirements.
- I. Provisions for HRSD review and approval of elements of the I/I Order requirements.
- J. Continued monitoring of the effectiveness of I/I correction programs.

407 HRSD Development of I/I Criteria

HRSD shall develop I/I Criteria which shall be numeric or other standards, against which HRSD shall compare the volume of I/I which enters a facility's lateral sewer or lateral sewer system. Such Criteria shall be developed to reflect and implement the Standards developed by HRSD and the contributing political jurisdictions to the HRSD wastewater system to reduce the frequency and volumes of sanitary sewer overflows and to further optimize the operations of the wastewater collection and treatment systems.

- A. I/I Criteria may be different for different classes and sizes of Industrial Users.
- B. The Criteria shall be based on volume per unit facility surface area, a multiplier of a dry weather lateral sewer flow statistic, a multiplier of a water consumption statistic, or some other measure designed to accomplish the goals of the Criteria stated immediately above in this section.
- C. The Criteria shall specify (1) the I/I threshold at which a facility shall be required to develop corrective programs to reduce I/I volumes, and (2) the threshold at which such corrective programs shall be accepted as complete. The thresholds pursuant to (1) and (2) immediately above may be either the same measure or different measures.

- D. The I/I Criteria shall be the presumptive criteria applied through individual I/I Orders and I/I General Orders, and the parties affected by draft Orders may, during their comment period, comment on the appropriateness of such Criteria to the affected facilities. Such comments may address any distinctions between the potentially affected facilities and the facilities on which the presumptive Criteria were based, but may not address cost of implementation as compared to cost of implementation for other facilities.

408 Duration of I/I Orders

I/I Orders shall continue in effect as to the Industrial User until the requirements of the Orders are completed and HRSD determines that the facility is in compliance with the I/I Criteria and notifies the Industrial User of the termination of the Order. The Industrial User may at any time submit a written request to HRSD for Order termination.

On termination of an I/I Order or the applicability of an I/I General Order to an Industrial User, HRSD may impose follow up or routine I/I monitoring, assessment and confirmation requirements by either modification of the Industrial User's existing Wastewater Discharge Permit or the issuance of a Wastewater Discharge Permit or other mechanisms to apply such requirements.

409 Modification of I/I Orders

An Industrial User subject to an I/I Order may submit a written request to HRSD for modification for good cause, which HRSD shall either grant or deny within sixty (60) days.

The application for an amended I/I Order shall not stay the requirements of an existing Order. Any Industrial User subject to an I/I Order shall notify HRSD in writing of any changed conditions that may warrant a change of Order requirements.

410 I/I Orders Not Transferrable

I/I Orders are not transferrable to any person without written approval from HRSD. HRSD may require modification or revocation and reissuance of an I/I Order to change the name of the affected Industrial User or to incorporate such other requirements as may be necessary.

PART V  
ADMINISTRATION

501 Administration

Except as otherwise provided herein, the General Manager of HRSD shall administer, implement and enforce the provisions of these Regulations. Any power granted or duties imposed upon the General Manager may be delegated by the General Manager to persons in the employ of HRSD.

502 Monitoring Requirements

A. The discharger of wastewater shall make measurements, including but not limited to, flow rates, flow volumes, and concentrations of any other particular parameters of their industrial wastewater discharges, at their own expense, in accordance with Appendix B and, in the determination of HRSD, necessary to comply with these Regulations or the terms and conditions of any Permit or BMP issued herein under.

All wastewater samples must be representative of the Industrial User's discharge.

B. All wastewater analyses shall be conducted in accordance with appropriate procedures contained in 40 CFR Part 136 and amendments thereto. If no appropriate procedure is contained therein, a procedure or method may be authorized by HRSD and shall be used to measure the wastewater parameter concentrations. All sampling, method, accreditation, and quality control requirements shall be met. A quantitation limit equal to or lower than  $\frac{1}{2}$  the appropriate monthly average limitation must be used, unless otherwise approved by HRSD. HRSD may require a more sensitive quantitation limit for specified parameters.

C. HRSD may require a Discharger to construct and/or maintain a wastewater and/or I/I monitoring facility of a design or configuration acceptable to HRSD, and sufficient to accomplish monitoring requirements, including, but not limited to representative sampling, as set forth in these Regulations or in any Permit, BMP Administrative Order, or other control mechanism. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that sample results are unrepresentative of its discharge.



- D. The sampling, analysis and flow measurement procedures, equipment, data and test results shall be subject at any reasonable time to inspection by HRSD. Flow measurement systems and all appropriate equipment shall be regularly certified as accurate in accordance with manufacturer's specifications, documented SOPs, or other procedures acceptable to HRSD.
- E. The Permittee is responsible for resampling and analysis of any violated parameter based on self-monitoring within thirty (30) days of becoming aware of the violation.

503

#### Reporting Requirements

- A. The Discharger shall provide that all compliance schedules contain milestone dates for implementing necessary pretreatment required to meet either categorical Pretreatment Standards or HRSD requirements, and for implementing the requirements of an Administrative Order. A written progress report must be received by HRSD within fourteen (14) days following a milestone in the compliance schedule and within fourteen (14) days following the final date for compliance, indicating whether or not the milestone or final compliance date was met and if not, when such compliance with that increment of progress is expected. For good cause shown, as approved by HRSD, each milestone date of any compliance schedule may be extended up to a maximum of nine (9) months.
- B. Dischargers subject to categorical Pretreatment Standards must submit a report within ninety (90) days after the final date for compliance (or if a new source, following the commencement of the discharge) which contains flow and pollutant measurement data, and a certification of whether Pretreatment Standards are being met consistently and, if not, what additional operation, maintenance, or pretreatment is needed. Also, a Discharger subject to categorical Pretreatment Standards must submit a report to HRSD as specified in their Permit, indicating the nature and concentration of the discharge to HRSD limited by a categorical Pretreatment Standard and a record of measured or estimated average and maximum daily flows.

Any facility determined to be a Non-Significant Categorical Industrial User by HRSD must annually submit the signed certification statement as referenced in paragraph hereof 309H(3).

- C. All Dischargers must notify HRSD immediately of any slug discharge. Such notification shall be followed by a detailed written statement, to be received by HRSD within five (5) days of becoming aware of the circumstances, describing the cause(s) of the discharge and the measure(s) being taken to prevent future occurrences.
- D. All Dischargers must notify HRSD prior to any substantial (20%) change in volume of wastewater discharged. Additionally, any change in characteristic of pollutants discharged to HRSD shall be reported to HRSD prior to implementation. This includes those which may result in a slug discharge and/or cause noncompliance with these Regulations.
- E. All Dischargers' permit applications, Baseline Monitoring Reports, 90-day compliance reports, periodic reports on continued compliance and any other designated HRSD report or certification must be signed by a Responsible Official of the Discharger and be accompanied by the certification statement required in 9VAC25-31-780 A 2 b/840 Subpart D §3.2000, L, 40 CFR Part 3 and 40 CFR Section 403.6(a)(2)(ii). Any report which includes monitoring data shall include time, date and place of sampling, type of sample(s), name of person(s) performing the sampling, methods of analysis, and initials of the person(s) performing the analysis.
- F. HRSD will meet reporting requirements as specified in 40 CFR Part 3 (Cross-Media Electronic Reporting [CROMERR]). Therefore, Industrial Users that submit electronic reports and data to HRSD through the HRSD Environmental Reporting System ("System"), to satisfy the requirements in this Section must register himself/herself as a Responsible Official (RO) and is required to provide a handwritten, wet-ink signature on a paper-based Electronic Signature Agreement (ESA) to HRSD for review and approval. Required updates must also be filed with HRSD.

After HRSD's approval, the RO can certify and submit reports and data through the System provided the RO reads and agrees to the Certification Statement, enters a personal identification number (PIN), and correctly answers security questions.

HRSD shall determine which specific Industrial User reports and data may be submitted through the System and may also determine that electronic submittal is required for specific reports and data.

Electronic submittal of reports and data by any authorized RO under an electronic submittal program established pursuant to 40 CFR Part 3 is subject to the following requirements:

1. The Industrial User is subject to enforcement, for failure to comply with a reporting requirement, when electronically submitting reports and data required by these Regulations, and any applicable federal Pretreatment Standard and requirements, if the Industrial User does not comply with all requirements of the established electronic submittal program.
  2. In the event that any submittal under the established electronic submittal program bears an electronic signature, the electronic signature has the same force and effect under these Regulations, and any permit issued under these Regulations, as if the submitting person had instead submitted a paper document with a wet-ink signature.
  3. Proof that a particular signature device was used to create an electronic signature including in reports or data submitted under the established electronic submittal program shall be sufficient to establish that the person uniquely entitled to use the signature device did so with the intent to sign the electronic report or data and thereby certify and give effect to the electronic submittal.
  4. Nothing in the established electronic submittal program limits the use of the electronically submitted reports or data, or any information contained therein, for enforcement remedies or actions under these Regulations or any permit issued under these Regulations.
- G. All Dischargers must maintain records of monitoring activities and results for the most current three (3) year period. These records and results shall be available on-site for inspection and copying by authorized HRSD personnel. This period shall be automatically extended for the duration of any HRSD enforcement proceeding or litigation concerning the Industrial User or HRSD, or where the Industrial User has been specifically notified of a longer retention period by HRSD.

- H. All Dischargers must report results of any analysis as defined in paragraph 502B of these Regulations that are performed on wastewater discharged from permitted or designated sampling point(s), as referenced in the Permit, into the HRSD system. All laboratory reports, to include subcontract laboratory reports, shall be submitted to HRSD, in their entirety, unless otherwise specified by HRSD. In cases where the Pretreatment Standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the Industrial User must submit documentation required by HRSD or the Pretreatment Standard necessary to determine the compliance status of the Industrial User.
- I. All records of wastes which are collected, transported, stored or disposed of on or off-site, including but not limited to manifests, invoices, bills of lading, work orders, ledgers, logs and receipts, shall be available on-site for inspection and copying by authorized HRSD personnel. These records shall be maintained for the most current three (3) year period.

#### 504 Duty to Mitigate

The Discharger shall take all reasonable steps to minimize, correct or prevent any discharge in violation of these Regulations which has a likelihood of adversely affecting human health or the environment.

#### 505 Variations Between Actual and Reported Parameters

Should measurements or other investigations indicate that the Industrial User has discharged wastewater or I/I which vary in quantity and quality from those stated by the Industrial User, HRSD shall notify the Industrial User and require that they furnish all information in their possession relevant to the apparent variance.

#### 506 Access

Authorized HRSD personnel shall be provided reasonable access to all facilities which directly or indirectly discharge to HRSD's sewerage system at all times, including those occasioned by emergency conditions, and shall be allowed to perform inspections and take independent samples for compliance purposes at all times. Such inspections shall include all records of wastes and I/I managed, whether disposed to the HRSD sewerage system or otherwise. HRSD shall have the right, without notice, to place on the Dischargers property or other locations as determined by HRSD, such devices as are necessary to conduct sampling, monitoring, or metering operations.

507 Rate Schedule for Industrial Wastewater Discharges

All Dischargers shall be billed in accordance with the prevailing Rate Schedule, to include any applicable permit fees.

508 Notices

Unless otherwise provided herein, any notice required to be given by HRSD under these Regulations shall be in writing which may include electronic communications.

509 Time Limits

Any time limit provided in any written notice, or in any provision of these Regulations, may be extended at the discretion of HRSD where applicable.

510 Partial Invalidity

If the provisions of any paragraph, section, article or portion of these Regulations are declared unconstitutional, unenforceable, or invalid by the final decision of any Court of competent jurisdiction, the provisions of the remaining paragraphs, sections or articles of these Regulations shall continue in full force and effect and shall not be affected thereby.

511 Disclosure Statements

Every permit holder and permit applicant shall file a Disclosure Statement with HRSD and shall update such Disclosure Statement on the reasonable request of HRSD. Such Disclosure Statement shall be a sworn statement, in such form as may be specified by HRSD, revealing for the permit holder or permit applicant, the corporate or other ownership of the permittee, the key personnel involved in the business activities that require a permit and involved in permit compliance, other permits and licenses held by the permittee, a listing and any explanation of any notices of possible violations, civil penalties, prosecutions, administrative orders (whether by consent or otherwise) of other federal, state or local enforcement actions involving or pertaining to wastes transport or disposal or any other matters involving a felony, fraudulent practices or other illegality that may bring into question the permittee's ability to fully comply with Permit and other legal requirements. The Disclosure Statement shall address the permit holder, the permit applicant, the owners thereof, and key personnel.

## 512 Comment Submittal and Review

HRSD accepts comments by hand-delivery, email, fax or mail. Comments shall include the name, address, and telephone number of the commenter, what is being contested, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within the approved comment period will be considered.

Following the comment period, HRSD will make a determination regarding the proposed action.

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PART VI

VIOLATIONS AND ENFORCEMENT

601 Enforcement Response Plan

HRSD shall enforce an Enforcement Response Plan on all Dischargers who violate these Regulations as required in 9VAC25-21-800 and 40 CFR Section 403.8.

602 Suspension of Permits and/or Discharge Privileges

A. HRSD may suspend a Permit or a discharge privilege for a period not to exceed sixty (60) days when suspension is necessary in order to stop a discharge which, in the judgment of HRSD, presents an imminent hazard to the public, to the local environment, or to any portion of the POTW.

B. In addition, HRSD may suspend a Permit or discharge privilege for failure to pay any and all costs as outlined in Sections 507, 604, 609 and 610 of these Regulations.

C. Any Discharger notified of a suspension of their Permit or discharge privilege shall immediately cease discharge of all wastewater into the sewerage system. In the event of a failure of a Discharger to comply voluntarily with the suspension order, HRSD shall take such steps as are reasonably necessary to ensure compliance.

HRSD may issue or reinstate the Permit or authorize the discharge privilege on determination that the facility or discharger is in compliance with terms and conditions of these Regulations.

D. Any suspended Discharger may file for reconsideration in accordance with Section 701 of these Regulations. The hearing provided therein shall be held within thirty (30) days of the request, and a decision rendered within ten (10) days after the conclusion of the hearing.

E. A request for a hearing shall not automatically stay the suspension notification by HRSD.



603

### Revocation of Permits and/or Discharge Privileges

Any of the following conditions may result in the revocation of a Direct or Indirect Wastewater Discharge Permit or discharge privilege:

- A. Failure of the Discharger to accurately and fully report the wastewater volume, constituents, and characteristics of the discharge.
- B. Failure of the Discharger to report changes as outlined in paragraph 503D of these Regulations.
- C. The Discharger tampers with or knowingly renders inaccurate any monitoring device or sample collection method.
- D. Refusal of reasonable access to the Discharger's premises for the purpose of inspection or monitoring as outlined in Section 506 of these Regulations.
- E. Failure to pay any and all costs as outlined in Sections 507, 604, 609 and 610 of these Regulations.
- F. Violation of any condition of the Permit, BMP or of any of these Regulations or any other applicable government regulations or discharge prohibitions.
- G. Failure to achieve compliance within the suspension period, not to exceed sixty (60) days.

604

### Consequences of Revocation

Before any discharge privilege or Permit reinstatement, the Discharger must apply for, and be granted, a new Permit or discharge approval. In addition, the discharger must pay all delinquent fees, penalties and costs occasioned by the violation(s). Costs shall include all expenses, including general and administrative expenses, incurred by HRSD in revoking the Permit or discharge privilege; disconnecting the Discharger from the sewerage system, and those incurred due to the violation(s) as provided in Sections 507, 604, 609 and 610 of these Regulations. When all costs cannot be readily determined, HRSD may require and accept a deposit which in its judgment is sufficient to cover the foregoing, and which will be subject to appropriate adjustment after all costs have been determined.

605 Termination of Service

In addition to the suspension and/or revocation referenced in Section 602 and 603 of these Regulations, HRSD may suspend or terminate water and/or wastewater service when:

- A. Materials damaging to the sewerage system or treatment processes are released by the Discharger to the sewerage system.
- B. It is determined that the Discharger is delivering into the sewerage system wastes that cannot be sufficiently treated by existing treatment facilities serving the Discharger, or which require treatment that is not normally provided, or which are a contributing cause of HRSD's inability to meet any applicable VPDES effluent limitations.
- C. The Discharger has repeatedly violated these Regulations, its Permit, BMP, Administrative Order or other control mechanism to such an extent that compliance with these Regulations, the Permit, BMP, Administrative Order, or other control mechanism cannot, in the judgment of the General Manager, reasonably be expected.

606 Notice of Proposed Revocation of Discharge Permit or Termination of Service

HRSD shall not terminate service to a Discharger or revoke a Permit without first delivering to the Discharger written notice of the proposed action of termination or revocation, or both. The notice shall state the reason or reasons for said termination or revocation, and shall allow a reasonable time, as determined by HRSD, for the Discharger to take such action as is necessary for compliance with the Regulations and its discharge Permit, BMP, Administrative Order, or other control mechanism. Lacking such compliance, HRSD may terminate service to such discharger and/or revoke its Permit or discharge privileges and shall notify the Discharger thereof. Dischargers so notified may petition for reconsideration in accordance with the provisions of Section 701 of these Regulations. Nothing contained herein is intended to deter, hinder or stop HRSD from taking immediate action to suspend or terminate service to a Discharger, without notice, when there is imminent hazard to the public, to the environment, or to any portion of the POTW.

607 Injunctive Relief

HRSD may seek injunctive relief for violations of these Regulations.

608 Dischargers in Significant Non-Compliance

HRSD shall publish at least annually in a local newspaper of general circulation that provides meaningful public notice within the jurisdictions served by HRSD a list of Dischargers in Significant Non-Compliance in accordance with 9VAC25-31-800 and 40 CFR Section 403.8(f)(2)(viii).

609 Civil Liability

In addition to rates as described in Section 507 of these Regulations, any Person or Discharger who violates any provision of these Regulations or any condition or limitation of a Permit, BMP, Administrative Order or other control mechanism shall also be financially responsible and liable to HRSD, for all costs incurred by HRSD associated with the violation(s), including, but not limited to, the following:

- A. Cost of mileage and labor incurred in detecting, investigating and correcting the violation.
- B. Laboratory analysis costs associated with detecting, investigating and correcting the violation.
- C. Additional treatment costs caused by the violation or associated with detecting, investigating and correcting the violation.
- D. Costs of any additional equipment acquired or expended by HRSD for detecting, investigating or correcting the violation.
- E. Repair and/or replacement of any part of the POTW damaged as a result of the violation.
- F. Any liability, damages, fines or penalties incurred by HRSD as a result of the violation.
- G. Any and all expenses of outside professionals to include, but not be limited to, engineers, scientists, and/or legal counsel.
- H. Other costs as are associated with the detecting, investigating and correcting of the violations.

## Civil Penalty

In addition to rates as described in Section 507 of these Regulations, any Discharger who violates any provision of these Regulations or any condition or limitation of a Permit, BMP, Administrative Order or other control mechanism, may be assessed a Civil Penalty and any Civil Liability pursuant to Section 609 by Enforcement Order after an opportunity for a hearing as provided in Va. Code § 15.2-2122 (10.a). No such Civil Penalty shall exceed \$32,500 per violation, or \$100,000 per Enforcement Order, except with the consent of the Discharger. The actual amount of any Penalty assessed shall be based on the severity of the violations, the extent of any potential or actual environmental harm or facility damage, the compliance history of Discharger, any economic benefit realized from the noncompliance, and the ability of the Discharger to pay the Penalty. If a hearing is held pursuant to this section, the provisions of paragraphs 701 A and B hereof shall not apply to such action.

These provisions shall not preclude HRSD from proceeding directly in Virginia Circuit Court to compel compliance with the Regulations, any Permit, BMP, or other control mechanism, Administrative Order or Enforcement Order, or seek civil penalties as provided under Virginia law for violation of the same nor be interpreted as limiting any otherwise applicable legal remedies or sanctions. Each day during which a violation is found to have existed shall constitute a separate violation, and any judicial civil penalties imposed shall be applied to the purpose of abating, preventing or mitigating environmental pollution. Not by way of limitation, HRSD shall consider such civil penalties in the event of any of the following:

- A. Violation by a Discharger within a three year period of the assessment of a Civil Penalty against such Discharger, or such Discharger's consent thereto, for the same or a similar violation.
- B. Any intentional violation.
- C. Any falsification of records or reports.
- D. Any violation resulting in environmental harm or facility damage.

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## PART VII

### REVIEW AND APPEAL

#### 701 Review and Appeal Procedures

The following procedures control the course of reconsideration, rehearing, and appeal to HRSD with respect to the construction, application, or enforcement of these Regulations, and may be used if informal methods do not achieve satisfaction.

- A. Any Permit applicant, Permittee, or authorized Discharger adversely affected by any decision, act, or determination made by or on behalf of HRSD by the General Manager, or their authorized representative, in interpreting or implementing the provisions of the Regulations, Permit, BMP, Administrative Order, or other control mechanism issued thereunder, may file with HRSD a written Request for Reconsideration. Such Request shall be received at HRSD's P3 office within thirty (30) days of the date of the receipt of HRSD's action. All Requests shall set forth the Requestor's name, address, specific action(s) for reconsideration, along with a brief statement of the reasons it is requesting and the factual basis for the request. Requests will be addressed once received at the HRSD P3 office located at 1460 Air Rail Avenue, Virginia Beach, VA 23455.
  
- B. HRSD shall notify the Requestor of the time and place for a hearing within fifteen (15) days after receipt of any Request for Reconsideration. The hearing shall be conducted by a Hearing Officer appointed by HRSD's General Manager not less than ten (10) days or more than thirty (30) days after receipt of such notice. The hearing may be continued for a reasonable time for good cause shown, in the discretion of the Hearing Officer. The hearing shall be held as an informal consultation and conference at which the Requestor, in person or by counsel, shall present his argument, evidence, data and proof in connection with the issue submitted. The Hearing Officer shall not be bound by legal rules of evidence and shall submit to the General Manager a written report of the hearing and make recommendations for disposition, sending a copy to the Requestor and/or their counsel, if any. The hearing shall be recorded, and the Requestor shall be provided with a copy of the recording upon request. The General Manager shall review the Hearing Officer's report and issue his decision to the Requestor by certified mail within thirty (30) days after the hearing.

- C. The Requestor may appeal the ruling of the General Manager or an issued Enforcement Order by filing a request for an appearance before the Commission. Such request shall be received at HRSD's P3 office within thirty (30) days of the date of the General Manager's decision. HRSD shall notify the requestor of the date and time for their appearance before the HRSD Commission. The HRSD Commission will consider the report of the Hearing Officer and the decision of General Manager, and will hear arguments of the Requestor or counsel, and will make its decision thereof and notify the Requestor.
  
- D. The filing of a Request for Reconsideration, rehearing, appeal or for appearance before the HRSD Commission shall not stay any action by HRSD. If a termination of discharge is required by HRSD, permission to discharge may be reinstated on a temporary basis during the hearing process, for good cause shown, at the discretion of the General Manager.

## PART VIII

### CONFIDENTIAL INFORMATION

#### 801 Confidential Information

Upon written request by any Discharger furnishing a report, permit application or questionnaire, those portions of any document, which might disclose confidential information, shall not be made available to the public. The physical/chemical characteristics of a discharger's wastewater will not be recognized as confidential information.



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APPENDIX A

MONTHLY AVERAGE DISCHARGE LIMITATIONS

CALENDAR MONTH AVERAGE\*

All parameters in mg/L except pH  
Flow in thousand gallons per day (K)

PARAMETER	0-<10K	10-<20K	20-<30K	30-<40K	40-<200K	200-<400K
Arsenic (As)	0.5	0.4	0.3	0.2	0.1	0.05
Cadmium (Cd)	0.5	0.4	0.3	0.2	0.1	0.05
Chromium (Cr)	10.0	8.0	6.0	4.0	2.0	1.0
Copper (Cu)	10.0	8.0	6.0	4.0	2.0	1.0
Cyanide (CN <sup>-</sup> )	2.5	2.0	1.5	1.0	0.5	0.3
Lead (Pb)	5.0	4.0	3.0	2.0	1.0	0.5
Mercury (Hg)	0.05	0.04	0.03	0.02	0.01	0.005
Nickel (Ni)	5.0	4.0	3.0	2.0	1.0	0.5
Phenolic Compounds	5.0	4.0	3.0	2.0	1.0	0.5
Silver (Ag)	**	1.0	0.75	0.50	0.25	0.13
Zinc (Zn)	10.0	8.0	6.0	4.0	2.0	1.0
O&G (SGT-HEM)	500	400	300	200	100	50
pH (SU)	≥5.0	≥5.0	≥5.0	≥5.0	≥5.0	≥5.0

\*Average of any number of daily values obtained during a calendar month.

**Silver (Ag)	GPD 0-<1000 6.25	GPD 1000-<5000 3.13	GPD 5000-<10000 1.25
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Batch grab limitations are assigned on a case-by-case basis (either calendar day maximum or calendar monthly average).

## DAILY MAXIMUM DISCHARGE LIMITATIONS

### CALENDAR DAY MAXIMUM\*

All parameters in mg/L except pH  
Flow in thousand gallons per day (K)

PARAMETER	0-<10K	10-<20K	20-<30K	30-<40K	40-<200K	200-<400K
Arsenic (As)	0.5	0.4	0.3	0.2	0.1	0.05
Cadmium (Cd)	0.5	0.4	0.3	0.2	0.1	0.05
Chromium (Cr)	25.0	20.0	15.0	10.0	5.0	2.5
Copper (Cu)	25.0	20.0	15.0	10.0	5.0	2.5
Cyanide (CN <sup>-</sup> )	5.0	4.0	3.0	2.0	1.0	0.5
Lead (Pb)	10.0	8.0	6.0	4.0	2.0	1.0
Mercury (Hg)	0.10	0.08	0.06	0.04	0.02	0.01
Nickel (Ni)	10.0	8.0	6.0	4.0	2.0	1.0
Phenolic Compounds	10.0	8.0	6.0	4.0	2.0	1.0
Silver (Ag)	**	2.0	1.5	1.0	0.5	0.3
Zinc (Zn)	25.0	20.0	15.0	10.0	5.0	2.5
O&G (SGT-HEM)	500	400	300	200	100	50
pH (SU)	≥5.0	≥5.0	≥5.0	≥5.0	≥5.0	≥5.0

\*Maximum for any sample obtained during any calendar day.

	GPD	GPD	GPD
**Silver (Ag)	0-<1000	1000-<5000	5000-<10000
	12.5	6.3	2.5

Batch grab limitations are assigned on a case-by-case basis (either calendar day maximum or calendar monthly average). Facilities with flows greater than 400,000 gallons per day shall be assigned limitations on a case-by-case basis in accordance with paragraph hereof 301X.

## APPENDIX B

### DIRECT WASTEWATER DISCHARGE PERMIT GUIDANCE FOR SELF-MONITORING REQUIREMENTS

I. Self-Monitoring Sampling Frequency Based on Average Daily Flow (GPD) after completion of IWC

Average Daily Flow (GPD)	Frequency	Parameters
400,000 or greater	Daily	For those necessary, or those determined as necessary, based on facility's proximity to treatment plant, flow, or potential for receiving treatment plant upset due to a permit level being exceeded.
100,000 - 399,999	Weekly	Those determined necessary.
50,000 - 99,999	Monthly	Those determined necessary.
<50,000	Monthly	Those determined necessary.

Sample type (i.e. grab/composite) to be determined by HRSD and is dependent on any applicable regulation or potential for variation throughout the discharge day.

II. Self-Monitoring Frequency Reduction Based on Permit Limit Compliance

Industrial User	Permit Limit Compliance	Frequency Reduction (As determined appropriate by HRSD)
Significant	Limit compliance for one (1) year	Weekly, Monthly or Bi-monthly
	Limit compliance for two (2) years	Monthly, Bi-monthly or Quarterly
Non-significant	Limit compliance for one (1) year	Monthly or Quarterly
	Limit compliance for two (2) years	Quarterly or Semi-annually

III. Parameter Selection for Self-Monitoring Requirements

Parameter selection may be based on the industry's Permit Application information, self-monitoring, or HRSD survey and grab sampling data.

If a parameter concentration is consistently less than or equal to ( $\leq$ ) one half ( $\frac{1}{2}$ ) of the applicable calendar day average limit, no self-monitoring requirement is necessary for that parameter.

If a parameter concentration is consistently greater than ( $>$ ) one half ( $\frac{1}{2}$ ) of the applicable calendar day average limit, a self-monitoring requirement will be required.